

# S.B. 151

## AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS

SENATE COMMITTEE AMENDMENTS

AMENDMENT 2

FEBRUARY 4, 2013 2:01 PM

Senator **J. Stuart Adams** proposes the following amendments:

1. *Page 1, Line 17:*

17 a charter school; and

2. *Page 1, Lines 20 through 21:*

20 applications {~~;~~and

21 ~~—————prohibits a higher education institution from operating a charter school.~~ }

3. *Page 1, Line 28:*

28 {~~53A-1a-518, as last amended by Laws of Utah 2010, Chapter 162.~~}

4. *Page 2, Line 32 through Page 3, Line 80:*

32 {~~Section 1. Section 53A-1a-518 is amended to read:~~

33 ~~———— 53A-1a-518. Regulated transactions and relationships -- Definitions -- Entities~~

34 ~~prohibited from operating a charter school.~~

35 ~~———— (1) As used in this section:~~

36 ~~———— (a) "Charter school officer" means:~~

37 ~~———— (i) a member of a charter school's governing board;~~

38 ~~———— (ii) a member of a board or an officer of a nonprofit corporation under which a charter~~

39 ~~school is organized and managed; or~~

40 ~~———— (iii) the chief administrative officer of a charter school.~~

41 ~~———— (b) (i) "Employment" means a position in which a person's salary, wages, pay, or~~

42 ~~compensation, whether as an employee or contractor, is paid from charter school funds.~~

43 ~~———— (ii) "Employment" does not include a charter school volunteer.~~

44 ~~———— (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,~~

45 ~~uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,~~

46 ~~sister-in-law, son-in-law, or daughter-in-law.~~

47 ~~———— (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer~~

48 ~~may not be employed at a charter school.~~

49 ~~———— (b) If a relative of a charter school officer is to be considered for employment in a~~

50 ~~charter school, the charter school officer shall:~~

51 ~~———— (i) disclose the relationship, in writing, to the other charter school officers;~~

52 ~~—— (ii) submit the employment decision to the charter school's governing board for the~~  
53 ~~approval, by majority vote, of the charter school's governing board;~~  
54 ~~—— (iii) abstain from voting on the issue; and~~  
55 ~~—— (iv) be absent from any meeting when the employment is being considered and~~  
56 ~~determined.~~  
57 ~~—— (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a~~  
58 ~~relative of a charter school officer may not have a financial interest in a contract or other~~  
59 ~~transaction involving a charter school in which the charter school officer serves as a charter~~  
60 ~~school officer.~~  
61 ~~—— (b) If a charter school's governing board considers entering into a contract or executing~~  
62 ~~a transaction in which a charter school officer or a relative of a charter school officer has a~~  
63 ~~financial interest, the charter school officer shall:~~  
64 ~~—— (i) disclose the financial interest, in writing, to the other charter school officers;~~  
65 ~~—— (ii) submit the contract or transaction decision to the charter school's governing board~~  
66 ~~for the approval, by majority vote, of the charter school's governing board;~~  
67 ~~—— (iii) abstain from voting on the issue; and~~  
68 ~~—— (iv) be absent from any meeting when the contract or transaction is being considered~~  
69 ~~and determined.~~  
70 ~~—— (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of~~  
71 ~~employment for:~~  
72 ~~—— (i) the chief administrative officer of a charter school; or~~  
73 ~~—— (ii) a relative of the chief administrative officer of a charter school whose employment~~  
74 ~~is approved in accordance with the provisions in Subsection (2).~~  
75 ~~—— (4) The [State Board of Education or State Charter School Board] following entities~~  
76 ~~may not operate a charter school[.];~~  
77 ~~—— (a) the State Board of Education;~~  
78 ~~—— (b) the State Charter School Board; and~~  
79 ~~—— (c) a higher education institution listed in Section 53B-2-101.~~  
80 ~~Section 2} Section 1 . Section 53A-1a-521 is amended to read:~~