

SCHOOL COMMUNITY COUNCIL AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to the School LAND Trust Program.

Highlighted Provisions:

This bill:

▸ requires a school community council or charter trust land council to develop and incorporate certain health and safety principles, including coordination regarding the health and safety principles with administrators;

▸ allows a school community council or charter trust land council to use a portion of School LAND Trust money to identify and incorporate certain health and safety principles at the school; and

▸ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-7-1202, as last amended by Laws of Utah 2018, Chapters 107 and 448

53G-7-1205, as enacted by Laws of Utah 2018, Chapter 448

53G-7-1206, as enacted by Laws of Utah 2018, Chapter 448



28

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

30 Section 1. Section **53G-7-1202** is amended to read:

31 **53G-7-1202. School community councils -- Duties -- Composition -- Election**
32 **procedures and selection of members.**

33 (1) As used in this section:

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

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

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

40 (d) "Health and safety principles" means health and safety principles that, when
41 incorporated into programs and resources, impact academic achievement by strengthening a
42 safe and wholesome learning environment and protecting against violence, pornography, and
43 abuse.

44 [~~(d)~~] (e) (i) "Parent or guardian member" means a member of a school community
45 council who is a parent or guardian of a student who:

46 (A) is attending the school; or

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

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

50 [~~(e)~~] (f) "School community council" means a council established at a district school in
51 accordance with this section.

52 [(f)] (g) "School employee member" means a member of a school community council
53 who is a person employed at the school by the school or school district, including the principal.

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

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

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

- 59 (b) improving the education of students;
- 60 (c) prudently expending School LAND Trust Program money for the improvement of
61 students' education through collaboration among parents and guardians, school employees, and
62 the local school board; and
- 63 (d) increasing public awareness of:
- 64 (i) school trust lands and related land policies;
- 65 (ii) management of the State School Fund established in Utah Constitution Article X,
66 Section V; and
- 67 (iii) educational excellence.
- 68 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:
- 69 (i) create a school improvement plan in accordance with Section 53G-7-1204;
- 70 (ii) create the School LAND Trust Program in accordance with Section 53G-7-1206;
- 71 (iii) advise and make recommendations to school and school district administrators and
72 the local school board regarding:
- 73 (A) the school and its programs;
- 74 (B) school district programs;
- 75 (C) a child access routing plan in accordance with Section 53G-4-402;
- 76 (D) safe technology utilization and digital citizenship; and
- 77 (E) other issues relating to the community environment for students;
- 78 (iv) provide for education and awareness on safe technology utilization and digital
79 citizenship that empowers:
- 80 (A) a student to make smart media and online choices; and
- 81 (B) a parent or guardian to know how to discuss safe technology use with the parent's
82 or guardian's child; ~~and~~
- 83 (v) partner with the school's principal and other administrators to ensure that adequate
84 on and off campus Internet filtering is installed and consistently configured to prevent viewing
85 of harmful content by students and school personnel, in accordance with local school board
86 policy and Subsection 53G-7-216(3)~~[-];~~ and
- 87 (vi) hold at least an annual discussion with the school's principal and district
88 administrators regarding health and safety principles at the school and district level in order to
89 coordinate the council's efforts to develop and incorporate health and safety principles at the

90 school.

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

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

94 (ii) create a subcommittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

150 (ii) The notice shall include:

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

152 (B) a list of council positions that are up for election; and
153 (C) instructions for becoming a candidate for a community council position.

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

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

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

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

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

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

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

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

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

177 (g) The principal shall enter the names of the council members on the School LAND
178 Trust website on or before October 20 of each year, pursuant to Section [53G-7-1203](#).

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

181 (i) A school community council member may serve successive terms provided the
182 member continues to meet the definition of a parent or guardian member or school employee

183 member as specified in Subsection (1).

184 (j) Each school community council shall elect:

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

186 (ii) a vice chair from either its parent or guardian members or school employee

187 members, excluding the principal.

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

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

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

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

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

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

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

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

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

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

204 (c) on this part.

205 Section 2. Section **53G-7-1205** is amended to read:

206 **53G-7-1205. Charter trust land councils.**

207 (1) To receive School LAND Trust Program funding as described in Sections
208 [53F-2-404](#) and [53G-7-1206](#), a charter school governing board shall establish a charter trust
209 land council, which shall prepare a plan for the use of School LAND Trust Program money that
210 includes the elements described in Subsection [53G-7-1206\(4\)](#).

211 (2) (a) The membership of the council shall include parents or guardians of students
212 enrolled at the school and may include other members.

213 (b) The number of council members who are parents or guardians of students enrolled

214 at the school shall exceed all other members combined by at least two.

215 (3) A charter school governing board may serve as the charter trust land council that
216 prepares a plan for the use of School LAND Trust Program money if the membership of the
217 charter school governing board meets the requirements of Subsection (2)(b).

218 (4) (a) Except as provided in Subsection (4)(b), council members who are parents or
219 guardians of students enrolled at the school shall be elected in accordance with procedures
220 established by the charter school governing board.

221 (b) Subsection (4)(a) does not apply to a charter school governing board that serves as
222 the charter trust land council that prepares a plan for the use of School LAND Trust Program
223 money.

