

1 **R277. Education, Administration.**

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3 **R277-479. Charter School Special Education Student Funding**
4 **Formula.**

5 **R277-479-1. Definitions.**

6 A. "Base" for purposes of this rule, means prior year
7 special education add-on WPU.

8 B. "Board" means the Utah State Board of Education.

9 C. "Charter schools" means schools authorized as charter
10 schools by chartering entities under Sections 53A-1a-515,
11 53A-1a-521, and this rule or by the Board under Section
12 53A-1a-505.

13 D. "Chartering entities" means entities that authorize
14 charter schools under Section 53A-1a-501.3(2).

15 E. "Estimated enrollment" means a charter school's
16 projected student enrollment in the school's first year of
17 operation as approved by the USOE.

18 F. "Foundation," for purposes of this rule, means the
19 average of special education students' (self-contained and
20 resource) average daily membership (ADM) over the previous
21 five years.

22 G. "Negative growth adjustment" means prior year special
23 education add-on WPU minus weighted negative growth.

24 H. "New charter school," for the purpose of this rule,
25 means a charter school with less than five years of operation.

26 I. "Positive growth adjustment" means prior year special
27 education add-on WPU plus weighted growth.

28 J. "Prevalence rate" means the percentage of students
29 with disabilities within the total student enrollment.

30 K. "Previous," for the purpose of this rule, means the
31 five year span between the seventh and second prior fiscal
32 year.

33 L. "Significant expansion" means a substantial increase
34 in the number of students attending a charter school due to a
35 significant event, such as the addition of new grade levels or
36 additions of sites, that is unlikely to occur on a regular
37 basis.

38 M. "Special education" means specially designed
39 instruction and related services to meet the unique needs of
40 a student with a disability under R277-750.

41 N. "State Charter School Board" means the board
42 designated in Section 53A-1a-501.5.

43 O. "Student with a disability" means a student, evaluated
44 in accordance with Utah State Board of Education Special
45 Education Rules, determined to be eligible for special
46 education and related services.

47 P. "Total enrollment," for the purposes of this rule,
48 means the total number of all students enrolled in the school
49 (including all multiple sites) as of the October 1 UTREx
50 update.

51 R. "USOE" means the Utah State Office of Education.

52 S. "Utah eTranscript and Record Exchange (UTREx)" means
53 a system that allows individual detailed student records to be
54 exchanged electronically among public education LEAs and the
55 USOE, and allows electronic transcripts to be sent to any
56 post-secondary institution, private or public, in-state or
57 out-of-state, that participates in the e-transcript service.

58 **R277-479-2. Authority and Purpose.**

59 A. This rule is authorized by Utah Constitution Article
60 X, Section 3 which vests general control and supervision of
61 public education in the Board, Section 53A-1-402(1) which
62 directs the Board to adopt rules regarding services for
63 persons with disabilities, Section 53A-15-301 which directs
64 the Board to set standards for state funds appropriated for
65 students with disabilities, and Section 53A-1-401(3) which
66 permits the Board to adopt rules in accordance with its
67 responsibilities.

68 B. The purpose of this rule is to specify standards and
69 procedures for charter school special education student
70 funding.

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

72 A. Foundation

73 (1) For existing charter schools, the foundation is
74 calculated based on the average ADM of students with
75 disabilities for the previous five years.

76 (2) New charter schools

77 (a) For new charter schools, a five year average cannot
78 be calculated; the calculation of foundation shall be based on
79 the average special education ADM for the number of years the
80 new charter school has been in operation beyond the first
81 year. In the first operational year, new charter school
82 funding shall be based on estimated enrollment.

83 (b) Unless the new charter school's approved purpose is
84 specific to the needs of students with disabilities, the
85 estimate of students with disabilities shall be 10 percent of
86 the estimated enrollment.

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

89 B. Growth adjustments

90 (1) Positive Growth Adjustment

91 (a) Weighted growth is determined by comparing special
92 education ADM and total ADM from the third and second prior
93 fiscal years.

94 (b) The rate of growth in special education ADM is
95 limited to the rate of growth in total ADM. If the percentage
96 determined for growth is positive, it is multiplied by a
97 factor of 1.53 and added to the base.

98 (c) There is no funding cap imposed based on the charter
99 prevalence rate because some charter schools are designed and
100 authorized specifically to serve students with disabilities.

101 (d) When there is no growth, either because the charter
102 school is new or because the same number of students is
103 enrolled, then there is no positive growth adjustment.

104 (2) Negative Growth Adjustment

105 (a) If the charter school experiences a decline in
106 special education ADM of students with disabilities, a
107 negative growth adjustment shall be applied. The negative
108 growth adjustment is the base multiplied by the percentage of
109 enrollment decline. This number is then subtracted from the

110 base to determine WPU.

111 (b) When there is no decline in the enrollment of
112 students with disabilities, either because the charter school
113 is new or because the same number of students is enrolled,
114 then there is no negative growth adjustment.

115 (c) If the negative growth adjustment brings the WPU to
116 lower than the foundation, the charter school shall receive
117 the foundation WPU.

118 C. Significant expansion adjustment

119 (1) Charter schools identified by the school's
120 chartering entity as having significant expansion receive an
121 additional funding adjustment after the entire add-on WPU
122 formula is calculated in the first and second years of
123 expansion. After that period, the special education formula
124 shall account for the expansion.

125 (2) The significant expansion adjustment will estimate
126 the number of students with disabilities who will enroll as
127 part of the expansion, and provide funding for these
128 anticipated students.

129 (a) The estimate shall be based on the projected
130 expansion adjustment as determined by the USOE. This
131 projection shall be multiplied by the prevalence rate of
132 students with disabilities for the charter school for the most
133 recent year calculated in the add-on formula.

134 (b) The result shall be the estimated ADM of students
135 with disabilities who enroll with the expansion. This number
136 is equal to the significant expansion adjustment WPU, which is
137 added as an expansion supplement to the add-on WPU allocated
138 to each charter school.

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

140 **Date of Enactment or Last Substantive Amendment: 2012**

141 **Authorizing, and Implemented or Interpreted Law: Art X, Sec**
142 **3; 53A-1-402(1); 53A-15-301; 53A-1-401(3)**