

School Districts

Title 53A, Chapter 2, Part 1

(Text is current through the 2006 General Session)

Part 1 - General Provisions

- 53A-2-101. School districts.
- 53A-2-101.5. Notice of school district boundary changes including creation, consolidation, division, or dissolution.
- 53A-2-102. Consolidation of school districts -- Resolution by school board members -- Petition by electors -- Election.
- 53A-2-103. Transfer of property to new school district -- Rights and obligations of new school board -- Outstanding indebtedness -- Special tax.
- 53A-2-104. Transfer of a portion of a school district -- Board resolution -- Board petition -- Elector petition -- Transfer election.
- 53A-2-105. Transfer of school property -- Indebtedness on transferred property.
- 53A-2-108. School districts independent of municipal and county governments -- School district name -- Control of property.
- 53A-2-111. Legislative findings.
- 53A-2-112. Definitions.
- 53A-2-113. School district consolidation -- State funding of consolidated districts.
- 53A-2-114. Additional levies -- School board options to abolish or continue after consolidation.
- 53A-2-115. Additional levies in transferred territory -- Transferee board option to abolish or continue.
- 53A-2-116. Rights of transferred employees -- Salary during first year -- Leave and tenure benefits.
- 53A-2-117. Definitions.
- 53A-2-118. Creation of new school district by county legislative body -- Initiation of process -- Procedures to be followed.
- 53A-2-118.1. Option for school district creation.
- 53A-2-119. Reapportionment -- Local school board membership.
- 53A-2-120. Transfer of school property to new school district.
- 53A-2-121. Indebtedness on property within new school district.
- 53A-2-122. Employees of a new district.
- 53A-2-123. Notice before preparing or amending a long-range plan or acquiring certain property.

53A-2-101. School districts.

School districts may be created, merged, dissolved, or their boundaries changed only as provided in this chapter.

53A-2-101.5. Notice of school district boundary changes including creation, consolidation, division, or dissolution.

- (1) Within 30 days after the creation, consolidation, division, or dissolution of a school district, or any other change affecting the boundary of a new or existing school district, the county legislative body shall file a written notice of the action with the lieutenant governor.
- (2) The notice under Subsection (1) shall be accompanied by an accurate map or plat showing the boundaries of the affected school districts, prepared and certified by a local surveyor and filed with the county surveyor in accordance with Section 17-23-17.
- (3) Upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the boundary of a new or existing school district that was the subject of the action has legal effect.

53A-2-102. Consolidation of school districts -- Resolution by school board members -- Petition by electors -- Election.

- (1) Two or more school districts may unite and form a single school district in one of the following ways:
 - (a) a majority of the members of each of the boards of education of the affected districts shall approve and present to the county legislative body of the affected counties a resolution to consolidate the districts. Once this is done, consolidation shall be established under this chapter; or
 - (b) a majority of the members of the board of education of each affected district, or 15% of the qualified electors in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county. The question shall be voted upon at an election called for that purpose, which shall be the next general or municipal election. Consolidation shall occur if a majority of those voting on the question in each district favor consolidation.
- (2) The elections required under Subsection (1) (b) shall be conducted and the returns canvassed as provided by election laws.

53A-2-103. Transfer of property to new school district -- Rights and obligations of new school board -- Outstanding indebtedness -- Special tax.

- (1) On July 1 following the approval of the creation of a new school district under Section 53A-2-102, the local school boards of the former districts shall convey and deliver all school property to the local school board of the new district. Title vests in the new board. All rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or

for any damage or injury to the property vest at once in the new board.

- (2) The new board may bring and maintain actions to recover, protect, and preserve the property and rights of the district schools and to enforce contracts.
- (3) The new board shall assume and be liable for all outstanding debts and obligations of each of the former school districts.
- (4) All of the bonded indebtedness, outstanding debts, and obligations of a former district, which cannot be reasonably paid from the assets of the former district, shall be paid by a special tax levied by the new board as needed. The tax shall be levied upon the property within the former district which was liable for the indebtedness at the time of consolidation. If bonds are approved in the new district under Section 53A-18-102, the special tax shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of the new district.
- (5) Bonded indebtedness of a former district which has been refunded shall be paid in the same manner as that which the new district assumes under Section 53A-18-101.
- (6) State funds received by the new district under Section 53A-21-103 may be applied toward the payment of outstanding bonded indebtedness of a former district in the same proportion as the bonded indebtedness of the territory within the former district bears to the total bonded indebtedness of the districts combined.

