

30 **53A-1a-108.1**, Utah Code Annotated 1953



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **52-4-103** is amended to read:

34 **52-4-103. Definitions.**

35 As used in this chapter:

36 (1) "Anchor location" means the physical location from which:

- 37 (a) an electronic meeting originates; or
- 38 (b) the participants are connected.

39 (2) "Convening" means the calling of a meeting of a public body by a person
40 authorized to do so for the express purpose of discussing or acting upon a subject over which
41 that public body has jurisdiction or advisory power.

42 (3) "Electronic meeting" means a public meeting convened or conducted by means of a
43 conference using electronic communications.

44 (4) "Electronic message" means a communication transmitted electronically, including:

- 45 (a) electronic mail;
 - 46 (b) instant messaging;
 - 47 (c) electronic chat;
 - 48 (d) text messaging as defined in Section 76-4-401; or
 - 49 (e) any other method that conveys a message or facilitates communication
- 50 electronically.

51 (5) (a) "Meeting" means the convening of a public body, with a quorum present,
52 including a workshop or an executive session whether the meeting is held in person or by
53 means of electronic communications, for the purpose of discussing, receiving comments from
54 the public about, or acting upon a matter over which the public body has jurisdiction or
55 advisory power.

56 (b) "Meeting" does not mean:

- 57 (i) a chance meeting;

58 (ii) a social meeting;
59 (iii) the convening of a public body that has both legislative and executive
60 responsibilities where no public funds are appropriated for expenditure during the time the
61 public body is convened and:

62 (A) the public body is convened solely for the discussion or implementation of
63 administrative or operational matters for which no formal action by the public body is required;
64 or

65 (B) the public body is convened solely for the discussion or implementation of
66 administrative or operational matters that would not come before the public body for
67 discussion or action; or

68 (iv) a meeting of the State Tax Commission to consider a confidential tax matter in
69 accordance with Section 59-1-405.

70 (6) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
71 public statements of each member of the public body who is participating in a meeting.

72 (7) "Participate" means the ability to communicate with all of the members of a public
73 body, either verbally or electronically, so that each member of the public body can hear or
74 observe the communication.

75 (8) (a) "Public body" means any administrative, advisory, executive, or legislative body
76 of the state or its political subdivisions that:

- 77 (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- 78 (ii) consists of two or more persons;
- 79 (iii) expends, disburses, or is supported in whole or in part by tax revenue; and
- 80 (iv) is vested with the authority to make decisions regarding the public's business.

81 (b) "Public body" does not include a:

- 82 (i) political party, political group, or political caucus; [or]
- 83 (ii) conference committee, rules committee, or sifting committee of the Legislature[-];

84 or

85 (iii) school community council established under Section 53A-1a-108.

86 (9) "Public statement" means a statement made in the ordinary course of business of
87 the public body with the intent that all other members of the public body receive it.

88 (10) (a) "Quorum" means a simple majority of the membership of a public body, unless
89 otherwise defined by applicable law.

90 (b) "Quorum" does not include a meeting of two elected officials by themselves when
91 no action, either formal or informal, is taken on a subject over which these elected officials
92 have advisory power.

93 (11) "Recording" means an audio, or an audio and video, record of the proceedings of a
94 meeting that can be used to review the proceedings of the meeting.

95 (12) "Transmit" means to send, convey, or communicate an electronic message by
96 electronic means.

97 Section 2. Section **53A-1a-108** is amended to read:

98 **53A-1a-108. School community councils authorized -- Duties -- Composition --**
99 **Election procedures and selection of members.**

100 (1) As used in this section:

101 (a) "Educator" has the meaning defined in Section 53A-6-103.

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

104 (A) is attending the school;

105 (B) will be enrolled at the school at any time during the parent's or guardian's initial
106 term of office; or

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

109 (ii) "Parent or guardian member" may not include an educator who is employed by the
110 school district in which the school is located unless the educator's employment does not exceed
111 an average of six hours per week.

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

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

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

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

118 (ii) create the School LAND Trust Program in accordance with Section 53A-16-101.5;

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

121 (iv) advise and make recommendations to school and school district administrators and
122 the local school board regarding the school and its programs, school district programs, a child
123 access routing plan in accordance with Section 53A-3-402, and other issues relating to the
124 community environment for students.

