

SCHOOL COMMUNITY COUNCIL REVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bill Wright

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies requirements for the operation of school community councils.

Highlighted Provisions:

This bill:

- ▶ modifies deadlines for providing notice of open school community council positions and holding a school community council election;
- ▶ requires a school community council to conduct deliberations and take action openly;
- ▶ establishes requirements for the notice, agenda, and minutes of a school community council meeting;
- ▶ exempts a school community council from the Open and Public Meetings Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-103, as last amended by Laws of Utah 2011, Chapters 25 and 215

53A-1a-108, as last amended by Laws of Utah 2011, Chapters 45, 293, 342 and last



28 amended by Coordination Clause, Laws of Utah 2011, Chapter 293

29 ENACTS:

30 **53A-1a-108.1**, Utah Code Annotated 1953

31

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

33 Section 1. Section **52-4-103** is amended to read:

34 **52-4-103. Definitions.**

35 As used in this chapter:

36 (1) "Anchor location" means the physical location from which:

- 37 (a) an electronic meeting originates; or
- 38 (b) the participants are connected.

39 (2) "Convening" means the calling of a meeting of a public body by a person
40 authorized to do so for the express purpose of discussing or acting upon a subject over which
41 that public body has jurisdiction or advisory power.

42 (3) "Electronic meeting" means a public meeting convened or conducted by means of a
43 conference using electronic communications.

44 (4) "Electronic message" means a communication transmitted electronically, including:

- 45 (a) electronic mail;
- 46 (b) instant messaging;
- 47 (c) electronic chat;
- 48 (d) text messaging as defined in Section 76-4-401; or
- 49 (e) any other method that conveys a message or facilitates communication

50 electronically.

51 (5) (a) "Meeting" means the convening of a public body, with a quorum present,
52 including a workshop or an executive session whether the meeting is held in person or by
53 means of electronic communications, for the purpose of discussing, receiving comments from
54 the public about, or acting upon a matter over which the public body has jurisdiction or
55 advisory power.

56 (b) "Meeting" does not mean:

- 57 (i) a chance meeting;
- 58 (ii) a social meeting;

59 (iii) the convening of a public body that has both legislative and executive
60 responsibilities where no public funds are appropriated for expenditure during the time the
61 public body is convened and:

62 (A) the public body is convened solely for the discussion or implementation of
63 administrative or operational matters for which no formal action by the public body is required;
64 or

65 (B) the public body is convened solely for the discussion or implementation of
66 administrative or operational matters that would not come before the public body for
67 discussion or action; or

68 (iv) a meeting of the State Tax Commission to consider a confidential tax matter in
69 accordance with Section 59-1-405.

70 (6) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
71 public statements of each member of the public body who is participating in a meeting.

72 (7) "Participate" means the ability to communicate with all of the members of a public
73 body, either verbally or electronically, so that each member of the public body can hear or
74 observe the communication.

75 (8) (a) "Public body" means any administrative, advisory, executive, or legislative body
76 of the state or its political subdivisions that:

- 77 (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
78 (ii) consists of two or more persons;
79 (iii) expends, disburses, or is supported in whole or in part by tax revenue; and
80 (iv) is vested with the authority to make decisions regarding the public's business.

81 (b) "Public body" does not include a:

- 82 (i) political party, political group, or political caucus; [or]
83 (ii) conference committee, rules committee, or sifting committee of the Legislature[-];

84 or

85 (iii) school community council established under Section 53A-1a-108.

86 (9) "Public statement" means a statement made in the ordinary course of business of
87 the public body with the intent that all other members of the public body receive it.

88 (10) (a) "Quorum" means a simple majority of the membership of a public body, unless
89 otherwise defined by applicable law.

90 (b) "Quorum" does not include a meeting of two elected officials by themselves when
91 no action, either formal or informal, is taken on a subject over which these elected officials
92 have advisory power.

93 (11) "Recording" means an audio, or an audio and video, record of the proceedings of a
94 meeting that can be used to review the proceedings of the meeting.

95 (12) "Transmit" means to send, convey, or communicate an electronic message by
96 electronic means.

97 Section 2. Section **53A-1a-108** is amended to read:

98 **53A-1a-108. School community councils authorized -- Duties -- Composition --**
99 **Election procedures and selection of members.**

100 (1) As used in this section:

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

102 (b) (i) "Parent or guardian member" means a member of a school community council
103 who is a parent or guardian of a student who:

104 (A) is attending the school;

105 (B) will be enrolled at the school at any time during the parent's or guardian's initial
106 term of office; or

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

109 (ii) "Parent or guardian member" may not include an educator who is employed by the
110 school district in which the school is located unless the educator's employment does not exceed
111 an average of six hours per week.

112 (c) "School employee member" means a member of a school community council who
113 is a person employed at a school by the school or school district, including the principal.

