

1 **SCHOOL COMMUNITY COUNCILS AMENDMENTS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bill Wright**

5 Senate Sponsor: Margaret Dayton

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies qualifications for a parent or guardian member of a school community
14 council;
- 15 ▶ modifies duties of a school community council;
- 16 ▶ requires an election for the parent or guardian members of a school community
17 council to:
 - 18 • extend for a period of at least three consecutive school days; and
 - 19 • commence no later than 30 days after the first day of the school year;
- 20 ▶ requires a principal to provide notification of a school community council election
21 at least 21 days before the commencement of an election;
- 22 ▶ modifies the officer positions of a school community council;
- 23 ▶ requires a school's principal, in order for the school to receive an allotment of
24 School LAND Trust Program money, to provide a signed, written assurance that:
 - 25 • 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 pertaining to
31 school community council membership and the selection of school community council
32 members;

33 ▶ provides for a reduction or an elimination of a school's allocation of School LAND
34 Trust Program 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 This bill coordinates with S.B. 142, Public Official Contact Information, and H.B. 186,
42 Utah Code Technical Amendments, by providing superseding technical amendments.

43 **Utah Code Sections Affected:**

44 AMENDS:

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

46 **53A-16-101.5**, as last amended by Laws of Utah 2008, Chapters 332 and 382

47 **Utah Code Sections Affected by Coordination Clause:**

48 **53A-1a-108**, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332



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

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

52 **53A-1a-108. School community councils authorized -- Duties -- Composition --**
53 **Election procedures and selection of members.**

54 (1) As used in this section:

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

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

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

59 (B) will be enrolled at the school at any time during the parent's or guardian's initial
60 term of office~~[-]; or~~

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

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

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

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

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

72 (i) ~~[develop]~~ create a school improvement plan in accordance with Section
73 53A-1a-108.5;

74 (ii) ~~[develop]~~ create the School LAND Trust Program in accordance with Section
75 53A-16-101.5;

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

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

79 ~~[(v)]~~ (iv) advise and make recommendations to school and school district
80 administrators and the local school board regarding the school and its programs, school district
81 programs, a child access routing plan in accordance with Section 53A-3-402, and other issues
82 relating to the community environment for students.

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

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

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

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

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

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

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

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

100 (A) the number of parent or guardian members exceeds the number of school employee
101 members; and

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

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

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

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

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

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

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

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

116 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
117 the available community council positions to school employees, parents, and guardians at least
118 [~~14~~] 21 days before the date that voting commences for the elections held under Subsections
119 (5)(a) and (5)(b).

120 (ii) The notice shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

150 (h) ~~(i)~~ Each school community council shall elect ~~[a chair and vice chair]:~~

151 (i) two cochairs from its parent or guardian members ~~[and]~~ or one cochair from its
152 parent or guardian members and one cochair from its elected employee members~~[-]; or~~

153 (ii) a chair and a vice chair from its parent or guardian members.

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

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

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

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

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

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

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

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

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

169 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the

170 school's School LAND Trust Program monies were used to enhance or improve academic
171 excellence at the school and implement a component of the school's improvement plan,
172 provided at the beginning of the next school year.

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

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

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

178 (A) mailing the information;

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

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

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

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

185 (II) with the student's report card; or

186 (E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through

187 (D).

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

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

191 (b) an agenda for the meeting; and

192 (c) a summary of the previous meeting.

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

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

197 (10) A local school board shall give each school community council member a copy of

198 the following statutes governing school community councils:

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

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

201 (c) Section 53A-16-101.5.

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

203 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
204 **School plans for use of funds.**

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

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

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

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

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

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

217 (b) On and after July 1, 2003, the program shall be funded as provided in Subsection
218 (2)(a) up to ~~[a maximum of]~~ an amount equal to 2% of the funds provided for the Minimum
219 School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act, each
220 fiscal year.

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

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

226 follows:

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

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

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

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

237 (4) (a) Except as provided in Subsection (7), in order to receive its allocation under
238 Subsection (3)[~~;~~]:

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

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

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

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

247 (b) At the direction of the Legislative Audit Subcommittee, the legislative auditor
248 general shall:

249 (i) audit a sample of schools to determine compliance with requirements specified in
250 Section 53A-1a-108 for school community council membership and the election or
251 appointment of school community council members; and

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

253 (c) The Legislative Audit Subcommittee shall forward the audit report to the Public

254 Education Appropriations Subcommittee and the State Board of Education.

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

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

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

- 268 (i) the school's identified most critical academic needs;
- 269 (ii) a recommended course of action to meet the identified academic needs;
- 270 (iii) a specific listing of any programs, practices, materials, or equipment which the
271 school will need to implement a component of its school improvement plan to have a direct
272 impact on the instruction of students and result in measurable increased student performance;
273 and

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

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

280 (c) (i) A school community council shall consider the approval of a plan for the use of
281 School LAND Trust Program money in a meeting of the school community council at which a

282 quorum is present.

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

285 (d) A school community council shall:

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

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

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

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

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

300 (6) (a) Each school shall:

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

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

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

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

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

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

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

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

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

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

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

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

326 **Section 3. Coordinating H.B. 152 with S.B. 142 and H.B. 186 -- Superseding**
327 **technical amendments.**

328 (1) If this H.B. 152 and H.B. 186, Utah Code Technical Amendments, both pass, it is
329 the intent of the Legislature that the amendments to Subsection 53A-1a-108 (5)(e)(iii) in this
330 bill supersede the amendments to Subsection 53A-1a-108 (5)(e)(iii) in H.B. 186 when the
331 Office of Legislative Research and General Counsel prepares the Utah Code database for
332 publication.

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

