

Representative Bill Wright proposes the following substitute bill:

SCHOOL COMMUNITY COUNCILS AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bill Wright

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies provisions pertaining to the membership, selection, and operation of school community councils.

Highlighted Provisions:

This bill:

- ▶ modifies qualifications for a parent or guardian member of a school community council;
- ▶ modifies duties of a school community council;
- ▶ requires an election for the parent or guardian members of a school community council to:
 - extend for a period of at least three consecutive school days; and
 - commence no later than 30 days after the first day of the school year;
- ▶ requires a principal to provide notification of a school community council election at least 21 days before the commencement of an election;
- ▶ modifies the officer positions of a school community council;
- ▶ requires a school's principal, in order for the school to receive an allotment of School LAND Trust Program money, to provide a signed, written assurance that:
 - the school community council membership is consistent with requirements



26 specified in law; and

27 • the selection of school community council members is consistent with
28 requirements specified in law;

29 ▶ directs the Legislative Auditor General, at the direction of the Legislative Audit
30 Subcommittee, to audit a sample of schools for compliance with requirements
31 pertaining to school community council membership and the selection of school
32 community council members;

33 ▶ provides for a reduction or an elimination of a school's allocation of School LAND
34 Trust money for failure to comply with requirements pertaining to school
35 community council membership or the selection of school community council
36 members; and

37 ▶ makes technical amendments.

38 **Money Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 **H→ [None] This bill coordinates with S.B. 142, Public Official Contact Information, and H.B.**
41a **186, Utah Code Technical Amendments, by providing superseding technical amendments. ←H**

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **53A-1a-108**, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332

45 **53A-16-101.5**, as last amended by Laws of Utah 2008, Chapters 332 and 382

45a **H→ Utah Code Sections Affected by Coordination Clause:**

45b **53A-1a-108, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332 ←H**



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

48 Section 1. Section **53A-1a-108** is amended to read:

49 **53A-1a-108. School community councils authorized -- Duties -- Composition --**
50 **Election procedures and selection of members.**

51 (1) As used in this section:

52 (a) "Educator" has the meaning defined in Section 53A-6-103.

53 ~~(a)~~ (b) (i) "Parent or guardian member" means a member of a school community
54 council who is a parent or guardian of a student who;

55 (A) is attending the school [or who];

56 (B) will be enrolled at the school at any time during the parent's or guardian's initial

57 term of office[-]; or

58 (C) was enrolled at the school during the parent or guardian member's initial term of
 59 office as provided in Subsection (5)(g)(iii).

60 (ii) "Parent or guardian member" may not include ~~[a person]~~ an educator who ~~[meets~~
 61 ~~the definition of a school employee member]~~ is employed by the school district in which the
 62 school is located unless the ~~[person's]~~ educator's employment ~~[at the school]~~ does not exceed
 63 an average of six hours per week.

64 ~~[(b)]~~ (c) "School employee member" means a member of a school community council
 65 who is a person employed at a school by the school or school district, including the principal.

66 (2) Each public school, in consultation with its local school board, shall establish a
 67 school community council at the school building level.

68 (3) (a) Each school community council shall:

69 (i) ~~[develop]~~ create a school improvement plan in accordance with Section
 70 53A-1a-108.5;

71 (ii) ~~[develop]~~ create the School LAND Trust Program in accordance with Section
 72 53A-16-101.5;

73 (iii) assist in the ~~[development]~~ creation and implementation of a staff professional
 74 development plan as provided by Section 53A-3-701; and

75 ~~[(iv) develop a child access routing plan in accordance with Section 53A-3-402, and]~~

76 ~~[(v)]~~ (iv) advise and make recommendations to school and school district

77 administrators and the local school board regarding the school and its programs, school district
 78 programs, ~~H→~~ **a child access routing plan in accordance with Section 53A-3-402,** ~~←H~~ and other
 78a issues relating to the community environment for students.

79 (b) In addition to the duties specified in Subsection (3)(a), a school community council
 80 for an elementary school shall ~~[develop]~~ create a reading achievement plan in accordance with
 81 Section 53A-1-606.5.

82 (c) A school or school district administrator may not prohibit or discourage a school
 83 community council from discussing issues, or offering advice or recommendations, regarding
 84 the school and its programs, school district programs, the curriculum, or the community
 85 environment for students.

86 (4) (a) Each school community council shall consist of school employee members and
 87 parent or guardian members in accordance with this section.

88 (b) Except as provided in Subsection (4)(c):

89 (i) each school community council for a high school shall have six parent or guardian
90 members and five school employee members, including the principal; and

91 (ii) each school community council for a school other than a high school shall have
92 four parent or guardian members and three school employee members, including the principal.

