

COMMUNITY COUNCIL ELECTIONS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kenneth W. Sumsion

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Utah Strategic Planning Act for Educational Excellence by amending provisions for the election of members of school community councils.

Highlighted Provisions:

This bill:

- ▶ adds provisions for conducting elections of members of school community councils by secret ballot;
- ▶ requires the principal of the school, or the principal's designee, to provide notice of the available community council positions at least three weeks before the date of the election, in order to allow candidates to file for office;
- ▶ requires candidates to file a written declaration of candidacy with the principal of the school, or the principal's designee, no later than 15 days before the election;
- ▶ requires that a notice of the election be given with a list of candidates that have filed, and the date, room, and hours that the voting will be open, which shall include evening hours, not less than two weeks before the election;
- ▶ provides that the principal of the school, or the principal's designee, is the chief election judge for the election;
- ▶ provides that the chief election judge shall appoint other elections judges to ensure that:
 - at least two election judges are present during voting and tabulation of the



28 results;

29 • only qualified individuals vote; and

30 • ballots are secure;

31 ▶ requires voters to sign the list of qualified voters next to their name before being

32 given a ballot;

33 ▶ requires the election judges to tabulate the results and keep the election materials for

34 a certain period after the election; and

35 ▶ makes technical changes.

36 **Monies Appropriated in this Bill:**

37 None

38 **Other Special Clauses:**

39 None

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **53A-1a-108**, as last amended by Laws of Utah 2006, Chapter 119



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

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

46 **53A-1a-108. School community councils authorized -- Duties -- Composition --**

47 **Election procedures and selection of members.**

48 (1) As used in this section:

49 (a) "Parent or guardian member" means a member of a school community council who
50 is a parent or guardian of a student who is attending the school or who will be enrolled at the
51 school at any time during the parent's or guardian's initial term of office. "Parent or guardian
52 member" may not include a person who meets the definition of a school employee member
53 unless the person's employment at the school does not exceed an average of six hours per week.

54 (b) "School employee member" means a member of a school community council who
55 is a person employed at a school by the school or school district, including the principal.

56 (2) Each public school, in consultation with its local school board, shall establish a
57 school community council at the school building level.

58 (3) (a) Each school community council shall:

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

60 (ii) develop the School LAND Trust Program in accordance with Section

61 53A-16-101.5;

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

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

65 (v) advise and make recommendations to school and school district administrators and

66 the local school board regarding the school and its programs, school district programs, and

67 other issues relating to the community environment for students.

68 (b) In addition to the duties specified in Subsection (3)(a), a school community council

69 for an elementary school shall develop a reading achievement plan in accordance with Section

70 53A-1-606.5.

71 (4) (a) Each school community council shall consist of school employee members and

72 parent or guardian members in accordance with this section.

73 (b) Except as provided in Subsection (4)(c):

74 (i) each school community council for a high school shall have six parent or guardian

75 members and five school employee members, including the principal; and

76 (ii) each school community council for a school other than a high school shall have

77 four parent or guardian members and three school employee members, including the principal.

78 (c) (i) A school community council may have a larger membership provided that the

79 number of parent or guardian members exceeds the number of school employee members.

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

81 (A) the number of parent or guardian members exceeds the number of school employee

82 members; and

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

84 (5) (a) Each school employee member, except the principal, shall be elected by secret

85 ballot by a majority vote of the school employees and serves a two-year term beginning July 1.

86 The principal shall serve as an ex officio member with full voting privileges.

87 (b) (i) Each parent or guardian member shall be elected by secret ballot at an election

88 held at the school by a majority vote of those voting at the election and serves a two-year term

89 beginning July 1.

90 (ii) Only parents or guardians of students attending the school may vote at the election
91 under Subsection (5)(b)(i).

92 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
93 the available community council positions to school employees, parents, and guardians of the
94 school at least three weeks before the date of the election.

95 (ii) The notice shall include:

96 (A) the date of the pending election;

97 (B) a list of council positions that are up for election; and

98 (C) instructions on filing for a community council position.

99 (iii) In addition to providing notice under Subsection (5)(c)(i), the principal, or the
100 principal's designee, shall post the notice in an easily visible place near the school's main
101 office.

102 ~~[(iii) Any]~~ (iv) A school employee or a parent or guardian of a student who meets the
103 qualifications of this section may file ~~[or declare himself]~~ as a candidate for election to a school
104 community council by submitting a written declaration of candidacy with the principal of the
105 school or the principal's designee no later than 15 days before the election.

106 ~~[(c) Written]~~ (d) (i) The principal of the school, or the principal's designee, shall
107 provide written notice of the elections to be held under Subsections (5)(a) and (5)(b) ~~[shall be~~
108 given at least two weeks prior to the elections].

109 (ii) The notice shall:

110 (A) include a list of qualified candidates that have filed by the deadline under
111 Subsection (5)(c)(iv);

112 (B) include the date, room, and hours that the voting will be open which shall include
113 evening hours;

114 (C) be provided to each school employee and to a parent or guardian of each student of
115 the school not less than two weeks prior to the election; and

116 (D) be posted in an easily visible place near the school's main office.

117 (e) (i) The principal of the school, or the principal's designee, is the chief election judge
118 for the election, and shall appoint not less than two other election judges.

119 (ii) The election judges shall oversee the election and shall ensure that:

120 (A) not less than two election judges are present during voting and the tabulation of

121 results;

122 (B) only qualified individuals vote, using the list of qualified voters required under

123 Subsection (5)(e)(iii);

124 (C) each voting individual casts only one ballot;

125 (D) each ballot is cast into a secure ballot box; and

126 (E) each ballot is accurately counted after the close of the election hours.

127 (iii) (A) The principal of the school, or the principal's designee, shall provide the
128 materials, furniture, and equipment needed for the election under this section, which shall
129 include a list of qualified voters, which contains the name of each school employee and each
130 parent or guardian of each school student.

131 (B) An individual who wishes to vote shall sign the list of qualified voters next to their
132 name before receiving a ballot.

133 (iv) Following the election, the election judges shall:

134 (A) tabulate the results;

135 (B) store the ballots, a copy of the results, and the signed list of qualified voters; and

136 (C) keep the documents for not less than 60 days.

137 ~~(d)~~ (v) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
138 available to the public upon request.

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

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

145 (iii) The chair of the community council shall notify the local school board of each
146 appointment made ~~pursuant to~~ under Subsection (5)~~(e)~~(f)(i) or (ii).

147 (iv) A member appointed to a school community council ~~pursuant to~~ under
148 Subsection (5)~~(e)~~(f)(i) or (ii) shall serve a two-year term beginning July 1.

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

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

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

154 (ii) No more than one parent or guardian member or elected employee member may at
155 the same time serve as an officer specified in Subsection (5)~~(h)~~(i)(i).

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

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

158 (ii) develop all or part of a plan listed in Subsection (3).

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

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

Legislative Review Note

as of 12-13-07 12:48 PM

Office of Legislative Research and General Counsel

H.B. 127 - Community Council Elections

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.
