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## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Martell Menlove, Ph.D.  
Chief Executive Officer

**DATE:** May 9, 2014

**ACTION:** R277-470 *Charter Schools - General Provisions* (Amendment)

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### **Background:**

In the 2012 General Session of the Legislature, HB 397 *Charter School Start-up Amendments* directed the State Board of Education to establish a mentoring program for new and existing charter schools and appropriated \$200,000 annually for this program. R277-470-6 *Charter School Mentoring Program* outlines the provisions of the mentoring program, but during previous years was found to be restrictive and schools were not able to use the money as efficiently as possible. As such, the State Charter School Board (SCSB) recommends amendments to this rule to provide additional flexibility for the use of mentoring funds.

### **Key Points:**

- Changes "chartering entities" to "charter school authorizers" throughout.
- Removes requirement for SCSB to review annually the distribution and requirements of start-up grant funds.
- Revises the mentoring program to allow for an RFP process to award Mentoring Program funds to a qualified individual or organization to provide mentoring in the identified areas of need.

### **Anticipated Action:**

It is proposed that the Law and Licensing Committee consider approving R277-470, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-470, as amended, on second reading.

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1 **R277. Education, Administration.**

2 **R277-470. Charter Schools - General Provisions.**

3 **R277-470-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "~~[Chartering entities]~~Charter school authorizers"  
6 means entities that authorize a charter school under Section  
7 53A-1a-501.3(2).

8 C. "Charter schools" means schools acknowledged as  
9 charter schools by ~~[chartering entities]~~charter school  
10 authorizers under Sections 53A-1a-515, 53A-1a-521, and this  
11 rule or by the Board under Section 53A-1a-505.

12 D. "Charter school governing board" means the board  
13 designated by the charter school to make decisions for the  
14 operation of the school.

15 E. "ESEA" means the federal law under the Elementary and  
16 Secondary Education Act, Title IX, Part A, 20 U.S.C. 7801.

17 F. "Expansion" means a proposed increase of students or  
18 adding grade level(s) in an operating charter school at a  
19 single location.

20 G. "Mentor," for purposes of the mentoring program,  
21 means an individual or organization with ~~[experience as a~~  
22 ~~charter school governing board member, employee, advisor, or~~  
23 ~~a public educator with an area of]~~expertise or demonstrated  
24 competence, willing to advise charter schools, approved by the  
25 State Charter School Board to participate in the mentoring  
26 program.

27 H. "Mentoring program," for purposes of this rule, means  
28 the State Charter School Board mentoring program.

29 I. "Satellite school" means a charter school affiliated  
30 with an operating charter school having a common governing  
31 board and a similar program of instruction, but located at a  
32 different site or in a different geographical area. The  
33 parent school and all satellites shall be considered a single  
34 local education agency (LEA) for purposes of public school

35 funding and reporting.

36 J. "State Charter School Board" means the board  
37 designated in Section 53A-1a-501.5.

38 K. "USOE" means the Utah State Office of Education.

39 L. "Utah Consolidated Application (UCA)" means the  
40 web-based grants management tool employed by the Utah State  
41 Office of Education by which local education agencies submit  
42 plans and budgets for approval of the Utah State Office of  
43 Education.

44 M. "Utah eTranscript and Record Exchange (UTREx)" means  
45 a system that allows individual detailed student records to be  
46 exchanged electronically between public education local  
47 education agencies (LEAs) and the USOE, and allows electronic  
48 transcripts to be sent to any post-secondary institution,  
49 private or public, in-state or out-of-state, that participates  
50 in the e-transcript service.

51 **R277-470-2. Authority and Purpose.**

52 A. This rule is authorized under Utah Constitution  
53 Article X, Section 3 which vests general control and  
54 supervision over public education in the Board, Section  
55 53A-1a-513 which directs the Board to distribute funds for  
56 charter school students directly to the charter school,  
57 Section 53A-1-401(3) which allows the Board to adopt rules in  
58 accordance with its responsibilities, and 20 U.S.C., Section  
59 8063(3) which directs the Board to submit specific information  
60 prior to charter schools' receipt of federal funds.

