

Effective 5/1/2024

53G-5-502 Voluntary school improvement and transfer processes.

- (1) As used in this section:
 - (a) "High performing charter school" means a charter school that:
 - (i) satisfies all requirements of state law and state board rules;
 - (ii) has operated for at least three years meeting the terms of the school's charter agreement;
and
 - (iii) is in good standing with the charter school's authorizer.
 - (b) "Low performing charter school" means a charter school that is designated a low performing school, as that term is defined in Section 53E-5-301.
 - (c) "School turnaround plan" means the same as that term is defined in Section 53E-5-301.
- (2)
 - (a) Subject to Subsection (2)(b), a charter school governing board may voluntarily request the charter school's authorizer to place the charter school, including a low performing charter school that has a school turnaround plan, in a school improvement process.
 - (b) A charter school governing board shall provide notice and a hearing on the charter school governing board's intent to make a request under Subsection (2)(a) to parents of students enrolled in the charter school.
- (3) An authorizer may grant a charter school governing board's request to be placed in a school improvement process if the charter school 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 charter school governing board shall:
 - (a) enter into a contract with the charter school governing board on the terms of the school improvement process;
 - (b) notify the state board that the authorizer has entered into a school improvement process with the charter school governing board;
 - (c) make a report to a committee of the state board 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 charter school governing board if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program.
- (5) Upon notification under Subsection (4)(b), and after the report described in Subsection (4)(c), the state board shall notify charter schools and the school district in which the charter school is located that the charter school 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 charter school governing board to assume operation and control of the charter school that has been placed in a school improvement process.
- (7) A charter school 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 53G-5-503; and
 - (b) transfer operation and control of the charter school to:
 - (i) the school district in which the charter school is located;
 - (ii) the governing board of another charter school;
 - (iii) a private management company; or

- (iv) the governing board of a nonprofit corporation.
- (8) A charter school governing board that has not entered into a school improvement process may voluntarily provide a proposal to the authorizer for consideration of transferring operation and control of the charter school to:
 - (a) the school district in which the charter school is located;
 - (b) the governing board of another charter school;
 - (c) a private management company; or
 - (d) the governing board of a nonprofit corporation.
- (9) Except as provided in Subsection (10) and subject to Subsection (11), an authorizer may:
 - (a) approve a charter school governing board's proposal under Subsection (7); or
 - (b)
 - (i) deny a charter school governing board's proposal under Subsection (7); and
 - (ii)
 - (A) terminate the school's charter agreement in accordance with Section 53G-5-503;
 - (B) allow the charter school governing board to submit a revised proposal; or
 - (C) take no action.
- (10) An authorizer may not take an action under Subsection (9) for a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.
- (11)
 - (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.
 - (b)
 - (i) The state board shall consider an authorizer's request under Subsection (11)(a) within 30 days of receiving the request.
 - (ii) If the state board denies an authorizer's request under Subsection (11)(a), the authorizer may not transfer operation and control of the charter school as described in Subsection (7)(b).
 - (iii) If the state board does not take action on an authorizer's request under Subsection (11)(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).
- (12) If operation and control of a low performing charter school that has a school turnaround plan is transferred to a high performing charter school as described in Subsection (7)(b), the low performing charter school shall complete the requirements of the school turnaround plan and any other requirements imposed by the authorizer for school improvement.

Amended by Chapter 63, 2024 General Session