

1 **R277. Education, Administration.**

2 **R277-479. Charter School Special Education Student Funding Formula.**

3 **R277-479-1. Definitions.**

4 A. "Base" for purposes of this rule, means prior year special
5 education add-on WPU.

6 B. "Board" means the Utah State Board of Education.

7 C. "Charter schools" means schools authorized as charter schools
8 by chartering entities under Sections 53A-1a-515, 53A-1a-521, and
9 this rule or by the Board under Section 53A-1a-505.

10 D. "Chartering entities" means entities that authorize charter
11 schools under Section 53A-1a-501.3(3).

12 E. "Estimated enrollment" means a charter school's projected
13 student enrollment in the school's first year of operation as approved
14 by the USOE.

15 F. "Foundation," for purposes of this rule, means the average
16 of special education students' (self-contained and resource) average
17 daily membership (ADM) over the previous five years.

18 G. "Negative growth adjustment" means prior year special
19 education add-on WPU minus weighted negative growth.

20 H. "New charter school," for the purpose of this rule, means
21 a charter school with less than five years of operation.

22 I. "Positive growth adjustment" means prior year special
23 education add-on WPU plus weighted growth.

24 J. "Prevalence rate" means the percentage of students with
25 disabilities within the total student enrollment.

26 K. "Previous," for the purpose of this rule, means the five
27 year span between the seventh and second prior fiscal year.

28 L. "Significant expansion" means a substantial increase in the
29 number of students attending a charter school due to a significant
30 event, such as the addition of new grade levels or additions of sites,
31 that is unlikely to occur on a regular basis.

32 M. "Special education" means specially designed instruction and
33 related services to meet the unique needs of a student with a disability
34 under R277-750.

35 N. "State Charter School Board" means the board designated in
36 Section 53A-1a-501.5.

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

40 P. "Total enrollment," for the purposes of this rule, means
41 the total number of all students enrolled in the school (including
42 all multiple sites) as of the October 1 UTREx update.

43 R. "USOE" means the Utah State Office of Education.

44 S. "Utah eTranscript and Record Exchange (UTREx)" means a system
45 that allows individual detailed student records to be exchanged
46 electronically among public education LEAs and the USOE, and allows
47 electronic transcripts to be sent to any post-secondary institution,
48 private or public, in-state or out-of-state, that participates in
49 the e-transcript service.

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51 **R277-479-2. Authority and Purpose.**

52 A. This rule is authorized by Utah Constitution Article X,
53 Section 3 which vests general control and supervision of public
54 education in the Board, Section 53A-1-402(1) which directs the Board

55 to adopt rules regarding services for persons with disabilities,
56 Section 53A-15-301 which directs the Board to set standards for state
57 funds appropriated for students with disabilities, and Section
58 53A-1-401(3) which permits the Board to adopt rules in accordance
59 with its responsibilities.

60 B. The purpose of this rule is to specify standards and
61 procedures for charter school special education student funding.

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

64 A. Foundation

65 (1) For existing charter schools, the foundation is calculated
66 based on the average ADM of students with disabilities for the previous
67 five years.

68 (2) New charter schools

69 (a) For new charter schools, a five year average cannot be
70 calculated; the calculation of foundation shall be based on the average
71 special education ADM for the number of years the new charter school
72 has been in operation beyond the first year. In the first operational
73 year, new charter school funding shall be based on estimated
74 enrollment.

75 (b) Unless the new charter school's approved purpose is specific
76 to the needs of students with disabilities, the estimate of students
77 with disabilities shall be 10 percent of the estimated enrollment.

78 (3) The foundation is the minimum amount a charter school may
79 receive for special education-add on funding.

80 B. Growth adjustments

81 (1) Positive Growth Adjustment

82 (a) Weighted growth is determined by comparing special
83 education ADM and total ADM from the third and second prior fiscal
84 years.

85 (b) The rate of growth in special education ADM is limited to
86 the rate of growth in total ADM. If the percentage determined for
87 growth is positive, it is multiplied by a factor of 1.53 and added
88 to the base.

89 (c) If the actual Fall Enrollment of students with disabilities
90 in the new charter school is more than 10% above the estimate, USOE
91 shall adjust the allocation of the first operational year to equal
92 one (1) Special Education Add-On WPU per enrolled student with
93 disabilities.

94 (de) There is no funding cap imposed based on the charter prevalence
95 rate because some charter schools are designed and authorized
96 specifically to serve students with disabilities.

97 (ed) When there is no growth, either because the charter school
98 is new or because the same number of students is enrolled, then there
99 is no positive growth adjustment.

100 (2) Negative Growth Adjustment

101 (a) If the charter school experiences a decline in special
102 education ADM of students with disabilities, a negative growth
103 adjustment shall be applied. The negative growth adjustment is the
104 base multiplied by the percentage of enrollment decline. This number
105 is then subtracted from the base to determine WPU.

106 (b) When there is no decline in the enrollment of students with
107 disabilities, either because the charter school is new or because
108 the same number of students is enrolled, then there is no negative

109 growth adjustment.

110 (c) If the negative growth adjustment brings the WPU to lower
111 than the foundation, the charter school shall receive the foundation
112 WPU.

113 C. Significant expansion adjustment

114 (1) Charter schools identified by the school's chartering
115 entity as having significant expansion receive an additional funding
116 adjustment after the entire add-on WPU formula is calculated in the
117 first and second years of expansion. After that period, the special
118 education formula shall account for the expansion.

119 (2) The significant expansion adjustment will estimate the
120 number of students with disabilities who will enroll as part of the
121 expansion, and provide funding for these anticipated students.

122 (a) The estimate shall be based on the projected expansion
123 adjustment as determined by the USOE. This projection shall be
124 multiplied by the prevalence rate of students with disabilities for
125 the charter school for the most recent year calculated in the add-on
126 formula.

127 (b) The result shall be the estimated ADM of students with
128 disabilities who enroll with the expansion. This number is equal to
129 the significant expansion adjustment WPU, which is added as an
130 expansion supplement to the add-on WPU allocated to each charter
131 school.

132 (c) If the actual Fall Enrollment of students with disabilities
133 in the significantly expanded charter school is more than 10% above
134 the estimate, USOE shall adjust the allocation of the significant
135 expansion year to equal one (1) Special Education Add-On WPU per

136 enrolled student with disabilities.

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

140 **Date of Enactment or Last Substantive Amendment: May 8, 2012**

141 **Authorizing, and Implemented or Interpreted Law: Art X, Sec 3;**

142 **53A-1-402(1); 53A-15-301; 53A-1-401(3)**

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