

SCHOOL LAND TRUST PROGRAM AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jefferson Moss

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill amends provisions related to reporting and the administration of the School Learning and Nurturing Development Trust Program.

Highlighted Provisions:

This bill:

- ▶ repeals a requirement for a principal to post certain information on the school's website regarding school community councils;
- ▶ amends the date by which a local education agency ("LEA") completes an annual report;
- ▶ removes the deadlines and changes the method by which an LEA reports certain expenditures;
- ▶ amends a training requirement to clarify that the Utah State Board of Education is responsible for certain training related to the School Learning and Nurturing Development Trust Program; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-7-1203, as last amended by Laws of Utah 2019, Chapters 293 and 505

30 **53G-7-1206**, as last amended by Laws of Utah 2020, Chapter 408

31

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

33 Section 1. Section **53G-7-1203** is amended to read:

34 **53G-7-1203. School community councils -- Open and public meeting**
35 **requirements.**

36 (1) As used in this section:

37 (a) (i) "Charter trust land council" means a council established by a charter school
38 governing board under Section **53G-7-1205**.

39 (ii) "Charter trust land council" does not include a charter school governing board
40 acting as a charter trust land council.

41 (b) "Council" means a school community council or a charter trust land council.

42 (c) "School community council" means a council established at a school within a
43 school district under Section **53G-7-1202**.

44 (d) "Teacher and student success plan" means the same as that term is defined in
45 Section **53G-7-1301**.

46 (2) A school community council or a charter trust land council:

47 (a) shall conduct deliberations and take action openly as provided in this section; and

48 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

49 (3) (a) As required by Section **53G-7-1202**, a local school board shall provide training
50 for the members of a school community council on this section.

51 (b) A charter school governing board shall provide training for the members of a
52 charter trust land council on this section.

53 (4) (a) A meeting of a council is open to the public.

54 (b) A council may not close any portion of a meeting.

55 (5) A council shall, at least one week prior to a meeting, post the following information
56 on the school's website:

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

(b) an agenda for the meeting; and

(c) the minutes of the previous meeting.

~~[(6) (a) On or before October 20, a principal shall post the following information on the school website and in the school office:]~~

~~[(i) the proposed council meeting schedule for the year;]~~

~~[(ii) a telephone number or email address, or both, where each council member can be reached directly; and]~~

~~[(iii) a summary of the annual report required under Section 53G-7-1206 on how the school's School LAND Trust Program money was used to enhance or improve academic excellence at the school and implement a component of the school's teacher and student success plan:]~~

~~[(b) (i) A council shall identify and use methods of providing the information listed in Subsection (6)(a) to a parent who does not have Internet access:]~~

~~[(ii) Money allocated to a school under the School LAND Trust Program under Section 53F-2-404 may not be used to provide information as required by Subsection (6)(b)(i).]~~

~~[(7)]~~ (6) (a) The notice requirement of Subsection (5) may be disregarded if:

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

(ii) the council gives the best notice practicable of:

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

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

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

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

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

~~[(8)]~~ (7) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting.

(b) Each topic described in Subsection ~~[(8)]~~ (7)(a) shall be listed under an agenda item on the meeting agenda.

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

(i) listed under an agenda item as required by Subsection ~~[(8)]~~ (7)(b); and

(ii) included with the advance public notice required by Subsection (5).

~~[(9)]~~ (8) (a) Written minutes shall be kept of a council meeting.

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

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

(ii) the names of members present and absent;

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

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

(v) the name of each person who:

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

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

(vi) the substance, in brief, of the testimony or comments provided by the public under Subsection ~~[(9)]~~ (8)(b)(v); and

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

(c) The written minutes of a council meeting:

(i) are a public record under Title 63G, Chapter 2, Government Records Access and Management Act; and

(ii) shall be retained for three years.

~~[(10)]~~ (9) (a) As used in this Subsection ~~[(10)]~~ (9), "rules of order and procedure" means a set of policies that govern and prescribe in a public meeting:

(i) parliamentary order and procedure;

(ii) ethical behavior; and

(iii) civil discourse.

