

1 **R277. Education, Administration.**

2 **R277-552. Charter School Timelines and Approval Processes.**

3 **R277-552-1. Authority and Purpose.**

4 (1) This rule is authorized 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 [53E-3-401\(4\)](#), which allows the Board to adopt rules in accordance  
8 with its responsibilities;

9 (c) Subsection [53G-6-504\(5\)](#), which requires the Board to make rules regarding a  
10 charter school expansion or satellite campus;

11 (d) Sections [53G-5-304](#) through [53G-5-306](#), which require the Board to make a rule  
12 providing a timeline for the opening of a charter school;

13 (e) Section [53F-2-702](#), which directs the Board to distribute funds for charter school  
14 students directly to the charter school;

15 (f) the Charter School Expansion Act of 1998, 20 U.S.C. Sec. 8063, which directs  
16 the Board to submit specific information [~~prior to~~]before a charter school's receipt of federal  
17 funds; and

18 (g) Subsection [53G-5-205\(5\)](#), which requires the Board to make rules establishing  
19 minimum standards that an authorizer is required to apply in authorizing and monitoring  
20 charter schools.

21 (2) The purpose of this rule is to:

22 (a) establish procedures for timelines and approval processes for new charter  
23 schools; and

24 (b) provide criteria and standards for consideration of high performing charter  
25 schools to expand and request new schools that are satellite schools.

26

27 **R277-552-2. Definitions.**

28 (1) [“Large expansion” means a charter school’s request for expansion if the](#)  
29 [expansion request:](#)

- 30 (a) is for more than 50 students;  
31 (b) would necessitate significant renovation; or  
32 (c) is for more than one additional grade level.

33 (2) "Market analysis" means a qualitative and quantitative analysis of the  
34 educational market near a proposed charter school, including:

- 35 ~~[(1)]~~(a) the school's target demographics;  
36 ~~[(2)]~~(b) population and development trends in the area;  
37 ~~[(3)]~~(c) nearby competing public schools;  
38 ~~[(4)]~~(d) the proposed school's own forecasts, along with supporting data; and  
39 ~~[(5)]~~(e) any risks, barriers, or regulations that may impact a proposed school's  
40 success.

41 ~~[(2)]~~(3) "Significant ~~renovation~~school remodel" means new construction or a  
42 renovation that requires:

- 43 (i) a building permit from a local municipality or county; or  
44 (ii) a project number from the Board as described in R277-471.

45 (4) "Small expansion request" means a charter school's request for expansion if  
46 the expansion request:

- 47 (a) is for 50 or fewer students;  
48 (b) would not necessitate a significant renovation; and  
49 (c) is for no more than one additional grade.

50 **R277-552-3. Charter School Authorization Process.**

51 (1) An individual or non-profit organization as described in Subsection 53G-5-  
52 302(2)(b) may apply to open a charter school from any statutorily approved authorizer.

53 (2) An authorizer shall submit a process to the Board for approval of:

- 54 (a) a new charter school;  
55 (b) a request from a school to change authorizers;  
56 (c) a charter school expansion; or  
57 (d) a satellite school.

58 (3) A new authorizer shall submit a new charter school application process to the  
59 Board for approval at least six months [~~prior to~~]before accepting applications for a new  
60 charter school.

61 (4) An existing authorizer may not authorize a new charter school for the 2021-22  
62 school year and beyond until the Board approves the authorizer's application process.

63 (5)(a) The Board shall approve or deny an authorizer's proposed application  
64 process, including expansion and satellite approval processes, within 90 days of receipt of  
65 the proposed process from an authorizer.

66 (b) If the Board denies an application process, the Superintendent shall provide a  
67 written explanation of the reasons for the denial to the applicant within 45 days.

68 (c) If an authorizer's application process is denied, the authorizer may submit a  
69 revised application process for approval at any time.

70 (6) An authorizer shall have an application and charter agreement, which shall  
71 include all elements required by [Title 53G, Chapter 5, Part 3](#), Charter School Authorization.

