

**Effective 5/13/2014**

**Superseded 5/10/2016**

**53A-1a-521 Charter schools authorized by a board of trustees of a higher education institution -- Application process -- Board of trustees responsibilities.**

- (1) Subject to the approval of the State Board of Education and except as provided in Subsection (8), an applicant identified in Section 53A-1a-504 may enter into an agreement with a board of trustees of a higher education institution authorizing the applicant to establish and operate a charter school.
- (2)
  - (a) An applicant applying for authorization from a board of trustees to establish and operate a charter school shall provide a copy of the application to the State Charter School Board and the local school board of the school district in which the proposed charter school shall be located either before or at the same time the applicant files the application with the board of trustees.
  - (b) The State Charter School Board and the local school board may review the application and offer suggestions or recommendations to the applicant or the board of trustees before acting on the application.
  - (c) The board of trustees shall give due consideration to suggestions or recommendations made by the State Charter School Board or the local school board under Subsection (2)(b).
- (3)
  - (a) If a board of trustees approves an application to establish and operate a charter school, the board of trustees shall submit the application to the State Board of Education.
  - (b) The State Board of Education shall, by majority vote, within 60 days of receipt of the application, approve or deny an application approved by a board of trustees.
  - (c) The State Board of Education's action under Subsection (3)(b) is final action subject to judicial review.
- (4) 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 a board of trustees.
- (5) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
- (6)
  - (a) The school's charter may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Subsection (7).
  - (b) In the first two years that a charter school is in operation, an annual fee described in Subsection (6)(a) may not exceed the product of 3% of the revenue the charter school receives from the state in the current fiscal year.
  - (c) Beginning with the third year that a charter school is in operation, an annual fee described in Subsection (6)(a) may not exceed the product of 1% of the revenue a charter school receives from the state in the current fiscal year.
  - (d) An annual fee described in Subsection (6)(a) shall be:
    - (i) paid to the board of trustees' higher education institution; and
    - (ii) expended as directed by the board of trustees.
- (7) A board of trustees shall:
  - (a) annually review and evaluate the performance of charter schools authorized by the board of trustees and hold the schools accountable for their performance;

- (b) monitor charter schools authorized by the board of trustees for compliance with federal and state laws, rules, and regulations; and
  - (c) provide technical support to charter schools authorized by the board of trustees to assist them in understanding and performing their charter obligations.
- (8)
- (a) In addition to complying with the requirements of this section, a campus board of directors of a college campus within the Utah College of Applied Technology shall obtain the approval of the Utah College of Applied Technology Board of Trustees before entering into an agreement to establish and operate a charter school.
  - (b) If a campus board of directors of a college campus with the Utah College of Applied Technology approves an application to establish and operate a charter school, the campus board of directors of the college campus shall submit the application to the Utah College of Applied Technology Board of Trustees.
  - (c) The Utah College of Applied Technology Board of Trustees shall, by majority vote, within 60 days of receipt of the application, approve or deny the application approved by the campus board of directors.
  - (d) The Utah College of Applied Technology Board of Trustees may deny an application approved by a campus board of directors if the proposed charter school does not accomplish a purpose of charter schools as provided in Section 53A-1a-503.
  - (e) 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.
- (9)
- (a) Subject to the requirements of this part, a campus board of directors of a college campus within the Utah College of Applied Technology may establish:
    - (i) procedures for submitting applications to establish and operate a charter school to a campus board of directors of a college campus within the Utah College of Applied Technology; and
    - (ii) criteria for a campus board of directors' approval of an application to establish and operate a charter school.
  - (b) The Utah College of Applied Technology Board of Trustees may not establish policy governing the procedures or criteria described in Subsection (9)(a).
- (10) Before a board of trustees accepts a charter school application, the board of trustees shall, in accordance with State Board of Education rules, establish and make public the board of trustees':
- (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.