

1                   **CHARTER SCHOOL AUTHORIZATION AMENDMENTS**

2                                   2015 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Aaron Osmond**

5                   House Sponsor: \_\_\_\_\_

---

7   **LONG TITLE**

8   **General Description:**

9           This bill allows a municipal legislative body to authorize a charter school located  
10 within the municipality's boundaries.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ allows a municipal legislative body to authorize a charter school to be established  
14 and operated within the municipality's boundaries, subject to the approval of the  
15 State Board of Education;

16           ▶ specifies procedures for the application and approval of a charter school authorized  
17 by a municipal legislative body;

18           ▶ allows a municipal legislative body to impose a fee, up to a certain amount, for  
19 costs of oversight of, and technical assistance to, a charter school; and

20           ▶ prescribes a municipal legislative body's responsibilities related to authorizing a  
21 charter school.

22 **Money Appropriated in this Bill:**

23           None

24 **Other Special Clauses:**

25           None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **53A-1a-501.3**, as last amended by Laws of Utah 2014, Chapter 363

29 ENACTS:

30 **53A-1a-524**, Utah Code Annotated 1953

31 

---

---

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

33 Section 1. Section **53A-1a-501.3** is amended to read:

34 **53A-1a-501.3. Definitions.**

35 As used in this part:

36 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and  
37 includes:

- 38 (a) cash;
- 39 (b) stock or other investments;
- 40 (c) real property;
- 41 (d) equipment and supplies;
- 42 (e) an ownership interest;
- 43 (f) a license;
- 44 (g) a cause of action; and
- 45 (h) any similar property.

46 (2) "Board of trustees of a higher education institution" or "board of trustees" means:

- 47 (a) the board of trustees of:
  - 48 (i) the University of Utah;
  - 49 (ii) Utah State University;
  - 50 (iii) Weber State University;
  - 51 (iv) Southern Utah University;
  - 52 (v) Snow College;
  - 53 (vi) Dixie State University;
  - 54 (vii) Utah Valley University; or
  - 55 (viii) Salt Lake Community College; or
- 56 (b) the campus board of directors of a college campus within the Utah College of  
57 Applied Technology.

58 (3) "Charter agreement" or "charter" means an agreement made in accordance with

59 Section 53A-1a-508, that authorizes the operation of a charter school.

60 (4) "Charter school authorizer" or "authorizer" means the State Charter School Board, a  
61 local school board, [or] the board of trustees of a higher education institution, or a municipal  
62 legislative body that authorizes the establishment of a charter school.

63 (5) "Governing board" means the board that operates a charter school.

64 (6) "Municipal legislative body" means the council of a city or town in any form of  
65 municipal government.

66 Section 2. Section **53A-1a-524** is enacted to read:

67 **53A-1a-524. Charter schools authorized by a municipal legislative body --**  
68 **Application process -- Board of trustees responsibilities.**

69 (1) Subject to the approval of the State Board of Education, an applicant identified in  
70 Section 53A-1a-504 may enter into an agreement with a municipal legislative body authorizing  
71 the applicant to establish and operate a charter school within the boundaries of the  
72 municipality.

73 (2) (a) An applicant applying for authorization from a municipal legislative body to  
74 establish and operate a charter school shall provide a copy of the application to the State  
75 Charter School Board and the local school board of the school district in which the proposed  
76 charter school will be located either before or at the same time the applicant files the  
77 application with the municipal legislative body.

78 (b) The State Charter School Board and the local school board may review the  
79 application and offer suggestions or recommendations to the applicant or the municipal  
80 legislative body before the municipal legislative body acts on the application.

81 (c) The municipal legislative body shall give due consideration to suggestions or  
82 recommendations made by the State Charter School Board or the local school board under  
83 Subsection (2)(b).

84 (3) (a) If a municipal legislative body approves an application to establish and operate  
85 a charter school, the municipal legislative body shall submit the application to the State Board  
86 of Education.

87 (b) The State Board of Education shall, by majority vote, approve or deny an  
88 application approved by a municipal legislative body within 60 days of receipt of the  
89 application.

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

92 (4) The State Board of Education shall make a rule providing a time line for the  
93 opening of a charter school following the approval of a charter school application by a  
94 municipal legislative body.

95 (5) After approval of a charter school application, the applicant and the municipal  
96 legislative body shall set forth the terms and conditions for the operation of the charter school  
97 in a written charter agreement.

98 (6) (a) The school's charter may include a provision that the charter school pay an  
99 annual fee for the municipal legislative body's costs in providing oversight of, and technical  
100 support to, the charter school in accordance with Subsection (7).

101 (b) In the first two years that a charter school is in operation, an annual fee described in  
102 Subsection (6)(a) may not exceed the product of 3% of the revenue the charter school receives  
103 from the state in the current fiscal year.

104 (c) Beginning with the third year that a charter school is in operation, an annual fee  
105 described in Subsection (6)(a) may not exceed the product of 1% of the revenue a charter  
106 school receives from the state in the current fiscal year.

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

108 (i) paid to the municipality; and

109 (ii) expended as directed by the municipal legislative body.

110 (7) A municipal legislative body shall:

111 (a) annually review and evaluate the performance of a charter school authorized by the  
112 municipal legislative body and hold the school accountable for the school's performance;

113 (b) monitor a charter school authorized by the municipal legislative body for  
114 compliance with federal and state laws, rules, and regulations; and

115 (c) provide technical support to a charter school authorized by the municipal legislative  
116 body to assist the school in understanding and performing the school's charter obligations.

117 (8) Before a municipal legislative body accepts a charter school application, the  
118 municipal legislative body shall, in accordance with State Board of Education rules, establish  
119 and make public the municipal legislative body's:

120 (a) application requirements, in accordance with Section [53A-1a-504](#);

- 121           (b) application process, including time lines, in accordance with this section; and  
122           (c) minimum academic, financial, and enrollment standards.
- 
- 

**Legislative Review Note**  
as of 9-16-14 1:40 PM

**Office of Legislative Research and General Counsel**