

Representative David N. Cox proposes the following substitute bill:

SCHOOL DISTRICT AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: David N. Cox

LONG TITLE

General Description:

This bill modifies procedures for the creation of a new school district.

Highlighted Provisions:

This bill:

- ▶ imposes requirements for the filing and processing of a petition to create a new school district;
- ▶ provides that when a new school district is created:
 - employees whose home base is a school transferred to the new district shall become employees of the new school district;
 - the new district shall adopt the personnel policies and practices, including salary schedules and benefits, of the district from which the new district is created;
 - employees transferred to or hired by the new school district within one year shall retain certain rights and privileges; and
 - employees transferred to a new district who are rehired by their former district within one year shall retain certain rights and privileges.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53A-2-118**, as enacted by Chapter 234, Laws of Utah 2003

29 **53A-2-122**, as enacted by Chapter 234, Laws of Utah 2003

30

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

32 Section 1. Section **53A-2-118** is amended to read:

33 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**
34 **to be followed.**

35 (1) A county legislative body may create a new school district from an existing school
36 district within the geographical boundaries of the county.

37 (2) (a) The process may be initiated:

38 [~~(i)~~] ~~through a citizens' initiative petition; or~~

39 [~~(i)~~] (i) at the request of the board of the existing district or districts to be affected by
40 the creation of the new district[;]; or

41 [~~(b) A~~] (ii) by a petition [submitted under Subsection (2)(a)(i) must be] signed by
42 qualified electors residing within the geographical boundaries of the proposed new school
43 district equal in number to at least 15% of the number of electors in the area who voted for the
44 office of governor at the last regular general election.

45 (b) Each petition to create a new school district shall:

46 (i) be filed with the county clerk;

47 (ii) indicate the typed or printed name and current residence address of each registered
48 voter signing the petition;

49 (iii) describe the area of the proposed new school district; and

50 (iv) designate up to five signers of the petition as sponsors, one of whom shall be
51 designated as the contact sponsor, with the mailing address and telephone number of each.

52 (c) A signer of a petition may withdraw or, once withdrawn, reinstate the signer's
53 signature at any time before the filing of the petition by filing a written withdrawal or
54 reinstatement with the county clerk.

55 [~~(e)~~] (d) The process may only be initiated once during any four-year period.

56 [~~(e)~~] (e) A new district may not be formed if the student population of the proposed

57 new district is less than 5,000 or the existing district's student population would be less than
58 5,000 because of the creation of the new school district.

59 (f) Within 45 days after the filing of a petition, the county clerk shall:

60 (i) determine whether the petition complies with Subsections (2)(a), (b), (d) and (e):

61 and

62 (ii) (A) if the county clerk determines that the petition complies with the applicable
63 requirements:

64 (I) certify the petition and deliver the certified petition to the county legislative body;

65 and

66 (II) mail or deliver written notification of the certification to the contact sponsor; or

67 (B) if the county clerk determines that the petition fails to comply with any of the

68 applicable requirements, reject the petition and notify the contact sponsor in writing of the

69 rejection and the reasons for the rejection.

70 (g) If the county clerk fails to certify or reject a petition within 45 days after its filing,

71 the petition shall be considered to be certified.

72 (h) (i) If the county clerk rejects a petition, the petition may be amended to correct the
73 deficiencies for which it was rejected and then refiled.

74 (ii) Subsection (2)(d) does not apply to a petition that is amended and refiled after
75 having been rejected by the county clerk.

76 ~~[(e)]~~ (i) If a county legislative body receives a request from a school district board or a
77 petition certified by the county clerk to create a new district on or before December 1:

78 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
79 by Subsection (3), on or before January 1;

80 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
81 county legislative body, as provided by Subsection (3), on or before July 1; and

82 (iii) if the county legislative body approves a proposal to create a new district, the
83 proposal shall be submitted to the county clerk to be voted on by the electors of the existing
84 district at the regular general or municipal general election held in November.

