

1 **PARTISAN SCHOOL BOARD ELECTIONS**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Howard A. Stephenson**

5 House Sponsor: Gregory H. Hughes

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Election Code by amending provisions related to the election of
10 the State Board of Education members.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires members of the State Board of Education to be elected in a partisan
14 election;
- 15 ▶ provides for filling a State Board of Education candidate vacancy;
- 16 ▶ requires the governor to fill a vacancy in a member's term that expires after 2014 by
17 appointing the person whose name is submitted by the party liaison of the same
18 political party as the prior board member;
- 19 ▶ repeals the involvement of the governor and the nominating and recruiting
20 committee for a State Board of Education candidate selection process; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:



- 28 **20A-1-501**, as last amended by Laws of Utah 2006, Chapter 264
- 29 **20A-1-507**, as enacted by Laws of Utah 1993, Chapter 1
- 30 **20A-6-301**, as last amended by Laws of Utah 2009, Chapter 202
- 31 **20A-6-302**, as last amended by Laws of Utah 2006, Chapter 326
- 32 **20A-14-103**, as last amended by Laws of Utah 2008, Chapter 8
- 33 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19
- 34 **53A-1-101**, as last amended by Laws of Utah 2010, Chapter 162
- 35 **53A-1a-506.5**, as last amended by Laws of Utah 2010, Chapter 162
- 36 **53A-2-119**, as last amended by Laws of Utah 2010, Chapter 230
- 37 **53A-3-101**, as repealed and reenacted by Laws of Utah 1995, Chapter 1
- 38 **53A-11-102.5**, as last amended by Laws of Utah 2010, Chapter 210

39 REPEALS:

- 40 **20A-14-105**, as last amended by Laws of Utah 2003, Chapter 315



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

43 Section 1. Section **20A-1-501** is amended to read:

44 **20A-1-501. Candidate vacancies -- Procedure for filling.**

45 (1) The state central committee of a political party, for candidates for United States
46 senator, United States representative, governor, lieutenant governor, attorney general, state
47 treasurer, and state auditor, and for State Board of Education or legislative candidates whose
48 [legislative] districts encompass more than one county, and the county central committee of a
49 political party, for all other party candidates seeking an office elected at a regular general
50 election, may certify the name of another candidate to the appropriate election officer if:

51 (a) after the close of the period for filing declarations of candidacy and continuing
52 through the date 15 days before the date of the primary election:

53 (i) only one or two candidates from that party have filed a declaration of candidacy for
54 that office; and

55 (ii) one or both:

56 (A) dies;

57 (B) resigns because of becoming physically or mentally disabled as certified by a
58 physician; or

59 (C) is disqualified by an election officer for improper filing or nominating procedures;
60 or

61 (b) after the close of the primary election and continuing through the date of the voter
62 registration deadline for the general election as established in Section 20A-2-102.5, the party's
63 candidate:

64 (i) dies;

65 (ii) resigns because of becoming physically or mentally disabled as certified by a
66 physician;

67 (iii) is disqualified by an election officer for improper filing or nominating procedures;
68 or

69 (iv) resigns to become a candidate for President or Vice-President of the United States.

70 (2) If no more than two candidates from a political party have filed a declaration of
71 candidacy for an office elected at a regular general election and one resigns to become the party
72 candidate for another position, the state central committee of that political party, for candidates
73 for governor, lieutenant governor, attorney general, state treasurer, and state auditor, and for
74 State Board of Education or legislative candidates whose [~~legislative~~] districts encompass more
75 than one county, and the county central committee of that political party, for all other party
76 candidates, may certify the name of another candidate to the appropriate election officer.

77 (3) [~~Each~~] A replacement candidate shall file a declaration of candidacy as required by
78 Title 20A, Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy.

79 (4) A replacement candidate may not be certified for an election during the period
80 beginning on the day after the date of the voter registration deadline and continuing through the
81 date of the election.

82 Section 2. Section **20A-1-507** is amended to read:

83 **20A-1-507. Midterm vacancies in the State Board of Education.**

84 (1) If a vacancy occurs on the State Board of Education for any reason other than the
85 expiration of a member's term[-];

86 (a) for a member whose term expires in 2012 or 2014, the governor, with the consent
87 of the Senate, shall fill the vacancy by appointment of a qualified member to serve out the
88 unexpired term[-]; and

89 (b) for a member whose term expires after 2014, the governor shall fill the vacancy by

90 immediately appointing the person whose name is submitted by the party liaison of the same
91 political party as the prior board member.

