



Charter School Handbook

2005

About this Publication

This handbook was developed by the Center for the School of the Future at Utah State University with funding from a grant from the Utah State Office of Education by the Center for the School of the Future at Utah State University.

This handbook is an important reference for individuals seeking to understand charter schools in Utah. Information contained here will be especially useful for interested parties seeking to start a charter school, as well as current charter school operators. It is intended that this handbook be a general reference regarding charter schools. More detailed information about charter school laws, regulations, and requirements can be found through references provided in this handbook.

Contributors

Gary L. Carlston – Primary Author, Associate Professor, Utah State University
Steve Winitzky – Contributing Author, TAP: Technical Assistance Project for Utah Charter Schools, funded through a dissemination grant to City Academy (formerly Center City School).
Nancy Winitzky – Contributing Author, University of Utah
Ronda Menlove – Contributing Author, Associate Professor, Utah State University
Philip L. Rodgers – Contributing Author, Center for the School of the Future, Utah State University
Steven O. Laing – Editor, Continuing Education, Utah State University
Tim. G. Smith – Editor, Center for the School of the Future, Utah State University

Utah Charter Schools**State Charter School Board**

Brian Allen, Chairman
Sonia Zisumbo
Anne Peterson
Eric Smith
David L. Moss
Barbara P. Killpack

Director

Jon Broberg

Utah State Office of Education

Patti Harrington
State Superintendent of Public Instruction

250 E. 500 S.
P.O. Box 144200
Salt Lake City, Utah 84114

CONTENTS

	Page
SECTION I	ACKNOWLEDGMENTS 1-1
SECTION II	INTRODUCTION TO UTAH CHARTER SCHOOLS 2-1
	Frequently Asked Questions 2-2
	Introduction 2-5
	Background 2-6
	National Charter School Movement 2-9
	History of Charter Schools in Utah 2-10
	Summary 2-11
SECTION III	CHARTER SCHOOL GOVERNANCE 3-1
	The Commitment to Public Schools 3-2
	Summary 3-4
SECTION IV	APPLICATION PROCEDURES 4-1
	Eligible Applicants 4-2
	Getting Started 4-2
	Charter School Application Submission and Timeline 4-3
	Charter School Application Content 4-3
	Summary 4-4
SECTION V	EDUCATION PROGRAM (CURRICULUM & INSTRUCTION) 5-1
	Curriculum 5-2
	Elementary Core Curriculum 5-2
	Secondary Core Curriculum 5-3
	Student Education Occupation Plans (SEOP) 5-4
	Religion in Charter Schools 5-4
	Other Curriculum Resources 5-5
	Utah State Office of Education (USOE) 5-6
	Instruction 5-6
	Instructional Guidelines 5-6
	Utah Education Network (UEN) 5-7
	Other Technology 5-7
	Professional Development 5-8
	Related Issues 5-9

SECTION VI	SPECIAL EDUCATION POLICIES AND PROCEDURES	6-1
	Prereferral.....	6-2
	Free Appropriate Public Education (FAPE)	6-5
	Least Restrictive Environment (LRE).....	6-5
	Individualized Education Plan (IEP).....	6-7
	Procedural Safeguards and Due Process	6-11
	Discipline	6-13
	Private Schools.....	6-14
SECTION VII	STUDENT ASSESSMENT	7-1
	Accountability for Student Achievement.....	7-2
	Charter School Student Achievement Commitment	7-2
	U-PASS.....	7-2
	Required Assessments.....	7-2
	No Child Left Behind.....	7-5
	Adequate Yearly Progress.....	7-8
	Summary	7-8
SECTION VIII	HUMAN RESOURCES	8-1
	Teacher and Administrator Licensure.....	8-2
	Highly Qualified Teachers	8-3
	Employee Policies.....	8-4
	Summary	8-4
SECTION IX	CHARTER SCHOOL FINANCE	9-1
	Fiscal Responsibilities of Charter Schools.....	9-2
	The Fiscal Year	9-3
	Utah Public Education Financing.....	9-3
	State Revenue.....	9-3
	Local Revenue.....	9-7
	Federal Revenue.....	9-8
	Federal Reimbursement Request.....	9-9
	The Allotment Memo.....	9-9
	Other Revenue Sources	9-9
	Utah Association of School Business Officials	9-12
	Charter School Funding Parity.....	9-12
	Current Charter School Parity Issues	9-13
	Other Funding and Finance Information Resources	9-14
SECTION X	REPORTING REQUIREMENTS	10-1

SECTION XI	LAWS AND RULES RELATING TO CHARTER SCHOOLS.....	11-1
	Utah State Statutes on Charter Schools.....	11-2
	Utah State Board of Education Rules.....	11-3
	Related Utah Statutes and Rules	11-3
	Federal Laws and Regulations Relating to Charter Schools	11-3
	Summary	11-3
SECTION XII	APPENDICIES.....	12-1
	Appendix A: Intent to Apply	12-2
	Appendix B: Contact Information for Subject Area National Professional Associations	12-43
	Appendix C: Resources and Contact Information for National Associations for At-Risk Students.....	12-47
	Appendix D: Utah Universities and Colleges	12-50
	Appendix E: Federal Funds Reimbursement Form	12-52
	Appendix F: References and Resources by Chapter	12-54

Section

I

Acknowledgments

ACKNOWLEDGMENTS

The Center for the School (CSF) of the Future at Utah State University gratefully acknowledges the contributions of many persons in the completion of this project. It represents, simply, the latest of several projects and activities conducted at the Center that pertain to public school choice and charter schools. Each project has resulted from a team of experts who are passionate about their work and strive for excellence. Many of the projects have been supported with funding from the Utah State Office of Education obtained through competitive grants. We appreciate the fair and objective manner in which these programs have been administered.

Dr. Philip L. Rodgers, formerly of the Center for the School of the Future, prepared the proposal for the current project. It was his vision of and interest in charter schools that helped to produce the initial statewide evaluation of charter schools, completed by the Center in 2002, with funding and cooperation of the Utah State Office of Education. Phil led a team of Center-based researchers who carefully investigated the state's original eight charter schools and prepared a report of findings, presented to both the Utah State Board of Education and the Utah State Legislature. In cooperation with colleagues at the Center, Phil also prepared a summary of current issues and recommended practices for charter schools in Utah, entitled "Utah Charter School Issues and Practices from Other States" (November, 2002).

With encouragement and cooperation from the Utah State Office of Education (specifically, David Steele, then Coordinator of Program Development and Support Services), researchers at the Center prepared a grant application for the Utah State Office of Education that was submitted to the U.S. Department of Education in 2002. The application requested funding for the initial support and dissemination activities for the state's charter schools. More than \$9 million were obtained for the support of charter schools in Utah for a period spanning three years, from 2002 to 2005.

In the current effort, we express appreciation to Dr. Gary L. Carlston, currently Head, Department of Secondary Education, and Associate Professor at Utah State University. Gary's experience in administering the state's charter school policies from his previous position as Deputy Superintendent, Planning and Project Services at the Utah State Office of Education, and his knowledge of charter school legislation resulting from his earlier experience as the Deputy for Education in the administration of Governor Michael Leavitt, have given him a rich foundation from which to lead this project. He was involved in the effort to pass the original authorizing legislation for Utah's charter schools in 1998. His knowledge and wisdom are expressed throughout the pages of the current handbook.

John Broberg, current Director, Utah Charter Schools, and Patricia Bradley, former Educational Director, Charter Schools, Utah State Office of Education, have both been extremely helpful in bringing this project to fruition. Each one has been thoughtful in providing insight, careful and deliberate in administering the terms of the contract, and helpful in providing valuable

information required for the handbook. We appreciate their collaborative style, and acknowledge their commitment to the success of each of the state's charter schools.

Each contributing author and editor has been chosen for his or her special expertise. We gratefully acknowledge each one and express appreciation for each contribution. Steve Winitzky and Dr. Nancy Winitzky have a wealth of experience stemming from their active participation in one of the state's functioning charter schools, but each one also has unique knowledge acquired through personal study, research, and professional preparation. Dr. Ronda Menlove's extensive background in special education assures currency and accuracy in an area of continuing importance in charter schools. The careful attention to detail and accuracy contributed by Dr. Steven O. Laing, formerly State Superintendent of Public Instruction, and currently Executive Director for Education Programs, Continuing Education, Utah State University, and Tim G. Smith, Director of Technology, Center for the School of the Future, Utah State University, are acknowledged and appreciated. They edited and improved the work of every contributor, and created a consistent tone and feel throughout the document. Other key staff members of the Center for the School of the Future must also be recognized for their contributions. Dr. Matthew J. Taylor, Director of Research and Evaluation offered crucial guidance throughout this project, and Lisa Wallin devoted hundreds of hours in the preparation of the manuscript and accounting for expenditures pertaining to the contract.

We hope that operators, parents, students, and staff of both current and future charter schools in Utah will benefit from the information presented in this handbook. We recognize the collective efforts of the professionals acknowledged here and many others who have made unidentified contributions. We express appreciation to them all.

Richard P. West, Ph.D.
Executive Director and Professor
Center for the School of the Future
Utah State University
June 2005

Section II

Introduction to Utah Charter Schools

S
E
C
T
I
O
N
=

INTRODUCTION TO UTAH CHARTER SCHOOLS

Frequently Asked Questions

The purpose of this section is to provide a short, quick reference to some of the most commonly asked questions about charter schools. A more detailed account of many of these issues is provided in this handbook.

1. *What is a charter school?*

Charter schools are public schools authorized by the legislature. They are schools of choice and are funded with public school funds. Charter schools are given freedom from some laws and regulations that apply to traditional public schools. A charter school may be established by creating a new school or converting an existing public school to a charter school.

2. *What is meant by the term “charter”?*

A charter is a contract that describes the essential mission and scope of operation of the charter school. An approved charter serves as permission to operate the school, as granted by the charter granting authority.

3. *What agency has the authority to grant a school charter?*

Charters may be granted by either the State Charter School Board as confirmed by the Utah State Board of Education or by a local board of education in the district where the charter school is proposed to be located.

4. *Who is eligible to apply for and operate a charter school?*

A group of parents, teachers, or citizens may prepare and submit an application to operate a charter school.

5. *How long is a charter valid?*

A charter is valid until revoked or according to the terms set forth in the charter.

6. *What must be included in the charter school application?*

- The ages or grade levels to be served
- The projected maximum student enrollment and projected enrollment for each of the first 3 years of operation
- The way the school will be governed

- The budget and financial matters
- The provisions for financial audits and required annual reports
- The school's mission, educational goals, and curriculum plan
- The methods for student assessment, if any, in addition to participation in the statewide assessment program
- The student admission, suspension, and dismissal procedures
- The procedures for reviewing parent complaints and concerns
- The opportunities for involving parents
- The means of providing insurance for the school, its employees and members of the governing body
- The school calendar, including the length of the school day and year
- The plans for any extracurricular activities
- The school district in which the proposed school will be located and the address of the school facility, if known
- The qualifications of educators in the school
- The plan to accommodate current students and employees not wishing to participate in the proposed charter school if a current public school is to be converted to a charter school
- The intention to create a library in the school
- The description of school administrative and supervisory services
- The fiscal procedures to be used by the school
- The school's policies and procedures regarding employee termination, evaluation and employment of relatives

7. *Are charter schools subject to the same laws and regulations as traditional public schools?*

Generally yes, but the legislature has provided exemption from some state laws and some State Board of Education rules. Charter schools must comply, for example, with laws and regulations relating to religion in the schools, student and building health and safety, student and employee civil rights, identified reports, prohibitions against unlawful behavior, and screening of potential employees and volunteers for fitness and competency. The legislature does not require charter schools to comply with state board rules relating to school libraries, school administrative and supervisory services, and expenditures for instructional supplies. The legislature has exempted charter schools from some state statutes; for example: the establishment of school community councils, the use of school buildings, and the Utah Orderly Termination Act. Charter schools may apply to the State Board of Education for waiver of any rule. Additionally, the State Charter School Board is required to make recommendations annually to the legislature and to the State Board of Education regarding any statutes or rules from which charter schools should be exempted.

8. *Do teachers in charter schools need to be licensed?*

Yes. Charter schools may only employ teachers who hold valid teaching licenses or who meet the requirements for alternative licensure.

9. *Do administrators in charter schools need to be licensed?*

Based on outstanding professional qualifications, charter schools may request from the state board of education a letter of authorization to employ a person that does not hold an administrative license.

10. *How are charter schools financed?*

Charter schools are financed with public funds like traditional public schools, although there are some unique provisions for funding charter schools. Charter schools may also raise private funds, as can traditional public schools. Charter schools may not charge tuition, but may levy fees as specifically permitted by law.

11. *How are charter schools held accountable?*

The school's charter is a contract for which the school is responsible. All state laws and State Board of Education rules not specifically waived for charter schools also require compliance. Charter schools are also accountable for student achievement.

12. *What about accountability for student achievement?*

Charter schools are required to have their students participate in state assessments under the Utah Performance Assessment System for Students (U-PASS), and the federal requirements of the No Child Left Behind Act (NCLB). Charter schools are also held accountable for any student achievement measures specifically stated in the schools' charters.

13. *May a charter school limit its enrollment to certain students?*

No. A charter school may specify in its charter that it has a certain mission and/or specialty it wishes to emphasize. However, a charter school is required to follow open enrollment procedures and admit all students without discrimination. Where the number of students applying to enroll exceeds the capacity of the school or its programs, classes, or grade levels, then students are chosen at random from among the applicants, subject to certain preferences as described below.

Mandatory preference. If a public school converts to a charter school status, students who would have attended the public school *must* be given preference in enrollment.

Optional preference. Preference may also be given to the following:

- Students whose parents were actively involved in the development of the charter school, or who have a sibling currently attending the charter school.
- Students who reside within the school district where the charter school is located
- Students who reside within the community in which the charter school is located, or within a 2-mile radius of the school.

(Note: Giving preferential treatment can jeopardize federal funding. Applicants and charter school operators are encouraged to check with the executive director of the Utah State Charter School Board before establishing preferential admittance criteria.)

14. How does an existing public school become a charter school?

The requirements vary, depending on whether the entire school or simply part of the school is being considered for charter school status.

If the **entire school** is being considered for charter school status, then two thirds of the licensed staff in the school and two thirds of the parents or guardians of students attending the school must sign a petition supporting the change. In addition, the local school board may reject the proposal if students whose parents or guardians choose not to remain in the new charter school would not have access to a public education comparable to that which they would receive were the school to remain a regular public school.

If only **part of the school** is being considered for charter school status, then the petition need be signed only by a majority of the educators and a majority of the parents or guardians of students attending the school. There is no requirement relating to non-charter school participants when only a part of the school is converted to charter school status.

15. What are the federal guidelines regarding the operation of a charter school?

A brief overview of federal requirements is listed on page 7 of this handbook. More complete information is available on the US Charter Schools Federal Guidance on Public Charter Schools Program website at <http://www.ed.gov/programs/charter/legislation.html>.

16. Where can I get additional information about charter schools in Utah?

Additional information can be obtained through the **Charter Schools Home Page** at the Utah State Office of Education web site: <http://www.usoe.k12.ut.us/charterschools> or through the Technical Assistance Project for Utah Charter Schools website: <http://www.tapes.org>.

Introduction

The *Utah Charter School Handbook* is a rich source for information concerning the general operation of charter schools in Utah. Information includes:

- Charter school laws, rules and regulations,
- Charter school application procedures,
- Utah State core curriculum,
- Charter school financing,
- Student testing requirements, and
- Required reports and reporting timelines.

While many people may find the information in this handbook useful, the primary audiences for this handbook are potential and current charter school applicants.

The Handbook was created by the staff of the Center for the School of the Future at Utah State University in contract to the Utah State Office of Education. Funding for the Handbook was provided by a U.S. Department of Education grant. Information contained in the handbook is derived from a variety of sources including the U.S. Department of Education, Utah Public Law, Utah State Board of Education, and the Utah State Office of Education.

All information in this handbook was current at the time of printing. However, much of the information related to charter schools changes due to the regular actions of the legislature and boards. For that reason, it is important to check for updates of this handbook at the Utah State Office of Education's charter school website located at: <http://www.usoe.k12.ut.us/charterschools/>

Additional information can be obtained from the Utah State Board for Charter Schools, Staff Director located in the Utah State Office of Education.

Background

The background and history of the charter school movement nationally and in Utah is intended to help the reader understand the genesis and purposes of charter schools. In this section a brief introduction and general overview of charter schools is provided.

Charter schools are public schools authorized by the Utah State Legislature but chartered by a board of education. They are funded with public funds and may be granted freedom from many of the rules and regulations that govern traditional public schools. In Utah, a charter school may be initiated by a group of parents, teachers, or interested citizens. A charter school may be started as a new school, or an existing public school may convert to charter school status. A charter school operates under a charter or contract that was created specifically for the school and was either reviewed and recommended by the Utah State Charter School Board and approved by the Utah State Board of Education, or considered and approved by a local board of education. Each charter school is held accountable for the performances that are stated in its charter. Charter schools are schools of choice where families may choose to send their children. Charter schools may or may not be within the school district where the family resides. Increased public school choice along with freedom from some rules and regulations are important reasons why charter schools are established. Charter schools may serve any combination of grade levels and may, with a specific mission, target the needs of a particular group of students. However, as public schools, all students are eligible to enroll in charter schools whenever there is sufficient capacity.

Charter schools in Utah were authorized by the Utah State Legislature. Utah Code 53A-1a-503 states the purposes for which charter schools were authorized:

- “1. continue to improve student learning;
2. encourage the use of different and innovative teaching methods;

3. create new professional opportunities for educators that will allow them to actively participate in designing and implementing the learning program at the school;
4. increase choice of learning opportunities for students;
5. establish new models of public schools and a new form of accountability for schools that emphasizes the measurement of learning outcomes and the creation of innovative measurement tools;
6. provide opportunities for greater parental involvement decisions at the school level, and
7. expand public school choice in areas where schools have been identified for school improvement, corrective action, or restructuring under the No Child Left Behind Act of 2001, 20 U.S.C. sec.et.seq.”

The federal government has also enacted legislation regarding the establishment of charter schools. Federal legislation recognizes that the creation and funding of charter schools is the prerogative a responsibility of each state; however, there are funds available from the U.S. Department of Education for those states that have enabling legislation establishing charter schools. It is helpful to understand the definition of charter schools found in Section 5210(1) of the Elementary and Secondary Education Act (ESEA) and quoted as follows:

“The term ‘charter school’ means a public school that:

1. In accordance with specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph [the paragraph that sets forth the Federal definition];
2. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
3. Operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;
4. Provides a program of elementary or secondary education, or both;
5. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and not affiliated with a sectarian school or religious institution;
6. Does not charge tuition;
7. Complies with the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and Part B of the Individuals with Disabilities Education Act;
8. Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
9. Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this [Public School Charter Program];
10. Meets all applicable Federal, State, and local health and safety requirements;
11. Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.”

It is important to understand the differences between traditional public schools, charter schools, and private schools. Table 2.1, prepared by the Utah State Office of Education, provides a comparison that displays the commonalities and differences between these types of schools.

Table 2.1
Comparison of Public, Charter, Private Schools

	Public School	Charter School	Private School
<i>Acceptance of Students</i>	Must accept all students. There is some provision with regard to behavior	Same as public schools, and use a lottery if demand exceeds capacity	Acceptance of students depends upon various factors including behavior and ability
<i>Accountability</i>	No Child Left Behind legislation, U-PASS, other tests selected by the district	No Child Left Behind legislation, U-PASS, other tests as outlined in the charter	No regulatory standards exist.
<i>Accreditation</i>	Required. Administrative rules R277-410, R277-411, R277-412	Same as public schools	Not required
<i>Costs of Attendance to Student</i>	No charge. Elementary schools may not assess any fees. Secondary schools may assess fees for activities, supplies, books, etc.	No charge. May assess fees the same as regular public schools in secondary schools	Costs of attendance include tuition, transportation, and fees. Fees include books, supplies, uniforms, activities, etc. Some schools offer a limited number of scholarships
<i>Curriculum</i>	Legal restrictions exist concerning topics and presentation of certain subject matter (religion, sexual education, hygiene practices, etc.)	Some legal restrictions exist. Same as public schools unless waiver is granted through the charter	No legal restrictions exist. Private schools may present academic subjects through religious perspectives
<i>Equalization</i>	Public education in Utah provides an equitable distribution of funding and taxation for students and taxpayers	The equity provided by the state to school districts is replicated to some degree for charter schools	Equalization of resources to students does not exist. The costs associated with attending private schools are driven by market forces.
<i>Provision of Choice</i>	Students may attend schools outside of their neighborhood or home district, including charter schools or private schools	Students may choose to attend charter schools that focus on a specific style of learning and/or curriculum	Though parents may choose to send their children to a private school, private schools ultimately decide who will attend
<i>Rural Students</i>	Public education is available to rural students and provides specific provisions for the schools that must exist in remote locations	Available where charter schools exist	Available where private schools exist

National Charter School Movement

The first charter school law was passed in Minnesota in 1991. Since their inception in 1991, the number of charter schools has grown along with a steady increase in student enrollment. By 2003 there were over 2,500 charter schools operating in the United States with an enrollment of over 500,000 students. Thirty-seven states, as well as Washington DC and Puerto Rico have charter school laws. There are important reasons for the growth of charter schools. Among these is the role that charter schools play in the public school choice movement in providing educational alternatives for families.

This movement advocates the application of market-based theories to school improvement with the belief that competition will produce better performing schools. While many questions remain about the effectiveness of charter schools, they have undoubtedly increased choice. U.S. Secretary of Education Rod Paige (2000-2004), addressed the importance of charter schools in the school choice movement, saying “I believe that charter schools are no longer an experiment, they have made worthwhile contributions to school choice . . . our goal is to help ensure these innovative schools continue to thrive so that parents can offer their children more choices in education.” There are, however, some important differences between charter schools and publicly funding private school choice through tuition tax credits and vouchers. These differences are highlighted in Figure 2.1.

Figure 2.1 is a graphic of school choice options currently discussed across the country. These choice options, if available, are established by each state. Utah currently has choice options available within public schools, charter schools and private school choice.

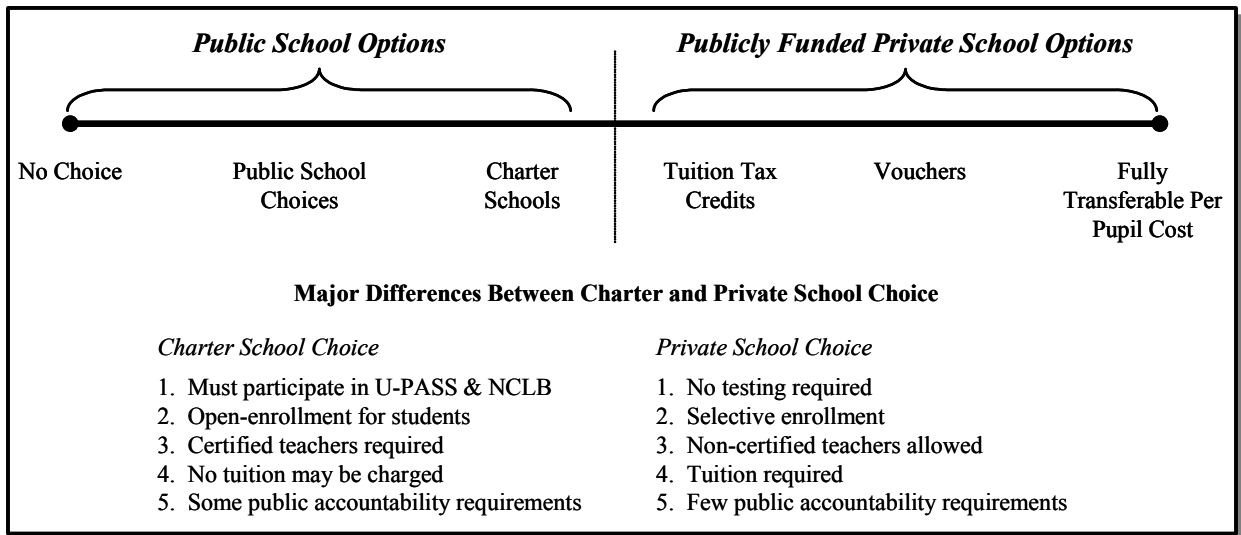


Figure 2.1. School Choice Continuum

History of Charter Schools in Utah

Utah became the 31st state to enact charter school enabling legislation in 1998. The beginning point for the establishment of charter schools in Utah was the authorization by the legislature of a task force to study the possibility of charter schools. This special fifteen member legislative task force was authorized in H.B. 389 during the 1997 General Session of the legislature. According to H.B. 389, the Centennial Charter Schools Task Force was charged with the following responsibilities:

- “(1) The task force shall review and make recommendations on the following issues:
- (a) the establishment of centennial charter schools within the state system of public education, administered and staffed by public employees;
 - (b) the creation of centennial charter schools within the public education system, established and operated by private providers;
 - (c) funding of the centennial charter schools through the weighted pupil unit so that no tuition would be charged;
 - (d) the need for strong parental involvement at the schools;
 - (e) performance standards for the schools;
 - (f) open enrollment policies for the schools, including the possibility of dual enrollment for home schoolers;
 - (g) the creation of centennial charter schools to provide alternative education; and
 - (h) any related issues assigned by the Legislative Management Committee.”

The term “centennial” was a term associated with a legislatively sponsored program at the time entitled Centennial Schools and does not have special significance for understanding the charge of the Task Force or the nature of charter schools.

The Task Force submitted its report to the Legislature’s Education Interim Committee in November 1997, even though the Task Force still needed to meet in December to try to finalize its recommendations. During the 1998 General Session of the legislature, H.B. 145 was passed and the creation of the first charter schools in Utah was authorized. This legislation set the framework for charter schools by establishing a three year pilot program where up to eight charter schools could be authorized by the Utah State Board of Education.

