

## **Charter Schools: Charter School Sponsorships**

### **Sponsorship of Charter Schools—**

The Utah State Legislature has authorized school districts to contract with individuals and entities to sponsor charter schools within the district's boundaries, whether the charter school is converted from an existing district school or is a new school.

*Utah Code Ann. § 53A-1a-515(1) (2010)*

### **Application Process for Charter School Status—**

The Board hereby elects to receive applications for Charter Schools from individuals and organizations. An application for a charter school sponsored by the District should address the following issues, which will need to be included in the charter:

1. The age or grade levels to be served;
2. The proposed maximum enrollment and anticipated enrollment for the first 3 years of operation;
3. The governance structure of the charter school;
4. The financial plan for the school together with an auditing provision and fiscal procedures;
5. The mission and educational goals of the school, the curriculum offered; and the methods of assessing whether students are meeting educational goals, participation in the state's public education statewide assessment program and end-of-level core curriculum assessments;
6. Admission and dismissal procedures, including suspension procedures;
7. Procedures for review of complaints of parents regarding operation of the schools;
8. Provisions for parental involvement, including but not limited to the requirement that at least 25% (but not less than 1 member) of the school's governing board consist of voting member(s) elected by and from the parents of current students of the school;
9. Provisions for selecting and electing the required parent representatives on the governing board, and specifying the rotating terms for such parent representatives;

10. How the school will provide adequate liability and other appropriate insurance for the school, its governing body, and its employees, including its ability to participate in the state's risk management program;
11. The proposed school calendar, including the length of the school day and school year;
12. Participation of students in extra-curricular activities sponsored by the School District;
13. The physical facility in which the school will be housed, if known at the time the charter is signed;
14. The qualifications to be required of the teachers, which shall include undergoing a criminal background check;
15. Where the charter school is to be converted from an existing public school, arrangements for current students who choose not to attend the charter school and current teachers who choose not to teach at the school after its conversion to charter status.
16. The school's intention to create a library;
17. A description of the school administrative and supervisory services;
18. The fiscal procedures to be used by the school, which shall be consistent with generally accepted financial management standards;
19. The school's policies and procedures regarding employee evaluation and employment of relatives.
20. An acknowledgement that neither the District nor the state, including any agency of the state, is liable for the debts or financial obligations of the charter school or persons or entities who operate the charter school.
21. The following statement must be included in the charter: "To the extent that this charter conflicts with applicable federal or state law or rule, the charter shall be interpreted and enforced to comply with such law or rule and all other provisions of the charter shall remain in full force and effect."

*Utah Code Ann. § 53A-1a-508 (2011)*

*Utah Admin. Rules R277-470-12 (February 22, 2011)*

### **Acceptance or Rejection of Application—**

The Board shall act to accept or reject the application for charter school status within forty-five (45) days after initial submission.

If the Board rejects the application, it shall state in writing the specific reasons for rejection.

A rejected applicant may modify its application and resubmit for reconsideration by the Board.

*Utah Code Ann. § 53A-1a-515(4) (2010)*

### **Accountability and Review—**

As required by Utah State Office of Education regulations, an authorized representative or representatives of the Board shall visit and inspect the charter school at least once within the first year of its operation. An authorized representative or representatives of the Board shall visit and inspect the charter school thereafter as determined during the approval process. The Board shall provide the charter school with a written report regarding each visit and inspection.

In addition, the Board shall annually review and evaluate the performance of the charter school and monitor the school for compliance with state and federal laws and regulations. In evaluating the school's performance, the Board may use data and information including, but not limited to, the school's annual financial audit report, statutorily required reports from the school, or reports required in the school's charter. However, the Board may not impose performance standards which are not permitted by statute and which limit, infringe, or prohibit the charter school's ability to successfully accomplish the statutory purposes of charter schools outlined in Utah Code § 53A-1a-503 or as otherwise provided for by law.

*Utah Code Ann. § 53A-1a-515(7) (2010)*

*Utah Code Ann. § 53A-1a-507 (2011)*

*Utah Admin. Code R277-470-12(E) (February 22, 2011)*

### **Termination of Charter School Status—**

The Board may terminate a charter school that it sponsors for the following reasons:

1. Failure to meet the requirements stated in its charter;
2. Failure to meet generally accepted standards of fiscal management;
3. Failure to provide adequate liability and other appropriate insurance;
4. Subject to space being available for students in other public schools, for failure to make adequate yearly progress under the No Child Left Behind Act under the circumstances that local districts are required to implement alternative educational arrangements under that law;
5. Violation of law, including but not limited to violation of the requirements to
  - a. Submit an annual progress report to the Board of Education stating:
    - i. The school's progress toward achieving its goals set forth in its charter; and

- ii. Financial records of the school, including revenues, expenditures, and employee salary and benefit levels.
  - b. Be non-sectarian in its programs, admission policies, employment practices and operations;
  - c. Not charge tuition or fees except those normally charged by public schools;
  - d. Not employ an educator whose license has been suspended or revoked by the State Board of Education;
  - e. Meet all applicable health, safety, and civil rights requirements;
  - f. Submit all annual reports required of public schools, including an annual audited financial report;
  - g. Not advocate unlawful conduct; or,
6. Other good cause shown.  
*Utah Code Ann. § 53A-1a-510(1), (7) (2008)*

#### **Procedure for Termination of Charter—**

If the Board determines that the charter of a school it sponsors should be terminated, then the following procedure shall apply:

1. The Board shall notify the charter's school governing board in writing of the proposed termination and the grounds for termination. This notice shall also inform the school governing board that it may in writing request an informal hearing before the Board regarding the proposed termination.
2. If the school governing board requests a hearing, the Board shall conduct that hearing within 30 days of receiving the request. The hearing shall be conducted under the informal hearing procedures of the Utah Administrative Procedures Act.
3. If following the hearing the Board by majority vote determines to terminate the charter, the school governing body may appeal that decision to the State Board of Education.

Notwithstanding the above, the Board may terminate a charter immediately if good cause therefore is shown or if the health, safety, or welfare of the students at the charter school is threatened.

*Utah Code Ann. § 53A-1a-510(2), (4) (2008)*

#### **School Operation Following Termination—**

If a charter is terminated, then the District may either assume management and operation of the charter school or may hire a private management company to operate the school.

*Utah Code Ann. § 53A-1a-510(5) (2008)*