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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Brad C. Smith
Chief Executive Officer

DATE: August 6-7, 2015

ACTION: R277-491 *School Community Councils* (Additional Amendment)

Background:

R277-491 governs school community councils. The rule was updated and considered by the Board in June. The rule requires a principal of a school to provide a report to a school community council. The rule needs further revision to amend what is included in a principal's required report.

Key Points:

The revisions clarify what is required to be included in a principal's report to a school community council on the school's internet filtering, instructional practices, and internet safety training required in Utah Code.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving the additional amendments to R277-491 on second reading and, if approved by the Committee, the Board consider approving R277-491, as amended, on third and final reading.

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R277. Education, Administration.

[R277-491. School Community Councils.

R277-491-1. Definitions.

- ~~_____ A. "Board" means the Utah State Board of Education.~~
- ~~_____ B. "Candidate" means a parent or school employee who has filed for election to the school community council.~~
- ~~_____ C. "Contested race" means the election of members to a school community council when there are more candidates than open positions.~~
- ~~_____ D. "Days" means calendar days unless otherwise specifically designated.~~
- ~~_____ E. "Educator" means a person employed by the school district where the person's child attends school and who holds a current educator license.~~
- ~~_____ F. "Parent" means the parent or legal guardian of a student attending a school district public school.~~
- ~~_____ G. "Parent or legal guardian member":~~
 - ~~_____ (1) means a member of a school community council who is a parent of a student who will be enrolled at the school at any time during the parent's or legal guardian's term of office; and~~
 - ~~_____ (2) may not include an educator that the school employs.~~
- ~~_____ H. "School principal" means the principal of the school or designee as assigned by the principal.~~
- ~~_____ I. "School community" means the geographic area the school district designates as the attendance area, with reasonable inclusion of the parents and legal guardians of additional students who currently attend the school.~~
- ~~_____ J. "School community council" means the council organized at each school district public school consistent with Section 53A-1a-108 and R277-491. The council includes the principal, school employee members and parent members. Each council shall have at least a two parent member majority.~~
- ~~_____ K. "School employee member" means a member of a school community council that the school or school district employs at a school, including the principal.~~
- ~~_____ L. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report.~~
- ~~_____ M. "USDB" means the Utah Schools for the Deaf and the Blind.~~
- ~~_____ N. "USOE" means the Utah State Office of Education.~~

R277-491-2. Authority and Purpose.

- ~~_____ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.~~
- ~~_____ B. Local boards of education are responsible for school community council operations, plan approval, oversight, and training.~~
- ~~_____ C. The purpose of this rule is to:~~
 - ~~_____ (1) provide procedures and clarifying information to school community councils to assist them in fulfilling school community council responsibilities consistent with Section 53A-1a-108(3);~~
 - ~~_____ (2) provide direction to school districts and schools in establishing and maintaining school community councils whose primary focus is to develop, approve, and assist in implementing school plans, and advising school/school district administrators consistent~~

with Sections 53A-1a-108(3) and 53A-16-101.5;

~~— (3) provide a framework and support for improved academic achievement of students that is locally driven from within individual schools, through critical review of assessments and other indicators of student success, by establishing meaningful, measurable goals and implementing research-based programs and processes to reach the goals;~~

~~— (4) encourage increased participation of the parents, school employees and others that support the purposes of the school community councils;~~

~~— (5) encourage compliance with the law; and~~

~~— (6) increase public awareness of:~~

~~— (a) school trust lands and related land policies;~~

~~— (b) management of the permanent State School Fund established in Utah Constitution Article X, Section 5; and~~

~~— (c) educational excellence.~~

R277-491-3. School Community Council Member Election Provisions.

~~— A. Each school shall establish a timeline for the election of parent or legal guardian members of a school community council; the timeline shall remain consistent for at least a four-year period.~~

~~— B. A school shall hold the election for the parent or legal guardian members of a school community council near the beginning of the school year or in the spring and completed before the last week of school.~~

~~— C. If a school holds the election in the spring, the school community council shall attempt to notify parents of incoming students about the opportunity to run for the council, and provide those parents with the opportunity to vote in the election.~~

~~— D. A school community council member's term lasts two years. A school community council shall stagger terms so that approximately half of the council positions are elected each year.~~

~~— E. A public school that is a secure facility, juvenile detention facility, hospital program school, or other small special program may receive School LAND Trust Program funds without having a school community council if the school demonstrates and documents a good faith effort to recruit members, have meetings and publicize results. The local board of education shall make this determination.~~

~~— F. Each school community council shall determine the size of the council by a majority vote of a quorum of council members, provided that the resulting council has at least one employee member, the principal, and a two person majority of parents.~~

