

SCHOOL COMMUNITY COUNCILS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

This act modifies provisions related to the State System of Public Education by specifying the duties, powers, and membership of a school community council and establishing a process for the selection of council members. This act consolidates the school plan to improve student achievement and the School LAND Trust plan. This act takes effect on July 1, 2002.

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

AMENDS:

53A-1-402.6, as enacted by Chapter 301, Laws of Utah 2000

53A-1-606.5, as last amended by Chapter 179, Laws of Utah 2001

53A-1a-108, as last amended by Chapter 59, Laws of Utah 2000

53A-3-402, as last amended by Chapter 119, Laws of Utah 2000

53A-3-701, as enacted by Chapter 335, Laws of Utah 2001

53A-16-101.5, as last amended by Chapter 59, Laws of Utah 2000

ENACTS:

53A-1a-108.5, Utah Code Annotated 1953

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

Section 1. Section **53A-1-402.6** is amended to read:

53A-1-402.6. Focus on core curriculum.

(1) In establishing minimum standards related to curriculum and instruction requirements under Subsection 53A-1-402(1)(c), the State Board of Education shall, in consultation with local school boards and local school superintendents, define and establish a core curriculum.

(2) The board shall include in its definition an identification of the basic knowledge, skills, and competencies each student is expected to acquire or master as the student advances through the public education system.



28 (3) ~~(a)~~ Local school boards shall design their school programs to focus on the core
29 curriculum with the expectation that each program will enhance or help achieve mastery of the
30 core curriculum.

31 ~~[(b) As part of the report required by each school for its participation in the School LAND~~
32 ~~Trust Program under Section 53A-16-101.5, the school committee shall report on the value of each~~
33 ~~program at the school that is part of the school trust land plan as it relates to enhancing the core~~
34 ~~curriculum.]~~

35 Section 2. Section **53A-1-606.5** is amended to read:

36 **53A-1-606.5. Reading achievement in grades one through three -- Monitoring --**
37 **Reporting -- Additional instruction.**

38 (1) (a) The Legislature recognizes that:

39 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong learning;

40 (ii) there is an ever increasing demand for literacy in the highly technological society we
41 live in;

42 (iii) students who do not learn to read will be economically and socially disadvantaged;

43 (iv) reading problems exist in almost every classroom;

44 (v) almost all reading failure is preventable if reading difficulties are diagnosed and treated
45 by no later than the end of the third grade; and

46 (vi) early identification and treatment of reading difficulties can result in students learning
47 to read by the end of the third grade.

48 (b) It is therefore:

49 (i) the long-term goal of the state to have every student in the state's public education
50 system reading on or above grade level by the end of the third grade; and

51 (ii) the short-term goal of the state to have 90% or more of all third graders reading on or
52 above grade level by the end of the third grade in 2006.

53 (c) (i) The superintendent of public instruction or the superintendent's designee shall make
54 an annual report to the State Board of Education and to the Legislature's Education Interim
55 Committee on the goals established in Subsection (1)(b).

56 (ii) The information shall be reported as part of the U-PASS testing program as required
57 under Section 53A-3-602.5, beginning with the 2001-02 school year, and include the following
58 for each school district and elementary school:

59 (A) the number and percent of all students reading on or above grade level at the end of
60 the first, second, and third grades;

61 (B) the annual reading achievement growth from the prior year and cumulative reading
62 achievement growth from the base year of 2001-02 in the percent of students reading on or above
63 grade level for each year;

64 (C) those schools that reach the 90% reading achievement goal or achieve a sufficient
65 magnitude of gain each year as determined by the State Board of Education from the 2001-02 base
66 year or do both; and

67 (D) those elementary schools that fail to achieve a sufficient magnitude of gain each year
68 as determined by the State Board of Education from the 2001-02 base year.

69 (d) The State Board of Education, through the superintendent of public instruction, shall
70 determine as part of the U-PASS testing program:

71 (i) the appropriate statewide tests to assess reading levels at the end of each year in the
72 first, second, and third grades;

73 (ii) an appropriate standard or cut score on each assessment for determining grade level
74 reading mastery; and

75 (iii) the actual percent of students reading on or above grade level in the first, second, and
76 third grades at each public elementary school as required under Subsection (1)(c)(i) by dividing
77 the headcount enrollment of students reading on or above grade level at that grade by the
78 headcount enrollment of students in the building at that grade on the date that the reading
79 assessment is administered.

