

**Effective 1/24/2018**

**Part 3  
Charter School Authorization**

**53G-5-301 Charter school authorizer to request applications for certain types of charter schools.**

- (1) To meet the unique learning styles and needs of students, a charter school authorizer shall seek to expand the types of instructional methods and programs offered by schools, as provided in this section.
- (2)
  - (a) A charter school authorizer shall request individuals, groups of individuals, or nonprofit legal entities to submit an application to a charter school authorizer to establish a charter school that employs new and creative methods to meet the unique learning styles and needs of students, such as:
    - (i) a military charter school;
    - (ii) a charter school that focuses on learning opportunities for students at risk of academic failure;
    - (iii) a charter school that focuses on career and technical education;
    - (iv) a single gender charter school;
    - (v) a charter school with an international focus that provides opportunities for the exchange of students or teachers;
    - (vi) a charter school that focuses on serving underserved students; or
    - (vii) an alternative charter school offering programs for nontraditional students.
  - (b) In addition to a charter school identified in Subsection (2)(a), a charter school authorizer shall request applications for other types of charter schools that meet the unique learning styles and needs of students.
- (3) A charter school authorizer shall publicize a request for applications to establish a charter school specified in Subsection (2).
- (4) A charter school application submitted pursuant to Subsection (2) shall be subject to the application and approval procedures in accordance with Section 53G-5-304.
- (5) A charter school authorizer and the state board may approve one or more applications for each charter school described in Subsection (2), subject to the Legislature appropriating funds for, or authorizing, an increase in charter school enrollment capacity as described in Section 53G-6-504.
- (6) The state board shall submit a request to the Legislature to appropriate funds for, or authorize, the enrollment of students in charter schools tentatively approved under this section.

Amended by Chapter 63, 2024 General Session

**53G-5-302 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 in accordance with 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 charter school governing board members that describes the qualifications of each member; and
    - (ii) an assurance that the applicant shall, within 30 days of the date of authorization, complete a background check for each member in accordance with Section 53G-5-408;
  - (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) the school's unique performance measures, including academic goals;
  - (f) qualifications and policies for school employees, including policies that:
    - (i) comply with the criminal background check requirements in accordance with Section 53G-5-408;
    - (ii) require employee evaluations;
    - (iii) address employment of relatives within the charter school; and
    - (iv) address human resource management and ensure that:
      - (A) at least one of the school's employees or another person is assigned human resource management duties, as defined in Section 17B-1-805; and
      - (B) the assigned employee or person described in Subsection (2)(f)(iv)(A) receives human resource management training, as defined in Section 17B-1-805;
  - (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 school district 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) anticipated financing arrangements;
  - (j) a market analysis of the community the school plans to serve;
  - (k) a business plan;
  - (l) other major issues involving the establishment and operation of the charter school; and
  - (m) the signatures of the charter school governing board members.
- (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 the school's performance measures and academic goals, including administering the statewide assessments as defined in Section 53E-4-301;
  - (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.

Amended by Chapter 63, 2024 General Session

**53G-5-303 Charter agreement -- Content -- Modification.**

As used in this section:

- (1)
  - (a) "Innovation plan" means the same as that term is defined in Section 53G-7-221.
  - (b) "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.
- (2) A charter agreement:
  - (a) is a contract between the charter school applicant and the charter school authorizer;
  - (b) shall describe the rights and responsibilities of each party; and
  - (c) shall allow for the operation of the applicant's proposed charter school.
- (3) A charter agreement shall include:
  - (a) the name of:
    - (i) the charter school; and
    - (ii) the entity with whom the charter school authorizer contracts;
  - (b) the mission statement and purpose of the charter school;
  - (c) the charter school's opening date;
  - (d) the grade levels the charter school will serve;
  - (e)
    - (i) subject to Section 53G-6-504, the maximum number of students a charter school will serve;  
or
    - (ii) for an operating charter school with satellite charter schools, the maximum number of students of all satellite charter schools collectively served by the operating charter school;
  - (f) a description of the structure of the charter school governing board, including:
    - (i) the number of charter school governing board members;
    - (ii) how members of the charter school governing board are appointed; and
    - (iii) charter school governing board members' terms of office;
  - (g) assurances that:
    - (i) the charter school governing board will comply with:
      - (A) the charter school's bylaws;
      - (B) the charter school's articles of incorporation; and
      - (C) applicable federal law, state law, and state board rules;
    - (ii) the charter school governing board will meet all reporting requirements described in Section 53G-5-404; and
    - (iii) except as provided in Part 6, Charter School Credit Enhancement Program, neither the authorizer nor the state, including an agency of the state, is liable for the debts or financial obligations of the charter school or a person who operates the charter school;
  - (h) which administrative rules the state board will waive for the charter school;
  - (i) minimum financial standards for operating the charter school;
  - (j) minimum performance standards; and

