

1 STATE BOARD OF EDUCATION REVISIONS

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Bruce R. Cutler

5 Senate Sponsor: J. Stuart Adams

6

7 LONG TITLE

8 General Description:

9 This bill modifies provisions regarding the public education system.

10 Highlighted Provisions:

11 This bill:

- 12 ▶ deletes references to the State Office of Education;
- 13 ▶ requires the State Board of Education to assume ~~H→~~ certain ~~←H~~ responsibilities

13a formerly assigned

14 to the State Office of Education ~~H→~~ [s] and the state superintendent of public instruction; ~~←H~~

- 15 ▶ allows the State Board of Education to delegate duties and responsibilities to
- 16 employees; and
- 17 ▶ makes conforming and technical changes.

18 Money Appropriated in this Bill:

19 None

20 Other Special Clauses:

21 None

22 Utah Code Sections Affected:

23 AMENDS:

- 24 9-7-204, as last amended by Laws of Utah 2010, Chapters 286 and 324
- 25 19-3-320, as last amended by Laws of Utah 2012, Chapter 212
- 26 20A-14-103, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 27 20A-14-202, as last amended by Laws of Utah 2011, Chapter 297

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- 28 **26-10-5**, as enacted by Laws of Utah 1981, Chapter 126
- 29 **26-10-5.5**, as enacted by Laws of Utah 1999, Chapter 27
- 30 **32B-2-405**, as enacted by Laws of Utah 2010, Chapter 276 and last amended by
- 31 Coordination Clause, Laws of Utah 2010, Chapter 276
- 32 **35A-3-205**, as last amended by Laws of Utah 2015, Chapter 221
- 33 **35A-5-103**, as renumbered and amended by Laws of Utah 1997, Chapter 375
- 34 **49-12-701**, as last amended by Laws of Utah 2010, Chapter 264
- 35 **49-13-701**, as last amended by Laws of Utah 2010, Chapter 264
- 36 **51-9-405**, as last amended by Laws of Utah 2009, Chapter 356
- 37 **53-10-202**, as last amended by Laws of Utah 2015, Chapter 348
- 38 **53-10-211**, as last amended by Laws of Utah 2010, Chapter 324
- 39 **53A-1-202**, as last amended by Laws of Utah 2015, Chapter 289
- 40 **53A-1-302**, as last amended by Laws of Utah 1990, Chapter 261
- 41 **53A-1-403.5**, as last amended by Laws of Utah 2012, Chapter 23
- 42 **53A-1-413**, as last amended by Laws of Utah 2015, Chapter 415
- 43 **53A-1-708**, as last amended by Laws of Utah 2015, Chapter 415
- 44 **53A-1a-501.7**, as last amended by Laws of Utah 2008, Chapter 319
- 45 **53A-3-402**, as last amended by Laws of Utah 2015, Chapters 399 and 415
- 46 **53A-3-402.9**, as last amended by Laws of Utah 2008, Chapter 171
- 47 **53A-3-424**, as last amended by Laws of Utah 2008, Chapter 382
- 48 **53A-3-603**, as last amended by Laws of Utah 2000, Chapter 219
- 49 **53A-6-103**, as last amended by Laws of Utah 2008, Chapter 382
- 50 **53A-6-104.5**, as last amended by Laws of Utah 2015, Chapter 389
- 51 **53A-6-105**, as last amended by Laws of Utah 2009, Chapter 183
- 52 **53A-6-110**, as enacted by Laws of Utah 2003, Chapter 315
- 53 **53A-6-302**, as repealed and reenacted by Laws of Utah 1999, Chapter 108
- 54 **53A-6-403**, as last amended by Laws of Utah 2015, Chapter 389
- 55 **53A-6-404**, as last amended by Laws of Utah 2015, Chapter 389
- 56 **53A-13-101**, as last amended by Laws of Utah 2004, Chapter 196
- 57 **53A-13-208**, as last amended by Laws of Utah 2008, Chapter 382
- 58 **53A-14-107**, as last amended by Laws of Utah 2015, Chapter 415

59 **53A-15-1301**, as last amended by Laws of Utah 2015, Chapter 85
60 **53A-16-101.6**, as last amended by Laws of Utah 2015, Chapter 276
61 **53A-20-104**, as last amended by Laws of Utah 2008, Chapter 290
62 **53A-25b-306**, as enacted by Laws of Utah 2009, Chapter 294
63 **53A-25b-501**, as enacted by Laws of Utah 2009, Chapter 294
64 **53B-6-104**, as enacted by Laws of Utah 1994, Chapter 295
65 **53B-17-105**, as enacted by Laws of Utah 2014, Chapter 63
66 **53B-18-801**, as enacted by Laws of Utah 1999, Chapter 333
67 **53D-1-102**, as enacted by Laws of Utah 2014, Chapter 426
68 **58-41-4**, as last amended by Laws of Utah 2010, Chapter 324
69 **59-10-1307**, as last amended by Laws of Utah 2009, Chapter 17
70 **62A-4a-412**, as last amended by Laws of Utah 2008, Chapters 3, 87, 299, and 382
71 **62A-5a-102**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8
72 **62A-15-1101**, as last amended by Laws of Utah 2015, Chapter 85
73 **63A-9-101**, as last amended by Laws of Utah 2008, Chapter 65
74 **63B-3-301**, as last amended by Laws of Utah 2013, Chapter 310
75 **63B-4-201**, as last amended by Laws of Utah 2013, Chapters 310 and 465
76 **63B-5-201**, as last amended by Laws of Utah 2013, Chapter 465
77 **63F-2-102**, as enacted by Laws of Utah 2015, Chapter 371
78 **63G-6a-202**, as last amended by Laws of Utah 2012, Chapter 91 and renumbered and
79 amended by Laws of Utah 2012, Chapter 347 and last amended by Coordination
80 Clause, Laws of Utah 2012, Chapter 347
81 **63G-10-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
82 **63G-12-209**, as enacted by Laws of Utah 2011, Chapter 18
83 **63I-5-102**, as last amended by Laws of Utah 2014, Chapter 433
84 **63I-5-201**, as repealed and reenacted by Laws of Utah 2014, Chapter 433
85 **63J-1-219**, as last amended by Laws of Utah 2013, Chapter 214
86 **63M-10-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
87 **67-19-6.7**, as last amended by Laws of Utah 2013, Chapter 214
88 **77-40-109**, as last amended by Laws of Utah 2014, Chapter 199
89 **78A-6-209**, as last amended by Laws of Utah 2015, Chapters 255 and 307

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

Section 1. Section **9-7-204** is amended to read:

9-7-204. State Library Board -- Members -- Meetings -- Expenses.

(1) There is created within the department the State Library Board.

(2) (a) The board shall consist of nine members appointed by the governor.

(b) One member shall be appointed on recommendation from each of the following [agencies]:

(i) the State [~~Office~~] Board of Education;

(ii) the Board of Control of the State Law Library;

(iii) the Office of Legislative Research and General Counsel; and

(iv) the Utah System of Higher Education.

(c) Of the five remaining members at least two shall be appointed from rural areas.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(4) The members may not serve more than two full consecutive terms.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as originally appointed.

(6) Five members of the board constitute a quorum for conducting board business.

(7) The governor shall select one of the board members as chair who shall serve for a period of two years.

(8) The director of the State Library Division shall be executive officer of the board.

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section [63A-3-106](#);

(b) Section [63A-3-107](#); and

(c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

121 63A-3-107.

122 Section 2. Section 19-3-320 is amended to read:

123 **19-3-320. Efforts to prevent siting of any nuclear waste facility to include**
124 **economic development study regarding Native American reservation lands within the**
125 **state.**

126 (1) It is the intent of the Legislature that the department, in its efforts to prevent the
127 siting of a nuclear waste facility within the exterior borders of the state, include in its work the
128 study under Subsection (2) and the report under Subsection (3).

129 (2) It is the intent of the Legislature that the Department of Environmental Quality, in
130 coordination with the office of the governor, and in cooperation with the Departments of
131 Heritage and Arts, Human Services, Health, Workforce Services, Agriculture and Food,
132 Natural Resources, and Transportation, the [~~state Office~~] State Board of Education, and the
133 Board of Regents:

134 (a) study the needs and requirements for economic development on the Native
135 American reservations within the state; and

136 (b) prepare, on or before November 30, 2001, a long-term strategic plan for economic
137 development on the reservations.

138 (3) It is the intent of the Legislature that this plan, prepared under Subsection (2)(b),
139 shall be distributed to the governor and the members of the Legislature on or before December
140 31, 2001.

141 Section 3. Section 20A-14-103 is amended to read:

142 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
143 **-- Avoiding conflicts of interest.**

144 (1) (a) Unless otherwise provided by law, each State Board of Education member
145 elected from a State Board of Education District at the 2010 general election shall:

146 (i) serve out the term of office for which that member was elected; and

147 (ii) represent the realigned district if the member resides in that district.

148 (b) At the general election to be held in 2012, a State Board of Education member
149 elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected
150 to serve a term of office of four years.

151 (c) In order to ensure that the terms of approximately half of the State Board of

152 Education members expire every two years:

153 (i) at the general election to be held in 2012, the State Board of Education member
154 elected from State Board of Education District 1 shall be elected to serve a term of office of
155 two years; and

156 (ii) at the general election to be held in 2014, the State Board of Education member
157 elected from State Board of Education District 1 shall be elected to serve a term of office of
158 four years.

159 (2) (a) A person seeking election to the State Board of Education shall have been a
160 resident of the State Board of Education district in which the person is seeking election for at
161 least one year as of the date of the election.

162 (b) A person who has resided within the State Board of Education district, as the
163 boundaries of the district exist on the date of the election, for one year immediately preceding
164 the date of the election shall be considered to have met the requirements of this Subsection (2).

165 (3) A State Board of Education member shall:

166 (a) be and remain a registered voter in the State Board of Education district from which
167 the member was elected or appointed; and

168 (b) maintain the member's primary residence within the State Board of Education
169 district from which the member was elected or appointed during the member's term of office.

170 (4) A State Board of Education member may not, during the member's term of office,
171 also serve as an employee of:

- 172 (a) the State Board of Education; or
- 173 [~~(b) the Utah State Office of Education; or~~]
- 174 [~~(c)~~] (b) the Utah State Office of Rehabilitation.

175 Section 4. Section **20A-14-202** is amended to read:

176 **20A-14-202. Local boards of education -- Membership -- When elected --**
177 **Qualifications -- Avoiding conflicts of interest.**

178 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school
179 district with a student population of up to 24,000 students shall consist of five members.

