



- 28           **53A-11-102.5**, as enacted by Chapter 120, Laws of Utah 1993
- 29           **53A-11-103**, as last amended by Chapter 99, Laws of Utah 1999
- 30           **53A-15-101**, as last amended by Chapter 254, Laws of Utah 2002
- 31           **53A-17a-108**, as last amended by Chapter 306, Laws of Utah 1993
- 32           **53A-17a-109**, as last amended by Chapter 137, Laws of Utah 2000
- 33           **53A-17a-111.5**, as enacted by Chapter 268, Laws of Utah 1994
- 34           **53A-17a-119**, as last amended by Chapter 279, Laws of Utah 2002
- 35           **53A-17a-124.5**, as last amended by Chapter 279, Laws of Utah 2002
- 36           **53A-17a-126**, as last amended by Chapter 279, Laws of Utah 2002
- 37           **53A-17a-144**, as last amended by Chapter 6, Laws of Utah 1996, Second Special
- 38 Session
- 39           **53A-17a-147**, as renumbered and amended by Chapter 72, Laws of Utah 1991
- 40           **53A-28-203**, as enacted by Chapter 62, Laws of Utah 1996

41 REPEALS:

- 42           **53A-2-212**, as last amended by Chapter 119, Laws of Utah 1993
- 43           **53A-3-416**, as last amended by Chapter 297, Laws of Utah 2001
- 44           **53A-6-212**, as enacted by Chapter 2, Laws of Utah 1988
- 45           **53A-9-106**, as enacted by Chapter 301, Laws of Utah 2002
- 46           **53A-15-801**, as enacted by Chapter 165, Laws of Utah 1997
- 47           **53A-15-901**, as last amended by Chapter 352, Laws of Utah 2001
- 48           **53A-17a-142**, as renumbered and amended by Chapter 72, Laws of Utah 1991

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

50 Section 1. Section **53A-1-301** is amended to read:

51 **53A-1-301. Appointment -- Qualifications -- Duties.**

52 (1) (a) The State Board of Education shall appoint a superintendent of public  
53 instruction, hereinafter called the state superintendent, who is the executive officer of the board  
54 and serves at the pleasure of the board.

55 (b) The board shall appoint the state superintendent on the basis of outstanding  
56 professional qualifications.

57 (c) The state superintendent shall administer all programs assigned to the State Board  
58 of Education in accordance with the policies and the standards established by the board.

- 59 (2) The superintendent shall perform duties assigned by the board, including the  
60 following:
- 61 (a) investigating all matters pertaining to the public schools;
- 62 (b) adopting and keeping an official seal to authenticate the superintendent's official  
63 acts;
- 64 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 65 (d) presenting to the governor and the Legislature each December a report of the public  
66 school system for the preceding year to include:
- 67 (i) data on the general condition of the schools with recommendations considered  
68 desirable for specific programs;
- 69 (ii) a complete statement of fund balances;
- 70 (iii) a complete statement of revenues by fund and source;
- 71 (iv) a complete statement of adjusted expenditures by fund, the status of bonded  
72 indebtedness, the cost of new school plants, and school levies;
- 73 (v) a complete statement of state funds allocated to each of the state's 40 school  
74 districts by source, including supplemental appropriations, and a complete statement of  
75 expenditures by each district, including supplemental appropriations, by function and object as  
76 outlined in the U.S. Department of Education publication "Financial Accounting for Local and  
77 State School Systems";
- 78 (vi) a statement that includes such items as fall enrollments, average membership, high  
79 school graduates, licensed and classified employees, pupil-teacher ratios, class sizes, average  
80 salaries, applicable private school data, and data from standardized norm-referenced tests in  
81 grades 5, 8, and 11 on each school and district;
- 82 (vii) statistical information regarding incidents of delinquent activity in the schools or  
83 at school-related activities with separate categories for:
- 84 (A) alcohol and drug abuse;
- 85 (B) weapon possession;
- 86 (C) assaults; and
- 87 (D) arson; and
- 88 (viii) other statistical and financial information about the school system which the  
89 superintendent considers pertinent;

90 (e) collecting and organizing education data into an automated decision support system  
91 to facilitate school district and school improvement planning, accountability reporting and  
92 performance recognition, and the evaluation of educational policy and program effectiveness to  
93 include:

94 (i) data that are:

95 (A) comparable across schools and school districts;

96 (B) appropriate for use in longitudinal studies; and

97 (C) comprehensive with regard to the data elements required under applicable state or  
98 federal law or state board rule;

99 (ii) features that enable users, most particularly school administrators, teachers, and  
100 parents, to:

101 (A) retrieve school and school district level data electronically;

102 (B) interpret the data visually; and

103 (C) draw conclusions that are statistically valid; and

104 (iii) procedures for the collection and management of education data that:

105 (A) require the state superintendent of public instruction to:

106 (I) collaborate with school districts in designing and implementing uniform data  
107 standards and definitions;

108 (II) undertake or sponsor research to implement improved methods for analyzing  
109 education data;

110 (III) provide for data security to prevent unauthorized access to or contamination of the  
111 data; and

112 (IV) protect the confidentiality of data under state and federal privacy laws; and

113 (B) require all school districts to comply with the data collection and management  
114 procedures established under Subsection (2)(e); and

115 (f) with the approval of the board, preparing and submitting to the governor a budget  
116 for the board to be included in the budget that the governor submits to the Legislature.

117 (3) Upon leaving office, the state superintendent shall deliver to his successor all  
118 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

119 Section 2. Section **53A-1-605** is amended to read:

120 **53A-1-605. Analysis of results -- Staff professional development.**

121 (1) The State Board of Education, through the state superintendent of public  
 122 instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels  
 123 and courses required under Section 53A-1-603 and the student behavior indicators referred to  
 124 in Subsection 53A-1-602(4)(e).

125 (2) The plan shall include components designed to:

126 (a) assist school districts and individual schools to use the results of the analysis in  
 127 planning, evaluating, and enhancing programs within the district; and

128 (b) for the 2003-04 school year and for each year thereafter, identify schools not  
 129 achieving state-established acceptable levels of student performance in order to assist those  
 130 schools in raising their student performance levels.

