

**AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER
EDUCATION INSTITUTIONS**

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: J. Stuart Adams

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill modifies provisions regarding the authorization of a charter school by a higher education institution.

Highlighted Provisions:

This bill:

- ▶ establishes procedures and criteria for the approval of a charter school application by the Utah College of Applied Technology Board of Trustees;
- ▶ provides that a charter school application may not be denied due to certain impacts to a public school;
- ▶ allows a campus board of directors of a college campus within the Utah College of Applied Technology to establish procedures and criteria related to charter school applications; and
- ▶ modifies an annual fee for payment of a board of trustee's costs in providing oversight and technical support to a charter school.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

53A-1a-521, as last amended by Laws of Utah 2012, Chapter 139

30

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

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

33 **53A-1a-521. Authorization of a charter school by a board of trustees of a higher**
34 **education institution.**

35 (1) Subject to the approval of the State Board of Education and except as provided in
36 Subsection (8), an individual or entity identified in Section 53A-1a-504 may enter into an
37 agreement with a board of trustees of a higher education institution authorizing the individual
38 or entity to establish and operate a charter school.

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

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

47 (c) The board of trustees of a higher education institution shall give due consideration
48 to suggestions or recommendations made by the State Charter School Board or the local school
49 board under Subsection (2)(b).

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

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

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

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

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

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

65 (6) (a) The school's charter may include a provision that the charter school pay an
66 annual fee for the board of trustees' costs in providing oversight of, and technical support to,
67 the charter school in accordance with Subsection (7).

68 (b) In the first two years that a charter school is in operation, an annual fee described in
69 Subsection (6)(a) may not exceed the product of ~~[(+)]~~ 3% of the revenue the charter school
70 receives from the state in the current fiscal year ~~[; and]~~.

71 ~~[(ii) the October 1 enrollment count of the charter school for the current fiscal year.]~~

72 (c) Beginning with the third year that a charter school is in operation, an annual fee
73 described in Subsection (6)(a) may not exceed the product of ~~[(+)]~~ 1% of the revenue a charter
74 school receives from the state in the current fiscal year ~~[; and]~~.

75 ~~[(ii) the October 1 enrollment count of the charter school for the current fiscal year.]~~

76 (d) An annual fee described in Subsection (6)(a) shall be:

77 (i) paid to the board of trustees' higher education institution; and

78 (ii) expended as directed by the board of trustees.

79 (7) A board of trustees of a higher education institution shall:

80 (a) annually review and evaluate the performance of charter schools authorized by the
81 board of trustees and hold the schools accountable for their performance;

82 (b) monitor charter schools authorized by the board of trustees for compliance with
83 federal and state laws, rules, and regulations; and

84 (c) provide technical support to charter schools authorized by the board of trustees to
85 assist them in understanding and performing their charter obligations.

86 (8) (a) In addition to complying with the requirements of this section, a campus board
87 of directors of a college campus within the Utah College of Applied Technology shall obtain
88 the approval of the Utah College of Applied Technology Board of Trustees before entering into
89 an agreement to establish and operate a charter school.

90 (b) If a campus board of directors of a college campus with the Utah College of
91 Applied Technology approves an application to establish and operate a charter school, the
92 campus board of directors of the college campus shall submit the application to the Utah
93 College of Applied Technology Board of Trustees.

94 (c) The Utah College of Applied Technology Board of Trustees shall, by majority vote,
95 within 60 days or receipt of the application, approve or deny the application approved by the
96 campus board of directors.

97 (d) The Utah College of Applied Technology Board of Trustees may deny an
98 application approved by a campus board of directors if the proposed charter school does not
99 accomplish a purpose of charter schools as provided in Section 53A-1a-503.

100 (e) A charter school application may not be denied on the basis that the establishment
101 of the charter school will have any or all of the following impacts on a public school, including
102 another charter school:

- 103 (i) an enrollment decline;
- 104 (ii) a decrease in funding; or
- 105 (iii) a modification of programs or services.

106 ~~[(b) The Utah College of Applied Technology Board of Trustees shall establish a~~
107 ~~policy for granting approval to a campus board of directors to enter into an agreement to~~
108 ~~establish and operate a charter school.]~~

109 (9) (a) Subject to the requirements of this part, a campus board of directors of a college
110 campus within the Utah College of Applied Technology may establish:

- 111 (i) procedures for submitting applications to establish and operate a charter school to a
112 campus board of directors of a college campus within the Utah College of Applied Technology;
113 and

114 (ii) criteria for a campus board of directors' approval of an application to establish and
115 operate a charter school.

116 (b) The Utah College of Applied Technology Board of Trustees may not establish
117 policy governing the procedures or criteria described in Subsection (9)(a).

118 Section 2. **Effective date.**

119 If approved by two-thirds of all the members elected to each house, this bill takes effect
120 upon approval by the governor, or the day following the constitutional time limit of Utah
121 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
122 the date of veto override.