

1                   **SCHOOL COMMUNITY COUNCILS AMENDMENTS**

2                                   2011 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Bill Wright**

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

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies provisions pertaining to the membership, selection, and operation of  
10 school community councils.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ modifies qualifications for a parent or guardian member of a school community  
14 council;
- 15           ▶ modifies duties of a school community council;
- 16           ▶ requires an election for the parent or guardian members of a school community  
17 council to:
- 18           • extend for a period of at least three consecutive school days; and
  - 19           • commence no later than 30 days after the first day of the school year;
- 20           ▶ requires a principal to provide notification of a school community council election  
21 at least 21 days before the commencement of an election;
- 22           ▶ modifies the officer positions of a school community council;
- 23           ▶ requires a school's principal, in order for the school to receive an allotment of  
24 School LAND Trust Program money, to provide a signed, written assurance that:
- 25           • the school community council membership is consistent with requirements  
26 specified in law; and
  - 27           • the selection of school community council members is consistent with



28 requirements specified in law;

29       ▶ directs the Legislative Auditor General, at the direction of the Legislative Audit  
30 Subcommittee, to audit a sample of schools for compliance with requirements  
31 pertaining to school community council membership and the selection of school  
32 community council members;

33       ▶ provides for a reduction or an elimination of a school's allocation of School LAND  
34 Trust money for failure to comply with requirements pertaining to school  
35 community council membership or the selection of school community council  
36 members; and

37       ▶ makes technical amendments.

38 **Money Appropriated in this Bill:**

39       None

40 **Other Special Clauses:**

41       None

42 **Utah Code Sections Affected:**

43 AMENDS:

44       **53A-1a-108**, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332

45       **53A-16-101.5**, as last amended by Laws of Utah 2008, Chapters 332 and 382



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

48       Section 1. Section **53A-1a-108** is amended to read:

49       **53A-1a-108. School community councils authorized -- Duties -- Composition --  
50 Election procedures and selection of members.**

51       (1) As used in this section:

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

54       (A) is attending the school [~~or who~~];

55       (B) will be enrolled at the school at any time during the parent's or guardian's initial  
56 term of office[-]; or

57       (C) was enrolled at the school during the parent or guardian member's initial term of  
58 office as provided in Subsection (5)(g)(iii).

59 (ii) "Parent or guardian member" may not include a person who ~~[meets the definition~~  
60 ~~of a school employee member]~~ is employed by the school district in which the school is located  
61 unless the person's employment ~~[at the school]~~ does not exceed an average of six hours per  
62 week.

63 (b) "School employee member" means a member of a school community council who  
64 is a person employed at a school by the school or school district, including the principal.

65 (2) Each public school, in consultation with its local school board, shall establish a  
66 school community council at the school building level.

67 (3) (a) Each school community council shall:

68 (i) develop a school improvement plan in accordance with Section 53A-1a-108.5;

69 (ii) develop the School LAND Trust Program in accordance with Section  
70 53A-16-101.5;

71 (iii) assist in the development and implementation of a staff professional development  
72 plan as provided by Section 53A-3-701; and

73 ~~[(iv) develop a child access routing plan in accordance with Section 53A-3-402; and]~~

74 ~~[(v)]~~ (iv) advise and make recommendations to school and school district  
75 administrators and the local school board regarding the school and its programs, school district  
76 programs, and other issues relating to the community environment for students.

77 (b) In addition to the duties specified in Subsection (3)(a), a school community council  
78 for an elementary school shall develop a reading achievement plan in accordance with Section  
79 53A-1-606.5.

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

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

86 (b) Except as provided in Subsection (4)(c):

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

89 (ii) each school community council for a school other than a high school shall have

90 four parent or guardian members and three school employee members, including the principal.

91 (c) (i) A school community council may have a larger membership provided that the  
92 number of parent or guardian members exceeds the number of school employee members.

93 (ii) A school community council may have a smaller membership provided that:

94 (A) the number of parent or guardian members exceeds the number of school employee  
95 members; and

96 (B) there are at least two school employee members on the school community council.

97 (5) (a) Each school employee member, except the principal, shall be elected by secret  
98 ballot by a majority vote of the school employees and serve a two-year term. The principal  
99 shall serve as an ex officio member with full voting privileges.

100 (b) (i) Each parent or guardian member shall be elected by secret ballot at an election  
101 held at the school by a majority vote of those voting at the election and serve a two-year term.

102 (ii) Only parents or guardians of students attending the school may vote at the election  
103 under Subsection (5)(b)(i).

104 (iii) Any parent or guardian of a student who meets the qualifications of this section  
105 may file or declare himself as a candidate for election to a school community council.

