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**PROCEDURES FOR DIVIDING SCHOOL
DISTRICTS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steven R. Mascaro

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to an option for creation of a new school district.

Highlighted Provisions:

This bill:

► requires a specified feasibility study to examine the impact of new school district creation on both the proposed new district and the remaining district or districts;

and

► requires approval from voters in the proposed new district and the remaining portion of the existing district prior to new school district creation under a new district creation option.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-2-118, as last amended by Chapter 183, Laws of Utah 2006

53A-2-118.1, as enacted by Chapter 183, Laws of Utah 2006



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

29 Section 1. Section **53A-2-118** is amended to read:

30 **53A-2-118. Creation of new school district by county legislative body -- Initiation**
31 **of process -- Procedures to be followed.**

32 (1) A county legislative body may create a new school district from an existing school
33 district within the geographical boundaries of the county.

34 (2) (a) The process may be initiated:

35 (i) through a citizens' initiative petition;

36 (ii) at the request of the board of the existing district or districts to be affected by the
37 creation of the new district; or

38 (iii) at the request of a city within the boundaries of the school district or at the request
39 of interlocal agreement participants, pursuant to Section 53A-2-118.1.

40 (b) (i) A petition submitted under Subsection (2)(a)(i) must be signed by qualified
41 electors residing within the geographical boundaries of the proposed new school district equal
42 in number to at least 15% of the number of electors in the area who voted for the office of
43 governor at the last regular general election.

44 (ii) A request or petition submitted under Subsection (2)(a) shall:

45 (A) be filed with the county clerk;

46 (B) indicate the typed or printed name and current residence address of each governing
47 board member making a request, or registered voter signing a petition, as the case may be;

48 (C) describe the proposed new school district boundaries; and

49 (D) designate up to five signers of the petition or request as sponsors, one of whom
50 shall be designated as the contact sponsor, with the mailing address and telephone number of
51 each.

52 (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,
53 reinstate the signer's signature at any time before the filing of the petition by filing a written
54 withdrawal or reinstatement with the county clerk.

55 (d) The process under Subsection (2)(a)(i) may only be initiated once during any
56 four-year period.

57 (e) A new district may not be formed pursuant to Subsection (2)(a) if the student
58 population of the proposed new district is less than 3,000 or the existing district's student

59 population would be less than 3,000 because of the creation of the new school district.

60 (f) Within 45 days after the filing of a request or petition under Subsection (2)(a), the
61 county clerk shall:

62 (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d),
63 and (e), as applicable; and

64 (ii) (A) if the county clerk determines that the request or petition complies with the
65 applicable requirements:

66 (I) certify the request or petition and deliver the certified request or petition to the
67 county legislative body; and

68 (II) mail or deliver written notification of the certification to the contact sponsor; or

69 (B) if the county clerk determines that the request or petition fails to comply with any
70 of the applicable requirements, reject the request or petition and notify the contact sponsor in
71 writing of the rejection and reasons for the rejection.

72 (g) If the county clerk fails to certify or reject a request or petition within 45 days after
73 its filing, the petition shall be considered to be certified.

74 (h) (i) If the county clerk rejects a request or petition, the request or petition may be
75 amended to correct the deficiencies for which it was rejected and then refiled.

76 (ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled
77 after having been rejected by a county clerk.

78 (i) If a county legislative body receives a request from a school board under Subsection
79 (2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or
80 before December 1:

81 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
82 by Subsection (3), on or before January 1;

83 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
84 county legislative body, as provided by Subsection (3), on or before July 1; and

85 (iii) if the county legislative body approves a proposal to create a new district, the
86 proposal shall be submitted to the county clerk to be voted on by the electors of the existing
87 district at the regular general or municipal general election held in November.

88 (3) (a) The county legislative body shall appoint an ad hoc advisory committee to
89 review and make recommendations on a request for the creation of a new school district

90 submitted under Subsection (2)(a)(i) or (ii).

91 (b) The advisory committee shall:

92 (i) seek input from:

93 (A) those requesting the creation of the new school district;

94 (B) the school board and school personnel of the existing school district;

95 (C) those citizens residing within the geographical boundaries of the existing school
96 district;

97 (D) the State Board of Education; and

98 (E) other interested parties;

99 (ii) review data and gather information on at least:

100 (A) the financial viability of the proposed new school district;

101 (B) the proposal's financial impact on the existing school district;

102 (C) the exact placement of school district boundaries; and

103 (D) the positive and negative effects of creating a new school district and whether the
104 positive effects outweigh the negative if a new school district were to be created; and

105 (iii) make a report to the county legislative body in a public meeting on the committee's
106 activities, together with a recommendation on whether to create a new school district.

