

CHARTER SCHOOL GOVERNANCE

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Marda Dillree

LONG TITLE

General Description:

This bill modifies the State System of Public Education Code to create a new entity to authorize charter schools and modify requirements imposed on charter schools.

Highlighted Provisions:

This bill:

- ▶ creates the State Charter School Board consisting of seven members appointed by the governor;
- ▶ specifies the powers and duties of the State Charter School Board, including the power to:
 - authorize and promote the establishment of charter schools, subject to approval of the State Board of Education; and
 - hold charter schools accountable for their performance;
- ▶ provides for a staff director for the State Charter School Board appointed by the superintendent of public instruction, with the consent of the State Charter School Board;
- ▶ provides for the dissolution of charters with the State Board of Education and directs the State Charter School Board to grant charters to schools previously chartered by the State Board of Education;
- ▶ expands the purposes of charter schools;
- ▶ expands the provisions to be addressed in a school's charter;
- ▶ exempts charter schools from various state laws and rules of the State Board of Education;
- ▶ requires the State Charter School Board to study existing state law and

administrative rules for the purpose of determining from which laws and rules charter schools should be exempt, and submit recommendations to the State Board of Education and the Education Interim Committee; and

- ▶ clarifies the duties of local school boards in authorizing charter schools.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 53A-1a-502**, as last amended by Chapter 199, Laws of Utah 2003
- 53A-1a-503**, as enacted by Chapter 231, Laws of Utah 1998
- 53A-1a-505**, as last amended by Chapter 199, Laws of Utah 2003
- 53A-1a-507**, as enacted by Chapter 231, Laws of Utah 1998
- 53A-1a-508**, as last amended by Chapter 199, Laws of Utah 2003
- 53A-1a-509**, as last amended by Chapter 199, Laws of Utah 2003
- 53A-1a-510**, as last amended by Chapter 199, Laws of Utah 2003
- 53A-1a-511**, as enacted by Chapter 231, Laws of Utah 1998
- 53A-1a-512**, as last amended by Chapter 224, Laws of Utah 2000
- 53A-1a-515**, as last amended by Chapters 199 and 320, Laws of Utah 2003
- 53A-16-101.5**, as last amended by Chapters 226 and 320, Laws of Utah 2003
- 63-55b-153**, as last amended by Chapters 131 and 223, Laws of Utah 2003

ENACTS:

- 53A-1a-501.3**, Utah Code Annotated 1953
- 53A-1a-501.5**, Utah Code Annotated 1953
- 53A-1a-501.6**, Utah Code Annotated 1953
- 53A-1a-501.7**, Utah Code Annotated 1953
- 53A-1a-501.8**, Utah Code Annotated 1953

53A-1a-503.5, Utah Code Annotated 1953

REPEALS:

53A-1a-516, as enacted by Chapter 313, Laws of Utah 2002

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

Section 1. Section **53A-1a-501.3** is enacted to read:

53A-1a-501.3. Definitions.

As used in this part, "chartering entity" means the entity that authorizes the establishment of a charter school.

Section 2. Section **53A-1a-501.5** is enacted to read:

53A-1a-501.5. State Charter School Board created.

(1) (a) The State Charter School Board is created consisting of the following members appointed by the governor:

(i) two members who have expertise in finance or small business management;

(ii) three members who are appointed from a slate of at least six candidates nominated by Utah's charter schools; and

(iii) two members who are appointed from a slate of at least four candidates nominated by the State Board of Education.

(b) Each appointee shall have demonstrated dedication to the purposes of charter schools as outlined in Section 53A-1a-503.

(2) (a) State Charter School Board members shall serve four-year terms, except three of the initial members appointed by the governor shall be appointed for a two-year term.

(b) If a vacancy occurs, the governor shall appoint a replacement for the unexpired term.

(3) (a) The State Charter School Board shall annually elect a chair from its membership.

