

**SCHOOL BOARD EXPANSION REQUIREMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: A. Cory Maloy

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to local school boards.

**Highlighted Provisions:**

This bill:

- ▶ modifies the size of a local school board based on student population in the local school district; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-14-201**, as last amended by Laws of Utah 2021, Second Special Session, Chapter 6

**20A-14-202**, as last amended by Laws of Utah 2019, Chapter 255

**20A-14-203**, as last amended by Laws of Utah 2016, Chapter 16

**53G-3-305**, as last amended by Laws of Utah 2019, Chapter 293

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

Section 1. Section **20A-14-201** is amended to read:

**20A-14-201. Boards of education -- School board districts -- Creation --**

**Redistricting.**

30 (1) ~~(a)~~ The county legislative body, for local school districts whose boundaries  
31 encompass more than a single municipality, and the municipal legislative body, for local school  
32 districts contained completely within a municipality, shall divide the local school district into  
33 local school board districts as required under Subsection 20A-14-202(1)~~(a)~~.

34 ~~(b)~~ (2) The county and municipal legislative bodies shall divide the school district so  
35 that the local school board districts are substantially equal in population and are as contiguous  
36 and compact as practicable.

37 ~~(2)~~ ~~(a)~~ (3) County and municipal legislative bodies shall redistrict local school board  
38 districts to meet the population, compactness, and contiguity requirements of this section:

39 ~~(i)~~ (a) at least once every 10 years;

40 ~~(ii)~~ (b) if a new school district is created:

41 ~~(A)~~ (i) within 45 days after the canvass of an election at which voters approve the  
42 creation of a new school district; and

43 ~~(B)~~ (ii) at least 60 days before the candidate filing deadline for a school board  
44 election;

45 ~~(iii)~~ (c) whenever school districts are consolidated;

46 ~~(iv)~~ (d) whenever a school district loses more than 20% of the population of the  
47 entire school district to another school district;

48 ~~(v)~~ (e) whenever a school district loses more than 50% of the population of a local  
49 school board district to another school district;

50 ~~(vi)~~ (f) whenever a school district receives new residents equal to at least 20% of the  
51 population of the school district at the time of the last redistricting because of a transfer of  
52 territory from another school district; and

53 ~~(vii)~~ (g) whenever it is necessary to increase the membership of a board as a result of  
54 changes in student membership under Section 20A-14-202.

55 ~~(b)~~ (4) If a school district receives territory containing less than 20% of the  
56 population of the transferee district at the time of the last redistricting, the local school board  
57 may assign the new territory to one or more existing school board districts.

58           ~~[(3)]~~ (5) Redistricting does not affect the right of any school board member to  
59 complete the term for which the member was elected.

60           ~~[(b)]~~ (i) (6) (a) After redistricting, representation in a local school board district shall  
61 be determined as provided in this Subsection ~~[(3)]~~ (6).

62           ~~[(i)]~~ (b) If, after redistricting, only one board member whose term extends beyond  
63 redistricting lives within a ~~[redistricted]~~ local school board district, that board member shall  
64 represent that local school board district.

65           ~~[(iii)]~~ (A) (c) If, after redistricting, two or more members whose terms extend beyond  
66 redistricting live within a ~~[redistricted]~~ local school board district, the members involved shall  
67 select one member by lot to represent the local school board district.

68           ~~[(B)]~~ (d) The other members shall serve at-large for the remainder of their terms.

69           ~~[(C)]~~ (e) The at-large board members shall serve in addition to the designated number  
70 of board members for the board in question for the remainder of their terms.

71           ~~[(iv)]~~ (f) If there is no board member living within a local school board district whose  
72 term extends beyond redistricting, the seat shall be treated as vacant and filled as provided in  
73 this part.

74           ~~[(4)]~~ (7) (a) If, before an election affected by redistricting, the county or municipal  
75 legislative body that conducted the redistricting determines that one or more members shall be  
76 elected to terms of two years to meet this part's requirements for staggered terms, the legislative  
77 body shall determine by lot which of the redistricted local school board districts will elect  
78 members to two-year terms and which will elect members to four-year terms.

79           (b) All subsequent elections are for four-year terms.

80           ~~[(5)]~~ (8) Within 10 days after any local school board district boundary change, the  
81 county or municipal legislative body making the change shall send an accurate map or plat of  
82 the boundary change to the Utah Geospatial Resource Center created under Section  
83 [63A-16-505](#).

84           Section 2. Section **20A-14-202** is amended to read:

85           **20A-14-202. Local boards of education -- Membership -- When elected --**

86 **Qualifications -- Avoiding conflicts of interest.**

87 (1) (a) [~~Except as provided in Subsection (1)(b), the~~] The board of education of a  
88 school district with a student population of [up to 24,000 students shall consist of] less than  
89 10,000 students comprises five members.

