

**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

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**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. 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. 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 the use of a civic center, for other than 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.

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

**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 likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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