R277. Education, Administration.
R277-482. Charter School Timelines and Approval Processes.
R277-482-1. Definitions.

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

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

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

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

E. "Charter school agreement (charter agreement)" means the terms and conditions for the operation of an approved charter school. The charter school agreement shall be maintained at the USOE and is considered the final, official and complete agreement.

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

G. "Charter school governing board" means the board designated by the charter school to make decisions for the operation of the school.

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

I. "Satellite school" means a charter school affiliated with an operating charter school having a common governing board and a similar program of instruction, but located at a different site. The parent school and all satellites shall be considered a single local education agency (LEA) for purposes of public school funding and reporting.

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

K. "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. ~~State Charter School Board~~ Application and Training.

A. All charter school applicants to the State Charter School Board 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~~ multiple times annually and may be available electronically, as determined by the State Charter School Board.

C. ~~Charter schools and applicants that attend training sessions may 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. Charter school applicants that attend training sessions may receive priority for approval from the State Charter School Board and the Board.~~ Charter schools shall attend trainings designated by the Board, charter school authorizer, and USOE.

D. Training sessions shall provide information including:

(1) charter school implementation requirements;

(2) charter school statutory and Board requirements;

(3) charter school financial and data management requirements;

(4) charter school legal requirements;

(5) federal requirements for charter school funding; and

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

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

A. ~~All new or expanding c~~Charter schools shall have available on its website ~~and notify all families consistent with the schools' outreach plans described in the charter agreements of~~:

(1) the school's approved charter, mission and purpose(s), and board bylaws~~, focus and governance structure, including names, qualifications, and contact information of all governing board members~~;

(2) governance structure, including names, qualifications, and contact information of ~~all~~ individual governing board members;

(~~2~~3) the number of new students that will be admitted into the school by grade;

(~~3~~4) the proposed school calendar for the charter school, including at a minimum the first and last days of school, scheduled holidays, scheduled professional development days (no student attendance), and other scheduled non-school days;

(~~4~~5) ~~the charter school's timelines for acceptance of new students consistent with~~ admissions procedures consistent with R277-472-5 and Section 53A-1a-506.5;

~~(5) the requirement and availability of a charter school student application;~~

~~(6) procedures for transferring to or from a charter school,~~

~~together with applicable timelines; and~~

(~~7~~6) provisions for payment, if required, of a one-time fee per secondary school enrollment, not to exceed $5.00, consistent with Section 53A-12-103~~.~~; and

(7) school performance as required by its charter school authorizer and school grades as required by the Board.

B. New charter schools shall provide to its charter school authorizer the school's proposed website for review prior to posting the website publicly.

C. New charter schools shall provide the information in R277-482-4A on the school's website at least 180 days before the proposed opening day of school or within 30 days of Board approval for expanding charter schools.

~~B. New or expanding charter schools shall provide written notice of the information in R277-482-4A consistent with the school's outreach plan and on the school's website at least 180 days before the proposed opening day of school.~~

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

D. The ~~State Charter School Board and the~~ Board shall, in the ~~recommendation and~~ approval process, ~~consider and may~~ give high priority to charter school applications that propose to locate in a high growth area and meet the enrollment preference required in UCA 53A-1a-506(5)(a) and low priority to applications that propose to locate in an area where student enrollment is stable or declining ~~target underserved student populations, or provide an innovative educational program, service, or setting as determined by the State Charter School Board, among traditional public schools and operating charter schools~~.

~~(1) Underserved student populations may include economically disadvantaged students, students with disabilities, English language learners, children of refugee families, or students in remote areas of the state who have limited access to the full range of academic courses;~~

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

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

~~(4) To be given priority, the charter school application and proposed employee and site information shall support the school's designated focus.~~

~~E. The Board or chartering entity may request documentation of~~

~~underserved student criteria that schools designate and for which they request a preference.~~

~~F~~ E. The Board shall have authority for final approval of all charter schools.

