



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair

David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen
Laura Belnap
Leslie B. Castle
Barbara W. Corry

Brittney Cummins
Linda B. Hansen
Mark Huntsman
Stan Lockhart

Jefferson Moss
Spencer F. Stokes
Terry L. Warner
Joel Wright

Sydnee Dickson, State Superintendent of Public Instruction
Lorraine Austin, Board Secretary

To: Utah State Board of Education

From: Charter School Task Force - David L. Thomas, Chair

Date: November 10, 2016

The Charter School Task Force, composed of members of the Utah State Board of Education, the State Charter School Board, and the Utah School Boards Association met five times between May and November 2016. The taskforce discussed charter school governance, the charter application and approval process, charter agreement fidelity, recommendations for rule and statutory changes, and the relationship between the Utah State Board of Education and the State Charter School Board.

Based on its discussions, the charter school taskforce unanimously recommends the following:

1. Changes to Board Rule
 - a. Board rule should set up an application process applicable to all authorizers, including:
 - i. Minimum requirements for approval
 - ii. Application to the Authorizer
 - iii. Evaluation of the application in accordance with Board rule by Authorizer with technical assistance to applicants provided by the authorizer's staff
 - iv. Approval, Approval with Conditions, or Denial by an Authorizer
 - v. USBE consent to approval based on the Authorizer's conformance with Board rule and statute
 - b. Board rule should provide minimum requirements for future charter agreements between the authorizer and the charter school.
 - c. Board rule should provide that an amendment to a charter only need approval by the state board if the amendment involves an increase in student enrollment or a student enrollment realignment by grade.

- d. R277-481-3 should be amended to apply to all authorizers, not just the State Charter School Board.
- e. Board rule should provide an annual review of each Authorizer, including:
 - i. Review of whether authorizers are monitoring and enforcing compliance with statute, Board rule, and the charter agreement
 - ii. A report to the Governor and the Legislature with recommendations from the Board in cases of continuing non-compliance.
- f. Board rule should provide a process for authorizers to issue warnings, probation, and termination of charters, subject to appeal to the Utah State Board of Education, including:
 - i. Standards and due process authorizers should follow
 - ii. Probationary terms established by the authorizer
 - iii. Probationary terms would not be an amendment to the charter agreement
 - iv. USBE review should employ an “abuse of discretion” standard
 - v. The roles of USBE staff and the Authorizer’s staff in the closing of a charter school
- g. Board rule should be amended to provide that charter agreements be maintained by Authorizer and accessible to the public online on the authorizer and charter school’s website.
- h. An authorizer may request that the Board interrupt distribution of funds or impose fines for failure of a charter school to comply with Board rule or statute to gain compliance with authorizer directives.
- i. Board rule should include conflict of interest rules applicable to charter schools.
- j. Board rule should be amended to include standard definitions in R277-100 for charter school terms, including “authorizer,” “local school board,” and “charter school.”
- k. Board rule should be amended to replace “board directives” with “board rule.”

2. Legislative Changes

- a. The term “meeting” in Section 53A-1a-518 should be clarified to reflect that it means “the portion of the meeting where the employment decision or conflict is discussed,” as opposed to the whole meeting.

- b. Authorizer statutes should be harmonized to establish a similar framework for all authorizers and allow the Board to establish an application process for all authorizers by rule.
- c. Section 53A-1a-501 should be amended to contain the following language:

“All charter authorizers, including the state charter school board, local school boards and boards of trustees of a higher education institution, are required to develop and maintain chartering policies and practices consistent with recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility. Such principles and standards shall be established by the State Board of Education and used to evaluate all charter authorizers annually.”

- d. Statute should clarify that the State Charter School Board is not a division of the Utah State Board of Education.
 - e. Amend Section 53A-1a-501.7(1)(a) to clarify that consent of the state superintendent of public instruction should not be required for the appointment of the Director of the State Charter School Board.
3. Other recommended actions - The Utah State Board of Education and the State Charter School Board should enter into a Memorandum of Understanding to clarify the roles of Board staff and Charter School Board staff in budgeting and office sharing.