

CHARTER SCHOOL AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill modifies provisions related to charter schools.

Highlighted Provisions:

This bill:

► requires the State Board of Education, in approving an increase in charter school enrollment capacity, to give, subject to a certain exception:

- high priority to approving a charter school located in a high growth area; and
- low priority to approving a charter school located in an area where student enrollment is stable or declining; and

► requires a charter school that is approved ~~Ŝ~~→ **with high priority status** ←~~Ŝ~~ after May 13, 2014, and is located in a high growth area to give an enrollment preference to students who reside within a two-mile radius of the charter school.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-502.5, as last amended by Laws of Utah 2013, Chapter 376

53A-1a-506, as last amended by Laws of Utah 2013, Chapter 278



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

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

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

(1) For the purposes of this section~~[-"next"]~~:

(a) "High growth area" means an area of the state where school enrollment is significantly increasing or projected to significantly increase.

(b) "Next school year" means the school year that begins on or after the July 1 immediately following the end of a general session of the Legislature.

(2) The State Board of Education may approve an increase in charter school enrollment capacity in the 2012-13 school year or thereafter subject to the Legislature:

(a) appropriating funds for an increase in charter school enrollment capacity in the next school year; or

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

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

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

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

(c) The State Board of Education shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Section **53A-1a-513** to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.

(d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a

59 permanent increase in the charter school's enrollment capacity.

60 (5) (a) If the Legislature does not appropriate funds for an increase in charter school
61 enrollment capacity that is tentatively approved by the State Board of Education, the State
62 Board of Education shall prioritize the tentatively approved schools and expansions based on
63 approved funds.

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

67 (6) ~~Ŝ~~ ~~(a)~~ ~~←Ŝ~~ Except as provided in Subsection (5)(b) ~~Ŝ~~ or (6)(b) ~~←Ŝ~~, in approving an
67a increase in charter school
68 enrollment capacity for new charter schools and expanding charter schools, the State Board of
69 Education shall give:

70 ~~Ŝ~~ ~~(a)~~ ~~(i)~~ ~~←Ŝ~~ high priority to approving a new charter school or a charter school
70a expansion in a
71 high growth area; and

72 ~~Ŝ~~ ~~(b)~~ ~~(ii)~~ ~~←Ŝ~~ low priority to approving a new charter school or a charter school
72a expansion in an
73 area where student enrollment is stable or declining.

73a ~~Ŝ~~ ~~(b)~~ An applicant seeking to establish a charter school in a high growth area may elect to
73b not receive high priority status as provided in Subsection (6)(a)(i). ~~←Ŝ~~

74 Section 2. Section **53A-1a-506** is amended to read:

75 **53A-1a-506. Eligible students.**

76 (1) As used in this section:

77 (a) "District school" means a public school under the control of a local school board
78 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
79 Boards.

80 (b) "Refugee" means a person who is eligible to receive benefits and services from the
81 federal Office of Refugee Resettlement.

82 (2) All resident students of the state qualify for admission to a charter school, subject
83 to the limitations set forth in this section and Section [53A-1a-506.5](#).

84 (3) (a) A charter school shall enroll an eligible student who submits a timely
85 application, unless the number of applications exceeds the capacity of a program, class, grade
86 level, or the charter school.

87 (b) If the number of applications exceeds the capacity of a program, class, grade level,
88 or the charter school, students shall be selected on a random basis, except as provided in
89 Subsections (4) through (6).

90 (4) A charter school may give an enrollment preference to:

91 (a) a student of a parent who has actively participated in the development of the charter
92 school;

93 (b) siblings of students presently enrolled in the charter school;

94 (c) a student of a parent who is employed by the charter school;

95 (d) students articulating between charter schools offering similar programs that are
96 governed by the same governing body;

97 (e) students articulating from one charter school to another pursuant to an articulation
98 agreement between the charter schools that is approved by the State Charter School Board; or

99 (f) students who reside within:

100 (i) the school district in which the charter school is located;

101 (ii) the municipality in which the charter school is located; or

102 (iii) a two-mile radius [~~from~~] of the charter school.

103 (5) ~~Ŝ~~ **→ (a) [A] Except as provided in Subsection (5)(b), a** ~~←Ŝ~~ charter school

103a that is approved by the State Board of Education after May 13,

104 2014, and is located in a high growth area shall give an enrollment preference to students who

105 reside within a two-mile radius of the charter school.

105a **Ŝ** **→ (b) The requirement to give an enrollment preference under Subsection (5)(a) does not**

105b **apply to a charter school that was approved without a high priority status pursuant to**

105c **Subsection 53A-1a-502.5(6)(b).** ~~←Ŝ~~

106 [~~(5)~~] (6) If a district school converts to charter status, the charter school shall give an
107 enrollment preference to students who would have otherwise attended it as a district school.

108 [~~(6)~~] (7) (a) A charter school whose mission is to enhance learning opportunities for
109 refugees or children of refugee families may give an enrollment preference to refugees or
110 children of refugee families.

111 (b) A charter school whose mission is to enhance learning opportunities for English
112 language learners may give an enrollment preference to English language learners.

113 [~~(7)~~] (8) A charter school may not discriminate in its admission policies or practices on
114 the same basis as other public schools may not discriminate in their admission policies and
115 practices.

Legislative Review Note

as of 2-19-14 11:44 AM

Office of Legislative Research and General Counsel