

# Rules, Statutes, and Constitution

## Charter School Requests for New Satellite School

(OLRGC - - July 12, 2017)

### R277-482-2. Definitions.

- (1) "Amendment" means a change or addition to a charter agreement.
- (2) "Charter agreement" means the same as that term is defined in Section 53A-1a-501.3.
- (3) "Charter school authorizer" means the same as that term is defined in Section 53A-1a-501.3
- (4) "Charter school governing board" means the board designated in a charter agreement to make decisions for the governance and operation of a charter school.
- (5) "Expansion" means a proposed increase of students or adding a grade level in an operating charter school with the same school number.
- (6) "Satellite charter school" means a charter school affiliated with an operating charter school, which has the same charter school governing board and a similar program of instruction, but has a different school number than the affiliated charter school.
- (7) "School number" means a number that identifies a school within an LEA that:
  - (a) receives money from the state;
  - (b) enrolls or prospectively enrolls a full-time student;
  - (c) employs an educator as an instructor who provides instruction consistent with Section R277-502-5;
  - (d) has one or more assigned administrators;
  - (e) is accredited consistent with Section R277-410-3; and
  - (f) administers a required statewide assessment to a student.

## R277-482-8. Requests for a New Satellite School for an Approved Charter School.

(1) A charter school and its satellite are a single LEA for purposes of public school funding and reporting.

(2) An existing charter school may submit an amendment request to the charter school's charter authorizer for a satellite charter school if:

(a) the charter school satisfies requirements of federal and state law, regulations, and rule;

**(b) the charter school has operated successfully for at least three years meeting the terms of its charter agreement;**

(c) the students at the charter school are performing on standardized assessments at or above the standard in the charter agreement;

(d) the proposed satellite charter school will provide educational services, assessment, and curriculum consistent with the services, assessment, and curriculum currently being offered at the existing charter school;

(e) adequate qualified administrators, including at least one onsite administrator, and staff are available to meet the needs of the proposed student population at the satellite charter school; and

(f) the charter school provides any additional information or documentation requested by the charter school authorizer or the Board.

(3) a satellite charter school that receives School LAND Trust funds shall have a charter trust land council and satisfy all requirements for charter trust land councils consistent with Rule R277-477.

(4) A satellite charter school may receive state funding if the Board approves the satellite charter school by October 1 of the state fiscal year prior to the year the school intends to serve students.

(5) The approval of a satellite charter school by the charter school authorizer requires ratification by the Board and will expire 24 months following the ratification if a building site is not secured for the satellite charter school.

## Utah Constitution, Article X, Section 3. [State Board of Education.]

The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board.

### 53A-1-401. . .

(2)(a) The State Board of Education has general control and supervision of the state's public education system.

(b) "General control and supervision" as used in Utah Constitution, Article X, Section 3, means directed to the whole system.

(3) The board may not govern, manage, or operate school districts, institutions, and programs, unless granted that authority by statute.

**(4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules to execute the board's duties and responsibilities under the Utah Constitution and state law. . .**

(8)(a) If an education entity violates this title or rules authorized under this title, the board may, in accordance with the rules described in Subsection (8)(c):

- (i) require the education entity to enter into a corrective action agreement with the board;
- (ii) temporarily or permanently withhold state funds from the education entity;
- (iii) require the education entity to pay a penalty; or
- (iv) require the education entity to reimburse specified state funds to the board.

(b) Except for temporarily withheld funds, if the board collects state funds under Subsection (8)(a), the board shall pay the funds into the Uniform School Fund.

**(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules:**

- (i) that require notice and an opportunity to be heard for an education entity affected by a board action described in Subsection (8)(a); and
- (ii) to administer this Subsection (8).

(d) The board shall report criminal conduct of an education entity to the district attorney of the county where the education entity is located.

## 53A-1a-504 Charter school application -- Applicants -- Contents.

(1)(a) An application to establish a charter school may be submitted by:

- (i) an individual;
- (ii) a group of individuals; or
- (iii) a nonprofit legal entity organized under Utah law.

