

H.B. 123

K-12 EDUCATION AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 28, 2011 3:09 PM

Representative **Kenneth W. Sumsion** proposes the following amendments:

1. *Page 1, Line 9:*

9 This bill modifies the funding {~~and governance~~} of public schools.

2. *Page 1, Line 12:*

12 {~~→ reduces the term of local school board members from four years to two years;~~}

3. *Page 1, Lines 23 through 26:*

23 { ~~20A-1-511, as last amended by Laws of Utah 1994, Chapter 108~~
24 ~~—— 20A-14-201, as last amended by Laws of Utah 2007, Chapter 215~~
25 ~~—— 20A-14-202, as last amended by Laws of Utah 2008, Chapter 8~~
26 ~~—— 20A-14-203, as enacted by Laws of Utah 1995, Chapter 1 }~~

4. *Page 4, Line 107 through Page 8, Line 243:*

107 { ~~Section 1. Section 20A-1-511 is amended to read:~~
108 ~~—— 20A-1-511. Midterm vacancies on local school boards:~~
109 ~~—— (1) (a) A local school board shall fill vacancies on the board by appointment[, except as~~
110 ~~otherwise provided in Subsection (2)].~~
111 ~~—— (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the~~
112 ~~county legislative body, or municipal legislative body in a city district, shall fill the vacancy by~~
113 ~~appointment.~~
114 ~~—— (c) A member appointed and qualified under this subsection shall serve until a~~
115 ~~successor is elected or appointed and qualified.~~
116 ~~—— [(2) (a) A vacancy on the board shall be filled by an interim appointment, followed by~~
117 ~~an election to fill a two-year term if:]~~
118 ~~—— [(i) the vacancy on the board occurs, or a letter of resignation is received by the board,~~
119 ~~at least 14 days before the deadline for filing a declaration of candidacy; and]~~
120 ~~—— [(ii) two years of the vacated term will remain after the first Monday of January~~
121 ~~following the next school board election.]~~
122 ~~—— [(b) Members elected under this subsection shall serve for the remaining two years of~~
123 ~~the vacated term and until a successor is elected and qualified.]~~
124 ~~—— [(3)] (2) Before appointing a person to fill a vacancy under this section, the local~~
125 ~~school board shall:~~

~~—— (a) give public notice of the vacancy at least two weeks before the local school board meets to fill the vacancy; and~~

~~—— (b) identify, in the notice:~~

~~—— (i) the date, time, and place of the meeting where the vacancy will be filled; and~~

~~—— (ii) the person to whom a person interested in being appointed to fill the vacancy may submit his name for consideration and any deadline for submitting it.~~

~~—— Section 2. Section 20A-14-201 is amended to read:~~

~~—— 20A-14-201. Boards of education -- School board districts -- Creation --~~

~~Reapportionment.~~

~~—— (1) (a) The county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the local school district into local school board districts as required under [Subsection 20A-14-202(1)(a)] Section 20A-14-202.~~

~~—— (b) The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact as practicable.~~

~~—— (2) (a) County and municipal legislative bodies shall reapportion district boundaries to meet the population, compactness, and contiguity requirements of this section:~~

~~—— (i) at least once every 10 years;~~

~~—— (ii) if a new district is created:~~

~~—— (A) within 45 days after the canvass of an election at which voters approve the creation of a new district; and~~

~~—— (B) at least 60 days before the candidate filing deadline for a school board election;~~

~~—— (iii) whenever districts are consolidated;~~

~~—— (iv) whenever a district loses more than 20% of the population of the entire school district to another district;~~

~~—— (v) whenever a district loses more than 50% of the population of a local school board district to another district;~~

~~—— (vi) whenever a district receives new residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district; and~~

~~—— (vii) whenever it is necessary to increase the membership of a board from five to seven members as a result of changes in student membership under Section 20A-14-202.~~

~~—— (b) If a school district receives territory containing less than 20% of the population of the transferee district at the time of the last reapportionment, the local school board may assign the new territory to one or more existing school board districts.~~

~~—— (3) (a) Reapportionment does not affect the right of any school board member to complete the term for which the member was elected.~~

~~—— (b) (i) After reapportionment, representation in a local school board district shall be~~

determined as provided in this Subsection (3):

—— (ii) If only one board member whose term extends beyond reapportionment lives within a reapportioned local school board district, that board member shall represent that local school board district.

