

**SCHOOL ADMINISTRATION AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill amends provisions regarding school community councils and safe technology use in public schools.

**Highlighted Provisions:**

This bill:

- ▶ provides that a reading achievement plan is a component of a school improvement plan;
- ▶ requires a school district or charter school to install and configure certain technology consistent with local school board or charter school governing board policies;
- ▶ amends candidate and voter eligibility requirements for school community elections; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1-606.5**, as last amended by Laws of Utah 2013, Chapter 466

**53A-1-706**, as last amended by Laws of Utah 2015, Chapter 150

**53A-1a-108**, as last amended by Laws of Utah 2015, Chapters 150 and 276

30 **53A-1a-108.5**, as last amended by Laws of Utah 2015, Chapters 276 and 449

31 **53A-1a-524**, as enacted by Laws of Utah 2015, Chapter 150

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

34 Section 1. Section **53A-1-606.5** is amended to read:

35 **53A-1-606.5. State reading goal -- Reading achievement plan.**

36 (1) As used in this section:

37 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or  
38 ability that has been organized into a hierarchical arrangement leading to higher levels of  
39 knowledge, skill, or ability.

40 (b) "Five domains of reading" include phonological awareness, phonics, fluency,  
41 comprehension, and vocabulary.

42 (2) (a) The Legislature recognizes that:

43 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong  
44 learning;

45 (ii) there is an ever increasing demand for literacy in the highly technological society  
46 we live in;

47 (iii) students who do not learn to read will be economically and socially disadvantaged;

48 (iv) reading problems exist in almost every classroom;

49 (v) almost all reading failure is preventable if reading difficulties are diagnosed and  
50 treated early; and

51 (vi) early identification and treatment of reading difficulties can result in students  
52 learning to read by the end of the third grade.

53 (b) It is therefore the goal of the state to have every student in the state's public  
54 education system reading on or above grade level by the end of the third grade.

55 (3) (a) Each public school containing kindergarten, grade one, grade two, or grade  
56 three, including charter schools, shall develop, ~~[in conjunction with all other school planning  
57 processes and requirements,]~~ as a component of the school improvement plan described in

58 Section 53A-1a-108.5, a reading achievement plan for its students in kindergarten through  
59 grade three to reach the reading goal set in Subsection (2)(b).

60 (b) The reading achievement plan shall be:

61 (i) created under the direction of:

62 (A) the school community council or a subcommittee or task force created by the  
63 school community council, in the case of a school district school; or

64 (B) the charter school governing board or a subcommittee or task force created by the  
65 governing board, in the case of a charter school; and

66 (ii) implemented by the school's principal, teachers, and other appropriate school staff.

67 (c) The school principal shall take primary responsibility to provide leadership and  
68 allocate resources and support for teachers and students, most particularly for those who are  
69 reading below grade level, to achieve the reading goal.

70 (d) Each reading achievement plan shall include:

71 (i) an assessment component that:

72 (A) focuses on ongoing formative assessment to measure the five domains of reading,  
73 as appropriate, and inform individualized instructional decisions; and

74 (B) includes a benchmark assessment of reading approved by the State Board of  
75 Education pursuant to Section 53A-1-606.6;

76 (ii) an intervention component:

77 (A) that provides adequate and appropriate interventions focused on each student  
78 attaining competency in reading skills;

79 (B) based on best practices identified through proven researched-based methods;

80 (C) that provides intensive intervention, such as focused instruction in small groups  
81 and individualized data driven instruction, implemented at the earliest possible time for  
82 students having difficulty in reading;

83 (D) that provides an opportunity for parents to receive materials and guidance so that  
84 they will be able to assist their children in attaining competency in reading skills; and

85 (E) that, as resources allow, may involve a reading specialist; and

86 (iii) a reporting component that includes reporting to parents:

87 (A) at the beginning, in the middle, and at the end of grade one, grade two, and grade  
88 three, their child's benchmark assessment results as required by Section 53A-1-606.6; and

89 (B) at the end of third grade, their child's reading level.

