

**MEMORANDUM**

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

**FROM:** Angie Stallings, Associate Superintendent  
Policy and Communication

**DATE:** February 4-5, 2016

**ACTION:** R277-482 *Charter School Timelines and Approval Processes* (Amendment and Continuation)

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**Background:** R277-482 is amended to provide timelines for reporting an approved charter school expansion or satellite school, to comply with changes in statute, remove redundant language also found in statute, add necessary definitions, clarify standards and expectations, and provide technical and conforming changes.

**Key Points:** The proposed revisions to R277-482:

1. Change the requirement for USOE to maintain the charter agreement to the authorizer.
2. Amend the reporting date for the State Charter School Board ("SCSB") to report an approved expansion or addition of a satellite school to the Superintendent.
3. Require an authorizer that is not the SCSB to report an approved expansion or addition of a satellite school, including the total number of students by grade that the authorizer's charter school is authorized to enroll, to the SCSB and to the Superintendent.
4. Define "charter school authorizer" and "school number."
5. Clarify the definition of "expansion" and "satellite school."
6. Change language about pre-application training sessions.
7. Expand website requirements to all schools authorized by the State Charter School Board, clarify required information on charter school websites, and remove the requirement for approval of school websites by the State Charter School Board.
8. Remove language about giving priority to specific types of charter school applications.
9. Give flexibility to an authorizer to negotiate a new charter school's start date.
10. Clarify what an application may require from a school requesting to change authorizers and removes the timeline for consideration;
11. Remove expansion language and remove language about total number of charter school students authorized.
12. Clarify that the parent school and satellites are considered a single LEA.
13. Make technical changes to numbering and terminology.

R277-482 continues to be necessary because it establishes procedures for timelines and approval processes for charter schools.

**Anticipated Action:**

1. It is proposed that the Law and Licensing Committee consider approving R277-482, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-482, as amended on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-482 for continuation on first reading and, if approved by the Committee, the Board consider approving R277-482 for continuation on second reading.

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1 **R277. Education, Administration.**

2 **R277-482. Charter School Timelines and Approval Processes.**

3 **R277-482-[2]1. Authority and Purpose.**

4 ~~[A.](1)~~ This rule is authorized ~~[under]~~by:

5 ~~(a)~~ Utah Constitution Article X, Section 3, which vests general control and  
6 supervision over public education in the Board~~;~~;

7 ~~(b)~~ Subsection 53A-1-401(3), which allows the Board to adopt rules in  
8 accordance with its responsibilities~~;~~ and~~;~~

9 ~~(c)~~ Section 53A-1a-504, which requires the Board to make rules regarding a  
10 charter school expansion or satellite campus;

11 ~~(d)~~ Sections 53A-1a-505, 53A-1a-515, and 53A-1a-521, which require the  
12 Board to make a rule providing a timeline for the opening of a charter school;

13 ~~(e)~~ Section 53A-1a-513, which directs the Board to distribute funds for charter  
14 school students directly to the charter school~~;~~; and

15 ~~(f)~~ the Charter School Expansion Act of 1998, 20 U.S.C.~~;~~ Sec~~tion~~.  
16 8063~~(3)~~, which directs the Board to submit specific information prior to a charter  
17 school's<sup>1</sup> receipt of federal funds.

18 ~~[B.](2)~~ The purpose of this rule is to establish procedures for timelines and  
19 approval processes for charter schools.

20 **R277-482-[4]2. Definitions.**

21 ~~[A.](1)~~ "Amendment~~;~~" ~~[for purposes of this rule,]~~ means a change or addition  
22 to ~~[the]~~a charter agreement.

23 ~~[B. "Board" means the Utah State Board of Education.]~~

24 ~~[C. "Chartering entities" means entities that authorize a charter school under~~  
25 ~~Section 53A-1a-501.3(2).]~~

26 ~~[D. "Charter schools" means schools acknowledged as charter schools by~~  
27 ~~chartering entities under Sections 53A-1a-515, 53A-1a-521, and this rule or by the~~  
28 ~~Board under Section 53A-1a-505.]~~

29 ~~[E.](2)~~ "Charter~~-school]~~ agreement~~[-(charter agreement)]"~~ means the ~~[terms~~  
30 ~~and conditions for the operation of an approved charter school. The charter school~~  
31 ~~agreement shall be maintained at the USOE and is considered the final, official and~~

32 ~~complete agreement]~~same as that term is defined in Section 53A-1a-501.3.