72 (7) An authorizer shall maintain the official signed charter agreement, which shall  
73 presumptively be the final, and complete agreement between a school and the school's  
74 authorizer.

75 (8) An authorizer's review process for a new charter school shall include:

76 (a) a plan for mandatory pre-operational and other trainings;

77 (b) an evaluation of the school's governing board, including:

78 (i) a review of the resumes of and background information of proposed governing  
79 board members; and

80 (ii) a capacity interview of the proposed governing board;

81 (c) an evaluation of the school's financial viability, including:

82 (i) a market analysis;

83 (ii) anticipated enrollment; and

84 (iii) anticipated and break even budgets;

85 (d) an evaluation of the school's academic program and academic standards by  
86 which the authorizer will hold the school accountable; and

87 (e) an evaluation of the school's proposed pre-operational plan, including  
88 implementation of:

- 89 (i) applicable legal requirements for public schools;
- 90 (ii) required policies;
- 91 (iii) student data systems, including student data privacy requirements;
- 92 (iv) reporting; and
- 93 (v) financial management.

94 (9) An authorizer's review process shall include contacting the school district in which  
95 a proposed charter school will be located and consideration of any feedback provided by  
96 the district.

97 (10) An authorizer shall design its approval process so that the authorizer notifies  
98 the Superintendent of an authorizer approval of a request identified in Subsection (2) no  
99 later than October 1, one fiscal year ~~[prior to]~~before the state fiscal year the charter school  
100 intends to serve students.

101

#### 102 **R277-552-4. Timelines - Charter School Starting Date and Facilities.**

103 (1) A charter school may receive state start-up funds if the charter school is approved  
104 as a new charter school by October 1, one fiscal year ~~[prior to]~~before the state fiscal year  
105 the charter school intends to serve students.

106 (2) ~~[Prior to]~~Before receiving state start-up funds an authorizer, other than the State  
107 Charter School Board, shall certify in writing to the State Charter School Board that a charter  
108 school has:

- 109 (a) completed all required financial documents;
- 110 (b) completed background checks for each governing board member; and
- 111 (c) executed a signed charter agreement, which includes academic goals.

112 (3) ~~[Prior to]~~Before an LEA ~~[receiving]~~receives state start-up funds, the State Charter  
113 School Board shall require the LEA to submit documentation supporting the information  
114 required in Subsections (2)(a) and (c) to the Superintendent.

115 (4) A charter school may receive state funds, including minimum school program  
116 funds, if the charter school authorizer certifies in writing to the Superintendent by June 30  
117 ~~[prior to]~~before the school's first operational year that:

118 (a) the charter school meets the requirements of Subsection (2);

119 (b) the charter school's governing board has adopted all policies required by statute  
120 or Board rule, including a draft special education policies and procedures manual;

121 (c) the charter school's governing board has adopted an annual calendar in an open  
122 meeting and has submitted the calendar to the Superintendent;

123 (d) the authorizer has received the charter school's facility contract as required by  
124 Subsection [53G-5-404](#)(9);

125 (e) the charter school has met the requirements of Subsections (5) and (6) and that  
126 the school's building is scheduled for completion, including all required inspections, ~~[prior~~  
127 ~~to]~~before occupancy;

128 (f)(i) the charter school has hired an executive director and a business administrator;  
129 or

130 (ii)(A) the charter school governing board has designated an executive director or  
131 business administrator employed by a third party; and

132 (B) the charter school governing board has established policies regarding the charter  
133 school's supervision of the charter school's third-party contractors;

134 (g) the charter school's enrollment is on track to be sufficient to meet the school's  
135 financial obligations and implement the charter school agreement;

136 (h) the charter school has an approved student data system that has successfully  
137 communicated with UTREx, including meeting the compatibility requirements of Subsection  
138 [R277-484](#)-5(3);

139 (i) the charter school has a functional accounting system; and

140 (j) the charter school has a budgeted net lease adjusted debt burden ratio of under  
141 30% based on the school's executed facility agreement; and

142 (k) the charter school has complied with all legal requirements for new charter  
143 schools in a school's pre-operational year.

