

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) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
- (c) "Educator" means the same as that term is defined in Section 53E-6-102.
- (d)
 - (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who:
 - (A) is attending the school; or
 - (B) will be enrolled at the school during the parent's or guardian's term of office.
 - (ii) "Parent or guardian member" may not include an educator who is employed at the school.
- (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 or guardians 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 and guardians, 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 a school improvement plan in accordance with Section 53G-7-1204;
 - (ii) create the School LAND Trust Program in accordance with Section 53G-7-1206;
 - (iii) 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;
- (iv) 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 or guardian to know how to discuss safe technology use with the parent's or guardian's child; and
- (v) 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).
- (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv) and (v), 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 or guardian 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 or guardian 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 or guardian 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 or guardian 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 or guardian members of a school community council who are not educators employed by the school district shall exceed the number of parent or guardian members who are educators employed by the school district.
 - (ii) If, after an election, the number of parent or guardian members who are not educators employed by the school district does not exceed the number of parent or guardian members who are educators employed by the school district, the parent or guardian members of the school community council shall appoint one or more parent or guardian members to the school community council so that the number of parent or guardian members who are not educators employed by the school district exceeds the number of parent or guardian 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 or guardian 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 or guardian 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 or guardian 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 or guardian of a student who meets the qualifications of this section may file or declare the parent's or guardian'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 or guardian 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 or guardian 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 or guardian 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, parent, or guardian, 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 or guardian position on a school community council remains unfilled after an election is held, the other parent or guardian members of the council shall appoint a parent or guardian 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 or guardian 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 or guardian position remains unfilled, the other parent or guardian members of the council shall appoint a parent or guardian 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 or guardian member or school employee member as specified in Subsection (1).
- (j) Each school community council shall elect:
 - (i) a chair from its parent or guardian members; and
 - (ii) a vice chair from either its parent or guardian 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 or guardians, 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 107, 2018 General Session

Amended by Chapter 448, 2018 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) "School community council" means a council established at a school within a school district under Section 53G-7-1202.
 - (c) "Council" means a school community council or a charter trust land council.
- (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) On or before October 20, a principal shall post the following information on the school website and in the school office:
 - (i) the proposed council meeting schedule for the year;
 - (ii) a telephone number or email address, or both, where each council member can be reached directly; and
 - (iii) a summary of the annual report required under Section 53G-7-1206 on how the school's School LAND Trust Program money was used to enhance or improve academic excellence at the school and implement a component of the school's improvement plan.
 - (b)
 - (i) A council shall identify and use methods of providing the information listed in Subsection (6) (a) to a parent or guardian who does not have Internet access.
 - (ii) Money allocated to a school under the School LAND Trust Program under Section 53F-2-404 may not be used to provide information as required by Subsection (6)(b)(i).
- (7)
- (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.

- (8)
 - (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 (8)(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 (8)(b); and
 - (ii) included with the advance public notice required by Subsection (5).
- (9)
 - (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 (9)(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.
- (10)
 - (a) As used in this Subsection (10), "rules of order and procedure" means a set of rules 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 (10)(b)(i); and
 - (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available to the public:
 - (A) at each public meeting of the council; and
 - (B) on the school's website.

Amended by Chapter 448, 2018 General Session

53G-7-1204 School improvement plan.

- (1)
 - (a) A school community council established under Section 53G-7-1202 shall annually evaluate, with the school's principal, the school's statewide achievement test results, reading achievement plan, class size reduction needs, and technology needs, and use the