80 (2) Local school boards shall annually review the U-PASS data regarding reading at school
81 and district levels and shall work with districts and schools to review and revise plans as needed
82 to meet the goal set in Subsection (1)(b).

83 (3) (a) Each school district shall require the elementary schools within its district
84 boundaries to develop, in conjunction with all other school planning processes and requirements,
85 a reading achievement plan at each school for its kindergarten, first, second, and third graders to
86 reach the reading goals set in Subsection (1)(b).

87 (b) The reading achievement plan shall be § : (i) § developed under the direction of the school
88 community council or a subcommittee or task force created by the school community council § [:] :

88a **AND**

88b **(ii) IMPLEMENTED BY THE SCHOOL'S TEACHERS AND OTHER APPROPRIATE SCHOOL**

88c **STAFF. §**

89 ~~[(b)]~~ (c) The school principal shall take primary responsibility to provide leadership and

90 allocate resources and support for teachers and students, most particularly for those who are
 91 reading below grade level, to achieve the reading goals.

92 ~~[(e)]~~ (d) Each reading achievement plan shall include:

93 (i) an assessment component that:

94 (A) identifies those students who are reading below grade level;

95 (B) uses U-PASS and local assessment information throughout the year to determine
 96 students' instructional needs; and

97 (C) is consistent with the exemption provisions of Subsection 53A-1-603(3)(c) regarding
 98 such students as students with disabilities or limited English proficiency;

99 (ii) an intervention component:

100 (A) that provides adequate and appropriate interventions focused on bringing each student
 101 up to reading at or above grade level and which would permit retention in the grade level of a
 102 student reading below grade level based on a joint determination made by the principal or the
 103 principal's designee, the student's teacher, and the student's parent;

104 (B) based on best practices identified through proven researched-based methods;

105 (C) that includes parental participation; and

106 (D) that, as resources allow, involves a reading specialist; and

107 (iii) a reporting component consistent with the data to be included in the school
 108 performance report required under Section 53A-3-602.5.

108a **§ (e) IN DEVELOPING OR REVIEWING A READING ACHIEVEMENT PLAN, A SCHOOL COMMUNITY**
 108b **COUNCIL OR SUBCOMMITTEE OR TASK FORCE OF A SCHOOL COMMUNITY COUNCIL MAY NOT**
 108c **HAVE ACCESS TO DATA THAT REVEAL THE IDENTITY OF STUDENTS.** §

109 (4) The school district shall approve each school's plan prior to its implementation and
 110 review each plan annually.

111 Section 3. Section **53A-1a-108** is amended to read:

112 **53A-1a-108. School community councils authorized -- Duties -- Composition --**
 113 **Selection of members.**

114 (1) ~~[(a)]~~ Each public school, in consultation with its local school board, shall establish a
 115 school community council at the school building level ~~[to improve student achievement by~~
 116 ~~developing a plan to include:].~~

117 ~~[(i) the school's identified most critical academic needs;]~~

118 ~~[(ii) a recommended course of action to meet the identified academic needs;]~~

119 ~~[(iii) a specific listing of any programs, practices, materials, or equipment that the school~~
 120 ~~will need to implement its action plan to have a direct impact on the instruction of students and~~

121 result in measurable increased student performance; and]

122 [~~(iv) how the school intends to enhance or improve academic excellence at the school;~~]

123 [~~(b) The school may develop a multiyear plan, but the plan must be presented and~~
124 approved annually by the local school board of the district in which the school is located;]

125 [~~(c) The school shall:~~]

126 [~~(i) implement the plan as developed by the council and approved by the local board;~~]

127 [~~(ii) provide ongoing support for the council's plan;~~]

128 [~~(iii) meet school board reporting requirements regarding performance and accountability;~~]

129 [~~(iv) publicize to its patrons and the general public its plan to enhance or improve~~
130 academic excellence at the school, including the results of those efforts; and]

131 [~~(v) through its council prepare and present an annual report to its local school board at~~
132 the end of the school year;]

133 (2) (a) Each school community council shall:

134 (i) develop a school improvement plan in accordance with Section 53A-1a-108.5;

135 (ii) assist in the development and implementation of a staff professional development plan
136 as provided by Section 53A-3-701;

137 (iii) develop a child access routing plan in accordance with Section 53A-3-402; and

138 (iv) advise and make recommendations to school and school district administrators and
139 the local school board regarding school and school district programs.