- (k) signatures of the charter school authorizer and the charter school governing board members.
- (4)
- (a) Except as provided in Subsection (4)(b), a charter agreement may not be modified except by mutual agreement between the charter school authorizer and the charter school governing board.
  - (b) A charter school governing board may modify the charter school's charter agreement without the mutual agreement described in Subsection (4)(a) to:
    - (i) include an enrollment preference as described in Subsection 53G-6-502(4)(h); or
    - (ii) only as described in Subsection 53G-7-221(5), include or remove an innovation plan.

Amended by Chapter 63, 2024 General Session

**53G-5-304 Charter schools authorized by the State Charter School Board -- Application process -- Prohibited basis 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 will be located either before or at the same time as the applicant files the charter school application with the State Charter School Board.
  - (b) The local school board may review the application and may offer suggestions or recommendations to the applicant or the State Charter School Board before taking action 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) 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 shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, 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 53G-5-303, 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 rules, establish and make public the State Charter School Board's:
- (a) application requirements, in accordance with Section 53G-5-302;
  - (b) application process, including timelines, in accordance with this section; and
  - (c) minimum academic, governance, operational, and financial standards.

Amended by Chapter 63, 2024 General Session

**53G-5-305 Charters authorized by local school boards -- Application process -- Local school board responsibilities.**

- (1)
  - (a) An applicant identified in Section 53G-5-302 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 of students enrolled at the school shall sign a petition approving the application before submission to the charter school authorizer.
      - (B) If only a portion of the school is applying for charter status, a simple majority of the licensed educators employed at the school and a simple majority of the parents of students enrolled at the school shall sign a petition approving the application before submission to the charter school authorizer.
    - (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 conversion would receive a first preference for transfer to open teaching positions for which the teachers qualify within the school district, and, if no positions are open, contract provisions or local school 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 the school received before the charter school's conversion; or
    - (ii) contract out for some or all of the services with other public or private providers.
  - (b) Any other charter school authorized by a local school board may contract with the local school board to receive some or all of the services referred to in Subsection (2)(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) 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 local school board rejects the application, the local school board shall notify the applicant in writing of the reason for the rejection.
  - (c) The applicant may submit a revised application for reconsideration by the local school board.
  - (d) If the local school board refuses to authorize the applicant, the applicant may seek a charter from another authorizer.
- (4) The state board 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.

- (5) After approval of a charter school application and in accordance with Section 53G-5-303, 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.
- (6) A local school board may terminate a charter school the local school board authorizes in accordance with Sections 53G-5-501 and 53G-5-503.
- (7) In addition to the exemptions described in Sections 53G-5-405, 53G-7-202, and 53G-5-407, a charter school authorized by a local school board is:
  - (a) not required to separately submit a report or information required under this public education code to the state board 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 53G-5-404 that a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (8) Before a local school board accepts a charter school application, the local school board shall, in accordance with state board rules, establish and make public the local school board's:
  - (a) application requirements, in accordance with Section 53G-5-302;
  - (b) application process, including timelines, in accordance with this section; and
  - (c) minimum academic, governance, operational, and financial standards.

