

CHARTER SCHOOL REVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies provisions pertaining to charter schools.

Highlighted Provisions:

This bill:

- requires the State Board of Education to prioritize charter schools for funding when the Legislature does not appropriate enough funds for all tentatively approved charter schools; and

- increases the annual fee that a higher education institution may charge to provide oversight of, and technical support to, a charter school established as authorized by the higher education institution.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-502.5, as last amended by Laws of Utah 2010, Chapters 162, 303, and 353

53A-1a-521, as enacted by Laws of Utah 2010, Chapter 353

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



28 Section 1. Section **53A-1a-502.5** is amended to read:

29 **53A-1a-502.5. Approval of increase in charter school enrollment capacity.**

30 (1) The State Board of Education may approve an increase in charter school enrollment
31 capacity in the 2012-13 school year or thereafter subject to the Legislature appropriating funds
32 for the increase in charter school enrollment capacity.

33 (2) (a) If the Legislature does not appropriate funds for an increase in charter school
34 enrollment capacity that is tentatively approved by the State Board of Education, the State
35 Board of Education shall [~~request the State Charter School Board to~~] prioritize the tentatively
36 approved schools and expansions based on approved funds.

37 [~~(b) The State Charter School Board shall submit a prioritized list of tentatively~~
38 ~~approved schools and expansions to the State Board of Education for final approval.]~~

39 [(~~ε~~) (b) A charter school or expansion that is tentatively approved, but not funded,
40 shall be considered to be tentatively approved for the next application year and receive priority
41 status for available funding.

42 Section 2. Section **53A-1a-521** is amended to read:

43 **53A-1a-521. Authorization of a charter school by a board of trustees of a higher**
44 **education institution.**

45 (1) Subject to the approval of the State Board of Education and except as provided in
46 Subsection [(~~7~~) (8)], an individual or entity identified in Section 53A-1a-504 may enter into an
47 agreement with a board of trustees of a higher education institution to establish and operate a
48 charter school.

49 (2) (a) An individual or entity identified in Section 53A-1a-504 applying for
50 authorization from a board of trustees of a higher education institution to establish and operate
51 a charter school shall provide a copy of the application to the State Charter School Board and
52 the local school board of the school district in which the proposed charter school shall be
53 located either before or at the same time it files its application with the board of trustees.

54 (b) The State Charter School Board and the local school board may review the
55 application and may offer suggestions or recommendations to the applicant or the board of
56 trustees of a higher education institution prior to its acting on the application.

57 (c) The board of trustees of a higher education institution shall give due consideration
58 to suggestions or recommendations made by the State Charter School Board or the local school

59 board under Subsection (2)(b).

60 (3) (a) If a board of trustees of a higher education institution approves an application to
61 establish and operate a charter school, the board of trustees shall submit the application to the
62 State Board of Education.

63 (b) The State Board of Education shall, by majority vote, within 60 days of receipt of
64 the application approve or deny an application approved by a board of trustees of a higher
65 education institution.

66 (c) The State Board of Education's action under Subsection (3)(b) is final action subject
67 to judicial review.

68 (4) The State Board of Education shall make a rule providing a timeline for the
69 opening of a charter school following the approval of a charter school application by a board of
70 trustees of a higher education institution.

71 (5) (a) After approval of a charter school application, the applicant and the board of
72 trustees of a higher education institution shall set forth the terms and conditions for the
73 operation of the charter school in a written contractual agreement.

74 (b) The agreement is the school's charter.

75 ~~[(e)(i)]~~ (6)(a) The school's charter may include a provision that the charter school pay
76 an annual fee for the board of trustees' costs in providing oversight of, and technical support to,
77 the charter school in accordance with Subsection ~~[(6)]~~ (7).

78 ~~[(ii) An]~~ (b) In the first two years that a charter school is in operation, an annual fee
79 described in Subsection ~~[(5)(e)(i)-(A)]~~ (6)(a) may not exceed the product of:

80 ~~[(F)]~~ (i) [1%] 3% of the ~~[value of the weighted pupil unit as established in statute for~~
81 ~~the current fiscal year]~~ revenue the charter school receives from the state in the current fiscal
82 year; and

83 ~~[(H)]~~ (ii) the October 1 enrollment count of the charter school for the current fiscal
84 year[;].

85 (c) Beginning with the third year that a charter school is in operation, an annual fee
86 described in Subsection (6)(a) may not exceed the product of:

87 (i) 1% of the revenue a charter school receives from the state in the current fiscal year;
88 and

89 (ii) the October 1 enrollment count of the charter school for the current fiscal year.

90 (d) An annual fee described in Subsection (6)(a) shall be:
91 [~~(B)~~] (i) [~~shall be~~] paid to the board of trustees' higher education institution; and
92 [~~(C)~~] (ii) [~~shall be~~] expended as directed by the board of trustees.
93 [~~(6)~~] (7) A board of trustees of a higher education institution shall:
94 (a) annually review and evaluate the performance of charter schools authorized by the
95 board of trustees and hold the schools accountable for their performance;
96 (b) monitor charter schools authorized by the board of trustees for compliance with
97 federal and state laws, rules, and regulations; and
98 (c) provide technical support to charter schools authorized by the board of trustees to
99 assist them in understanding and performing their charter obligations.
100 [~~(7)~~] (8) (a) In addition to complying with the requirements of this section, a campus
101 board of directors of a college campus within the Utah College of Applied Technology shall
102 obtain the approval of the Utah College of Applied Technology Board of Trustees before
103 entering into an agreement to establish and operate a charter school.
104 (b) The Utah College of Applied Technology Board of Trustees shall establish a policy
105 for granting approval to a campus board of directors to enter into an agreement to establish and
106 operate a charter school.

Legislative Review Note
as of 2-21-12 9:31 AM

Office of Legislative Research and General Counsel