

SCHOOL COMMUNITY COUNCIL REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rich Cunningham

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends certain provisions related to school community councils.

Highlighted Provisions:

This bill:

- ▶ changes the deadline for an election for the parent or guardian members of a school community council;
- ▶ changes the deadline for the date by which a principal must post certain information related to school community councils to October 20;
- ▶ requires school districts to record the amount of School LAND Trust Program funds distributed to each school on the School LAND Trust Program website by October 1;
- ▶ requires the president or chair of a local school board or charter school governing board to ensure that the members of their respective boards are provided with annual training on the School LAND Trust Program; and
- ▶ requires the School Children's Trust Section to provide training on the School LAND Trust Program and school community councils to:
 - local school boards and charter school governing boards;
 - school districts and charter schools; and
 - school community councils.

Money Appropriated in this Bill:

None

Other Special Clauses:

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-1a-108**, as last amended by Laws of Utah 2013, Chapter 296

34 **53A-1a-108.1**, as last amended by Laws of Utah 2013, Chapter 296

35 **53A-16-101.5**, as last amended by Laws of Utah 2013, Chapter 296

36 **53A-16-101.6**, as enacted by Laws of Utah 2012, Chapter 224



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

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

40 **53A-1a-108. School community councils -- Duties -- Composition -- Election**
41 **procedures and selection of members.**

42 (1) As used in this section:

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

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

46 (A) is attending the school; or

47 (B) will be enrolled at the school during the parent's or guardian's term of office.

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

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

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

54 (2) Each public school, in consultation with its local school board, shall establish a
55 school community council at the school building level for the purpose of:

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

57 (b) improving the education of students;

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

61 (d) increasing public awareness of:

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

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

65 (iii) educational excellence.

66 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:

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

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

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

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

75 (b) In addition to the duties specified in Subsection (3)(a), a school community council
76 for an elementary school shall create a reading achievement plan in accordance with Section
77 53A-1-606.5.

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

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

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

85 (i) each school community council for a high school shall have six parent or guardian

86 members and four school employee members, including the principal; and

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

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

91 (i) the membership includes two or more parent or guardian members than the number
92 of school employee members; and

93 (ii) there are at least two school employee members on the school community council.

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

97 (ii) If, after an election, the number of parent or guardian members who are not
98 educators employed by the school district does not exceed the number of parent or guardian
99 members who are educators employed by the school district, the parent or guardian members of
100 the school community council shall appoint one or more parent or guardian members to the
101 school community council so that the number of parent or guardian members who are not
102 educators employed by the school district exceeds the number of parent or guardian members
103 who are educators employed by the school district.

104 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than
105 the principal, shall be elected by secret ballot by a majority vote of the school employees and
106 serve a two-year term. The principal shall serve as an ex officio member with full voting
107 privileges.

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

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

113 (iii) Any parent or guardian of a student who meets the qualifications of this section

114 may file or declare the parent's or guardian's candidacy for election to a school community
115 council.

116 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
117 election of parent or guardian members of a school community council shall be established by
118 a local school board for the schools within the school district.

119 (B) An election for the parent or guardian members of a school community council
120 shall be held near the beginning of the school year [~~and completed before October 15~~] or held
121 in the spring and completed before the last week of school.

122 (C) Each school shall establish a time period for the election of parent or guardian
123 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
124 least a four-year period.

125 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
126 the available community council positions to school employees, parents, and guardians at least
127 10 days before the date that voting commences for the elections held under Subsections (5)(a)
128 and (5)(b).

129 (ii) The notice shall include:

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

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

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

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

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

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

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

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

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

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

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

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

156 (g) The principal shall enter the names of the council members on the School LAND
157 Trust website on or before [~~November 15~~] October 20 of each year, pursuant to Section
158 [53A-1a-108.1](#).

159 (h) Terms shall be staggered so that approximately half of the council members stand
160 for election each year.

161 (i) A school community council member may serve successive terms provided the
162 member continues to meet the definition of a parent or guardian member or school employee
163 member as specified in Subsection (1).

