

**CHARTER SCHOOL AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Howard A. Stephenson**

AN ACT RELATING TO CHARTER SCHOOLS; AUTHORIZING THE CREATION OF UP TO 16 CHARTER SCHOOLS FOR THE 2000-01 SCHOOL YEAR AND UP TO 24 FOR THE 2001-02 SCHOOL YEAR; MODIFYING THE FUNDING FORMULA TO PROVIDE ADDITIONAL MONIES FOR CHARTER SCHOOLS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53A-1a-502**, as enacted by Chapter 231, Laws of Utah 1998

**53A-1a-513**, as enacted by Chapter 231, Laws of Utah 1998

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-1a-502** is amended to read:

**53A-1a-502. Authorization - Creation of charter schools.**

(1) (a) ~~[As a second part of the Schools for the 21st Century initiative the]~~ The Legislature authorizes the creation of up to ~~[eight]~~ 16 charter schools for ~~[a three-year pilot program]~~ the 2000-01 school year.

(b) Up to 24 charter schools are authorized for the 2001-02 school year.

(2) Charter schools are considered to be part of the state's public education system.

(3) A charter school may be established by creating a new school or converting an existing public school to charter status.

Section 2. Section **53A-1a-513** is amended to read:

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

(1) (a) A student enrolled in a charter school is considered a resident student of the school district in which the school is located for purposes of state funding, including, but not limited to,

28 moneys the student would generate as a result of qualifying for such programs as special education,  
29 students at risk, and gifted and talented.

30 (b) [(†)] The State Board of Education shall adopt rules to provide:

31 [(A)] (i) that the school district in which a charter school student resides shall pay to the  
32 school district in which the charter school is located [1/2 of] the amount by which the resident  
33 district's per student expenditure exceeds the value of the state funding under Subsection (1)(a),  
34 taking into account state school funding laws that require certain local monies to remain with the  
35 resident district; and

36 [(B)] (ii) for the distribution of moneys to charter schools under this section.

37 [(ii) The rules adopted pursuant to Subsection (b)(i)(A) that require 1/2 rather than all of  
38 the amount take into account state school funding laws that require certain local moneys to remain  
39 within the resident district.]

40 (c) If a charter school is providing eligible programs or services to eligible students funded  
41 by federal moneys, any eligible student enrolled in a charter school in the school district shall  
42 receive federal moneys for the same level of service provided students in the schools operated by  
43 the local school board.

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

46 (b) The governing body of the charter school may provide transportation through an  
47 agreement or contract with the local school board, a private provider, or with parents.

48 (3) (a) (i) The state superintendent of public instruction may allocate grants for both  
49 start-up and ongoing costs to eligible charter school applicants from monies appropriated for the  
50 implementation of this [act] part.

51 [(b)] (ii) Applications for the grants shall be filed on a form determined by the state  
52 superintendent and in conjunction with the application for a charter.

53 [(c)] (iii) The amount of a grant may vary based upon the size, scope, and special  
54 circumstances of the charter school.

55 [(d)] (iv) The governing board of the charter school shall use the grant to meet the  
56 expenses of the school as established in the school's charter.

57 (b) The State Board of Education shall coordinate the distribution of federal monies  
58 appropriated to help fund costs for establishing and maintaining charter schools within the state.

59 (4) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,  
 60 endowment, gift, or donation of any property made to the school for any of the purposes of this  
 61 part[, except that federal grants targeted specifically for charter schools may not be used to fund  
 62 charter schools under the pilot program if the State Board of Education or the charter school  
 63 determines that conditions attached to using the grant would compromise the integrity of the pilot  
 64 program].

65 (b) It is unlawful for any person affiliated with a charter school to demand or request any  
 66 gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the  
 67 charter school as a condition for employment or enrollment at the school or continued attendance  
 68 at the school.

69 (5) (a) The State Office of Education shall publish and make available to charter school  
 70 applicants a list of vacant and unused portions of buildings that are owned by the state or by school  
 71 districts in the state and that may be suitable for the operation of a charter school.

72 (b) The locally elected school board of the district in which a district owned building is  
 73 located must give its approval before the building can be placed on the list under Subsection (5)(a)

74 (c) The list shall include the address and owner of each building and a short description  
 75 of the building.

76 (d) Nothing in this Subsection (5) requires the owner of a building on the list to sell or  
 77 lease the building or a portion of the building to a charter school.

78 **Section 3. Effective date.**

79 This act takes effect on July 1, 2000.

**Legislative Review Note**  
**as of 1-4-00 5:37 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**