

CHARTER SCHOOL ADMISSIONS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Kathleen A. Riebe

LONG TITLE

General Description:

This bill amends charter school enrollment provisions.

Highlighted Provisions:

This bill:

▶ allows a charter school to give enrollment preference to:

• an individual whose sibling is currently enrolled in a charter school with an approved articulation agreement with the charter school in which the individual is seeking enrollment; and

• for the 2022-2023 school year, a student who withdrew from the charter school to attend an online school or home school in the 2020-2021 or 2021-2022 school years due to the COVID-19 emergency;

▶ requires a charter school to enroll a foster child residing in the same residence with a student currently enrolled in a charter school;

▶ defines terms; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **53G-5-303**, as last amended by Laws of Utah 2019, Chapter 293

30 **53G-6-502**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 9

31

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

33 Section 1. Section **53G-5-303** is amended to read:

34 **53G-5-303. Charter agreement -- Content -- Modification.**

35 (1) As used in this section, "satellite charter school" means a charter school affiliated
36 with an operating charter school, which has the same charter school governing board and a
37 similar program of instruction, but has a different school number than the affiliated charter.

38 (2) A charter agreement:

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

42 (3) A charter agreement shall include:

43 (a) the name of:

- 44 (i) the charter school; and
- 45 (ii) the charter school applicant;
- 46 (b) the mission statement and purpose of the charter school;
- 47 (c) the charter school's opening date;
- 48 (d) the grade levels the charter school will serve;

49 (e) (i) subject to Section **53G-6-504**, the maximum number of students a charter school
50 will serve; or

51 (ii) for an operating charter school with satellite charter schools, the maximum number
52 of students of all satellite charter schools collectively served by the operating charter school;

53 (f) a description of the structure of the charter school governing board, including:

- 54 (i) the number of charter school governing board members;
- 55 (ii) how members of the charter school governing board are appointed; and
- 56 (iii) charter school governing board members' terms of office;

57 (g) assurances that:

58 (i) the charter school governing board will comply with:

- 59 (A) the charter school's bylaws;
- 60 (B) the charter school's articles of incorporation; and
- 61 (C) applicable federal law, state law, and state board rules;
- 62 (ii) the charter school governing board will meet all reporting requirements described
- 63 in Section 53G-5-404; and
- 64 (iii) except as provided in Part 6, Charter School Credit Enhancement Program, neither
- 65 the authorizer nor the state, including an agency of the state, is liable for the debts or financial
- 66 obligations of the charter school or a person who operates the charter school;
- 67 (h) which administrative rules the state board will waive for the charter school;
- 68 (i) minimum financial standards for operating the charter school;
- 69 (j) minimum standards for student achievement; and
- 70 (k) signatures of the charter school authorizer and the charter school governing board
- 71 members.
- 72 (4) (a) Except as provided in Subsection (4)(b), a charter agreement may not be
- 73 modified except by mutual agreement between the charter school authorizer and the charter
- 74 school governing board.
- 75 (b) A charter school governing board may modify the charter school's charter
- 76 agreement without the mutual agreement described in Subsection (4)(a) to include an
- 77 enrollment preference described in Subsection 53G-6-502(4)(~~g~~)(h).
- 78 Section 2. Section 53G-6-502 is amended to read:
- 79 **53G-6-502. Eligible students.**
- 80 (1) As used in this section:
- 81 (a) "At capacity" means operating above the school's open enrollment threshold.
- 82 (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health
- 83 Organization declared a pandemic on March 11, 2020.
- 84 (c) "Open enrollment threshold" means the same as that term is defined in Section
- 85 53G-6-401.
- 86 (d) "Refugee" means a person who is eligible to receive benefits and services from the
- 87 federal Office of Refugee Resettlement.
- 88 (e) "School of residence" means the same as that term is defined in Section 53G-6-401.
- 89 (2) All resident students of the state qualify for admission to a charter school, subject

90 to the limitations set forth in this section and Section [53G-6-503](#).

91 (3) (a) A charter school shall enroll:

92 (i) a foster child residing in the same residence as an individual who is enrolled in the
93 charter school; and

94 (ii) an eligible student other than a child described in Subsection (3)(a)(i) who submits
95 a timely application, unless the number of applications exceeds the capacity of a program,
96 class, grade level, or the charter school.

97 (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity
98 of a program, class, grade level, or the charter school, the charter school shall select students on
99 a random basis, except as provided in Subsections (4) through (8).

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

101 (a) a child or grandchild of an individual who has actively participated in the
102 development of the charter school;

103 (b) a child or grandchild of a member of the charter school governing board;

104 (c) a sibling of an individual who was previously or is presently enrolled in the charter
105 school;

106 (d) a child of an employee of the charter school;

107 (e) a student articulating between charter schools offering similar programs that are
108 governed by the same charter school governing board;

109 (f) a student articulating from one charter school to another pursuant to an articulation
110 agreement between the charter schools that is approved by the State Charter School Board;

111 (g) an individual seeking enrollment in a charter school if:

112 (i) the individual's sibling is a student enrolled in a charter school; and

113 (ii) the charter school where the individual is seeking enrollment has an articulation
114 agreement with the charter school where the sibling is enrolled that the State Charter School
115 Board approves;

116 [~~(g)~~] (h) a student who resides within up to a two-mile radius of the charter school and
117 whose school of residence is at capacity;

118 [~~(h)~~] (i) a child of a military servicemember as defined in Section [53B-8-102](#); or

119 [~~(i)~~] (j) for the [~~2021-2022~~] 2022-2023 school year, a student who withdraws from the
120 charter school to attend an online school or home school for the 2020-2021 or 2021-2022

121 school [~~year~~] years due to the COVID-19 emergency.

122 (5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection
123 (4)~~(g)~~(h), a charter school that is approved by the state board after May 13, 2014, and is
124 located in a high growth area as defined in Section 53G-6-504 shall give an enrollment
125 preference to a student who resides within a two-mile radius of the charter school.

126 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
127 apply to a charter school that was approved without a high priority status pursuant to
128 Subsection 53G-6-504(7)(b).

129 (6) If a district school converts to charter status, the charter school shall give an
130 enrollment preference to students who would have otherwise attended it as a district school.

131 (7) (a) A charter school whose mission is to enhance learning opportunities for
132 refugees or children of refugee families may give an enrollment preference to refugees or
133 children of refugee families.

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

136 (8) A charter school may weight the charter school's lottery to give a slightly better
137 chance of admission to educationally disadvantaged students, including:

- 138 (a) low-income students;
- 139 (b) students with disabilities;
- 140 (c) English language learners;
- 141 (d) migrant students;
- 142 (e) neglected or delinquent students; and
- 143 (f) homeless students.

144 (9) A charter school may not discriminate in the charter school's admission policies or
145 practices on the same basis as other public schools may not discriminate in admission policies
146 and practices.