(b) Four members of the board shall constitute a quorum.

(c) Meetings may be called by the chair or upon request of three members of the board.

(4) (a) (i) Members who are not state government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the

performance of the members's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) Members may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the State Charter School Board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) State government officer and employee members may decline to receive per diem and expenses for their service.

Section 3. Section **53A-1a-501.6** is enacted to read:

53A-1a-501.6. Power and duties of State Charter School Board.

(1) The State Charter School Board shall:

(a) authorize and promote the establishment of charter schools, subject to the limitations in Sections 53A-1a-502 and 53A-1a-505;

(b) annually review and evaluate the performance of charter schools authorized by the State Charter School Board and hold the schools accountable for their performance;

(c) monitor charter schools authorized by the State Charter School Board for compliance with federal and state laws, rules, and regulations;

(d) provide technical support to charter schools and persons seeking to establish charter schools by:

(i) identifying and promoting successful charter school models;

(ii) facilitating the application and approval process for charter school authorization;

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

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

(v) assisting charter schools to understand and carry out their charter obligations;

(e) provide technical support, as requested, to a local school board relating to charter schools;

(f) make recommendations on legislation and rules pertaining to charter schools to the Legislature and State Board of Education, respectively; and

(g) make recommendations to the State Board of Education on the funding of charter schools.

(2) The State Charter School Board may:

(a) contract;

(b) sue and be sued; and

(c) (i) at the discretion of the charter school, provide administrative services to, or perform other school functions for, charter schools authorized by the State Charter School Board; and

(ii) charge fees for the provision of services or functions.

Section 4. Section **53A-1a-501.7** is enacted to read:

53A-1a-501.7. State Charter School Board -- Staff director -- Facilities.

(1) (a) The staff director for the State Charter School Board shall be appointed by the superintendent of public instruction, with the consent of the State Charter School Board.

(b) If the State Charter School Board withholds consent of an appointment, the board shall state its reasons in writing to the superintendent of public instruction.

(c) The State Charter School Board may petition the superintendent of public instruction for removal of the staff director for cause; however, the superintendent of public instruction shall have sole authority to remove the staff director.

(d) The position of staff director is exempt from the career service provisions of Title 67, Chapter 19, Utah State Personnel Management Act.

(2) The superintendent of public instruction shall provide space for staff of the State Charter School Board in facilities occupied by the Utah State Office of Education, with costs charged for the facilities equal to those charged other sections and divisions within the Utah State Office of Education and Utah State Office of Rehabilitation.

Section 5. Section **53A-1a-501.8** is enacted to read:

53A-1a-501.8. Charter schools authorized by the State Board of Education.

(1) Effective May 3, 2004, the State Board of Education may not authorize the establishment of new charter schools.

(2) (a) The State Board of Education shall dissolve each charter or charter agreement it has with a charter school, and the State Charter School Board shall enter into a charter agreement with each of those schools.

(b) The charter agreement made with the State Charter School Board shall contain provisions, consistent with this part, giving the charter school the rights and privileges it had under its charter with the State Board of Education.

Section 6. Section **53A-1a-502** is amended to read:

53A-1a-502. State Charter School Board to authorize the establishment of charter schools.

~~[(1)(a)]~~ The State ~~[Board of Education]~~ Charter School Board may sponsor:

~~[(i)]~~ (1) effective July 1, 2003, 24 charter schools;

~~[(ii)]~~ (2) effective each subsequent July 1, an additional eight charter schools; and

~~[(iii)]~~ (3) six New Century High Schools, magnet charter schools focused on math, science, and technology.

~~[(b) (i) The charter schools authorized under Subsections (1)(a)(i) and (1)(a)(ii) 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 7. Section **53A-1a-503** is amended to read:

53A-1a-503. Purpose.