180 (b) The board of education of a school district with a student population of more than
181 10,000 students but fewer than 24,000 students shall increase from five to seven members
182 beginning with the 2004 regular general election.

183 (c) The board of education of a school district with a student population of 24,000 or
184 more students shall consist of seven members.

185 (d) Student population is based on the October 1 student count submitted by districts to
186 the State [~~Office~~] Board of Education.

187 (e) If the number of members of a local school board is required to change under
188 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
189 Sections 20A-14-201 and 20A-14-203.

190 (f) A school district which now has or increases to a seven-member board shall
191 maintain a seven-member board regardless of subsequent changes in student population.

192 (g) (i) Members of a local board of education shall be elected at each regular general
193 election.

194 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local
195 board of education may be elected to a five-member board, nor more than four members
196 elected to a seven-member board, in any election year.

197 (iii) More than three members of a local board of education may be elected to a
198 five-member board and more than four members elected to a seven-member board in any
199 election year only when required by reapportionment or to fill a vacancy or to implement
200 Subsection (1)(b).

201 (h) One member of the local board of education shall be elected from each local school
202 board district.

203 (2) (a) For an election held after the 2008 general election, a person seeking election to
204 a local school board shall have been a resident of the local school board district in which the
205 person is seeking election for at least one year as of the date of the election.

206 (b) A person who has resided within the local school board district, as the boundaries
207 of the district exist on the date of the election, for one year immediately preceding the date of
208 the election shall be considered to have met the requirements of this Subsection (2).

209 (3) A member of a local school board shall:

210 (a) be and remain a registered voter in the local school board district from which the
211 member is elected or appointed; and

212 (b) maintain the member's primary residence within the local school board district from
213 which the member is elected or appointed during the member's term of office.

214 (4) A member of a local school board may not, during the member's term in office, also
215 serve as an employee of that board.

216 Section 5. Section **26-10-5** is amended to read:

217 **26-10-5. Plan for school health services.**

218 The department shall establish a plan for school health services for pupils in elementary
219 and secondary schools. The department shall cooperate with the [~~state office of education~~]
220 State Board of Education and local health departments in developing such plan and shall
221 coordinate activities between these agencies. The plan may provide for the delivery of health
222 services by and through intermediate and local school districts and local health departments.

223 Section 6. Section **26-10-5.5** is amended to read:

224 **26-10-5.5. Child literacy -- Distribution of information kits.**

225 (1) The Legislature recognizes that effective child literacy programs can have a
226 dramatic long-term impact on each child's ability to:

- 227 (a) succeed in school;
228 (b) successfully compete in a global society; and
229 (c) become a productive, responsible citizen.

230 (2) (a) To help further this end, the department may make available to parents of
231 new-born infants, as a resource, an information kit regarding child development, the
232 development of emerging literacy skills, and activities which promote and enhance emerging
233 literacy skills, including reading aloud to the child on a regular basis.

234 (b) The department shall seek private funding to help support this program.

235 (3) (a) The department may seek assistance from the State [~~Office~~] Board of Education
236 and local hospitals in making the information kit available to parents on a voluntary basis.

237 (b) The department may also seek assistance from private entities in making the kits
238 available to parents.

239 Section 7. Section **32B-2-405** is amended to read:

240 **32B-2-405. Reporting by municipalities and counties -- Grants.**

241 (1) A municipality or county that receives money under this part during a fiscal year
242 shall by no later than October 1 following the fiscal year:

243 (a) report to the advisory council:

244 (i) the programs or projects of the municipality or county that receive money under this

245 part;

246 (ii) if the money for programs or projects were exclusively used as required by
247 Subsection 32B-2-403(2);

248 (iii) indicators of whether the programs or projects that receive money under this part
249 are effective; and

250 (iv) if money received under this part was not expended by the municipality or county;
251 and

252 (b) provide the advisory council a statement signed by the chief executive officer of the
253 county or municipality attesting that the money received under this part was used in addition to
254 money appropriated or otherwise available for the county's or municipality's law enforcement
255 and was not used to supplant that money.

256 (2) The advisory council may, by a majority vote:

257 (a) suspend future payments under Subsection 32B-2-404(4) to a municipality or
258 county that:

259 (i) does not file a report that meets the requirements of Subsection (1); or

260 (ii) the advisory council finds does not use the money as required by Subsection
261 32B-2-403(2) on the basis of the report filed by the municipality or county under Subsection
262 (1); and

263 (b) cancel a suspension under Subsection (2)(a).

264 (3) The State Tax Commission shall notify the advisory council of the balance of any
265 undistributed money after the annual distribution under Subsection 32B-2-404(5).

266 (4) (a) Subject to the requirements of this Subsection (4), the advisory council shall
267 award the balance of undistributed money under Subsection (3):

268 (i) as prioritized by majority vote of the advisory council; and

269 (ii) as grants to:

270 (A) a county;

271 (B) a municipality;

272 (C) the department;

273 (D) the Department of Human Services;

274 (E) the Department of Public Safety; or

275 (F) the [Utah] State [Office] Board of Education.

276 (b) By not later than May 30 of the fiscal year of the appropriation, the advisory
277 council shall notify the State Tax Commission of grants awarded under this Subsection (4).

278 (c) The State Tax Commission shall make payments of a grant:

279 (i) upon receiving notice as provided under Subsection (4)(b); and

280 (ii) by not later than June 30 of the fiscal year of the appropriation.

281 (d) An entity that receives a grant under this Subsection (4) shall use the grant money
282 exclusively for programs or projects described in Subsection 32B-2-403(2).

283 Section 8. Section 35A-3-205 is amended to read:

284 **35A-3-205. Creation of committee.**

285 (1) There is created a Child Care Advisory Committee.

286 (2) The committee shall counsel and advise the office in fulfilling its statutory
287 obligations, including:

288 (a) reviewing and providing recommendations on the office's annual budget;

289 (b) providing recommendations on how the office might best respond to child care
290 needs throughout the state; and

291 (c) providing recommendations on the use of money in the Child Care Fund and other
292 money that comes into the office.

293 (3) The committee is composed of the following members, with special attention given
294 to insure diversity and representation from both urban and rural groups:

295 (a) one expert in early childhood development;

296 (b) one child care provider who operates a center;

297 (c) one child care provider who operates a family child care business;

298 (d) one parent who is representative of households receiving a child care subsidy from
299 the office;

300 (e) one representative from the public at-large;

301 (f) one representative ~~[of]~~ selected by the State ~~[Office]~~ Board of Education;

302 (g) one representative of the Department of Health;

303 (h) one representative of the Department of Human Services;

304 (i) two representatives from the corporate community, one who is a recent "Family
305 Friendly" award winner and who received the award because of efforts related to child care;

306 (j) two representatives from the small business community;

- 307 (k) one representative from child care advocacy groups;
- 308 (l) one representative of children with disabilities;
- 309 (m) one representative from the state Head Start Association appointed by the
310 association;
- 311 (n) one representative from each child care provider association; and
- 312 (o) one representative of a child care resource and referral center appointed by the
313 organization representing child care resource and referral agencies.
- 314 (4) (a) The executive director shall appoint the members designated in Subsections
315 (3)(a) through (e) and (j) through (n).
- 316 (b) The head of the respective departments shall appoint the members referred to in
317 Subsections (3)(f) through (i).
- 318 (c) Each child care provider association shall appoint its respective member referred to
319 in Subsection (3)(o).
- 320 (5) (a) Except as required by Subsection (5)(b), as terms of current committee members
321 expire, the appointing authority shall appoint each new member or reappointed member to a
322 four-year term.
- 323 (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority
324 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
325 terms of committee members are staggered so that approximately half of the committee is
326 appointed every two years.
- 327 (6) When a vacancy occurs in the membership for any reason, including missing three
328 consecutive meetings where the member has not been excused by the chair prior to or during
329 the meeting, the replacement shall be appointed for the unexpired term.
- 330 (7) A majority of the members constitutes a quorum for the transaction of business.
- 331 (8) (a) The executive director shall select a chair from the committee membership.
- 332 (b) A chair may serve no more than two one-year terms as chair.
- 333 (9) A member may not receive compensation or benefits for the member's service, but
334 may receive per diem and travel expenses as allowed in:
 - 335 (a) Section [63A-3-106](#);
 - 336 (b) Section [63A-3-107](#); and
 - 337 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and

338 63A-3-107.

339 Section 9. Section 35A-5-103 is amended to read:

340 **35A-5-103. Roles of service providers.**

341 (1) Delivery of job training related services not administered by the department under
342 this chapter shall be provided in accordance with Subsections (2) and (3).

343 (2) The State [~~Office~~] Board of Education and the Board of Regents shall provide for
344 basic education, remedial education, and applied technology training.

345 (3) The Office of Rehabilitation shall provide those services authorized under the
346 Rehabilitation Act of 1973, as amended.

347 Section 10. Section 49-12-701 is amended to read:

348 **49-12-701. Early retirement incentive -- Eligibility -- Calculation of benefit --**
349 **Payment of costs -- Savings to be appropriated by Legislature -- Restrictions on**
350 **reemployment.**

351 (1) Any member of this system may retire and receive the allowance allowed under
352 Subsection (2) if the member meets the following requirements as of the member's retirement
353 date:

354 (a) the member is eligible for retirement under Section 49-12-401, or has 25 years of
355 service credit;

356 (b) the member elects to forfeit any stipend for retirement offered by the participating
357 employer; and

358 (c) the member elects to retire from this system by applying for retirement by the date
359 established under Subsection (3)(a) or (3)(b).

360 (2) (a) A member who retires under Subsection (1) shall receive 2% of that member's
361 final average salary for all years of service credit.

362 (b) An actuarial reduction may not be applied to the allowance granted under this
363 section.

364 (3) In order to receive the allowance allowed by this section, a member shall submit an
365 application to the office as follows:

366 (a) (i) For state and school employees under Level A, the application shall be filed by
367 May 31, 1987. The member's retirement date shall then be set by the member on the 1st or 16th
368 day of July, August, or September, 1987.

369 (ii) If a Level A member elects to retire, the executive director or participating
370 employer may request the member to delay the retirement date until a later date, but no later
371 than June 30, 1988.

372 (iii) If the member agrees to delay the retirement date, the retirement date shall be
373 delayed, but service credit may not be accrued after the member's original retirement date
374 elected by the member, and compensation earned after the member's original retirement date
375 may not be used in the calculation of the final average salary for determining the retirement
376 allowance.

