

I-4: Administrative Procedures

Board Authorized Charter Schools



REFERENCES

- [Board Policy I-4](#)
- [Utah Code Ann. §53G-5-101 et seq., Charter Schools](#)
- [Utah Admin. Code R277-550, Charter Schools](#)
- [Charter School Application](#)
- [Renewal Application](#)

DEFINITIONS

The terms contained in these procedures have the same meaning as they are given in Utah Code Ann. §53G-5-101 et seq., and Utah Admin. Code R277-550. Please consult those two references for all governing definitions.

PROCEDURES FOR IMPLEMENTATION

Given the complexities associated with the establishment and operation of a charter school, any party interested in submitting a charter school application is required to read, understand, and comply with not only these procedures, but also all applicable federal, state, and local laws, rules, and regulations, and all applicable board policies and accompanying administrative procedures.

I. Status

- A. Charter schools are considered public schools within Utah’s public education system, and may be established by:
 - 1. creating a new school; or
 - 2. converting an existing public school to charter status.
- B. A parochial school or home school is not eligible for charter school status.

II. Application Process

- A. An application to establish a charter school may be submitted by:
 - 1. an individual;
 - 2. a group of individuals; or
 - 3. a nonprofit legal entity organized under Utah law.
- B. The principal, teachers, or parents/guardians of students at an existing public school may submit an application to convert the school or a portion of the school to charter status.
 - 1. Utah Code Ann. §53G-5-305(1)(b), outlines the specific percentages of petition signers necessary prior to submission of any such application to the board.
- C. An applicant described above may submit an application to the board to establish and operate a charter school within the district’s geographical boundaries.
- D. Applicants must submit a completed Charter School Application to the board.
- E. Applications must be received by the board no later than March 1, two years prior to the charter school’s intended opening.
- F. To facilitate the board’s review, drafts of applications should be submitted to the chief officer of school leadership and performance by October 15 of the prior year for feedback.

III. Review of Applications

- A. The board’s review process for a new charter school will include:
 - 1. A plan for pre-operational and other trainings;
 - 2. An evaluation of the school’s governing board, including:
 - a. A review of the resumes of and background information of proposed governing board members; and
 - b. A capacity interview of the proposed governing board;
 - 3. An evaluation of the school’s financial viability, including:
 - a. A market analysis;
 - b. Anticipated enrollment; and
 - c. Anticipated and break-even budgets;
 - 4. An evaluation of the school’s academic program and academic standards by which the authorizer will hold the school accountable; and
 - 5. An evaluation of the school’s proposed pre-operational plan, including implementation of:
 - a. Required policies;
 - b. Student data systems;

- c. Reporting; and
 - d. Financial management.
- B. The board will review and provide written notice of its acceptance or rejection of the application within 45 days after the application is received by the board.
- C. An application which proposes to convert all or part of an existing public school to a charter school will only be approved if it is determined by the board that:
 - 1. students opting not to attend the proposed converted school would have access to a comparable public education alternative; and
 - 2. current teachers who choose not to teach at the converted charter school or who are not retained by the school at the time of its conversion would receive a first preference for transfer to open teaching positions for which they qualify with the district, and, if no positions are open, contract provisions or board policy regarding reduction in staff would apply.
- D. If the board rejects the application, it will notify the applicant in writing of the reason for the rejection. Upon rejection:
 - 1. the applicant may submit a revised application for reconsideration by the board; or
 - 2. the applicant may seek a charter from another authorizer under Utah Code Ann. §53G-5-304.
- E. If the application is approved, the applicant and the board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
 - 1. The charter agreement shall be in compliance with Utah Code Ann. §53G-5-303.
 - 2. The board may authorize a charter school for up to five years but not less than three years.
 - 3. The charter agreement may be modified by mutual agreement of the board and the governing body of the charter school.
- F. The board's action under Section III.D. is final action, subject to judicial review.

IV. Board Oversight and Notification of Noncompliance

- A. If a charter school is found to be out of compliance with any federal, state, or local law, rule, or regulation, the board will send a notification of the deficiency to:
 - 1. the governing board of the charter school; and
 - 2. the Utah Charter School Finance Authority, if the charter school is a qualifying charter school with certain outstanding bonds.
- B. The charter school will have a reasonable time to remedy the deficiency unless the deficiency poses a threat to the health, safety, or welfare of the students.
- C. If the charter school fails to correct the deficiency within the established timeline, the board may take any action provided for in Utah Code Ann. §53G-5-501(2).

