

**CHARTER SCHOOL GOVERNING BOARD MEMBER
REQUIREMENTS AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

General Description:

This bill makes changes to requirements for charter school governing board members.

Highlighted Provisions:

This bill:

▶ establishes:

• a minimum number of governing board members for a charter school governing board; and

• training requirements for charter school governing board members;

▶ requires a charter school governing board to publish certain information about governing board members on the charter school's website;

▶ permits a charter school to compensate governing board members for:

• per diem and travel expenses related to required training; and

• attending charter school governing board meetings;

▶ requires the State Board of Education to:

• provide training and an assessment to charter school governing board members that leads to certification; and

• distribute a stipend to certified governing board members for completing required training;

▶ defines terms; and



28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 This bill appropriates:

31 ▶ to the State Board of Education -- Contracted Initiatives and Grants, as an ongoing
32 appropriation:

- 33 • from the Education Fund, \$300,000.

34 ▶ to the State Board of Education -- Contracted Initiatives and Grants, as a one-time
35 appropriation:

- 36 • from the Education Fund, One-time, \$350,000.

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **53G-5-303**, as last amended by Laws of Utah 2019, Chapter 293

42 ENACTS:

43 **53G-5-414**, Utah Code Annotated 1953



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

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

47 **53G-5-303. Charter agreement -- Content -- Modification.**

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

51 (2) A charter agreement:

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

55 (3) A charter agreement shall include:

- 56 (a) the name of:
 - 57 (i) the charter school; and
 - 58 (ii) the charter school applicant;

- 59 (b) the mission statement and purpose of the charter school;
- 60 (c) the charter school's opening date;
- 61 (d) the grade levels the charter school will serve;
- 62 (e) (i) subject to Section 53G-6-504, the maximum number of students a charter school
- 63 will serve; or
- 64 (ii) for an operating charter school with satellite charter schools, the maximum number
- 65 of students of all satellite charter schools collectively served by the operating charter school;
- 66 (f) a description of the structure of the charter school governing board, including:
- 67 (i) the number of charter school governing board members, which may not be fewer
- 68 than five;
- 69 (ii) how members of the charter school governing board are appointed; and
- 70 (iii) charter school governing board members' terms of office;
- 71 (g) assurances that:
- 72 (i) the charter school governing board will comply with:
- 73 (A) the charter school's bylaws;
- 74 (B) the charter school's articles of incorporation; and
- 75 (C) applicable federal law, state law, and state board rules;
- 76 (ii) the charter school governing board will meet all reporting requirements described
- 77 in Section 53G-5-404; and
- 78 (iii) except as provided in Part 6, Charter School Credit Enhancement Program, neither
- 79 the authorizer nor the state, including an agency of the state, is liable for the debts or financial
- 80 obligations of the charter school or a person who operates the charter school;
- 81 (h) which administrative rules the state board will waive for the charter school;
- 82 (i) minimum financial standards for operating the charter school;
- 83 (j) minimum standards for student achievement; and
- 84 (k) signatures of the charter school authorizer and the charter school governing board
- 85 members.
- 86 (4) (a) Except as provided in Subsection (4)(b), a charter agreement may not be
- 87 modified except by mutual agreement between the charter school authorizer and the charter
- 88 school governing board.
- 89 (b) A charter school governing board may modify the charter school's charter

90 agreement without the mutual agreement described in Subsection (4)(a) to include an
91 enrollment preference described in Subsection [53G-6-502\(4\)\(g\)](#).

92 Section 2. Section **53G-5-414** is enacted to read:

93 **53G-5-414. Charter school governing board -- Training -- Compensation.**

94 (1) As used in this section:

95 (a) "Certified member" means a governing board member that successfully completes
96 the training and assessment required in this section as described in Subsection (4).

97 (b) "Charter school authorizer" or "authorizer" means an entity listed in Section
98 [53G-5-205](#) that authorizes a charter school.

99 (c) "Governing board member" means a member of a charter school governing board.

100 (d) "New member" means a governing board member who did not serve on a charter
101 school governing board in the year immediately preceding the governing board member's
102 appointment.

