

1 **CHARTER SCHOOL ENROLLMENT AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Eric K. Hutchings**

5 Senate Sponsor: Stephen H. Urquhart

6

7 **LONG TITLE**

8 **General Description:**

9 This bill authorizes the State Board of Education to annually approve an increase in
10 charter school enrollment capacity.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ authorizes the State Board of Education to annually approve an increase in charter
14 school enrollment capacity equal to 2% of total school district enrollment in the
15 prior school year;

16 ▶ directs the State Board of Education to give preference to an enrollment expansion
17 of a high performing charter school when approving an increase in charter school
18 enrollment capacity; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill coordinates with S.B. 59, School Grading System, by providing substantive
24 amendments.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53A-1a-502.5**, as last amended by Laws of Utah 2010, Chapters 162, 303, and 353



28 **Utah Code Sections Affected by Coordination Clause:**29 **53A-1a-502.5**, as last amended by Laws of Utah 2010, Chapters 162, 303, and 35330

31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **53A-1a-502.5** is amended to read:33 **53A-1a-502.5. Approval of increase in charter school enrollment capacity.**34 (1) The State Board of Education may approve an annual increase in charter school
35 enrollment capacity in the 2012-13 school year or thereafter [~~subject to the Legislature~~
36 ~~appropriating funds for the increase in charter school enrollment capacity~~] equal to 2% of total
37 school district enrollment as of October 1 of the prior school year.38 [~~(2) (a) If the Legislature does not appropriate funds for an increase in charter school~~
39 ~~enrollment capacity that is tentatively approved by the State Board of Education, the State~~
40 ~~Board of Education shall request the State Charter School Board to prioritize the tentatively~~
41 ~~approved schools and expansions based on approved funds.]~~42 [~~(b) The State Charter School Board shall submit a prioritized list of tentatively~~
43 ~~approved schools and expansions to the State Board of Education for final approval.]~~44 [~~(c) A charter school or expansion that is tentatively approved, but not funded, shall be~~
45 ~~considered to be tentatively approved for the next application year and receive priority status~~
46 ~~for available funding.]~~47 (2) In approving an increase in ~~Ĥ→~~ [~~charter school~~] ~~the ←Ĥ~~ enrollment capacity
48a ~~Ĥ→ of existing charter schools ←Ĥ~~, the State Board of
48 Education shall give preference to an application for expansion submitted by Ĥ→ :49a (a) ←Ĥ a high performing
49 charter school, as evidenced by the charter school's proficiency and progress scores on the
50 school's U-PASS accountability report Ĥ→ [;] ; or50a (b) a charter school that has substantially higher levels of student achievement
50b compared to schools with similar demographics.50c (3)(a) The State Charter School Board shall submit recommendations to the State
50d Board of Education for the expansion of the enrollment capacity of existing charter schools.50e (b) A charter school expansion that is not approved by the State Board of Education
50f shall be considered to be tentatively approved for the next application year. ←Ĥ51 Section 2. **Coordinating H.B. 339 with S.B. 59 -- Substantive amendments.**52 If this H.B. 339 and S.B. 59, School Grading System, both pass, it is the intent of the
53 Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah
54 Code database for publication by amending Subsection 53A-1a-502.5(2) to read:55 "(2) In approving an increase in charter school enrollment capacity, the State Board of
56 Education shall give preference to an application for expansion submitted by a charter school
57 that has received a letter grade of A on the school grading system Ĥ→ or has substantially higher
57a levels of student achievement compared to schools with similar demographics ←Ĥ ."

Legislative Review Note
as of 2-22-11 12:13 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 339

SHORT TITLE: Charter School Enrollment Amendments

SPONSOR: Hutchings, E.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill may cost approximately \$18,388,300 in Education Funds to the Minimum School Program - Charter School Local Replacement program. The local replacement program provides a rate for each student enrolled in a charter school, estimated at \$1,687 in FY 2012. Bill provisions and statewide enrollment projections indicate that the State Board of Education may authorize growth in charter school enrollment of approximately 10,900 students in FY 2013. This cost estimate assumes the local replacement rate remains at the FY 2012 level.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
Education Fund	\$0	\$0	\$18,388,300
Total Expenditure	\$0	\$0	\$18,388,300
Net Impact, All Funds (Rev.-Exp.)	\$0	\$0	(\$18,388,300)
Net Impact, General/Education Funds	\$0	\$0	(\$18,388,300)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local school districts participate in the cost of the Local Replacement Program for each resident student that enrolls in a charter school. Depending on the number of students that transfer from a district school to a charter school, the local school district of residence may experience increased costs.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.