164 (j) Each school community council shall elect:

165 (i) a chair from its parent or guardian members; and

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

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

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

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

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

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

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

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

180 (8) A local school board shall provide training for a school community council each
181 year, including training:

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

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

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

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

186 (ii) Section 53A-1a-108.1;

187 (iii) Section 53A-1a-108.5; and

188 (iv) Section 53A-16-101.5.

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

190 **53A-1a-108.1. School community councils -- Open and public meeting**
191 **requirements.**

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

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

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

195 (2) As required by Section 53A-1a-108, a local school board shall provide training for
196 the members of a school community council on this section.

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

- 198 (b) A school community council may not close any portion of a meeting.
- 199 (4) A school community council shall, at least one week prior to a meeting, post the
- 200 following information on the school's website:
- 201 (a) a notice of the meeting, time, and place;
- 202 (b) an agenda for the meeting; and
- 203 (c) the minutes of the previous meeting.
- 204 (5) (a) On or before [~~November 15~~] October 20, a principal shall post the following
- 205 information on the school website and in the school office:
- 206 (i) the proposed school community council meeting schedule for the year;
- 207 (ii) a telephone number or email address, or both, where each school community
- 208 council member can be reached directly; and
- 209 (iii) a summary of the annual report required under Section [53A-16-101.5](#) on how the
- 210 school's School LAND Trust Program money was used to enhance or improve academic
- 211 excellence at the school and implement a component of the school's improvement plan.
- 212 (b) (i) A school community council shall identify and use methods of providing the
- 213 information listed in Subsection (5)(a) to a parent or guardian who does not have Internet
- 214 access.
- 215 (ii) Money allocated to a school under the School LAND Trust Program created in
- 216 Section [53A-16-101.5](#) may not be used to provide information as required by Subsection
- 217 (5)(b)(i).
- 218 (6) (a) The notice requirement of Subsection (4) may be disregarded if:
- 219 (i) because of unforeseen circumstances it is necessary for a school community council
- 220 to hold an emergency meeting to consider matters of an emergency or urgent nature; and
- 221 (ii) the school community council gives the best notice practicable of:
- 222 (A) the time and place of the emergency meeting; and
- 223 (B) the topics to be considered at the emergency meeting.
- 224 (b) An emergency meeting of a school community council may not be held unless:
- 225 (i) an attempt has been made to notify all the members of the school community

226 council; and

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

228 (7) (a) An agenda required under Subsection (4)(b) shall provide reasonable specificity

229 to notify the public as to the topics to be considered at the meeting.

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

231 the meeting agenda.

232 (c) A school community council may not take final action on a topic in a meeting

233 unless the topic is:

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

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

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

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

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

239 (ii) the names of members present and absent;

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

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

242 (v) the name of each person who:

243 (A) is not a member of the school community council; and

244 (B) after being recognized by the chair, provided testimony or comments to the school

245 community council;

246 (vi) the substance, in brief, of the testimony or comments provided by the public under

247 Subsection (8)(b)(v); and

248 (vii) any other information that is a record of the proceedings of the meeting that any

249 member requests be entered in the minutes.

250 (c) The written minutes of a school community council meeting:

251 (i) are a public record under Title 63G, Chapter 2, Government Records Access and

252 Management Act; and

253 (ii) shall be retained for three years.

254 (9) (a) As used in this Subsection (9), "rules of order and procedure" means a set of
255 rules that govern and prescribe in a public meeting:

- 256 (i) parliamentary order and procedure;
- 257 (ii) ethical behavior; and
- 258 (iii) civil discourse.

259 (b) A school community council shall:

- 260 (i) adopt rules of order and procedure to govern a public meeting of the school
261 community council;
- 262 (ii) conduct a public meeting in accordance with the rules of order and procedure
263 described in Subsection (9)(b)(i); and
- 264 (iii) make the rules of order and procedure described in Subsection (9)(b)(i) available
265 to the public:
 - 266 (A) at each public meeting of the school community council; and
 - 267 (B) on the school's website.

