

1 **SCHOOL LAND TRUST PROGRAM AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: Aaron Osmond

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the School LAND Trust Program.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ specifies the purpose of a school community council;
- 13 ▶ allows a school community council to determine the size of the council, subject to
- 14 certain requirements;
- 15 ▶ modifies the time period for holding a school community council election;
- 16 ▶ provides that a school community council election is not required to be held if the
- 17 number of candidates filing for election is less than or equal to the number of open
- 18 positions;
- 19 ▶ modifies provisions regarding the term of office of a school community council
- 20 member;
- 21 ▶ modifies provisions regarding the selection of a vice chair of a school community
- 22 council;
- 23 ▶ requires a local school board to provide training for a school community council
- 24 each year;
- 25 ▶ modifies requirements for providing information about a school community council
- 26 to households of students attending the school;
- 27 ▶ requires a charter school governing board to establish a council, which shall prepare



28 a plan for the use of School LAND Trust Program money;

29 ▶ modifies a formula for distributing money under the School LAND Trust Program
30 to public schools;

31 ▶ eliminates provisions regarding the audit of school community councils by the
32 Legislative Auditor General; and

33 ▶ makes technical amendments.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **53A-1a-108**, as last amended by Laws of Utah 2012, Chapters 168 and 277

41 **53A-1a-108.1**, as enacted by Laws of Utah 2012, Chapter 277

42 **53A-3-402**, as last amended by Laws of Utah 2010, Chapters 90, 244, and 395

43 **53A-16-101.5**, as last amended by Laws of Utah 2012, Chapter 224

44 **63G-2-301**, as last amended by Laws of Utah 2012, Chapter 377



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

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

48 **53A-1a-108. School community councils -- Duties -- Composition -- Election**
49 **procedures and selection of members.**

50 (1) As used in this section:

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

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

54 (A) is attending the school; or

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

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

59 (ii) "Parent or guardian member" may not include an educator who is employed at the
60 school.

61 (c) "School employee member" means a member of a school community council who
62 is a person employed at the school by the school or school district, including the principal.

63 (d) "School LAND Trust Program money" means money allocated to a school pursuant
64 to Section 53A-16-101.5.

65 (2) Each public school, in consultation with its local school board, shall establish a
66 school community council at the school building level[-] for the purpose of:

67 (a) involving parents or guardians of students in decision making at the school level;

68 (b) improving the education of students;

69 (c) prudently expending School LAND Trust Program money for the improvement of
70 students' education through collaboration among parents and guardians, school employees, and
71 the local school board; and

72 (d) increasing public awareness of:

73 (i) school trust lands and related land policies;

74 (ii) management of the State School Fund established in Utah Constitution Article X,
75 Section V; and

76 (iii) educational excellence.

77 (3) (a) [~~Each~~] Except as provided in Subsection (3)(b), a school community council
78 shall:

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

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

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

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

87 (b) In addition to the duties specified in Subsection (3)(a), a school community council
88 for an elementary school shall create a reading achievement plan in accordance with Section
89 53A-1-606.5.

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

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

96 (b) Except as provided in Subsection (4)(c) or (d):

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

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

101 ~~[(c) (i) A school community council may have a larger membership provided that the~~
102 ~~membership include two or more parent or guardian members than the number of school~~
103 ~~employee members.]~~

104 ~~[(ii) A school community council for a high school may have a smaller membership~~
105 ~~provided that:]~~

106 (c) A school community council may determine the size of the school community by a
107 majority vote of a quorum of the school community council provided that:

108 ~~[(A)]~~ (i) the membership ~~[include]~~ includes two or more parent or guardian members
109 than the number of school employee members; and

110 ~~[(B)]~~ (ii) there are at least two school employee members on the school community
111 council.

112 (d) (i) The number of parent or guardian members of a school community council who
113 are not educators employed by the school district shall exceed the number of parent or guardian
114 members who are educators employed by the school district.

