

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

31 **53A-1a-502.5. Approval of increase in charter school enrollment capacity.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77 **53A-1a-506. Eligible students.**

78 (1) As used in this section:

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

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

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

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

89 (b) If the number of applications exceeds the capacity of a program, class, grade level,
90 or the charter school, students shall be selected on a random basis, except as provided in
91 Subsections (4) through ~~[(6)]~~ (7).

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

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

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

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

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

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

101 (f) students who reside within:

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

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

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

105 (5) (a) Except as provided in Subsection (5)(b), a charter school that is approved by the
106 State Board of Education after May 13, 2014, and is located in a high growth area shall give an
107 enrollment preference to students who reside within a two-mile radius of the charter school.

108 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
109 apply to a charter school that was approved without a high priority status pursuant to
110 Subsection 53A-1a-502.5(6)(b).

111 ~~[(5)]~~ (6) If a district school converts to charter status, the charter school shall give an
112 enrollment preference to students who would have otherwise attended it as a district school.

113 ~~[(6)]~~ (7) (a) A charter school whose mission is to enhance learning opportunities for

114 refugees or children of refugee families may give an enrollment preference to refugees or
115 children of refugee families.

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

118 [~~(7)~~] (8) A charter school may not discriminate in its admission policies or practices on
119 the same basis as other public schools may not discriminate in their admission policies and
120 practices.