R277. Education, Administration.
R277-470. Charter Schools - General Provisions.
R277-470-1. Definitions.

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

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

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

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

E. "ESEA" means the federal law under the Elementary and Secondary Education Act, Title IX, Part A, 20 U.S.C. 7801.

F. "Expansion" means a proposed increase of students or adding grade level(s) in an operating charter school at a single location or under a single LEA approved for multiple locations in the same application.

G. "Management" means an LEA superintendent or director, deputy or associate, business administrator or manager, or other educational administrator or designated staff.

~~G~~ H. "Mentor," for purposes of the mentoring program, means an individual or organization with ~~experience as a charter school governing board member, employee, advisor, or a public educator with an area of~~ expertise or demonstrated competence, willing to advise charter schools, approved by the State Charter School Board to participate in the mentoring program.

~~H~~ I. "Mentoring program," for purposes of this rule, means the State Charter School Board mentoring program.

~~I~~ J. "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 or in a different geographical area and approved in separate years. The parent school and all satellites shall be considered a single local education agency (LEA) for purposes of public school funding and reporting.

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

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

~~L~~ M. "Utah Consolidated Application (UCA)" means the web-based grants management tool employed by the Utah State Office of Education by which local education agencies submit plans and budgets for approval of the Utah State Office of Education.

~~M~~ N. "Utah eTranscript and Record Exchange (UTREx)" means a system that allows individual detailed student records to be exchanged electronically between public education local education agencies

(LEAs) and the USOE, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

R277-470-3. Maximum Authorized Charter School Students.

A. Local school boards and institutions of higher education may approve charter schools by notifying the Board by October 1 of the state fiscal year one year prior to opening of proposed charter schools, including authorized numbers of students and other information as required in Sections 53A-1a-515 and 53A-1a-521.

B. The Board, in consultation with the State Charter School Board and ~~chartering entities~~ charter school authorizers, may approve schools, expansions and satellite charter schools for the total number of students authorized under Sections 53A-1a-502.5 and 53A-1a-501.9.

C. The number of students requested from all ~~chartering entities~~ charter school authorizers shall be considered as students are allocated and approved by the Board.

R277-470-5. Charter School Start-up and Implementation Grants.

A. Charter schools that desire to receive State Charter School Board start-up and implementation grant funds shall comply with the requirements of R277-470-5.

B. To receive a State Charter School Board start-up or implementation grant, a charter school shall be eligible and meet the requirements consistent with Section 53A-1a-507. New schools and satellite schools are eligible; school expansions are not eligible.

C. Eligible charter schools shall complete an application and may be awarded a grant for no more than 36 months.

D. Only schools that have not received state start-up or implementation grant funds in prior years are eligible.

E. Amounts and conditions of distribution of state start-up or implementation grant funds shall be determined ~~annually in conjunction with~~ by the State Charter School Board~~'s new charter approval process~~.

F. Grant funds may only be used for allowable expenditures as provided by the State Charter School Board.

G. Grant recipients shall participate in monitoring activities.

H. Grantee recipients shall provide monitoring information to the USOE, as directed.

I. Charter schools shall repay grant funds to the State Charter School Board if recipients change to non-charter status within ten years of receiving grant funds. An exception may be made for schools that convert status due to either federal or state law requirements for academic purposes.

R277-470-6. Charter School Mentoring Program.

A. The State Charter School Board shall identify critical mentoring needs of charter schools and allocate mentoring funds to one or more qualified individuals or organizations to meet identified needs ~~Board-approved or existing charter schools may choose to participate in the mentoring program~~.

B. Mentoring Program participants shall participate in monitoring activities and provide information to USOE as requested ~~Charter schools choosing to participate in the mentoring program shall submit an application to the USOE, consistent with USOE timelines~~.

~~C. Subject to the availability of funds, participating charter schools shall be eligible for reimbursement of approved expenditures through the mentoring program if the charter school submits an approved reimbursement form.~~

~~D. A mentor shall submit an application to the State Charter School Board to participate in the mentoring program that identifies areas of expertise and demonstrated competencies.~~

~~E~~ C. The State Charter School Board shall:

(1) receive an annual program report from ~~the USOE~~ participating mentors and charter schools; and

(2) evaluate the mentoring program annually.

