

Representative Susan Pulsipher proposes the following substitute bill:

CHARTER SCHOOL AUTHORIZERS MODIFICATIONS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill addresses charter school authorizers.

Highlighted Provisions:

This bill:

- ▶ modifies the entities that are eligible to authorize charter schools;
- ▶ addresses review by the State Charter School Board of an application of a new charter school;
- ▶ defines terms;
- ▶ requires certain authorizers to adopt procedures for imposing a standard, guideline, or policy;
- ▶ requires certain authorizers to comply with the procedures;
- ▶ provides when a standard, guideline, or policy is invalid; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



AMENDS:

53G-5-205, as last amended by Laws of Utah 2020, Chapter 408

ENACTS:

53G-5-308, Utah Code Annotated 1953

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

Section 1. Section **53G-5-205** is amended to read:

53G-5-205. Charter school authorizers -- Power and duties -- Charter application minimum standard.

(1) (a) The following entities are eligible to authorize charter schools:

~~[(a)]~~ (i) the State Charter School Board;

~~[(b)]~~ (ii) a local school board; ~~[(c)]~~

~~[(c)]~~ (iii) a board of trustees of an institution in the state system of higher education as described in Section **53B-1-102**~~[-]~~; or

(iv) a board of trustees of a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.

(b) (i) After a local school board reviews an application for a new charter school to ensure that the new charter school meets the requirements of this chapter, the local school board may recommend to the State Charter School Board that the State Charter School Board authorize the specific charter school.

(ii) Upon receiving a recommendation under this Subsection (1)(b), the State Charter School Board shall consider the recommendation to authorize the new charter school in the light most favorable for the State Charter School Board authorizing the new charter school.

(iii) The State Charter School Board shall:

(A) work with the local school board in conducting the State Charter School Board's review of the application for a new charter school; and

(B) notify the local school board of the State Charter School Board's decision as to whether to authorize the new charter school within 60 days of the day the State Charter School Board receives the recommendation of the local school board under this Subsection (1)(b).

(2) A charter school authorizer shall:

(a) annually review and evaluate the performance of charter schools authorized by the

57 authorizer and hold a charter school accountable for the school's performance; and

58 (b) monitor charter schools authorized by the authorizer for compliance with federal
59 and state laws, rules, and regulations.

60 (3) A charter school authorizer may:

61 (a) authorize and promote the establishment of charter schools, subject to the
62 provisions in this part;

63 (b) make recommendations on legislation and rules pertaining to charter schools to the
64 Legislature and state board, respectively;

65 (c) make recommendations to the state board on the funding of charter schools;

66 (d) provide technical support to charter schools and persons seeking to establish charter
67 schools by:

68 (i) identifying and promoting successful charter school models;

69 (ii) facilitating the application and approval process for charter school authorization;

70 (iii) directing charter schools and persons seeking to establish charter schools to
71 sources of funding and support;

72 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of
73 supporting and strengthening proposals before an application for charter school authorization is
74 submitted to a charter school authorizer; or

75 (v) assisting charter schools to understand and carry out their charter obligations; or

76 (e) provide technical support, as requested, to another charter school authorizer relating
77 to charter schools.

78 (4) Within 60 days after an authorizer's approval of an application for a new charter
79 school, the state board may direct an authorizer to do the following if the authorizer or charter
80 school applicant failed to follow statutory or state board rule requirements made in accordance
81 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

82 (a) reconsider the authorizer's approval of an application for a new charter school; and

83 (b) correct deficiencies in the charter school application or authorizer's application
84 process as described in statute or state board rule, made in accordance with Title 63G, Chapter
85 3, Utah Administrative Rulemaking Act, before approving the new application.

86 (5) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
87 Rulemaking Act, make rules establishing minimum standards that a charter school authorizer is

required to apply when:

(a) evaluating a charter school application; or

(b) monitoring charter school compliance.

(6) The minimum standards described in Subsection (5) shall include:

(a) reasonable consequences for an authorizer that fails to comply with statute or state board rule;

(b) a process for an authorizer to review:

(i) the skill and expertise of a proposed charter school's governing board; and

(ii) the functioning operation of the charter school governing board of an authorized charter school;

(c) a process for an authorizer to review the financial viability of a proposed charter school and of an authorized charter school;

(d) a process to evaluate:

(i) how well an authorizer's authorized charter school complies with the charter school's charter agreement;

(ii) whether an authorizer's authorized charter school maintains reasonable academic standards; and

(iii) standards that an authorizer is required to meet to demonstrate the authorizer's capacity to oversee, monitor, and evaluate the charter schools the authorizer authorizes.

Section 2. Section **53G-5-308** is enacted to read:

53G-5-308. Adoption of standards, guidelines, or policies.

(1) As used in this section:

(a) "Applicable charter school authorizer" means a charter school authorizer that is the authorizer of more than 10 charter schools at the same time.

(b) "Standard, guideline, or policy" means a requirement or measurement of performance imposed by an applicable charter school authorizer on two or more charter schools authorized by the applicable charter school authorizer.

(2) (a) An applicable charter school authorizer shall adopt a procedure for the imposition of a standard, guideline, or policy that is substantially similar to the rulemaking procedure under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including procedures for notice and receipt of public comment.

119 **(b) An applicable charter school authorizer may not impose a standard, guideline, or**
120 **policy unless the applicable charter school authorizer follows the procedure adopted under**
121 **Subsection (2)(a).**

122 **(3) A standard, guideline, or policy imposed on or after July 1, 2023, by an applicable**
123 **charter school authorizer is not valid if the applicable charter school authorizer does not follow**
124 **the procedures adopted under Subsection (2)(a) in imposing the standard, guideline, or policy.**