140 (b) In addition to the duties specified in Subsection (2)(a), a school community council for
141 an elementary school shall develop a reading achievement plan in accordance with Section
142 53A-1-606.5.

143 [~~(2)~~] (3) (a) Each school community council shall consist of school employees, including
144 the school's principal, and parents or guardians of students who are attending the school, except
145 for parents or guardians who are employed at the school.

146 (b) Except as provided in Subsection (3)(c):

147 (i) each school community council for a high school shall have six parent or guardian
148 members and five employee members, including the principal; and

149 (ii) each school community council for a school other than a high school shall have four
150 parent or guardian members and three employee members, including the principal.

151 (c) A school community council may have a larger membership provided that the number

152 of parent and guardian members exceeds the number of employee members.

153 ~~[(b)]~~ (4) (a) Each employee member, except the principal, shall be elected by a majority
154 vote of the employees and serves a two-year term beginning July 1. The principal shall serve as
155 an ex officio member **§ WITH FULL VOTING PRIVILEGES §** .

156 ~~[(c)]~~ (b) (i) Each parent or guardian member shall be elected at an election held at the
157 school by a majority vote of those voting at the election and serves a two-year term beginning July
158 1.

159 (ii) Only parents or guardians of students attending the school may vote at the election
160 under Subsection ~~[(2)(c)]~~ (4)(b)(i).

161 (iii) (A) A parent or guardian of a student qualifies to be a candidate for election to a
162 school community council if at any time during the parent's or guardian's initial term of office, the
163 student will be enrolled at the school.

164 (B) A parent or guardian member of a school community council qualifies to be a
165 candidate for reelection even though the parent's or guardian's student will not be enrolled in the
166 school during the parent's or guardian's term of office.

167 (iv) Any parent or guardian of a student who meets the qualifications of this section may
168 file or declare himself as a candidate for election to a school community council. A nomination
169 process may not be used in the selection of candidates for parent or guardian positions on a school
170 community council.

171 ~~[(d)]~~ (c) Written notice of the elections held under Subsections ~~[(2)(b)]~~ (4)(a) and ~~[(c)]~~
172 (4)(b) shall be given at least two weeks prior to the elections.

173 ~~[(e) Council members may serve up to three successive terms.]~~

174 (d) Results of the elections held under Subsections (4)(a) and (4)(b) shall be made
175 available to the public upon request.

175a **§ (e)(i) If A PARENT OR GUARDIAN POSITION ON A SCHOOL COMMUNITY COUNCIL REMAINS**
175b **UNFILLED AFTER AN ELECTION IS HELD, THE LOCAL SCHOOL BOARD, AFTER CONFERRING WITH**
175c **THE CHAIR OF THE SCHOOL COMMUNITY COUNCIL, SHALL APPOINT A PARENT OR GUARDIAN**
175d **WHO MEETS THE QUALIFICATIONS OF THIS SECTION TO FILL THE POSITION.**

175e **(ii) A PARENT OR GUARDIAN APPOINTED TO A SCHOOL COMMUNITY COUNCIL PURSUANT**
175f **TO SUBSECTION (4)(e)(i) SHALL SERVE A TWO-YEAR TERM BEGINNING JULY 1.**

176 ~~[(f)]~~ (f) ~~[(c)]~~ § Initial terms shall be staggered so that no more than 50% of the council
176a members

177 stand for election in any one year.

178 ~~[(g) The principal may appoint council members if employees or parents do not request~~
179 ~~an election for their respective groups.]~~

180 [~~(h)~~ The number of parent members shall equal the number of school employees who serve
181 ~~on the council, not counting the principal.]~~

182 § ~~(f)~~ **(g)** § Council members may serve up to three successive terms.