93 (c) (i) A school community council may have a larger membership provided that the
94 number of parent or guardian members exceeds the number of school employee members.

95 (ii) A school community council may have a smaller membership provided that:

96 (A) the number of parent or guardian members exceeds the number of school employee
97 members; and

98 (B) there are at least two school employee members on the school community council.

99 (5) (a) Each school employee member, except the principal, shall be elected by secret
100 ballot by a majority vote of the school employees and serve a two-year term. The principal
101 shall serve as an ex officio member with full voting privileges.

102 (b) (i) Each parent or guardian member shall be elected by secret ballot at an election
103 held at the school by a majority vote of those voting at the election and serve a two-year term.

104 (ii) Only parents or guardians of students attending the school may vote at the election
105 under Subsection (5)(b)(i).

106 (iii) Any parent or guardian of a student who meets the qualifications of this section
107 may file or declare himself as a candidate for election to a school community council.

108 (iv) An election for the parent or guardian members of a school community council
109 shall:

110 (A) extend for a period of at least three consecutive school days; and

111 (B) commence no later than 30 days after the first day of the school year.

112 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
113 the available community council positions to school employees, parents, and guardians at least
114 [~~14~~] 21 days before the date that voting commences for the elections held under Subsections
115 (5)(a) and (5)(b).

116 (ii) The notice shall include:

117 (A) the dates and times of the elections;

118 (B) a list of council positions that are up for election; and

119 (C) instructions for becoming a candidate for a community council position.

120 (iii) The principal of the school, or the principal's designee, shall oversee the elections
121 held under Subsections (5)(a) and (5)(b).

122 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
123 secure ballot box[;].

124 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
125 available to the public upon request.

126 (e) (i) If a parent or guardian position on a school community council remains unfilled
127 after an election is held, the other parent or guardian members of the council shall appoint a
128 parent or guardian who meets the qualifications of this section to fill the position.

129 (ii) If a school employee position on a school community council remains unfilled after
130 an election is held, the other school employee members of the council shall appoint a school
131 employee to fill the position.

132 (iii) The [~~chair~~] cochairs or chair of the community council shall notify the local school
133 board of each appointment made under Subsection (5)(e)(i)[;] or (ii)[~~, or (iii)~~].

134 (iv) A member appointed to a school community council under Subsection (5)(e)(i) or
135 (ii) shall serve a two-year term.

136 (f) Initial terms shall be staggered so that no more than 50% of the council members
137 stand for election in any one year.

138 (g) (i) Each public school, in consultation with its local school board, shall set the
139 beginning date of the term of office for school community council members.

140 (ii) [~~Council members~~] A school community council member may serve up to three
141 successive terms.

142 (iii) If a parent or guardian member's child is enrolled in the school at any time during
143 the parent or guardian member's initial term of office, the parent or guardian member may
144 serve up to three successive terms even though the parent or guardian member's child is no
145 longer enrolled in the school.

146 (h) ~~H→~~ [(H)] ~~←H~~ Each school community council shall elect [~~a chair and vice chair~~]:

147 ~~H→~~ [(A)] (i) ~~←H~~ two cochairs from its parent or guardian members ~~H→~~ [~~and~~] or one

147a cochair from its parent or guardian members and one cochair from its ~~←H~~ elected employee
148 members[;] or

149 ~~H→~~ [(B)] (ii) ~~←H~~ a chair ~~H→~~ and a vice chair ~~←H~~ from its parent or guardian members.

150 ~~H→ [(ii) No more than one parent or guardian member or elected employee member may at~~
151 ~~the same time serve as [an officer specified in Subsection (5)(h)(i)] cochair.] ←H~~

152 (6) (a) A school community council may create subcommittees or task forces to:

153 (i) advise or make recommendations to the council; or

154 (ii) develop all or part of a plan listed in Subsection (3).

155 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
156 subject to the approval of the school community council.

157 (c) A school community council may appoint individuals who are not council members
158 to serve on a subcommittee or task force, including parents, school employees, or other
159 community members.

160 (7) (a) A school community council shall provide the following information:

161 (i) the proposed school community council meeting schedule for the year, provided
162 during the first two weeks of the school year;

163 (ii) a summary of the school community council's actions and activities during the first
164 half of the school year information, provided at the mid-point of the school year; and

165 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the
166 school's School LAND Trust Program monies were used to enhance or improve academic
167 excellence at the school and implement a component of the school's improvement plan,
168 provided at the beginning of the next school year.

