

STABILIZING SCHOOL DISTRICT BOUNDARIES

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING A PROCESS TO DEAL WITH SCHOOL BOUNDARY ADJUSTMENTS BETWEEN SCHOOL DISTRICTS DUE TO ANNEXATION BY A CITY THAT WOULD CAUSE ITS RESIDENTS TO BE SERVED BY MORE THAN ONE SCHOOL DISTRICT; AND PROVIDING A REPEALER.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-14-201, as enacted by Chapter 1, Laws of Utah 1995

53A-2-104, as last amended by Chapter 227, Laws of Utah 1993

53A-2-105, as last amended by Chapter 48, Laws of Utah 1988

REPEALS:

53A-2-109, as last amended by Chapter 77, Laws of Utah 1997

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

Section 1. Section **20A-14-201** is amended to read:

20A-14-201. Local boards of education -- Local school board districts -- Creation --

Reapportionment.

(1) (a) [~~(i) Except as provided in Subsection (ii), the~~] The county legislative body, for [~~local~~] school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the [~~local~~] school district into [~~five local~~] school board districts as required under Subsection 20A-14-202(1)(a).

[~~(ii) Salt Lake City's municipal legislative body shall divide the Salt Lake City School District into seven local school board districts.~~]

(b) The county and municipal legislative bodies shall divide the school district so that the [~~local~~] school board districts are substantially equal in population and are as contiguous and compact as practicable.

(2) (a) County and municipal legislative bodies shall reapportion district boundaries to meet the population, compactness, and contiguity requirements of this section:

(i) at least once every ten years;

(ii) whenever a new district is created;

(iii) whenever districts are consolidated;

(iv) whenever a district loses more than 20% of the population of the entire school district to another district;

(v) whenever a district loses more than 50% of the population of a local school board district to another district; and

(vi) whenever a district receives new residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district.

(b) If a school district receives territory containing less than 20% of the population of the transferee district at the time of the last reapportionment, the local school board may assign the new territory to one or more existing [local] school board districts.

(3) (a) Reapportionment does not affect the right of any school board member to complete the term for which the member was elected.

(b) (i) After reapportionment, representation in a [local] school board district shall be determined as provided in Subsection (3).

(ii) If only one board member whose term extends beyond reapportionment lives within a reapportioned [local] school board district, that board member shall represent that [local] school board district.

(iii) (A) If two or more members whose terms extend beyond reapportionment live within a reapportioned local school board district, the members involved shall select one member by lot to represent the [local] school board district.

(B) The other members shall serve at-large for the remainder of their terms.

(C) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.

(iv) If there is no board member living within a [local] school board district whose term

extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this part.

(4) (a) If, before an election affected by reapportionment, the county or municipal legislative body that conducted the reapportionment determines that one or more members must be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the reapportioned [~~local~~] school board districts will elect members to two-year terms and which will elect members to four-year terms.

(b) All subsequent elections are for four-year terms.

Section 2. Section **53A-2-104** is amended to read:

53A-2-104. Transfer of a portion of a school district -- Board resolution -- Board petition -- Elector petition -- Transfer election.

(1) Part of a school district may be transferred to another district in one of the following ways:

(a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the local board of education of each affected school district;

(b) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by a majority of the members of the local school board of each affected school district; or

(c) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of the affected school districts within that county.

(2) (a) If an annexation of property by a city would result in its residents being served by more than one school district, then the presidents of the affected local school boards shall meet within 60 days prior to the effective date of the annexation to determine whether it would be advisable to adjust school district boundaries to permit all residents of the expanded city to be served by a single school district.

(b) Upon conclusion of the meeting, the local school board presidents shall prepare a

recommendation for presentation to their respective boards as soon as reasonably possible.

(c) The boards may then initiate realignment proceedings under Subsection (1)(a) or (b).

(d) If a local board rejects realignment under Subsection (1)(a) or (b), the other board may initiate the following procedures by majority vote within 60 days of the vote rejecting realignment:

(i) (A) within 30 days after a vote to initiate these procedures, each local board shall appoint one member to a boundary review committee;

(B) if the local board becomes deadlocked in selecting the appointee under Subsection (d)(i)(A), the board's chair shall make the appointment or serve as the appointee to the review committee.