107 (4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):

108 (a) The county legislative body shall provide for a 45-day public comment period on
109 the report and recommendation to begin on the day the report is given under Subsection
110 (3)(b)(iii).

111 (b) Within 14 days after the end of the comment period, the county legislative body
112 shall vote on the creation of the proposed new school district.

113 (c) The proposal is approved if a majority of the members of the county legislative
114 body votes in favor of the proposal.

115 (d) If the proposal is approved, the county legislative body shall submit the proposal to
116 the county clerk to be voted on:

117 (i) by the legal voters of the existing school district;

118 (ii) in accordance with Title 20A, Election Code; and

119 (iii) at the next regular general election or municipal general election, whichever is
120 first.

121 (e) Creation of the new school district shall occur if a majority of the electors within
 122 both the proposed school district and the remaining school district voting on the proposal vote
 123 in favor of the creation of the new district.

124 (f) The county legislative body shall provide notice of the action as required in Section
 125 53A-2-101.5.

126 (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is
 127 approved by the electors, the existing district's documented costs to study and implement the
 128 proposal shall be reimbursed by the new district.

129 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection
 130 (2)(f) or (g), the county legislative body shall submit the proposal to the county clerk to be
 131 voted on:

132 (i) by the legal voters residing within the [~~proposed new~~] existing school district
 133 boundaries;

134 (ii) in accordance with Title 20A, Election Code; and

135 (iii) at the next regular general election or municipal general election, whichever is
 136 first.

137 (b) Creation of the new school district shall occur if a majority of the legal voters:

138 (i) within the proposed new school district boundaries voting on the proposal vote in
 139 favor of the creation of the new district[-]; and

140 (ii) within the remaining school district boundaries voting on the proposal vote in favor
 141 of the creation of the new district.

142 Section 2. Section **53A-2-118.1** is amended to read:

143 **53A-2-118.1. Option for school district creation.**

144 (1) (a) After conducting a feasibility study as specified in Subsection (1)(b), a city of
 145 the first or second class, as defined under Section 10-2-301, may by majority vote of the
 146 legislative body, submit for voter approval a measure to create a new school district with
 147 boundaries contiguous with that city's boundaries, in accordance with Section 53A-2-118.

148 (b) The feasibility study shall, at a minimum, examine, for both the proposed new
 149 district and the remaining affected district or districts, the impact on:

150 (i) finances;

151 (ii) personnel; and

152 (iii) student educational opportunities.

153 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
154 may, together with one or more other cities, towns, or the county enter into an interlocal
155 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
156 of submitting for voter approval a measure to create a new school district.

157 (b) In accordance with Section 53A-2-118, interlocal agreement participants under
158 Subsection (2)(a) may submit a proposal for voter approval if:

159 (i) the interlocal agreement participants conduct a feasibility study consistent with
160 Subsection (1)(b) prior to submitting the proposal to the county;

161 (ii) the combined population within the proposed new school district boundaries meets
162 the minimum population threshold for a city of the second class; and

163 (iii) the new school district boundaries:

164 (A) are contiguous;

165 (B) do not completely surround or otherwise completely geographically isolate a
166 portion of an existing school district that is not part of the proposed new school district from
167 the remaining part of the existing school district;

168 (C) include the entire boundaries of any participant city or town; and

169 (D) do not cross county lines.

170 (c) (i) A county may only participate in an interlocal agreement under this Subsection
171 (2) for the unincorporated areas of the county.

172 (ii) Boundaries of a new school district created under this section may include a portion
173 of the unincorporated area of the county, including a portion of a township.

174 (3) If a proposal under this section is approved by voters:

175 (a) transfer of school district property and indebtedness to a newly created school
176 district shall be handled in accordance with Sections 53A-2-120 and 53A-2-121;

177 (b) transferred employees shall be treated in accordance with Sections 53A-2-116 and
178 53A-2-122; and

179 (c) within one year after creation of the new district, the superintendent of the
180 previously existing district or districts affected and the superintendent of the new district shall
181 meet, together with the Superintendent of Public Instruction, to determine if further boundary
182 changes should be proposed in accordance with Section 53A-2-104 or Subsection

183 53A-2-118(2).

Legislative Review Note
as of 12-13-06 2:25 PM

Office of Legislative Research and General Counsel

H.B. 75 - Procedures for Dividing School Districts

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/17/2007, 11:45:00 AM, Lead Analyst: Schoenfeld, J.D.

Office of the Legislative Fiscal Analyst