61 B. The purpose of this rule is to provide directions to  
62 charter schools for federal funds and startup and  
63 implementation funding. The rule also provides criteria for  
64 a charter school mentoring program and additional charter  
65 school-specific directives.

66 **R277-470-3. Maximum Authorized Charter School Students.**

67           A. Local school boards and institutions of higher  
68 education may approve charter schools by notifying the Board  
69 by October 1 of the state fiscal year one year prior to  
70 opening of proposed charter schools, including authorized  
71 numbers of students and other information as required in  
72 Sections 53A-1a-515 and 53A-1a-521.

73           B. The Board, in consultation with the State Charter  
74 School Board and [~~chartering entities~~]charter school  
75 authorizers, may approve schools, expansions and satellite  
76 charter schools for the total number of students authorized  
77 under Sections 53A-1a-502.5 and 53A-1a-501.9.

78           C. The number of students requested from all [~~chartering~~  
79 ~~entities~~]charter school authorizers shall be considered as  
80 students are allocated and approved by the Board.

81 **R277-470-4. Charter Schools and ESEA Funds.**

82           A. Charter schools that desire to receive ESEA funds  
83 shall comply with the requirements of R277-470-4.

84           B. To obtain its allocation of ESEA formula funds, a  
85 charter school shall complete all appropriate sections of the  
86 Utah Consolidated Application (UCA) and identify its  
87 economically disadvantaged students in the October UTREx  
88 submission.

89           C. If the school does not operate a federal school lunch  
90 program, the school:

91           (1) shall determine the economically disadvantaged status  
92 for its students on the basis of criteria no less stringent  
93 than those established by the U.S. Department of Agriculture  
94 for identifying students who qualify for reduced price lunch  
95 for the fiscal year in question; or

96           (2) may use the Charter School Declaration of Household  
97 Income form provided by the USOE for this purpose.

98           D. A school which does not use the form shall maintain  
99 equivalent documentation in its records, which may be subject

100 to audit.

101 **R277-470-5. Charter School Start-up and Implementation**  
102 **Grants.**

103 A. Charter schools that desire to receive State Charter  
104 School Board start-up and implementation grant funds shall  
105 comply with the requirements of R277-470-5.

106 B. To receive a State Charter School Board start-up or  
107 implementation grant, a charter school shall be eligible and  
108 meet the requirements consistent with Section 53A-1a-507. New  
109 schools and satellite schools are eligible; school expansions  
110 are not eligible.

111 C. Eligible charter schools shall complete an application  
112 and may be awarded a grant for no more than 36 months.

113 D. Only schools that have not received state start-up or  
114 implementation grant funds in prior years are eligible.

115 E. The State Charter School Board shall determine  
116 [A]mounts and conditions [of]for distribution of state start-  
117 up or implementation grant funds[~~shall be determined annually~~  
118 in conjunction with the State Charter School Board's new  
119 charter approval process].

120 F. Grant funds may only be used for allowable  
121 expenditures as provided by the State Charter School Board.

122 G. Grant recipients shall participate in monitoring  
123 activities.

124 H. Grantee recipients shall provide monitoring  
125 information to the USOE, as directed.

126 I. Charter schools shall repay grant funds to the State  
127 Charter School Board if recipients change to non-charter  
128 status within ten years of receiving grant funds. An  
129 exception may be made for schools that convert status due to  
130 either federal or state law requirements for academic  
131 purposes.

132 **R277-470-6. Charter School Mentoring Program.**

133 A. ~~[Board-approved or existing charter schools may choose~~  
134 ~~to participate in the mentoring program]~~The State Charter  
135 School Board shall identify critical mentoring needs of  
136 charter schools and allocate mentoring funds to one or more  
137 qualified individuals or organizations to meet identified  
138 needs.