92 (2) The lieutenant governor shall issue a certificate of appointment to the appointed
93 member and certify the appointment to the board.

94 Section 3. Section **20A-6-301** is amended to read:

95 **20A-6-301. Paper ballots -- Regular general election.**

96 (1) ~~Each~~ An election officer shall ensure that:

97 (a) all paper ballots furnished for use at the regular general election contain no captions
98 or other endorsements except as provided in this section;

99 (b) (i) the paper ballot contains a ballot stub at least one inch wide, placed across the
100 top of the ballot, and divided from the rest of ballot by a perforated line;

101 (ii) the ballot number and the words " Poll Worker's Initial ____ " are printed on the
102 stub; and

103 (iii) ballot stubs are numbered consecutively;

104 (c) immediately below the perforated ballot stub, the following endorsements are
105 printed in 18-point bold type:

106 (i) "Official Ballot for ____ County, Utah";

107 (ii) the date of the election; and

108 (iii) a facsimile of the signature of the county clerk and the words "county clerk";

109 (d) each ticket is placed in a separate column on the ballot in the order determined by
110 the election officer with the party emblem, followed by the party name, at the head of the
111 column;

112 (e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

113 (f) a circle 1/2 inch in diameter is printed immediately below the party name or title,
114 and the top of the circle is placed not less than two inches below the perforated line;

115 (g) unaffiliated candidates and candidates not affiliated with a registered political party
116 are listed in one column, without a party circle, with the following instructions printed at the
117 head of the column: "All candidates not affiliated with a political party are listed below. They
118 are to be considered with all offices and candidates listed to the left. Only one vote is allowed
119 for each office.";

120 (h) the columns containing the lists of candidates, including the party name and device,

121 are separated by heavy parallel lines;

122 (i) the offices to be filled are plainly printed immediately above the names of the
123 candidates for those offices;

124 (j) the names of candidates are printed in capital letters, not less than 1/8 nor more than
125 1/4 of an inch high in heavy-faced type not smaller than 10 point, between lines or rules 3/8 of
126 an inch apart;

127 (k) a square with sides measuring not less than 1/4 of an inch in length is printed
128 immediately adjacent to the name of each candidate;

129 (l) for the offices of president and vice president and governor and lieutenant governor,
130 one square with sides measuring not less than 1/4 of an inch in length is printed on the same
131 side as but opposite a double bracket enclosing the names of the two candidates;

132 (m) immediately adjacent to the unaffiliated ticket on the ballot, the ballot contains a
133 write-in column long enough to contain as many written names of candidates as there are
134 persons to be elected with:

135 (i) for each office on the ballot, the office to be filled plainly printed immediately
136 above:

137 (A) a blank, horizontal line to enable the entry of a valid write-in candidate and a
138 square with sides measuring not less than 1/4 of an inch in length printed immediately adjacent
139 to the blank horizontal line; or

140 (B) for the offices of president and vice president and governor and lieutenant
141 governor, two blank horizontal lines, one placed above the other, to enable the entry of two
142 valid write-in candidates, and one square with sides measuring not less than 1/4 of an inch in
143 length printed on the same side as but opposite a double bracket enclosing the two blank
144 horizontal lines; and

145 (ii) the words "Write-In Voting Column" printed at the head of the column without a
146 1/2 inch circle;

147 (n) when required, the ballot includes a nonpartisan ticket placed immediately adjacent
148 to the write-in ticket with the word "NONPARTISAN" in reverse type in an 18-point solid rule
149 running vertically the full length of the nonpartisan ballot copy; and

150 (o) constitutional amendments or other questions submitted to the vote of the people,
151 are printed on the ballot after the list of candidates.