224 (5) A parent or guardian of a student enrolled at the school shall serve as chair or
225 co-chair of a charter trust land council that prepares a plan for the use of School LAND Trust
226 Program money.

227 (6) A charter trust land council shall hold at least an annual discussion with charter
228 school administrators to coordinate efforts to develop and incorporate health and safety
229 principles, as defined in Section 53G-7-1202, at the school level.

230 Section 3. Section 53G-7-1206 is amended to read:

231 **53G-7-1206. School LAND Trust Program.**

232 (1) As used in this section:

233 (a) "Charter agreement" means an agreement made in accordance with Section
234 53G-5-303 that authorizes the operation of a charter school.

235 (b) "Charter school authorizer" means the same as that term is defined in Section
236 53G-5-102.

237 (c) "Charter trust land council" means a council established by a charter school
238 governing board under Section 53G-7-1205.

239 (d) "Council" means a school community council or a charter trust land council.

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

243 (f) "Health and safety principles" means the same as that term is defined in Section
244 53G-7-1202.

245 [~~(f)~~] (g) "School community council" means a council established at a district school in
246 accordance with Section [53G-7-1202](#).

247 (2) There is established the School LAND (Learning And Nurturing Development)
248 Trust Program under the State Board of Education to:

249 (a) provide financial resources to public schools to enhance or improve student
250 academic achievement and implement a component of a district school's school improvement
251 plan or a charter school's charter agreement; and

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

254 (3) To receive an allocation under Section [53F-2-404](#):

255 (a) a district school shall have established a school community council in accordance
256 with Section [53G-7-1202](#);

257 (b) a charter school shall have established a charter trust land council in accordance
258 with Section [53G-7-1205](#); and

259 (c) the school's principal shall provide a signed, written assurance that the school is in
260 compliance with Subsection (3)(a) or (b).

261 (4) (a) A council shall create a program to use the school's allocation distributed under
262 Section [53F-2-404](#) to:

263 (i) implement a component of the school's improvement plan or charter agreement,
264 including:

265 [~~(i)~~] (A) the school's identified most critical academic needs;

266 [~~(ii)~~] (B) a recommended course of action to meet the identified academic needs;

267 [~~(iii)~~] (C) a specific listing of any programs, practices, materials, or equipment that the
268 school will need to implement a component of its school improvement plan to have a direct
269 impact on the instruction of students and result in measurable increased student performance;
270 and

271 [~~(iv)~~] (D) how the school intends to spend its allocation of funds under this section to
272 enhance or improve academic excellence at the school~~[-];~~ and

273 (ii) work with students, families, and educators to develop and incorporate health and
274 safety principles, including improving communication between the council and school
275 administrators regarding health and safety principles.

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

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

280 (c) A council shall:

281 (i) post a plan for the use of School LAND Trust Program money that is adopted in
282 accordance with Subsection (4)(b) on the School LAND Trust Program website; and

283 (ii) include with the plan a report noting the number of council members who voted for
284 or against the approval of the plan and the number of council members who were absent for the
285 vote.

286 (d) (i) The local school board of a district school shall approve or disapprove a plan for
287 the use of School LAND Trust Program money.

288 (ii) If a local school board disapproves a plan for the use of School LAND Trust
289 Program money:

290 (A) the local school board shall provide a written explanation of why the plan was
291 disapproved and request the school community council who submitted the plan to revise the
292 plan; and

293 (B) the school community council shall submit a revised plan in response to a local
294 school board's request under Subsection (4)(d)(ii)(A).

295 (iii) Once a plan has been approved by a local school board, a school community
296 council may amend the plan, subject to a majority vote of the school community council and
297 local school board approval.

298 (e) A charter trust land council's plan for the use of School LAND Trust Program
299 money is subject to approval by the:

300 (i) charter school governing board; and

301 (ii) charter school's charter school authorizer.

302 (5) (a) A district school or charter school shall:

303 (i) implement the program as approved;

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

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

307 (b) (i) A district school or charter school shall prepare and post an annual report of the
308 program on the School LAND Trust Program website each fall.

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

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

313 (6) On or before October 1 of each year, a school district shall record the amount of the
314 program funds distributed to each school under Section 53F-2-404 on the School LAND Trust
315 Program website to assist schools in developing the annual report described in Subsection
316 (5)(b).

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

320 (8) (a) The School LAND Trust Program shall provide training to the entities described
321 in Subsection (8)(b) on:

322 (i) the School LAND Trust Program; and

323 (ii) (A) a school community council; or

324 (B) a charter trust land council.

325 (b) The School LAND Trust Program shall provide the training to:

326 (i) a local school board or a charter school governing board;

327 (ii) a school district or a charter school; and

328 (iii) a school community council.

329 (9) The School LAND Trust Program shall annually review each school's compliance
330 with applicable law, including rules adopted by the State Board of Education, by:

331 (a) reading each School LAND Trust Program plan submitted; and

332 (b) reviewing expenditures made from School LAND Trust Program money.

333 (10) The board shall designate a staff member who administers the School LAND
334 Trust Program:

335 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee
336 created under Section 53D-2-202; and

337 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,

338 appointed under Section [53D-2-203](#), to attend meetings or events within the School and
339 Institutional Trust System, as defined in Section [53D-2-102](#), that relate to the School LAND
340 Trust Program.