

1 **SAFE TECHNOLOGY UTILIZATION AND DIGITAL**
2 **CITIZENSHIP IN PUBLIC SCHOOLS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: Howard A. Stephenson

8 **LONG TITLE**

9 **General Description:**

10 This bill amends and enacts provisions related to educational technology, school
11 community councils, and charter schools.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires a school district or charter school that purchases educational technology to
15 ensure that adequate on and off campus Internet filtering is in place;
- 16 ▶ requires a school community council to fulfill certain duties related to safe
17 technology utilization and digital citizenship;
- 18 ▶ requires a charter school governing board, or a certain council established by a
19 charter school governing board, to fulfill certain duties related to safe technology
20 utilization and digital citizenship; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53A-1-706**, as last amended by Laws of Utah 2012, Chapter 347

29 **53A-1a-108**, as last amended by Laws of Utah 2014, Chapters 332 and 346

30 **53A-1a-511**, as last amended by Laws of Utah 2012, Chapter 347

31 ENACTS:

32 **53A-1a-524**, Utah Code Annotated 1953

33

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

35 Section 1. Section **53A-1-706** is amended to read:

36 **53A-1-706. Purchases of educational technology.**

37 (1) (a) A school district, charter school, or college of education shall comply with Title
38 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as otherwise
39 provided in Subsection (1)(b).

40 (b) A school district or charter school may purchase computers from, and contract for
41 the repair or refurbishing of computers with, the Utah Correctional Industries without going
42 through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah
43 Procurement Code.

44 (2) A school district, charter school, or college of education may purchase technology
45 through cooperative purchasing contracts administered by the state Division of Purchasing or
46 through its own established purchasing program.

47 (3) A school district or charter school that purchases technology under this section
48 shall ensure that adequate on and off campus Internet filtering is installed and consistently
49 configured to prevent viewing of harmful content by students and school personnel.

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

51 **53A-1a-108. School community councils -- Duties -- Composition -- Election**
52 **procedures and selection of members.**

53 (1) As used in this section:

54 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy
55 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

56 [(a)] (b) "Educator" [~~has the meaning~~] means the same as that term is defined in
57 Section **53A-6-103**.

58 ~~[(b)]~~ (c) (i) "Parent or guardian member" means a member of a school community
59 council who is a parent or guardian of a student who:

60 (A) is attending the school; or

61 (B) will be enrolled at the school during the parent's or guardian's term of office.

62 (ii) "Parent or guardian member" may not include an educator who is employed at the
63 school.

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

66 ~~[(d)]~~ (e) "School LAND Trust Program money" means money allocated to a school
67 pursuant to Section [53A-16-101.5](#).

68 (2) Each public school, in consultation with its local school board, shall establish a
69 school community council at the school building level for the purpose of:

70 (a) involving parents or guardians of students in decision making at the school level;

71 (b) improving the education of students;

72 (c) prudently expending School LAND Trust Program money for the improvement of
73 students' education through collaboration among parents and guardians, school employees, and
74 the local school board; and

75 (d) increasing public awareness of:

76 (i) school trust lands and related land policies;

77 (ii) management of the State School Fund established in Utah Constitution Article X,
78 Section V; and

79 (iii) educational excellence.

80 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:

81 (i) create a school improvement plan in accordance with Section [53A-1a-108.5](#);

82 (ii) create the School LAND Trust Program in accordance with Section [53A-16-101.5](#);

83 (iii) assist in the creation and implementation of a professional development plan; and

84 (iv) advise and make recommendations to school and school district administrators and
85 the local school board regarding:

- 86 (A) the school and its programs[-];
- 87 (B) school district programs[-];
- 88 (C) a child access routing plan in accordance with Section 53A-3-402[-, and];
- 89 (D) safe technology utilization and digital citizenship; and
- 90 (E) other issues relating to the community environment for students[-];
- 91 (v) provide for education and awareness on safe technology utilization and digital
- 92 citizenship that empowers:
 - 93 (A) a student to make smart media and online choices; and
 - 94 (B) a parent or guardian to know how to discuss safe technology use with the parent's
 - 95 or guardian's child; and
 - 96 (vi) partner with the school's principal and other administrators to ensure that adequate
 - 97 on and off campus Internet filtering is installed and consistently configured to prevent viewing
 - 98 of harmful content by students and school personnel, in accordance with Subsection
 - 99 53A-1-706(3).
- 100 (b) To fulfill the school community council's duties described in Subsection (3)(a)(v)
- 101 and (vi), a school community council may:
 - 102 (i) partner with one or more non-profit organizations; and
 - 103 (ii) create a subcommittee.
- 104 ~~(b)~~ (c) In addition to the duties specified in Subsection (3)(a), a school community
- 105 council for an elementary school shall create a reading achievement plan in accordance with
- 106 Section 53A-1-606.5.
- 107 ~~(c)~~ (d) A school or school district administrator may not prohibit or discourage a
- 108 school community council from discussing issues, or offering advice or recommendations,
- 109 regarding the school and its programs, school district programs, the curriculum, or the
- 110 community environment for students.
- 111 (4) (a) Each school community council shall consist of school employee members and
- 112 parent or guardian members in accordance with this section.
- 113 (b) Except as provided in Subsection (4)(c) or (d):

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

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

118 (c) A school community council may determine the size of the school community
119 council by a majority vote of a quorum of the school community council provided that:

120 (i) the membership includes two or more parent or guardian members than the number
121 of school employee members; and

122 (ii) there are at least two school employee members on the school community council.

123 (d) (i) The number of parent or guardian members of a school community council who
124 are not educators employed by the school district shall exceed the number of parent or guardian
125 members who are educators employed by the school district.

126 (ii) If, after an election, the number of parent or guardian members who are not
127 educators employed by the school district does not exceed the number of parent or guardian
128 members who are educators employed by the school district, the parent or guardian members of
129 the school community council shall appoint one or more parent or guardian members to the
130 school community council so that the number of parent or guardian members who are not
131 educators employed by the school district exceeds the number of parent or guardian members
132 who are educators employed by the school district.

133 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than
134 the principal, shall be elected by secret ballot by a majority vote of the school employees and
135 serve a two-year term. The principal shall serve as an ex officio member with full voting
136 privileges.

137 (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be
138 elected by secret ballot at an election held at the school by a majority vote of those voting at the
139 election and serve a two-year term.

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

142 (iii) Any parent or guardian of a student who meets the qualifications of this section
143 may file or declare the parent's or guardian's candidacy for election to a school community
144 council.

145 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
146 election of parent or guardian members of a school community council shall be established by
147 a local school board for the schools within the school district.

148 (B) An election for the parent or guardian members of a school community council
149 shall be held near the beginning of the school year or held in the spring and completed before
150 the last week of school.

151 (C) Each school shall establish a time period for the election of parent or guardian
152 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
153 least a four-year period.

154 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
155 the available community council positions to school employees, parents, and guardians at least
156 10 days before the date that voting commences for the elections held under Subsections (5)(a)
157 and (5)(b).

158 (ii) The notice shall include:

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

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

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

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

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

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

168 (e) (i) If a parent or guardian position on a school community council remains unfilled
169 after an election is held, the other parent or guardian members of the council shall appoint a

170 parent or guardian who meets the qualifications of this section to fill the position.

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

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

176 (f) (i) If the number of candidates who file for a parent or guardian position or school
177 employee position on a school community council is less than or equal to the number of open
178 positions, an election is not required.

179 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
180 position remains unfilled, the other parent or guardian members of the council shall appoint a
181 parent or guardian who meets the qualifications of this section to fill the position.

182 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
183 position remains unfilled, the other school employee members of the council shall appoint a
184 school employee who meets the qualifications of this section to fill the position.

185 (g) The principal shall enter the names of the council members on the School LAND
186 Trust website on or before October 20 of each year, pursuant to Section [53A-1a-108.1](#).

187 (h) Terms shall be staggered so that approximately half of the council members stand
188 for election each year.

189 (i) A school community council member may serve successive terms provided the
190 member continues to meet the definition of a parent or guardian member or school employee
191 member as specified in Subsection (1).

192 (j) Each school community council shall elect:

193 (i) a chair from its parent or guardian members; and

194 (ii) a vice chair from either its parent or guardian members or school employee
195 members, excluding the principal.

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

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

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

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

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

204 (7) (a) A majority of the members of a school community council is a quorum for the
205 transaction of business.

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

208 (8) A local school board shall provide training for a school community council each
209 year, including training:

210 (a) for the chair and vice chair about their responsibilities;

211 (b) on resources available on the School LAND Trust website; and

212 (c) on the following statutes governing school community councils:

213 (i) Section 53A-1a-108;

214 (ii) Section 53A-1a-108.1;

215 (iii) Section 53A-1a-108.5; and

216 (iv) Section 53A-16-101.5.

217 Section 3. Section 53A-1a-511 is amended to read:

218 **53A-1a-511. Waivers from state board rules -- Application of statutes and rules**
219 **to charter schools.**

220 (1) A charter school shall operate in accordance with its charter and is subject to Title
221 53A, State System of Public Education, and other state laws applicable to public schools,
222 except as otherwise provided in this part.

223 (2) (a) A charter school or any other public school or school district may apply to the
224 State Board of Education for a waiver of any state board rule that inhibits or hinders the school
225 or the school district from accomplishing its mission or educational goals set out in its strategic

226 plan or charter.

227 (b) The state board may grant the waiver, unless:

228 (i) the waiver would cause the school district or the school to be in violation of state or
229 federal law; or

230 (ii) the waiver would threaten the health, safety, or welfare of students in the district or
231 at the school.

232 (c) If the State Board of Education denies the waiver, the reason for the denial shall be
233 provided in writing to the waiver applicant.

234 (3) (a) Except as provided in Subsection (3)(b), State Board of Education rules
235 governing the following do not apply to a charter school:

236 (i) school libraries;

237 (ii) required school administrative and supervisory services; and

238 (iii) required expenditures for instructional supplies.

239 (b) A charter school shall comply with rules implementing statutes that prescribe how
240 state appropriations may be spent.

241 (4) The following provisions of Title 53A, State System of Public Education, and rules
242 adopted under those provisions, do not apply to a charter school:

243 (a) Sections [53A-1a-108](#) and [53A-1a-108.5](#), requiring the establishment of a school
244 community council and school improvement plan;

245 (b) Sections [53A-3-413](#) and [53A-3-414](#), pertaining to the use of school buildings as
246 civic centers;

247 (c) Section [53A-3-420](#), requiring the use of activity disclosure statements;

248 (d) Section [53A-12-207](#), requiring notification of intent to dispose of textbooks;

249 (e) Section [53A-13-107](#), requiring annual presentations on adoption;

250 (f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school
251 districts and local school boards; and

252 (g) Section [53A-14-107](#), requiring an independent evaluation of instructional materials.

253 (5) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter

254 school [~~shall be~~] is considered [~~a local public~~] an educational procurement unit as defined in
255 Subsection 63G-6a-104(7).

256 (6) Each charter school shall be subject to:

257 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

258 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

259 (7) (a) The State Charter School Board shall, in concert with the charter schools, study
260 existing state law and administrative rules for the purpose of determining from which laws and
261 rules charter schools should be exempt.

262 (b) (i) The State Charter School Board shall present recommendations for exemption to
263 the State Board of Education for consideration.

264 (ii) The State Board of Education shall consider the recommendations of the State
265 Charter School Board and respond within 60 days.

266 Section 4. Section **53A-1a-524** is enacted to read:

267 **53A-1a-524. Safe technology utilization and digital citizenship.**

268 A charter school governing board, or a council formed by a charter school governing
269 board to prepare a plan for the use of School LAND Trust Program money under Section
270 53A-16-101.5:

271 (1) shall provide for education and awareness on safe technology utilization and digital
272 citizenship that empowers:

273 (a) a student to make smart media and online choices; and

274 (b) a parent or guardian to know how to discuss safe technology use with the parent's
275 or guardian's child;

276 (2) shall partner with the school's principal and other administrators to ensure that
277 adequate on and off campus Internet filtering is installed and consistently configured to prevent
278 viewing of harmful content by students and school personnel, in accordance with Subsection
279 53A-1-706(3); and

280 (3) may partner with one or more non-profit organizations to fulfill the duties described
281 in Subsections (1) and (2).

