

CHARTER SCHOOL AUTHORIZATION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Adam Robertson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to a local school board's authority to authorize a charter school.

Highlighted Provisions:

This bill:

▶ allows a local school board to authorize a charter school outside of the local school board's school district boundaries.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-5-305, as last amended by Laws of Utah 2019, Chapter 293

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

Section 1. Section **53G-5-305** is amended to read:

53G-5-305. Charters authorized by local school boards -- Application process --

Local school board responsibilities.

(1) (a) An applicant identified in Section **53G-5-302** may submit an application to a



28 local school board to establish and operate a charter school [~~within the geographical boundaries~~
29 ~~of the school district administered by the local school board~~].

30 (b) (i) The principal, teachers, or parents of students at an existing public school may
31 submit an application to [~~the~~] a local school board to convert the school or a portion of the
32 school to charter status.

33 (A) If the entire school is applying for charter status, at least two-thirds of the licensed
34 educators employed at the school and at least two-thirds of the parents of students enrolled at
35 the school must have signed a petition approving the application prior to [~~its~~] the application's
36 submission to [~~the charter school authorizer~~] a local school board.

37 (B) If only a portion of the school is applying for charter status, the percentage is
38 reduced to a simple majority.

39 (ii) [~~The~~] A local school board may not approve an application submitted under
40 Subsection (1)(b)(i) unless the local school board determines that:

41 (A) students opting not to attend the proposed converted school would have access to a
42 comparable public education alternative; and

43 (B) current teachers who choose not to teach at the converted charter school or who are
44 not retained by the school at the time of [~~its~~] the school's conversion would receive a first
45 preference for transfer to open teaching positions for which they qualify within the school
46 district, and, if no positions are open, contract provisions or local school board policy regarding
47 reduction in staff would apply.

48 (2) (a) An existing public school that converts to charter status under a charter granted
49 by a local school board may:

50 (i) if the charter school is authorized by the local school board for the school district in
51 which the charter school is located, continue to receive the same services from the school
52 district that [~~it~~] the charter school received prior to [~~its~~] the school's conversion; [~~or~~]

53 (ii) if the charter school is authorized by a local school board other than the local
54 school board of the school district in which the charter school is located, receive services from
55 the local school board that authorizes the charter school; or

56 [~~it~~] (iii) contract out for some or all of [~~those~~] the services described in Subsection
57 (2)(a)(i) or (ii) with other public or private providers.

58 (b) Any other charter school authorized by a local school board may contract with the

59 local school board to receive some or all of the services [~~referred to~~] described in Subsection
60 (2)(a).

61 (c) Except as specified in a charter agreement, local school board assets do not transfer
62 to an existing public school that converts to charter status under a charter granted by a local
63 school board under this section.

64 (3) (a) A local school board that receives an application for a charter school under this
65 section shall, within 45 days, either accept or reject the application.

66 (b) If [~~the~~] a local school board rejects the application, [~~it~~] the local school board shall
67 notify the applicant in writing of the reason for the rejection.

68 (c) [~~The applicant~~] An applicant that receives a notification described in Subsection
69 (3)(b) may submit a revised application for reconsideration by the local school board.

70 (d) If [~~the~~] a local school board refuses to authorize the applicant, the applicant may
71 seek a charter from another authorizer.

72 (4) The state board shall make [~~a rule~~] rules, in accordance with Title 63G, Chapter 3,
73 Utah Administrative Rulemaking Act, providing for a timeline for the opening of a charter
74 school following the approval of a charter school application by a local school board.

75 (5) After approval of a charter school application and in accordance with Section
76 53G-5-303, the applicant and the local school board that authorizes the charter school shall [~~set~~
77 ~~forth~~] establish the terms and conditions for the operation of the charter school in a written
78 charter agreement.

79 (6) A local school board may terminate a charter school [~~it~~] that the local school board
80 authorizes as [~~provided~~] described in Sections 53G-5-501 and 53G-5-503.

81 (7) In addition to the exemptions described in Sections 53G-5-405, 53G-7-202, and
82 53G-5-407, a charter school authorized by a local school board is:

83 (a) not required to separately submit a report or information required under this public
84 education code to the state board if the information is included in a report or information that is
85 submitted by the local school board or school district that authorizes the charter school; and

86 (b) exempt from the requirement under Section 53G-5-404 that a charter school shall
87 be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation
88 Act.

89 (8) Before a local school board accepts a charter school application, the local school

90 board shall, in accordance with state board rules, establish and make public the local school
91 board's:

- 92 (a) application requirements, in accordance with Section [53G-5-302](#);
- 93 (b) application process, including timelines, in accordance with this section; and
- 94 (c) minimum academic, financial, and enrollment standards.