

1 **R277. Education, Administration.**

2 **R277-482. Charter School Timelines and Approval Processes.**

3 **R277-482-1. Definitions.**

4 A. "Amendment," for purposes of this rule, means a change
5 or addition to the charter agreement.

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

7 C. "Chartering entities" means entities that authorize
8 a charter school under Section 53A-1a-501.3(2).

9 D. "Charter schools" means schools acknowledged as
10 charter schools by chartering entities under Sections
11 53A-1a-515, 53A-1a-521, and this rule or by the Board under
12 Section 53A-1a-505.

13 E. "Charter school agreement (charter agreement)" means
14 the terms and conditions for the operation of an approved
15 charter school. The final charter school agreement shall be
16 maintained at the USOE.

17 F. "Charter school application" means the official
18 chartering document by which a prospective charter school
19 seeks recognition and funding under Section 53A-1a-505. The
20 application includes the basic elements of the charter to be
21 established between the charter school and the chartering
22 board.

23 G. "Charter school governing board" means the board
24 designated by the charter school to make decisions for the
25 operation of the school similar to a local board of education.

26 H. "Expansion" means a proposed ten percent increase of
27 students or adding grade level(s) in an operating charter
28 school at a single location.

29 I. "No Child Left Behind (NCLB)" means the federal law
30 under the Elementary and Secondary Education Act, Title IX,
31 Part A, 20 U.S.C. 7801.

32 J. "Satellite school" means a charter school affiliated
33 with an operating charter school having a common governing
34 board and a similar program of instruction, but located at a

different site or in a different geographical area. The parent school and all satellites shall be considered a single local education agency (LEA) for purposes of public school funding and reporting.

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

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

R277-482-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-1a-513 which directs the Board to distribute funds for charter school students directly to the charter school, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds.

B. The purpose of this rule is to establish procedures for timelines and approval processes for charter schools.

R277-482-3. Charter School Application and Training.

A. All charter school applicants shall attend pre-application and planning year training sessions, as well as other training sessions designated by the State Charter School Board.

B. Pre-application training sessions shall be scheduled four times annually and may be available electronically, as determined by the State Charter School Board.

C. Charter schools and applicants that attend training sessions shall be eligible for additional funds, upon approval, in an amount to be determined by the State Charter School Board provided through federal charter school funds or a General Fund appropriation to the extent of funds available.

67 Charter school applicants that attend training sessions may
68 receive priority for approval from the State Charter School
69 Board and the Board.

70 D. Training sessions shall provide information
71 including:

72 (1) charter school implementation requirements;

73 (2) charter school statutory and Board requirements;

74 (3) charter school financial and data management
75 requirements;

76 (4) charter school legal requirements;

77 (5) federal requirements for charter school funding; and

78 (6) other items as determined by the State Charter School
79 Board.

80 **R277-482-4. New or Expanding Charter School Notification to**
81 **Prospective Students and Parents.**

82 A. All charter schools opening or expanding by at least
83 ten percent of overall enrollment or adding one or more grade
84 levels shall have available on its website and notify all
85 families consistent with the schools' outreach plans described
86 in the charter agreements of:

87 (1) a new or expanding charter school's purpose, focus
88 and governance structure, including names, qualifications, and
89 contact information of governing board members;

90 (2) the number of new students that will be admitted
91 into the school by grade;

92 (3) the proposed school calendar for the charter school,
93 including at a minimum the first and last days of school,
94 scheduled holidays, scheduled professional development days
95 (no student attendance), and other scheduled non-school days;

96 (4) the charter school's timelines for acceptance of new
97 students consistent with Section 53A-1a-506.5;

98 (5) the requirement and availability of a State-approved
99 charter school student application;

100 (6) procedures for transferring to or from a charter
101 school, together with applicable timelines; and

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

105 B. Charter schools shall provide written notice of the
106 information in R277-482-4A consistent with the school's
107 outreach plan and on the school's website at least 180 days
108 before the proposed opening day of school.

109 C. Charter schools shall have an operative and readily
110 accessible electronic website providing information required
111 under R277-482-4A in place. The completed charter school
112 website shall be provided to the State Charter School Board
113 for review at least 210 days prior to the proposed opening day
114 of school and prior to posting the websites publicly.