53A-2-104. Transfer of a portion of a school district -- Board resolution -- Board petition -- Elector petition -- Transfer election.

- (1) Part of a school district may be transferred to another district in one of the following ways:
 - (a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the local board of education of each affected school district;
 - (b) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by a majority of the members of the local school board of each affected school district;
 - (c) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of the affected school districts within that county; or
 - (d) voter approval of a proposal pursuant to Section 53A-2-118.1.
- (2) (a) If an annexation of property by a city would result in its residents being served by more than one school district, then the presidents of the affected local school boards shall meet within 60 days prior to the effective date of the annexation to determine whether it would be advisable to adjust school district boundaries to

permit all residents of the expanded city to be served by a single school district.

- (b) Upon conclusion of the meeting, the local school board presidents shall prepare a recommendation for presentation to their respective boards as soon as reasonably possible.
- (c) The boards may then initiate realignment proceedings under Subsection (1)(a) or (b).
- (d) If a local board rejects realignment under Subsection (1)(a) or (b), the other board may initiate the following procedures by majority vote within 60 days of the vote rejecting realignment:
 - (i) (A) within 30 days after a vote to initiate these procedures, each local board shall appoint one member to a boundary review committee; or
 - (B) if the local board becomes deadlocked in selecting the appointee under Subsection (2)(d)(i)(A), the board's chair shall make the appointment or serve as the appointee to the review committee.
 - (ii) The two local board-appointed members of the committee shall meet and appoint a third member of the committee.
 - (iii) If the two local board-appointed members are unable to agree on the appointment of a third member within 30 days after both are appointed, the State Superintendent of Public Instruction shall appoint the third member.
 - (iv) The committee shall meet as necessary to prepare recommendations concerning resolution of the realignment issue, and shall submit the recommendations to the affected local boards within six months after the appointment of the third member of the committee.
 - (v) If a majority of the members of each local board accepts the recommendation of the committee, or accepts the recommendation after amendment by the boards, then the accepted recommendation shall be implemented.
 - (vi) If the committee fails to submit its recommendation within the time allotted, or if one local board rejects the recommendation, the affected boards may agree to extend the time for the committee to prepare an acceptable recommendation or either board may request the State Board of Education to resolve the question.
 - (vii) If the committee has submitted a recommendation which the state board finds to be reasonably supported by the evidence, the state board shall adopt the committee's recommendation.
 - (viii) The decision of the state board is final.
- (3) (a) The electors of each affected district shall vote on the transfer requested under

Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general election.

- (b) The election shall be conducted and the returns canvassed as provided by election law.
- (c) A transfer is effected only if a majority of votes cast by the electors in both the proposed transferor district and in the proposed transferee district are in favor of the transfer.

53A-2-105. Transfer of school property -- Indebtedness on transferred property.

- (1) If a transfer of a portion of one school district to another school district is approved under Section 53A-2-104 or 53A-2-118.1, the state superintendent and the superintendents and presidents of the boards of education of each of the affected school districts shall determine the basis for a transfer of all school property reasonably and fairly allocable to that portion being transferred.
- (2)
 - (a) Title to property transferred vests in the transferee board of education.
 - (b) The transfer of a school building that is in operation at the time of determination shall be made at the close of a fiscal year.
 - (c) The transfer of all other school property shall be made five days after approval of the transfer of territory under Section 53A-2-104.
- (3)
 - (a) The individuals referred to in Subsection (1) shall determine the portion of bonded indebtedness and other indebtedness of the transferor board for which the transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor board.
 - (b) This is done by:
 - (i) determining the amount of the outstanding bonded indebtedness and other indebtedness of the transferor board of education;
 - (ii) determining the total taxable value of the property of the transferor district and the taxable value of the property to be transferred; and
 - (iii) calculating the portion of the indebtedness of the transferor board for which the transferred portion retains liability.
- (4)
 - (a) The agreement reflecting these determinations takes effect upon being filed with the State Board of Education.
 - (b) The transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor school board.
 - (c) The transferee school board may assume the obligation to pay the proportionate share of the transferor school board's indebtedness that has been determined

under Subsection (3) to be the obligation of the transferred portion by the approval of a resolution by a majority of the qualified electors of the transferee school district at an election called and held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.

