

R277-550 received final approval by the Utah State Board of Education on December 3, 2020. R277-550 will be published in the January 1, 2021 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of February 8, 2021.

R277. Education, Administration.

R277-550. Charter Schools - Definitions.

R277-550-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
 - (c) Title 53G, Chapter 5, Charter Schools, which allows the Board to make rules governing aspects of operations of charter schools.
- (2) The purpose of this rule is to establish definitions for rules governing charter schools.
- (3) The definitions contained in this rule apply to Rules R277-550 through R277-555.

R277-550-2. Definitions.

- (1) "Amendment" means a change or addition to a charter agreement.
- (2) "Authorizer" means an entity approved to authorize the establishment of a charter school under Sections 53G-5-304 through 53G-5-306.
- (3) "Charter school" means a public school created in accordance with the provisions of Title 53G, Chapter 5, Charter Schools.
- (4)(a) "Charter school agreement" or "Charter agreement" means a written agreement between a charter school and its authorizer containing the terms and conditions for the operation of a charter school.
 - (b) The charter school agreement maintained by a charter school's authorizer is the final, official, and complete agreement.
- (5) "Charter school deficiency" means:
 - (a) failure of a charter school to comply with its charter agreement, including governance, financial, academic, or operational obligations;

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(b) failure of a charter school to comply with the requirements of state or federal law or board rule;

(c) failure of a charter school to meet terms established by the school's authorizer as part of a remediation process; or

(d) fraud or misuse of funds by charter school governing board members or employees.

(6) "Charter school governing board" means the local board that governs a charter school.

(7) "Expansion" means:

(a) an increase in the number of grade levels offered by a charter school identified by a single school number; or

(b) an increase in the number of students for which a charter school identified by a single school number is authorized to receive funding.

(8) "Mentor" means an individual or organization with expertise or demonstrated competence, approved by the State Charter School Board to advise charter schools in the Mentoring Program.

(9) "Mentoring program" means the State Charter School Board mentoring program.

(10) "New school" means any school receiving a new school number, including a new charter school, or a new satellite school.

(11) "Net lease adjusted debt burden ratio" means a school's cumulative annual debt service payments, inclusive of loans and facility lease payments, divided by the school's unrestricted annual operating revenue.

(12) "Non-operating charter school" means a charter school that has not received minimum school program funds or federal funds and is not providing educational services during a fiscal year, such as a charter school in a start-up period.

(13) "Operating charter school" means a charter school that has received minimum school program funds or federal funds and is providing educational services during a fiscal year.

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(14) "Probation" means a written formal action and notification through which a school is required to demonstrate the school's compliance with the authorizer's probationary requirements.

(15) "Restricted revenue" means the same as the term is defined in Section 63J-1-102.

(16) "Satellite school" means a charter school affiliated with an existing charter school physically located within the state of Utah that:

- (a) has the same governing board as the existing charter school;
- (b) has the same authorizer as the existing charter school;
- (c) may have a similar or different program of instruction or grades served from the existing charter school;
- (d) is located at a different site or in a different geographical area than the existing charter school; and
- (e) has a separate school number than the existing charter school.

(17) "School number" means a number assigned by the Superintendent in accordance with National Center for Education Statistics criteria that identifies a distinct school within an LEA.

(18) "State Charter School Board" means the board established in Section 53G-5-201.

(19) "Unrestricted revenue" means revenue that is:

- (a) not restricted revenue; or
- (b) restricted revenue that may be used for purposes of paying for annual debt service payments, including loans and facility lease payments.

(20) "Utah Consolidated Application" or "UCA" means the web-based grants management tool employed by the Superintendent through which LEAs submit plans and budgets for approval by the Superintendent or Board.

(21) "Utah eTranscript and Record Exchange" or "UTREx" has the same meaning as described in Subsection R277-484-2(11).

KEY: education, charter schools

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53G-5-205