- 1 R277. Education, Administration.
- 2 R277-482. Charter School Timelines and Approval Processes.
- 3 R277-482-1. Definitions.
- 4 A. "Amendment," for purposes of this rule, means a change
- 5 or addition to the charter agreement.
- 6 B. "Board" means the Utah State Board of Education.
- 7 C. "Chartering entities" means entities that authorize
- 8 a charter school under Section 53A-1a-501.3(2).
- 9 D. "Charter schools" means schools acknowledged as
- 10 charter schools by chartering entities under Sections
- 11 53A-1a-515, 53A-1a-521, and this rule or by the Board under
- 12 Section 53A-1a-505.
- E. "Charter school agreement (charter agreement)" means
- 14 the terms and conditions for the operation of an approved
- 15 charter school. The charter school agreement shall be
- 16 maintained at the USOE and is considered the final, official
- 17 and complete agreement.
- 18 F. "Charter school application" means the official
- 19 chartering document by which a prospective charter school
- 20 seeks recognition and funding under Section 53A-1a-505. The
- 21 application includes the basic elements of the charter to be
- 22 established between the charter school and the chartering
- 23 board.
- G. "Charter school governing board" means the board
- 25 designated by the charter school to make decisions for the
- 26 operation of the school.
- 27 H. "Expansion" means a proposed[ten percent] increase
- 28 of students or adding grade level(s) in an operating charter
- 29 school at a single location.
- 30 [I. "No Child Left Behind (NCLB)" means the federal law
- 31 under the Elementary and Secondary Education Act, Title IX,
- 32 Part A, 20 U.S.C. 7801.
- 33 [J]H. "Satellite school" means a charter school
- 34 affiliated with an operating charter school having a common

- 35 governing board and a similar program of instruction, but
- 36 located at a different site[ or in a different geographical
- 37 area]. The parent school and all satellites shall be
- 38 considered a single local education agency (LEA) for purposes
- 39 of public school funding and reporting.
- 40 [K]<u>I</u>. "State Charter School Board" means the board
- 41 designated in Section 53A-1a-501.5.
- 42 [\frac{1}{2}] J. "USOE" means the Utah State Office of Education.

### 43 R277-482-2. Authority and Purpose.

- A. This rule is authorized under Utah Constitution
- 45 Article X, Section 3 which vests general control and
- 46 supervision over public education in the Board, Section
- 47 53A-1a-513 which directs the Board to distribute funds for
- 48 charter school students directly to the charter school,
- 49 Section 53A-1-401(3) which allows the Board to adopt rules in
- 50 accordance with its responsibilities, and 20 U.S.C., Section
- 8063(3) which directs the Board to submit specific information
- 52 prior to charter schools' receipt of federal funds.
- B. The purpose of this rule is to establish procedures
- 54 for timelines and approval processes for charter schools.

## 55 R277-482-3. State Charter School Board Application and

#### 56 Training.

- 57 A. All charter school applicants shall attend pre-
- 58 application and planning year training sessions, as well as
- 59 other training sessions designated by the State Charter School
- 60 Board.
- 61 B. Pre-application training sessions shall be scheduled
- 62 four times annually and may be available electronically, as
- 63 determined by the State Charter School Board.
- 64 C. Charter schools and applicants that attend training
- 65 sessions [shall] may be eligible for additional funds, upon
- 66 approval, in an amount to be determined by the State Charter

- 67 School Board provided through federal charter school funds or
- 68 a General Fund appropriation to the extent of funds available.
- 69 Charter school applicants that attend training sessions may
- 70 receive priority for approval from the State Charter School
- 71 Board and the Board.
- 72 D. Training sessions shall provide information
- 73 including:
- 74 (1) charter school implementation requirements;
- 75 (2) charter school statutory and Board requirements;
- 76 (3) charter school financial and data management
- 77 requirements;
- 78 (4) charter school legal requirements;
- 79 (5) federal requirements for charter school funding; and
- 80 (6) other items as determined by the State Charter School
- 81 Board.