- (5) If the transferee school district assumes the obligation to pay this proportionate share of the transferor school board's indebtedness, the transferee school board shall levy a tax in the whole of the transferee district, including the transferred portion, sufficient to pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator of the transferor board.
- (6) If the transferee school board does not assume this obligation, the transferee school board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the transferor board.
- (7) For the purposes of school districts affected by repealed laws governing the annexation of an unincorporated area of a school district by a city which included what was formerly known as a city school district, transitions of unincorporated areas and property from the transferor district to the transferee district in progress on the effective date of this act shall revert to the boundaries and ownership prior to the initiation of annexation and may then proceed under this section and Section 53A-2-104.

53A-2-108. School districts independent of municipal and county governments -- School district name -- Control of property.

- (1) (a) Each school district shall be controlled by its board of education and shall be independent of municipal and county governments.
(b) The name of each school district created after May 1, 2000 shall comply with Subsection 17-50-103(2)(a).
- (2) The local school board shall have direction and control of all school property in the district.

53A-2-111. Legislative findings.

The Legislature finds that restructuring and consolidation of school districts may provide long-term educational and financial benefits, but that short-term costs and other problems may make it difficult for school officials to move forward with such plans. The Legislature therefore adopts Sections 53A-2-111 through 53A-2-116 to assist the public school system to create more efficient and effective administrative units.

53A-2-112. Definitions.

As used in Sections 53A-2-113 through 53A-2-116:

- (1) "Consolidation" means the merger of two or more school districts into a single administrative unit.
- (2) "Restructuring" means the transfer of territory from one school district to another school district.

53A-2-113. School district consolidation -- State funding of consolidated districts.

When districts consolidate, payments made by the state under Title 53A, Chapter 17a, Minimum School Program Act, shall continue for a period of five years from the date of consolidation on the same basis as if no consolidation had occurred. At the end of the five-year period, the consolidated district shall receive funding as a single district.

53A-2-114. Additional levies -- School board options to abolish or continue after consolidation.

- (1) If a school district which has approved an additional levy under Section 53A-16-110, 53A-17a-133, 53A-17a-134, 53A-17a-145, or 53A-21-103 is consolidated with a district which does not have such a levy, the board of education of the consolidated district may choose to abolish the levy, or apply it in whole or in part to the entire consolidated district.
- (2) If the board chooses to apply any part of the levy to the entire district, the levy may continue in force for no more than three years, unless approved by the electors of the consolidated district in the manner set forth in Section 53A-16-110.

53A-2-115. Additional levies in transferred territory -- Transferee board option to abolish or continue.

If two or more districts undergo restructuring that results in a district receiving territory that increases the population of the district by at least 25%, and if the transferred territory was, at the time of transfer, subject to an additional levy under Section 53A-16-110, 53A-17a-133, 53A-17a-134, 53A-17a-145, or 53A-21-103, the board of education of the transferee district may abolish the levy or apply the levy in whole or in part to the entire restructured district. Any such levy made applicable to the entire district may continue in force for no more than five years, unless approved by the electors of the restructured district in the manner set forth in Section 53A-16-110.

53A-2-116. Rights of transferred employees -- Salary during first year -- Leave and tenure benefits.

- (1) If a school employee is transferred from one district to another because of district consolidation or restructuring, the employee's salary may not be less, during the first year after the transfer, than it would have been had the transfer not taken place.
- (2) The district to which an employee is transferred under Subsection (1) shall credit the employee with all accumulated leave and tenure recognized by the district from which the employee was transferred.
- (3) If the district to which an employee is transferred does not have a leave benefit which reasonably corresponds to one the employee seeks to transfer, that district shall compensate the employee for the benefit on the same basis as would have been done had the employee retired.

53A-2-117. Definitions.

As used in Sections 53A-2-117 through 53A-2-121:

- (1) "Existing district" means a school district from which a new district is created.
- (2) "New district" means a school district created under Section 53A-2-118.

53A-2-118. Creation of new school district by county legislative body -- Initiation of process -- Procedures to be followed.