152 (2) Each election officer shall ensure that:
153 (a) each person nominated by any political party or group of petitioners is placed on the
154 ballot:
155 (i) under the party name and emblem, if any; or
156 (ii) under the title of the party or group as designated by them in their certificates of
157 nomination or petition, or, if none is designated, then under some suitable title;
158 (b) the names of all unaffiliated candidates that qualify as required in Title 20A,
159 Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;
160 (c) the names of the candidates for president and vice president are used on the ballot
161 instead of the names of the presidential electors; and
162 (d) the ballots contain no other names.
163 (3) When the ballot contains a nonpartisan section, the election officer shall ensure
164 that:
165 (a) the designation of the office to be filled in the election and the number of
166 candidates to be elected are printed in type not smaller than eight-point;
167 (b) the words designating the office are printed flush with the left-hand margin;
168 (c) the words, "Vote for one" or "Vote for two or more" extend to the extreme right of
169 the column;
170 (d) the nonpartisan candidates are grouped according to the office for which they are
171 candidates;
172 (e) the names in each group are placed in alphabetical order with the surnames last,
173 except for candidates for the ~~[State Board of Education and]~~ local school boards;
174 ~~[(f) the names of candidates for the State Board of Education are placed on the ballot as~~
175 ~~certified by the lieutenant governor under Section 20A-14-105;]~~
176 ~~[(g)]~~ (f) if candidates for membership on a local ~~[board of education]~~ school board
177 were selected in a primary election, the name of the candidate who received the most votes in
178 the primary election is listed first on the ballot;
179 ~~[(h)]~~ (g) if candidates for membership on a local ~~[board of education]~~ school board
180 were not selected in the primary election, the names of the candidates are listed on the ballot in
181 the order determined by a lottery conducted by the county clerk; and
182 ~~[(i)]~~ (h) each group is preceded by the designation of the office for which the

183 candidates seek election, and the words, "Vote for one" or "Vote for two or more," according to
 184 the number to be elected.

185 (4) ~~[Each]~~ An election officer shall ensure that:

186 (a) proposed amendments to the Utah Constitution are listed on the ballot in
 187 accordance with Section 20A-6-107;

188 (b) ballot propositions submitted to the voters are listed on the ballot in accordance
 189 with Section 20A-6-107; and

190 (c) bond propositions that have qualified for the ballot are listed on the ballot under the
 191 title assigned to each bond proposition under Section 11-14-206.

192 Section 4. Section **20A-6-302** is amended to read:

193 **20A-6-302. Paper ballots -- Placement of candidates' names.**

194 (1) ~~[Each]~~ An election officer shall ensure, for paper ballots in regular general
 195 elections, that:

196 (a) except for candidates for ~~[state school board and]~~ local school boards:

197 (i) each candidate is listed by party; and

198 (ii) candidates' surnames are listed in alphabetical order on the ballots when two or
 199 more candidates' names are required to be listed on a ticket under the title of an office;

200 ~~[(b) the names of candidates for the State Board of Education are placed on the ballot
 201 as certified by the lieutenant governor under Section 20A-14-105;]~~

202 ~~[(c)]~~ (b) if candidates for membership on a local ~~[board of education]~~ school board
 203 were selected in a regular primary election, the name of the candidate who received the most
 204 votes in the regular primary election is listed first on the ballot; and

205 ~~[(d)]~~ (c) if candidates for membership on a local ~~[board of education]~~ school board
 206 were not selected in the regular primary election, the names of the candidates are listed on the
 207 ballot in the order determined by a lottery conducted by the county clerk.

208 (2) (a) The election officer may not allow the name of a candidate who dies or
 209 withdraws before election day to be printed upon the ballots.

210 (b) If the ballots have already been printed, the election officer:

211 (i) shall, if possible, cancel the name of the dead or withdrawn candidate by drawing a
 212 line through the candidate's name before the ballots are delivered to voters; and

213 (ii) may not count any votes for that dead or withdrawn candidate.

214 (3) (a) When there is only one candidate for county attorney at the regular general
215 election in counties that have three or fewer registered voters of the county who are licensed
216 active members in good standing of the Utah State Bar, the county clerk shall cause that
217 candidate's name and party affiliation, if any, to be placed on a separate section of the ballot
218 with the following question: "Shall (name of candidate) be elected to the office of county
219 attorney? Yes ____ No ____."

220 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
221 elected to the office of county attorney.

222 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
223 elected and may not take office, nor may he continue in the office past the end of the term
224 resulting from any prior election or appointment.

225 (d) When the name of only one candidate for county attorney is printed on the ballot
226 under authority of this Subsection (3), the county clerk may not count any write-in votes
227 received for the office of county attorney.