V. Renewal of Charter School

- A. At least three months prior to the end of any authorization term, a completed Renewal Application must be submitted to the board in order for the charter school to continue to be authorized by the board.
- B. The board may non-renew a charter school for any of the following reasons:
 - 1. failure to meet generally accepted standards of fiscal management;
 - 2. failure to meet the requirements established in the school's charter;
 - 3. violation of law; or
 - 4. other good cause shown.

VI. Termination of a Charter School Agreement

- A. The board may terminate a charter agreement of a school it authorizes under these procedures for any of the following reasons:
 - 1. failure of the charter school to meet the requirements outlined in its charter agreement;
 - a. After each year of failure to meet the charter's established academic goals, the charter school must submit to the board a plan outlining specific strategies to improve student outcomes to the level specified in the initial application. Failure to submit such a plan would serve as grounds for termination of the charter school.
 - 2. failure to meet generally accepted standards of fiscal management;
 - 3. designation as a low performing school under state law and failure to improve the school's grade under the conditions described in Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development
 - 4. violation of law; or
 - 5. other good cause shown.
- B. Pursuant to Utah Code Ann. §53G-5-503, the board will notify the governing body of the school of the proposed action in writing, state the grounds for the action, and stipulate that the governing body may request an informal hearing before the board.
 - 1. The board will conduct a hearing within 30 days after receiving a written request.

2. If the board, by majority vote, approves a motion to terminate a school's charter agreement, the governing board of the charter school may appeal the decision to the State Board of Education.
3. The board may terminate a charter agreement immediately if good cause has been shown or if the health, safety, or welfare of the students at the school is threatened. If a charter agreement is terminated for cause, the board may assume operation of the school.
4. If a charter is terminated, a student who attended the school may:
 - a. Attend his or her resident school; or
 - b. Apply to and be enrolled in another public school under the school choice enrollment provisions of Utah Code Ann. §53G-6-401 et seq., subject to space availability. Normal application deadlines associated with school choice enrollment will be disregarded.

VII. Eligible Students

All Utah students qualify for admission to a charter school, subject to the limitations set forth in this section.

- A. A charter school will enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the school.
- B. If the number of applications exceeds the capacity of a program, class, grade level, or the school, then students will be selected on a random basis except the charter school may give preference to certain children or groups of children in accordance with Utah Code Ann. §53G-6-502.
- C. When a public school converts to charter status, the charter school will give enrollment preference to students who would have otherwise attended it as a regular public school.

VIII. Employees of Charter Schools

- A. A charter school will select its own employees.
- B. The charter school's governing body will determine the level of compensation and all terms and conditions of employment, except as otherwise provided in these procedures.
- C. A district employee may be granted a leave of absence in order to work in a charter school as set forth in the contractual agreement with the recognized employee group.
- D. District employees who choose to work as employees of a charter school which is authorized by the board will retain their seniority accrued in the district and will continue to be covered by the district's benefit program.
- E. A district employee who chooses to work as an employee of a charter school authorized by an entity other than the board will not retain any seniority accrued in the district and will not continue to be covered by the district's benefit program except as allowed under the leave provisions.

IX. Funding and District Services for Charter Schools

- A. Funding and district services for board approved charter schools will be provided as outlined in Utah Code Ann. §53G-5-304 and §§53F-2-302, -702 and -704, and Utah Admin. Code R277-479, R277-480, and R277-552.
- B. In order to be eligible for state funds, charter schools must be approved by November 30, two years prior to the school year it intends to serve students.
- C. Board authorized charter schools will receive state and federal funding directly from the board.
- D. The board will retain a mutually agreed upon percentage of the per pupil allocation to the charter school based on the administrative and support services the charter school desires from the district.
- E. Charter schools must report to the board all grants, gifts, donations, endowments, and bequests made to the charter school in excess of \$500.

X. Tort Liability

- A. The governing body of a charter school, the nonprofit corporation under which the charter school is organized and managed, and the charter school are solely liable for any damages resulting from any legal challenge involving the operation of the charter school.
- B. All charter agreements will include an indemnification provision that provides that the charter school governing body, the charter school, and any managing nonprofit corporation will fully indemnify, hold harmless, and defend the board and district from any claims asserted against them that arise as a result of the operation of the charter school.
- C. An employee of a charter school is a public employee and the governing board is a public employer in the same manner as a local school board for purposes of tort liability.