131 (3) The plan shall include provisions for statistical reporting of data as follows:

132 (a) norm-referenced tests results shall be reported at the state, district, school, and  
 133 grade levels, and shall include actual levels of performance on tests; and

134 (b) criterion-referenced tests results shall be reported at state, district, school, and grade  
 135 or course levels, and shall include actual levels of performance on tests.

136 [~~(4)(a) The State Board of Education shall submit to the Legislature, annually, a~~  
 137 ~~budget to implement and maintain U-PASS;~~]

138 [~~(b) As part of the budget recommendation, the state board shall include:~~]

139 [~~(i) evaluation of U-PASS and proposed modifications if appropriate;~~]

140 [~~(ii) anticipated costs for staff professional development programs required to~~  
 141 ~~effectively implement U-PASS at the school and classroom levels; and]~~

142 [~~(iii) resources required to assist schools identified under Subsection (2)(b) in raising~~  
 143 ~~their performance levels.]~~

144 [~~(5)~~] (4) Each local school board shall provide for:

145 (a) district evaluation of the U-PASS test results and use of the evaluations in setting  
 146 goals and establishing programs for the district and each school within the district; and

147 (b) a professional development program that [~~(i) is funded in whole or in part from~~  
 148 ~~monies received under Subsection (4)(b)(i); and (ii)] provides teachers, principals, and other  
 149 professional staff employed by the school district with the training required to successfully  
 150 establish and maintain U-PASS.~~

151 Section 3. Section **53A-1a-106** is amended to read:

152           **53A-1a-106. School district and individual school powers.**

153           (1) In order to acquire and develop the characteristics listed in Section 53A-1a-104,  
154 each school district and each public school within its respective district shall implement a  
155 comprehensive system of accountability in which students advance through public schools by  
156 demonstrating competency in required skills and mastery of required knowledge through the  
157 use of diverse assessment instruments such as authentic and criterion referenced tests, projects,  
158 and portfolios.

159           (2) (a) Each school district and public school shall:

160           (i) develop and implement programs integrating technology into the curriculum,  
161 instruction, and student assessment;

162           (ii) provide for teacher and parent involvement in policymaking at the school site;

163           (iii) implement a public school choice program to give parents, students, and teachers  
164 greater flexibility in designing and choosing among programs with different focuses through  
165 schools within the same district and other districts, subject to space availability, demographics,  
166 and legal and performance criteria;

167           (iv) establish strategic planning at both the district and school level and site-based  
168 decision making programs at the school level;

169           (v) provide opportunities for each student to acquire and develop academic and  
170 occupational knowledge, skills, and abilities;

171           (vi) participate in ongoing research and development projects primarily at the school  
172 level aimed at improving the quality of education within the system; and

173           (vii) involve business and industry in the education process through the establishment  
174 of partnerships with the business community at the district and school level.

175           (b) (i) Each local school board, in consultation with school personnel, parents, and  
176 school community councils or similar entities shall establish policies to provide for the  
177 effective implementation of a personalized student education plan (SEP) or student  
178 education/occupation plan (SEOP) for each student at the school site.

179           (ii) The policies shall include guidelines and expectations for:

180           (A) recognizing the student's accomplishments, strengths, and progress towards meeting  
181 student achievement standards as defined in U-PASS;

182           (B) planning, monitoring, and managing education and career development; and

183 (C) involving students, parents, and school personnel in preparing and implementing  
184 SEPs and SEOPs.

185 (iii) A parent may request conferences with school personnel in addition to SEP or  
186 SEOP conferences established by local school board policy.

187 (iv) Time spent during the school day to implement SEPs and SEOPs is considered  
188 part of the school term referred to in Subsection 53A-17a-103(5).

189 (3) A school district or public school may submit proposals to modify or waive rules or  
190 policies of a supervisory authority within the public education system in order to acquire or  
191 develop the characteristics listed in Section 53A-1a-104.

192 (4) (a) Each school district and public school shall make an annual report to its patrons  
193 on its activities under this section.

194 (b) The reporting process shall involve participation from teachers, parents, and the  
195 community at large in determining how well the district or school is performing.

196 ~~[(c) The State Board of Education shall receive a copy of each report and make a  
197 summary report to the strategic planning committee referred to in Section 53A-1a-102.]~~

198 Section 4. Section **53A-1a-107** is amended to read:

199 **53A-1a-107. State Board of Education assistance to districts and schools.**

200 ~~[(+)]~~ In order to assist school districts and individual schools in acquiring and  
201 maintaining the characteristics set forth in Section 53A-1a-104, the State Board of Education  
202 shall:

203 ~~[(a)]~~ (1) provide the framework for an education system, including core competencies  
204 and their assessment, in which school districts and public schools permit students to advance  
205 by demonstrating competency in subject matter and mastery of skills;

206 ~~[(b)]~~ (2) develop and disseminate a state model curriculum, structured to incorporate  
207 the concepts of quality versus quantity, depth versus breadth, subject integration and  
208 application, applied thinking skills, character development, and a global prospective, which  
209 districts and schools may use to assist teachers in helping students acquire the competencies  
210 and skills required to advance through the public education system, and periodically review  
211 and, if appropriate, revise the curriculum;

212 ~~[(c)]~~ (3) conduct a statewide public awareness program on competency-based  
213 educational systems;

214           ~~[(d)]~~ (4) compile and publish, for the state as a whole, a set of educational performance  
215 indicators describing trends in student performance;

216           ~~[(e)]~~ (5) promote a public education climate of high expectations and academic  
217 excellence;

218           ~~[(f)]~~ (6) disseminate successful site-based decision-making models to districts and  
219 schools and provide teacher professional development opportunities and evaluation programs  
220 for site-based plans consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);

221           ~~[(g)]~~ (7) provide a mechanism for widespread dissemination of information about  
222 strategic planning for public education, including involvement of business and industry in the  
223 education process, in order to ensure the understanding and support of all the individuals and  
224 groups concerned with the mission of public education as outlined in Section 53A-1a-103;

225           ~~[(h)]~~ (8) provide for a research and development clearing house at the state level to  
226 receive and share with school districts and public schools information on effective and  
227 innovative practices and programs in education;

228           ~~[(i)]~~ (9) help school districts develop and implement guidelines, strategies, and  
229 professional development programs for administrators and teachers consistent with Subsections  
230 53A-1a-104(7) and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and  
231 promoting greater parental involvement in the public schools; and

232           ~~[(j)]~~ (10) in concert with the State Board of Regents and the state's colleges of  
233 education review and revise teacher licensing requirements to be consistent with teacher  
234 preparation for participation in personalized education programs within the public schools.

