

**SCHOOL COMMUNITY COUNCILS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ron Bigelow**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the State System of Public Education by requiring a school community council to provide certain information to school households.

**Highlighted Provisions:**

This bill:

► requires a school community council to provide the following information to each household that has a student attending the school:

- a school community council meeting schedule for the year;
- a mid-year action and activity report; and
- an end-of-year report, including how the school's School LAND Trust Program

monies were used;

► specifies delivery methods for the information; and

► makes technical corrections.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill takes effect on July 1, 2008.

**Utah Code Sections Affected:**

AMENDS:



28 53A-1a-108, as last amended by Laws of Utah 2006, Chapter 119

29 53A-16-101.5, as last amended by Laws of Utah 2005, Chapter 166



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

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

33 **53A-1a-108. School community councils authorized -- Duties -- Composition --**  
34 **Selection of members.**

35 (1) As used in this section:

36 (a) "Parent or guardian member" means a parent or guardian of a student who is  
37 attending the school or who will be enrolled at the school at any time during the parent's or  
38 guardian's initial term of office. "Parent or guardian member" may not include a person who  
39 meets the definition of a school employee member unless the person's employment at the  
40 school does not exceed an average of six hours per week.

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

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

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

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

47 (ii) develop the School LAND Trust Program in accordance with Section  
48 53A-16-101.5;

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

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

52 (v) advise and make recommendations to school and school district administrators and  
53 the local school board regarding the school and its programs, school district programs, and  
54 other issues relating to the community environment for students.

55 (b) In addition to the duties specified in Subsection (3)(a), a school community council  
56 for an elementary school shall develop a reading achievement plan in accordance with Section  
57 53A-1-606.5.

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

59 parent or guardian members in accordance with this section.

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

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

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

65 (c) (i) A school community council may have a larger membership provided that the  
66 number of parent or guardian members exceeds the number of school employee members.

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

68 (A) the number of parent or guardian members exceeds the number of school employee  
69 members; and

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

71 (5) (a) Each school employee member, except the principal, shall be elected by a  
72 majority vote of the school employees and serves a two-year term beginning July 1. The  
73 principal shall serve as an ex officio member with full voting privileges.

74 (b) (i) Each parent or guardian member shall be elected at an election held at the school  
75 by a majority vote of those voting at the election and serves a two-year term beginning July 1.

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

78 (iii) Any parent or guardian of a student who meets the qualifications of this section  
79 may file or declare himself as a candidate for election to a school community council.

80 (c) Written notice of the elections held under Subsections (5)(a) and (5)(b) shall be  
81 given at least two weeks prior to the elections.

82 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made  
83 available to the public upon request.

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

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

90 (iii) The chair of the community council shall notify the local school board of each  
91 appointment made pursuant to Subsection (5)(e)(i) or (ii).

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

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

96 (g) Council members may serve up to three successive terms.

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

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

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

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

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

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

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

109 (7) (a) A school community council shall provide the following information:

110 (i) the proposed school community council meeting schedule for the year, provided  
111 during the first two weeks of the school year;

112 (ii) a summary of the school community council's actions and activities during the first  
113 half of the school year information, provided at the mid-point of the school year; and

114 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the  
115 school's School LAND Trust Program monies were used to enhance or improve academic  
116 excellence at the school and implement a component of the school's improvement plan,  
117 provided at the conclusion of the school year.

118 (b) The school community council shall provide the information described in  
119 Subsection (7)(a) by:

120 (i) posting the information on the school's website; and

121 (ii) providing individual delivery to each household that has a student attending the  
122 school by:

123 (A) mailing the information;

124 (B) delivering a voice message describing the information and explaining where to  
125 obtain the full information;

126 (C) sending an e-mail message containing the information; or

127 (D) using a combination of the methods described in Subsections (7)(b)(ii)(A) through  
128 (C).

129 (8) A school community council shall, at least one week prior to a meeting, post the  
130 following information on the school's website:

131 (a) notice of the meeting date, time, and place;

132 (b) an agenda for the meeting; and

133 (c) a summary of the previous meeting.

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

135 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**  
136 **School plans for use of funds.**

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

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

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

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

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

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

149 (b) On and after July 1, 2003, the program shall be funded as provided in Subsection  
150 (2)(a) up to a maximum of an amount equal to 2% of the funds provided for the Minimum  
151 School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act, each

152 fiscal year.

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

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

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

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

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

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

168 (4) Except as provided in Subsection (7), in order to receive its allocation under  
169 Subsection (3), a school shall have established a school community council under Section  
170 53A-1a-108.

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

174 (i) the school's identified most critical academic needs;

175 (ii) a recommended course of action to meet the identified academic needs;

176 (iii) a specific listing of any programs, practices, materials, or equipment which the  
177 school will need to implement a component of its school improvement plan to have a direct  
178 impact on the instruction of students and result in measurable increased student performance;  
179 and

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

182 (b) The school may develop a multiyear program, but the program shall be presented

183 and approved by the school community council and the local school board of the district in  
184 which the school is located annually and as a prerequisite to receiving program funds allocated  
185 under this section.

186 (6) (a) Each school shall:

187 (i) implement the program as approved by the school community council and approved  
188 by the local school board;

189 (ii) provide ongoing support for the council's or its subcommittee's program; and

190 (iii) meet school board reporting requirements regarding financial and performance  
191 accountability of the program~~[, and].~~

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

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

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

199 (iii) A summary of the report shall be sent to households in accordance with the  
200 provisions under Subsection 53A-1a-108(7).

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

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

205 (8) (a) A school community council and a governing board of a charter school may not  
206 be required to:

207 (i) send a letter to legislators or other elected officials on the school's use of School  
208 LAND Trust Program monies as a condition of receiving the monies; or

209 (ii) report to the State Board of Education or any local school board on whether any  
210 letters were sent to legislators or other elected officials on the school's use of School LAND  
211 Trust Program monies.

212 (b) Subsection (8)(a)(i) does not apply to the annual report to the local school board  
213 required by Subsection (6)(b).

214           Section 3. **Effective date.**  
215           This bill takes effect on July 1, 2008.

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**Legislative Review Note**  
**as of 1-31-08 4:15 PM**

**Office of Legislative Research and General Counsel**



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**H.B. 189 - School Community Councils**

**Fiscal Note**

2008 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 may result in some costs for local districts depending upon the method they use for providing "individual delivery" of information to each household.

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