115 D. The State Charter School Board and the Board shall,
116 in the recommendation and approval process, consider and may
117 give priority to charter school applications that target
118 underserved student populations, or provide an innovative
119 educational program, service, or setting as determined by the
120 State Charter School Board, among traditional public schools
121 and operating charter schools.

122 (1) Underserved student populations may include
123 economically disadvantaged students, students with
124 disabilities, students with Limited English Proficient (LEP),
125 or students in remote areas of the state who have limited
126 access to the full range of academic courses;

127 (2) Innovative educational opportunities shall be
128 described on the State Charter School Board's website;

129 (3) Priority may also be given to charter school
130 applicants for proposed schools that do not have other charter
131 schools within the school district; and

132 (4) To be given priority, the charter school application
133 and proposed employee and site information shall support the

134 school's designated focus.

135 E. The Board shall have authority for final approval of
136 all charter schools.

137 **R277-482-5. Timelines - Charter School Starting Date.**

138 A. The State Charter School Board shall accept a proposed
139 starting date from a charter school applicant, or the State
140 Charter School Board shall negotiate and recommend a starting
141 date prior to recommending final charter approval to the
142 Board.

143 B. A charter school shall be approved within the school
144 year two years prior to the school year it intends to serve
145 students in order to be eligible for state funds.

146 C. A local or state-chartered school shall acquire a
147 facility and enter into a written agreement, or begin
148 construction on a new or existing facility no later than
149 January 1 of the year the school is scheduled to open. Each
150 state-chartered school shall submit any lease, lease-purchase
151 agreement, or other contract or agreement relating to the
152 charter school's facilities or financing the charter school
153 facilities to its chartering entity for review and advice
154 prior to the charter school entering into the lease,
155 agreement, or contract, consistent with Section 53A-1a-507(9).

156 D. If students are not enrolled and attending classes by
157 October 1, a charter school shall not receive funding from the
158 state for that school year.

159 E. Despite a charter school meeting starting dates, a
160 charter school shall be required to satisfy R277-419
161 requirements of 180 days and 990 hours of instruction time,
162 unless otherwise exempted by the Board under Section 53A-1a-
163 511.

164 F. The Board may, following review of information,
165 approve the recommended starting date or determine a different
166 charter school starting date after giving consideration to the

State Charter School Board recommendation.

R277-482-6. Procedures and Timelines to Change Chartering Entities.

A. A charter school may change chartering entities if both chartering entities agree.

B. A charter school shall submit an application provided by the new chartering entity to the Board to request a new chartering entity at least three months prior to the proposed change.

C. The application may require some or all of the following, as determined by the new chartering entity:

(1) current board members and founding members;

(2) financial records, including most recent annual financial report (AFR), annual project report (APR) and audited financial statement;

(3) test scores, including U-PASS, Adequate Yearly Progress, and status under No Child Left Behind;

(4) current employees: identifying assignments and licensing status, if applicable;

(5) school calendar for previous school year and prospective school year;

(6) course offerings, if applicable;

(7) affidavits, signed by all board members providing or certifying (documentation may be required):

(a) the school's nondiscrimination toward students and employees;

(b) the school's compliance with all state and federal laws;

(c) that all information on application provided is complete and accurate;

(d) that school meets/complies with all health and safety codes/laws;

(e) that the school is current with all required policies

200 (personnel, salaries, and fees), including board minutes for
201 the most recent three months;

202 (f) that the school is operating consistent with the
203 school's charter;

204 (g) that there are no outstanding lawsuits or judgments
205 or identifying outstanding lawsuits filed or judgments against
206 the school;

207 (8) position statement from current chartering entity
208 about school status, compliance with chartering entity
209 requirements and any unresolved concerns.

210 E. An application for changing a chartering entity shall
211 be reviewed for acceptance by the new chartering entity within
212 60 days of submission of complete application, including all
213 required documentation.

214 F. The Board shall consider an application to change
215 chartering entities to the State Charter School Board within
216 60 days of State Charter School Board approval, or next
217 possible monthly Board meeting, whichever is sooner.

218 G. Final approval or denial of changing chartering
219 entities to the State Charter School Board is final
220 administrative action by the Board.