33 ~~[F. “Charter school application” means the official chartering document by~~  
34 ~~which a prospective charter school seeks recognition and funding under Section~~  
35 ~~53A-1a-505. The application includes the basic elements of the charter to be~~  
36 ~~established between the charter school and the chartering board.]~~

37 (3) “Charter school authorizer” means the same as that term is defined in  
38 Section 53A-1a-501.3

39 ~~[G.]~~(4) “Charter school governing board” means the board designated [by the  
40 ~~charter school]~~in a charter agreement to make decisions for the governance and  
41 operation of [the]a charter school.

42 ~~[H.]~~(5) “Expansion” means a proposed increase of students or adding a grade  
43 level[~~(s)~~] in an operating charter school [at a single location]with the same school  
44 number.

45 ~~[I.]~~(6) “Satellite charter school” means a charter school affiliated with an  
46 operating charter school[~~having a common~~], which has the same charter school  
47 governing board and a similar program of instruction, but [located at a different site.  
48 ~~The parent school and all satellites shall be considered a single local education~~  
49 ~~agency (LEA) for purposes of public school funding and reporting.]~~has a different  
50 school number than the affiliated charter school.

51 (7) “School number” means a number that identifies a school within an LEA  
52 that:

53 (a) receives money from the state;

54 (b) enrolls or prospectively enrolls a full-time student;

55 (c) employs an educator as an instructor who provides instruction consistent  
56 with Section R277-502-5;

57 (d) has one or more assigned administrators;

58 (e) is accredited consistent with Section R277-410-3; and

59 (f) administers a required statewide assessment to a student.

60 ~~[J. “State Charter School Board” means the board designated in Section 53A-~~  
61 ~~1a-501.5.]~~

62 ~~[K. “USOE” means the Utah State Office of Education.]~~

63 **R277-482-3. State Charter School Board ~~[Application and]~~ Applicant Training.**

64 ~~[A.](1) A[~~#~~] charter school applicant[s] that is seeking to have a charter~~  
65 ~~authorized by the State Charter School Board shall attend:~~

66 ~~(a) pre-application training;~~

67 ~~(b) ~~[and]~~ planning year training~~[sessions, as well as]; and~~~~

68 ~~(c) other training sessions designated by the State Charter School Board.~~

69 ~~[B.](2) The State Charter School Board shall schedule [P]pre-application~~  
70 ~~training sessions ~~[shall be scheduled four]~~multiple times annually ~~[and]~~that may be~~  
71 ~~available electronically~~[-as determined by the State Charter School Board].~~~~

72 ~~[C. Charter schools and applicants that attend training sessions may be~~  
73 ~~eligible for additional funds, upon approval, in an amount to be determined by the~~  
74 ~~State Charter School Board provided through federal charter school funds or a~~  
75 ~~General Fund appropriation to the extent of funds available. Charter school~~  
76 ~~applicants that attend training sessions may receive priority for approval from the~~  
77 ~~State Charter School Board and the Board.~~

78 ~~—— D. Training sessions shall provide information including:~~

79 ~~—— (1) charter school implementation requirements;~~

80 ~~—— (2) charter school statutory and Board requirements;~~

81 ~~—— (3) charter school financial and data management requirements;~~

82 ~~—— (4) charter school legal requirements;~~

83 ~~—— (5) federal requirements for charter school funding; and~~

84 ~~—— (6) other items as determined by the State Charter School Board.]~~

85 **R277-482-4. ~~[New or Expanding] Charter School [Notification to~~**  
86 **~~Prospective]Information for Students and Parents.~~**

87 ~~[A.](1) A~~[# new or expanding]~~ charter school[s] shall have a website that~~  
88 ~~contains the following information ~~[available on its website and notify all families~~~~  
89 ~~consistent with the schools' outreach plans described in the charter agreements of]:~~

90 ~~[(1) the school's approved charter, purpose, focus and governance structure,~~  
91 ~~including names, qualifications, and contact information of all governing board~~  
92 ~~members;]~~

