

TERMS TO KNOW

AMENDMENT

The purpose of the Amendment Request is to provide a process for charter school governing board to request changes to its charter. The Amendment Request is based on the premise that the contractual agreement may be modified by mutual agreement of the charter authorizer and the governing body of the school.

CHARTER AGREEMENT

A Charter agreement, also known as a “charter” is the contract between the school’s governing board and the charter authorizer, allowing for the legal operation of the school. All agreements must be in accordance with UCA Section [53A-1a-508](#).

CHARTER AUTHORIZER

One of the basic components of chartered public schools is that the school's non-profit corporation is granted a "charter" to operate a public school by an approved entity known as an "Authorizer." In Utah, an authorizer may be the State Charter School Board, a traditional school district, or a college or university.

CHARTER FIDELITY MONITORING REPORT (CFMR)

Fidelity is the quality of faithfulness or loyalty. The Charter Fidelity Monitoring Report then is the tool used to assess how well a charter school is adhering to the key elements of its charter. To date, much of the report is self-reported.

CHARTER SCHOOL PERFORMANCE STANDARDS (CSPS)

The State Charter School Board’s (SCSB) *Charter School Performance Standards* (CSPS) are intended as a tool for the SCSB to meet its statutory obligation of ongoing monitoring. Charter schools have the autonomy to manage their school consistent with state and federal law; however, the SCSB must ensure that the schools they authorize show good academic, financial, and governance performance. The CSPS provides charter schools and the SCSB tools to identify low performing schools and to more proactively evaluate or address problems. There are three main aspects to the CSPS: School Achievement, Financial Performance, and Governing Board Stewardship.

SCHOOL ACHIEVEMENT

The School Achievement measures are intended to evaluate student academic engagement and performance specific to other academic goals not included in School Grading and PACE report card. They include transfer rate, retention rate, and metrics set as Contractual Agreement Goals or in Exhibit A.

FINANCIAL PERFORMANCE

The Financial Performance measures are intended to evaluate the financial performance of a school., as well as a tool for the Board to meet its statutory obligation of ongoing monitoring. This tool was created to provide a clear picture of a school’s past financial performance, current financial health, and potential financial trajectory.

GOVERNING BOARD STEWARDSHIP

The Governing Board Stewardship measures are intended to evaluate a governing board's ability to meet compliance-related expectations in state and federal law, Utah State Board of Education Administrative Rule, and its Charter Agreement. Because charter schools are public entities, they must maintain the public's trust that they are implementing their educational programs as set out in the charters, spending public funds responsibly, practicing sound governance, and adhering to laws and charter requirements regarding employees, students, and the school environment.

CONTRACTUAL AGREEMENT GOALS

Prior to 2016, schools authorized by the State Charter School Board (SCSB) included contractual achievement goals in the application and subsequent charter. These goals were aligned to the mission and vision of the school and were intended to easily monitor school performance against both standard indicators and indicators specific to the mission the school. After 2016, schools negotiated the Exhibit A portion of the charter eliminating the need for contractual agreement goals.

EDUCATION SERVICE PROVIDER (ESP)

Education service providers (ESPs), or education management organizations, are for-profit or non-profit organizations that contract with new or existing public, charter, or private schools to help them implement comprehensive reforms. Education service providers offer to schools and districts services such as curriculum design, professional development, student assessments, financial and operational management, facilities management, and human resources management.

EXECUTIVE OR CLOSED SESSION

A governing board may enter into and hold an executive session with a 2/3 vote for the following reasons:

- "discussion of the character, professional competence, or physical or mental health of an individual"
- Collective bargaining strategy
- litigation strategy and the attorney-client privilege
- to discuss the purchase or sale of property
- security information
- investigations of criminal misconduct
- discussing commercial information and trade secrets

No final action can be taken during an executive session. The Open and Public Meetings act requires that the public body takes detailed minutes and makes an audio recording of all closed sessions. The minutes and recordings may be requested by the courts for in camera reviews if the validity of the closed meeting is called into question.

EXHIBIT A

Exhibit A is an add-on to the charter agreement. The body of the charter is a template-type document, outlining the statutorily required elements for all charter agreements in Utah. Exhibit A is the negotiable element, specific to each school. In addition to the listing school details, the authorizer and the school complete the Exhibit A together, agreeing to the purpose, key elements, and additional school specific standards used to assess school achievement.

EXPANSION

When a charter agreement is executed, both parties agree to an authorized number of students to be enrolled and the grade bands in which students will be admitted. Should a school seek to increase the total number of students

enrolled, or change the numbers of students in each of the funding grade bands, an expansion request must be made to both the State Charter School Board and the Utah State Board of Education, Requests must be approved prior to October 1st for the next fiscal year.

ENROLLMENT PREFERENCE

A charter school may give enrollment preference to a child or grandchild of an individual who has actively participated in the development of the charter school (see Founder Status), a child or grandchild of the charter school governing board, a sibling of a student presently enrolled in the charter school, a child of an employee of the charter school, students articulating between charter schools offering similar programs that are governed by the same governing board, students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the State Charter School Board, or students who reside within the school district in which the school is located, or in the municipality in which the charter school is located, or within a two-mile radius of the school.

FOUNDER STATUS

An individual who has actively participated in the development of the charter school may be listed in the charter as a founder and thus receive founder preference in enrollment for the duration of the charter.

GOVERNING BOARD CAPACITY INTERVIEWS

If a proposal to open a new charter school has been accepted by the State Charter School Board, a full application will then be considered. As part of the full application, the founding governing board is required to sit for a governing board capacity interview. This interview is conducted by members of the charter community, selected for this expertise in areas relating to opening and/or running successful charter schools. The purpose of the interview is to determine if the governing board can articulate the ability and knowledge needed regarding the start-up and governance of a new charter school.

