

EDUCATION CODE MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill makes technical corrections to the public education code.

Highlighted Provisions:

This bill:

- ▶ makes technical corrections to the public education code.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

53G-7-1202, as renumbered and amended by Laws of Utah 2018, Chapter 3

63I-1-253, as last amended by Laws of Utah 2017, Chapters 166 and 181

63I-2-253, as last amended by Laws of Utah 2017, Chapters 217, 223, 350, 365, 381, 386, and 468

RENUMBERS AND AMENDS:

53F-2-519, (Renumbered from 53F-2-406, as renumbered and amended by Laws of Utah 2018, Chapter 2)

Utah Code Sections Affected by Coordination Clause:

53F-2-414, Utah Code Annotated 1953



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

Section 1. Section **53F-2-519**, which is renumbered from Section 53F-2-406 is renumbered and amended to read:

~~[53F-2-406].~~ **53F-2-519. Appropriation for school nurses.**

The State Board of Education shall distribute money appropriated for school nurses to award grants to school districts and charter schools that:

- (1) provide an equal amount of matching funds; and
- (2) do not supplant other money used for school nurses.

Section 2. Section **53G-7-1202** is amended to read:

53G-7-1202. 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.

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

(c) "Educator" means the same as that term is defined in Section [53E-6-102](#).

(d) (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.

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

(f) "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.

(g) "School LAND Trust Program money" means money allocated to a school pursuant to Section [53F-2-404](#).

59 (2) A district school, in consultation with the district school's local school board, shall
60 establish a school community council at the school building level for the purpose of:

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

62 (b) improving the education of students;

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

66 (d) increasing public awareness of:

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

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

70 (iii) educational excellence.

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

72 (i) create a school improvement plan in accordance with Section 53G-7-1204;

73 (ii) create the School LAND Trust Program in accordance with Section 53F-2-404;

74 (iii) advise and make recommendations to school and school district administrators and
75 the local school board regarding:

76 (A) the school and its programs;

77 (B) school district programs;

78 (C) a child access routing plan in accordance with Section 53G-4-402;

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

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

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

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

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

86 (v) partner with the school's principal and other administrators to ensure that adequate
87 on and off campus Internet filtering is installed and consistently configured to prevent viewing
88 of harmful content by students and school personnel, in accordance with local school board
89 policy and Subsection 53G-7-216(3).

90 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
91 and (v), a school community council may:

- 92 (i) partner with one or more non-profit organizations; or
- 93 (ii) create a subcommittee.

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

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

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

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

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

- 107 (i) the membership includes two or more parent or guardian members than the number
108 of school employee members; and
- 109 (ii) there are at least two school employee members on the school community council.

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

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

120 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than

121 the principal, shall be elected by secret ballot by a majority vote of the school employees and
122 serve a two-year term. The principal shall serve as an ex officio member with full voting
123 privileges.

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

127 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a
128 student attending the school may vote in, or run as a candidate in, the election under Subsection
129 (5)(b)(i).

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

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

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

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

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

145 (c) (i) At least 10 days before the date that voting commences for the elections held
146 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,
147 shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,
148 and run as a candidate in, an election under this Subsection (5).

149 (ii) The notice shall include:

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

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

- 152 (C) instructions for becoming a candidate for a community council position.
- 153 (iii) The principal of the school, or the principal's designee, shall oversee the elections
154 held under Subsections (5)(a) and (5)(b).
- 155 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
156 secure ballot box.
- 157 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
158 available to the public upon request.
- 159 (e) (i) If a parent or guardian position on a school community council remains unfilled
160 after an election is held, the other parent or guardian members of the council shall appoint a
161 parent or guardian who meets the qualifications of this section to fill the position.
- 162 (ii) If a school employee position on a school community council remains unfilled after
163 an election is held, the other school employee members of the council shall appoint a school
164 employee to fill the position.
- 165 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
166 (ii) shall serve a two-year term.
- 167 (f) (i) If the number of candidates who file for a parent or guardian position or school
168 employee position on a school community council is less than or equal to the number of open
169 positions, an election is not required.
- 170 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
171 position remains unfilled, the other parent or guardian members of the council shall appoint a
172 parent or guardian who meets the qualifications of this section to fill the position.
- 173 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
174 position remains unfilled, the other school employee members of the council shall appoint a
175 school employee who meets the qualifications of this section to fill the position.
- 176 (g) The principal shall enter the names of the council members on the School LAND
177 Trust website on or before October 20 of each year, pursuant to Section [53G-7-1203](#).
- 178 (h) Terms shall be staggered so that approximately half of the council members stand
179 for election each year.
- 180 (i) A school community council member may serve successive terms provided the
181 member continues to meet the definition of a parent or guardian member or school employee
182 member as specified in Subsection (1).

- 183 (j) Each school community council shall elect:
- 184 (i) a chair from its parent or guardian members; and
- 185 (ii) a vice chair from either its parent or guardian members or school employee
- 186 members, excluding the principal.
- 187 (6) (a) A school community council may create subcommittees or task forces to:
- 188 (i) advise or make recommendations to the council; or
- 189 (ii) develop all or part of a plan listed in Subsection (3).
- 190 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
- 191 subject to the approval of the school community council.
- 192 (c) A school community council may appoint individuals who are not council members
- 193 to serve on a subcommittee or task force, including parents or guardians, school employees, or
- 194 other community members.
- 195 (7) (a) A majority of the members of a school community council is a quorum for the
- 196 transaction of business.
- 197 (b) The action of a majority of the members of a quorum is the action of the school
- 198 community council.
- 199 (8) A local school board shall provide training for a school community council each
- 200 year, including training:
- 201 (a) for the chair and vice chair about their responsibilities;
- 202 (b) on resources available on the School LAND Trust website; and
- 203 (c) on the following statutes governing school community councils:
- 204 (i) this section;
- 205 (ii) Section 53F-2-404;
- 206 [~~(i) Section 53G-7-1202;~~]
- 207 [~~(ii)~~] (iii) Section 53G-7-1203; and
- 208 [~~(iii)~~] (iv) Section 53G-7-1204[~~;~~ ~~and~~].
- 209 [~~(iv) Section 53F-2-404.~~]
- 210 Section 3. Section **63I-1-253** is amended to read:
- 211 **63I-1-253. Repeal dates, Titles 53 through 53G.**
- 212 The following provisions are repealed on the following dates:
- 213 (1) Subsection 53-10-202(18) is repealed July 1, 2018.

