

OPERATION AND MANAGEMENT OF CHARTER SCHOOLS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christopher N. Herrod

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill imposes requirements pertaining to the operation and management of charter schools.

Highlighted Provisions:

This bill:

- ▶ provides that a chartering entity may use certain data to measure the performance of a charter school;

- ▶ prohibits a chartering entity from imposing performance standards, except as permitted by statute, that would limit a charter school from accomplishing the purposes of charter schools;

- ▶ requires a charter to include an acknowledgment that neither the chartering entity nor the state is liable for the debts or financial obligations of the charter school; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-507, as last amended by Laws of Utah 2007, Chapter 344

53A-1a-508, as last amended by Laws of Utah 2010, Chapter 353

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

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

32 **53A-1a-507. Requirements for charter schools.**

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

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

37 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
38 civil rights requirements.

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

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

44 (5) (a) A charter school shall be accountable to its chartering entity for performance as
45 provided in the school's charter.

46 (b) To measure the performance of a charter school, a chartering entity may use data
47 contained in:

48 (i) the charter school's annual financial audit report;

49 (ii) a report submitted by the charter school as required by statute; or

50 (iii) a report submitted by the charter school as required by its charter.

51 (c) A chartering entity may not impose performance standards, except as permitted by
52 statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the
53 purposes of charter schools as provided in Section 53A-1a-503 or as otherwise provided in law.

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

55 (7) Except as provided in Section 53A-1-515, a charter school shall be organized and
56 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its
57 authorization.

58 (8) A charter school shall provide adequate liability and other appropriate insurance.

59 (9) Beginning on July 1, 2007, a charter school shall submit any lease, lease-purchase
60 agreement, or other contract or agreement relating to the charter school's facilities or financing
61 the charter school facilities to its chartering entity for review and advice prior to the charter
62 school entering into the lease, agreement, or contract.

63 (10) A charter school may not employ an educator whose license has been suspended
64 or revoked by the State Board of Education as provided in Section 53A-6-501.

65 Section 2. Section **53A-1a-508** is amended to read:

66 **53A-1a-508. Content of a charter -- Modification of charter.**

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

69 (2) The governing body of the charter school and the chartering entity shall sign the
70 charter.

71 (3) The charter shall include:

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

73 (b) the projected maximum number of students to be enrolled in the school and the
74 projected enrollment in each of the first three years of operations;

75 (c) the governance structure of the school;

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

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

82 (f) admission and dismissal procedures, including suspension procedures;

83 (g) procedures to review complaints of parents regarding the operation of the school;

84 (h) the opportunity for parental involvement at the school;

85 (i) how the school will provide adequate liability and other appropriate insurance for

86 the school, its governing body, and its employees;

87 (j) the proposed school calendar, including the length of the school day and school
88 year;

89 (k) whether any agreements have been entered into or plans developed with school
90 districts regarding participation of charter school students in extracurricular activities within
91 the school districts;

92 (l) the district within which the school will be located and the address of the school's
93 physical facility, if known at the time the charter is signed;

94 (m) the qualifications to be required of the teachers, including the requirement of a
95 criminal background check;

96 (n) in the case of an existing public school converting to charter status, alternative
97 arrangements for current students who choose not to attend the charter school and for current
98 teachers who choose not to teach at the school after its conversion to charter status;

99 (o) the school's intention to create a library;

100 (p) a description of school administrative and supervisory services;

101 (q) fiscal procedures that are consistent with generally accepted financial management
102 standards to be used by the school; [~~and~~]

103 (r) the school's policies and procedures regarding:

104 (i) employee evaluation; and

105 (ii) employment of relatives[-]; and

106 (s) an acknowledgment that neither the chartering entity nor the state, including an
107 agency of the state, is liable for the debts or financial obligations of the charter school or
108 persons or entities who operate the charter school.

109 (4) A charter may be modified by mutual agreement of the chartering entity and the
110 governing body of the school.

111 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
112 State Board of Education shall make rules that establish the procedures and deadlines for
113 approved charter schools to apply and qualify for expansion, including the establishment of

114 satellite campuses.