

1 **R277. Education, Administration.**

2 **R277-470. Charter Schools - General Provisions.**

3 **R277-470-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "Chartering entities" means entities that authorize
6 a charter school under Section 53A-1a-501.3(2).

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

11 ~~[D. "Charter school application" means the official~~
12 ~~chartering document by which a prospective charter school~~
13 ~~seeks recognition and funding under Section 53A-1a-505. The~~
14 ~~application includes the basic elements of the charter to be~~
15 ~~established between the charter school and the chartering~~
16 ~~board.~~

17 ~~E. "Charter school deficiencies" means the following~~
18 ~~information:~~

19 ~~(1) a charter school is not satisfying financial~~
20 ~~obligations as required by Section 53A-1a-505 in the charter~~
21 ~~school's written contractual agreement;~~

22 ~~(2) a charter school is not providing required~~
23 ~~documentation following reasonable warning;~~

24 ~~(3) compelling evidence of fraud or misuse of funds by~~
25 ~~charter school governing board members or employees.~~

26 ~~F. "Charter school founding member" or "founding member"~~
27 ~~means an individual who had a significant role in the initial~~
28 ~~development of the charter school up until the first~~
29 ~~instructional day of school, the first year of operation, as~~
30 ~~submitted in writing to the State Charter School Board the~~
31 ~~first day of operation.]~~

32 ~~[G]D. "Charter school governing board" means the board~~
33 ~~designated by the charter school to make decisions for the~~
34 ~~operation of the school[similar to a local board of~~

35 education].

36 [~~H. "Days" means calendar days, unless specifically~~
37 ~~designated.~~]

38 [~~F~~]E. "Expansion" means a proposed ten percent increase
39 of students or adding grade level(s) in an operating charter
40 school at a single location.

41 [~~J. "Local education agency (LEA)" means a local board~~
42 ~~of education, a charter school governing board, combination of~~
43 ~~school districts, other legally constituted local school~~
44 ~~authority having administrative control and direction of free~~
45 ~~public education within the state, or other entities as~~
46 ~~designated by the Board, and includes any entity with~~
47 ~~state-wide responsibility for directly operating and~~
48 ~~maintaining facilities for providing public education.~~

49 ~~— K. "Northwest Accreditation Commission accreditation"~~
50 ~~means the formal process for evaluation and approval under the~~
51 ~~Standards for Accreditation of the Northwest Accreditation~~
52 ~~Commission or the accreditation standards of the Board,~~
53 ~~available from the Utah State Office of Education~~
54 ~~Accreditation Specialist. Accreditation ensures that the~~
55 ~~credits/diploma a student earns is the result of a quality~~
56 ~~educational experience. The purpose of accreditation is to~~
57 ~~ensure excellence in education by holding schools accountable~~
58 ~~to rigorous standards and a process of continued improvement.~~

59 ~~— L. "Neighborhood or traditional school" for purposes of~~
60 ~~this rule, means a public, non-charter school.~~

61 ~~— M. "New charter school" as provided in Section~~
62 ~~53A-21-401(5)(d) means any charter school through the first~~
63 ~~day of its second year with students, or a satellite school~~
64 ~~that requires a new location/campus.]~~

65 [~~N~~]F. "No Child Left Behind (NCLB)" means the federal law
66 under the Elementary and Secondary Education Act, Title IX,
67 Part A, 20 U.S.C. 7801.

68 [~~O. "On-going funds" means funds that are appropriated~~

69 ~~annually by the Legislature with the expectation that the~~
70 ~~funds shall continue to be appropriated annually.]~~

71 [F]G. "Satellite school" means a charter school
72 affiliated with an operating charter school having a common
73 governing board and a similar program of instruction, but
74 located at a different site or in a different geographical
75 area. The parent school and all satellites shall be
76 considered a single local education agency (LEA) for purposes
77 of public school funding and reporting.

78 [Q]H. "State Charter School Board" means the board
79 designated in Section 53A-1a-501.5.

80 [R. ~~"Superintendent" means the State Superintendent of~~
81 ~~Public Instruction as designated under 53A-1-301.~~

82 ~~S. "Urgent facility need" as provided in Section~~
83 ~~53A-21-401(5) (d) means an unexpected exigency that affects the~~
84 ~~health and safety of students such as:~~

85 ~~(1) to satisfy an unforeseen condition that precludes a~~
86 ~~school's qualification for an occupancy permit; or~~

87 ~~(2) to address an unforeseen circumstance that keeps the~~
88 ~~school from satisfying provisions of public safety, public~~
89 ~~health or public school code.]~~

90 [T]I. "USOE" means the Utah State Office of Education.

91 J. "Utah Consolidated Application (UCA)" means the
92 web-based grants management tool employed by the Utah State
93 Office of Education by which local education agencies submit
94 plans and budgets for approval of the Utah State Office of
95 Education.