93 ~~(a) the charter school's governance structure, including the name,~~

94 qualification, and contact information of a charter school governing board member;  
95 ([2]b) the number of new students that will be admitted into the school by  
96 grade;  
97 ([3]c) the~~[-proposed]~~ school calendar~~[for the charter school, including at a~~  
98 minimum the first and last days of school, scheduled holidays, scheduled  
99 professional development days (no student attendance), and other scheduled non-  
100 school days;], which shall include:  
101 (i) the first and last days of school;  
102 (ii) scheduled holidays;  
103 (iii) scheduled professional development days; and  
104 (iv) scheduled non-school days;  
105 ([4]d) ~~[the charter school's]~~timelines for acceptance of new students  
106 consistent with Section 53A-1a-506.5;  
107 ([5]e) the requirement and availability of a charter school student application;  
108 (f) the application timeline to be considered for enrollment in the charter  
109 school;  
110 ([6]g) procedures for transferring to or from a charter school~~[, together with~~  
111 applicable timelines];~~[-and]~~  
112 (h) timelines for a transfer;  
113 ([7]i) provisions for payment, if required, of a one-time fee per secondary  
114 school enrollment, not to exceed \$5.00, consistent with Section 53A-12-103[-];  
115 (j) the charter school governing board's policies; and  
116 (k) other items required by:  
117 (i) the charter school's authorizer;  
118 (ii) statute; and  
119 (iii) Board rule.  
120 ~~[B-](2) [N]A new or expanding charter school[s] shall [provide written notice~~  
121 ~~of]have an operative and readily accessible website containing the information~~  
122 ~~described in [R277-482-4A consistent with the school's outreach plan and on the~~  
123 ~~school's website]Subsection (1) at least 180 days before the proposed opening day~~  
124 ~~of school.~~  
125 ~~[C. New or expanding charter schools shall have an operative and readily~~

126 ~~accessible electronic website providing information required under R277-482-4A in~~  
127 ~~place. The completed charter school website shall be provided to the State Charter~~  
128 ~~School Board for review at least 210 days prior to the proposed opening day of~~  
129 ~~school and prior to posting the websites publicly.~~

130 ~~—— D. The State Charter School Board and the Board shall, in the~~  
131 ~~recommendation and approval process, consider and may give priority to charter~~  
132 ~~school applications that target underserved student populations, or provide an~~  
133 ~~innovative educational program, service, or setting as determined by the State~~  
134 ~~Charter School Board, among traditional public schools and operating charter~~  
135 ~~schools.~~

136 ~~—— (1) Underserved student populations may include economically~~  
137 ~~disadvantaged students, students with disabilities, English language learners,~~  
138 ~~children of refugee families, or students in remote areas of the state who have~~  
139 ~~limited access to the full range of academic courses;~~

140 ~~—— (2) Innovative educational opportunities shall be described on the State~~  
141 ~~Charter School Board's website;~~

142 ~~—— (3) Priority may also be given to charter school applicants for proposed~~  
143 ~~schools that do not have other charter schools within the school district; and~~

144 ~~—— (4) To be given priority, the charter school application and proposed employee~~  
145 ~~and site information shall support the school's designated focus.~~

146 ~~—— E. The Board or chartering entity may request documentation of underserved~~  
147 ~~student criteria that schools designate and for which they request a preference.~~

148 ~~—— F. The Board shall have authority for final approval of all charter schools.]~~

149 **R277-482-5. Timelines - Charter School Starting Date and Facilities.**

150 ~~[A.](1) [Chartering entities shall accept a proposed starting date from a charter~~  
151 ~~school applicant, or the chartering entity shall negotiate and recommend a starting~~  
152 ~~date prior to recommending final charter approval to the Board.]A charter school~~  
153 ~~authorizer may:~~

154 ~~(a) accept the proposed starting date from a charter school applicant; or~~

155 ~~(b) negotiate and recommend a different starting date to the Board.~~

156 ~~[B.](2) [Only]A charter school[s] may receive state funds if the charter school~~

157 is approved as a new charter school[s] by October 1, one fiscal year prior to the state  
158 fiscal year the[y] charter school intends to serve students[~~shall be eligible for state~~  
159 funds].

160 ~~[C.](3)~~ A State Charter School Board authorized school shall begin  
161 construction on a new or existing facility requiring major renovation, such as  
162 requiring a project number consistent with Rule R277-471, no later than January 1  
163 of the year the charter school is scheduled to open.

164 ~~[D.](4)~~ A State Charter School Board authorized charter school that intends  
165 to occupy a facility requiring only minimal renovation, such as renovation not  
166 requiring a project number according to Rule R277-471, shall enter into a written  
167 agreement no later than May 1 of the calendar year the charter school is scheduled  
168 to open.

169 ~~[E. Each charter school shall submit any lease, lease-purchase agreement,  
170 or other contract or agreement relating to the charter school's facilities or financing  
171 the charter school facilities to its chartering entity for review and advice prior to the  
172 charter school entering into the lease, agreement, or contract, consistent with  
173 Section 53A-1a-507(9).]~~

174 ~~[F. If students are not enrolled and attending classes by October 1, a charter  
175 school shall not receive funding from the state for that school year].~~

176 ~~[G.](5)~~ ~~[Despite a charter school meeting starting dates, a]~~ A charter school  
177 shall ~~[be required to satisfy]~~ comply with Rule R277-419 requirements of 180 days  
178 and 990 hours of instruction time, unless otherwise exempted by the Board under  
179 Section 53A-1a-511.