- 144 (5) An authorizer shall:
- 145 (a) create a process to verify the requirements in Subsection (4);
- 146 (b) maintain documentation of Subsection (5)(a); and
- 147 (c) provide the documentation described in Subsection (5)(b) to the Superintendent
- 148 upon request; and
- 149 (d) submit a copy of the process required in Subsection (5)(a) to the Board for
- 150 approval along with the authorizer's process for approving new charters under Subsection
- 151 R277-552-3(2).
- 152 (6) A charter school shall begin construction on a new or existing facility requiring
- 153 ~~[major]significant renovation[, such as requiring a project number consistent with Rule R277-~~
- 154 ~~471,]~~ no later than January 1 of the year the charter school is scheduled to open.
- 155 (7) A charter school that intends to occupy a facility requiring only minimal
- 156 renovation, such as renovation not requiring a project number according to Rule [R277-471](#),
- 157 shall enter into a written agreement no later than May 1 of the calendar year the charter
- 158 school is scheduled to open.
- 159 (8) If a charter school fails to meet the requirements of this section within 36 months
- 160 of approval, the approval of the charter school shall expire.

161

162 **R277-552-5. Charter Amendment Requests.**

- 163 (1) An authorizer shall have a policy establishing a process for consideration of
- 164 proposed amendments to a school's charter agreement.
- 165 (2) An authorizer's timeline for consideration of an amendment to a charter
- 166 agreement may not conflict with any funding deadline established in Board rule.

167

168 **R277-552-6. Charter School [Small](#) Expansion Requests.**

- 169 (1) An authorization process developed by an authorizer in accordance with
- 170 Subsection R277-552-~~[2]~~3(2) shall comply with ~~[this]~~ Sections ~~R277-552-~~~~[5]~~[6 and 7](#) for a
- 171 charter school expansion.

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

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

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

186           ~~—— (b) the request is consistent with the charter school's charter agreement;~~  
187           ~~—— (c) the expanding school or LEA is performing:~~

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

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

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

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

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

201 (2) An authorizer may approve a small expansion request in accordance with an  
202 authorizer’s standards and established criteria.

203 ~~[(2) An authorizer may approve an application from a charter school for an expansion~~  
204 ~~request in accordance with the authorizer’s standards and established criteria if:~~

205 ~~\_\_\_\_\_ (a) the expansion request is for 50 students or less;~~

206 ~~\_\_\_\_\_ (b) the expansion does not necessitate significant renovation; and~~

207 ~~\_\_\_\_\_ (c) the expansion is for no more than one additional grade.]~~

208 [(4)](3) An authorizer may [only] approve an application from a charter school for  
209 [an]a large expansion if the charter school meets the requirements for a satellite school  
210 described in Section R277-552-7~~[if the expansion request is:~~

211 ~~\_\_\_\_\_ (a) for more than 50 students;~~

212 ~~\_\_\_\_\_ (b) the expansion would necessitate significant renovation; or~~

213 ~~\_\_\_\_\_ (c) for more than one additional grade level. if:]~~

214 ~~[(a) the charter school is meeting the terms of its charter agreement;~~

215 ~~\_\_\_\_\_ (b) the charter school is academically and operationally successful, taking into~~  
216 ~~consideration at least two years of academic performance data of students at the charter~~  
217 ~~school;~~

218 ~~\_\_\_\_\_ (c) the charter school:~~

219 ~~\_\_\_\_\_ (i) provides educational services consistent with state law and Board rule;~~

220 ~~\_\_\_\_\_ (ii) administers and has capacity to carry out statewide assessments including~~  
221 ~~proctoring statewide assessments, consistent with Section 53E-4-303 and Rule R277-404;~~