96 [U. ~~"Weighted Pupil Unit (WPU)" means the unit of~~
97 ~~measure that is computed in accordance with the Minimum School~~
98 ~~Program Act for the purpose of distributing revenue on a~~
99 ~~uniform basis for each pupil.]~~

100 **R277-470-2. Authority and Purpose.**

101 A. This rule is authorized under Utah Constitution

102 Article X, Section 3 which vests general control and
103 supervision over public education in the Board, Section
104 53A-1a-513 which directs the Board to distribute funds for
105 charter school students directly to the charter school,
106 Section 53A-1-401(3) which allows the Board to adopt rules in
107 accordance with its responsibilities, and 20 U.S.C., Section
108 8063(3) which directs the Board to submit specific information
109 prior to charter schools' receipt of federal funds.

110 B. The purpose of this rule is to establish procedures
111 for authorizing, funding, and monitoring charter schools and
112 for repealing charter school authorizations. The rule also
113 establishes timelines as required by law to provide for
114 adequate training for beginning charter schools.

115 **R277-470-3. Maximum Authorized Charter School Students.**

116 A. Local school boards and institutions of higher
117 education may ~~[not]~~ approve ~~[district-]~~ charter~~[ed]~~ schools
118 ~~[unless they]~~ by notifying the State Charter School Board by
119 ~~[August 15]~~ April 1 of the calendar year two years prior to
120 opening of proposed ~~[district-]~~ charter~~[ed]~~ schools, ~~[and~~
121 ~~estimated]~~ including authorized numbers of students and other
122 information as required in Sections 53A-1a-515 and 53A-1a-521.

123 B. The Board, in consultation with the State Charter
124 School Board and chartering entities, may approve schools,
125 expansions and satellite charter schools for the total number
126 of students authorized under Section 53A-1a-502.5

127 C. The number of students requested from all chartering
128 entities shall be considered as students are allocated by the
129 State Charter School Board and approved by the Board.

130 ~~[R277-470-4. Charter School Orientation and Training.]~~

131 ~~— A. All charter school applicants shall attend~~
132 ~~orientation/training sessions designated by the State Charter~~
133 ~~School Board.~~

134 ~~—— B. Orientation meetings shall be scheduled at least~~
135 ~~quarterly and be available electronically, as determined by~~
136 ~~the State Charter School Board.~~

137 ~~—— C. Charter schools and applicants that attend~~
138 ~~orientation/training sessions shall be eligible for additional~~
139 ~~funds, upon approval, in an amount to be determined by the~~
140 ~~State Charter School Board provided through federal charter~~
141 ~~school funds or a General Fund appropriation to the extent of~~
142 ~~funds available. Charter school applicants that attend~~
143 ~~training and orientation sessions may receive priority for~~
144 ~~approval from the State Charter School Board and the Board.~~

145 ~~—— D. Orientation/training sessions shall provide~~
146 ~~information including:~~

- 147 ~~—— (1) charter school implementation requirements;~~
- 148 ~~—— (2) charter school statutory and Board requirements;~~
- 149 ~~—— (3) charter school financial and data management~~
150 ~~requirements;~~
- 151 ~~—— (4) charter school legal requirements;~~
- 152 ~~—— (5) federal requirements for charter school funding; and~~
- 153 ~~—— (6) other items as determined by the State Charter School~~
154 ~~Board.~~

155 ~~**R277-470-5. New or Expanding Charter School Notification to**~~
156 ~~**Prospective Students and Parents.**~~

157 ~~—— A. All charter schools opening or expanding by at least~~
158 ~~ten percent of overall enrollment or adding one or more grade~~
159 ~~levels shall notify all families consistent with the schools'~~
160 ~~outreach plans described in the charter agreements of:~~

- 161 ~~—— (1) a new or expanding charter school's purpose, focus~~
162 ~~and governance structure, including names, qualifications, and~~
163 ~~contact information of governing board members;~~
- 164 ~~—— (2) the number of new students that will be admitted~~
165 ~~into the school by grade;~~
- 166 ~~—— (3) the proposed school calendar for the charter school~~

167 ~~including at a minimum the first and last days of school,~~
168 ~~scheduled holidays, pre-scheduled professional development~~
169 ~~days (no student attendance), and other scheduled non-school~~
170 ~~days;~~

171 ~~—— (4) the charter school's timelines for acceptance or~~
172 ~~rejection of new students consistent with Section 53A-1a-~~
173 ~~506.5;~~

174 ~~—— (5) the requirement and availability of a State-approved~~
175 ~~charter school student application;~~

176 ~~—— (6) procedures for transferring to or from a charter~~
177 ~~school, together with applicable timelines; and~~

178 ~~—— (7) provisions for payment, if required, of a one-time~~
179 ~~fee per secondary school enrollment, not to exceed \$5.00,~~
180 ~~consistent with Section 53A-12-103.~~

