

R277. Education, Administration.

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

R277-479-1. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R277-479-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-402(1) which directs the Board to adopt rules regarding services for persons with disabilities, Section 53A-15-301 which directs the Board to set standards for state funds appropriated for students with disabilities, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

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

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

A. Foundation

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

(2) New charter schools

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

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

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

B. Growth adjustments

(1) Positive Growth Adjustment

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

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

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

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

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

(2) Negative Growth Adjustment

(a) If the charter school experiences a decline in special education ADM of students with disabilities, a negative growth adjustment shall be applied. The negative growth adjustment is the base multiplied by the percentage of enrollment decline. This

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number is then subtracted from the base to determine WPU.

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

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

C. Significant expansion adjustment

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

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

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

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

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

KEY: charter schools, students with disabilities

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

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-402(1); 53A-15-301; 53A-1-401(3)