228 (e) If no qualified person files for the office of county attorney or if the candidate is not
229 elected by the voters, the county legislative body shall appoint the county attorney as provided
230 in Section 20A-1-509.2.

231 (f) If the candidate whose name would, except for this Subsection (3)(f), be placed on
232 the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the
233 two consecutive terms immediately preceding the term for which the candidate is seeking
234 election, Subsection (3)(a) shall not apply and that candidate shall be considered to be an
235 unopposed candidate the same as any other unopposed candidate for another office, unless a
236 petition is filed with the county clerk before the date of that year's primary election that:

- 237 (i) requests the procedure set forth in Subsection (3)(a) to be followed; and
- 238 (ii) contains the signatures of registered voters in the county representing in number at
239 least 25% of all votes cast in the county for all candidates for governor at the last election at
240 which a governor was elected.

241 (4) (a) When there is only one candidate for district attorney at the regular general
242 election in a prosecution district that has three or fewer registered voters of the district who are
243 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
244 that candidate's name and party affiliation, if any, to be placed on a separate section of the

245 ballot with the following question: "Shall (name of candidate) be elected to the office of district
246 attorney? Yes ____ No ____."

247 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
248 elected to the office of district attorney.

249 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
250 elected and may not take office, nor may he continue in the office past the end of the term
251 resulting from any prior election or appointment.

252 (d) When the name of only one candidate for district attorney is printed on the ballot
253 under authority of this Subsection (4), the county clerk may not count any write-in votes
254 received for the office of district attorney.

255 (e) If no qualified person files for the office of district attorney, or if the only candidate
256 is not elected by the voters under this subsection, the county legislative body shall appoint a
257 new district attorney for a four-year term as provided in Section 20A-1-509.2.

258 (f) If the candidate whose name would, except for this Subsection (4)(f), be placed on
259 the ballot under Subsection (4)(a) has been elected on a ballot under Subsection (4)(a) to the
260 two consecutive terms immediately preceding the term for which the candidate is seeking
261 election, Subsection (4)(a) shall not apply and that candidate shall be considered to be an
262 unopposed candidate the same as any other unopposed candidate for another office, unless a
263 petition is filed with the county clerk before the date of that year's primary election that:

- 264 (i) requests the procedure set forth in Subsection (4)(a) to be followed; and
- 265 (ii) contains the signatures of registered voters in the county representing in number at
266 least 25% of all votes cast in the county for all candidates for governor at the last election at
267 which a governor was elected.

268 Section 5. Section **20A-14-103** is amended to read:

269 **CHAPTER 14. DISTRICTS AND ELECTION OF STATE AND LOCAL**
270 **SCHOOL BOARDS**

271 **Part 1. State Board of Education - Districts and Election**

272 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
273 **-- Avoiding conflicts of interest.**

274 (1) (a) In 2002 and every four years thereafter, one member each shall be elected from
275 [new] Districts 1, 2, 3, 5, 6, 9, 10, 14, and 15 to serve a four-year term.

276 (b) In 2004 and every four years thereafter, one member each shall be elected from
277 ~~[new]~~ Districts 4, 7, 8, 11, 12, and 13 to serve a four-year term.

278 ~~[(c) (i) Because of the combination of certain former districts, the state school board
279 members elected from old Districts 2 and 4 who will reside in new District 1 may not serve out
280 the term for which they were elected, but shall stand for election in 2002 for a term of office of
281 four years from the realigned district in which each resides;]~~

282 ~~[(ii) If one of the incumbent state school board members from new District 1 indicates
283 in writing to the lieutenant governor that the school board member will not seek reelection, that
284 incumbent state school board member may serve until January 1, 2003 and the other incumbent
285 state school board member shall serve out the term for which the member was elected, which is
286 until January 1, 2005;]~~

287 (2) (a) A person seeking election to the ~~[state school board]~~ State Board of Education
288 must have been a resident of the ~~[state school board]~~ State Board of Education district in which
289 the person is seeking election for at least one year as of the date of the election.

290 (b) A person who has resided within the ~~[state school board]~~ State Board of Education
291 district, as the boundaries of the district exist on the date of the election, for one year
292 immediately preceding the date of the election shall be considered to have met the requirements
293 of this Subsection (2).