222 ~~and~~

223 ~~\_\_\_\_\_ (iii) provides evidence-based instruction for special populations as required by~~  
224 ~~federal law;~~

225 ~~\_\_\_\_\_ (d) the charter school has adequate qualified administrators and staff to meet the~~  
226 ~~needs of the proposed student population at the school;~~

227 ~~\_\_\_\_\_ (e) the school is in compliance with all applicable school legal obligations;~~

228 ~~\_\_\_\_\_ (f) the charter school has maintained for each of the last three years:~~

229 ~~\_\_\_\_\_ (i) a re-enrollment rate of at least 80%;~~



230 ~~\_\_\_\_\_ (ii) a wait list of at least 40% of its annual enrollment; or~~  
231 ~~\_\_\_\_\_ (iii) other evidence of market demand satisfactory to the authorizer;~~  
232 ~~\_\_\_\_\_ (g) the charter school is financially viable, as evidenced by the charter school's~~  
233 ~~financial records, including the charter school's:~~  
234 ~~\_\_\_\_\_ (i) most recent annual financial report (AFR);~~  
235 ~~\_\_\_\_\_ (ii) annual program report (APR); and~~  
236 ~~\_\_\_\_\_ (iii) audited financial statements;~~  
237 ~~\_\_\_\_\_ (g) the charter school's proposal provides an adequate facility for the school; and~~  
238 ~~\_\_\_\_\_ (h) the charter school has appropriately dealt with student safety issues, if any.]~~  
239 \_\_\_\_\_ (4) An authorizer may provide additional requirements in addition to the requirements  
240 described in Sections R277-552-6 and 7.  
241 \_\_\_\_\_ (5) An authorizer shall provide documentation of an applicant school's eligibility for  
242 an expansion under Subsection (2) or Section R277-552-7 to the Superintendent upon  
243 request.  
244 ~~[(5)](6)~~ An authorizer shall:  
245 (a) approve a proposed expansion before October 1 of the state fiscal year [~~prior~~  
246 ~~to~~]before the school year that the charter school intends to expand; and  
247 (b) provide the total number of students by grade that the charter school expansion  
248 is authorized to enroll to the Superintendent on or before October 1 of the state fiscal year  
249 [~~prior to~~]before the school year that the school intends to expand.  
250  
251 **R277-552-7. Requests for a New Satellite School or Large Expansion[~~for an Approved~~**  
252 **~~Charter School~~].**  
253 (1) An authorization process developed by an authorizer in accordance with  
254 Subsection R277-552-3(2) shall comply with this Section R277-552-7 for a satellite school  
255 or large expansion request.  
256 ~~[(2) An authorizer may only consider an application from a charter school for a~~  
257 ~~satellite school if:~~

