

**SCHOOL DISTRICT AMENDMENTS**

2024 THIRD SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: Keith Grover

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**LONG TITLE**

**General Description:**

This bill repeals and amends certain provisions relating to creating a new school district and electing school board members when a new school district is created.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ retrospectively repeals procedures for a local school board to propose a new school district;
- ▶ amends certain processes and procedures related to creating a new school district;
- ▶ amends provisions of the Election Code regarding **H→** :

**• the creation of a new school district; and ←H**

local school board elections

when a new school district is created;

▶ specifies the board of canvassers for an election to create a new school district or to elect school board members for a new school district or a reorganized new school

district;

▶ requires county and municipal legislative bodies that redistrict after a new school district is created to adjust initial terms for the newly elected school board members;

▶ amends the timeline for redistricting after a new school district is created; and

▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None



741 voter information pamphlet.

742 ~~Ĥ→ [(5) Subsection (1) does not prohibit the expenditure of public funds in relation to~~  
 743 ~~submitting a proposal for a new school district or a reorganized new school district under~~  
 744 ~~Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.]~~

744a **(5) Subsection (1) does not prohibit a public entity from taking an action under Title 53G,**  
 744b **Chapter 3, Part 3, Creating a New School District, that is necessary for the public entity to**  
 744c **seek the creation of a new school district.** ←Ĥ

745 Section 9. Section 20A-14-201 is amended to read:

746 **20A-14-201. Boards of education -- School board districts -- Creation --**  
 747 **Redistricting.**

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

752 (2) The county and municipal legislative bodies shall divide the school district so that  
 753 the local school board districts are substantially equal in population and are as contiguous and  
 754 compact as practicable.

755 (3) County and municipal legislative bodies shall redistrict local school board districts  
 756 to meet the population, compactness, and contiguity requirements of this section:

757 (a) at least once every 10 years;

758 ~~[(b) if a new school district is created:]~~

759 ~~[(i) within 45 days after the canvass of an election at which voters approve the creation~~  
 760 ~~of a new school district; and]~~

761 ~~[(ii) at least 60 days before the candidate filing deadline for a school board election;]~~

762 (b) for a new school district or a reorganized new school district that is approved by the  
 763 voters at a regular general election under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4,  
 764 before April 1 of the following year;

765 (c) whenever school districts are consolidated;

766 (d) whenever a school district loses more than 20% of the population of the entire  
 767 school district to another school district;

768 (e) whenever a school district loses more than 50% of the population of a local school  
 769 board district to another school district;

770 (f) whenever a school district receives new residents equal to at least 20% of the  
 771 population of the school district at the time of the last redistricting because of a transfer of

1298 district or reorganized new school district, including by:

1299 (a) entering into a loan agreement with the new school district or reorganized new  
1300 school district; or

1301 (b) assisting the new school district or reorganized new school district in securing a  
1302 line of credit.

1303 Section 17. Section **53G-3-301.4** is amended to read:

1304 **53G-3-301.4. Creation of a new school district -- By interlocal agreement**  
1305 **participants -- Procedures to follow.**

1306 (1) [~~Interlocal agreement participants may initiate the process to create a new school~~  
1307 ~~district in accordance with this section and with Section 53G-3-301.;~~]

1308 (a) On or after April 30, 2024, interlocal agreement participants may file a request  
1309 proposing the creation of a new school district in accordance with this section and Section  
1310 53G-3-301.

1311 (b) A municipality may not:

1312 (i) enter into more than one interlocal agreement for the purpose of submitting for voter  
1313 approval, in the same election, a proposal to create a new school district under this part; or

1314 (ii) participate in a request under this section and submit a request under Section  
1315 53G-3-301.3 for the same election.

1316 (c) A municipality may not withdraw from an interlocal agreement under this part,  
1317 unless, before August 1 of the year in which the interlocal agreement participants file the  
1318 request under Subsection (1)(a):

1319 (i) the municipality votes, via the legislative body of the municipality, to withdraw  
1320 from the interlocal agreement; and

1321 (ii) a majority of all municipalities that are participants in the interlocal agreement vote  
1322 to withdraw from the interlocal agreement, via a separate vote of the legislative body of each  
1323 municipality.

1324 (d) If a majority of all municipalities that are participants in the interlocal agreement  
1325 vote to withdraw from the interlocal agreement under Subsection (1)(a), the request is void and  
1326 the interlocal agreement participants may not participate in a new or a revised request until the  
1327 following year.