377 (b) (i) For political subdivision employees under Level B, the application shall be filed
378 by September 30, 1987.

379 (ii) The retirement date shall then be set by the member on the 1st or 16th day of July,
380 August, September, October, November, or December, 1987.

381 (4) (a) The cost of providing the allowance under this section shall be funded in fiscal
382 year 1987-88 by a supplemental appropriation in the 1988 General Session based on the
383 retirement contribution rate increase established by the consulting actuary and approved by the
384 board.

385 (b) The cost of providing the allowance under this section shall be funded beginning
386 July 1, 1988, by means of an increase in the retirement contribution rate established by the
387 consulting actuary and approved by the board.

388 (c) The rate increase under Subsections (4)(a) and (b) shall be funded:

389 (i) for state employees, by an appropriation from the account established by the
390 Division of Finance under Subsection (4)(d), which is funded by savings derived from this
391 early retirement incentive and a work force reduction;

392 (ii) for school employees, by direct contributions from the employing unit, which may
393 not be funded through an increase in the retirement contribution amount established in Title
394 53A, Chapter 17a, Minimum School Program Act; and

395 (iii) for political subdivisions under Level B, by direct contributions by the
396 participating employer.

397 (d) (i) Each year, any excess savings derived from this early retirement incentive which
398 are above the costs of funding the increase and the costs of paying insurance, sick leave,
399 compensatory leave, and vacation leave under Subsections (4)(c)(i) and (c)(ii) shall be reported

400 to the Legislature and shall be appropriated as provided by law.

401 (ii) In the case of Subsection (4)(c)(i), the Division of Finance shall establish an
402 account into which all savings derived from this early retirement incentive shall be deposited as
403 the savings are realized.

404 (iii) In the case of Subsection (4)(c)(ii), the State [~~Office~~] Board of Education shall
405 certify the amount of savings derived from this early retirement incentive.

406 (iv) The State [~~Office~~] Board of Education and the participating employer may not
407 spend the savings until appropriated by the Legislature as provided by law.

408 (5) A member who retires under this section is subject to Sections 49-11-504 and
409 49-11-505.

410 (6) The board may adopt rules to administer this section.

411 (7) The Legislative Auditor General shall perform an audit to ensure compliance with
412 this section.

413 Section 11. Section 49-13-701 is amended to read:

414 **49-13-701. Early retirement incentive -- Eligibility -- Calculation of benefit --**
415 **Payment of costs -- Savings to be appropriated by Legislature -- Restrictions on**
416 **reemployment.**

417 (1) Any member of this system may retire and receive the allowance allowed under
418 Subsection (2) if the member meets the following requirements as of the member's retirement:

419 (a) the member is eligible for retirement under Section 49-13-401, or has 25 years of
420 service credit;

421 (b) the member elects to forfeit any stipend for retirement offered by the participating
422 employer; and

423 (c) the member elects to retire from this system by applying for retirement by the date
424 established under Subsection (3)(a) or (3)(b).

425 (2) (a) A member who retires under Subsection (1) shall receive 2% of that member's
426 final average salary for all years of service credit.

427 (b) No actuarial reduction may be applied to the allowance granted under this section.

428 (3) In order to receive the allowance allowed by this section, a member shall submit an
429 application to the office as follows:

430 (a) (i) For state and school employees under Level A, the application shall be filed by

431 May 31, 1987. The member's retirement date shall then be set by the member on the 1st or 16th
432 day of July, August, or September, 1987.

433 (ii) If a Level A member elects to retire, the executive director or participating
434 employer may request the member to delay the retirement date until a later date, but no later
435 than June 30, 1988.

436 (iii) If the member agrees to delay the retirement date, the retirement date shall be
437 delayed, but service credit may not be accrued after the member's original retirement date
438 elected by the member, and compensation earned after the member's original retirement date
439 may not be used in the calculation of the final average salary for determining the retirement
440 allowance.

441 (b) (i) For political subdivision employees under Level B, the application shall be filed
442 by September 30, 1987.

443 (ii) The member's retirement date shall then be set by the member on the 1st or 16th
444 day of July, August, September, October, November, or December, 1987.

445 (4) (a) The cost of providing the allowance under this section shall be funded in fiscal
446 year 1987-88 by a supplemental appropriation in the 1988 General Session based on the
447 retirement contribution rate increase established by the consulting actuary and approved by the
448 board.

449 (b) The cost of providing the allowance under this section shall be funded beginning
450 July 1, 1988, by means of an increase in the retirement contribution rate established by the
451 consulting actuary and approved by the board.

452 (c) The rate increase under Subsections (4)(a) and (b) shall be funded:

453 (i) for state employees, by an appropriation from the account established by the
454 Division of Finance under Subsection (4)(d), which is funded by savings derived from this
455 early retirement incentive and a work force reduction;

456 (ii) for school employees, by direct contributions from the employing unit, which may
457 not be funded through an increase in the retirement contribution amount established in Title
458 53A, Chapter 17a, Minimum School Program Act; and

459 (iii) for political subdivisions under Level B, by direct contributions by the
460 participating employer.

461 (d) (i) Each year, any excess savings derived from this early retirement incentive which

462 are above the costs of funding the increase and the costs of paying insurance, sick leave,
463 compensatory leave, and vacation leave under Subsections (4)(c)(i) and (c)(ii) shall be reported
464 to the Legislature and shall be appropriated as provided by law.

465 (ii) In the case of Subsection (4)(c)(i), the Division of Finance shall establish an
466 account into which all savings derived from this early retirement incentive shall be deposited as
467 the savings are realized.

468 (iii) In the case of Subsection (4)(c)(ii), the State [~~Office~~] Board of Education shall
469 certify the amount of savings derived from this early retirement incentive.

470 (iv) The State [~~Office~~] Board of Education and the participating employer may not
471 spend the savings until appropriated by the Legislature as provided by law.

472 (5) A member who retires under this section is subject to Sections 49-11-504 and
473 49-11-505.

474 (6) The board may make rules to administer this section.

475 (7) The Legislative Auditor General shall perform an audit to ensure compliance with
476 this section.

477 Section 12. Section 51-9-405 is amended to read:

478 **51-9-405. Substance Abuse Prevention Account established -- Funding -- Uses.**

479 (1) There is created a restricted account within the General Fund known as the
480 Substance Abuse Prevention Account.

481 (2) (a) The Division of Finance shall allocate to the Substance Abuse Prevention
482 Account from the collected surcharge established in Section 51-9-401:

483 (i) 2.5% for the juvenile court, but not to exceed the amount appropriated by the
484 Legislature; and

485 (ii) 2.5% for the State [~~Office~~] Board of Education, but not to exceed the amount
486 appropriated by the Legislature.

487 (b) The juvenile court shall use the allocation to pay for compensatory service
488 programs required by Subsection 78A-6-117(2)(m).

489 (c) The State [~~Office~~] Board of Education shall use the allocation in public school
490 programs for:

491 (i) substance abuse prevention and education;

492 (ii) substance abuse prevention training for teachers and administrators; and

493 (iii) district and school programs to supplement, not supplant, existing local prevention
494 efforts in cooperation with local substance abuse authorities.

495 Section 13. Section **53-10-202** is amended to read:

496 **53-10-202. Criminal identification -- Duties of bureau.**

497 The bureau shall:

498 (1) procure and file information relating to identification and activities of persons who:

499 (a) are fugitives from justice;

500 (b) are wanted or missing;

501 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

502 and

503 (d) are believed to be involved in racketeering, organized crime, or a dangerous
504 offense;

505 (2) establish a statewide uniform crime reporting system that shall include:

506 (a) statistics concerning general categories of criminal activities;

507 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
508 religion, ancestry, national origin, ethnicity, or other categories that the division finds
509 appropriate; and

510 (c) other statistics as required by the Federal Bureau of Investigation;

511 (3) make a complete and systematic record and index of the information obtained
512 under this part;

513 (4) subject to the restrictions in this part, establish policy concerning the use and
514 dissemination of data obtained under this part;

515 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
516 of crime in Utah;

517 (6) establish a statewide central register for the identification and location of missing
518 persons, which may include:

519 (a) identifying data including fingerprints of each missing person;

520 (b) identifying data of any missing person who is reported as missing to a law
521 enforcement agency having jurisdiction;

522 (c) dates and circumstances of any persons requesting or receiving information from
523 the register; and

524 (d) any other information, including blood types and photographs found necessary in
525 furthering the purposes of this part;

526 (7) publish a quarterly directory of missing persons for distribution to persons or
527 entities likely to be instrumental in the identification and location of missing persons;

528 (8) list the name of every missing person with the appropriate nationally maintained
529 missing persons lists;

530 (9) establish and operate a 24-hour communication network for reports of missing
531 persons and reports of sightings of missing persons;

532 (10) coordinate with the National Center for Missing and Exploited Children and other
533 agencies to facilitate the identification and location of missing persons and the identification of
534 unidentified persons and bodies;

535 (11) receive information regarding missing persons, as provided in Sections [26-2-27](#)
536 and [53A-11-502](#), and stolen vehicles, vessels, and outboard motors, as provided in Section
537 [41-1a-1401](#);

538 (12) adopt systems of identification, including the fingerprint system, to be used by the
539 division to facilitate law enforcement;

540 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
541 as provided in Section [76-10-520](#);

542 (14) check certain criminal records databases for information regarding motor vehicle
543 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
544 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
545 criminal offenses for motor vehicle salespersons in accordance with the requirements of
546 Section [41-3-205.5](#);

547 (15) check certain criminal records databases for information regarding driving
548 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
549 privilege applicants and cardholders and inform the federal Immigration and Customs
550 Enforcement Agency of the United States Department of Homeland Security when new entries
551 are made in accordance with the requirements of Section [53-3-205.5](#).