# 82 R277-482-4. New or Expanding Charter School Notification to

- 83 Prospective Students and Parents.
- A. All new or expanding charter schools shall have
- 85 available on its website and notify all families consistent
- 86 with the schools' outreach plans described in the charter
- 87 agreements of:
- 88 (1) the school's approved charter, purpose, focus and
- 89 governance structure, including names, qualifications, and
- 90 contact information of all governing board members;
- 91 (2) the number of new students that will be admitted
- 92 into the school by grade;
- 93 (3) the proposed school calendar for the charter school,
- 94 including at a minimum the first and last days of school,
- 95 scheduled holidays, scheduled professional development days
- 96 (no student attendance), and other scheduled non-school days;
- 97 (4) the charter school's timelines for acceptance of new
- 98 students consistent with Section 53A-1a-506.5;
- 99 (5) the requirement and availability of a

- 100 [State-approved] charter school student application;
- 101 (6) procedures for transferring to or from a charter 102 school, together with applicable timelines; and
- 103 (7) provisions for payment, if required, of a one-time 104 fee per secondary school enrollment, not to exceed \$5.00, 105 consistent with Section 53A-12-103.
- 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 log days before the proposed opening day of school.
- 110 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 to 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.

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- D. The State Charter School Board and the Board shall, in the recommendation and approval process, consider and may give priority to charter school applications that 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.
- 124 Underserved student populations may include 125 economically disadvantaged students, students 126 disabilities, English language learners, children of refugee 127 families, or students in remote areas of the state who have 128 limited access to the full range of academic courses;
- 129 (2) Innovative educational opportunities shall be 130 described on the State Charter School Board's website;
- 131 (3) Priority may also be given to charter school
  132 applicants for proposed schools that do not have other charter
  133 schools within the school district; and

- 134 (4) To be given priority, the charter school application 135 and proposed employee and site information shall support the
- 136 school's designated focus.
- 137 E. The Board or [State Charter School Board] chartering
- 138 entity may request documentation of underserved student
- 139 criteria that schools designate and for which they request a
- 140 preference.
- 141 F. The Board shall have authority for final approval of
- 142 all charter schools.
- 143 R277-482-5. Timelines Charter School Starting Date and
- 144 Facilities.
- 145 A. [The State Charter School Board] Chartering entities
- 146 shall accept a proposed starting date from a charter school
- 147 applicant, or the [State Charter School Board] chartering
- 148 entity shall negotiate and recommend a starting date prior to
- 149 recommending final charter approval to the Board.
- B. Only charter schools approved [within the state] as new
- 151 <u>charter schools by [July|October 1, one fiscal year[ two</u>
- 152  $\frac{\text{years}}{\text{years}}$  prior to the state fiscal year  $\frac{\text{it}}{\text{they}}$  intend[s] to
- 153 serve students shall be eligible for state funds.
- 154 C. A [state-chartered] State Charter School Board
- 155 <u>authorized</u> school shall [acquire a facility and enter into a
- 156 written agreement, or ] begin construction on a new or existing
- 157 facility requiring major renovation, such as requiring a
- 158 project number consistent with R277-471, no later than January
- 159 1 of the year the school is scheduled to open.
- 160 [\vec{E}]\(\text{D}\). A [\text{state-chartered}]\(\text{State}\) Charter School Board
- 161 <u>authorized</u> school that intends to [<del>lease</del>] <u>occupy</u> a facility
- 162 requiring only minimal renovation, such as renovation not
- 163 requiring a project number according to R277-471, shall enter
- 164 into a written agreement no later than May 1 of the calendar
- 165 year the school is scheduled to open.
- 166 [D] <u>E</u>. 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,
- F. If students are not enrolled and attending classes by
  Cotober 1, a charter school shall not receive funding from the
  state for that school year.

agreement, or contract, consistent with Section 53A-1a-507(9).

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- 175 G. Despite a charter school meeting starting dates, a 176 charter school shall be required to satisfy R277-419 177 requirements of 180 days and 990 hours of instruction time, 178 unless otherwise exempted by the Board under Section 53A-1a-179 511.
- 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 [State Charter School Board] chartering entity's recommendation.

# 185 **R277-482-6.** Procedures and Timelines to Change Chartering 186 Entities.

- A. A charter school may change chartering entities.
- B. A charter school shall submit an application provided by the new chartering entity to the Board to request a new chartering entity at least three months prior to the proposed change.
- 192 C. The application may require some or all of the 193 following, as determined by the new chartering entity:
- 194 (1) current board members and founding members;
- 195 (2) financial records, including most recent annual 196 financial report (AFR), annual project report (APR) and 197 audited financial statement;
- 198 (3) test scores, including [<del>U-PASS, Adequate Yearly</del> 199 <del>Progress, and status under No Child Left Behind</del>]all state

