



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, Vice Chair

Dixie L. Allen
Kim R. Burningham
Keith M. Buswell
Leslie B. Castle
Barbara W. Corry

Dan Griffiths
Heather Groom
Michael G. Jensen
Jennifer A. Johnson

Jefferson Moss
C. Mark Openshaw
Debra G. Roberts
Terryl Warner

Martell Menlove, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: May 9, 2014

ACTION: *R277-472 Charter School Student Enrollment and Transfers and School District Capacity Information (Amendment and Continuation)*

Background:

1. According to Section 53A-1a-506.5, a parent of a charter school student can submit an application of admission to the student's school district of residence at any time during a school year. The amendments to *R277-472 Charter School Student Enrollment and Transfers and School District Capacity Information* clarify the timeframe by which a charter school student must be enrolled in the student's school district of residence after a parent makes a formal application of admission.
2. In addition to the amendments to *R277-472*, the rule is continued consistent with Board policy for continuation of rules and the Utah Administrative Rulemaking Act.

Key Points:

1. Requires school districts to enroll transferring charter school students within two weeks of a formal parent request.
2. *R277-472* continues to be necessary because it provides procedures for students transferring between district public schools and charter schools.

Anticipated Action:

1. It is proposed that the Finance Committee consider approving *R277-472*, as amended, on first reading and, if approved by the Committee, the Board consider approving *R277-472*, as amended, on second reading.
2. It is proposed that the Finance Committee consider approving *R277-472* for continuation on first reading and, if approved by the Committee, the Board consider approving *R277-472* for continuation on second reading.

Contact: Brenda Hales, 801-538-7515
Marlies Burns, 801-538-7817

1 **R277. Education, Administration.**

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

4 **R277-472-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "Below capacity at the elementary and secondary level"
7 making the grade level available for transfer students from
8 charter schools outside of the window provided for in Section
9 53A-1a-506.5(3) is established if the grade level or program
10 is less than 100 percent of the district, school, or grade
11 level average.

12 (1) A special program is "below capacity" or available
13 for transfer students from charter schools if the number of
14 assigned students is less than the designated number of
15 students determined by valid, research-based, or federally
16 established standards.

17 (2) An entire elementary or secondary school is "below
18 capacity" if the district determines that the average class
19 size, using calculations of classes and courses in R277-472-3,
20 is less than 100 percent of the district elementary or
21 secondary average class size.

22 C. "Elementary (K-6) class size" means the number of
23 students with a primary assignment to a specific teacher.

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

27 (2) Elementary class size shall include all special
28 education students who participate in all or part of the
29 school day excluding those students assigned to self-contained
30 special education classes.

31 D. "Secondary (7-12) class size" means the secondary
32 school's calculation for each language arts, mathematics, and
33 science course that is typically taught multiple times in the
34 school day, such as 8th grade English, Algebra 1, Earth

35 Systems.

36 **R277-472-2. Authority and Purpose.**

37 A. This rule is authorized under Utah Constitution
38 Article X, Section 3 which vests general control and
39 supervision over public education in the Board, Section
40 53A-1a-506.5(2) which directs the Board to make rules for
41 students transferring between charter schools and district
42 schools and enrolling and withdrawing from charter schools,
43 and Section 53A-1-401(3) which allows the Board to adopt rules
44 in accordance with its responsibilities.

45 B. The purpose of this rule is to provide procedures for
46 students transferring between district public schools and
47 charter schools; to define capacity in district public schools
48 to allow for transfers into district schools from charter
49 schools; to provide notice to parents and students of schools
50 that have space available.

51 **R277-472-3. Class Size Calculations.**

52 A. Elementary class size: Each school district (or
53 school as determined by the school district) shall calculate
54 an average class size for each grade level. [~~This calculation~~
55 ~~shall be derived~~]Schools shall derive this calculation from
56 the total number of students in a given grade divided by the
57 number of full time licensed teachers assigned to that grade.

58 (1) Schools shall not count [~~S~~]students assigned to
59 multiple grade level classes (and their respectively assigned
60 teachers) [~~shall not be counted~~]in determining average class
61 size for a grade level.

62 (2) Schools shall calculate [~~E~~]elementary classes that
63 group students in programs other than by grade level, such as
64 gifted and talented or English Language Learner programs,
65 [~~shall be calculated~~]as a class if students participate for
66 the entire instructional day.

67 (a) If schools count students that participate in special
68 programs for part of the school day, [~~they must be~~ schools
69 shall count~~ed~~ the students as part of their age-appropriate
70 grade level (together with respective teachers) for purposes
71 of this calculation.

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

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

82 (1) Schools shall not include [~~\$~~] self-contained special
83 education students and teachers [~~shall not be included~~] in
84 this calculation.

85 (2) Schools shall include [~~A~~] all other special education
86 students and teachers [~~shall be included~~].

87 C. Secondary average class size: Each school district
88 (or secondary school as determined by the district) shall
89 calculate an average class size for each language arts,
90 mathematics and science course that is taught multiple times
91 during a typical school day by dividing the total number of
92 full time teachers assigned to direct teaching situations by
93 the total number of students enrolled.

