

1 **SAFE TECHNOLOGY UTILIZATION AND DIGITAL**
2 **CITIZENSHIP IN PUBLIC SCHOOLS**

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: _____

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to educational technology and school community
11 councils.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires a school district or charter school that purchases educational technology to
- 15 ensure that adequate on and off campus Internet filtering is in place;
- 16 ▶ directs a school community council to create a subcommittee on safe technology
- 17 utilization and digital citizenship;
- 18 ▶ expands the allowable uses of School LAND Trust Program money, subject to
- 19 certain conditions; and
- 20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **53A-1-706**, as last amended by Laws of Utah 2012, Chapter 347



28 **53A-1a-108**, as last amended by Laws of Utah 2014, Chapters 332 and 346

29 **53A-1a-108.5**, as enacted by Laws of Utah 2002, Chapter 324

30 **53A-16-101.5**, as last amended by Laws of Utah 2014, Chapter 332

31

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

33 Section 1. Section **53A-1-706** is amended to read:

34 **53A-1-706. Purchases of educational technology.**

35 (1) (a) A school district, charter school, or college of education shall comply with Title
36 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as otherwise
37 provided in Subsection (1)(b).

38 (b) A school district or charter school may purchase computers from, and contract for
39 the repair or refurbishing of computers with, the Utah Correctional Industries without going
40 through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah
41 Procurement Code.

42 (2) A school district, charter school, or college of education may purchase technology
43 through cooperative purchasing contracts administered by the state Division of Purchasing or
44 through its own established purchasing program.

45 (3) A school district or charter school that purchases technology under this section
46 shall ensure that adequate on and off campus Internet filtering is installed and consistently
47 configured to prevent viewing of harmful content by students and school personnel.

48 Section 2. Section **53A-1a-108** is amended to read:

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

51 (1) As used in this section:

52 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy
53 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

54 ~~[(a)]~~ (b) "Educator" [has the meaning] means the same as that term is defined in
55 Section 53A-6-103.

56 ~~[(b)]~~ (c) (i) "Parent or guardian member" means a member of a school community
57 council who is a parent or guardian of a student who:

58 (A) is attending the school; or

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

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

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

64 [~~(d)~~] (e) "School LAND Trust Program money" means money allocated to a school
65 pursuant to Section 53A-16-101.5.

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

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

69 (b) improving the education of students;

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

73 (d) increasing public awareness of:

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

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

77 (iii) educational excellence.

78 (3) (a) Except as provided in Subsection (3)(b), a school community council 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 professional development plan; and

82 (iv) advise and make recommendations to school and school district administrators and
83 the local school board regarding:

84 (A) the school and its programs~~[-];~~

85 (B) school district programs~~[-];~~

86 (C) a child access routing plan in accordance with Section 53A-3-402~~[-, and];~~

87 (D) safe technology utilization and digital citizenship; and

88 (E) other issues relating to the community environment for students.

89 (b) In addition to the duties specified in Subsection (3)(a), a school community council

90 for an elementary school shall create a reading achievement plan in accordance with Section
91 [53A-1-606.5](#).

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

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

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

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

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

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

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

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

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

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

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

121 privileges.

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

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

127 (iii) Any parent or guardian of a student who meets the qualifications of this section
128 may file or declare the parent's or guardian's candidacy for election to a school community
129 council.

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

133 (B) An election for the parent or guardian members of a school community council
134 shall be held near the beginning of the school year or held in the spring and completed before
135 the last week of school.

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

139 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
140 the available community council positions to school employees, parents, and guardians at least
141 10 days before the date that voting commences for the elections held under Subsections (5)(a)
142 and (5)(b).

143 (ii) The notice shall include:

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

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

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

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

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

151 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made

152 available to the public upon request.

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

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

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

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

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

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

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

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

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

177 (j) Each school community council shall elect:

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

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

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

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

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

184 (b) A school community council, including a council established by a charter school
185 governing board in accordance with Subsection 53A-16-101.5(8), shall create a subcommittee
186 to:

187 (i) provide for education and awareness on safe technology utilization and digital
188 citizenship that empowers:

189 (A) a student to make smart media and online choices; and

190 (B) a parent or guardian to know how to discuss safe technology use with the parent or
191 guardian's child; and

192 (ii) partner with the school's principal and other administrators to ensure that adequate
193 on and off campus Internet filtering is installed and consistently configured to prevent viewing
194 of harmful content by students and school personnel, in accordance with Subsection
195 53A-1-706(3).

