

POLICY 4165

Requests for Charter Schools

A. Sponsorship of Charter Schools

1. 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 § 53G-5-305\(1\) \(2019\)](#)

B. Application Process for Charter School Status

1. The Board hereby elects to receive applications from individuals and organizations to establish charter schools within the boundaries of the District. An application for a charter school sponsored by the District should address each of the issues which are required to be included in the charter. To be approved by the Board, a proposed charter school at a minimum must serve at least 350 students, must meet the curriculum standards established by the State Board of Education, and must meet the minimum financial standards established by the State Board of Education.

[Utah Code § 53G-5-305\(8\) \(2018\)](#)

C. Application to Convert an Existing Public School to a Charter School

1. With the necessary authorization, the principal, teachers, or parents of students at an existing District school may submit an application to the Board to convert all or part of the school to a charter school. Before an application to convert the entire school may be submitted, a petition approving that application must be signed by at least two-thirds of the licensed educators employed at the school and by at least two-thirds of the parents of students enrolled at the school. A petition approving an application to convert a portion of the school must be approved by a majority of the licensed educators employed at the school and a majority of the parents of students enrolled at the school.
2. Before the Board may approve a conversion application, it must determine that the students opting not to attend the proposed converted school would have access to a comparable public education alternative and that current teachers who choose not to teach at the converted school would receive a first preference for transfer to open

teaching positions for which they qualify within the District or that applicable policy or agreements regarding staff reduction would apply.

[Utah Code § 53G-5-305\(1\)\(b\) \(2018\)](#)

D. Contents of Proposed Charter

1. An approved charter is a contract between the charter school applicant and the Board of Education which describes the rights and responsibilities of the applicant and the Board of Education and when approved allows for the operation of the proposed charter school. To be approved by the Board, a proposed charter must include each of the following components and do so in a manner satisfactory to the Board:
 - a. The name of the proposed charter school and the name of the charter school applicant;
 - b. The mission statement and purpose of the proposed charter school;
 - c. The proposed opening date of the proposed charter school;
 - d. The grade levels and number of students to be served by the proposed charter school;
 - e. A description of the structure of the proposed charter school's governing board, including the number of board members, how members of the board are appointed, and the terms of office of board members;
 - f. Assurances that:
 - 1) The governing board shall comply with the charter school's bylaws and articles of incorporation and applicable federal and state law and State Board of Education rules;
 - 2) The governing board will meet all reporting requirements applicable to public schools; and
 - 3) That except as provided for under the [Charter School Credit Enhancement Program \(Title 53G, Chapter 5, Part 6\)](#), neither the Board of Education nor the State or any agency of the State is liable for the debts or financial obligations of the charter school or a person who operates the charter school;

- g. Which administrative rules the State Board of Education will waive for the charter school;
- h. The minimum financial standards for operating the charter school;
- i. The minimum standards for student achievement at the charter school;
- j. The mission and educational goals of the school, the curriculum offered, and the methods of assessing whether students are meeting educational goals;
- k. 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;
- l. The proposed school calendar, including the length of the school day and school year;
- m. The physical facility in which the school will be housed, if known at the time the charter is signed;
- n. The qualifications to be required of the teachers, which shall include undergoing a criminal background check;
- o. The school's intentions regarding creation of or access to library facilities;
- p. A description of the school administrative and supervisory services;
- q. The school's policies and procedures regarding employee evaluation and employment of relatives; and
- r. The signatures of the charter school's governing board members and (upon approval by the Board) the signature of the president of the Board of Education.

[Utah Code § 53G-3-303 \(2022\)](#)

2. Upon approval of the charter agreement and execution by both the charter school's governing board and by the Board, the Board shall maintain the original and official signed copy of the charter agreement.

[Utah Admin. Rules R277-552-3\(7\) \(November 7, 2023\)](#)

E. Acceptance or Rejection of Application

1. The Board shall act to accept or reject the application for charter school status within forty-five (45) days after initial submission.
2. If the Board rejects the application, it shall state in writing the specific reasons for rejection.
3. A rejected applicant may modify its application and resubmit for reconsideration by the Board or may appeal the denial under the procedure set out below.

[Utah Code § 53G-5-305\(3\) \(2018\)](#)

F. Accountability and Review

1. 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 which sets forth any identified strengths, deficiencies, required corrective actions, and timelines for corrective action, as applicable. Deficiencies are matters where the charter school is in violation of [Utah Code § 53G-5-404](#) or with other governing law, is not satisfying financial, academic, or operational obligations in its charter agreement, or is not providing required documentation after receiving a notice of noncompliance.
2. The Board may also issue a written notice of noncompliance to a charter school if the charter school does not meet standards described in its charter agreement or Board standards due to a significant structural or organizational problem, or if the school fails to follow its charter agreement, or if the school violates any law or regulation. This notice may be accompanied by suggestions or a plan for compliance. The Board shall send a copy of the notice of noncompliance to the State Charter School Board.
3. 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 § 53G-5-104](#) or as otherwise provided for by law.