268 Section 3. Section **53A-16-101.5** is amended to read:

269 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
270 **School plans for use of funds.**

271 (1) There is established the School LAND (Learning And Nurturing Development)
272 Trust Program to:

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

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

- 278 (i) from the Interest and Dividends Account created in Section [53A-16-101](#); and
- 279 (ii) in the amount of the sum of the following:

280 (A) the interest and dividends from the investment of money in the permanent State
281 School Fund deposited to the Interest and Dividends Account in the immediately preceding

282 year; and

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

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

288 (c) (i) The Legislature shall annually allocate, through an appropriation to the State
289 Board of Education, a portion of the Interest and Dividends Account created in Section
290 [53A-16-101](#) to be used for:

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

292 (B) the performance of duties described in Section [53A-16-101.6](#).

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

296 (3) (a) The State Board of Education shall allocate the money referred to in Subsection
297 (2) annually for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter as
298 follows:

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

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

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

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

309 (iii) of the funds available for distribution under Subsection (2) after the allocation of

310 funds for the Utah Schools for the Deaf and the Blind and charter schools:

311 (A) school districts shall receive 10% of the funds on an equal basis; and

312 (B) the remaining 90% of the funds shall be distributed on a per student basis.

313 (b) A school district shall distribute its allocation under Subsection (3)(a)(iii) to each
314 school within the district on an equal per student basis.

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

318 (4) To receive its allocation under Subsection (3):

319 (a) a school shall have established a school community council in accordance with
320 Section [53A-1a-108](#); and

321 (b) the school's principal shall provide a signed, written assurance in accordance with
322 rules of the State Board of Education that the membership of the school community council is
323 consistent with the membership requirements specified in Section [53A-1a-108](#).

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

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

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

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

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

335 (b) (i) A school community council shall create and vote to adopt a plan for the use of
336 School LAND Trust Program money in a meeting of the school community council at which a
337 quorum is present.

338 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
339 Program money, the plan is adopted.

340 (c) A school community council shall:

341 (i) post a plan for the use of School LAND Trust Program money that is adopted in
342 accordance with Subsection (5)(b) on the School LAND Trust Program website; and

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

346 (d) (i) A school's local school board shall approve or disapprove a plan for the use of
347 School LAND Trust Program money.

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

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

354 (6) (a) Each school shall:

355 (i) implement the program as approved;

356 (ii) provide ongoing support for the council's program; and

357 (iii) meet State Board of Education reporting requirements regarding financial and
358 performance accountability of the program.

359 (b) (i) Each school, through its school community council, shall prepare and post an
360 annual report of the program on the School LAND Trust Program website each fall.

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

363 (iii) A summary of the report shall be provided to parents or guardians of students
364 attending the school.

365 (7) On or before October 1 of each year, a school district shall record the amount of the

366 program funds distributed to each school under Subsection (3)(b) on the School LAND Trust
367 Program website to assist schools in developing the annual report described in Subsection
368 (6)(b).

369 ~~[(7)]~~ (8) (a) The governing board of a charter school shall establish a council, which
370 shall prepare a plan for the use of School LAND Trust Program money that includes the
371 elements listed in Subsection (5).

372 (b) (i) The membership of the council shall include parents or guardians of students
373 enrolled at the school and may include other members.

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

376 (c) A charter school governing board may serve as the council that prepares a plan for
377 the use of School LAND Trust Program money if the membership of the charter school
378 governing board meets the requirements of Subsection ~~[(7)]~~ (8)(b)(ii).

379 (d) (i) Except as provided in Subsection ~~[(7)]~~ (8)(d)(ii), council members who are
380 parents or guardians of students enrolled at the school shall be elected in accordance with
381 procedures established by the charter school governing board.

382 (ii) Subsection ~~[(7)]~~ (8)(d)(i) does not apply to a charter school governing board that
383 serves as the council that prepares a plan for the use of School LAND Trust Program money.