R277-470-9. Miscellaneous Provisions.

A. The State Charter School Board shall provide a form on its website for individuals to report threats to health, safety or welfare of students consistent with Section 53A-1a-510(3).

(1) Individuals making reports shall be directed to report suspected criminal activity to local law enforcement and suspected child abuse to local law enforcement or the Division of Child and Family Services consistent with Sections 62A-4a-403 and 53A-11-605(3)(a).

(2) Additionally, individuals may report threats to the health, safety or welfare of students to the charter school governing board.

(a) reports shall be made in writing;

(b) reports shall be timely;

(c) anonymous reports shall not be reviewed further.

(3) Charter school governing boards shall verify that potential criminal activity or suspected child abuse has been reported consistent with state law and this rule.

(4) Charter school governing boards shall act promptly to investigate disciplinary action, if appropriate, against students who may be participants in threatening activities or take appropriate and reasonable action to protect students or both.

B. The Board shall have authority for final approval of all charter schools that receive minimum school program funds. All charter schools shall be subject to accountability standards established by the Board and to monitoring and auditing by the Board.

C. Charter schools contracting with a third party to provide recruitment or enrollment services shall:

(1) Ensure that management conducts a competitive RFP process to hire a contractor to provide student recruitment or enrollment services consistent with the State Procurement Code;

(2) Enter into a written contract with the third party specifically for the purpose of student recruitment or enrollment, or have a separate section in a written contract that addresses student recruitment or enrollment services

(3) The contract must contain:

(a) a data plan that addresses the security, storage, and transfer of sensitive student information that may be subject to FERPA;

(b) a process for review and amendment of records;

(c) the custody of student records should the contract between the two parties cease;

(d) a monitoring and progress process that complies with R277-419;

(e) processes for ensuring the LEA complies with Utah Codes 53A-1-903 and 904 regarding student suspension, expulsion, and removal from charter school programs to ensure student and parent rights are protected and observed;

(f) guidelines on the appropriate use of transfer and exit codes to ensure compliance with law; and

(g) a process for retaining sufficient documentation in student files to verify the validity and use of transfer and exit codes and compliance with compulsory education and truancy laws.

D. LEAs contracting with a third party to make curricular decisions or provide instructional services shall:

(1) Ensure that management conducts a competitive RFP process to hire a contractor to make curricular decisions or provide instructional services consistent with the State Procurement Code;

(2) Enter into a written contract with the third party specifically for the purpose of making curricular decisions or providing instructional services, or have a separate section in a written contract that addresses curricular decisions or providing instructional services.

(3) The contract must contain:

(a) a procedure to evaluate and approve curriculum and virtual courses purchased from a vendor for compliance with R277-700 and Utah Core Standards;

(b) a procedure to verify the licensure and background status of vendor provided teachers who provide support and instruction to ensure compliance with Utah Codes 53A-1a-512.5 and 53A-3-410 and Board Rule R277-520;

(c) assessment processes that:

(i) prohibit parents from administering state required assessments to their own children and ensure all LEA testing coordinators, administrators, or teachers have taken the

assessment specific and USOE ethics trainings;

(ii) ensure the administration of assessments are done ethically;

(iii) ensure the assessment content is secure consistent with R277-404;

(iv) assure assessments are not downloaded, copied, or printed without the permission of the USOE and LEA administrators;

(v) include a monitoring process over assessments administered outside the purview of the LEA; and

(vi) ensure state assessments are being administered to all applicable students.

(d) procedures to outline LEA participation in the SEP/SEOP process and to ascertain students are enrolled in the proper combination of core and elective courses that meet the Utah Core Standards by grade level;

(e) procedures for LEA to review student schedules in the SIS program to determine:

(i) if they are reflective of actual enrolled courses; and

(ii) if they are recorded with the appropriate teachers and course codes;

(f) LEA access rights to documentation detailing student schedules, including actual course descriptions and course providers, in order to grant credit appropriately consistent with R277-410;