115 (ii) If, after an election, the number of parent or guardian members who are not
116 educators employed by the school district does not exceed the number of parent or guardian
117 members who are educators employed by the school district, the parent or guardian members of
118 the school community council shall appoint one or more parent or guardian members to the
119 school community council so that the number of parent or guardian members who are not
120 educators employed by the school district exceeds the number of parent or guardian members

121 who are educators employed by the school district.

122 (5) (a) ~~[Each]~~ Except as provided in Subsection (5)(f), a school employee member,
123 ~~[except] other than~~ the principal, shall be elected by secret ballot by a majority vote of the
124 school employees and serve a two-year term. The principal shall serve as an ex officio member
125 with full voting privileges.

126 (b) (i) ~~[Each]~~ Except as provided in Subsection (5)(f), a parent or guardian member
127 shall be elected by secret ballot at an election held at the school by a majority vote of those
128 voting at the election and serve a two-year term.

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

131 (iii) Any parent or guardian of a student who meets the qualifications of this section
132 may file or declare ~~[himself as a candidate]~~ the parent or guardian's candidacy for election to a
133 school community council.

134 (iv) ~~[An]~~ (A) Subject to Subsection (5)(b)(iv)(B), a timeline for the election [for the] of
135 parent or guardian members of a school community council shall[:] be established by a local
136 school board for the schools within the school district.

137 (B) An election for the parent or guardian members of a school community council
138 shall be held near the beginning of the school year and completed before October 15.

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

140 ~~[(B) begin within the first 30 days of the school year; and]~~

141 ~~[(C) end no later than 35 days after the first day of the school year.]~~

142 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
143 the available community council positions to school employees, parents, and guardians at least
144 10 days before the date that voting commences for the elections held under Subsections (5)(a)
145 and (5)(b).

146 (ii) The notice shall include:

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

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

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

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

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

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

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

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

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

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

166 (f) (i) If the number of candidates who file for a parent or guardian position or school
167 employee position on a school community council is less than or equal to the number of open
168 positions, an election is not required.

169 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
170 position remains unfilled, the other parent or guardian members of the council shall appoint a
171 parent or guardian who meets the qualifications of this section to fill the position.

172 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
173 position remains unfilled, the other school employee members of the council shall appoint a
174 school employee who meets the qualifications of this section to fill the position.

175 (g) The principal shall enter the names of the council members on the School LAND
176 Trust website on or before November 15 each year, pursuant to Section 53A-1a-108.1.

177 ~~[(f) Initial terms]~~ (h) Terms shall be staggered so that ~~[no more than 50%]~~
178 approximately half of the council members stand for election ~~[in any one]~~ each year.

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

181 ~~[(ii)]~~ (i) A school community council member may serve ~~[up to three]~~
182 provided the member continues to meet the definition of a parent or guardian member or

183 school employee member as specified in Subsection (1).

184 ~~[(iii) If a parent or guardian member's child is enrolled in the school at any time during~~
 185 ~~the parent or guardian member's initial term of office, the parent or guardian member may~~
 186 ~~serve up to three successive terms even though the parent or guardian member's child is no~~
 187 ~~longer enrolled in the school.]~~

188 ~~[(h)]~~ (j) Each school community council shall elect:

189 ~~[(i) two cochairs from its parent or guardian members or one cochair from its parent or~~
 190 ~~guardian members and one cochair from its elected employee members; or]~~

191 ~~[(ii)]~~ (i) a chair ~~[and a vice chair]~~ from its parent or guardian members~~[-]; and~~

192 (ii) a vice chair from either its parent or guardian members or school employee
 193 members, excluding the principal.

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

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

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

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

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

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

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

206 (8) A local school board shall ~~[give each school community council member a copy of]~~
 207 provide training for a school community council each year, including training:

208 (a) for the chair and vice chair about their responsibilities;

209 (b) on resources available on the School LAND Trust website; and

210 (c) on the following statutes governing school community councils:

211 ~~[(a)]~~ (i) Section 53A-1a-108;

212 ~~[(b)]~~ (ii) Section 53A-1a-108.1;

213 ~~[(c)]~~ (iii) Section 53A-1a-108.5; and

214 ~~[(d)]~~ (iv) Section 53A-16-101.5.

