

Evidence for (F)(1)(ii):

- See (F)(1)(ii) for evidence of this section.

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State’s charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;
- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and
- (v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State’s success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer

reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(2)(i):

- A description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.
- The number and types of charter schools currently operating in the State.

Evidence for (F)(2)(ii):

- A description of the State’s approach to charter school accountability and authorization, and a description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- For each of the last five years:
 - The number of charter school applications made in the State.
 - The number of charter school applications approved.
 - The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).
 - The number of charter schools closed (including charter schools that were not reauthorized to operate).

Evidence for (F)(2)(iii):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the State’s approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.

Evidence for (F)(2)(iv):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the statewide facilities supports provided to charter schools, if any.

Evidence for (F)(2)(v):

- A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

Recommended maximum response length: Six pages

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools

(F)(2)(i) State charter school law does not prohibit or effectively inhibit the number of high-performing charter schools There is no limit to the number of charter schools in Utah. The percentage of charter schools in the state is 7.3% serving 6% of the public school age population. Current Utah Code 53A-1a-502.5 [see Appendix 24] does define the maximum number of authorized students in charters. The law states:

- (1) The State Charter School Board and local school boards may only authorize a combined maximum student capacity of:
 - (a) 32,921 students for the charters schools in the 2008-09 school year; and
 - (b) Beginning in the 2009-2010 school year, an annual increase in charter school enrollment capacity equal to 1.4% of total school district enrollment as of October 1 of the previous school year.
- (2) (a) The State Board of Education, in consultation with the State Charter School Board, shall allocate the students under Subsection (1) between the State Charter School Board and local school boards.
 - (b) One-third of the student capacity described under Subsection (1)(b) shall be allocated to increase the maximum student capacity of the operating charter schools.
 - (c) If the operating charter schools do not use the allocation described under Subsection (2)(b), the remaining student capacity may be used by new charter schools.

The purpose of this section is to facilitate the Legislature's financial planning, not to inhibit the number of charter schools in the state. As explained above, Utah allows an unlimited number of charter schools. There are 994 public schools operating in Utah this year, of which 72 are charter schools (in 70 charter school LEAs). This represents 7.2% of Utah's public schools. Successfully operating charter schools are given the first opportunity to absorb and enroll new students. A charter school application has never been denied because of lack of students available to fill the school. Rather, only quality schools that meet reasonable management and preparation requirements are approved.

Types of charter schools in Utah: Arts Focus – 6, At-risk Students – 4, Autism Spectrum Disorders – 1, Back to Basics – 6, Classical Education – 11, Core Knowledge – 15, Direct Instruction – 3, Dual Languages – 3, Early College – 6, Environmental Focus – 1, Expeditionary Learning – 2, International Baccalaureate – 3, Project Based – 2, Science and Technology – 6, Virtual Learning – 2.

(F)(2)(ii) State laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools

Utah Law (Utah Code, Section 53A-1a-501 through Utah Code, Section 53A-1a-520) [see Appendix 35] allows the formation of charter schools and describes the creation of charter school boards, processes outlined for charter school applications, evaluations, terminations, and accountability. Utah State Board of Education Administrative Rule R277-470 defines the State Charter School Board's oversight and monitoring responsibilities. (R277-470-13) [see Appendix 36]. Under Utah law, the State Charter Board has responsibility to authorize and promote responsible growth of charter schools, with final approval by the Utah State Board of Education that has final constitutional responsibility for public schools. Specific purposes of charter schools are outlined in Utah law: (1) new public school models; (2) unique learning opportunities providing increased choice in education; (3) innovative teaching practices; (4) opportunities for educators to participate in design and implementation of learning programs; (5) new forms of accountability specifically emphasizing the measurement of learning outcomes; and other purposes. Utah law also provides specifically for consequences if charters fail to meet their charter purposes, fail to meet expected financial practices, and/or fail to serve the lowest performing students by failing to meet Adequate Yearly Progress. Utah law provides for a continuum of consequences for underperforming or unsatisfactory charter schools. (Utah Code, Section 53A-1a-509) [see Appendix 33]. State law provides for an appeal process for charter schools that are subject to termination of charter. (Utah Code, Section 53A-1a-510(2) [see Appendix 34]. Utah charter schools have proven remarkably successful. There are 72 charter schools currently operating in Utah. The charter of only one charter school has been terminated. Another charter school closed voluntarily. Two additional charter schools are

being closely monitored by the State Charter School Board. The table bellows details the number of charter applications made in the state, the number approved, the number of charter application denied and the reasons for the denials.

