

LAKE MOUNTAIN SCHOOL DISTRICT

Charter School Expansion Request Process

INTRODUCTION

This document provides procedural direction to existing Lake Mountain Board authorized charter school boards and leadership in formally requesting approval for an expansion of their Lake Mountain School District approved charter school. This is based on the [USBE Administrative Rule R277-552-6](#). The section of the rule that is related to a request an expansion is provided at the end of this document.

ELIGIBILITY CRITERIA

Lake Mountain Board of Education is willing to consider requests for expansion of an existing Lake Mountain authorized charter school if they meet the following eligibility criteria:

- a. Charter School is in compliance with all aspects of its charter school agreement,
- b. Request is consistent with charter agreement,
- c. Charter School is meeting or exceeding its own stated academic goals,
- d. Charter School is financially stable and has reported revenues in excess of its expenditures for at least 3 of the last 4 years,
- e. If the proposed expansion requires additional physical facilities, maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years, and
- f. Charter School satisfies requirements of all federal and state laws, regulations and USBE administrative rules, including but not limited to:
 - a. Title 53E, Chapter 9, Student Privacy and Data Protection;
 - b. Title 53G, Chapter 7, Part 5, Student Fees;
 - c. Title 53G, Chapter 9, Part 7, Suicide Prevention;
 - d. Title 53G, Chapter 8, Discipline and Safety;
 - e. Title 52, Chapter 4, Open and Public Meetings Act;
 - f. Title 63G, Chapter 6a, Utah Procurement Code;
 - g. The IDEA and Rule R277-750, with no unresolved audit exceptions;
 - h. Rule R277-113, Local Education Agency (LEA) Fiscal and Auditing Policies;
 - i. Section 53G-9-207, Child sexual abuse prevention; and
 - j. Subsection 63G-7-301(3) and Rule R277-322;

See below for directions on providing evidence of the criteria listed above.

APPLICATION

As outlined in USBE Administrative Rule R277-552-6, the requesting charter school must provide the following:

1. Submit a written request that includes the following:
 - a. Name of the existing Charter School;

- b. Name of the school administrator
- c. Name of local school district
- d. To whom and when this application was submitted to the local school district
- e. The name, position, period of service as board members, and current charter affiliation of current governing board members
- f. Minutes of the board meeting authorizing the application for expansion. (Indicate link or page number if submitting as a packet.)
- g. The following **Statement of Assurance** signed by the Chair of the Governing Board:

“The Governing Board for the Charter School applying for the proposed expansion certifies that all information contained within this application is complete and accurate. The Governing Board understands that any misrepresentation could result in disqualification from consideration and/or the revocation of authorization or award.”

Signature of Board Chair

Printed Name of Board Chair

Date

*Submit the following documentation to determine eligibility and/or support request:

- 2. Population and Enrollment Information
 - a. Statement indicating applicant understands that enrollment policies must be consistent with state law and Board rule, and that increased enrollment of students cannot begin until the Expansion application is approved.
 - b. Grade levels to be served
 - c. Projected maximum enrollment (include breakdown by grade level)
 - d. Responses about the following:
 - i. Compare the proposed target population’s demographic profile with the local school district’s demographic profile (include minorities, students with disabilities qualifying for SPED services, economically disadvantaged, ELL, academic performance)
 - ii. Provide explanation for any changes in current enrollment practices, processes, and policies that will occur with this proposed expansion.

- 3. Market Analysis Information
 - a. Rationale for the requested increase. Include:
 - i. Enrollment data that shows school(s) has maintained for each of the last 3 years,
 - 1. A re-enrollment rate of at least 80%
 - 2. a waitlist of at least 40% of its annual enrollment, or
 - ii. Other evidence of market demand (i.e., current enrollment trends, waitlist trends, population and development trends, capacity of surrounding public schools, and parent demand)
 - b. Identify any possible challenges to the requested expansion

4. Submit Charter Fidelity Information
 - a. Statement indicating school is meeting all terms of its charter agreement
 - b. List key elements and goals of the charter agreement and how the school is implementing and meeting these measures.

5. Submit Compliance of All Applicable Legal Obligations (Federal/State/USBE) Information
 - a. If evidence is provided in a packet, indicate page numbers for each listing that follows. If not, provide a website link to demonstrate compliance.
 - b. State Law
 - i. Title 53E, Chapter 9, Student Privacy and Data Protection;
 - ii. Title 53G, Chapter 7, Part 5, Student Fees;
 - iii. Title 53G, Chapter 9, Part 7, Suicide Prevention;
 - iv. Title 53G, Chapter 8, Discipline and Safety;
 - v. Title 52, Chapter 4, Open and Public Meetings Act;
 - vi. Title 63G, Chapter 6a, Utah Procurement Code;
 - c. Federal Law
 - i. The IDEA and Rule R277-750, with no unresolved audit exceptions;
 - d. USBE Rules
 - i. Rule R277-113, Local Education Agency (LEA) Fiscal and Auditing Policies;
 - e. Multiple
 - i. Section 53G-9-207, Child sexual abuse prevention; and
 - ii. Subsection 63G-7-301(3) and Rule R277-322; Code of Conduct
 - f. Provide a statement, signed by all board members, certifying there are no outstanding lawsuits, judgments, or liens against the charter school.

