

**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 amends provisions relating to the school improvement plans and the School LAND Trust Program. 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.

(3) [~~(a)~~] Local school boards shall design their school programs to focus on the core

curriculum with the expectation that each program will enhance or help achieve mastery of the core curriculum.

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

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

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

(1) (a) The Legislature recognizes that:

- (i) reading is the most fundamental skill, the gateway to knowledge and lifelong learning;
- (ii) there is an ever increasing demand for literacy in the highly technological society we live in;
- (iii) students who do not learn to read will be economically and socially disadvantaged;
- (iv) reading problems exist in almost every classroom;
- (v) almost all reading failure is preventable if reading difficulties are diagnosed and treated by no later than the end of the third grade; and
- (vi) early identification and treatment of reading difficulties can result in students learning to read by the end of the third grade.

(b) It is therefore:

- (i) the long-term goal of the state to have every student in the state's public education system reading on or above grade level by the end of the third grade; and
- (ii) the short-term goal of the state to have 90% or more of all third graders reading on or above grade level by the end of the third grade in 2006.

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

(ii) The information shall be reported as part of the U-PASS testing program as required

under Section 53A-3-602.5, beginning with the 2001-02 school year, and include the following for each school district and elementary school:

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

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

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

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

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

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

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

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

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

(3) (a) Each school district shall require the elementary schools within its district boundaries to develop, in conjunction with all other school planning processes and requirements, a reading

achievement plan at each school for its kindergarten, first, second, and third graders to reach the reading goals set in Subsection (1)(b).

(b) The reading achievement plan shall be:

(i) subject to Subsection (3)(e), developed under the direction of the school community council or a subcommittee or task force created by the school community council; and

(ii) implemented by the school's principal, teachers, and other appropriate school staff.

~~(b)~~ (c) The school principal shall take primary responsibility to provide leadership and allocate resources and support for teachers and students, most particularly for those who are reading below grade level, to achieve the reading goals.

~~(c)~~ (d) Each reading achievement plan shall include:

(i) an assessment component that:

(A) ~~identifies~~ allows only the principal, teachers, and other appropriate school staff to identify those students who are reading below grade level;

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

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

(ii) an intervention component:

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

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

(C) that includes parental participation; and

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

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

(e) In developing or reviewing a reading achievement plan, a school community council or

subcommittee or task force of a school community council may not have access to data that reveal the identity of students.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) develop the School LAND Trust Program in accordance with Section 53A-16-101.5;  
(iii) assist in the development and implementation of a staff professional development plan as provided by Section 53A-3-701;  
(iv) develop a child access routing plan in accordance with Section 53A-3-402; and  
(v) advise and make recommendations to school and school district administrators and the local school board regarding the school and its programs, school district programs, and other issues relating to the community environment for students.

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

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

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

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

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

(c) (i) A school community council may have a larger membership provided that the number of parent and guardian members exceeds the number of employee members.

(ii) A school community council may have a smaller membership provided that:

(A) the number of parent and guardian members exceeds the number of employee members;  
and

(B) there are at least two employee members on the school community council.

~~[(b)]~~ (4) (a) Each employee member, except the principal, shall be elected by a majority vote of the employees and serves a two-year term beginning July 1. The principal shall serve as an ex officio member with full voting privileges.

~~[(c)]~~ (b) (i) Each parent or guardian member shall be elected at an election held at the school

by a majority vote of those voting at the election and serves a two-year term beginning July 1.

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

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

(iv) Any parent or guardian of a student who meets the qualifications of this section may file or declare himself as a candidate for election to a school community council.

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

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

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

(e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent and guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(ii) If an employee position on a school community council remains unfilled after an election is held, the other employee members of the council shall appoint an employee to fill the position.

(iii) The chair of the community council shall notify the local school board of each appointment made pursuant to Subsections (4)(e)(i) or (ii).

(iv) A member appointed to a school community council pursuant to Subsection (4)(e)(i) or (ii) shall serve a two-year term beginning July 1.

(f) Initial terms shall be staggered so that no more than 50% of the council members stand for election in any one year.

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

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

(g) Council members may serve up to three successive terms.

(h) (i) Each school community council shall elect a chair and vice chair from its parent or guardian members and elected employee members.

(ii) No more than one parent or guardian member or elected employee member may at the same time serve as an officer specified in Subsection (4)(h)(i).

