

Office of  
LEGISLATIVE AUDITOR GENERAL  
State of Utah

**REPORT NUMBER 2012-02**  
**January 2012**

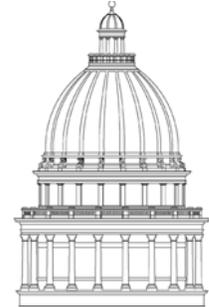
**A Review of School Community  
Council Election Practices**

We conducted a review of school community council (SCC) election practices and found that 62 percent of the sampled schools are not required to hold elections because they are uncontested. This large portion of uncontested elections could be due to a lack of interest on the part of the parents. In addition, most sampled schools are not fully complying with election notification requirements according to Utah law. We also found that confusion exists regarding whether a teacher or guardian may serve on his or her child's SCC as a parent member. Finally, we believe the statutorily required principal assurance (PA) form needs a line of review to ensure accuracy.

House Bill 152 Substitute from the 2011 General Legislative Session required the Legislative Auditor General to conduct an audit of a sample of schools to determine if they are adhering to SCC membership election requirements. During much of the time that we conducted our audit, schools were still in the process of conducting elections and implementing the new law. Therefore, while we offer some broad findings and comments, we found it imprudent to conduct an extensive audit of election practices.

**SCCs Use State Appropriated Funds  
To Help Meet Critical Academic Need**

Under *Utah Code* 53A-1a-108 each public school (except charter schools) is required to establish a school community council. SCCs consist of school employee and parent or guardian members. The



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**Auditing the election  
practices of SCCs is  
required by law.**

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number of parent or guardian members must exceed the number of school employee members and there must be at least two school employee members on the SCC. Parents or guardians and school employee members are elected or appointed to serve a two-year term and may serve up to three successive terms. The school principal serves as an ex officio member with full voting privileges as a school employee member.

According to *Utah Code* 53A-1a-108 and 108.5, SCCs are charged with performing several duties, including creating a school improvement plan to identify their school’s critical academic needs and recommend a course of action to meet those needs. To fulfill these requirements, SCCs receive funding under the School Learning And Nurturing Development (LAND) trust program. The School LAND Trust Program is funded each fiscal year from the Interest and Dividends account created by the Uniform School Fund in *Utah Code* 53A-16-101.

*Utah Code* 53A-16-101.5 establishes the formula by which schools receive their School LAND Trust Program money. Annually, school districts receive 10 percent of the funds equally, and the remaining 90 percent of the funds is distributed to districts on a per student basis. Each school district is to distribute its allocation of funds to each school within the district on an equal per student basis.

Therefore, each school receives a different funding amount to administer its SCC program. All schools (about 900) receive School LAND Trust funds. Figure 1 shows the average distributions for the 2011-2012 school year.

**Figure 1. Average Distributions for the 2011 – 2012 School Year\*.**

School Type	Average Amount
Elementary School	\$25,066
Middle/Junior High School**	35,702
High School	41,014
Per Pupil Distribution	\$ 44.83

\*According to the School Children’s Trust Section of the Utah State Office of Education.

\*\*Middle or Junior High Schools can also be called “Intermediate” schools in some districts. The difference is which grades the school contains, whether 6<sup>th</sup>, 7<sup>th</sup>, and/or 8<sup>th</sup> or some combination of these grades.

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**Among other things, SCCs recommend how program funds should be spent to meet their school’s critical academic needs.**

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**Schools receive different funding amounts based on their number of students.**

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On average, middle/junior and high schools receive more funding because they have more students per school.

## **Most SCCs Are Not Required to Hold Elections**

We reviewed the election practices of 52 elementary, middle/junior, and high schools and found that 32 (62 percent) of the sampled schools are not required to hold elections because they are uncontested. We believe this could be due to a lack of interest on the part of the parents. We also found that principals need to put SCC member contact information on the school websites as required by law. And, schools need guidance on how long election results must be retained.

*Utah Code 53A-1a-108(5)* requires election of both school employees (excluding the principal) and parent or guardian members by secret ballot to serve a two-year term. However, under *Utah Administrative Code R277-491-3*, “Ballots and voting are required only in the event of a school community council contested race.” Therefore, if the SCC does not receive more interested candidates than their council has positions available, no election needs to be held.

