

1st Sub. H.B. 332

USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS

Senator **Howard A. Stephenson** proposes the following amendments:

1. *Page 1, Line 16:*

16 {~~→ modifies an exemption for charter schools;~~}

2. *Page 2, Line 31:*

31 {~~53A-1a-511, as last amended by Laws of Utah 2007, Chapter 349~~}

3. *Page 2, Line 36 through Page 4, Line 88:*

36 { ~~Section 1. Section 53A-1a-511 is amended to read:~~
37 ~~53A-1a-511. Waivers from state board rules -- Application of statutes and rules~~
38 ~~to charter schools.~~
39 ~~(1) A charter school shall operate in accordance with its charter and is subject to Title~~
40 ~~53A, State System of Public Education, and other state laws applicable to public schools;~~
41 ~~except as otherwise provided in this part.~~
42 ~~(2) (a) A charter school or any other public school or school district may apply to the~~
43 ~~State Board of Education for a waiver of any state board rule that inhibits or hinders the school~~
44 ~~or the school district from accomplishing its mission or educational goals set out in its strategic~~
45 ~~plan or charter.~~
46 ~~(b) The state board may grant the waiver, unless:~~
47 ~~(i) the waiver would cause the school district or the school to be in violation of state or~~
48 ~~federal law; or~~
49 ~~(ii) the waiver would threaten the health, safety, or welfare of students in the district or~~
50 ~~at the school.~~
51 ~~(c) If the State Board of Education denies the waiver, the reason for the denial shall be~~
52 ~~provided in writing to the waiver applicant.~~
53 ~~(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules~~
54 ~~governing the following do not apply to a charter school:~~
55 ~~(i) school libraries;~~
56 ~~(ii) required school administrative and supervisory services; and~~
57 ~~(iii) required expenditures for instructional supplies.~~
58 ~~(b) A charter school shall comply with rules implementing statutes that prescribe how~~
59 ~~state appropriations may be spent.~~
60 ~~(4) The following provisions of Title 53A, State System of Public Education, and rules~~

61 adopted under those provisions, do not apply to a charter school:
62 ——— (a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school
63 community council and school improvement plan;
64 ——— [(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as
65 civic centers;]
66 ——— [(c)] (b) Section 53A-3-420, requiring the use of activity disclosure statements;
67 ——— [(d)] (c) Section 53A-12-207, requiring notification of intent to dispose of textbooks;
68 ——— [(e)] (d) Section 53A-13-107, requiring annual presentations on adoption;
69 ——— [(f)] (e) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school
70 districts and local school boards; and
71 ——— [(g)] (f) Section 53A-14-107, requiring an independent evaluation of instructional
72 materials:
73 ——— (5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school
74 shall be considered a local public procurement unit.
75 ——— (6) Each charter school shall be subject to:
76 ——— (a) Title 52, Chapter 4, Open and Public Meetings Act; and
77 ——— (b) Title 63, Chapter 2, Government Records Access and Management Act.
78 ——— (7) (a) The State Charter School Board shall, in concert with the charter schools, study
79 existing state law and administrative rules for the purpose of determining from which laws and
80 rules charter schools should be exempt.
81 ——— (b) (i) The State Charter School Board shall present recommendations for exemption to
82 the State Board of Education for consideration.
83 ——— (ii) The State Board of Education shall consider the recommendations of the State
84 Charter School Board and respond within 60 days.
85 ——— (8) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings and
86 grounds as civic centers, and rules adopted under those provisions, do not apply to a charter
87 school that leases its buildings and ground s. — }

88 Section {2} 1 . Section 53A-3-413 is amended to read:

4. Page 4, Line 98

Senate Committee Amendments

2-25-2008:

98 Section {3} 2 . Section 53A-3-414 is amended to read: