

**CIVIC CENTER AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill provides for charter school buildings and grounds to be used as civic centers.

**Highlighted Provisions:**

This bill:

- ▶ provides for charter school buildings and grounds to be used as civic centers.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1a-511**, as last amended by Laws of Utah 2012, Chapter 347

**53A-3-413**, as last amended by Laws of Utah 2014, Chapter 73

**53A-3-414**, as last amended by Laws of Utah 2008, Chapter 199

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

Section 1. Section **53A-1a-511** is amended to read:

**53A-1a-511. Waivers from state board rules -- Application of statutes and rules to charter schools.**

(1) A charter school shall operate in accordance with its charter and is subject to Title



28 53A, State System of Public Education, and other state laws applicable to public schools,  
29 except as otherwise provided in this part.

30 (2) (a) A charter school or any other public school or school district may apply to the  
31 State Board of Education for a waiver of any state board rule that inhibits or hinders the school  
32 or the school district from accomplishing its mission or educational goals set out in its strategic  
33 plan or charter.

34 (b) The state board may grant the waiver, unless:

35 (i) the waiver would cause the school district or the school to be in violation of state or  
36 federal law; or

37 (ii) the waiver would threaten the health, safety, or welfare of students in the district or  
38 at the school.

39 (c) If the State Board of Education denies the waiver, the reason for the denial shall be  
40 provided in writing to the waiver applicant.

41 (3) (a) Except as provided in Subsection (3)(b), State Board of Education rules  
42 governing the following do not apply to a charter school:

43 (i) school libraries;

44 (ii) required school administrative and supervisory services; and

45 (iii) required expenditures for instructional supplies.

46 (b) A charter school shall comply with rules implementing statutes that prescribe how  
47 state appropriations may be spent.

48 (4) The following provisions of Title 53A, State System of Public Education, and rules  
49 adopted under those provisions, do not apply to a charter school:

50 (a) Sections [53A-1a-108](#) and [53A-1a-108.5](#), requiring the establishment of a school  
51 community council and school improvement plan;

52 [~~(b) Sections [53A-3-413](#) and [53A-3-414](#), pertaining to the use of school buildings as  
53 civic centers;~~]

54 [~~(c)~~] (b) Section [53A-3-420](#), requiring the use of activity disclosure statements;

55 [~~(d)~~] (c) Section [53A-12-207](#), requiring notification of intent to dispose of textbooks;

56 [~~(e)~~] (d) Section [53A-13-107](#), requiring annual presentations on adoption;

57 [~~(f)~~] (e) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school  
58 districts and local school boards; and

59           ~~[(g)]~~ (f) Section 53A-14-107, requiring an independent evaluation of instructional  
60 materials.

61           (5) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter  
62 school shall be considered a local public procurement unit.

63           (6) Each charter school shall be subject to:

64           (a) Title 52, Chapter 4, Open and Public Meetings Act; and

65           (b) Title 63G, Chapter 2, Government Records Access and Management Act.

66           (7) (a) The State Charter School Board shall, in concert with the charter schools, study  
67 existing state law and administrative rules for the purpose of determining from which laws and  
68 rules charter schools should be exempt.

69           (b) (i) The State Charter School Board shall present recommendations for exemption to  
70 the State Board of Education for consideration.

71           (ii) The State Board of Education shall consider the recommendations of the State  
72 Charter School Board and respond within 60 days.

73           Section 2. Section 53A-3-413 is amended to read:

74           **53A-3-413. Use of public school buildings and grounds as civic centers.**

75           (1) As used in this section, "civic center" means a public school building or ground,  
76 including a charter school building or ground, that is established and maintained as a limited  
77 public forum ~~[to district residents]~~ for supervised recreational activities and meetings.

78           (2) Except as provided in Subsection (3), all public school buildings and grounds shall  
79 be civic centers.

80           (3) The use of school property ~~[for]~~ as a civic center ~~[purpose]~~:

81           (a) may not interfere with a school function or purpose; and

82           (b) is considered a permit for governmental immunity purposes for a governmental  
83 entity under Subsection 63G-7-301(5)(c).

84           (4) The organizer of an event may not use a civic center unless the organizer resides  
85 within the geographic boundaries of the school district in which the civic center is located.

86           Section 3. Section 53A-3-414 is amended to read:

87           **53A-3-414. Local school boards' and charter school governing boards'**  
88 **responsibility for school buildings and grounds when used as civic centers.**

89           (1) As used in this section, "civic center" ~~[has the same meaning as provided]~~ means

90 the same as that term is defined in Section 53A-3-413.  
91 (2) A local school board or charter school governing board:  
92 (a) shall manage, direct, and control civic centers under this chapter;  
93 (b) shall adopt policies for the use of civic centers;  
94 (c) may charge a reasonable fee for the use of [~~school facilities as~~] a civic center so that  
95 the school district or charter school incurs no expense for that use;  
96 (d) may appoint a special functions officer under Section 53-13-105 to have charge of  
97 the grounds and protect school property when used for civic center purposes;  
98 (e) shall allow the use of a civic center, for other than school purposes, unless it  
99 determines that the use interferes with a school function or purpose; and  
100 (f) shall ensure that school administrators are trained about and properly implement the  
101 provisions of this section and Section 53A-3-413.

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**Legislative Review Note**  
as of 2-6-15 11:44 AM

**Office of Legislative Research and General Counsel**