



OFFICE OF  
**Utah County Attorney**

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100 East Center Street Suite 2400  
Provo, Utah 84606  
Phone (801) 370-8001  
Fax (801) 370-8009

January 15, 2004

JODY SUNDBERG  
Alpine School District Board  
575 North 100 East  
American Fork, Utah 84003

**Re:** *Request to Create a New School District in the Lehi, Utah Area and Within the Boundaries of the Alpine School District.*

Dear Ms. Sundberg:

I am writing this letter as legal counsel for and on behalf of an Ad Hoc Advisory Committee recently formed by the Utah County Commission to review and make recommendations on a request for the creation of a new school district in the Lehi, Utah area and within the boundaries of the Alpine School District. This Committee was formed in accordance Utah Code Ann. § 53A-2-118. The Committee consists of Denton R. Alexander, Mark F. Robinson, David N. Cox, Robert W. Smith, Otis H. Willoughby, Gaylord K. Swim, and David Evan Lifferth.

Pursuant to Utah Code Ann. § 53A-2-118, the Committee hereby formally requests any information pertaining to (1) the financial viability of the proposed new school district; (2) the proposal's financial impact on the existing school district; (3) the exact placement of school district boundaries; and (4) the positive and negative effects of creating a new school district and whether the positive effects outweigh the negative if a new school district were to be created.

Please provide this information to Geneel Scott, Utah County Commission Office, 100 East Center Street, Suite 2300, Provo, Utah 84606. Any information provided may be used by the Committee in it's recommendation to the Utah County Commission on whether to create a new school district.

Please be advised that more specific and detailed requests for information may be made at a later time by the Committee. Thank you for your attention to this matter. In the event, that either a formal request is necessary pursuant to the Government Records Access and Management Act or that fee is necessary, then please contact me at (801) 370-8001.

Sincerely,

ROBERT J. MOORE  
Deputy Utah County Attorney

cc: File

**KIM R. BURNINGHAM**

932 Canyon Crest Drive  
Bountiful, Utah 84010  
January 21, 2004

Robert J. Moore  
Deputy Utah County Attorney  
100 East Center Street, Suite 2400  
Provo, Utah 84606

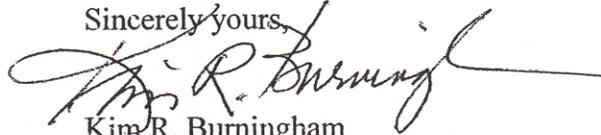
Dear Mr. Moore:

Your letter of January 15 reached me yesterday. You ask for information pertaining to establishment of a new school district in your county. I am attending a meeting today with Superintendent Laing of the Utah State Office of Education, and will take your letter to him for an appropriate response from the office.

04 JAN 22 10:26  
CIVIL DIVISION

I wish you and your committee well in making appropriate decisions on this matter.

Sincerely yours,



Kim R. Burningham  
Chair  
Utah State Board of Education

# UTAH STATE OFFICE OF EDUCATION

Leadership... Service... Accountability

Steven O. Laing, Ed.D. State Superintendent of Public Instruction  
Voice: (801) 538-7500 Fax: (801) 538-7521 TDD: (801) 538-7876  
250 East Cesar E. Chavez Blvd. (500 South) P.O. Box 144200 Salt Lake City, Utah 84114-4200

January 30, 2004

Robert J. Moore  
Deputy Utah County Attorney  
100 East Center Street, Suite 2400  
Provo, Utah 84606

Subject: Requested Information for Ad Hoc Committee on New School District

Dear Mr. Moore:

Mr. Kim R. Burningham, Chairman, Utah State Board of Education, presented your letter of January 15, 2004 to me for response. Specifically, your letter requested information regarding (1) the financial viability of the proposed new school district, (2) the financial impact on the existing school district, (3) the exact placement of the school district boundaries, and (4) the positive and negative effects of creating a new school district and whether the positive effects outweigh the negative if a new school district was to be created.

It is impossible for any definitive answer to items (1) or (2) without first knowing the exact size of the proposed new school district--the essence of item (3). The determination of the exact placement of the new school district boundaries is determined by the petitioners and/or the ad hoc committee with which you are working; no such information has been conveyed to either the Utah State Board of Education or the Utah State Office of Education.