181 ~~—— B. Charter schools shall provide written notice of the~~
182 ~~information in R277-470-5A consistent with the school's~~
183 ~~outreach plan and at least 180 days before the proposed~~
184 ~~opening day of school.~~

185 ~~—— C. Charter schools shall have an operative and readily~~
186 ~~accessible electronic website providing information required~~
187 ~~under R277-470-5A in place. The completed charter school~~
188 ~~website shall be provided to the State Charter School Board at~~
189 ~~least 180 days prior to the proposed opening day of school.~~
190 ~~The State Charter School Board shall require new charter~~
191 ~~schools to have websites that may be reviewed by the State~~
192 ~~Charter School Board prior to the schools posting the~~
193 ~~websites publicly.~~

194 **~~R277-470-6. Timelines -- Charter School Starting Date.~~**

195 ~~—— A. The State Charter School Board shall accept a proposed~~
196 ~~starting date from a charter school applicant, or the State~~
197 ~~Charter School Board shall negotiate and recommend a starting~~
198 ~~date prior to recommending final charter approval to the~~
199 ~~Board.~~

200 ~~—— B. A local or state-chartered school shall be approved by~~
201 ~~November 30, two years prior to the school year it intends to~~
202 ~~serve students in order to be eligible for state funds.~~

203 ~~—— C. A local or state-chartered school shall acquire a~~
204 ~~facility and enter into a written agreement, or begin~~
205 ~~construction on a new or existing facility no later than~~
206 ~~January 1 of the year the school is scheduled to open. Each~~
207 ~~state-chartered school shall submit any lease, lease-purchase~~
208 ~~agreement, or other contract or agreement relating to the~~
209 ~~charter school's facilities or financing the charter school~~
210 ~~facilities to its chartering entity for review and advice~~
211 ~~prior to the charter school entering into the lease,~~
212 ~~agreement, or contract, consistent with Section 53A-1a-507(9).~~

213 ~~—— D. If students are not enrolled and attending classes by~~
214 ~~October 1, a charter school shall not receive funding from the~~
215 ~~state for that school year.~~

216 ~~—— E. Despite a charter school meeting starting dates, a~~
217 ~~charter school shall be required to satisfy R277-419~~
218 ~~requirements of 180 days and 990 hours of instruction time,~~
219 ~~unless otherwise exempted by the Board under Section 53A-1a-~~
220 ~~511.~~

221 ~~—— F. The Board may, following review of information,~~
222 ~~approve the recommended starting date or determine a different~~
223 ~~charter school starting date after giving consideration to the~~
224 ~~State Charter School Board recommendation.~~

225 **~~R277-470-7. Remediating Charter School Financial Deficiencies.~~**

226 ~~—— A. Upon receiving credible information of charter school~~
227 ~~financial deficiencies, the State Charter School Board shall~~
228 ~~immediately direct a review or audit through the charter~~
229 ~~school governing board, by State Charter School Board staff,~~
230 ~~or by an independent auditor hired by the State Charter School~~
231 ~~Board.~~

232 ~~—— B. The State Charter School Board or the Board through~~

233 ~~the State Charter School Board may direct a charter school~~
234 ~~governing board or the charter school administration to take~~
235 ~~reasonable action to protect state or federal funds consistent~~
236 ~~with Section 53A-1a-510.~~

237 ~~— C. The State Charter School Board or the Board in absence~~
238 ~~of the State Charter School Board action may:~~

239 ~~— (1) allow a charter school governing board to hold a~~
240 ~~hearing to determine financial responsibility and assist the~~
241 ~~charter school governing board with the hearing process;~~

242 ~~— (2) immediately terminate the flow of state funds; or~~

243 ~~— (3) recommend cessation of federal funding to the school;~~

244 ~~— (4) take immediate or subsequent corrective action with~~
245 ~~employees who are responsible for financial deficiencies; or~~

246 ~~— (5) any combination of the foregoing (1), (2), (3) and~~
247 ~~(4).~~

248 ~~— D. The recommendation by the State Charter School Board~~
249 ~~shall be made within 20 school days of receipt of complaint of~~
250 ~~deficiency(ies).~~

251 ~~— E. The State Charter School Board may exercise~~
252 ~~flexibility for good cause in making recommendation(s)~~
253 ~~regarding deficiency(ies).~~

254 ~~— F. The Board shall consider and affirm or modify the~~
255 ~~State Charter School Board's recommendation(s) for remedying~~
256 ~~a charter school's financial deficiency(ies) within 60 days of~~
257 ~~receipt of information from the State Charter School Board.~~

258 ~~— G. In addition to remedies provided for in Section 53A-~~
259 ~~1a-509, the State Charter School Board may provide for a~~
260 ~~remediation team to work with the school.~~