183 § [~~(g)(i) Each school community council shall elect a chair and vice chair from its~~
 184 ~~membership.~~

185 ~~————(ii) No more than one parent or guardian member, employee member, or community~~
 186 ~~member may at the same time serve as an officer specified in Subsection (4)(g)(i).]~~ (h)(i) EACH

186a SCHOOL COMMUNITY COUNCIL SHALL ELECT A CHAIR AND VICE CHAIR FROM ITS PARENT OR
 186b GUARDIAN MEMBERS AND ELECTED EMPLOYEE MEMBERS.

186c (ii) NO MORE THAN ONE PARENT OR GUARDIAN MEMBER OR ELECTED EMPLOYEE
 186d MEMBER MAY AT THE SAME TIME SERVE AS AN OFFICER SPECIFIED IN SUBSECTION (4)(h)(i). §

187 (5) (a) A school community council may create subcommittees or task forces to:

188 (i) advise or make recommendations to the council; or

189 (ii) develop all or part of a plan listed in Subsection (2).

190 (b) Any plan or part of a plan developed by a subcommittee or task force shall be subject
 191 to the approval of the school community council.

192 (c) A school community council may appoint individuals who are not council members
 193 to serve on a subcommittee or task force, including parents, school employees, or other community
 194 members.

195 Section 4. Section **53A-1a-108.5** is enacted to read:

196 **53A-1a-108.5. School improvement plan.**

197 (1) **§ (a) § Each school community council shall annually evaluate the school's U-PASS test**
 198 **results and use the evaluations in developing a school improvement plan.**

198a **§ (b) IN EVALUATING U-PASS TEST RESULTS AND DEVELOPING A SCHOOL IMPROVEMENT PLAN,**
 198b **A SCHOOL COMMUNITY COUNCIL MAY NOT HAVE ACCESS TO DATA THAT REVEAL THE IDENTITY**
 198c **OF STUDENTS. §**

199 (2) Each school improvement plan shall:

200 (a) identify the school's most critical academic needs;

201 (b) recommend a course of action to meet the identified needs;

202 (c) list any programs, practices, materials, or equipment that the school will need to
 203 implement its action plan to have a direct impact on the instruction of students and result in
 204 measurable increased student performance; and

205 (d) describe how the school intends to enhance or improve academic achievement,
 206 including how financial resources available to the school, such as School LAND Trust monies
 207 received under Section 53A-16-101.5 and state and federal grants, will be used to enhance or
 208 improve academic achievement.

209 (3) The school improvement plan shall focus on the school's most critical academic needs
 210 but may include other actions to enhance or improve academic achievement.

211 (4) The school principal shall make available to the school community council the school
212 budget and other data needed to develop the school improvement plan.

213 (5) The school improvement plan shall be subject to the approval of the local school board

214 of the school district in which the school is located.

215 (6) A school community council may develop a multiyear school improvement plan, but
216 the plan must be presented to and approved annually by the local school board.

217 (7) Each school shall:

218 (a) implement the school improvement plan as developed by the school community council
219 and approved by the local school board;

220 (b) provide ongoing support for the council's plan; and

221 (c) meet local school board reporting requirements regarding performance and
222 accountability.

223 Section 5. Section **53A-3-402** is amended to read:

224 **53A-3-402. Powers and duties generally.**

225 (1) Local school boards shall spend minimum school program funds for programs and
226 activities for which the State Board of Education has established minimum standards or rules
227 under Section 53A-1-402.

228 (2) (a) A board may purchase, sell, and make improvements on school sites, buildings, and
229 equipment and construct, erect, and furnish school buildings.

230 (b) School sites or buildings may only be conveyed or sold on board resolution affirmed
231 by at least two-thirds of the members.

232 (3) (a) A board may participate in the joint construction or operation of a school attended
233 by children residing within the district and children residing in other districts either within or
234 outside the state.

235 (b) Any agreement for the joint operation or construction of a school shall:

236 (i) be signed by the president of the board of each participating district;

237 (ii) include a mutually agreed upon pro rata cost; and

238 (iii) be filed with the State Board of Education.

239 (4) A board may establish, locate, and maintain elementary, secondary, and vocational
240 schools.

241 (5) A board may enroll children in school who are at least five years of age before
242 September 2 of the year in which admission is sought.