4. The Board shall notify the State Board of Education within 20 days of any charter school deficiencies that initiate direction from the Board to the charter school for corrective action.

[Utah Code § 53G-5-404 \(2018\)](#)

G. Remediation of Deficiencies

1. The Board's notice to a charter school of deficiencies, required corrective action, and the time for completing corrective action shall also inform the charter school that it has a reasonable time to remedy the deficiency. (This does not apply in cases where immediate termination of the school's charter is appropriate.)
2. If the charter school fails to remedy the deficiency or deficiencies within the established time line, then the Board may:
 - a. Remove a charter school director or finance officer;
 - b. Remove a governing board member;
 - c. Appoint an interim director or mentor to work with the charter school, to be paid from charter school funds; or
 - d. Subject to the procedure set forth below, terminate the school's charter.

[Utah Code § 53G-5-501\(2\), \(3\) \(2018\)](#)

H. Termination of Charter School Status

1. The Board may terminate a charter school that it sponsors for the following reasons:
 - a. Failure to meet the requirements stated in its charter;
 - b. Failure to meet generally accepted standards of fiscal management;
 - c. Failure to provide adequate liability and other appropriate insurance;
 - d. 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;

- e. Designation of the school as a low performing school under the [School Grading Act](#);
- f. Failure to improve the school's grade under the conditions described in the [School Turnaround and Leadership Development Act](#);
- g. Violation of law, including but not limited to violation of the requirements to
 - 1) Submit an annual progress report to the Board of Education stating:
 - a) The school's progress toward achieving its goals set forth in its charter; and
 - 2) Financial records of the school, including revenues, expenditures, and employee salary and benefit levels.
 - 3) Be non-sectarian in its programs, admission policies, employment practices and operations;
 - 4) Not charge tuition or fees except those normally charged by public schools;
 - 5) Not employ an educator whose license has been suspended or revoked by the State Board of Education;
 - 6) Meet all applicable health, safety, and civil rights requirements;
 - 7) Submit all annual reports required of public schools, including an annual audited financial report;
 - 8) Not advocate unlawful conduct; or,
- h. Other good cause shown.

[Utah Code § 53G-5-503\(1\) \(2018\)](#)

[Utah Code § 53G-5-404\(1\), \(4\), \(6\), \(8\), \(10\) \(2018\)](#)

I. Procedure for Termination of Charter

- 1. If the Board determines that the charter of a school it sponsors should be terminated, then the following procedure shall apply:
 - a. 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.
- b. 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](#).
 - c. 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.
2. 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, except as provided below for schools with qualifying outstanding bonds.

[Utah Code § 53G-5-503\(2\), \(5\) \(2018\)](#)

J. Procedures Applicable to Charter Schools With Outstanding Bonds

1. The procedures for remedying deficiencies and for terminating a charter school's charter are modified where the school has outstanding bonds issued under the [Charter School Credit Enhancement Program](#), as follows.
2. The notice of deficiencies shall also be given to the [Utah Charter School Finance Authority](#).
3. The Board must also give notice to that agency before it may take one of the actions other than termination. Where the Board seeks to terminate the school's charter, the notice of proposed termination and grounds for termination is also provided to the [Utah Charter School Finance Authority](#). The hearing on termination is held at least 120 days after the notice is given to the Authority and the charter school governing board (rather than 30 days). Before the hearing is held, the Authority will meet with the Board to determine whether the deficiency may be remedied in lieu of termination of the charter. If after the hearing the Board votes to terminate the charter, termination nevertheless may not be effected without the agreement of the Authority. Similarly, where immediate termination of a charter might be appropriate, such termination cannot be effected without the agreement of the Authority.

[Utah Code § 53G-5-501\(1\)\(b\), \(4\) \(2018\)](#)

[Utah Code § 53G-5-503\(2\)\(a\)\(ii\), \(2\)\(e\), \(3\) \(2018\)](#)

K. Appeals from Board Actions

1. Subject to and pursuant to the rules and procedures established by the State Board of Education, the following actions may be appealed to the State Board:
 - a. Termination of a charter;
 - b. Denial of proposed amendments to a charter;
 - c. Denial or withholding of funds from the charter school governing board; and
 - d. Denial of a charter application.
2. In taking any of these actions, the Board shall provide written notice to the charter school governing board chair or authorized agent of the action and of appeal rights and timelines. (An appeal must be submitted to the State Superintendent within 14 calendar days of the challenged action.) The Board shall also post information about the appeals process on its website and shall provide training to charter school governing board members and authorized agents regarding the appeals process.

L. School Operation Following Termination

1. If a charter is terminated, then the District may either assume management and operation of the charter school or may upon application permit the governing board of another charter school or a private management company to operate the school.

[Utah Code § 53G-5-503\(6\) \(2018\)](#)