(b) An authorized charter school may apply under this chapter for a charter from another charter school authorizer.

(2) **A charter school application shall include:**

- (a) the purpose and mission of the school;
- (b) except for a charter school authorized by a local school board, a statement that, after entering into a charter agreement, the charter school will be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;
- (c) a description of the governance structure of the school, including:
  - (i) a list of the governing board members that describes the qualifications of each member; and
  - (ii) an assurance that the applicant shall, within 30 days of authorization, provide the authorizer with the results of a background check for each member;
- (d) a description of the target population of the school that includes:
  - (i) the projected maximum number of students the school proposes to enroll;
  - (ii) the projected school enrollment for each of the first three years of school operation; and
  - (iii) the ages or grade levels the school proposes to serve;
- (e) academic goals;
- (f) qualifications and policies for school employees, including policies that:
  - (i) comply with the criminal background check requirements described in Section 53A-1a-512.5;
  - (ii) require employee evaluations; and
  - (iii) address employment of relatives within the charter school;
- (g) a description of how the charter school will provide, as required by state and federal law, special education and related services;

- (h) for a public school converting to charter status, arrangements for:
  - (i) students who choose not to continue attending the charter school; and
  - (ii) teachers who choose not to continue teaching at the charter school;
- (i) a statement that describes the charter school's plan for establishing the charter school's facilities, including:
  - (i) whether the charter school intends to lease or purchase the charter school's facilities; and
  - (ii) financing arrangements;
- (j) a market analysis of the community the school plans to serve;
- (k) a capital facility plan;
- (l) a business plan;
- (m) other major issues involving the establishment and operation of the charter school; and
- (n) the signatures of the governing board members of the charter school.
- (3) A charter school authorizer may require a charter school application to include:**
  - (a) the charter school's proposed:
    - (i) curriculum;
    - (ii) instructional program; or
    - (iii) delivery methods;
  - (b) a method for assessing whether students are reaching academic goals, including, at a minimum, administering the statewide assessments described in Section 53A-1-602;
  - (c) a proposed calendar;
  - (d) sample policies;
  - (e) a description of opportunities for parental involvement;
  - (f) a description of the school's administrative, supervisory, or other proposed services that may be obtained through service providers; or
  - (g) other information that demonstrates an applicant's ability to establish and operate a charter school.

## 53A-1a-505. Charter schools authorized by the State Charter School Board -- Application process -- Prohibited bases of application denial.

(1)(a) An applicant seeking authorization of a charter school from the State Charter School Board shall provide a copy of the application to the local school board of the school district in which the proposed charter school shall be located either before or at the same time it files its application with the State Charter School Board.

(b) The local board may review the application and may offer suggestions or recommendations to the applicant or the State Charter School Board prior to its acting on the application.

(c) The State Charter School Board shall give due consideration to suggestions or recommendations made by the local school board under Subsection (1)(b).

(d) The State Charter School Board shall review and, by majority vote, either approve or deny the application.

(e) The State Board of Education shall, by majority vote, within 60 days after action by the State Charter School Board under Subsection (1)(d):

(i) approve or deny an application approved by the State Charter School Board; or

(ii) hear an appeal, if any, of an application denied by the State Charter School Board.

(f) The State Board of Education's action under Subsection (1)(d) is final action subject to judicial review.

(g) A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school:

(i) an enrollment decline;

(ii) a decrease in funding; or

(iii) a modification of programs or services.

(2) The State Board of Education shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by the State Charter School Board.

(3) After approval of a charter school application and in accordance with Section 53A-1a-508, the applicant and the State Charter School Board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(4) The State Charter School Board shall, in accordance with State Board of Education rules, establish and make public the State Charter School Board's:

- (a) application requirements, in accordance with Section 53A-1a-504;
- (b) application process, including timelines, in accordance with this section; and
- (c) minimum academic, financial, and enrollment standards.

### 53A-1a-515. Charters authorized by local school boards -- Application process -- Local school board responsibilities.

(1)(a) An applicant identified in Section 53A-1a-504 may submit an application to a local school board to establish and operate a charter school within the geographical boundaries of the school district administered by the local school board.