258 ~~\_\_\_\_\_ (a) the charter school is in compliance with the requirements of federal and state~~  
259 ~~law, regulations, and Board rule, including:~~  
260 ~~\_\_\_\_\_ (i) Title 53E, Chapter 9, Student Privacy and Data Protection;~~  
261 ~~\_\_\_\_\_ (ii) Title 53G, Chapter 7, Part 5, Student Fees;~~  
262 ~~\_\_\_\_\_ (iii) Title 53G, Chapter 9, Part 7, Suicide Prevention;~~  
263 ~~\_\_\_\_\_ (iv) Title 53G, Chapter 8, Discipline and Safety;~~  
264 ~~\_\_\_\_\_ (v) Title 52, Chapter 4, Open and Public Meetings Act;~~  
265 ~~\_\_\_\_\_ (vi) Title 63G, Chapter 6a, Utah Procurement Code; and~~  
266 ~~\_\_\_\_\_ (vii) the IDEA and Rule R277-750, with no unresolved audit exceptions;~~  
267 ~~\_\_\_\_\_ (viii) Rule R277-113, Local Education Agency (LEA) Fiscal and Auditing Policies;~~  
268 ~~\_\_\_\_\_ (ix) Section 53G-9-207, Child sexual abuse prevention; and~~  
269 ~~\_\_\_\_\_ (x) Subsection 63G-7-301(3) and Rule R277-322;~~  
270 ~~\_\_\_\_\_ (b) the request is consistent with the charter school's charter agreement;~~  
271 ~~\_\_\_\_\_ (c) all schools operating under the governance of the existing charter school are~~  
272 ~~performing:~~  
273 ~~\_\_\_\_\_ (i) consistent with or above the charter school's stated academic goals; or~~  
274 ~~\_\_\_\_\_ (ii) if no student performance goals have been established, above the standardized~~  
275 ~~student assessment measures of other comparable nearby schools;~~  
276 ~~\_\_\_\_\_ (d) the charter school has maintained a net lease adjusted debt burden ratio of under~~  
277 ~~25% for each of the last three years;~~  
278 ~~\_\_\_\_\_ (e) the charter school's financial statements report revenues in excess of~~  
279 ~~expenditures for at least three of the last four years;~~  
280 ~~\_\_\_\_\_ (f) the charter school provides a market analysis, including documentation of the~~  
281 ~~school's potential for enrollment stability, covering all public schools within a ten mile radius,~~  
282 ~~including analysis of whether nearby schools are at enrollment capacity; and~~  
283 ~~\_\_\_\_\_ (g) the charter school provides any additional information or documentation~~  
284 ~~requested by the charter school authorizer.]~~  
285 ~~[(3)](2) An authorizer may not consider an application for a satellite school from a~~  
286 ~~charter school governed by a different authorizer.~~

287 ~~[(4) An authorizer shall provide documentation of an applicant school's eligibility to~~  
288 ~~apply under Subsection (2) to the Superintendent upon request.]~~

289 ~~[(5)](3)~~ An authorizer may only approve an application from a charter school for a  
290 satellite school or large expansion if:

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

293 (b) the charter school meets the requirement of the charter school authorizer's  
294 standards and requirements;

295 (c) the charter school is academically high performing and in good standing  
296 according to the standards established by the charter school's authorizer in the authorizer's  
297 process for charter school expansion or satellite school described in Subsection R277-552-  
298 3(2), including whether[;

299 ~~\_\_\_\_\_ (i)]~~ the charter LEA, as a whole, qualifies [for]as high performing under the charter  
300 school's authorizer's approved definition of high performing; [and

301 ~~\_\_\_\_\_ (ii) no single school under the charter LEA individually fails to meet the charter~~  
302 ~~school's authorizer's approved definition of academic good standing;]~~

303 ~~[(a) the charter school is meeting the terms of its charter agreement;~~

304 ~~(b) the charter school has maintained for each of the last three years:~~

305 ~~\_\_\_\_\_ (i) a re-enrollment rate of at least 80%;~~

306 ~~\_\_\_\_\_ (ii) a wait list of at least 40% of its annual enrollment; or~~

307 ~~\_\_\_\_\_ (iii) there is a demonstrated demand for the proposed satellite, taking into~~  
308 ~~consideration the market analysis required under Subsection (2)(f);]~~

309 ~~[(e)](d)~~ subject to Subsection (4), the charter school is [academically and]  
310 operationally successful, taking into consideration at least two years of [academic  
311 performance data of students at ]data for every school under the charter agreement[the  
312 charter school, including whether the charter school is performing at or above:

313 ~~\_\_\_\_\_ (i) the academic goals established in the charter school's agreement; and~~

314 ~~\_\_\_\_\_ (ii) the average academic performance of other district and charter schools in the~~  
315 ~~area or schools targeting similar populations or demographics;]~~

316 ~~[(d)]~~(e) the charter school has plans for the new satellite school or large expansion

317 to:

318 (i) provide educational services consistent with state law and Board rule;

319 (ii) administer and have capacity to carry out statewide assessments including  
320 proctoring statewide assessments, consistent with Section [53E-4-303](#) and Rule [R277-404](#);

