

CHARTER SCHOOLS AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Howard A. Stephenson

This act modifies provisions related to the State System of Public Education by increasing the number of charter schools that may be sponsored by the State Board of Education. This act clarifies the State Board of Education's oversight responsibilities for charter schools.

This act requires the State Board of Education, through the superintendent of public instruction, to provide technical support to charter schools and persons seeking to establish charter schools. This act makes technical changes.

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

AMENDS:

53A-1a-502, as last amended by Chapter 259, Laws of Utah 2001

53A-1a-505, as last amended by Chapter 259, Laws of Utah 2001

53A-1a-508, as last amended by Chapter 259, Laws of Utah 2001

53A-1a-509, as last amended by Chapter 259, Laws of Utah 2001

53A-1a-510, as enacted by Chapter 231, Laws of Utah 1998

53A-1a-513, as last amended by Chapter 259, Laws of Utah 2001

53A-1a-515, as enacted by Chapter 259, Laws of Utah 2001

ENACTS:

53A-1a-516, Utah Code Annotated 1953

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) The Legislature authorizes the [~~creation of up to 12 charter schools for the 2001-02 school year.~~] State Board of Education to sponsor up to:

(i) 16 charter schools; and

(ii) six New Century High Schools, magnet charter schools focused on math, science, and technology.

(b) (i) The ~~[number of charter schools authorized under this section shall be increased by up to four for the 2002-03 school year, with no further increases in the number authorized under this Subsection (1) until the program has been thoroughly evaluated by the]~~ State Board of Education ~~[and a]~~ shall evaluate the charter school program and submit an evaluation report to the Education Interim Committee by October 31, 2002.

(ii) The report shall include a recommendation [made to the Legislature as to] of whether or not the program should be expanded further.

(c) (i) The ~~[additional]~~ charter schools authorized under ~~[Subsections (1)(a) and (b)]~~ Subsection (1)(a)(i) may be established only after an applicant:

(A) has sought and been denied sponsorship by a local school board under Section 53A-1a-515; and

(B) subsequently seeks and is granted sponsorship by the State Board of Education under Section 53A-1a-505.

(ii) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make a rule providing a timeline that would allow an applicant denied sponsorship by a local school board to apply for and receive sponsorship approval by the State Board of Education and begin planning or operating in the same school year as anticipated in its original application to the local school board.

(B) The timeline shall be consistent with the application and approval process set out in Section 53A-1a-515.

(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-505** is amended to read:

53A-1a-505. Sponsors of charter schools -- Application process.

(1) An applicant for a charter school shall seek sponsorship of its charter from the State Board of Education, except as otherwise provided in Section 53A-1a-515.

(2) (a) (i) The applicant shall also provide a copy of the application to the local school board

of the school district in which the proposed charter school shall be located either before or at the same time it files its application with the state board.

(ii) The local board shall review the application and may offer suggestions or recommendations to the applicant or the state board prior to its acting on the application.

(iii) The state board shall give due consideration to suggestions or recommendations made by the local school board under Subsection (2)(a)(ii).

(b) The State Board of Education shall review and, by majority vote, either approve or deny the application within 60 days after the application is received by the board.

(c) The state board's action under Subsection (2)(b) is final action subject to judicial review.

(3) (a) The applicant and the state board shall set forth the terms and conditions for the operation of the charter school in a written contractual agreement.

(b) The contract is the school's charter.

~~[(4) The State Office of Education and the school district in which the school is to be located may provide technical assistance to an applicant upon written request.]~~

Section 3. Section **53A-1a-508** is amended to read:

53A-1a-508. Content of a charter -- Term -- Renewal.

(1) The major issues involving the operation of a charter school shall be considered in advance by the applicant for a charter school and written into the school's charter.

(2) The governing body of the charter school and the State Board of Education shall sign the charter, except as otherwise provided under Section 53A-1a-515.

(3) The charter shall include:

(a) the age or grade levels to be served by the school;

(b) the governance structure of the school;

(c) the financial plan for the school and the provisions which will be made for auditing the school under Subsection 53A-1a-507(4)(a);

(d) the mission and education goals of the school, the curriculum offered, and the methods of assessing whether students are meeting educational goals, to include at a minimum participation in the Utah Performance Assessment System for Students under Chapter 1, Part 6, Achievement

Tests;

- (e) admission and dismissal procedures, including suspension procedures;
- (f) procedures to review complaints of parents regarding the operation of the school;
- (g) the opportunity for parental involvement at the school;
- (h) how the school will provide adequate liability and other appropriate insurance for the school, its governing body, and its employees, including its ability to participate in the state's risk management insurance program;
- (i) the proposed school calendar, including the length of the school day and school year;
- (j) whether any agreements have been entered into or plans developed with school districts regarding participation of charter school students in extracurricular activities within the school districts;
- (k) the physical facility in which the school will be located, if known at the time of application, and its address;
- (l) the qualifications to be required of the teachers; and
- (m) in the case of an existing public school converting to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach at the school after its conversion to charter status.

(4) A charter [~~is for three years and~~] may be modified [~~during the three-year term~~] by mutual agreement of the board and the governing body of the school.

Section 4. Section **53A-1a-509** is amended to read:

53A-1a-509. Accountability report -- Noncompliance -- Rulemaking.

(1) The governing body of a charter school shall make annual progress reports to the State Board of Education, the local school board of the district in which the school is located, and the Legislature through its Education Interim Committee.

(2) The report shall contain at least the following information:

- (a) the school's progress toward achieving its goals as set out in the charter; and
- (b) financial records of the school, including revenues, expenditures, and employee salary and benefit levels.