90 (b) The board of education of a school district with a student population of [~~more than~~  
91 ~~10,000 students but fewer than 24,000 students shall increase from five to seven members~~  
92 ~~beginning with the 2004 regular general election~~] 10,000 or more students but fewer than  
93 50,000 students comprises seven members.

94 (c) [~~The~~] Before January 1, 2023, the board of education of a school district with a  
95 student population of [~~24,000~~] 50,000 or more students [~~shall consist of~~] comprises seven  
96 members.

97 (d) Beginning on January 1, 2023:

98 (i) the board of education of a school district with a student population of 50,000 or  
99 more students but fewer than 100,000 students:

100 (A) except as provided in Subsection (1)(d)(i)(B), comprises seven members; or

101 (B) comprises nine members if the board of education of the school district, by  
102 majority vote, increases the board to nine members; and

103 (ii) the board of education of a school district with a student population of 100,000 or  
104 more students comprises nine members.

105 [~~(d)~~] (e) Student population is based on the October 1 student count submitted by  
106 districts to the State Board of Education.

107 [~~(e)~~] (f) If the number of members of a local school board [~~is required to change~~]  
108 changes under Subsection (1)(b), (c), or (d), the [~~board shall be reapportioned and elections~~  
109 ~~conducted~~] county or municipality, as applicable, shall redistrict and hold elections as provided  
110 in Sections 20A-14-201 and 20A-14-203.

111 [~~(f)~~] (g) [~~A school district which now has or increases to~~] Notwithstanding Subsections  
112 (1)(a) through (d), a school district with a seven-member or nine-member board [shall maintain  
113 a seven-member board] does not decrease in size, regardless of subsequent changes in student

114 population.

115 ~~[(g)]~~ (h) (i) Members of a local board of education shall be elected at each regular  
116 general election.

117 (ii) Except as provided in Subsection ~~[(1)(g)(iii)]~~, (1)(h)(iii), in a regular general  
118 election year:

119 (A) no more than three members of a local board of education may be elected to a  
120 five-member board~~[-, nor];~~

121 (B) no more than four members of a local board of education may be elected to a  
122 seven-member board~~[-, in any election year.]; and~~

123 (C) no more than five members of a local board of education may be elected to a  
124 nine-member board.

125 (iii) ~~[More than three members of a local board of education may be elected to a~~  
126 ~~five-member board and more than four members elected to a seven-member board in any~~  
127 ~~election year] A number of members, in excess of the maximums described in Subsection~~  
128 ~~(1)(h)(ii), may be elected~~ only when required ~~[by reapportionment or]~~ due to redistricting, to  
129 fill a vacancy, or to implement ~~[Subsection (1)(b)]~~ Subsections (1)(b) through (d).

130 ~~[(h)]~~ (i) One member of the local board of education shall be elected from each local  
131 school board district.

132 (2) (a) An individual seeking election to a local school board shall have been a resident  
133 of the local school board district in which the person is seeking election for at least one year  
134 immediately preceding the day of the general election at which the board position will be filled.

135 (b) A person who has resided within the local school board district, as the boundaries  
136 of the district exist on the date of the general election, for one year immediately preceding the  
137 date of the election shall be considered to have met the requirements of this Subsection (2).

138 (3) A member of a local school board shall:

139 (a) be and remain a registered voter in the local school board district from which the  
140 member is elected or appointed; and

141 (b) maintain the member's primary residence within the local school board district from

142 which the member is elected or appointed during the member's term of office.

143 (4) A member of a local school board may not, during the member's term in office, also  
144 serve as an employee of that board.

145 Section 3. Section 20A-14-203 is amended to read:

146 **20A-14-203. Becoming a member of a local board of education -- Declaration of**  
147 **candidacy -- Election.**

148 (1) An individual may become a candidate for a local school board by:

149 [~~(a) (i) in the 2016 general election, by filing a declaration of candidacy with the~~  
150 ~~county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or]~~

151 [~~(ii) (a) [in a general election held after 2016, by]~~ filing a declaration of candidacy  
152 with the county clerk on or after the second Friday in March, and before 5 p.m. on the third  
153 Thursday in March, before the next regular general election; and

154 (b) [~~by~~] paying the fee described in Section 20A-9-202.

155 (2) (a) The term of office for an individual elected to a local board of education is four  
156 years, beginning on the first Monday in January after the election.

157 (b) A member of a local board of education shall serve until a successor is:

158 (i) elected; or

159 (ii) appointed and [~~qualified. (c) A member of a local board of education is "qualified"~~  
160 ~~when the member]~~ takes or signs the constitutional oath of office.

161 Section 4. Section 53G-3-305 is amended to read:

162 **53G-3-305. Redistricting -- Local school board membership.**

163 (1) Upon the creation of a new school district, the [~~county~~] applicable legislative body  
164 shall [~~reapportion~~] redistrict the affected school districts [~~pursuant to~~] in accordance with  
165 Section 20A-14-201.

166 (2) Except as provided in Section 53G-3-302, local school board membership in the  
167 affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of  
168 Members of Local Boards of Education.