

Effective 1/24/2018

Part 12
School Community Councils and Charter Trust Land Councils

53G-7-1201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-7-1202 School community councils -- Duties -- Composition -- Election procedures and selection of members.

(1) As used in this section:

- (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.
- (b) "Educator" means the same as that term is defined in Section 53E-6-102.
- (c)
 - (i) "Parent member" means a member of a school community council who is a parent of a student who:
 - (A) is attending the school; or
 - (B) will be enrolled at the school during the parent's term of office.
 - (ii) "Parent member" may not include an educator who is employed at the school.
- (d) "Safety principles" means safety principles that, when incorporated into programs and resources, impact academic achievement by strengthening a safe and wholesome learning environment, including continual efforts for safe technology utilization and digital citizenship.
- (e) "School community council" means a council established at a district school in accordance with this section.
- (f) "School employee member" means a member of a school community council who is a person employed at the school by the school or school district, including the principal.
- (g) "School LAND Trust Program money" means money allocated to a school pursuant to Section 53F-2-404.

(2) A district school, in consultation with the district school's local school board, shall establish a school community council at the school building level for the purpose of:

- (a) involving parents of students in decision making at the school level;
- (b) improving the education of students;
- (c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents, school employees, and the local school board; and
- (d) increasing public awareness of:
 - (i) school trust lands and related land policies;
 - (ii) management of the State School Fund established in Utah Constitution Article X, Section V; and
 - (iii) educational excellence.

(3)

- (a) Except as provided in Subsection (3)(b), a school community council shall:
 - (i) create the School LAND Trust Program and LAND Trust plan in accordance with Section 53G-7-1206;

- (ii) advise and make recommendations to school and school district administrators and the local school board regarding:
 - (A) the school and its programs;
 - (B) school district programs;
 - (C) a child access routing plan in accordance with Section 53G-4-402;
 - (D) safe technology utilization and digital citizenship; and
 - (E) other issues relating to the community environment for students;
 - (iii) provide for education and awareness on safe technology utilization and digital citizenship that empowers:
 - (A) a student to make smart media and online choices; and
 - (B) a parent to know how to discuss safe technology use with the parent's child;
 - (iv) partner with the school's principal and other administrators to ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel, in accordance with local school board policy and Subsection 53G-7-216(3);
 - (v) in accordance with state board rule regarding school community council expenditures and funding limits:
 - (A) work with students, families, and educators to develop and incorporate safety principles at the school; and
 - (B) hold at least an annual discussion with the school's principal and district administrators regarding safety principles at the school and district level in order to coordinate the school community council's effort to develop and incorporate safety principles at the school; and
 - (vi) provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.
- (b) To fulfill the school community council's duties described in Subsections (3)(a)(iii) and (iv), a school community council may:
- (i) partner with one or more non-profit organizations; or
 - (ii) create a subcommittee.
- (c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.
- (4)
- (a) Each school community council shall consist of school employee members and parent members in accordance with this section.
 - (b) Except as provided in Subsection (4)(c) or (d):
 - (i) each school community council for a high school shall have six parent members and four school employee members, including the principal; and
 - (ii) each school community council for a school other than a high school shall have four parent members and two school employee members, including the principal.
 - (c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:
 - (i) the membership includes two or more parent members than the number of school employee members; and
 - (ii) there are at least two school employee members on the school community council.
 - (d)

- (i) The number of parent members of a school community council who are not educators employed by the school district shall exceed the number of parent members who are educators employed by the school district.
 - (ii) If, after an election, the number of parent members who are not educators employed by the school district does not exceed the number of parent members who are educators employed by the school district, the parent members of the school community council shall appoint one or more parent members to the school community council so that the number of parent members who are not educators employed by the school district exceeds the number of parent members who are educators employed by the school district.
- (5)
- (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.
 - (b)
 - (i) Except as provided in Subsection (5)(f), a parent member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.
 - (ii)
 - (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent of a student attending the school may vote in, or run as a candidate in, the election under Subsection (5)(b)(i).
 - (B) If an election is held in the spring, a parent of a student who will be attending the school the following school year may vote in, and run as a candidate in, the election under Subsection (5)(b)(i).
 - (iii) Any parent of a student who meets the qualifications of this section may file or declare the parent's candidacy for election to a school community council.
 - (iv)
 - (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the election of parent members of a school community council shall be established by a local school board for the schools within the school district.
 - (B) An election for the parent members of a school community council shall be held near the beginning of the school year or held in the spring and completed before the last week of school.
 - (C) Each school shall establish a time period for the election of parent members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at least a four-year period.
 - (c)
 - (i) At least 10 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee, shall provide notice to each school employee or parent of the opportunity to vote in, and run as a candidate in, an election under this Subsection (5).
 - (ii) The notice shall include:
 - (A) the dates and times of the elections;
 - (B) a list of council positions that are up for election; and
 - (C) instructions for becoming a candidate for a community council position.
 - (iii) The principal of the school, or the principal's designee, shall oversee the elections held under Subsections (5)(a) and (5)(b).
 - (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box.