Subsequently, eight schools were granted charters by the State Board; seven of those schools opened for the 1999-2000 school year. The eighth charter school opened its doors the following year. Each of the eight schools had a unique mission and charter. The original charter schools are, as follows:

- CBA Center
Millard School District
Grades 6-12
Opened August 1999
- City Academy (formerly Center City School)
Salt Lake City School District
Grades 7-12
Opened August 2000

- Jean Massieu School
Jordan School District
Grades Pre-K-7
Opened August 1999
- Pinnacle Canyon Academy
Carbon School District
Grades K-8
Opened August 1999
- Success School
Granite School District
Grades 7-12
Opened August 1999
- Solider Hollow (originally Sundance)
Wasatch School District
Grades 1-8
Opened August 1999
- Tuacahn High School for the Performing Arts
Washington School District
Grades 9-12
Opened September 1999
- Uintah River High School
Uintah School District
Grades 10-12
Opened August 1999

All of these schools received their charters from the Utah State Board of Education, which was the only charter granting authority at the time. Some of the schools developed charters which emphasized serving the needs of a specific group of students, such as the Jean Massieu School which targets students who are deaf/hard of hearing and utilizes American Sign Language as the medium for instruction. Tuacahn High School is a comprehensive high school emphasizing the performing arts. The Success School, City Academy (formerly Center City School), and CBA School focus on students who either are not in the public school system or are having problems succeeding in a traditional public school. A more traditional enrollment and curriculum is found in the Pinnacle Canyon School and Soldier Hollow School, with the latter emphasizing environmental education. Uintah River High School is located on the Uintah and Ouray Reservation and serves primarily Native American students. On the following pages, Figure 2.2 presents a visual overview of the charter school movement in Utah and Figure 2.3 provides a map of current Charter Schools operating in Utah.

Summary

Charter schools are public schools that offer increased public school choice for families wishing to choose the school their children will attend. The charter is granted by either a local board of education or the Utah State Charter School Board after confirmation by the Utah State Board of Education. Charter schools may be started as new schools or may convert to charter school status from an existing public school. The Utah Legislature authorized the establishment of charter schools in 1998 when it granted authority for the Utah State Board of Education to grant up to eight charters for a three year pilot period. The state statute authorizing charter schools enumerates several purposes for the establishment of charter schools in Utah that are important for understanding the rationale for the creation of charter schools. Federal funds are available to states that have enacted charter school enabling legislation. Charter schools are open to all students, may limit enrollment only by the capacity of the school facility, and must be non-profit and non-sectarian.

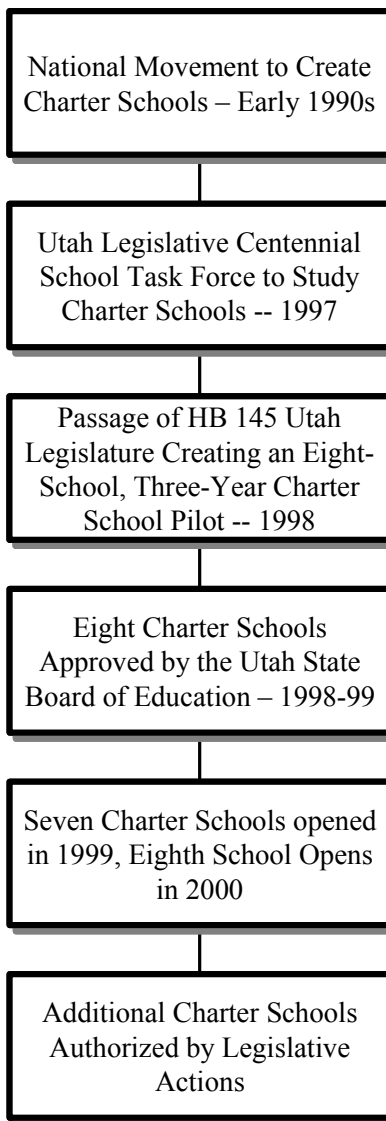
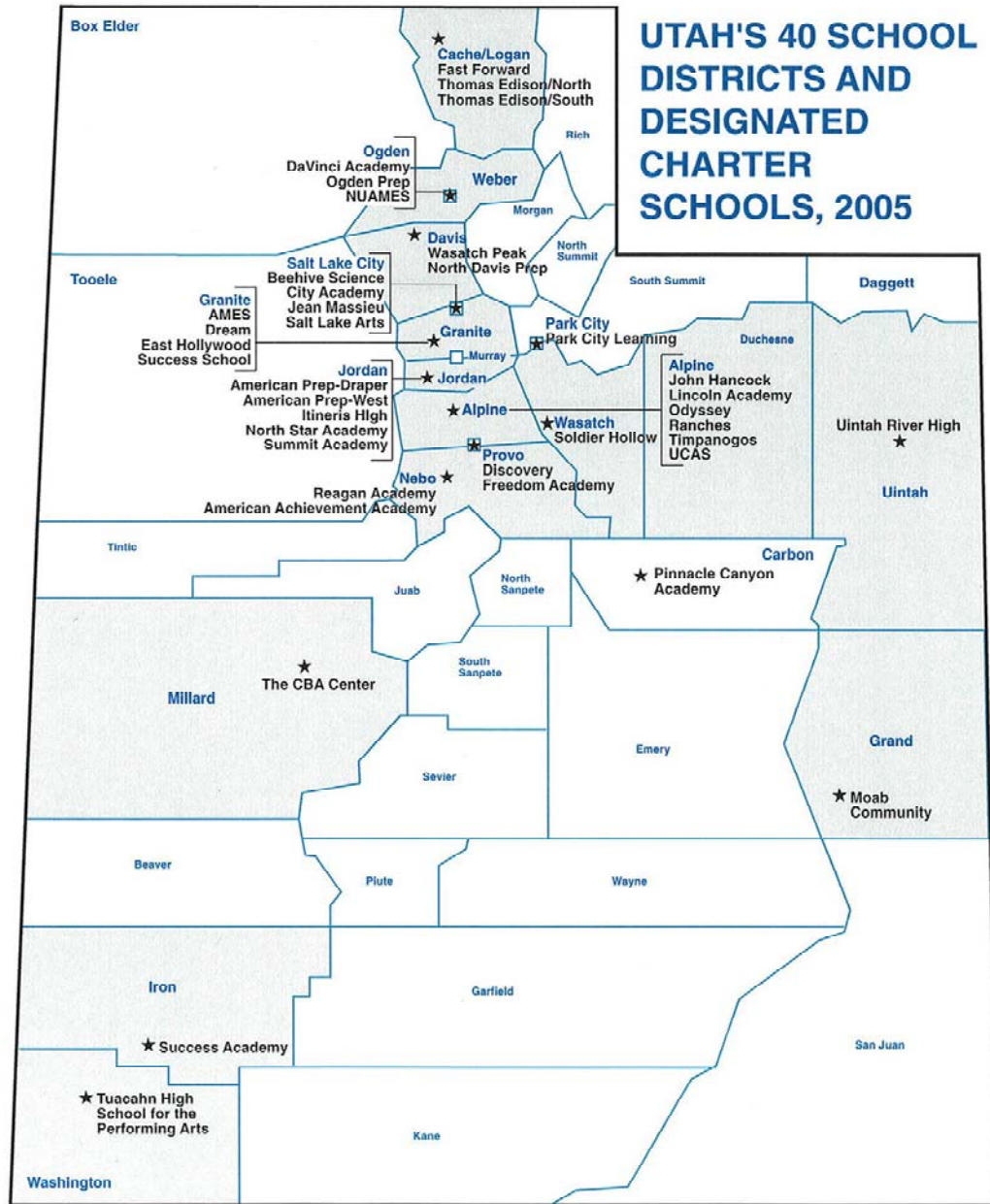


Figure 2.2. Creation of Charter Schools In Utah



Utah State Office of Education 250 East 500 South PO Box 144200 Salt Lake City, UT 84114-4200 Patti Harrington, Ed.D., State Superintendent of Public Instruction

Figure 2.3. Map of current Charter Schools operating in Utah

Section III

Charter School Governance

Charter School Governance

All public schools are created by and through the permission of the state's citizens, via the legislature. An understanding of how public schools are created and governed will be useful for charter school applicants and operators. This section describes the governance of charter schools from the state level.

The Commitment to Public Schools

Utah, like every other state in the nation, has made a commitment to provide free and non-sectarian public schools to its citizens. Specifically, public education is a responsibility of the state. The Utah Constitution provides for the creation of a public education system and gives the legislature that responsibility. Following is a general description of the duties and responsibilities of each of the governing bodies in public education in Utah:

1. The Utah State Legislature is required in Article X, Section 1 of the Utah Constitution to “provide for the establishment and maintenance of the state’s education system, which shall be open to all children of the state . . .” Article X, Section 2 states “The public education system shall include all public elementary and secondary schools and such other schools and programs as the Legislature may designate.” The Legislature may create schools and school districts and provide funding and sponsor programs for these schools. Charter schools were created by the Legislature as public schools funded with public funds, and are subject to the state laws, rules and regulations as specified by the legislature.
2. The Utah State Board of Education consists of fifteen members, serving four year terms, elected from representative districts across the state, plus two non-voting members from the Utah State Board of Regents. In Article X, Section 3 the Utah Constitution gives the State Board “general control and supervision” of the public schools and authorizes them to appoint a state superintendent. The State Board may enact rules which have the effect of law and which apply to all public schools and districts in the state. The State Board of Education carries out its duties with the assistance of the Utah State Office of Education. The legislature relies on the State Board and State Office to distribute funds as appropriated, collect information and submit reports regarding the state’s public schools, and help ensure the will of the legislature is followed. The State Board has no taxing authority and is subject to the appropriations granted by the legislature.
3. There are forty school districts in Utah, all created under state statute provisions. Each school district has an elected board of education consisting of five to seven members depending on the student enrollment of the district. Board members serve four year terms. Each local board has authority to appoint a superintendent, open and close schools, employ teachers and other staff, enter into contracts, sue and be sued, and enact policies which govern the operation of the district. The local board also has taxing authority through the property tax, and thereby generates local revenues.

4. The State Charter School Board was created by the 2004 Legislature. This board consists of seven members appointed by the governor. Members serve four year terms. The legislatively assigned duties and responsibilities of the State Charter School Board are:
 - annually review and evaluate the performance of charter schools and hold them accountable for their performance
 - monitor charter schools for compliance with federal and state laws, rules and regulations
 - provide technical support to existing charter schools and charter school applicants
 - identify and promote successful charter school models
 - facilitate application and approval processes for charter school authorization
 - help charter schools and applicants to find sources of private funding and support
 - review and evaluate proposals for charter school applicants to help strengthen the applications prior to submission to the State Charter School Board or a local board
 - assist charter schools to understand and carry out their obligations
 - provide technical support to local boards of education regarding charter schools
 - offer recommendations on legislation and rules to the Legislature and State Board of Education
 - offer recommendations to the State Board of Education regarding funding of charter schools
 - contract, sue and be sued
 - provide administrative services to charter schools as requested
 - utilize the services of a charter school staff director, as appointed by the state superintendent of public instruction
 - authorize and promote the establishment of charter schools, subject to the approval of the State Board of Education

5. Charter schools individually establish their own governing boards. Charter school governing boards have authority to expend public funds, raise private funds, contract, sue and be sued, and provide overall policy direction for their schools. Charter school governing boards may employ teachers and other staff to carry out the educational purposes of the schools. Charter school governing boards are held accountable for the provisions of their charters, along with other duties as required by federal and state laws, rules, and regulations. A visual depiction of charter school governance is shown in Figure 3.1.

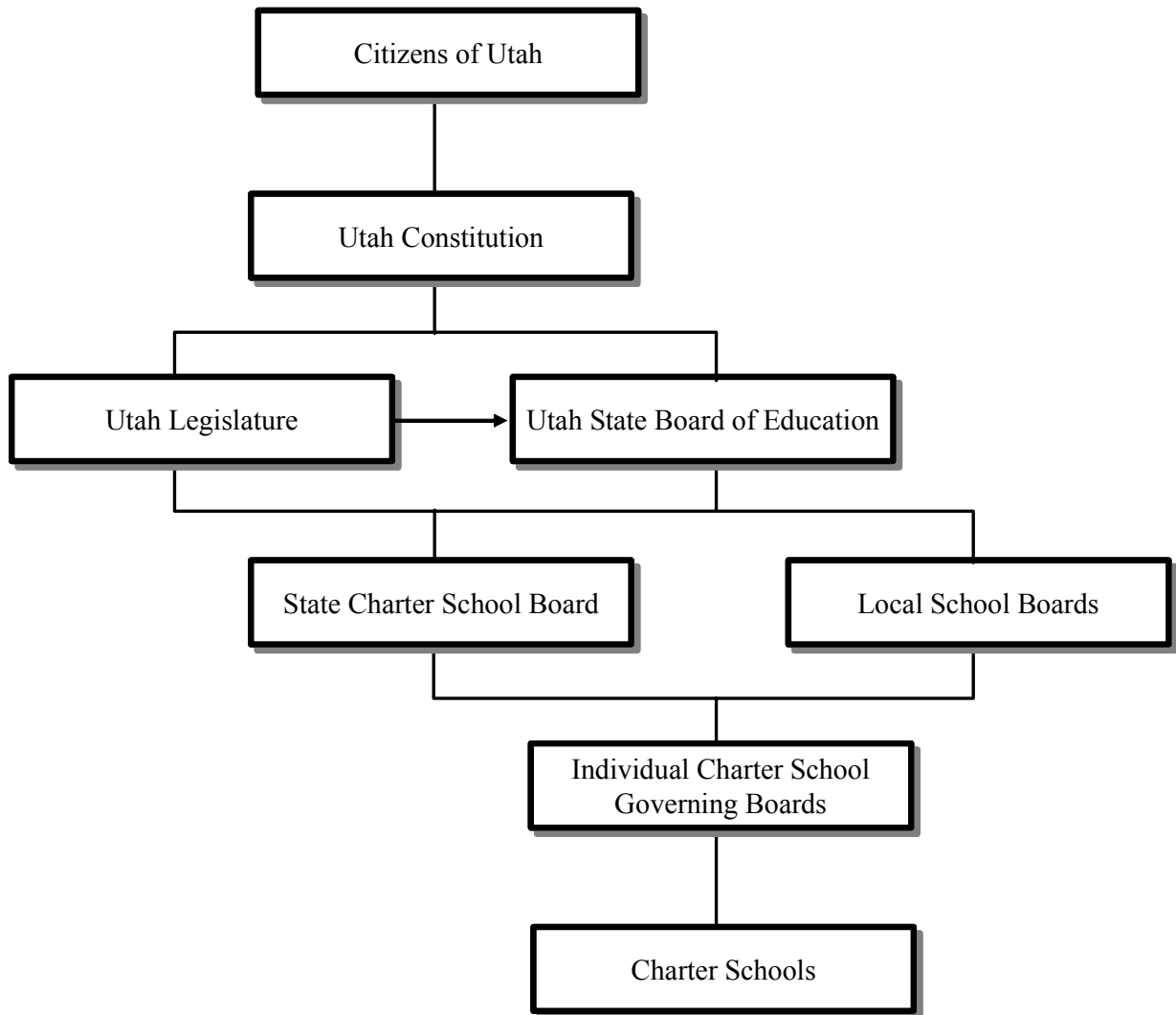


Figure 3.1. Charter School Governance.

Summary

Charter schools are public schools created by the Legislature and as such fall under the public education governance system as established by the state constitution. An understanding of the governance system helps charter school operators and applicants to more fully comply with the duties and responsibilities of operating a charter school. Knowledge of the governance system is essential in order to make recommendations for policies that will facilitate effective and efficient charter schools operation.

Section IV

Application Procedures

S
E
C
T
I
O
N

I
V

Application Procedures

This chapter is designed to assist interested parties in completing the charter school application procedures. Understanding school charter application procedures will help interested applicants comply with established requirements, and increase the likelihood for approval of the charter. While it is important to understand the required application procedures, it is the vision of the proposed charter school that is unique to each individual application and should be portrayed in the charter application. A copy of the Intent to Apply and the complete charter application forms are provided in Appendix A of this handbook as examples of what is required. Charter School applicants should be sure to use current forms when applying.

<http://www.usoe.k12.ut.us/charterschools/application.htm>

Eligible Applicants

Any group of citizens, teachers or parents may submit an application to open a charter school. Charter schools may be started as either a new school or through conversion of an existing public school. Charter school applicants, including New Century High Schools, may seek sponsorship from the local board of education of the district in which the charter is to be located or the State Charter School Board.

Getting Started

Starting a charter school is an exciting opportunity. Careful thought and planning will help the charter applicant gain approval and provide the foundation for successful implementation. The following are suggestions that potential charter applicants may want to consider as part of the planning process:

- identify the need for the charter school;
- identify the vision, mission, and goals for the school;
- identify the students to be served and what benefits they may receive;
- learn about applicable laws, funding, and associated factors that will affect the success of the school;
- consider the charter application as a plan that details the vision, mission and expectations of the school if the charter is approved, recognizing that the plan becomes the school's contract;
- visit with established charter school operators and learn from their experiences;
- research best practices relating to charter schools in general, paying particular attention to curriculum and teaching specific to the unique purpose of the charter school;
- consult with existing charter school operators, as well as state office and local district education officials.

Charter School Application Submission and Timeline

In 2004, the General Session the Utah State Legislature enacted significant changes affecting overall charter school governance by creating a seven-person, State Charter School Board. Board members are appointed by the governor and serve 4 year terms. This board is specifically charged by the legislature to review and evaluate charter school proposals to help strengthen the applications before being formally considered by the State Charter School Board or to the local board of education where the proposed school is to be located. All applications for charter schools must be submitted to either the State Charter School Board or to a local board of education where the proposed charter school is to be located. A charter school applicant submitting a proposal to the State Charter School Board must also provide a copy of the application to the local school board where the proposed school is to be located. The State Board of Education is then required to either approve or deny an application which has been recommended by the State Charter School Board within sixty days of receipt of the recommendation. Charters approved by local boards of education are not required to be approved by the State Board of Education. If an application is denied by the State Charter School Board, an applicant may appeal to the State Board of Education for approval of the application. The State Board of Education also determines the timeline for opening a charter school once the application has been approved.

An important amendment to the charter school application approval or denial process was made by the legislature in 2005. A charter school application may not be denied based on the potential impacts the charter school may have on traditional public schools or another charter school. These impacts include:

- An enrollment decline;
- A decrease in funding; or
- A modification of programs or services.

Charter School Application Content

The application should reflect the planning and overall vision the applicant has for the proposed charter school. Following is a list of required areas to be addressed in the charter application:

- The age or grade levels to be served by the school
- The projected maximum number of students to be enrolled in the school and the projected enrollment for each of the first three years of operations
- The governance structure of the school
- The financial plan for the school and the provisions which will be made for auditing the school under Subsection 53A-1a-507(4) of the Utah code
- The mission and educational goals of the school, the curriculum offered, and the methods of assessing whether students are meeting educational goals, to include at a minimum

participation in the Utah Performance Assessment System for Students (U-PASS) Chapter 1, Part 6, Achievement Tests

- The student admission and dismissal procedures, including suspension procedures
- The procedures to review complaints of parents regarding the operation of the school
- The opportunities for parental involvement at the school
- The provision of adequate liability and other appropriate insurances for the school, members of its governing body, and its employees
- The proposed school calendar, including the length of the school day and school year
- The plans developed with school districts regarding participation of charter school students in extracurricular activities within the school districts
- The district within which the school will be located and the address of the school's physical facility, if known at the time the charter is signed
- The qualifications to be required of the teachers
- The alternative arrangements for current students who choose not to attend the charter school and teachers who choose not to teach at the charter school if an existing public school is converting to a charter school.

Figure 4.1 provides a visual representation of the application process.

Summary

Any group of parents, citizens, and/or teachers may propose the establishment of a charter school. Charter schools may be proposed as new and unique schools reflecting the ideas and vision of the proposed founders. Existing public schools may also propose to convert to charter school status. The charter school application is the plan that expresses the vision and mission for the school and is supported with governance, instructional, and financial detail. Charter school applicants may submit a charter school application either to the State Charter School Board or to a local board of education where the charter school is proposed to be located. The State Board of Education may only approve or deny applications as conveyed to them by the State Charter School Board. The State Board of Education is not directly authorized to establish charter schools, but may hear appeals from applicants whose applications have been denied by the State Charter School Board.

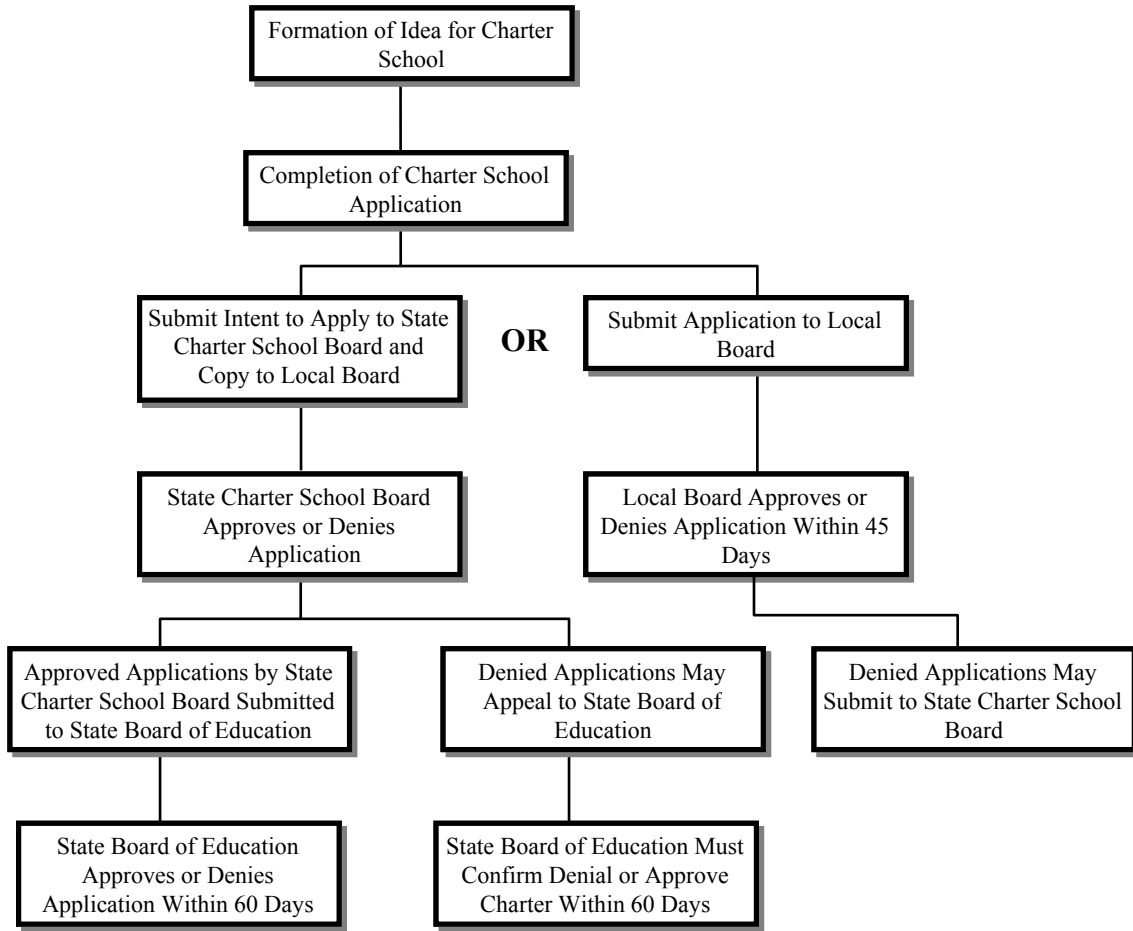


Figure 4.1. Charter School Application Process

Section V

Educational Program (Curriculum & Instruction)

S
E
C
T
I
O
N
V

Educational Program (Curriculum and Instruction)

Curriculum and instruction are the heart and soul of any school. “Curriculum” has to do with the subject matter of school; it is what is proposed to be taught. “Instruction” is the means by which the curriculum is taught; it is how the curriculum will be presented to students. In this section an introduction to the policies, rules, guidelines, and available resources relating to curriculum and instruction in charter schools is provided.

Curriculum

The most important thing to know about what should be taught in each subject is the state’s Core Curriculum. Teachers, subject matter specialists, Utah State Office of Education (USOE) personnel, parents, and others work in committees to develop the Core for each subject area and grade level. The Core Curriculum is the basis upon which student learning in all public schools, including charter schools, is assessed.

While following the Core Curriculum is important, teaching the Core by no means takes up every moment of time during the school year. Schools are held accountable to ensure students’ mastery of Core knowledge, concepts and skills. But, Charter Schools also have the discretion and the classroom time to include additional content that is deemed central to the mission and goals of the school.

In this section, an overview is provided of the Elementary and Secondary Utah Core Curricula, how to find details about the Core, and resources available for developing a curriculum.

Elementary Core Curriculum

The Utah Elementary Core Curriculum covers Grades K-6. To locate state requirements for any grade level or subject area, go to <http://www.uen.org/core/>. Information is available by either grade level or subject area.

The emphasis in the primary grades (K-2) is on reading and mathematics; other subjects are addressed, but they form the background for the development of these basic skills. It is understood that reading and math skills, and positive attitudes toward learning form the basis for learning.

The Core frequently uses the terms “standard,” “objective,” and “intended learning outcomes.” The term “Standard” denotes an overall goal for a particular topic area. Standards are followed by “Objectives,” which are much more detailed descriptions of what must be taught for each Standard. “Intended Learning Outcomes” describe general aims that each Standard is designed to accomplish.

In both reading and math, the required curricula are heavily influenced by standards set by national professional associations, the International Reading Association (IRA) and the National Council of Teachers of Mathematics (NCTM), respectively. Web sites of these professional organizations provide a great deal of valuable information for those designing a charter school curriculum.

Students are expected to gain greater competence and sophistication as they progress through the grade levels in both language arts and math. It is important to note that in the upper grades other academic areas join language arts and math as prominent subjects: science, social studies, literature, the arts, health, technology, and library skills. The organization of the Core is consistent throughout the grade levels and subject areas: Standards, Objectives, and Intended Learning Outcomes.

The professional societies associated with the various disciplines may be a useful resource to charter school applicants planning the school's curriculum. Appendix B lists those associations and their web addresses. All of these web sites contain an abundance of curriculum materials and internet resources that may be useful for charter school operators.