261 **~~R277-470-8. Charter School Financial Practices and Training.~~**

262 ~~— A. Charter school business and financial staff shall~~
263 ~~attend USOE required business meetings for charter schools.~~

264 ~~— B. Local charter school board members and directors~~
265 ~~shall be invited to all applicable Board-sponsored training,~~

266 ~~meetings, and sessions for traditional school district~~
267 ~~financial personnel/staff if charter schools supply current~~
268 ~~staff information and addresses and indicate the desire to~~
269 ~~attend.~~

270 ~~—— C. The Board shall work with other education agencies to~~
271 ~~encourage their inclusion of charter school representatives at~~
272 ~~training and professional development sessions.~~

273 ~~—— D. A charter school shall appoint a business~~
274 ~~administrator consistent with Sections 53A-3-302 and 303. The~~
275 ~~business administrator shall be responsible for the submission~~
276 ~~of all financial and statistical information required by the~~
277 ~~Board.~~

278 ~~—— E. The Board may interrupt disbursements to charter~~
279 ~~schools for failure to comply with financial and statistical~~
280 ~~information required by law or Board rules.~~

281 ~~—— F. Charter schools shall comply with the Utah State~~
282 ~~Procurement Code, Title 63G, Chapter 6.~~

283 ~~—— G. Charter schools are not eligible for necessarily~~
284 ~~existent small schools funding under Section 53A-17a-109(2)~~
285 ~~and R277-445.~~

286 ~~—— H. Charter schools shall comply with R277-471, Oversight~~
287 ~~of School Inspections.~~

288 **~~R277-470-9. Procedures and Timelines for Schools Chartered by~~**
289 **~~Local Boards to Convert to Board-Chartered Schools.~~**

290 ~~—— A. A charter school chartered initially by a local board~~
291 ~~of education shall notify the local board that it will seek~~
292 ~~Board approval for a state conversion to its charter with~~
293 ~~adequate notice for the local board to make staffing~~
294 ~~decisions.~~

295 ~~—— B. A locally chartered school shall operate successfully~~
296 ~~for at least nine months prior to applying for conversion to~~
297 ~~a Board chartered school.~~

298 ~~—— C. A charter school shall submit an application to~~

299 ~~convert from a locally chartered school to a Board chartered~~
300 ~~school to the State Charter School Board; the State Charter~~
301 ~~School Board shall provide an application for schools seeking~~
302 ~~to convert.~~

303 ~~—— D. The application may require some or all of the~~
304 ~~following, depending upon the school's longevity, successful~~
305 ~~operation and existing documentation at the USOE:~~

306 ~~—— (1) current board members and founding members;~~

307 ~~—— (2) audit and financial records:~~

308 ~~—— (a) record of state payments received;~~

309 ~~—— (b) record of contributions received by the school from~~
310 ~~inception to date;~~

311 ~~—— (c) test scores, including calendar of testing;~~

312 ~~—— (d) current employees: identifying assignments and~~
313 ~~licensing status, if applicable;~~

314 ~~—— (e) student lists, including home addresses or uniform~~
315 ~~student identifiers for current students;~~

316 ~~—— (f) school calendar for previous school year and~~
317 ~~prospective school year;~~

318 ~~—— (g) course offerings, if applicable;~~

319 ~~—— (h) affidavits, signed by all board members providing or~~
320 ~~certifying (documentation may be required):~~

321 ~~—— (i) the school's nondiscrimination toward students and~~
322 ~~employees;~~

323 ~~—— (ii) the school's compliance with all state and federal~~
324 ~~laws;~~

325 ~~—— (iii) that all information on application provided is~~
326 ~~complete and accurate;~~

327 ~~—— (iv) that school meets/complies with all health and~~
328 ~~safety codes/laws;~~

329 ~~—— (v) that the school is current with all required policies~~
330 ~~(personnel, salaries, and fees), including board minutes for~~
331 ~~the most recent three months;~~

332 ~~—— (vi) that the school is operating consistent with the~~

333 ~~school's charter;~~
334 ~~—— (vii) the school's Annual Yearly Progress status under No~~
335 ~~Child Left Behind;~~
336 ~~—— (viii) that there are no outstanding lawsuits or~~
337 ~~judgments or identifying outstanding lawsuits filed or~~
338 ~~judgments against the school;~~
339 ~~—— (ix) that the previous local board of education supports~~
340 ~~or does not support conversion;~~
341 ~~—— E. Applications for conversion from locally chartered to~~
342 ~~Board chartered shall be considered by the State Charter~~
343 ~~School Board within 60 days of submission of complete~~
344 ~~applications, including all required documentation.~~
345 ~~—— F. Following approval by the State Charter School Board,~~
346 ~~proposals of charter schools seeking conversion approval shall~~
347 ~~be submitted to the Board for review.]~~
348 ~~—— G. If an applicant is not accepted for conversion, the~~
349 ~~State Charter School Board shall provide adequate information~~
350 ~~for the charter school to review and revise its proposal and~~
351 ~~reapply no sooner than nine months from the previous~~
352 ~~conversion application.~~
353 ~~—— H. The Board shall consider the conversion application~~
354 ~~within 45 days of State Charter School Board approval, or next~~
355 ~~possible monthly Board meeting, whichever is sooner.~~
356 ~~—— I. Final approval or denial of conversion is final~~
357 ~~administrative action by the Board.]~~