- evaluations in developing a school improvement plan to improve teaching and learning conditions.
- (b) In evaluating statewide achievement test results and developing a school improvement plan, a school community council may not have access to data that reveal the identity of students.
- (2) A school community council shall develop a school improvement plan that:
- (a) identifies the school's most critical academic needs;
 - (b) recommends a course of action to meet the identified needs;
 - (c) lists any programs, practices, materials, or equipment that the school will need to implement its action plan to have a direct impact on the instruction of students and result in measurable increased student performance;
 - (d) describes how the school intends to enhance or improve academic achievement, including how financial resources available to the school, such as School LAND Trust Program money received under Section 53F-2-404 and state and federal grants, will be used to enhance or improve academic achievement; and
 - (e) if the school community council represents a school that educates students in kindergarten, grade 1, grade 2, or grade 3, includes a reading achievement plan as described in Section 53E-4-306.
- (3) Although a school improvement plan focuses on the school's most critical academic needs, the school improvement plan may include other actions to enhance or improve academic achievement and the community environment for students.
- (4) The school principal shall make available to the school community council the school budget and other data needed to develop the school improvement plan.
- (5) The school improvement plan is subject to the approval of the local school board of the school district in which the school is located.
- (6) A school community council may develop a multiyear school improvement plan, but the multiyear school improvement plan must be presented to and approved annually by the local school board.
- (7) Each school shall:
- (a) implement the school improvement plan as developed by the school community council and approved by the local school board;
 - (b) provide ongoing support for the council's school improvement plan; and
 - (c) meet local school board reporting requirements regarding performance and accountability.
- (8) The school community council of a low performing school, as defined in Section 53E-5-301, shall develop a school improvement plan that is consistent with the school turnaround plan developed by the school turnaround committee under Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-1205 Charter trust land councils.

- (1) 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).
- (2)
- (a) The membership of the council shall include parents or guardians of students enrolled at the school and may include other members.

- (b) The number of council members who are parents or guardians of students enrolled at the school shall exceed all other members combined by at least two.
- (3) A charter school governing board may serve as the charter trust land council that prepares a plan for the use of School LAND Trust Program money if the membership of the charter school governing board meets the requirements of Subsection (2)(b).
- (4)
 - (a) Except as provided in Subsection (4)(b), council members who are parents or guardians of students enrolled at the school shall be elected in accordance with procedures established by the charter school governing board.
 - (b) Subsection (4)(a) does not apply to a charter school governing board that serves as the charter trust land council that prepares a plan for the use of School LAND Trust Program money.
- (5) A parent or guardian of a student enrolled at the school shall serve as chair or co-chair of a charter trust land council that prepares a plan for the use of School LAND Trust Program money.

Enacted by Chapter 448, 2018 General Session

53G-7-1206 School LAND Trust Program.

- (1) As used in this section:
 - (a) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that authorizes the operation of a charter school.
 - (b) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.
 - (c) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (d) "Council" means a school community council or a charter trust land council.
 - (e) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
 - (f) "School community council" means a council established at a district school in accordance with Section 53G-7-1202.
- (2) There is established the School LAND (Learning And Nurturing Development) Trust Program under the State Board of Education to:
 - (a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a district school's school improvement plan or a charter school's charter agreement; and
 - (b) involve parents and guardians 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 improvement plan or charter agreement, 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 its school improvement 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 its 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 plan for the use of School LAND Trust Program money in a meeting of the council at which a quorum is present.
 - (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust Program money, the plan is adopted.
- (c) A council shall:
- (i) post a plan for the use of School LAND Trust Program money that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program website; and
 - (ii) include with the plan a report noting the number of council members who voted for or against the approval of the 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 plan for the use of School LAND Trust Program money.
 - (ii) If a local school board disapproves a plan for the use of School LAND Trust Program money:
 - (A) the local school board shall provide a written explanation of why the plan was disapproved and request the school community council who submitted the plan to revise the plan; and
 - (B) the school community council shall submit a revised plan in response to a local school board's request under Subsection (4)(d)(ii)(A).
 - (iii) Once a plan has been approved by a local school board, a school community council may amend the plan, subject to a majority vote of the school community council and local school board approval.
- (e) A charter trust land council's plan for the use of School LAND Trust Program money 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 of Education 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 each fall.
 - (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 or guardians of students attending the school.

- (6) On or before October 1 of each year, a school district shall record the amount of the program funds distributed to each school under Section 53F-2-404 on the School LAND Trust Program website 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 School LAND Trust Program 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 School LAND Trust Program 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 School LAND Trust Program shall annually review each school's compliance with applicable law, including rules adopted by the State Board of Education, by:
 - (a) reading each School LAND Trust Program plan submitted; and
 - (b) reviewing expenditures made from School LAND Trust Program money.
- (10) The 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.

Enacted by Chapter 448, 2018 General Session