

1 **STABILIZING SCHOOL DISTRICT**

2 **BOUNDARIES**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Ron Bigelow**

6 AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING A PROCESS TO DEAL WITH  
7 SCHOOL BOUNDARY ADJUSTMENTS BETWEEN SCHOOL DISTRICTS DUE TO  
8 ANNEXATION BY A CITY THAT WOULD CAUSE ITS RESIDENTS TO BE SERVED BY  
9 MORE THAN ONE SCHOOL DISTRICT; AND PROVIDING A REPEALER.

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **20A-14-201**, as enacted by Chapter 1, Laws of Utah 1995

13 **53A-2-104**, as last amended by Chapter 227, Laws of Utah 1993

14 **53A-2-105**, as last amended by Chapter 48, Laws of Utah 1988

15 REPEALS:

16 **53A-2-109**, as last amended by Chapter 77, Laws of Utah 1997

17 *Be it enacted by the Legislature of the state of Utah:*

18 Section 1. Section **20A-14-201** is amended to read:

19 **20A-14-201. Local boards of education -- Local school board districts -- Creation --**  
20 **Reapportionment.**

21 (1) (a) [~~(i) Except as provided in Subsection (ii), the~~] The county legislative body, for  
22 [~~local~~] school districts whose boundaries encompass more than a single municipality, and the  
23 municipal legislative body, for school districts contained completely within a municipality, shall  
24 divide the [~~local~~] school district into [~~five local~~] school board districts as required under  
25 Subsection 20A-14-202(1)(a).

26 [~~(ii) Salt Lake City's municipal legislative body shall divide the Salt Lake City School~~  
27 ~~District into seven local school board districts.]~~

1 (b) The county and municipal legislative bodies shall divide the school district so that the  
2 [local] school board districts are substantially equal in population and are as contiguous and  
3 compact as practicable.

4 (2) (a) County and municipal legislative bodies shall reapportion district boundaries to  
5 meet the population, compactness, and contiguity requirements of this section:

6 (i) at least once every ten years;

7 (ii) whenever a new district is created;

8 (iii) whenever districts are consolidated;

9 (iv) whenever a district loses more than 20% of the population of the entire school district  
10 to another district;

11 (v) whenever a district loses more than 50% of the population of a local school board  
12 district to another district; and

13 (vi) whenever a district receives new residents equal to at least 20% of the population of  
14 the district at the time of the last reapportionment because of a transfer of territory from another  
15 district.

16 (b) If a school district receives territory containing less than 20% of the population of the  
17 transferee district at the time of the last reapportionment, the local school board may assign the  
18 new territory to one or more existing [local] school board districts.

19 (3) (a) Reapportionment does not affect the right of any school board member to complete  
20 the term for which the member was elected.

21 (b) (i) After reapportionment, representation in a [local] school board district shall be  
22 determined as provided in Subsection (3).

23 (ii) If only one board member whose term extends beyond reapportionment lives within  
24 a reapportioned [local] school board district, that board member shall represent that [local] school  
25 board district.

26 (iii) (A) If two or more members whose terms extend beyond reapportionment live within  
27 a reapportioned local school board district, the members involved shall select one member by lot  
28 to represent the [local] school board district.

29 (B) The other members shall serve at-large for the remainder of their terms.

30 (C) The at-large board members shall serve in addition to the designated number of board  
31 members for the board in question for the remainder of their terms.

1 (iv) If there is no board member living within a [local] school board district whose term  
2 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this  
3 part.

4 (4) (a) If, before an election affected by reapportionment, the county or municipal  
5 legislative body that conducted the reapportionment determines that one or more members must  
6 be elected to terms of two years to meet this part's requirements for staggered terms, the legislative  
7 body shall determine by lot which of the reapportioned [local] school board districts will elect  
8 members to two-year terms and which will elect members to four-year terms.

9 (b) All subsequent elections are for four-year terms.

