

## Form - Application/Cover Sheet

# UTAH STATE BOARD OF EDUCATION

## Waiver of Administrative Rule

*UAC R277-121 allows an LEA to request a waiver from a Board rule. This cover sheet should be used as a checklist in preparation of necessary materials and supporting documents.*

1. LEA: Lincoln Academy
2. SCHOOL(S): Lincoln Academy
3. RULE REQUESTING TO BE WAIVED: *Board Rule 277-552-6 (9) Charter School Timelines and Approval Process*
4. REASONING/JUSTIFICATION FOR REQUESTED WAIVER:

Lincoln Academy was approved for a satellite school expansion in January 2024, along with an increase in total enrollment to 1,610 students. Following this approval, the school actively pursued opportunities to purchase land or remodel existing facilities. Several properties were evaluated and offers were made; however, none were accepted. Additionally, the available options did not meet the school's needs in terms of proximity, financial sustainability, or the ability to retain our current student population.

After two years of exploration, Lincoln Academy shifted its focus to strengthening the existing campus while preserving the option for future expansion. The original intent of the satellite high school proposal was twofold:

1. To provide an exceptional high school education that prepares students for life beyond graduation.
2. To address Lincoln Academy's inverted enrollment structure.

Historically, Lincoln Academy's enrollment has followed this pattern:

- Kindergarten: 75
- Grade 1: 75
- Grade 2: 78
- Grade 3: 78
- Grade 4: 81
- Grade 5: 81
- Grade 6: 108
- Grade 7: 135
- Grade 8: 130
- Grade 9: 115

The demand in our area is strong enough that enrollment increases by approximately 50 students between the end of fifth grade and the beginning of seventh grade. While this demand reflects community interest, it has also created challenges. Historically, approximately 70% of behavior concerns and 60% of academic struggles among students in grades 6–9 involve students who began attending Lincoln Academy in grade 6 or later.

One goal of the satellite expansion was to add lower elementary grades, where Lincoln Academy traditionally has more than 500 students on the waitlist. Expanding at the elementary level allows the school to meet community demand, support students earlier in their academic development, and better prepare them for success in grades 6–9.

Lincoln Academy has identified a way to accomplish these goals without constructing a satellite high school, while still maintaining flexibility to add a high school in the future.

The school proposes increasing K–5 enrollment from three classes per grade level to four classes per grade level. This expansion would occur on the current campus through construction in the existing parking lot. An adjacent property owned by the school would be converted into parking to support this addition.

This plan does not include the full 700-student increase previously approved; however, it would require an additional 175 students to fully utilize the expanded elementary capacity. This approach allows Lincoln Academy to responsibly grow, strengthen its academic foundation, and better serve students and families while remaining financially and operationally sustainable.

We need the requirement to open in 36 months waived to the fall of 2027 so we can start this process.

5. CHOOSE ONE:

THIS IS A NEW WAIVER.

THIS IS A REQUEST TO RENEW AN EXISTING WAIVER

DATE WAIVER WAS FIRST GRANTED \_\_\_\_\_

6. ATTACH DATA TO SUPPORT THE REQUEST WHICH SHOULD INCLUDE:

STUDENT ACHIEVEMENT DATA

COMMUNITY, STAFF, OR STUDENT SURVEY DATA

STUDENT ENROLLMENT DATA

FOR RENEWALS: DOCUMENTATION THAT OUTLINES HOW THE WAIVER WAS UTILIZED

7. ATTACH VERIFICATION OF THE FOLLOWING (AS APPLICABLE TO THE TYPE OF LEA)

LEA GOVERNING BOARD VOTE APPROVING REQUEST FOR WAIVER IN OPEN MEETING

RECOMMENDATION FROM THE BOARD OF THE SCHOOL'S AUTHORIZER (CHARTER SCHOOLS)

8. ATTACH PROOF / CERTIFICATION OF COMPLIANCE WITH THE FOLLOWING (**NOTE: This requirement applies only to schools / LEAs applying for a waiver of the 180-day requirement**):

Under R277-121-2(6) You must hold at least two open and public meetings, held separately from regular board meetings, to engage with stakeholders regarding the waiver request. At least one of the meetings shall be held BEFORE a vote is taken to apply for the waiver, during which the LEA or public school shall: (A) explain the rationale for seeking the waiver; and (B) listen to stakeholder concerns; and (ii) At least one of the meetings shall be held after the decision to apply for the waiver but before the submission of the application, during which the LEA or public school shall: (A) explain the waiver process; and (B) describe plans to address stakeholder concerns.

Please note that the two meetings described in this section may be held electronically.

[TIMELINE: First, the LEA must hold a public meeting to discuss the waiver, explain the rationale, and listen to stakeholder concerns. Then, the LEA Board can vote to approve the request for a waiver in an open meeting. Third, the LEA must hold a second public meeting to explain the waiver process and describe plans to address stakeholder concerns. Finally, the LEA can submit the waiver application to USBE, through the AAG]

9. An LEA or public school applying for a waiver shall submit the waiver or waiver renewal, as described in Subsection R277-121-4(1), for the 4-day school week to the Board by April 10 of the school year prior to the proposed change. It is before April 10 of the year the waiver is planned to go into affect? (**NOTE: This requirement applies only to schools / LEAs applying for a waiver of the 180-day requirement**)

Yes

No

As you already identified, you must receive approval of your Charter Authorizer as well as your school's governing board. The approvals must take place by a vote of each board in an open meeting. You can attach a copy of the meeting minutes or a letter from the governing board leadership/chair. When the request is presented to USBE, the Board members will be especially interested in why you want the waiver, how it impacts students, and your school's overall student achievement. I will provide the required Agreement once you have provided all of the other required information.

When you have collected the required information, please email it to me. I will then request that the matter be placed on the USBE Law and Licensing Committee Agenda. This meeting is held once a month on the day following the USBE monthly meeting. The Committee will review the request, and if approved, it will be placed on the following month's USBE Meeting Agenda for consideration by the full Board.