

Effective 5/5/2021

Effective until 5/1/2024

53G-5-306 Charter schools authorized by a board of trustees of a higher education institution -- Application process -- Board of trustees responsibilities.

- (1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302 may enter into an agreement with a board of trustees of a higher education institution authorizing the applicant to establish and operate a charter school.
- (2)
 - (a) An applicant applying for authorization from a board of trustees to establish and operate a charter school shall provide a copy of the application to the local school board of the school district in which the proposed charter school will be located either before or at the same time the applicant files the application with the board of trustees.
 - (b) The local school board may review the application and offer suggestions or recommendations to the applicant or the board of trustees before acting on the application.
 - (c) The board of trustees shall give due consideration to suggestions or recommendations made by the local school board under Subsection (2)(b).
- (3) The state board shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by a board of trustees.
- (4) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
- (5)
 - (a) The school's charter agreement may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Section 53G-5-205.
 - (b) In the first two years that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 3% of the revenue the charter school receives from the state in the current fiscal year.
 - (c) Beginning with the third year that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 1% of the revenue a charter school receives from the state in the current fiscal year.
 - (d) An annual fee described in Subsection (5)(a) shall be:
 - (i) paid to the board of trustees' higher education institution; and
 - (ii) expended as directed by the board of trustees.
- (6)
 - (a) In addition to complying with the requirements of this section, a technical college board of trustees described in Section 53B-2a-108 shall obtain the approval of the Utah Board of Higher Education before entering into an agreement to establish and operate a charter school.
 - (b) If a technical college board of trustees approves an application to establish and operate a charter school, the technical college board of trustees shall submit the application to the Utah Board of Higher Education.
 - (c) The Utah Board of Higher Education shall, by majority vote, within 60 days of receipt of an application described in Subsection (6)(b), approve or deny the application.
 - (d) The Utah Board of Higher Education may deny an application approved by a technical college board of trustees if the proposed charter school does not accomplish a purpose of charter schools as provided in Section 53G-5-104.

- (e) A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school:
 - (i) an enrollment decline;
 - (ii) a decrease in funding; or
 - (iii) a modification of programs or services.
- (7)
 - (a) Subject to the requirements of this chapter and other related provisions, a technical college board of trustees may establish:
 - (i) procedures for submitting applications to establish and operate a charter school; or
 - (ii) criteria for approval of an application to establish and operate a charter school.
 - (b) The Utah Board of Higher Education may not establish policy governing the procedures or criteria described in Subsection (7)(a).
- (8) Before a technical college board of trustees accepts a charter school application, the technical college board of trustees shall, in accordance with state board rules, establish and make public:
 - (a) application requirements, in accordance with Section 53G-5-302;
 - (b) the application process, including timelines, in accordance with this section; and
 - (c) minimum academic, financial, and enrollment standards.