

HB0303S01 compared with HB0303

~~{deleted text}~~ shows text that was in HB0303 but was deleted in HB0303S01.

Inserted text shows text that was not in HB0303 but was inserted into HB0303S01.

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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: _____

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:

HB0303S01 compared with HB0303

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

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

Section 1. 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) "Health and safety principles" means health and safety principles that, when incorporated into programs and resources, impact academic achievement by strengthening a safe and wholesome learning environment and protecting against violence, pornography, and abuse.~~

~~{ (d) }~~ ~~{ (e) }~~ (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) "Safety principles" means safety principles that, when incorporated into programs

HB0303S01 compared with HB0303

and resources, impact academic achievement by strengthening a safe and wholesome learning environment, including continual efforts for safe technology utilization and digital citizenship.

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

~~(g)~~ (g) "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.

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

(2) A district school, in consultation with the district school's 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 53G-7-1204;

(ii) create the School LAND Trust Program in accordance with Section 53G-7-1206;

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

(A) the school and its programs;

(B) school district programs;

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

(D) safe technology utilization and digital citizenship; and

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

(iv) provide for education and awareness on safe technology utilization and digital

HB0303S01 compared with HB0303

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's or guardian's child; ~~and~~

(v) 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 local school board policy and Subsection 53G-7-216(3)~~[-]; and~~

(vi) hold at least an annual discussion with the school's principal and district administrators regarding ~~{health and }~~safety principles at the school and district level in order to coordinate the council's efforts to develop and incorporate ~~{ health and }~~ safety principles at the school.

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

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

(ii) create a subcommittee.

(c) 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 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

HB0303S01 compared with HB0303

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

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

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

HB0303S01 compared with HB0303

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

(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.

(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

HB0303S01 compared with HB0303

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 53G-7-1203.

(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) 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) 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;

HB0303S01 compared with HB0303

- (b) on resources available on the School LAND Trust website; and
- (c) on this part.

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

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

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

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

(b) 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.

(3) A charter school governing board may serve as the charter trust land 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 (2)(b).

(4) (a) Except as provided in Subsection (4)(b), 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.

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

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

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

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

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

(1) As used in this section:

(a) "Charter agreement" means an agreement made in accordance with Section

HB0303S01 compared with HB0303

53G-5-303 that authorizes the operation of a charter school.

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

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

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

(e) "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.

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

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

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

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

(3) To receive an allocation under Section 53F-2-404:

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

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

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

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

~~(i) implement}~~ implement

(4) (a) A council shall use the school's allocation distributed under Section 53F-2-404

HB0303S01 compared with HB0303

to create a program that:

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

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

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

~~[(iii)]~~ (C) a specific listing of any programs, practices, materials, or equipment that 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)]~~ (D) how the school intends to spend its allocation of funds under this section to enhance or improve academic excellence at the school[-]; and

(ii) may require efforts to work with students, families, and educators to develop and incorporate ~~{ health and }~~ safety principles, including improving communication between the council and school administrators regarding ~~{ health and }~~ safety principles.

(b) (i) A council shall create and vote to adopt a plan for the use of School LAND Trust Program money in a meeting of the 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) A council shall:

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

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

(d) (i) The local school board of a district school 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:

(A) 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; and

HB0303S01 compared with HB0303

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

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

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

(i) charter school governing board; and

(ii) charter school's charter school authorizer.

(5) (a) A district school or charter 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) A district school or charter school 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.

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

(7) 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.

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

(i) the School LAND Trust Program; and

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

HB0303S01 compared with HB0303

(B) a charter trust land council.

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

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

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

(iii) a school community council.

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

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

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

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

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

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