

CHARTER SCHOOL REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends and enacts provisions related to charter schools.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to the elements included in a charter agreement; and
- ▶ allows a charter school authorizer, in response to a request of the governing board

of a charter school and subject to certain conditions, to:

- terminate the school's charter; and
- designate the charter school as a satellite school of a high performing charter school or transfer operation and control of the charter school to the school district where the charter school is located.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-508, as repealed and reenacted by Laws of Utah 2014, Chapter 363

ENACTS:



28 [53A-1a-509.5](#), Utah Code Annotated 1953

29

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

31 Section 1. Section **53A-1a-508** is amended to read:

32 **53A-1a-508. Charter agreement -- Content -- Modification.**

33 (1) A charter agreement:

- 34 (a) is a contract between the charter school applicant and the charter school authorizer;
- 35 (b) shall describe the rights and responsibilities of each party; and
- 36 (c) shall allow for the operation of the applicant's proposed charter school.

37 (2) A charter agreement shall include:

- 38 (a) the name of:
 - 39 (i) the charter school; and
 - 40 (ii) the charter school applicant;
- 41 (b) the mission statement and purpose of the charter school;
- 42 (c) the charter school's opening date;
- 43 (d) the grade levels and number of students the charter school will serve;
- 44 (e) a description of the structure of the charter school's governing board, including:
 - 45 (i) the number of board members;
 - 46 (ii) how members of the board are appointed; and
 - 47 (iii) board members' terms of office;
- 48 (f) assurances that:
 - 49 (i) the governing board shall comply with:
 - 50 (A) the charter school's bylaws;
 - 51 (B) the charter school's articles of incorporation; and
 - 52 (C) applicable federal law, state law, and State Board of Education rules;
 - 53 (ii) the governing board will meet all reporting requirements described in Section

54 [53A-1b-115](#); and

- 55 (iii) except as provided in Title 53A, Chapter 20b, Part 2, Charter School Credit
- 56 Enhancement Program, neither the authorizer nor the state, including an agency of the state, is
- 57 liable for the debts or financial obligations of the charter school or a person who operates the
- 58 charter school;

59 (g) which administrative rules the State Board of Education will waive for the charter
60 school;

61 (h) [~~minimum financial standards for operating the charter school~~] performance
62 standards determined by the charter authorizer and the charter school; and

63 [~~(i) minimum standards for student achievement; and~~]

64 [(f)] (i) signatures of the charter school authorizer and the charter school's governing
65 board members.

66 (3) A charter agreement may not be modified except by mutual agreement between the
67 charter school authorizer and the governing board of the charter school.

68 Section 2. Section **53A-1a-509.5** is enacted to read:

69 **53A-1a-509.5. Voluntary school improvement process.**

70 (1) As used in this section, "high performing charter school" means a charter school
71 that:

72 (a) satisfies all requirements of state law and State Board of Education rules;

73 (b) has operated for at least three years meeting the terms of the school's charter
74 agreement; and

75 (c) has students performing at or above the academic performance standard in the
76 school's charter agreement.

77 (2) (a) Subject to Subsection (2)(b), a governing board may voluntarily request the
78 charter school's authorizer to place the school in a school improvement process.

79 (b) A governing board shall provide notice and a hearing on the governing board's
80 intent to make a request under Subsection (2)(a) to parents and guardians of students enrolled
81 in the charter school.

82 (3) An authorizer shall:

83 (a) grant a governing board's request to be placed in a school improvement process if
84 the governing board has provided notice and a hearing under Subsection (2)(b);

85 (b) enter into a contract with the governing board on the terms of the school
86 improvement process;

87 (c) notify the State Board of Education that the authorizer has entered into a school
88 improvement process with the governing board; and

89 (d) notify the Utah Charter School Finance Authority that the authorizer has entered

90 into a school improvement process with the governing board if the charter school is a
91 qualifying charter school with outstanding bonds issued in accordance with Chapter 20b, Part
92 2, Charter School Credit Enhancement Program.

93 (4) Upon notification under Subsection (3)(c), the State Board of Education shall notify
94 charter schools and the school district in which the charter school is located that the governing
95 board has entered into a school improvement process with the charter school's authorizer.

96 (5) A high performing charter school or the school district in which the charter school
97 is located may apply to the governing board to assume operation of the charter school that has
98 been placed in a school improvement process.

99 (6) A governing board that has entered into a school improvement process shall review
100 applications submitted under Subsection (5) and submit a proposal to the charter school's
101 authorizer to:

102 (a) terminate the school's charter, notwithstanding the requirements of Section
103 53A-1a-510; and

104 (b) transfer operation and control of the charter school to:

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

106 (ii) a high performing charter school.

107 (7) (a) Except as provided in Subsection (7)(b), an authorizer may:

108 (i) approve a governing board's proposal under Subsection (6); or

109 (ii) terminate the school's charter in accordance with Section 53A-1a-510.

110 (b) An authorizer may not take an action under Subsection (7)(a) for a qualifying
111 charter school with outstanding bonds issued in accordance with Chapter 20b, Part 2, Charter
112 School Credit Enhancement Program, without mutual agreement of the Utah Charter School
113 Finance Authority and the authorizer.

Legislative Review Note
as of 2-18-15 9:28 AM

Office of Legislative Research and General Counsel