~~— G. The principal shall provide notice of the school community council elections to the school community at least 10 days prior to the elections. The principal shall include in the notice the dates, times, and location of the election, the positions up for election, and information about becoming a candidate.~~

~~— H. Parents and guardians may stand for election as parent or guardian members of a school community council at a school consistent with the definition of parent member in R277-491-1G.~~

~~— I. The USOE encourages school community councils to establish clear and written timelines and procedures for school community council elections that may include receiving information from applicants in a timely manner.~~

~~— J. A school need only conduct an election if the school community council~~

position(s) are contested:

~~—— K. Parents may vote for the school community council parent members if their child(ren) are enrolled at the school, or to the extent possible consistent with R277-491-3C.~~

~~—— L. School community councils may establish procedures that allow for ballots to be clearly marked and mailed to the school in the case of distances that would otherwise discourage parent participation. Hand-delivered or mailed ballots shall meet the same timelines for voters voting in person.~~

~~—— M. Entire school districts or schools may allow parents to vote by electronic ballot. The school district or school shall clearly explain on its website the opportunity to vote by electronic means, if allowed by the school district or school.~~

~~—— N. Following the election, if those taking part in the election elect to the council more parent members who are educators in that district than parents who are not educators in that district, the parents on that council shall appoint additional parent members until the number of parent members who are not educators exceeds the number of parent educators in that district.~~

~~—— O. School community council members who were duly elected or appointed prior to a subsequent change in law or Board rule may complete the term for which they were elected. All school community council members shall satisfy requirements of Utah law and Board rule in subsequent terms.~~

~~R277-491-4. Local School Board and School District Responsibilities Relating to School Community Councils.~~

~~—— A. Local boards of education may ask school community councils to address local issues at the school community council level for discussion before bringing the issues to local boards of education. Local boards of education may ask school community councils for information to inform local board decisions.~~

~~—— B. A local school board, in compliance with Section 53A-1a-108, shall ensure that all council members receive annual training, including training for the chair and vice chair about their specific responsibilities, and about the school community council requirements of Sections 53A-1a-108, 53A-1a-108.1, 53A-16-108.5, and 53A-16-101.5.~~

~~—— C. A school or school district administrator shall not prohibit or discourage a school community council from discussing any issue or concern not prohibited by law and raised by any school community council member.~~

~~R277-491-5. School Community Council Principal Responsibilities.~~

~~—— A. Following the election, the principal shall enter and electronically sign on the School LAND Trust website a Principal's Assurance Form affirming the school community council's election, that vacancies were filled after the elections, as necessary, and that the school community council's bylaws or procedures comply with Section 53A-1a-108 and R277-477 and R277-491.~~

~~—— B. A principal may not serve as chair or vice chair of the school community council.~~

~~—— C. Annually, on or before October 20, the principal shall provide the following information on the school website, in the school office, and if needed, through a method that the council decides is best for the parents at the school who do not have internet access, and as provided in Section 53A-1a-108 and 53A-1a-108.1:~~

~~—— (1) A list of the members of the school community council and each member's direct email or phone number, or both;~~

- ~~———— (2) The school community council meeting schedule; and~~
- ~~———— (3) A summary of the annual report describing how the school used the School LAND Trust Program funds consistent with Section 53A-1a-108.1(5)(b) and R277-477-4C.~~
- ~~———— D. Principals shall ensure that school websites fully communicate the opportunities provided to parents to serve on the school community council and how parents can directly influence the expenditure of the School LAND Trust Program funds. Principals shall include on the website each school's dollar amount received each year through the program.~~

~~R277-491-6. School Community Council Chair Responsibilities.~~

- ~~———— A. After the council is seated each year, the council shall elect a chair from the parent members and a vice-chair from the parent or school employee members.~~
- ~~———— B. The school community council chair or designee shall:~~
 - ~~———— (1) post the school community council meeting information (time, place and date of meeting; meeting agenda; and previous meeting draft minutes) on the school's website at least one week prior to each meeting;~~
 - ~~———— (2) set the agenda for every meeting;~~
 - ~~———— (3) conduct every meeting;~~
 - ~~———— (4) assure that written minutes are kept consistent with Section 53A-1a-108.1(8);~~
 - ~~———— (5) inform council members on resources available on the School LAND Trust website;~~
 - ~~———— (6) assure that the council adopts a set of rules of order and procedures, including procedures for electing the chair and vice-chair, that the chair follows to conduct each meeting. The principal shall post these rules on the school website and make them available at each meeting; and~~
 - ~~———— (7) welcome and encourage public participation.~~
- ~~———— C. School community council responsibilities do not allow for closed meetings, consistent with Section 53A-1a-108.1.~~