243 (6) A board may establish and support school libraries.

244 (7) A board may collect damages for the loss, injury, or destruction of school property.

245 (8) A board may authorize guidance and counseling services for children and their parents
246 or guardians prior to, during, or following enrollment of the children in schools.

247 (9) (a) A board may apply for, receive, and administer funds made available through
248 programs of the federal government.

249 (b) Federal funds are not considered funds within the school district budget under Title
250 53A, Chapter 19, School District Budgets.

251 (c) Federal funds may only be expended for the purposes for which they are received and
252 are accounted for by the board.

253 (10) (a) A board may organize school safety patrols and adopt rules under which the
254 patrols promote student safety.

255 (b) A student appointed to a safety patrol shall be at least ten years old and have written
256 parental consent for the appointment.

257 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of
258 a highway intended for vehicular traffic use.

259 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
260 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the
261 program by virtue of the organization, maintenance, or operation of a school safety patrol.

262 (11) (a) A board may on its own behalf, or on behalf of an educational institution for which
263 the board is the direct governing body, accept private grants, loans, gifts, endowments, devises,
264 or bequests that are made for educational purposes.

265 (b) These contributions are not subject to appropriation by the Legislature.

266 (12) (a) A board may appoint and fix the compensation of a compliance officer to issue
267 citations for violations of Subsection 76-10-105(2).

268 (b) A person may not be appointed to serve as a compliance officer without the person's
269 consent.

270 (c) A teacher or student may not be appointed as a compliance officer.

271 (13) A board shall adopt bylaws and rules for its own procedures.

272 (14) (a) A board shall make and enforce rules necessary for the control and management
273 of the district schools.

274 (b) All board rules and policies shall be in writing, filed, and referenced for public access.

275 (15) A board may hold school on legal holidays other than Sundays.

276 (16) (a) Each board shall establish for each school year a school traffic safety committee
277 to implement this Subsection (16).

278 (b) The committee shall be composed of one representative of:

279 (i) the schools within the district;

280 (ii) the Parent Teachers' Association of the schools within the district;

281 (iii) the municipality or county;

282 (iv) state or local law enforcement; and

283 (v) state or local traffic safety engineering.

284 (c) The committee shall:

285 (i) receive suggestions from parents, teachers, and others and recommend school traffic
286 safety improvements, boundary changes to enhance safety, and school traffic safety program
287 measures;

288 (ii) review and submit annually to the Department of Transportation and affected
289 municipalities and counties a child access routing plan for each elementary, middle, and junior
290 high school within the district;

291 (iii) consult the Utah Safety Council and the Division of Family Health Services and
292 provide training to all school children in kindergarten through grade six, within the district, on
293 school crossing safety and use; and

294 (iv) help ensure the district's compliance with rules made by the Department of
295 Transportation under Section 41-6-20.1.

296 (d) The committee may establish subcommittees as needed to assist in accomplishing its
297 duties under Subsection (16)(c).

298 (e) The board shall require the school community council of each elementary, middle, and
299 junior high school within the district to develop and submit annually to the committee a child
300 access routing plan.

301 (17) (a) Each school board shall adopt and implement a comprehensive emergency
302 response plan to prevent and combat violence in its public schools, on school grounds, on its
303 school vehicles, and in connection with school-related activities or events.

304 (b) The board shall implement its plan by July 1, 2000.

305 (c) The plan shall:

306 (i) include prevention, intervention, and response components;

307 (ii) be consistent with the student conduct and discipline polices required for school
308 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

309 (iii) require inservice training for all district and school building staff on what their roles
310 are in the emergency response plan; and

311 (iv) provide for coordination with local law enforcement and other public safety
312 representatives in preventing, intervening, and responding to violence in the areas and activities
313 referred to in Subsection (17)(a).

314 (d) The State Board of Education, through the state superintendent of public instruction,
315 shall develop comprehensive emergency response plan models that local school boards may use,
316 where appropriate, to comply with Subsection (17)(a).

317 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
318 Education that its plan has been practiced at the school level and presented to and reviewed by its
319 teachers, administrators, students, and their parents and local law enforcement and public safety
320 representatives.