The ~~[purpose]~~ purposes of charter schools ~~[is]~~ are to:

- (1) continue to improve student learning;
- (2) encourage the use of different and innovative teaching methods;
- (3) create new professional opportunities for educators that will allow them to actively participate in designing and implementing the learning program at the school;
- (4) increase choice of learning opportunities for students;
- (5) establish new models of public schools and a new form of accountability for schools that emphasizes the measurement of learning outcomes and the creation of innovative measurement tools; ~~[and]~~
- (6) provide opportunities for greater parental involvement in management decisions at the school level~~[-]; and~~
- (7) expand public school choice in areas where schools have been identified for school improvement, corrective action, or restructuring under the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et. seq.

Section 8. Section **53A-1a-503.5** is enacted to read:

53A-1a-503.5. Status of charter schools.

(1) Charter schools are:

(a) considered to be public schools within the state's public education system; and

(b) subject to Subsection 53A-1-401(3).

(2) A charter school may be established by creating a new school or converting an

existing public school to charter status.

Section 9. Section **53A-1a-505** is amended to read:

53A-1a-505. Application process -- Contract.

~~[(1) (a) An applicant for a charter school may seek sponsorship of its charter from the State Board of Education only after the applicant has sought and been denied sponsorship by a local school board.]~~

~~[(b) Subsection (1)(a) does not apply to an applicant for a New Century High School as described in Section 53A-1a-502.]~~

~~[(2) (a) Except as provided in Subsection (2)(b), an applicant seeking sponsorship of a charter from the State Board of Education shall provide notice]~~

(1) (a) An applicant seeking authorization of a charter school, including a New Century High School, from the State Charter School Board shall 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] State Charter School Board.

~~[(b) (i) An applicant seeking sponsorship of a New Century High School from the State Board of Education who has not sought and been denied sponsorship by a local school board shall provide a copy of the application to the local school board of the school district in which the proposed New Century High School shall be located either before or at the same time it files its application with the state board.]~~

~~[(ii) (b) The local board [shall] may review the application and may offer suggestions or recommendations to the applicant or the [state board] State Charter School Board prior to its acting on the application.~~

~~[(iii) (c) The [state board] State Charter School Board shall give due consideration to suggestions or recommendations made by the local school board under Subsection [(2)(b)(ii)] (1)(b).~~

~~[(c) (d) The State [Board of Education] Charter School Board shall review and, by majority vote, either approve or deny the application within 60 days after the application is~~

received by the board.

(e) The State Board of Education shall, by majority vote, within 60 days after action by the State Charter School Board under Subsection (1)(d):

- (i) approve or deny an application approved by the State Charter School Board; or
- (ii) hear an appeal, if any, of an application denied by the State Charter School Board.

~~[(d)]~~ (f) The [state board's] State Board of Education's action under Subsection [(2)(e)] (1)(d) is final action subject to judicial review.

(2) The State Board of Education shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by the State Charter School Board.

(3) (a) After approval of a charter school application, the applicant and the ~~[state board]~~ State Charter School Board shall set forth the terms and conditions for the operation of the charter school in a written contractual agreement.

(b) The ~~[contract]~~ agreement is the school's charter.

(4) (a) A school holding a charter granted by a local school board may request a charter from the State Charter School Board.

(b) This section shall govern the application and approval of a charter requested under Subsection (4)(a).

(c) The restrictions on the number of charter schools authorized by the State Charter School Board in Section 53A-1a-502 do not apply to a school requesting a charter under Subsection (4)(a).

Section 10. Section **53A-1a-507** is amended to read:

53A-1a-507. Requirements for charter schools.

(1) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(2) A charter school may not charge tuition or fees, except those fees normally charged by other public schools.

(3) A charter school shall meet all applicable federal, state, and local health, safety, and

civil rights requirements.

(4) (a) A charter school shall make the same annual reports required of other public schools under Title 53A, State System of Public Education, including an annual financial audit report.

~~[(b) The school shall make its reports directly to the State Board of Education and provide a copy to the local school board of the district in which the school is located.]~~

(b) A charter school shall file its annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.