(ii) The two local board-appointed members of the committee shall meet and appoint a third member of the committee.

(iii) If the two local board-appointed members are unable to agree on the appointment of a third member within 30 days after both are appointed, the State Superintendent of Public Instruction shall appoint the third member.

(iv) The committee shall meet as necessary to prepare recommendations concerning resolution of the realignment issue, and shall submit the recommendations to the affected local boards within six months after the appointment of the third member of the committee.

(v) If a majority of the members of each local board accepts the recommendation of the committee, or accepts the recommendation after amendment by the boards, then the accepted recommendation shall be implemented.

(vi) If the committee fails to submit its recommendation within the time allotted, or if one local board rejects the recommendation, the affected boards may agree to extend the time for the committee to prepare an acceptable recommendation or either board may request the State Board of Education to resolve the question.

(vii) If the committee has submitted a recommendation which the state board finds to be reasonably supported by the evidence, the state board shall adopt the committee's recommendation.

(viii) The decision of the state board is final.

[(2)] (3) (a) The electors of each affected district shall vote on the transfer requested under

Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general election.

(b) The election shall be conducted and the returns canvassed as provided by election law.

(c) A transfer is effected only if a majority of votes cast by the electors in both the proposed transferor district and in the proposed transferee district are in favor of the transfer.

Section 3. Section **53A-2-105** is amended to read:

53A-2-105. Transfer of school property -- Indebtedness on transferred property.

(1) If a transfer of a portion of one school district to another school district is approved under Section 53A-2-104, [~~or occurs because of annexation under Section 53A-2-109;~~] the state superintendent and the superintendents and presidents of the boards of education of each of the affected school districts shall determine the basis for a transfer of all school property reasonably and fairly allocable to that portion being transferred.

(2) (a) Title to property transferred vests in the transferee board of education.

(b) The transfer of a school building that is in operation at the time of determination shall be made at the close of a fiscal year.

(c) The transfer of all other school property shall be made five days after approval of the transfer of territory under Section 53A-2-104.

(3) (a) The individuals referred to in Subsection (1) shall determine the portion of bonded indebtedness and other indebtedness of the transferor board for which the transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor board.

(b) This is done by:

~~[(a)]~~ (i) determining the amount of the outstanding bonded indebtedness and other indebtedness of the transferor board of education;

~~[(b)]~~ (ii) determining the total taxable value of the property of the transferor district and the taxable value of the property to be transferred; and

~~[(c)]~~ (iii) calculating the portion of the indebtedness of the transferor board for which the transferred portion retains liability.

(4) (a) The agreement reflecting these determinations takes effect upon being filed with the State Board of Education.

(b) The transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor school board.

(c) The transferee school board may assume the obligation to pay the proportionate share of the transferor school board's indebtedness that has been determined under Subsection (3) to be the obligation of the transferred portion by the approval of a resolution by a majority of the qualified electors of the transferee school district at an election called and held for that purpose under Title 11, Chapter 14, [the] Utah Municipal Bond Act.

(5) If the transferee school district assumes the obligation to pay this proportionate share of the transferor school board's indebtedness, the transferee school board shall levy a tax in the whole of the transferee district, including the transferred portion, sufficient to pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator of the transferor board.

(6) If the transferee school board does not assume this obligation, the transferee school board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the transferor board.

(7) For the purposes of school districts affected by repealed laws governing the annexation of an unincorporated area of a school district by a city which included what was formerly known as a city school district, transitions of unincorporated areas and property from the transferor district to the transferee district in progress on the effective date of this act shall revert to the boundaries and ownership prior to the initiation of annexation and may then proceed under this section and Section 53A-2-104.

Section 4. Repealer.

This act repeals:

Section 53A-2-109, Annexation of territory of school district by city -- Attendance options of students -- Adoption of optional form of county government not to affect school

districts.