215 Section 2. Section **53A-1a-108.1** is amended to read:

216 **53A-1a-108.1. School community councils -- Open and public meeting**
217 **requirements.**

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

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

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

221 (2) ~~[The chair of a school community council]~~ As required by Section 53A-1a-108, a
222 local school board shall ~~[ensure that]~~ provide training for the members of ~~[the]~~ a school
223 community council ~~[are provided with annual training on the requirements of]~~ on this section.

224 (3) (a) A meeting of a school community council is open to the public.

225 (b) A school community council may not close any portion of a meeting.

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

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

229 (b) an agenda for the meeting; and

230 (c) the minutes of the previous meeting.

231 (5) (a) ~~[A school community council]~~ On or before November 15, a principal shall
232 [provide] post the following information ~~[within the first six weeks of the school year]~~ on the
233 school website and in the school office:

234 (i) the proposed school community council meeting schedule for the year; ~~[and]~~

235 (ii) ~~[either]~~ a telephone number or email address, or both, where each school
236 community council member can be reached directly~~[:]; and~~

237 ~~[(b)]~~ (iii) ~~[On or before November 15, a school community council shall provide]~~ a
238 summary of the annual report required under Section 53A-16-101.5 on how the school's School
239 LAND Trust Program money was used to enhance or improve academic excellence at the
240 school and implement a component of the school's improvement plan.

241 ~~[(c) The school community council shall provide the information described in~~
242 ~~Subsections (5)(a) and (b) by:]~~

243 ~~[(i) posting the information on the school's website; and]~~

244 ~~[(ii) providing individual delivery to each household that has a student attending the~~

245 school by:]

246 [~~(A) mailing the information;~~]

247 [~~(B) delivering a voice message describing the information and explaining where to~~
248 ~~obtain the full information;~~]

249 [~~(C) sending an email message containing the information;~~]

250 [~~(D) providing the information in a packet that is to be delivered to a student's parent or~~
251 ~~guardian during the school's annual registration period or with the student's report card; or]~~

252 [~~(E) using a combination of the methods described in Subsections (5)(b)(ii)(A) through~~
253 ~~(D);]~~

254 (b) (i) A school community council shall identify and use methods of providing the
255 information listed in Subsection (5)(a) to a parent or guardian who does not have Internet
256 access.

257 (ii) Money allocated to a school under the School LAND Trust Program created in
258 Section 53A-16-101.5 may not be used to provide information as required by Subsection
259 (5)(b)(i).

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

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

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

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

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

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

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

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

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

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

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

276 (i) listed under an agenda item as required by Subsection (7)(b); and
277 (ii) included with the advance public notice required by Subsection (4).
278 (8) (a) Written minutes shall be kept of a school community council meeting.
279 (b) Written minutes of a school community council meeting shall include:
280 (i) the date, time, and place of the meeting;
281 (ii) the names of members present and absent;
282 (iii) a brief statement of the matters proposed, discussed, or decided;
283 (iv) a record, by individual member, of each vote taken;
284 (v) the name of each person who:
285 (A) is not a member of the school community council; and
286 (B) after being recognized by the chair, provided testimony or comments to the school
287 community council;
288 (vi) the substance, in brief, of the testimony or comments provided by the public under
289 Subsection (8)(b)(v); and
290 (vii) any other information that is a record of the proceedings of the meeting that any
291 member requests be entered in the minutes.
292 (c) The written minutes of a school community council meeting:
293 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
294 Management Act~~[, as follows:]; and~~
295 ~~[(i) written minutes that have been prepared in a form awaiting only formal approval~~
296 ~~by the school community council are a public record;]~~
297 ~~[(ii) written minutes shall be posted on the school's website as provided in Subsection~~
298 ~~(4);]~~
299 ~~[(iii) written minutes that are made available to the public before approval by the~~
300 ~~school community council shall be clearly identified as "awaiting formal approval" or~~
301 ~~"unapproved" or with some other appropriate notice that the written minutes are subject to~~
302 ~~change until formally approved;]~~
303 ~~[(iv) written minutes are the official record of action taken at the meeting; and]~~
304 ~~[(v) the written minutes of a school community council]~~
305 (ii) shall be retained for three years.
306 (9) (a) As used in this Subsection (9), "rules of order and procedure" means a set of

307 rules that govern and prescribe in a public meeting:

308 (i) parliamentary order and procedure;

309 (ii) ethical behavior; and

310 (iii) civil discourse.