321 (18) A board shall do all other things necessary for the maintenance, prosperity, and
322 success of the schools and the promotion of education.

323 Section 6. Section **53A-3-701** is amended to read:

324 **53A-3-701. School and school district professional development plans.**

325 (1) (a) Each public school and school district shall develop and implement a systematic,
326 comprehensive, and long-term plan for staff professional development.

327 (b) Each school shall use its school community council, school directors, or a
328 subcommittee [~~of~~] or task force created by the school community council [~~as described in~~
329 ~~Subsection 53A-16-101.5(4)]~~ to help develop and implement the plan.

330 (2) Each plan shall include the following components:

331 (a) an alignment of professional development activities at the school and school district
332 level with:

333 (i) the school improvement plan under Section 53A-1a-108.5;

334 [~~(i)~~] (ii) the School LAND Trust Program authorized under Section 53A-16-101.5;

335 [~~(ii)~~] (iii) the Utah Performance Assessment System for Students under Title 53A, Chapter
336 1, Part 6, Achievement Tests;

337 [~~(iii)~~] (iv) the Educational Technology Initiative under Title 53A, Chapter 1, Part 7,

338 Educational Technology Programs;

339 [~~(iv)~~] (v) Sections 53A-6-101 [~~and~~] through 53A-6-104 of the Educator Licensing and

340 Professional Practices Act;

341 [~~(v)~~] (vi) Title 53A, Chapter 9, Teacher Career Ladders; and

342 [~~(vi)~~] (vii) Title 53A, Chapter 10, Educator Evaluation;

343 (b) provision for the development of internal instructional leadership and support;

344 (c) the periodic presence of all stakeholders at the same time in the professional

345 development process, to include administrators, educators, support staff, parents, and students;

346 (d) provisions for the use of consultants to enhance and evaluators to assess the

347 effectiveness of the plan as implemented; and

348 (e) the time required for and the anticipated costs of implementing and maintaining the

349 plan.

350 (3) (a) Each local school board shall review and either approve or recommend

351 modifications for each school plan within its district so that each school's plan is compatible with

352 the district plan.

353 (b) The board shall:

354 (i) provide positive and meaningful assistance to a school, if requested by its community

355 council or school directors, in drafting and implementing its plan; and

356 (ii) monitor the progress of each school plan and hold each school accountable for meeting

357 the objectives of its plan.

358 (4) (a) The State Board of Education, through the superintendent of public instruction,

359 shall work with school districts to identify the resources required to implement and maintain each

360 school's and school district's professional development plan required under this section.

361 (b) (i) The state board shall make an annual budget recommendation to the Legislature for

362 state funding of professional development plans under this section.

363 (ii) The recommendation shall take into account:

364 (A) monies that could be used for professional development from the programs listed in

365 Subsection (2)(a); and

366 (B) the professional development block grant program authorized under the Minimum

367 School Program Act.

368 (5) (a) For the fiscal year beginning July 1, 2001, school districts shall use \$10,000,000

369 of the school professional development appropriation made in Section 53A-17a-124, for teacher
370 professional development days beyond the regular school year as follows:

371 (i) each school district shall use its allocation for teacher professional development related
372 to implementing and maintaining the Utah Performance Assessment System for Students and may
373 use such training models as Schools for All and Urban Learning Centers in its professional
374 development program; and

375 (ii) monies for these two additional days shall be allocated to a school district without
376 requiring matching monies.

377 (b) For the fiscal year beginning July 1, 2002, the Legislature shall increase the funding
378 for teacher professional development under Section 53A-17a-124 and Subsection (5)(a) to provide
379 for a total of three days of teacher professional development related to implementing and
380 maintaining the Utah Performance Assessment System for Students.

381 (c) Schools are urged to collaborate with one another in the implementation of the teacher
382 development program under Subsection (5)(a) to maximize the effectiveness of the appropriation.

383 (d) It is the intent of the Legislature that of the \$10,000,000 allocated to school districts
384 for additional days \$42,305 shall be allocated to the Utah Schools for the Deaf and the Blind per
385 day for each additional day funded.