(b) A council shall:

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

(ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection ~~[(10)]~~ (9)(b)(i); and

(iii) make the rules of order and procedure described in Subsection ~~[(10)]~~ (9)(b)(i) available to the public:

(A) at each public meeting of the council; and

(B) on the school's website.

Section 2. Section **53G-7-1206** is amended to read:

53G-7-1206. School LAND Trust Program.

(1) As used in this section:

(a) "Charter school authorizer" means the same as that term is defined in Section **53G-5-102**.

(b) "Charter trust land council" means a council established by a charter school governing board under Section **53G-7-1205**.

(c) "Council" means a school community council or a charter trust land council.

(d) "LAND trust plan" means a school's plan to use School LAND Trust Program money to implement a component of the school's success plan.

(e) "School community council" means a council established at a district school in accordance with Section **53G-7-1202**.

(f) "Teacher and student success plan" or "success plan" means the same as that term is defined in Section **53G-7-1301**.

(2) There is established the School LAND (Learning And Nurturing Development) Trust Program under the state board to:

(a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a district school or charter school's teacher and student success plan; and

(b) involve parents of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.

(3) To receive an allocation under Section **53F-2-404**:

(a) a district school shall have established a school community council in accordance with Section 53G-7-1202;

(b) a charter school shall have established a charter trust land council in accordance with Section 53G-7-1205; and

(c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (3)(a) or (b).

(4) (a) A council shall create a program to use the school's allocation distributed under Section 53F-2-404 to implement a component of the school's success plan, including:

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

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

(iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement a component of the school's success plan to have a direct impact on the instruction of students and result in measurable increased student performance; and

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

(b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the council at which a quorum is present.

(ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan is adopted.

(c) A council shall:

(i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program website; and

(ii) include with the LAND trust plan a report noting the number of council members who voted for or against the approval of the LAND trust plan and the number of council members who were absent for the vote.

(d) (i) The local school board of a district school shall approve or disapprove a LAND trust plan.

(ii) If a local school board disapproves a LAND trust plan:

(A) the local school board shall provide a written explanation of why the LAND trust plan was disapproved and request the school community council who submitted the LAND trust plan to revise the LAND trust plan; and

(B) the school community council shall submit a revised LAND trust plan in response to a local school board's request under Subsection (4)(d)(ii)(A).

(iii) Once a LAND trust plan has been approved by a local school board, a school community council may amend the LAND trust plan, subject to a majority vote of the school community council and local school board approval.

(e) A charter trust land council's LAND trust plan is subject to approval by the:

(i) charter school governing board; and

(ii) charter school's charter school authorizer.

(5) (a) A district school or charter school shall:

(i) implement the program as approved;

(ii) provide ongoing support for the council's program; and

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

(b) (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program website [~~each fall~~] before the council submits a plan for the following year.

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

(iii) A summary of the report shall be provided to parents of students attending the school.

(6) [~~On or before October 1 of each year, a school district shall record the amount of the program funds distributed to each school under Section 53F-2-404 on the School LAND Trust Program website~~] An LEA shall record the LEA's expenditures of School LAND Trust Program funds through a financial reporting system that the board identifies to assist schools in developing the annual report described in Subsection (5)(b).

(7) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.

(8) (a) The [~~School LAND Trust Program~~] state board shall provide training to the entities described in Subsection (8)(b) on:

(i) the School LAND Trust Program; and

(ii) (A) a school community council; or

(B) a charter trust land council.

(b) The [~~School LAND Trust Program~~] state board shall provide the training to:

(i) a local school board or a charter school governing board;

(ii) a school district or a charter school; and

(iii) a school community council.

(9) The [~~School LAND Trust Program~~] state board shall annually review each school's compliance with applicable law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by:

(a) reading each LAND trust plan submitted; and

(b) reviewing expenditures made from School LAND Trust Program money.

(10) The state board shall designate a staff member who administers the School LAND Trust Program:

(a) to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section [53D-2-202](#); and

(b) who may coordinate with the Land Trusts Protection and Advocacy Office director, appointed under Section [53D-2-203](#), to attend meetings or events within the School and Institutional Trust System, as defined in Section [53D-2-102](#), that relate to the School LAND Trust Program.