



30 (1) The State Board of Education may approve an increase in charter school enrollment  
31 capacity in the 2012-13 school year or thereafter subject to the Legislature appropriating funds  
32 for the increase in charter school enrollment capacity.

33 (2) (a) If the Legislature does not appropriate funds for an increase in charter school  
34 enrollment capacity that is tentatively approved by the State Board of Education, the State  
35 Board of Education shall [~~request the State Charter School Board to~~] prioritize the tentatively  
36 approved schools and expansions based on approved funds.

37 [~~(b) The State Charter School Board shall submit a prioritized list of tentatively~~  
38 ~~approved schools and expansions to the State Board of Education for final approval.~~]

39 [(~~e~~)] (b) A charter school or expansion that is tentatively approved, but not funded,  
40 shall be considered to be tentatively approved for the next application year and receive priority  
41 status for available funding.

42 Section 2. Section **53A-1a-521** is amended to read:

43 **53A-1a-521. Authorization of a charter school by a board of trustees of a higher**  
44 **education institution.**

45 (1) Subject to the approval of the State Board of Education and except as provided in  
46 Subsection [(~~7~~)] (8), an individual or entity identified in Section 53A-1a-504 may enter into an  
47 agreement with a board of trustees of a higher education institution to establish and operate a  
48 charter school.

49 (2) (a) An individual or entity identified in Section 53A-1a-504 applying for  
50 authorization from a board of trustees of a higher education institution to establish and operate  
51 a charter school shall provide a copy of the application to the State Charter School Board and  
52 the local school board of the school district in which the proposed charter school shall be  
53 located either before or at the same time it files its application with the board of trustees.

54 (b) The State Charter School Board and the local school board may review the  
55 application and may offer suggestions or recommendations to the applicant or the board of  
56 trustees of a higher education institution prior to its acting on the application.

57 (c) The board of trustees of a higher education institution shall give due consideration

58 to suggestions or recommendations made by the State Charter School Board or the local school  
59 board under Subsection (2)(b).

60 (3) (a) If a board of trustees of a higher education institution approves an application to  
61 establish and operate a charter school, the board of trustees shall submit the application to the  
62 State Board of Education.

63 (b) The State Board of Education shall, by majority vote, within 60 days of receipt of  
64 the application approve or deny an application approved by a board of trustees of a higher  
65 education institution.

66 (c) The State Board of Education's action under Subsection (3)(b) is final action subject  
67 to judicial review.

68 (4) The State Board of Education shall make a rule providing a timeline for the  
69 opening of a charter school following the approval of a charter school application by a board of  
70 trustees of a higher education institution.

71 (5) (a) After approval of a charter school application, the applicant and the board of  
72 trustees of a higher education institution shall set forth the terms and conditions for the  
73 operation of the charter school in a written contractual agreement.

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

75 ~~[(c)-(i)]~~ (6) (a) The school's charter may include a provision that the charter school pay  
76 an annual fee for the board of trustees' costs in providing oversight of, and technical support to,  
77 the charter school in accordance with Subsection ~~[(6)]~~ (7).

78 ~~[(ii)-An]~~ (b) In the first two years that a charter school is in operation, an annual fee  
79 described in Subsection ~~[(5)(c)(i)-(A)]~~ (6)(a) may not exceed the product of:

80 ~~[(F)]~~ (i) ~~[1%]~~ 3% of the ~~[value of the weighted pupil unit as established in statute for~~  
81 ~~the current fiscal year]~~ revenue the charter school receives from the state in the current fiscal  
82 year; and

83 ~~[(H)]~~ (ii) the October 1 enrollment count of the charter school for the current fiscal  
84 year~~[-];~~

85 (c) Beginning with the third year that a charter school is in operation, an annual fee

86 described in Subsection (6)(a) may not exceed the product of:

87 (i) 1% of the revenue a charter school receives from the state in the current fiscal year;

88 and

89 (ii) the October 1 enrollment count of the charter school for the current fiscal year.

90 (d) An annual fee described in Subsection (6)(a) shall be:

91 ~~[(B)]~~ (i) ~~[shall be]~~ paid to the board of trustees' higher education institution; and

92 ~~[(C)]~~ (ii) ~~[shall be]~~ expended as directed by the board of trustees.

93 ~~[(6)]~~ (7) A board of trustees of a higher education institution shall:

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

96 (b) monitor charter schools authorized by the board of trustees for compliance with  
97 federal and state laws, rules, and regulations; and

98 (c) provide technical support to charter schools authorized by the board of trustees to  
99 assist them in understanding and performing their charter obligations.

100 ~~[(7)]~~ (8) (a) In addition to complying with the requirements of this section, a campus  
101 board of directors of a college campus within the Utah College of Applied Technology shall  
102 obtain the approval of the Utah College of Applied Technology Board of Trustees before  
103 entering into an agreement to establish and operate a charter school.

104 (b) The Utah College of Applied Technology Board of Trustees shall establish a policy  
105 for granting approval to a campus board of directors to enter into an agreement to establish and  
106 operate a charter school.