235           ~~[(2) (a) The board shall make an annual report to the Legislature on its activities under  
236 this section.]~~

237           ~~[(b) The reporting process shall involve participation from school districts and schools  
238 in helping to evaluate how well the board has assisted the schools and school districts.]~~

239           Section 5. Section **53A-2-207** is amended to read:

240           **53A-2-207. Enrollment of nonresident students -- Procedures -- Processing fee --**  
241 **Continuing enrollment.**

242           (1) Each local school board is responsible for providing educational services consistent  
243 with Utah state law and rules of the State Board of Education for each student who resides in  
244 the district and, as provided in Sections 53A-2-207 through ~~[53A-2-212]~~ 53A-2-211 and to the

245 extent reasonably feasible, for any student who resides in another district in the state and  
246 desires to attend a school in the district.

247 (2) (a) The State Board of Education shall adopt rules defining school capacities and  
248 average daily membership thresholds for use in determining whether a school must be open for  
249 enrollment of nonresident students.

250 (b) If a school's average daily membership falls below the threshold designated by the  
251 State Board of Education, the local school board shall allow students who do not reside within  
252 the district to also enroll in the school.

253 (3) A local board of education may also allow enrollment of nonresident students in a  
254 school which is operating above the average daily membership threshold for mandatory  
255 enrollment of nonresident students.

256 (4) (a) A local school board shall adopt policies describing procedures for nonresident  
257 students to follow in applying for entry into the district's schools.

258 (b) Those procedures shall provide, as a minimum, for:

259 (i) distribution to interested parties of information about the school or school district  
260 and how to apply for admission;

261 (ii) use of standard application forms prescribed by the State Board of Education;

262 (iii) submission of applications during the month of January by those seeking  
263 admission for the following year;

264 (iv) written notification to the student's parent or legal guardian of acceptance or  
265 rejection of an application within six weeks after receipt of the application by the district or by  
266 March 1, whichever is later;

267 (v) written notification to the resident district upon acceptance of a nonresident student  
268 for enrollment; and

269 (vi) admission of students at times other than that permitted under standard policies if  
270 the board determines that there are conditions of special need which warrant consideration.

271 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of  
272 application.

273 (6) An enrolled nonresident student shall be permitted to remain enrolled in the  
274 nonresident district's schools, subject to the same rules and standards as resident students,  
275 without renewed applications in subsequent years unless one of the following occurs:

- 276 (a) the student graduates;
- 277 (b) the student is no longer a Utah resident;
- 278 (c) the student is suspended or expelled from school; or
- 279 (d) the district determines that enrollment within the school in question will exceed
- 280 90% of maximum capacity during the coming school year.

281 (7) (a) Determination of which nonresident students will be excluded from continued  
282 enrollment in a nonresident district during a subsequent year under Subsection (6)(b) is based  
283 upon time in the district, with those most recently enrolled being excluded first.

284 (b) Nonresident students who will not be permitted to continue their enrollment shall  
285 be notified no later than March 15 of the current school year.

286 (8) The parent of a student enrolled in a nonresident district may withdraw the student  
287 from that district for enrollment in another district by:

288 (a) submitting notice of intent to enroll the student in the district of residence for the  
289 subsequent year to the district of attendance no later than March 15 of the current school year;

290 (b) submitting notice of intent to enroll the student in another nonresident district for  
291 the subsequent school year to the current district of attendance, together with a letter of  
292 acceptance from the proposed district of attendance, no later than March 15 of the current  
293 school year; or

294 (c) if the parent desires to change the student's enrollment during the school year or  
295 after March 15, by obtaining approval from both the district of attendance and the district in  
296 which enrollment is sought.

297 (9) Unless provisions have previously been made for enrollment in another school, a  
298 nonresident district releasing a student from enrollment shall immediately notify the district of  
299 residence, which shall enroll the student in the resident district and take such additional steps  
300 as may be necessary to ensure compliance with laws governing school attendance.

301 (10) Subsection (6)(d) does not apply to a student who was attending a nonresident  
302 school or district prior to January 1, 1993.

303 Section 6. Section **53A-3-404** is amended to read:

304 **53A-3-404. Annual financial report -- Audit report.**

305 (1) The annual financial report of each school district, containing items required by law  
306 or by the State Board of Education and attested to by independent auditors, shall be prepared as

307 required by Section 51-2-1.

308 (2) The auditors employed under Section 51-2-1 shall complete their field work in  
309 sufficient time to allow them to verify necessary audit adjustments included in the annual  
310 financial report to the state superintendent.

311 (3) (a) (i) The district shall forward the annual financial report to the state  
312 superintendent not later than October 1.

313 (ii) The report shall include information to enable the state superintendent to complete  
314 the statement required under Subsection 53A-1-301(2)(d)(v).

315 (b) [(†)] The State Board of Education shall publish electronically a copy of the report  
316 on the Internet not later than December 15.

317 [~~(ii) The report may be combined with the report required to be published under~~  
318 ~~Subsection 53A-3-416(3)(b).]~~

319 (4) The completed audit report shall be delivered to the school district board of  
320 education and the state superintendent of public instruction not later than November 30 of each  
321 year.

322 Section 7. Section **53A-3-417** is amended to read:

323 **53A-3-417. Child care centers in public schools -- Requirements -- Availability --**  
324 **Compliance with state and local laws.**

325 (1) (a) Upon receiving a request from a community group such as a community  
326 council, local PTA, or parent/student organization, a local school board may authorize the use  
327 of a part of any school building in the district to provide child care services for school aged  
328 children.

329 (b) (i) The school board shall provide written public notice of its intent to authorize a  
330 child care center.

331 (ii) The board shall file a copy of the notice with the Office of Child Care within the  
332 Department of Workforce Services and the Department of Health.

