

**EXPENDITURES OF SCHOOL AND
INSTITUTIONAL TRUST LAND MONEY BY
SCHOOL DISTRICTS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim M. Cosgrove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for additional uses of the School LAND Trust Program monies.

Highlighted Provisions:

This bill:

▶ allows School LAND Trust Program monies to be used to purchase ~~H→~~ wind, ~~←H~~ solar

~~H→~~, ~~←H~~ or

geothermal systems for installation on school property if:

- approved by a school community council, local school board, or charter school governing board, where applicable; and
- the ~~H→~~ wind, ~~←H~~ solar ~~H→~~, ~~←H~~ or geothermal systems meet certain cost

criteria; and

▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-108, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332

53A-16-101.5, as last amended by Laws of Utah 2008, Chapters 332 and 382

H.B. 146



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

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

**53A-1a-108. School community councils authorized -- Duties -- Composition --
Election procedures and selection of members.**

(1) As used in this section:

(a) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who is attending the school or who will be enrolled at the school at any time during the parent's or guardian's initial term of office.

(ii) "Parent or guardian member" may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week.

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

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

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

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

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

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

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

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

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

(4) (a) Each school community council shall consist of school employee members and parent or guardian members in accordance with this section.

59 (b) Except as provided in Subsection (4)(c):
60 (i) each school community council for a high school shall have six parent or guardian
61 members and five school employee members, including the principal; and
62 (ii) each school community council for a school other than a high school shall have
63 four parent or guardian members and three school employee members, including the principal.
64 (c) (i) A school community council may have a larger membership provided that the
65 number of parent or guardian members exceeds the number of school employee members.
66 (ii) A school community council may have a smaller membership provided that:
67 (A) the number of parent or guardian members exceeds the number of school employee
68 members; and
69 (B) there are at least two school employee members on the school community council.
70 (5) (a) Each school employee member, except the principal, shall be elected by secret
71 ballot by a majority vote of the school employees and serve a two-year term. The principal
72 shall serve as an ex officio member with full voting privileges.
73 (b) (i) Each parent or guardian member shall be elected by secret ballot at an election
74 held at the school by a majority vote of those voting at the election and serve a two-year term.
75 (ii) Only parents or guardians of students attending the school may vote at the election
76 under Subsection (5)(b)(i).
77 (iii) Any parent or guardian of a student who meets the qualifications of this section
78 may file or declare himself as a candidate for election to a school community council.
79 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
80 the available community council positions to school employees, parents, and guardians at least
81 14 days before the date that voting commences for the elections held under Subsections (5)(a)
82 and (5)(b).
83 (ii) The notice shall include:
84 (A) the dates and times of the elections;
85 (B) a list of council positions that are up for election; and
86 (C) instructions for becoming a candidate for a community council position.
87 (iii) The principal of the school, or the principal's designee, shall oversee the elections
88 held under Subsections (5)(a) and (5)(b).
89 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a

90 secure ballot box[;].

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

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

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

99 (iii) The chair of the community council shall notify the local school board of each
100 appointment made under Subsection (5)(e)(i)[;] or (ii)[; ~~or (iii)~~].

101 (iv) A member appointed to a school community council under Subsection (5)(e)(i) or
102 (ii) shall serve a two-year term.

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

105 (g) (i) Each public school, in consultation with its local school board, shall set the
106 beginning date of the term of office for school community council members.

107 (ii) Council members may serve up to three successive terms.

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

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

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

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

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

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

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

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

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

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

125 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the
126 school's School LAND Trust Program monies were used [~~to enhance or improve academic~~
127 ~~excellence at the school and implement a component of the school's improvement plan~~],
128 provided at the beginning of the next school year.

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

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

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

134 (A) mailing the information;

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

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

138 (D) providing the information in a packet that is to be delivered to a student's parent or
139 guardian:

140 (I) during the school's annual registration period; or

141 (II) with the student's report card; or

142 (E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through
143 (D).

