

**Senator Millie M. Peterson** proposes to substitute the following bill:

**SCHOOL DISTRICT SIZE**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: David N. Cox**

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING A MECHANISM FOR THE CREATION OF A NEW SCHOOL DISTRICT; PROVIDING FOR THE TRANSFER OF PROPERTY TO AND THE ASSUMPTION OF INDEBTEDNESS BY THE NEW SCHOOL DISTRICT; PROVIDING FOR THE ELECTION OF BOARD MEMBERS; REQUIRING THE STRATEGIC PLANNING FOR PUBLIC AND HIGHER EDUCATION COMMITTEE TO CONDUCT A STUDY AND MAKE A REPORT ON WHETHER THERE SHOULD BE AN OPTIMUM SIZE FOR SCHOOLS AND SCHOOL DISTRICTS BASED ON STUDENT POPULATION; AND PROVIDING AN EFFECTIVE DATE.

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

ENACTS:

**53A-2-102.5**, Utah Code Annotated 1953

**53A-2-102.7**, Utah Code Annotated 1953

**53A-2-102.9**, Utah Code Annotated 1953

This act enacts uncodified material.

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

Section 1. Section **53A-2-102.5** is enacted to read:

**53A-2-102.5. Creation of new school district -- Resolution by school board members -- Petition by electors -- Election.**

(1) A new school district may be created from an existing school district if:

(a) (i) a majority of the school board members of an existing school district with an enrollment of at least 45,000 students approve and present to the county legislative body of the

26 affected county a resolution to divide the district into two new school districts, each having a  
27 student population of at least 1/3 the number of students in the original district; or

28 (ii) 10% of the qualified electors from each of the local school board districts within a  
29 school district with an enrollment of at least 45,000 students sign and present a petition to the  
30 county legislative body of the affected county to divide the school district into two new school  
31 districts, each having a student population of at least 1/3 the number of students in the original  
32 district;

33 (b) a copy of the petition or resolution is filed with the State Board of Education for review  
34 and assessment by the board, and the findings are published prior to the next general election; and

35 (c) the resolution or petition is voted on at the next general election, beginning with the  
36 general election held in the year 2004.

37 (2) The election required under Subsection (1)(c) shall be conducted in accordance with  
38 Title 20A, Election Code.

39 (3) Creation of a new school district from an existing district shall occur if a majority of  
40 the electors within the existing school district voting on the question favor the creation of a new  
41 district.

42 (4) The petition or resolution voted on at the election shall include the following  
43 information:

44 (a) an accurate description of the proposed geographical boundaries of the new school  
45 districts;

46 (b) the assessed valuation of property within the affected districts; and

47 (c) the district's current bonded indebtedness.

48 (5) An election may not be held under this section if the existing school district has unused  
49 voter authorization for bonds.

50 Section 2. Section **53A-2-102.7** is enacted to read:

51 **53A-2-102.7. Transfer of property to new school district -- Rights and obligations**  
52 **of new school board -- Outstanding indebtedness.**

53 (1) (a) On July 1 following the approval of the creation of a new school district under  
54 Section 53A-2-102.5, the local school board of the district from which the new district was created  
55 shall convey and deliver to the school board of the new district all school property which the new  
56 district is entitled to.

57 (b) Title vests in the new school board, including all rights, claims, and causes of action  
58 to or for the property, for the use or the income from the property, for conversion, disposition, or  
59 withholding of the property, or for any damage or injury to the property.

60 (c) The new board may bring and maintain actions to recover, protect, and preserve the  
61 property and rights of the district's schools and to enforce contracts.

62 (d) The new board shall assume and be liable for all outstanding debts and obligations that  
63 attach to the transferred property.

64 (e) The intangible property of the existing school district shall be prorated between it and  
65 the new district on the same basis used to determine the amount of bonded indebtedness to be  
66 assumed by the new district.