552 (16) review and approve or disapprove applications for license renewal that meet the
553 requirements for renewal;

554 (17) forward to the board those applications for renewal under Subsection (16) that do

555 not meet the requirements for renewal; and

556 (18) within funds appropriated by the Legislature for the purpose, implement and
557 manage the operation of a firearm safety program, in conjunction with the state suicide
558 prevention coordinator, as described in this section and Section [62A-15-1101](#), including:

559 (a) coordinating with the Department of Health, local mental health and substance
560 abuse authorities, the [~~State Office of Education~~] public education suicide prevention
561 coordinator, and a representative from a Utah-based nonprofit organization with expertise in
562 the field of firearm use and safety that represents firearm owners, to:

563 (i) produce a firearm safety brochure with information about the safe handling and use
564 of firearms that includes:

565 (A) rules for safe handling, storage, and use of firearms in a home environment;

566 (B) information about at-risk individuals and individuals who are legally prohibited
567 from possessing firearms;

568 (C) information about suicide prevention and awareness; and

569 (D) information about the availability of firearm safety packets;

570 (ii) procure cable-style gun locks for distribution pursuant to this section; and

571 (iii) produce a firearm safety packet that includes both the firearm safety brochure
572 described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection
573 (18)(a)(ii);

574 (b) distributing, free of charge, the firearm safety packet to the following persons, who
575 shall make the firearm safety packet available free of charge:

576 (i) health care providers, including emergency rooms;

577 (ii) mental health practitioners;

578 (iii) other public health suicide prevention organizations;

579 (iv) entities that teach firearm safety courses; and

580 (v) school districts for use in the seminar, described in Section [53A-15-1302](#), for
581 parents of students in the school district;

582 (c) creating and administering a redeemable coupon program described in this section
583 and Section [76-10-526](#), that may include:

584 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
585 of a gun safe from a participating federally licensed firearms dealer, as defined in Section

586 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;
587 (ii) advertising the redeemable coupon program to all federally licensed firearms
588 dealers and maintaining a list of dealers who wish to participate in the program;
589 (iii) printing or writing the name of a Utah resident who has filed an application for a
590 concealed firearm permit on the redeemable coupon;
591 (iv) mailing the redeemable coupon and the firearm safety brochure to Utah residents
592 who have filed an application for a concealed firearm permit; and

593 (v) collecting from the participating dealers receipts described in Section 76-10-526
594 and reimbursing the dealers;

595 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
596 making rules that establish procedures for:

597 (i) producing and distributing the firearm safety brochures and packets;
598 (ii) procuring the cable-style gun locks for distribution; and
599 (iii) administering the redeemable coupon program; and

600 (e) reporting to the Law Enforcement and Criminal Justice Interim Committee
601 regarding implementation and success of the firearm safety program:

602 (i) during the 2016 interim, before November 1; and
603 (ii) during the 2018 interim, before June 1.

604 Section 14. Section 53-10-211 is amended to read:

605 **53-10-211. Notice required of arrest of school employee for controlled substance**
606 **or sex offense.**

607 (1) The chief administrative officer of the law enforcement agency making the arrest or
608 receiving notice under Subsection (2) shall immediately notify [~~the following individuals~~]:

609 (a) [~~the administrator of teacher certification in~~] the State [~~Office~~] Board of Education;
610 and

611 (b) the superintendent of schools of the employing public school district or, if the
612 offender is an employee of a private school, the administrator of that school.

613 (2) Subsection (1) applies upon:

614 (a) the arrest of any school employee for any offense:

615 (i) in Section 58-37-8;

616 (ii) in Title 76, Chapter 5, Part 4, Sexual Offenses; or

617 (iii) involving sexual conduct; or
 618 (b) upon receiving notice from any other jurisdiction that a school employee has
 619 committed an act which would, if committed in Utah, be an offense under Subsection (2)(a).

620 Section 15. Section **53A-1-202** is amended to read:

621 **53A-1-202. Compensation for members of the State Board of Education --**
 622 **Insurance -- Per diem and expenses.**

623 (1) (a) The Legislature shall set the compensation of members of the State Board of
 624 Education annually in an appropriations act.

625 (b) Until the Legislature sets the compensation of members of the State Board of
 626 Education in an appropriations act, each member of the State Board of Education shall receive
 627 compensation of \$3,000 per year.

628 (c) Compensation of members of the State Board of Education is payable monthly.

629 (d) In setting the compensation of members of the State Board of Education, the
 630 Legislature shall consider the recommendations, if any, the Elected Official and Judicial
 631 Compensation Commission makes in accordance with Section [67-8-5](#).

632 (2) A board member may participate in any group insurance plan provided to
 633 employees of the State [~~Office~~] Board of Education as part of their compensation on the same
 634 basis as required for employee participation.

635 (3) In addition to the provisions of Subsections (1) and (2), a board member may
 636 receive per diem and travel expenses in accordance with:

637 (a) Section [63A-3-106](#);

638 (b) Section [63A-3-107](#); and

639 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
 640 [63A-3-107](#).

641 Section 16. Section **53A-1-302** is amended to read:

642 **53A-1-302. Compensation of state superintendent -- Other board employees.**

643 (1) The board shall establish the compensation of the state superintendent.

644 (2) The board may, as necessary for the proper administration and supervision of the
 645 public school system:

646 (a) appoint other employees [as necessary for the proper administration and supervision
 647 of the public school system.]; and

648 (b) delegate ~~to~~ **appropriate** ~~to~~ duties and responsibilities to board employees.

649 (3) The compensation and duties of [~~these other~~] board employees shall be established
650 by the board and paid from money appropriated for that purpose.

651 Section 17. Section **53A-1-403.5** is amended to read:

652 **53A-1-403.5. Education of persons in custody of the Utah Department of**
653 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration**
654 **among state agencies.**

655 (1) The State Board of Education and the Utah Department of Corrections, subject to
656 legislative appropriation, are responsible for the education of persons in the custody of the Utah
657 Department of Corrections.

658 (2) (a) To fulfill the responsibility under Subsection (1), the State Board of Education
659 and the Utah Department of Corrections shall, where feasible, contract with appropriate private
660 or public agencies to provide educational and related administrative services. Contracts for
661 postsecondary education and training shall be under Subsection (2)(b).

662 (b) (i) The contract under Subsection (2)(a) to provide postsecondary education and
663 training shall be with a community college if the correctional facility is located within the
664 service region of a community college, except under Subsection (2)(b)(ii).

665 (ii) If the community college under Subsection (2)(b)(i) declines to provide the
666 education and training or cannot meet reasonable contractual terms for providing the education
667 and training as specified by the Utah Department of Corrections, postsecondary education and
668 training under Subsection (2)(a) may be procured through other appropriate private or public
669 agencies.

670 (3) (a) As its corrections education program, the State Board of Education and the Utah
671 Department of Corrections shall develop and implement a recidivism reduction plan, including
672 the following components:

- 673 (i) inmate assessment;
- 674 (ii) cognitive problem-solving skills;
- 675 (iii) basic literacy skills;
- 676 (iv) career skills;
- 677 (v) job placement;
- 678 (vi) postrelease tracking and support;

- 679 (vii) research and evaluation;
 680 (viii) family involvement and support; and
 681 (ix) multiagency collaboration.

682 (b) The plan shall be developed and implemented through the State [~~Office~~] Board of
 683 Education and the Utah Department of Corrections in collaboration with the following entities:

- 684 (i) the State Board of Regents;
 685 (ii) the Utah College of Applied Technology Board of Trustees;
 686 (iii) local boards of education;
 687 (iv) the Department of Workforce Services;
 688 (v) the Department of Human Services;
 689 (vi) the Board of Pardons and Parole;
 690 (vii) the State Office of Rehabilitation; and
 691 (viii) the Governor's Office.

692 (4) By July 1, 2014, and every three years thereafter, the Utah Department of
 693 Corrections shall make a report to the Education Interim Committee and the Judiciary, Law
 694 Enforcement, and Criminal Justice Interim Committee evaluating the impact of corrections
 695 education programs on recidivism.

696 Section 18. Section **53A-1-413** is amended to read:

697 **53A-1-413. Student Achievement Backpack -- Utah Student Record Store.**

698 (1) As used in this section:

699 (a) "Authorized LEA user" means a teacher or other person who is:

- 700 (i) employed by an LEA that provides instruction to a student; and
 701 (ii) authorized to access data in a Student Achievement Backpack through the Utah
 702 Student Record Store.

703 (b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and
 704 the Blind.

705 (c) "Student Achievement Backpack" means, for a student from kindergarten through
 706 grade 12, a complete learner profile that:

- 707 (i) is in electronic format;
 708 (ii) follows the student from grade to grade and school to school; and
 709 (iii) is accessible by the student's parent or guardian or an authorized LEA user.

710 (d) "U-PASS" means the Utah Performance Assessment System for Students
711 established in Part 6, Achievement Tests.

712 (e) "Utah Student Record Store" means a repository of student data collected from
713 LEAs as part of the state's longitudinal data system that is:

- 714 (i) managed by the ~~[Utah]~~ State ~~[Office]~~ Board of Education;
- 715 (ii) cloud-based; and
- 716 (iii) accessible via a web browser to authorized LEA users.

717 (2) (a) The State Board of Education shall use the State Board of Education's robust,
718 comprehensive data collection system ~~[maintained by the Utah State Office of Education]~~,
719 which collects longitudinal student transcript data from LEAs and the unique student identifiers
720 as described in Section [53A-1-603.5](#), to allow the following to access a student's Student
721 Achievement Backpack:

- 722 (i) the student's parent or guardian; and
- 723 (ii) each LEA that provides instruction to the student.

724 (b) The State Board of Education shall ensure that a Student Achievement Backpack:

- 725 (i) provides a uniform, transparent reporting mechanism for individual student
726 progress;
- 727 (ii) provides a complete learner history for postsecondary planning;
- 728 (iii) provides a teacher with visibility into a student's complete learner profile to better
729 inform instruction and personalize education;
- 730 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
731 the use of data already collected by the State Board of Education;
- 732 (v) facilitates a student's parent or guardian taking an active role in the student's
733 education by simplifying access to the student's complete learner profile; and
- 734 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
735 storage and collection system.