—— (iii) (A) If two or more members whose terms extend beyond reapportionment live within a reapportioned local school board district, the members involved shall select one member by lot to represent the local school board district.

—— (B) The other members shall serve at-large for the remainder of their terms.

—— (C) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.

—— (iv) If there is no board member living within a local school board district whose term extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this part.

—— [(4) (a) If, before an election affected by reapportionment, the county or municipal legislative body that conducted the reapportionment determines that one or more members must be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the reapportioned local school board districts will elect members to two-year terms and which will elect members to four-year terms.]

—— [(b) All subsequent elections are for four-year terms.]

—— [(5)] (4) Within 10 days after any local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the boundary change to the Automated Geographic Reference Center created under Section 63F-1-506.

—— Section 3. Section 20A-14-202 is amended to read:

—— 20A-14-202. Local boards of education -- Membership -- When elected --
Qualifications -- Avoiding conflicts of interest:

—— (1) (a) Except as provided in Subsection (1)(b), the board of education of a school district with a student population of up to 24,000 students shall consist of five members.

—— (b) The board of education of a school district with a student population of more than 10,000 students but fewer than 24,000 students shall increase from five to seven members beginning with the 2004 regular general election.

—— (c) The board of education of a school district with a student population of 24,000 or more students shall consist of seven members.

—— (d) Student population is based on the October 1 student count submitted by districts to the State Office of Education.

—— (e) If the number of members of a local school board is required to change under Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in Sections 20A-14-201 and 20A-14-203.

—— (f) A school district which now has or increases to a seven-member board shall maintain a seven-member board regardless of subsequent changes in student population.

206 ~~—— (g) [(i)] Members of a local board of education shall be elected at each regular general~~
207 ~~election.~~

208 ~~—— [(ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a~~
209 ~~local board of education may be elected to a five-member board, nor more than four members~~
210 ~~elected to a seven-member board, in any election year.]~~

211 ~~—— [(iii) More than three members of a local board of education may be elected to a~~
212 ~~five-member board and more than four members elected to a seven-member board in any~~
213 ~~election year only when required by reapportionment or to fill a vacancy or to implement~~
214 ~~Subsection (1)(b).]~~

215 ~~—— (h) One member of the local board of education shall be elected from each local school~~
216 ~~board district.~~

217 ~~—— (2) (a) For an election held after the 2008 general election, a person seeking election to~~
218 ~~a local school board must have been a resident of the local school board district in which the~~
219 ~~person is seeking election for at least one year as of the date of the election.~~

220 ~~—— (b) A person who has resided within the local school board district, as the boundaries~~
221 ~~of the district exist on the date of the election, for one year immediately preceding the date of~~
222 ~~the election shall be considered to have met the requirements of this Subsection (2).~~

223 ~~—— (3) A member of a local school board shall:~~

224 ~~—— (a) be and remain a registered voter in the local school board district from which the~~
225 ~~member is elected or appointed; and~~

226 ~~—— (b) maintain the member's primary residence within the local school board district from~~
227 ~~which the member is elected or appointed during the member's term of office.~~

228 ~~—— (4) A member of a local school board may not, during the member's term in office, also~~
229 ~~serve as an employee of that board.~~

230 ~~—— Section 4. Section 20A-14-203 is amended to read:~~

231 ~~—— 20A-14-203. Becoming a member of a local board of education -- Declaration of~~
232 ~~candidacy -- Election:~~

233 ~~—— (1) An individual may become a candidate for a local school board by filing a~~
234 ~~declaration of candidacy with the county clerk and paying the fee as required by Section~~
235 ~~20A-9-202.~~

236 ~~—— (2) (a) The term of office for an individual elected to a local board of education before~~
237 ~~January 1, 2012, is four years, beginning on the first Monday in January after the election.~~

238 ~~—— (b) The term of office for an individual elected to a local board of education after~~
239 ~~January 1, 2012, is two years, beginning on the first Monday in January after the election.~~

240 ~~—— [(b)] (c) A member of a local board of education shall serve until a successor is elected~~
241 ~~or appointed and qualified:~~

242 ~~—— [(c)] (d) A member of a local board of education is "qualified" when the member takes~~
243 ~~or signs the constitutional oath of office. }~~