

**Effective 5/3/2023**

**53G-5-205 Charter school authorizers -- Power and duties -- Charter application minimum standard.**

- (1) The following entities are eligible to authorize charter schools:
  - (a) the State Charter School Board;
  - (b) a local school board;
  - (c) a board of trustees of an institution in the state system of higher education as described in Section 53B-1-102; or
  - (d) a board of trustees of a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.
- (2) A charter school authorizer shall:
  - (a) annually review and evaluate the performance of charter schools authorized by the authorizer and hold a charter school accountable for the school's performance; and
  - (b) monitor charter schools authorized by the authorizer for compliance with federal and state laws, rules, and regulations.
- (3) A charter school authorizer may:
  - (a) authorize and promote the establishment of charter schools, subject to the provisions in this part;
  - (b) make recommendations on legislation and rules pertaining to charter schools to the Legislature and state board, respectively;
  - (c) make recommendations to the state board on the funding of charter schools;
  - (d) provide technical support to charter schools and persons seeking to establish charter schools by:
    - (i) identifying and promoting successful charter school models;
    - (ii) facilitating the application and approval process for charter school authorization;
    - (iii) directing charter schools and persons seeking to establish charter schools to sources of funding and support;
    - (iv) reviewing and evaluating proposals to establish charter schools for the purpose of supporting and strengthening proposals before an application for charter school authorization is submitted to a charter school authorizer; or
    - (v) assisting charter schools to understand and carry out their charter obligations; or
  - (e) provide technical support, as requested, to another charter school authorizer relating to charter schools.
- (4) Within 60 days after an authorizer's approval of an application for a new charter school, the state board may direct an authorizer to do the following if the authorizer or charter school applicant failed to follow statutory or state board rule requirements made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
  - (a) reconsider the authorizer's approval of an application for a new charter school; and
  - (b) correct deficiencies in the charter school application or authorizer's application process as described in statute or state board rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, before approving the new application.
- (5) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing minimum standards that a charter school authorizer is required to apply when:
  - (a) evaluating a charter school application; or
  - (b) monitoring charter school compliance.
- (6) The minimum standards described in Subsection (5) shall include:

- (a) reasonable consequences for an authorizer that fails to comply with statute or state board rule;
- (b) a process for an authorizer to review:
  - (i) the skill and expertise of a proposed charter school's governing board; and
  - (ii) the functioning operation of the charter school governing board of an authorized charter school;
- (c) a process for an authorizer to review the financial viability of a proposed charter school and of an authorized charter school;
- (d) a process to evaluate:
  - (i) how well an authorizer's authorized charter school complies with the charter school's charter agreement;
  - (ii) whether an authorizer's authorized charter school maintains reasonable academic standards; and
  - (iii) standards that an authorizer is required to meet to demonstrate the authorizer's capacity to oversee, monitor, and evaluate the charter schools the authorizer authorizes.

Amended by Chapter 235, 2023 General Session