

Representative John Dougall proposes the following substitute bill:

SCHOOL COMMUNITY COUNCILS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: John Dougall

LONG TITLE

General Description:

This bill modifies the composition, operation, duties, and election of school community councils.

Highlighted Provisions:

This bill:

- ▶ expands eligibility for school community council membership;
- ▶ modifies the membership, operation, duties, and election procedures of school community councils; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-108, as last amended by Chapter 324, Laws of Utah 2002

53A-16-101.5, as last amended by Chapters 183 and 251, Laws of Utah 2004

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



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

27 **53A-1a-108. School community councils authorized -- Duties -- Composition --**

28 **Selection of members.**

29 (1) As used in this section:

30 (a) (i) "School community member" means a person who is 18 years of age or older
31 and is a parent or guardian of a student enrolled at the school.

32 (ii) "School community member" may include, as approved by a vote of the
33 community council, persons who are 18 years of age or older and who:

34 (A) reside within the boundaries of the school; or

35 (B) own a business that is located within:

36 (I) the school boundaries; or

37 (II) a municipality that is at least partially encompassed by the school boundaries.

38 (iii) A school community member may not be a school employee.

39 (b) "School employee member" means a person employed by the school district at the
40 school, including the school principal.

41 ~~[(+)]~~ (2) Each public school, in consultation with its local school board, shall establish
42 a school community council at the school building level.

43 ~~[(2)]~~ (3) (a) Each school community council shall:

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

45 (ii) develop the School LAND Trust Program in accordance with Section
46 53A-16-101.5;

47 (iii) assist in the development and implementation of a staff professional development
48 plan as provided by Section 53A-3-701;

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

50 (v) advise and make recommendations to school and school district administrators and
51 the local school board regarding the school and its curriculum, student performance, student
52 transportation and safety, and other programs, school district programs, and other issues
53 relating to the community environment for students.

54 (b) In addition to the duties specified in Subsection ~~[(2)]~~ (3)(a), a school community
55 council for an elementary school shall develop a reading achievement plan in accordance with
56 Section 53A-1-606.5.

57 ~~[(3)]~~ (4) (a) Each school community council shall consist of ~~[school employees,~~
58 ~~including the school's principal, and parents or guardians of students who are attending the~~
59 ~~school, except for parents or guardians who are employed at the school]~~ members as provided
60 in this Subsection (4).

61 (b) Except as provided in Subsection ~~[(3)]~~ (4)(c):

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

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

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

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

71 (A) the number of ~~[parent and guardian]~~ school community members exceeds the
72 number of school employee members; and

73 (B) there are at least two school employee members, including the principal, on the
74 school community council.

75 ~~[(4)(a) Each employee member;]~~

76 (5) (a) Each school employee member of the school community council, except the
77 principal, shall:

78 (i) be elected by a majority vote of the school employees; and [serves]

79 (ii) serve a two-year term beginning July 1.

80 (b) Each school community member shall:

81 (i) be elected by a majority of those school community members voting in accordance
82 with Subsection (5)(d)(i) at an election held under the direction of the school community
83 council; and

84 (ii) serve a two-year term beginning July 1.

85 (c) The principal shall serve as an ex officio school employee member with full voting
86 privileges.

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

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

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

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

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

97 (d) (i) A person who resides within school boundaries or has a child enrolled at the
98 school may vote at the election under this Subsection (5).

99 (ii) A school community member running for school community council membership
100 shall file a declaration of candidacy according to procedures specified by the school community
101 council.

102 (iii) Written public notice of the declaration of candidacy requirement shall be
103 provided prior to receiving a declaration of candidacy and at least two weeks prior to the final
104 declaration filing date.