358 **R277-470-[10]4. Charter Schools and NCLB Funds.**

359 A. Charter schools that desire to receive NCLB funds
360 shall comply with the requirements of R277-470-[11]4.

361 B. To obtain its allocation of NCLB formula funds, a
362 charter school shall complete all appropriate sections of the
363 Utah Consolidated Application (UCA) and identify its
364 economically disadvantaged students in the October upload of
365 the Data Clearinghouse.

366 C. If the school does not operate a federal school lunch
367 program, the school:

368 (1) shall determine the economically disadvantaged status
369 for its students on the basis of criteria no less stringent
370 than those established by the U.S. Department of Agriculture
371 for identifying students who qualify for reduced price lunch
372 for the fiscal year in question; or

373 (2) may use the Charter School Declaration of Household
374 Income form provided by the USOE for this purpose.

375 D. A school which does not use the form shall maintain
376 equivalent documentation in its records, which may be subject
377 to audit.

378 **R277-470-[11]5. Charter School Parental Involvement.**

379 A. Charter schools shall encourage and provide
380 opportunities for parental involvement in management decisions
381 at the school level.

382 B. Charter schools that elect to receive School LAND
383 Trust funds shall have a committee consisting of a majority of
384 parents elected from parents of students currently attending
385 the charter school that is designated to make decisions about
386 the School LAND Trust funds consistent with R277-477-3E.

387 ~~[R277-470-12. Charter School Oversight and Monitoring.~~

388 ~~— A. The State Charter School Board shall provide direct~~
389 ~~oversight to the state's Board chartered schools, including:~~

390 ~~— (1) requiring and using a performance framework adopted~~
391 ~~by the State Charter School Board as a framework for measuring~~
392 ~~charter school quality;~~

393 ~~— (2) requiring that all charter schools shall be members~~
394 ~~of and accredited by Northwest Accreditation Commission;~~

395 ~~— (3) annual review of student achievement indicators for~~
396 ~~all schools, disaggregated for various student subgroups;~~

397 ~~— (4) quarterly review of summary financial records and~~

398 ~~disbursements and student enrollment;~~
399 ~~—— (5) annual review conducted through site visits or random~~
400 ~~audits of personnel matters such as employee licensure and~~
401 ~~evaluations;~~
402 ~~—— (6) regular review of other matters specific to effective~~
403 ~~charter school operations as determined by the USOE charter~~
404 ~~school staff;~~
405 ~~—— (7) audits and investigations of claims of fraud or~~
406 ~~misuse of public assets or funds; and~~
407 ~~—— (8) requiring that charter schools are in compliance with~~
408 ~~their charter agreement, as maintained by the USOE. It is~~
409 ~~presumed that the charter agreement maintained by the USOE is~~
410 ~~the final, official and complete agreement.~~
411 ~~—— B. The Board may review or revoke charter school~~
412 ~~authorization based upon factors that may include:~~
413 ~~—— (1) failure to meet measures of charter school quality~~
414 ~~which includes adherence to a performance framework required~~
415 ~~and monitored by the State Charter School Board;~~
416 ~~—— (2) financial deficiencies or irregularities; or~~
417 ~~—— (3) persistently low student achievement inconsistent~~
418 ~~with comparable schools; or~~
419 ~~—— (4) failure of the charter school to comply with state~~
420 ~~law, Board rules, or directives; or~~
421 ~~—— (5) failure to comply with currently approved charter~~
422 ~~commitments.~~
423 ~~—— C. All charter schools shall amend their charters by~~
424 ~~January 1, 2011 to include the following statement:~~
425 ~~To the extent that any charter school's~~
426 ~~charter conflicts with applicable federal~~
427 ~~or state law or rule, the charter shall be~~
428 ~~interpreted and enforced to comply with~~
429 ~~such law or rule and all other provisions~~
430 ~~of the charter school shall remain in full~~
431 ~~force and effect.~~

432 ~~—— D. A charter school shall notify the Board and the~~
433 ~~chartering entity of any and all lawsuits filed against the~~
434 ~~charter school within 30 days of the filing of the lawsuit.~~

435 ~~—— E. District charter school authorizers shall:~~

436 ~~—— (1) visit a charter school at least once during its first~~
437 ~~year of operation;~~

438 ~~—— (2) visit a charter school as determined in the review~~
439 ~~process; and~~