311 (b) A school community council shall:

312 (i) adopt rules of order and procedure to govern a public meeting of the school

313 community council;

314 (ii) conduct a public meeting in accordance with the rules of order and procedure

315 described in Subsection (9)(b)(i); and

316 (iii) make the rules of order and procedure described in Subsection (9)(b)(i) available

317 to the public:

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

319 (B) on the school's website.

320 Section 3. Section **53A-3-402** is amended to read:

321 **53A-3-402. Powers and duties generally.**

322 (1) Each local school board shall:

323 (a) implement the core curriculum utilizing instructional materials that best correlate to
324 the core curriculum and graduation requirements;

325 (b) administer tests, required by the State Board of Education, which measure the
326 progress of each student, and coordinate with the state superintendent and State Board of
327 Education to assess results and create plans to improve the student's progress which shall be
328 submitted to the State Office of Education for approval;

329 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
330 students that need remediation and determine the type and amount of federal, state, and local
331 resources to implement remediation;

332 (d) develop early warning systems for students or classes failing to make progress;

333 (e) work with the State Office of Education to establish a library of documented best
334 practices, consistent with state and federal regulations, for use by the local districts; and

335 (f) implement training programs for school administrators, including basic
336 management training, best practices in instructional methods, budget training, staff
337 management, managing for learning results and continuous improvement, and how to help

338 every child achieve optimal learning in core academics.

339 (2) Local school boards shall spend minimum school program funds for programs and
340 activities for which the State Board of Education has established minimum standards or rules
341 under Section 53A-1-402.

342 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
343 and equipment and construct, erect, and furnish school buildings.

344 (b) School sites or buildings may only be conveyed or sold on board resolution
345 affirmed by at least two-thirds of the members.

346 (4) (a) A board may participate in the joint construction or operation of a school
347 attended by children residing within the district and children residing in other districts either
348 within or outside the state.

349 (b) Any agreement for the joint operation or construction of a school shall:

350 (i) be signed by the president of the board of each participating district;

351 (ii) include a mutually agreed upon pro rata cost; and

352 (iii) be filed with the State Board of Education.

353 (5) A board may establish, locate, and maintain elementary, secondary, and applied
354 technology schools.

355 (6) Except as provided in Section 53A-1-1001, a board may enroll children in school
356 who are at least five years of age before September 2 of the year in which admission is sought.

357 (7) A board may establish and support school libraries.

358 (8) A board may collect damages for the loss, injury, or destruction of school property.

359 (9) A board may authorize guidance and counseling services for children and their
360 parents or guardians prior to, during, or following enrollment of the children in schools.

361 (10) (a) A board shall administer and implement federal educational programs in
362 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

363 (b) Federal funds are not considered funds within the school district budget under Title
364 53A, Chapter 19, School District Budgets.

365 (11) (a) A board may organize school safety patrols and adopt rules under which the
366 patrols promote student safety.

367 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
368 parental consent for the appointment.

369 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
370 of a highway intended for vehicular traffic use.

371 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
372 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
373 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

374 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
375 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
376 devises, or bequests that are made for educational purposes.

377 (b) These contributions are not subject to appropriation by the Legislature.

378 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
379 citations for violations of Subsection 76-10-105(2).

380 (b) A person may not be appointed to serve as a compliance officer without the
381 person's consent.

382 (c) A teacher or student may not be appointed as a compliance officer.

383 (14) A board shall adopt bylaws and rules for its own procedures.

384 (15) (a) A board shall make and enforce rules necessary for the control and
385 management of the district schools.

386 (b) All board rules and policies shall be in writing, filed, and referenced for public
387 access.

388 (16) A board may hold school on legal holidays other than Sundays.