169 (b) The school community council shall provide the information described in
170 Subsection (7)(a) by:

171 (i) posting the information on the school's website; and

172 (ii) providing individual delivery to each household that has a student attending the
173 school by:

174 (A) mailing the information;

175 (B) delivering a voice message describing the information and explaining where to
176 obtain the full information;

177 (C) sending an e-mail message containing the information;

178 (D) providing the information in a packet that is to be delivered to a student's parent or
179 guardian:

180 (I) during the school's annual registration period; or

181 (II) with the student's report card; or
 182 (E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through
 183 (D).

184 (8) A school community council shall, at least one week prior to a meeting, post the
 185 following information on the school's website:

186 (a) notice of the meeting date, time, and place;

187 (b) an agenda for the meeting; and

188 (c) a summary of the previous meeting.

189 (9) (a) A majority of the members of a school community council is a quorum for the
 190 transaction of business.

191 (b) The action of a majority of the members of a quorum is the action of the school
 192 community council.

193 (10) A local school board shall give each school community council member a copy of
 194 the ~~H~~→ following ~~H~~ statutes governing school community councils ~~H~~→ [:] :

194a (a) Section 53A-1a-108;

194b (b) Section 53A-1a-108.5; and

194c (c) Section 53A-16-101.5. ~~H~~

195 Section 2. Section **53A-16-101.5** is amended to read:

196 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
 197 **School plans for use of funds.**

198 (1) There is established the School LAND (Learning And Nurturing Development)
 199 Trust Program for the state's public schools to provide financial resources to enhance or
 200 improve student academic achievement and implement a component of the school
 201 improvement plan.

202 (2) (a) The program shall be funded each fiscal year:

203 (i) from the Interest and Dividends Account created in Section 53A-16-101; and

204 (ii) in the amount of the sum of the following:

205 (A) the interest and dividends from the investment of money in the permanent State
 206 School Fund deposited to the Interest and Dividends Account in the immediately preceding
 207 year; and

208 (B) interest accrued on money in the Interest and Dividends Account in the
 209 immediately preceding fiscal year.

210 (b) On and after July 1, 2003, the program shall be funded as provided in Subsection
 211 (2)(a) up to [~~a maximum of~~] an amount equal to 2% of the funds provided for the Minimum

212 School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act, each
213 fiscal year.

214 (c) The Legislature shall annually allocate, through an appropriation to the State Board
215 of Education, a portion of School LAND Trust Program money for the administration of the
216 program.

217 (3) (a) The State Board of Education shall allocate the money referred to in Subsection
218 (2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter as
219 follows:

220 (i) school districts and the charter schools combined shall receive 10% of the funds on
221 an equal basis; and

222 (ii) the remaining 90% of the funds shall be distributed on a per student basis, with
223 each school district and charter school receiving its allocation based on the number of students
224 in the school district and charter school as compared to the state total.

225 (b) ~~Each~~ A school district shall distribute its allocation under Subsection (3)(a) to
226 each school within the district on an equal per student basis.

227 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
228 ~~board~~ State Board of Education may make rules regarding the time and manner in which the
229 student count shall be made for allocation of the money.

230 (4) (a) Except as provided in Subsection (7), in order to receive its allocation under
231 Subsection (3)~~[-]~~:

232 (i) a school shall have established a school community council ~~under~~ in accordance
233 with Section 53A-1a-108~~[-]~~; and

234 (ii) the school's principal shall provide a signed, written assurance in accordance with
235 rules of the State Board of Education that:

236 (A) the membership of the school community council is consistent with the
237 membership requirements specified in Section 53A-1a-108; and

238 (B) the members were elected or appointed consistent with selection requirements
239 specified in 53A-1a-108.

240 (b) At the direction of the Legislative Audit Subcommittee, the Legislative Auditor
241 General shall:

242 (i) audit a sample of schools to determine compliance with requirements specified in

243 Section 53A-1a-108 for school community council membership and the election or
244 appointment of school community council members; and

245 (ii) submit an audit report to the Legislative Audit Subcommittee.

246 (c) The Legislative Audit Subcommittee shall forward the audit report to the Public
247 Education Appropriations Subcommittee and the State Board of Education.

248 (d) (i) The State Board of Education may recommend that all or a portion of a school's
249 allocation of School LAND Trust Program money under Subsection (3) be reduced or
250 eliminated for a fiscal year if the school has failed to comply with requirements specified in
251 Section 53A-1a-108 for school community council membership or the election or appointment
252 of school community council members.

253 (ii) The State Board of Education shall report to the Public Education Appropriations
254 Subcommittee on the board's action or decision regarding a school identified in an audit report
255 as being not in compliance with requirements specified in Section 53A-1a-108 for school
256 community council membership or the election or appointment of school community council
257 members.

