SCHOOL COMMUNITY COUNCIL REVISIONS
2012 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Bill Wright
Senate Sponsor: Margaret Dayton

LONG TITLE
General Description:
This bill modifies requirements for the operation of school community councils.

Highlighted Provisions:
This bill:
- modifies deadlines for providing notice of open school community council positions and holding a school community council election;
- requires a school community council to conduct deliberations and take action openly;
- establishes requirements for the notice, agenda, and minutes of a school community council meeting;
- exempts a school community council from the Open and Public Meetings Act; and
- makes technical changes.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
AMENDS:
52-4-103, as last amended by Laws of Utah 2011, Chapters 25 and 215
53A-1a-108, as last amended by Laws of Utah 2011, Chapters 45, 293, 342 and last amended by Coordination Clause, Laws of Utah 2011, Chapter 293
ENACTS:
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 52-4-103 is amended to read:

52-4-103. Definitions.

As used in this chapter:

(1) "Anchor location" means the physical location from which:
(a) an electronic meeting originates; or
(b) the participants are connected.

(2) "Convening" means the calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.

(3) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.

(4) "Electronic message" means a communication transmitted electronically, including:
(a) electronic mail;
(b) instant messaging;
(c) electronic chat;
(d) text messaging as defined in Section 76-4-401; or
(e) any other method that conveys a message or facilitates communication electronically.

(5) (a) "Meeting" means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.

(b) "Meeting" does not mean:
(i) a chance meeting;
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(ii) a social meeting;
(iii) the convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the public body is convened and:
(A) the public body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the public body is required; or
(B) the public body is convened solely for the discussion or implementation of administrative or operational matters that would not come before the public body for discussion or action; or
(iv) a meeting of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405.

(6) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(7) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(8) (a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
(i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
(ii) consists of two or more persons;
(iii) expends, disburses, or is supported in whole or in part by tax revenue; and
(iv) is vested with the authority to make decisions regarding the public's business.

(b) "Public body" does not include a:
(i) political party, political group, or political caucus; or
(ii) conference committee, rules committee, or sifting committee of the Legislature;

or
(iii) school community council established under Section 53A-1a-108.
(9) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(10) (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
(b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.

(11) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.

(12) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Section 2. 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) "Educator" has the meaning defined in Section 53A-6-103.
(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;
(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 an educator who is employed by the school district in which the school is located unless the educator's employment does not exceed an average of six hours per week.
(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) create a school improvement plan in accordance with Section 53A-1a-108.5;

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

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

(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, a child access routing plan in accordance with Section 53A-3-402, 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 create a reading achievement plan in accordance with Section 53A-1-606.5.

(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) begin within the first 30 days after the first day of the school year; and
(C) end no later than 35 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 the available community council positions to school employees, parents, and guardians at least [21] 10 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 cochairs or chair of the community council shall notify the local school board of each appointment made under Subsection (5)(e)(i) or (ii).

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

(h) Each school community council shall elect:

(i) two cochairs from its parent or guardian members or one cochair from its parent or guardian members and one cochair from its elected employee members; or

(ii) a chair and a vice chair from its parent or guardian members.

(6) (a) A school community council may create subcommittees or task forces to:
198 (i) advise or make recommendations to the council; or
199 (ii) develop all or part of a plan listed in Subsection (3).
200 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
201 subject to the approval of the school community council.
202 (c) A school community council may appoint individuals who are not council members
203 to serve on a subcommittee or task force, including parents, school employees, or other
204 community members.
205 [(7) (a) A school community council shall provide the following information:]
206 [(i) the proposed school community council meeting schedule for the year, provided
207 during the first two weeks of the school year;]
208 [(ii) a summary of the school community council’s actions and activities during the first
209 half of the school year information, provided at the mid-point of the school year;]
210 [(iii) a summary of the annual report required under Section 53A-16-101.5 on how the
211 school's School LAND Trust Program money was used to enhance or improve academic
212 excellence at the school and implement a component of the school's improvement plan,
213 provided at the beginning of the next school year; and]
214 [(iv) a telephone number, if available, and email address, if available, where each
215 community council member can be reached directly:]
216 [(b) The school community council shall provide the information described in
217 Subsection (7)(a) by:]
218 [(i) posting the information on the school's website; and]
219 [(ii) providing individual delivery to each household that has a student attending the
220 school by:]
221 [(A) mailing the information;]
222 [(B) delivering a voice message describing the information and explaining where to
223 obtain the full information;]
224 [(C) sending an e-mail message containing the information;]
225 [(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)] (7) (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.