294 (3) A member shall:

295 (a) be and remain a registered voter in the ~~[state board]~~ State Board of Education
296 district from which the member was elected or appointed; and

297 (b) maintain the member's primary residence within the ~~[state board]~~ State Board of
298 Education district from which the member was elected or appointed during the member's term
299 of office.

300 (4) A member of the State Board of Education may not, during the member's term of
301 office, also serve as an employee of:

302 (a) the board;

303 (b) the Utah State Office of Education; or

304 (c) the Utah State Office of Rehabilitation.

305 Section 6. Section **20A-14-104** is amended to read:

306 **20A-14-104. Becoming a candidate for membership on the State Board of**

307 **Education.**

308 ~~[(1)(a) Persons]~~ A person interested in becoming a candidate for the State Board of
309 Education shall file a declaration of candidacy according to the procedures and requirements of
310 ~~[Sections 20A-9-201 and 20A-9-202]~~ Title 20A, Chapter 9, Candidate Qualifications and
311 Nominating Procedures.

312 ~~[(b) By May 1 of the year in which a State Board of Education member's term expires;~~
313 ~~the lieutenant governor shall submit the name of each person who has filed a declaration of~~
314 ~~candidacy for the State Board of Education to the nominating and recruiting committee for the~~
315 ~~State Board of Education.]~~

316 ~~[(2) By November 1 of the year preceding each regular general election year, a~~
317 ~~nominating and recruiting committee consisting of 12 members, each to serve a two-year term,~~
318 ~~shall be appointed by the governor as follows:]~~

319 ~~[(a) one member shall be appointed to represent each of the following business and~~
320 ~~industry sectors:]~~

321 ~~[(i) manufacturing and mining;]~~

322 ~~[(ii) transportation and public utilities;]~~

323 ~~[(iii) service, trade, and information technology;]~~

324 ~~[(iv) finance, insurance, and real estate;]~~

325 ~~[(v) construction; and]~~

326 ~~[(vi) agriculture; and]~~

327 ~~[(b) one member shall be appointed to represent each of the following education~~
328 ~~sectors:]~~

329 ~~[(i) teachers;]~~

330 ~~[(ii) school administrators;]~~

331 ~~[(iii) parents;]~~

332 ~~[(iv) local school board members;]~~

333 ~~[(v) charter schools; and]~~

334 ~~[(vi) higher education.]~~

335 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
336 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~
337 ~~organizations representing each of the respective sectors.]~~

338 ~~[(b) At least one member of the nominating and recruiting committee shall reside~~
339 ~~within each state board district in which a member's term expires during the committee's two-~~
340 ~~year term of office.]~~

341 ~~[(4) (a) The members shall elect one member to serve as chair for the committee.]~~

342 ~~[(b) The chair, or another member of the committee designated by the chair, shall~~
343 ~~schedule and convene all committee meetings.]~~

344 ~~[(c) Any formal action by the committee requires the approval of a majority of~~
345 ~~committee members.]~~

346 ~~[(d) Members of the nominating and recruiting committee shall serve without~~
347 ~~compensation, but they may be reimbursed for expenses incurred in the performance of their~~
348 ~~official duties as established by the Division of Finance.]~~

349 ~~[(5) The nominating and recruiting committee shall:]~~

350 ~~[(a) recruit potential candidates for membership on the State Board of Education prior~~
351 ~~to the deadline to file a declaration of candidacy;]~~

352 ~~[(b) prepare a list of candidates for membership on the State Board of Education for~~
353 ~~each state board district subject to election in that year using the qualifications under~~
354 ~~Subsection (6);]~~

355 ~~[(c) submit a list of at least three candidates for each state board position to the~~
356 ~~governor by July 1; and]~~

357 ~~[(d) ensure that the list includes appropriate background information on each~~
358 ~~candidate.]~~

359 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~
360 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~
361 ~~Education, including experience in the following areas:]~~