Secondary Core Curriculum

The Secondary Core Curriculum covers Grades 7-12. Obviously, the Secondary Core is much larger, more varied, and more complex than the Elementary Core. In some areas, students may fulfill Core requirements in several different ways. As the curriculum for a charter secondary school is designed, it is important to understand course and graduation requirements. Charter school applicants should become familiar with Utah State Board of Education Administrative Rule R277-700 The Elementary and Secondary School Core Curriculum (<http://www.rules.utah.gov/publicat/code/r277/r277-700.htm>), paying particular attention to Section 6 High school requirements. Each required course carries with it a required curriculum. The requirements for each course are on the UEN Core Curriculum site. Again, these are the basic requirements. Each charter school may include material beyond the minimum within each course, and is free to create additional courses beyond the basic requirements. By the same token, charter schools are not obligated to offer every option in cases where multiple courses may fill the same requirement. <http://www.uen.org/core/>

High school students must earn 24 credits in grades 9-12 in order to graduate. One credit is generally equal to one year of study, and .5 credit is generally equal to one semester's work. Obviously, school schedules affect the amount of time devoted to a particular subject. Increasingly, credit is being determined by mastery of a body of knowledge more than by completion of a set amount of time. Charter school operators are encouraged to consider school schedules and means of offering curriculum that provide credit based upon student mastery of the body of knowledge contained in the Core.

It is important to include the basic Core material in each of the required courses. Student achievement and school accountability are determined through assessments based on the Core.

Additionally, prior to graduation, each student must pass a basic skills competency test based upon the content of the Core Curriculum.

Equally important, is the determination of course titles in charter secondary schools. Charter school applicants are encouraged to use the same titles as those used in the Core. This helps in three ways. First, it saves time and trouble when end-of-year criterion referenced tests (CRTs) are administered, since they are organized by course titles. Second, even though CRTs are given for academic classes (science, math, social studies, language arts) and not for electives, it is still advantageous to use the same course titles as this ensures that student transcripts transfer more easily to other schools and districts. Third, using consistent course titles will provide good documentation for awarding diplomas.

Some national professional associations have also heavily influenced the Secondary Core. Their websites and other contact information are listed in Appendix B. These web sites also contain curriculum and internet resources geared for secondary schools.

Student Education Occupation Plans (SEOP)

SEOP is an acronym for “Student Educational Occupational Plan.” SEOPs at one time were mandatory. Schools wrote SEOPs in concert with parents and students. This proved to be a useful tool, but perhaps cumbersome and time-consuming given large student-teacher ratios. Because of these challenges, schools are no longer required to create SEOPs for each student. SEOPs are optional and charter schools interested in implementing them may do so. However, charter schools interested in receiving Comprehensive Guidance funding will need to have an SEOP process in place. SEOPs are a required element of the Comprehensive Guidance model. Additional information on the Comprehensive Guidance Model can be found at <http://www.usoe.k12.ut.us/ate/compguide/compguide.htm>.

Religion in Charter Schools

Religion in public schools is an emotionally charged issue. Many believe it is their moral duty to inculcate religious values in young people. Others take the opposite view; they believe that there is no place for religion in public schools and that it is a private matter best left to families. The U.S. Constitution and a great deal of case law have clarified the proper role that religion may play in public schools. The fundamental rule is that public schools may not teach religion, but they may teach about religion as part of an academic subject.

What does this mean? Schools may, for example, teach about the role religion played in the colonization of the Western Hemisphere. They may teach about the religious values guiding the framers of the U.S. Constitution. They may explain the religious beliefs of non-European, non-Judeo-Christian cultures. They may require Bible reading as a means to learn about European culture and history, but schools are not allowed to require Bible reading as an expression of religious faith. They may not do or say anything that conveys the impression that the school favors any particular religion. Similarly, they may not show hostility to any particular religion or

religious point of view. Religion is a topic that must be approached with understanding and purpose.

Special note must be made regarding prayer in public schools. Guidelines are given on the U.S. Department of Education (Department) web site at <http://www.ed.gov/policy/gen/guid/religionandschools/index.html>. School officials are barred from leading prayer or devotional readings. Public schools may not invite a member of the clergy to lead prayer at a graduation ceremony. Students may organize their own religious observations, but schools must ensure equal treatment for all religious perspectives. If time and space are provided for any religious group, then time and space must also be provided for all religious groups, as long as they are organized by students. The web site cautions, however, that the law is rapidly changing in this area, and that schools should refer to the Department site regularly for updates.

The important thing to remember is that public schools, including charter schools, are places for everybody's children. Not everyone has the same religious beliefs. Children are very vulnerable to social pressures and very sensitive to social isolation, real or potential. Schools are an arm of the government, and when school officials promote expression of specific religious faith, they are putting government before family in the determination of a student's religious practice.

Other Curriculum Resources

Textbooks are a substantial part of schools. As with all commercially produced items, there are some textbooks that are better for some purposes than others. In Utah, texts and instructional materials are reviewed by the Instructional Materials Commission. The Instructional Materials Commission determines the degree to which the item matches Core Curriculum goals. Those that do so are given a "recommended" rating. Publishers whose materials are "recommended" also agree to a state purchasing contract for those materials.

The Instructional Materials Commission provides a great service to Utah schools. To get texts on the recommended list, publishers submit materials to the Commission. The Commission organizes committees to review submissions, matching the subject and grade level of the materials with the expertise of committee members. Teachers, principals, university professors, and parents serve on these committees. These committees review each text and assign a recommendation category to it based upon its coverage of the Core and propriety of content for the grade level intended. Lists of recommended texts are available from the USOE website under Curriculum and Instruction (<http://www.usoe.k12.ut.us/curr/material/>).

At one time, schools were required to purchase from the lists of texts and instructional materials approved by the Instructional Materials Commission. However, in 2002 the Utah State Legislature removed this requirement. Schools may now purchase texts and instructional materials as they desire. While schools may choose their own textbooks, all such decisions should be sensitive to content, propriety and suitability for instruction, and considerate of the eventual assessments of student learning that will be used to determine school accountability.

Questions about textbooks or other instructional materials may be addressed to the State Instructional Materials Specialist at the Utah State Office of Education.

Utah State Office of Education (USOE)

The Utah State Office of Education (USOE) is another excellent resource. USOE employs knowledgeable specialists in many subject areas. These specialists are happy to provide ideas, suggestions, and assistance in making curriculum selections and in developing the charter school curriculum. The USOE curriculum specialists and their contact information are available through the USOE web site. (<http://www.usoe.k12.ut.us>)

Instruction

Instruction is the how of teaching. Rules, policies, and guidelines for instruction are quite open compared to those for curriculum. All public schools, including charter schools, have great leeway in selecting methods of instruction. In this section, basic guidelines will be explained and resources described.

Instructional Guidelines

Equity. Members of disadvantaged groups are guaranteed the same treatment and opportunities as all other students. The Educational Equity section of the Utah State Office of Education (<http://www.usoe.k12.ut.us/equity/>) has much useful information on civil rights compliance, immigrants' rights (in English and Spanish), Section 504 of the Rehabilitation Act addressing accessibility issues for individuals with disabilities, equal opportunity programs, and programs for English Language Learners (ELLs). Also available are publications, forms, and state specialists at the Utah State Office of Education. One particular publication may be helpful to charter school organizers, *Principles for Equity in Utah's Public Schools*, available from the USOE Educational Equity section.

Special Needs. Another area of critical concern for charter school operators is services for children with special needs. "Special needs" sometimes refers just to children who require special education or additional educational services. Sometimes "special needs" refers to the entire gamut of human and academic diversity, such as differences in cognitive style, cultural background, giftedness, socioeconomic background, and at-risk factors. "At-risk" is another term often applied to students with special needs. At-risk refers to students who are at risk for school failure for any number of reasons. A good source of assistance in all areas of special needs is the Special Education Services Section in the Utah State Office of Education. The department phone number is 801-538-7587, and the web address is <http://www.usoe.k12.ut.us/sars/>. The web page provides information on alternative assessments, procedural safeguards for children with disabilities, forms for requests for reimbursement, forms to apply for discretionary funds, and special education rules.

There are several national organizations concerned with the education of children with special needs. Appendix C lists relevant national associations.

It's important to bear in mind that even if a charter school has a very homogeneous set of students, there will always be some diversity among students. Students learn in different ways, they understand their world in different ways, and they have different priorities and values. Every school needs to be sensitive to individual differences and provide instruction that increases the likelihood of learning for those students with diverse needs.

Utah Education Network (UEN)

The Utah Education Network (UEN) is an important instructional resource for all kinds of curriculum and instructional resources. Materials are available for many subject areas and grade levels and are intended for both students and teachers. Some materials are also available in Spanish and other languages. (<http://www.uen.org>.)

The UEN website contains lesson plans created by national experts and by Utah teachers. There is a lesson plan template useful for building individual plans. If teachers choose, they can submit their lesson plans to the web site. The website also contains useful assessment tools, including quizzes and rubric templates. (A "rubric" is a checklist used to systematically score complex student work, like essays and presentations.)

Other Technology

Other technology is available for instructional use. Instructional Television (ITV), for example, aims programming at K-12 students in foreign languages, the arts, math, language arts, and other subjects. The UEN web site provides schedule information.

PBS (Public Broadcasting System) also has a great wealth of educational materials. In addition, the PBS web site (<http://www.pbs.org>) provides links to instructional supports like lesson plans and teaching tips for use with many PBS programs.

The Electronic High School (EHS) is free for Utah students. The EHS is an internet-based form of instruction available to high school students. Students who need to make up credit, take classes not offered at their schools, take extra classes in order to graduate early, or are home schooled can take advantage of this service. EHS pupils need access to the Internet and an email account. Students complete assignments online. When they are ready, they take an assessment and submit it via email to the instructor. The instructor corrects and grades the quiz or test, and emails it back to the students. A certificate is issued upon completion. The EHS offers a wide array of courses, including basic courses like pre-algebra and physics, and electives like Japanese, photography, and sports marketing. The Electronic High School is a helpful, low-cost way to add variety to the high school curriculum.

The Educational Network (EDNET) is another means of increasing the variety of course offerings, but at greater expense and complexity. EDNET is a delivery system that carries courses for 7th through 12th graders in most subject areas. Utah teachers conduct the classes over interactive, closed-circuit television, and the internet. EDNET requires special training and equipment, and charges hourly fees for many of its services. Most of the classes are offered at specific times, necessitating arrangement of student schedules to fit with broadcast times. EDNET is an exceptional resource, especially for rural areas, but most charter schools may find it too costly to utilize extensively.

Professional Development

Professional development for all school teachers is essential. Continuing education is standard practice for professionals, and is mandated by Utah law for licensed educators. Licensed educators must earn points in order to renew their licenses. They earn points through a variety of planned, professional development activities including workshops, university classes, development of new programs, professional conferences, and other educational activities that expand their professional expertise.

The number of professional development opportunities for teachers is plentiful. USOE offers many options. The curriculum specialists in the State Office of Education are a great source of information for inservice workshops, classes, conferences, and other professional development activities.

UEN is also a very helpful source of professional development information. UEN staff specialize in courses and workshops about technology in the classroom. They are available for workshops at school sites (at no charge) focusing on how teachers can take maximum advantage of UEN in the instructional process.

National professional associations offer conferences, inservice opportunities, and journals for teachers and principals. Frequently the state affiliates of these national associations hold state events. For example, the Utah Educational Association's (UEA) annual conference is very useful for learning new teaching techniques, finding out about new texts and curriculum materials on the market, and networking with other teachers. The Utah Association of Supervision and Curriculum Development is another active, state organization that may be very helpful to charter school teachers and instructional leaders.

Four-year colleges and universities in Utah or elsewhere are valuable resources. College courses carry more points toward re-licensure than workshops, and they allow teachers to explore a specific topic in more depth. Of course, college courses are also more expensive and may be less convenient. Contact information for the universities and colleges in Utah is listed in Appendix D.

Related Issues

There will be many occasions for which charter schools will need to develop specific policies and procedures on issues related to curriculum and instruction. There are substantial resources available through the Utah State Office of Education. Additionally, charter school personnel may find it convenient to consult local school district web sites, in addition to resources available from USOE. For example, there are policies on Human Sexuality Education, Alternative Language Services, and Religion in the Curriculum, among many others, on the Salt Lake District web site. Most of the state's forty school districts have similar information available on their websites. Charter school applicants may find it much easier to develop required policies, procedures, or forms from samples already being used in public schools.

Section VI

Special Education Policies and Procedures

S
E
C
T
I
O
N

V
I

Special Education Policies and Procedures

Charter schools are public schools; therefore, they are bound by the requirements of both state and federal law to provide Free Appropriate Public Education (FAPE) to all students. The federal law governing education for disabled students is the Individuals with Disabilities Education Act (IDEA), and it applies to charter schools in the same manner as it does other public schools. It is likely that a charter school will have a range of students with disabilities enrolled, some entering with existing Individualized Educational Programs (IEPs) and requiring services and some whose disabilities may become evident during their attendance at the charter school. This section of the handbook is intended to give charter school operators an overview of the legal responsibilities associated with students with disabilities. This section addresses the following topics:

- Prereferral
- Free Appropriate Public Education (FAPE)
- Least Restrictive Environment (LRE)
- Individual Education Plan (IEP)
- Procedural Safeguards
- Discipline
- Private Schools

Prereferral

Prereferral interventions must take place prior to a student being referred for evaluation to determine if he/she has a disability. Individualized accommodations, supports, and modifications must be provided by the classroom teacher to ensure that student's successfully progress in the general curriculum.

Prereferral interventions along with accommodations play very important roles within the special education process. First, applying interventions during the prereferral process helps the school identify programs for students having educational difficulties. The importance of teaching and applying instructional interventions and/or accommodations helps educators address standards and learning goals, as well as understand the unique learning strengths and needs of each student. By adjusting instructional practices for diverse languages, cultural backgrounds, gender differences, learning styles, and exceptionalities, each student's potential for learning is maximized. As special education providers and students work together to apply accommodations and interventions they are able to evaluate, monitor, and document programs that are effective for students, allowing educators to determine if a student may have a disability.

Successfully implementing interventions and accommodations can only occur after there is an understanding of them. An *intervention* is a change in program or practice that is anticipated to affect a change in behavior. *Accommodations* are changes in materials or procedures that provide access to instruction and assessments for students with disabilities. Both enable students

with disabilities to learn without the impediment of their disabilities and help them show their knowledge and skills rather than the effects of their disabilities. Both interventions and accommodations are commonly used for students in order to help them be involved and progress in the general curriculum, to participate in extracurricular and other nonacademic activities, and to be educated with both children with disabilities and non-disabled children.

It is important that charter school teachers take an active approach to identifying students who may have a disability. This identification is mandated under the IDEA. When a teacher identifies that a student is struggling in some manner the teacher or teachers need to conduct a prereferral intervention. In such interventions the teacher or teachers collect data on the student and make an effort to isolate the nature of that student's difficulty or difficulties. The teacher(s) must now devise interventions and implement them in an effort to aid the student within the identified areas. These interventions must be documented and data on the student's performance must be collected. In many cases the interventions are enough to help the student succeed and no further action is necessary. In some cases, the student does not improve and the teacher(s) then refer the student for special education testing. The information and data the teacher(s) have collected from the prereferral interventions are a useful starting point for further evaluation of the student. Regular education teachers usually know the students best and are well equipped to identify possible problems a student may exhibit; their initial and on-going intervention efforts are critical to the success of the student.

Table 5.1 gives examples of interventions and accommodations.

The Utah State Office of Education rule book states that the local education agency (LEA)—charter school or school district—must document a history of failed classroom interventions and/or programs, which however appropriate and correctly implemented, proved ineffective, before referring a student for special education evaluation, including potentially eligible preschool age students if a preschool is offered. The primary purposes of this process are to assist in:

- a. Identifying and establishing interventions and/or programs for students having educational difficulties.
- b. Evaluating, monitoring, and documenting regular education interventions and/or programs.
- c. Determining if failure of the interventions is due to a suspected disability.

If school personnel determine that referral for special education evaluation is necessary, a record of the results of the interventions implemented, including adjustments made, is attached to the referral and reviewed along with the student's previous school performance. Each charter school must establish a system for managing this process, which may include the use of a school-based assistance team.

Table 5.1
Examples of Instructional and Assessment Accommodations in High School
<http://www.ncset.org/publications/viewdesc.asp?id=247>

Instructional accommodations	Assessment accommodations
<p><i>Materials/curriculum</i></p> <ul style="list-style-type: none"> • Alternative assignments • Substitute materials with lower reading levels • Fewer assignments • Decrease length of assignments • Copy pages so students can mark on them • Provide examples of correctly completed work • Early syllabus • Advance notice of assignments • Tape-recorded versions of printed materials 	<p><i>Setting</i></p> <ul style="list-style-type: none"> • Study carrel • Special lighting • Separate room • Individualized or small group <p><i>Timing</i></p> <ul style="list-style-type: none"> • Extended time • Frequent breaks • Unlimited time <p><i>Scheduling</i></p> <ul style="list-style-type: none"> • Specific time of day • Subtests in different order
<p><i>Methods/strategies</i></p> <ul style="list-style-type: none"> • Highlight key points to remember • Eliminate distractions by using a template to block out other items • Have student use a self-monitoring sheet • Break task into smaller parts to do at different times • Use study partners whenever reading or writing is required • Secure papers to work areas with tape or magnets • Present information in multiple formats • Use listening devices 	<p><i>Presentation</i></p> <ul style="list-style-type: none"> • Repeat directions • Larger bubbles on multiple-choice questions • Sign language presentation • Magnification device <p><i>Response</i></p> <ul style="list-style-type: none"> • Mark answers in test booklet • Use reference materials (e.g., dictionary) • Word process writing sample <p><i>Other</i></p> <ul style="list-style-type: none"> • Special test preparation techniques • Out of level test

Myriad ways exist to accommodate students with disabilities in the regular education classroom. Simply setting up the classroom aisles and common areas to accommodate a wheelchair provides accessibility for a student so impaired. Moving a student with a hearing impairment away from a source of steady background noise such as the hum of an aquarium pump or hard drive would assist this student. Often, the remedy required to create a positive regular education classroom experience for a student with a disability is simple and easy to devise. Knowledge of the students and a creative collaborative approach are the prerequisites to establishing an inclusive classroom where all students succeed.

Free Appropriate Public Education (FAPE)

In order to comply with IDEA, all disabled children must receive a free appropriate public education. A public school or district must provide special education and related services at no cost to the child or her/his parents. These services must be provided to all children residing within the state between the ages of 3 and 21, inclusive. This requirement also includes children with disabilities who have been suspended or expelled from school. The term “free appropriate public education” includes education and related services that:

1. have been provided at public expense, under public supervision and direction, and without charge;
2. meet the standards of the State education agency;
3. include an appropriate preschool, elementary, or secondary school program in the State involved; and,
4. are provided in conformity with the individualized education program required under IDEA section 614(d). [IDEA, Section 602(8)]

A “free” education means that no matter what the disability, a child is guaranteed free services and access to education; federal and state money for the education comes through the Utah State Office of Education, and assistive devices, services, supports, and accommodations listed in the student’s IEP must be provided at no cost to the student and/or his/her parents. It is appropriate for the school to charge fees to students with disabilities if these fees are also charged to nondisabled students in the charter school, but schools are not allowed to charge any additional fees for students with disabilities in the school if the fee is not charged to nondisabled students. An “appropriate” education is one where educational services are designed to meet the individual educational needs of students with disabilities, and each child with a disability is educated with nondisabled students, to the maximum extent appropriate. A “public” education means that each child with a disability must receive education services in the public school and each child will receive an education at a quality which meets the state standards. More information regarding FAPE can be found at <http://www.fapeonline.org>.

Least Restrictive Environment (LRE)

Every child with a disability is entitled to FAPE in the Least Restrictive Environment (LRE) under the Individuals with Disabilities Education Act (IDEA). The Least Restrictive Environment is the legal mandate of the IDEA requiring that students with disabilities are educated alongside their non-disabled peers, in the regular education classroom environment, to the maximum extent appropriate. When discussing LRE, two other terms will be referenced often. They are “mainstreaming” and “inclusion.” These terms both refer to the actual placement of students with disabilities in the regular classroom environment. Successful integration of the student with a disability into a regular education setting would be the goal, regardless of whether that student is being served in a private or public institution. This means that supplementary aids and services should be provided to help the student with a disability be successful in the regular class. Supplementary aids and services would involve modifications and accommodations to the

general curriculum. This would also include using individualized behavior intervention plans for students with specific behavior needs. Sometimes the use of a paraeducator to assist the teacher in providing appropriate accommodations and modifications is needed. A paraeducator may also be necessary in assisting a student with an orthopedic impairment with his/her mobility and toileting needs.

The severity of a student's disability will sometimes warrant removal from the regular education setting to a more restrictive placement; however, schools need to make diligent efforts to educate a student in a less restrictive environment before deciding on a more restrictive one. When these situations arise, a setting with the least possible amount of segregation from the students' peers needs to be chosen. An appropriate setting can be chosen using a "Continuum of Alternative Placements." This means that as alternative placements are considered, school personnel and parents need to look at the least restrictive first, and the most restrictive last. There are many options in between the least and most restrictive placements that need to be considered. For example, the order of the continuum would involve the following steps:

- The regular classroom without special education services (least restrictive option).
- Special education services in the regular education class.
- Pull-out time in a resource classroom.
- Increasing the time in the resource class.
- A self-contained special education class within the home school.
- A self-contained special education class in a special school.
- Home instruction.
- Instruction in an institution (most restrictive option).

Placement decisions are made by the IEP team according to the process described later in this section. Each student with a disability needs to be placed in the least restrictive environment specific to that child and his/her individual needs. Even when a more restrictive placement is determined necessary, students with disabilities should participate with their non-disabled peers to the maximum extent appropriate. This would most likely occur during nonacademic and extracurricular activities. Specifically, that might include meals, recess periods, athletics, transportation, recreational activities, and special interest groups or clubs. These types of activities need to be organized in such a way as to ensure the integration of students with disabilities to the greatest extent appropriate.

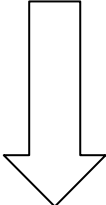
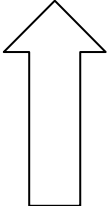
IDEA regulations concerning the Least Restrictive Environment can be found at the following web site and can be downloaded and printed: <http://www.ideapractices.org> . At this web site, under the section "Law and Regulations," several parts provide specific and valuable information. Part 300 provides states with assistance on the education of students with disabilities. Section 300.551(a) indicates that schools and districts have the responsibility to provide a continuum of alternative placements to meet the needs of children with disabilities. The least restrictive placement on that continuum always begins in the regular education classroom. If placement is deemed more restrictive the progression moves then to a regular classroom with resource services and self-contained classroom in a public school, homebound instruction is considered the most restrictive. Section 300.550(b) (2) tells us that the least restrictive setting must be considered but not necessarily attempted, which means the student

does not need to fail in the least restrictive setting prior to being moved to a more restrictive one. In Section 300.346(a) (2). (iv), LRE requirements for deaf or hearing-impaired children are discussed. More information regarding placement of students with disabilities in the least restrictive environment can be found online at:

http://www.spannj.org/BasicRights/least_restrictive_environment.htm

Table 5.2 below, taken from Chapter 4: Least Restrictive Placement & Inclusion gives a summary of LRE.

Table 5.2
Summary of Least Restrictive Environments

Move this way only as far as necessary 	General Education with Special Education Support Services	 Return this way as rapidly as feasible
	In-Class Resource Center Support and other Related Services	
	Pull-Out Resource Center Support and other Related Services	
	Special Classes with Mainstreaming Opportunities in Academic and Non-Academic Classes as Specified in the IEP The law mandates non-academic mainstreaming (lunch, gym, etc.) for all students unless it is clearly inappropriate for an individual student for specific reasons.	
	Day Schools and Special Class Clusters	
	Residential Hospital Programs Schools Home Instruction	

Individualized Education Plan (IEP)

The IEP is the means by which FAPE and LRE are determined for each special education child. Each child who receives special education and related services must have an IEP. An IEP is designed for one specific student and must be a truly individualized document. The IEP guides the delivery of special education supports and services for the student with a disability. Writing and implementing an effective IEP requires teamwork. The IEP process is one of the most critical elements to ensuring effective teaching and learning for children with disabilities. Under IDEA the process to develop an IEP begins with prereferral activities as follows.

Step 1: The child is identified. After prereferral interventions and accommodations have been attempted a child may be identified as potentially needing special education services. A referral or request for evaluation is made. An educator may ask that a child be evaluated to see if he/she has a disability. Parents may also contact the child’s teacher or other school professionals to ask that their child be evaluated. This request may be verbal or in writing. Parental consent is needed before the child may be evaluated. Evaluation needs to be completed within a reasonable time after the parent gives consent.

Step 2: The child is evaluated. The evaluation must assess the child in all areas related to the child's suspected disability. The evaluation results will be used to decide the child's eligibility for special education and related services and to make decisions about an appropriate educational program for the child (IDEA 34 C.F.R. & 300.343).

Step 3: The child's eligibility is decided. A group of qualified professionals and the parents (IEP team) look at the child's evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA.

Step 4: The child is found eligible for services. If the child is found to be a "child with a disability," as defined by IDEA, he/she is eligible for special education and related services. Within 30 calendar days after a child is determined eligible, the IEP team must meet to write an IEP for the child.

Step 5: An IEP meeting is scheduled. The school schedules and conducts the IEP meeting. School staff must:

- contact the participants, including parents;
- notify the parents early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time/place agreeable to parents and school;
- tell the parents the purpose, time, and location of the meeting;
- tell the parents who will be attending; and
- tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.

Certain individuals must be involved in writing the child's IEP (IDEA 34 C.F.R. & 300.344). These people must work together as a team to write the child's IEP. Each team member brings important information to the IEP meeting that adds to the team's understanding of the child and what services the child needs. The following are members of the IEP team.