[(40) (8) A local school board shall give each school community council member a copy of the following statutes governing school community councils:

(a) Section 53A-1a-108;

(b) Section 53A-1a-108.1;

[(b)] (c) Section 53A-1a-108.5; and

[(e)] (d) Section 53A-16-101.5.

Section 3. Section 53A-1a-108.1 is enacted to read:

53A-1a-108.1. School community councils -- Open and public meeting requirements.

(1) A school community council established under Section 53A-1a-108:

(a) shall conduct deliberations and take action openly as provided in this section; and

(b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

(2) The chair of a school community council shall ensure that the members of the school community council are provided with annual training on the requirements of this
(3) (a) A meeting of a school community council is open to the public.
(b) A school community council may not close any portion of a meeting.
(4) A school community council shall, at least one week prior to a meeting, post the following information on the school's website:
(a) a notice of the meeting, time, and place;
(b) an agenda for the meeting; and
(c) the minutes of the previous meeting.
(5) (a) A school community council shall provide the following information within the first six weeks of the school year:
(i) the proposed school community council meeting schedule for the year; and
(ii) either a telephone number or email address, or both, where each school community council member can be reached directly.
(b) On or before November 15, a school community council shall provide a summary of the annual report required under Section 53A-16-101.5 on how the school's School LAND Trust Program money was used to enhance or improve academic excellence at the school and implement a component of the school's improvement plan.
(c) The school community council shall provide the information described in Subsections (5)(a) and (b) 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;
(B) delivering a voice message describing the information and explaining where to obtain the full information;
(C) sending an email message containing the information;
(D) providing the information in a packet that is to be delivered to a student's parent or guardian during the school's annual registration period or with the student's report card; or
(E) using a combination of the methods described in Subsections (5)(b)(ii)(A) through (D).

(6) (a) The notice requirement of Subsection (4) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a school community council to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the school community council gives the best notice practicable of:

(A) the time and place of the emergency meeting; and

(B) the topics to be considered at the emergency meeting.

(b) An emergency meeting of a school community council may not be held unless:

(i) an attempt has been made to notify all the members of the school community council; and

(ii) a majority of the members of the school community council approve the meeting.

(7) (a) An agenda required under Subsection (4)(b) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting.

(b) Each topic described in Subsection (7)(a) shall be listed under an agenda item on the meeting agenda.

(c) A school community council may not take final action on a topic in a meeting unless the topic is:

(i) listed under an agenda item as required by Subsection (7)(b); and

(ii) included with the advance public notice required by Subsection (4).

(8) (a) Written minutes shall be kept of a school community council meeting.

(b) Written minutes of a school community council meeting shall include:

(i) the date, time, and place of the meeting;

(ii) the names of members present and absent;

(iii) a brief statement of the matters proposed, discussed, or decided;

(iv) a record, by individual member, of each vote taken;

(v) the name of each person who:

(A) is not a member of the school community council; and
(B) after being recognized by the chair, provided testimony or comments to the school community council;
(vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (8)(b)(v); and
(vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes.
(c) The written minutes of a school community council meeting are a public record under Title 63G, Chapter 2, Government Records Access and Management Act, as follows:
(i) written minutes that have been prepared in a form awaiting only formal approval by the school community council are a public record;
(ii) written minutes shall be posted on the school's website as provided in Subsection (4);
(iii) written minutes that are made available to the public before approval by the school community council shall be clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the written minutes are subject to change until formally approved;
(iv) written minutes are the official record of action taken at the meeting; and
(v) the written minutes of a school community council shall be retained for three years.
(9) (a) As used in this Subsection (9), "rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
(i) parliamentary order and procedure;
(ii) ethical behavior; and
(iii) civil discourse.
(b) A school community council shall:
(i) adopt rules of order and procedure to govern a public meeting of the school community council;
(ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (9)(b)(i); and
(iii) make the rules of order and procedure described in Subsection (9)(b)(i) available to the public:

(A) at each public meeting of the school community council; and

(B) on the school’s website.