196 (c) A school community council may partner with one or more non-profit organizations
197 to fulfill the school community council's duties described in Subsection (6)(b).

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

200 ~~[(e)]~~ (e) A school community council may appoint individuals who are not council
201 members to serve on a subcommittee or task force, including parents or guardians, school
202 employees, or other community members.

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

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

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

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

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

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

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

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

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

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

216 Section 3. Section 53A-1a-108.5 is amended to read:

217 **53A-1a-108.5. School improvement plan.**

218 (1) (a) Each school community council shall annually evaluate the school's U-PASS
219 test results and use the evaluations in developing a school improvement plan.

220 (b) In evaluating U-PASS test results and developing a school improvement plan, a
221 school community council may not have access to data that reveal the identity of students.

222 (2) Each school improvement plan shall:

223 (a) identify the school's most critical academic needs;

224 (b) recommend a course of action to meet the identified needs;

225 (c) list any programs, practices, materials, or equipment that the school will need to
226 implement its action plan to have a direct impact on the instruction of students and result in
227 measurable increased student performance; and

228 (d) describe how the school intends to enhance or improve academic achievement,
229 including how financial resources available to the school, such as School LAND Trust Program
230 money received under Section 53A-16-101.5 and state and federal grants, will be used to
231 enhance or improve academic achievement.

232 (3) The school improvement plan shall focus on the school's most critical academic
233 needs but may include other actions to enhance or improve:

234 (a) academic achievement ~~[and]~~; or

235 (b) the community environment for students.

236 (4) The school principal shall make available to the school community council the
237 school budget and other data needed to develop the school improvement plan.

238 (5) The school improvement plan shall be subject to the approval of the local school
239 board of the school district in which the school is located.

240 (6) A school community council may develop a multiyear school improvement plan,
241 but the plan must be presented to and approved annually by the local school board.

242 (7) Each school shall:

243 (a) implement the school improvement plan as developed by the school community
244 council and approved by the local school board;

245 (b) provide ongoing support for the council's plan; and
246 (c) meet local school board reporting requirements regarding performance and
247 accountability.

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

249 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
250 **School plans for use of funds.**

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

253 (a) provide financial resources to public schools to enhance or improve student
254 academic achievement and implement a component of the school improvement plan; and

255 (b) involve parents and guardians of a school's students in decision making regarding
256 the expenditure of School LAND Trust Program money allocated to the school.

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

258 (i) from the Interest and Dividends Account created in Section **53A-16-101**; and

259 (ii) in the amount of the sum of the following:

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

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

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

268 (c) (i) The Legislature shall annually allocate, through an appropriation to the State
269 Board of Education, a portion of the Interest and Dividends Account created in Section
270 **53A-16-101** to be used for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304 (5) (a) The school community council or its subcommittee shall create a ~~[program]~~
305 plan to use its allocation under Subsection (3) to implement a component of the school's
306 improvement plan~~[-, including:]~~ described in Section [53A-1a-108.5](#).

307 (b) A plan created under Subsection (5)(a) shall include:
308 (i) the school's identified most critical academic needs;
309 (ii) a recommended course of action to meet the identified academic needs;
310 (iii) a specific listing of any programs, practices, materials, or equipment which the
311 school will need to implement a component of its school improvement plan to have a direct
312 impact on the instruction of students and result in measurable increased student performance;
313 and

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

316 (c) A school may use up to 10% of the school's annual allocation of School LAND
317 Trust Program money to promote safe technology utilization and digital citizenship for the
318 purpose of protecting and enhancing a school's community environment through character
319 education and positive behavior intervention.

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

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

325 ~~(c)~~ (e) A school community council shall:

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

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

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

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

337 (iii) The school community council shall submit a revised plan to the local school

338 board for approval.

339 (6) (a) Each school shall:

340 (i) implement the program as approved;

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

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

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

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

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

350 (7) On or before October 1 of each year, a school district shall record the amount of the
351 program funds distributed to each school under Subsection (3)(b) on the School LAND Trust
352 Program website to assist schools in developing the annual report described in Subsection
353 (6)(b).

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

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

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

361 (c) A charter school governing board may serve as the council that prepares a plan for
362 the use of School LAND Trust Program money if the membership of the charter school
363 governing board meets the requirements of Subsection (8)(b)(ii).

364 (d) (i) Except as provided in Subsection (8)(d)(ii), council members who are parents or
365 guardians of students enrolled at the school shall be elected in accordance with procedures
366 established by the charter school governing board.

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

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

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

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

Legislative Review Note

as of 1-23-15 9:43 AM

Office of Legislative Research and General Counsel