- *Parents.* Parents are key members of the IEP team. They know their child well and can talk about their child's strengths and needs as well as their ideas for enhancing their child's education.
- *Regular Education Teachers.* At least one of the child's regular education teachers must be on the IEP team if the child is (or may be) participating in the regular education environment.
- *Special Education Teacher (if one exists).* The special education teacher contributes important information about how to educate children with disabilities. Because of his/her training in special education, this teacher can talk about such issues as how to modify the general curriculum, supplementary aids and services that the child may need to be successful in the regular classroom, how to modify testing, or other aspects of individualizing instruction to meet the student's unique needs.
- *Charter School Representative.* The individual representing the school is also a crucial team member. He/she can talk about the necessary school resources. It is important that this

individual have the authority to commit resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

- *Individual to interpret evaluation results (optional).* Another important member of the IEP team may be the individual—school psychologist or counselor—who can interpret what the child’s evaluation results mean in terms of designing appropriate instruction. The evaluation results are very useful in determining how the child is currently doing in school and what areas of need the child has. This IEP team member must be able to talk about the appropriate instructional implications of the child’s evaluation results and help the team plan appropriate instruction to address the child’s needs.
- *Individual with knowledge or special expertise (optional).* The IEP team may also include additional individuals with knowledge or special expertise about the child. The parent or the school can invite an advocate who knows the child, a professional with special expertise about the child and his/her disability. The school may invite one or more individuals who can offer special expertise or knowledge about the child, such as a paraprofessional or related services professional. When involved, related service professionals share their special expertise about the child’s needs and how their own professional services can address those needs. Depending on the child’s individual needs, some related service professionals attending the IEP meeting or otherwise helping to develop the IEP might include occupational or physical therapists, adaptive physical education providers, psychologists, medical doctors, or speech-language pathologists.

Step 6: An IEP meeting is held and the IEP is written. The IEP team gathers to talk about the child’s needs and writes the IEP. Parents and the student (when appropriate) are part of the team. Before the school may provide special education and related services to the child for the first time, parents must give consent. The child begins to receive services as soon as possible after the meeting.

The IEP must include certain information about the child and the educational program designed to meet his/her unique needs (IDEA 34 C.F.R. & 300.347(a) (1)-(a)(7)). The required components include the following:

- *Current performance.* The IEP must state how the child is currently doing in school (known as present levels of educational performance). This information usually comes from the evaluation results, which include: classroom tests and assignments; individual tests given to decide eligibility for services or during reevaluation; and observations made by parents, teachers, related service providers, and other school staff. The statement about “current performance” includes how the child’s disability affects his/her involvement and progress in the general curriculum.
- *Annual goals.* These are goals that the child can reasonably accomplish in a year. The goals are broken down into short-term objectives or benchmarks. Goals may be academic, may address social or behavioral needs, may relate to physical needs, or may address other emotional needs. The goals must be measurable, meaning that it must be possible to measure whether the student has achieved the goals.

- *Special education and related services.* The IEP must list the special education and related services to be provided to the child or on behalf of the child. This includes supplementary aids and services that the child needs. It also includes modifications and accommodations (changes) to the program or supports for school personnel, such as training or personal development that will be provided to assist the child.
- *Participation with students who are nondisabled.* The IEP must explain the extent (if any) to which the child will not participate with children who are nondisabled in the regular class and other school activities.
- *Participation in state and district-wide tests.* Most states and districts give achievement tests to children in certain grades or age groups. The IEP must state what accommodations the child will need in order to participate in the test. If a test is not appropriate for the child, the IEP must state why the test is not appropriate and how the child will be tested.
- *Dates and places.* The IEP must state when services will begin, how often they will be provided, where they will be provided, and how long they will last.
- *Transition service needs.* Beginning when the child is age 14 (or younger, if appropriate), the IEP must address (within the applicable part of the IEP) the courses he/she needs to take to reach his/her post-school goals. A statement of transition services needs must also be included in each of the child's subsequent IEPs.
- *Measuring Progress.* The IEP must state how the child's progress will be measured and how parents will be informed.

Depending on the needs of the child, the IEP team needs to consider what the law calls "special factors." These include the following:

- If the child's behavior interferes with his/her learning or the learning of others, the IEP team will consider strategies and supports to address the child's behavior.
- If the child has limited proficiency in English, the IEP team will consider the child's language needs as these relate to his/her IEP.
- If the child is blind or visually impaired, the IEP team must provide for instruction in Braille or the use of Braille, unless it determines after an appropriate evaluation that the child does not need this instruction.
- If the child has communication needs, the IEP team must consider those needs.
- If the child is deaf or hard of hearing, the IEP team will consider his/her language and communication needs. This includes the child's opportunities to communicate directly with classmates and school staff in his/her usual method of communication (for example, sign language).

Step 7: Educational and related services are provided. The school ensures that the child's IEP is being carried out as it is written. Parents are given a copy of the IEP. Each of the child's teachers and service providers has access to the IEP and knows his/her specific responsibilities for carrying out the IEP. This includes accommodations, modifications, and supports that must

be provided to the child, in keeping with the IEP. The student's files remain confidential and accessible only to those educators with need to know.

Step 8: The child's educational progress is measured and reported to parents. The child's progress toward annual goals is measured, as stated in the IEP. His/her parents are regularly informed of their child's progress and whether that progress is sufficient for the child to achieve the goals by the end of the year. These progress reports must be given to the parents at least as often as parents are informed of their nondisabled student's progress.

Step 9: The IEP is reviewed. The child's IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review. If necessary, the IEP is revised. Parents, as team members, must be invited to attend these meetings.

Step 10: The child is reevaluated. At least every three years the child must be reevaluated. This reevaluation is often called a "triennial." Its purpose is find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child's educational needs are. However, the child must be reevaluated more often if conditions warrant or if the child's parents or teacher asks for a new evaluation.

More information regarding IEPs can be found in the USOE Rules and Regulations at <http://www.usoe.k12.ut.us/sars/RulesRegs.htm> .

Procedural Safeguards and Due Process

When charter schools and school districts carefully adhere to the requirements of IDEA, requests for hearings are relatively few. However, parents of special education children are increasingly aware of their rights and do request hearings when established legal guidelines are not followed. Under IDEA, due process hearings are the principal vehicle for resolving disputes between parents of children with disabilities and schools and districts concerning identification, evaluation, placement, or provision of a free appropriate public education. The hearing may be conducted by the charter school, school district, or the state educational agency, with such designation a matter of state law. IDEA regulations set impartiality requirements for hearing officers and establish hearing rights for parents and school districts. In Utah the due process hearing shall be conducted by the state.

Clear and frequent communication is the best means of avoiding due process hearings. A critical element of that communication is a procedural safeguards notice which provides a full explanation of all of the procedural safeguards, in language understandable by the parents. These procedural safeguards include the following.

- Parents have the right to participate in meetings held with respect to the identification, evaluation, and educational placement of their student and the provision of a free and appropriate public education as outlined on an Individual Education Program (IEP). School personnel may have informal meetings without the parents.

- Parents have the right to consent or refuse consent for any proposed actions.
- Parents have the right to receive regular reports on their student's progress toward IEP goals as often as the school notifies the parents of students without disabilities.
- Parents may look at their student's records. Special education records are confidential and kept in a locked file apart from regular school records. If parents need copies, those can be made available to them in a reasonable amount of time.
- An annual review of special education services is conducted through the IEP process. Parents are an active part of that process.
- Parents may make a request for an independent evaluation of their student if they are in disagreement with all or some portion of the assessment completed by the school team. The costs of these evaluations are the responsibility of the charter school. Charter school administrators should contact the Utah State Office of Education, Special Education Services section for guidance when such requests occur.
- Schools want to ensure parent concerns are addressed regarding the special education program for their student. The following progression is recommended for charter schools:
 1. School team/Principal
 2. USOE – Students at Risk
 3. Mediation
- Parents may request a due process hearing. This request needs to be in writing to the charter school administrator.
- Parents have a responsibility to inform the charter school administrator in writing within 10 business days if they intend to remove their student from public school and place him/her in private school.

The Utah State Office of Education (USOE) and the charter school will ensure that the hearing will be conducted forty-five days (45) from the receipt of request. A decision must be reached and a copy of the decision must be mailed to each party. A hearing review officer may grant a time extension. The USOE shall pay costs associated with the payment of fees of the due process hearing officers and court reporter. The charter school is responsible for other costs of the hearing, including attorneys' fees.

Each charter school shall ensure that procedures are established and implemented to allow parties to resolve disputes through a mediation process that minimally must be available whenever a due process hearing or an expedited due process hearing is requested. For detailed requirements, see USOE's Special Education Laws at:

<http://www.usoe.k12.ut.us/sars/RulesRegs.htm>

The procedural safeguards notice must be available to parents of a student with a disability and are given to the parents during the following occurrences, minimally.

- Upon initial referral for evaluation;
- Upon each notification of an IEP meeting;

- Upon reevaluation of the child; and
- Upon receipt of a request for due process under §300.507.

The best practice is to review a procedural safeguards notice if a meeting is scheduled to review student progress on IEP goals. Teachers are not required to provide procedural safeguards when the teacher and parents have informal meetings, nor when parent-teacher conferences occur.

More information regarding dispute resolution options and resolving conflict can be found from the Consortium for Appropriate Dispute Resolution in Special Education at <http://www.directionservice.org/cadre/index.cfm>.

Discipline

Special disciplinary rules and regulations apply to students with disabilities. Usually, a disabled student may not be suspended for more than 10 days if his/her misconduct was related to his/her disability. This can be determined through a manifestation determination review. If the behavior was not related to the student's disability, care must be taken in discipline actions that may result in a change of placement, i.e. suspension or expulsion, since placement is a responsibility of the IEP team. Students who violate school rules concerning weapons or drug-related offenses may receive a change of placement or interim alternative educational placement for up to 45 calendar days. However, FAPE must continue to be provided to this student. A Functional Behavior Analysis (FUBA) and Behavior Intervention Plan (BIP) usually follow any of these actions if they are not already in place. It is important to remember all of these actions are the function of the IEP team.

IDEA – Part B Discipline Procedures state (1) that schools could remove a child for up to ten school days at a time for any violation of school rules as long as there was not a pattern of removals. (2) A child with a disability could not be suspended long-term or expelled from school for a behavior that was determined to be a result of the child's disability. (3) Services must continue for children with disabilities who are suspended or expelled from school. In addition, the 1997 Amendments (1) expanded the authority of school personnel regarding the removal of a child who brings a gun to school, to also apply to all dangerous weapons and to the knowing possession of illegal drugs or the sale or solicitation of the sale of controlled substances. (2) The Amendments added a new ability to schools to request a hearing officer to remove a child for up to 45 days if keeping the child in his or her current placement is substantially likely to result in injury to the child or to others.

There are a variety of ways to avoid suspension and not trigger due process. These include community service, lunch and after-school detention (be sure to follow Utah law 53A-3-415), modified suspension, restitution, time-out, and work crew. In-school suspension (even for more than 10 days) can be used as an intervention with IDEA students without triggering IDEA due process requirements. It is critical to involve the parents in discipline decision-making. Difficult behavior issues can often be avoided if schools and parents take a proactive approach by using up-front measures that will help decrease severity or even prevent the discipline problem.

The Utah State Board of Education Special Education Rules and Regulations include an entire section dedicated to discipline procedures. These procedures for students with disabilities are consistent with the requirements of Part B of the IDEA. They give educators, administrators, and parents' guidelines to follow when dealing with behavioral issues. The rule book explains the ten-day rule, change of placement issues, Functional Behavioral Assessments and Behavior Intervention Plans. It provides the reader with procedures for determining interim alternative educational settings and determining manifestation determination. The discipline sections discuss the rights of the parents and student. The USOE rules are informative and easy to understand.

Private Schools

Because of the implications of referring special education students to private schools for services the charter school does not feel equipped to handle, a brief explanation of the relationship between special education and private schools as guided by IDEA is provided. The Utah State Office of Education defines a private school as a school that is controlled by an individual or agency other than a governmental entity, which is usually supported primarily by other than public funds, and where the operation of the program rests with someone other than publicly elected or appointed officials.

Education of students with disabilities in private schools differs depending on why that student is placed in the private school and who placed him/her there. If the student is placed by a district or charter school due to lack of ability to provide FAPE, all IDEA guidelines apply. It is the responsibility of the district or charter school to see that FAPE is made available to the student. However, if the student is placed by his/her parents and FAPE is available to the student through the charter school or local school district, the student is not entitled to receive services under IDEA at the expense of the public school. If the student is placed by parents due to the belief that the school has failed to provide FAPE, the student may be entitled to receive free services or tuition reimbursement according to the ruling of a court or hearing officer. IEP guidelines state that all students designated to receive special education services must have a service plan that describes specific education and related services. Service plans must meet IEP requirements and be developed, reviewed, and revised consistently with IEP process requirements.

For example, a student who has a current IEP and receives services through the public school undergoes a review in placement. The IEP team determines that the least restrictive environment for the student is within a private school. That student is protected under IDEA because the student was placed by the IEP team (including the charter school), and the costs for services are the responsibility of the charter school.

Section 1412(a)(10)(A)(I) of the IDEA provides amounts for the provision of services to private school students with disabilities to be equal to a proportionate amount of Federal funds under Part B. IDEA regulation 34 C.F.R. s 300.454(a)(1) states that "No private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school." Parents cannot file due process in the private school 34 C.F.R. s 300.457(a), but can file a state complaint 34 C.F.R. s 300.457(c).

More information regarding private school placements can be found in the Utah State Office of Education rules and regulations <http://www.usoe.k12.ut.us/sars/RulesRegs.htm>

Section VII

Student Assessment

S
E
C
T
I
O
N

V
I
I

STUDENT ASSESSMENT

Accountability for Student Achievement

School accountability for student achievement has become an important factor both statewide and nationally. Essentially, charter schools are held accountable for any student achievement commitments made in their approved charter application and the requirements found in the Utah Performance Assessment System for Students (U-PASS) and federal No Child Left Behind Act (NCLB). Important expectations for all students are articulated in these school accountability legislative requirements. This section will describe the school accountability requirements of all public schools, including charter schools.

Charter School Student Achievement Commitment

Some charter school applications contain certain commitments about attaining student achievement levels. The approved charter school application becomes the contract for the operation of the charter school. As such, any statements about certain levels of student achievement are expectations that must be met. Whether applying for a new charter, or operating a current charter school, it is important that charter school personnel understand and follow through on any commitments to assess and report student achievement. If such expectations are set in the charter, clear and measurable goal statements should express the expected student outcomes. It is critical that an aligned curriculum and assessment model be established in order to successfully teach and measure student achievement.

U-PASS

The Utah Performance Assessment System for Students (U-PASS) specifies the primary student achievement and accountability requirements for Utah public schools. The Utah Legislature enacted this school accountability system to measure and report student achievement in specified grades and subjects. All public schools are required to participate in the U-PASS accountability system. U-PASS requires annual testing, data gathering, and public reporting of results. These data and test results provide information about school performance from year to year. A description of the required assessments, data requirements and reporting format is provided under this section.

Required Assessments

Each test has specific purposes and provides different information about student performance. Following are descriptions of each of the required tests, purposes, subjects, and grade levels for which the test is required:

- Criterion Referenced Tests (CRTs) are tests developed specifically to assess the state’s core curriculum. These tests are designed to measure student performance against a specific performance standard. Each student’s test score is representative of the student’s performance related to the established performance standards. Table 6.1 depicts the subjects and grades in which CRTs are given.

Table 6.1
CRT Grade and Subject Administration

Subject	Grades Administered	When Administered
Reading/Language Arts	Grades 1 through 11	Spring Administration
Mathematics	Grades 1 through 10 (through Geometry)	Spring Administration
Science	Grades 4 through 12 (through Biology, Chemistry, and Physics)	Spring Administration

These tests are constructed in a multiple-choice format, where the student selects an answer from several alternatives. Students are expected to meet proficiency standards in Reading/Language Arts and Mathematics that are established by the Utah State Board of Education. The results of all tests are publicly reported by schools, in a disaggregated format, in electronic and written forms.

- Norm Referenced Tests (NRTs) are achievement tests developed commercially for use nationally. These tests assess students’ abilities based on general curriculum goals that are common to most schools throughout the nation. Student achievement is reported in reference or comparison to other students in the same norm group, rather than against specific instructional criteria. Table 6.2 reports the subject areas and grades that these tests are required to be given.

Table 6.2
Norm Referenced Tests by Subject and Grade

Subject	Grades Administered	When Administered
Reading	Grades 5, 8, 11	Fall Administration
Language Arts	Grades 5, 8, 11	Fall Administration
Mathematics	Grades 5, 8, 11	Fall Administration
Science	Grades 5, 8, 11	Fall Administration
Social Studies	Grades 5, 8, 11	Fall Administration

Norm referenced tests compare student achievement with that of their counterparts across the nation and results are reported in percentile scores.

- The Direct Writing Assessment is administered to students in grades 6 and 9. This assessment is designed to measure each student’s writing skills and is an authentic exercise where students respond to writing prompts. Students are required to generate a short essay response to a prescribed topic. Student essays are scored by trained readers using an analytic scale.
- The Utah Basic Skills Competency Test (UBSCT) is first administered to students at the tenth grade level and is required for high school graduation. Table 6.3 displays the requirements of the UBSCT.

Table 6.3
Utah Basic Skills Competency Test

Subject	Grades Administered	When Administered
Reading, Writing, Mathematics	Grade 10	Spring for first administration
Reading, Writing, Mathematics	Grade 11	Fall and Spring for any section not passed
Reading, Writing, Mathematics	Grade 12	Fall and Spring for any section not passed

These tests are not time limited. Students must meet the established performance standards in each subject in order to graduate from high school and receive a regular high school diploma. Each section of the test stands alone, and once students have passed a section, they are considered to have met the requirements for demonstrating proficiency in that particular area. Students have a total of five opportunities to pass all sections of the test and only retake a section(s) as needed.

- The National Assessment of Educational Progress (NAEP) is a specific, norm referenced test required by the federal government. This test provides a state by state comparison of student performance in selected grades and subject areas. Students in grades 4 and 8 are assessed in reading, writing, mathematics, and science. Not all schools or students participate in this test. Representative sampling of schools within the state is used to satisfy state participation requirements in this assessment. When selected, participation of a school is required by U-PASS and No Child Left Behind.

Further information about U-PASS is available at <http://www.usoe.k12.ut.us> .

No Child Left Behind

The No Child Left Behind Act of 2001 (Pub. L. 107-110, NCLB) became law on January 8, 2002. NCLB is a substantial revision of federal education policy and is the latest reauthorization of the Elementary and Secondary Education Act originally enacted in 1965. There are four key principles stated in this act:

1. Accountability for results
2. Expanded state and local flexibility
3. Expanded choices for parents
4. Focusing resources on proven educational methods, particularly in reading instruction.

The legislation is authorized for six years with FY 2007 scheduled for the last year of the current authorization. While there is much to the act, the primary focus here is on school accountability for student achievement. States accepting federal funds must comply with the requirements of the act, which include mandatory testing and public reporting of results in selected subjects, specific student proficiency levels, and related goals. The primary framework for NCLB is expressed in the following statements:

- All students will reach high standards, at a minimum attaining proficiency or better in reading and mathematics by 2013-2014.
- By 2013-2014, all students will be proficient in reading by the end of third grade.
- All limited English proficient students will become proficient in English.
- By 2005-2006, all students will be taught by highly qualified teachers. (Specific requirements are described in the Human Resources Section.)
- All students will be educated in learning environments that are safe, drug free, and conducive to learning.
- All students will graduate from high school.

States are required to administer assessments to measure student achievement in grades 3-8, and once in grades 10-12, in reading and mathematics. States must set proficiency standards in each of these subject areas and annually measure and report student progress. Each school must make Adequate Yearly Progress (AYP) according to the established proficiency levels for each year. Student test data must be disaggregated by student groups as specified by the law and publicly reported.

All schools are required to participate in the testing and reporting requirements of NCLB regardless of whether or not the school receives federal funds. Title I schools that do not meet AYP requirements for two consecutive years and beyond, must offer public school choice to the families whose children attend those schools. There are additional and progressive provisions beyond school choice for schools not meeting AYP, including school restructuring after five consecutive years. A complete reference to NCLB is available under the Utah State Office of Education website at: <http://www.schools.utah.gov/nclb>.

U-PASS contains many of the requirements for student achievement found in NCLB. A brief comparison of U-PASS and NCLB is found in Table 6.4 while Table 6.5 summarizes the basic testing schedule for tests under both laws.

Table 6.4
U-PASS and NCLB: A Selected Comparison

Requirement	U-PASS	NCLB
Annual Report Card	School and district report cards report student test scores and are disaggregated by race, ethnicity, gender, LEP, and income	School and district report cards report student test scores and are disaggregated by race, ethnicity, gender, LEP, and income
Academic Achievement	<p>Percentage of students in each subgroup who have attained mastery or near mastery in required CRT subjects</p> <p>Percentage of students who have reached the top median percentile score for expected range on norm-referenced test (SAT)</p> <p>Percentage of students who are reading on grade level</p> <p>Attendance</p> <p>Schools must reach “sufficient magnitude of gain” toward meeting state performance standards</p>	Stepped increases in student performance across subgroups is required. Students must make “adequate yearly progress” leading to full proficiency in 2014
Core Academic Testing	<p>Test grades 1-12 annually in math (course specific in secondary schools) and language arts</p> <p>Test grades 4-12 annually in science (course specific in secondary schools)</p>	<p>Annual test for reading and math for grades 3-8, and once in high school</p> <p>By 2007-2008 test science at least once in grades 3-5, 6-9, and 10-12</p>
Other Required Tests	<p>NAEP reading, math science and writing tests in fourth and eighth grades</p> <p>Norm-referenced tests (SAT) in grades 3, 5, 8, 11</p> <p>Utah Basic Skills Competency Test at grade 10</p>	NAEP reading and math tests for fourth and eighth grades

Table 6.5
Basic Testing Schedule

U-PASS TEST ADMINISTRATION SCHEDULE FOR SCHOOL YEAR 2005-06

Month	Grade Level												
	K	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th
September* (third & fourth week)				Iowa Tests (NRT)					Iowa Tests (NRT)			Iowa Tests (NRT)	
October (first week)													
October 17-19 (3 rd week M-W)												UBSCT (make-up window Oct 24-25)	UBSCT (make-up window Oct 24-25)
January 31, February 1-2 (Tues., Weds., Thurs., 1 st week)												UBSCT (make-up window Feb 3, 6, 7)	UBSCT (make-up window Feb 3, 6, 7)
January 24 - March 4 th (only National NAEP)					(Mini) Nat'l NAEP US History Civics				(Mini) Nat'l NAEP US History Civics			(Mini) Nat'l NAEP US History Civics Economics	
Number of weeks before the last Monday of the school year**													
14 Weeks (3 week period)							DWA				DWA		
5 weeks (5 week period)		ELA Math UAA	ELA Math UAA	ELA Math UAA	ELA Math Science UAA	ELA Math Science UAA	ELA Math Science UAA	ELA Math Science UAA	ELA Math Science UAA	ELA Math Science UAA	ELA Math Science UAA	ELA Math Science UAA	Math*** Science UAA
Jan-May	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA	UALPA

* Year-round schools should continue to administer the test at the appropriate time in their instructional year - same number of weeks in from the first day of school.
 ** When calculating the testing date for trimester classes, take into consideration that students are actually in class fewer instructional days than students on a traditional schedule.
 ** DWA & All CRT administration schedules are based on the week prior to the last Monday of school.
 ^ Secondary Math Courses: Math 7, Pre-Algebra, Algebra, Geometry, Applied Math I & II. ***Not needed after Geometry or Applied Math II.
 DWA = Direct Writing Assessment; ELA = English Language Arts; Math = Elementary and Secondary Mathematics; NAEP = National Assessment of Educational Progress; NRT = Norm-Referenced Tests; Science = Elementary and Secondary Science; UBSCT = Utah Basic Skills Competency Test; UAA = Utah's Alternate Assessment; UALPA = Utah's Alternate Language Proficiency Assessment.

Adequate Yearly Progress

NCLB requires all public schools to make Adequate Yearly Progress (AYP) toward the specific goal of all students reaching proficiency in reading and mathematics. Each state is required to define AYP, within strict parameters outlined in the law, in a manner that applies high standards to all students. The definition must establish a rate of progress to assure that all schools are making AYP toward state defined levels of proficiency in reading and mathematics.

Summary

It is important to understand that all students in public schools are expected to meet defined proficiencies in reading, mathematics, writing, and science. There are two primary legislative directives which hold schools accountable for the achievement of their students. U-PASS is Utah's mandate and requires annual testing and public reporting in specified subjects. NCLB is a federal directive which also requires annual testing and reporting in specified subjects. The Utah State Office of Education provides state leadership for schools in testing, data gathering, public reporting, and helping schools meet the provisions required in school accountability legislation. Charter schools are required to participate in the school accountability programs. Compliance with both the intent and the letter of school accountability for student achievement is essential for all schools. Information and training is provided through the Assessment and Evaluation section of the Utah State Office of Education.

Section VIII

Human Resources

S
E
C
T
I
O
N

VIII

Human Resources

Effective teachers are considered the heart of any school. Every school seeks to employ the best and brightest teachers to teach students. Charter schools look to attract the most effective teachers to teach students and to help implement the school's charter. This essential understanding leads to some of the most important decisions that will be made by charter school operators. The Utah State Legislature provided guidance for the employment of teachers and other employees as it adopted charter school legislation. Utah Code 53A-1a-512 provides the following guidance regarding employees of charter schools:

- the charter school selects its own employees
- the governing body of the charter school determines the compensation for employees, including any associated benefits, and conditions for employment
- charter schools must employ teachers who are licensed or those who may demonstrate competency and would qualify to teach under an alternative program as provided by state board rule
- charter schools must disclose to parents of students the qualifications of teachers in the school
- charter school employees may participate in the Utah State Retirement and Insurance Act, unless at the time of application the charter school applicant elects not to participate as an employer

Utah Code 53A-1a-512.5 requires criminal background checks on school personnel. These requirements are consistent with those required for employees and volunteers in traditional public schools. The purpose of this requirement is to help ensure a safe environment for students and others at the school. Background checks are also required of volunteers at the school who may have a significant, unsupervised responsibility with students. Further information regarding background checks may be obtained either from the Utah State Office of Education, Department of Educator Licensing, or a detailed description and review process found at the USOE website under resources for charter schools. It is important to anticipate the need for those persons required to complete background checks and allow sufficient time for completion of those checks, usually at least sixty days.