Table 15 – Charter Applications in Utah

Year	Number of Charter Applications	Number Approved	Number Denied	Reason for Denial
2009	12	2	10	Lack of readiness for opening; poor unfocused applications
2008	15	6	9	Financial difficulties; poor application
2007	16	7	9	Applications withdrawn; poor application
2006	11	5	6	Poor application; lack of readiness for opening
2005	17	10	7	Lack of readiness for opening; applications withdrawn

(F)(2)(iii) Equitable funding

Utah charter schools receive equitable funding compared to other public schools. They receive their commensurate share of federal funding; receive an annual state appropriation that is divided among all charter schools on a per student basis; and, as of 2008 legislation, receive a portion of local school district revenues determined by the number of district students that leave traditional schools to attend charter schools. Additionally, Utah Board of Education Rules encourage school districts to authorize charter schools locally by allowing locally chartered school students to receive equal funding to students attending traditional schools in the district [see Appendix 37].

(F)(2)(iv) Charter school facility funding

Utah law does not provide charter schools with funding specifically for facilities. However, Utah law provides assistance to charter schools for facilities in other ways: (1) 10% of local replacement funds must be used for facilities; (2) a state-funded revolving loan is available to charter schools (Utah Code, Section 53A-21-401(5) [see Appendix 38]; and (3) Utah law requires local school districts to

allow charter school students, for a nominal fee, to participate in traditional school athletic programs that use traditional school athletic facilities. (Utah Code, Section 53A-1a-519) [see Appendix 39]. Utah law does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools. In fact, the Utah legislature has made considerable effort to require local zoning ordinances to treat charter schools similarly to traditional public schools in zoning decisions and practices.

(F)(2)(v) State enables LEAs to operate innovative, autonomous public schools other than charter schools

Utah has a long-standing commitment to enabling innovative, autonomous approaches to education reform that pre-date its charter school law. The following largely autonomous programs are operated cooperatively with our LEAs:

- Education programs for youth in custody of the Utah Department of Corrections. These programs encourage cooperation among various education and social services agencies that have responsibility for children and their families including public and private schools, and Utah Department of Social Services.
- Career and technical education programs.
- Adult Education Programs, which provide classes and opportunities for adults who did not earn high school diplomas, but who desire to complete high school through a variety of open-entry/open-exit programs.
- Early College High Schools, which offer students an opportunity to complete college credits and earn associate degrees while also completing high school.
- International Baccalaureate (IB) Schools and programs within schools. Utah currently has 10 operating and successful IB schools.
- Year-round schools. Utah currently has approximately 61 elementary schools that are operating under year-round programs. The schools started operating on year-round schedules because of overcrowding in specific neighborhoods and some have continued because the communities supported the use of school buildings year round.

- Four-day week schools. Currently, one school district and (4) individual schools operate four longer school days in one week. The schools receive specific permission from the Utah State Board of Education to provide an alternate schedule and are closely monitored by the State Board. To date, the schools demonstrate significant savings in transportation costs, energy savings, lower absentee rates among students and staff, and consistent student achievement. Additionally, the schedule significantly reduces the time spent on school buses on country roads by school children.

Utah Electronic High School provides funding for 9-12 level courses delivered via the Internet and coordinated by the Utah State Board of Education. Approximately 35,600 students have accounts for participation in online courses through the Electronic High School. Courses are consistent with those offered in traditional public high schools to enable a student to obtain the required credits necessary for graduation. The American Academy (TAA) is a partnership between a private distance learning company and the Utah State Board of Education where each partner benefits from the accomplishments and resources of the other. Consistent with an agreement signed in August 2007, distance learning courses are offered to non-Utah students and the Utah Electronic High School benefits directly from new innovations designed and experimented with by TAA.

Evidence for (F)(2)(i) through (F)(2)(v):

- Evidence is shown throughout sections above.

(F)(3) Demonstrating other significant reform conditions (5 points)

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

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