

1 ESTABLISHMENT OF CHARTER SCHOOLS AMENDMENTS

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: David E. Lifferth

5 Senate Sponsor: Howard A. Stephenson

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7 LONG TITLE

8 General Description:

9 This bill modifies provisions regarding applying for and approving the establishment of  
10 a charter school.

11 Highlighted Provisions:

12 This bill:

13 ▶ requires the State Charter School Board to request applications to establish a

13a ↗ charter school that employs new and creative methods to meet the unique learning styles  
13b and needs of students, such as a ↖ :

14 • military charter school;  
15 • charter school whose mission is to enhance learning opportunities for students at  
16 risk of academic failure; ↗ [and] ↖

17 • charter school whose focus is career and technical education;

17a ↗ • single gender charter school; or

17b • charter school with an international focus that provides opportunities for the  
17c exchange of students or teachers with foreign schools; ↖

18 ▶ ↗ [—allows] requires ↖ the State Charter School Board to request  
18a applications to establish other

19 charter schools that meet the unique learning styles and needs of students;

20 ▶ addresses procedures for applying for and approving a charter school;  
21 ▶ modifies provisions regarding the appropriation of funds for, or authorization of, an  
22 increase in enrollment capacity of charter schools by the Legislature; and  
23 ▶ makes technical amendments.

24 Money Appropriated in this Bill:

25 None

26 Other Special Clauses:

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-1a-502.5**, as last amended by Laws of Utah 2012, Chapters 139 and 414

31 ENACTS:

32 **53A-1a-501.9**, Utah Code Annotated 195333 

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34 *Be it enacted by the Legislature of the state of Utah:*35 Section 1. Section **53A-1a-501.9** is enacted to read:36 **53A-1a-501.9. State Charter School Board to request applications for certain**  
37 **types of charter schools.**38 (1) To meet the unique learning styles and needs of students, the State Charter School  
39 Board shall seek to expand the types of instructional methods and programs offered by schools,  
40 as provided in this section.41 (2) (a) The State Charter School Board shall request individuals, groups of individuals,  
42 or not-for-profit legal entities to submit an application to the State Charter School Board to  
43 establish ~~it~~ **a charter school that employs new and creative methods to meet the unique**  
43a **learning styles and needs of students, such as ~~it~~ :**44 (i) a military charter school;45 (ii) a charter school whose mission is to enhance learning opportunities for students at  
46 risk of academic failure; ~~it~~ [or] ~~it~~47 (iii) a charter school whose focus is career and technical education ~~it~~ [;] ;47a **(iv) a single gender charter school; or**47b **(v) a charter school with an international focus that provides opportunities for the**  
47c **exchange of students or teachers. ~~it~~**48 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter  
49 School Board ~~it~~ [may] shall ~~it~~ request applications for other types of charter schools that meet  
49a the unique  
50 learning styles and needs of students.51 (3) The State Charter School Board shall publicize a request for applications to  
52 establish a charter school specified in Subsection (2).53 (4) A charter school application submitted pursuant to Subsection (2) shall be subject  
54 to the application and approval procedures specified in Section 53A-1a-505.55 (5) The State Charter School Board and the State Board of Education may approve one  
56 or more applications for each charter school specified in Subsection (2), subject to the  
57 Legislature appropriating funds for, or authorizing, an increase in charter school enrollment  
58 capacity as provided in Section 53A-1a-502.5.

59 (6) The State Board of Education shall submit a request to the Legislature to  
60 appropriate funds for, or authorize, the enrollment of students in charter schools tentatively  
61 approved under this section.

62 Section 2. Section **53A-1a-502.5** is amended to read:

63 **53A-1a-502.5. Approval of increase in charter school enrollment capacity.**

64 (1) For the purposes of this section, "next school year" means the school year that  
65 begins on or after the July 1 immediately following the end of a general session of the  
66 Legislature.

67 ~~[(1)(a)]~~ (2) The State Board of Education may approve an increase in charter school  
68 enrollment capacity in the 2012-13 school year or thereafter subject to the Legislature;

69 (a) appropriating funds for [the] an increase in charter school enrollment capacity[-] in  
70 the next school year; or

71 ~~[(b) A charter school shall submit a request for an increase in enrollment capacity~~  
72 ~~pursuant to Subsection (2)(a) on or before October 1 of the school year for which the increase~~  
73 ~~in enrollment capacity is requested.]~~

74 (b) authorizing an increase in charter school enrollment capacity in the school year  
75 immediately following the next school year.

76 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment  
77 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment  
78 capacity for a charter school proposed and approved in response to a request for applications  
79 issued under Section 53A-1a-501.9.

80 ~~[(2)]~~ (4) (a) A charter school may annually submit a request to the State Board of  
81 Education for an increase in enrollment capacity in the amount of .25 times the number of  
82 students in grades 9 through 12 enrolled in an online course in the previous school year through  
83 the Statewide Online Education Program.

84 (b) A charter school shall submit a request for an increase in enrollment capacity  
85 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase  
86 in enrollment capacity is requested.

87 ~~[(b)]~~ (c) The State Board of Education shall approve a request for an increase in  
88 enrollment capacity made under Subsection ~~[(2)]~~ (4)(a) subject to the availability of sufficient  
89 funds appropriated under Section 53A-1a-513 to provide the full amount of the per student

90 allocation for each charter school student in the state to supplement school district property tax  
91 revenues.

92 ~~[(c)]~~ (d) An increase in enrollment capacity approved under Subsection ~~[(2)(b)]~~ (4)(c)  
93 shall be a permanent increase in the charter school's enrollment capacity.

94 ~~[(3)]~~ (5) (a) If the Legislature does not appropriate funds for an increase in charter  
95 school enrollment capacity that is tentatively approved by the State Board of Education, the  
96 State Board of Education shall prioritize the tentatively approved schools and expansions based  
97 on approved funds.

98 (b) A charter school or expansion that is tentatively approved, but not funded, shall be  
99 considered to be tentatively approved for the next application year and receive priority status  
100 for available funding.

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**Legislative Review Note**  
**as of 12-11-12 4:12 PM**

**Office of Legislative Research and General Counsel**