

**AUTHORIZATION TO MODIFY CHARTER SCHOOL
CHARTER AGREEMENTS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to charter school enrollment preferences.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to charter school enrollment preferences;
- ▶ amends provisions related to the modification of a charter agreement; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-506, as last amended by Laws of Utah 2014, Chapters 291, 363, and 406

53A-1a-508, as last amended by Laws of Utah 2015, Chapter 258

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

Section 1. Section **53A-1a-506** is amended to read:

53A-1a-506. Eligible students.



28 (1) As used in this section:

29 (a) "At capacity" means operating above the school's open enrollment threshold.

30 ~~[(a)]~~ (b) "District school" means a public school under the control of a local school
31 board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local
32 School Boards.

33 (c) "Open enrollment threshold" means the same as that term is defined in Section
34 53A-2-206.5.

35 ~~[(b)]~~ (d) "Refugee" means a person who is eligible to receive benefits and services
36 from the federal Office of Refugee Resettlement.

37 (e) "School of residence" means the same as that term is defined in Section
38 53A-2-206.5.

39 (2) All resident students of the state qualify for admission to a charter school, subject
40 to the limitations set forth in this section and Section 53A-1a-506.5.

41 (3) (a) A charter school shall enroll an eligible student who submits a timely
42 application, unless the number of applications exceeds the capacity of a program, class, grade
43 level, or the charter school.

44 (b) If the number of applications exceeds the capacity of a program, class, grade level,
45 or the charter school, the charter school shall select students ~~[shall be selected]~~ on a random
46 basis, except as provided in Subsections (4) through (8).

47 (4) A charter school may give an enrollment preference to:

48 (a) a child or grandchild of an individual who has actively participated in the
49 development of the charter school;

50 (b) a child or grandchild of a member of the charter school governing board;

51 (c) a sibling of a student presently enrolled in the charter school;

52 (d) a child of an employee of the charter school;

53 (e) ~~[students]~~ a student articulating between charter schools offering similar programs
54 that are governed by the same charter school governing board;

55 (f) ~~[students]~~ a student articulating from one charter school to another pursuant to an
56 articulation agreement between the charter schools that is approved by the State Charter School
57 Board; or

58 ~~[(g) students who reside within:]~~

59 ~~[(i) the school district in which the charter school is located;]~~
 60 ~~[(ii) the municipality in which the charter school is located; or]~~
 61 ~~[(iii) a two-mile radius of the charter school.]~~

62 (g) a student who resides within a two-mile radius of the charter school and whose
 63 school of residence is at capacity.

64 (5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g),
 65 a charter school that is approved by the State Board of Education after May 13, 2014, and is
 66 located in a high growth area as defined in Section 53A-1a-502.5 shall give an enrollment
 67 preference to ~~[students]~~ a student who ~~[reside]~~ resides within a two-mile radius of the charter
 68 school.

69 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
 70 apply to a charter school that was approved without a high priority status pursuant to
 71 Subsection 53A-1a-502.5~~[(6)]~~(7)(b).

72 (6) If a district school converts to charter status, the charter school shall give an
 73 enrollment preference to students who would have otherwise attended it as a district school.

74 (7) (a) A charter school whose mission is to enhance learning opportunities for
 75 refugees or children of refugee families may give an enrollment preference to refugees or
 76 children of refugee families.

77 (b) A charter school whose mission is to enhance learning opportunities for English
 78 language learners may give an enrollment preference to English language learners.

79 (8) A charter school may weight ~~[its]~~ the charter school's lottery to give a slightly better
 80 chance of admission to educationally disadvantaged students, including:

- 81 (a) low-income students;
- 82 (b) students with disabilities;
- 83 (c) English language learners;
- 84 (d) migrant students;
- 85 (e) neglected or delinquent students; and
- 86 (f) homeless students.

87 (9) A charter school may not discriminate in ~~[its]~~ the charter school's admission
 88 policies or practices on the same basis as other public schools may not discriminate in ~~[their]~~
 89 admission policies and practices.

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

91 **53A-1a-508. Charter agreement -- Content -- Modification.**

92 (1) A charter agreement:

93 (a) is a contract between the charter school applicant and the charter school authorizer;

94 (b) shall describe the rights and responsibilities of each party; and

95 (c) shall allow for the operation of the applicant's proposed charter school.

96 (2) A charter agreement shall include:

97 (a) the name of:

98 (i) the charter school; and

99 (ii) the charter school applicant;

100 (b) the mission statement and purpose of the charter school;

101 (c) the charter school's opening date;

102 (d) the grade levels and number of students the charter school will serve;

103 (e) a description of the structure of the charter ~~[schools]~~ school governing board,

104 including:

105 (i) the number of board members;

106 (ii) how members of the board are appointed; and

107 (iii) board members' terms of office;

108 (f) assurances that:

109 (i) the charter school governing board ~~[shall]~~ will comply with:

110 (A) the charter school's bylaws;

111 (B) the charter school's articles of incorporation; and

112 (C) applicable federal law, state law, and State Board of Education rules;

113 (ii) the charter school governing board will meet all reporting requirements described

114 in Section 53A-1a-507; and

115 (iii) except as provided in Title 53A, Chapter 20b, Part 2, Charter School Credit

116 Enhancement Program, neither the authorizer nor the state, including an agency of the state, is

117 liable for the debts or financial obligations of the charter school or a person who operates the

118 charter school;

119 (g) which administrative rules the State Board of Education will waive for the charter

120 school;

- 121 (h) minimum financial standards for operating the charter school;
- 122 (i) minimum standards for student achievement; and
- 123 (j) signatures of the charter school authorizer and the charter ~~[school's]~~ school
- 124 governing board members.
- 125 (3) ~~[A]~~ (a) Except as provided in Subsection (3)(b), a charter agreement may not be
- 126 modified except by mutual agreement between the charter school authorizer and the charter
- 127 school governing board [of the charter school].
- 128 (b) A charter school governing board may modify the charter school's charter
- 129 agreement without the mutual agreement described in Subsection (3)(a) to include an
- 130 enrollment preference described in Subsection [53A-1a-506\(4\)\(g\)](#).

Legislative Review Note
Office of Legislative Research and General Counsel