

HB0152S01 compared with HB0152

~~{deleted text}~~ shows text that was in HB0152 but was deleted in HB0152S01.

inserted text shows text that was not in HB0152 but was inserted into HB0152S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Bill Wright proposes the following substitute bill:

SCHOOL COMMUNITY COUNCILS AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bill Wright

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions pertaining to the membership, selection, and operation of school community councils.

Highlighted Provisions:

This bill:

- ▶ modifies qualifications for a parent or guardian member of a school community council;
- ▶ modifies duties of a school community council;
- ▶ requires an election for the parent or guardian members of a school community council to:
 - extend for a period of at least three consecutive school days; and
 - commence no later than 30 days after the first day of the school year;

HB0152S01 compared with HB0152

- ▶ requires a principal to provide notification of a school community council election at least 21 days before the commencement of an election;
- ▶ modifies the officer positions of a school community council;
- ▶ requires a school's principal, in order for the school to receive an allotment of School LAND Trust Program money, to provide a signed, written assurance that:
 - the school community council membership is consistent with requirements specified in law; and
 - the selection of school community council members is consistent with requirements specified in law;
- ▶ directs the Legislative Auditor General, at the direction of the Legislative Audit Subcommittee, to audit a sample of schools for compliance with requirements pertaining to school community council membership and the selection of school community council members;
- ▶ provides for a reduction or an elimination of a school's allocation of School LAND Trust money for failure to comply with requirements pertaining to school community council membership or the selection of school community council members; and
- ▶ makes technical amendments.

Money 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

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.

HB0152S01 compared with HB0152

(1) As used in this section:

(a) "Educator" has the meaning defined in Section 53A-6-103.

~~[(a)]~~ (b) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who:

(A) is attending the school ~~[or who]~~;

(B) will be enrolled at the school at any time during the parent's or guardian's initial term of office~~[-]~~; or

(C) was enrolled at the school during the parent or guardian member's initial term of office as provided in Subsection (5)(g)(iii).

(ii) "Parent or guardian member" may not include ~~[a person]~~ an educator who ~~[meets the definition of a school employee member]~~ is employed by the school district in which the school is located unless the ~~[person's]~~ educator's employment ~~[at the school]~~ does not exceed an average of six hours per week.

~~[(b)]~~ (c) "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]~~ create a school improvement plan in accordance with Section 53A-1a-108.5;

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

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

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

~~[(v)]~~ (iv) 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]~~ create a reading achievement plan in accordance with Section 53A-1-606.5.

HB0152S01 compared with HB0152

(c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.

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

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

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

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

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

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

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

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

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

(b) (i) Each parent or guardian member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.

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

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

(iv) An election for the parent or guardian members of a school community council shall:

(A) extend for a period of at least three consecutive school days; and

(B) commence no later than 30 days after the first day of the school year.

(c) (i) The principal of the school, or the principal's designee, shall provide notice of

HB0152S01 compared with HB0152

the available community council positions to school employees, parents, and guardians at least [14] 21 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b).

(ii) The notice shall include:

(A) the dates and times of the elections;

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

(C) instructions for becoming a candidate for a community council position.

(iii) The principal of the school, or the principal's designee, shall oversee the elections held under Subsections (5)(a) and (5)(b).

(iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box[;].

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

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

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

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

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

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

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

(ii) [~~Council members~~] A school community council member may serve up to three successive terms.

(iii) If a parent or guardian member's child is enrolled in the school at any time during the parent or guardian member's initial term of office, the parent or guardian member may

HB0152S01 compared with HB0152

serve up to three successive terms even though the parent or guardian member's child is no longer enrolled in the school.

(h) (i) Each school community council shall elect ~~[a chair and vice chair]~~; (A) two cochairs from its parent or guardian members and elected employee members~~[-]; or~~

(B) a chair from its parent or guardian members.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) mailing the information;

HB0152S01 compared with HB0152

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

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

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

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

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

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

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

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

(b) an agenda for the meeting; and

(c) a summary of the previous meeting.