67 (2) (a) If the existing school district has outstanding bonded indebtedness for the payment  
68 of principal and interest on the indebtedness at the time the new district is established, the  
69 indebtedness shall be prorated between the existing district and the new district in the same  
70 proportion as the assessed valuation of taxable property in the existing district bears to the assessed  
71 valuation of taxable property in the new district.

72 (b) The valuation shall be determined according to the assessment rolls of the county in  
73 which the existing school district is located as they exist at the time of the establishment of the new  
74 district.

75 (c) The new district shall levy a tax on the property within the new district for the payment  
76 of its portion of the principal and interest on the indebtedness.

77 (d) Voter approval of the creation of the new district constitutes an approval of the  
78 assumption of indebtedness under this section.

79 Section 3. Section **53A-2-102.9** is enacted to read:

80 **53A-2-102.9. School board membership -- Elections -- Terms.**

81 (1) Upon the creation of a new school district under this chapter, the county legislative  
82 body, or municipal legislative body in a city district, shall reapportion the affected school districts  
83 pursuant to Section 20A-14-201.

84 (2) (a) Except as otherwise provided in this section, board membership in the affected  
85 school districts is determined under Sections 20A-1-511, 20A-14-201, and 20A-14-202.

86 (b) If there are less than two school board members who reside in a newly created  
87 five-member school district or less than three school board members who reside in a

88 seven-member district, then the county legislative body in a five-member district or the municipal  
89 legislative body in a seven-member district shall call a special election for the purpose of electing  
90 additional members to the school board.

91 (c) (i) Three members of a five-member board and four members of a seven-member board  
92 in the affected districts shall serve initial terms of four years.

93 (ii) Two members of a five-member board and three members of a seven-member board  
94 in the affected districts shall serve initial terms of two years.

95 (iii) All subsequent terms are for four years.

96 **Section 4. School and school district size study -- Report.**

97 (1) The Strategic Planning for Public and Higher Education Committee shall conduct a  
98 study during the year 2000 interim to determine:

99 (a) if there should be an optimum size for schools and school districts within the state's  
100 public education system, based upon student population;

101 (b) whether smaller or larger schools and school districts, in terms of student population,  
102 would better promote the mission and maintain the characteristics of the state's public education  
103 system detailed in Sections 53A-1a-103 and 53A-1a-104; and

104 (c) whether a ceiling or range on the size of schools and school districts, in terms of  
105 student population, should be established in statute.

106 (2) The committee shall include consideration of the following issues in its study:

107 (a) the benefits to students and their parents associated with having smaller or larger  
108 schools and school districts;

109 (b) economies of scale in terms of administrative and support costs associated with having  
110 smaller schools and districts and how those costs if increased by having smaller districts could be  
111 mitigated;

112 (c) the acquisition, transfer, construction, and maintenance of capital facilities associated  
113 with creating smaller or larger school districts;

114 (d) space sharing with business and school models with long-range community needs; and

115 (e) the process by which:

116 (i) larger districts could be divided into smaller districts;

117 (ii) smaller districts consolidated into larger districts; and

118 (iii) new districts would be created as the state's student population continues to grow; and

119           (3) In conducting its study, the committee shall seek input from:  
120           (a) local school boards and local school superintendents;  
121           (b) public school administrators, educators, and classified personnel;  
122           (c) higher education personnel from the state's colleges of education;  
123           (d) students and parents of students;  
124           (e) the business community; and  
125           (f) the general public.  
126           (4) (a) The committee may establish a task force or use a subcommittee to facilitate the  
127 study.  
128           (b) The committee shall make a report of its findings, together with any recommendations  
129 for proposed legislation, to the Education Interim Committee prior to November 30, 2000.  
130           Section 5. **Effective date.**  
131           If approved by two-thirds of all members elected to each house, this act takes effect upon  
132 approval by the governor, or the day following the constitutional time limit of Utah Constitution,  
133 Article VII, Section 8, without the governor's signature, or in the case of veto, the date of veto  
134 override, except that Sections 53A-2-102.5, 53A-2-102.7, and 53A-1-102.9 take effect January 1,  
135 2001.