- (1) A county legislative body may create a new school district from an existing school district within the geographical boundaries of the county.
- (2) (a) The process may be initiated:
 - (i) through a citizens' initiative petition;
 - (ii) at the request of the board of the existing district or districts to be affected by the creation of the new district; or
 - (iii) at the request of a city within the boundaries of the school district or at the request of interlocal agreement participants, pursuant to Section 53A-2-118.1.
- (b) (i) A petition submitted under Subsection (2)(a)(i) must be signed by qualified electors residing within the geographical boundaries of the proposed new school district equal in number to at least 15% of the number of electors in the area who voted for the office of governor at the last regular general election.
- (ii) A request or petition submitted under Subsection (2)(a) shall:
 - (A) be filed with the county clerk;
 - (B) indicate the typed or printed name and current residence address of

each governing board member making a request, or registered voter signing a petition, as the case may be;

- (C) describe the proposed new school district boundaries; and
 - (D) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each.
- (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing a written withdrawal or reinstatement with the county clerk.
- (d) The process under Subsection (2)(a)(i) may only be initiated once during any four-year period.
- (e) A new district may not be formed pursuant to Subsection (2)(a) if the student population of the proposed new district is less than 3,000 or the existing district's student population would be less than 3,000 because of the creation of the new school district.
- (f) Within 45 days after the filing of a request or petition under Subsection (2)(a), the county clerk shall:
- (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d), and (e), as applicable; and
 - (ii) (A) if the county clerk determines that the request or petition complies with the applicable requirements:
 - (I) certify the request or petition and deliver the certified request or petition to the county legislative body; and
 - (II) mail or deliver written notification of the certification to the contact sponsor; or
 - (B) if the county clerk determines that the request or petition fails to comply with any of the applicable requirements, reject the request or petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.
- (g) If the county clerk fails to certify or reject a request or petition within 45 days after its filing, the petition shall be considered to be certified.
- (h) (i) If the county clerk rejects a request or petition, the request or petition may be amended to correct the deficiencies for which it was rejected and then refiled.
- (ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled after having been rejected by a county clerk.
- (i) If a county legislative body receives a request from a school board under

Subsection (2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or before December 1:

- (i) the county legislative body shall appoint an ad hoc advisory committee, as provided by Subsection (3), on or before January 1;
- (ii) the ad hoc advisory committee shall submit its report and recommendations to the county legislative body, as provided by Subsection (3), on or before July 1; and
- (iii) if the county legislative body approves a proposal to create a new district, the proposal shall be submitted to the county clerk to be voted on by the electors of the existing district at the regular general or municipal general election held in November.

(3) (a) The county legislative body shall appoint an ad hoc advisory committee to review and make recommendations on a request for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).

(b) The advisory committee shall:

(i) seek input from:

- (A) those requesting the creation of the new school district;
- (B) the school board and school personnel of the existing school district;
- (C) those citizens residing within the geographical boundaries of the existing school district;
- (D) the State Board of Education; and
- (E) other interested parties;

(ii) review data and gather information on at least:

- (A) the financial viability of the proposed new school district;
- (B) the proposal's financial impact on the existing school district;
- (C) the exact placement of school district boundaries; and
- (D) the positive and negative effects of creating a new school district and whether the positive effects outweigh the negative if a new school district were to be created; and

(iii) make a report to the county legislative body in a public meeting on the committee's activities, together with a recommendation on whether to create a new school district.

(4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):

(a) the county legislative body shall provide for a 45-day public comment period on the report and recommendation to begin on the day the report is given under Subsection (3)(b)(iii).

(b) Within 14 days after the end of the comment period, the county legislative body

shall vote on the creation of the proposed new school district.