440 ~~—— (3) provide written reports to the charter schools after~~
441 ~~the visits.~~

442 ~~**R277-470-13. Approved Charter School Expansion.**~~

443 ~~—— A. The following shall apply to requests for expansion~~
444 ~~for approved and operating charter schools:~~

445 ~~—— (1) The school satisfies all requirements of state law~~
446 ~~and Board rule.~~

447 ~~—— (2) The approved Charter Agreement shall provide for an~~
448 ~~expansion consistent with the request; or~~

449 ~~—— (3) The charter school governing board has submitted a~~
450 ~~formal amendment request to the State Charter School Board~~
451 ~~that provides documentation that:~~

452 ~~—— (a) the school district in which the charter school is~~
453 ~~located has been notified of the proposed expansion in the~~
454 ~~same manner as required in Section 53A-1a-505(1);~~

455 ~~—— (b) the school can accommodate the expansion within~~
456 ~~existing facilities or that necessary structures will be~~
457 ~~completed, meeting all requirements of law and Board rule, by~~
458 ~~the proposed date of operation;~~

459 ~~—— (c) the school currently satisfies all requirements of~~
460 ~~state law and Board rule including adequate insurance,~~
461 ~~adequate parental involvement, compliance with all fiscal~~
462 ~~requirements, and adequate services for all special education~~
463 ~~students at the school;~~

464 ~~—— (d) students at the school are performing on standardized~~

465 ~~assessments at an acceptable level with stable scores or~~
466 ~~scores showing an upward trend;~~

467 ~~—— (e) adequate qualified administrators and staff shall be~~
468 ~~available to meet the needs of the increased number of~~
469 ~~students at the time the expansion is implemented.~~

470 ~~—— B. The charter school governing board shall file a~~
471 ~~request with the State Charter School Board for an expansion~~
472 ~~no later than April 1 two years prior to the date of the~~
473 ~~proposed implementation of the expansion.~~

474 ~~—— C. Expansion requests shall be considered by the State~~
475 ~~Charter School Board as part of the total number of charter~~
476 ~~school students allowed under 53A-1a-502.5(1).~~

477 **~~R277-470-14. Satellite School for Approved Charter Schools.~~**

478 ~~—— A. An existing charter school may submit an amendment~~
479 ~~request to the State Charter School Board for a satellite~~
480 ~~school no later than April 1 two years prior to the date of~~
481 ~~the proposed implementation of the satellite if the charter~~
482 ~~school fully satisfies the following:~~

483 ~~—— (1) The school currently satisfies all requirements of~~
484 ~~state law and Board rule including adequate insurance,~~
485 ~~adequate parental involvement, compliance with all fiscal~~
486 ~~requirements, and adequate services for all special education~~
487 ~~students at the school;~~

488 ~~—— (2) The school has operated successfully for at least~~
489 ~~three years;~~

490 ~~—— (3) Students at the school are performing on standardized~~
491 ~~assessments at an acceptable level with stable scores or~~
492 ~~scores showing an upward trend;~~

493 ~~—— (4) The proposed satellite school will provide~~
494 ~~educational services, assessment, and curriculum consistent~~
495 ~~with the services, assessment, and curriculum currently being~~
496 ~~offered at the existing charter school;~~

497 ~~—— (5) The school shall be financially stable; there have~~

498 ~~been no repeat findings of deficiencies on required outside~~
499 ~~audits for at least two consecutive years;~~

500 ~~—— (6) Adequate qualified administrators, including at~~
501 ~~least one onsite administrator, and staff are available to~~
502 ~~meet the needs of the proposed student population at the~~
503 ~~satellite site school;~~

504 ~~—— (7) The school has had an audit by Charter School~~
505 ~~Section staff regarding performance of the current charter~~
506 ~~agreement, contractual agreements, and financial records; and~~

507 ~~—— (8) The school provides any additional information or~~
508 ~~documentation requested by the Charter School Section staff or~~
509 ~~the Board.~~

510 ~~—— (9) A satellite school that receives School LAND Trust~~
511 ~~funds shall have a School LAND Trust committee and satisfy all~~
512 ~~requirements for School LAND Trust committees consistent with~~
513 ~~R277-477.~~

514 ~~—— B. The satellite school amendment request shall include~~
515 ~~the following:~~

516 ~~—— (1) Written certification from the charter school~~
517 ~~governing board that the charter school currently satisfies~~
518 ~~all requirements of state law and Board rule;~~

519 ~~—— (2) A detailed explanation of the governance structure~~
520 ~~for the satellite school, including appointed or elected~~
521 ~~representation on the governing board, parental involvement~~
522 ~~and professional staff involvement in implementing the~~
523 ~~educational plan;~~

524 ~~—— (3) Information detailing the grades to be served, the~~
525 ~~number of students to be served and general information~~
526 ~~regarding the physical facilities anticipated to serve the~~
527 ~~school;~~