- (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.
- (e)
 - (i) If a parent position on a school community council remains unfilled after an election is held, the other parent members of the council shall appoint a parent who meets the qualifications of this section to fill the position.
 - (ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.
 - (iii) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a two-year term.
- (f)
 - (i) If the number of candidates who file for a parent position or school employee position on a school community council is less than or equal to the number of open positions, an election is not required.
 - (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent position remains unfilled, the other parent members of the council shall appoint a parent who meets the qualifications of this section to fill the position.
 - (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains unfilled, the other school employee members of the council shall appoint a school employee who meets the qualifications of this section to fill the position.
- (g) The principal shall enter the names of the council members on the School LAND Trust website on or before October 20 of each year, pursuant to Section 53G-7-1203.
- (h) Terms shall be staggered so that approximately half of the council members stand for election each year.
- (i) A school community council member may serve successive terms provided the member continues to meet the definition of a parent member or school employee member as specified in Subsection (1).
- (j) Each school community council shall elect:
 - (i) a chair from its parent members; and
 - (ii) a vice chair from either its parent members or school employee members, excluding the principal.
- (6)
 - (a) A school community council may create subcommittees or task forces to:
 - (i) advise or make recommendations to the council; or
 - (ii) develop all or part of a plan listed in Subsection (3).
 - (b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.
 - (c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.
- (7)
 - (a) A majority of the members of a school community council is a quorum for the transaction of business.
 - (b) The action of a majority of the members of a quorum is the action of the school community council.
- (8) A local school board shall provide training for a school community council each year, including training:

- (a) for the chair and vice chair about their responsibilities;
- (b) on resources available on the School LAND Trust website; and
- (c) on this part.

Amended by Chapter 161, 2020 General Session

53G-7-1203 School community councils -- Open and public meeting requirements.

(1) As used in this section:

- (a)
 - (i) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (ii) "Charter trust land council" does not include a charter school governing board acting as a charter trust land council.
- (b) "Council" means a school community council or a charter trust land council.
- (c) "School community council" means a council established at a school within a school district under Section 53G-7-1202.
- (d) "Teacher and student success plan" means the same as that term is defined in Section 53G-7-1301.

(2) A school community council or a charter trust land council:

- (a) shall conduct deliberations and take action openly as provided in this section; and
- (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

(3)

- (a) As required by Section 53G-7-1202, a local school board shall provide training for the members of a school community council on this section.
- (b) A charter school governing board shall provide training for the members of a charter trust land council on this section.

(4)

- (a) A meeting of a council is open to the public.
- (b) A council may not close any portion of a meeting.

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

- (a) a notice of the meeting, time, and place;
- (b) an agenda for the meeting; and
- (c) the minutes of the previous meeting.

(6)

- (a) The notice requirement of Subsection (5) may be disregarded if:
 - (i) because of unforeseen circumstances it is necessary for a council to hold an emergency meeting to consider matters of an emergency or urgent nature; and
 - (ii) the council gives the best notice practicable of:
 - (A) the time and place of the emergency meeting; and
 - (B) the topics to be considered at the emergency meeting.
- (b) An emergency meeting of a council may not be held unless:
 - (i) an attempt has been made to notify all the members of the council; and
 - (ii) a majority of the members of the council approve the meeting.

(7)

- (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting.

- (b) Each topic described in Subsection (7)(a) shall be listed under an agenda item on the meeting agenda.
 - (c) A council may not take final action on a topic in a meeting unless the topic is:
 - (i) listed under an agenda item as required by Subsection (7)(b); and
 - (ii) included with the advance public notice required by Subsection (5).
- (8)
- (a) Written minutes shall be kept of a council meeting.
 - (b) Written minutes of a council meeting shall include:
 - (i) the date, time, and place of the meeting;
 - (ii) the names of members present and absent;
 - (iii) a brief statement of the matters proposed, discussed, or decided;
 - (iv) a record, by individual member, of each vote taken;
 - (v) the name of each person who:
 - (A) is not a member of the council; and
 - (B) after being recognized by the chair, provided testimony or comments to the council;
 - (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (8)(b)(v); and
 - (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes.
 - (c) The written minutes of a council meeting:
 - (i) are a public record under Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (ii) shall be retained for three years.
- (9)
- (a) As used in this Subsection (9), "rules of order and procedure" means a set of policies that govern and prescribe in a public meeting:
 - (i) parliamentary order and procedure;
 - (ii) ethical behavior; and
 - (iii) civil discourse.
 - (b) A council shall:
 - (i) adopt rules of order and procedure to govern a public meeting of the council;
 - (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (9)(b)(i); and
 - (iii) make the rules of order and procedure described in Subsection (9)(b)(i) available to the public:
 - (A) at each public meeting of the council; and
 - (B) on the school's website.

Amended by Chapter 144, 2021 General Session

53G-7-1205 Charter trust land councils.

