

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](#), which directs the Board to set standards for state funds  
12 appropriated for students with disabilities.

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.

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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:

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 term  
24 is defined in Subsection [53G-5-102](#)(~~[4]~~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 ~~([4]5) "Estimated enrollment" means [a charter school's projected student~~  
33 ~~enrollment in the school's first year of operation as approved by the Superintendent]~~the  
34 enrollment projections done by the CDC as approved by the Superintendent and used  
35 for legislative projections.

36 ~~([5]6) "Foundation" means the average of self-contained and resource special~~  
37 ~~education students average daily membership over the previous five years.~~

38 ~~([6]7) "Negative growth adjustment" means prior year special education add-on~~  
39 ~~WPU minus weighted negative growth.~~

40 ~~([7]8) "New charter school" means a charter school with less than five years of~~  
41 ~~operation.~~

42 ~~([8]9) "Positive growth adjustment" means prior year special education add-on~~  
43 ~~WPU plus weighted growth.~~

44 ~~([9]10) "Prevalence rate" means the percentage of students with disabilities~~  
45 ~~within the total student enrollment.~~

46 ~~([10]11) "Previous five years" means the five year span between the seventh~~  
47 ~~and second prior fiscal year.~~

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

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

54 ~~[\_\_\_\_(13) "State Charter School Board" or "SCSB" means the charter school~~

55 ~~authorizer created in accordance with Section 53G-5-201.]~~

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

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

61 ([14]16) "Utah eTranscript and Record Exchange" or "UTREx" means a system  
62 that allows:

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

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

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

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

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

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

78 (c) ~~[Unless new charter school identifies a purpose and target population in its-~~  
79 ~~application focusing on students with disabilities]~~For a new charter school, the estimate  
80 of students with disabilities ~~[for a new charter school]~~ shall be 10 percent of the  
81 estimated enrollment.

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

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

86 (b) Weighted growth is determined by comparing special education ADM and  
87 total ADM from the third and second prior fiscal years.

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

90 (d) The Superintendent shall multiply positive weighted growth by a factor of 1.53  
91 and add the result to a charter school's foundation.

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

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

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

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

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

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

108 (e) If a negative growth adjustment brings the WPU below the foundation, the

109 charter school shall receive the foundation WPU.

110 (6)(a) If an authorizer approves a significant expansion for a charter school,  
111 during the first and second years of expansion, the Superintendent shall ~~[apply an~~  
112 ~~additional funding adjustment after the entire add-on WPU formula is~~  
113 ~~calculated.]~~multiply the projected increase in enrollment by the most recent prevalence  
114 rate to arrive at the WPU supplement for the charter school.

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

117 (c) If an authorizer approves a significant expansion for a charter school during  
118 the third year of operation and beyond, [The] the Superintendent shall calculate a  
119 significant expansion adjustment by estimating the number of students with disabilities  
120 [who will enroll as part of the expansion, and providing funding for these anticipated  
121 students]to be ten percent of the projected enrollment, and provide funding for these  
122 anticipated students.

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

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

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

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

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136 **KEY: charter schools, students with disabilities**  
137 **Date of Enactment or Last Substantive Amendment:**  
138 **Notice of Continuation: March 14, 2017**  
139 **Authorizing, and Implemented, or Interpreted Law: Art X, Sec 3; 53E-3-**  
140 **501(1)(c)(vi)(A); 53E-7-202; 53E-3-401(4)**