

1 **SCHOOL COMMUNITY COUNCIL MEMBER**

2 **QUALIFICATIONS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lee B. Perry**

6 Senate Sponsor: Aaron Osmond

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to the membership of a school community
11 council.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ modifies the qualifications for a parent or guardian member of a school community
15 council; ~~H→~~ **[and]**

15a ▶ requires the membership of a school community council to include two or more
15b parent or guardian members than the number of school employee members; and ~~←H~~

16 ▶ makes technical amendments.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **53A-1a-108**, as last amended by Laws of Utah 2011, Chapters 45, 293, 342 and last
24 amended by Coordination Clause, Laws of Utah 2011, Chapter 293

25
26 *Be it enacted by the Legislature of the state of Utah:*

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



28 **53A-1a-108. School community councils authorized -- Duties -- Composition --**
29 **Election procedures and selection of members.**

30 (1) As used in this section:

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

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

34 (A) is attending the school;

35 (B) will be enrolled at the school at any time during the parent's or guardian's initial
36 term of office; or

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

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

42 (c) "School employee member" means a member of a school community council who
43 is a person employed at [~~a~~] the school by the school or school district, including the principal.

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

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

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

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

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

51 (iv) advise and make recommendations to school and school district administrators and
52 the local school board regarding the school and its programs, school district programs, a child
53 access routing plan in accordance with Section 53A-3-402, and other issues relating to the
54 community environment for students.

55 (b) In addition to the duties specified in Subsection (3)(a), a school community council
56 for an elementary school shall create a reading achievement plan in accordance with Section
57 53A-1-606.5.

58 (c) A school or school district administrator may not prohibit or discourage a school

59 community council from discussing issues, or offering advice or recommendations, regarding
 60 the school and its programs, school district programs, the curriculum, or the community
 61 environment for students.

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

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

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

67 (ii) each school community council for a school other than a high school shall have
 68 four parent or guardian members and ~~three~~ **two** ~~school employee members, including the~~
 68a principal.

69 (c) (i) A school community council may have a larger membership provided that the
 70 ~~number of~~ **membership include two or more** ~~parent or guardian members~~
 70a ~~exceeds~~ **than** ~~the~~ the number of school employee members.

71 (ii) A school community council ~~for a high school~~ may have a smaller
 71a membership provided that:

72 (A) the ~~number of~~ **membership include two or more** ~~parent or guardian~~
 72a members ~~exceeds~~ **than the** ~~the~~ the number of school employee
 73 members; and

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

74a ~~Of the parent and guardian members on a school community council, no more than~~
 74b ~~one parent and guardian member may be an educator employed by the school district in which~~
 74c ~~the school is located.~~

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

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

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

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

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

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

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

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

89 the available community council positions to school employees, parents, and guardians at least

90 21 days before the date that voting commences for the elections held under Subsections (5)(a)
91 and (5)(b).

92 (ii) The notice shall include:

93 (A) the dates and times of the elections;

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

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

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

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

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

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

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

108 (iii) The cochairs or chair of the community council shall notify the local school board
109 of each appointment made under Subsection (5)(e)(i) or (ii).

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

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

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

116 (ii) A school community council member may serve up to three successive terms.

117 (iii) If a parent or guardian member's child is enrolled in the school at any time during
118 the parent or guardian member's initial term of office, the parent or guardian member may
119 serve up to three successive terms even though the parent or guardian member's child is no
120 longer enrolled in the school.

- 121 (h) Each school community council shall elect:
- 122 (i) two cochairs from its parent or guardian members or one cochair from its parent or
123 guardian members and one cochair from its elected employee members; or
- 124 (ii) a chair and a vice chair from its parent or guardian members.
- 125 (6) (a) A school community council may create subcommittees or task forces to:
- 126 (i) advise or make recommendations to the council; or
- 127 (ii) develop all or part of a plan listed in Subsection (3).
- 128 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
129 subject to the approval of the school community council.
- 130 (c) A school community council may appoint individuals who are not council members
131 to serve on a subcommittee or task force, including parents, school employees, or other
132 community members.
- 133 (7) (a) A school community council shall provide the following information:
- 134 (i) the proposed school community council meeting schedule for the year, provided
135 during the first two weeks of the school year;
- 136 (ii) a summary of the school community council's actions and activities during the first
137 half of the school year information, provided at the mid-point of the school year;
- 138 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the
139 school's School LAND Trust Program money was used to enhance or improve academic
140 excellence at the school and implement a component of the school's improvement plan,
141 provided at the beginning of the next school year; and
- 142 (iv) a telephone number, if available, and email address, if available, where each
143 community council member can be reached directly.
- 144 (b) The school community council shall provide the information described in
145 Subsection (7)(a) by:
- 146 (i) posting the information on the school's website; and
- 147 (ii) providing individual delivery to each household that has a student attending the
148 school by:
- 149 (A) mailing the information;
- 150 (B) delivering a voice message describing the information and explaining where to
151 obtain the full information;

- 152 (C) sending an e-mail message containing the information;
- 153 (D) providing the information in a packet that is to be delivered to a student's parent or
- 154 guardian:
- 155 (I) during the school's annual registration period; or
- 156 (II) with the student's report card; or
- 157 (E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through
- 158 (D).
- 159 (8) A school community council shall, at least one week prior to a meeting, post the
- 160 following information on the school's website:
- 161 (a) notice of the meeting date, time, and place;
- 162 (b) an agenda for the meeting; and
- 163 (c) a summary of the previous meeting.
- 164 (9) (a) A majority of the members of a school community council is a quorum for the
- 165 transaction of business.
- 166 (b) The action of a majority of the members of a quorum is the action of the school
- 167 community council.
- 168 (10) A local school board shall give each school community council member a copy of
- 169 the following statutes governing school community councils:
- 170 (a) Section 53A-1a-108;
- 171 (b) Section 53A-1a-108.5; and
- 172 (c) Section 53A-16-101.5.

Legislative Review Note
as of 12-8-11 10:33 AM

Office of Legislative Research and General Counsel