

1 **CHARTER SCHOOLS AMENDMENTS**

2 2002 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Howard A. Stephenson**

5 **This act modifies provisions related to the State System of Public Education by increasing**
6 **the number of charter schools that may be sponsored by the State Board of Education,**
7 **modifying requirements pertaining to the enrollment of students in charter schools, and**
8 **requiring the State Board of Education through the superintendent of public instruction to**
9 **provide technical support to charter schools and persons seeking to establish charter schools.**

10 **This act makes technical changes.**

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

12 AMENDS:

- 13 **53A-1a-502**, as last amended by Chapter 259, Laws of Utah 2001
- 14 **53A-1a-505**, as last amended by Chapter 259, Laws of Utah 2001
- 15 **53A-1a-506**, as last amended by Chapter 259, Laws of Utah 2001
- 16 **53A-1a-513**, as last amended by Chapter 259, Laws of Utah 2001
- 17 **53A-1a-515**, as enacted by Chapter 259, Laws of Utah 2001

18 ENACTS:

19 **53A-1a-516**, Utah Code Annotated 1953

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

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

22 **53A-1a-502. Authorization -- Creation of charter schools.**

23 (1) (a) The Legislature authorizes the [~~creation of up to 12 charter schools for the 2001-02~~
24 ~~school year~~] State Board of Education to sponsor up to 18 charter schools.

25 (b) (i) The [~~number of charter schools authorized under this section shall be increased by~~
26 ~~up to four for the 2002-03 school year, with no further increases in the number authorized under~~
27 ~~this Subsection (1) until the program has been thoroughly evaluated by the]~~ State Board of



28 Education ~~[and a]~~ shall evaluate the charter school program and submit an evaluation report to the
29 Education Interim Committee by October 31, 2002.

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

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

34 ~~[(A) has sought and been denied sponsorship by a local school board under Section~~
35 ~~53A-1a-515; and]~~

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

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

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

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

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

48 Section 2. Section **53A-1a-505** is amended to read:

49 **53A-1a-505. Sponsors of charter schools -- Application process.**

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

52 (2) (a) (i) The applicant shall also provide a copy of the application to the local school
53 board of the school district in which the proposed charter school shall be located either before or
54 at the same time it files its application with the state board.

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

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

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

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

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

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

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

68 Section 3. Section **53A-1a-506** is amended to read:

69 **53A-1a-506. Eligible students.**

70 (1) All resident students of the state qualify for admission to a charter school, subject to
71 the limitations set forth in this section.

72 (2) (a) A charter school shall enroll an eligible student who submits a timely application,
73 unless the number of applications exceeds the capacity of a program, class, grade level, or the
74 school.

75 (b) ~~[(i)]~~ If the number of applications exceeds the capacity of a program, class, grade level,
76 or the school, ~~[then]~~ students shall be selected on a random basis except ~~[that]~~ the school may give
77 preference to:

78 (i) a student of a parent who has actively participated in the development of the school
79 ~~[and to];~~

80 (ii) siblings of students presently enrolled in the school[-];

81 ~~[(ii)]~~ (iii) [The school may give preference to] students who reside within the school
82 district in which the school is located[-]; and

83 (iv) students who best meet the curriculum standards and requirements of the school.

84 (c) When a public school converts to charter status, the school shall give enrollment
85 preference to students who would have otherwise attended it as a regular public school.

86 (3) A charter school may not discriminate in its admission policies or practices on the same
87 basis as other public schools may not discriminate in their admission policies and practices.

88 Section 4. Section **53A-1a-513** is amended to read:

89 **53A-1a-513. Funding for charter schools.**

90 (1) (a) A student enrolled in a charter school is considered a resident student of the school
91 district in which the school is located for purposes of state funding, including, but not limited to,
92 monies the student would generate as a result of qualifying for such programs as special education,
93 students at risk, and gifted and talented.

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

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

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

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

102 (c) The Legislature shall provide an appropriation for charter schools for each of their
103 students equal to the lesser of 1/2 of the statewide school district average per student expenditure
104 in excess of state funding under Subsection (1)(a) or 1/2 of the amount by which the resident
105 district's per student expenditure exceeds the value of the state funding under Subsection (1)(a) to
106 supplement the local monies received by a charter school under Subsection (1)(b)(i)(A).

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

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

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

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

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

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

121 of the charter school.

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

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

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

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

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

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

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

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

143 Section 5. Section **53A-1a-515** is amended to read:

144 **53A-1a-515. Charters sponsored by local school boards.**

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

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

- 152 (3) (a) An existing public school that converts to charter status may:
- 153 (i) continue to receive the same services from the school district that it received prior to
- 154 its conversion; or
- 155 (ii) contract out for some or all of those services with other public or private providers.
- 156 (b) Any other charter school sponsored by a local school board may contract with the
- 157 board to receive some or all of the services referred to in Subsection (3)(a).
- 158 (4) (a) (i) A public school that converts to a charter school under Subsection (3)(a) shall
- 159 receive funding on the same basis as it did prior to its conversion to a charter school.
- 160 (ii) The school may also receive federal monies designated for charter schools under any
- 161 federal program.
- 162 (b) (i) Any other charter school sponsored by a local school board shall receive funding
- 163 as provided under Subsection (4)(a), except as otherwise provided in Subsection (4)(b)(ii).
- 164 (ii) If the charter school is not operating out of a facility owned by the school district, then
- 165 the funding provisions of Section 53A-1a-513 apply.
- 166 (5) (a) A local school board that receives an application for a charter school under this
- 167 section shall, within 45 days, either accept or reject the application.
- 168 (b) If the board rejects the application, it shall notify the applicant in writing of the reason
- 169 for the rejection.
- 170 (c) The applicant may submit a revised application for reconsideration by the board.
- 171 (d) If the local school board refuses to sponsor the applicant, [~~then~~] the applicant may seek
- 172 a charter from the State Board of Education under Section 53A-1a-505.
- 173 (e) The local board's action under Subsection (5)(d) is final action subject to judicial
- 174 review.
- 175 (6) A local school board is limited in the number of charter schools it may sponsor under
- 176 this section as follows:
- 177 (a) there is no limitation on the number of existing public schools within a school district
- 178 that may convert to charter status under this section; and
- 179 (b) the number of charter schools not converted from existing public schools is limited to
- 180 an enrollment equal to 4% of the school district's student population as reported in the most recent
- 181 annual statistical report required under Section 53A-3-403.
- 182 (7) A local school board may terminate a charter school it sponsors under this section for

183 the same reasons and under the same procedures followed by the State Board of Education under
184 Subsection 53A-1a-509(3).

185 Section 6. Section **53A-1a-516** is enacted to read:

186 **53A-1a-516. Technical support for charter schools.**

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

189 (a) identifying and promoting successful charter school models;

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

191 (c) directing charter schools and persons seeking to establish charter schools to sources
192 of private funding and support;

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

196 (e) assisting charter schools in preparing and submitting the reports required by this title
197 to the State Board of Education; and

198 (f) publishing and making available to charter school applicants a list of vacant and unused
199 portions of buildings owned by the state or school districts that may be suitable for the operation
200 of a charter school.

201 (2) (a) Before a building owned by a school district is placed on the list described in
202 Subsection (1)(f), the district's school board shall approve the listing.

203 (b) The list described in Subsection (1)(f) shall include the building's address, the name
204 of the building's owner, and a short description of the building.

205 (c) Nothing in this section requires the owner of a building on the list described in
206 Subsection (1)(f) to sell or lease the building or a portion of the building to a charter school.

Legislative Review Note
as of 1-22-02 2:01 PM

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

Office of Legislative Research and General Counsel