

OPERATION AND MANAGEMENT OF CHARTER SCHOOLS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill imposes requirements pertaining to the operation and management of charter schools.

Highlighted Provisions:

This bill:

- ▶ provides that a chartering entity may use certain data to measure the performance of a charter school;
- ▶ prohibits a chartering entity from imposing performance standards that would limit a charter school from accomplishing the purposes of charter schools;
- ▶ requires a charter to include an acknowledgment that neither the chartering entity nor the state is liable for the debts or financial obligations of the charter school; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-507, as last amended by Laws of Utah 2007, Chapter 344

53A-1a-508, as last amended by Laws of Utah 2010, Chapter 353



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-1a-507** is amended to read:

53A-1a-507. Requirements for charter schools.

(1) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(2) A charter school may not charge tuition or fees, except those fees normally charged by other public schools.

(3) A charter school shall meet all applicable federal, state, and local health, safety, and civil rights requirements.

(4) (a) A charter school shall make the same annual reports required of other public schools under [~~Title 53A, State System of Public Education~~] this title, including an annual financial audit report.

(b) A charter school shall file its annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.

(5) (a) A charter school shall be accountable to its chartering entity for performance as provided in the school's charter.

(b) To measure the performance of a charter school, a chartering entity may use data contained in:

(i) the charter school's annual financial audit report;

(ii) a report submitted by the charter school as required by statute; or

(iii) a report submitted by the charter school as required by its charter.

(c) A chartering entity may not impose performance standards ~~§~~→ , except as permitted by statute, ←~~§~~ that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section 53A-1a-503 ~~§~~→ or as otherwise provided in law ←~~§~~ .

(6) A charter school may not advocate unlawful behavior.

(7) Except as provided in Section 53A-1-515, a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its authorization.

(8) A charter school shall provide adequate liability and other appropriate insurance.

(9) Beginning on July 1, 2007, a charter school shall submit any lease, lease-purchase

59 agreement, or other contract or agreement relating to the charter school's facilities or financing
60 the charter school facilities to its chartering entity for review and advice prior to the charter
61 school entering into the lease, agreement, or contract.

62 (10) A charter school may not employ an educator whose license has been suspended
63 or revoked by the State Board of Education as provided in Section 53A-6-501.

64 Section 2. Section **53A-1a-508** is amended to read:

65 **53A-1a-508. Content of a charter -- Modification of charter.**

66 (1) The major issues involving the operation of a charter school shall be considered in
67 advance by the applicant for a charter school and written into the school's charter.

68 (2) The governing body of the charter school and the chartering entity shall sign the
69 charter.

70 (3) The charter shall include:

71 (a) the age or grade levels to be served by the school;

72 (b) the projected maximum number of students to be enrolled in the school and the
73 projected enrollment in each of the first three years of operations;

74 (c) the governance structure of the school;

75 (d) the financial plan for the school and the provisions which will be made for auditing
76 the school under Subsection 53A-1a-507(4);

77 (e) the mission and education goals of the school, the curriculum offered, and the
78 methods of assessing whether students are meeting educational goals, to include at a minimum
79 participation in the Utah Performance Assessment System for Students under Chapter 1, Part 6,
80 Achievement Tests;

81 (f) admission and dismissal procedures, including suspension procedures;

82 (g) procedures to review complaints of parents regarding the operation of the school;

83 (h) the opportunity for parental involvement at the school;

84 (i) how the school will provide adequate liability and other appropriate insurance for
85 the school, its governing body, and its employees;

86 (j) the proposed school calendar, including the length of the school day and school
87 year;

88 (k) whether any agreements have been entered into or plans developed with school
89 districts regarding participation of charter school students in extracurricular activities within

90 the school districts;

91 (l) the district within which the school will be located and the address of the school's
92 physical facility, if known at the time the charter is signed;

93 (m) the qualifications to be required of the teachers, including the requirement of a
94 criminal background check;

95 (n) in the case of an existing public school converting to charter status, alternative
96 arrangements for current students who choose not to attend the charter school and for current
97 teachers who choose not to teach at the school after its conversion to charter status;

98 (o) the school's intention to create a library;

99 (p) a description of school administrative and supervisory services;

100 (q) fiscal procedures that are consistent with generally accepted financial management
101 standards to be used by the school; [~~and~~]

102 (r) the school's policies and procedures regarding:

103 (i) employee evaluation; and

104 (ii) employment of relatives[-]; and

105 (s) an acknowledgment that neither the chartering entity nor the state, including an
106 agency of the state, is liable for the debts or financial obligations of the charter school or
107 persons or entities who operate the charter school.

108 (4) A charter may be modified by mutual agreement of the chartering entity and the
109 governing body of the school.

110 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
111 State Board of Education shall make rules that establish the procedures and deadlines for
112 approved charter schools to apply and qualify for expansion, including the establishment of
113 satellite campuses.

Legislative Review Note
as of 2-25-11 11:09 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 388

SHORT TITLE: Operation and Management of Charter Schools

SPONSOR: Herrod, C.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.