



State Charter School Board Waiver from USBE Board Rule Request

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The vision of the Utah State Charter School Board (SCSB) is that "every student has access to an excellent education that meets their unique learning needs."

Introduction

The purpose of the Waiver Request is to provide a process for a charter school governing board to request a waiver, as permitted, from USBE rule. The Waiver Request is based on [R277-121](#) and the premise that a waiver also entails a contractual amendment to the charter. It is advised that the school review the rule and the information document available on the SCSB [website](#).

Submission

Application must be uploaded into the Applications Folder of the documents section in the Utah Charter Access Point (UCAP) system no later than **5:00pm MST on the third Friday of the month prior** to the SCSB meeting.

Staff Eligibility Review

After receipt, SCSB staff reviews request to include associated academic, financial, and operational performance and compliance. Once the applicant is deemed Administratively Complete, the applicant (if appropriate) will be invited to the next SCSB meeting.

State Charter School Board Consideration

At the scheduled SCSB meeting, members will consider the request. Schools have opportunity to answer questions. Normally scheduled meeting is **typically the second Thursday**. If approved, staff will provide the school with a letter from the board chair recommending approval from the SCSB. The school must submit the written request to the Superintendent, following the steps outlined in rule.

Application Instructions

The Amendment Request template is a Microsoft Word document with checkboxes and text boxes for the applicant to respond to questions. Prepare your application package using the template, attachments/forms, and submission process approved by the Board. This template is designed to be completed and submitted electronically. Incomplete applications will not be considered. **Submit the application through the UCAP system.**

Formatting Requirements:

Only PDF file types will be accepted. Fonts must be no less than **11 point**.

DELETE THIS INSTRUCTION PAGE WHEN SUBMITTING THE APPLICATION

Applicant Assurances

Print this sheet, complete and sign the spaces at the bottom, scan, and attach to the electronic application.

The Board Chair must sign the following agreement prior to submitting the application package.

Should the agreement be signed by someone other than the current Board Chair, the application package will be deemed Administratively Incomplete.

School Name: Beehive Science and Technology Academy

The Applicant certifies all information contained in this application is complete and accurate, realizing that any misrepresentation could result in disqualification from the Waiver Request process or revocation after award.

The Applicant understands that applications must be uploaded into the UCAP system no later than the third Friday of the month preceding the month of the requested SCSB meeting and that incomplete applications will not be considered.

The Applicant acknowledges that all information presented in the application package, if approved, may become part of the charter to be used for accountability purposes throughout the term of the charter.

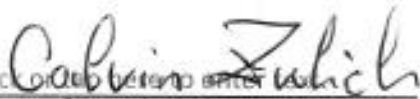
The Applicant acknowledges that the charter school governing board is subject to all Utah statutes regarding charter schools as well as all relevant federal, state and local laws, and requirements, and should comply with such.

The Applicant acknowledges that the most current academic and compliance data will be provided to the SCSB for its consideration of the application.

The applicant acknowledges that prior to inclusion on the agenda, the SCSB recommends charter school governing boards read the associated rule and information documents, as well as schedule an appointment with SCSB staff to discuss the request and provide clarification to any questions.

Click on the text to enter

Name of Board Chair



Signature of Board Chair /Date



School Entity Information

Name of School: **Beehive Science and Technology Academy**

Name of School Administrator: **Hanifi Oguz**

Contact Information for School: 801-576-0070

Below, list the names and positions of all current Board Members (officers, members, directors, partners), and their positions. Also list any other current charters in which they act as a corporate principal or charter representative. Add rows as necessary.

Name	Position	All Charter Affiliations
Calvin Zulich	Board President	Only Beehive
Chris McCandless	Member	Only Beehive
Sudha Kargi	Treasurer	Only Beehive
Tarik Guney	Secretary	Only Beehive
Davron Muhabbatov	Member	Only Beehive

Contractual Charter Agreement Goals

List the school's contractual goals.

Required Attachments:

- If the school is *not* meeting all its charter contractual agreement goals, then include the governing board's corrective action plan. (Corrective action plan limited to two pages.)

Waiver Requests Require both State Charter School Board (SCSB) and Utah State Board of Education (USBE) Approval

The following request may take 2-3 months to complete.

Waivers from a Board rule are not granted if the requirement is required by or adopts criteria from a federal statute, federal regulation, or state law, would negatively affect the health, safety, or welfare of public education students, could reasonably result in discrimination or harassment of public school students or employees, would benefit one element of the public education system to the detriment of another; or when the concerns giving rise to an request could be addressed through means other than waiver of Board rules.

Waiver from Board Rule

Rule Number and Title: R277-552

Describe why the waiver is necessary to meet the mission and/or purposes(s) of the school and help the governing board meet the terms and conditions of its contractual agreement.

Beehive Academy was approved for its satellite school to start in August 2021. The school board has gone through its process of public bidding and worked with experienced consultants to ensure the compliance through the process. The land was identified, and a developer and financial advisor teams were selected through the public RFP process. The architect and building teams were selected and they worked on getting the plans ready and working with the agencies to obtain the necessary permits and approvals. The process with the City has taken more than 8 months and it is further delayed as the City is pushing it to be harder than usual. Our team has decided to work on the plans again and submit with addressing the concerns that City has and have the permits. This unfortunately has taken longer than normal and certainly the COVID 19 pandemic has slowed down the processes drastically, and we do not think that we can meet the construction start deadline of January and making the facility ready by the August 2021. Our school board would like to get the approval of the State Charter School Board and State Board of Education to delay the start of the School to August 2022.

Beehive signed the PSA for ground on January 16, 2020. Beehive then did an RFP for development services. SHED Development and One West Construction were selected to develop the property and began meeting with the City immediately.

We began submitting information to the city in February and presented our first draft of a site plan on February 20th. We were able to arrange our first DRC (Design Review Committee) meeting on March 17th. We went back and forth until May when we satisfied all the comments from the City. The city then let us know that we could not do a lot line adjustment and we would need to do a subdivision plat amendment and a rezone. By running a road in the middle of the property we are purchasing it created a non-conforming lot (it is currently zoned Agricultural), each lot needs to have five acres and the Seller remainder parcel is less than that size, hence the need for a rezone of the property.

About a year ago another developer tried building residential homes on this property and was denied because the city didn't want residential. The city updated their master plan and showed this area as commercial. We asked the city for the most restrictive commercial zone available based on the master plan. We moved forward with a rezone. During the same time period the City brought up concerns with our traffic study and sent our study for a second opinion. This went back and forth until September. We brought to light a traffic study / light warrant study from 2017 which the city had ignored. Had they moved forward on this warrant study, they would have a new light immediately east of our proposed site and an improved intersection at 300 East. They wanted the school to take full responsibility for all the improvements. We negotiated with city staff to pay for city improvements as our traffic impact fee (even though we are already building a new road in front of the school that would cover any impact fee total. We also got UDOT involved and they did a updated warrant and agreed to pay for the lights and all improvements on 12700 South.

We followed every directive given to us by the city and were finally able to get on a planning commission agenda and a city council agenda in November.

The Planning commission and the city council both denied the zone change because they want the zone to be residential (same as they denied a year ago) and not commercial.

We are currently updating the site plan and resubmitting zoning application based on the comments they gave. We intend to resubmit in a week.

