

1 **R277. Education, Administration.**

2 **R277-472. Charter School Student Enrollment and Transfers and School District**
3 **Capacity Information.**

4 **R277-472-1. Authority and Purpose.**

5 [A](1). This rule is authorized ~~under~~ by:

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

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

10 (c) Subsection 53G-6-503(2), which directs the Board to make rules for a student[s]
11 transferring between a charter school[s] and the student's boundary school within the
12 student's district [schools]of residence and enrolling and withdrawing from charter schools
13 ~~[and Subsection 53E-3-401(4), which allows the Board to adopt rules in accordance with~~
14 ~~its responsibilities].~~

15 [B.](2) The purpose of this rule is to:

16 (a) provide procedures for a student[s] transferring between ~~district [public] schools~~
17 ~~and~~ a charter school[s] and the student's boundary school within the student's district of
18 residence; [to]

19 (b) define capacity in district ~~public~~ schools to allow for transfers into district schools
20 from charter schools; ~~and [to]~~

21 (c) require LEAs to provide notice to parents and students of schools that have
22 space available.

23 **R277-472-2. Definitions.**

24 ~~[A. "Board" means the Utah State Board of Education.]~~

25 [B.](1)(a) ~~"Below capacity" [at the elementary and secondary level] making the grade~~
26 ~~level available for transfer students from charter schools outside of the window provided~~
27 ~~for in Subsection 53G-6-503(3) is established if] means the grade level or program is less~~
28 ~~than 100 percent of the district, school, or grade level average.~~

29 ([1]b) A special program is "below capacity" or available for transfer students from

30 charter schools if the number of assigned students is less than the designated number of
31 students determined by ~~[valid, research-based, or federally established standards]~~ the
32 school district.

33 (2)(c) An entire elementary or secondary school is "below capacity" if the district
34 determines that the average class size, using calculations of classes and courses in this
35 Rule R277-472[=3], is less than 100 percent of the district elementary or secondary average
36 class size.

37 ~~[C:]~~(2) "Elementary ~~[(K-6)]~~ class size" means the number of students with a primary
38 assignment to a specific teacher.

39 (1)a An extended day class in which a portion of the class arrives early and the
40 other portion stays late shall be counted as one class.

41 (2)b "Elementary class size" shall include all special education students who
42 participate in all or part of the school day excluding those students assigned to
43 ~~[self-contained special education classes]~~ a special class.

44 (3) "Full time equivalent" or "FTE" means the ratio of the contract time worked by an
45 educator compared to the LEA's definition of contract time worked by a full-time employee
46 in the same position.

47 ~~[D:]~~(4) "Secondary ~~[(7-12)]~~ class size" means the secondary school's calculation for
48 each language arts, mathematics, and science course that is typically taught multiple times
49 in the school day, such as 8th grade English, ~~[Algebra]~~ Secondary Math 1, or Earth
50 Systems.

51 (5)(a) "Special class" means a placement where a student is placed in a classroom
52 and receives specialized instruction and related services, if required, with other students
53 with disabilities.

54 (b) "Special class" includes students who receive special education and related
55 services outside the regular general education classroom for more than 60% of the school
56 day.

57 **R277-472-3. Elementary Class Size Calculations.**

58 ~~[A:]~~(1) ~~[Elementary class size:]~~ Each school district, ~~[f]~~ or school as determined by

59 the school district~~(s)~~, shall calculate an average elementary class size for each grade level.
60 ~~(1) [Schools]~~ A school shall ~~[derive this calculation]~~ calculate average elementary
61 class size by ~~[from]~~ dividing the total number of students in a given grade ~~[divided]~~ by the
62 number of full time licensed teachers assigned to that grade.

63 ~~(1)3) [Schools shall]~~ A school may not count students assigned to multiple grade
64 level classes, nor ~~[and their]~~ the school's respectively assigned teachers~~(s)~~, in determining
65 average elementary class size for a grade level.