- (1) As used in this section, "council" means a charter trust land council described in this section.
 - (2) To receive School LAND Trust Program funding as described in Sections 53F-2-404 and 53G-7-1206, a charter school governing board shall establish a charter trust land council, which shall prepare a plan for the use of School LAND Trust Program money that includes the elements described in Subsection 53G-7-1206(4).
- (3)

- (a) The membership of the council shall include parents or grandparents of students enrolled at the charter school and may include other members.
- (b) The number of council members who are parents or grandparents of students enrolled at the charter school shall exceed all other members combined by at least two.
- (4) A charter school governing board may serve as the charter school's council if the membership of the charter school governing board meets the requirements of Subsection (3)(b).
- (5)
 - (a) Except as provided in Subsection (5)(b), council members who are parents or grandparents of students enrolled at the school shall be elected in accordance with procedures established by the charter school governing board.
 - (b) Subsection (5)(a) does not apply to a charter school governing board that serves as a council.
- (6) A parent or grandparents of a student enrolled at a charter school shall serve as chair or co-chair of the charter school's council.
- (7) In accordance with state board rule regarding charter trust land council expenditures and funding limits, a charter trust land council shall:
 - (a) work with students, families, and educators to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school; and
 - (b) hold at least an annual discussion with charter school administrators to coordinate efforts to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school level.
- (8) A charter trust land council shall provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.

Amended by Chapter 161, 2020 General Session

53G-7-1206 School LAND Trust Program.

- (1) As used in this section:
 - (a) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.
 - (b) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (c) "Council" means a school community council or a charter trust land council.
 - (d) "LAND trust plan" means a school's plan to use School LAND Trust Program money to implement a component of the school's success plan.
 - (e) "School community council" means a council established at a district school in accordance with Section 53G-7-1202.
 - (f) "Teacher and student success plan" or "success plan" means the same as that term is defined in Section 53G-7-1301.
- (2) There is established the School LAND (Learning And Nurturing Development) Trust Program under the state board to:
 - (a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a district school or charter school's teacher and student success plan; and
 - (b) involve parents of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.
- (3) To receive an allocation under Section 53F-2-404:
 - (a) a district school shall have established a school community council in accordance with Section 53G-7-1202;

- (b) a charter school shall have established a charter trust land council in accordance with Section 53G-7-1205; and
 - (c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (3)(a) or (b).
- (4)
- (a) A council shall create a program to use the school's allocation distributed under Section 53F-2-404 to implement a component of the school's success plan, including:
 - (i) the school's identified most critical academic needs;
 - (ii) a recommended course of action to meet the identified academic needs;
 - (iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement a component of the school's success plan to have a direct impact on the instruction of students and result in measurable increased student performance; and
 - (iv) how the school intends to spend the school's allocation of funds under this section to enhance or improve academic excellence at the school.
 - (b)
 - (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the council at which a quorum is present.
 - (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan is adopted.
 - (c) A council shall:
 - (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program website; and
 - (ii) include with the LAND trust plan a report noting the number of council members who voted for or against the approval of the LAND trust plan and the number of council members who were absent for the vote.
 - (d)
 - (i) The local school board of a district school shall approve or disapprove a LAND trust plan.
 - (ii) If a local school board disapproves a LAND trust plan:
 - (A) the local school board shall provide a written explanation of why the LAND trust plan was disapproved and request the school community council who submitted the LAND trust plan to revise the LAND trust plan; and
 - (B) the school community council shall submit a revised LAND trust plan in response to a local school board's request under Subsection (4)(d)(ii)(A).
 - (iii) Once a LAND trust plan has been approved by a local school board, a school community council may amend the LAND trust plan, subject to a majority vote of the school community council and local school board approval.
 - (e) A charter trust land council's LAND trust plan is subject to approval by the:
 - (i) charter school governing board; and
 - (ii) charter school's charter school authorizer.
- (5)
- (a) A district school or charter school shall:
 - (i) implement the program as approved;
 - (ii) provide ongoing support for the council's program; and
 - (iii) meet state board reporting requirements regarding financial and performance accountability of the program.
 - (b)
 - (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program website before the council submits a plan for the following year.

- (ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.
 - (iii) A summary of the report shall be provided to parents of students attending the school.
- (6) An LEA shall record the LEA's expenditures of School LAND Trust Program funds through a financial reporting system that the board identifies to assist schools in developing the annual report described in Subsection (5)(b).
- (7) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.
- (8)
 - (a) The state board shall provide training to the entities described in Subsection (8)(b) on:
 - (i) the School LAND Trust Program; and
 - (ii)
 - (A) a school community council; or
 - (B) a charter trust land council.
 - (b) The state board shall provide the training to:
 - (i) a local school board or a charter school governing board;
 - (ii) a school district or a charter school; and
 - (iii) a school community council.
- (9) The state board shall annually review each school's compliance with applicable law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by:
 - (a) reading each LAND trust plan submitted; and
 - (b) reviewing expenditures made from School LAND Trust Program money.
- (10) The state board shall designate a staff member who administers the School LAND Trust Program:
 - (a) to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202; and
 - (b) who may coordinate with the Land Trusts Protection and Advocacy Office director, appointed under Section 53D-2-203, to attend meetings or events within the School and Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND Trust Program.

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