- 200 <u>required assessments;</u>
- 201 (4) current employees: identifying assignments and
- 202 licensing status, if applicable;
- 203 (5) school calendar for previous school year and
- 204 prospective school year;
- 205 (6) course offerings, if applicable;
- 206 (7) affidavits, signed by all board members providing or
- 207 certifying (documentation may be required):
- 208 (a) the school's nondiscrimination toward students and
- 209 employees;
- 210 (b) the school's compliance with all state and federal
- 211 laws and regulations;
- 212 (c) that all information on application provided is
- 213 complete and accurate;
- 214 (d) that school meets/complies with all health and safety
- 215 codes/laws;
- (e) that the school is current with all required policies
- 217 (personnel, salaries, and fees), including board minutes for
- 218 the most recent three months;
- 219 (f) that the school is operating consistent with the
- 220 school's charter;
- 221 (g) that there are no outstanding lawsuits or judgments
- 222 or identifying outstanding lawsuits filed or judgments against
- 223 the school;
- D. A charter school seeking to change chartering entities
- 225 shall submit a position statement from the current chartering
- 226 entity about school status, compliance with the chartering
- 227 entity requirements and any unresolved concerns to the
- 228 proposed new chartering entity.
- 229 E. An application for changing a chartering entity shall
- 230 be reviewed for acceptance by the new chartering entity within
- 231 60 days of submission of complete application, including all
- 232 required documentation.
- 233 F. The Board shall consider an application to change

- 234 chartering entities to the State Charter School Board within
- 235 60 days of State Charter School Board approval, or next
- 236 possible monthly Board meeting, whichever is sooner.
- 237 G. Final approval or denial of changing chartering
- 238 entities to the State Charter School Board is final
- 239 administrative action by the Board.

# 240 R277-482-7. Approved Charter School Expansion.

- 241 A. The following shall apply to requests for expansion
- 242 from approved and operating charter schools:
- 243 (1) The school satisfies all requirements of federal and
- 244 state law, regulations, Board rule and charter agreement.
- 245 (2) The approved charter agreement shall provide for an
- 246 expansion consistent with the request; or
- 247 (3) The charter school governing board has submitted a
- 248 formal amendment request to the [State Charter School Board
- 249 [that provides documentation that:] chartering entity
- 250 consistent with the chartering entity's requirements.
- 251 [(a) the school district in which the charter school is
- 252 <del>located has been notified of the proposed expansion and</del>
- 253 <del>location of the school in the same manner as required in</del>
- 254 Section 53A-1a-505(1);
- 255 (b) the school can accommodate the expansion within
- 256 existing facilities or that necessary structures will be
- 257 completed, meeting all requirements of law and Board rule, by
- 258 the proposed date of operation;
- 259 (c) the securing of the building site shall be verified
- 260 by a real estate closing document, signed lease agreement, or
- 261 other contract indicating a right of occupancy pursuant to
- 262 <del>R277-482-5C;</del>
- 263 (d) failure to secure a site by the required date may, at
- 264 the discretion of the State Charter School Board, delay the
- 265 expansion for at least one school year;
- 266 (e) written certification that no later than 15 days

- 267 after securing a building site, the charter school governing
- 268 board shall notify the State Charter School board and school
- 269 district of the specific school location;
- 270 (f) students at the school are performing on standardized
- 271 assessments at or above the standard in the charter agreement;
- 272 and
- 273 (g) adequate qualified administrators and staff shall be
- 274 available to meet the needs of the increased number of
- 275 students at the time the expansion is implemented.]
- 276 [B. If an expansion request requires a new facility, the
- 277 request shall be submitted to the State Charter School Board
- 278 before April 1 of the state fiscal year two state fiscal years
- 279 prior to the date the school intends to expand.
- 280 C. If the expansion request does not require a new
- 281 facility, the request shall be made before April 1 of the
- 282 state fiscal year one state fiscal year prior to the intended
- 283 expansion date:
- B. If the chartering entity approves a charter school
- 285 <u>expansion:</u>
- 286 (1) requiring a construction project number under R277-
- 287 471, the expansion shall be approved before October 1 of the
- 288 state fiscal year prior to the school's intended expansion
- 289 date.
- 290 (2) that does not require a construction project number
- 291 under R277-471, the charter school shall be approved before
- 292 May 1 of the state fiscal year prior to the school's intended
- 293 expansion.
- 294  $[\frac{\partial}{\partial t}]$  If the expansion request is for an increase in
- 295 enrollment capacity in the amount of 0.25 times or less, the
- 296 number of students in grades 9 through 12 enrolled in an
- 297 online course in the previous school year through the
- 298 Statewide Online Education Program, the request shall be
- 299 submitted to the Board by October 1 of the school year for
- 300 which the increase is requested.