- 214 (2) Section [53-10-202.1](#) is repealed July 1, 2018.
- 215 [~~(3) Title 53A, Chapter 1a, Part 6, Public Education Job Enhancement Program, is~~
216 ~~repealed July 1, 2020.~~]
- 217 [~~(4) Section [53A-13-106.5](#) is repealed July 1, 2019.~~]
- 218 [~~(5) Section [53A-15-106](#) is repealed July 1, 2019.~~]
- 219 [~~(6) Sections [53A-15-206](#) and [53A-15-207](#) are repealed January 1, 2023.~~]
- 220 [~~(7) Title 53A, Chapter 31, Part 4, American Indian and Alaskan Native Education~~
221 ~~State Plan Pilot Program, is repealed July 1, 2022.~~]
- 222 [(8)] (3) Section [53B-24-402](#), Rural residency training program, is repealed July 1,
223 2020.
- 224 [(9)] (4) Subsection [53C-3-203](#)(4)(b)(vii), which provides for the distribution of money
225 from the Land Exchange Distribution Account to the Geological Survey for test wells, other
226 hydrologic studies, and air quality monitoring in the West Desert, is repealed July 1, 2020.
- 227 (5) Section [53E-3-515](#) is repealed January 1, 2023.
- 228 (6) Section [53F-2-514](#) is repealed July 1, 2020.
- 229 (7) Section [53F-5-203](#) is repealed July 1, 2019.
- 230 (8) Title 53F, Chapter 5, Part 6, American Indian and Alaskan Native Education State
231 Plan Pilot Program, is repealed July 1, 2022.
- 232 (9) Section [53F-6-201](#) is repealed July 1, 2019.
- 233 (10) Section [53F-9-501](#) is repealed January 1, 2023.
- 234 Section 4. Section [63I-2-253](#) is amended to read:
- 235 **63I-2-253. Repeal dates -- Titles 53 through 53G.**
- 236 [~~(1) Section [53A-1-403.5](#) is repealed July 1, 2017.~~]
- 237 [~~(2) Section [53A-1-411](#) is repealed July 1, 2017.~~]
- 238 [~~(3) Section [53A-1-415](#) is repealed July 1, 2019.~~]
- 239 [~~(4) Section [53A-1-709](#) is repealed July 1, 2020.~~]
- 240 [~~(5) Subsection [53A-1-1207](#)(3)(b)(ii)(B) is repealed July 1, 2020.~~]
- 241 [~~(6) Section [53A-1-1208](#) is repealed July 1, 2020.~~]
- 242 [~~(7) Subsection [53A-1a-513](#)(4) is repealed July 1, 2017.~~]
- 243 [~~(8) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is~~
244 ~~repealed July 1, 2017.~~]

245 ~~[(9) Section 53A-24-601 is repealed January 1, 2018.]~~

246 ~~[(10)]~~ (1) Section 53A-24-602 is repealed July 1, 2018.

247 ~~[(11)]~~ (2) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.

248 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative

249 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),

250 make necessary changes to subsection numbering and cross references.

251 ~~[(12) Subsections 53B-7-101(2)(b)(iii)(A) and (3) are repealed January 1, 2018.]~~

252 ~~[(13)]~~ (3) Subsection 53B-7-705(6)(b)(ii)(B) is repealed July 1, 2021.

253 ~~[(14)]~~ (4) Subsection 53B-7-707(4)(b) is repealed July 1, 2021.

254 ~~[(15)]~~ (5) (a) The following sections are repealed on July 1, 2023:

255 (i) Section 53B-8-202;

256 (ii) Section 53B-8-203;

257 (iii) Section 53B-8-204; and

258 (iv) Section 53B-8-205.

259 (b) (i) Subsection 53B-8-201(2) is repealed on July 1, 2023.

260 (ii) When repealing Subsection 53B-8-201(2), the Office of Legislative Research and

261 General Counsel shall, in addition to its authority under Subsection 36-12-12(3), make

262 necessary changes to subsection numbering and cross references.

263 ~~[(16)]~~ (6) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project, is

264 repealed July 1, 2023.

265 (7) Subsection 53E-5-306(3)(b)(ii)(B) is repealed July 1, 2020.

266 (8) Subsection 53E-5-307 is repealed July 1, 2020.

267 (9) Subsection 53F-4-204 is repealed July 1, 2019.

268 (10) Section 53F-6-202 is repealed July 1, 2020.

269 **Section 5. Coordinating S.B. 179 with H.B. 230 -- Technical amendment.**

270 If this S.B. 179 and H.B. 230, Related to Basic School Programs Review, both pass and

271 become law, it is the intent of the Legislature that the Office of Legislative Research and

272 General Counsel, in preparing the Utah Code database for publication, modify the reference in

273 Subsection 53F-2-414(3)(s) from "Section 53F-2-406" to "Section 53F-2-519".

**Legislative Review Note
Office of Legislative Research and General Counsel**