528 ~~—— (4) A detailed financial plan for the satellite school;~~

529 ~~—— (5) A signed acknowledgment by the charter school~~
530 ~~governing board certifying board members' understanding that~~
531 ~~a physical site for the building must be secured no later than~~

532 ~~January 1 of the year the satellite school is scheduled to~~
533 ~~open;~~

534 ~~—— (a) the securing of the building site must be verified~~
535 ~~by a real estate closing document, signed lease agreement, or~~
536 ~~other contract indicating a right of occupancy pursuant to~~
537 ~~R277-470-7C;~~

538 ~~—— (b) failure to secure a site by the required date may,~~
539 ~~at the discretion of the State Charter School Board, delay the~~
540 ~~opening of the satellite school for at least one academic~~
541 ~~year.~~

542 ~~—— (6) Notification to both the school district in which~~
543 ~~the charter school is located and the school district of the~~
544 ~~proposed satellite school location in the same manner as~~
545 ~~required in Section 53A-1a-505(1);~~

546 ~~—— (7) Written certification that no later than 15 days~~
547 ~~after securing a building site, the charter school governing~~
548 ~~board shall notify the school district in which the charter~~
549 ~~school satellite school is located of the school location,~~
550 ~~grades served, and anticipated enrollment by grade with a copy~~
551 ~~of the notification sent to the State Charter School Board;~~
552 ~~and~~

553 ~~—— (8) A signed acknowledgment by the charter school~~
554 ~~governing board that the board understands the satellite~~
555 ~~school shall be held accountable for its own AYP report and~~
556 ~~disaggregated financial data and reports.~~

557 ~~—— C. The approval of the satellite school by the State~~
558 ~~Charter School Board requires ratification by the State Board~~
559 ~~of Education and will expire 24 months following such~~
560 ~~ratification if a building site has not been secured for the~~
561 ~~satellite school.~~

562 ~~—— D. A charter school may not apply for more than three~~
563 ~~satellite locations.]~~

564 **R277-470-[15]6. Transportation.**

565 A. Charter schools are not eligible for to-and-from
566 school transportation funds.

567 B. A charter school that provides transportation to
568 students shall comply with Utah law Section 53-8-211.

569 C. A school district may provide transportation for
570 charter school students on a space-available basis on approved
571 routes.

572 ~~[(1) School districts may not incur increased costs or~~
573 ~~displace eligible students to transport charter school~~
574 ~~students.]~~

575 ~~—— (2) A charter school student shall board and leave the~~
576 ~~bus only at existing designated stops on approved bus routes~~
577 ~~or at identified destination schools.]~~

578 ~~—— (3) A charter school student shall board and leave the~~
579 ~~bus at the same stop each day.]~~

580 ~~[(4)]~~ D. Charter school students and their parents who
581 participate in transportation by the school district as guests
582 shall receive notice of applicable district transportation
583 policies and may forfeit with no recourse the privilege of
584 transportation for violation of the policies.

585 ~~[R277-470-16. Appeals Criteria and Procedures.]~~

586 ~~—— A. Only an operating charter school, a charter school~~
587 ~~that has been recommended by the State Charter School Board to~~
588 ~~the Board, or a charter school applicant that has met State~~
589 ~~Charter School Board requirements for review by the full State~~
590 ~~Charter School Board, may appeal State Charter School Board~~
591 ~~administrative decisions or recommendations to the Board.]~~

592 ~~—— B. Only the following State Charter School Board~~
593 ~~administrative decisions or recommendations may be appealed to~~
594 ~~the Board:]~~

595 ~~—— (1) recommendation for termination of a charter;~~

596 ~~—— (2) recommendation for denial of expansions or satellite~~
597 ~~schools;~~

~~598 (3) recommendation for denial of local charter board
599 proposed changes to approved charters;
600 (4) recommendation for denial or withholding of funds
601 from local charter boards; and
602 (5) recommendation for denial of a charter.
603 C. No other issues may be appealed.
604 D. Appeals procedures and timelines
605 (1) The State Charter School Board shall, upon taking any
606 of the administrative actions under R277-470-17A:
607 (a) provide written notice of denial to the charter
608 school or approved charter school;
609 (b) provide written notice of appeal rights and timelines
610 to the local charter board chair or authorized agent; and
611 (c) post information about the appeals process on the
612 State Charter School Board website and provide training to
613 prospective charter school board members and staff regarding
614 the appeals procedure.
615 (2) A local charter school board chair or authorized
616 agent (appellant) may submit a written appeal to the State
617 Superintendent within 14 calendar days of the State Charter
618 School Board administrative action or recommendation.
619 (3) The Superintendent shall, in consultation with the
620 Board chair, designate three to five Board members and a
621 hearing officer, who is not a Board member, to act as an
622 objective hearing panel.
623 (4) The hearing officer, in consultation with the
624 Superintendent, shall set a hearing date and provide notice to
625 all parties, including the State Charter School Board staff
626 and State Charter School Board.
627 (5) The Hearing shall be held no more than 45 days
628 following receipt of the written appeal.
629 (6) The hearing officer shall establish procedures that
630 provide fairness for all parties, which may include:
631 (a) a request for parties to provide a written~~