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

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

147 (b) an agenda for the meeting; and

148 (c) a summary of the previous meeting.

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

150 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
151 **School plans for use of funds.**

152 (1) There is established the School LAND (Learning And Nurturing Development)
153 Trust Program for the state's public schools to provide financial resources to [~~enhance or~~
154 ~~improve student academic achievement and~~] implement a component of [~~the~~] a school
155 improvement plan or to install ~~H→~~ wind, ~~←H~~ solar ~~H→~~, ~~←H~~ or geothermal systems on a school
155a property.

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

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

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

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

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

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

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

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

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

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

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

180 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
181 board may make rules regarding the time and manner in which the student count shall be made
182 for allocation of the monies.

183 (4) Except as provided in Subsection (7), in order to receive its allocation under
 184 Subsection (3), a school shall have established a school community council under Section
 185 53A-1a-108.

186 (5) (a) ~~[The]~~ A school community council or its subcommittee shall develop a program
 187 to use its allocation under Subsection (3) to:

188 (i) implement a component of the school's improvement plan, including:

189 ~~[(i)]~~ (A) the school's identified most critical academic needs;

190 ~~[(ii)]~~ (B) a recommended course of action to meet the identified academic needs;

191 ~~[(iii)]~~ (C) a specific listing of any programs, practices, materials, or equipment which
 192 the school will need to implement a component of its school improvement plan to have a direct
 193 impact on the instruction of students and result in measurable increased student performance;
 194 and

195 ~~[(iv)]~~ (D) how the school intends to spend its allocation of funds under this section to
 196 enhance or improve academic excellence at the school~~[-]; or~~

197 (ii) purchase ~~H→~~ wind, ~~←H~~ solar ~~H→~~, ~~←H~~ or geothermal systems if:

198 (A) the school community council develops a plan that demonstrates its ability to
 199 recover the cost of the ~~H→~~ wind, ~~←H~~ solar ~~H→~~, ~~←H~~ or geothermal systems and installation
 199a within ten years with money
 200 saved from school energy bills and credit earned from selling excess school generated
 201 electricity back to the school's energy provider; and

202 (B) the plan developed in Subsection (5)(a)(ii)(A) is approved by the local school
 203 board of the district in which the school is located.

204 (b) ~~[The]~~ A school may develop a multiyear program, but the program shall be
 205 presented and approved by the school community council and the local school board of the
 206 district in which the school is located annually and as a prerequisite to receiving program funds
 207 allocated under this section.

207a ~~H→~~ **(c) If a school installs a wind, solar, or geothermal system in accordance with**
 207b **Subsection (5)(a)(ii), any profit realized by selling excess school generated electricity back to**
 207c **the school's energy provider after the school has recovered the installation and infrastructure**
 207d **costs of the wind, solar, or geothermal system, shall be used by the school to improve academic**
 207e **achievement as approved by the school community council.** ~~←H~~

208 (6) (a) Each school shall:

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

211 (ii) provide ongoing support for the school community council's or its subcommittee's
 212 program; and

213 (iii) meet school board reporting requirements regarding financial and performance

214 accountability of the program.

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

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

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

222 (7) (a) The governing board of a charter school shall prepare a [~~plan~~] program for the
223 use of school trust monies allocated under Subsection (3) that includes any of the elements
224 listed in Subsection (5).

225 (b) The [~~plan~~] program shall be subject to approval by the entity that authorized the
226 establishment of the charter school.

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

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

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

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

Legislative Review Note
as of 1-29-09 11:22 AM

Office of Legislative Research and General Counsel

Fiscal Note

**H.B. 146 - Expenditures of School and Institutional Trust Land Money by
School Districts**

2009 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 will not create additional costs for local districts, but will allow them to use School LAND Trust Program monies for purchase of solar or geothermal systems which may, in turn, impact revenue available for education.