1328 (2) (a) ~~It~~ **→ [By] Except as provided in Subsection (3), by ←It** a majority vote of each  
1328a legislative body, the legislative body of a

1329 municipality, together with at least one other municipality, may enter into an interlocal  
1330 agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose  
1331 of submitting for voter approval a measure to create a new school district if ~~H→~~ [:

1332 ~~—— (i) except as provided in Subsection (3),] ←H the new school district boundaries comply~~  
1333 ~~with the requirements of Section 53G-3-301 H→ [; and] . ←H~~

1334 (ii) ~~[the combined population within the proposed new school district of the interlocal~~  
1335 ~~agreement participants is at least 80% of the total population of the proposed new school~~  
1336 ~~district.] H→ [the total population within the proposed new school district is at least 80% of the total~~  
1337 ~~combined population of the interlocal agreement participants' population.] ←H~~

1338 (b) A county may only participate in an interlocal agreement under this Subsection (2)  
1339 for the unincorporated areas of the county.

1340 (c) Boundaries of a new school district created under this section may include:

1341 (i) a portion of one or more existing school districts; and

1342 (ii) a portion of the unincorporated area of a county.

1343 (3) (a) As used in this Subsection (3), "municipality's school district" means the school  
1344 district that includes all of the municipality in which the isolated area is located except the  
1345 isolated area, as that term is defined in Section 53G-3-102.

1346 (b) Notwithstanding Subsection 53G-3-301(3), a municipality may be a participant in  
1347 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
1348 within the municipality's boundaries if:

1349 (i) the portion of the municipality proposed to be included in the new school district  
1350 would, if not included, become an isolated area upon the creation of the new school district; or

1351 (ii) (A) the portion of the municipality proposed to be included in the new school  
1352 district is within the boundaries of the same school district that includes the other interlocal  
1353 agreement participants; and

1354 (B) the portion of the municipality proposed to be excluded from the new school  
1355 district is within the boundaries of a school district other than the school district that includes  
1356 the other interlocal agreement participants.

1357 (c) (i) Notwithstanding Subsection 53G-3-301(3), interlocal agreement participants  
1358 may submit a proposal to the legal voters residing within the proposed new school district  
1359 boundaries to create a new school district in accordance with an interlocal agreement under

1422 (i) provide for a ~~[45-day]~~ 30-day public comment period to begin:

1423 (A) on the day on which the legislative bodies of the interlocal agreement participants  
1424 receive the report under Subsection (7); ~~[and]~~ or

1425 ~~Ĥ→ [(B) if the municipal legislative body uses a feasibility study described in Subsection~~  
1426 ~~(5)(b), on July 1, 2024; and] (B) on July 1, 2024, if the municipal legislative body uses a feasibility~~  
1426a ~~study described in Subsection (7)(b), regardless of whether the municipal legislative body~~  
1426b ~~provided all or a portion of a public comment period in relation to the feasibility study before~~  
1426c ~~July 1, 2024; and ←Ĥ~~

1427 (ii) ~~Ĥ→~~ except as provided in Subsection (8)(d), ←Ĥ hold at least two public hearings, as  
1427a defined in Section 10-9a-103, on the study and  
1428 recommendation.

1429 (b) Within 14 days after the day on which the public comment period ends, the  
1430 legislative bodies of the interlocal agreement participants shall vote on the creation of the  
1431 proposed new school district.

1432 (c) The interlocal agreement participants approve a proposal if a majority of each of the  
1433 legislative bodies of the interlocal agreement participants' members vote in favor of the  
1434 proposal. ~~Ĥ→~~

1434a (d) If the municipal legislative body uses a feasibility study described in  
1434b Subsection (7)(b), the number of public hearings required under Subsection (8)(a)(ii) is  
1434c reduced by the number of public hearings the municipal legislative body held on the feasibility  
1434d study before July 1, 2024. ←Ĥ

1435 (9) ~~[(a)]~~ Within five business days after the day on which the interlocal agreement  
1436 participants approve a ~~[proposal]~~ request proposing the creation of a new school district, the  
1437 interlocal agreement participants shall notify the legislative body and the county clerk of each  
1438 county described in Subsection (4)(a).

1439 ~~[(H)]~~

1440 ~~[(b) The legislative body of each county described in Subsection (4) shall submit the~~  
1441 ~~proposal to the respective clerk of each county to be voted on:]~~

1442 ~~[(i) by the legal voters residing within the proposed new school district boundaries;]~~

1443 ~~[(ii) in accordance with the procedures and requirements applicable to a regular general~~  
1444 ~~election under Title 20A, Election Code; and]~~

1445 ~~[(iii) at the next regular general election or municipal general election, whichever is~~  
1446 ~~first:]~~

1447 ~~[(10) A new school district is created if a majority of the legal voters residing within~~  
1448 ~~the proposed new district boundaries voting on the proposal vote in favor of the creation of the~~  
1449 ~~new school district.]~~

1450 (10) (a) The county clerks of the counties described in Subsection (4)(a) shall submit

1451 the proposal for the creation of a new school district to all legal voters residing within the✪

1452 ☛proposed new school district boundaries for approval or rejection at the next regular general