(5) A charter school shall be accountable to ~~[the state board]~~ its chartering entity for performance as provided in ~~[Section 53A-1a-509]~~ the school's charter.

(6) A charter school may not advocate unlawful behavior.

Section 11. Section **53A-1a-508** is amended to read:

53A-1a-508. Content of a charter -- Modification of charter.

(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]~~ chartering entity 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 projected maximum number of students to be enrolled in the school and the projected enrollment in each of the first three years of operations;

(c) the governance structure of the school;

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

(e) 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;

- (f) admission and dismissal procedures, including suspension procedures;
- (g) procedures to review complaints of parents regarding the operation of the school;
- (h) the opportunity for parental involvement at the school;
- (i) how the school will provide adequate liability and other appropriate insurance for the school, its governing body, and its employees~~[, including whether the school intends to participate in the state's risk management insurance program]~~;
- (j) the proposed school calendar, including the length of the school day and school year;
- (k) 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;
- (l) the district within which the school will be located and the address of the school's physical facility, if known at the time the charter is signed;
- (m) the qualifications to be required of the teachers; ~~[and]~~
- (n) 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~~[-]~~;
- (o) the school's intention to create a library;
- (p) a description of school administrative and supervisory services;
- (q) fiscal procedures to be used by the school; and
- (r) the school's policies and procedures regarding:
 - (i) employee termination;
 - (ii) employee evaluation; and
 - (iii) employment of relatives.
- (4) A charter may be modified by mutual agreement of the board and the governing body of the school.

Section 12. Section **53A-1a-509** is amended to read:

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

- (1) (a) (i) If a charter school is found to be out of compliance with the requirements of

Section 53A-1a-507 or the school's charter, the [~~State Board of Education~~] chartering entity 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) (i) If the school does not remedy the deficiency within the established timeline, 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~~] a notification of noncompliance taken under [~~this~~] Subsection (1)(a)(i).

(b) If the school does not remedy the deficiency within the established timeline, the chartering entity may terminate the school's charter.

(2) 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 (1)(a); and
- (b) ensuring the compliance of a charter school with its approved charter.

Section 13. Section **53A-1a-510** is amended to read:

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

(1) [~~The State Board of Education~~] A chartering entity may terminate a school's charter for any of the following reasons:

- (a) failure of the school to meet the requirements stated in the charter;
- (b) failure to meet generally accepted standards of fiscal management;
- (c) subject to Subsection (5), failure to make adequate yearly progress under the No Child Left Behind Act of 2001, [~~Pub. L. No. 107-110, 115 Stat. 1425~~] 20 U.S.C. Sec. 6301 et. seq.;

- (d) violation of law; or
- (e) other good cause shown.

(2) (a) The [~~board~~] chartering entity 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~~] chartering entity.

(b) The [~~board~~] chartering entity shall conduct the hearing in accordance with Title 63,

Chapter 46b, Administrative Procedures Act, within 30 days after receiving a written request under Subsection (2)(a).

(3) (a) The [~~board~~] chartering entity 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, District of Residency, subject to space availability.

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

(5) [~~The State Board of Education~~] A chartering entity may terminate a charter pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

Section 14. Section **53A-1a-511** is amended to read:

53A-1a-511. Waivers from state board rules -- Application of statutes and rules to charter schools.

(1) A charter school shall operate in accordance with its charter and is subject to Title 53A, State System of Public Education, and other state laws applicable to public schools, except as otherwise provided in this part.

(2) (a) A charter school or any other public school or school district may apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter.

(b) The state board may grant the waiver, unless:

(i) the waiver would cause the school district or the school to be in violation of state or federal law; or

(ii) the waiver would threaten the health, safety, or welfare of students in the district or at the school.

(c) If the State Board of Education denies the waiver, the reason for the denial shall be provided in writing to the waiver applicant.