- (c) The proposal is approved if a majority of the members of the county legislative body votes in favor of the proposal.
 - (d) If the proposal is approved, the county legislative body shall submit the proposal to the county clerk to be voted on:
 - (i) by the legal voters of the existing school district;
 - (ii) in accordance with Title 20A, Election Code; and
 - (iii) at the next regular general election or municipal general election, whichever is first.
 - (e) Creation of the new school district shall occur if a majority of the electors within both the proposed school district and the remaining school district voting on the proposal vote in favor of the creation of the new district.
 - (f) The county legislative body shall provide notice of the action as required in Section 53A-2-101.5.
 - (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is approved by the electors, the existing district's documented costs to study and implement the proposal shall be reimbursed by the new district.
- (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection (2)(f) or (g), the county legislative body shall submit the proposal to the county clerk to be voted on:
- (i) by the legal voters residing within the proposed new school district boundaries;
 - (ii) in accordance with Title 20A, Election Code; and
 - (iii) at the next regular general election or municipal general election, whichever is first.
- (b) Creation of the new school district shall occur if a majority of the legal voters within the proposed new school district boundaries voting on the proposal vote in favor of the creation of the new district.

53A-2-118.1. Option for school district creation.

- (1) After conducting a feasibility study, a city of the first or second class, as defined under Section 10-2-301, may by majority vote of the legislative body, submit for voter approval a measure to create a new school district with boundaries contiguous with that city's boundaries, in accordance with Section 53A-2-118.
- (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county, may, together with one or more other cities, towns, or the county enter into an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal

Cooperation Act, for the purpose of submitting for voter approval a measure to create a new school district.

- (b) In accordance with Section 53A-2-118, interlocal agreement participants under Subsection (2)(a) may submit a proposal for voter approval if:
 - (i) the interlocal agreement participants conduct a feasibility study prior to submitting the proposal to the county;
 - (ii) the combined population within the proposed new school district boundaries meets the minimum population threshold for a city of the second class; and
 - (iii) the new school district boundaries:
 - (A) are contiguous;
 - (B) do not completely surround or otherwise completely geographically isolate a portion of an existing school district that is not part of the proposed new school district from the remaining part of the existing school district;
 - (C) include the entire boundaries of any participant city or town; and
 - (D) do not cross county lines.
- (c)
 - (i) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.
 - (ii) Boundaries of a new school district created under this section may include a portion of the unincorporated area of the county, including a portion of a township.
- (3) If a proposal under this section is approved by voters:
 - (a) transfer of school district property and indebtedness to a newly created school district shall be handled in accordance with Sections 53A-2-120 and 53A-2-121;
 - (b) transferred employees shall be treated in accordance with Sections 53A-2-116 and 53A-2-122; and
 - (c) within one year after creation of the new district, the superintendent of the previously existing district or districts affected and the superintendent of the new district shall meet, together with the Superintendent of Public Instruction, to determine if further boundary changes should be proposed in accordance with Section 53A-2-104 or Subsection 53A-2-118(2).

53A-2-119. Reapportionment -- Local school board membership.

- (1) Upon the creation of a new school district, the county legislative body shall reapportion the affected school districts pursuant to Section 20A-14-201.
- (2) (a) Except as provided in Subsection (2)(b), school board membership in the affected school districts shall be determined under Title 20A, Chapter 14, Part 2,

Nomination and Election of Members of Local Boards of Education.

- (b) (i) If, as a result of a reapportionment conducted following the creation of a new school district, a local school board district is created in which no board member whose term extends beyond reapportionment resides, the first board member for the local school board district shall be elected at the next regular general election or municipal general election, whichever occurs first, after the election at which the creation of the new school district is approved.
- (ii) (A) The initial term of office of a board member elected under Subsection (2)(b)(i) shall be three years, except as provided in Subsection (2)(b)(ii)(B).
- (B) If more than one position on a local school board needs to be filled pursuant to Subsection (2)(b)(i), the initial term of the board members elected shall be staggered. The county legislative body shall determine by lot which of the reapportioned local school board districts will elect members to three-year terms and which will elect members to one-year terms.

53A-2-120. Transfer of school property to new school district.

- (1) (a) On the July 1 following the school board elections for the new and existing districts as provided in Section 53A-1-119, the board of the existing district shall convey and deliver to the board of the new district all school property which the new district is entitled to receive.
- (b) Any disagreements as to the disposition of school property shall be resolved by the county legislative body.
- (2) Title vests in the new school board, including all rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property.
- (3) The new school board may bring and maintain actions to recover, protect, and preserve the property and rights of the district's schools and to enforce contracts.
- (4) The intangible property of the existing school district shall be prorated between it and the new district on the same basis used to determine the new district's proportionate share of the existing district's indebtedness under Section 53A-2-121.

