

1 **R277. Education, Administration.**

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

3 **R277-479-1. Authority^[,] and Purpose^[,] ~~and Oversight Category~~.**

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-7-206, which directs the Board to administer state and federal
12 special education funds.

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.

15 ~~[(3) This Rule R277-479 is categorized as exempt as described in Rule R277-~~
16 ~~411.]~~

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

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

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

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

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

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

- 30 (b) estimates of the tax dollars the state will receive for education.
- 31 (5) "Estimated enrollment" means the enrollment projections done by the CDC
32 as approved by the Superintendent and used for legislative projections.
- 33 (6) "Expanding charter school" means a "large expansion" or new "satellite
34 school" as described in Rule R277-550.
- 35 (7) "Foundation" means the average of self-contained and resource special
36 education students average daily membership over the previous five years.
- 37 (8) "Negative growth adjustment" means prior year special education add-on
38 WPU minus weighted negative growth.
- 39 (9) "New charter school" means a charter school with less than five years of
40 operation.
- 41 (10) "Positive growth adjustment" means prior year special education add-on
42 WPU plus weighted growth.
- 43 (11) "Prevalence rate" means the percentage of students with disabilities within
44 the total student enrollment.
- 45 (12) "Special education" means specially designed instruction and related
46 services to meet the unique needs of a student with a disability in accordance with Rule
47 R277-750.
- 48 (13) "Student with a disability" means a student, evaluated in accordance with
49 Utah State Board of Education Special Education Rules, and determined to be eligible
50 for special education and related services.
- 51 (14) "Total enrollment" means the total number of students enrolled in all
52 campuses of a school as of the October 1 UTREx update.
- 53 (15) "Utah eTranscript and Record Exchange" or "UTREx" means a system that
54 allows:
- 55 (a) individual detailed student records to be exchanged electronically among
56 public education LEAs and the Superintendent; and
- 57 (b) electronic transcripts to be sent to any post-secondary institution that
58 participates in the e-transcript service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 113 ~~—— (ii) In the second operational year, a new or expanding charter school shall~~
114 ~~receive estimated special education ESY funding based on the ADM count of ESY~~
115 ~~eligible students from the prior year.~~
- 116 ~~—— (2) The foundation is the minimum amount a charter school may receive for~~
117 ~~special education add-on funding.~~
- 118 ~~—— (3)(a) The Superintendent shall apply a positive growth adjustment to a charter~~
119 ~~school's foundation for weighted growth.~~
- 120 ~~—— (b) The Superintendent shall determine weighted growth as set forth in~~
121 ~~Subsection 53F-2-307(7)(e)(i).~~
- 122 ~~—— (c) The Superintendent shall determine growth WPU as set forth in Subsection~~
123 ~~53F-2-307(7)(e).~~
- 124 ~~—— (d) The Superintendent may not impose a funding cap based on the charter~~
125 ~~prevalence rate because a charter school is designed and authorized specifically to~~
126 ~~serve students with disabilities.~~
- 127 ~~—— (e) When there is no growth, either because a charter school is new or because~~
128 ~~the same number of students are enrolled, the Superintendent may not apply a positive~~
129 ~~growth adjustment.~~
- 130 ~~—— (4)(a) The Superintendent shall apply a negative growth adjustment to a charter~~
131 ~~school's base for decline in special education ADM.~~
- 132 ~~—— (b) The negative growth adjustment is the base multiplied by the percentage of~~
133 ~~enrollment decline.~~
- 134 ~~—— (c) The Superintendent shall subtract the result calculated under Subsection~~
135 ~~(5)(b) from the base to determine WPU.~~
- 136 ~~—— (d) When there is no decline in a charter school's enrollment of students with~~
137 ~~disabilities, either because the charter school is new or because the same number of~~
138 ~~students are enrolled, the Superintendent may not apply a negative growth adjustment~~
139 ~~to the charter school's allotment.~~
- 140 ~~—— (e) If a negative growth adjustment brings the WPU below the foundation, the~~
141 ~~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]~~ 2.30 multiplied by the charter school's total
156 special education ADM count from the prior year;

157 (b) For the 2028 fiscal year, ~~[2.06]~~ 1.82 multiplied by the charter school's total
158 special education ADM count from the prior year; and

159 (c) For the 2029 fiscal year and thereafter, ~~[1.70]~~ 1.35 multiplied by the charter
160 school's total special 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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