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

386 (f) A plan for the use of School LAND Trust Program money shall be subject to
387 approval by the charter school governing board and the entity that authorized the establishment
388 of the charter school.

389 (9) The president or chair of a local school board or charter school governing board
390 shall ensure that the members of the local school board or charter school governing board are
391 provided with annual training on the requirements of this section.

392 Section 4. Section **53A-16-101.6** is amended to read:

393 **53A-16-101.6. Creation of School Children's Trust Section -- Duties.**

- 394 (1) As used in this section:
- 395 (a) "School and institutional trust lands" is as defined in Section 53C-1-103.
- 396 (b) "Section" means the School Children's Trust Section created in this section.
- 397 (c) "Trust" means:
- 398 (i) the School LAND Trust Program created in Section 53A-16-101.5; and
- 399 (ii) the lands and funds associated with the trusts described in Subsection
- 400 53C-1-103(7).
- 401 (2) There is established a School Children's Trust Section within the State Office of
- 402 Education.
- 403 (3) (a) The section shall have a director.
- 404 (b) The director shall have professional qualifications and expertise in the areas
- 405 generating revenue to the trust, including:
- 406 (i) economics;
- 407 (ii) energy development;
- 408 (iii) finance;
- 409 (iv) public education;
- 410 (v) real estate;
- 411 (vi) renewable resources; and
- 412 (vii) trust law.
- 413 (c) The director shall be appointed as provided in this Subsection (3).
- 414 (d) The School and Institutional Trust Lands Board of Trustees nominating committee
- 415 shall submit to the State Board of Education the name of one person to serve as director.
- 416 (e) The State Board of Education may:
- 417 (i) appoint the person described in Subsection (3)(d) to serve as director; or
- 418 (ii) deny the appointment of the person described in Subsection (3)(d) to serve as
- 419 director.
- 420 (f) If the State Board of Education denies an appointment under this Subsection (3):
- 421 (i) the State Board of Education shall provide in writing one or more reasons for the

422 denial to the School and Institutional Trust Lands Board of Trustees nominating committee;
423 and

424 (ii) the School and Institutional Trust Lands Board of Trustees nominating committee
425 and the State Board of Education shall follow the procedures and requirements of this
426 Subsection (3) until the State Board of Education appoints a director.

427 (4) The director shall report to the state superintendent or the state superintendent's
428 designee.

429 (5) The section shall have a staff.

430 (6) The section shall protect current and future beneficiary rights and interests in the
431 trust consistent with the state's perpetual obligations under:

432 (a) the Utah Enabling Act;

433 (b) the Utah Constitution;

434 (c) state statute; and

435 (d) standard trust principles described in Section [53C-1-102](#).

436 (7) The section shall promote productive use of school and institutional trust lands.

437 (8) The section shall provide representation, advocacy, and input:

438 (a) on behalf of current and future beneficiaries of the trust, school community
439 councils, schools, and school districts;

440 (b) on federal, state, and local land decisions and policies that affect the trust; and

441 (c) to:

442 (i) the School and Institutional Trust Lands Administration;

443 (ii) the School and Institutional Trust Lands Board of Trustees;

444 (iii) the Legislature;

445 (iv) the state treasurer;

446 (v) the attorney general;

447 (vi) the public; and

448 (vii) other entities as determined by the section.

449 (9) The section shall provide independent oversight on the prudent and profitable

450 management of the trust and report annually to the State Board of Education and the
451 Legislature.

452 (10) The section shall provide information requested by a person or entity described in
453 Subsections (8)(c)(i) through (v).

454 (11) (a) The section shall provide training to the entities described in Subsection
455 (11)(b) on:

456 (i) the School LAND Trust Program established in Section [53A-16-101.5](#); and

457 (ii) (A) school community councils established pursuant to Section [53A-1a-108](#); or

458 (B) councils established by charter school governing boards pursuant to Section
459 [53A-16-101.5](#).

460 (b) The section shall provide the training to:

461 (i) local school boards and charter school governing boards;

462 (ii) school districts and charter schools; and

463 (iii) school community councils.