(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services; and

(iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(4) The following provisions of Title 53A, State System of Public Education, and rules adopted under those provisions, do not apply to a charter school:

(a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school community council and school improvement plan;

(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as civic centers;

(c) Section 53A-3-420, requiring the use of activity disclosure statements;

(d) Section 53A-12-207, requiring notification of intent to dispose of textbooks;

(e) Section 53A-13-107, requiring annual presentations on adoption; and

(f) Chapter 19, Part 1, pertaining to fiscal procedures of school districts and local school boards.

(5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school shall be considered a local public procurement unit.

(6) Each charter school shall be subject to:

(a) Title 52, Chapter 4, Open and Public Meetings; and

(b) Title 63, Chapter 2, Government Records Access and Management Act.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.

(b) (i) The State Charter School Board shall present recommendations for exemption to the State Board of Education for consideration.

(ii) The State Board of Education shall consider the recommendations of the State Charter School Board and respond within 60 days.

(c) Annually, the State Charter School Board shall report the results of its review of state laws and administrative rules, along with the responses received from the State Board of Education, to the Education Interim Committee by October 1.

Section 15. Section **53A-1a-512** is amended to read:

53A-1a-512. Employees of charter schools.

(1) A charter school shall select its own employees.

(2) The school's governing body shall determine the level of compensation and all terms and conditions of employment, except as otherwise provided in this part.

(3) The following statutes governing public employees and officers do not apply to charter schools:

(a) Chapter 8, Utah Orderly School Termination Procedures Act;

(b) Chapter 10, Educator Evaluation; and

(c) Title 52, Chapter 3, Prohibiting Employment of Relatives.

~~[(3)]~~ (4) (a) To accommodate differentiated staffing and better meet student needs, a charter school, under rules adopted by the State Board of Education, shall employ teachers who:

(i) are licensed; or

(ii) on the basis of demonstrated competency, would qualify to teach under alternative certification or authorization programs.

(b) The school's governing body shall disclose the qualifications of its teachers to the parents of its students.

~~[(4)]~~ (5) (a) An employee of a school district may request a leave of absence in order to work in a charter school upon approval of the local school board.

(b) While on leave, the employee may retain seniority accrued in the school district and may continue to be covered by the benefit program of the district if the charter school and the

locally elected school board mutually agree.

Section 16. Section **53A-1a-515** is amended to read:

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

(1) Individuals and entities identified in Section 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.

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

(3) (a) An existing public school that converts to charter status under a charter granted by a local school board 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~~] authorized 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 a charter granted by a local school board shall receive funding:

(A) through the school district; and

(B) 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) A local school [~~board-sponsored~~] board-authorized charter school operating in a facility owned by the school district and not paying reasonable rent to the school district shall receive funding:

(A) through the school district; and

(B) on the same basis that other district schools receive funding.

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

federal program.

(c) Any other charter school [~~sponsored~~] authorized by a local school board shall receive funding as provided in Section 53A-1a-513.

(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~~] authorize the applicant, the applicant may seek a charter from the State [~~Board of Education~~] Charter School Board under Section 53A-1a-505.

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

(6) The State Board of Education shall make a rule providing for a timeline for the opening of a charter school following the approval of a charter school application by a local school board.

(7) (a) After approval of a charter school application, the applicant and the local school board shall set forth the terms and conditions for the operation of the charter school in a written contractual agreement.

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

(8) A local school board shall:

(a) annually review and evaluate the performance of charter schools authorized by the local school board and hold the schools accountable for their performance;

(b) monitor charter schools authorized by the local school board for compliance with federal and state laws, rules, and regulations; and

(c) provide technical support to charter schools authorized by the local school board to assist them in understanding and performing their charter obligations.

~~[(6)]~~ (9) 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 Section 53A-1a-509]~~ authorizes as provided in Sections 53A-1a-509 and 53A-1a-510.