(9) (a) A majority of the members of a school community council is a quorum for the transaction of business.

(b) The action of a majority of the members of a quorum is the action of the school community council.

(10) A local school board shall give each school community council member a copy of the statutes governing school community councils.

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

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

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

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

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

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

(A) the interest and dividends from the investment of money in the permanent State

HB0152S01 compared with HB0152

School Fund deposited to the Interest and Dividends Account in the immediately preceding year; and

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

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

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

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

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

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

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

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the [~~board~~] State Board of Education may make rules regarding the time and manner in which the student count shall be made for allocation of the money.

(4) (a) Except as provided in Subsection (7), in order to receive its allocation under Subsection (3)[~~;~~]:

(i) a school shall have established a school community council [~~under~~] in accordance with Section 53A-1a-108[~~;~~]; and

(ii) the school's principal shall provide a signed, written assurance in accordance with rules of the State Board of Education that:

(A) the membership of the school community council is consistent with the

HB0152S01 compared with HB0152

membership requirements specified in Section 53A-1a-108; and

(B) the members were elected or appointed consistent with selection requirements specified in 53A-1a-108.

(b) At the direction of the Legislative Audit Subcommittee, the Legislative Auditor General shall:

(i) audit a sample of schools to determine compliance with requirements specified in Section 53A-1a-108 for school community council membership and the election or appointment of school community council members; and

(ii) submit an audit report to the Legislative Audit Subcommittee.

(c) The Legislative Audit Subcommittee shall forward the audit report to the Public Education Appropriations Subcommittee and the State Board of Education.

(d) (i) The ~~{Public}~~State Board of Education~~{ Appropriations Subcommittee}~~ may recommend that all or a portion of a school's allocation of School LAND Trust Program money under Subsection (3) be reduced or eliminated for a fiscal year if the school has failed to comply with requirements specified in Section 53A-1a-108 for school community council membership or the election or appointment of school community council members.

(ii) ~~{Upon the recommendation of;}~~The State Board of Education shall report to the Public Education Appropriations Subcommittee~~{, the Legislature may direct, by intent language in legislation appropriating School LAND Trust Program money, that a school's allocation of money under Subsection (3) be reduced or eliminated for failure to comply}~~ on the board's action or decision regarding a school identified in an audit report as being not in compliance with requirements specified in Section 53A-1a-108 for school community council membership or the election or appointment of school community council members.

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

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

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

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

HB0152S01 compared with HB0152

and

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

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

(c) (i) A school community council shall consider the approval of a plan for the use of School LAND Trust Program money in a meeting of the school community council at which a quorum is present.

(ii) If a majority of the quorum votes to approve a plan for the use of School LAND Trust Program money, the plan is approved.

(d) A school community council shall:

(i) submit a plan for the use of School LAND Trust Program money that is approved in accordance with Subsection (5)(c) to the local school board for the local school board's approval; and

(ii) include with the plan a report noting the number of school community council members who voted for or against the approval of the plan and the number of members who were absent for the vote.

~~(f)(e)~~ (i) A local school board may approve or disapprove a plan for the use of School LAND Trust Program money.

(ii) If a local school board disapproves a plan for the use of School LAND Trust Program money, the local school board shall provide a written explanation of why the plan was disapproved and request the school community council who submitted the plan to revise the plan.

(iii) The school community council shall submit a revised plan to the local school board for approval.

(6) (a) Each school shall:

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

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

HB0152S01 compared with HB0152

(iii) meet school board reporting requirements regarding financial and performance accountability of the program.

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

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

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

(7) (a) The governing board of a charter school shall prepare a plan for the use of [~~school trust~~] School LAND Trust Program money that includes the elements listed in Subsection (5).

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

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

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

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

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

†

Legislative Review Note

~~as of 2-8-11 4:50 PM~~

~~Office of Legislative Research and General Counsel~~