736 (3) Using existing information collected and stored in the State Board of Education's
737 data warehouse ~~[maintained by the Utah State Office of Education]~~, the State Board of
738 Education shall create the Utah Student Record Store where an authorized LEA user may:

- 739 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
740 school; or

- 741 (b) request student records to be transferred from one LEA to another.
- 742 (4) The State Board of Education shall implement security measures to ensure that:
- 743 (a) student data stored or transmitted to or from the Utah Student Record Store is
- 744 secure and confidential pursuant to the requirements of the Family Educational Rights and
- 745 Privacy Act, 20 U.S.C. Sec. 1232g; and
- 746 (b) an authorized LEA user may only access student data that is relevant to the user's
- 747 LEA or school.
- 748 (5) A student's parent or guardian may request the student's Student Achievement
- 749 Backpack from the LEA or the school in which the student is enrolled.
- 750 (6) No later than June 30, 2014, an authorized LEA user shall be able to access student
- 751 data in a Student Achievement Backpack, which shall include the following data, or request the
- 752 data be transferred from one LEA to another:
- 753 (a) student demographics;
- 754 (b) course grades;
- 755 (c) course history; and
- 756 (d) results for an assessment administered under U-PASS.
- 757 (7) No later than June 30, 2015, an authorized LEA user shall be able to access student
- 758 data in a Student Achievement Backpack, which shall include the data listed in Subsections
- 759 (6)(a) through (d) and the following data, or request the data be transferred from one LEA to
- 760 another:
- 761 (a) section attendance;
- 762 (b) the name of a student's teacher for classes or courses the student takes;
- 763 (c) teacher qualifications for a student's teacher, including years of experience, degree,
- 764 license, and endorsement;
- 765 (d) results of formative, interim, and summative computer adaptive assessments
- 766 administered pursuant to Section [53A-1-603](#);
- 767 (e) detailed data demonstrating a student's mastery of the core standards for Utah
- 768 public schools and objectives as measured by computer adaptive assessments administered
- 769 pursuant to Section [53A-1-603](#);
- 770 (f) a student's writing sample written for an online writing assessment administered
- 771 pursuant to Section [53A-1-603](#);

- 772 (g) student growth scores for U-PASS tests;
- 773 (h) a school's grade assigned pursuant to Part 11, School Grading Act;
- 774 (i) results of benchmark assessments of reading administered pursuant to Section
775 [53A-1-606.6](#); and
- 776 (j) a student's reading level at the end of grade 3.
- 777 (8) No later than June 30, 2017, the State Board of Education shall ensure that data
778 collected in the Utah Student Record Store for a Student Achievement Backpack shall be
779 integrated into each LEA's student information system and shall be made available to a
780 student's parent or guardian and an authorized LEA user in an easily accessible viewing format.
- 781 Section 19. Section **53A-1-708** is amended to read:
- 782 **53A-1-708. Grants for online delivery of U-PASS tests.**
- 783 (1) As used in this section:
- 784 (a) "Adaptive tests" means tests administered during the school year using an online
785 adaptive test system.
- 786 (b) "Core standards for Utah public schools" means the standards developed and
787 adopted by the State Board of Education that define the knowledge and skills students should
788 have in kindergarten through grade 12 to enable students to be prepared for college or
789 workforce training.
- 790 (c) "Summative tests" means tests administered near the end of a course to assess
791 overall achievement of course goals.
- 792 (d) "Uniform online summative test system" means a single system for the online
793 delivery of summative tests required under U-PASS that:
- 794 (i) is coordinated by the ~~[Utah] State [Office]~~ Board of Education;
- 795 (ii) ensures the reliability and security of U-PASS tests; and
- 796 (iii) is selected through collaboration between ~~[Utah]~~ the State ~~[Office]~~ Board of
797 Education and school district representatives with expertise in technology, assessment, and
798 administration.
- 799 (e) "U-PASS" means the Utah Performance Assessment System for Students.
- 800 (2) The State Board of Education may award grants to school districts and charter
801 schools to implement one or both of the following:
- 802 (a) a uniform online summative test system to enable parents of students and school

803 staff to review U-PASS test scores by the end of the school year; or

804 (b) an online adaptive test system to enable parents of students and school staff to
805 measure and monitor a student's academic progress during a school year.

806 (3) (a) Grant money may be used to pay for any of the following, provided it is directly
807 related to implementing a uniform online summative test system, an online adaptive test
808 system, or both:

809 (i) computer equipment and peripherals, including electronic data capture devices
810 designed for electronic test administration and scoring;

811 (ii) software;

812 (iii) networking equipment;

813 (iv) upgrades of existing equipment or software;

814 (v) upgrades of existing physical plant facilities;

815 (vi) personnel to provide technical support or coordination and management; and

816 (vii) teacher professional development.

817 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the
818 online delivery of summative tests or adaptive tests required under U-PASS may be used for
819 other purposes.

820 (4) The State Board of Education shall make rules:

821 (a) establishing procedures for applying for and awarding grants;

822 (b) specifying how grant money shall be allocated among school districts and charter
823 schools;

824 (c) requiring reporting of grant money expenditures and evidence showing that the
825 grant money has been used to implement a uniform online summative test system, an online
826 adaptive test system, or both;

827 (d) establishing technology standards for an online adaptive testing system;

828 (e) requiring a school district or charter school that receives a grant under this section
829 to implement, in compliance with Chapter 13, Part 3, Utah Family Educational Rights and
830 Privacy Act, an online adaptive test system by the 2014-15 school year that:

831 (i) meets the technology standards established under Subsection (4)(d); and

832 (ii) is aligned with the core standards for Utah public schools;

833 (f) requiring a school district or charter school to provide matching funds to implement

834 a uniform online summative test system, an online adaptive test system, or both in an amount
835 that is greater than or equal to the amount of a grant received under this section; and

836 (g) assuring that student identifiable data is not released to any person, except as
837 provided by Section 53A-13-301 and rules of the State Board of Education adopted under that
838 section.

839 (5) If a school district or charter school uses grant money for purposes other than those
840 stated in Subsection (3), the school district or charter school is liable for reimbursing the State
841 Board of Education in the amount of the grant money improperly used.

842 (6) A school district or charter school may not use federal funds to provide the
843 matching funds required to receive a grant under this section.

844 (7) A school district may not impose a tax rate above the certified tax rate for the
845 purpose of generating revenue to provide matching funds for a grant under this section.

846 Section 20. Section 53A-1a-501.7 is amended to read:

847 **53A-1a-501.7. State Charter School Board -- Staff director -- Facilities.**

848 (1) (a) The State Charter School Board, with the consent of the superintendent of
849 public instruction, shall appoint a staff director for the State Charter School Board.

850 (b) The State Charter School Board shall have authority to remove the staff director
851 with the consent of the superintendent of public instruction.

852 (c) The position of staff director is exempt from the career service provisions of Title
853 67, Chapter 19, Utah State Personnel Management Act.

854 (2) The superintendent of public instruction shall provide space for staff of the State
855 Charter School Board in facilities occupied by the [Utah] State [Office] Board of Education or
856 the State Board of Education's employees, with costs charged for the facilities equal to those
857 charged other sections and divisions [within] under the [Utah] State [Office] Board of
858 Education and [Utah] State Office of Rehabilitation.

859 Section 21. Section 53A-3-402 is amended to read:

860 **53A-3-402. Powers and duties generally.**

861 (1) Each local school board shall:

862 (a) implement the core standards for Utah public schools utilizing instructional
863 materials that best correlate to the core standards for Utah public schools and graduation
864 requirements;

865 (b) administer tests, required by the State Board of Education, which measure the
866 progress of each student, and coordinate with the state superintendent and State Board of
867 Education to assess results and create plans to improve the student's progress, which shall be
868 submitted to the State [~~Office~~] Board of Education for approval;

869 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
870 students that need remediation and determine the type and amount of federal, state, and local
871 resources to implement remediation;

872 (d) develop early warning systems for students or classes failing to make progress;

873 (e) work with the State [~~Office~~] Board of Education to establish a library of
874 documented best practices, consistent with state and federal regulations, for use by the local
875 districts; and

876 (f) implement training programs for school administrators, including basic
877 management training, best practices in instructional methods, budget training, staff
878 management, managing for learning results and continuous improvement, and how to help
879 every child achieve optimal learning in basic academic subjects.

880 (2) Local school boards shall spend minimum school program funds for programs and
881 activities for which the State Board of Education has established minimum standards or rules
882 under Section [53A-1-402](#).

883 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
884 and equipment and construct, erect, and furnish school buildings.

885 (b) School sites or buildings may only be conveyed or sold on board resolution
886 affirmed by at least two-thirds of the members.

887 (4) (a) A board may participate in the joint construction or operation of a school
888 attended by children residing within the district and children residing in other districts either
889 within or outside the state.

890 (b) Any agreement for the joint operation or construction of a school shall:

891 (i) be signed by the president of the board of each participating district;

892 (ii) include a mutually agreed upon pro rata cost; and

893 (iii) be filed with the State Board of Education.

894 (5) A board may establish, locate, and maintain elementary, secondary, and applied
895 technology schools.

896 (6) Except as provided in Section 53A-1-1001, a board may enroll children in school
897 who are at least five years of age before September 2 of the year in which admission is sought.

898 (7) A board may establish and support school libraries.

899 (8) A board may collect damages for the loss, injury, or destruction of school property.

900 (9) A board may authorize guidance and counseling services for children and their
901 parents or guardians prior to, during, or following enrollment of the children in schools.

902 (10) (a) A board shall administer and implement federal educational programs in
903 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education
904 Programs Act.

905 (b) Federal funds are not considered funds within the school district budget under Title
906 53A, Chapter 19, Public School Budgets.

907 (11) (a) A board may organize school safety patrols and adopt rules under which the
908 patrols promote student safety.

909 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
910 parental consent for the appointment.

911 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
912 of a highway intended for vehicular traffic use.

913 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
914 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
915 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

916 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
917 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
918 devises, or bequests that are made for educational purposes.

919 (b) These contributions are not subject to appropriation by the Legislature.

920 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
921 citations for violations of Subsection 76-10-105(2).

922 (b) A person may not be appointed to serve as a compliance officer without the
923 person's consent.

924 (c) A teacher or student may not be appointed as a compliance officer.

925 (14) A board shall adopt bylaws and rules for its own procedures.

926 (15) (a) A board shall make and enforce rules necessary for the control and

927 management of the district schools.

928 (b) All board rules and policies shall be in writing, filed, and referenced for public
929 access.

930 (16) A board may hold school on legal holidays other than Sundays.

931 (17) (a) Each board shall establish for each school year a school traffic safety
932 committee to implement this Subsection (17).

933 (b) The committee shall be composed of one representative of:

934 (i) the schools within the district;

935 (ii) the Parent Teachers' Association of the schools within the district;

936 (iii) the municipality or county;

937 (iv) state or local law enforcement; and

938 (v) state or local traffic safety engineering.

939 (c) The committee shall:

940 (i) receive suggestions from school community councils, parents, teachers, and others
941 and recommend school traffic safety improvements, boundary changes to enhance safety, and
942 school traffic safety program measures;

943 (ii) review and submit annually to the Department of Transportation and affected
944 municipalities and counties a child access routing plan for each elementary, middle, and junior
945 high school within the district;

946 (iii) consult the Utah Safety Council and the Division of Family Health Services and
947 provide training to all school children in kindergarten through grade six, within the district, on
948 school crossing safety and use; and

949 (iv) help ensure the district's compliance with rules made by the Department of
950 Transportation under Section [41-6a-303](#).