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

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

117 (i) create a school improvement plan in accordance with Section 53A-1a-108.5;

118 (ii) create the School LAND Trust Program in accordance with Section 53A-16-101.5;

119 (iii) assist in the creation and implementation of a staff professional development plan
120 as provided by Section 53A-3-701; and

121 (iv) advise and make recommendations to school and school district administrators and
122 the local school board regarding the school and its programs, school district programs, a child
123 access routing plan in accordance with Section 53A-3-402, and other issues relating to the
124 community environment for students.

125 (b) In addition to the duties specified in Subsection (3)(a), a school community council
126 for an elementary school shall create a reading achievement plan in accordance with Section
127 53A-1-606.5.

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

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

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

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

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

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

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

142 (A) the number of parent or guardian members exceeds the number of school employee
143 members; and

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

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

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

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

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

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

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

157 (B) ~~begin within the first~~ [F] 30 [J] ~~15~~ days

157a1 ~~of the~~

157a school year ~~;~~ ; and

157b (C) ~~end no later than~~ [20] 35 ~~days after the first day of the school year.~~

158 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
159 the available community council positions to school employees, parents, and guardians at least
160 [2+] ~~15~~ 10 days before the date that voting commences for the elections held under

160a Subsections

161 (5)(a) and (5)(b).

162 (ii) The notice shall include:

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

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

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

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

168 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
169 secure ballot box.

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

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

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

178 (iii) The cochairs or chair of the community council shall notify the local school board
179 of each appointment made under Subsection (5)(e)(i) or (ii).

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

182 (f) Initial terms shall be staggered so that no more than 50% of the council members

183 stand for election in any one year.

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

186 (ii) A school community council member may serve up to three successive terms.

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

191 (h) Each school community council shall elect:

192 (i) two cochairs from its parent or guardian members or one cochair from its parent or
193 guardian members and one cochair from its elected employee members; or

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

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

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

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

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

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

203 ~~[(7) (a) A school community council shall provide the following information:]~~

204 ~~[(i) the proposed school community council meeting schedule for the year, provided
205 during the first two weeks of the school year;]~~

206 ~~[(ii) a summary of the school community council's actions and activities during the first
207 half of the school year information, provided at the mid-point of the school year;]~~

208 ~~[(iii) a summary of the annual report required under Section 53A-16-101.5 on how the
209 school's School LAND Trust Program money was used to enhance or improve academic
210 excellence at the school and implement a component of the school's improvement plan,
211 provided at the beginning of the next school year; and]~~

212 ~~[(iv) a telephone number, if available, and email address, if available, where each
213 community council member can be reached directly.]~~

214 ~~[(b) The school community council shall provide the information described in~~
215 ~~Subsection (7)(a) by:]~~
216 ~~[(i) posting the information on the school's website; and]~~
217 ~~[(ii) providing individual delivery to each household that has a student attending the~~
218 ~~school by:]~~
219 ~~[(A) mailing the information;]~~
220 ~~[(B) delivering a voice message describing the information and explaining where to~~
221 ~~obtain the full information;]~~
222 ~~[(C) sending an e-mail message containing the information;]~~
223 ~~[(D) providing the information in a packet that is to be delivered to a student's parent or~~
224 ~~guardian:]~~
225 ~~[(F) during the school's annual registration period; or]~~
226 ~~[(H) with the student's report card; or]~~
227 ~~[(E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through~~
228 ~~(D):]~~
229 ~~[(8) A school community council shall, at least one week prior to a meeting, post the~~
230 ~~following information on the school's website:]~~
231 ~~[(a) notice of the meeting date, time, and place;]~~
232 ~~[(b) an agenda for the meeting; and]~~
233 ~~[(c) a summary of the previous meeting.]~~
234 ~~[(9)]~~ (7) (a) A majority of the members of a school community council is a quorum for
235 the transaction of business.
236 (b) The action of a majority of the members of a quorum is the action of the school
237 community council.
238 ~~[(10)]~~ (8) A local school board shall give each school community council member a
239 copy of the following statutes governing school community councils:
240 (a) Section 53A-1a-108;
241 **(b) Section 53A-1a-108.1;**
242 ~~[(b)]~~ (c) Section 53A-1a-108.5; and
243 ~~[(c)]~~ (d) Section 53A-16-101.5.
244 Section 3. Section **53A-1a-108.1** is enacted to read:

245 **53A-1a-108.1. School community councils -- Open and public meeting**
 246 **requirements.**

247 (1) A school community council established under Section 53A-1a-108:
 248 (a) shall conduct deliberations and take action openly as provided in this section; and
 249 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

250 (2) The chair of a school community council shall ensure that the members of the
 251 school community council are provided with annual training on the requirements of this
 252 section.

253 (3) (a) A meeting of a school community council is open to the public.

254 (b) A school community council may not close any portion of a meeting.

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

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

258 (b) an agenda for the meeting; and

259 (c) the minutes of the previous meeting.