85 (3) (a) The county legislative body shall appoint an ad hoc advisory committee to
86 review and make recommendations on a request for the creation of a new school district
87 submitted under Subsection (2)(a).

- 88 (b) The advisory committee shall:
- 89 (i) seek input from:
- 90 (A) those requesting the creation of the new school district;
- 91 (B) the school board and school personnel of the existing school district;
- 92 (C) those citizens residing within the geographical boundaries of the existing school
- 93 district;
- 94 (D) the State Board of Education; and
- 95 (E) other interested parties;
- 96 (ii) review data and gather information on at least:
- 97 (A) the financial viability of the proposed new school district;
- 98 (B) the proposal's financial impact on the existing school district;
- 99 (C) the exact placement of school district boundaries; and
- 100 (D) the positive and negative effects of creating a new school district and whether the
- 101 positive effects outweigh the negative if a new school district were to be created; and
- 102 (iii) make a report to the county legislative body in a public meeting on the committee's
- 103 activities, together with a recommendation on whether to create a new school district.
- 104 (4) (a) The county legislative body shall provide for a 45-day public comment period
- 105 on the report and recommendation to begin on the day the report is given under Subsection
- 106 (3)(b)(iii).
- 107 (b) Within 14 days after the end of the comment period, the county legislative body
- 108 shall vote on the creation of the proposed new school district.
- 109 (c) The proposal is approved if a majority of the members of the county legislative
- 110 body votes in favor of the proposal.
- 111 (d) If the proposal is approved, the county legislative body shall submit the proposal to
- 112 the county clerk to be voted on:
- 113 (i) by the electors of the existing school district;
- 114 (ii) in accordance with Title 20A, Election Code; and
- 115 (iii) at the next regular general election or municipal general election, whichever is
- 116 first.
- 117 (e) Creation of the new school district shall occur if a majority of the electors within
- 118 both the proposed school district and the remaining school district voting on the proposal vote

119 in favor of the creation of the new district.

120 (f) (i) The county legislative body shall, within 45 days of the creation of the new
121 school district, file a written notice of the action with the State Tax Commission.

122 (ii) The notice shall be accompanied by a map showing the boundaries of the affected
123 school districts, prepared and certified by a local surveyor.

124 (5) If a proposal to create a new district is approved by the electors, the existing
125 district's documented costs to study and implement the proposal shall be reimbursed by the new
126 district.

127 Section 2. Section **53A-2-122** is amended to read:

128 **53A-2-122. Employees of a new district.**

129 ~~[Am]~~ (1) Upon the creation of a new district:

130 (a) an employee of an existing district who is employed at a school that is transferred to
131 the new district shall become an employee of the new district; and

132 (b) the school board of the new district shall:

133 (i) have discretion in the hiring of all other staff;

134 (ii) adopt the personnel policies and practices of the existing district, including salary
135 schedules and benefits; and

136 (iii) enter into agreements with employees of the new district, or their representatives,
137 that have the same terms as those in the negotiated agreements between the existing district and
138 its employees.

139 (2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new
140 district is created who becomes an employee of the new district shall ~~[receive the same~~
141 considerations as are provided to transferred employees by Section 53A-2-116 and shall] retain
142 the same status as a career or provisional employee with accrued seniority and accrued benefits.

143 (b) Subsection (2)(a) applies to:

144 (i) employees of an existing district who are transferred to a new district pursuant to
145 Subsection (1)(a); and

146 (ii) employees of a school district from which a new district is created who are hired by
147 the new district within one year of the date of the creation of the new district.

148 (3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and
149 is rehired by the existing district within one year of the date of the creation of the new district

150 shall, when rehired by the existing district, retain the same status as a career or provisional
151 employee with accrued seniority and accrued benefits.

Fiscal Note
Bill Number HB0063S01

School District Amendments

16-Feb-05

7:22 PM

State Impact

No fiscal impact

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst