

1                   **OPERATION AND MANAGEMENT OF CHARTER SCHOOLS**

2                                   2011 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Christopher N. Herrod**

5                                   Senate Sponsor: J. Stuart Adams

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7   **LONG TITLE**

8   **General Description:**

9           This bill imposes requirements pertaining to the operation and management of charter  
10 schools.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ provides that a chartering entity may use certain data to measure the performance of  
14 a charter school;

15           ▶ prohibits a chartering entity from imposing performance standards, except as  
16 permitted by statute, that would limit a charter school from accomplishing the  
17 purposes of charter schools;

18           ▶ requires a charter to include an acknowledgment that neither the chartering entity  
19 nor the state is liable for the debts or financial obligations of the charter school; and

20           ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 **AMENDS:**

27           **53A-1a-507**, as last amended by Laws of Utah 2007, Chapter 344

28           **53A-1a-508**, as last amended by Laws of Utah 2010, Chapter 353

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

31 Section 1. Section **53A-1a-507** is amended to read:

32 **53A-1a-507. Requirements for charter schools.**

33 (1) A charter school shall be nonsectarian in its programs, admission policies,  
34 employment practices, and operations.

35 (2) A charter school may not charge tuition or fees, except those fees normally charged  
36 by other public schools.

37 (3) A charter school shall meet all applicable federal, state, and local health, safety, and  
38 civil rights requirements.

39 (4) (a) A charter school shall make the same annual reports required of other public  
40 schools under [~~Title 53A, State System of Public Education~~] this title, including an annual  
41 financial audit report.

42 (b) A charter school shall file its annual financial audit report with the Office of the  
43 State Auditor within six months of the end of the fiscal year.

44 (5) (a) A charter school shall be accountable to its chartering entity for performance as  
45 provided in the school's charter.

46 (b) To measure the performance of a charter school, a chartering entity may use data  
47 contained in:

48 (i) the charter school's annual financial audit report;

49 (ii) a report submitted by the charter school as required by statute; or

50 (iii) a report submitted by the charter school as required by its charter.

51 (c) A chartering entity may not impose performance standards, except as permitted by  
52 statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the  
53 purposes of charter schools as provided in Section 53A-1a-503 or as otherwise provided in law.

54 (6) A charter school may not advocate unlawful behavior.

55 (7) Except as provided in Section 53A-1-515, a charter school shall be organized and  
56 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its  
57 authorization.

58 (8) A charter school shall provide adequate liability and other appropriate insurance.

59 (9) Beginning on July 1, 2007, a charter school shall submit any lease, lease-purchase  
60 agreement, or other contract or agreement relating to the charter school's facilities or financing  
61 the charter school facilities to its chartering entity for review and advice prior to the charter  
62 school entering into the lease, agreement, or contract.

63 (10) A charter school may not employ an educator whose license has been suspended  
64 or revoked by the State Board of Education as provided in Section 53A-6-501.

65 Section 2. Section **53A-1a-508** is amended to read:

66 **53A-1a-508. Content of a charter -- Modification of charter.**

67 (1) The major issues involving the operation of a charter school shall be considered in  
68 advance by the applicant for a charter school and written into the school's charter.

69 (2) The governing body of the charter school and the chartering entity shall sign the  
70 charter.

71 (3) The charter shall include:

72 (a) the age or grade levels to be served by the school;

73 (b) the projected maximum number of students to be enrolled in the school and the  
74 projected enrollment in each of the first three years of operations;

75 (c) the governance structure of the school;

76 (d) the financial plan for the school and the provisions which will be made for auditing  
77 the school under Subsection 53A-1a-507(4);

78 (e) the mission and education goals of the school, the curriculum offered, and the  
79 methods of assessing whether students are meeting educational goals, to include at a minimum  
80 participation in the Utah Performance Assessment System for Students under Chapter 1, Part 6,  
81 Achievement Tests;

82 (f) admission and dismissal procedures, including suspension procedures;

83 (g) procedures to review complaints of parents regarding the operation of the school;

84 (h) the opportunity for parental involvement at the school;

85 (i) how the school will provide adequate liability and other appropriate insurance for

86 the school, its governing body, and its employees;

87 (j) the proposed school calendar, including the length of the school day and school  
88 year;

89 (k) whether any agreements have been entered into or plans developed with school  
90 districts regarding participation of charter school students in extracurricular activities within  
91 the school districts;

92 (l) the district within which the school will be located and the address of the school's  
93 physical facility, if known at the time the charter is signed;

94 (m) the qualifications to be required of the teachers, including the requirement of a  
95 criminal background check;

96 (n) in the case of an existing public school converting to charter status, alternative  
97 arrangements for current students who choose not to attend the charter school and for current  
98 teachers who choose not to teach at the school after its conversion to charter status;

99 (o) the school's intention to create a library;

100 (p) a description of school administrative and supervisory services;

101 (q) fiscal procedures that are consistent with generally accepted financial management  
102 standards to be used by the school; [~~and~~]

103 (r) the school's policies and procedures regarding:

104 (i) employee evaluation; and

105 (ii) employment of relatives[-]; and

106 (s) an acknowledgment that neither the chartering entity nor the state, including an  
107 agency of the state, is liable for the debts or financial obligations of the charter school or  
108 persons or entities who operate the charter school.

109 (4) A charter may be modified by mutual agreement of the chartering entity and the  
110 governing body of the school.

111 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
112 State Board of Education shall make rules that establish the procedures and deadlines for  
113 approved charter schools to apply and qualify for expansion, including the establishment of

114 satellite campuses.