

H.B. 152

CHARTER SCHOOL GOVERNANCE

Representative **Marda Dillree** proposes the following amendments:

1. Page 2, Line 49: After line 49 insert:
"53A-1a-513, as last amended by Chapter 320, Laws of Utah 2003"

2. Page 14, Line 428: After line 428 insert:
House Committee Amendments "Section 16. Section **53A-1a-513** is amended to read:
2-19-2004 **53A-1a-513. Funding for charter schools.**
(1) (a) Charter schools shall receive funding as described in this section, except Subsections (2) through (7) do not apply to charter schools described in Subsection (1)(b).
(b) Charter schools sponsored by local school boards that are converted from district schools or operate in district facilities without paying reasonable rent shall receive funding as prescribed in Section 53A-1a-515.
(2) (a) Except as provided in Subsection (2)(b), a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds.
(b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows:
(i) .55 for kindergarten pupils;
(ii) .9 for pupils in grades 1-6;
(iii) .99 for pupils in grades 7-8; and
(iv) 1.2 for pupils in grades 9-12.
(c) The State Board of Education shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to administer Subsection (2)(b), including hold harmless provisions to maintain a charter elementary school's funding level for a period of two years after the effective date of the distribution formula.
(d) Subsection (2)(b) does not apply to funds appropriated to charter schools to replace local property tax revenues.
(3) The State Board of Education shall adopt rules to provide for

the distribution of monies to charter schools under this section.

(4) The Legislature shall provide an appropriation for charter schools for each of their students to replace some of the local property tax revenues that are not available to charter schools. The amount of money provided for each charter school student shall be determined by:

(a) calculating the sum of:

(i) school districts' operations and maintenance revenues derived from local property taxes, except revenues from imposing a minimum basic tax rate pursuant to Section 53A-17a-135;

(ii) school districts' capital projects revenues derived from local property taxes; and

(iii) school districts' expenditures for interest on debt; and

(b) dividing the sum by the total average daily membership of the districts' schools.

(5) Charter schools are eligible to receive federal funds if they meet all applicable federal requirements and comply with relevant federal regulations.

(6) (a) The State Board of Education shall distribute funds for charter school students enrolled in a charter school authorized by the State Charter School Board directly to the charter school.

(b) Funding for charter school students enrolled in a charter school authorized by a local school board shall be distributed to the charter school by the local school board.

(7) (a) Notwithstanding Subsection (2), a charter school is not eligible to receive state transportation funding.

(b) 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.

(c) 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.

(8) (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.

(9) (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.

Renumber remaining sections accordingly.

3. Page 16, Line 482:

After line 482 insert:

"(9) (a) If a charter school authorized by a local school board is found to be out of compliance with Section 53A-1a-507 or the school's charter, the local school board shall take action as provided in Section 53A-1a-509.

(b) If the school does not remedy the deficiency within the established timeline, the local school board may:

(i) terminate the school's charter; or

(ii) interrupt disbursements of state aid or withhold specific program funds.

(c) (i) A local school board shall notify the State Board of Education of any interruption of state funds to, or withholding of specific program funds from, a charter school.

(ii) A local school board shall return to the State Board of Education any state funds permanently withheld from a charter school."

Renumber remaining subsections accordingly.