(3) (a) If a charter school is found to be out of compliance with the requirements of Section 53A-1a-507 or Subsections 53A-1a-509(1) and (2), then the State Board of Education shall notify the school's governing board in writing that the school has a reasonable time to remedy the deficiency, except as otherwise provided in Subsection 53A-1a-510(3)(a).

~~[(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make a rule regarding the timeline for remedying deficiencies under Subsection (3)(a).]~~

~~[(c)]~~ (b) (i) If the school does not remedy the deficiency within the established timeline, then the State Board of Education may terminate the school's charter.

(ii) Subsections 53A-1a-510(2)(a) and (b) do not apply to an action taken under this Subsection (3).

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) specifying the timeline for remedying deficiencies under Subsection (3)(a); and

(b) ensuring the compliance of a charter school with its approved charter.

Section 5. Section **53A-1a-510** is amended to read:

53A-1a-510. Termination or nonrenewal of a charter.

(1) The State Board of Education may terminate a school's charter during the term of the charter for any of the following reasons:

(a) failure of the school to meet the requirements ~~[for student performance stated in the charter, which performance should be at least equal to that of similar public schools within the district in which the charter school is located, unless the uniqueness of the school prevents making such comparisons]~~ stated in the charter;

(b) failure to meet generally accepted standards of fiscal management;

(c) violation of law; or

(d) other good cause shown.

(2) (a) The board shall notify the governing body of the school of the proposed action in writing, state the grounds for the action, and stipulate that the governing body may request an

informal hearing before the board.

(b) The board shall conduct the hearing within 30 days after receiving a written request under Subsection (2)(a).

(3) (a) The board may terminate a charter immediately if good cause has been shown or if the health, safety, or welfare of the students at the school is threatened.

(b) If a charter is terminated under Subsection (3)(a), the school district in which the school is located may assume operation of the school.

(4) (a) If a charter is terminated, a student who attended the school may apply to and shall be enrolled in another public school under the enrollment provisions of Title 53A, Chapter 2, Part 2, subject to space availability.

(b) Normal application deadlines shall be disregarded under Subsection (4)(a).

Section 6. 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, monies the student would generate as a result of qualifying for such programs as special education, students at risk, and gifted and talented.

(b) (i) The State Board of Education shall adopt rules to provide:

(A) that the school district in which a charter school student resides shall pay to the school district in which the charter school is located 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state funding under Subsection (1)(a); and

(B) for the distribution of monies to charter schools under this section.

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

(c) The Legislature shall provide an appropriation for charter schools for each of their students equal to the lesser of 1/2 of the statewide school district average per student expenditure in excess of state funding under Subsection (1)(a) or 1/2 of the amount by which the resident district's

per student expenditure exceeds the value of the state funding under Subsection (1)(a) to supplement the local monies received by a charter school under Subsection (1)(b)(i)(A).

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

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

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

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

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

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

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

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

(4) (a) A charter school may receive, hold, manage and use any devise, bequest, grant, endowment, gift, or donation of any property made to the school for any of the purposes of this part.

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

~~[(5) (a) The State Office of Education shall publish and make available to charter school~~

~~applicants a list of vacant and unused portions of buildings that are owned by the state or by school districts in the state and that may be suitable for the operation of a charter school.]~~

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

~~[(c) The list shall include the address and owner of each building and a short description of the building.]~~

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

Section 7. Section **53A-1a-515** is amended to read:

53A-1a-515. Charters sponsored by local school boards.

(1) Individuals and entities identified in Section ~~[53A-1a-505]~~ 53A-1a-504 may enter into an agreement with a local school board to establish and operate a charter school within the geographical boundaries of the school district administered by the board, subject to the same requirements established in Sections 53A-1a-504 through 53A-1a-514, except as otherwise provided in this section.

(2) These schools are in addition to the limited number of charter schools authorized under the sponsorship of the State Board of Education in Section 53a-1a-502.

(3) (a) An existing public school that converts to charter status 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 sponsored by a local school board may contract with the board to receive some or all of the services referred to in Subsection (3)(a).

(4) (a) (i) A public school that converts to a charter school under Subsection (3)(a) shall receive funding on the same basis as it did prior to its conversion to a charter school.

(ii) The school may also receive federal monies designated for charter schools under any federal program.

(b) (i) Any other charter school sponsored by a local school board shall receive funding as

provided under Subsection (4)(a), except as otherwise provided in Subsection (4)(b)(ii).

(ii) If the charter school is not operating out of a facility owned by the school district, then the funding provisions of Section 53A-1a-513 apply.

(5) (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 sponsor the applicant, ~~then~~ the applicant may seek a charter from the State Board of Education under Section 53A-1a-505.

(e) The local board's action under Subsection (5)(d) is final action subject to judicial review.

(6) A local school board is limited in the number of charter schools it may sponsor under this section as follows:

(a) there is no limitation on the number of existing public schools within a school district that may convert to charter status under this section; and

(b) the number of charter schools not converted from existing public schools is limited to an enrollment equal to 4% of the school district's student population as reported in the most recent annual statistical report required under Section 53A-3-403.

(7) A local school board may terminate a charter school it sponsors under this section for the same reasons and under the same procedures followed by the State Board of Education under Subsection 53A-1a-509(3).

Section 8. Section **53A-1a-516** is enacted to read:

53A-1a-516. Technical support for charter schools.

The State Board of Education through the superintendent of public instruction shall provide technical support to charter schools and persons seeking to establish charter schools by:

(1) identifying and promoting successful charter school models;

(2) facilitating the application and approval process for charter school sponsorship;

(3) directing charter schools and persons seeking to establish charter schools to sources of

private funding and support;

(4) reviewing and evaluating proposals to establish charter schools for the purpose of supporting and strengthening proposals before an application for charter school sponsorship is submitted to the State Board of Education or a local school board; and

(5) assisting charter schools in preparing and submitting the reports required by this title to the State Board of Education.