KEY ELEMENTS

The key elements of the Charter School are programs and processes that make this school unique. Key elements need to be phrased as an assurance. They need to be objective statements written so that if someone came to your school, it would be clear whether or not it is happening.

A few examples of how this may look:

- School integrates leadership education throughout all core subjects
- School's focus is on fine arts
- Students take a foreign language class every year
- School has a certified STEM coordinator
- At least 20% of graduates participated in a national CTE competition

MARKET ANALYSIS

In charter applications, a market analysis is the data and details demonstrating the attractiveness and the dynamics of the charter school within the local community. The market analysis should speak to the demographics of the local community, the attractiveness of the school's mission and focus to those demographics, as well as the ability to sustain the school over time.

AUDIT - MATERIAL FINDINGS

Audits are an external review of a school's financial reporting accuracy. Audits are conducted by public accounting firms at annually at the end of each fiscal year. Material findings in an audit report indicate significant errors or risks in the school's financial information. Auditors issue a qualified opinion, stating the discovery of material audit findings. Material audit finds may include limitations in the scope of the audit, deviations from Generally Accepted Accounting Principles (GAAP), or concerns of the school's ability to remain in operation.

OPEN AND PUBLIC MEETING

The State, its agencies, and political subdivisions exist to aid in the conduct of the people's business. It is the intent of the legislature then, that deliberations and actions are conducted openly. The law states that a meeting is a gathering of a quorum of the members of a public body, either in person or through electronic methods, with the intention of discussing or deciding on public policy. The law also requires that all meetings must be open to the public, unless exempted under executive sessions. The act defines public body as "any administrative, advisory, executive, or legislative body of the state or its political subdivisions". The act requires all bodies to provide 24 hours notice, including the time and place of the meeting and a proposed agenda.

PROPOSAL FOR A NEW CHARTER SCHOOL

The first step in requesting a new charter school authorized under the State Charter School Board (SCSB) is to submit a proposal. Proposals are generally accepted in the summer. The SCSB votes on the proposals to determine which ideas warrant a full application submission.

REPLICATION PROCESS

Replication is an option provided to existing charters that have consistently demonstrated quality academic and operational performance and financial viability, as set by the Charter School Performance Standards (CSPS). The replication application is based on the premise that the new charter will reflect the implementation of the existing educational program, corporate and governance structure, and financial and operational processes that have been successfully demonstrated in the school being replicated.

SATELLITE SCHOOLS

Opening a Satellite School is an option provided to existing charters that have consistently demonstrated quality academic and operational performance and financial viability, as set by the Charter School Performance Standards (CSPS). A Satellite School intends to differ from the sponsoring school does not need in grades served, educational program, or mission and purpose.

STATE CHARTER SCHOOL BOARD (SCSB)

The State Charter School Board was created via State Statute 53A-1a-51.5. The SCSB is an organization that represents Utah's charter schools. The powers assigned to the SCSB are outlined in 53A-1a-501.6. In summary, the SCSB is charged with authorizing and promoting the establishment of charter schools. Other duties include reviewing and evaluating the performance of their schools, monitoring compliance, and providing technical support.

SPONSORING SCHOOL

The sponsoring school is the established, operational school that is seeking to expand, replicate, or open a satellite. The data for the sponsoring school is used to determine the viability of the new organization.

TARGET POPULATION

Target population is the demographic profile of the student that will best be served by a charter school's unique educational philosophy.

UTAH PROGRAM IMPROVEMENT PLANNING SYSTEM (UPIPS)

The Utah State Office of Education, Special Education Services (USOE-SES) has the responsibility of monitoring compliance with federal and state requirements under the Individuals with Disabilities Education Act of 2004 (IDEA). This responsibility is administered within the framework of supporting positive results for students with disabilities. USOE-SES's results-driven accountability and continuous-improvement monitoring system reflects the federal intent to emphasize a data-driven, systemic approach to compliance, as well as improvement of outcomes for children with disabilities. Utah's continuous improvement monitoring system is called UPIPS and is based on the concept that monitoring is an ongoing process. UPIPS includes an annual USOE review of each LEA's performance in a variety of pre-identified areas and indicators. LEAs are assigned a risk score in each of the preidentified areas and indicators based on their data in each area. After risk scores have been assigned, LEAs are assigned a Program Implementation Monitoring Tier, which includes a package of supports and activities for each LEA based on the LEA's level of identified need.

UTAH STATE BOARD OF EDUCATION (USBE)

The Utah State Board of Education is the elected, governing body for all public education in the state. Utah Constitution Article X, Section 3 and Title 53A of the Utah Code describe in detail the specific legal duties of the Board. Among these duties are:

- Appoint the State Superintendent of Public Instruction.
- Adopt administrative rules directed to the whole system.
- Establish minimum standards for public schools.
- Make rules that establish basic ethical conduct standards for licensed public education employees.
- Define, establish and implement a core curriculum.
- Maintain general control and supervision over Adult Education.
- Annually prepare and submit to the Governor and Legislature a budget for the operation of the institutions and agencies under the Board.
- With the State Auditor, set and approve auditing standards for auditors employed by local school boards and charter schools.
- Verify audits of financial and student accounting records of school districts and charter schools for purposes of determining the allocation of Uniform School Fund monies.
- Fulfill statutory responsibility for the management of the Utah State Office of Education and the Utah Schools for the Deaf and the Blind.