

ESTABLISHMENT OF CHARTER SCHOOLS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David E. Lifferth

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires the State Charter School Board to request applications to establish a:
 - military charter school;
 - charter school whose mission is to enhance learning opportunities for students at risk of academic failure; and
 - charter school whose focus is career and technical education;
- ▶ allows the State Charter School Board to request applications to establish other charter schools that meet the unique learning styles and needs of students;
- ▶ addresses procedures for applying for and approving a charter school;
- ▶ modifies provisions regarding the appropriation of funds for, or authorization of, an increase in enrollment capacity of charter schools by the Legislature; and
- ▶ makes technical amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

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 1953



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:

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; or

47 (iii) a charter school whose focus is career and technical education.

48 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter
49 School Board may request applications for other types of charter schools that meet 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.

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

Office of Legislative Research and General Counsel