Ten principals told us there was little or no response from the parents to be a candidate, so their schools have never had elections and they allow membership to all those interested in serving on their SCCs. Principals also said that few parents vote at the elections.

We question if parents fully understand that they can have a direct impact on meeting their particular school’s critical academic needs by advising on the expenditure of anywhere from \$25,000 to as much as \$41,000, on average, per year. We recommend school districts ensure their schools’ websites fully communicate the opportunities provided to parents by serving on the SCC, and the fact that parents can directly influence the expenditure of their schools’ SCC funds. School websites should also include the actual SCC dollar amounts received each year.

### **Principals Must Put Contact Information on School Websites.**

In our attempt to contact more SCC chairs to learn about their experience with membership involvement, we searched the websites of several schools and could not find SCC contact information. In the

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**Parents’ apparent lack of interest in participating in SCCs may be why most elections are uncontested.**

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**Parents can be directly involved in addressing their school’s critical academic needs by recommending the allocation of thousands of dollars of SCC funds.**

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2011 General Legislative Session’s Senate Bill (S.B.) 142, a requirement was placed on SCC members to provide “a telephone number, if available, and email address, if available, where each community council member can be reached directly.”

According to *Utah Code* 53A-1a-108(7), this information shall be posted on the school’s website. Since the effective date of the new law was May 10, 2011, we expected to be able to find contact information on schools’ websites; however, this was not the case. After contacting two principals, we were emailed the current SCC contact information with an explanation that it will promptly be placed on their websites. We are unsure why this information is not readily available, although it is currently required in statute. We recommend that district offices ensure that school principals adhere to the current law, effective May of 2011, and put the contact information of the SCC members on their websites.

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**Since May of 2011, schools have been required to post SCC contact information on their websites.**

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**Retention of Election Results Needs to Be Specified.** To ensure openness, and to facilitate the current legislative mandate for ongoing audits of elections, administrative rule should specify how many years of election results principals must keep and in what form. *Utah Code* 53A-1a-108(5)(d) states that results of the elections shall be made available to the public upon request. This is not a new requirement. The requirement to keep election results has been in statute since 2002. We asked one program administrator from the School Trust Land Section of the Utah State Office of Education (USOE) what the official policy states about election results retention. We were told that internally they believe three years is adequate. However, this time frame has not been established in statute or rule.

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**Principals need guidance on how long to retain election results.**

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We found that school administrators vary on how long they keep results, if at all. We found one principal keeping the results for as long as seven years and other principals not keeping the results at all. Eight principals responded that they keep the results for one year or until the next election. For principals who do keep the results, we found retention of everything from actual ballots to just a note on how many votes there were for each candidate. We recommend that administrative rule specify how long election results should be retained and in what form.

## Most Sampled Schools Are Not Fully Complying with Notification Requirements

In a different sample, we reviewed the notification practices for 38 schools. We found that most schools do provide the statutorily required number of days notice. However, we also found that most schools do not provide all of the required elements for posting notice as required by Utah law. Perhaps, Utah's Public Notice Website may be an option for providing additional notice.

Providing enough notice time, as set forth in statute, is important. However, if that notice lacks the required information, contains errors, or is difficult to find, it does not provide parents or guardians the needed information to make an informed decision about getting involved in SCCs.

*Utah Code 53A-1a-108(5)* requires the principal or his or her designee to provide at least 21 days' notice before the date that voting commences; voting must extend for a period of at least three consecutive school days. "The notice shall include:"

- The dates and times of the elections;
- A list of council positions that are up for election; and
- Instructions for becoming a candidate for a community council position.

### Most Schools Provided Enough Days of Notice

We found that most schools we reviewed have provided enough days notice. The 21-day notice requirement became effective for any schools having elections on or after May 10, 2011. Previously, statute required principals to post notice 14 days before voting commenced, with the same requirements. Therefore, because of the timing of this audit, we reviewed elections that took place under both the old and new statute.

Of the 38 schools we reviewed, 12 did not have sufficient documentation to determine if enough days notice was provided. Twenty-one schools (55 percent) provided notice concerning upcoming SCC elections by either the required 14 or 21 days and five schools did not provide enough days notice.