951 (d) The committee may establish subcommittees as needed to assist in accomplishing
952 its duties under Subsection (17)(c).

953 (18) (a) Each school board shall adopt and implement a comprehensive emergency
954 response plan to prevent and combat violence in its public schools, on school grounds, on its
955 school vehicles, and in connection with school-related activities or events.

956 (b) The plan shall:

957 (i) include prevention, intervention, and response components;

958 (ii) be consistent with the student conduct and discipline policies required for school
959 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

960 (iii) require inservice training for all district and school building staff on what their
961 roles are in the emergency response plan;

962 (iv) provide for coordination with local law enforcement and other public safety
963 representatives in preventing, intervening, and responding to violence in the areas and activities
964 referred to in Subsection (18)(a); and

965 (v) include procedures to notify a student, to the extent practicable, who is off campus
966 at the time of a school violence emergency because the student is:

967 (A) participating in a school-related activity; or

968 (B) excused from school for a period of time during the regular school day to
969 participate in religious instruction at the request of the student's parent or guardian.

970 (c) The State Board of Education, through the state superintendent of public
971 instruction, shall develop comprehensive emergency response plan models that local school
972 boards may use, where appropriate, to comply with Subsection (18)(a).

973 (d) Each local school board shall, by July 1 of each year, certify to the State Board of
974 Education that its plan has been practiced at the school level and presented to and reviewed by
975 its teachers, administrators, students, and their parents and local law enforcement and public
976 safety representatives.

977 (19) (a) Each local school board may adopt an emergency response plan for the
978 treatment of sports-related injuries that occur during school sports practices and events.

979 (b) The plan may be implemented by each secondary school in the district that has a
980 sports program for students.

981 (c) The plan may:

982 (i) include emergency personnel, emergency communication, and emergency
983 equipment components;

984 (ii) require inservice training on the emergency response plan for school personnel who
985 are involved in sports programs in the district's secondary schools; and

986 (iii) provide for coordination with individuals and agency representatives who:

987 (A) are not employees of the school district; and

988 (B) would be involved in providing emergency services to students injured while

989 participating in sports events.

990 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
991 review the plan each year and make revisions when required to improve or enhance the plan.

992 (e) The State Board of Education, through the state superintendent of public
993 instruction, shall provide local school boards with an emergency plan response model that local
994 boards may use to comply with the requirements of this Subsection (19).

995 (20) A board shall do all other things necessary for the maintenance, prosperity, and
996 success of the schools and the promotion of education.

997 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

998 (i) hold a public hearing, as defined in Section 10-9a-103; and

999 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

1000 (b) The notice of a public hearing required under Subsection (21)(a) shall:

1001 (i) indicate the:

1002 (A) school or schools under consideration for closure or boundary change; and

1003 (B) date, time, and location of the public hearing; and

1004 (ii) at least 10 days prior to the public hearing, be:

1005 (A) published:

1006 (I) in a newspaper of general circulation in the area; and

1007 (II) on the Utah Public Notice Website created in Section 63F-1-701; and

1008 (B) posted in at least three public locations within the municipality or on the district's
1009 official website.

1010 (22) A board may implement a facility energy efficiency program established under
1011 Title 11, Chapter 44, Performance Efficiency Act.

1012 Section 22. Section 53A-3-402.9 is amended to read:

1013 **53A-3-402.9. Assessment of emerging and early reading skills -- Resources**
1014 **provided by school districts.**

1015 (1) The Legislature recognizes that well-developed reading skills help:

1016 (a) children to succeed in school, develop self esteem, and build positive relationships
1017 with others;

1018 (b) young adults to become independent learners; and

1019 (c) adults to become and remain productive members of a rapidly changing

1020 technology-based society.

1021 (2) (a) Each potential kindergarten student, the student's parent or guardian, and
1022 kindergarten personnel at the student's school may participate in an assessment of the student's
1023 reading and numeric skills.

1024 (b) The State [~~Office~~] Board of Education, in cooperation with the state's school
1025 districts, may develop the assessment instrument and any additional materials needed to
1026 implement and supplement the assessment program.

1027 (3) The potential kindergarten student's teacher may use the assessment in planning and
1028 developing an instructional program to meet the student's identified needs.

1029 (4) (a) Each school is encouraged to schedule the assessment early enough before the
1030 kindergarten starting date so that a potential kindergarten student's parent or guardian has time
1031 to develop the child's needed skills as identified by the assessment.

1032 (b) Based on the assessment under Subsection (2), the school shall provide the
1033 potential student's parent or guardian with appropriate resource materials to assist the parent or
1034 guardian at home in the student's literacy development.

1035 Section 23. Section **53A-3-424** is amended to read:

1036 **53A-3-424. Rulemaking -- Reporting.**

1037 The State [~~Office~~] Board of Education may make rules in accordance with Title 63G,
1038 Chapter 3, Utah Administrative Rulemaking Act, regarding compliance standards and reporting
1039 requirements for local school boards with respect to the policy required by Section **53A-3-422**.

1040 Section 24. Section **53A-3-603** is amended to read:

1041 **53A-3-603. State board models, guidelines, and training.**

1042 (1) The State Board of Education [~~through the State Office of Education~~] shall develop
1043 and provide models, guidelines, and training to school districts to enable each district to
1044 comply with Section **53A-3-602.5**.

1045 (2) The models and guidelines shall focus on systematic, simplified organizational
1046 analysis and reporting of available data.

1047 (3) A school district is not restricted to using the models and guidelines developed by
1048 the board if it develops or finds a better approach for clearly communicating the data required
1049 under Section **53A-3-602.5**.

1050 Section 25. Section **53A-6-103** is amended to read:

1051 **53A-6-103. Definitions.**

1052 As used in this chapter:

1053 (1) "Accredited institution" means an institution meeting the requirements of Section
1054 [53A-6-107](#).1055 (2) (a) "Alternative preparation program" means preparation for licensure in
1056 accordance with applicable law and rule through other than an approved preparation program.1057 (b) "Alternative preparation program" includes the competency-based licensing
1058 program described in Section [53A-6-104.5](#).1059 (3) "Ancillary requirement" means a requirement established by law or rule in addition
1060 to completion of an approved preparation program or alternative education program or
1061 establishment of eligibility under the NASDTEC Interstate Contract, and may include any of
1062 the following:

1063 (a) minimum grade point average;

1064 (b) standardized testing or assessment;

1065 (c) mentoring;

1066 (d) recency of professional preparation or experience;

1067 (e) graduation from an accredited institution; or

1068 (f) evidence relating to moral, ethical, physical, or mental fitness.

1069 (4) "Approved preparation program" means a program for preparation of educational
1070 personnel offered through an accredited institution in Utah or in a state which is a party to a
1071 contract with Utah under the NASDTEC Interstate Contract and which, at the time the program
1072 was completed by the applicant:1073 (a) was approved by the governmental agency responsible for licensure of educators in
1074 the state in which the program was provided;

1075 (b) satisfied requirements for licensure in the state in which the program was provided;

1076 (c) required completion of a baccalaureate; and

1077 (d) included a supervised field experience.

1078 (5) "Board" means the [~~Utah~~] State Board of Education.1079 (6) "Certificate" means a license issued by a governmental jurisdiction outside the
1080 state.

1081 (7) "Core academic subjects" means English, reading or language arts, mathematics,

1082 science, foreign languages, civics and government, economics, arts, history, and geography.

1083 (8) "Educator" means:

1084 (a) a person who holds a license;

1085 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
1086 of the board, to hold a license; or

1087 (c) a person who is the subject of an allegation which has been received by the board or
1088 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a
1089 position requiring licensure.

1090 (9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas
1091 of practice to which the license applies.

1092 (b) An endorsement shall be issued upon completion of a competency-based teacher
1093 preparation program from a regionally accredited university that meets state content standards.

1094 (10) "License" means an authorization issued by the board which permits the holder to
1095 serve in a professional capacity in the public schools. The five levels of licensure are:

1096 (a) "letter of authorization," which is:

1097 (i) a temporary license issued to a person who has not completed requirements for a
1098 competency-based, or level 1, 2, or 3 license, such as:

1099 (A) a student teacher; or

1100 (B) a person participating in an alternative preparation program; or

1101 (ii) a license issued, pursuant to board rules, to a person who has achieved eminence,
1102 or has outstanding qualifications, in a field taught in public schools;

1103 (b) "competency-based license" which is issued to a teacher based on the teacher's
1104 demonstrated teaching skills and abilities;

1105 (c) "level 1 license," which is a license issued upon completion of:

1106 (i) a competency-based teacher preparation program from a regionally accredited
1107 university; or

1108 (ii) an approved preparation program or an alternative preparation program, or pursuant
1109 to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all
1110 ancillary requirements established by law or rule;

1111 (d) "level 2 license," which is a license issued after satisfaction of all requirements for
1112 a level 1 license as well as any additional requirements established by law or rule relating to

1113 professional preparation or experience; and

1114 (e) "level 3 license," which is a license issued to an educator who holds a current Utah
1115 level 2 license and has also received, in the educator's field of practice, National Board
1116 certification or a doctorate from an accredited institution.

1117 (11) "NASDTEC" means the National Association of State Directors of Teacher
1118 Education and Certification.

1119 (12) "NASDTEC Interstate Contract" means the contract implementing Title 53A,
1120 Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is
1121 administered through NASDTEC.

1122 (13) "National Board certification" means a current certificate issued by the National
1123 Board for Professional Teaching Standards.

1124 (14) "Necessarily existent small school" means a school classified as a necessarily
1125 existent small school in accordance with Section [53A-17a-109](#).

1126 [~~(15)~~] "~~Office~~" means the ~~Utah State Office of Education~~.

1127 [~~(16)~~] (15) "Rule" means an administrative rule adopted by the board under Title 63G,
1128 Chapter 3, Utah Administrative Rulemaking Act.

1129 [~~(17)~~] (16) "School" means a public or private entity which provides educational
1130 services to a minor child.

1131 [~~(18)~~] (17) "Small school district" means a school district with an enrollment of less
1132 than 5,000 students.

1133 [~~(19)~~] (18) "UPPAC" means the Utah Professional Practices Advisory Commission.
1134 Section 26. Section **53A-6-104.5** is amended to read:

1135 **53A-6-104.5. Licensing by competency.**

1136 (1) A competency-based license to teach may be issued based on the demonstrated
1137 competence of a teacher as provided in this section.

