

**R277. Education, Administration.**

**R277-479. Funding for Charter School Students With Disabilities on an IEP.**

**R277-479-1. Authority<sup>[,]</sup> and Purpose<sup>[,]</sup> ~~and Oversight Category~~<sup>[.]</sup>.**

(1) This rule is authorized by:

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

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

(c) Subsection 53E-3-501(1)(c)(vi)(A), which directs the Board to adopt rules regarding services for persons with disabilities; and

(d) Section 53E-7-206, which directs the Board to administer state and federal special education funds.

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

~~[(3) This Rule R277-479 is categorized as exempt as described in Rule R277-411.]~~

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

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

(2) "Charter school" means a school authorized by a charter school authorizer under Sections 53G-5-304 through 53G-5-306.

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

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

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

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

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

(6) "Expanding charter school" means a "large expansion" or new "satellite school" as described in Rule R277-550.

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

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

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

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

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

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

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

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

(15) "Utah eTranscript and Record Exchange" or "UTREx" means a system that allows:

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

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

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

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

(b)(i) A new or expanding charter school in its first operational year shall receive special education add-on funding based on estimated enrollment projections made by the CDC and approved by the Superintendent for legislative projections.

(ii) The Superintendent shall initially calculate the add-on by multiplying estimated enrollment by 10% to determine the number of WPU's allocated in the legislative estimate.

(iii) The Superintendent shall finally calculate the add-on by taking the actual number of special education students reported on the December 1 count.

(c)(i) For the second operational year, a new or expanding charter school shall receive estimated special education add-on funding based on the December 1 count from the prior year.

(ii) The final WPU's allocated from the special education add-on program in the second operational year shall equal the greater of the ADM count from the prior year or the actual number of special education students reported on the December 1 count.

(d)(i)(A) In its first operational year, a new or expanding charter school shall receive estimated WPU's for the special education self-contained program equal to the average self-contained prevalence rate of all charter schools in the prior year multiplied by the CDC estimated enrollment for the school.

(B) The final WPU's allocated shall be equal to the number of self-contained students reported on the December 1 count of the current school year for the new or expanding charter school.

(ii) In its second operational year, a new or expanding charter school shall receive estimated special education self-contained funding based on the December 1 count of self-contained students from the prior year.

(iii) The final WPU's allocated from the special education self-contained program in the second operational year shall equal the ADM count of self-contained students from the current school year.

(e)~~[(i)(A)]~~ For special education impact aid funding in the first operational year, a new ~~[or expanding]~~ charter school shall receive an estimated December 1 count equal to 10 [%] percent multiplied by the CDC estimated enrollment of the new or expanding charter school.

~~[(B) The Superintendent shall use the amount from Subsection (A) in the formula prescribed in the USBE Special Education Rules X.J., incorporated by reference in Rule R277-750.~~

~~—— (C) The Superintendent shall base the final WPU's allocated to a new or expanding charter school on the school's December 1 counts for the current school year.~~

~~—— (ii)(A) In the second operational year, a new or expanding charter school shall received estimated special education impact aid funding based on the December 1 count of self-contained students from the prior year.~~

~~—— (B) A new or expanding charter school shall receive final WPU's allocated based on December 1 counts for the current school year.]~~

(f)~~[(i)(A)]~~ For the special education ESY program, in the first operational year, a new ~~[or expanding]~~ charter school shall receive funding based on a program count equal to [.014] ten percent multiplied by the CDC estimate.

~~[(B) The Superintendent shall use the amount in Subsection (A) in the formula prescribed in the USBE Special Education Rules, X.L., incorporated by reference in Rule R277-750.~~

~~———— (ii) In the second operational year, a new or expanding charter school shall receive estimated special education ESY funding based on the ADM count of ESY eligible students from the prior year.~~

~~———— (2) The foundation is the minimum amount a charter school may receive for special education add-on funding.~~

~~———— (3)(a) The Superintendent shall apply a positive growth adjustment to a charter school's foundation for weighted growth.~~

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

~~———— (c) The Superintendent shall determine growth WPU as set forth in Subsection 53F-2-307(7)(e).~~

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

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

~~———— (4)(a) The Superintendent shall apply a negative growth adjustment to a charter school's base for decline in special education ADM.~~

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

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

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

~~———— (e) If a negative growth adjustment brings the WPU below the foundation, the charter school shall receive the foundation WPU.~~

142 ~~\_\_\_\_\_ (5) After the first and second years of a charter school's expansion, the special~~  
143 ~~education formula provided in this Section R277-479-3 shall account for the expansion.]~~

144 (2) Notwithstanding Subsection (1), if the WPU's calculated under this section are  
145 less than the WPU's set out in Subsection (4), a charter school shall receive WPU's  
146 based on Subsection (4).

147 ~~\_\_\_\_\_ ([6]3) Notwithstanding this Section R277-479-3, if a new or expanding charter~~  
148 ~~school identifies a purpose and target population in its application focusing on students~~  
149 ~~with disabilities, the Superintendent [shall estimate the number of students with~~  
150 ~~disabilities expected to enroll in consultation with the authorizer and the school.] may~~  
151 use enrollment projections that are higher than those outlined in this section.

152 (4) Notwithstanding the special education add-on WPU's as calculated under  
153 Subsection 53F-2-307, for a charter school with a prevalence rate less than 60 percent,  
154 the school's special education add-on WPU's cannot exceed the following levels:

155 (a) For the 2027 fiscal year, 2.41 multiplied by the charter school's total special  
156 education ADM count from the prior year;

157 (b) For the 2028 fiscal year, 2.06 multiplied by the charter school's total special  
158 education ADM count from the prior year;

159 (c) For the 2029 fiscal year, 1.70 multiplied by the charter school's total special  
160 education ADM count from the prior year; and

161 (d) For the 2030 fiscal year and thereafter, 1.35 multiplied by the charter school's  
162 total special education ADM count from the prior year.

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

165 **Date of Last Change: October 8, 2024**

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

167 **Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53E-3-**  
168 **501(1)(c)(vi)(A); 53E-7-206; 53E-3-401(4)**

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