Teacher and Administrator Licensure

All public schools are required to employ licensed teachers. Teachers must either complete an approved teacher preparation program, have earned a teaching license from another state with which Utah has reciprocity, or be awarded a license through an alternate route approved by the Utah State Board of Education. There are Board rules governing licensure, including different levels, renewal, and assignment of teachers. Licensing rules are numbered R277-501 thru R277-524. These rules provide requirements and guidance for schools to assist in ensuring that educators are properly licensed and assigned. Although the rules are broad, in that they apply to

many different possible licenses and assignments, charter school operators will find the specific applications for their particular schools. It is important to follow these requirements to help ensure that teachers are properly prepared for their assignments and to understand that the use of unlicensed teachers may lead to possible withholding of funds for which the school would otherwise qualify. The 2004 Legislature increased the discretion of Charter Schools to hire licensed teachers. Specifically, charter schools may request, and the Utah State Board of Education shall grant a competency-based license to individuals meeting the conditions outlined in the law. These licenses are specific to the charter school, but do meet legal requirements for employment. Charter school operators interested in this avenue for licensing teachers are strongly encouraged to consult the law (53A-6-104.5 licensing by competence.) and the associated administrative rule (R277-503).

The legislature provided that Charter School administrators need not be licensed. The 2005 legislature requires the State Board of Education to grant a letter of authorization to serve in any position where an administrative/supervisory license is required. The Charter School governing board must submit a letter of request to the State Board of Education to receive an exemption for a license for a person serving in an administrative position. Such requests are to be based on the person's outstanding professional qualifications.

Questions about licensing should be referred to Educator Licensing at the Utah State Office of Education.

Highly Qualified Teachers

The term "highly qualified teachers" is an integral part of the No Child Left Behind Act. The requirements to be classified as a highly qualified teacher are specified in the act, and each state must comply with these requirements. The federal NCLB definition of a highly qualified teacher states that all teachers must:

- be fully licensed with an academic degree in the content area taught; or
- have passed a state teacher license exam, and
- not have had licensure requirements waived on an emergency, temporary, or provisional basis.

There are specific requirements for teachers new to the profession, those not new to the profession, and distinctions between elementary and secondary teachers.

Utah State Board of Education Rule R277-501 provides guidance for license renewal and compliance with the requirements of NCLB. Charter school operators should refer to this rule and assist educators in their schools to remain appropriately licensed.

Employee Policies

Charter schools are responsible to establish their own policies relating to their employees and the conditions of employment. It is accepted as good practice to advertise position openings and try to attract the best possible candidates for the school. Such advertisements should describe the position, qualifications, application procedures, and time lines. It is often helpful to include various representatives, such as parents and teachers in applicant interviews, but it should be clear who has authority to make the final decision regarding employment. This responsibility should lie ultimately with the governing board, even though the actual employment process may be shared with others in the organization.

Other important policies addressing topics such as compensation, health and accident insurance, length and terms of employment, sick or personal leave, evaluation and termination should be considered. The Utah Legislature has exempted charter schools from state statutes requiring educator evaluation, employment of relatives, and following the Utah Orderly Termination Act. In short, this is interpreted to mean that charter schools may consider hiring relatives to work at the school, are free to determine how or if they will evaluate the performance of employees—especially teachers, and are not required to grant career employment status (tenure) for teachers. Given these freedoms, charter schools may establish their own policies and practices to attract and retain teachers and other employees who will help the school attain its mission.

Summary

One of the most important responsibilities of the charter school governing board is to attract and retain the best and most qualified teachers and other employees that are available. The commitment of effective and dedicated teachers is essential to helping students and the charter school be successful. Charter schools have been exempted by the Utah State Legislature from selected state laws relating to the employment and evaluation of educators and other employees. Areas of teacher licensure, license renewal, criminal background checks, and compliance with NCLB in the area of teacher qualification are important areas for charter schools to understand. Charter schools are well served to develop employee policies which guide the responsibilities, compensation, and overall relationships with their employees.

Section IX

Charter School Finance

S
E
C
T
I
O
N

I
X

Charter School Finance

A basic understanding of public education financing is essential for charter school operators. This chapter provides an overview of public education and charter school funding; it explains where the money comes from, how the amount is determined, and how it gets to the bank accounts of charter schools. The chapter also explains how charter school funding differs from traditional school district funding and identifies current, unresolved funding issues in the following order:

- Fiscal Responsibilities of Charter Schools
- Utah Public Education Financing
 - State Revenue
 - Local Revenue
 - Federal Revenue
 - Other Funding Information Resources
 - The Allotment Memo
- Other Revenue Sources
 - School Fees
 - E-Rate
 - Additional Funding and Fundraising
- Utah Association of School Business Officials
- Charter School Funding Parity
- Current Parity Issues

Fiscal Responsibilities of Charter Schools

Utah charter schools operate as independent schools, and may operate simultaneously as a 501(c)(3) nonprofit organization. Establishing and operating these different entities is complicated. Traditional school districts employ business administrators and management specialists to perform the operational and administrative tasks. The administration and operation of charter schools are usually done by few people each with multiple responsibilities.

Because charter schools are public schools utilizing public funding, there are strict guidelines, procedures, and reporting requirements associated with the use of these funds. Charters must keep detailed financial records; hire an independent auditing firm to review these records; and report their findings to the Utah State Office of Education and the state legislature, as well as the federal government when federal funds are used.

The Fiscal Year

The financial operational year—or fiscal year—for Utah schools begins July 1 and ends the following June 30 and is inclusive of the school year. For example, the 2003-2004 school year—beginning near the end of August, 2003 and ending in late May or early June, 2004—is included within Fiscal Year 2004. Fiscal years are denoted by the last two digits of the year in which it ends. Thus, in the example of the fiscal year beginning on July 1, 2003 and ending on June 30, 2004, the common reference is FY04.

Utah Public Education Financing

The State provides most of the funding for Utah’s public schools. For example during the 2003-04 school year and FY04, in order to serve the educational needs of just under 500,000 students in over 800 public schools, including charter schools, nearly \$2.4 billion from three primary sources -- local, state, and federal revenues -- was used. Roughly 70% of those funds come from state revenue, 23% from local revenue, and 7% from federal sources.

State Revenue

The bulk of state revenues come from individual and corporate income taxes collected and distributed through the Uniform School Fund (USF). The USF currently accounts for approximately 70% of all public education financing in Utah. Most state USF funds are “equalized” in that they are distributed to public school districts and charter schools based primarily on the entity’s proportionate share of all students enrolled in the state public education system. In practice, the formulas for these funds are complicated, but the aim is to provide an equivalent amount of funding for each student in the state.

The body of law that governs the use of these funds is called the Minimum School Program (MSP) Act. For FY04 the MSP Act was contained in House Bill 3. The Utah State Legislature annually reviews this act and appropriates the funds to support its provisions. In general, for each fiscal year, the MSP Act:

- Establishes the dollar amount of the maximum state contribution to the MSP.
- Establishes the value of the weighted pupil unit (WPU). For FY04 this amount was \$2,150. The WPU is used as a basis for determining specific funding amounts for different types of students and programs within the MSP funding categories. For example, because Utah kindergarten students attend half-day programs, the rate of funding for these students is currently 0.55 WPUs, which means the school receives 55% of the full WPU value per student per year. Conversely, because special education students require additional resources and cost, the WPU factor for special education students provides annual per student funding greater than one WPU, depending on the disability of each student in sponsored programs.

- Establishes additional special state appropriations for public education programs, e.g., the MSP Act specifies an appropriation and establishes the maximum funding level for the School Land Trust Program.

Because charter schools are different from local school districts when it comes to raising additional funds, the Legislature has specified, outside of the Minimum School Program Act, how charter schools will be funded. The specifics of the funding strategy are found in Utah Code 53A-1a-513, and the USOE uses these specifics in determining charter school funding.

MSP funds are divided into several categories with their funding amounts based on formulas related to an individual district or charter school, student membership, and demographics. The MSP funded programs and their commonly used titles are briefly described in charts below.

Regular Basic School Programs — these funds may be used for general operating expenses.

K-12	Available to charter schools based on an individual school's WPU count.
Necessarily Existent Small Schools	Not available to charter schools. This funding applies to rural school districts with long distances between schools.
Professional Staff	Available to charter schools based on an individual school's licensed educators.
Administrative Costs	Available to charter schools based on the individual school's share of a specified amount.

Restricted Basic School Programs—Special Education — these funds are restricted and must be spent on special education services for students with qualifying disabilities.

Special Education — Add-On	Available to charter schools based on the number of students with Individual Education Plans (IEPs) who participate in qualifying special education programs. Additional funding for these students is based upon the percentage of their school day spent in special education or resource classes.
Special Education — Self-Contained	Available to charter schools based on the number of students with Individual Education Plans (IEPs) who are educated in qualifying special education programs and are not a part of the general school curriculum.
Special Education — Pre-School	Available to charter schools that qualify by providing approved special education services to pre-school students.
Extended Year Program — Severely Disabled	Available to charter schools that qualify by providing these approved special education services.

Other Basic School Programs — funds are restricted and must be spent on activities specific to the individual programs.

Class Size Reduction — K-8	Available to charter schools based on the number of K-8 students.
Social Security and Retirement	Funds help to pay the costs of social security and retirement for employees. Available to charter schools based on formula.
Pupil Transportation	These funds help to underwrite the costs of transporting students to and from school; the formula considers mileage and time. Currently, few charter schools are able to provide this service and do not receive these funds.
Quality Teaching Block Grant	Block grants are allocated by formula. Charter schools receive these funds. Funds may be used flexibly within the parameters of the block.
Local Discretionary Block Grant Program	Same as Quality Teaching Block Grant.
Interventions for Student Success Block Grant	Same as Quality Teaching Block Grant.

Related to Basic Programs: Special Populations — funds are restricted and must be spent on activities specific to the individual programs.

At-Risk — Regular Student Program	Available to charter schools based on the number of K-8 students.
At-Risk — Homeless & Minority	Available to charter schools based on student count of qualifying students.
At-Risk — MESA	Available to charter schools based on program existence and student participation.
At-Risk — Gang Prevention	Available to charter schools based on program existence and student participation.
At-Risk — Youth in Custody	Available to charter schools based on qualifying programs and students.
Accelerated Learning — Gifted and Talented	Available to charter schools based on student count.
Accelerated Learning — Advanced Placement	Available to charter schools based on based on student participation and pass rates on Advanced Placement Tests.
Accelerated Learning — Concurrent Enrollment	Available to charter schools based on provision of Concurrent Enrollment courses and student participation.

Related to Basic Programs: Other

School Land Trust Program	Revenues generated by state land ownership, such as mineral leases and trusts, are dedicated to public education. The legislature annually sets the amount of this fund based on the prior year fiscal performance. The amounts for individual schools are set by formula and schools must develop a specific plan for spending the funds. Charter schools receive these funds the same as regular schools do.
Charter School Local Replacement	The state currently compensates charters with this fund because charter schools do not have boundaries or taxing districts in order to receive revenues from local property taxes. The legislature sets the amount annually.
State Liquor Control Tax	A portion of Utah's tax on liquor sales is used to support school meal programs. Charter schools with meal programs receive a proportional share of these funds.
Safe and Drug-Free Schools	Available to charter schools based on student enrollment.
U-PASS	Available to charter schools based on student enrollment.
Driver Education	Available to charter schools based on provision of a qualifying program and student participation.

One-Time Funding generally refers to funds that are legislatively appropriated and restricted to specific purposes during a specific school year such as textbook and teacher supply purchases. For the past several years, one fund has been consistently funded.

Teacher Materials and Supplies	Available to charter schools based on the number of certified teachers at a rate per teacher.
--------------------------------	---

The USOE's Finance and Statistics Division is responsible for overseeing the allocation of MSP program funds for the state's school districts and charter schools. A detailed system has been developed for the distribution and accounting of these funds. Charter schools, because they are public schools, are responsible for setting up an accounting system that reflects the MSP program areas and incorporates the USOE chart of accounts and financial reporting requirements. Staff in the Finance and Statistics Section of the USOE are available to help charter school staff accomplish these tasks.

Unrestricted/Restricted Funds: As charter school personnel deal with school finances, the terms "restricted" and "unrestricted" may be encountered. Unrestricted funds may be used to pay for a variety of purposes usually associated with the school's general maintenance and operation (sometimes called M & O) costs. For example, revenue received from the MSP Regular Basic School Programs/K-12 can be spent in a variety of areas that contribute to a school's instructional services, e.g., teacher salaries, textbooks, supplies, building lease and maintenance.

On the other hand, restricted funds must be spent on specific activities that support the programs for which they are appropriated. School administrators must plan carefully how these funds are spent, and the accounting system must reflect that funds have been spent properly. For example,

by the end of the fiscal year the accounting system must show clearly that all of the MSP One Time Funding/Teacher Supplies revenue has been spent on teacher supplies.

Local Revenue

Local taxes, assessed by individual school districts on the value of property in their district, account for an average of 23% (this percentage varies greatly between districts) of educational funding. These monies primarily provide for the construction of school facilities and other capital needs, but some do contribute to instructional programs. Districts may levy property taxes for ten specific purposes or programs. Some of these tax rates are set by the legislature, some must be determined by voters, and some are at the discretion of school boards within maximum rates determined by the legislature.

Charter Schools do not have the ability to generate property tax revenue. Charters schools do not have geographical boundaries nor do they have taxing authority. Developing a method to provide charters with this important portion of the educational funding base has been a struggle. A solution to this problem has been established through an “in lieu of local funding” appropriation from the legislature with distribution through the Utah State Office of Education.

The short history of Utah’s “in lieu of” funding schemes demonstrates the struggle. During FY00, individual charters invoiced districts monthly based on the number of district-resident students who were attending the charter; the billing rate was 50% of the district’s per-pupil local funding amount based on a formula that was cumbersome for all and unacceptable to charter operators and some legislators. During the next three years, still using the disputed formula, charters continued to bill districts for 50% and received the other 50% from state funds (although, state funds were capped at the state average for all districts).

The 2003 legislature made significant changes in local funding laws for charters. The state assumed responsibility for full funding of this area, calling it Local Replacement Funding, and districts were relieved of their contribution. Also, the formula for calculating an equivalent local funding amount was modified, resulting in an increase in the state average. And finally, the funding was equalized for all charter students so that charters in affluent districts and in poor districts received comparable amounts. The state per-student average was set at \$965, but the appropriation was only enough to provide \$740 per student; efforts during the 2004 legislation attempted to secure one-time money to bring the local replacement funds to the full \$965. The actual amount is determined by appropriation in the legislature each year.

Because Local Revenue funding is provided by the state, it is included as an MSP funding program called “Charter School Local Replacement” and is noted above in the chart under “Related to Basic Programs: Other.”

Federal Revenue

Federal revenues account for about 7% of public school funding and are in the form of grants for a limited number of specific programs such as high-poverty or under-performing schools, disadvantaged students, special education, and child nutrition programs. Much of the Federal revenue now comes through the U.S. Department of Education and the No Child Left Behind (NCLB) Act. In order to qualify for federal revenue, the state, individual districts and charter schools must apply for the funding and follow NCLB guidelines. Federal monies are allocated to individual districts and charter schools using formulas based on student membership and characteristics, as well as school demographics.

New charter schools currently receive additional support from the U.S. Department of Education through the Public Charter Schools Program (NCLB Title V, Part B) that provides startup money — Implementation Grants — for the first three years of operation. The USOE applies for these grants on behalf of Utah charters and is responsible for the distribution and oversight of the funds. Implementation funds are substantial, provide critical support for the startup costs of new charters, and comprise nearly 30% of the annual budgets of charter schools during the first three years of operation.

The federal Public Charter Schools Program also provides Dissemination Grants to charter schools that wish to share their expertise and assist other charter schools. To be eligible for these funds, a charter must develop a project proposal, have a minimum of three year’s experience, and demonstrate success in the area proposed for dissemination.

The chart below includes federal revenue available to qualifying charter schools.

Federal Charter School Program — Implementation Grant	Available to charter schools during the first three years of operation.
Federal Charter School Program — Dissemination Grant	Available to charter schools based on application and selection.
Title I-A	Available to charter schools based on qualified participation in the federal program.
Title II-A — Quality Teaching	Available to charter schools based on qualified participation in the federal program.
Title II-D — Educational Technology	Available to charter schools based on qualified participation in the federal program.
Title III-A — English Language Acquisition	Available to charter schools based on qualified participation in the federal program.
Title IV-A — Safe & Drug Free Schools	Available to charter schools based on qualified participation in the federal program.
Title V-A — Innovative Programs	Available to charter schools based on qualified participation in the federal program.
IDEA, Part B, Special Education Local Capacity Building & Improvement	Available to charter schools based on qualified participation in the federal program.

IDEA, Part B, Special Education Formula	Available to charter schools based on qualified participation in the federal program.
National School Meal Programs	Available to charter schools based on qualified participation in the federal program.

Federal Reimbursement Request

Most state funding comes to charters in monthly installments. Once the funding amount for an MSP program has been determined, the funds are automatically transferred in 12 monthly payments. Federal funding is different. While a school's federal program amounts may be determined before the fiscal year begins, these funds are not automatically sent to the school. Most federal programs are funded with reimbursement grants, meaning the school must spend money on a specific program and then request a reimbursement. A school's reimbursement amount cannot exceed the total amount pre-approved for each program. The reimbursement form (an Excel spreadsheet) can be accessed from a number of places on the USOE website. Appendix E contains a copy of a reimbursement form used in Utah.

The Allotment Memo

With few exceptions, all state, federal, and local "in lieu of" education funds come to charter schools (and the 40 school districts) in a monthly electronic transfer of funds on the last day of each month. The transfer is called the monthly allotment and the funds are deposited directly into a charter school's bank account. The USOE Division of Finance and Statistics (F&S) is responsible for calculating the proper amounts in each of the funding categories described above.

About 10 days before the end of each month, F&S mails each charter an allotment memo that itemizes the money that will be transferred on the last day of the month. The allotment memo provides an accounting of each revenue program as well as the account codes.

Every month the F&S staff consolidates information from within the USOE and reimbursement requests from districts and charters to calculate and authorize money transfers to the 40 school districts, all the charter schools, and other educational entities receiving public funding. While F&S performs a monthly miracle to make this money flow, the process is not infallible. It is the responsibility of individual charter schools to review the allotment memo to ensure that the allotment amounts are accurate. If errors are found, immediate contact should be made with the F&S staff person responsible for the program amount in question.

Other Revenue Sources

School Fees: Schools may not require K-6 students to provide their own supplies; the school must provide all supplies that are needed in the regular classroom, although elementary students

may be charged for lost or damaged supplies. Textbook fees or other board-approved fees may only be charged to students in grades 7-12.

Like traditional public secondary schools, charter secondary schools may require parents and students to bear the costs of many expenses that are considered beyond the ordinary costs of education. Fees may be charged for conveniences such as lockers, towels, yearbooks, clubs, travel, extracurricular activities, or materials and supplies needed for specific courses. Rental fees may be assessed for items such as textbooks, musical instruments, and calculators. Fees may also include items required by the school, such as uniforms, but not provided to all students by the school. Refundable deposits may be charged to ensure the return or replacement of loaned tangible items. Charges related to the National School Lunch Program are not considered fees.

Fees must be set, approved, and published each school year by the charter school Board of Directors. The fee schedule must be posted and distributed to all parents or guardians annually.

To ensure the participation of all students, fees must be waived for eligible students for any class, program, or activity provided, sponsored, or supported by the charter school. Fees must be waived for the following students:

- Students eligible for free school lunch.
- Students who are in state custody or foster care.
- Students whose families are receiving public assistance through the Family Employment Program (FEP) from the Utah Department of Workforce Services.
- Students who are receiving Supplemental Security Income (SSI).
- Students whose families are financially unable to pay because of exceptional financial burdens beyond the family's control. (These determinations are made on a case-by-case basis by school administrators.)

Schools may request documentation from parents to verify fee waiver eligibility. Early college class fees need not be waived because they are post secondary expenses.

The process of applying for fee waivers must be handled confidentially and without discrimination. Only school staff with a need and right to know should be aware of student fee waiver status. Student aides should never assist in the fee waiver process.

A charter school board may establish policies for partial fee waivers or other alternatives for students unable to pay their entire fee obligation. Students may perform a work assignment or public service as payment-in-kind in lieu of a fee. The work must be a fair exchange of time for the value of the fees waived. Work programs must be appropriate to the age and ability of the student and may not be demeaning or discriminatory. Fee-waiver eligible students are not required to perform work in lieu of fees.

Donation requests are permissible to pay for activities if it is clear that donations are voluntary. Students may not be excluded from activities because they did not make a donation.

Students with unpaid fees or fines cannot be denied a diploma, official transcript, or credit for coursework completed, nor can their student files be withheld from a subsequent school attended by a student.

A helpful FAQ paper developed by the staff of the Government and Legislative Relations Section at the Utah State Office of Education is available at <http://www.usoe.k12.ut.us/LAW/Papers%20of%20Interest.htm>.

Following is an example of one school's fees::

Activity Fee.....	\$30.00
Textbook Rental.....	35.00
Refundable Textbook Deposit.....	15.00
Locker & Library Fees.....	2.00
Computer Lab Fee.....	15.00
Driver's Education.....	45.00
Music Instrument Rental Fee.....	70.00
Graphing Calculator Rental Fee.....	20.00
Science Lab.....	10.00
Shop Lab.....	15.00
Extracurricular Sports.....	45.00
Cheerleader Uniforms.....	400.00
Club Dues.....	20.00
Class Change Fee.....	5.00
Library Fine (per day).....	.05
Parking Ticket.....	5.00

E-Rate: The federal E-Rate Program is designed to help schools underwrite some of their communications expenses such as telephone and internet services. E-Rate funding can also be used to pay for some of the hardware and software components of a school's electronic communications network.

The Utah Education Network (UEN) contracts to assist state schools in applying for and receiving E-Rate funding. The process is complicated and cumbersome and as a result UEN has developed a procedural manual and offers workshops to train school staff in E-Rate procedures. Most people need help to navigate the E-Rate process. E-Rate information and UEN staff contacts can be found at: <http://www.uen.org/e-rate>

Additional Funding and Fundraising: Most public schools seek ways to raise additional funds throughout the school year. This is especially true of charter schools that in many cases must seek outside money to balance their budgets. A few charter schools employ development staff and most rely on the Boards and parents to help with finding additional money.

Public libraries contain philanthropic reference sections that can help in locating funding resources. The World Wide Web is loaded with information about potential funding sources, both public and private. Here are a few websites that may be helpful:

<http://library.utah.gov/grants.html>

<http://ucgi.scs.tec.ut.us>

<http://www.grants.gov>

<http://www.fdncenter.org>

Utah Association of School Business Officials (UASBO)

UASBO is the statewide professional association of school district business administrators. This is an active group that works closely with the USOE Finance and Statistics (F&S) Division to keep the business and fiscal aspects of the educational system running smoothly. UASBO holds a number of meetings during the year. An annual conference is scheduled in the spring after the legislative session to update the USOE Finance and Statistics information. Charter schools may become members of UASBO. For more information on UASBO, visit the website: <http://www.uasbo.k12.ut.us>

UASBO contributes to the creation of the USOE school finance databook, the *Annual School Finance & Statistics Workshop Book for Utah School Districts*. The databook is invaluable for charter school operators—contact the USOE F&S staff for a copy. The contents of the workbook are accessible at: <http://www.usoe.k12.ut.us/data/uasbo.htm>

Charter School Funding Parity

The establishment of charter schools has been, and still is a work in progress. Charter school operators who are aware of potential controversies will be better able to participate in and contribute to the continuing process of incorporating charters into Utah's public education system.

Utah's charter schools began as an experimental program in FY00; their creation was authorized by the 1998 Utah Legislature. The skeleton of the charter experiment was described in the legislation, but the details of how to implement and incorporate charters into Utah's existing educational system continue to develop as the schools come into existence and issues are identified. Charter policies are still being debated and revised, and many feel that funding parity with traditional schools/districts has yet to be achieved. Charter operators generally share the perception that charter students receive less funding than traditional students when all sources of funding are considered.

While there appears to be some agreement that alternative forms of instruction and school organization can better serve the needs of some students, there has not been agreement that the cost of adding charter schools to our educational system is worth the effort. "The cost" is at the

heart of opposition to charters—and understandably so. Utah ranks last-in-the-nation in terms of per-pupil funding. Utah’s public schools are asked to educate students while using very little money. During FY03 Utah spent approximately \$4,500 to educate each of its nearly 500,000 students. The national average per-pupil expenditure was \$7,800. Some states spent more than \$11,000 to educate each of their students.

Charter school opponents, for the most part, share the concern that the creation of charters will further dilute already-thin funding. Traditional school districts frequently oppose charters because the loss of resident students to charter schools decreases total funding to the districts. These concerns are justified and developing solutions to charter school funding is a complex and contentious process. The conclusion of the September 2003 Utah Foundation research report *Charter Schools: Can they Survive in Utah?* offers an interesting opinion on the current state of charter school policy evolution.

“This report began by asking whether charter and traditional school funding are equal. Clearly, there is no easy answer...A more relevant approach to the questions of charter school funding may be to compare the worth of the charter experiment to the costs...These are questions with which policy makers and advocates must wrestle in order to design policies that accurately reflect the value of charter schools” (p.22).

The Utah Foundation research report is a good source for background information about the growth of Utah charters and the complexities of determining funding parity. The report is freely available on the Utah Foundation website at: <http://www.utahfoundation.org/schools/index.html>

Current Charter School Parity Issues

January 2004

Charter schools are near parity in terms of their state and federal education funding. The work that remains in these areas consists primarily of reevaluating the line item formulas and continuing to improve the funding mechanisms in startup years when no student or school history exists upon which to base formulas.

The “differentiated WPU” formula for charters established in the 2003 legislative session reduced basic state funding for schools with 1-8 grade students in order to provide additional basic funding for 9-12 grade students. The argument behind this continues to be that it costs more to educate high school students than elementary students, and that traditional districts shift funds between elementary and secondary schools to balance out the need. Small charters, usually educating either elementary or secondary students exclusively, do not have this ability to shift funds, so legislation attempted to remedy the problem by weighting the WPU value:

1-6 grade students	90% of the WPU value
7-8 grade students	99% of the WPU value
9-12 grade students	120% of the WPU value

This has been a divisive issue for charter operators because elementary charters are in effect being forced to subsidize the funding increase for secondary charters. This issue requires reevaluation. Reducing any school's funding in a state which already has the lowest per-pupil funding in the nation is not a good solution for this problem.