66 ~~(2)4) [Schools]~~ A school shall calculate elementary classes that group students in
67 programs other than by grade level, such as gifted and talented~~(s)~~, or ~~[English-Learner]~~
68 programs for students learning English, as a class for determining average elementary
69 class size if students participate for the entire instructional day.

70 ~~(a)5)~~ If a school(s) counts students that participate in special programs for part of
71 the school day for determining average elementary class size, the school(s) shall count the
72 students as part of their age-appropriate grade level~~(s)~~, ~~[together with respective teachers(s)]~~,
73 for purposes of ~~[this]~~ the calculation.

74 ~~(b)6)~~ If multiple classes of special programs exist~~(s)~~, ~~[(including self-contained special~~
75 ~~education classes)]~~, a school shall determine an average elementary class size for special
76 programs consistent with state, federal and program standards.

77 ~~[B-](7) [Elementary school size:]~~ Each school district ~~[or school(s)]~~ shall calculate
78 a school-wide average class size by dividing the total full-time teachers assigned to direct
79 teaching situations by the total number of students receiving instruction.

80 ~~(1)8) [Schools shall]~~ A school may not include ~~[self-contained special education~~
81 ~~students and teachers]~~ a student or teacher in a special class in ~~[this calculation]~~
82 calculating school-wide average class size~~(s)~~, but
83 ~~[(2) Schools]~~ shall include all other special education students and teachers.

84 **R277-472-4. Secondary Class Size Calculations.**

85 ~~[C-](1) [Secondary average class size:]~~ Each school district~~(s)~~, ~~[or secondary school~~
86 ~~as determined by the district(s)]~~, shall calculate an average secondary class size for each
87 language arts, mathematics and science course that is taught multiple times during a

88 typical school day by dividing the total number of full time teachers assigned to direct
89 teaching situations by the total number of students enrolled.

90 ~~[(1)2] [Schools shall]~~ A school may not include [self-contained special education
91 students and teachers in this calculation] a student or teacher in a special class when
92 calculating average secondary class size, but[.] [(2) Schools] shall include all other special
93 education students[; other than full-time self-contained students;] in the calculation.

94 ~~[D.](3) [District average: Each]~~ A school district shall calculate the district-wide
95 average class size for:

96 (a) each grade level[;];

97 (b) each elementary program that enrolls students across grade levels[;]; and [for]

98 (c) each language arts, mathematics, and science course.

99 ~~[(1)4] A [S]school district[s]~~ shall ~~[derive the calculation]~~ calculate district-wide
100 average class size by dividing the total number of ~~[full time teachers (FTEs)]~~ assigned to
101 direct teaching situations by the total number of fully enrolled students.

102 ~~[(2)5] [School districts]~~ A school district shall derive all calculations required by this
103 rule using October 1 enrollment and employment data.

104 ~~[E.](6)(a)~~ In a school district with only one elementary or secondary school, or only
105 one class of any subject or grade level, the school district[s] may calculate the average
106 class size for an entire school or the entire school district by averaging all the classes in the
107 school or the school district.

108 (b) The school district may then determine that any class size less than the school
109 district or school average class size is below capacity.

110 **R277-472-[4]5. School District School Capacity Information.**

111 ~~[A.](1) [School districts]~~ A school district shall provide and post the following
112 information to facilitate transfer of students on school district or school websites:

113 ~~[(1)a] [E]elementary schools~~ within the school district that are below capacity and
114 available for transfer students;

115 ~~[(2)b] [G]grade levels~~ and special programs within elementary schools that are
116 below capacity and available for transfer students;

117 ~~(3)c~~ (S)secondary schools that are below capacity and available for transfer
118 students based on calculated capacity of language arts, science and mathematics; and

119 ~~(4)d~~ (S)special programs within secondary schools that are below capacity and
120 available for transfer students.

121 ~~(B)(2)~~ Below capacity standards for individual schools, grade levels, courses or
122 programs do not apply if a school has documentation that the school community council
123 in a public meeting has designated more than one-half of a school's school LAND trust
124 annual allotment to reduce class size in a specific school, grade level, program or course.

