

1 **ESTABLISHMENT OF CHARTER SCHOOLS AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: David E. Lifferth**

5 Senate Sponsor: Howard A. Stephenson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions regarding applying for and approving the establishment of
10 a charter school.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the State Charter School Board to request applications to establish a charter
14 school that employs new and creative methods to meet the unique learning styles
15 and needs of students, such as a:

16 • military charter school;
17 • charter school whose mission is to enhance learning opportunities for students at
18 risk of academic failure;

19 • charter school whose focus is career and technical education;

20 • single gender charter school; or

21 • charter school with an international focus that provides opportunities for the
22 exchange of students or teachers with foreign schools;

23 ▶ requires the State Charter School Board to request applications to establish other
24 charter schools that meet the unique learning styles and needs of students;

25 ▶ addresses procedures for applying for and approving a charter school;

26 ▶ modifies provisions regarding the appropriation of funds for, or authorization of, an
27 increase in enrollment capacity of charter schools by the Legislature; and

28 ▶ makes technical amendments.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53A-1a-502.5**, as last amended by Laws of Utah 2012, Chapters 139 and 414

36 ENACTS:

37 **53A-1a-501.9**, Utah Code Annotated 1953



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

40 Section 1. Section **53A-1a-501.9** is enacted to read:

41 **53A-1a-501.9. State Charter School Board to request applications for certain**
42 **types of charter schools.**

43 (1) To meet the unique learning styles and needs of students, the State Charter School
44 Board shall seek to expand the types of instructional methods and programs offered by schools,
45 as provided in this section.

46 (2) (a) The State Charter School Board shall request individuals, groups of individuals,
47 or not-for-profit legal entities to submit an application to the State Charter School Board to
48 establish a charter school that employs new and creative methods to meet the unique learning
49 styles and needs of students, such as:

50 (i) a military charter school;

51 (ii) a charter school whose mission is to enhance learning opportunities for students at
52 risk of academic failure;

53 (iii) a charter school whose focus is career and technical education;

54 (iv) a single gender charter school; or

55 (v) a charter school with an international focus that provides opportunities for the
56 exchange of students or teachers.

57 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter

58 School Board shall request applications for other types of charter schools that meet the unique
59 learning styles and needs of students.

60 (3) The State Charter School Board shall publicize a request for applications to
61 establish a charter school specified in Subsection (2).

62 (4) A charter school application submitted pursuant to Subsection (2) shall be subject
63 to the application and approval procedures specified in Section 53A-1a-505.

64 (5) The State Charter School Board and the State Board of Education may approve one
65 or more applications for each charter school specified in Subsection (2), subject to the
66 Legislature appropriating funds for, or authorizing, an increase in charter school enrollment
67 capacity as provided in Section 53A-1a-502.5.

68 (6) The State Board of Education shall submit a request to the Legislature to
69 appropriate funds for, or authorize, the enrollment of students in charter schools tentatively
70 approved under this section.

71 Section 2. Section **53A-1a-502.5** is amended to read:

72 **53A-1a-502.5. Approval of increase in charter school enrollment capacity.**

73 (1) For the purposes of this section, "next school year" means the school year that
74 begins on or after the July 1 immediately following the end of a general session of the
75 Legislature.

76 ~~[(1)(a)]~~ (2) The State Board of Education may approve an increase in charter school
77 enrollment capacity in the 2012-13 school year or thereafter subject to the Legislature;

78 (a) appropriating funds for [the] an increase in charter school enrollment capacity[-] in
79 the next school year; or

80 ~~[(b) A charter school shall submit a request for an increase in enrollment capacity~~
81 ~~pursuant to Subsection (2)(a) on or before October 1 of the school year for which the increase~~
82 ~~in enrollment capacity is requested.]~~

83 (b) authorizing an increase in charter school enrollment capacity in the school year
84 immediately following the next school year.

85 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment

86 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment
87 capacity for a charter school proposed and approved in response to a request for applications
88 issued under Section 53A-1a-501.9.

89 ~~[(2)]~~ (4) (a) A charter school may annually submit a request to the State Board of
90 Education for an increase in enrollment capacity in the amount of .25 times the number of
91 students in grades 9 through 12 enrolled in an online course in the previous school year through
92 the Statewide Online Education Program.

93 (b) A charter school shall submit a request for an increase in enrollment capacity
94 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase
95 in enrollment capacity is requested.

96 ~~[(b)]~~ (c) The State Board of Education shall approve a request for an increase in
97 enrollment capacity made under Subsection ~~[(2)]~~ (4)(a) subject to the availability of sufficient
98 funds appropriated under Section 53A-1a-513 to provide the full amount of the per student
99 allocation for each charter school student in the state to supplement school district property tax
100 revenues.

101 ~~[(c)]~~ (d) An increase in enrollment capacity approved under Subsection ~~[(2)(b)]~~ (4)(c)
102 shall be a permanent increase in the charter school's enrollment capacity.

103 ~~[(3)]~~ (5) (a) If the Legislature does not appropriate funds for an increase in charter
104 school enrollment capacity that is tentatively approved by the State Board of Education, the
105 State Board of Education shall prioritize the tentatively approved schools and expansions based
106 on approved funds.

107 (b) A charter school or expansion that is tentatively approved, but not funded, shall be
108 considered to be tentatively approved for the next application year and receive priority status
109 for available funding.