

students, and high numbers of students from single parent households. Approximately \$5,000,000 is directed to this program annually. The Necessarily Existing Small School program provides additional funding. These schools are frontier schools that have an average membership of fewer than 160 elementary students or 450 secondary students for 3-year secondary schools and are too isolated to be combined with another school. Equitable funding within LEAs is covered by the formulas outlined by statute in the Utah Code Title 53A and described above.

Evidence for (F)(1)(i):

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

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

The original mission of Utah’s charter movement was to provide an alternative school environment for students who were either at risk of not completing public school requirements, had special needs, or to encourage students from underrepresented populations and female students to excel in college and post secondary education (Early College High Schools supported by Gates Foundation Funding). Since the mid-1990’s, the charter movement became more suburban oriented with an emphasis on alternative curriculum approaches. These charter schools were formed by parents who lived in areas of moderate to high achievement who were not satisfied with local school curriculum. The Utah State Office of Education continues to encourage the creation of charter in urban areas of high-poverty and low achievement. In general, our population in our frontier counties is not conducive to brick and mortar charters because of low population. However, a number of virtual charters that service students statewide are available.

(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. Although we have a high taxing effort, Utah has the largest percentage of children in the United States per capita, the highest birth rate per capita, and the lowest state taxable property base (21%) due to the huge percentage of land within our geographic borders owned by the federal government. In the last decade, our population has grown by 27%. We are rapidly becoming more diverse and have more students with critical needs. Utah is dead last in every per student funding category in the

nation. The federal contribution to education in Utah is \$650 per student compared to the national average of \$968. In spite of a high tax effort, Utah remains the lowest in the nation for per pupil funding. Because of these unusual funding constraints, Utah's financial support for all public schools, including charters, is limited. Funding for Utah's charter school program is a combination of our equitable state formula monies; state funded charter school "replacement" monies, which mirror district-generated local property taxes; and state low-interest building loans that offset district loans for capital needs. Given Utah's uniquely low financial resources, these charter funding streams represent a significant financial commitment to charters. In an attempt not to limit the number of charter schools, but to ensure adequate funding for all students, current Utah Code 53A-1a-502.5 [see Appendix 39] defines 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:

(1) 32,921 students for the charters schools in the 2008-09 school year; and

(a) 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) (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.

(a) 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.

(b) 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 39] allows the formation of charter schools and describes the creation of charter school boards, processes outlined for charter school applications, evaluations, terminations, and accountability. State Board Administrative Rule R277-470 defines the State Charter School Board's oversight and monitoring responsibilities (R277-470-13) [see Appendix 40]. Under Utah law, the State Charter Board has responsibility to authorize and promote responsible growth of charter schools, with final approval by the State Board 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 AYP. Utah law provides for a continuum of consequences for underperforming or unsatisfactory charter schools (Utah Code,

Section 53A-1a-509) [see Appendix 37]. 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 38]. 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. Emerson Alcott Academy was revoked by the State Board, with support from the State Charter Board, because the school failed to progress toward opening in its preparatory year. Another charter school closed voluntarily. Two additional charter schools are being closely monitored by the State Charter School Board. The table below 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 16 – 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 are funded on the principle that state funds follow the student. Charters receive their commensurate share of federal funding; receive an annual state appropriation (replacement funding) 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, State Board 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 41].

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

Utah law provides assistance to charter schools for facilities in the following manner: (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 42]; 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 43]. 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 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.
- CTE 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 State Board 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 grades 9-12 level courses delivered via the Internet and coordinated by the State Board. Approximately 35,600 students have accounts for participation in on-line 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 State Board 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.
- For almost two decades, Utah has had some form of school community councils. These councils were established to address the academic needs of students with decisions being made at the local school level. The councils, comprised of community members, parents, and school faculty, create and implement both long-term and short-term school improvement plans. These councils have evolved over time and been given more responsibilities. These councils, outlined in state statute, have the opportunity to innovate and implement plans that better meet the needs of their specific students. They create improvement plans based on student data and have a funding source dedicated to implementation of these plans. That source is the interest

investment off of Utah’s trust lands. Although school districts have oversight of the improvement plans so they align to district goals, the trust lands funding flows directly to the school community council to be used in the implementation of these collaborative plans.

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.

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)(3):

- A description of the State’s other applicable key education laws, statutes, regulations, or relevant legal documents.

Recommended maximum response length: Two pages

(F)(3) and Evidence for (F)(3) Demonstrating other significant reform conditions

Under Utah law (Utah Code, Section 53A-1a-511(2)(a)) [see Appendix 44], the State Board may waive any rule, upon request, that the State Board is convinced inhibits innovation, efficiency, and productivity in a public school, charter school, or school district. In addition, Utah Code, Section 53A-1-402(1)(e) [see Appendix 45] allows the State Board to support “school productivity and effectiveness measures.” These provisions of the law has allowed Utah to encourage innovative, autonomous public schools and