

**Effective 5/13/2014**

**53A-1a-515 Charters authorized by local school boards -- Application process -- Local school board responsibilities.**

- (1)
  - (a) An applicant identified in Section 53A-1a-504 may submit an application to a local school board to establish and operate a charter school within the geographical boundaries of the school district administered by the local school board.
  - (b)
    - (i) The principal, teachers, or parents of students at an existing public school may submit an application to the local school board to convert the school or a portion of the school to charter status.
      - (A) If the entire school is applying for charter status, at least two-thirds of the licensed educators employed at the school and at least two-thirds of the parents or guardians of students enrolled at the school must have signed a petition approving the application prior to its submission to the charter school authorizer.
      - (B) If only a portion of the school is applying for charter status, the percentage is reduced to a simple majority.
    - (ii) The local school board may not approve an application submitted under Subsection (1)(b)(i) unless the local school board determines that:
      - (A) students opting not to attend the proposed converted school would have access to a comparable public education alternative; and
      - (B) current teachers who choose not to teach at the converted charter school or who are not retained by the school at the time of its conversion would receive a first preference for transfer to open teaching positions for which they qualify within the school district, and, if no positions are open, contract provisions or board policy regarding reduction in staff would apply.
- (2)
  - (a) An existing public school that converts to charter status under a charter granted by a local school board may:
    - (i) continue to receive the same services from the school district that it received prior to its conversion; or
    - (ii) contract out for some or all of those services with other public or private providers.
  - (b) Any other charter school authorized by a local school board may contract with the board to receive some or all of the services referred to in Subsection (3)(a).
  - (c) Except as specified in a charter agreement, local school board assets do not transfer to an existing public school that converts to charter status under a charter granted by a local school board under this section.
- (3)
  - (a)
    - (i) A public school that converts to a charter school under a charter granted by a local school board shall receive funding:
      - (A) through the school district; and
      - (B) on the same basis as it did prior to its conversion to a charter school.
    - (ii) The school may also receive federal money designated for charter schools under any federal program.
  - (b)
    - (i) A local school board-authorized charter school operating in a facility owned by the school district and not paying reasonable rent to the school district shall receive funding:

- (A) through the school district; and
- (B) on the same basis that other district schools receive funding.
- (ii) The school may also receive federal money designated for charter schools under any federal program.
- (c) Subject to the provisions in Section 53A-1a-502.5, a charter school authorized by a local school board shall receive funding as provided in Section 53A-1a-513.
- (d)
  - (i) A charter school authorized by a local school board, but not described in Subsection (3)(a), (b), or (c) shall receive funding:
    - (A) through the school district; and
    - (B) on the same basis that other district schools receive funding.
  - (ii) The school may also receive federal money designated for charter schools under any federal program.
- (4)
  - (a) A local school board that receives an application for a charter school under this section shall, within 45 days, either accept or reject the application.
  - (b) If the board rejects the application, it shall notify the applicant in writing of the reason for the rejection.
  - (c) The applicant may submit a revised application for reconsideration by the board.
  - (d) If the local school board refuses to authorize the applicant, the applicant may seek a charter from the State Charter School Board under Section 53A-1a-505.
- (5) The State Board of Education shall make a rule providing for a timeline for the opening of a charter school following the approval of a charter school application by a local school board.
- (6) After approval of a charter school application and in accordance with Section 53A-1a-508, the applicant and the local school board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
- (7) A local school board shall:
  - (a) annually review and evaluate the performance of charter schools authorized by the local school board and hold the schools accountable for their performance;
  - (b) monitor charter schools authorized by the local school board for compliance with federal and state laws, rules, and regulations; and
  - (c) provide technical support to charter schools authorized by the local school board to assist them in understanding and performing their charter obligations.
- (8) A local school board may terminate a charter school it authorizes as provided in Sections 53A-1a-509 and 53A-1a-510.
- (9) In addition to the exemptions described in Sections 53A-1a-511 and 53A-1a-512, a charter school authorized by a local school board is:
  - (a) not required to separately submit a report or information required under this title to the State Board of Education if the information is included in a report or information that is submitted by the local school board or school district; and
  - (b) exempt from the requirement under Section 53A-1a-507 that a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (10) Before a local school board accepts a charter school application, the local school board shall, in accordance with State Board of Education rules, establish and make public the local school board's:
  - (a) application requirements, in accordance with Section 53A-1a-504;
  - (b) application process, including timelines, in accordance with this section; and
  - (c) minimum academic, financial, and enrollment standards.

Amended by Chapter 363, 2014 General Session