6. Submit Academic Success Information
 - a. Include a statement that the school is academically successful, provides educational services consistent with state law and board rule, administers statewide assessments consistent with state law and board rule, and provides evidence-based instruction for special populations as required by federal law.
 - b. Provide academic data for the last five years (or if there is not five years of data, as many years as possible but not less than two.)
 - c. Explain how data shows school is academically successful; provide disaggregated data by subgroup for the last year, minimum
 - d. Describe how the school meets each of the requirements listed in section R277- 552-6-4C (highlighted below)

7. Submit Operational Success Information
 - a. Provide statement regarding:
 - i. Having adequate qualified administrators and staff;
 - ii. Having adequate, engaged Governing Board members;
 - iii. Compliance with all applicable school legal obligations; and
 - iv. Appropriately dealt with student safety issues, if any.

- b. Provide general overview of the school's administrative structure and operations.
 - i. Provide data on teacher and administrator qualifications.
 - ii. Describe what changes, if any, will need to be made to account for the proposed growth.
 - iii. If no changes will be needed, explain why.
 - c. Provide a general overview of the school's governing board structure and operations.
 - i. Provide data on meeting frequency and engagement.
 - ii. Describe what changes, if any, will need to be made to account for the proposed growth.
 - iii. If no changes will be needed, explain why.
 - d. Describe any student safety issues that have occurred and how the school has resolved them. If there are any unresolved, please address the school's plan of action.
8. Submit Financial Viability Information
- a. Describe the school's current financial position and how the expansion will impact the school's finances.
 - b. Explain how the board reviews financials, including, the budget, restricted and unrestricted funds, and general financial health.
 - c. Provide the following data:
 - i. most recent annual financial report (AFR);
 - ii. annual program report (APR); and
 - iii. audited financial statements;
9. Submit Charter Facility Information
- a. Include a statement indicating the school currently has, or will obtain, adequate facilities for the proposed increase.
 - i. If the current facilities are adequate and require no changes, describe how the increased enrollment will be accommodated and any anticipated impact on surrounding community.
 - ii. If the current facilities will require a significant structural change or a new facility is required, describe the planned facilities size, capacity and layout. Include:
 - 1. number of classrooms
 - 2. anticipated class sizes
 - 3. potential impact on traffic for surrounding community
 - b. Provide documentation that the charter school has maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years.

ADDITIONAL INFORMATION

- Any misrepresentation or inaccurate or false information submitted may result in disqualification from consideration and/or the revocation of authorization or award.
- Lake Mountain Board of Education/Staff will request input from the State Superintendent and the State Board of Education in regards to the charter schools academic and financial performance.
- If the application is approved, Lake Mountain Board of Education/Staff will notify the State Superintendent of the expansion.

R277-552-6. Charter School Expansion Requests.

(1) An authorization process developed by an authorizer in accordance with Subsection R277-552-2 (2) shall comply with this Section R277-552-5 for a charter school expansion.

(2) An authorizer may only consider an application from a charter school for an expansion if:

(a) the charter school is in compliance with the requirements of federal and state law, regulations, and Board rule, including:

- (i) Title 53E, Chapter 9, Student Privacy and Data Protection;
- (ii) Title 53G, Chapter 7, Part 5, Student Fees;
- (iii) Title 53G, Chapter 9, Part 7, Suicide Prevention;
- (iv) Title 53G, Chapter 8, Discipline and Safety;
- (v) Title 52, Chapter 4, Open and Public Meetings Act;
- (vi) Title 63G, Chapter 6a, Utah Procurement Code; and
- (vii) The IDEA and Rule R277-750, with no unresolved audit exceptions;
- (viii) Rule R277-113, Local Education Agency (LEA) Fiscal and Auditing Policies;
- (ix) Section 53G-9-207, Child sexual abuse prevention; and
- (x) Subsection 63G-7-301(3) and Rule R277-322;

(b) the request is consistent with the charter school's charter agreement;

(c) the expanding school or LEA is performing:

- (i) consistent with or above the charter school's stated academic goals; and
- (ii) at or above the average student performance of other nearby schools on statewide assessments, unless serving a specialized population consistent with the school's charter agreement;

(d) if the proposed expansion will require additional physical facilities, the charter school has maintained a net lease adjusted debt burden ratio of under 25% for each of the last three years;

(e) the charter school's financial statements report revenues in excess of expenditures for at least three of the last four fiscal years; and

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

(3) An authorizer shall provide documentation of an applicant school's eligibility to apply under Subsection (2) to the Superintendent upon request.

- (4) An authorizer may only approve an application from a charter school for an expansion if:
- (a) the charter school is meeting the terms of its charter agreement;
 - (b) the charter school is academically and operationally successful, taking into consideration at least two years of academic performance data of students at the charter school;
 - (c) the charter school:
 - (i) provides educational services consistent with state law and Board rule;
 - (ii) administers and has capacity to carry out statewide assessments including proctoring statewide assessments, consistent with Section 53E-4-303 and Rule R277-404; and
 - (iii) provides evidence-based instruction for special populations as required by federal law;
 - (d) the charter school has adequate qualified administrators and staff to meet the needs of the proposed student population at the school;
 - (e) the school is in compliance with all applicable school legal obligations;
 - (f) the charter school has maintained for each of the last three years:
 - (i) a re-enrollment rate of at least 80%;
 - (ii) a wait list of at least 40% of its annual enrollment; or
 - (iii) other evidence of market demand satisfactory to the authorizer;
 - (g) the charter school is financially viable, as evidenced by the charter school's financial records, including the charter school's:
 - (i) most recent annual financial report (AFR);
 - (ii) annual program report (APR); and
 - (iii) audited financial statements;
 - (g) the charter school's proposal provides an adequate facility for the school; and
 - (h) the charter school has appropriately dealt with student safety issues, if any.
- (5) An authorizer shall:
- (a) approve a proposed expansion before October 1 of the state fiscal year prior to the school year that the intends to expand; and
 - (b) provide the total number of students by grade that the charter school expansion is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year prior to the school year that the school intends to expand.