321 and

322 (iii) provide evidence-based instruction for special populations as required by federal  
323 law;

324 ~~[(e)]~~(f) the charter school has adequate qualified administrators and staff to meet the  
325 needs of the proposed student population at the new school;

326 ~~[(f)]~~(g) the school is in compliance with all public school legal obligations;

327 ~~[(g)]~~(h) the charter school is in good standing with its authorizer; ~~[and]~~

328 (i) the charter school has no outstanding corrective action [that has not yet been](#)  
329 [resolved by the completion of a corrective action plan](#);

330 ~~[(h) the charter school is financially viable, as evidenced by the charter school's~~  
331 ~~financial records, including the charter school's:~~

332 ~~——(i) most recent annual financial report (AFR);~~

333 ~~——(ii) annual program report (APR); and~~

334 ~~——(iii) audited financial statements.]~~

335 (j) the charter school provides a market analysis, including documentation of the  
336 school's potential for enrollment stability~~], [covering all public schools within a ten mile radius,](#)~~  
337 ~~[including analysis of whether nearby schools are at enrollment capacity](#)]; and~~

338 (k) the charter school provides any additional information or documentation  
339 requested by the authorizer.

340 (4)(a) For purposes of this Subsection (4), “debt coverage ratio” means:

341 (i) a debt coverage ratio calculated using (revenue - expenditures + interest cost +  
342 depreciation) divided by annual debt service; or

343 (ii) if the charter school's facilities are leased and not owned, a debt coverage ratio  
344 calculated using (revenue - expenditures + facility lease payment + real property taxes +  
345 depreciation) divided by annual debt service.

346 (b) A charter school is considered to be operationally successful if:

347 (i) for each of the schools under the charter agreement, the charter school meets  
348 the following criteria:

349 (A) for a school with 350 or less students enrolled in the school, at least 120% debt  
350 coverage ratio for each of the three years before the request for a satellite;

351 (B) for a school with between 351 and 499 students enrolled in the school, at least  
352 115% debt coverage ratio for each of the three years before the request for a satellite;

353 (C) for a school with between 500 and 750 students enrolled in the school, at least  
354 110% debt coverage ratio for each of the three years before the request for a satellite; or

355 (D) for a school with more than 750 students enrolled in the school, at least 105%  
356 debt coverage ratio for each of the three years before the request for a satellite;

357 (ii) the charter school is financially viable, as evidenced by the charter school's  
358 financial records, including the charter school's:

359 (A) most recent annual financial report (AFR);

360 (B) annual program report (APR); and

361 (C) audited financial statements[-];

362 (iii) the charter school has maintained a net lease adjusted debt burden ratio of under  
363 25% for each of the last three years; and

364 (iv) the charter school's financial statements report revenues in excess of  
365 expenditures for at least three of the last four years;

366 (v) the charter school is meeting the terms of its charter agreement;

367 (vi) the charter school has maintained for each of the last three years:

368 (A) a re-enrollment rate of at least 80%;

369 (B) a wait list of at least 40% of its annual enrollment; or

370 (C) there is a demonstrated demand for the proposed satellite or large expansion,  
371 taking into consideration the market analysis required under Subsection (3)(j).

372 \_\_\_\_\_ (5) An authorizer may provide additional requirements for a charter school in addition  
373 to the minimum requirements described in this Section R277-552-7.

374 \_\_\_\_\_ (6) An authorizer shall provide documentation of an applicant school's eligibility for  
375 a satellite school or large expansion under Subsection (3) to the Superintendent upon  
376 request.

377 ~~[(6)](7)~~ An authorizer shall:

378 (a) approve a proposed large expansion request or satellite school before October  
379 1 of the state fiscal year ~~[prior to]~~before the school year that the proposed school intends to  
380 first serve students;

381 (b) provide the total number of students by grade that the expanded or satellite  
382 school is authorized to enroll to the Superintendent on or before October 1 of the state fiscal  
383 year ~~[prior to]~~before the school year that the proposed school intends to first serve students;  
384 and

385 (c) ensure that a proposed school that will receive School LAND Trust funds has a  
386 charter trust land council and satisfies all requirements of Rule [R277-477](#), including  
387 transparency of information for parents.

