

Representative Gregory H. Hughes proposes the following substitute bill:

USE OF PUBLIC SCHOOLS BY COMMUNITY

ORGANIZATIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Howard A. Stephenson

Cosponsors: Eric K. Hutchings Paul Ray

LONG TITLE

General Description:

This bill modifies provisions of the State System of Public Education code relating to the use of public school buildings and grounds as a civic center.

Highlighted Provisions:

This bill:

- ▶ provides definitions;

§→ [→ ~~modifies an exemption for charter schools;~~ ←§

- ▶ requires all public school buildings and grounds to be made available as a civic center to district residents for supervised recreational activities and meetings;
- ▶ provides that a local school board may not refuse the use of a civic center, for other than school purposes, unless it determines that the use interferes with a school function or purpose;
- ▶ requires a local school board to ensure that school administrators are trained about and properly implement certain provisions; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **§→** [~~53A-1a-511, as last amended by Laws of Utah 2007, Chapter 349~~] **←§**

32 **53A-3-413**, as enacted by Laws of Utah 1988, Chapter 2

33 **53A-3-414**, as last amended by Laws of Utah 1999, Chapter 21



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

36 **§→** [~~Section 1. Section 53A-1a-511 is amended to read:~~

37 ~~53A-1a-511. Waivers from state board rules -- Application of statutes and rules~~
38 ~~to charter schools:~~

39 ~~(1) A charter school shall operate in accordance with its charter and is subject to Title~~
40 ~~53A, State System of Public Education, and other state laws applicable to public schools,~~
41 ~~except as otherwise provided in this part:~~

42 ~~(2) (a) A charter school or any other public school or school district may apply to the~~
43 ~~State Board of Education for a waiver of any state board rule that inhibits or hinders the school~~
44 ~~or the school district from accomplishing its mission or educational goals set out in its strategic~~
45 ~~plan or charter:~~

46 ~~(b) The state board may grant the waiver, unless:~~

47 ~~(i) the waiver would cause the school district or the school to be in violation of state or~~
48 ~~federal law; or~~

49 ~~(ii) the waiver would threaten the health, safety, or welfare of students in the district or~~
50 ~~at the school:~~

51 ~~(c) If the State Board of Education denies the waiver, the reason for the denial shall be~~
52 ~~provided in writing to the waiver applicant:~~

53 ~~(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules~~
54 ~~governing the following do not apply to a charter school:~~

55 ~~(i) school libraries;~~

56 ~~(ii) required school administrative and supervisory services; and] **←§**~~

57 ~~§→ [(iii) required expenditures for instructional supplies:~~

58 ~~—— (b) A charter school shall comply with rules implementing statutes that prescribe how~~

59 ~~state appropriations may be spent.~~

60 ~~—— (4) The following provisions of Title 53A, State System of Public Education, and rules~~

61 ~~adopted under those provisions, do not apply to a charter school:~~

62 ~~—— (a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school~~

63 ~~community council and school improvement plan;~~

64 ~~—— [(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as~~

65 ~~civic centers;]~~

66 ~~—— [(c) (b) Section 53A-3-420, requiring the use of activity disclosure statements;~~

67 ~~—— [(d) (c) Section 53A-12-207, requiring notification of intent to dispose of textbooks;~~

68 ~~—— [(e) (d) Section 53A-13-107, requiring annual presentations on adoption;~~

69 ~~—— [(f) (e) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school~~

70 ~~districts and local school boards; and~~

71 ~~—— [(g) (f) Section 53A-14-107, requiring an independent evaluation of instructional~~

72 ~~materials.~~

73 ~~—— (5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school~~

74 ~~shall be considered a local public procurement unit.~~

75 ~~—— (6) Each charter school shall be subject to:~~

76 ~~—— (a) Title 52, Chapter 4, Open and Public Meetings Act; and~~

77 ~~—— (b) Title 63, Chapter 2, Government Records Access and Management Act.~~

78 ~~—— (7) (a) The State Charter School Board shall, in concert with the charter schools, study~~

79 ~~existing state law and administrative rules for the purpose of determining from which laws and~~

80 ~~rules charter schools should be exempt.~~

81 ~~—— (b) (i) The State Charter School Board shall present recommendations for exemption to~~

82 ~~the State Board of Education for consideration.~~

83 ~~—— (ii) The State Board of Education shall consider the recommendations of the State~~

84 ~~Charter School Board and respond within 60 days.~~

85 ~~—— (8) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings and~~

86 ~~grounds as civic centers, and rules adopted under those provisions, do not apply to a charter~~

87 ~~school that leases its buildings and grounds.] ←§~~

88 Section ~~§~~ → [2] 1 ← ~~§~~ . Section 53A-3-413 is amended to read:

89 **53A-3-413. Use of public school buildings and grounds as civic centers.**

90 (1) As used in this section, "civic center" means a public school building or ground that
 91 is established and maintained as a limited public forum to district residents for supervised
 92 recreational activities and meetings.

93 [~~(1) AH~~] (2) Except as provided in Subsection (3), all public school buildings and
 94 grounds [are] shall be civic centers [and may be used by district residents for supervised
 95 recreational activities and meetings].

96 [~~(2)~~] (3) Use of school property for civic center purposes may not interfere with [any] a
 97 school function or purpose.

98 Section ~~§~~ → [3] 2 ← ~~§~~ . Section 53A-3-414 is amended to read:

99 **53A-3-414. Local school boards' responsibility for school buildings and grounds**
 100 **when used as civic centers.**

101 (1) As used in this section, "civic center" has the same meaning as provided in Section
 102 53A-3-413.

103 (2) A local school board [has the following powers]:

104 [~~(1)~~] (a) [~~It manages, directs, and controls~~] shall manage, direct, and control civic
 105 centers under this chapter[-];

106 [~~(2) It adopts rules~~] (b) shall adopt policies for the use of [these] civic centers[-];

107 [~~(3) It~~] (c) may charge a reasonable fee for the use of school facilities as a civic center
 108 so that the district incurs no expense for that use[-];

109 [~~(4) It~~] (d) may appoint a special functions officer under Section 53-13-105 to have
 110 charge of the grounds and protect school property when used for civic center purposes[-];

111 [~~(5) It~~] (e) ~~§~~ → [~~may not refuse~~] shall allow ← ~~§~~ the use of a civic center, for other than
 111a school purposes, [if]

112 unless it determines that the use [inadvisable.] interferes with a school function or purpose; and

113 (f) shall ensure that school administrators are trained about and properly implement the
 114 provisions of this section and Section 53A-3-413.

H.B. 332 1st Sub. (Buff) - Use of Public Schools by Community Organizations

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