125 **~~R277-472-[5]6. [Application Procedures for Students Entering and Exiting Charter~~**
126 **~~Schools:] Charter School Website Requirements.~~**

127 ~~[A. Each charter school shall post on its website information and procedures~~
128 ~~required under Subsection 53G-6-503(2):~~

129 ~~— B. Each charter school shall develop and post admissions procedures for the charter~~
130 ~~school including:~~

131 ~~— (1) Lottery dates and procedures;~~

132 ~~— (2) Admission forms;~~

133 ~~— (3) School calendar;~~

134 ~~— (4) Non-discrimination assurances;~~

135 ~~— (5) A clear explanation, including timelines required in the law and provided in~~
136 ~~individual charter school policies, of student transfer procedures from a charter school to~~
137 ~~another charter school or to a district school;~~

138 ~~— (6) A readily accessible transfer form; and]~~

139 (1) Each charter school shall post on its website:

140 (a) admission forms;

141 (b) student transfer forms;

142 ~~(7)c~~ forms for [A]assurance and parent signature that a student has been admitted
143 to only one public school[-]; and

144 (d) all information required by Section R277-551-5.

145 **R277-472-~~6~~7. Enrollment of Transferring Charter School Students in District**
146 **Schools.**

147 ~~[A.](1) If a charter school student who is a resident of a school district submits~~
148 ~~required enrollment information for the upcoming school year before June 30, [A]the~~
149 ~~school district shall enroll [as soon as possible, but no later than] the student [two weeks~~
150 ~~after specific formal parental request, a student who is a resident of a school district, who~~
151 ~~desires to transfer from a charter school to the resident school after June 30 and who~~
152 ~~submits enrollment information consistent with all school district students in a district school~~
153 ~~that is below capacity] in the student's boundary school for the upcoming school year.~~

154 (2) Notwithstanding Subsection (1), a school district shall enroll a resident student
155 leaving a charter school, which has been closed, in the student's boundary school.

156 ~~[B.](3) [Schools] A district may limit resident students who are transferring from a~~
157 ~~charter school to a district school who submit required enrollment information after June~~
158 ~~30 for the upcoming school year to schools, grade levels, programs and courses that have~~
159 ~~space available or are below capacity at the district schools.~~

160 ~~[C.](4) A school district [shall] may not require enrollment procedures or forms from~~
161 ~~students moving from a charter school to a district school that differ in any way from~~
162 ~~enrollment procedures^[f] or forms required for district students if the charter school~~
163 ~~students are leaving a charter school after the final grade level offered by the charter~~
164 ~~school.~~

165 ~~[D. Parents/Students who are enrolled at charter schools and are seeking enrollment~~
166 ~~at district schools should check with the school district office (or school principal if~~
167 ~~designated by the school district) for official current capacity information about schools,~~
168 ~~grade levels, programs or courses before leaving a charter school and forfeiting a charter~~
169 ~~school enrollment right.]~~

170 ~~[E.](5) If a school changes the location of services for a student with disabilities, the~~
171 ~~new location may only be considered a change of placement as determined by the~~
172 ~~student's IEP and consistent with the [Individuals with Disabilities Education Act (]IDEA[);~~
173 ~~20 U.S.C. 1400, Part B].~~

174 ~~[F. Consistent with Subsection 53G-8-205(3), schools may deny enrollment to~~

175 ~~students in a public school if they have been expelled from another public school.]~~

176 [G.](6) A Schools school may deny a student[s] enrollment in a public school if
177 the[y] student leaves a public school with disciplinary procedures pending at the previous
178 ~~Utah~~ public school until previous allegations have been resolved.

179 [H.](6) A ~~Charter schools and district schools~~ charter school and district school shall
180 notify each other of student enrollment consistent with Subsection 53G-6-503(4).

181 **KEY: charter schools, students, transfers**

182 **Date of Enactment or Last Substantive Amendment: August 7, 2014**

183 **Notice of Continuation: June 10, 2014**

184 **Authorizing, and Implemented, or Interpreted Law: Art X, Sec 3; 53G-6-503(2);**
185 **53E-3-401(4)**