

**Effective 7/1/2016**

**53A-1a-513 Funding for charter schools.**

- (1) As used in this section:
  - (a) "Basic program" means the same as that term is defined in Section 53A-17a-103.
  - (b) "Charter school students' average local revenues" means the amount determined as follows:
    - (i) for each student enrolled in a charter school on the previous October 1, calculate the district per pupil local revenues of the school district in which the student resides;
    - (ii) sum the district per pupil local revenues for each student enrolled in a charter school on the previous October 1; and
    - (iii) divide the sum calculated under Subsection (1)(b)(ii) by the number of students enrolled in charter schools on the previous October 1.
  - (c) "Charter school levy per pupil revenues" means the same as that term is defined in Section 53A-1a-513.1.
  - (d) "District local property tax revenues" means the sum of a school district's revenue received from the following:
    - (i) a voted local levy imposed under Section 53A-17a-133;
    - (ii) a board local levy imposed under Section 53A-17a-164, excluding revenues expended for:
      - (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of taxable value of the school district's board local levy; and
      - (B) the K-3 Reading Improvement Program, up to the amount of revenue generated by a .000121 per dollar of taxable value of the school district's board local levy;
    - (iii) a capital local levy imposed under Section 53A-16-113; and
    - (iv) a guarantee described in Section 53A-17a-133, 53A-17a-164, 53A-21-202, or 53A-21-302.
  - (e) "District per pupil local revenues" means, using data from the most recently published school district annual financial reports and state superintendent's annual report, an amount equal to district local property tax revenues divided by the sum of:
    - (i) a school district's average daily membership; and
    - (ii) the average daily membership of a school district's resident students who attend charter schools.
  - (f) "Resident student" means a student who is considered a resident of the school district under Title 53A, Chapter 2, Part 2, District of Residency.
  - (g) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:
    - (i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and
    - (ii) divide the sum calculated under Subsection (1)(g)(i) by statewide school district average daily membership.
- (2)
  - (a) Charter schools shall receive funding as described in this section, except Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).
  - (b) Charter schools authorized by local school boards that are converted from district schools or operate in district facilities without paying reasonable rent shall receive funding as prescribed in Section 53A-1a-515.
- (3)
  - (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds.
  - (b) For the 2015-16 school year, the number of weighted pupil units assigned to a charter school for the kindergarten and grades 1 through 12 programs of the Basic School Program shall be:

- (i) based on the higher of:
  - (A) October 1 enrollment in the current school year; or
  - (B) average daily membership in the prior school year plus growth as determined under Section 53A-17a-106; and
- (ii) weighted as provided in Subsection (3)(c).
- (c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows:
  - (i) .55 for kindergarten pupils;
  - (ii) .9 for pupils in grades 1 through 6;
  - (iii) .99 for pupils in grades 7 through 8; and
  - (iv) 1.2 for pupils in grades 9 through 12.
- (4)
  - (a)
    - (i) A school district shall allocate a portion of school district revenues for each resident student of the school district who is enrolled in a charter school on the previous October 1 equal to 25% of the district per pupil local revenues excluding the amount of revenues:
      - (A) described in Subsection (1)(d)(iv) collected by the district; and
      - (B) expended by the school district for recreational facilities and activities authorized under Title 11, Chapter 2, Playgrounds.
    - (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program established under Chapter 28, Utah School Bond Guaranty Act.
  - (b) The State Board of Education shall:
    - (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from state funds the school district is authorized to receive under Chapter 17a, Minimum School Program Act; and
    - (ii) remit the money to the student's charter school.
  - (c) Notwithstanding the method used to transfer school district revenues to charter schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter schools under this section from:
    - (i) unrestricted revenues available to the school district; or
    - (ii) the revenue sources listed in Subsection (1)(d) based on the portion of the allocations to charter schools attributed to each of the revenue sources listed in Subsection (1)(d).
  - (d)
    - (i) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each student enrolled on October 1 to supplement the allocation of school district revenues under Subsection (4)(a).
    - (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the state for a charter school student shall be the sum of:
      - (A) charter school students' average local revenues minus the allocation of school district revenues under Subsection (4)(a); and
      - (B) statewide average debt service revenues.
    - (iii) If the total of a school district's allocation for a charter school student under Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than \$1427, the state shall provide an additional supplement so that a charter school receives at least \$1427 per student under this Subsection (4).
    - (iv)
      - (A) If the appropriation provided under this Subsection (4)(d) is less than the amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated among

charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.

(B) If the State Board of Education makes adjustments to Minimum School Program allocations as provided under Section 53A-17a-105, the allocation provided in Subsection (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

(e)

(i) Except as provided in Subsection (4)(e)(ii), of the money provided to a charter school under this Subsection (4), 10% shall be expended for funding school facilities only.

(ii) Subsection (4)(e)(i) does not apply to an online charter school.

(f) This Subsection (4) is repealed July 1, 2017.

(5)

(a) As described in Section 53A-1a-513.1, the State Board of Education shall distribute charter school levy per pupil revenues to charter schools.

(b)

(i) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection (5)(a).

(ii) Except as provided in Subsection (5)(b)(iii), the amount of money provided by the state for a charter school student shall be the sum of:

(A) charter school students' average local revenues minus the charter school levy per pupil revenues; and

(B) statewide average debt service revenues.

(iii) If the total of charter school levy per pupil revenues and the amount provided by the state under Subsection (5)(b)(ii) is less than \$1,427, the state shall provide an additional supplement so that a charter school receives at least \$1,427 per student under this Subsection (5).

(iv)

(A) If the appropriation provided under this Subsection (5)(b) is less than the amount prescribed by Subsection (5)(b)(ii) or (5)(b)(iii), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.

(B) If the State Board of Education makes adjustments to Minimum School Program allocations as provided under Section 53A-17a-105, the allocation provided in Subsection (5)(b)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

(c)

(i) Of the money provided to a charter school under this Subsection (5), 10% shall be expended for funding school facilities only.

(ii) Subsection (5)(c)(i) does not apply to an online charter school.

(d) This Subsection (5) is effective July 1, 2017.

(6) Charter schools are eligible to receive federal funds if they meet all applicable federal requirements and comply with relevant federal regulations.

(7) The State Board of Education shall distribute funds for charter school students directly to the charter school.

(8)

(a) Notwithstanding Subsection (3), a charter school is not eligible to receive state transportation funding.

(b) The board shall also adopt rules relating to the transportation of students to and from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.

- (c) The governing board of the charter school may provide transportation through an agreement or contract with the local school board, a private provider, or parents.
- (9)
- (a)
    - (i) In accordance with Section 53A-1a-513.5, the State Charter School Board may allocate grants for start-up costs to charter schools from money appropriated for charter school start-up costs.
    - (ii) The governing board of a charter school that receives money from a grant under Section 53A-1a-513.5 shall use the grant for expenses for planning and implementation of the charter school.
  - (b) The State Board of Education shall coordinate the distribution of federal money appropriated to help fund costs for establishing and maintaining charter schools within the state.
- (10)
- (a) A charter school may receive, hold, manage and use any devise, bequest, grant, endowment, gift, or donation of any property made to the school for any of the purposes of this part.
  - (b) It is unlawful for any person affiliated with a charter school to demand or request any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or enrollment at the school or continued attendance at the school.

Amended by Chapter 229, 2016 General Session