R277-482-5. Timelines - Charter School Starting Date and Facilities.

A. ~~Chartering entities~~ Charter school authorizers shall accept a proposed starting date from a charter school applicant, or the ~~chartering entity~~ charter school authorizer shall negotiate and recommend a starting date prior to recommending final charter approval to the Board.

B. Only charter schools approved as new charter schools by October 1, one fiscal year prior to the state fiscal year they intend to serve students shall be eligible for state funds.

~~E~~ C. Each charter school shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing the charter school facilities to a licensed attorney and its charter school authorizer for review and advice prior to the charter school entering into the lease, agreement, or contract, consistent with Section 53A-1a-507(9). USOE project numbers will not be issued until this provision has been met.

~~C~~ D. A State Charter School Board authorized school shall begin construction on a new or existing facility requiring major renovation, such as requiring a project number consistent with R277-471, no later than January 1 of the year the school is scheduled to open.

~~D~~ E. A State Charter School Board authorized school that intends to occupy a facility requiring only minimal renovation, such as renovation not requiring a project number according to R277-471, shall enter into a written agreement no later than May 1 of the calendar year the school is scheduled to open.

~~E. Each charter school shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing the charter school facilities to its chartering entity for review and advice prior to the charter school entering into the lease, agreement, or contract, consistent with Section 53A-1a-507(9).~~

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

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

H. The Board may, following review of information, approve the recommended starting date or determine a different charter school starting date after giving consideration to the ~~chartering entity~~ charter school authorizer's recommendation.

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

A. A charter school may change chartering entities.

B. A charter school shall submit an application provided by the new ~~chartering entity~~ charter school authorizer to the Board to request a new ~~chartering entity~~ charter school authorizer 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~~ charter school authorizer:

(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 all state required assessments;

(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 and regulations;

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

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

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

D. A charter school seeking to change chartering entities shall submit a position statement from the current ~~chartering entity~~ charter school authorizer about school status, compliance with the ~~chartering entity~~ charter school authorizer requirements and any unresolved concerns to the proposed new ~~chartering entity~~ charter school authorizer.

E. An application for changing a ~~chartering entity~~ charter school authorizer shall be reviewed for acceptance by the new ~~chartering entity~~ charter school authorizer within 60 days of submission of complete application, including all required documentation.

F. The Board shall consider an application to change ~~chartering entities~~ charter school authorizers ~~to the State Charter School Board~~ within 60 days of ~~State Charter School Board~~ the new charter school authorizer's approval, or next possible monthly Board meeting, whichever is sooner.

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

R277-482-7. Approved Charter School Expansion.

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

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

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

(3) The charter school governing board has submitted a formal amendment request to the ~~chartering entity~~ charter school authorizer consistent with the ~~chartering entity~~ charter school authorizer's requirements.

B. If the ~~chartering entity~~ charter school authorizer approves a charter school expansion:

(1) requiring a construction project number under R277-471, the expansion shall be approved by the Board before October 1 of the state fiscal year prior to the school's intended expansion date.

(2) that does not require a construction project number under R277-471, the charter school shall be approved by the Board before May 1 of the state fiscal year prior to the school's intended expansion.

C. If the expansion request is for an increase in enrollment capacity in the amount of 0.25 times or less, the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program, the request shall be submitted to the Board by October 1 of the school year for which the increase is requested.

D. Requests under R277-482-7C are subject to the availability of sufficient funds appropriated under Section 53A-1a-513 to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.

E. 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 ~~chartering entity~~ charter school authorizer for a satellite school 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 ~~chartering entity~~ charter school authorizer 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. Only a satellite school approved by the Board by October 1 of the state fiscal year prior to the year the school intends to serve students shall be eligible for state funds.

C. The approval of the satellite school by the ~~chartering entity~~ charter school authorizer requires ratification by the ~~State~~ Board ~~of Education~~ and will expire 24 months following such ratification if a building site has not been secured for the satellite school.

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