180 ~~[H.](6)~~ The Board may, following review of information, approve the  
181 recommended starting date or determine a different charter school starting date after  
182 giving consideration to the charter~~[ing entity's]~~ school authorizer's recommendation.

183 **R277-482-6. Procedures and Timelines to Change Charter[ing Entities] School**  
184 **Authorizers.**

185 ~~[A.](1)~~ A charter school may ~~[change]~~ transfer to another charter[ing entities]  
186 school authorizer.

187 ~~[B.](2)~~ A charter school shall submit an application ~~[provided by]~~ to the new

188 charter~~[ing entity to the Board to request a new chartering entity]~~ school authorizer  
189 at least ~~[three months]~~90 days prior to the proposed ~~[change]~~transfer.

190 ~~[C:]~~(3) The charter school authorizer transfer application ~~[may require some~~  
191 ~~or all of the following, as determined by the new chartering entity]~~shall include:

192 ~~[(1)]~~a current governing board members~~[-and founding members];~~

193 ~~[(2)]~~b financial records~~[-including most recent annual financial report (AFR);~~  
194 ~~annual project report (APR) and audited financial statement];~~

195 ~~[(3)]~~c test scores~~[-including all state required assessments];~~

196 ~~[(4)]~~d current employees~~[-identifying]~~ and assignments ~~[and licensing status;~~  
197 ~~if applicable];~~

198 ~~[(5)]~~ school calendar for previous school year and prospective school year;

199 ~~[(6)]~~ course offerings, if applicable;

200 (e) board minutes for the most recent 12 months; and

201 ~~[(7)]~~f affidavits, signed by all board members~~[-providing or]~~ certifying~~[~~  
202 ~~(documentation may be required)]:~~

203 ~~[(a)]~~ the school's nondiscrimination toward students and employees;

204 ~~[(b)]~~i the charter school's compliance with all state and federal laws and  
205 regulations;

206 ~~[(c)]~~ii ~~[that]~~ all information on the transfer application~~[-provided]~~ is complete  
207 and accurate;

208 ~~[(d)]~~ that school meets/complies with all health and safety codes/laws;

209 ~~[(e)]~~iii ~~[that]~~ the charter school is current with all ~~[required]~~charter school  
210 governing board policies~~[-(personnel, salaries, and fees), including board minutes~~  
211 ~~for the most recent three months];~~

212 ~~[(f)]~~iv ~~[that]~~ the charter school is operating consistent with the charter school's  
213 charter agreement; and

214 ~~[(g)]~~v ~~[that]~~ there are no outstanding lawsuits or judgments or identifying  
215 outstanding lawsuits filed or judgments against the charter school~~[:];~~.

216 ~~[D:]~~(4) A charter school seeking to ~~[change]~~transfer charter~~[ing entities]~~ school  
217 authorizers shall submit a position statement from the current charter~~[ing entity]~~  
218 school authorizer about the charter school's status, compliance with the charter~~[ing~~  
219 ~~entity]~~ school authorizer requirements, and any unresolved concerns to the proposed

220 new charter~~[ing entity]~~ school authorizer.

221 ~~[E:]~~(5) A new charter school authorizer shall review ~~[A]~~an application for  
222 ~~[changing]~~transferring a charter~~[ing entity]~~ school authorizer ~~[shall be reviewed]~~for  
223 acceptance ~~[by the new chartering entity]~~ within 60 days of submission of a complete  
224 application, including all required documentation.

225 ~~[F. The Board shall consider an application to change chartering entities to~~  
226 ~~the State Charter School Board within 60 days of State Charter School Board~~  
227 ~~approval, or next possible monthly Board meeting, whichever is sooner.]~~

228 ~~[G:]~~(6) Final approval or denial of changing chartering entities to the State  
229 Charter School Board is final administrative action by the Board.

230 **R277-482-7. ~~[Approved]~~Charter School Expansion Requests.**

231 (1) A charter school authorizer shall maintain the final, official, and complete  
232 charter agreement.

233 ~~[A:]~~(2) ~~[The following shall apply to requests for expansion from approved and~~  
234 ~~operating charter schools]~~A charter school may request approval for an expansion  
235 if:

236 ~~[(1)]~~a) ~~[F]~~the charter school satisfies ~~[all]~~the requirements of federal and state  
237 law, regulations, ~~[Board]~~rule, and the charter agreement~~[-];~~ and

238 ~~[(2)]~~(b)(i) ~~[F]~~the~~[approved]~~ charter school's charter agreement ~~[shall]~~provides  
239 for an expansion consistent with the request; or

240 ~~[(3)]~~ii) ~~[F]~~the charter school governing board has submitted a formal  
241 amendment request to the charter~~[ing entity]~~ school authorizer consistent with the  
242 charter~~[ing entity's]~~ school authorizer's requirements.

