

CHARTER SCHOOL AUTHORIZER AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends definitions related to a charter school authorizer.

Highlighted Provisions:

This bill:

▶ amends the definition of "board of trustees of a higher education institution" to include other higher education institutions;

▶ requires certain charter school authorizers to hold a hearing on termination of a charter in accordance with Title 63G, Chapter 4, Administrative Procedures Act;

and

▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

53A-1a-510, as last amended by Laws of Utah 2015, Chapter 449

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



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

29 **53A-1a-501.3. Definitions.**

30 As used in this part:

31 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and

32 includes:

33 (a) cash;

34 (b) stock or other investments;

35 (c) real property;

36 (d) equipment and supplies;

37 (e) an ownership interest;

38 (f) a license;

39 (g) a cause of action; and

40 (h) any similar property.

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

42 (a) the board of trustees of:

43 (i) the University of Utah;

44 (ii) Utah State University;

45 (iii) Weber State University;

46 (iv) Southern Utah University;

47 (v) Snow College;

48 (vi) Dixie State University;

49 (vii) Utah Valley University; [or]

50 (viii) Salt Lake Community College; or

51 (ix) any other institution of higher education that:

52 (A) has a physical presence in the state; and

53 (B) is accredited by a regional or national accrediting body recognized by the United

54 States Department of Education; or

55 (b) the campus board of directors of a college campus within the Utah College of

56 Applied Technology.

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

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

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

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

63 Section 2. Section **53A-1a-510** is amended to read:

64 **53A-1a-510. Termination of a charter.**

65 (1) Subject to the requirements of Subsection (3), a charter school authorizer may
66 terminate a school's charter for any of the following reasons:

67 (a) failure of the charter school to meet the requirements stated in the charter;

68 (b) failure to meet generally accepted standards of fiscal management;

69 (c) subject to Subsection (8), failure to make adequate yearly progress under the No
70 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

71 (d) (i) designation as a low performing school under Chapter 1, Part 11, School
72 Grading Act; and

73 (ii) failure to improve the school's grade under the conditions described in Chapter 1,
74 Part 12, School Turnaround and Leadership Development Act;

75 (e) violation of requirements under this part or another law; or

76 (f) other good cause shown.

77 (2) (a) The authorizer shall notify the following of the proposed termination in writing,
78 state the grounds for the termination, and stipulate that the governing board may request an
79 informal hearing before the authorizer:

80 (i) the governing board of the charter school; and

81 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in
82 accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, the Utah
83 Charter School Finance Authority.

84 (b) (i) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing
85 in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
86 receiving a written request under Subsection (2)(a).

87 (ii) If an authorizer under Subsection (2)(b)(i) is an authorizer described in Subsection
88 53A-1a-501.3(2)(a)(ix), the authorizer shall conduct the hearing and comply with Title 63G,
89 Chapter 4, Administrative Procedures Act, in the same manner as any other authorizer.

90 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
91 the governing board of the charter school may appeal the decision to the State Board of
92 Education.

93 (d) (i) The State Board of Education shall hear an appeal of a termination made
94 pursuant to Subsection (2)(c).

95 (ii) The State Board of Education's action is final action subject to judicial review.

96 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
97 with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
98 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
99 120 days or more after notifying the following of the proposed termination:

100 (A) the governing board of the qualifying charter school; and

101 (B) the Utah Charter School Finance Authority.

102 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
103 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
104 remedied in lieu of termination of the qualifying charter school's charter.

105 (3) An authorizer may not terminate the charter of a qualifying charter school with
106 outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit
107 Enhancement Program, without mutual agreement of the Utah Charter School Finance
108 Authority and the authorizer.

109 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
110 the State Board of Education shall make rules that require a charter school to report any threats
111 to the health, safety, or welfare of its students to the State Charter School Board in a timely
112 manner.

113 (b) The rules under Subsection (4)(a) shall also require the charter school report to
114 include what steps the charter school has taken to remedy the threat.

115 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
116 charter immediately if good cause has been shown or if the health, safety, or welfare of the
117 students at the school is threatened.

118 (6) If a charter is terminated during a school year, the following entities may apply to
119 the charter school's authorizer to assume operation of the school:

120 (a) the school district where the charter school is located;

- 121 (b) the governing board of another charter school; or
- 122 (c) a private management company.
- 123 (7) (a) If a charter is terminated, a student who attended the school may apply to and
- 124 shall be enrolled in another public school under the enrollment provisions of Chapter 2, Part 2,
- 125 District of Residency, subject to space availability.
- 126 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).
- 127 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter
- 128 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are
- 129 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

Legislative Review Note
Office of Legislative Research and General Counsel