125 (b) In addition to the duties specified in Subsection (3)(a), a school community council
126 for an elementary school shall create a reading achievement plan in accordance with Section
127 53A-1-606.5.

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

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

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

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

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

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

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

142 (A) the number of parent or guardian members exceeds the number of school employee
143 members; and

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

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

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

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

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

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

156 (A) extend for a period of at least three consecutive school days; [~~and~~]

157 (B) [~~commence no later than~~] begin within the first 30 days [~~after the first day~~] of the
158 school year[-]; and

159 (C) end no later than 35 days after the first day of the school year.

160 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
161 the available community council positions to school employees, parents, and guardians at least
162 [~~24~~] 10 days before the date that voting commences for the elections held under Subsections
163 (5)(a) and (5)(b).

164 (ii) The notice shall include:

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

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

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

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

170 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
171 secure ballot box.

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

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

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

180 (iii) The cochairs or chair of the community council shall notify the local school board
181 of each appointment made under Subsection (5)(e)(i) or (ii).

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

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

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

188 (ii) A school community council member may serve up to three successive terms.

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

193 (h) Each school community council shall elect:

194 (i) two cochairs from its parent or guardian members or one cochair from its parent or
195 guardian members and one cochair from its elected employee members; or

196 (ii) a chair and a vice chair from its parent or guardian members.

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

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

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

200 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
201 subject to the approval of the school community council.

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

205 ~~[(7) (a) A school community council shall provide the following information:]~~

206 ~~[(i) the proposed school community council meeting schedule for the year, provided
207 during the first two weeks of the school year;]~~

208 ~~[(ii) a summary of the school community council's actions and activities during the first
209 half of the school year information, provided at the mid-point of the school year;]~~

210 ~~[(iii) a summary of the annual report required under Section 53A-16-101.5 on how the
211 school's School LAND Trust Program money was used to enhance or improve academic
212 excellence at the school and implement a component of the school's improvement plan;
213 provided at the beginning of the next school year; and]~~

214 ~~[(iv) a telephone number, if available, and email address, if available, where each
215 community council member can be reached directly.]~~

216 ~~[(b) The school community council shall provide the information described in
217 Subsection (7)(a) by:]~~

218 ~~[(i) posting the information on the school's website; and]~~

219 ~~[(ii) providing individual delivery to each household that has a student attending the
220 school by:]~~

221 ~~[(A) mailing the information;]~~

222 ~~[(B) delivering a voice message describing the information and explaining where to
223 obtain the full information;]~~

224 ~~[(C) sending an e-mail message containing the information;]~~

225 ~~[(D) providing the information in a packet that is to be delivered to a student's parent or~~

226 guardian:]
 227 [~~(f)~~ during the school's annual registration period; or]
 228 [~~(ff)~~ with the student's report card; or]
 229 [~~(E)~~ using a combination of the methods described in Subsections ~~(7)(b)(ii)(A)~~ through
 230 ~~(D)~~:]

231 [~~(8)~~ A school community council shall, at least one week prior to a meeting, post the
 232 following information on the school's website:]

- 233 [~~(a)~~ notice of the meeting date, time, and place;]
- 234 [~~(b)~~ an agenda for the meeting; and]
- 235 [~~(c)~~ a summary of the previous meeting.]

236 [~~(9)~~] (7) (a) A majority of the members of a school community council is a quorum for
 237 the transaction of business.

238 (b) The action of a majority of the members of a quorum is the action of the school
 239 community council.

240 [~~(10)~~] (8) A local school board shall give each school community council member a
 241 copy of the following statutes governing school community councils:

- 242 (a) Section 53A-1a-108;
- 243 (b) Section 53A-1a-108.1;
- 244 [~~(b)~~] (c) Section 53A-1a-108.5; and
- 245 [~~(c)~~] (d) Section 53A-16-101.5.

246 Section 3. Section **53A-1a-108.1** is enacted to read:

247 **53A-1a-108.1. School community councils -- Open and public meeting**
 248 **requirements.**

- 249 (1) A school community council established under Section 53A-1a-108:
- 250 (a) shall conduct deliberations and take action openly as provided in this section; and
- 251 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.
- 252 (2) The chair of a school community council shall ensure that the members of the
- 253 school community council are provided with annual training on the requirements of this

254 section.

