



# Bill Draft Summary: School District Amendments

Prepared for Senator Grover | August 8, 2023

This bill draft includes two components: (1) changes to the statutes about initiating a new school district, and (2) updates the process a local school district must follow for school closures or school boundary changes.

## Initiating A New School District

### Existing Code

Voters in the areas in which the new school district would be located must vote to approve a new school district. There are three paths to initiate a process to create a new school district ([53G-3-301](#)):

1. **Citizens' initiative petition:** Signed by a percentage of voters in the proposed district, then filed with county clerk in the county (or counties) in which the proposed district would be located.
2. **Request of a local school board:** Board(s) for the existing district/districts that would be affected by a new school district.
3. **Request of a city:** City or interlocal agreement participants in the boundaries of the existing district.

### Proposed Code Changes

#### Highlights

- County legislative bodies must request a feasibility study from the state auditor on new school district requests.
- New school districts are created the date on which the voters approve the proposal.
- After voter approval, county legislative bodies may hold a special election for the new school district's school board.
- Shortens the timeline for a new school district to become operational and begin providing educational services to July 1 of the next calendar year following the election of the new district's school board (currently July 1 of the second calendar year following an election).
- The new school district must have a combined student population of 5,000 – 40,000 (current law prohibits creating a new district with a student population less than 3,000).
- Allows a city legislative body to appoint an interim superintendent for a new district before the new school board election.

#### Feasibility Study

Requires a county legislative body to request a feasibility study from the state auditor after receiving a request to create a new school district. The state auditor must complete the study within 60 days; the study should include the following:

- Financial viability of the proposed district.
- Financial impact on each existing district within the boundaries of the proposed district.
- Impact of the tax burden on taxpayers within the proposed district boundaries.



*For requests initiated by a petition or a local school board(s):*

- The county must request the feasibility study within 10 days of receiving the request or petition.
- Removes current requirements that the county legislative body appoint an ad hoc committee and advisory committee to review and make recommendations on a request for a new school district.

*For requests initiated by a petition:*

- Provide a 20-day public comment period on the feasibility study.
- The county legislative body must submit the proposal to the county clerk for a vote. (Currently the legislative body must approve the request by majority vote prior to submitting it to the county clerk.)

### Isolated Areas

- Existing code allows municipalities to submit a proposal for a new school district that would create an isolated area in some circumstances.
- Defines “isolated area” as having a combined student population of less than 5,000.
- Makes some changes about when an isolated area may become part of another school district.

### Elections

- A new school district’s creation date is the date on which the voters approve the new school district proposal.
- After voters create a new school district, the county may hold a special election to select the new school board (currently the election is held at the next regular general election).

### Transition Team and Interim Superintendent

Code currently directs the existing district’s local school board and the city legislative body (or bodies) to appoint transition teams for the existing and new school districts.

- Allows the transition teams to appoint an interim superintendent to oversee the formation and operation of the new district until a new local school board is elected.
- Grants the interim superintendent the same powers as the new local school board to enforce contracts and preserve the property and rights of the district’s schools.

### Funding and Property

- Requires the existing district to provide half of their undistributed General Fund reserves to the new district – up to \$30,000,000 – by January 1 of the year following the creation of the new district. (Currently the maximum is \$9,000,000 of undistributed reserves by January 1 of the year following the election of the new school board.)
- Allows the interim superintendent to access and spend the new district’s money prior to the new local school board’s election.



- Allows a municipality to enter into a loan agreement with the new district or help the new district secure a line of credit.
- Requires the existing district to complete property transfers within 60 days of the local school board election date. (Currently required by November 1 of the second calendar year after the local school board general election date.)
- Disagreements about the disposition of school property must be resolved by the legislative body or bodies within 45 days after the canvass date after the election creating a new school district.
- Prohibits an existing school district from transferring title to district property beginning on the day the new district is created without prior consent from legislative bodies in which the new district is located.

#### Additional Proposed Changes

- Allows a new school district to begin providing educational services starting July 1 of the year following the date of the election for the new district's local school board (current law prohibits this until July 1 of the second calendar year following the election).
- Special Education: Requires the remaining and new districts to enter into a shared services agreement allowing students in both districts to access special education services.
- Prohibits district employees and local school board members from using public resources to advocate for or against a new district, create a public issues committee, or conduct a survey.

## School Closures or Boundary Changes

Prior to closing a school or changing a school's boundaries, the local school board must do the following:

- Conduct a feasibility study and provide to various parties. The study must include:
  - Options to avoid closing a school or changing its boundaries.
  - Projected impact on affected students' test scores.
  - The number of affected Title I students.
  - Likelihood of parent and teacher support.
  - Projected class size for the affected districts.
- Provide notice that the board is considering the closure or boundary change at least 180 days prior to approving the closure or change. (Code currently requires notice 90 days before the closure or boundary change.)
- Hold at least two public hearings and allow public comment on the feasibility study and the proposed closure or change; updates public notice requirements.