106 (iv) An election for the parent or guardian members of a school community council  
107 shall:

108 (A) extend for a period of at least three consecutive school days; and

109 (B) commence no later than 30 days after the first day of the school year.

110 (c) (i) The principal of the school, or the principal's designee, shall provide notice of  
111 the available community council positions to school employees, parents, and guardians at least  
112 [~~14~~] 21 days before the date that voting commences for the elections held under Subsections  
113 (5)(a) and (5)(b).

114 (ii) The notice shall include:

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

116 (B) a list of council positions that are up for election; and

117 (C) instructions for becoming a candidate for a community council position.

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

120 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a

121 secure ballot box[;].

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

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

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

130 (iii) The [~~chair~~] cochairs of the community council shall notify the local school board  
131 of each appointment made under Subsection (5)(e)(i)[;] or (ii)[, ~~or~~ (iii)].

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

134 (f) Initial terms shall be staggered so that no more than 50% of the council members  
135 stand for election in any one year.

136 (g) (i) Each public school, in consultation with its local school board, shall set the  
137 beginning date of the term of office for school community council members.

138 (ii) [~~Council members~~] A school community council member may serve up to three  
139 successive terms.

140 (iii) If a parent or guardian member's child is enrolled in the school at any time during  
141 the parent or guardian member's initial term of office, the parent or guardian member may  
142 serve up to three successive terms even though the parent or guardian member's child is no  
143 longer enrolled in the school.

144 (h) (i) Each school community council shall elect [~~a chair and vice chair~~] two cochairs  
145 from its parent or guardian members and elected employee members.

146 (ii) No more than one parent or guardian member or elected employee member may at  
147 the same time serve as [~~an officer specified in Subsection (5)(h)(i)] cochair.~~

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

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

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

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

152 subject to the approval of the school community council.

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

156 (7) (a) A school community council shall provide the following information:

157 (i) the proposed school community council meeting schedule for the year, provided  
158 during the first two weeks of the school year;

159 (ii) a summary of the school community council's actions and activities during the first  
160 half of the school year information, provided at the mid-point of the school year; and

161 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the  
162 school's School LAND Trust Program monies were used to enhance or improve academic  
163 excellence at the school and implement a component of the school's improvement plan,  
164 provided at the beginning of the next school year.

165 (b) The school community council shall provide the information described in  
166 Subsection (7)(a) by:

167 (i) posting the information on the school's website; and

168 (ii) providing individual delivery to each household that has a student attending the  
169 school by:

170 (A) mailing the information;

171 (B) delivering a voice message describing the information and explaining where to  
172 obtain the full information;

173 (C) sending an e-mail message containing the information;

174 (D) providing the information in a packet that is to be delivered to a student's parent or  
175 guardian:

176 (I) during the school's annual registration period; or

177 (II) with the student's report card; or

178 (E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through  
179 (D).

180 (8) A school community council shall, at least one week prior to a meeting, post the  
181 following information on the school's website:

182 (a) notice of the meeting date, time, and place;

183 (b) an agenda for the meeting; and

184 (c) a summary of the previous meeting.

185 Section 2. Section **53A-16-101.5** is amended to read:

186 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**  
187 **School plans for use of funds.**

188 (1) There is established the School LAND (Learning And Nurturing Development)  
189 Trust Program for the state's public schools to provide financial resources to enhance or  
190 improve student academic achievement and implement a component of the school  
191 improvement plan.

192 (2) (a) The program shall be funded each fiscal year:

193 (i) from the Interest and Dividends Account created in Section 53A-16-101; and

194 (ii) in the amount of the sum of the following:

195 (A) the interest and dividends from the investment of money in the permanent State  
196 School Fund deposited to the Interest and Dividends Account in the immediately preceding  
197 year; and

198 (B) interest accrued on money in the Interest and Dividends Account in the  
199 immediately preceding fiscal year.

200 (b) On and after July 1, 2003, the program shall be funded as provided in Subsection  
201 (2)(a) up to [~~a maximum of~~] an amount equal to 2% of the funds provided for the Minimum  
202 School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act, each  
203 fiscal year.

204 (c) The Legislature shall annually allocate, through an appropriation to the State Board  
205 of Education, a portion of School LAND Trust Program money for the administration of the  
206 program.

207 (3) (a) The State Board of Education shall allocate the money referred to in Subsection  
208 (2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter as  
209 follows:

210 (i) school districts and the charter schools combined shall receive 10% of the funds on  
211 an equal basis; and

212 (ii) the remaining 90% of the funds shall be distributed on a per student basis, with  
213 each school district and charter school receiving its allocation based on the number of students

214 in the school district and charter school as compared to the state total.