243 ~~[B:]~~(3) If the charter~~[ing entity]~~ school authorizer approves a charter school  
244 expansion~~[-~~:

245 ~~——(1) requiring a construction project number under R277-471], the expansion~~  
246 ~~shall be approved before October 1 of the state fiscal year prior to the school's~~  
247 ~~intended expansion date.~~

248 ~~[(2) that does not require a construction project number under R277-471, the~~  
249 ~~charter school shall be approved before May 1 of the state fiscal year prior to the~~  
250 ~~school's intended expansion.~~

251 ~~—— C. If the expansion request is for an increase in enrollment capacity in the~~  
252 ~~amount of 0.25 times or less, the number of students in grades 9 through 12 enrolled~~  
253 ~~in an online course in the previous school year through the Statewide Online~~  
254 ~~Education Program, the request shall be submitted to the Board by October 1 of the~~  
255 ~~school year for which the increase is requested.~~

256 ~~—— D. Requests under R277-482-7C are subject to the availability of sufficient~~  
257 ~~funds appropriated under Section 53A-1a-513 to provide the full amount of the per~~  
258 ~~student allocation for each charter school student in the state to supplement school~~  
259 ~~district property tax revenues.~~

260 ~~—— E. Expansion requests shall be considered by the State Charter School Board~~  
261 ~~as part of the total number of charter school students allowed under Section~~  
262 ~~53A-1a-502.5(1).]~~

263 (4) For an expansion approved by an authorizer that is not the State Charter  
264 School Board, the charter school authorizer that authorizes an expansion of the  
265 authorizer's charter school shall provide the total number of students by grade that  
266 the charter school is authorized to enroll to the State Charter School Board and to  
267 the Superintendent on or before October 1 of the state fiscal year prior to the charter  
268 school's intended expansion.

269 **R277-482-8. Requests for a New Satellite School for an Approved Charter**  
270 **School[s].**

271 (1) A charter school and its satellite are a single LEA for purposes of public  
272 school funding and reporting.

273 ~~[A.](2)~~ An existing charter school may submit an amendment request to the  
274 charter school's charter[ing entity] authorizer for a satellite charter school if[the  
275 charter school fully satisfies the following]:

276 ([4]a) [F]the charter school [currently]satisfies [all]requirements of federal  
277 and state law, regulations, and[Board] rule;

278 ([2]b) [F]the charter school has operated successfully for at least three years  
279 meeting the terms of its charter agreement;

280 ([3]c) [S]the students at the charter school are performing on standardized  
281 assessments at or above the standard in the charter agreement;

282            (4)d) [F]the proposed satellite charter school will provide educational  
283 services, assessment, and curriculum consistent with the services, assessment, and  
284 curriculum currently being offered at the existing charter school;

285            (5)e) [A]adequate qualified administrators, including at least one onsite  
286 administrator, and staff are available to meet the needs of the proposed student  
287 population at the satellite charter school; and

288            (6)f) [F]the charter school provides any additional information or  
289 documentation requested by the charter[ing entity] school authorizer or the Board.

290            (7)3) [A]a satellite charter school that receives School LAND Trust funds shall  
291 have a [~~School LAND Trust committee~~]charter trust land council and satisfy all  
292 requirements for [~~School LAND Trust committees~~]charter trust land councils  
293 consistent with Rule R277-477.

294            [B:](4) [~~Only a~~]A satellite charter school may receive state funding if the Board  
295 approves the satellite charter school [~~approved~~]by October 1 of the state fiscal year  
296 prior to the year the school intends to serve students[~~shall be eligible for state~~  
297 ~~funds~~].

298            [C:](5) The approval of [~~the~~]a satellite charter school by the charter[ing entity]  
299 school authorizer requires ratification by the [~~State~~]Board [~~of Education~~]and will  
300 expire 24 months following [~~such~~]the ratification if a building site [~~has~~]is not [~~been~~  
301 ]secured for the satellite charter school.

302    **KEY: training, timelines, expansion, satellite**

303    **Date of Enactment or Last Substantive Amendment: [~~October 8, 2013~~]2016**

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

305    **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [~~53A-1a-513;~~**  
306    **53A-1-401(3); 53A-1a-504; 53A-1a-505; 53A-1a-515; 53A-1a-521; 53A-1a-513[**  
307    **53A-1a-502.5]**