632 ~~explanation of the appeal and related information and~~
633 ~~evidence;~~

634 ~~—— (b) a determination of time limits and scope of testimony~~
635 ~~and witnesses;~~

636 ~~—— (c) a determination for recording the hearing;~~

637 ~~—— (d) preliminary decisions about evidence; and~~

638 ~~—— (e) decisions about representation of parties.~~

639 ~~—— (7) The hearing panel shall make written findings and~~
640 ~~provide an appeal recommendation to the Board no more than 10~~
641 ~~calendar days following the hearing.~~

642 ~~—— (8) The Board shall take action on the hearing report~~
643 ~~findings at the next regularly scheduled Board meeting.~~

644 ~~—— (9) The recommendation of the State Charter School Board~~
645 ~~shall be in place pending the conclusion of the appeals~~
646 ~~process, unless the Superintendent in her sole discretion,~~
647 ~~determines that the State Charter School Board's~~
648 ~~recommendation or failure to act presents a serious threat to~~
649 ~~students or an imminent threat to public property or~~
650 ~~resources.~~

651 ~~—— (10) All parties shall work to schedule and conclude~~
652 ~~hearings as fairly and expeditiously as possible.~~

653 ~~—— (11) The Board's acceptance or rejection of the hearing~~
654 ~~report is the final administrative action on the issue.~~

655 **R277-470-[17]7. Miscellaneous Provisions.**

656 ~~[A. The State Charter School Board and the Board shall,~~
657 ~~in the recommendation and approval process, consider and may~~
658 ~~give priority to charter school applications that target~~
659 ~~underserved student populations, among traditional public~~
660 ~~schools and operating charter schools.~~

661 ~~—— (1) Underserved student populations may include low~~
662 ~~income students, students with disabilities, English Language~~
663 ~~Learners (ELL), or students in remote areas of the state who~~
664 ~~have limited access to the full range of academic courses;~~

665 ~~_____ (2) Priority may also be given to charter school~~
666 ~~applicants for proposed schools that do not have other charter~~
667 ~~schools within the school district; and~~

668 ~~_____ (3) To be given priority, the charter school application~~
669 ~~and proposed employee and site information shall support the~~
670 ~~school's designated focus.]~~

671 [B]A. The State Charter School Board shall provide a form
672 on its website for individuals to report threats to health,
673 safety[7] or welfare of students consistent with Section
674 53A-1a-510(3).

675 (1) Individuals making reports shall be directed to
676 report suspected criminal activity to local law enforcement
677 and suspected child abuse to local law enforcement or the
678 Division of Child and Family Services consistent with Sections
679 62A-4a-403 and 53A-11-605 ([4]3(a)).

680 (2) Additionally, [F]individuals may report threats to
681 the health, safety[7] or welfare of students to the [~~local~~]
682 charter school governing board.

- 683 (a) reports shall be made in writing;
- 684 (b) reports shall be timely;
- 685 (c) anonymous reports shall not be reviewed further.

686 (3) [~~Local c~~]Charter school governing boards shall verify
687 that potential criminal activity or suspected child abuse has
688 been reported consistent with state law and this rule.

689 (4) [~~Local c~~]Charter school governing boards shall act
690 promptly to investigate disciplinary action, if appropriate,
691 against students who may be participants in threatening
692 activities or take appropriate and reasonable action to
693 protect students or both.

694 **KEY: education, charter schools**

695 **Date of Enactment or Last Substantive Amendment: [February**
696 **22,]2011**

697 **Notice of Continuation: October 9, 2008**

698 **Authorizing, and Implemented or Interpreted Law: Art X, Sec**
699 **3; 53A-1a-515; 53A-1a-505; 53A-1a-513; [~~53A-1a-502;~~**
700 **~~53A-1-401(3); 53A-1a-510; [~~53A-1a-509; 41-6-115; 53A-1a-506;~~~~**
701 **~~53A-21-401;~~]** **53A-1a-519; [~~53A-1a-520;~~]** **53A-1a-501.5; 53A-1-**
702 **301; 53A-1a-502.5; [~~53A-1a-506.5; 53A-12-103; 53A-11-504; 53A-~~**
703 **~~11-903; 53A-11-904; 53A-1a-511; 53A-1-302 and 303; 53A-~~**
704 **~~17a;109;~~]** **53-8-211; 62A-4a-403; 53A-11-605; 53A-1a-522; 53A-**
705 **1a-521; 53A-1a-501.3**