260 (5) (a) A school community council shall provide the following information within the
 261 first ~~H~~→ [four] six ←~~H~~ weeks of the school year:

262 (i) the proposed school community council meeting schedule for the year; ~~H~~→ and

263 ~~[(ii) a summary of the annual report required under Section 53A-16-101.5 on how the~~
 264 ~~school's School LAND Trust Program money was used to enhance or improve academic~~
 265 ~~excellence at the school and implement a component of the school's improvement plan; and~~

266 ———~~(iii)] (ii) either ←~~H~~ a telephone number ~~H~~→ [;] or ←~~H~~ email address, or both, where each~~
 266a school community council

267 member can be reached directly.

267a **~~H~~→ (b) On or before November 15, a school community council shall provide a summary of**
 267b **the annual report required under Section 53A-16-101.5 on how the school's School LAND**
 267c **Trust Program money was used to enhance or improve academic excellence at the school and**
 267d **implement a component of the school's improvement plan.**

268 ~~[(b)] (c) ←~~H~~ The school community council shall provide the information described in~~
 269 Subsection (5)(a) ~~H~~→ and (b) ←~~H~~ by:

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

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

273 (A) mailing the information;

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

276 (C) sending an email message containing the information;
277 (D) providing the information in a packet that is to be delivered to a student's parent or
278 guardian during the school's annual registration period or with the student's report card; or
279 (E) using a combination of the methods described in Subsections (5)(b)(ii)(A) through
280 (D).
281 (6) (a) The notice requirement of Subsection (4) may be disregarded if:
282 (i) because of unforeseen circumstances it is necessary for a school community council
283 to hold an emergency meeting to consider matters of an emergency or urgent nature; and
284 (ii) the school community council gives the best notice practicable of:
285 (A) the time and place of the emergency meeting; and
286 (B) the topics to be considered at the emergency meeting.
287 (b) An emergency meeting of a school community council may not be held unless:
288 (i) an attempt has been made to notify all the members of the school community
289 council; and
290 (ii) a majority of the members of the school community council approve the meeting.
291 (7) (a) An agenda required under Subsection (4)(b) shall provide reasonable specificity
292 to notify the public as to the topics to be considered at the meeting.
293 (b) Each topic described in Subsection (7)(a) shall be listed under an agenda item on
294 the meeting agenda.
295 (c) A school community council may not take final action on a topic in a meeting
296 unless the topic is:
297 (i) listed under an agenda item as required by Subsection (7)(b); and
298 (ii) included with the advance public notice required by Subsection (4).
299 (8) (a) Written minutes shall be kept of a school community council meeting.
300 (b) Written minutes of a school community council meeting shall include:
301 (i) the date, time, and place of the meeting;
302 (ii) the names of members present and absent;
303 (iii) a brief statement of the matters proposed, discussed, or decided;
304 (iv) a record, by individual member, of each vote taken;
305 (v) the name of each person who:
306 (A) is not a member of the school community council; and

307 (B) after being recognized by the chair, provided testimony or comments to the school
 308 community council;

309 (vi) the substance, in brief, of the testimony or comments provided by the public under
 310 Subsection (8)(b)(v); and

311 (vii) any other information that is a record of the proceedings of the meeting that any
 312 member requests be entered in the minutes.

313 (c) The written minutes of a school community council meeting are a public record
 314 under Title 63G, Chapter 2, Government Records Access and Management Act, as follows:

315 (i) written minutes that have been prepared in a form awaiting only formal approval by
 316 the school community council are a public record;

317 (ii) written minutes shall be posted on the school's website as provided in Subsection
 318 (4);

319 (iii) written minutes that are made available to the public before approval by the school
 320 community council shall be clearly identified as "awaiting formal approval" or "unapproved" or
 321 with some other appropriate notice that the written minutes are subject to change until formally
 322 approved;

323 (iv) written minutes are the official record of action taken at the meeting; and

324 (v) the written minutes of a school community council ~~H→ [meeting that are required to be~~
 325 ~~retained permanently shall be maintained in or converted to a format that meets long-term~~
 326 ~~records storage requirements] shall be retained for three years ←H .~~

327 (9) (a) As used in this Subsection (9), "rules of order and procedure" means a set of
 328 rules that govern and prescribe in a public meeting:

329 (i) parliamentary order and procedure;

330 (ii) ethical behavior; and

331 (iii) civil discourse.

332 (b) A school community council shall:

333 (i) adopt rules of order and procedure to govern a public meeting of the school
 334 community council;

335 (ii) conduct a public meeting in accordance with the rules of order and procedure
 336 described in Subsection (9)(b)(i); and

337 (iii) make the rules of order and procedure described in Subsection (9)(b)(i) available

338 to the public:

339 (A) at each public meeting of the school community council; and

340 (B) on the school's website.

Legislative Review Note
as of 1-20-12 3:07 PM

Office of Legislative Research and General Counsel