R277. Education, Administration.

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

R277-479-1. Authority and Purpose.

(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.

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 WPUs 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 WPUs 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 WPUs 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 WPUs 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 WPUs 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~~] prior school year.

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

(f) For the special education ESY program, in the first operational year, a new charter school shall receive funding based on a program count equal to .014% multiplied by the CDC estimate.

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

(3) Notwithstanding this Section R277-479-3, if a new or expanding charter school identifies a purpose and target population in its application focusing on students with disabilities, the Superintendent may use enrollment projections that are higher than those outlined in this section.

(4) Notwithstanding the special education add-on WPUs as calculated under Section 53F-2-307, for a charter school with a prevalence rate less than 60%, the school's special education add-on WPUs cannot exceed the following levels:

(a) For the 2027 fiscal year, 2.30 multiplied by the charter school's total special education ADM count from the prior year;

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

(c) For the 2029 fiscal year and thereafter, 1.35 multiplied by the charter school's total special education ADM count from the prior year.

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