

Effective 5/10/2016

53A-1a-509.5 Voluntary school improvement process.

- (1) As used in this section, "high performing charter school" means a charter school that:
 - (a) satisfies all requirements of state law and State Board of Education rules;
 - (b) has operated for at least three years meeting the terms of the school's charter agreement; and
 - (c) has students performing at or above the academic performance standard in the school's charter agreement.
- (2)
 - (a) Subject to Subsection (2)(b), a governing board may voluntarily request the charter school's authorizer to place the school in a school improvement process.
 - (b) A governing board shall provide notice and a hearing on the governing board's intent to make a request under Subsection (2)(a) to parents and guardians of students enrolled in the charter school.
- (3) An authorizer may grant a governing board's request to be placed in a school improvement process if the governing board has provided notice and a hearing under Subsection (2)(b).
- (4) An authorizer that has entered into a school improvement process with a governing board shall:
 - (a) enter into a contract with the governing board on the terms of the school improvement process;
 - (b) notify the State Board of Education that the authorizer has entered into a school improvement process with the governing board;
 - (c) make a report to a committee of the State Board of Education regarding the school improvement process; and
 - (d) notify the Utah Charter School Finance Authority that the authorizer has entered into a school improvement process with the governing board if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program.
- (5) Upon notification under Subsection (4)(b), and after the report described in Subsection (4)(c), the State Board of Education shall notify charter schools and the school district in which the charter school is located that the governing board has entered into a school improvement process with the charter school's authorizer.
- (6) A high performing charter school or the school district in which the charter school is located may apply to the governing board to assume operation and control of the charter school that has been placed in a school improvement process.
- (7) A governing board that has entered into a school improvement process shall review applications submitted under Subsection (6) and submit a proposal to the charter school's authorizer to:
 - (a) terminate the school's charter, notwithstanding the requirements of Section 53A-1a-510; and
 - (b) transfer operation and control of the charter school to:
 - (i) the school district in which the charter school is located; or
 - (ii) a high performing charter school.
- (8) Except as provided in Subsection (9) and subject to Subsection (10), an authorizer may:
 - (a) approve a governing board's proposal under Subsection (7); or
 - (b)
 - (i) deny a governing board's proposal under Subsection (7); and
 - (ii)
 - (A) terminate the school's charter in accordance with Section 53A-1a-510;
 - (B) allow the governing board to submit a revised proposal; or

(C) take no action.

(9) An authorizer may not take an action under Subsection (8) for a qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.

(10)

(a) An authorizer that intends to transfer operation and control of a charter school as described in Subsection (7)(b) shall request approval from the State Board of Education.

(b)

(i) The State Board of Education shall consider an authorizer's request under Subsection (10)(a) within 30 days of receiving the request.

(ii) If the State Board of Education denies an authorizer's request under Subsection (10)(a), the authorizer may not transfer operation and control of the charter school as described in Subsection (7)(b).

(iii) If the State Board of Education does not take action on an authorizer's request under Subsection (10)(a) within 30 days of receiving the request, an authorizer may proceed to transfer operation and control of the charter school as described in Subsection (7)(b).

Amended by Chapter 363, 2016 General Session