

# UTAH

(Law passed in 1998; last amended in 2011;  
10th strongest of the nation's 42 charter laws)



85 charters serving 38,643 students.

1 charter school closed as of December 2011.

## NOTEWORTHY

American Preparatory Academy, a kindergarten through ninth grade school that focuses on mastery of fundamentals was named Utah Association of Public Charter Schools Charter School of the Year in June 2011. They believe that developing good character is as important as achieving high academic results, and the school is proving both can be developed, with 92 percent of students passing the state Language Arts Assessment over the last three years.

## 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. 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. Waiver requests considered on a case-by-case basis. State restrictions such as curriculum and scheduling rules, keep charters from being truly independent. Virtual schools are allowed. Management contracts with ESPs are not restricted. State charter board imposes additional restrictions 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.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. Charter schools may participate in state's retirement system, or may opt out and establish their own retirement system.

## NUMBER OF SCHOOLS ALLOWED

CAP	No cap on the number of schools. Enrollment cap regulated by state board is now 48,000 students. Each year, the cap increases by 1.4 percent of total school district enrollment. Because of the enrollment cap, if a school board wants to approve a charter, it must first notify the State Charter Board to ensure there is room.
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## EQUITY

<p>STUDENT FUNDING</p>	<p>Funds pass through the state. State sends local share directly to schools after deducting from the district. Schools receive same funding streams as conventional public schools.</p> <p>“Except as provided in Subsection (3)(b), a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds. (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows: (4) (a) (i) Except as provided in Subsection (4)(a)(ii), 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>(b) The State Board of Education shall: (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum School Program Act; (ii) remit the money to the student’s charter school.” [Utah Code Ann. § 53A-1a-513]</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 2009, charters received \$143 per pupil. [Utah Code Ann. §53A-21-401]</p>

[LINK TO THE UTAH CHARTER SCHOOL LAW](#)