1138 (2) A local school board or charter school may request, and the [~~State Board of~~
1139 ~~Education~~] board shall grant, upon receipt of documentation from the local school board or
1140 charter school verifying the person's qualifications as specified in this section, a
1141 competency-based license to a person who meets the qualifications specified in this section and
1142 submits to a criminal background check as required in Section [53A-15-1504](#).

1143 (3) A local school board or charter school may request a competency-based license if

1144 the candidate meets the following qualifications:

1145 (a) a license candidate who teaches one or more core academic subjects in an
1146 elementary school shall:

1147 (i) hold at least a bachelor's degree; and

1148 (ii) have demonstrated, by passing a rigorous state test, subject knowledge and teaching
1149 skills in reading, writing, mathematics, and other areas of the basic elementary school
1150 curriculum;

1151 (b) a license candidate who teaches one or more core academic subjects in a middle or
1152 secondary school shall:

1153 (i) hold at least a bachelor's degree; and

1154 (ii) have demonstrated a high level of competency in each of the academic subjects in
1155 which the teacher teaches by:

1156 (A) passing a rigorous state academic subject test in each of the academic subjects in
1157 which the teacher teaches; or

1158 (B) successful completion, in each of the academic subjects in which the teacher
1159 teaches, of an academic major, a graduate degree, course work equivalent to an undergraduate
1160 academic major, or advanced certification or credentialing; or

1161 (c) a license candidate who teaches subjects other than a core academic subject in an
1162 elementary, middle, or high school shall:

1163 (i) hold a bachelor's degree, associate's degree, or skill certification; and

1164 (ii) have skills, talents, or abilities, as evaluated by the employing entity, that make the
1165 person suited for the teaching position.

1166 (4) A school district or charter school:

1167 (a) shall monitor and assess the performance of each teacher holding a
1168 competency-based license; and

1169 (b) may recommend that the competency-based license holder's training and
1170 assessment be reviewed by the [~~Utah State Office of Education~~] board for a level 1 license.

1171 Section 27. Section **53A-6-105** is amended to read:

1172 **53A-6-105. Licensing fees -- Credit to subfund -- Payment of expenses.**

1173 (1) The board shall levy a fee for each new, renewed, or reinstated license or
1174 endorsement in accordance with Section [63J-1-504](#).

1175 (2) Fee payments are credited to the Professional Practices Restricted Subfund in the
1176 Uniform School Fund.

1177 (3) The board shall pay the expenses of issuing licenses and of UPPAC operations, and
1178 the costs of collecting license fees from the restricted subfund.

1179 (4) The ~~[office]~~ board shall submit an annual report to the Legislature's Public
1180 Education Appropriations Subcommittee informing the Legislature about the fund, fees
1181 assessed and collected, and expenditures from the fund.

1182 Section 28. Section **53A-6-110** is amended to read:

1183 **53A-6-110. Administrative/supervisory letters of authorization.**

1184 (1) A local school board may request, and the ~~[State Board of Education]~~ board may
1185 grant, a letter of authorization permitting a person with outstanding professional qualifications
1186 to serve in any position that requires a person to hold an administrative/supervisory license or
1187 certificate, including principal, assistant principal, associate principal, vice principal, assistant
1188 superintendent, administrative assistant, director, specialist, or other district position.

1189 (2) The ~~[State Board of Education]~~ board may grant a letter of authorization permitting
1190 a person with outstanding professional qualifications to serve in ~~[any]~~ a position ~~[at the State~~
1191 ~~Office of Education]~~ that requires a person to hold an administrative/supervisory license or
1192 certificate.

1193 Section 29. Section **53A-6-302** is amended to read:

1194 **53A-6-302. UPPAC members -- Executive secretary.**

1195 (1) UPPAC shall consist of a nonvoting executive secretary and 11 voting members,
1196 nine of whom shall be licensed educators in good standing, and two of whom shall be members
1197 nominated by the education organization within the state that has the largest membership of
1198 parents of students and teachers.

1199 (2) Six of the voting members shall be persons whose primary responsibility is
1200 teaching.

1201 (3) (a) The state superintendent of public instruction shall appoint an employee ~~[of the~~
1202 ~~office]~~ to serve as executive secretary.

1203 (b) Voting members are appointed by the superintendent as provided under Section
1204 **53A-6-303**.

1205 (4) ~~[The office shall provide staff support for]~~ Board employees shall staff UPPAC

1206 activities.

1207 Section 30. Section **53A-6-403** is amended to read:

1208 **53A-6-403. Tie-in with the Criminal Investigations and Technical Services**

1209 **Division.**

1210 (1) The [~~office~~] board shall:

1211 (a) ~~It~~ **→ [be] designate employees to act, with board supervision, as** ~~it~~ an online
1211a terminal agency with the Department of Public Safety's Criminal

1212 Investigations and Technical Services Division under Section **53-10-108**; and

1213 (b) provide relevant information concerning current or prospective employees or
1214 volunteers upon request to other school officials as provided in Section **53A-6-402**.

1215 (2) The cost of the online service shall be borne by the entity making the inquiry.

1216 Section 31. Section **53A-6-404** is amended to read:

1217 **53A-6-404. Certification in other jurisdictions -- Impact on licensing in Utah.**

1218 (1) An applicant for a license, renewal of a license, or reinstatement of a license shall
1219 provide the administrator of teacher licensing with an affidavit, stating under oath the current
1220 status of any certificate, license, or other authorization required for a professional position in
1221 education, which the applicant holds or has held in any other jurisdiction.

1222 (2) An applicant for a license who has held a teacher's license in any other jurisdiction
1223 or who graduated from an institution of higher education in another state shall also provide the
1224 administrator of teacher licensing with:

1225 (a) a complete listing of the higher education institutions attended by the applicant,
1226 whether the applicant's enrollment or eligibility for completion of a program was terminated by
1227 the institution, and, if so, the reasons for termination;

1228 (b) a complete list of prior school employers; and

1229 (c) a release on a form provided by the administrator permitting the [~~office~~] board to
1230 obtain records from other jurisdictions and from institutions of higher education attended by
1231 the applicant, including expunged or otherwise protected records, relating to any offense
1232 described substantially in the same language as in Section **53A-15-1506**.

1233 (3) If the applicant's certificate, license, or authorization as an educator in any other
1234 jurisdiction is under investigation, has expired or been surrendered, suspended or revoked, or is
1235 currently not valid for any other reason, the [~~office~~] board may not grant the requested license,
1236 renewal, or reinstatement until it has received confirmation from the administrator of

1237 professional certification in that jurisdiction that the applicant would be eligible for
1238 certification or licensure in that jurisdiction.

1239 (4) The [~~office~~] board may not withhold a license for the sole reason that the applicant
1240 would be ineligible for certification, licensure, or authorization in the jurisdiction referred to in
1241 Subsection (3) because of failure to meet current requirements in that jurisdiction relating to
1242 education, time in service, or residence.

1243 Section 32. Section **53A-13-101** is amended to read:

1244 **53A-13-101. Instruction in health -- Parental consent requirements -- Conduct**
1245 **and speech of school employees and volunteers -- Political and religious doctrine**
1246 **prohibited.**

1247 (1) (a) The State Board of Education shall establish curriculum requirements under
1248 Section **53A-1-402**, that include instruction in:

- 1249 (i) community and personal health;
1250 (ii) physiology;
1251 (iii) personal hygiene; and
1252 (iv) prevention of communicable disease.

1253 (b) (i) That instruction shall stress:

1254 (A) the importance of abstinence from all sexual activity before marriage and fidelity
1255 after marriage as methods for preventing certain communicable diseases; and

1256 (B) personal skills that encourage individual choice of abstinence and fidelity.

1257 (ii) (A) At no time may instruction be provided, including responses to spontaneous
1258 questions raised by students, regarding any means or methods that facilitate or encourage the
1259 violation of any state or federal criminal law by a minor or an adult.

1260 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a
1261 spontaneous question as long as the response is consistent with the provisions of this section.

1262 (c) (i) The board shall recommend instructional materials for use in the curricula
1263 required under Subsection (1)(a) after considering evaluations of instructional materials by the
1264 State Instructional Materials Commission.

1265 (ii) A local school board may choose to adopt:

1266 (A) the instructional materials recommended under Subsection (1)(c)(i); or

1267 (B) other instructional materials as provided in state board rule.

1268 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a
1269 minimum:

1270 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)
1271 shall be based upon recommendations of the school district's Curriculum Materials Review
1272 Committee that comply with state law and state board rules emphasizing abstinence before
1273 marriage and fidelity after marriage, and prohibiting instruction in:

1274 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

1275 (II) the advocacy of homosexuality;

1276 (III) the advocacy or encouragement of the use of contraceptive methods or devices; or

1277 (IV) the advocacy of sexual activity outside of marriage;

1278 (B) that the adoption of instructional materials shall take place in an open and regular
1279 meeting of the local school board for which prior notice is given to parents and guardians of
1280 students attending schools in the district and an opportunity for them to express their views and
1281 opinions on the materials at the meeting;

1282 (C) provision for an appeal and review process of the local school board's decision; and

1283 (D) provision for a report by the local school board to the State Board of Education of
1284 the action taken and the materials adopted by the local school board under Subsections
1285 (1)(c)(ii)(B) and (1)(c)(iii).

1286 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and
1287 systematic in grades eight through 12.

1288 (b) At the request of the board, the Department of Health shall cooperate with the board
1289 in developing programs to provide instruction in those areas.

1290 (3) (a) The board shall adopt rules that:

1291 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
1292 are complied with; and

1293 (ii) require a student's parent or legal guardian to be notified in advance and have an
1294 opportunity to review the information for which parental consent is required under Sections
1295 76-7-322 and 76-7-323.

1296 (b) The board shall also provide procedures for disciplinary action for violation of
1297 Section 76-7-322 or 76-7-323.

1298 (4) (a) In keeping with the requirements of Section 53A-13-109, and because school

1299 employees and volunteers serve as examples to their students, school employees or volunteers
1300 acting in their official capacities may not support or encourage criminal conduct by students,
1301 teachers, or volunteers.

1302 (b) To ensure the effective performance of school personnel, the limitations described
1303 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official
1304 capacities if:

1305 (i) they knew or should have known that their action could result in a material and
1306 substantial interference or disruption in the normal activities of the school; and

1307 (ii) that action does result in a material and substantial interference or disruption in the
1308 normal activities of the school.

