

**Representative Keven J. Stratton** proposes the following substitute bill:

**SCHOOL COMMUNITY COUNCIL AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

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

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**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 safety principles, including coordination regarding the 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 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



26 [53G-7-1205](#), as enacted by Laws of Utah 2018, Chapter 448

27 [53G-7-1206](#), as enacted by Laws of Utah 2018, Chapter 448



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

42 (A) is attending the school; or

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

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

46 (e) "Safety principles" means safety principles that, when incorporated into programs  
47 and resources, impact academic achievement by strengthening a safe and wholesome learning  
48 environment, including continual efforts for safe technology utilization and digital citizenship.

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

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

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

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

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

88 the council's efforts to develop and incorporate safety principles at the school.

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

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

92 (ii) create a subcommittee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148 (ii) The notice shall include:

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

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

181 member as specified in Subsection (1).

182 (j) Each school community council shall elect:

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

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

185 members, excluding the principal.

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

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

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

189 (b) Any plan or part of a plan developed by a subcommittee or task force shall be

190 subject to the approval of the school community council.

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

192 to serve on a subcommittee or task force, including parents or guardians, school employees, or

193 other community members.

194 (7) (a) A majority of the members of a school community council is a quorum for the

195 transaction of business.

196 (b) The action of a majority of the members of a quorum is the action of the school

197 community council.

198 (8) A local school board shall provide training for a school community council each

199 year, including training:

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

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

202 (c) on this part.

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

204 **53G-7-1205. Charter trust land councils.**

205 (1) To receive School LAND Trust Program funding as described in Sections

206 [53F-2-404](#) and [53G-7-1206](#), a charter school governing board shall establish a charter trust

207 land council, which shall prepare a plan for the use of School LAND Trust Program money that

208 includes the elements described in Subsection [53G-7-1206](#)(4).

209 (2) (a) The membership of the council shall include parents or guardians of students

210 enrolled at the school and may include other members.

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

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

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

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

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

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

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

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

229 **53G-7-1206. School LAND Trust Program.**

230 (1) As used in this section:

231 (a) "Charter agreement" means an agreement made in accordance with Section  
232 53G-5-303 that authorizes the operation of a charter school.

233 (b) "Charter school authorizer" means the same as that term is defined in Section  
234 53G-5-102.

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

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

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

241 (f) "Safety principles" means the same as that term is defined in Section 53G-7-1202.

242 ~~(f)~~ (g) "School community council" means a council established at a district school in



243 accordance with Section [53G-7-1202](#).

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

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

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

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

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

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

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

258 [~~(4)(a) A council shall create a program to use the school's allocation distributed under  
259 Section [53F-2-404](#) to implement]~~

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

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

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

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

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

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

272 (ii) may require efforts to work with students, families, and educators to develop and  
273 incorporate safety principles, including improving communication between the council and

274 school administrators regarding safety principles.

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

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

279 (c) A council shall:

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

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

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

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

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

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

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

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

299 (i) charter school governing board; and

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

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

302 (i) implement the program as approved;

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

304 (iii) meet State Board of Education reporting requirements regarding financial and

305 performance accountability of the program.

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

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

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

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

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

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

321 (i) the School LAND Trust Program; and

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

323 (B) a charter trust land council.

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

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

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

327 (iii) a school community council.

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

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

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

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

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

336 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,  
337 appointed under Section [53D-2-203](#), to attend meetings or events within the School and  
338 Institutional Trust System, as defined in Section [53D-2-102](#), that relate to the School LAND  
339 Trust Program.