Local revenue parity is the most important and the most contentious issue to resolve. Charter schools cannot be financially viable, nor can they reach their educational potentials, without a more equitable "in lieu of" funding mechanism. The past and current "in lieu of" schemes provide many charters with less revenue than traditional public schools. On average, local funding comprises 20-35% of a district's educational budget; districts rely on these funds primarily for their facilities and capital needs. Many charters receive half of this amount, requiring them to raise 10-20% of their operating budgets from outside sources, or to somehow do without.

Other Funding and Finance Information Resources

A more detailed description of revenue programs, distribution formulas, participation eligibility requirements, allotment procedures, and the official chart of account codes can be found on the USOE website: <http://www.usoe.k12.ut.us/data/msp/RefGuide04.htm>

The USOE Finance and Statistics Section developed an Excel worksheet to assist charter schools in estimating the amount of funding they can expect during the school year. The worksheet is automated so that by entering anticipated student membership data, charter operators can see the amount of money generated for individual MSP revenue programs. The worksheet is a useful tool for early budget estimating and can be found on the USOE website: <http://www.usoe.k12.ut.us/charterschools/funding/FundingWorksheet.xls>

Though a bit dated, a thorough explanation of Utah public school finance can be found at: <http://nces.ed.gov/edfin/pdf/StFinance/utah.pdf>

Section X

Reporting Requirements

S
E
C
T
I
O
N

X

Reporting Requirements

There seem to be three consistent themes in the philosophy regarding charter schools. These themes are: charter schools are an important element of choice in public schools; operators of charter schools should be held accountable for the contents of their charters; and in return for student achievement, charter schools should be given freedom from many of the rules and regulations applied to traditional public schools. It is helpful to remember that charter schools are public schools and utilize public resources. Therefore, there is an expectation of public accountability. This section discusses the reporting requirements for charter schools and the waivers of regulations which have been granted to charter schools.

Schools and districts are required to submit data and reports on a wide variety of topics from student enrollments, finances, student immunization, transportation, student testing, and many other areas. The purposes of these reports are generally twofold: (1) accountability, and (2) provision of data used for information and public reporting. These reporting requirements are mandated by the Legislature, the State Board of Education, or Congress. As a result of these reports, accountability for use of resources can be established, informational reports such as the State Superintendent's Annual Report can be created, and the public and policy makers can be informed about public schools. Reporting data are generally collected by the Utah State Office of Education. Reporting formats and dates for submission are established and must be met by schools, districts, and in many cases, charter schools. Understanding the purposes for reporting, how to complete and submit these reports, and the due dates for reporting are essential for charter school operators. Often this is a challenging, and at times, a somewhat frustrating requirement for charter schools. This potential frustration is not because charter schools want to avoid either accountability or the provision of data and information to the public, but for the most part there is a steep learning curve around these reporting requirements. Another challenge is that some of the reporting requirements do not apply directly to charter schools and a great deal of time can be spent on determining exactly which reports to complete. Additionally, most charter schools are small and do not have sufficient staff to gather data and file reports.

Consideration of accounting for and reporting the use of public resources along with other data regarding the school should be taken into account by potential charter school operators. Experienced charter school operators realize the importance of understanding and providing for these requirements. Usually it is helpful to plan in advance for these requirements by assigning appropriate personnel the responsibility for these reporting requirements. There is also assistance available through the staff of the State Charter School Board and the Utah State Office of Education. Information regarding reporting and data requirements can be found at <http://www.usoe.k12.ut.us> and is located under the Programs Section, in the Finance and Statistics area. The Data Collection link provides information describing the types of reports and due dates. Additionally, a Calendar of Reporting Requirements For Charter Schools has been prepared through a dissemination grant by Tuacahn High School for the Performing Arts and City Academy (formerly Center City School). This information is also available at <http://www.tuacahn.org/hs/index.php>. State Board of Education Rule R277-484, Data Standards and Procedures provide useful guidance about reporting requirements. Charter School Reporting Requirements and Data Collection calendars are provided for review in Table 9.1 and Table 9.2.

Table 9.1
CALENDAR OF REPORTING REQUIREMENTS
FOR
CHARTER SCHOOLS

The following table lists USOE reports and documentation due by 5:00 p.m. on the date specified. The USOE website contains the complete Finance & Statistics calendar and links to forms and additional information at <http://www.usoe.k12.ut.us/data/calendar.htm>.

The table includes other reporting deadlines that are required of many charter schools.

DUE DATE	REPORT/ACTION	CONTACT/NOTE
July 1	FISCAL YEAR BEGINS	
July 15	S-3 Report <i>Year-end statistical report requires:</i> 1) <i>a Data Clearinghouse upload from your SIS database</i> 2) <i>a data collection website submission for classified employees, driver education, fee waivers, home schooling, and teacher benefits</i> 3) <i>2 forms that must be signed and faxed to USOE (forms are on S-3 website): fire drill compliance and S-3 report assurance</i>	Deanna Timothy, USOE Bruce Hudgens, USOE Data Clearinghouse Randy Raphael, USOE (S3 website) Data collection website at http://www.usoe.k12.ut.us/s3
	Utah Report of Adult Education Data (URAEED) , if applicable <i>Year-end report</i>	Shauna South, USOE
	Budget for current year to USOE and to the Utah State Auditor	Richard Tolley, USOE Kent Godfrey, State Auditor's Office
July 31	Concurrent Enrollment Database for prior year, if applicable	Susan Loamanu, USOE
	E-Rate Form 486 <i>Service has begun</i>	Louise Tonin, UEN Form submitted online at http://www.sl.universalservice.org/men u.asp
	Utah Money Management Report <i>Data as of June 30</i>	Ann Pedroza, Money Management Council/Utah State Treasurer
	File Form 941 for prior quarter	Employer's Quarterly Federal Tax Filed with IRS
	File DWS wage report for prior quarter	Utah Dpt of Workforces Services
August 15	Documents to USOE: ✓ School Calendar ✓ Proof of Insurance ✓ Copy of Fire Inspection ✓ Copy of Health Inspection Distribute new IRS W-4 forms for next calendar year to all employees <i>Forms must be distributed before Dec 1</i>	Patricia Bradley, USOE
FALL/WINTER	Vision screenings for all pre-K and K students: <i>DSBVI recommends conducting vision screenings early in the year in order to complete the referral process and meet the June 15 report deadline</i>	Cindey Page, Division of Services for the Blind & Visually Impaired (DSBVI)
SEPTEMBER / OCTOBER	IOWA testing conducted for 3 rd , 5 th , 8 th and 11 th grades; order preprints by Labor Day	Sharon Marsh, USOE Testing

TAP: Technical Assistance for Utah Charter Schools

X. Reporting Requirements

DUE DATE	REPORT/ACTION	RESOURCE/NOTE
September 1	5-3 Membership Audit for prior year <i>Prepared by your independent auditor</i>	Deanna Timothy, USOE Submitted by independent auditor
October 1	Annual Financial Report (AFR for prior year) <i>To USOE and Utah State Auditor</i>	Richard Tolley, USOE Kent Godfrey, State Auditor's Office
	Annual Program Report (APR for prior year) <i>To USOE</i>	Richard Tolley, USOE
	Fall Enrollment Audit conducted for current year <i>Audit performed at your school by your independent auditor</i>	Richard Tolley, USOE
	Annual assurance of compliance by charter schools	Patricia Bradley, USOE
October 15	Fall Enrollment (SIS upload to Data Clearinghouse) Fall Enrollment Assurances (signed & faxed) Dropout Data (Excel spreadsheet emailed to Deanna Timothy) <i>For current year from October 1 membership audit</i>	Deanna Timothy, USOE Bruce Hudgens, USOE Data Clearinghouse
	Extended Year Form for Students with Disabilities for prior year, if applicable	Emily Eyre, USOE
October 31	School Land Trust Committee Membership Report <i>Current year membership submitted online</i>	Paula Plant, USOE http://www.schoollandtrust.org/schools.php
	NCLB Application / Consolidated Plan <i>To secure federal NCLB funds for current year</i>	Vickie Smith, USOE
	File Form 941 for prior quarter	Employer's Quarterly Federal Tax Filed with IRS
	File DWS wage report for prior quarter	Utah Dpt of Workforces Services
November 1	Fall Enrollment & Dropout Audit Report (submitted by your independent auditor)	Deanna Timothy, USOE Auditor guidelines: http://www.sao.state.ut.us/sulcag/APP_C5.htm
	Fall Enrollment Assurances (forms signed and faxed to Deanna Timothy)	Assurance forms: http://www.usoe.k12.ut.us/data/uasbo/signature_FE_2004.pdf
	CACTUS Educator Data update for current year	Emily Eyre, USOE/Finance & Statistics Jan Brown, UOSE/Licensing
November 15	Free & Reduced Price Lunch Enrollment Survey	Ruth Masnica, USOE/Child Nutrition Program
	Charter School Economically Disadvantaged Report ✓ <i>Charters with a school meals programs use their Free & Reduced-Price data</i> ✓ <i>Charters without a meals program use the Declaration of Household Income form</i>	Randy Raphael, USOE/Finance & Statistics Obtain form & report at: http://www.usoe.k12.ut.us/data/forms/HouseholdIncome.pdf
	CACTUS Educator Authorization Requests	Jan Brown, UOSE/Licensing
	Justification form for Severe-need Breakfast Reimbursement	Ruth Masnica, USOE/Child Nutrition Program
November 30	Immunization Status Report <i>Status of all students through Nov 30</i>	Caroline Green, Utah Dpt of Health Report submitted online at http://www.immunize-utah.org/provider/school/default.htm
	Audited Financial Statements for prior year are due from all districts—Charter school deadline is Dec 31 but the USOE requests submission by Nov 30	Richard Tolley, USOE Kent Godfrey, State Auditor's Office <i>Prepared by your independent auditor</i>
	Fee Waiver Documentation <i>See information at</i> http://www.usoe.k12.ut.us/LAW/Certification%20of%20Compliance%20Forms.htm	Carol Lear, USOE
December 15	Special Education Student Count for current year <i>Upload from SIS to Data Clearinghouse</i>	Bruce Hudgens, USOE Data Clearinghouse Cal Newbold, USOE At-Risk/Spec Ed
	Child Nutrition Program Verification completed <i>Deadline for completing your free and reduced-price application verifications</i>	Ruth Masnica, USOE/Child Nutrition Program

TAP: Technical Assistance for Utah Charter Schools

DUE DATE	REPORT/ACTION	RESOURCE/NOTE
December 20	Child Nutrition Program Verification Report <i>Free and reduced-price application verification report due</i>	Ruth Masnica, USOE/Child Nutrition Program
December 31	Audited Financial Statements for prior year <i>Submitted to USOE and the Utah State Auditor [USOE requests that charters submit this report by November 30]</i>	Richard Tolley, USOE Kent Godfrey, State Auditor's Office <i>Prepared by your independent auditor</i>
	IRS Form 990	Submit to IRS
JANUARY	Order UB SCT preprints	Sharon Marsh, USOE
January 5	1% Bonus Report <i>Use Excel form from Richard Tolley</i>	Richard Tolley, USOE Finance & Statistics
January 7	E-Rate Form 470 <i>Opens competitive process</i>	Louise Tonin, UEN Form submitted online at http://www.sl.universalservice.org/men u.asp
January 24	Adult Education midyear report, if applicable	Shauna South, USOE
January 31	Immunization Transfer Summary Report <i>Midyear update for new students since Nov 30 report</i>	Caroline Green, Utah Dpt of Health Report submitted online at http://www.immunize-utah.org/provider/school/default.htm
	Distribute prior-year IRS W2 and 1099 forms to employees and contractees	
	File Form 941 for prior quarter	Employer's Quarterly Federal Tax Filed with IRS
	File DWS wage report for prior quarter	Utah Dpt of Workforces Services
	Utah Money Management Report <i>Data as of Dec 31</i>	Ann Pedroza, Money Management Council/Utah State Treasurer
FEBRUARY	Food Distribution Program (FDP) Request Survey <i>Request for food commodities for your school meals program</i>	Ruth Masnica, USOE/Child Nutrition Program
February 4	Utah Basic Skills Competency Test (UBSCT) for 10 th grade students <i>Administered for 3 days during first week in Feb</i>	Sharon Marsh, USOE
February 15	E-Rate Form 471 <i>Seeks funding</i>	Louise Tonin, UEN Form submitted online at http://www.sl.universalservice.org/men u.asp
February 28	Deadline for receiving new IRS W-4 forms from employees <i>Prior W-4 forms expire on Feb 16</i>	
MARCH - MAY	File IRS Forms 1099, W2, and W3 for prior year	File with Social Security Administration
March 12	CRT Testing: order preprints and conduct testing <i>See "Testing Schedule" that follows</i>	Sharon Marsh, USOE
April 30	School Land Trust Plan for next fiscal year <i>Next year's plan submitted online</i>	Paula Plant, USOE http://www.schoollandtrust.org/school s.php
	File Form 941 for prior quarter	Employer's Quarterly Federal Tax Filed with IRS
	File DWS wage report for prior quarter	Utah Dpt of Workforces Services
May 1	Facilities Funding Report <i>Request data disk from Charter School Coordination office</i>	Richard Tolley, USOE/Finance & Statistics
JUNE	<ul style="list-style-type: none"> ✓ Submit final budget for current year to your school board ✓ Submit proposed budget for next year to your school board 	

TAP: Technical Assistance for Utah Charter Schools

DUE DATE	REPORT/ACTION	RESOURCE/NOTE
June 15	Proposed budget for next year available for public preview; budget adopted by school board at public meeting	
	Disciplinary Incident Report <i>Year-end report of disciplinary incidents</i>	Verne Larsen, USOE Margaret Lubke, USU/RISEP Incident data submitted online at http://risep.usurf.usu.edu
	Immunization Status <i>Year-end report of student immunization status. DO THIS REPORT ONLY IF YOUR NOVEMBER 30 REPORT INCLUDED STUDENTS WHO WERE "CONDITIONAL ADMISSION" OR "OUT OF COMPLIANCE".</i>	Caroline Green, Utah Dpt of Health Report submitted online at http://www.immunize-utah.org/provider/school/default.htm
	Vision screening report for the current year for all pre-K and K students	Cindey Page, Division of Services for the Blind & Visually Impaired
June 30	CACTUS Educator data update <i>Year-end update of teacher assignments, demographics, educational attainment, professional experience, and salaries into the CACTUS database</i>	Emily Eyre, USOE http://usoe.k12.ut.us/cactus

— CONTACT INFORMATION —

RESOURCE PERSON	ORGANIZATION	PHONE	EMAIL
John Broberg	USOE, Charter School Coordinator	538-7817	john.broberg@schools.utah.gov
Jan Brown	USOE, Licensing	538-7753	Jbrown@usoe.k12.ut.us
Emily Eyre	USOE, Finance & Statistics	538-7671	Eeyre@usoe.k12.ut.us
Kent Godfrey	State Auditor's Office	538-1384	Kgodfrey@utah.gov
Caroline Green	Utah Department of Health	538-9450	Carolinegreen@utah.gov
Bruce Hudgens	USOE, District Computer Services	538-7926	Bhudgens@usoe.k12.ut.us
Verne Larsen	USOE, Planning & Educational Programs	538-7713	Vlarsen@usoe.k12.ut.us
Carol Lear	USOE, Legal	538-7835	Clear@usoe.k12.ut.us
Susan Loamanu	USOE, Curriculum & Instruction	538-7820	Sloamanu@usoe.k12.ut.us
Margaret Lubke	USU, RISEP (USU's Research Institute for Safe & Effective Programs)	435-797-4546	MLubke@ksar.usu.edu
Sharon Marsh	USOE, District Computer Services	538-7915	Smarsh@usoe.k12.ut.us
Ruth Masnica	USOE, Child Nutrition Program	538-7603	Rmasnica@usoe.k12.ut.us
Cal Newbold	USOE, Students At-Risk	538-7724	Cnewbold@usoe.k12.ut.us
Cindey Page	Division of Services for the Blind & Visually Impaired	323-4371	Cpage@utah.gov
Ann Pedroza	Money Management Council c/o Utah State Treasurer	538-1883	Apedroza@utah.gov
Paula Plant	USOE, School Land Trust	538-7866	Pplant@usoe.k12.ut.us
Randy Raphael	USOE, Finance & Statistics	538-7802	Rraphael@usoe.k12.ut.us
Jo Schmitt	USOE, Charter School Office	538-7720	Jschmitt@usoe.k12.ut.us
Vickie Smith	USOE, Support Services	538-7515	Vsmith@usoe.k12.ut.us
Shauna South	USOE, Adult Education	538-7849	Ssouth@usoe.k12.ut.us
Deanna Timothy	USOE, Finance & Statistics	538-7674	Dtimothy@usoe.k12.ut.us
Richard Tolley	USOE, Finance & Statistics	538-7670	Rtolley@usoe.k12.ut.us
Louise Tonin	UEN, E-Rate	581-6539	Ltonin@media.utah.edu http://www.uen.org/e-rate/

TAP: Technical Assistance for Utah Charter Schools

— TESTING SCHEDULE —

Detailed information about Utah public education testing is available at
<http://www.usoe.k12.ut.us/eval/>

The FY05 USOE testing calendar is available at
<http://www.usoe.k12.ut.us/eval/Calendar/2004-05Calendar%20Revised%202011-09-04.pdf>

Test	Order Preprints	Administer	Test Grades
IOWA Tests (norm referenced)	By Labor Day	Last week of September; first two weeks of October	3 rd , 5 th , 8 th , 11 th
UBSCT Utah Basic Skills Competency Test	January	1 st week in February Reading, math, and writing are tested during 3 days	10 th
UBSCT Make up		3 rd week in October 1 st week in February	11 th 11 th
NAEP National Assessment of Educational Progress		January 24 - March 4	4 th , 8 th , 12 th
<i>CRTs (criterion referenced)</i>	<i>A month prior to administering tests</i>	<i>3-week window "X weeks prior" to the Monday before the last day of school</i>	<i>Test Grades</i>
CRT: Direct Writing		14 weeks prior	9 th
CRT: Direct Writing		7 weeks prior	6 th
CRT: Language Arts		6 weeks prior	7 th - 11 th
CRT: Language Arts		4 weeks prior	All elementary
CRT: Math		4 weeks prior	All students
CRT: Science		4 weeks prior	All students

TAP: Technical Assistance for Utah Charter Schools



Table 9.2

Data Collection

UPDATED 8/11/2004 | [GLOSSARY](#) | <http://www.usoe.k12.ut.us/data/calendar.htm>
Please see the website for recent updates.

This calendar includes deadlines and links to documentation only for data collection activities of more or less direct interest to FinStat.

Please visit our [Data Warehouse](#) for the “big picture” on data collection at the USOE. You can also read about the federal [Common Core of Data Surveys](#) (CCD) and [Performance Based Data Management Initiative](#) (PBDMI) in which Utah participates, and the technology industry standard XML based [Schools Interoperability Framework](#) for exchanging data across multivendor systems or just about [eXtensible Markup Language](#) itself.

For specific information about USOE “**data standards**,” including the use of many of the data elements contained in reports listed here, please refer to the new State Board of Education rule (<http://www.rules.utah.gov/publicat/code/r277/r277-484.htm>).

Due Date	Report / Content	Forms / Documentation	Note
June 15	DISCIPLINARY INCIDENTS (Verne Larsen)	[a] Safe and Drug Free School Report [b] Glossary of Terms in the Incident Form	Incident data should be submitted to the Research Institute for Safe and Effective Programs (RISEP) at Utah State University.
June 30	CACTUS (Emily Eyre) : Complete educator records for the year just ending -- assignments, demographics, educational attainment, professional experience, salary	[a] CACTUS Help [b] Core Codes for Classifying Teacher Assignments	
July 15	[1] S-3 Report (Deanna Timothy) [2] TRANSPORTATION : Bus Driver Credentials (Cindy Warner) [3] Utah Report of Adult Education Data (URAED) (Shauna South)	[1a] Data Clearinghouse -- File Layout (Bruce Hudgens) [1b] Core Codes for Classifying Student Courses [1c] S-3 Web Site (Randy Raphael) contains online report forms for:	

	<p>[4] Youth In Custody Student Information System (YICSIS) (Jack Burgess)</p>	<ul style="list-style-type: none"> • Classified Personnel • Driver • Education • Fee Waivers • Home Schooling • Teacher Benefits <p>[1d] Immunization (Caroline Green @ UDOH)</p> <p>[1e] Assurance Forms:</p> <ul style="list-style-type: none"> • Fire Drill Compliance Statement • S-3 Signature Sheet <p>[3] URAED Download</p>	
September 1	<p>[1] S-3 Membership Audit (Deanna Timothy)</p> <p>[2] Extended Year for Students with Severe Disabilities Survey</p>	<p>[1a] Legal Compliance Audit Guide</p> <p>[1b] R277-419 Pupil Accounting Rule</p>	<p>[2] For the Extended Year Survey, see October 15.</p>
October 1	<p>[1] Annual Financial Report (Cathy Dudley)</p> <p>[2] Annual Program Report (Cathy Dudley)</p>	<p>* AFR/APR Download</p>	
15	<p>[1] Fall Enrollment (Deanna Timothy)</p> <p>[2] Dropouts (Deanna Timothy)</p> <p>[3] Extended Year for Students with Severe Disabilities Survey (Emily Eyre)</p>	<p>[1a] Data Clearinghouse -- File Layout (Bruce Hudgens)</p> <p>[2a] Dropout Report -- Form & Instructions</p> <p>[1b,2b] Fall Enrollment & Dropout Assurances Form</p> <p>[3] Extended Year Form</p>	<p>[3] For Summer 2004, the Extended Year Survey deadline has been moved back to allow for the introduction of a substantially modified form. For Summer 2005, the deadline will again be September 1.</p>
November 1	<p>[1] Fall Enrollment & Dropout Audit (Deanna Timothy)</p> <p>[2] CACTUS (Emily Eyre) : Educator assignments for current</p>	<p>[1a] Legal Compliance Audit Guide</p> <p>[1b] R277-419 Pupil Accounting Rule</p>	

	<p>year</p> <p>[3] TRANSPORTATION (Brent Huffman) : Mileage, Time</p>	<p>[2a] CACTUS Help</p> <p>[2b] Core Codes for Classifying Teacher Assignments</p> <p>[3a] Schedule 1A</p> <p>[3b] Schedule B</p>	
15	<p>[1] Free and Reduced Price Lunch Enrollment Survey (Ruth Masnica)</p> <p>[2] CHARTER SCHOOLS ONLY: Economically Disadvantaged Report</p>	<p>[2] Economically Disadvantaged Report</p>	<p>[2] Charter schools which do NOT offer federally sponsored lunch programs should use the Declaration of Household Income form to elicit and document the economically disadvantage status at the time of enrollment.</p>
30	<p>Financial Audit (Cathy Dudley)</p>	<p>* Legal Compliance Audit Guide</p>	
December 15	<p>Special Education Counts (Cal Newbold)</p>	<p>* Data Clearinghouse -- File Layout (Bruce Hudgens): see especially the S2 or SCRAM record</p>	
April 1	<p>Necessarily Existent Small Schools Application (Deanna Timothy)</p>	<p>[a] NESS -- Application Form & Instructions</p> <p>[b] NESS -- WPU Tables</p>	

Section XI

Laws and Rules Relating to Charter Schools

SECTION
XI

Laws and Rules Relating to Charter Schools

As public schools, charter schools are subject to applicable federal laws, state statutes, and Utah State Board of Education Rules. It is essential that charter school operators are familiar with these laws and rules in order to effectively comply with the requirements found therein. As indicated earlier, there are provisions for waiver of State Board of Education Rules, and specific exemptions from selected state statutes and board rules as specified by the Utah Legislature. Listed below is a reference to state statutes, board rules, federal laws and regulation, and other rules which apply to charter schools.

Utah State Statutes on Charter Schools

<http://www.le.state.ut.us/~code/TITLE53A/53A02.htm>

- 53A-1a-501. Short title
- 53A-1a-501.3 Definitions
- 53A-1a-501.5 State Charter School Board created
- 53A-1a-501.6 Power and duties of State Charter School Board
- 53A-1a-501.7 State Charter School Board -- Staff director -- Facilities
- 53A-1a-501.8 Charter schools authorized by the State Board of Education
- 53A-1a-502. State Charter School Board to authorize the establishment of charter schools
- 53A-1a-503. Purpose
- 53A-1a-503.5 Status of charter schools
- 53A-1a-504. Proposal
- 53A-1a-505. Application process -- Contract
- 53A-1a-506. Eligible students
- 53A-1a-507. Requirements for charter schools
- 53A-1a-508. Content of a charter -- Modification of charter
- 53A-1a-509. Noncompliance -- Rulemaking
- 53A-1a-510. Termination of a charter
- 53A-1a-511. Waivers from state board rules
- 53A-1a-512. Employees of charter schools
- 53A-1a-512.5 Criminal Background Checks on School Personnel-Notice-payment of cost-request for review
- 53A-1a-513. Funding for charter schools
- 53A-1a-514. Tort liability
- 53A-1a-515. Charters sponsored by local school boards

Utah State Board of Education Rules

<http://www.rules.utah.gov/publicat/code/r277/r277.htm>

- R277-470. Charter Schools
- R277-478. Charter School Revolving Loan Fund
- R277-481. Charter Schools Accountability and Assistance

Related Utah Statutes and Rules

- Utah Special Education Rules - <http://www.usu.edu/teachall/rules.htm>
- R392-200 Design, Construction, Operation, Sanitation and Safety of Schools
<http://www.rules.utah.gov/publicat/code/r392/r392-200.htm>
- 16-6a-100 Utah Revised Nonprofit Corporation Act
http://www.le.state.ut.us/~code/TITLE16/16_02.htm
- Utah Public Meetings Act – <http://www.code-co.com/utah/code/04/52-04.htm>

Federal Laws and Regulations Relating to Charter Schools

<http://www.ed.gov/programs/charter/legislation.html>

- Federal Charter School Legislation
- Federal Charter School Program Guidance (MSWord)
- Family Policy Compliance Office (FPCO)
- Guidance for No Child Left Behind (NCLB) and Charter Schools (MSWord)
- A Model for Notification to Parents and Students of FERPA Rights for posting in school and distribution with registration materials.
- Letter from Department to lea's and charter schools about parents'/students' rights under FERPA. (MSWord)
- U.S. Department of Education Federal Legislation Regulation and Policy

Summary

All public schools must follow laws, rules, and regulations that apply to them. It is important to understand which apply to charter schools and how to comply with them. This compliance helps ensure quality educational experiences for students, appropriate accountability, and guidance to charter school operators. Charter schools have received exemptions from certain rules and state statutes and are free to create policy in these areas.

