

Utah's charter school law is considered strong because it provides nearly equitable funding to charter schools, facilities funding, and a strong authorizing system that includes capable independent bodies such as universities and the semi-independent state charter board. However, enrollment caps imposed by the state board threaten true parent power.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (3)

APPROVAL	School boards and the Utah State Charter School Board, which is semi-independent but derives its authority from the State Board of Education can serve as authorizers. Designated universities and technical schools can authorize charters subject to the approval by the state board.
APPEAL	Yes. Applications denied by the school board or the Utah State Charter School Board may be appealed to the State Board of Education. The state board's decision is final.

OPERATIONAL AUTONOMY

STATE	Limited. Automatic exemptions for a small number of rules and regulations exist, but in most cases, waiver requests are considered on a case-by-case basis. Virtual schools are allowed. Management contracts with education service providers are not restricted in any way. The state charter board can impose additional restrictions, rules and regulations as it sees fit.
LOCAL	Limited. Waiver requests considered on a case-by-case basis. Employment and personnel decisions are left up to the charter school. Charter schools are LEAs for the purpose of special education.
TEACHER FREEDOM	Yes. Teachers are exempt from district collective bargaining agreements. Charter schools may opt in or opt out of the state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No cap on the number of schools in the state. The state charter school enrollment cap is regulated by the state board and is subject to legislative appropriation of funds. For the 2015-16 school year, an additional 8,450 students were allowed to attend charters over the 2014-15 enrollment of 66,578.
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EQUITY

<p>STUDENT FUNDING</p>	<p>Funds pass through the state. State sends the local share directly to schools after deducting the amount from the total the district receives. The district operating funds fluctuate year to year meaning funding inequity persists. University authorizers can charge up to three percent administrative fees in the first two years of operation.</p> <p>“(b) For the 2013-14 and 2014-15 school years, the number of weighted pupil units assigned to a charter school for the kindergarten and grades 1 through 12 programs of the Basic School Program shall be:</p> <p>(i) based on the higher of:</p> <p>(A) October 1 enrollment in the current school year; or</p> <p>(B) average daily membership in the prior school year plus growth as determined under Section 53A-17a-106; and</p> <p>(ii) weighted as provided in Subsection (3)(c).</p> <p>(c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows:</p> <p>(i) .55 for kindergarten pupils;</p> <p>(ii) .9 for pupils in grades 1 through 6;</p> <p>(iii) .99 for pupils in grades 7 through 8; and</p> <p>(iv) 1.2 for pupils in grades 9 through 12.</p> <p>(4)(a)(i) A school district shall allocate a portion of school district revenues for each resident student of the school district who is enrolled in a charter school on October 1 equal to 25% of the lesser of:</p> <p>(A) district per pupil local revenues; or</p> <p>(B) charter school students’ average local revenues.</p> <p>(ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program established under Chapter 28, Utah School Bond Guaranty Act.</p> <p>(b) The State Board of Education shall:</p> <p>(i) deduct an amount equal to the allocation provided under Subsection (4)(a) from state funds the school district is authorized to receive under Chapter 17a, Minimum School Program Act; and</p> <p>(ii) remit the money to the student’s charter school” Utah Code Ann. § 53A-1a-513 (West).</p>
<p>FACILITIES FUNDS</p>	<p>The Local Revenue Replacement Program provides per-pupil funding to replace some of the local property tax revenue charters do not receive. A minimum of ten percent of this money must be used on facilities. For FY 2012, charters received \$170 per pupil. There is also a School Building Revolving Account. [Utah Code Ann. §53A-21-401]</p>

LINK TO THE
UTAH CHARTER
SCHOOL LAW