333 (2) (a) Establishment of a child care center in a public school building is contingent  
334 upon the local school board determining that the center will not interfere with the building's use  
335 for regular school purposes.

336 [~~(b) The board may authorize the use of part of a school building for a child care center~~  
337 ~~only if the school is in compliance with Section 53A-17a-142.]~~

338           ~~[(e)]~~ (b) The decision shall be made at the sole discretion of the school board.

339           ~~[(d)]~~ (c) A school board may withdraw its approval to operate a child care center at any  
340 time if it determines that such use interferes with the operation or interest of the school.

341           ~~[(e)]~~ (d) The school district and its employees and agents are immune from any liability  
342 that might otherwise result from a withdrawal of approval if the withdrawal was made in good  
343 faith.

344           (3) (a) The board shall charge a commercially reasonable fee for the use of a school  
345 building as a child care center so that the district does not incur an expense.

346           (b) The fee shall include but not be limited to costs for utility, building maintenance,  
347 and administrative services supplied by the school that are related to the operation of the child  
348 care center.

349           (4) (a) Child care service may be provided by governmental agencies other than school  
350 districts, nonprofit community service groups, or private providers.

351           (b) If competitive proposals to provide child care services are submitted by the entities  
352 listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit  
353 community service groups so long as their proposals are judged to be at least equal to the  
354 proposal of the governmental agency.

355           (c) It is intended that these programs function at the local community level with  
356 minimal state and district involvement.

357           (5) It is the intent of the Legislature that providers not be required to go through a  
358 complex procedure in order to obtain approval for providing the service.

359           (6) (a) Child care centers within a public school building shall make their services  
360 available to all children regardless of where the children reside.

361           (b) If space and resources are limited, first priority shall be given to those who reside  
362 within the school boundaries where the center is located, and to the children of teachers and  
363 other employees of the school where the child care center is located.

364           (c) Second priority shall be given to those who reside within the school district  
365 boundaries where the center is located.

366           (7) (a) The school board shall require proof of liability insurance which is adequate in  
367 the opinion of the school board for use of school property as a child care center.

368           (b) A school district participating in the state Risk Management Fund shall require the

369 provider of child care services to comply with the applicable provisions of Title 63A, Chapter  
370 4, Risk Management.

371 (8) Child care centers established under this section shall operate in compliance with  
372 state and local laws and regulations, including zoning and licensing requirements, and  
373 applicable school rules.

374 (9) Except for Subsection (8), this section does not apply to child care centers  
375 established by a school district within a public school building if the center offers child care  
376 services primarily to children of employees or children of students of the school district.

377 Section 8. Section **53A-3-701** is amended to read:

378 **53A-3-701. School and school district professional development plans.**

379 (1) (a) Each public school and school district shall develop and implement a  
380 systematic, comprehensive, and long-term plan for staff professional development.

381 (b) Each school shall use its school community council, school directors, or a  
382 subcommittee or task force created by the school community council as provided in Section  
383 [~~53A-1-108~~] 53A-1a-108 to help develop and implement the plan.

384 (2) Each plan shall include the following components:

385 (a) an alignment of professional development activities at the school and school district  
386 level with:

387 (i) the school improvement plan under Section 53A-1a-108.5;

388 (ii) the School LAND Trust Program authorized under Section 53A-16-101.5;

389 (iii) the Utah Performance Assessment System for Students under Title 53A, Chapter  
390 1, Part 6, Achievement Tests;

391 (iv) Sections 53A-6-101 through 53A-6-104 of the Educator Licensing and  
392 Professional Practices Act;

393 (v) Title 53A, Chapter 9, Teacher Career Ladders; and

394 (vi) Title 53A, Chapter 10, Educator Evaluation;

395 (b) provision for the development of internal instructional leadership and support;

396 (c) the periodic presence of all stakeholders at the same time in the professional  
397 development process, to include administrators, educators, support staff, parents, and students;

398 (d) provisions for the use of consultants to enhance and evaluators to assess the  
399 effectiveness of the plan as implemented; and

400 (e) the time required for and the anticipated costs of implementing and maintaining the  
401 plan.

402 (3) (a) Each local school board shall review and either approve or recommend  
403 modifications for each school plan within its district so that each school's plan is compatible  
404 with the district plan.

405 (b) The board shall:

406 (i) provide positive and meaningful assistance to a school, if requested by its  
407 community council or school directors, in drafting and implementing its plan; and

408 (ii) monitor the progress of each school plan and hold each school accountable for  
409 meeting the objectives of its plan.

410 (4) ~~(a)~~ The State Board of Education, through the superintendent of public  
411 instruction, shall work with school districts to identify the resources required to implement and  
412 maintain each school's and school district's professional development plan required under this  
413 section.

414 ~~[(b) (i) The state board shall make an annual budget recommendation to the Legislature  
415 for state funding of professional development plans under this section.]~~

416 ~~[(ii) The recommendation shall take into account:]~~

417 ~~[(A) monies that could be used for professional development from the programs listed  
418 in Subsection (2)(a); and]~~

419 ~~[(B) the Quality Teaching Block Grant Program authorized under the Minimum School  
420 Program Act.]~~

421 Section 9. Section **53A-11-102.5** is amended to read:

422 **53A-11-102.5. Dual enrollment.**

423 (1) A person having control of a minor under this part who is enrolled in a regularly  
424 established private school or a home school may also enroll the minor in a public school for  
425 dual enrollment purposes.

426 (2) The minor may participate in any academic activity in the public school available to  
427 students in the minor's grade or age group, subject to compliance with the same rules and  
428 requirements that apply to a full-time student's participation in the activity.

429 (3) Except as otherwise provided in Sections 53A-11-101 and 53A-11-102, a student  
430 enrolled in a public school may also be enrolled in a private school or a home school for dual

431 enrollment purposes.

432 (4) A student enrolled in a dual enrollment program is considered a student of the  
433 district in which the public school of attendance is located for purposes of state funding to the  
434 extent of the student's participation in the public school programs.

435 (5) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
436 State Board of Education shall make rules for purposes of dual enrollment to govern and  
437 regulate the transferability of credits toward graduation that are earned in a private or home  
438 school.