389 (17) (a) Each board shall establish for each school year a school traffic safety
390 committee to implement this Subsection (17).

391 (b) The committee shall be composed of one representative of:

392 (i) the schools within the district;

393 (ii) the Parent Teachers' Association of the schools within the district;

394 (iii) the municipality or county;

395 (iv) state or local law enforcement; and

396 (v) state or local traffic safety engineering.

397 (c) The committee shall:

398 (i) receive suggestions from school community councils, parents, teachers, and others
399 and recommend school traffic safety improvements, boundary changes to enhance safety, and

400 school traffic safety program measures;

401 (ii) review and submit annually to the Department of Transportation and affected
402 municipalities and counties a child access routing plan for each elementary, middle, and junior
403 high school within the district;

404 (iii) consult the Utah Safety Council and the Division of Family Health Services and
405 provide training to all school children in kindergarten through grade six, within the district, on
406 school crossing safety and use; and

407 (iv) help ensure the district's compliance with rules made by the Department of
408 Transportation under Section 41-6a-303.

409 (d) The committee may establish subcommittees as needed to assist in accomplishing
410 its duties under Subsection (17)(c).

411 ~~[(e) The board shall require the school community council of each elementary, middle,
412 and junior high school within the district to develop and submit annually to the committee a
413 child access routing plan.]~~

414 (18) (a) Each school board shall adopt and implement a comprehensive emergency
415 response plan to prevent and combat violence in its public schools, on school grounds, on its
416 school vehicles, and in connection with school-related activities or events.

417 (b) The board shall implement its plan by July 1, 2000.

418 (c) The plan shall:

419 (i) include prevention, intervention, and response components;

420 (ii) be consistent with the student conduct and discipline policies required for school
421 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

422 (iii) require inservice training for all district and school building staff on what their
423 roles are in the emergency response plan; and

424 (iv) provide for coordination with local law enforcement and other public safety
425 representatives in preventing, intervening, and responding to violence in the areas and activities
426 referred to in Subsection (18)(a).

427 (d) The State Board of Education, through the state superintendent of public
428 instruction, shall develop comprehensive emergency response plan models that local school
429 boards may use, where appropriate, to comply with Subsection (18)(a).

430 (e) Each local school board shall, by July 1 of each year, certify to the State Board of

431 Education that its plan has been practiced at the school level and presented to and reviewed by
432 its teachers, administrators, students, and their parents and local law enforcement and public
433 safety representatives.

434 (19) (a) Each local school board may adopt an emergency response plan for the
435 treatment of sports-related injuries that occur during school sports practices and events.

436 (b) The plan may be implemented by each secondary school in the district that has a
437 sports program for students.

438 (c) The plan may:

439 (i) include emergency personnel, emergency communication, and emergency
440 equipment components;

441 (ii) require inservice training on the emergency response plan for school personnel who
442 are involved in sports programs in the district's secondary schools; and

443 (iii) provide for coordination with individuals and agency representatives who:

444 (A) are not employees of the school district; and

445 (B) would be involved in providing emergency services to students injured while
446 participating in sports events.

447 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
448 review the plan each year and make revisions when required to improve or enhance the plan.

449 (e) The State Board of Education, through the state superintendent of public
450 instruction, shall provide local school boards with an emergency plan response model that local
451 boards may use to comply with the requirements of this Subsection (19).

452 (20) A board shall do all other things necessary for the maintenance, prosperity, and
453 success of the schools and the promotion of education.

454 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

455 (i) hold a public hearing, as defined in Section 10-9a-103; and

456 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

457 (b) The notice of a public hearing required under Subsection (21)(a) shall:

458 (i) indicate the:

459 (A) school or schools under consideration for closure or boundary change; and

460 (B) date, time, and location of the public hearing; and

461 (ii) at least 10 days prior to the public hearing, be:

462 (A) published:
463 (I) in a newspaper of general circulation in the area; and
464 (II) on the Utah Public Notice Website created in Section 63F-1-701; and
465 (B) posted in at least three public locations within the municipality or on the district's
466 official website.