388 ~~[(7)](8)~~ A charter school and all of the charter school's satellite schools are a single  
389 LEA for purposes of public school funding and reporting.

390 ~~[(8)](9)~~ If a satellite charter school does not open within 36 months of approval, the  
391 approval shall expire.

392 ~~[(9)](10)~~ If an authorizer denies an application for a satellite school, the school may  
393 immediately apply for a new charter in accordance with an authorizer's approved processes.  
394

### 395 **R277-552-8. Procedures and Timelines to Change Charter School Authorizers.**

396 (1) A charter school may transfer to another charter school authorizer.

397 (2) A charter school shall submit an application to the new charter school authorizer  
398 at least 90 days ~~[prior to]~~before the proposed transfer.

399 (3) The charter school authorizer transfer application shall include:

400 (a) the name and contact information of all current governing board members;

- 401 (b) financial records that demonstrate the charter school's financial position,  
402 including the following:
- 403 (i) most recent annual financial report (AFR);
  - 404 (ii) annual program report (APR); and
  - 405 (iii) audited financial statements;
- 406 (c) test scores, including all state required assessments;
- 407 (d) current employees and assignments;
- 408 (e) board minutes for the most recent 12 months; and
- 409 (f) affidavits, signed by all board members certifying:
- 410 (i) the charter school's compliance with all state and federal laws and regulations,  
411 including documentation if requested;
  - 412 (ii) all information on the transfer application is complete and accurate;
  - 413 (iii) the charter school is current with all required charter school governing board  
414 policies;
  - 415 (iv) the charter school is operating consistent with the charter school's charter  
416 agreement; and
  - 417 (v) there are no outstanding lawsuits, judgments, or liens against the charter school.
- 418 (4) The current authorizer of a charter school seeking to transfer charter school  
419 authorizers shall submit a position statement to the new charter school authorizer about:
- 420 (a) the charter school's status;
  - 421 (b) compliance with the charter school authorizer requirements; and
  - 422 (c) unresolved concerns.
- 423 (5) If a school applies to change authorizer's, the existing authorizer shall advise the  
424 proposed authorizer if there is any outstanding debt to the existing authorizer or the state.
- 425 (6) If a school applies to change authorizers, the request shall extend to all satellite  
426 schools.
- 427 (7) A new charter school authorizer shall review an application for transferring to  
428 another charter school authorizer within 60 days of submission of a complete application,  
429 including all required documentation.

430 (8) ~~[Prior to]~~Before accepting a charter school's transfer from another authorizer, the  
431 new authorizer shall request and consider information from the Board and current authorizer  
432 concerning the charter school's financial and academic performance.

433 (9) The Superintendent and current authorizer shall provide the information  
434 described in Subsection (7) to a new charter authorizer within 30 days of request described  
435 in Subsection (7).

436 (10) If an authorizer accepts the transfer of a charter school, the new authorizer shall  
437 notify the Superintendent within 30 days.

438  
439 **R277-552-9. Requirements for Board Approval of Process Updates Due to**  
440 **Changes in Board Rule.**

441 (1) An authorizer with a previously Board approved process shall re-submit the  
442 authorizer's updated processes described in Subsection R277-552-3(2) within six months  
443 of the new effective date of this Rule if the updates to this Rule include new or amended  
444 requirements.

445 (2) An authorizer may submit only those portions of the processes that were  
446 impacted by the updates to this Rule.

447  
448 **KEY: training, timelines, expansion, satellite**  
449 **Date of Enactment or Last Substantive Amendment: February 9, 2021**  
450 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#); [53G-5-205](#);**  
451 **[53F-2-702](#); 53G-6-503**