- 301 [ $\pm$ ] $\underline{D}$ . Requests under R277-482-7[ $\pm$ ] $\underline{C}$  are subject to the 302 availability of sufficient funds appropriated under Section 303 53A-1a-513 to provide the full amount of the per student 304 allocation for each charter school student in the state to 305 supplement school district property tax revenues.
- 306 [D]E. Expansion requests shall be considered by the State 307 Charter School Board as part of the total number of charter 308 school students allowed under Section 53A-1a-502.5(1).

# 309 R277-482-8. Satellite School for Approved Charter Schools.

- A. An existing charter school may submit an amendment request to the [State Charter School Board] chartering entity for a satellite school[no later than April 1 of the state fiscal year two state fiscal years prior to the date of the proposed implementation of the satellite] if the charter school fully satisfies the following:
- 316 (1) The school currently satisfies all requirements of 317 state law and Board rule;
- 318 (2) The school has operated successfully for at least 319 three years meeting the terms of its charter agreement;
- 320 (3) Students at the school are performing on 321 standardized assessments at or above the standard in the 322 charter agreement;
- 323 (4) The proposed satellite school will provide 324 educational services, assessment, and curriculum consistent 325 with the services, assessment, and curriculum currently being 326 offered at the existing charter school;
- 327 (5) Adequate qualified administrators, including at 328 least one onsite administrator, and staff are available to 329 meet the needs of the proposed student population at the 330 satellite school;
- 331 (6) The school provides any additional information or 332 documentation requested by the [State Charter School 333 Board] chartering entity or the Board.

- 334 (7) A satellite school that receives School LAND Trust 335 funds shall have a School LAND Trust committee and satisfy all requirements for School LAND Trust committees consistent with 336 R277-477.
- 338 [B. The satellite school amendment request shall include 339 the following:
- 340 (1) Written certification from the charter school 341 governing board that the charter school currently satisfies 342 all requirements of federal and state law, Board rule and 343 charter agreement;
- 344 (2) A detailed explanation of the governance structure 345 for the satellite school, including appointed or elected 346 representation on the governing board;
- 347 (3) Information detailing the grades to be served, the 348 number of students to be served and general information 349 regarding the physical facilities anticipated to serve the 350 school;
- 351 (4) A detailed financial plan for the satellite school;
- 352 - (5) A signed acknowledgment by the charter school 353 governing board certifying board members' understanding that 354 a physical site for the building must be secured no later than
- 355 January 1 of the year the satellite school is scheduled to 356 open,
- 357 (a) the securing of the building site must be verified 358 by a real estate closing document, signed lease agreement, or
- 359 other contract indicating a right of occupancy pursuant to
- 360 R277-482-5C;

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- 361 (b) failure to secure a site by the required date may, 362 at the discretion of the State Charter School Board, delay the 363 opening of the satellite school for at least one academic 364 <del>year.</del>
- 365 (6) Notification to both the school district in which the charter school is located and the school district of the 366 proposed satellite school location in the same manner as 367

- 368 required in Section 53A-1a-505(1);
- 369 <del>(7) Written certification that no later than 15 days</del>
- 370 after securing a building site, the charter school governing
- 371 board shall notify the school district in which the satellite
- 372 school is located of the school location, grades served, and
- 373 <del>anticipated enrollment by grade with a copy of the</del>
- 374 notification sent to the State Charter School Board; and
- 375 (8) A signed acknowledgment by the charter school
- 376 governing board that the board understands the satellite
- 377 school shall be held to its own charter agreement, including
- 378 academic and operational performance.]
- B. Only a satellite school approved by [July]October 1 of
- 380 the state fiscal year prior to the year the school intends to
- 381 serve students shall be eligible for state funds.
- 382 C. The approval of the satellite school by the [State
- 383 Charter School Board | chartering entity requires ratification
- 384 by the State Board of Education and will expire 24 months
- 385 following such ratification if a building site has not been
- 386 secured for the satellite school.
- 387 KEY: training, timelines, expansion, satellite
- 388 Date of Enactment or Last Substantive Amendment: [August 8;
- 389 **2012**]**2013**
- 390 Notice of Continuation: 2013
- 391 Authorizing, and Implemented or Interpreted Law: Art X Sec 3;
- 392 **53A-1a-513**; **53A-1-401(3)**; **53A-1a-502.5**