Section XII

Appendices

S
E
C
T
I
O
N

XII

Appendix A

Intent to Apply, Application, and Conversion Document

Utah State Charter School Board
Intent to Apply

Utah State Charter School Board
Intent to Apply

250 East 500 South
Post Office Box 144200
Salt Lake City, UT 84114-4200
(801) 538-7817
Fax: (801) 538-7769
jo.schmitt@schools.utah.gov

Thank you for your interest in applying for a charter from the Utah State Charter School Board. The first step in the process is to submit an *Intent to Apply* document. Please complete this document and submit it either electronically or by mail to the above address.

The complete Application for Charter Schools may be found at
<http://www.usoe.org/charterschools/application.htm>

In addition to the application itself, it is important for you, as an applicant, to understand the charter school law and the requirements of applying for and operating a charter school.

- The charter school law contained in Title 53A of the Utah Code is available at <http://www.le.state.ut.us> Sections 1a-501 through 1a-515 must be adhered to, along with any other statutes referenced within these sections.

Additionally, State Board Rules that govern public education apply to charter schools as well unless a waiver is sought and granted by the State Board or a waiver has been granted for charter schools in State Law. State Rules on Public Education can be found at <http://www.rules.utah.gov/publicat/code/r277/r277.htm>.

You will be contacted by a staff member of the State Charter School Board who will provide you assistance with the application process.

Utah State Charter School Board
Intent to Apply

Target Population

Mission Statement (use only this space):

	Grades Served Please circle all grades being taught.	Total Number Served Enrollment cap at all campuses and in all grades combined	Sites Number Operating
Year 1	K 1 2 3 4 5 6 7 8 9 10 11 12		
Year 2	K 1 2 3 4 5 6 7 8 9 10 11 12		
Year 3	K 1 2 3 4 5 6 7 8 9 10 11 12		

School Calendar

- Standard Extended School Year Instructional Days _____
 Start Date _____
 Alternative (please describe in 5 words or less)

Complete the following information for each site indicated above. If planning more than one site, attach an additional page with the following information.

If facility arrangements have been made, provide the information below.

Site Name _____

Site Address _____

City _____ Zip Code _____ County _____

Site/Location Description. (If facility arrangements have not been finalized, please provide general information on the location and type of facility planned for your school.)

If there is additional information about your application you wish to provide, please attach.

Utah State Charter School Board Charter School Application Package

250 East 500 South
Post Office Box 144200
Salt Lake City, UT 84114-4200
(801) 538-7817
Fax: (801) 538-7729

Thank you for your interest in applying for a charter from the Utah State Charter School Board. Enclosed are the instructions and forms necessary for making application to begin operation.

In addition to the application itself, it is important for you, as an applicant, to understand the charter school law and the requirements of applying for and operating a charter school.

- The charter school law contained in Title 53A of the Utah Code is available at www.le.state.ut.us Sections 1a-501 through 1a-515 must be adhered to, along with any other statutes referenced within these sections.

Additionally, State Board Rules that govern public education apply to charter schools as well, unless a waiver is sought and granted by the State Board or waivers for charter schools exist in State Law. State Rules on Public Education can be found at <http://www.rules.utah.gov/publicat/code/r277/r277.htm>.

Charter School Office: Director, John Broberg
john.broberg@schools.utah.gov

Administrative Secretary, Jo Schmitt
jo.schmitt@schools.utah.gov

Table of Contents

Basic Steps in the Application Process.....	2
Instructions	3
Application.....	4
Cover Sheet—Attachment A	9
Title Page—Attachment B.....	10
Target Population—Attachment C	11
Effectiveness Goals—Attachment D	14
Budget Pages—Attachment E.....	15
Background Information—Attachment F	17
Affidavit—Attachment G	18
Compliance Assurances—Attachment H	20
Request for Waivers from State Rule – Attachment I	24
Terms to Know—Appendix 1.....	25
Reader’s Guide—Appendix 2.....	26
Administrative Completeness Checklist—Appendix 3	29

Your Application should consist of Items 1 - 25 as described in the Application Section (page 4) of this Application Package. Applicants may want to use Appendix 3 “Administrative Completeness Checklist” to ensure that the application is complete.

Basic Steps in the Application Process

1. Submit one (1) original and five (5) **unbound** copies of a complete application.
2. The State Charter School Board will report its recommendations to the full State Board of Education for their approval.

Instructions

Completely prepare the application using the format and timeline provided. Applications can be mailed or delivered to the:

Utah State Office of Education
250 East 500 South
Post Office Box 144200
Salt Lake City, UT 84114-4200

Format of Application:

Information must be provided on the required forms and may be downloaded from the USOE web page at <http://www.usoe.k12.ut.us/charterschools> under Application. Complete applications contain the requested information, answers to all questions, and all attachments. Incomplete applications will not be forwarded to the Board for consideration. Please provide one original and 5 unbound copies (e.g., binder clip). The Office of Charter Schools may provide technical assistance to the applicant upon request.

Contact John Broberg john.broberg@schools.utah.gov or 801-538-7817.

Application Timeline:

Complete applications will be reviewed under the direction of the State Charter School Board. You must provide a copy of your application to your local district either before or at the same time you file your application with the State Charter School Board. (53A-1a-505(1)(a)). The local board may review the application and may offer suggestions or recommendations to the applicant or the State Charter School Board.

Applicants will be notified of the date, time, and location of the Board meeting in which their application will be presented. Applicants should be prepared to make a brief presentation to the State Charter School Board. The State Charter School Board will take action on the application by way of vote. The State Charter School Board may vote to recommend approval or to deny an application or any requested waivers. Recommendations for approval are forwarded to the State Board of Education for final approval. Applicants recommended by the State Charter School Board will be invited to attend the State Board meeting where their application is presented.

Applicants who receive a denial from the State Charter School Board may appeal that decision to the Utah State Board of Education. (53A-1a-505(1)(e))

Actions of the State Board of Education are final, subject to judicial review. (53A-1a-505 (1) (f))

The State Board of Education will establish by rule a timeline for the opening of the charter school. (53A-1a-505 (3))

Application

As you complete the application, please keep in mind the overall consistency of the application. Each application is unique and should represent the school's mission and philosophy throughout the educational and business plans. Applicants are encouraged to use the information below to ensure a complete application is submitted.

All information presented in this application (Sections 1 – 24), if approved, will become part of the charter contract and will be used for accountability purposes throughout the term of the charter contract.

1) Cover Sheet—Attachment A

Use this form to provide information on the proposed school name, the applicant's name, and the table of contents for your application.

2) Title Page—Attachment B

Enter the name of the applicant and the name and mailing address of the individual who will serve as the authorized agent on behalf of the entity/individual seeking the charter.

3) Target Population—Attachment C (53A-1a-508(3)(a,b,e))

Use this form to provide information on the school's mission, grade levels to be served, outreach efforts, school calendar, and facilities.

4) Comprehensive Program of Instruction 53A-1a-508(3)(e)

In evaluating the scope of the application, it may be the determination of the State Charter School Board to approve a portion of the population to be served (i.e., K-8 or 9-12) and not an entire K-12 program. Therefore, if the application is for both an elementary and secondary program, the sections below should be separated for the purpose of describing an elementary and a secondary program.

➤ Curricular Emphasis

- Please submit a narrative describing the school's program of instruction including philosophy, methods of instruction, and special emphasis. This section should give the reader the sense of what your school will look and feel like. The narrative may be up to three pages in length.

- Effectiveness Goals—Attachment D
 - The applicant is required to provide information on the school’s goals, the objectives for those goals, and measurement criteria for determining progress toward each goal. A form titled Effectiveness Goals has been provided. Goal #1, “Improve student learning,” has been started for you as a required goal. Given the program of instruction to be employed at your school, identify the tool or method you’ll use for measuring achievement for this and every goal for your school. Additional pupil learning goals are encouraged beyond the elements of U-PASS, which are required of all public schools in Utah (see www.usoe.k12.ut.us/u-pass). Other goals may be included, up to three pages.
 - As a public school in Utah, you are required to align your curriculum to the State standards. Provide complete Unit Lesson Plans with Summative Assessments in one area of the core curriculum that is appropriate to the grade levels you are going to serve.

Lesson Plans and Assessments should reflect alignment both to the State standards and to the Program of Instruction described in this application.

- Discussion and examples of how the Program of Instruction will be monitored to include:
 - How the school and staff will disseminate information regarding student performance to track students’ progress toward mastery of the Utah Core curriculum over time.
 - How the school will ensure that teachers integrate standards into instructional practices.
- A school calendar outlined in semesters, trimesters, or quarters which is compliance with State Board requirements on minimum school days outlined in R277-419.
- Description of how special education will be provided (i.e., will the school contract with the school district to provide all special education services, or will the school provide the services by hiring its own service providers, contracting with independent third parties, pooling resources with other schools, or a combination of these approaches?). The description should include how the school will manage and staff assessment and identification; proper staffing of IEP meetings and service delivery included the provision of related services, if identified on the IEP.

5) Detailed Business Plan (53A-1a-508(3)(d))

Applicants are to submit a business plan that includes:

- Planning Year Activities & Operational Budget—Attachment E
If a year of planning is anticipated, Plan and Costs should reflect what is needed to prepare for first enrollment of students.

- Years 1-3 Operational Plan & Operational Budget—Attachment E
The Operational Budget should reflect the educational and operational plan of the school. Revenue should be supported by attaching a Charter School State Revenue Template based on their estimated enrollment and staff size. This template may be downloaded at <http://www.usoe.k12.ut.us/charterschools/funding/fundingInfo.htm>

6) Organizational Structure and Governing Body 53A-1a-508(3)(c)

- Provide a narrative that explains the organizational structure, and provide an organizational flow chart. Include the election and nomination processes, term limits, etc. that will govern the board selection and leadership.

7) Background information sheet and resume for each authorized agent, governing body member, and any individuals responsible for the day-to-day operations of the school (as known at the time of the application)—Attachment F, Attachment G**8) Articles of Incorporation for the organization seeking a charter. Attach a copy of the organization's bylaws to this application. Bylaws must be adopted in an open meeting.****9) Admission (including your lottery plan) and dismissal procedures, including suspension procedures. If the charter school will follow a district's discipline/suspension policy, attach a copy of the policy from the district. 53A-1a-508(3)(f)****10) Procedures to review complaints of parents regarding the operation of the school. These procedures should include a description of how complaints of parents of students served under Section 504 or IDEA will be handled. See <http://www.usoe.k12.ut.us/sars/rules/NewGrules.pdf> for guidance in preparing this section. 53A-1a-508(3)(g)****11) Opportunities for parental involvement. 53A-1a-508(3)(h)****12) Description of how the school will secure the following insurance: \$2 million in liability; property insurance; comprehensive/collision; and employee dishonesty bond. If coverage will be provided outside of State Risk Management, provide a**

- letter from the insurer indicating a willingness to provide the coverage mentioned above. Insurance expenses should be included in the school's budgeted expenses. School must provide, before opening date and annually thereafter, a certificate of insurance. *53A-1a-508(3)(i)*
- 13) Agreements or plans developed with school districts regarding participation of charter school students in extracurricular activities within the school districts. If no agreements have been reached, applicant may describe the school's plan for providing extracurricular opportunities. *53A-1a-508(3)(k)*
- 14) Qualifications to be required of the teachers. *53A-1a-508(3)(l)*
- 15) The school's intention to create a library with a description. The description may include location, size, staffing, and estimates of size and types of collection. *53A-1a-508(3)(o)*
- 16) The school's plan for providing administrative and supervisory services. These may include, but are not limited to, roles of instructional leader and curriculum consultant, supervision and improvement of instruction, interpretation of student and school progress and performance, community relations, staff professional development, counseling, employment issues, discipline, student placement, responsibilities for operation and maintenance of school plant, management of school equipment and supplies, preparation and completion of federal and state reports, assistance and support to teachers. *53A-1a-508(3)(p)*
- 17) The school's fiscal procedures. These may include policies around the governing board's budget process, limits on appropriations, budget reports, the school's policy on making appropriations in excess of estimated revenue, expendable revenue, policy around undistributed reserves, policies around interfund transfers, and policies around emergency expenditures. *53A-1a-508(3)(q)*
- 18) The school's policy and procedure regarding employee termination. Policy may include policies on hearings, appeals, dismissal procedures, and necessary staff reductions. *53A-1a-508(3)(r)(i)*
- 19) The school's policy and procedures regarding employee evaluation. These may include frequency, components, and staffing for evaluation, remediation, notice, and criteria. *53A-1a-508(3)(r)(ii)*
- 20) The school's policy and procedures regarding employment of relatives. *53A-1a-508(3)(r)(iii)*
- 21) For conversion charter schools. *53A-1a-504(2)*
- Explain if the school is total or partial. If a total conversion, provide evidence of having secured the required 2/3 signatures of licensed educators and parents or

- guardians of the school. If a partial conversion, provide evidence of having secured the required majority signatures of licensed educators and parents or guardians of students at the school. Provide information regarding whether the local school board approved the conversion and how students opting out of the charter school have access to a comparable public education alternative.**
- 22) Assurances—Attachment H** Please review this form, sign and date it, and include it with your application submission.
- 23) Waivers for State Board of Education Rules – Attachment I**
If waivers to State Board Rule are being requested, indicate the rule(s) and provide the justification for the request. *53A-1a-511*
- 24) Additional Information/Letters of Support**
- Optional one-page narrative and up to three letters of support.
- 25) A statement as to whether the school will participate in the Utah State Retirement System. *53A-1a-512(7)(a)***

School Name

Applicant Name

Table of Contents

I certify all information contained in this application is complete and accurate, realizing that any misrepresentation could result in disqualification from the charter application process or revocation after award. I understand that incomplete applications will not be considered.

The charter school applicant acknowledges that is has read all Utah statutes regarding charter schools and that, if approved, it is subject to and will ensure compliance with all relevant federal, state and local laws and requirements. The charter school applicant acknowledges that, if approved to operate a charter school, it must execute a charter contract with the Utah State Charter School Board within twelve months of the date of approval of the charter by the Utah State Charter School Board and must begin providing educational services within the timeframe outlined in the charter. Failure to do so may result in revocation of the charter approval and, if applicable, termination of the contract and revocation of the charter.

Authorized Agent (please print)

Signature of Authorized Agent

Date

All information presented in this application becomes part of the charter contract and may be used for accountability purposes throughout the term of the charter contract.

ATTACHMENT A

Target Population

Mission Statement (use only this space):

	GRADES SERVED													TOTAL NUMBER OF STUDENTS (Enrollment cap)
Year 1	K	1	2	3	4	5	6	7	8	9	10	11	12	
Year 2	K	1	2	3	4	5	6	7	8	9	10	11	12	
Year 3	K	1	2	3	4	5	6	7	8	9	10	11	12	
Ultimate Enrollment														

(The number of students should be a maximum enrollment that is being requested.)

Outreach Plan (consistent with the school's mission AND the public school law and purposes)

School Calendar

Standard Extended School Year Instructional Days _____
 Start Date _____
 Alternative (please describe in 5 words or less)

Complete the following information for each site indicated above. If planning more than one site, attach an additional page with the following information.

ATTACHMENT C

If facility arrangements have been made, provide the information below.

Site Name _____

Site Address _____

City _____ Zip Code _____ County _____

Site/Location Description. *(If facility arrangements have not been finalized, please provide general information on the location and type of facility planned for your school.)*

Title 53A-1a-503 statutorily defines seven purposes for charter schools. Please provide a detailed description of how your school will meet these defined purposes. You may attach sample lesson plans and other information that demonstrates a fulfillment of a stated purpose. If a purpose does not apply to your proposed school, please so indicate.

1. Continue to improve student learning:

2. Encourage the use of different and innovative teaching methods:

3. Create new professional opportunities for educators that allow them to participate in designing and implementing the learning program:

4. Increase choice of learning opportunities for students:

ATTACHMENT C

5. Establish new models of schools and new forms of accountability that emphasize measurement of learning outcomes and the creation of innovative measurement tools.

6. Provide greater opportunities for parental involvement in management decisions at the school level. (*See also 53A-1a-508 (3)(h)*).

7. Expand public school choice in areas where schools have been identified for improvement, corrective action or restructuring under the No Child Left Behind Act.

Utah State Charter School Board
Charter School Application

Effectiveness Goals

Goal	Specific Objectives (What will be measured?)	Measurement Criteria (How you know it—means of measuring data, percent mastery, etc.)
1. Improve student learning	1.a.	1.a.
2.	1.b.	1.b.
3.	1.c.	1.c.
4.	1.d.	1.d.
	1.e.	1.e.

ATTACHMENT D

Utah State Charter School Board
Charter School Application

Budget Information

(Attach Charter School Budget Template <http://www.usoe.k12.ut.us/charterschools/funding/FundingWorksheet.xls> to this form to assist in projecting estimates of revenue)

Charter School Name: _____		First Year		Second Year		Third Year	
Number of Students (ADM):							
Revenue		Total		Total		Total	
State Funding							
Federal & State Projects							
Private Grants & Donations							
Loans							
Other (Specify) _____							
Total Revenue		\$ _____		\$ _____		\$ _____	
Expenses		Total		Total		Total	
Salaries (100)		\$ _____		\$ _____		\$ _____	
Director (Principal)		\$ _____		\$ _____		\$ _____	
Teacher-Regular Ed		\$ _____		\$ _____		\$ _____	
Teacher-Special Ed		\$ _____		\$ _____		\$ _____	
Instructional Assis		\$ _____		\$ _____		\$ _____	
Secretary		\$ _____		\$ _____		\$ _____	
Bookkeeper		\$ _____		\$ _____		\$ _____	
Other (Specify) _____		\$ _____		\$ _____		\$ _____	
Other (Specify) _____		\$ _____		\$ _____		\$ _____	
Employee Benefits (200)		\$ _____		\$ _____		\$ _____	
Travel (580)		\$ _____		\$ _____		\$ _____	
Purchased Professional Services(300)		\$ _____		\$ _____		\$ _____	
Purchased Property Services(400)		\$ _____		\$ _____		\$ _____	
Instructional Aids/Books/Library(600)		\$ _____		\$ _____		\$ _____	
Supplies(600)		\$ _____		\$ _____		\$ _____	
Legal (300)		\$ _____		\$ _____		\$ _____	
Auditor(300)		\$ _____		\$ _____		\$ _____	
Marketing (300)		\$ _____		\$ _____		\$ _____	
Other (printing; postage)		\$ _____		\$ _____		\$ _____	
Total Instruction, Administration & Support		\$ _____		\$ _____		\$ _____	

ATTACHMENT E

Utah State Charter School Board
Charter School Application

Budget Information (continued)

Operations & Maintenance	Total	Total	Total	Total	Total	Total
Supplies(600)						
Phone/Communications(4530)						
Custodial Services(433)						
Advertising (540)						
Property/Casualty Insurance(521/22)						
Utilities(420)						
Rent(451)						
Fees/Permits & dues(810)						
Transportation(510)						
Food Service(630)						
Accounting Services(300)						
Land & Improvements (710)						
Building & Improvements (710)						
Computer Equipment (740)						
Furniture & Other Equipment (733)						
Upgrades (Connectivity)						
Leases/Loan Payments						
Other (security, copier lease)						
Total Operations & Maintenance	\$	\$	\$	\$	\$	\$
Total Expenditures	\$	\$	\$	\$	\$	\$
Total Revenues	\$	\$	\$	\$	\$	\$
Budget Balance (Revenues-Expenditures)	\$	\$	\$	\$	\$	\$

ATTACHMENT E

Background Information

Please provide the following information on the authorized agent, each governing body member, and any individuals responsible for the day-to-day operation of the school. A resume for each individual is also required. This page may be copied as many times as necessary.*

Name _____

Role in School (list positions with school) _____

Employment History:

Using as much space as necessary below, please provide your employment history that supports your qualifications and relates your experiences to be considered sufficiently qualified to operate a charter school. Specifically address your qualifications and experiences as they relate to the development of academic programs, operations of a school or a small business, and background in financial management.

Education History:

Using as much space as necessary below, please provide information on your educational training (including degrees earned, dates enrolled, and institutions) that supports your qualifications to be considered sufficiently qualified to operate a charter school.

Statement of Intent:

Using as much space as necessary below, provide a personal statement regarding your role and commitment to this application as it has been written.

*The information and resume provided will be subject to verification by the board.

A background check that reveals offenses that have occurred in the previous five years, recent bankruptcies, or unresolved civil judgments may necessitate further explanation to the chartering entity from a prospective charter school board member. Matters or offenses that remain unresolved or unexplained to the satisfaction of the chartering entity may affect the credibility and/or final approval of a charter school application.

WITH THE SIGNATURE BELOW, PERMISSION IS HEREBY GRANTED TO VERIFY ANY INFORMATION PROVIDED ABOVE FOR _____ CHARTER SCHOOL.

I AFFIRM THAT THE INFORMATION PRESENTED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Applicant's Signature

Subscribed and sworn before me this ___ day of _____ Year _____.
County of _____ State of _____.
Notary Public _____ My Commission Expires _____

Utah State Board of Education

UTAH CHARTER SCHOOLS Assurances

The applicant charter school hereby assures and certifies to the State Superintendent of Public Instruction that:

- A. The charter school will make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for all funds.
- B. The charter school will maintain a clear, written procedure and process for auditing school finances as per the requirements of the Utah State Office of Education.
- C. The charter school gives the Utah State Office of Education or the U.S. Comptroller General, through any authorized representative, the access to, and the right to examine, all records, papers, or other documents related to all funds, including the submission of reports as may be required.
- D. The charter school will annually provide written evidence of liability and other appropriate insurance coverages, including a description of the levels of coverage and the relationship of these coverages to local and state agency obligations.
- E. The charter school will make such reports, including reports of evaluations, in such form and containing such information as the State Superintendent of Public Instruction may reasonably require to carry out his legislative functions and to determine the extent to which funds have been effective in carrying out legislative purposes and project objectives.
- F. The charter school will comply with appropriate rules, regulations, and state guidelines except as specifically waived by the Utah State Board of Education or Legislature, and effective control will be maintained over, and accountability provided, for all funds, property, and other assets. The charter school will also adequately safeguard all public property and shall assure that it is used solely for authorized purposes.
- G. After settling any outstanding debt, all physical assets owned by the charter school become the property of the Utah State Board of Education upon the termination of the charter school.
- H. The charter school will comply with the requirements of the Family Educational Rights and Privacy Act of 1974.
- I. The charter school will not discriminate in program benefits, participation, employment, or treatment on the basis of race, color, religion or national origin, and will comply with the provisions of Title IX of the Education Amendments of 1972 prohibiting discrimination on the basis of gender.
- J. The charter school assures that no otherwise qualified person shall, on the basis of a disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from local, state, or federal financial assistance.
- K. The charter school will not expend program funds for any education program, activity, or service related to sectarian instruction or religious worship.

ATTACHMENT H

L. The charter school will function under an open admission policy. If the number of students applying to enroll at any grade level exceeds the capacity of the school or of, classes, or grade levels within the school, then those to be admitted shall be chosen at random from among the applicants, within the allowable mandatory and optional preferences specified in Section 53A-1a-506, Utah Code Annotated.

M. The charter school assures that it will not conduct a program of instruction until such time as:

- (1) The requisite health and safety standards for the school building have been met according to the local fire and health department inspectors;
- (2) Adequate equipment, and materials are available; and
- (3) Conditions are adequate to provide for the economical operation of the school with an adequate learning environment.

N. The charter school will comply with all applicable federal and state laws, rules, and regulations regarding the recruitment, screening, selection, and evaluation of all school employees.

O. The charter school will only employ educators who hold valid Utah Professional Educator Licenses or who meet State Board requirements for alternative licensing routes or Board authorization.

P. The charter school will employ the use of the Utah State Core Curriculum as the foundation for the instructional program for the school.

Q. The charter school will employ the use of the Iowa Test of Basic Skills and the Utah State Core Course End-of-Level Tests in the grade levels required by U-PASS as a fundamental part of the overall assessment program for the school.

R. The charter school assures that resources will be available and a process established to develop a Student Education Plan/Student Education Occupation Plan (SEP/SEOP) for each student.

S. The charter school will operate with a written procedure for student suspension and dismissal, including appeal procedures.

T. The charter school will maintain an active parent/guardian involvement process including some formal mechanism for meaningful involvement in site-based decision making.

U. The charter school will not charge tuition or fees, except those fees allowed by law. Governing Boards will adopt allowable fees annually in an open board meeting.

V. The charter school will operate under the provisions of the Utah Open Meeting Law and adopt bylaws in an open meeting.

W. A copy of the charter will be supplied to interested individuals or groups on request.

X. The charter school will submit an appropriately amended application prior to any material change affecting the purpose, administration, organization, or operation of the school.

Y. A secondary charter school will be accredited or in the process of seeking accreditation.

Z. The charter school will acquire and maintain nonprofit corporate status.

AA. The charter school will follow all state procurement rules.

BB. The charter school will maintain accurate student transcripts.

The chief administrative officer of the applicant charter school certifies that, to the best of his/her knowledge and belief, the data in this application are true and accurate, and that the applicant will comply with the assurances noted above if this application is approved. Therefore, this application for charter school status and funding is hereby submitted with the full approval and support of the governing body and chief administrative officer of the proposed charter school.

Name (type):

Title (type):

Signature: _____

Date: _____

Admission Procedures

Admission is not limited based upon ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language or athletic ability. There are no tuition or fees charged for attending _____ Charter School except those allowed by law.

