

**Effective 5/14/2019**

**Superseded 7/1/2024**

**53F-2-704 Charter school levy state guarantee.**

(1) As used in this section:

- (a) "Charter school levy per pupil revenues" means the same as that term is defined in Section 53F-2-703.
- (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) "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 53F-8-301;
  - (ii) a board local levy imposed under Section 53F-8-302, 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 Early Literacy Program described in Section 53F-2-503, 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 53F-8-303; and
  - (iv) a guarantee described in Section 53F-2-601, 53F-3-202, or 53F-3-203.
- (d) "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.
- (e) "Resident student" means a student who is considered a resident of the school district under Title 53G, Chapter 6, Part 3, School District Residency.
- (f) "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)(f)(i) by statewide school district average daily membership.

(2)

- (a) 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 53F-2-702(2)(a).
- (b) Except as provided in Subsection (2)(c), the amount of money provided by the state for a charter school student shall be the sum of:
  - (i) charter school students' average local revenues minus the charter school levy per pupil revenues; and
  - (ii) statewide average debt service revenues.
- (c) If the total of charter school levy per pupil revenues distributed by the state board and the amount provided by the state under Subsection (2)(b) 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 Subsection 53F-2-702(2).

(d)

(i) If the legislative appropriation described in Subsection (2)(a) is insufficient to provide an amount described in Subsection (2)(b) for each charter school student, the state board shall make an adjustment to Minimum School Program allocations as described in Section 53F-2-205.

(ii) Following an adjustment described in Subsection (2)(d)(i), if legislative appropriations remain insufficient to provide an amount described in Subsection (2)(b) for each student enrolled in a charter school, the state board shall:

(A) distribute to a charter school an amount described in Subsection (2)(b) for each student enrolled in the charter school under or equal to the maximum number of students the charter school serves, as described in the charter school's charter school agreement described in Section 53G-5-303; and

(B) distribute money remaining after the distributions described in Subsection (2)(d)(ii)(A) to a charter school based on the charter school's share of all students enrolled in charter schools who exceed the number of maximum students served by charter schools, as described in charter school agreements entered into under Section 53G-5-303.

(3)

(a) Except as provided in Subsection (3)(b), of the money provided to a charter school under Subsection 53F-2-702(2), 10% shall be expended for funding school facilities only.

(b) Subsection (3)(a) does not apply to an online charter school.