255 (3) (a) A meeting of a school community council is open to the public.

256 (b) A school community council may not close any portion of a meeting.

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

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

260 (b) an agenda for the meeting; and

261 (c) the minutes of the previous meeting.

262 (5) (a) A school community council shall provide the following information within the
263 first six weeks of the school year:

264 (i) the proposed school community council meeting schedule for the year; and

265 (ii) either a telephone number or email address, or both, where each school community
266 council member can be reached directly.

267 (b) On or before November 15, a school community council shall provide a summary
268 of the annual report required under Section 53A-16-101.5 on how the school's School LAND
269 Trust Program money was used to enhance or improve academic excellence at the school and
270 implement a component of the school's improvement plan.

271 (c) The school community council shall provide the information described in
272 Subsections (5)(a) and (b) by:

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

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

276 (A) mailing the information;

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

279 (C) sending an email message containing the information;

280 (D) providing the information in a packet that is to be delivered to a student's parent or
281 guardian during the school's annual registration period or with the student's report card; or

282 (E) using a combination of the methods described in Subsections (5)(b)(ii)(A) through
283 (D).

284 (6) (a) The notice requirement of Subsection (4) may be disregarded if:

285 (i) because of unforeseen circumstances it is necessary for a school community council
286 to hold an emergency meeting to consider matters of an emergency or urgent nature; and

287 (ii) the school community council gives the best notice practicable of:

288 (A) the time and place of the emergency meeting; and

289 (B) the topics to be considered at the emergency meeting.

290 (b) An emergency meeting of a school community council may not be held unless:

291 (i) an attempt has been made to notify all the members of the school community
292 council; and

293 (ii) a majority of the members of the school community council approve the meeting.

294 (7) (a) An agenda required under Subsection (4)(b) shall provide reasonable specificity
295 to notify the public as to the topics to be considered at the meeting.

296 (b) Each topic described in Subsection (7)(a) shall be listed under an agenda item on
297 the meeting agenda.

298 (c) A school community council may not take final action on a topic in a meeting
299 unless the topic is:

300 (i) listed under an agenda item as required by Subsection (7)(b); and

301 (ii) included with the advance public notice required by Subsection (4).

302 (8) (a) Written minutes shall be kept of a school community council meeting.

303 (b) Written minutes of a school community council meeting shall include:

304 (i) the date, time, and place of the meeting;

305 (ii) the names of members present and absent;

306 (iii) a brief statement of the matters proposed, discussed, or decided;

307 (iv) a record, by individual member, of each vote taken;

308 (v) the name of each person who:

309 (A) is not a member of the school community council; and

310 (B) after being recognized by the chair, provided testimony or comments to the school
311 community council;

312 (vi) the substance, in brief, of the testimony or comments provided by the public under
313 Subsection (8)(b)(v); and

314 (vii) any other information that is a record of the proceedings of the meeting that any
315 member requests be entered in the minutes.

316 (c) The written minutes of a school community council meeting are a public record
317 under Title 63G, Chapter 2, Government Records Access and Management Act, as follows:

318 (i) written minutes that have been prepared in a form awaiting only formal approval by
319 the school community council are a public record;

320 (ii) written minutes shall be posted on the school's website as provided in Subsection
321 (4);

322 (iii) written minutes that are made available to the public before approval by the school
323 community council shall be clearly identified as "awaiting formal approval" or "unapproved" or
324 with some other appropriate notice that the written minutes are subject to change until formally
325 approved;

326 (iv) written minutes are the official record of action taken at the meeting; and

327 (v) the written minutes of a school community council shall be retained for three years.

328 (9) (a) As used in this Subsection (9), "rules of order and procedure" means a set of
329 rules that govern and prescribe in a public meeting:

330 (i) parliamentary order and procedure;

331 (ii) ethical behavior; and

332 (iii) civil discourse.

333 (b) A school community council shall:

334 (i) adopt rules of order and procedure to govern a public meeting of the school
335 community council;

336 (ii) conduct a public meeting in accordance with the rules of order and procedure
337 described in Subsection (9)(b)(i); and

338 (iii) make the rules of order and procedure described in Subsection (9)(b)(i) available
339 to the public:
340 (A) at each public meeting of the school community council; and
341 (B) on the school's website.