467 (22) A board may implement a facility energy efficiency program established under
468 Title 11, Chapter 44, Facility Energy Efficiency Act.

469 Section 4. Section **53A-16-101.5** is amended to read:

470 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
471 **School plans for use of funds.**

472 (1) There is established the School LAND (Learning And Nurturing Development)
473 Trust Program [~~for the state's public schools~~] to:

- 474 (a) provide financial resources to public schools to enhance or improve student
475 academic achievement and implement a component of the school improvement plan[.]; and
476 (b) involve parents and guardians of a school's students in decision making regarding
477 the expenditure of School LAND Trust Program money allocated to the school.

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

- 479 (i) from the Interest and Dividends Account created in Section 53A-16-101; and
- 480 (ii) in the amount of the sum of the following:

481 (A) the interest and dividends from the investment of money in the permanent State
482 School Fund deposited to the Interest and Dividends Account in the immediately preceding
483 year; and

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

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

489 (c) (i) The Legislature shall annually allocate, through an appropriation to the State
490 Board of Education, a portion of the Interest and Dividends Account created in Section
491 53A-16-101 to be used for:

492 (A) the administration of the School LAND Trust Program; and

493 (B) the performance of duties described in Section 53A-16-101.6.

494 (ii) Any unused balance remaining from an amount appropriated under Subsection
495 (2)(c)(i) shall be deposited in the Interest and Dividends Account for distribution to schools in
496 the School LAND Trust Program.

497 (3) (a) The State Board of Education shall allocate the money referred to in Subsection
498 (2) annually for the fiscal year beginning July 1, ~~[2000]~~ 2013, and for each fiscal year thereafter
499 as follows:

500 (i) the Utah Schools for the Deaf and the Blind and the charter schools combined shall
501 receive funding equal to the product of:

502 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
503 Blind, or in the charter schools combined, divided by enrollment on October 1 in the prior year
504 in public schools statewide; and

505 (B) the total amount available for distribution under Subsection (2);

506 (ii) the amount allocated to the charter schools combined under Subsection (3)(a)(i)
507 shall be distributed among charter schools in accordance with a formula specified in rules
508 adopted by the State Board of Education in consultation with the State Charter School Board;
509 and

510 (iii) of the funds available for distribution under Subsection (2) after the allocation of
511 funds for the Utah Schools for the Deaf and the Blind and charter schools:

512 ~~[(i)]~~ (A) school districts ~~[and the charter schools combined]~~ shall receive 10% of the
513 funds on an equal basis; and

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

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

519 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
520 State Board of Education may make rules regarding the time and manner in which the student
521 count shall be made for allocation of the money under Subsection (3)(a)(iii).

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

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

526 [(ii) (b) the school's principal shall provide a signed, written assurance in accordance
527 with rules of the State Board of Education that~~[(A)]~~ the membership of the school community
528 council is consistent with the membership requirements specified in Section 53A-1a-108[;
529 and].

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

532 [~~(b) At the direction of the Legislative Audit Subcommittee, the legislative auditor
533 general shall:]~~

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

537 [~~(ii) submit an audit report to the Legislative Audit Subcommittee.]~~

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

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

545 [~~(ii) The State Board of Education shall report to the Public Education Appropriations
546 Subcommittee on the board's action or decision regarding a school identified in an audit report
547 as being not in compliance with requirements specified in Section 53A-1a-108 for school
548 community council membership or the election or appointment of school community council
549 members.]~~

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

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

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

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

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

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

565 ~~[(e)]~~ (b) (i) A school community council shall ~~[consider the approval of]~~ create and
566 vote to adopt a plan for the use of School LAND Trust Program money in a meeting of the
567 school community council at which a quorum is present.

568 (ii) If a majority of the quorum votes to ~~[approve]~~ adopt a plan for the use of School
569 LAND Trust Program money, the plan is ~~[approved]~~ adopted.