362 ~~[(a) business and industry administration;]~~

363 ~~[(b) business and industry human resource management;]~~

364 ~~[(c) business and industry finance;]~~

365 ~~[(d) business and industry, including expertise in:]~~

366 ~~[(i) metrics and evaluation;]~~

367 ~~[(ii) manufacturing;]~~

368 ~~[(iii) retailing;]~~

- 369 [~~(iv) natural resources;~~]
- 370 [~~(v) information technology;~~]
- 371 [~~(vi) construction;~~]
- 372 [~~(vii) banking;~~]
- 373 [~~(viii) science and engineering; and]~~
- 374 [~~(ix) medical and healthcare;~~]
- 375 [~~(e) higher education administration;~~]
- 376 [~~(f) applied technology education;~~]
- 377 [~~(g) public education administration;~~]
- 378 [~~(h) public education instruction;~~]
- 379 [~~(i) economic development;~~]
- 380 [~~(j) labor; and]~~
- 381 [~~(k) other life experiences that would benefit the State Board of Education.]~~

382 Section 7. Section **53A-1-101** is amended to read:

383 **53A-1-101. State Board of Education -- Members.**

384 (1) [~~Members~~] A member of the State Board of Education shall be [~~nominated and~~]
385 elected as provided in Title 20A, Chapter 14, [~~Nomination~~] Districts and Election of State and
386 Local School Boards.

387 (2) (a) In addition to [~~the members~~] a member designated under Subsection (1), the
388 following members shall serve as nonvoting members of the State Board of Education:

389 (i) two members of the State Board of Regents, appointed by the chair of the State
390 Board of Regents;

391 (ii) one member of the Utah College of Applied Technology Board of Trustees,
392 appointed by the chair of the board of trustees; and

393 (iii) one member of the State Charter School Board, appointed by the chair of the State
394 Charter School Board.

395 (b) A nonvoting member shall continue to serve as a member without a set term until
396 the member is replaced by the chair of the State Board of Regents, chair of the Utah College of
397 Applied Technology Board of Trustees, or chair of the State Charter School Board, as
398 applicable.

399 Section 8. Section **53A-1a-506.5** is amended to read:

400 **53A-1a-506.5. Charter school students -- Admissions procedures -- Transfers.**

401 (1) As used in this section:

402 (a) "District school" means a public school under the control of a local school board
403 elected ~~[pursuant to]~~ under Title 20A, Chapter 14, ~~[Nomination]~~ Districts and Election of State
404 and Local School Boards.405 (b) "Nonresident school district" means a school district other than a student's school
406 district of residence.407 (c) "School district of residence" means a student's school district of residence as
408 determined under Section 53A-2-201.409 (d) "School of residence" means the school to which a student is assigned to attend
410 based on the student's place of residence.411 (2) (a) The ~~[State School Board]~~ State Board of Education, in consultation with the
412 State Charter School Board, shall make rules describing procedures for students to follow in
413 applying for entry into, or exiting, a charter school.

414 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

415 (i) posting on a charter school's Internet website, beginning no later than 60 days before
416 the school's initial period of applications:

417 (A) procedures for applying for admission to the charter school;

418 (B) (I) the school's opening date, if the school has not yet opened; or

419 (II) the school calendar; and

420 (C) information on how a student may transfer from a charter school to another charter
421 school or a district school;

422 (ii) use of standard application forms prescribed by the State Board of Education;

423 (iii) written notification to a student's parent or legal guardian of an offer of admission;

424 (iv) written acceptance of an offer of admission by a student's parent or legal guardian;

425 (v) written notification to a student's current charter school or school district of

426 residence upon acceptance of the student for enrollment in a charter school; and

427 (vi) the admission of students, provided that the admission does not disqualify the
428 charter school from federal funding, at:

429 (A) any time to protect the health or safety of a student; or

430 (B) times other than those permitted under standard policies if there are other

431 conditions of special need that warrant consideration.

432 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is
433 enrolled in a charter school or who has accepted an offer of admission to a charter school from
434 duplicating enrollment for the student in another charter school or a school district without
435 following the withdrawal procedures described in Subsection (3).

436 (3) The parent of a student enrolled in a charter school may withdraw the student from
437 the charter school for enrollment in another charter school or a school district by submitting to
438 the charter school:

439 (a) on or before June 30, a notice of intent to enroll the student in the student's school
440 of residence for the following school year;

441 (b) after June 30, a letter of acceptance for enrollment in the student's school district of
442 residence for the following year;

443 (c) a letter of acceptance for enrollment in the student's school district of residence in
444 the current school year;

445 (d) a letter of acceptance for enrollment in a nonresident school district; or

446 (e) a letter of acceptance for enrollment in a charter school.

