

Agency: UTAH STATE BOARD OF EDUCATION

Program or Request Title: School Community Council Exemption

Summary of Request: Small and special schools have been exempted from having a school community council in board rule. It is advised that an exemption be made in code.

What is the nature of your request?

Select one:

- POLICY REQUEST** – You are seeking changes to Utah State Code to improve your program/services.
- BUSINESS CASE** – You are seeking new or additional financial resources to support a program/service for education.
- BOTH POLICY and BUSINESS** – You are proposing a new program or expansion of an existing program that will require new/amended state code and financial resources.

Questions? Please contact:

Todd Call (todd.call@schools.utah.gov) for questions related to a business case/funding

request and

Greg Connell (Greg.Connell@schools.utah.gov) for questions related to a policy request.

USBE Lead Point of Contact:

Name: Paula Plant

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Phone Number: 801-538-7555 office 801-201-6681 cell

USBE Section: School Children's Trust

If you are already working with a policymaker or member of USBE leadership on this request, identify them below:

Not yet. TLAC has recommended Rep. Jefferson Moss.

POLICY REQUEST

This section only needs to be completed if you are making a policy request (creating or changing existing Utah Code language).

1. **Section(s) of State Code to be addressed (if none, insert “N/A”):**
53G-7-1202, *School Community Councils – Duties- Composition – Election procedures and selection of members.*
2. **Describe the issues or concerns the legislation will address:** The State Code is prescriptive concerning qualifications and membership of School Community Councils. Some small or special schools (e.g. a school or program serving youth in custody) may not be able to meet the requirements. The State Board created an exemption in board rule R277-491 many years ago. It is a practice TLAC is recommending be codified in Utah Code. Each year there are about 15 schools statewide that receive an exemption from all or part of the requirements in code for assembling a school community council. The procedure requires that a local board approve the exemption in a board meeting and send the minutes of the meeting to the School Children’s Trust.
3. **Describe the history of the issues or concerns including relevant context and timelines:**
About fifteen years ago, the challenge some schools encountered in trying to assemble a council consistent with the multiple and specific requirements in State Code came to the attention of the School Children’s Trust and USBE. A recommendation was made that small and special schools should receive funds from the trust. Students should not be penalized in unique circumstances where seating a council may not be possible. USBE adopted that position in board rule. Under the board rule and accompanying procedure, the exemptions are limited and must be approved by the responsible local board annually. Some small school populations change from year to year. One year seating a council may be possible and another it may not be.

To serve in a parent position, a parent may not also be a certified teacher employed at the school. In counties where the district is the second largest employer, it is not uncommon for parents to also be teachers. In some special schools such as youth in custody schools where students are transitioning it may not be possible to assemble a council where parents could serve a two-year term or even a partial term of one year.
4. **What are the suggested legislative solutions? Include code references and suggested language where possible:** Staff suggests adding additional language to the code. The intent is to insert the new language (underlined) between Subsection 2 and 3 and renumber Subsection 3 and the remaining subsections.

53G-7-1202

(2) A district school, in consultation with the district school's local school board, shall establish a school community council at the school building level for the purpose of:

- (a) involving parents of students in decision making at the school level;
- (b) improving the education of students;
- (c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents, school employees, and the local school board; and
- (d) increasing public awareness of:
 - (i) school trust lands and related land policies;
 - (ii) management of the State School Fund established in Utah Constitution Article X, Section V; and
 - (iii) educational excellence.

(3) In accordance with, Title 63G, Chapter 4, Administrative Rulemaking Act, the State Board may make rules allowing exceptions to certain provisions of this Section where there are insufficient members to fill the positions identified in Subsection (4).

5. What data needs to be collected to support this potential legislation? Include whether this data is currently collected and available:

The list of schools that would qualify for an exemption under board rule can be provided without requiring new data collection.