

1 **R277. Education, Administration.**

2 **R277-470. Charter Schools - General Provisions.**

3 **R277-470-1. Definitions.**

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

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

7 C. "Charter schools" means schools acknowledged as
8 charter schools by chartering entities under Sections
9 53A-1a-515, 53A-1a-521, and this rule or by the Board under
10 Section 53A-1a-505.

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

14 [H]E. "~~[No Child Left Behind (NCLB)]ESEA~~" means the
15 federal law under the Elementary and Secondary Education Act,
16 Title IX, Part A, 20 U.S.C. 7801.

17 [F]E. "Expansion" means a proposed [~~ten percent~~]
18 increase of students or adding grade level(s) in an operating
19 charter school at a single location.

20 [F]G. "Mentor," for purposes of the mentoring program,
21 means an individual with experience as a charter school
22 governing board member, employee, advisor, or a public
23 educator with an area of expertise or demonstrated competence,
24 willing to advise charter schools, approved by the State
25 Charter School Board to participate in the mentoring program.

26 [G]H. "Mentoring program," for purposes of this rule,
27 means the State Charter School Board mentoring program.

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

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

37 K. "USOE" means the Utah State Office of Education.

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

43 M. "Utah eTranscript and Record Exchange (UTREx)" means
44 a system that allows individual detailed student records to be
45 exchanged electronically between public education local
46 education agencies (LEAs) and the USOE, and allows electronic
47 transcripts to be sent to any post-secondary institution,
48 private or public, in-state or out-of-state, that participates
49 in the e-transcript service.

50 **R277-470-2. Authority and Purpose.**

51 A. This rule is authorized under Utah Constitution
52 Article X, Section 3 which vests general control and
53 supervision over public education in the Board, Section
54 53A-1a-513 which directs the Board to distribute funds for
55 charter school students directly to the charter school,
56 Section 53A-1-401(3) which allows the Board to adopt rules in
57 accordance with its responsibilities, and 20 U.S.C., Section
58 8063(3) which directs the Board to submit specific information
59 prior to charter schools' receipt of federal funds.

60 B. The purpose of this rule is to [~~establish procedures~~
61 ~~for authorizing, funding, and monitoring charter schools and~~
62 ~~for repealing charter school authorizations. The rule also~~
63 ~~establishes timelines as required by law to provide for~~
64 ~~adequate training for beginning charter schools.]provide
65 directions to charter schools for federal funds and startup
66 and implementation funding. The rule also provides criteria
67 for a charter school mentoring program and additional charter~~

68 school-specific directives.

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

70 A. Local school boards and institutions of higher
71 education may approve charter schools by notifying the [~~State~~
72 ~~Charter School~~]Board by [~~April~~]October 1 of the
73 [~~calendar~~]state fiscal year [~~two~~]one year[~~s~~] prior to opening
74 of proposed charter schools, including authorized numbers of
75 students and other information as required in Sections 53A-1a-
76 515 and 53A-1a-521.

77 B. The Board, in consultation with the State Charter
78 School Board and chartering entities, may approve schools,
79 expansions and satellite charter schools for the total number
80 of students authorized under Section 53A-1a-502.5

81 C. The number of students requested from all chartering
82 entities shall be considered as students are allocated[~~by the~~
83 ~~State Charter School Board~~] and approved by the Board.

84 **R277-470-4. Charter Schools and [~~NCLB~~]ESEA Funds.**

85 A. Charter schools that desire to receive [~~NCLB~~]ESEA
86 funds shall comply with the requirements of R277-470-4.

87 B. To obtain its allocation of [~~NCLB~~]ESEA formula funds,
88 a charter school shall complete all appropriate sections of
89 the Utah Consolidated Application (UCA) and identify its
90 economically disadvantaged students in the October [~~upload of~~
91 ~~the Data Clearinghouse~~]UTREx submission.

92 C. If the school does not operate a federal school lunch
93 program, the school:

94 (1) shall determine the economically disadvantaged status
95 for its students on the basis of criteria no less stringent
96 than those established by the U.S. Department of Agriculture
97 for identifying students who qualify for reduced price lunch
98 for the fiscal year in question; or

99 (2) may use the Charter School Declaration of Household

100 Income form provided by the USOE for this purpose.

101 D. A school which does not use the form shall maintain
102 equivalent documentation in its records, which may be subject
103 to audit.