105 ~~[(e) (iv) Written public notice of the elections held under [Subsections (4)(a) and~~
106 ~~(4)(b)] this Subsection (5) shall be given at least two weeks prior to the elections.~~

107 ~~[(d) (v) Results of the elections held under [Subsections (4)(a) and (4)(b)] this~~
108 ~~Subsection (5) shall be made available to the public [upon request].~~

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

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

116 (iii) The chair of the community council shall notify the local school board of each
117 school community council election or appointment made pursuant to ~~[Subsections (4)(e)(i) or~~
118 ~~(ii)] this section.~~

119 ~~[(iv)]~~ (iii) A member elected or appointed to a school community council pursuant to
 120 ~~[Subsection (4)(e)(i) or (ii)]~~ this section shall serve a two-year term beginning July 1 or for the
 121 unexpired term if a vacancy is filled, whichever is less.

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

124 (g) ~~[Council]~~ Except for the principal, council members may serve up to three
 125 successive terms.

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

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

130 ~~(5)~~ (6) (a) A school community council may create subcommittees or task forces to:

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

132 (ii) develop all or part of a plan listed in Subsection ~~[(2)]~~ (3).

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

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

138 (7) A school community council is subject to the provisions of Title 52, Chapter 4,
 139 Open and Public Meetings.

140 (8) Attendance of a simple majority of the school community council members
 141 constitutes a quorum for the transaction of official business.

142 Section 2. Section **53A-16-101.5** is amended to read:

143 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
 144 **School plans for use of funds.**

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

149 (2) (a) The program shall be funded each fiscal year:

150 (i) from the Interest and Dividends Account created in Section 53A-16-101; and

151 (ii) in the amount of the sum of the following:

152 (A) the interest and dividends from the investment of monies in the permanent State
153 School Fund deposited to the Interest and Dividends Account in the immediately preceding
154 year; and

155 (B) interest accrued on monies in the Interest and Dividends Account in the
156 immediately preceding fiscal year.

157 (b) On and after July 1, 2003, the program shall be funded as provided in Subsection
158 (2)(a) up to a maximum of \$12,000,000 each fiscal year.

159 (c) The Legislature shall annually allocate, through an appropriation to the State Board
160 of Education, a portion of School LAND Trust Program monies for the administration of the
161 program.

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

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

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

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

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

174 (d) A school district may not receive its allocation under this Subsection (3) until the
175 school district verifies to the board that the school district:

176 (i) has trained its principals concerning the provisions of this section and Section
177 53A-1a-108 for school community councils; and

178 (ii) does not make allocations to a school until it receives verification from the school
179 in accordance with Subsection (4).

180 (4) Except as provided in Subsection (7), ~~in order to~~ a school may not receive its

181 allocation under Subsection (3)~~[-a]~~ until the school [shall have established] verifies to the
182 school district that the school has:

183 (a) elected a school community council in accordance with the procedures under
184 Section 53A-1a-108[-]; and

185 (b) satisfied the requirements under this section and Section 53A-1a-108, including
186 meeting and making approvals in open and public meetings in accordance with Title 52,
187 Chapter 4, Open and Public Meetings .

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

- 191 (i) the school's identified most critical academic needs;
- 192 (ii) a recommended course of action to meet the identified academic needs;
- 193 (iii) a specific listing of any programs, practices, materials, or equipment which the
194 school will need to implement a component of its school improvement plan to have a direct
195 impact on the instruction of students and result in measurable increased student performance;
- 196 and

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

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

203 (6) (a) Each school shall:

- 204 (i) implement the program as approved by the school community council and approved
205 by the local school board;
- 206 (ii) provide ongoing support for the council's or its subcommittee's program;
- 207 (iii) meet school board reporting requirements regarding financial and performance
208 accountability of the program; and

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

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

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

216 (7) (a) The governing board of a charter school shall prepare a plan for the use of
217 school trust monies that includes the elements listed in Subsection (5).

218 (b) The plan shall be subject to approval by the entity that authorized the establishment
219 of the charter school.

Fiscal Note
Bill Number HB0151S03

School Community Councils

15-Feb-05

7:31 AM

State Impact

The provisions of this bill may be handled within existing budget allocations.

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst