

# Emery County School District



## Policy: LBD—Charter Schools

Date Adopted: 22 May 2002  
Current Review / Revision: 22 May 2002

Utah Code 53G-5-305 allows for individuals and entities to enter into an agreement with Emery County School District to establish and operate a charter school within Emery District. This policy outlines the procedures that must be followed for this to occur.

Individuals and entities desiring to establish a charter school in Emery School District shall complete and present to the Board of Education a complete application as outlined in Utah State Board of Education Rule. The application form and instructions are available from the District Office or the State Board of Education.

1. A complete application must be delivered to the District Office prior to March 1<sup>st</sup> for a school that is to begin operation during the next school year.
2. The Board of Education will review each application and consider:
  - a) The criteria established by State Law and USOE Rules;
  - b) The educational value offered to students who attend the charter school; and
  - c) The impact the charter school will have on other schools within Emery School District.
3. The Board of Education shall, within 45 days, either accept or reject the application. If the Board rejects the application it shall:
  - a) Notify the applicant in writing of the reason for the rejection;
  - b) Notify the applicant that they may submit a revised application for reconsideration by the Board; and
  - c) Notify the applicant that they may seek a charter from the Utah State Board of Education under Section 53G-5-304 of the Utah Code.
4. If sponsorship is granted, the sponsorship shall last for three (3) years unless otherwise terminated as outlined in Section 5 below, and may be modified during the three-year term by mutual agreement of the Board and the governing body of the school. At the end of the three-year term, application for renewal must be submitted in the same manner as outlined above in order to continue the sponsorship.

If the Board rejects a revised application (see Section 3 above), this action is final action subject to judicial review.

5. The Board is limited in the number of charter schools it may sponsor under this policy as follows:

- a) There is no limitation on the number of existing public schools within the District that may convert to charter status under this policy; and
- b) The number of charter schools not converted from existing public schools is limited to an enrollment equal to four percent (4%) of the District's student population as reported in the most recent annual statistical report required under Section 53G-4-403;

6. The Board may terminate a charter school it sponsors under this policy for any of the following reasons:

- a) Failure of the school to meet the requirements for student performance stated in the charter, which performance should be at least equal to that of similar public schools within the District, unless the uniqueness of the school prevents making such comparisons:
- b) Failure to meet generally accepted standards of fiscal management:
- c) Violation of law; or
- d) Other good cause shown.

The Board shall notify the governing body of the school of the proposed action in writing, state the grounds of the action, and stipulate that the governing body may request an informal hearing before the Board. The Board shall conduct the hearing within thirty (30) days after receiving a written request.

The Board may terminate a charter immediately if good cause has been shown or if the health, safety, or welfare of the students at the school are threatened. If a charter is terminated for cause, the Board may assume operation of the school. If a charter is terminated, a student who attended the school may apply to and shall be enrolled in another public school under the enrollment provisions of Title 53G, Chapter 2, Part 2, subject to space availability.

7. Eligible Students:

All resident students of the state qualify for admission to a charter school subject to the limitations set forth in this section.

A charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the school. If the number of applications exceeds the capacity of a program, class, grade level, or the school, then students shall be selected on a random basis except that the school may give preference to:

- a) A student of a parent who has actively participated in the development of the school;
- b) Siblings of students presently enrolled in the school; or
- c) Students who reside within the school district in which the school is located.

When a public school converts to charter status, the school shall give enrollment preference to students who would have otherwise attended it as a regular public school. A charter school may not discriminate in its admission policies or practices on the same basis as other public schools may not discriminate in their admission policies and practices.

8. Employees of Charter Schools:

A charter school shall select its own employees. The school's governing body shall determine the level of compensation and all terms and conditions of employment, except as otherwise provided in this policy.

An employee of the District may be granted a leave of absence in order to work in a charter school. An employee of the District who chooses to work as an employee of a charter school in which the Emery School Board serves as the governing body shall retain seniority accrued in the District, and shall continue to be covered by the benefit program of the District. An employee of the District who chooses to work as an employee of a charter school in which an entity or individuals other than the Emery School Board serve as the governing body, shall not retain seniority accrued in the district and shall not continue to be covered by the benefit program of the District except as allowed under the leave provisions discussed above.

9. Funding and District Services for Charter Schools:

Funding and District services for approved charter schools shall be provided as outlined in Utah Code 53G-5-304 and 53F-2-302, 702, & 704, and the associated Administrative Rules.

10. Tort Liability:

The governing body of a charter school and the school are solely liable for any damages resulting from a legal challenge involving the operation of the school.