

R277-550 received final approval by the Utah State Board of Education on August 3, 2023. R277-550 will be published in the September 1, 2023, Utah State Bulletin, subject to a 30-day comment period, with a planned effective date of October 9, 2023.

R277. Education, Administration.

R277-550. Charter Schools - Definitions.

R277-550-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Title 53G, Chapter 5, Charter Schools, which allows the Board to make rules governing aspects of operations of charter schools.
- (2) The purpose of this rule is to establish definitions for rules governing charter schools.
- (3) The definitions contained in this rule apply to Rules R277-550 through R277-555.

R277-550-2. Definitions.

- (1) "Amendment" means a change or addition to a charter agreement.
- (2) "Authorizer" means an entity approved to authorize the establishment of a charter school under Sections 53G-5-304 through 53G-5-306.
- (3) "Charter school" means a public school created in accordance with the provisions of Title 53G, Chapter 5, Charter Schools.
- (4)(a) "Charter school agreement" or "Charter agreement" means a written agreement between a charter school and its authorizer containing the terms and conditions for the operation of a charter school.
 - (b) The charter school agreement maintained by a charter school's authorizer is the final, official, and complete agreement.
- (5) "Charter school deficiency" means:
 - (a) failure of a charter school to comply with its charter agreement, including governance, financial, academic, or operational obligations;

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(b) failure of a charter school to comply with the requirements of state or federal law or board rule;

(c) failure of a charter school to meet terms established by the school's authorizer as part of a remediation process; or

(d) fraud or misuse of funds by charter school governing board members or employees.

(6) "Charter school governing board" means the local board that governs a charter school.

(7) "Expansion" means:

(a) an increase in the number of grade levels offered by a charter school identified by a single school number; or

(b) an increase in the number of students for which a charter school identified by a single school number is authorized to receive funding.

(8) "Large expansion" means a charter school's request for expansion if the expansion request:

(a) is for more than 100 students;

(b) would necessitate significant school remodel; or

(c) is for more than one additional grade level.

(9) "Market analysis" means a qualitative and quantitative analysis of the educational market near a proposed charter school, including:

(a) the school's target demographics;

(b) population and development trends in the area;

(c) nearby competing public schools;

(d) the proposed school's own forecasts, along with supporting data; and

(e) any risks, barriers, or regulations that may impact a proposed school's success.

([8]10) "Mentor" means an individual or organization with expertise or demonstrated competence, approved by the State Charter School Board to advise charter schools in the Mentoring Program.

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([9]11) "Mentoring program" means the State Charter School Board mentoring program.

([10]12) "New school" means any school receiving a new school number, including a new charter school, or a new satellite school.

([11]13) "Net lease adjusted debt burden ratio" means a school's cumulative annual debt service payments, inclusive of loans and facility lease payments, divided by the school's unrestricted annual operating revenue.

([12]14) "Non-operating charter school" means a charter school that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as a charter school in a start-up period.

([13]15) "Operating charter school" means a charter school that has received minimum school program funds or federal funds and is providing educational services during a fiscal year.

([14]16) "Probation" means a written formal action and notification through which a school is required to demonstrate the school's compliance with the authorizer's probationary requirements.

([15]17) "Restricted revenue" means the same as the term is defined in Section 63J-1-102.

([16]18) "Satellite school" means a charter school affiliated with an existing charter school physically located within ~~[the state of]~~Utah that:

- (a) has the same governing board as the existing charter school;
- (b) has the same authorizer as the existing charter school;
- (c) may have a similar or different program of instruction or grades served from the existing charter school;
- (d) is located at a different site or in a different geographical area than the existing charter school; and
- (e) has a separate school number than the existing charter school.

([17]19) "School number" means a number assigned by the Superintendent in accordance with National Center for Education Statistics criteria that identifies a distinct school within an LEA.

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(20) "Significant school remodel" means new construction or a renovation that requires a project number from the Board as described in Rule R277-471.

(21) "Small expansion" means a charter school's request for expansion if the expansion request:

(a) is for 50-100 students;

(b) would not necessitate a significant school remodel; and

(c) is for no more than one additional grade.

([18]22) "State Charter School Board" means the board established in Section 53G-5-201.

([19]23) "Unrestricted revenue" means revenue that is:

(a) not restricted revenue; or

(b) restricted revenue that may be used for purposes of paying for annual debt service payments, including loans and facility lease payments.

([20]24) "Utah Consolidated Application" or "UCA" means the web-based grants management tool employed by the Superintendent through which LEAs submit plans and budgets for approval by the Superintendent or Board.

([21]25) "Utah eTranscript and Record Exchange" or "UTREx" has the same meaning as described in Subsection R277-484-2([14]17).

KEY: education, charter schools

Date of Last Change: 2023[February 9, 2021]

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205