439 (6) ~~(a)~~ The State Board of Education shall determine the policies and procedures  
440 necessary to permit students enrolled under Subsection (1) to participate in public school  
441 extracurricular activities.

442 ~~[(b) The board shall report its findings to the Legislature prior to the 1994 General  
443 Session, together with recommendations for proposed legislation, if required for participation  
444 in those activities by those students.]~~

445 Section 10. Section **53A-11-103** is amended to read:

446 **53A-11-103. Duties of boards of education in resolving child's attendance**  
447 **problems -- Parental involvement -- Issuance of truancy citations -- Procedure for**  
448 **contesting citations -- Liability not imposed.**

449 (1) For each school-age minor who is or should be enrolled within that school district,  
450 the local school board or school district shall make efforts to resolve a minor's school  
451 attendance problems. Those efforts shall include, as reasonably feasible:

452 (a) counseling of the minor by school authorities;

453 (b) a written request for parental support in securing regular attendance by the minor  
454 delivered by certified mail, containing notice of the requirements of this section and stating that  
455 refusal to respond to the notice is a class B misdemeanor;

456 (c) at least one meeting with the minor and the parents;

457 (d) any necessary adjustment to the curriculum and schedule to meet special needs of  
458 the minor; and

459 (e) monitoring school attendance of the minor for a period not to exceed 30 days.

460 (2) In addition to the efforts listed in Subsection (1), the local school board or school  
461 district may enlist the assistance of community and law enforcement agencies as appropriate

462 and reasonably feasible.

463 (3) In the event that the minor's school attendance problem cannot be resolved by the  
464 efforts of the local school board or school district, the local school board or school district shall  
465 refer the school-age minor to the appropriate district or county attorney or juvenile court as a  
466 habitual truant.

467 (4) Any parent of a school-age minor shall, upon written request from a local school  
468 board or school district, cooperate with school authorities in resolving the minor's school  
469 attendance problem.

470 (5) A local school board may authorize the issuance of truancy citations by school  
471 administrators and appointed truancy specialists. Recipients of truancy citations may be  
472 subjected to administrative penalties~~[-, and to a fee assessed in accordance with a uniform fee~~  
473 ~~schedule adopted by the State Board of Education].~~

474 (6) A local school board that authorizes the issuance of truancy citations shall establish  
475 a procedure for students to contest citations. Any minor having received three prior truancy  
476 citations within a single school year and for whom reasonable efforts to resolve the attendance  
477 problem have failed, shall be issued a habitual truancy citation and referred by the local school  
478 board or school district to the appropriate county or district attorney or juvenile court as a  
479 habitual truant. Proceedings for habitual truancy shall be expedited by the court.

480 (7) This section shall not impose any civil liability on boards of education or their  
481 employees. Proceedings initiated under this part do not obligate or preclude action by the  
482 Division of Child and Family Services under Section 78-3a-316.

483 Section 11. Section **53A-15-101** is amended to read:

484 **53A-15-101. Higher education courses in the public schools -- Cooperation**  
485 **between public and higher education.**

486 (1) The State Board of Education in collaboration with the State Board of Regents shall  
487 implement:

488 (a) a curriculum program and delivery system which allows students the option to  
489 complete high school graduation requirements and prepares them to meet college admission  
490 requirements at the conclusion of the eleventh grade, but does not preclude a student involved  
491 in accelerated learning programs from graduating at an earlier time;

492 (b) a program of selected college credit courses in general and applied technology

493 education which would be made available in cooperation with the State Board of Regents, as  
494 resources allow, through concurrent enrollment with one or more of the state's institutions of  
495 higher education;

496 (c) a course of study for a student who decides to continue on through the twelfth grade  
497 that would allow the student to take courses necessary to graduate from high school, and at the  
498 student's option, to become better prepared for the world of work, or complete selected college  
499 level courses corresponding to the first year of course work at a university, college, or  
500 community college in the state system of higher education; and

501 (d) a program for advanced placement which permits students to earn high school  
502 credits while qualifying to take advanced placement examinations for college credit.

503 (2) The delivery system and curriculum program shall be designed and implemented to  
504 take full advantage of the most current available educational technology.

505 (3) The State Board of Regents shall adopt rules to ensure the following:

506 (a) early high school graduates who are academically prepared and meet college  
507 admission requirements may be enrolled in one of the state's institutions of higher education;

508 (b) college credit courses are taught in high school concurrent enrollment or advanced  
509 placement programs by college or university faculty or public school educators under the  
510 following conditions:

511 (i) public school educators in concurrent enrollment programs must first be approved  
512 as adjunct faculty and supervised by a state institution of higher education;

513 (ii) teaching is done through live classroom instruction or telecommunications; and

514 (iii) course content, procedures, and teaching materials in concurrent enrollment  
515 programs are approved by the appropriate department or program at an institution of higher  
516 education in order to ensure quality and comparability with courses offered on college and  
517 university campuses; and

518 (c) college credits obtained under this section shall be accepted for transfer of credit  
519 purposes as if they had been obtained at any public institution of higher education within the  
520 state system.

521 (4) College-level courses taught in the high school carry the same credit hour value as  
522 when taught on a college or university campus and apply toward graduation on the same basis  
523 as courses taught at an institution of higher education to which the credits are submitted.

524 (5) The State Board of Education shall provide students in the public schools with the  
525 option of accelerating their educational program and graduating at the conclusion of the  
526 eleventh grade.

527 (6) (a) The State Board of Education and State Board of Regents shall work in close  
528 cooperation in developing, implementing, and evaluating the program established under this  
529 section.

530 (b) (i) Each high school shall receive its proportional share of concurrent enrollment  
531 monies appropriated or allocated pursuant to Section 53A-17a-120 based upon the hours of  
532 higher education course work undertaken by students at the school under Subsections (1)(b)  
533 and (1)(c) as compared to the state total.

534 (ii) School districts shall contract with institutions of higher education to provide the  
535 higher education services required under this section.

536 (iii) (A) Higher education tuition and fees may not be charged for participation in this  
537 program, except that each institution within the state's higher education system may charge a  
538 one-time per student per institution admissions application fee for concurrent enrollment  
539 course credit offered by the institution.