~~[(7)]~~ (10) The governing body of a local school ~~[board-sponsored]~~ board-authorized charter school shall be independent of the local school board except as otherwise specifically provided in this chapter.

Section 17. Section **53A-16-101.5** is amended to read:

53A-16-101.5. School LAND Trust Program -- Contents -- Purpose -- Distribution of funds -- School plans for use of funds.

(1) There is established the School LAND (Learning And Nurturing Development) Trust Program for the state's public schools to provide financial resources to enhance or improve student academic achievement and implement a component of the school improvement plan.

(2) (a) The program shall be funded each fiscal year from that portion of the Uniform School Fund consisting of the interest and dividends received in the immediately preceding fiscal year from the investment of monies in the permanent State School Fund.

(b) On and after July 1, 2003, the program shall be funded as provided in Subsection (2)(a) up to a maximum of \$12,000,000 each fiscal year.

(c) The Legislature shall annually allocate, through an appropriation to the State Board of Education, a portion of School LAND Trust Program monies for the administration of the program.

(3) (a) The State Board of Education shall allocate the monies referred to in Subsection (2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter as follows:

(i) school districts shall receive 10% of the funds on an equal basis; and
(ii) the remaining 90% of the funds shall be distributed on a per student basis, with each district receiving its allocation on the number of students in the district as compared to the state total.

(b) Each school district shall distribute its allocation under Subsection (3)(a) to each

school within the district on an equal per student basis.

(c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the board may make rules regarding the time and manner in which the student count shall be made for allocation of the monies.

(4) ~~[It]~~ Except as provided in Subsection (7), in order to receive its allocation under Subsection (3), a school shall have established a school community council under Section 53A-1a-108.

(5) (a) The school community council or its subcommittee shall develop a program to use its allocation under Subsection (3) to implement a component of the school's improvement plan, including:

- (i) the school's identified most critical academic needs;
- (ii) a recommended course of action to meet the identified academic needs;
- (iii) a specific listing of any programs, practices, materials, or equipment which the school will need to implement a component of its school improvement plan to have a direct impact on the instruction of students and result in measurable increased student performance; and
- (iv) how the school intends to spend its allocation of funds under this section to enhance or improve academic excellence at the school.

(b) The school may develop a multiyear program, but the program shall be presented and approved by the school community council and the local school board of the district in which the school is located annually and as a prerequisite to receiving program funds allocated under this section.

(6) (a) Each school shall:

- (i) implement the program as approved by the school community council and approved by the local school board;
- (ii) provide ongoing support for the council's or its subcommittee's program;
- (iii) meet school board reporting requirements regarding financial and performance accountability of the program; and
- (iv) publicize to its patrons and the general public on how the funds it received under this

section were used to enhance or improve academic excellence at the school and implement a component of the school's improvement plan, including the results of those efforts.

(b) (i) Each school through its council or its subcommittee shall prepare and present an annual report of the program to its local school board at the end of the school year.

(ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.

(7) (a) The governing board of a charter school shall prepare a plan for the use of school trust monies that includes the elements listed in Subsection (5).

(b) The plan shall be subject to approval by the entity that authorized the establishment of the charter school.

Section 18. Section **63-55b-153** is amended to read:

63-55b-153. Repeal dates -- Titles 53, 53A, and 53B.

(1) Subsection 53-3-205(9)(a)(i)(D) is repealed July 1, 2007.

(2) Subsection 53-3-804(2)(g) is repealed July 1, 2007.

(3) Title 53, Chapter 12, State Olympic Public Safety Command Act, is repealed July 1, 2003.

(4) Section 53A-1-403.5 is repealed July 1, 2007.

(5) Subsection 53A-1a-511(7)(c) is repealed July 1, 2007.

~~[(5)]~~ (6) Section 53B-8-104.5 is repealed July 1, 2009.

Section 19. **Repealer.**

This bill repeals:

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