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**NEW SCHOOL DISTRICT AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: D. Chris Buttars**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Equalization Task Force recommended this bill.

**General Description:**

This bill amends the provisions related to the creation of new school districts.

**Highlighted Provisions:**

This bill:

▶ extends the time frame within which a new school district may begin to provide educational services if a statewide equalization funding bill has not been approved

by the Legislature and governor; and

▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-2-118**, as last amended by Laws of Utah 2007, First Special Session, Chapter 1

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

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



28           **53A-2-118. Creation of new school district by county legislative body -- Initiation**  
29 **of process -- Procedures to be followed.**

30           (1) A new school district may be created from one or more existing school districts, as  
31 provided in this section.

32           (2) (a) The process to create a new school district may be initiated:

33           (i) through a citizens' initiative petition;

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

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

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

42           (ii) Each request or petition submitted under Subsection (2)(a) shall:

43           (A) be filed with the clerk of each county in which any part of the proposed new school  
44 district is located;

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

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

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

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

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

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

59 (f) Within 45 days after the filing of a petition under Subsection (2)(a)(i) or five  
60 business days after the filing of a request under Subsection (2)(a)(ii) or (iii), the clerk of each  
61 county with which a request or petition is filed 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 the time  
73 specified in Subsection (2)(f), the request or 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 legislative body of each county with which a request or petition is filed  
86 approves a proposal to create a new district, the proposal shall be submitted to the respective  
87 county clerk to be voted on by the electors of each existing district at the regular general or  
88 municipal general election held in November.

89 (3) (a) The legislative body of each county with which a request or petition is filed

90 shall appoint an ad hoc advisory committee to review and make recommendations on a request  
91 for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).

92 (b) The advisory committee shall:

93 (i) seek input from:

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

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

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

98 (D) the State Board of Education; and

99 (E) other interested parties;

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

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

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

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

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

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

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

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

112 (b) Within 14 days after the end of the comment period, the legislative body of each  
113 county with which a request or petition is filed shall vote on the creation of the proposed new  
114 school district.

115 (c) The proposal is approved if a majority of the members of the legislative body of  
116 each county with which a request or petition is filed votes in favor of the proposal.

117 (d) If the proposal is approved, the legislative body of each county with which a  
118 request or petition is filed shall submit the proposal to the county clerk to be voted on:

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

120 (ii) in accordance with the procedures and requirements applicable to a regular general

121 election under Title 20A, Election Code; and

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

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

127 (f) Each county legislative body shall provide notice of the action as required in  
128 Section 53A-2-101.5.

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

132 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection  
133 (2)(f) or (g), the legislative body of each county in which part of the proposed new school  
134 district is located shall submit the proposal to the respective clerk of each county to be voted  
135 on:

136 (i) by the legal voters residing within the proposed new school district boundaries;

137 (ii) in accordance with the procedures and requirements applicable to a regular general  
138 election under Title 20A, Election Code; and

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

141 (b) (i) If a majority of the legal voters within the proposed new school district  
142 boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the  
143 creation of the new district:

144 (A) each county legislative body shall, within 30 days after the canvass of the election,  
145 file with the lieutenant governor the written notice required under Section 53A-2-101.5; and

146 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,  
147 the new district is created.

148 (ii) Notwithstanding the creation of a new district as provided in Subsection  
149 (5)(b)(i)(B):

150 (A) a new school district may not begin to provide educational services to the area  
151 within the new district until after:

152            (I) July 1 of the second calendar year following the election at which voters approve  
153 creation of the new school district; and

154            (II) the earlier of the following:

155            (Aa) a bill has been approved by the Legislature and signed by the governor that  
156 provides increased ongoing funding from appropriations made during fiscal year 2007-08 of at  
157 least \$28 million statewide for school district capital projects and a prioritization process for  
158 those capital projects; or

159            (Bb) July 1, 2012;

160            (B) a remaining district may not begin to provide educational services to the area  
161 within the remaining district until the time specified in Subsection (5)(b)(ii)(A); and

162            (C) each existing district shall continue, until the time specified in Subsection  
163 (5)(b)(ii)(A), to provide educational services within the entire area covered by the existing  
164 district as though the new district had not been created.

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**Legislative Review Note**  
**as of 12-5-07 3:11 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 49 - New School District Amendments**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill may prohibit a newly created school district from providing educational services until provisions outlined in the bill are met.

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