53A-2-121. Indebtedness on property within new school district.

- (1) (a) The boards of the existing and new districts shall determine the portion of the existing district's bonded indebtedness and other indebtedness for which the property within the new district remains subject to the levy of taxes to pay a

proportionate share of the existing district's outstanding indebtedness.

- (b) The proportionate share of the existing district's outstanding indebtedness for which property within the new district remains subject to the levy of taxes shall be calculated by determining the proportion that the total assessed valuation of the property within the new district bears to the total assessed valuation of the existing district in the year immediately preceding the date the new district was created.
 - (c) The agreement reflecting the determinations made under this Subsection (1) shall take effect upon being filed with the county legislative body and the State Board of Education.
- (2) The board of the new district shall levy a tax on property within the new district sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the existing district.
 - (3) The boards of the existing and new districts shall determine by mutual agreement the disposition of bonds approved but not issued by the existing district before the creation of the new district based primarily on the representation made to the voters at the time of the bond election.

53A-2-122. Employees of a new district.

- (1) Upon the creation of a new district:
 - (a) an employee of an existing district who is employed at a school that is transferred to the new district shall become an employee of the new district; and
 - (b) the school board of the new district shall:
 - (i) have discretion in the hiring of all other staff;
 - (ii) adopt the personnel policies and practices of the existing district, including salary schedules and benefits; and
 - (iii) enter into agreements with employees of the new district, or their representatives, that have the same terms as those in the negotiated agreements between the existing district and its employees.
- (2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new district is created who becomes an employee of the new district shall retain the same status as a career or provisional employee with accrued seniority and accrued benefits.
- (b) Subsection (2)(a) applies to:
 - (i) employees of an existing district who are transferred to a new district pursuant to Subsection (1)(a); and
 - (ii) employees of a school district from which a new district is created who are

hired by the new district within one year of the date of the creation of the new district.

- (3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and is rehired by the existing district within one year of the date of the creation of the new district shall, when rehired by the existing district, retain the same status as a career or provisional employee with accrued seniority and accrued benefits.

53A-2-123. Notice before preparing or amending a long-range plan or acquiring certain property.

- (1) As used in this section:
 - (a) "Affected entity" means each county, municipality, independent special district under Title 17A, Chapter 2, Independent Special Districts, local district under Title 17B, Chapter 2, Local Districts, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:
 - (i) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or
 - (ii) that has filed with the school district a copy of the general or long-range plan of the county, municipality, independent special district, local district, school district, interlocal cooperation entity, or specified public utility.
 - (b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.
- (2)
 - (a) If a school district located in a county of the first or second class prepares a long-range plan regarding its facilities proposed for the future or amends an already existing long-range plan, the school district shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of its intent to prepare a long-range plan or to amend an existing long-range plan.
 - (b) Each notice under Subsection (2)(a) shall:
 - (i) indicate that the school district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;
 - (ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;
 - (iii) be sent to:
 - (A) each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;

- (B) each affected entity;
 - (C) the Automated Geographic Reference Center created in Section 63F-1-506;
 - (D) each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and
 - (E) the state planning coordinator appointed under Section 63-38d-202;
- (iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:
- (A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and
 - (B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and
- (v) include the address of an Internet website, if the school district has one, and the name and telephone number of a person where more information can be obtained concerning the school district's proposed long-range plan or amendments to a long-range plan.
- (3) (a) Except as provided in Subsection (3)(d), each school district intending to acquire real property in a county of the first or second class for the purpose of expanding the district's infrastructure or other facilities shall provide written notice, as provided in this Subsection (3), of its intent to acquire the property if the intended use of the property is contrary to:
- (i) the anticipated use of the property under the county or municipality's general plan; or
 - (ii) the property's current zoning designation.
- (b) Each notice under Subsection (3)(a) shall:
- (i) indicate that the school district intends to acquire real property;
 - (ii) identify the real property; and
 - (iii) be sent to:
 - (A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

- (B) each affected entity.
- (c) A notice under this Subsection (3) is a protected record as provided in Subsection 63-2-304(7).
- (d)
 - (i) The notice requirement of Subsection (3)(a) does not apply if the school district previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.
 - (ii) If a school district is not required to comply with the notice requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real property.