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**Most schools do provide the required number of days of notice before SCC elections, but are missing some required notice elements.**

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**The previous law required schools to provide notice 14 days before an election; the new law now requires 21 days notice.**

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Only three of the sample schools' election notifications listed all the required elements.

### Most Schools' Notices Were Missing Required Elements

Even notifications that were delivered to parents or guardians 14 or 21 days before the planned election date were missing required elements of notification, including election dates and times and positions available. Since six of the 38 schools had no evidence, we were only able to evaluate the notice given by 32 schools. Of the 32 schools we evaluated, only three notices contained all of the required elements of the date, time, and positions available. All 32 schools that could provide evidence of notice included something to fulfill the element of “instructions for becoming a candidate.”

Figure 2 explains the type of requirement missing from notifications and the number of schools that fell into each category.

**Figure 2. Most of the 32 Schools Reviewed Were Missing at Least One Required Notification Element.**

Missing Element	Number of Schools Lacking Each Requirement*
Did not list the election date	11
Did not list the election time	26
Did not list the available position(s)	19

*\*Note: Some school's notices are missing more than one type of requirement; therefore, the numbers do not add to 32.*

We believe the intent of the law requires that notice of election dates and times be specified.

Many of the notices not providing the election dates and/or times stated that elections would be held at the parent-teacher or education plan conferences.

### Utah's Public Notice Website May Be a Notification Option

SCCs may be able to post notice of upcoming membership elections on Utah's Public Notice (UPN) website. This option could provide additional notice on when elections are held, provided the public knows to look at the UPN for these meetings. However, the law is unclear as to whether SCCs should post to the UPN.

The UPN was established under *Utah Code* 63F-1-701 to “assist the public to find posted public notices of a public body of the state and its political subdivisions...as required under...[Utah's] Open and Public Meetings Act...” The USOE is unsure whether SCCs should be

publishing to the UPN, yet the Division of Archives and Records Services, administrators of the UPN, believes that SCCs should be posting notice here because SCCs are subject to the Open and Public Meetings Act.

We found that some schools are currently posting to the UPN, but we have only found notice listings for SCC or general board meetings, not specifically SCC elections. We believe the statute is unclear as to whether SCCs should post to the UPN. We spoke with staff at the Office of Legislative Research and General Counsel and they agree the statute is unclear in this area.

In order to provide enough information for parents or guardians to make informed decisions about their involvement with SCCs, we recommend that district offices ensure that school principals are delivering election notifications in a timely manner to parents or guardians and that those notices contain all required elements. We also recommend that the Legislature clarify in statute whether or not SCCs are subject to the posting requirements of the UPN website.

## **Confusion Exists Regarding Teachers Serving as Parent/Guardian Members**

HB 152 Substitute made a change to the definition of a parent or guardian member of an SCC. *Utah Code* 53A-1a-108(1) now states that a parent or guardian member may not include an educator employed by the district in which the school is located unless the educator's employment does not exceed an average of six hours per week. *Utah Code* 53A-6-103(8) defines educator as a person who holds a license, such as a teacher, counselor, administrator, librarian, etc.

We asked 22 school principals how they understood the statutory directive about whether a licensed educator working more than six hours per week can be an SCC parent member within that same district. Seven of those 22 (32 percent) misunderstood the statute or were unsure. We also spoke with the SCC contact person for eight school districts and found that four (50 percent) of them misunderstood or were unsure of the requirements believed that a

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**Utah law is unclear whether SCCs should post to the UPN.**

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**Under new law, an educator may not serve as a parent/guardian SCC member at his or her child's school if employed by the district where the child attends.**

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**A USOE survey identified 130 teachers that had to relinquish a position as a parent/guardian SCC member because of the recent statutory change.**

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**Principals stated that prohibiting educators from serving as parent/guardian members is unfair and greatly reduces the pool of potential members, especially in small districts.**

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licensed educator may be a parent member within the same district in which he or she is employed.