94 (1) Schools shall not include [~~\$~~] self-contained special
95 education students and teachers [~~shall not be included~~] in
96 this calculation.

97 (2) Schools shall include [~~A~~] all special education
98 students, other than full-time self-contained students, [~~shall~~
99 ~~be included~~] in the calculation.

100 D. District average: Each school district shall

101 calculate the district-wide average class size for each grade
102 level, each elementary program that enrolls students across
103 grade levels and for each language arts, mathematics, and
104 science course.

105 (1) School districts shall derive ~~[F]~~the calculation
106 ~~[shall be determined]~~by dividing the total number of full
107 time teachers (FTEs) assigned to direct teaching situations by
108 the total number of fully enrolled students.

109 (2) School districts shall derive ~~[A]~~all calculations
110 ~~[shall be made]~~using October 1 enrollment and employment
111 data.

112 E. In a school district with only one elementary or
113 secondary school, or only one class of any subject or grade
114 level, school districts may calculate the average class size
115 ~~[may be calculated]~~for an entire school or the entire school
116 district by averaging all the classes in the school or the
117 school district. The school district may then determine that
118 any class size less than the school district or school average
119 class size is below capacity.

120 **R277-472-4. School District School Capacity Information.**

121 A. School districts shall provide and post the following
122 information to facilitate transfer of students on school
123 district or school websites:

124 (1) Elementary schools within the school district that
125 are below capacity and available for transfer students;

126 (2) Grade levels and special programs within elementary
127 schools that are below capacity and available for transfer
128 students;

129 (3) Secondary schools that are below capacity and
130 available for transfer students based on calculated capacity
131 of language arts, science and mathematics; and

132 (4) Special programs within secondary schools that are
133 below capacity and available for transfer students.

134 B. Below capacity standards for individual schools, grade
135 levels, courses or programs do not apply if a school has
136 documentation that the school community council in a public
137 meeting has designated more than one-half of a school's school
138 LAND trust annual allotment to reduce class size in a specific
139 school, grade level, program or course.

140 **R277-472-5. Application Procedures for Students Entering and**
141 **Exiting Charter Schools.**

142 A. Each charter school shall post on its website
143 information and procedures required under Section
144 53A-1a-506.5(2).

145 B. Each charter school shall develop and post admissions
146 procedures for the charter school including:

- 147 (1) Lottery dates and procedures;
- 148 (2) Admission forms;
- 149 (3) School calendar;
- 150 (4) Non-discrimination assurances;
- 151 (5) A clear explanation, including timelines required in
152 the law and provided in individual charter school policies,
153 of student transfer procedures from a charter school to
154 another charter school or to a district school;
- 155 (6) A readily accessible transfer form; and
- 156 (7) Assurance and parent signature that student has been
157 admitted to only one public school.

158 **R277-472-6. Enrollment of Transferring Charter School**
159 **Students in District Schools.**

160 A. A school district shall enroll as soon as possible,
161 but no later than two weeks after specific formal parental
162 request, a student who is a resident of a school district, who
163 desires to transfer from a charter school to the resident
164 school after June 30 and who submits enrollment information
165 consistent with all school district students in a district

166 school that is below capacity.

167 [E]B. Schools may limit [S]students who are transferring
168 from a charter school to a district school after June 30 for
169 the upcoming school year [~~are limited~~]to schools, grade
170 levels, programs and courses that have space available or are
171 below capacity at the district schools.

172 [B]C. A school district shall not require enrollment
173 procedures or forms from students moving from a charter school
174 to a district school that differ in any way from enrollment
175 procedures/forms required for district students if the charter
176 school students are leaving a charter school after the final
177 grade level offered by the charter school.

178 D. Parents/Students who are enrolled at charter schools
179 and are seeking enrollment at district schools should check
180 with the school district office (or school principal if
181 designated by the school district) for official current
182 capacity information about schools, grade levels, programs or
183 courses before leaving a charter school and forfeiting a
184 charter school enrollment right.

185 E. [~~A change in~~]If a school changes the location of
186 services for a student with disabilities, the new location may
187 [~~not result in~~]only be considered a change of placement as
188 determined by the student's IEP and consistent with the
189 Individuals with Disabilities Education Act (IDEA), 20 U.S.C.
190 1400, Part B.

191 F. Consistent with Section 53A-11-904(3), schools may
192 deny enrollment to students [~~may be denied enrollment~~]in a
193 public school if they have been expelled from another public
194 school.

195 G. Schools may deny [S]students' [~~may be denied~~]
196 enrollment in a public school if they leave a public school
197 with disciplinary procedures pending at the previous Utah
198 public school until previous allegations have been resolved.

199 H. Charter schools and district schools shall notify

200 each other of student enrollment consistent with Section 53A-
201 1a-506.5(4).

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

203 **Date of Enactment or Last Substantive Amendment: [~~August 9,~~**
204 **~~2010~~]**

205 **Notice of Continuation: 2014**

206 **Authorizing, and Implemented or Interpreted Law: Art X, Sec**
207 **3; 53A-1a-506.5(2); 53A-1-401(3)**