~~R277-491-7. School Community Council Business.~~

- ~~———— A. School community councils shall report on plans, programs, and expenditures at least annually to local boards of education and cooperate with USOE monitoring and audits.~~
- ~~———— B. School community councils shall encourage participation on the school community council and may recruit potential applicants to apply for open positions on the council.~~
- ~~———— C. The USOE encourages:~~
 - ~~———— (1) school community councils to establish clear and written procedures governing the removal from office of a member who moves away or consistently does not attend meetings, and additional clarifications to assist in the efficient operation of school community councils, consistent with the law and Board rules; and~~
 - ~~———— (2) school principals to attend all school community council meetings.~~

~~R277-491-8. Development of Plans.~~

- ~~———— A. School community council members shall participate fully in the development of various school plans described in Section 53A-1a-108(3) including, at a minimum:~~
 - ~~———— (1) The School Improvement Plan;~~

~~—— (2) The School LAND Trust Plan;~~

~~—— (3) The Reading Achievement Plan (for elementary schools); and~~

~~—— (4) The Professional Development Plan.~~

~~—— B. The USOE encourages school community councils to advise and inform elected local school board members and other interested community members regarding the uses of these funds.~~

~~R277-491-9. Failure to Comply with Rule.~~

~~—— A. If a school district, school, or school community council fails to comply with the provisions of this rule, the School Children's Trust Director appointed under Section 53A-16-101.6 may report such failure to the Audit Committee of the Utah State Board of Education.~~

~~—— B. The Audit Committee of the Utah State Board of Education may recommend to the Board a reduction or elimination of School LAND Trust funds for a school district or school if the Audit Committee finds that the school district, school, or school community council has failed to comply with Utah law or Board rule.]~~

1 **R277-491. School Community Councils.**

2 **R277-491-1. Authority and Purpose.**

3 (1) This rule is authorized by:

4 (a) Utah Constitution Article X, Section 3, which places general control and
5 supervision of the public school system under the Board; and

6 (b) Subsection 53A-1-401(3), which allows the Board to adopt rules in
7 accordance with its responsibilities.

8 (2) The purpose of this rule is to:

9 (a) provide procedures and clarifying information to a school community
10 council to assist the council in fulfilling school community council responsibilities
11 consistent with Sections 53A-1a-108 and 53A-1a-108.1;

12 (b) provide direction to a local board of education, school, and school district
13 in establishing and maintaining a school community council;

14 (c) provide a framework and support for improved academic achievement of
15 students that is locally driven from within an individual school;

16 (d) encourage increased participation of a parent, school employee, and
17 others to support the mission of a school community council;

18 (e) increase public awareness of:

19 (i) school trust lands;

20 (ii) the permanent State School Fund; and

21 (iii) educational excellence; and

22 (f) enforce compliance with the laws governing a school community council.

23 **R277-491-2. Definitions.**

24 (1) "Local board of education" means the locally elected school board
25 designated in Section 53A-3-101.

26 (2)(a) "Principal" means an administrator licensed as a principal in the state
27 and employed in that capacity at a school.

28 (b) "Principal" includes a specific designee of the principal.

29 (3) "School community" means the geographic area a school district
30 designates as the attendance area, with reasonable inclusion of a parent of a
31 student who attends the school but lives outside the attendance area.

32 (4) "Student" means a child in a public school, grades kindergarten through
33 12, counted on the audited October 1 Fall Enrollment Report.

34 **R277-491-3. School Community Council Member Election Provisions.**

35 (1) If a school holds an election in the spring, the school community council
36 shall:

37 (a) attempt to notify a parent of an incoming student about the opportunity to
38 run for the council; and

39 (b) provide a parent of an incoming student with an opportunity to vote in the
40 election.

41 (2) In addition to the election notice requirements of Subsection 53A-1a-
42 108(5)(c), the principal shall provide notice of:

43 (a) the location where a ballot may be cast; and

44 (b) the means by which a ballot may be cast, whether in person, by mail, or
45 by electronic transfer.

46 (3) A parent may vote for a school community council parent member if:

47 (a) the parent's child is enrolled at the school; or

48 (b)(i) the school holds the election in the spring; and

49 (ii) the parent's child will be enrolled at the school in the following school year.

50 (4)(a) A school community council may establish a procedure that allows a
51 parent to mail a ballot to the school in the event the distance between a parent and
52 the voting location would otherwise discourage parental participation.

53 (b) A mailed or hand-delivered ballot shall meet the same timeline as for ballot
54 voted in person.

55 (5)(a) A school, school district, or local board of education may allow a parent
56 to vote by electronic ballot.

57 (b) If allowed, the school or school district shall clearly explain on its website
58 the opportunity to vote by electronic means.