215 (b) [~~Each~~] A school district shall distribute its allocation under Subsection (3)(a) to  
216 each school within the district on an equal per student basis.

217 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
218 [~~board~~] State Board of Education may make rules regarding the time and manner in which the  
219 student count shall be made for allocation of the money.

220 (4) (a) Except as provided in Subsection (7), in order to receive its allocation under  
221 Subsection (3)[~~7~~]:

222 (i) a school shall have established a school community council [~~under~~] in accordance  
223 with Section 53A-1a-108[~~7~~]; and

224 (ii) the school's principal shall provide a signed, written assurance in accordance with  
225 rules of the State Board of Education that:

226 (A) the membership of the school community council is consistent with the  
227 membership requirements specified in Section 53A-1a-108; and

228 (B) the members were elected or appointed consistent with selection requirements  
229 specified in 53A-1a-108.

230 (b) At the direction of the Legislative Audit Subcommittee, the Legislative Auditor  
231 General shall:

232 (i) audit a sample of schools to determine compliance with requirements specified in  
233 Section 53A-1a-108 for school community council membership and the election or  
234 appointment of school community council members; and

235 (ii) submit an audit report to the Legislative Audit Subcommittee.

236 (c) The Legislative Audit Subcommittee shall forward the audit report to the Public  
237 Education Appropriations Subcommittee.

238 (d) (i) The Public Education Appropriations Subcommittee may recommend that all or  
239 a portion of a school's allocation of School LAND Trust Program money under Subsection (3)  
240 be reduced or eliminated for a fiscal year if the school has failed to comply with requirements  
241 specified in Section 53A-1a-108 for school community council membership or the election or  
242 appointment of school community council members.

243 (ii) Upon the recommendation of the Public Education Appropriations Subcommittee,  
244 the Legislature may direct, by intent language in legislation appropriating School LAND Trust



245 Program money, that a school's allocation of money under Subsection (3) be reduced or  
246 eliminated for failure to comply with requirements specified in Section 53A-1a-108 for school  
247 community council membership or the election or appointment of school community council  
248 members.

249 (5) (a) The school community council or its subcommittee shall develop a program to  
250 use its allocation under Subsection (3) to implement a component of the school's improvement  
251 plan, including:

252 (i) the school's identified most critical academic needs;

253 (ii) a recommended course of action to meet the identified academic needs;

254 (iii) a specific listing of any programs, practices, materials, or equipment which the  
255 school will need to implement a component of its school improvement plan to have a direct  
256 impact on the instruction of students and result in measurable increased student performance;  
257 and

258 (iv) how the school intends to spend its allocation of funds under this section to  
259 enhance or improve academic excellence at the school.

260 (b) The school may develop a multiyear program, but the program shall be [~~presented~~  
261 ~~and~~] approved by the school community council and the local school board of the district in  
262 which the school is located annually and as a prerequisite to receiving program funds allocated  
263 under this section.

264 (c) (i) A local school board may approve or disapprove a plan for the use of School  
265 LAND Trust Program money.

266 (ii) If a local school board disapproves a plan for the use of School LAND Trust  
267 Program money, the local school board shall provide a written explanation of why the plan was  
268 disapproved and request the school community council who submitted the plan to revise the  
269 plan.

270 (iii) The school community council shall submit a revised plan to the local school  
271 board for approval.

272 (6) (a) Each school shall:

273 (i) implement the program as approved by the school community council and approved  
274 by the local school board;

275 (ii) provide ongoing support for the council's or its subcommittee's program; and

276 (iii) meet school board reporting requirements regarding financial and performance  
277 accountability of the program.

278 (b) (i) Each school through its council or its subcommittee shall prepare and present an  
279 annual report of the program to its local school board at the end of the school year.

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

282 (iii) A summary of the report shall be sent to households in accordance with the  
283 provisions under Subsection 53A-1a-108(7).

284 (7) (a) The governing board of a charter school shall prepare a plan for the use of  
285 [~~school trust~~] School LAND Trust Program money that includes the elements listed in  
286 Subsection (5).

287 (b) The plan shall be subject to approval by the entity that authorized the establishment  
288 of the charter school.

289 (8) (a) A school community council and a governing board of a charter school may not  
290 be required to:

291 (i) send a letter to legislators or other elected officials on the school's use of School  
292 LAND Trust Program money as a condition of receiving the money; or

293 (ii) report to the State Board of Education or any local school board on whether any  
294 letters were sent to legislators or other elected officials on the school's use of School LAND  
295 Trust Program money.

296 (b) Subsection (8)(a)(i) does not apply to the annual report to the local school board  
297 required by Subsection (6)(b).

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**Legislative Review Note**  
**as of 2-8-11 4:50 PM**

**Office of Legislative Research and General Counsel**