

1 **PUBLIC EDUCATION AMENDMENTS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Jeff Alexander**

5 AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING THAT A LOCAL SCHOOL
6 BOARD MEMBER'S TERM OF OFFICE IS TWO YEARS; PROVIDING THAT THE SIZE OF
7 A LOCAL BOARD OF EDUCATION SHALL BE BASED ON THE SCHOOL DISTRICT'S
8 STUDENT POPULATION; PROVIDING THAT A SCHOOL DISTRICT SUPERINTENDENT
9 SHALL BE APPOINTED ON THE BASIS OF OUTSTANDING PROFESSIONAL
10 QUALIFICATIONS; PROVIDING THAT A SCHOOL DISTRICT MAY EMPLOY
11 UNLICENSED TEACHERS WHO POSSESS OUTSTANDING PROFESSIONAL
12 QUALIFICATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

14 AMENDS:

15 **20A-14-201**, as last amended by Chapter 21, Laws of Utah 1999

16 **20A-14-202**, as last amended by Chapter 132, Laws of Utah 1998

17 **20A-14-203**, as enacted by Chapter 1, Laws of Utah 1995

18 **53A-3-301**, as last amended by Chapter 218, Laws of Utah 1999

19 **53A-6-104**, as repealed and reenacted by Chapter 108, Laws of Utah 1999

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

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

22 **20A-14-201. Boards of education -- School board districts -- Creation.**

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

27 (b) The county and municipal legislative bodies shall divide the school district so that the

28 local school board districts are substantially equal in population and are as contiguous and compact
29 as practicable.

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

32 (i) at least once every ten years;

33 (ii) whenever a new district is created;

34 (iii) whenever districts are consolidated;

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

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

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

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

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

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

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

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

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

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

58 [~~(iv) If there is no board member living within a local school board district whose term~~

59 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this
60 part.]

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

66 ~~[(b) All subsequent elections are for four-year terms.]~~

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

68 **20A-14-202. Local Boards of Education -- Membership -- When elected --**

69 **Qualifications -- Avoiding conflicts of interest.**

70 (1) (a) ~~[Unless otherwise required by this part, the Salt Lake City Board of Education shall~~
71 ~~consist of seven members and the boards of education of all other local school districts shall~~
72 ~~consist of five members.]~~ The number of members on a local board of education is determined as
73 follows:

74 (i) a school district with a student population of up to 2,000 students shall have a
75 five-member board;

76 (ii) a school district with a student population of between 2,001 and 10,000 students shall
77 have a seven-member board;

78 (iii) a school district with a student population of between 10,001 and 20,000 students
79 shall have a nine-member board; and

80 (iv) a school district with a student population of more than 20,000 students shall have an
81 eleven-member board.

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

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

87 ~~[(iii) More than three members of a local board of education may be elected to a~~
88 ~~five-member board and more than four members elected to a seven-member board in any election~~
89 ~~year only when required by reapportionment or to fill a vacancy.]~~

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

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

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

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

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

99 Section 3. Section **20A-14-203** is amended to read:

100 **20A-14-203. Becoming a member of a local board of education -- Declaration of**
101 **candidacy -- Election.**

102 (1) An individual may become a candidate for a local school board by filing a declaration
103 of candidacy with the county clerk and paying the fee as required by Section 20A-9-202.

104 (2) (a) The term of office for an individual elected to a local board of education is [~~four~~]
105 two years, beginning on the first Monday in January after the election.

106 (b) A member of a local board of education shall serve until a successor is elected or
107 appointed and qualified.

108 (c) A member of a local board of education is "qualified" when the member takes or signs
109 the constitutional oath of office.

110 Section 4. Section **53A-3-301** is amended to read:

111 **53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term --**
112 **Compensation.**

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

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

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

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

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

123 ~~[(4) The superintendent shall hold an administrative/supervisory certificate issued by the~~
124 ~~State Board of Education.]~~

125 ~~[(5)]~~ (4) The board shall set the superintendent's compensation for services.

126 ~~[(6)]~~ (5) The superintendent qualifies for office by taking the constitutional oath of office.

127 Section 5. Section **53A-6-104** is amended to read:

128 **53A-6-104. Board licensure.**

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

130 (b) (i) A person employed in a position that requires licensure by the board shall hold the
131 appropriate license, except that a local school board may waive the licensure requirement on a
132 case-by-case basis if the board determines that the individual is suited for the position on the basis
133 of outstanding professional qualifications.

134 (ii) An individual employed under Subsection (1)(b)(i) who is not licensed:

135 (A) shall submit to a criminal background check as a condition for employment; and

136 (B) is considered a temporary employee as defined in Subsection 53A-8-102 and serves
137 at will with no expectation of continued employment.

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

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

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

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

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

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

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

150 Section 6. **Effective date.**

151 This act takes effect on July 1, 2000.

Legislative Review Note
as of 2-4-00 4:43 PM

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

Office of Legislative Research and General Counsel