258 (5) (a) The school community council or its subcommittee shall [~~develop~~] create a
259 program to use its allocation under Subsection (3) to implement a component of the school's
260 improvement plan, including:

261 (i) the school's identified most critical academic needs;

262 (ii) a recommended course of action to meet the identified academic needs;

263 (iii) a specific listing of any programs, practices, materials, or equipment which the
264 school will need to implement a component of its school improvement plan to have a direct
265 impact on the instruction of students and result in measurable increased student performance;
266 and

267 (iv) how the school intends to spend its allocation of funds under this section to
268 enhance or improve academic excellence at the school.

269 (b) The school may develop a multiyear program, but the program shall be [~~presented~~
270 ~~and~~] approved by the school community council and the local school board of the district in
271 which the school is located annually and as a prerequisite to receiving program funds allocated
272 under this section.

273 (c) (i) A school community council shall consider the approval of a plan for the use of

274 School LAND Trust Program money in a meeting of the school community council at which a
275 quorum is present.

276 (ii) If a majority of the quorum votes to approve a plan for the use of School LAND
277 Trust Program money, the plan is approved.

278 (d) A school community council shall:

279 (i) submit a plan for the use of School LAND Trust Program money that is approved in
280 accordance with Subsection (5)(c) to the local school board for the local school board's
281 approval; and

282 (ii) include with the plan a report noting the number of school community council
283 members who voted for or against the approval of the plan and the number of members who
284 were absent for the vote.

285 (e) (i) A local school board may approve or disapprove a plan for the use of School
286 LAND Trust Program money.

287 (ii) If a local school board disapproves a plan for the use of School LAND Trust
288 Program money, the local school board shall provide a written explanation of why the plan was
289 disapproved and request the school community council who submitted the plan to revise the
290 plan.

291 (iii) The school community council shall submit a revised plan to the local school
292 board for approval.

293 (6) (a) Each school shall:

294 (i) implement the program as approved by the school community council and approved
295 by the local school board;

296 (ii) provide ongoing support for the council's or its subcommittee's program; and

297 (iii) meet school board reporting requirements regarding financial and performance
298 accountability of the program.

299 (b) (i) Each school through its council or its subcommittee shall prepare and present an
300 annual report of the program to its local school board at the end of the school year.

301 (ii) The report shall detail the use of program funds received by the school under this
302 section and an assessment of the results obtained from the use of the funds.

303 (iii) A summary of the report shall be sent to households in accordance with the
304 provisions under Subsection 53A-1a-108(7).

305 (7) (a) The governing board of a charter school shall prepare a plan for the use of
 306 [~~school trust~~] School LAND Trust Program money that includes the elements listed in
 307 Subsection (5).

308 (b) The plan shall be subject to approval by the entity that authorized the establishment
 309 of the charter school.

310 (8) (a) A school community council and a governing board of a charter school may not
 311 be required to:

312 (i) send a letter to legislators or other elected officials on the school's use of School
 313 LAND Trust Program money as a condition of receiving the money; or

314 (ii) report to the State Board of Education or any local school board on whether any
 315 letters were sent to legislators or other elected officials on the school's use of School LAND
 316 Trust Program money.

317 (b) Subsection (8)(a)(i) does not apply to the annual report to the local school board
 318 required by Subsection (6)(b).

318a **Ĥ→ Section 3. Coordinating H.B. 152 with S.B. 142 and H.B. 186 -- Superseding technical**
 318b **amendments.**

318c **(1) If this H.B. 152 and H.B. 186, Utah Code Technical Amendments, both pass, it is**
 318d **the intent of the Legislature that the amendments to Subsection 53A-1a-108(5)(e)(iii) in this**
 318e **bill supersede the amendments to Subsection 53A-1a-108(5)(e)(iii) in H.B. 186 when the Office**
 318f **of Legislative Research and General Counsel prepares the Utah Code database for**
 318g **publication; or**

318h **(2) If this H.B. 152, H.B. 186, Utah Code Technical Amendments, and S.B. 142, Public**
 318i **Official Contact Information, all pass, it is the intent of the Legislature that the amendments to**
 318j **Subsection 53A-1a-108(5)(e)(iii) in this bill supersede the amendments to**
 318k **Subsection 53A-1a-108(5)(e)(iii) in H.B. 186 and S.B. 142 when the Office of Legislative**
 318l **Research and General Counsel prepares the Utah Code database for publication. ←Ĥ**

FISCAL NOTE

H.B. 152 1st Sub. (Buff)

SHORT TITLE: **School Community Councils Amendments**

SPONSOR: **Wright, B.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.