

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-7-206](#), which directs the Board to administer state and federal  
12 special education funds.

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

15

16 **R277-479-2. Definitions.**

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

18 (2) "Charter school" means a school authorized by a charter school authorizer  
19 under [Sections 53G-5-304 through 53G-5-306](#);

20 ~~—— (a) Section 53G-5-305;~~

21 ~~—— (b) Section 53G-5-306; or~~

22 ~~—— (c) Section 53G-5-304].~~

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

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

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

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

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

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

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

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

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

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

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

46 ~~[(12)]~~11 "Significant expansion" means a substantial increase in the number of  
47 students attending a charter school due to a significant event, such as the addition of  
48 new grade levels or additions of sites, that is unlikely to occur on a regular basis.

49 ~~[(13)]~~12 "Special education" means specially designed instruction and related  
50 services to meet the unique needs of a student with a disability in accordance with Rule  
51 R277-750.

52 ~~[(14)]~~13 "Student with a disability" means a student, evaluated in accordance  
53 with Utah State Board of Education Special Education Rules, and determined to be  
54 eligible for special education and related services.

55 ~~[(15)]~~14 "Total enrollment" means the total number of students enrolled in all  
56 campuses of a school as of the October 1 UTREx update.

57 ([16]15) "Utah eTranscript and Record Exchange" or "UTREx" means a system  
58 that allows:

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

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

63

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

65 (1) For existing charter schools, the Superintendent shall calculate the  
66 foundation based on the average ADM of students with disabilities for the current year  
67 and the previous [five] four years.

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

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

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

77 (ii) (b) The Superintendent shall adjust the special education add-on WPUs for  
78 the actual number of students with disabilities as reported on the October 1 count for  
79 the current school year.

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

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

84 (b) The Superintendent shall determine weighted growth as set forth in  
85 Subsection 53F-2-307(7)(e)(i).

86 ~~[(c) The rate of growth in special education ADM may not exceed the rate of~~  
87 ~~growth in total ADM.]~~

88 [(d)c] The Superintendent shall determine growth WPU as set forth in  
89 Subsection [53F-2-307](#)(7)(e).

90 [(e)d] 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)e] When there is no growth, either because a charter school is new or  
94 because the same number of students are enrolled, the Superintendent may not apply a  
95 positive 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]~~ 10% to arrive at  
111 the WPU supplement for the charter school.

112 (b) The Superintendent shall adjust the [special education add-on](#) WPU for the  
113 actual number of students with disabilities as reported on the October 1 count for the  
114 current school year.

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

118            ~~[(c) If an authorizer approves a significant expansion for a charter school during~~  
119 ~~the third year of operation and beyond, the Superintendent shall calculate a significant~~  
120 ~~expansion adjustment by estimating the number of students with disabilities to be 10%~~  
121 ~~of the projected enrollment, and provide funding for these anticipated students.~~

122            ~~——(d)(i) The Superintendent shall base the estimate under Subsection (6)(c) on a~~  
123 ~~projected expansion adjustment calculated by the Superintendent accounting for~~  
124 ~~expansion information provided by a charter school's authorizer.~~

125            ~~——(ii) The Superintendent shall multiply the projection by the prevalence rate of~~  
126 ~~students with disabilities for the charter school for the most recent year calculated in the~~  
127 ~~add-on formula.~~

128            ~~——(iii) The Superintendent shall allocate the resulting significant expansion~~  
129 ~~adjustment WPU as an expansion supplement to the charter school's add-on WPU.]~~

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

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

137 **Date of Last Change: January 11, 2023**

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

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

140 **[501\(1\)\(c\)\(vi\)\(A\)](#); [53E-7-206](#); [53E-3-401\(4\)](#)**