10 Section 2. Section **53A-2-104** is amended to read:

11 **53A-2-104. Transfer of a portion of a school district -- Board resolution -- Board**  
12 **petition -- Elector petition -- Transfer election.**

13 (1) Part of a school district may be transferred to another district in one of the following  
14 ways:

15 (a) presentation to the county legislative body of each of the affected counties of a  
16 resolution requesting the transfer, approved by at least four-fifths of the members of the local  
17 board of education of each affected school district;

18 (b) presentation to the county legislative body of each affected county of a petition  
19 requesting that the electors vote on the transfer, signed by a majority of the members of the local  
20 school board of each affected school district; or

21 (c) presentation to the county legislative body of each affected county of a petition  
22 requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of  
23 the affected school districts within that county.

24 (2) (a) If an annexation of property by a city would result in its residents being served by  
25 more than one school district, then the presidents of the affected local school boards shall meet  
26 within 60 days prior to the effective date of the annexation to determine whether it would be  
27 advisable to adjust school district boundaries to permit all residents of the expanded city to be  
28 served by a single school district.

29 (b) Upon conclusion of the meeting, the local school board presidents shall prepare a  
30 recommendation for presentation to their respective boards as soon as reasonably possible.

31 (c) The boards may then initiate realignment proceedings under Subsection (1)(a) or (b).

31a h (d) IF A LOCAL BOARD REJECTS REALIGNMENT UNDER SUBSECTION (1)(a) OR (b), THE  
31b OTHER BOARD MAY INITIATE THE FOLLOWING PROCEDURES BY MAJORITY VOTE WITHIN 60 DAYS  
31c OF THE VOTE REJECTING REALIGNMENT:

31d (i) (A) WITHIN 30 DAYS AFTER A VOTE TO INITIATE THESE PROCEDURES, EACH LOCAL  
31e BOARD SHALL APPOINT ONE MEMBER TO A BOUNDARY REVIEW COMMITTEE.

31f (B) IF THE LOCAL BOARD BECOMES DEADLOCKED IN SELECTING THE APPOINTEE UNDER  
31g SUBSECTION (d)(i)(A), THE BOARD'S CHAIR SHALL MAKE THE APPOINTMENT OR SERVE AS THE  
31h APPOINTEE TO THE REVIEW COMMITTEE.

31i (ii) THE TWO LOCAL BOARD-APPOINTED MEMBERS OF THE COMMITTEE SHALL MEET AND  
31j APPOINT A THIRD MEMBER OF THE COMMITTEE.

31k (iii) IF THE TWO LOCAL BOARD-APPOINTED MEMBERS ARE UNABLE TO AGREE ON THE  
31l APPOINTMENT OF A THIRD MEMBER WITHIN 30 DAYS AFTER BOTH ARE APPOINTED, THE STATE  
31m SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL APPOINT THE THIRD MEMBER.

31n (iv) THE COMMITTEE SHALL MEET AS NECESSARY TO PREPARE RECOMMENDATIONS  
31o CONCERNING RESOLUTION OF THE REALIGNMENT ISSUE, AND SHALL SUBMIT THE  
31p RECOMMENDATIONS TO THE AFFECTED LOCAL BOARDS WITHIN SIX MONTHS AFTER THE  
31q APPOINTMENT OF THE THIRD MEMBER OF THE COMMITTEE.

31r (v) IF A MAJORITY OF THE MEMBERS OF EACH LOCAL BOARD ACCEPTS THE  
31s RECOMMENDATION OF THE COMMITTEE, OR ACCEPTS THE RECOMMENDATION AFTER  
31t AMENDMENT BY THE BOARDS, THEN THE ACCEPTED RECOMMENDATION SHALL BE  
IMPLEMENTED.

31u (vi) IF THE COMMITTEE FAILS TO SUBMIT ITS RECOMMENDATION WITHIN THE TIME  
31v ALLOTTED, OR IF ONE LOCAL BOARD REJECTS THE RECOMMENDATION, THE AFFECTED BOARDS  
31w MAY AGREE TO EXTEND THE TIME FOR THE COMMITTEE TO PREPARE AN ACCEPTABLE  
31x RECOMMENDATION OR EITHER BOARD MAY REQUEST THE STATE BOARD OF EDUCATION TO  
31y RESOLVE THE QUESTION.