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

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

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

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

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

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

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

124 G. Grant recipients shall participate in monitoring
125 activities.

126 H. Grantee [~~schools~~]recipients shall provide monitoring
127 information to the USOE, as directed.

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

133 purposes.

134 **R277-470-6. Charter School Mentoring Program.**

135 A. Board-approved or existing charter schools may choose
136 to participate in the mentoring program.

137 B. Charter schools choosing to participate in the
138 mentoring program shall submit an application to the USOE,
139 consistent with USOE timelines.

140 C. Subject to the availability of funds, participating
141 charter schools shall be eligible for reimbursement of
142 allowable expenditures through the mentoring program if the
143 charter school:

144 (1) submits an approved reimbursement form; and

145 (2) submits an approved mentor and program evaluation.

146 D. Allowable expenditures in the mentoring program
147 include all reasonable expenditures, including:

148 (1) mileage for mentor to and from home base to
149 participating charter school, consistent with the USOE adopted
150 travel policy;

151 (2) lodging consistent with the USOE adopted travel
152 policy;

153 (3) meals consistent with the USOE adopted travel
154 policy; [~~and~~]

155 (4) substitute per diem (paid to mentor's employer) [~~of~~
156 ~~\$65 for a full day or \$32.50 for a half day,~~] if the mentor
157 has to miss work and a substitute is necessary[~~-~~];

158 (5) payment for mentors and teacher stipend, or both,
159 consistent with USOE policy; and

160 (6) supplies and materials used in the training,
161 consistent with USOE policy.

162 E. A mentor shall submit an application to the State
163 Charter School Board to participate in the mentoring program
164 that identifies areas of expertise and demonstrated
165 competencies.

166 F. The State Charter School Board shall:
167 (1) receive an annual program report from the USOE;
168 (2) evaluate the mentoring program annually;
169 (3) publish, on its website, information from
170 participating schools regarding mentor evaluations; and
171 (4) maintain a list of approved mentors.

172 **R277-470-7. Charter School Parental Involvement.**

173 A. Charter schools shall encourage and provide
174 opportunities for parental involvement in management decisions
175 at the school level.

176 B. Charter schools that elect to receive School LAND
177 Trust funds shall have a committee~~[consisting of a majority~~
178 ~~of parents elected from parents of students currently~~
179 ~~attending the charter school that is designated to make~~
180 ~~decisions about the School LAND Trust funds]~~ consistent with
181 R277-477-3[E]A.

182 **R277-470-8. Transportation.**

183 A. Charter schools are not eligible for to-and-from
184 school transportation funds.

185 B. A charter school that provides transportation to
186 students shall comply with Utah law Section 53-8-211.

187 C. A school district may provide transportation for
188 charter school students on a space-available basis on approved
189 routes.

190 D. Charter school students and their parents who
191 participate in transportation by the school district as guests
192 shall receive notice of applicable district transportation
193 policies and may forfeit with no recourse the privilege of
194 transportation for violation of the policies.

195 **R277-470-9. Miscellaneous Provisions.**

196 A. The State Charter School Board shall provide a form on

197 its website for individuals to report threats to health,
198 safety or welfare of students consistent with Section
199 53A-1a-510(3).

200 (1) Individuals making reports shall be directed to
201 report suspected criminal activity to local law enforcement
202 and suspected child abuse to local law enforcement or the
203 Division of Child and Family Services consistent with Sections
204 62A-4a-403 and 53A-11-605(3(a)).

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

208 (a) reports shall be made in writing;

209 (b) reports shall be timely;

210 (c) anonymous reports shall not be reviewed further.

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

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

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

224 **KEY: education, charter schools**

225 **Date of Enactment or Last Substantive Amendment: [~~August 8,~~**
226 **~~2012~~2013**

227 **Notice of Continuation: [~~October 9, 2008~~2013**

228 **Authorizing, and Implemented or Interpreted Law: Art X, Sec**
229 **3; 53A-1a-515; 53A-1a-505; 53A-1a-513; 53A-1-401(3); 53A-1a-**

230 510; 53A-1a-519; 53A-1a-501.5; 53A-1-301; 53A-1a-502.5; 53-8-
231 211; 62A-4a-403; 53A-11-605; 53A-1a-522; 53A-1a-521; 53A-1a-
232 501.3; 53A-1a-513.5