139 B. ~~[Charter schools choosing to participate in the~~  
140 ~~mentoring program shall submit an application to the USOE,~~  
141 ~~consistent with USOE timelines]~~Mentoring program participants  
142 shall provide information to the USOE as requested.

143 C. ~~[Subject to the availability of funds, participating~~  
144 ~~charter schools shall be eligible for reimbursement of~~  
145 ~~approved expenditures through the mentoring program if the~~  
146 ~~charter school submits an approved reimbursement form.~~

147 ~~— D. A mentor shall submit an application to the State~~  
148 ~~Charter School Board to participate in the mentoring program~~  
149 ~~that identifies areas of expertise and demonstrated~~  
150 ~~competencies.~~

151 ~~— E.]~~The State Charter School Board shall:

152 (1) receive an annual program report from [the  
153 ~~USOE]~~participating mentors and charter schools; and

154 (2) evaluate the mentoring program annually.

155 **R277-470-7. Charter School Parental Involvement.**

156 A. Charter schools shall encourage and provide  
157 opportunities for parental involvement in management decisions  
158 at the school level.

159 B. Charter schools that elect to receive School LAND  
160 Trust funds shall have a committee consistent with R277-477-  
161 3A.

162 **R277-470-8. Transportation.**

163 A. Charter schools are not eligible for to-and-from  
164 school transportation funds.

165 B. A charter school that provides transportation to  
166 students shall comply with Utah law Section 53-8-211.

167 C. A school district may provide transportation for  
168 charter school students on a space-available basis on approved  
169 routes.

170 D. School districts may provide transportation or  
171 transportation information to [e]charter school students and  
172 their parents who participate in transportation by the school  
173 district as guests. [~~shall receive notice of applicable~~  
174 ~~district transportation policies and~~] Charter schools/charter  
175 school students may forfeit with no recourse the privilege of  
176 transportation for violation of the policies.

177 **R277-470-9. Miscellaneous Provisions.**

178 A. The State Charter School Board shall provide a form on  
179 its website for individuals to report threats to health,  
180 safety or welfare of students consistent with Section  
181 53A-1a-510(3).

182 (1) Individuals making reports about threats shall [~~be~~  
183 ~~directed to~~]report suspected criminal activity to local law  
184 enforcement and suspected child abuse to local law enforcement  
185 or the Division of Child and Family Services consistent with  
186 Sections 62A-4a-403 and 53A-11-605(3(a)).

187 (2) Additionally, individuals may report threats to the  
188 health, safety or welfare of students to the charter school  
189 governing board.

190 (a) reports shall be made in writing;

191 (b) reports shall be timely;

192 (c) anonymous reports shall not be reviewed further.

193 (3) Charter school governing boards shall verify that  
194 potential criminal activity or suspected child abuse has been  
195 reported consistent with state law and this rule.

196 (4) Charter school governing boards shall act promptly to  
197 investigate disciplinary action, if appropriate, against  
198 students who may be participants in threatening activities or  
199 take appropriate and reasonable action to protect students or  
200 both.

201 B. The Board shall have authority for final approval of  
202 all charter schools that receive minimum school program funds.  
203 All charter schools shall be subject to accountability  
204 standards established by the Board and to monitoring and  
205 auditing by the Board.

206 **KEY: education, charter schools**

207 **Date of Enactment or Last Substantive Amendment: [~~February~~**  
208 **7~~7~~] 2014**

209 **Notice of Continuation: August 2, 2013**

210 **Authorizing, and Implemented or Interpreted Law: Art X, Sec**  
211 **3; 53A-1a-515; 53A-1a-505; 53A-1a-513; 53A-1-401(3); 53A-1a-**  
212 **510; 53A-1a-519; 53A-1a-501.5; 53A-1-301; 53A-1a-502.5; 53-8-**  
213 **211; 62A-4a-403; 53A-11-605; 53A-1a-522; 53A-1a-521; 53A-1a-**  
214 **501.3; 53A-1a-513.5; 53A-1a-501.9**