



Utah State Charter School Board **Requirement of Signed Charter Document for Full Approval and Prior to** **Release of Any Public Funds**

[U.C.A. § 53G-5-303](#) provides that “a charter agreement shall allow for the operation of the applicant’s proposed charter school” and that “a charter agreement shall include signatures of the charter school authorizer and the charter school’s governing board members.”

[U.C.A. § 53G-5-401](#) provides that “charter schools are considered to be a public school within the state’s public education system” and are “held accountable to a legally binding written contractual agreement” (“Charter Agreement”).

Policy for Charter Agreement Execution for Full Approval

The SCSB’s vote to approve an application is a vote to allow the school to enter into a contractual agreement and become a public charter school. Public School status is only achieved after the Charter Agreement is fully executed.

Policy for Charter Agreement Full Execution

A Charter Agreement is considered fully executed when:

- A negotiated Charter Agreement and associated exhibits have been approved in an open and public meeting by both the Charter School’s governing board and SCSB prior to signing.
- The Charter Agreement is signed by both the SCSB and the authorized Charter School’s governing board members, as listed in the Charter Agreement.
- A signed Charter Agreement and Resolution from the meeting approving the agreement has been returned to the SCSB staff.

As time is of the essence, the Charter School’s governing board chair or designee shall work closely with SCSB staff soon after application approval to appropriately negotiate the Exhibit A, and any other exhibits.

Typically, the SCSB will vote on the charter contract no later than its June meeting.

Policy for Charter Agreement Execution for Release of Funds

It is SCSB policy that it will ~~not~~ submit to the USBE, any requests to release public funds ~~including but not limited to, for~~ Startup and Implementation Grant Funding, Revolving Loan Funding, ~~or any other public funds~~ to any Charter School until a Charter Agreement is fully executed and signed by both the SCSB and the authorized Charter School’s governing board members, as provided in the Charter Agreement.

The SCSB will advise the Utah State Board of Education (USBE) to begin funding an authorized charter school once the Charter Agreement has been executed, and the requirements of this policy and statute and rule have been met.