103 (2) By January 1, 2023, the state board shall contract with a provider, through a request
104 for proposals process, to:

105 (a) develop and deliver training for governing board members, including training on:

106 (i) conducting a public meeting in accordance with:

107 (A) Title 52, Chapter 4, Open and Public Meetings Act;

108 (B) Section [53G-5-413](#); and

109 (C) other applicable state law or rule;

110 (ii) administering a charter school;

111 (iii) the charter school governing board's financial duties and fiduciary duties;

112 (iv) workplace harassment; and

113 (v) sexual harassment;

114 (b) develop an assessment for governing board members that measures the governing
115 board member's proficiency in the subjects addressed in the training described in Subsection

116 (2)(a); and

117 (c) develop and deliver supplementary training for a governing board member who
118 does not demonstrate the proficiency described in Subsection (2)(b).

119 (3) An authorizer shall:

120 (a) oversee the provider's delivery of the training described in Subsections (2)(a) and

- 121 (2)(c);
- 122 (b) administer the assessment described in Subsection (2)(b), to governing board
- 123 members;
- 124 (c) ensure governing board members from the authorizer's charter schools complete the
- 125 training and assessment described in Subsection (4);
- 126 (d) submit a report to the state board of the progress and status of each governing board
- 127 member's training and certification; and
- 128 (e) submit a request to the state board for the stipend described in Subsection (7),
- 129 within 30 days of the date on which a governing board member first successfully completes the
- 130 training and assessment described in Subsection (4).
- 131 (4) (a) A governing board member shall, every three years:
- 132 (i) complete the training described in Subsection (2)(a);
- 133 (ii) complete the assessment described in Subsection (2)(b); and
- 134 (iii) if the governing board member does not demonstrate the proficiency described in
- 135 Subsection (2)(b), complete the supplementary training described in Subsection (2)(c).
- 136 (b) A new member shall complete the training and assessment described in Subsection
- 137 (4)(a) within six months of the new member's appointment to a charter school governing board.
- 138 (c) Notwithstanding Subsection (4)(b), a governing board member who is a governing
- 139 board member on January 1, 2023, shall complete the training and assessment described in
- 140 Subsection (4)(a) by July 1, 2023.
- 141 (5) A charter school governing board shall publish on a charter school's website each
- 142 governing board member's name and position on the charter school governing board.
- 143 (6) If directly related to completing the training and assessment described in
- 144 Subsection (4), a charter school may provide to a governing board member per diem and travel
- 145 expenses up to the rates described in and in accordance with:
- 146 (a) Section [63A-3-106](#);
- 147 (b) Section [63A-3-107](#); and
- 148 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 149 [63A-3-107](#).
- 150 (7) Subject to legislative appropriations, the state board shall provide a \$500 stipend to
- 151 a charter school on behalf of a certified member the first time the certified member successfully

152 completes the training and assessment described in Subsection (4).

153 (8) A charter school may provide a stipend to a certified member for each day on which
154 the certified member attends a charter school governing board meeting, up to the salary
155 recommendation described in Subsection 36-2-3(1)(b)(i).

156 Section 3. **Appropriation.**

157 The following sums of money are appropriated for the fiscal year beginning July 1,
158 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
159 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
160 Act, the Legislature appropriates the following sums of money from the funds or accounts
161 indicated for the use and support of the government of the state of Utah.

162 ITEM 1

163 To the State Board of Education -- Contracted Initiatives and Grants

164	<u>From Education Fund</u>	<u>\$300,000</u>
165	<u>From Education Fund, One-time</u>	<u>\$350,000</u>

166 Schedule of Programs:

167	<u>Charter Board Member Certification</u>	<u>\$650,000</u>
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168 The Legislature intends that, in fiscal year 2023, the State Board of Education use the
169 appropriation under this item to:

170 (1) contract with a provider as described in Subsection 53G-5-414(2), to provide
171 training and an assessment; and

172 (2) provide funds to charter schools on behalf of a certified charter school governing
173 board member who successfully completes training and assessment for the first time as
174 described in Subsection 53G-5-414(7).