31z (vii) IF THE COMMITTEE HAS SUBMITTED A RECOMMENDATION WHICH THE STATE BOARD  
31aa FINDS TO BE REASONABLY SUPPORTED BY THE EVIDENCE, THE STATE BOARD SHALL ADOPT THE  
31ab COMMITTEE'S RECOMMENDATION.

31ac (viii) THE DECISION OF THE STATE BOARD IS FINAL. h

1           [(2)] (3) (a) The electors of each affected district shall vote on the transfer requested under  
 2 Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general  
 3 election.

4           (b) The election shall be conducted and the returns canvassed as provided by election law.

5           (c) A transfer is effected only if a majority of votes cast by the electors in both the  
 6 proposed transferor district and in the proposed transferee district are in favor of the transfer.

7           Section 3. Section **53A-2-105** is amended to read:

8           **53A-2-105. Transfer of school property -- Indebtedness on transferred property.**

9           (1) If a transfer of a portion of one school district to another school district is approved  
 10 under Section 53A-2-104, [~~or occurs because of annexation under Section 53A-2-109,~~] the state  
 11 superintendent and the superintendents and presidents of the boards of education of each of the  
 12 affected school districts shall determine the basis for a transfer of all school property reasonably  
 13 and fairly allocable to that portion being transferred.

14           (2) (a) Title to property transferred vests in the transferee board of education.

15           (b) The transfer of a school building that is in operation at the time of determination shall  
 16 be made at the close of a fiscal year.

17           (c) The transfer of all other school property shall be made five days after approval of the  
 18 transfer of territory under Section 53A-2-104.

19           (3) (a) The individuals referred to in Subsection (1) shall determine the portion of bonded  
 20 indebtedness and other indebtedness of the transferor board for which the transferred property  
 21 remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness  
 22 of the transferor board.

23           (b) This is done by:

24           [(a)] (i) determining the amount of the outstanding bonded indebtedness and other  
 25 indebtedness of the transferor board of education;

26           [(b)] (ii) determining the total taxable value of the property of the transferor district and  
 27 the taxable value of the property to be transferred; and

28           [(c)] (iii) calculating the portion of the indebtedness of the transferor board for which the  
 29 transferred portion retains liability.

30           (4) (a) The agreement reflecting these determinations takes effect upon being filed with  
 31 the State Board of Education.

1           (b) The transferred property remains subject to the levy of taxes to pay a proportionate  
2 share of the outstanding indebtedness of the transferor school board.

3           (c) The transferee school board may assume the obligation to pay the proportionate share  
4 of the transferor school board's indebtedness that has been determined under Subsection (3) to be  
5 the obligation of the transferred portion by the approval of a resolution by a majority of the  
6 qualified electors of the transferee school district at an election called and held for that purpose  
7 under Title 11, Chapter 14, [the] Utah Municipal Bond Act.

8           (5) If the transferee school district assumes the obligation to pay this proportionate share  
9 of the transferor school board's indebtedness, the transferee school board shall levy a tax in the  
10 whole of the transferee district, including the transferred portion, sufficient to pay the assumed  
11 indebtedness, and shall turn over the proceeds of the tax to the business administrator of the  
12 transferor board.

13           (6) If the transferee school board does not assume this obligation, the transferee school  
14 board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the  
15 indebtedness determined under this section, and shall turn over the proceeds of the tax to the  
16 business administrator of the transferor board.

17           (7) For the purposes of school districts affected by repealed laws governing the annexation  
18 of an unincorporated area of a school district by a city which included what was formerly known  
19 as a city school district, transitions of unincorporated areas and property from the transferor district  
20 to the transferee district in progress on the effective date of this act shall revert to the boundaries  
21 and ownership prior to the initiation of annexation and may then proceed under this section and  
22 Section 53A-2-104.

23           Section 4. **Repealer.**

24           This act repeals:

25           Section **53A-2-109, Annexation of territory of school district by city -- Attendance**  
26 **options of students -- Adoption of optional form of county government not to affect school**  
27 **districts.**

**Legislative Review Note**

**as of 2-2-98 4:18 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**