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

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

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

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

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

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

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

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

(b) In evaluating U-PASS test results and developing a school improvement plan, a school community council may not have access to data that reveal the identity of students.

(2) Each school improvement plan shall:

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

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

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

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



improve academic achievement.

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

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

(5) The school improvement plan shall be subject to the approval of the local school board of the school district in which the school is located.

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

(7) Each school shall:

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

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

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

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

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

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

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

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

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

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

- (i) be signed by the president of the board of each participating district;
- (ii) include a mutually agreed upon pro rata cost; and
- (iii) be filed with the State Board of Education.

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

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

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

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

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

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

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

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

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

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

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

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

(11) (a) A board may on its own behalf, or on behalf of an educational institution for which

the board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

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

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

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

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

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

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

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

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

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

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

(i) the schools within the district;

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

(iii) the municipality or county;

(iv) state or local law enforcement; and

(v) state or local traffic safety engineering.

(c) The committee shall:

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

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

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

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

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

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

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

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

(c) The plan shall:

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

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

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

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

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

(e) Each local school board shall, by July 1 of each year, certify to the State Board of Education that its plan has been practiced at the school level and presented to and reviewed by its

teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

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

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

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

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

(b) Each school shall use its school community council, school directors, or a subcommittee ~~[of] or task force created by the school~~ community council ~~[as described in Subsection 53A-16-101.5(4)]~~ as provided in Section 53A-1-108 to help develop and implement the plan.

(2) Each plan shall include the following components:

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

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

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

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

~~(iv)~~ (iv) the Educational Technology Initiative under Title 53A, Chapter 1, Part 7, Educational Technology Programs;

~~(v)~~ (v) Sections 53A-6-101 ~~[and]~~ through 53A-6-104 of the Educator Licensing and Professional Practices Act;

~~(vi)~~ (vi) Title 53A, Chapter 9, Teacher Career Ladders; and

~~(vii)~~ (vii) Title 53A, Chapter 10, Educator Evaluation;

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

(c) the periodic presence of all stakeholders at the same time in the professional development process, to include administrators, educators, support staff, parents, and students;

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

of the plan as implemented; and

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

(3) (a) Each local school board shall review and either approve or recommend modifications for each school plan within its district so that each school's plan is compatible with the district plan.

(b) The board shall:

(i) provide positive and meaningful assistance to a school, if requested by its community council or school directors, in drafting and implementing its plan; and

(ii) monitor the progress of each school plan and hold each school accountable for meeting the objectives of its plan.

(4) (a) The State Board of Education, through the superintendent of public instruction, shall work with school districts to identify the resources required to implement and maintain each school's and school district's professional development plan required under this section.

(b) (i) The state board shall make an annual budget recommendation to the Legislature for state funding of professional development plans under this section.

(ii) The recommendation shall take into account:

(A) monies that could be used for professional development from the programs listed in Subsection (2)(a); and

(B) the professional development block grant program authorized under the Minimum School Program Act.

(5) (a) For the fiscal year beginning July 1, 2001, school districts shall use \$10,000,000 of the school professional development appropriation made in Section 53A-17a-124, for teacher professional development days beyond the regular school year as follows:

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

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

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

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

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

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

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

(1) [~~(a)~~] There is established [~~a~~] the School LAND (Learning And Nurturing Development) Trust Program for the state's public schools to provide financial resources to enhance [student academic performance and improve educational excellence] or improve student academic achievement and implement a component of the school improvement plan.

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

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

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

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

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

(b) Each school district shall distribute its allocation under Subsection (3)(a) to each school

within the district on an equal per student basis.

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

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

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

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

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

(5) (a) The school community council or its subcommittee shall develop a ~~[plan]~~ program to ~~[include]~~ use its allocation under Subsection (3) to implement a component of the school's improvement plan, including:

(i) the school's identified most critical academic needs;

(ii) a recommended course of action to meet the identified academic needs;

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

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

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

(6) (a) Each school shall:

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



(ii) provide ongoing support for the council's or its subcommittee's [~~plan~~] program;  
(iii) meet school board reporting requirements regarding financial and performance accountability of the program; and

(iv) publicize to its patrons and the general public on how the funds it received under this section were used to enhance or improve academic excellence at the school and implement a component of the school's improvement plan, including the results of those efforts.

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

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

**Section 8. Effective date.**

This act takes effect on July 1, 2002.