59 (6) In the event of a change in statute or rule affecting the composition of a
60 school community council, a council member who is elected or appointed prior to the
61 change may complete the term for which the member was elected.

62 (7)(a) A public school that is a secure facility, juvenile detention facility,

63 hospital program school, or other small or special school may receive School LAND
64 Trust Program funds without having a school community council if the school
65 demonstrates and documents a good faith effort to:

66 (i) recruit members;

67 (ii) have meetings;

68 (iii) publicize the opportunity to serve on the council; and

69 (iv) publish election results to the school community.

70 (b) The local board of education shall make the determination whether to
71 grant the exemption.

72 **R277-491-4. Local Board of Education and School District Relationship with**
73 **School Community Councils.**

74 (1) A local board of education may ask a school community council to address
75 an issue pertaining to that school at the school community council level before
76 bringing the issue to the local board of education.

77 (2) A local board of education may ask a school community council for
78 information to help the local board of education make an informed decision.

79 **R277-491-5. School Community Council Principal Responsibilities.**

80 (1) Following an election, the principal shall enter and electronically sign on
81 the School LAND Trust Program website a Principal's Assurance Form affirming:

82 (a) the school community council's election;

83 (b) that vacancies were filled by election if necessary; and

84 (c) that the school community council's bylaws or procedures comply with
85 Section 53A-1a-108, Rule R277-477, and this rule.

86 (2) In addition to the requirements of Subsection 53A-1a-108.1(6), the
87 principal shall post the following information on the school's website:

88 (a) an invitation to a parent to serve on the school community council that
89 includes an explanation of how a parent can directly influence the expenditure of the
90 School LAND Trust Program funds; and

91 (b) the dollar amount the school receives each year from the School LAND
92 Trust Program.

93 **R277-491-6. School Community Council Chair Responsibilities.**

94 (1) After the school community council election, the school community council
95 shall annually elect at the council's first meeting a chair and vice chair in accordance
96 with Subsection 53A-1a-108(5)(j).

97 (2) The school community council chair shall:

98 (a) post the information required by Subsection 53A-1a-108.1(5);

99 (b) set the agenda for every meeting;

100 (c) conduct every meeting;

101 (d) keep written minutes of every meeting, consistent with Subsection
102 53A-1a-108.1(9);

103 (e) inform council members about resources available on the School LAND
104 Trust Program website; and

105 (f) welcome and encourage public participation in school community council
106 meetings.

107 (3) The chair may delegate the responsibilities established in this section as
108 appropriate at the chair's discretion.

109 **R277-491-7. School Community Council Business.**

110 (1)(a) The school community council shall adopt rules of order and procedure
111 to govern a council meeting in accordance with Subsection 53A-1a-108.1(10).

112 (b) The rules of order and procedure shall outline the process for:

113 (i) selecting a chair and vice chair; and

114 (ii) removing from office a member who moves away or fails to attend
115 meetings regularly.

116 (2) The school community council shall:

117 (a) report on a plan, program, or expenditure at least annually to the local
118 board of education; and

119 (b) encourage participation on the school community council by members of
120 the school community and recruit a potential candidate to run for an open position
121 on the council.

122 (3)(a) The principal shall provide an annual report to the school community
123 council ~~in the form requested by the council~~ that summarizes current practices used

124 by the school district and school to facilitate the school community council's
125 responsibilities under Subsection 53A-1a-108(3)(a).

126 (b) The report described in Subsection (3)(a) shall include:

127 (i) information concerning internet filtering protocols for school and district
128 devices that access the internet;

129 (ii) ~~[a report of any breaches of the school's filtering system and corrective~~
130 ~~action taken]~~local instructional practices, monitoring, and reporting procedures; and

131 (iii) internet safety training required by Section 53A-1a-108.

132 (4) A school community council may advise and inform the local board of
133 education and other members of the school community regarding the uses of School
134 LAND Trust Program funds.

135 **R277-491-8. Inapplicable to Charter Schools.**

136 This rule does not apply to a charter school.

137 **R277-491-9. Failure to Comply with Rule.**

138 (1) If a local board of education, school district, school, or school community
139 council fails to comply with the provisions of this rule, the School Children's Trust
140 Director appointed under Section 53A-16-101.6 may report the failure to the Audit
141 Committee of the Board.

142 (2) The Audit Committee of the Board may recommend to the Board a
143 reduction or elimination of School LAND Trust funds for a school district or school
144 if the Audit Committee finds that the local board of education, school district, school,
145 or school community council has not complied with statute or rule.

146 **KEY: school community councils**

147 **Date of Enactment or Last Substantive Amendment: ~~[July 8, 2014]~~2015**

148 **Notice of Continuation: ~~[May 15, 2013]~~2015**

149 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)**