221 **R277-482-7. Approved Charter School Expansion.**

222 A. The following shall apply to requests for expansion
223 for approved and operating charter schools:

224 (1) The school satisfies all requirements of federal and
225 state law, regulations, Board rule and charter agreement.

226 (2) The approved charter agreement shall provide for an
227 expansion consistent with the request; or

228 (3) The charter school governing board has submitted a
229 formal amendment request to the State Charter School Board
230 that provides documentation that:

231 (a) the school district in which the charter school is
232 located has been notified of the proposed expansion and

location of the school in the same manner as required in Section 53A-1a-505(1);

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

(c) the securing of the building site shall be verified by a real estate closing document, signed lease agreement, or other contract indicating a right of occupancy pursuant to R277-482-5C;

(d) failure to secure a site by the required date may, at the discretion of the State Charter School Board, delay the expansion for at least one school year;

(e) written certification that no later than 15 days after securing a building site, the charter school governing board shall notify the State Charter School board and school district of the specific school location;

(f) students at the school are performing on standardized assessments at or above the standard in the charter agreement; and

(g) adequate qualified administrators and staff shall be available to meet the needs of the increased number of students at the time the expansion is implemented.

B. If an expansion request requires a new facility, the request shall be submitted to the State Charter School Board before April 1 of the calendar year two years prior to the date the school intends to expand.

C. If the expansion request does not require a new facility, the request shall be made before April 1 of the calendar year one year prior to the intended expansion date.

D. Expansion requests shall be considered by the State Charter School Board as part of the total number of charter school students allowed under Section 53A-1a-502.5(1).

R277-482-8. Satellite School for Approved Charter Schools.

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

(1) The school currently satisfies all requirements of state law and Board rule;

(2) The school has operated successfully for at least three years meeting the terms of its charter agreement;

(3) Students at the school are performing on standardized assessments at or above the standard in the charter agreement;

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

(5) Adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite school;

(6) The school provides any additional information or documentation requested by the State Charter School Board or the Board.

(7) A satellite school that receives School LAND Trust funds shall have a School LAND Trust committee and satisfy all requirements for School LAND Trust committees consistent with R277-477.

B. The satellite school amendment request shall include the following:

(1) Written certification from the charter school governing board that the charter school currently satisfies all requirements of federal and state law, Board rule and charter agreement;

300 (2) A detailed explanation of the governance structure
301 for the satellite school, including appointed or elected
302 representation on the governing board;

303 (3) Information detailing the grades to be served, the
304 number of students to be served and general information
305 regarding the physical facilities anticipated to serve the
306 school;

307 (4) A detailed financial plan for the satellite school;

308 (5) A signed acknowledgment by the charter school
309 governing board certifying board members' understanding that
310 a physical site for the building must be secured no later than
311 January 1 of the year the satellite school is scheduled to
312 open;

313 (a) the securing of the building site must be verified
314 by a real estate closing document, signed lease agreement, or
315 other contract indicating a right of occupancy pursuant to
316 R277-482-5C;

317 (b) failure to secure a site by the required date may,
318 at the discretion of the State Charter School Board, delay the
319 opening of the satellite school for at least one academic
320 year.

321 (6) Notification to both the school district in which
322 the charter school is located and the school district of the
323 proposed satellite school location in the same manner as
324 required in Section 53A-1a-505(1);

325 (7) Written certification that no later than 15 days
326 after securing a building site, the charter school governing
327 board shall notify the school district in which the satellite
328 school is located of the school location, grades served, and
329 anticipated enrollment by grade with a copy of the
330 notification sent to the State Charter School Board; and

331 (8) A signed acknowledgment by the charter school
332 governing board that the board understands the satellite
333 school shall be held to its own charter agreement, including

334 academic and operational performance.

335 C. The approval of the satellite school by the State
336 Charter School Board requires ratification by the State Board
337 of Education and will expire 24 months following such
338 ratification if a building site has not been secured for the
339 satellite school.

340 **KEY: training, timelines, expansion, satellite**

341 **Date of Enactment or Last Substantive Amendment: 2011**

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

343 **53A-1a-513; 53A-1-401(3)**