Amended by Chapter 63, 2024 General Session

**53G-5-306 Charter schools authorized by a board of trustees of a higher education institution -- Application process -- Board of trustees responsibilities.**

- (1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302 may enter into an agreement with an institution of higher education board of trustees 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 local school board of the school district in which the proposed charter school will be located either before or at the same time the applicant files the application with the board of trustees.
  - (b) 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 local school board under Subsection (2)(b).
- (3) The state board 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.
- (4) 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.
- (5)
  - (a) The school's charter agreement 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 Section 53G-5-205.
  - (b) In the first two years that a charter school is in operation, an annual fee described in Subsection (5)(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 (5)(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 (5)(a) shall be:
  - (i) paid to the board of trustees; and
  - (ii) expended as directed by the board of trustees.
- (6)
  - (a) In addition to complying with the requirements of this section, a technical college board of trustees, as described in Section 53H-3-205, shall obtain the approval of the Utah Board of Higher Education before entering into an agreement to establish and operate a charter school.
  - (b) If a technical college board of trustees approves an application to establish and operate a charter school, the technical college board of trustees shall submit the application to the Utah Board of Higher Education.
  - (c) The Utah Board of Higher Education shall, by majority vote, within 60 days of receipt of an application described in Subsection (6)(b), approve or deny the application.
  - (d) The Utah Board of Higher Education may deny an application approved by a technical college board of trustees if the proposed charter school does not accomplish a purpose of charter schools as provided in Section 53G-5-104.
  - (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.
- (7)
  - (a) Subject to the requirements of this chapter and other related provisions, a technical college board of trustees may establish:
    - (i) procedures for submitting applications to establish and operate a charter school; or
    - (ii) criteria for approval of an application to establish and operate a charter school.
  - (b) The Utah Board of Higher Education may not establish policy governing the procedures or criteria described in Subsection (7)(a).
- (8) Before a technical college board of trustees accepts a charter school application, the technical college board of trustees shall, in accordance with state board rules, establish and make public:
  - (a) application requirements, in accordance with Section 53G-5-302;
  - (b) the application process, including timelines, in accordance with this section; and
  - (c) minimum academic, governance, operational, and financial standards.

Amended by Chapter 9, 2025 Special Session 1

**53G-5-307 Charter school authorization -- Initial review period.**

- (1) An authorizer shall grant a charter school approved under this title initial approval for a three-year review period, beginning with the first year of the charter school's operation.
- (2) Beginning in the first year of the initial review period, the authorizer shall comply with the accountability and review procedures in accordance with Section 53G-5-406.
- (3) The authorizer may extend the initial review period for one year, up to two times during the initial review period.
- (4) At the end of the initial review period, the authorizer shall:

- (a) grant the charter school ongoing approval; or
  - (b) terminate the charter agreement, subject to the requirements of Section 53G-5-503.
- (5) The authorizer shall, under the minimum standards described in Section 53G-5-205, base the decision to grant ongoing approval or terminate the charter agreement on:
- (a) the charter school's compliance with the terms of the charter agreement;
  - (b) whether the charter school is meeting the performance measures in the charter school's charter agreement and minimum academic standards;
  - (c) the charter school's financial viability; and
  - (d) the charter school's capacity to meet governance standards.
- (6) A charter school that is granted initial approval under this section may not participate in the Charter School Credit Enhancement Program until the authorizer grants ongoing approval of the charter school's charter.

Amended by Chapter 63, 2024 General Session

**53G-5-308 Adoption of standards, guidelines, or policies.**

- (1) As used in this section:
- (a) "Applicable charter school authorizer" means a charter school authorizer that is the authorizer of more than 10 charter schools at the same time.
  - (b) "Standard, guideline, or policy" means a requirement or measurement of performance imposed by an applicable charter school authorizer on two or more charter schools authorized by the applicable charter school authorizer.
- (2)
- (a) An applicable charter school authorizer shall adopt a procedure for the imposition of a standard, guideline, or policy that is substantially similar to the rulemaking procedure under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including procedures for notice and receipt of public comment.
  - (b) An applicable charter school authorizer may not impose a standard, guideline, or policy unless the applicable charter school authorizer follows the procedure adopted under Subsection (2)(a).
- (3) A standard, guideline, or policy imposed on or after July 1, 2023, by an applicable charter school authorizer is not valid if the applicable charter school authorizer does not follow the procedures adopted under Subsection (2)(a) in imposing the standard, guideline, or policy.

Enacted by Chapter 235, 2023 General Session