

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).

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