90 (e) In creating or reviewing a reading achievement plan as required by this section, a  
91 school community council, charter school governing board, or a subcommittee or task force of  
92 a school community council or charter school governing board may not have access to data that  
93 reveal the identity of students.

94 (4) (a) The school district shall approve each plan developed by schools within the  
95 district prior to its implementation and review each plan annually.

96 (b) The charter school governing board shall approve each plan developed by schools  
97 under its control and review each plan annually.

98 (c) A school district and charter school governing board shall:

99 (i) monitor the learning gains of a school's students as reported by the benchmark  
100 assessments administered pursuant to Section 53A-1-606.6; and

101 (ii) require a reading achievement plan to be revised, if the school district or charter  
102 school governing board determines a school's students are not making adequate learning gains.

103 Section 2. Section 53A-1-706 is amended to read:

104 **53A-1-706. Purchases of educational technology.**

105 (1) (a) A school district, charter school, or college of education shall comply with Title  
106 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as otherwise  
107 provided in Subsection (1)(b).

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

112 (2) A school district, charter school, or college of education may purchase technology  
113 through cooperative purchasing contracts administered by the state Division of Purchasing or

114 through its own established purchasing program.

115 (3) [A] Consistent with policies adopted by a local school board or charter school  
116 governing board, a school district or charter school that purchases technology under this section  
117 shall ensure that adequate on and off campus Internet filtering is installed and consistently  
118 configured to prevent viewing of harmful content by students and school personnel.

119 Section 3. Section **53A-1a-108** is amended to read:

120 **53A-1a-108. School community councils -- Duties -- Composition -- Election**  
121 **procedures and selection of members.**

122 (1) As used in this section:

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

125 (b) "District school" means a public school under the control of a local school board  
126 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School  
127 Boards.

128 (c) "Educator" means the same as that term is defined in Section [53A-6-103](#).

129 (d) (i) "Parent or guardian member" means a member of a school community council  
130 who is a parent or guardian of a student who:

131 (A) is attending the school; or

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

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

135 (e) "School community council" means a council established at a district school in  
136 accordance with this section.

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

139 (g) "School LAND Trust Program money" means money allocated to a school pursuant  
140 to Section [53A-16-101.5](#).

141 (2) A district school, in consultation with the district school's local school board, shall

142 establish a school community council at the school building level for the purpose of:

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

144       (b) improving the education of students;

145       (c) prudently expending School LAND Trust Program money for the improvement of

146 students' education through collaboration among parents and guardians, school employees, and

147 the local school board; and

148       (d) increasing public awareness of:

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

150           (ii) management of the State School Fund established in Utah Constitution Article X,

151 Section V; and

152           (iii) educational excellence.

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

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

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

156           ~~(iii) assist in the creation and implementation of a professional development plan;~~

157 ~~and]~~

158           ~~(iv)]~~ (iii) advise and make recommendations to school and school district

159 administrators and the local school board regarding:

160           (A) the school and its programs;

161           (B) school district programs;

162           (C) a child access routing plan in accordance with Section [53A-3-402](#);

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

164           (E) other issues relating to the community environment for students;

165           ~~(v)]~~ (iv) provide for education and awareness on safe technology utilization and digital

166 citizenship that empowers:

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

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

169 or guardian's child; and

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

174           (b) To fulfill the school community council's duties described in ~~[Subsection]~~  
175 Subsections (3)(a)~~[(v)]~~(iv) and ~~[(vi)]~~ (v), a school community council may:

- 176           (i) partner with one or more non-profit organizations; ~~[and]~~ or
- 177           (ii) create a subcommittee.

178           ~~[(c) In addition to the duties specified in Subsection (3)(a), a school community council~~  
179 ~~for an elementary school shall create a reading achievement plan in accordance with Section~~  
180 ~~53A-1-606.5.]~~

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

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

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

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

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

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

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

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

197           (d) (i) The number of parent or guardian members of a school community council who

198 are not educators employed by the school district shall exceed the number of parent or guardian  
199 members who are educators employed by the school district.