540 (B) Payment of the fee under Subsection (6)(b)(iii)(A) satisfies the general admissions  
541 application fee requirement for a full-time or part-time student at an institution so that no  
542 additional admissions application fee may be charged by the institution.

543 ~~[(c) The two boards shall provide the Legislature and the governor with an annual  
544 report on the effectiveness of the program with specific focus on the availability and use of  
545 counselors in the ninth through eleventh grades to assist students and their parents in designing  
546 and implementing effective student education plans.]~~

547 Section 12. Section **53A-17a-108** is amended to read:

548 **53A-17a-108. Weighted pupil units for administrative costs.**

549 ~~[(+)]~~ Administrative costs weighted pupil units are computed and distributed to  
550 districts in accordance with the following schedule:

551 Administrative Costs Schedule

School District Enrollment as of October 1	Weighted Pupil Units
1 - 2,000 students	53
2,001 - 10,000 students	48

555 10,001 - 20,000 students 25  
 556 20,001 and above 16

557 ~~[(2) The State Board of Education shall develop a statewide plan to increase the~~  
 558 ~~proportion of monies allocated to instruction and decrease the proportion of monies allocated~~  
 559 ~~to general district administration and business administration.]~~

560 Section 13. Section **53A-17a-109** is amended to read:

561 **53A-17a-109. Necessarily existent small schools -- Computing additional**  
 562 **weighted pupil units -- Consolidation of small schools.**

563 (1) Upon application by each school district, the State Board of Education shall, in  
 564 consultation with local school boards, classify particular schools in each district as necessarily  
 565 existent small schools.

566 (a) Applications must be submitted to the state board before April 2, and the board  
 567 must report a decision to each school district before June 2.

568 (b) The state board shall adopt standards and make rules to:

569 (i) govern the approval of these schools consistent with principles of efficiency and  
 570 economy and which shall serve the purpose of eliminating schools where consolidation is  
 571 feasible by participation in special school units; and

572 (ii) ensure that districts are not building secondary schools in close proximity to one  
 573 another where economy and efficiency would be better served by one school meeting the needs  
 574 of secondary students in a designated geographical area.

575 (c) A one or two-year secondary school that has received necessarily existent small  
 576 school money under this section prior to July 1, 2000, may continue to receive such money in  
 577 subsequent years under state board rule.

578 (2) The state board shall ~~[-(a)]~~ prepare and publish objective standards and guidelines  
 579 for determining which small schools are necessarily existent after consultation with local  
 580 school boards ~~[-and]~~.

581 ~~[(b) conduct comprehensive school surveys of the school districts in which small~~  
 582 ~~schools are operated for the purpose of improving school programs, bringing about greater~~  
 583 ~~economy and efficiency, and reporting to the Legislature changes needed in the law pertaining~~  
 584 ~~to small schools.]~~

585 (3) The additional units for schools classified as necessarily existent small schools are

586 computed using regression formulas adopted by the state board.

587 (a) The regression formulas establish the following maximum sizes for funding under  
588 the necessarily existent small school program:

- 589 (i) Elementary 160
- 590 (ii) One or two-year secondary 300
- 591 (iii) Three-year secondary 450
- 592 (iv) Four-year secondary school 500
- 593 (v) Six-year secondary school 600

594 (b) Schools with fewer than ten students shall receive the same add-on weighted pupil  
595 units as schools with ten students.

596 (c) The state board shall prepare and distribute an allocation table based on the  
597 regression formula to each school district.

598 (4) (a) To avoid penalizing a district financially for consolidating its small schools,  
599 additional units may be allowed a district each year, not to exceed two years.

600 (b) The units may not exceed the difference between what the district receives for a  
601 consolidated school and what it would have received for the small schools had they not been  
602 consolidated.

603 (c) A district may use the monies allocated under this subsection for maintenance and  
604 operation of school programs or for other school purposes as approved by the state board.

605 Section 14. Section **53A-17a-111.5** is amended to read:

606 **53A-17a-111.5. Districts to provide class space for deaf and blind programs.**

607 (1) School districts with students who reside within their boundaries and are served by  
608 the Schools for the Deaf and the Blind shall:

- 609 (a) furnish the schools with space required for their programs; or
- 610 (b) help pay for the cost of leasing classroom space in other school districts.

611 (2) A district's participation in the program under Subsection (1) is based upon the  
612 number of students who are served by the Schools for the Deaf and the Blind and who reside  
613 within the district as compared to the state total of students who are served by the schools.

614 ~~[(3) The Schools for the Deaf and the Blind shall compile an annual list of all districts  
615 that fail to comply with this section and provide a copy of the list to the Legislature.]~~

616 Section 15. Section **53A-17a-119** is amended to read:

617 **53A-17a-119. Appropriation for adult education programs.**

618 (1) There is appropriated to the State Board of Education for the fiscal year beginning  
619 July 1, 2002, \$8,431,047 for allocation to local school boards for adult education programs,  
620 consisting of adult high school completion and adult basic skills programs.

621 (2) Each district shall receive its pro rata share of the appropriation for adult high  
622 school completion programs based on the number of people listed in the latest official census  
623 who are over 18 years of age and who do not have a high school diploma and prior year  
624 participation or as approved by board rule.

625 (3) On February 1 of each school year, the State Board of Education shall recapture  
626 monies not used for an adult high school completion program for reallocation to districts that  
627 have implemented programs based on need and effort as determined by the board.

628 (4) To the extent of monies available, school districts shall provide programs to adults  
629 who do not have a diploma and who intend to graduate from high school, with particular  
630 emphasis on homeless individuals who are seeking literacy and life skills.

631 (5) Overruns in adult education in any district may not reduce the value of the weighted  
632 pupil unit for this program in another district.

633 ~~[(6) The board shall provide the Legislature with a recommendation as to if and when  
634 any fees should be charged for participation in the adult high school completion programs  
635 funded under this section.]~~

636 ~~[(7)]~~ (6) School districts shall spend money on adult basic skills programs according to  
637 standards established by the board.