(b)(i) The principal, teachers, or parents of students at an existing public school may submit an application to the local school board to convert the school or a portion of the school to charter status.

(A) If the entire school is applying for charter status, at least two-thirds of the licensed educators employed at the school and at least two-thirds of the parents or guardians of students enrolled at the school must have signed a petition approving the application prior to its submission to the charter school authorizer.

(B) If only a portion of the school is applying for charter status, the percentage is reduced to a simple majority.

(ii) The local school board may not approve an application submitted under Subsection (1)(b)(i) unless the local school board determines that:

(A) students opting not to attend the proposed converted school would have access to a comparable public education alternative; and

(B) current teachers who choose not to teach at the converted charter school or who are not retained by the school at the time of its conversion would receive a first preference for transfer to open teaching positions for which they qualify within the school district, and, if no positions are open, contract provisions or board policy regarding reduction in staff would apply.

(2)(a) An existing public school that converts to charter status under a charter granted by a local school board may:

(i) continue to receive the same services from the school district that it received prior to its conversion; or

(ii) contract out for some or all of those services with other public or private providers.

(b) Any other charter school authorized by a local school board may contract with the board to receive some or all of the services referred to in Subsection (3)(a).

(c) Except as specified in a charter agreement, local school board assets do not transfer to an existing public school that converts to charter status under a charter granted by a local school board under this section.

(3)(a)(i) A public school that converts to a charter school under a charter granted by a local school board shall receive funding:

(A) through the school district; and

(B) on the same basis as it did prior to its conversion to a charter school.

(ii) The school may also receive federal money designated for charter schools under any federal program.

(b)(i) A local school board-authorized charter school operating in a facility owned by the school district and not paying reasonable rent to the school district shall receive funding:

(A) through the school district; and

(B) on the same basis that other district schools receive funding.

(ii) The school may also receive federal money designated for charter schools under any federal program.

(c) Subject to the provisions in Section 53A-1a-502.5, a charter school authorized by a local school board shall receive funding as provided in Section 53A-1a-513.

(d)(i) A charter school authorized by a local school board, but not described in Subsection (3)(a), (b), or (c) shall receive funding:

(A) through the school district; and

(B) on the same basis that other district schools receive funding.

(ii) The school may also receive federal money designated for charter schools under any federal program.

(4)(a) A local school board that receives an application for a charter school under this section shall, within 45 days, either accept or reject the application.

(b) If the board rejects the application, it shall notify the applicant in writing of the reason for the rejection.

(c) The applicant may submit a revised application for reconsideration by the board.

(d) If the local school board refuses to authorize the applicant, the applicant may seek a charter from the State Charter School Board under Section 53A-1a-505.

(5) The State Board of Education shall make a rule providing for a timeline for the opening of a charter school following the approval of a charter school application by a local school board.



(6) After approval of a charter school application and in accordance with Section 53A-1a-508, the applicant and the local school board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(7) A local school board shall:

(a) annually review and evaluate the performance of charter schools authorized by the local school board and hold the schools accountable for their performance;

(b) monitor charter schools authorized by the local school board for compliance with federal and state laws, rules, and regulations; and

(c) provide technical support to charter schools authorized by the local school board to assist them in understanding and performing their charter obligations.

(8) A local school board may terminate a charter school it authorizes as provided in Sections 53A-1a-509 and 53A-1a-510.

(9) In addition to the exemptions described in Sections 53A-1a-511 and 53A-1a-512, a charter school authorized by a local school board is:

(a) not required to separately submit a report or information required under this title to the State Board of Education if the information is included in a report or information that is submitted by the local school board or school district; and

(b) exempt from the requirement under Section 53A-1a-507 that a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.

(10) Before a local school board accepts a charter school application, the local school board shall, in accordance with State Board of Education rules, establish and make public the local school board's:

(a) application requirements, in accordance with Section 53A-1a-504;

(b) application process, including timelines, in accordance with this section; and

(c) minimum academic, financial, and enrollment standards.