

**LOCAL SCHOOL BOARD PUBLIC HEARING**

**REQUIREMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

House Sponsor: Ron Bigelow

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**LONG TITLE**

**General Description:**

This bill requires a school board to hold a public hearing prior to taking certain actions.

**Highlighted Provisions:**

This bill:

- ▶ requires a school board to hold a public hearing prior to taking certain actions; and
- ▶ establishes notice requirements for the public hearing.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**53A-3-402**, as last amended by Chapter 2, Laws of Utah 2005, First Special Session

**53A-19-102**, as last amended by Chapters 14 and 26, Laws of Utah 2006

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

Section 1. Section **53A-3-402** is amended to read:

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

(1) Each local school board shall:



28 (a) implement the core curriculum utilizing instructional materials that best correlate to  
29 the core curriculum and graduation requirements;

30 (b) administer tests, required by the State Board of Education, which measure the  
31 progress of each student, and coordinate with the state superintendent and State Board of  
32 Education to assess results and create plans to improve the student's progress which shall be  
33 submitted to the State Office of Education for approval;

34 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
35 students that need remediation and determine the type and amount of federal, state, and local  
36 resources to implement remediation;

37 (d) develop early warning systems for students or classes failing to make progress;

38 (e) work with the State Office of Education to establish a library of documented best  
39 practices, consistent with state and federal regulations, for use by the local districts; and

40 (f) implement training programs for school administrators, including basic  
41 management training, best practices in instructional methods, budget training, staff  
42 management, managing for learning results and continuous improvement, and how to help  
43 every child achieve optimal learning in core academics.

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

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

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

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

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

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

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

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

58 (5) A board may establish, locate, and maintain elementary, secondary, and applied

59 technology schools.

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

62 (7) A board may establish and support school libraries.

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

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

66 (10) (a) A board shall administer and implement federal educational programs in  
67 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

68 (b) Federal funds are not considered funds within the school district budget under Title  
69 53A, Chapter 19, School District Budgets.

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

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

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

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

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

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

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

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

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

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

89 (15) (a) A board shall make and enforce rules necessary for the control and

90 management of the district schools.

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

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

94 (17) (a) Each board shall establish for each school year a school traffic safety  
95 committee to implement this Subsection (17).

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

97 (i) the schools within the district;

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

99 (iii) the municipality or county;

100 (iv) state or local law enforcement; and

101 (v) state or local traffic safety engineering.

102 (c) The committee shall:

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

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

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

112 (iv) help ensure the district's compliance with rules made by the Department of  
113 Transportation under Section 41-6a-303.

114 (d) The committee may establish subcommittees as needed to assist in accomplishing  
115 its duties under Subsection (17)(c).

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

119 (18) (a) Each school board shall adopt and implement a comprehensive emergency  
120 response plan to prevent and combat violence in its public schools, on school grounds, on its

121 school vehicles, and in connection with school-related activities or events.  
122 (b) The board shall implement its plan by July 1, 2000.  
123 (c) The plan shall:  
124 (i) include prevention, intervention, and response components;  
125 (ii) be consistent with the student conduct and discipline polices required for school  
126 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;  
127 (iii) require inservice training for all district and school building staff on what their  
128 roles are in the emergency response plan; and  
129 (iv) provide for coordination with local law enforcement and other public safety  
130 representatives in preventing, intervening, and responding to violence in the areas and activities  
131 referred to in Subsection (18)(a).  
132 (d) The State Board of Education, through the state superintendent of public  
133 instruction, shall develop comprehensive emergency response plan models that local school  
134 boards may use, where appropriate, to comply with Subsection (18)(a).  
135 (e) Each local school board shall, by July 1 of each year, certify to the State Board of  
136 Education that its plan has been practiced at the school level and presented to and reviewed by  
137 its teachers, administrators, students, and their parents and local law enforcement and public  
138 safety representatives.  
139 (19) (a) Each local school board may adopt an emergency response plan for the  
140 treatment of sports-related injuries that occur during school sports practices and events.  
141 (b) The plan may be implemented by each secondary school in the district that has a  
142 sports program for students.  
143 (c) The plan may:  
144 (i) include emergency personnel, emergency communication, and emergency  
145 equipment components;  
146 (ii) require inservice training on the emergency response plan for school personnel who  
147 are involved in sports programs in the district's secondary schools; and  
148 (iii) provide for coordination with individuals and agency representatives who:  
149 (A) are not employees of the school district; and  
150 (B) would be involved in providing emergency services to students injured while  
151 participating in sports events.

152 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may  
 153 review the plan each year and make revisions when required to improve or enhance the plan.

154 (e) The State Board of Education, through the state superintendent of public  
 155 instruction, shall provide local school boards with an emergency plan response model that local  
 156 boards may use to comply with the requirements of this Subsection (19).

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

159 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

160 (i) hold a public hearing, as defined in Section ~~§~~→ [52-4-103] 10-9a-103 ←~~§~~ ; and

161 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

162 (b) The notice of a public hearing required under Subsection (21)(a) shall:

163 (i) indicate the:

164 (A) school or schools under consideration for closure or boundary change; and

165 (B) date, time, and location of the public hearing; and

166 (ii) at least ten days prior to the public hearing, be:

167 (A) published in a newspaper of general circulation in the area; and

168 (B) posted in at least three public locations within the municipality or on the district's  
 169 official website.

170 Section 2. Section **53A-19-102** is amended to read:

171 **53A-19-102. Local school boards budget procedures.**

172 (1) Prior to June 22 of each year, each local school board shall adopt a budget and  
 173 make appropriations for the next fiscal year. If the tax rate in the proposed budget exceeds the  
 174 certified tax rate defined in Subsection 59-2-924(2), the board shall comply with Sections  
 175 59-2-918 and 59-2-919 in adopting the budget, except as provided by Section 53A-17a-133.

176 (2) Prior to the adoption of a budget containing a tax rate which does not exceed the  
 177 certified tax rate, the board shall hold a public hearing ~~§~~→ , as defined in Section 10-9a-103, ←~~§~~ on  
 177a the proposed budget. In addition to  
 178 complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the hearing,  
 179 the board shall do the following:

180 (a) publish the required newspaper notice at least [~~one week~~] ten days prior to the  
 181 hearing; and

182 (b) file a copy of the proposed budget with the board's business administrator for public

183 inspection at least ten days prior to the hearing.

184 (3) The board shall file a copy of the adopted budget with the state auditor and the

185 State Board of Education.

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**Legislative Review Note**  
**as of 1-15-07 2:37 PM**

**Office of Legislative Research and General Counsel**

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**S.B. 133 - Local School Board Public Hearing Requirements**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/22/2007, 11:37:38 AM, Lead Analyst: Leishman, B.*

**Office of the Legislative Fiscal Analyst**