

R277. Education, Administration.

R277-472. Charter School Student Enrollment and Transfers and School District Capacity Information.

R277-472-1. 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 Utah Constitution and state law; and

(c) Subsection 53G-6-503(2), which directs the Board to make rules for a student transferring between a charter school and the student's boundary school within the student's district of residence and enrolling and withdrawing from charter schools.

(2) The purpose of this rule is to:

(a) provide procedures for a student transferring between a charter school and the student's boundary school within the student's district of residence;

(b) define capacity in district schools to allow for transfers into district schools from charter schools; and

(c) require LEAs to provide notice to parents and students of schools that have space available.

R277-472-2. Definitions.

(1)(a) "Below capacity" means the grade level or program is less than 100% of the district, school, or grade level average.

(b) A special program is "below capacity" or available for transfer students from charter schools if the number of assigned students is less than the designated number of students determined by the school district.

(c) An entire elementary or secondary school is "below capacity" if the district determines that the average class size, using calculations of classes and courses in this Rule R277-472, is less than 100% of the district elementary or secondary average class size.

(2) "Elementary class size" means the number of students with a primary assignment to a specific teacher.

(a) An extended day class in which a portion of the class arrives early and the other portion stays late shall be counted as one class.

(b) "Elementary class size" shall include all special education students who participate in all or part of the school day excluding those students assigned to a special class.

(3) "Full time equivalent" or "FTE" means the ratio of the contract time worked by an educator compared to the LEA's definition of contract time worked by a full-time employee in the same position.

(4) "Secondary class size" means the secondary school's calculation for each language arts, mathematics, and science course that is typically taught multiple times in the school day, such as 8th grade English, Secondary Math 1, or Earth Systems.

(5)(a) "Special class" means a placement where a student is placed in a classroom and receives specialized instruction and related services, if required, with other students with disabilities.

(b) "Special class" includes students who receive special education and related services outside the regular general education classroom for more than 60% of the school day.

R277-472-3. Elementary Class Size Calculations.

(1) Each school district, or school as determined by the school district, shall calculate an average elementary class size for each grade level.

(2) A school shall calculate average elementary class size by dividing the total number of students in a given grade by the number of full-time licensed teachers assigned to that grade.

(3) A school may not count students assigned to multiple grade level classes, nor the school's respectively assigned teachers, in determining average elementary class size for a grade level, except in the case of a split-level class.

(4) A school shall calculate elementary classes that group students in programs other than by grade level, such as gifted and talented, or programs for students learning

English, as a class for determining average elementary class size if students participate for the entire instructional day.

(5) If a school counts students that participate in special programs for part of the school day for determining average elementary class size, the school shall count the students as part of their age-appropriate grade level, together with respective teachers, for purposes of the calculation.

(6) If multiple classes of special programs exist, a school shall determine an average elementary class size for special programs consistent with state, federal, and program standards.

(7) Each school district or school shall calculate a school-wide average class size by dividing the total full-time teachers assigned to direct teaching situations by the total number of students receiving instruction.

(8) A school may not include a student or teacher in a special class in calculating school-wide average class size, but shall include all other special education students and teachers.

R277-472-4. Secondary Class Size Calculations.

(1) Each school district, or secondary school as determined by the district, shall calculate an average secondary class size for each language arts, mathematics and science course that is taught multiple times during a typical school day by dividing the total number of full-time teachers assigned to direct teaching situations by the total number of students enrolled.

(2) A school may not include a student or teacher in a special class when calculating average secondary class size, but shall include all other special education students in the calculation.

(3) A school district shall calculate the district-wide average class size for:

- (a) each grade level;
- (b) each elementary program that enrolls students across grade levels; and
- (c) each language arts, mathematics, and science course.

(4) A school district shall calculate district-wide average class size by dividing the total number of FTEs assigned to direct teaching situations by the total number of fully enrolled students.

(5) A school district shall derive all calculations required by this rule using October 1 enrollment and employment data.

(6)(a) In a school district with only one elementary or secondary school, or only one class of any subject or grade level, the school district may calculate the average class size for an entire school or the entire school district by averaging all the classes in the school or the school district.

(b) The school district may then determine that any class size less than the school district or school average class size is below capacity.

R277-472-5. School District School Capacity Information.

(1) A school district shall provide and post the following information to facilitate transfer of students on school district or school websites:

(a) elementary schools within the school district that are below capacity and available for transfer students;

(b) grade levels and special programs within elementary schools that are below capacity and available for transfer students;

(c) secondary schools that are below capacity and available for transfer students based on calculated capacity of language arts, science and mathematics; and

(d) special programs within secondary schools that are below capacity and available for transfer students.

(2) Below capacity standards for individual schools, grade levels, courses or programs do not apply if a school has documentation that the school community council in a public meeting has designated more than one-half of a school's school LAND trust annual allotment to reduce class size in a specific school, grade level, program, or course.

R277-472-6. Charter School Website Requirements.

Each charter school shall post on its website:

- (1) admission forms;
- (2) student transfer forms;
- (3) forms for assurance and parent signature that a student has been admitted to only one public school; and
- (4) all information required by Section R277-551-5.

R277-472-7. Enrollment of Transferring Charter School Students in District Schools.

(1) If a charter school student who is a resident of a school district submits required enrollment information for the upcoming school year before June 30, the school district shall enroll the student in the student's boundary school for the upcoming school year.

(2) Notwithstanding Subsection (1), a school district shall enroll a resident student leaving a charter school, which has been closed, in the student's boundary school.

(3) A district may limit resident students who are transferring from a charter school to a district school who submit required enrollment information after June 30 for the upcoming school year to schools, grade levels, programs, and courses that have space available or are below capacity at the district schools.

(4) A school district may not require enrollment procedures or forms from students moving from a charter school to a district school that differ in any way from enrollment procedures or forms required for district students if the charter school students are leaving a charter school after the final grade level offered by the charter school.

(5) If a school changes the location of services for a student with disabilities, the new location may only be considered a change of placement as determined by the student's IEP and consistent with the IDEA.

(6) A school may deny a student enrollment in a public school if the student leaves a public school with disciplinary procedures pending at the previous public school until previous allegations have been resolved.

(7) A charter school and district school shall notify each other of student enrollment consistent with Subsection 53G-6-503(4).

KEY: charter schools, students, transfers

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Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53G-6-503(2); 53E-3-401(4)