

## HB0213S01 compared with HB0213

~~{deleted text}~~ shows text that was in HB0213 but was deleted in HB0213S01.

inserted text shows text that was not in HB0213 but was inserted into HB0213S01.

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Representative Keven J. Stratton proposes the following substitute bill:

### SAFE TECHNOLOGY UTILIZATION AND DIGITAL CITIZENSHIP IN PUBLIC SCHOOLS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

Senate Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ requires a school district or charter school that purchases educational technology to ensure that adequate on and off campus Internet filtering is in place;
- ▶ ~~{directs}~~ requires a school community council to ~~{create a subcommittee on}~~ fulfill certain duties related to safe technology utilization and digital citizenship~~{~~

~~→ expands the allowable uses of School LAND Trust Program money, subject to~~

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~~certains conditions~~; and

- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

~~{53A-1a-108.5}~~ **53A-1a-511**, as ~~{enacted}~~ last amended by Laws of Utah ~~{2002}~~ 2012,  
Chapter ~~{324}~~ 347

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

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

(A) is attending the school; or

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

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

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

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

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

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

(b) improving the education of students;

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

(d) increasing public awareness of:

(i) school trust lands and related land policies;

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

(iii) educational excellence.

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

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

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- (ii) create the School LAND Trust Program in accordance with Section 53A-16-101.5;
- (iii) assist in the creation and implementation of a professional development plan; and
- (iv) advise and make recommendations to school and school district administrators and

the local school board regarding:

- (A) the school and its programs~~[7]~~;
- (B) school district programs~~[7]~~;
- (C) a child access routing plan in accordance with Section 53A-3-402~~[7]~~~~and~~;
- (D) safe technology utilization and digital citizenship; and
- (E) other issues relating to the community environment for students~~7~~.

~~(b)~~ ~~[7]~~:

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

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

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

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

(b) To fulfill the school community council's duties described in Subsection (3)(a)(v) and (vi), a school community council may:

(i) partner with one or more non-profit organizations; and

(ii) create a subcommittee.

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

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

(4) (a) Each school community council shall consist of school employee members and

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parent or guardian members in accordance with this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The notice shall include:

(A) the dates and times of the elections;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Each school community council shall elect:

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

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

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

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

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

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

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

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

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

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

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

‡ ~~{(b)}{d)}~~ Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.

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

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

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

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

- (a) for the chair and vice chair about their responsibilities;
- (b) on resources available on the School LAND Trust website; and
- (c) on the following statutes governing school community councils:
  - (i) Section 53A-1a-108;
  - (ii) Section 53A-1a-108.1;
  - (iii) Section 53A-1a-108.5; and
  - (iv) Section 53A-16-101.5.

Section 3. Section ~~{53A-1a-108.5}~~ 53A-1a-511 is amended to read:

~~{~~ ~~**53A-1a-108.5. School improvement plan.**~~

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

~~—— (b) In evaluating U-PASS test results and developing a school improvement plan, a~~



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~~school community council may not have access to data that reveal the identity of students:~~

~~—— (2) Each school improvement plan shall:~~

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

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

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

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

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

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

~~—— (b) the community environment for students.~~

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

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

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

~~—— (7) Each school shall:~~

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

~~—— (b) provide ongoing support for the council's plan; and~~

~~—— (c) meet local school board reporting requirements regarding performance and accountability.~~

‡ **53A-1a-511. Waivers from state board rules -- Application of statutes and rules to charter schools.**

(1) A charter school shall operate in accordance with its charter and is subject to Title 53A, State System of Public Education, and other state laws applicable to public schools,

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except as otherwise provided in this part.

(2) (a) A charter school or any other public school or school district may apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter.

(b) The state board may grant the waiver, unless:

(i) the waiver would cause the school district or the school to be in violation of state or federal law; or

(ii) the waiver would threaten the health, safety, or welfare of students in the district or at the school.

(c) If the State Board of Education denies the waiver, the reason for the denial shall be provided in writing to the waiver applicant.

(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services; and

(iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(4) The following provisions of Title 53A, State System of Public Education, and rules adopted under those provisions, do not apply to a charter school:

(a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school community council and school improvement plan;

(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as civic centers;

(c) Section 53A-3-420, requiring the use of activity disclosure statements;

(d) Section 53A-12-207, requiring notification of intent to dispose of textbooks;

(e) Section 53A-13-107, requiring annual presentations on adoption;

(f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school districts and local school boards; and

(g) Section 53A-14-107, requiring an independent evaluation of instructional materials.

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(5) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter school ~~[shall be]~~ is considered ~~[a local public]~~ an educational procurement unit as defined in Subsection 63G-6a-104(7).

(6) Each charter school shall be subject to:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.

(b) (i) The State Charter School Board shall present recommendations for exemption to the State Board of Education for consideration.

(ii) The State Board of Education shall consider the recommendations of the State Charter School Board and respond within 60 days.

~~{ Section 4. Section 53A-16-101.5 is amended to read:~~

~~53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds ==  
School plans for use of funds:~~

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

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

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

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

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

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

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

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

~~(b) On and after July 1, 2003, the program shall be funded as provided in Subsection~~

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~~(2)(a) up to an amount equal to 2% of the funds provided for the Minimum School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act, each fiscal year.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules regarding the time and manner in which the student~~

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count shall be made for allocation of the money under Subsection (3)(a)(iii):

~~—— (4) To receive its allocation under Subsection (3):~~

~~—— (a) a school shall have established a school community council in accordance with Section 53A-1a-108; and~~

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

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

~~—— (b) A plan created under Subsection (5)(a) shall include:~~

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

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

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

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

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

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

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

~~—— [(c)] (e) A school community council shall:~~

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

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

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

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

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

~~—— (6) (a) Each school shall:~~

~~—— (i) implement the program as approved;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Legislative Review Note**

~~—— as of 1-23-15 9:43 AM~~

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~~Office of Legislative Research and General Counsel~~