

State Charter School Board Policy Requirement of Signed Charter Document for Full Approval and Prior to Release of Any Public Funds

~~State Charter School Board Policy on~~

Requirement of Signed Charter Document Prior to Release of Any Public Funds

U.C.A. § 53A-1a-508 provides that “a charter agreement shall allow for the operation of the applicant’s proposed charter school” and that “a charter agreement shall include signatures of the charter school authorizer and the charter school’s governing board members.”

U.C.A. § 53A-1a-503.5 1(a) provides that an applicant to the State Charter School Board (SCSB) becomes a public school within the state’s public education system with the execution of a “legally binding written contractual agreement” (“Charter Agreement”).

Policy for Charter Agreement Execution for Full Approval

The SCSB vote to approve an application is a vote to allow the school to enter into a contractual agreement and become a public charter school. Public School status is only achieved after the Charter Agreement is fully executed.

Policy for Charter Agreement Execution

Policy for Charter Agreement Full Execution

A Charter Agreement is considered fully executed when:

- A fully-negotiated Charter Agreement and associated exhibits have been approved in an open and public meeting by both the Charter School’s governing board and SCSB prior to signing.
- The Charter Agreement is signed by both the SCSB and the authorized Charter School’s governing board members, as listed in the Charter Agreement.
- A signed Charter Agreement and Resolution from the meeting approving the agreement has been returned to the SCSB staff.

—A fully executed Charter Agreement has been returned to the SCSB

As time is of the essence, the Charter School’s governing board chair or designee shall work closely with SCSB staff soon after application approval to appropriately negotiate the Exhibit A, and any other exhibits.

As time is of the essence, SCSB staff will work closely with the Charter School’s governing board chair soon after application approval by the USBE to appropriately negotiate the Exhibit A portion of the charter contract.

Typically, the charter contract will appear on the SCSB’s consent calendar for approval will vote on the charter contract no later than its June meeting.

Policy for Charter Agreement Execution for Release of Funds

It is the SCSB’s policy that it will ~~not process, nor release~~ not submit to the USBE, any requests for public funds including but not limited to, Startup and Implementation Grant Funding, and Revolving Loan Funding to any ~~authorized~~ Charter School until a Charter Agreement is fully executed and signed by both the SCSB and the authorized Charter

School's governing board members, as provided in the Charter Agreement.

~~Additionally, the SCSB will advise the Utah State Board of Education (USB) to begin funding an authorized Charter School once the Charter Agreement, this policy and the requirements of the statutes provided above have been complied with. Specifically, the following must be completed: has been executed, and the requirements of this policy and statute and rule have been met.~~

~~A fully negotiated Charter Agreement has been approved in an open and public meeting by both the Charter School's governing board and SCSB prior to signing.~~

~~A fully executed Charter Agreement has been returned to the SCSB~~

~~As time is of the essence, SCSB staff will work closely with the Charter School's governing board chair soon after application approval by the USBE to appropriately negotiate the Exhibit A portion of the charter contract. Typically, the charter contract will appear on the SCSB's consent calendar for approval no later than its June meeting.~~