_____ Charter School will admit all eligible pupils who submit a timely application. A charter school shall give enrollment preference to children of founding members, pupils returning to the charter school in the second or any subsequent year of its operation and to siblings of pupils already enrolled in the charter school. If, by the application deadline, the number of applications exceeds the capacity of a class, grade level, or building, all applications for that class, grade level or building will be selected for the available slots through a lottery, except that preference as allowed in law shall be given. After the application deadline, pupils for any remaining slots will be accepted in order of their lottery position. If an opening in the school occurs mid-year and no students remain from the original lottery, a notice for applications will be announced and applicants enrolled on the same basis as outlined above.

These admission procedures have been approved in legislation and by the Utah State Board of Education. If you have other administrative details of how you intend to facilitate acceptance of applicants to your school, they should not be in conflict with the language noted above.

Proof of Insurance

_____ Charter School will provide to the Board a certificate of insurance before the first day of school in its initial year and annually thereafter.

_____ Charter School will have the technology and ability to meet all of the electronic data submission requirements for charter schools.

Nonsectarian Statement

_____ Charter School is nonsectarian in its programs, admission policies and employment practices and all other operations.

Special Education/Exceptional Student Services Training

The applicant/authorized signer for _____ Charter School will take a one-day Special Education training class sponsored by the Utah Department of Education subsequent to signing the contract, but prior to the first day of instruction and annually thereafter.

CAO (please print)

CAO's Signature

Date

ATTACHMENT H

Waivers from State Board Rules

Terms to Know

Applicant – An individual or groups of individuals, including teachers and parents or guardians of students who will attend the school, or a not-for-profit legal entity organized under the laws of this state, that is seeking a charter from a Utah School District Board or the State Charter School Board.

Authorized Agent/Member – Must be an appropriately authorized individual as per articles of incorporation or by-laws to contractually bind the organization. This individual would be the primary point of contact for communications regarding the application and presentation.

Charter Contract – A legally binding agreement between the State Charter School Board or local school board and an approved applicant.

Financial Plan – A narrative that supports the operational budget.

Governing Body – Responsible for the policy decisions of the school. This may or may not be the same as the members of the corporate organization.

Management Plan – Description of roles and responsibilities of those in charge of the operation of the school.

Marketing Plan – Description of how you will attract, hold, and increase your target population.

State Standards – The State Board of Education adopted the Utah State Core to be incorporated into curricular and instructional practices. The standards may be downloaded from www.usoe.k12.ut.us/curriculum.

Strategic Plan – A means of implementing the business plan, mission, and goals.

Summative Assessment – A means for evaluating student proficiency at the end of a unit of instruction.

Unit Lesson Plan – Representation of sequenced instruction (goals, objectives, and activities) that requires student demonstration of performance objectives identified in the State standards for an identified instructional period.

WPU Payment – A monthly apportionment distributed to the school based on current year enrollment.

Charter _____
 Reviewers Name _____
 Date _____

Reader’s Guide

The following will be used to score the areas of the application as indicated.

- 0 = Falls far below the expectations described in the rubric
- 1 = Approaches the expectations described in the rubric
- 2 = Meets the expectations described in the rubric
- 3 = Exceeds the expectations described in the rubric

Coversheet	0	1	2	3
All information was provided.				
Title Page				
All information was provided.				
Founding members were identified and will not result in founding preference being extended to large percentage of enrollment.				
Target Population				
All information was provided.				
Quality mission statement provided.				
Outreach efforts sufficient to comply with intent of law.				
Applicant demonstrates how school will serve purposes of charter school legislation.				
Comprehensive Program of Instruction				
Curricular Emphasis The philosophy described provides clear evidence of the principles, beliefs, and attitude of the school.				
Curricular Emphasis The methods of instruction to be implemented at the school provide clear descriptions of how the State standards will be taught, assessed, and tracked over time.				
Curricular Emphasis The implementation of the special emphasis of the school is clearly described.				
Curricular Emphasis The implementation of the special emphasis of the school aligns with the philosophy and methods of instruction provided.				
Curricular Emphasis The vision/mission of the school is aligned with the philosophy, methods of instruction, and special emphasis.				
Effectiveness Goals Includes complete, separate statements reflecting improved pupil learning measured by CRTs at elementary and high school levels.				
Effectiveness Goals Includes complete statements about grading/mastery for subject matter/courses. The targets for success are stated.				
Effectiveness Goals Additional pupil learning goals align with the method of instruction described.				

Effectiveness Goals Includes complete statements reflecting measurement/attainment of mission statement.				
Effectiveness Goals Goals, objectives, and measurement criteria align with the mission of the school.				
Unit Lesson Plans Lesson plans represent the application requirements for the grade levels served.				
Unit Lesson Plans Lesson plans align with the methods of instruction described.				
Unit Lesson Plans Lesson plans identify the performance objectives of the State standards to be addressed.				
Unit Lesson Plans Lesson plans reflect the special emphasis of the school.				
Summative Assessment Summative assessment is aligned with the lesson plans.				
Summative Assessment Summative assessment reflects the method of instruction described.				
Summative Assessment Summative assessment provides opportunities for students to demonstrate proficiency in identified performance objectives.				
Discussion and Examples of Monitoring Discussion includes means of ensuring teachers are provided with and understand the curricular emphasis and effectiveness goals of the school.				
Discussion and Examples of Monitoring Description of means of ensuring all teachers know, by grade level and content area, what must be taught and to what level (the standards).				
Discussion and Examples of Monitoring Description of how students' progress toward mastery of State standards will be tracked over time is provided.				
Discussion and Examples of Monitoring Description of how site administrator will ensure the appropriate integration of State standards into the instructional practices of individual teachers is provided.				
Description of Plan to deliver Special Education Description provides adequate evidence that applicant understands resources necessary to comply with IDEA.				
Detailed Business Plan				
Start-up Plan Budget suggests a plan for a successful and effective first year.				
Start-up Plan Includes detail on property and facility acquisitions that are reasonable and adequate.				
Operational Plan Includes budget that is balanced, with reasonable revenue projections and inclusive of all operational costs.				
Operational Plan Budgets include sufficient detail of ongoing M & O costs.				
Operational Plan Budgets address facilities in a realistic way.				
Appendix 2				
Operational Plan				

Budget does not rely on unrealistic fundraising goals.				
Organization Structure				
Description of Governing Body responsibilities, election/selection process and terms.				
Description of roles and responsibilities of individuals responsible for the day-to-day operation of the school.				
Organizational flow chart reflects the flow of information to and from stakeholders.				
Organizational flow chart reflects a management structure consistent with the information provided within the application.				
Background Information Sheet				
Qualifications are appropriate to school's mission				
Admission and Dismissal Procedures				
Admission is in line with federal guidance on lotteries				
Admission procedures recognize IDEA and Civil Rights protections				
Dismissal procedures are within State and Federal law				
Dismissal procedures legal under IDEA				
Complaint Procedures				
IDEA grievance protections are recognized				
Procedure allows for timely resolution of issues and due process protections				
Opportunities for Parent Involvement				
Voluntary not mandatory				
Involvement is meaningful and parents have influence				
Insurance				
Complete and adequate				
Qualifications of Teachers				
Within State Law and Board Rule				
Library				
Library plan supports and is adequate to school's mission				
Administrative and Supervisory Services				
Services and assignments are sufficient to ensure successful management and oversight, both instructionally and operationally				
Fiscal Procedures				
Procedures will ensure responsible fiscal management				
Employee Termination				
Plan is complete				
Employee Evaluation				
Plan will accomplish evaluation adequate for State licensing requirements and sound oversight				
Employment of Relatives				
Plan is clear				
Utah Retirement System				
Applicant has included declaration of intent				
Conversion Schools				
Information is complete and within law				
Waivers from Board Rule				
Waiver is reasonable and has support of CS Board				

Reviewers Comments/Suggestions:

Appendix 2

Administrative Completeness Checklist

(to be completed by the Utah State Charter School Board staff)

In completing the Administrative Review, the following items will be evaluated to determine whether an application is complete. Any section not completed, including items left blank or unanswered, will result in an application being deemed INCOMPLETE.

Incomplete applications will not be forwarded to the Board.

_____ **Cover Sheet** – Attachment A

- _____ School Name
- _____ Applicant Name
- _____ Table of Contents
- _____ Signature Box Complete

_____ **Title Page** – Attachment B

_____ **Target Population** – Attachment C

_____ **Comprehensive Program of Instruction** (Section 4)

Curricular Emphasis

- _____ Philosophy
- _____ Methods of Instruction
- _____ Special Emphasis
- _____ Mission
- _____ Effectiveness Goals – Attachment D
- _____ Lesson Plans and Summative Assessments
- _____ Discussion and Examples of Monitoring Student Progress
- _____ Dissemination of Information Regarding Student Progress in State Standards
- _____ Plan for Tracking Student Progress in State Standards
- _____ Monitoring Teacher Integration of State Standards into Instruction
- _____ School Calendar
- _____ How Special Education will be provided (hire, contract, share, etc.)

_____ **Detailed Business Plan** (Section 5)

- _____ Start-up Plan – Attachment E for Start Up Year
- _____ Operational Plan – Attachment E for operational year(s)
- _____ Facility Costs Addressed

_____ **Organizational Structure and Governing Body** (Section 6, 7)

- _____ Description of Governing Body
- _____ Organizational Flow Chart
- _____ Board Selection

_____ **Background Information Sheet and Resume** –Attachment F

- _____ Background Information Sheet(s)
- _____ Resume(s)

-
- _____ **Articles of Incorporation and Bylaws, when available** (Section 8)
 - _____ **Admission and Dismissal Procedures** (Section 9)
 - _____ **Complaint Procedures** (Section 10)
 - _____ **Opportunities for Parental Involvement** (Section 11)
 - _____ **Insurance** (Section 12)
 - _____ **Agreements with local districts, if they exist** (Section 13)
 - _____ **Qualifications of Teachers** (Section 14)
 - _____ **School's Intent to Create a Library** (Section 15)
 - _____ **Plan for Providing Administrative and Supervisory Services** (Section 16)
 - _____ **School's Fiscal Procedures** (Section 17)
 - _____ **School's Policy regarding Employee Termination** (Section 18)
 - _____ **School's Policy regarding Employee Evaluation** (Section 19)
 - _____ **School's Policy regarding Employment of Relatives** (Section 20)
 - _____ **Conversion School Documentation (Only for Conversion Schools) 53A-1a-504(2)**
(Section 21)
 - _____ **Compliance Assurances – Attachment H** (Section 22)
 - _____ **Waivers for State Board of Education Rules - Attachment I** (Section 23)
 - _____ **Letters of Support (OPTIONAL)** (Section 24)
 - _____ **Statement of Intent to Participate in Utah State Retirement System** (Section 25)

Utah State Charter School Board Charter Conversion Documents

250 East 500 South
PO Box 144200
Salt Lake City, UT 84114-4200
(801)538-7817
Fax: (801)538-7729
jo.schmitt@schools.utah.gov

In compliance of 53A-1a-501.8, the State Charter School Board shall enter into a charter agreement with each school operating under a charter issued by the State Board of Education. The following information is being requested to prepare to execute this agreement.

If you are seeking amendments to the charter that is currently in place with the State Board of Education, please include those amendments with these documents.

Name of Charter School _____

Chief Administrative Officer or Chair of Governing Board _____

Mailing Address _____

City _____ State _____ Zip _____

County _____ E-mail _____

Daytime Phone _____ Fax _____

**Form of
Organization**

- Nonprofit Organization
- Tribal Entity
- Other _____

The governing body of a charter school is responsible for the policy decisions of the school. Please indicate the makeup of this body below.

Governing Body (Body responsible for the policy decisions of the school) (U.C.A.53A-1a-508)				
Member Type	Number	Name	Name	Name

Target Population

Mission Statement (use only this space):

	Grades Served <small>Please indicate all grades being taught</small>												Total Number Served <small>Enrollment cap at all campuses and in all grades combined</small>	Sites <small>Number Operating</small>	
	K	1	2	3	4	5	6	7	8	9	10	11			12
Currently															
Ultimate Size															

School Calendar

Standard
 Extended School Year
 Instructional Days _____
 Start Date _____

Alternate (please describe in 5 words or less)

Complete the following information for each site indicated above. If planning more than one site, attach an additional page with the following information.

Site Name _____

Site Address _____

City _____ Zip Code _____ County _____

Site/Location Description:

Utah State Charter School Board
 Conversion Documents for existing
 Utah State Board of Education Charter Schools

Effectiveness Goals

Goal	Specific Objectives (What will be measured?)	Measurement Criteria (How you know it? – means of measuring data, percent mastery, etc.)	Documentation on How Goals Have Been Achieved (Including test scores)

Effectiveness Goals

Provide information to the following:

- A. A description of the school’s library or access to a library. The description may include location, size, staffing, and estimates of size and types of collection.**

- B. The school’s plan for providing administrative and supervisory services. These may include, but are not limited to supervision and improvement of instruction, interpretation of student and school progress and performance, community relations, staff professional development, counseling, employment issues, discipline, student placement, responsibilities for operation and maintenance of school plant, management of school equipment and supplies, preparation and completion of federal and state reports, assistance and support to teachers.**

- C. The school’s fiscal procedures. These may include policies around the governing board’s budget process, limits on appropriations, monthly budget reports, the school’s policy on making appropriations in excess of estimated revenue, expendable revenue, policy around undistributed reserves, policies around interfund transfers, and policies around emergency expenditures among others.**

Resources

IRA's site can be reached at <http://www.reading.org>

The NCTM site can be reached at <http://www.nctm.org>

State requirements for any grade level or subject area, go to <http://www.uen.org/core/>

Student Educational Occupational Plan: <http://www.uen.org/seop/>.

USOE home page <http://www.usoe.k12.ut.us>

USOE Special Education Services: <http://www.usoe.k12.ut.us/sars/>

Electronic High School at <http://ehs.uen.org>

Licensure: <http://www.usoe.k12.ut.us/cert>

Professional Development: <http://www.usoe.k12.ut.us/pd/>

Appendix B
Contact Information for Subject Area National
Professional Associations

NATIONAL SUBJECT AREA ASSOCIATION CONTACT INFORMATION

American Alliance for **Health, Physical Education, Recreation, and Dance**
1900 Association Drive
Reston Virginia 20191-1598
703-476-3400
<http://www.aahperd.org>

American Alliance for **Theatre** and Education
7475 Wisconsin
Suite 300A
Bethesda Maryland 20814
301-951-7977
<http://www.aate.org>

American Association of **Physics** Teachers
One Physics Ellipse
College Park Maryland 20740-3845
301-209-3300 FAX 301-209-0845
<http://www.aapt.org>

American **Chemical** Society
1155 16th Street NW
Washington DC 20036
800-227-5558 FAX 202-872-4615
<http://www.chemistry.org>

American Council on the Teaching of **Foreign Language**
700 S. Washington Street
Suite 210
Alexandria Virginia 22314
703-894-2900 FAX 703-894-2905
<http://www.actfl.org>

American **Historical** Association
404 A Street SW
Washington DC 20003-3889
202-544-2422 FAX 202-544-8307
<http://www.historians.org>

Association of American **Geographers**
1710 16th Street NW
Washington DC 20009-3198
202-234-1450 FAX 202-234-2744
<http://www.aag.org>

Association for **Career and Technical Education**
(**Agricultural Education, Business Education, Family/Consumer Sciences Education, Technology Education, Trade and Industrial Education**)

1410 King Street
Alexandria Virginia 22314
800-826-9972 FAX 703-683-7424
<http://www.acteonline.org>

Association for Supervision and **Curriculum Development**

1703 N. Beauregard Street
Alexandria Virginia 22311
800-933-2723
<http://www.ascd.org>

International **Reading** Association

800 Barksdale Road
PO Box 8139
Newark Delaware 19714-8139
302-731-1600 FAX 302-731-1057
<http://www.reading.org>

Music Teachers National Association

411 Vine Street
Cincinnati Ohio 45202-2814
513-421-1420 FAX 513-421-2503
<http://www.mtna.org>

National **Art** Education Association

1916 Association Drive
Reston Virginia 20191-1590
703-860-8000 FAX 703-860-2960
<http://www.naea-reston.org>

National Association of **Biology** Teachers

12030 Sunrise Valley Drive
Suite 110
Reston Virginia 20191
800-406-0775
<http://www.nabt.org>

National Association of **Geology** Teachers

PO Box 5443
Bellingham Washington 98227
360-650-3587
<http://www.nagt.org>

National Council for the **Social Studies**
8555 Sixteenth Street
Suite 500
Silver Spring Maryland 20910
301-588-1800 FAX 301-588-2049
<http://www.socialstudies.org>

National Council of Teachers of **English**
1111 W. Kenyon Road
Urbana Illinois 61801-1096
217-328-3870 FAX 217-328-9645
<http://www.ncte.org>

National Council of Teachers of **Mathematics**
1906 Association Drive
Reston Virginia 20191-1502
703-620-9840 FAX 703-476-2970
<http://www.nctm.org>

National **Earth Science** Teachers Association
PO Box 2194
Liverpool New York 13089-2194
(no phone number provided)
<http://www.nestanet.org>

National **Science** Teachers Association
1840 Wilson Blvd
Arlington Virginia 22201-3000
703-243-7100
<http://www.nsta.org>

North American Association for **Environmental** Education
2000 P Street NW
Washington DC 20036
202-419-0412 FAX 202-419-0415
<http://naaee.org>

Appendix C

Resources and Contact Information for National Associations for At-Risk Students

NATIONAL ASSOCIATIONS FOR SPECIAL NEEDS STUDENTS

All Kinds of Minds (**Learning Disabilities**)

<http://www.allkindsofminds.org>

American Association for **Gifted Children**

Duke University

Box 90270

Durham North Carolina 27708-0270

919-783-6152

<http://www.aagc.org>

Attention Deficit Disorder Association

PO Box 543

Pottstown Pennsylvania 19464

484-945-2101 FAX 610-970-7520

<http://www.add.org>

Council for **Exceptional Children**

1110 North Glebe Road

Suite 300

Arlington Virginia 22201-5704

888-cec-sped TTY 866-915-5000 FAX 703-264-9494

<http://www.cec.sped.org>

National Association for Bilingual Education (**Language Minorities**)

1030 15th Street NW

Suite 470

Washington DC 20005

202-898-1829 FAX 202-789-2866

<http://www.nabe.org>

National Association for the Education of **Young Children**

1509 16th Street NW

Washington DC 20036-1426

202-232-8777 FAX 202-328-1846

<http://www.naeyc.org>

National Association for Multicultural Education (**Ethnic Minorities**)

733 15th Street NW

Suite 430

Washington DC 20005

202-628-6263 FAX 202-628-6264

<http://www.nameorg.org>

National Center for **Homeless Education**

PO Box 5367

Greensboro North Carolina 27435

800-755-3277

<http://www.serve.org/nche/>

National **Middle School** Association

4151 Executive Parkway

Suite 300

Westerville Ohio 43081

800-528-nmsa FAX 614-895-4750

<http://www.nmsa.org>

Teachers of English to Speakers of Other Languages

(Language Minorities)

700 South Washington Street

Suite 200

Alexandria Virginia 22314

703-836-0774 FAX 703-836-7864

<http://www.tesol.org>

Appendix D

Utah Universities and Colleges

UTAH UNIVERSITIES AND COLLEGES

Utah State University
Logan UT 84322
435-797-1000
<http://www.usu.edu>

University of Utah
201 President's Circle
Salt Lake City UT 84112
801-581-720
<http://www.utah.edu>

Weber State University
Ogden UT 84408
801-626-6000
<http://www.weber.edu>

Utah Valley State College
800 W. University Parkway
Orem UT 84058
801-863-INFO
<http://www.uvsc.edu>

Westminster College
1840 S 1300 East
Salt Lake City UT 84105
801-484-7651
<http://www.westminstercollege.edu>

Brigham Young University
Provo UT 801-378-4636
<http://home.byu.edu>

Southern Utah University
351 Center Street
Cedar City UT 84720
435-586-7700
<http://www.suu.edu>

University of Phoenix
5251 Green Street
Salt Lake City UT
801-263-1444 800-224-2844
<http://www.phoenix.edu>

Western Governor's University
4001 South 700 East, Suite 700
Salt Lake City, Utah 84107-2533
801-274-3280
<http://www.wgu.edu>

Appendix E

Federal Funds Reimbursement Form

REIMBURSEMENT REQUEST from UTAH SCHOOL DISTRICTS & AGENCIES to UTAH STATE OFFICE OF EDUCATION							
Agency Name:		District #:		0	0	0	0
To Indicate Funding Source, CLICK on CELL Below for a Drop Down Menu							
XXX: END							
EXPENDITURE CLASSIFICATION AND STATE OBJECT CODE District Chart of Accounts Found in USOE Finance and Statistics' Annual Workshop Binder. See Your Business Administrator	* Enter Indirect Cost Rate Line K	BUDGET APPROVED BY USOE	0	EXPENSE			TOTAL EXPENSE TO DATE
				1st Period July - June	0	0	
				FY (XX)	FY (XX)	FY (XX)	
A. (100) Salaries							\$ -
B. (200) Employee Benefits							\$ -
C. (300) Purchased Prof. & Tech. Svc.							\$ -
D. (400)	0						\$ -
E. (500) Other Purchased Svc.							\$ -
F. (580) Travel							\$ -
G. (600) Supplies & Materials							\$ -
H. (800) Other (Exclude Audit Costs)							\$ -
0	0						\$ -
0	0						\$ -
0	0						\$ -
I. TOTAL DIRECT COSTS (Lines A thru H)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
J. (800) Other (Audit Costs)							\$ -
K. * Indirect Cost Rate 1st Period: Jul-Jun FY (XX)		\$ -	\$ -	\$ -			\$ -
					\$ -		\$ -
						\$ -	\$ -
L. (700) Property (includes equipment)							\$ -
M. TOTAL(s) (Lines I Thru L)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
* NOTE Enter the Indirect Cost Rate appropriate for the fiscal year in which expenses incurred and apply to line I, Total Direct Costs							
0							
ENTER DATE OF CURRENT REPORT PERIOD		FROM:		TO:			
1 Approved Budget		\$ -		I certify the program has been conducted in accordance with all specifications and in compliance with federal/state laws, rules, regulations and funds have been expended in amounts reported, and documents are available for audit. All expenditures claimed in this report were incurred subsequent to the effective dates and have not been claimed in or under any other program.			
2 Total Amount <u>Previously Reported</u>							
3 Expenditure Amount <u>This Report Period Only</u>		\$ -					
4 Total Expenditure To Date		\$ -					
5 Unexpended Balance of Budget		\$ -					
Amount Approved for Payment		\$		SIGN HERE			
Approved By:		Date:		SIGN HERE			
RETURN FORM TO				Submitted By: Agency Accounting Office Date			
0	0			TYPE / PRINT			
Utah State Office of Education				CONTACT PERSON Area Code & Ph#			
250 East 500 South		0					
P. O. Box 144200		0					
Salt Lake City, UT 84114-4200		0					

Appendix F

References & Resources by Chapter

RESOURCES BY CHAPTER**Chapter II Introduction to Utah Charter Schools**

Utah Code Section 53A-1a-502, 503 [FIND LINK](#)

Section 5210 (1) of the Elementary and Secondary Education Act [FIND LINK](#)

<http://www.ed.gov/programs/charter/legislation.html>

<http://www.usoe.k12.ut.us/charterschools>

<http://www.tapcs.org>

Chapter III Charter School Governance

Utah State Constitution Article X [FIND LINK](#)

Utah Code 53A-1a-501.5 [FIND LINK](#)

Chapter IV Application Procedures

<http://www.usoe.k12.ut.us/charterschools/application.htm>

Utah Code Section 53A-1a-508

Utah State Board of Education Rule R277-470

Utah State Office of Education Charter School Application Form for School Year 2005-2006

Chapter V Education Program (Curriculum & Instruction)

Comprehensive Guidance Model can be found at

<http://www.usoe.k12.ut.us/ate/compguide/compguide.htm>

Core Curriculum <http://www.uen.org/core/>

Student Educational Occupational Plan: <http://www.uen.org/seop/>

USOE home page <http://www.usoe.k12.ut.us>

Electronic High School at <http://ehs.uen.org>

Elementary and Secondary Core Curriculum (administrative rule)

<http://www.rules.utah.gov/publicat/code/r277/r277.htm>

Instructional Materials Commission <http://www.usoe.k12.ut.us/curr/material/default.htm>

USOE Curriculum Specialists <http://www.usoe.k12.ut.us/curr/stafflst.htm>

USOE Equity Section <http://www.usoe.k12.ut.us/equity>

USOE Special Education Services <http://www.usoe.k12.ut.us/sars>

Utah Education Network (UEN) <http://www.uen.org>

Public Broadcasting System (PBS) <http://www.pbs.org>

U.S. Department of Education <http://www.ed.gov>

Chapter VI Special Education Policies and Procedures

Special Education Services, Utah State Office of Education: <http://www.usoe.k12.ut.us/sars/>

U.S. Department of Education: <http://www.ed.gov>

Utah State Office of Education rules and regulations

<http://www.usoe.k12.ut.us/sars/RulesRegs.htm>

Chapter VII Student Assessment

U-PASS: 53A-3-602-611

U-PASS: <http://www.usoe.k12.ut.us>

NCLB State of Utah: <http://www.schools.utah.gov/nclb>

NCLB Federal: <http://www.ed.gov/nclb>

Chapter VIII Human Resources

Utah Code 53A-1a-512

Utah Code 53A-1a-512.5

Utah State Board of Education Rule R277-501

NCLB Definitions USOE, www.usoe.k12.ut.us

Chapter IX Charter School Finance

<http://www.usoe.k12.ut.us/charterschools/>

<http://www.usoe.k12.ut.us/data/uasbo.htm>

<http://www.grants.gov>

<http://www.fdncenter.org>

<http://www.uasbo.k12.ut.us>

<http://www.usoe.k12.ut.us/data/uasbo.htm>

<http://www.utahfoundation.org/>

<http://www.ed.gov/programs/charter/>

An explanation of the NCLB revenue programs can be found at:

<http://www.usoe.k12.ut.us/curr/nclb/>

NCLB program summaries can be found at:

<http://www.schools.utah.gov/nclb/documents/pdf/NCLBprogsumm.pdf>

The NCLB rules that govern charter school eligibility for federal program funding can be found at: <http://www.ed.gov/policy/elsec/guid/cspguidance03.doc>

The NCLB budget application and budget forms can be obtained from the USOE website.

<http://www.schools.utah.gov/nclb>