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

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

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

214 (ii) (A) ~~[Only parents or guardians of students]~~ Except as provided in Subsection  
215 (5)(b)(ii)(B), only a parent or guardian of a student attending the school may vote [at] in, or run  
216 as a candidate in, the election under Subsection (5)(b)(i).

217 (B) If an election is held in the spring, a parent or guardian of a student who will be  
218 attending the school the following school year may vote in, and run as a candidate in, the  
219 election under Subsection (5)(b)(i).

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

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



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

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

232 (c) (i) ~~[The]~~ At least 10 days before the date that voting commences for the elections  
233 held under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,  
234 shall provide notice to each school employee, parent, or guardian, of the [available community  
235 council positions to school employees, parents, and guardians at least 10 days before the date  
236 that voting commences for the elections held under Subsections (5)(a) and (5)(b)] opportunity  
237 to vote in, and run as a candidate in, an election under this Subsection (5).

238 (ii) The notice shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

272 (j) Each school community council shall elect:

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

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

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

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

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

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

281 (c) A school community council may appoint individuals who are not council members

282 to serve on a subcommittee or task force, including parents or guardians, school employees, or  
283 other community members.

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

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

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

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

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

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

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

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

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

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

297 Section 4. Section 53A-1a-108.5 is amended to read:

298 **53A-1a-108.5. School improvement plan.**

299 (1) (a) A school community council established under Section 53A-1a-108 shall  
300 annually evaluate, with the school's principal, the school's statewide achievement test results,  
301 reading achievement plan, class size reduction needs, and technology needs, [~~and professional~~  
302 ~~development plan,~~] and use the evaluations in developing a school improvement plan to  
303 improve teaching and learning conditions.

304 (b) In evaluating statewide achievement test results and developing a school  
305 improvement plan, a school community council may not have access to data that reveal the  
306 identity of students.

307 (2) A school community council shall develop a school improvement plan that:

308 (a) identifies the school's most critical academic needs;

309 (b) recommends a course of action to meet the identified needs;

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

313 (d) describes how the school intends to enhance or improve academic achievement,  
314 including how financial resources available to the school, such as School LAND Trust Program  
315 money received under Section 53A-16-101.5 and state and federal grants, will be used to  
316 enhance or improve academic achievement[-]; and

317 (e) if the school community council represents a school that educates students in  
318 kindergarten, grade 1, grade 2, or grade 3, includes a reading achievement plan as described in  
319 Section 53A-1-606.5.

320 (3) Although a school improvement plan focuses on the school's most critical academic  
321 needs, the school improvement plan may include other actions to enhance or improve academic  
322 achievement and the community environment for students.

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

325 (5) The school improvement plan is subject to the approval of the local school board of  
326 the school district in which the school is located.

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

330 (7) Each school shall:

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

333 (b) provide ongoing support for the council's school improvement plan; and

334 (c) meet local school board reporting requirements regarding performance and  
335 accountability.

336 (8) The school community council of a low performing school, as defined in Section  
337 53A-1-1202, shall develop a school improvement plan that is consistent with the school

338 turnaround plan developed by the school turnaround committee under Chapter 1, Part 12,  
339 School Turnaround and Leadership Development Act.

340 Section 5. Section **53A-1a-524** is amended to read:

341 **53A-1a-524. Safe technology utilization and digital citizenship.**

342 A charter school governing board, or a council formed by a charter school governing  
343 board to prepare a plan for the use of School LAND Trust Program money under Section  
344 [53A-16-101.5](#):

345 (1) shall provide for education and awareness on safe technology utilization and digital  
346 citizenship that empowers:

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

348 (b) a parent or guardian to know how to discuss safe technology use with the parent's  
349 or guardian's child;

350 (2) shall partner with the school's principal and other administrators to ensure that  
351 adequate on and off campus Internet filtering is installed and consistently configured to prevent  
352 viewing of harmful content by students and school personnel, in accordance with charter school  
353 governing board policy and Subsection [53A-1-706\(3\)](#); and

354 (3) may partner with one or more non-profit organizations to fulfill the duties described  
355 in Subsections (1) and (2).