In April 2011, before the effective date of the law, the USOE (at the request of the Office of Legislative Research and General Council) sent a survey to every school principal that receives money from the School LAND Trust Program to see how the change would affect parents who are also licensed educators. According to the USOE, the survey went to about 900 schools but did not include charter schools because they do not have SCCs. The USOE reports that:

Of 303 schools responding [to the survey], there were a total of 130 current parent members of school community councils who could no longer serve in a parent position as a result of the new definition of parent.

**Frustration Surrounds This Prohibition.** We heard several concerns from principals and district representatives about this requirement. One concern was that the restriction is unfair, punitive, and hard on educator parents in prohibiting them from being a parent SCC member at their own child's school. One principal also stated that it is getting more and more complicated to be a part of SCCs every year and it is hard to get people involved. Another principal stated that she disagrees with this law because in small communities it really reduces those who can serve on the SCC.

We understand there is frustration surrounding the implications of this requirement and may warrant further discussion by the Legislature. However, we believe the current statute is clear that a licensed educator may not serve as a parent or guardian SCC member within the district of employment. If the person's employment exceeds an average of six hours per week, and that person is employed in the district where his or her child attends school, he or she may not serve as a parent member at the child's school (whether or not the child's school is the school where the person is employed).

We recommend the Legislature reexamine the prohibition of an educator serving as a parent or guardian SCC member, within the district of employment, to ensure this was the desired intent of the statute. We also recommend the districts ensure that all principals have been trained on this change in the statute.

## **Principal Assurance Forms Need a Line of Review**

According to *Utah Code* 53A-16-101.5(4), “in order to receive its allocation [of School LAND Trust Program funds]...the school’s principal shall provide a signed, written assurance...” This written assurance, called the Principal Assurance (PA) form, must testify that the school’s SCC composition is consistent with membership requirements and that members were elected or appointed consistent with the selection requirements as specified in statute.

At the time of this audit the PA form was not yet due to the USOE. However, we were able to review several forms that were submitted early either in an electronic or hard copy. We found that many of them contained errors. We are concerned that since neither statute nor administrative rule has established a line of review for the PA forms, there is no one to ensure the form has been completed correctly. Keeping in mind that completion of the PA form is required before funds may be allocated to a school, presumably, the form should be correct.

The errors we found include information being submitted that provides an election date when the school did not actually have an election. One reason for this type of error was the difficulty some schools had completing the on-line PA form and how the form was technically structured. Another reason could include a principal’s misunderstanding of the question being asked.

The PA form will need to be changed for next year’s use because the requirements that were applicable this year had to include both the old and new legal requirements, depending on if the school had elections prior to the effective date of the current provisions.

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**We recommend the Legislature reexamine the law prohibiting educators from serving as parent SCC members to ensure it meets legislative intent.**

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**Many of the Principal Assurance forms we reviewed contained errors.**

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In our review, we specifically asked 17 principals where the PA form was to be submitted upon completion. Five said the PA form was to be submitted to the USOE, seven said to the district, and another five said to both the district and USOE. Clearly, there is some confusion and little guidance to help principals complete and submit the form, as well as absence of an accuracy check.

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**District offices are in the best position to check the accuracy of the PA forms.**

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Because of the ease of local control and knowledge of each school, we believe it makes more sense to have the principals submit the PA form to their district office. Then the district office should check on the accuracy of each principal's form before sending it on to the USOE. We do not believe the PA form as it is currently used, especially since many contain errors, provides useful information. However, if the data was accurate and the form structured to collect more useful information, it could be possible to get an accurate picture of how many schools are actually holding elections because of a contested race.

We believe the information collected in the PA forms is important for assessing the level of participation in SCCs as a whole (if interest actually leads to an election) and if notice is being provided properly. Therefore, we recommend that USOE, through Administrative Rule, establish a line of review to check the accuracy of the PA form.

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**We do not believe violations we examined warrant program funds being withheld from schools.**

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Although we found violations of the law governing SCC election practices, at this point we do not believe any of the violations warrant program funds being withheld from a school due to the need for clarification during the transition. We encourage all school principals to review this audit report and ensure they are doing their part in upholding the law on SCCs.

