

**Effective 5/12/2015**

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

- (1) As used in this section:
  - (a)
    - (i) "Charter trust land council" means a council established by a charter school governing board under Section 53A-16-101.5.
    - (ii) "Charter trust land council" does not include a charter school governing board acting as a charter trust land council.
  - (b) "School community council" means a council established at a school within a school district under Section 53A-1a-108.
  - (c) "Council" means a school community council or a charter trust land council.
- (2) A school community council or a charter trust land council:
  - (a) shall conduct deliberations and take action openly as provided in this section; and
  - (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
  - (a) As required by Section 53A-1a-108, a local school board shall provide training for the members of a school community council on this section.
  - (b) A charter school governing board shall provide training for the members of a charter trust land council on this section.
- (4)
  - (a) A meeting of a council is open to the public.
  - (b) A council may not close any portion of a meeting.
- (5) A council shall, at least one week prior to a meeting, post the following information on the school's website:
  - (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 53A-16-101.5 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 improvement plan.
  - (b)
    - (i) A council shall identify and use methods of providing the information listed in Subsection (6) (a) to a parent or guardian who does not have Internet access.
    - (ii) Money allocated to a school under the School LAND Trust Program created in Section 53A-16-101.5 may not be used to provide information as required by Subsection (6)(b)(i).
- (7)
  - (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)
  - (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)(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)(b); and
    - (ii) included with the advance public notice required by Subsection (5).
- (9)
  - (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)(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)
  - (a) As used in this Subsection (10), "rules of order and procedure" means a set of rules 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)(b)(i); and
    - (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available to the public:
      - (A) at each public meeting of the council; and
      - (B) on the school's website.

Amended by Chapter 276, 2015 General Session