638 Section 16. Section **53A-17a-124.5** is amended to read:

639 **53A-17a-124.5. Appropriation for class size reduction.**

640 (1) There is appropriated to the State Board of Education for the fiscal year beginning  
641 July 1, 2002, \$63,441,924 (29,757 weighted pupil units) to reduce the average class size in  
642 kindergarten through the eighth grade in the state's public schools.

643 (2) Each district shall receive its allocation based upon prior year average daily  
644 membership in kindergarten through grade eight plus growth as determined under Subsection  
645 53A-17a-106(3) as compared to the state total.

646 (3) (a) A district may use its allocation to reduce class size in any one or all of the  
647 grades referred to under this section, except as otherwise provided in Subsection (3)(b).

648 (b) (i) Each district shall use 50% of its allocation to reduce class size in any one or all  
649 of grades kindergarten through grade two, with an emphasis on improving student reading  
650 skills.

651 (ii) If a district's average class size is below 18 in grades kindergarten through two, it  
652 may petition the state board for, and the state board may grant, a waiver to use its allocation  
653 under Subsection (3)(b)(i) for class size reduction in the other grades.

654 (4) Schools may use nontraditional innovative and creative methods to reduce class  
655 sizes with this appropriation and may use part of their allocation to focus on class size  
656 reduction for specific groups, such as at risk students, or for specific blocks of time during the  
657 school day.

658 (5) (a) A school district may use up to 20% of its allocation under Subsection (1) for  
659 capital facilities projects if such projects would help to reduce class size.

660 (b) If a school district's student population increases by 5% or 700 students from the  
661 previous school year, the school district may use up to 50% of any allocation it receives under  
662 this section for classroom construction.

663 (6) This appropriation is to supplement any other appropriation made for class size  
664 reduction.

665 ~~[(7) (a) The State Board of Education shall compile information on class size, both in  
666 average student-teacher ratios and in actual number of students enrolled in each classroom by  
667 grade level for elementary grades and by subject matter for secondary grades.]~~

668 ~~[(b) The State Board of Education shall establish uniform class size reporting rules  
669 among districts.]~~

670 ~~[(c) Provisions may be made for explaining special circumstances where class size  
671 exceeds or is below normal distributions.]~~

672 ~~[(8) (a) Each school district shall provide annually to the state superintendent of public  
673 instruction a summary report on the overall district plan for utilizing class size reduction funds  
674 provided by the Legislature.]~~

675 ~~[(b) If the district has received new additional class size reduction funds during the  
676 previous year, the district shall report data identifying how:]~~

677 ~~[(i) the use of the funds complies with legislative intent, and]~~

678 ~~[(ii) the use of the funds supplements the district's class size reduction plan.]~~

679            [~~(9)~~] (7) The Legislature shall provide for an annual adjustment in the appropriation  
680 authorized under this section in proportion to the increase in the number of students in the state  
681 in kindergarten through grade eight.

682            Section 17. Section **53A-17a-126** is amended to read:

683            **53A-17a-126. State support of pupil transportation.**

684            (1) The state's contribution of \$56,164,040 for state-supported transportation of public  
685 school students for the fiscal year beginning on July 1, 2002, is apportioned and distributed in  
686 accordance with Section 53A-17a-127, except as otherwise provided in this section.

687            (2) (a) Included in the appropriation under Subsection (1) is an amount not less than  
688 \$1,936,610 to be deducted prior to any other distribution under this section to school districts,  
689 and allocated to the Utah Schools for the Deaf and the Blind to pay transportation costs of the  
690 schools' students.

691            (b) The Utah Schools for the Deaf and the Blind shall utilize these funds to pay for  
692 transportation of their students based on current valid contractual arrangements and best  
693 transportation options and methods as determined by the schools.

694            (c) All student transportation costs of the schools shall be paid from the allocation  
695 received under this Subsection (2).

696            (3) Each district shall receive its approved transportation costs, except that if during the  
697 fiscal year the total transportation allowance for all districts exceeds the amount appropriated,  
698 all allowances shall be reduced pro rata to equal not more than that amount.

699            (4) Included in the appropriation under Subsection (1) is an amount of \$187,000 for  
700 transportation of students, as approved by the state board, for school districts that consolidate  
701 schools, implement double session programs at the elementary level, or utilize other  
702 alternatives to building construction that require additional student transportation.

703            (5) (a) Part of the state's contribution for transportation, not to exceed \$200,000, may  
704 be used as an incentive for districts to increase economy and productivity in student  
705 transportation.

706            (b) This amount is distributed on a pro rata basis among districts which have achieved  
707 the most efficiency according to the state formula.

708            (c) Districts receiving the incentive funding may expend the monies at the discretion of  
709 the local school board.

710 (6) ~~(a)~~ Local school boards shall provide salary adjustments to employee groups that  
711 work with the transportation of students comparable to those of classified employees  
712 authorized under Section 53A-17a-137, when dividing the weighted pupil unit for salary  
713 adjustment purposes.

714 ~~[(b) The State Board of Education shall conduct a study to evaluate the reimbursement~~  
715 ~~system of funding for pupil transportation with emphasis on looking at methodologies that will~~  
716 ~~provide incentives for districts that will encourage economical practices.]~~

717 Section 18. Section ~~53A-17a-144~~ is amended to read:

718 **53A-17a-144. Contribution of state to cost of minimum school program --**  
719 **Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.**

720 The state's contribution to the total cost of the minimum school program is determined  
721 and distributed as follows:

722 ~~[(1) Prior to June 16 of each year, the State Board of Education shall determine the~~  
723 ~~estimated total cost of the minimum school program for each school district for the next school~~  
724 ~~year.]~~

725 ~~[(a) The board shall certify this cost to the State Tax Commission, the Division of~~  
726 ~~Finance, and the state auditor.]~~

727 ~~[(b) The certified report shall include the estimated number of units, the cost of the~~  
728 ~~minimum program for each district as determined with the district, and the amount of any~~  
729 ~~deficiency in the state's contribution to the minimum school program for the current and the~~  
730 ~~preceding years.]~~

731 ~~[(2)]~~ (1) The State Tax Commission shall levy an amount determined by the  
732 Legislature on all taxable property of the state.

733 (a) This amount, together with other funds provided by law, is the state's contribution  
734 to the minimum school program.