## Recommendations

1. We recommend that school districts ensure their schools' websites fully communicate the opportunities provided to parents by serving on the SCC and how parents can directly influence the expenditure of their schools' SCC funds. School websites should also include the actual SCC dollar amount received each year.
2. We recommend that district offices ensure that school principals adhere to the current law and put the SCC members' contact information on their websites.
3. We recommend that the USOE, through Administrative Rule, specify how long election results should be retained and in what form.
4. We recommend that district offices ensure that school principals are delivering election notifications in a timely manner to parents or guardians and that those notices contain all of the required elements.
5. We recommend that the Legislature clarify in statute whether or not SCCs are subject to the posting requirements of the UPN website.
6. We recommend that the Legislature reexamine the prohibition of an educator serving as a parent or guardian SCC member within the district of employment, to ensure this was the desired intent of the law.
7. We recommend that the districts ensure that all principals have been trained on the statutory language prohibiting an educator, whose employment exceeds an average of six hours per week, from serving as a parent or guardian SCC member at any school in the district where the educator is employed.
8. We recommend that the USOE, through Administrative Rule, establish a line of review to check the accuracy of the PA form.

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## **Agency Response**

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December 27, 2011

Mr. John M. Schaff, CIA  
Auditor General  
Office of the Legislative Auditor General  
W315 Utah State Capitol Complex  
PO Box 145315  
Salt Lake City, UT 84114-5315

Dear Mr. Schaff:

We read with anticipation *A Review of School Community Council Election Practices* (Report Number 2012-02) and its recommendations. Thank you for this opportunity to respond. Your staff has sensitively dealt with the challenging timing of the enactment of changes to the election process in the middle of school community council (SCC) elections with one set of laws applicable prior to May 10<sup>th</sup> and the new law applicable on May 10<sup>th</sup> and thereafter. The report includes eight accurate recommendations. We endorse and intend to implement to the best of our ability all recommendations for the Utah State Office of Education as follows:

- **Recommendations #1, 2, 4, and 7:** These recommendations will need to be implemented by the districts and schools. We will email those recommendations to the district superintendents, district contacts for the School LAND Trust program, and to principals with a link to the report in its entirety on your website. We strongly support schools and districts in being diligent about the various noticing requirements to parents and posting all of the information related to councils in a prominent place on school and district websites in order that all parents are better informed about SCCs.
- **Recommendation #3:** We will work with the State Board of Education to develop and adopt a new section in administrative rule in R277-491 to specify how long election results should be retained and in what form.
- **Recommendation #5:** We believe this is an appropriate recommendation for the Utah Legislature. We have concerns about posting school community council meetings notices and minutes to the UPN website. The website may need to be substantially modified to allow individual school websites with school community council meetings and notices to be easily accessed. Rather than modify the UPN website, we support Recommendation #1 because parents are currently using school and district websites more often and should be encouraged to look there for their SCC information.

Mr. John M. Schaff

December 27, 2011

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- **Recommendation #6:** We believe this is an appropriate recommendation for the Utah Legislature and offer our assistance in the legislative process. We will follow the legislature's direction on Recommendations #5 and #6.
- **Recommendation #8:** Our section has already amended our procedures to require districts to review and then upload the PA forms next year. We will work with the Utah State Board of Education to amend administrative rule in R277-477 to establish a line of district and USOE reviews to better assure the accuracy of the PA form.

Over the past nine months, USOE has provided written notice via email to every school in the state about the new election requirements in addition to providing trainings at statewide conferences and in local school districts. The new requirements are posted on our website. Still, as the review clearly points out, schools and districts are not completely complying. USOE is committed to continuing our efforts to have every school understand the requirements so they can be in full compliance.

The audit identifies multiple possible reasons for the lack of parental involvement. The Audit notes that it "could be due to a lack of interest on the part of parents" as the single most important factor. The Audit also notes that in the opinion of some it is becoming more and more complicated to a part of a SCC. We recommend one additional action that we believe is justified by this Audit. This action would be a review of the SCC selection process, the requirements placed on SCC members, the increasing responsibilities added to SCCs, and other legislative mandates that may actually discourage parental participation when the clear intent of SCCs is to increase and encourage parental involvement.

We appreciate the specificity and excellence of the recommendations contained in this report. We eagerly anticipate implementing the recommendations as outlined above.

Sincerely,



Larry K. Shumway, Ed.D.  
Superintendent of Public Instruction