386 Section 7. Section **53A-16-101.5** is amended to read:

387 **53A-16-101.5. School LAND Trust Program -- Contents -- Purpose -- Distribution**
388 **of funds -- School plans for use of funds.**

389 (1) [~~(a)~~] There is established [~~a~~] the School LAND (Learning and Nurturing Development)
390 Trust Program for the state's public schools to enhance [student academic performance and
391 improve educational excellence] or improve student academic achievement.

392 [~~(b) As used in this section, "academic or educational excellence" means student~~
393 ~~performance in acquiring and mastering skills in the required state school curriculum.]~~

394 (2) The program shall be funded from that portion of the Uniform School Fund consisting
395 of all the interest and dividends on the State School Fund remaining after the deduction of the
396 amount retained in the State School Fund to protect the fund against losses due to inflation as
397 prescribed by the Utah Constitution Article X, Section 5.

398 (3) (a) The State Board of Education shall allocate all the monies referred to in Subsection
399 (2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter as

400 follows:

401 (i) school districts shall receive 10% of the funds on an equal basis; and

402 (ii) the remaining 90% of the funds shall be distributed on a per student basis, with each
403 district receiving its allocation on the number of students in the district as compared to the state
404 total.

405 (b) Each school district shall distribute its allocation under Subsection (3)(a) to each
406 school within the district on an equal per student basis.

407 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
408 board may make rules regarding the time and manner in which the student count shall be made for
409 allocation of the monies.

410 (4) In order to receive its allocation under Subsection (3), ~~[each]~~ a school shall have
411 established a ~~[local]~~ school community council under Section 53A-1a-108 ~~[or a designated~~
412 ~~subcommittee of the council consisting of seven members:]~~.

413 (5) A school shall use its allocation under Subsection (3) as described in the school
414 improvement plan required by Section 53A-1a-108.5.

415 (6) Each school, through the school community council, shall submit an annual report to
416 the local school district that includes:

417 (a) a description of how School LAND Trust monies were used to implement the school
418 improvement plan required by Section 53A-1a-108.5;

419 (b) an accounting of how School LAND Trust monies were spent; and

420 (c) an evaluation of the results obtained from the use of the funds.

421 ~~[(a) the school's principal;]~~

422 ~~[(b) two teachers appointed by the faculty at the school; and]~~

423 ~~[(c) four parents selected by the parents of students at the school and representing various~~
424 ~~grade levels at the school, one of whom shall be the school's PTA president if the school has one.]~~

425 ~~[(5) (a) The community council or its subcommittee shall develop a plan to include:]~~

426 ~~[(i) the school's identified most critical academic needs;]~~

427 ~~[(ii) a recommended course of action to meet the identified academic needs;]~~

428 ~~[(iii) a specific listing of any programs, practices, materials, or equipment which the school~~
429 ~~will need to implement its action plan to have a direct impact on the instruction of students and~~
430 ~~result in measurable increased student performance; and]~~

431 ~~[(iv) how the school intends to spend its allocation of funds under this section to enhance~~
432 ~~or improve academic excellence at the school.]~~

433 ~~[(b) The school may develop a multiyear plan, but the plan must be presented and~~
434 ~~approved by the local school board of the district in which the school is located annually and as~~
435 ~~a prerequisite to receiving funds allocated under this section.]~~

436 ~~[(6) (a) Each school shall:]~~

437 ~~[(i) implement the plan as developed by the council or its subcommittee and approved by~~
438 ~~the local school board;]~~

439 ~~[(ii) provide ongoing support for the council's or its subcommittee's plan;]~~

440 ~~[(iii) meet school board reporting requirements regarding financial and performance~~
441 ~~accountability; and]~~

442 ~~[(iv) publicize to its patrons and the general public on how the funds it received under this~~
443 ~~section were used to enhance or improve academic excellence at the school, including the results~~
444 ~~of those efforts.]~~

445 ~~[(b) (i) Each school through its council or its subcommittee shall prepare and present an~~
446 ~~annual report to its local school board at the end of the school year.]~~

447 ~~[(ii) The report shall detail the use of funds received by the school under this section and~~
448 ~~an assessment of the results obtained from the use of the funds.]~~

449 Section 8. **Effective date.**

450 This act takes effect on July 1, 2002.

Legislative Review Note
as of 1-22-02 3:05 PM

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

Office of Legislative Research and General Counsel