Once the boundaries of the proposed new school district are known, the information requested in items (1) and (2) can be supplied. I suggest the ad hoc committee seek such information from the Utah County Assessor and the Alpine School District as well as the Utah State Office of Education. The county assessor will be the best source of differentiating the effect of the district creation on the assessed property values, and the exact number of students would be most accurately known by the school district. The Utah State Office of Education could supply information on the impact of state funding formulae to both the existing and proposed school districts. I am sure the ad hoc committee would also appreciate the perspective of the existing district on the financial impact of creating a new district.

Item (4) is much more subjective. The Utah State Board of Education has long respected the principle of local control in education. Consequently, the positive and negative effects of creating a new school district are most appropriately determined by those residents affected. It is true that creating a new school district would pose some initial challenges. The following are offered as topics for consideration by the ad hoc committee and the citizens that will bear the consequences, positive or negative, of creating a new school district.

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## UTAH STATE BOARD OF EDUCATION

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Robert J. Moore  
January 30, 2004  
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- What kind of administrative structure is desired--the barest minimum or one capable of providing support services to the schools and students? What costs will be incurred, and from what source of funds will those costs be met?
- Will additional facilities be necessary to house district wide services including administration, transportation or busing, school food services, special education services, and other district level services (should they exist)?
- How will the bonded indebtedness of the Alpine School District be divided--proportionally to the number of students or specifically to the existing buildings within the boundaries of the resulting districts?
- What level of local tax effort will be applied to the new district--that which exists within the current Alpine School District or will the new district set their own; and if so, within what time frame?
- What time frame should be established for the tasks of defining districts for the new school board, holding elections, hiring a superintendent, acquiring facilities, and the myriad other logistical elements of starting a new division of school government?

I am sure the ad hoc committee will identify many other pertinent issues for consideration as they contemplate this unique concept. I offer the data resources of the Utah State Office of Education if the specific parameters for the proposed school district are determined and provided to us.

Best wishes in the challenging task before the ad hoc committee.

Sincerely,



Steven O. Laing, Ed.D.  
State Superintendent of Public Instruction

cc: Kim R. Burningham, Chairman, Utah State Board of Education



OFFICE OF

# Utah County Attorney

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February 17, 2004

STEVEN O. LAING, Ed.D.  
State Superintendent of Public Instruction  
P.O. Box 144200  
250 East Cesar E. Chavez Blvd. (500 South)  
Salt Lake City, Utah 84114-4200

**Re:** *Request to Create a New School District in the Lehi, Utah Area and Within the Boundaries of the Alpine School District.*

Dear Mr. Laing:

I am in receipt of your letter dated January 30, 2004. Thank you for your timely response. In your letter you requested information on the exact size and placement of the boundaries of the proposed new school district in the Lehi, Utah area and within the current boundaries of the Alpine School District. The exact size and placement of the boundaries of the proposed new school district have not been established.

However, the proposed boundaries consist of the cities of Lehi, Saratoga Springs, Eagle Mountain, and Cedar Fort and the surrounding unincorporated areas. I have attached two maps to this letter which better illustrate the proposed boundaries of the proposed new school district.

I hope that you find this information helpful in answering the ad hoc committee's request for any information pertaining to (1) the financial viability of the proposed new school district; (2) the proposal's financial impact on the existing school district; (3) the exact placement of school district boundaries; and (4) the positive and negative effects of creating a new school district and whether the positive effects outweigh the negative if a new school district were to be created, pursuant to Utah Code Ann. § 53A-2-118.

Please provide this information to Geneel Scott, Utah County Commission Office, 100 East Center Street, Suite 2300, Provo, Utah 84606. Any information provided may be used by the Committee in its recommendation to the Utah County Commission on whether to create a new school district.

Thank you for your attention to this matter. If I can be of further assistance, then please contact me at (801) 370-8001.

Sincerely,

ROBERT J. MOORE  
Deputy Utah County Attorney

cc: File

PROPOSED DISTRICT  
(Division of Alpine School District)