447 (4) (a) A charter school shall report to a school district, by the last business day of each
448 month the aggregate number of new students, sorted by their school of residence and grade
449 level, who have accepted enrollment in the charter school for the following school year.

450 (b) A school district shall report to a charter school, by the last business day of each
451 month, the aggregate number of students enrolled in the charter school who have accepted
452 enrollment in the school district in the following school year, sorted by grade level.

453 (5) When a vacancy occurs because a student has withdrawn from a charter school, the
454 charter school may immediately enroll a new student from its list of applicants.

455 (6) Unless provisions have previously been made for enrollment in another school, a
456 charter school releasing a student from enrollment during a school year shall immediately
457 notify the school district of residence, which shall enroll the student in the school district of
458 residence and take additional steps as may be necessary to ensure compliance with laws
459 governing school attendance.

460 (7) (a) The parent of a student enrolled in a charter school may withdraw the student
461 from the charter school for enrollment in the student's school of residence in the following

462 school year if an application of admission is submitted to the school district of residence by
463 June 30.

464 (b) If the parent of a student enrolled in a charter school submits an application of
465 admission to the student's school district of residence after June 30 for the student's enrollment
466 in the school district of residence in the following school year, or an application of admission is
467 submitted for enrollment during the current school year, the student may enroll in a school of
468 the school district of residence that has adequate capacity in:

469 (i) the student's grade level, if the student is an elementary school student; or

470 (ii) the core classes that the student needs to take, if the student is a secondary school
471 student.

472 (c) State Board of Education rules made under Subsection (2)(a) shall specify how
473 adequate capacity in a grade level or core classes is determined for the purposes of Subsection
474 (7)(b).

475 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time
476 to protect the health and safety of the student.

477 (9) A school district or charter school may charge secondary students a one-time \$5
478 processing fee, to be paid at the time of application.

479 Section 9. Section **53A-2-119** is amended to read:

480 **53A-2-119. Reapportionment -- Local school board membership.**

481 (1) Upon the creation of a new school district, the county legislative body shall
482 reapportion the affected school districts [~~pursuant to~~] under Section 20A-14-201.

483 (2) Except as provided in Section 53A-2-118.1, school board membership in the
484 affected school districts shall be determined under Title 20A, Chapter 14, Part 2, [~~Nomination~~
485 ~~and~~] Election of Members of Local School Boards [~~of Education~~].

486 Section 10. Section **53A-3-101** is amended to read:

487 **53A-3-101. Selection and election of members to local school boards.**

488 [~~Members of local boards of education~~] A member of a local school board shall be
489 elected as provided in Title 20A, Chapter 14, [~~Nomination~~] Districts and Election of State and
490 Local School Boards.

491 Section 11. Section **53A-11-102.5** is amended to read:

492 **53A-11-102.5. Dual enrollment.**

493 (1) "District school" means a public school under the control of a local school board
494 elected pursuant to Title 20A, Chapter 14, [~~Nomination~~] Districts and Election of State and
495 Local School Boards.

496 (2) A person having control of a minor who is enrolled in a regularly established
497 private school or a home school may also enroll the minor in a public school for dual
498 enrollment purposes.

499 (3) The minor may participate in any academic activity in the public school available to
500 students in the minor's grade or age group, subject to compliance with the same rules and
501 requirements that apply to a full-time student's participation in the activity.

502 (4) (a) A student enrolled in a dual enrollment program in a district school is
503 considered a student of the district in which the district school of attendance is located for
504 purposes of state funding to the extent of the student's participation in the district school
505 programs.

506 (b) A student enrolled in a dual enrollment program in a charter school is considered a
507 student of the charter school for purposes of state funding to the extent of the student's
508 participation in the charter school programs.

509 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
510 State Board of Education shall make rules for purposes of dual enrollment to govern and
511 regulate the transferability of credits toward graduation that are earned in a private or home
512 school.

513 Section 12. **Repealer.**

514 This bill repeals:

515 Section **20A-14-105, Becoming a candidate for membership on the State Board of**
516 **Education -- Selection of candidates by the governor -- Ballot placement.**

Legislative Review Note
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Office of Legislative Research and General Counsel