

## State Charter School Board Governance

By statute, U.C.A. §53A-1a-501, et seq., the State Charter School Board has been given certain responsibilities with regard to charter schools for the State of Utah. The Utah Charter Schools Act directs, among other things, that the State Charter School Board:

- authorize and promote the establishment of charter schools;
- annually review and evaluate the performance of charter schools authorized by the State Charter School Board and hold the schools accountable for their performance;
- monitor charter schools authorized by the State Charter School Board for compliance with federal and state laws, rules, and regulations;
- provide technical support to charter schools and persons seeking to establish charter schools by:
  - identifying and promoting successful charter school models;
  - facilitating the application and approval process for charter school authorization;
  - directing charter schools and persons seeking to establish charter schools to sources of private funding and support;
  - reviewing and evaluating proposals to establish charter schools for the purpose of supporting and strengthening proposals before an application for charter school authorization is submitted to a charter school authorizer; and,
  - assisting charter schools to understand and carry out their charter obligations;
- provide technical support, as requested, to a charter school authorizer relating to charter schools;
- make recommendations on legislation and rules pertaining to charter schools to the Legislature and State Board of Education, respectively; and
- make recommendations to the State Board of Education on the funding of charter schools.

In order to accomplish these broad directives the State Charter School Board was granted authority, by statute, to contract, sue and be sued and granted discretion to provide administrative services to or perform school functions for charter schools.

Pursuant to rule making the State Board of Education has established the process for State Charter School Board oversight, monitoring and appeals. (Board Rule R277-481). Under that rule making the State Board of Education established that the State Charter School Board has direct oversight over charter schools for which it is the authorizing entity and must ensure that the charter school:

- comply with their charter agreements containing clear and meaningful expectations for measuring charter school quality;

- meet their obligations under its charter agreement;
- meet all charter school operations, including a review of the governing board's performance at least once every five years; and
- audit or investigate claims of fraud or misuse of public assets or funds.

In addition, the State Charter School Board must ensure that the individual charter schools are meeting the following minimum standards:

- charter schools shall have no unresolved material findings, financial condition findings or repeat significant findings in the school's independent financial audit, federal single audit or USOE audits;
- charter schools shall maintain a minimum of 30 days cash on hand or the cash or other reserve amount required in bond covenants, whichever is greater;
- charter schools shall have no violations of federal or state law or regulation, Board rules or Board directives;
- charter schools shall have all teachers properly licensed and endorsed for teaching assignments in CACTUS; and
- charter school governing boards shall ensure all employees and board members have criminal background checks on file.

As part of its oversight function the State Board of Education has granted authority to the State Charter School Board to place a charter school on warning and progressively on probation for failure to meet the minimum standards or performance standards. (Board Rule, R277-481-2)

Such notification of warning will be conveyed to the deficient charter school electronically and by certified mail addressed to the official office of the charter school to the attention of the chair of the governing board. Information as to the official address of the charter school and the then serving chair shall be updated at least yearly, or upon change of the chair or as otherwise specified by the SCSB. In addition, the warning letter will be emailed to each of the board members at the email address that the charter school shall provide to the State Charter School Board which addresses shall be updated periodically as specified by the SCSB.

The warning letter shall be acknowledged by the governing board upon receipt and a copy of the minutes where the warning letter is considered by the governing board shall be provided to the State Charter School Board. A written plan to address the deficiencies or concerns should also be prepared by the charter school and provided to the State Charter School Board.

The State Charter School Board may also take action as provided by rule to place a charter school on probation. A letter of probationary status will be provided by the State Charter School Board to the charter school in the same manner as the warning letter, if any, by

certified mail with copies provided to each of the board members by email. Acknowledgement of receipt of the letter shall be made by the charter school and a copy of the board minutes where probation is addressed shall be provided to the State Charter School Board. A written plan to address the deficiencies shall be prepared by the charter school and provided to the State Charter School Board signed by each of the board members. In addition, at the first board meeting after receiving the probation letter a member of the State Charter School Board and such staff members as may be appropriate under the circumstances shall be invited to the board meeting to address any concerns or questions. Until the charter school is removed from probation copies of minutes of the charter school's board meetings and regular written updates as described in the letter of probation shall be provided to the State Charter School Board.