570 ~~[(d)]~~ (c) A school community council shall:

571 (i) ~~[submit]~~ post a plan for the use of School LAND Trust Program money that is
572 ~~[approved]~~ adopted in accordance with Subsection (5)~~[(e)](b)~~ ~~[to the local school board for the~~
573 ~~local school board's approval]~~ on the School LAND Trust Program website; and

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

577 ~~[(e)]~~ (d) (i) A school's local school board ~~[may]~~ shall approve or disapprove a plan for
578 the use of School LAND Trust Program money.

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

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

585 (6) (a) Each school shall:

586 (i) implement the program as approved [~~by the school community council and~~
587 ~~approved by the local school board~~];

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

589 (iii) meet [~~school board~~] State Board of Education reporting requirements regarding
590 financial and performance accountability of the program.

591 (b) (i) Each school, through its school community council [~~or its subcommittee~~], shall
592 prepare and [~~present~~] post an annual report of the program [~~to its local school board at the end~~
593 ~~of the school year~~] on the School LAND Trust Program website each fall.

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

596 (iii) A summary of the report shall be sent to households [~~in accordance with the~~
597 ~~provisions under Subsection 53A-1a-108(7)~~] of students attending the school.

598 (7) (a) The governing board of a charter school shall establish a council, which shall
599 prepare a plan for the use of School LAND Trust Program money that includes the elements
600 listed in Subsection (5).

601 (b) (i) The membership of the council shall include parents of students enrolled at the
602 school and may include other members.

603 (ii) The number of council members who are parents of students enrolled at the school
604 shall exceed all other members combined by at least two.

605 (c) A charter school governing board may serve as the council that prepares a plan for
606 the use of School LAND Trust Program money if the membership of the charter school
607 governing board meets the requirements of Subsection (7)(b)(ii).

608 (d) (i) Except as provided in Subsection (7)(d)(ii), council members who are parents of
609 students enrolled at the school shall be elected in accordance with procedures established by
610 the charter school governing board.

611 (ii) Subsection (7)(d)(i) does not apply to a charter school governing board that serves
612 as the council that prepares a plan for the use of School LAND Trust Program money.

613 (e) A parent of a student enrolled at the school shall serve as chair or cochair of a
614 council that prepares a plan for the use of School LAND Trust Program money.

615 [~~(b) The~~] (f) A plan for the use of School LAND Trust Program money shall be
616 subject to approval by the charter school governing board and the entity that authorized the

617 establishment of the charter school.

618 ~~[(8)(a) A school community council and a governing board of a charter school may not~~
619 ~~be required to:]~~

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

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

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

627 Section 5. Section **63G-2-301** is amended to read:

628 **63G-2-301. Records that must be disclosed.**

629 (1) As used in this section:

630 (a) "Business address" means a single address of a governmental agency designated for
631 the public to contact an employee or officer of the governmental agency.

632 (b) "Business email address" means a single email address of a governmental agency
633 designated for the public to contact an employee or officer of the governmental agency.

634 (c) "Business telephone number" means a single telephone number of a governmental
635 agency designated for the public to contact an employee or officer of the governmental agency.

636 (2) The following records are public except to the extent they contain information
637 expressly permitted to be treated confidentially under the provisions of Subsections
638 63G-2-201(3)(b) and (6)(a):

639 (a) laws;

640 (b) the name, gender, gross compensation, job title, job description, business address,
641 business email address, business telephone number, number of hours worked per pay period,
642 dates of employment, and relevant education, previous employment, and similar job
643 qualifications of a current or former employee or officer of the governmental entity, excluding:

644 (i) undercover law enforcement personnel; and

645 (ii) investigative personnel if disclosure could reasonably be expected to impair the
646 effectiveness of investigations or endanger any individual's safety;

647 (c) final opinions, including concurring and dissenting opinions, and orders that are

648 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except
649 that if the proceedings were properly closed to the public, the opinion and order may be
650 withheld to the extent that they contain information that is private, controlled, or protected;

651 (d) final interpretations of statutes or rules by a governmental entity unless classified as
652 protected as provided in Subsection 63G-2-305(16) or (17);

653 (e) information contained in or compiled from a transcript, minutes, or report of the
654 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open
655 and Public Meetings Act, including the records of all votes of each member of the
656 governmental entity;

