

PUBLIC EDUCATION AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Jeff Alexander

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT THE SIZE OF A LOCAL BOARD OF EDUCATION SHALL BE BASED ON THE SCHOOL DISTRICT'S STUDENT POPULATION; PROVIDING THAT A SCHOOL DISTRICT SUPERINTENDENT SHALL BE APPOINTED ON THE BASIS OF OUTSTANDING PROFESSIONAL QUALIFICATIONS AND ALLOWING THOSE IN LARGER DISTRICTS TO BE EMPLOYED WITHOUT HOLDING AN ADMINISTRATIVE/SUPERVISORY LICENSE; PROVIDING THAT A SCHOOL DISTRICT MAY EMPLOY UNLICENSED TEACHERS WHO POSSESS OUTSTANDING PROFESSIONAL QUALIFICATIONS UNDER A LETTER OF AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

20A-14-201, as last amended by Chapter 21, Laws of Utah 1999

20A-14-202, as last amended by Chapter 132, Laws of Utah 1998

53A-3-301, as last amended by Chapter 218, Laws of Utah 1999

53A-6-104, as repealed and reenacted by Chapter 108, Laws of Utah 1999

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

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

20A-14-201. Boards of education -- School board districts -- Creation -- Reapportionment.

(1) (a) The county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the local school district into local school board districts as required under Subsection 20A-14-202(1)(a).

(b) The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact

as practicable.

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

(i) at least once every ten years;

(ii) whenever a new district is created;

(iii) whenever districts are consolidated;

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

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

(vi) whenever a district receives new residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district[-]; and

(vii) whenever it is necessary to increase the membership of a board from five to seven members as a result of changes in student membership under Section 20A-14-202.

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

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

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

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

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

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

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

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

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

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

Section 2. Section **20A-14-202** is amended to read:

20A-14-202. Local Boards of Education -- Membership -- When elected --

Qualifications -- Avoiding conflicts of interest.

~~[(1) (a) Unless otherwise required by this part, the Salt Lake City Board of Education shall consist of seven members and the boards of education of all other local school districts shall consist of five members.]~~

(1) (a) The board of education of a school district with a student population of up to 24,000 students shall consist of five members.

(b) The board of education of a school district with a student population of more than 24,000 students shall increase from five to seven members beginning with the 2002 regular general election.

(c) Student population is based on the October 1 student count submitted by districts to the State Office of Education.

(d) If the number of members of a local school board is required to change under Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in Sections 20A-14-201 and 20A-14-203.

(e) A school district which now has or increases to a seven-member board shall maintain a seven-member board regardless of subsequent changes in student population.

~~(b)~~ (f) (i) Members of a local board of education shall be elected at each regular general election.

(ii) Except as provided in Subsection (1)~~(b)~~(f)(iii), no more than three members of a local board of education may be elected to a five-member board, nor more than four members elected to a seven-member board, in any election year.

(iii) More than three members of a local board of education may be elected to a five-member board and more than four members elected to a seven-member board in any election year only when required by reapportionment or to fill a vacancy or to implement Subsection (1)(b).

~~(c)~~ (g) One member of the local board of education shall be elected from each local school board district.

(2) A member of a local school board shall:

(a) be and remain a registered voter in the local school board district from which the member is elected or appointed; and

(b) maintain his primary residence within the local school board district from which the member is elected or appointed.

(3) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.

Section 3. Section **53A-3-301** is amended to read:

53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term -- Compensation.

(1) A local school board shall appoint a district superintendent of schools who serves as the board's chief executive officer.

(2) (a) The board shall appoint the superintendent on the basis of outstanding professional qualifications.

~~(2)~~ (b) The superintendent's term of office is for two years and until a successor is appointed and qualified.

(3) If it becomes necessary to appoint an interim superintendent due to a vacancy in the office of superintendent, then the board shall make an appointment during a public meeting for an indefinite

term not to exceed one year, which term shall end upon the appointment and qualification of a new superintendent.

(4) (a) The superintendent shall hold an administrative/supervisory [~~certificate~~] license issued by the State Board of Education, except as otherwise provided in Subsection (4)(b).

(b) A local board of education may request, and the State Board of Education shall grant, a letter of authorization permitting a person with outstanding professional qualifications to serve as superintendent without holding an administrative/supervisory license if the district has a student population of at least 15,000.

(5) The board shall set the superintendent's compensation for services.

(6) The superintendent qualifies for office by taking the constitutional oath of office.

Section 4. Section **53A-6-104** is amended to read:

53A-6-104. Board licensure.

(1) (a) The board may issue licenses for educators.

(b) (i) A person employed in a position that requires licensure by the board shall hold the appropriate license.

(ii) The board shall issue a letter of authorization permitting a person to be employed as a classroom teacher if requested by a local school board which has determined that:

(A) the person has outstanding professional qualifications; and

(B) employment of the person would permit the school district to better meet the educational goals of students.

(2) (a) The board may by rule rank, endorse, or otherwise classify licenses and establish the criteria for obtaining and retaining licenses.

(b) The board shall make rules requiring participation in professional development activities in order for educators to retain their licenses.

(3) Unless suspended or revoked by the board, or surrendered by the educator, a license is valid for the following period:

(a) a letter of authorization is valid for one year, or a shorter period as specified by the board, subject to renewal by the board for a total of not more than four years of full-time equivalent

employment;

(b) a level 1 license is valid for three years, subject to renewal by the board for a total of not more than six years;

(c) a level 2 license is valid for five years, subject to renewal by the board; and

(d) a level 3 license is valid for seven years, subject to renewal by the board.

Section 5. Effective date.

This act takes effect on July 1, 2000.