735 (b) The statewide levy is set at zero until changed by the Legislature.

736 ~~[(3)]~~ (2) During the first week in November, the State Tax Commission shall certify to  
737 the State Board of Education the amounts designated as state aid for each district under Section  
738 59-2-902.

739 ~~[(4)]~~ (3) (a) The actual amounts computed under Section 59-2-902 are the state's  
740 contribution to the minimum school program of each district.

741 (b) The state board shall provide each district with a statement of the amount of state  
742 aid.

743 [~~(5)~~] (4) Prior to the first day of each month, the state treasurer and the Division of  
744 Finance, with the approval of the State Board of Education, shall disburse 1/12 of the state's  
745 contribution to the cost of the minimum school program to each school district.

746 (a) A disbursement may not be made to a district whose payments have been  
747 interrupted under Subsection [~~(5)~~] (4)(d).

748 (b) Discrepancies between the monthly disbursements and the actual cost of the  
749 program shall be adjusted in the final settlement under Subsection [~~(6)~~] (5).

750 (c) If the monthly distributions overdraw the money in the Uniform School Fund, the  
751 Division of Finance is authorized to run this fund in a deficit position.

752 (d) The state board may interrupt disbursements to a district if, in the judgment of the  
753 board, the district is failing to comply with the minimum school program, is operating  
754 programs that are not approved by the state board, or has not submitted reports required by law  
755 or the state board.

756 (i) Disbursements shall be resumed upon request of the state board.

757 (ii) Back disbursements shall be included in the next regular disbursement, and the  
758 amount disbursed certified to the State Division of Finance and state treasurer by the state  
759 board.

760 (e) The State Board of Education may authorize exceptions to the 1/12 per month  
761 disbursement formula for grant funds if the board determines that a different disbursement  
762 formula would better serve the purposes of the grant.

763 [~~(6)~~] (5) (a) If monies in the Uniform School Fund are insufficient to meet the state's  
764 contribution to the minimum school program as appropriated, the amount of the deficiency thus  
765 created shall be carried as a deficiency in the Uniform School Fund until the next session of the  
766 Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.

767 (b) If there is an operating deficit in public education Uniform School Fund  
768 appropriations, the Legislature shall eliminate the deficit by:

769 (i) budget transfers or other legal means;

770 (ii) appropriating up to 25% of the balance in the Budgetary Reserve Account; or

771 (iii) some combination of Subsections (5)(b)(i) and (ii).

772 (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more  
773 than 25% of the balance in the Budgetary Reserve Account to fund operating deficits in public  
774 education appropriations.

775 Section 19. Section **53A-17a-147** is amended to read:

776 **53A-17a-147. Use of funds for approved programs -- Assessment of funded**  
777 **programs.**

778 (1) Funds appropriated under this chapter shall only be used for programs approved by  
779 the State Board of Education.

780 (2) The State Board of Education shall assess the progress and degree of effectiveness  
781 of all programs funded under this chapter [~~and report its assessment to the Legislature on an~~  
782 ~~annual basis~~].

783 Section 20. Section **53A-28-203** is amended to read:

784 **53A-28-203. Fiscal solvency of school districts -- Duties of state treasurer and**  
785 **attorney general.**

786 [~~(1) The state superintendent of public instruction shall:~~]

787 [~~(a) monitor the financial affairs and condition of each board in the state to evaluate~~  
788 ~~each school board's financial solvency;~~]

789 [~~(b) at least annually, report his conclusions to the governor, the Legislature, and the~~  
790 ~~state treasurer; and]~~

791 [~~(c) report immediately to the governor and state treasurer any circumstances~~  
792 ~~suggesting that a school district will be unable to timely meet its debt service obligations and~~  
793 ~~recommend a course of remedial action.]~~

794 [(2) (a) ~~After examining the report of the state superintendent of public instruction~~  
795 ~~required by this subsection]~~

796 (1) (a) After examining district annual financial reports, the state treasurer shall  
797 determine whether or not the financial affairs and condition of a board are such that it would be  
798 imprudent for the state to guarantee the bonds of that board.

799 (b) If the state treasurer determines that the state should not guarantee the bonds of that  
800 board, the state treasurer shall:

801 (i) prepare a determination of ineligibility; and

802 (ii) keep it on file in the office of the state treasurer.

803 (c) The state treasurer may remove a board from the status of ineligibility when a  
804 subsequent report [~~of the state superintendent of public instruction~~] or other information made  
805 available to the state treasurer evidences that it is no longer imprudent for the state to guarantee  
806 the bonds of that board.

807 [~~(3)~~] (2) Nothing in this section affects the state's guaranty of bonds of a board issued:

808 (a) before determination of ineligibility;

809 (b) after the eligibility of the board is restored; or

810 (c) under a certificate of eligibility issued under Section 53A-28-202.

811 Section 21. **Repealer.**

812 This act repeals:

813 Section 53A-2-212, **Building capacity exemption.**

814 Section 53A-3-416, **Annual report on teachers' salaries.**

815 Section 53A-6-212, **Filing and publication of interstate educational personnel**  
816 **contracts.**

817 Section 53A-9-106, **School district to report on expenditure of money for career**  
818 **ladderprogram.**

819 Section 53A-15-801, **Modified School Week Pilot Program -- Components --**  
820 **Evaluation -- Termination.**

821 Section 53A-15-901, **Arts in Elementary Schools Pilot Program -- Components --**  
822 **Funding -- Evaluation.**

823 Section 53A-17a-142, **School building utilization at 70% of capacity -- Exceptions.**

**Legislative Review Note**  
as of 12-4-02 9:08 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
as of 12-12-02 4:44 PM

The Enhancement of Public Education Task Force recommended this bill.

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**Fiscal Note**  
**Bill Number HB0039**

**Repeal of Education Reports and Duties**

*20-Jan-03*

*1:51 PM*

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**State Impact**

Implementation of House Bill 39 may result in some cost savings by reducing the number of reports to be submitted to the Legislature. Savings may occur on the state and local level from reduced data collection and reporting costs.

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**Individual and Business Impact**

No Fiscal Impact

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**Office of the Legislative Fiscal Analyst**