

R277. Education, Administration.

R277-445. Classifying Small Schools as Necessarily Existent.

R277-445-1. Authority~~[,]~~ and Purpose~~[, and Oversight Category]~~.

(1) This rule is authorized by:

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

(b) Subsection 53F-2-304(3), which requires the Board to adopt rules to adopt a formula to calculate a scale of operations weighting for each student enrolled in a school district in a county of the fourth, fifth, or sixth class as described in Section 17-50-501 or a school district in a county of the third class with fewer than 2,000 students; and

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

~~[(2) This Rule R277-445 is categorized as Category 4 as described in Rule R277-111.]~~

R277-445-2. Definitions.

(1) "ADM" means average daily membership derived from end-of-year data from the previous school year.

(2) "NESS" means Necessarily Existent Small School as defined in Subsection 53F-2-304(1).

(3) "Weighted Pupil Unit" or "WPU" means the basic unit used to calculate the amount of state funds a school district may receive.

R277-445-3. NESS WPUs.

(1) The Board shall award NESS Weighted Pupil Units as follows:

(a) A scale of operations WPU weighting based on a formula determined by a cost function analysis.

(b) No scale of operations weightings shall be awarded to a school district with an ADM greater than 7,700.

(2) Rural-school weightings for NESS schools that provide WPUs for each grade band in accordance with Subsection 53F-2-304(2).

(3) The funding for ADM that falls within the weighting factors described in Subsections (1)(a) and (1)(b) shall be computed under both weighting factors.

(4) In accordance with Subsection 53G-6-305(3)(b)(ii), the Superintendent shall use NESS Program funds to cover out-of-state tuition reimbursements under Rule R277-421.

R277-445-4. Splitting a School that Qualifies as a Necessarily Existent Small School.

(1) A school district that intends to split a school that qualifies as a necessarily existent small school or has qualified as a necessarily existent small school within the past five years shall submit a proposal to the Board as outlined in Subsection 53F-2-304(8).

(2) An LEA shall submit a proposal under Subsection (1), no later than July 1 of the fiscal year prior to the planned split.

(3) The Superintendent shall:

(a) review an LEA's waiver request; and

(b) may provide a recommendation to the Board.

(4) The Board Executive Committee may assign a waiver request made under this Rule R277-121 to a Board standing committee.

(5) The standing committee assigned in accordance with Subsection (2):

(a) may solicit additional information or testimony;

(b) shall review the request in an open meeting; and

(c) shall make a recommendation for consideration by the full Board.

(6) The Board shall consider available data in evaluating an LEA waiver request and shall consider whether the split is:

(a) educationally and operationally necessary; and
(b) not primarily motivated by financial considerations related to necessarily
existent small school funding.

(7) The Board may request an LEA that receives approval for a split in
accordance with this Rule R277-445 and Section 53F-2-304 to report the following to a
Board committee:

(a) data that supports continuation of the requested split; and
(b) data related to the data the LEA presented as a part of the LEA's request for
the split.

**R277-445-5. Incorporation by Reference of the NESS Scale of Operations
Weightings.**

(1) This rule incorporates by reference the NESS Scale of Operations
Weightings.

(2) A copy of this document is located at:
(a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>;
and
(b) the offices of the Utah State Board of Education.

KEY: school enrollment, educational facilities, small schools

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**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53F-
2-304(1)**