657 (f) judicial records unless a court orders the records to be restricted under the rules of
658 civil or criminal procedure or unless the records are private under this chapter;

659 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
660 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning
661 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust
662 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or
663 other governmental entities that give public notice of:

664 (i) titles or encumbrances to real property;

665 (ii) restrictions on the use of real property;

666 (iii) the capacity of persons to take or convey title to real property; or

667 (iv) tax status for real and personal property;

668 (h) records of the Department of Commerce that evidence incorporations, mergers,
669 name changes, and uniform commercial code filings;

670 (i) data on individuals that would otherwise be private under this chapter if the
671 individual who is the subject of the record has given the governmental entity written
672 permission to make the records available to the public;

673 (j) documentation of the compensation that a governmental entity pays to a contractor
674 or private provider;

675 (k) summary data;

676 (l) voter registration records, including an individual's voting history, except for those
677 parts of the record that are classified as private in Subsection 63G-2-302(1)(i);

678 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if

679 available, and email address, if available, where that elected official may be reached as required
680 in Title 11, Chapter 47, Access to Elected Officials;

681 (n) for a school community council member, a telephone number, if available, and
682 email address, if available, where that elected official may be reached directly as required in
683 Section [~~53A-1a-108~~] 53A-1a-108.1; and

684 (o) annual audited financial statements of the Utah Educational Savings Plan described
685 in Section 53B-8a-111.

686 (3) The following records are normally public, but to the extent that a record is
687 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
688 Section 63G-2-302, 63G-2-304, or 63G-2-305:

689 (a) administrative staff manuals, instructions to staff, and statements of policy;

690 (b) records documenting a contractor's or private provider's compliance with the terms
691 of a contract with a governmental entity;

692 (c) records documenting the services provided by a contractor or a private provider to
693 the extent the records would be public if prepared by the governmental entity;

694 (d) contracts entered into by a governmental entity;

695 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
696 by a governmental entity;

697 (f) records relating to government assistance or incentives publicly disclosed,
698 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
699 business in Utah, except as provided in Subsection 63G-2-305(34);

700 (g) chronological logs and initial contact reports;

701 (h) correspondence by and with a governmental entity in which the governmental entity
702 determines or states an opinion upon the rights of the state, a political subdivision, the public,
703 or any person;

704 (i) empirical data contained in drafts if:

705 (i) the empirical data is not reasonably available to the requester elsewhere in similar
706 form; and

707 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
708 make nonsubstantive changes before release;

709 (j) drafts that are circulated to anyone other than:

- 710 (i) a governmental entity;
- 711 (ii) a political subdivision;
- 712 (iii) a federal agency if the governmental entity and the federal agency are jointly
713 responsible for implementation of a program or project that has been legislatively approved;
- 714 (iv) a government-managed corporation; or
- 715 (v) a contractor or private provider;
- 716 (k) drafts that have never been finalized but were relied upon by the governmental
717 entity in carrying out action or policy;
- 718 (l) original data in a computer program if the governmental entity chooses not to
719 disclose the program;
- 720 (m) arrest warrants after issuance, except that, for good cause, a court may order
721 restricted access to arrest warrants prior to service;
- 722 (n) search warrants after execution and filing of the return, except that a court, for good
723 cause, may order restricted access to search warrants prior to trial;
- 724 (o) records that would disclose information relating to formal charges or disciplinary
725 actions against a past or present governmental entity employee if:
 - 726 (i) the disciplinary action has been completed and all time periods for administrative
727 appeal have expired; and
 - 728 (ii) the charges on which the disciplinary action was based were sustained;
- 729 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
730 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
731 evidence mineral production on government lands;
- 732 (q) final audit reports;
- 733 (r) occupational and professional licenses;
- 734 (s) business licenses; and
- 735 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
736 records used to initiate proceedings for discipline or sanctions against persons regulated by a
737 governmental entity, but not including records that initiate employee discipline.
- 738 (4) The list of public records in this section is not exhaustive and should not be used to
739 limit access to records.

Legislative Review Note
as of 2-7-13 2:07 PM

Office of Legislative Research and General Counsel