1309 (c) Neither the State [~~Office~~] Board of Education nor local school districts may
1310 [~~provide~~] allow training of school employees or volunteers that supports or encourages
1311 criminal conduct.

1312 (d) The State Board of Education shall adopt rules implementing this section.

1313 (e) Nothing in this section limits the ability or authority of the State Board of
1314 Education and local school boards to enact and enforce rules or take actions that are otherwise
1315 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing
1316 unfitness for duty.

1317 (5) Except as provided in Section [53A-13-101.1](#), political, atheistic, sectarian,
1318 religious, or denominational doctrine may not be taught in the public schools.

1319 (6) (a) Local school boards and their employees shall cooperate and share
1320 responsibility in carrying out the purposes of this chapter.

1321 (b) Each school district shall provide appropriate inservice training for its teachers,
1322 counselors, and school administrators to enable them to understand, protect, and properly
1323 instruct students in the values and character traits referred to in this section and Sections
1324 [53A-13-101.1](#), [53A-13-101.2](#), [53A-13-101.3](#), [53A-13-109](#), [53A-13-301](#), and [53A-13-302](#) and
1325 distribute appropriate written materials on the values, character traits, and conduct to each
1326 individual receiving the inservice training.

1327 (c) The written materials shall also be made available to classified employees, students,
1328 and parents and guardians of students.

1329 (d) In order to assist school districts in providing the inservice training required under

1330 Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified
1331 individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop
1332 and disseminate model teacher inservice programs which districts may use to train the
1333 individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of
1334 character referenced in that subsection.

1335 (e) In accordance with the provisions of Subsection (4)(c), inservice training may not
1336 support or encourage criminal conduct.

1337 (7) If any one or more provision, subsection, sentence, clause, phrase, or word of this
1338 section, or the application thereof to any person or circumstance, is found to be
1339 unconstitutional, the balance of this section shall be given effect without the invalid provision,
1340 subsection, sentence, clause, phrase, or word.

1341 Section 33. Section **53A-13-208** is amended to read:

1342 **53A-13-208. Driver education teachers certified as license examiners.**

1343 (1) The Driver License Division of the Department of Public Safety and the State
1344 Board of Education [~~through the State Office of Education~~] shall establish procedures and
1345 standards to certify teachers of driver education classes under this part to administer written
1346 and driving tests.

1347 (2) The division is the certifying authority.

1348 (3) (a) A teacher certified under this section shall give written and driving tests
1349 designed for driver education classes authorized under this part.

1350 (b) The Driver License Division shall, in conjunction with the State [~~Office~~] Board of
1351 Education, establish minimal standards for the driver education class tests that are at least as
1352 difficult as those required to receive a class D operator's license under Title 53, Chapter 3,
1353 Uniform Driver License Act.

1354 (c) A student who passes the written test but fails the driving test given by a teacher
1355 certified under this section may apply for a learner permit or class D operator's license under
1356 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver
1357 License Division office.

1358 (4) A student shall have a learner permit issued by the Driver License Division under
1359 Section **53-3-210.5** in the student's immediate possession at all times when operating a motor
1360 vehicle under this section.

1361 (5) A student who successfully passes the tests given by a certified driver education
1362 teacher under this section satisfies the written and driving parts of the test required for a learner
1363 permit or class D operator's license.

1364 (6) The Driver License Division and the State Board of Education shall establish
1365 procedures to enable school districts to administer or process any tests for students to receive a
1366 learner permit or class D operator's license.

1367 (7) The division and board shall establish the standards and procedures required under
1368 this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative
1369 Rulemaking Act.

1370 Section 34. Section **53A-14-107** is amended to read:

1371 **53A-14-107. Instructional materials alignment with core standards for Utah**
1372 **public schools.**

1373 (1) For a school year beginning with or after the 2012-13 school year, a school district
1374 may not purchase primary instructional materials unless the primary instructional materials
1375 provider:

1376 (a) contracts with an independent party to evaluate and map the alignment of the
1377 primary instructional materials with the core standards for Utah public schools adopted under
1378 Section [53A-1-402](#);

1379 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
1380 website at no charge, for use by teachers and the general public; and

1381 (c) pays the costs related to the requirements of this Subsection (1).

1382 (2) The requirements under Subsection (1) may not be performed by:

1383 (a) the State Board of Education;

1384 (b) the superintendent of public instruction or ~~[the State Office]~~ employees of the State
1385 Board of Education;

1386 (c) the State Instructional Materials Commission appointed pursuant to Section
1387 [53A-14-101](#);

1388 (d) a local school board or a school district; or

1389 (e) the instructional materials creator or publisher.

1390 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1391 State Board of Education shall make rules that establish:

1392 (a) the qualifications of the independent parties who may evaluate and map the
1393 alignment of the primary instructional materials in accordance with the provisions of
1394 Subsection (1)(a); and

1395 (b) requirements for the detailed summary of the evaluation and its placement on a
1396 public website in accordance with the provisions of Subsection (1)(b).

1397 Section 35. Section **53A-15-1301** is amended to read:

1398 **53A-15-1301. Youth suicide prevention programs required in secondary schools**
1399 **-- State Board of Education to develop model programs -- Reporting requirements.**

1400 (1) As used in the section:

1401 (a) "Board" means the State Board of Education.

1402 (b) "Intervention" means an effort to prevent a student from attempting suicide.

1403 (c) "Postvention" means mental health intervention after a suicide attempt or death to
1404 prevent or contain contagion.

1405 (d) "Program" means a youth suicide prevention program described in Subsection (2).

1406 (e) "Public education suicide prevention coordinator" means an individual designated
1407 by the board as described in Subsection (3).

1408 ~~[(e)]~~ (f) "Secondary grades":

1409 (i) means grades 7 through 12; and

1410 (ii) if a middle or junior high school includes grade 6, includes grade 6.

1411 ~~[(f) "State Office of Education suicide prevention coordinator" means a person~~
1412 ~~designated by the board as described in Subsection (3).]~~

1413 (g) "State suicide prevention coordinator" means the state suicide prevention
1414 coordinator described in Section [62A-15-1101](#).

1415 (2) (a) In collaboration with the ~~[State Office of Education]~~ public education suicide
1416 prevention coordinator, a school district or charter school shall implement a youth suicide
1417 prevention program in the secondary grades of the school district or charter school.

1418 (b) A school district or charter school's program shall include the following
1419 components:

1420 (i) in collaboration with the training, programs, and initiatives described in Section
1421 [53A-11a-401](#), programs and training to address bullying and cyberbullying, as those terms are
1422 defined in Section [53A-11a-102](#);

- 1423 (ii) prevention of youth suicides;
- 1424 (iii) youth suicide intervention; and
- 1425 (iv) postvention for family, students, and faculty.
- 1426 (3) The board shall:
- 1427 (a) designate a [~~State Office of Education~~] public education suicide prevention
- 1428 coordinator; and
- 1429 (b) in collaboration with the Department of Health and the state suicide prevention
- 1430 coordinator, develop model programs to provide to school districts and charter schools:
- 1431 (i) program training; and
- 1432 (ii) resources regarding the required components described in Subsection (2)(b).
- 1433 (4) The [~~State Office of Education~~] public education suicide prevention coordinator
- 1434 shall:
- 1435 (a) oversee the youth suicide prevention programs of school districts and charter
- 1436 schools; and
- 1437 (b) coordinate prevention and postvention programs, services, and efforts with the state
- 1438 suicide prevention coordinator.
- 1439 (5) A public school suicide prevention program may allow school personnel to ask a
- 1440 student questions related to youth suicide prevention, intervention, or postvention.
- 1441 (6) (a) Subject to legislative appropriation, the board may distribute money to a school
- 1442 district or charter school to be used to implement evidence-based practices and programs, or
- 1443 emerging best practices and programs, for preventing suicide in the school district or charter
- 1444 school.
- 1445 (b) The board shall distribute money under Subsection (6)(a) so that each school that
- 1446 enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser
- 1447 amount per school if the legislative appropriation is not sufficient to provide at least \$500 per
- 1448 school.
- 1449 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to
- 1450 implement evidence-based practices and programs, or emerging best practices and programs,
- 1451 for preventing suicide.
- 1452 (ii) Each school may select the evidence-based practices and programs, or emerging
- 1453 best practices and programs, for preventing suicide that the school implements.

1454 (7) (a) The board shall provide a written report, and shall orally report to the
 1455 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the
 1456 [~~State Office of Education~~] public education suicide prevention coordinator and the state
 1457 suicide prevention coordinator, on:

1458 (i) the progress of school district and charter school youth suicide prevention programs,
 1459 including rates of participation by school districts, charter schools, and students;

1460 (ii) the board's coordination efforts with the Department of Health and the state suicide
 1461 prevention coordinator;

1462 (iii) the [~~State Office of Education~~] public education suicide prevention coordinator's
 1463 model program for training and resources related to youth suicide prevention, intervention, and
 1464 postvention;

1465 (iv) data measuring the effectiveness of youth suicide programs;

1466 (v) funds appropriated to each school district and charter school for youth suicide
 1467 prevention programs; and

1468 (vi) five-year trends of youth suicides per school, school district, and charter school.

1469 (b) School districts and charter schools shall provide to the board information that is
 1470 necessary for the board's report to the Legislature's Education Interim Committee as required in
 1471 Subsection (7)(a).

1472 Section 36. Section **53A-16-101.6** is amended to read:

1473 **53A-16-101.6. Creation of School Children's Trust Section -- Duties.**

1474 (1) As used in this section:

1475 (a) "School and institutional trust lands" is as defined in Section [53C-1-103](#).

1476 (b) "Section" means the School Children's Trust Section created in this section.

1477 (c) "Trust" means:

1478 (i) the School LAND Trust Program created in Section [53A-16-101.5](#); and

1479 (ii) the lands and funds associated with the trusts described in Subsection
 1480 [53C-1-103](#)(7).

1481 (2) There is established a School Children's Trust Section [~~within~~] under the State
 1482 [~~Office~~] Board of Education.

1483 (3) (a) The section shall have a director.

1484 (b) The director shall have professional qualifications and expertise in the areas

1485 generating revenue to the trust, including:

- 1486 (i) economics;
- 1487 (ii) energy development;
- 1488 (iii) finance;
- 1489 (iv) investments;
- 1490 (v) public education;
- 1491 (vi) real estate;
- 1492 (vii) renewable resources;
- 1493 (viii) risk management; and
- 1494 (ix) trust law.

1495 (c) The director shall be appointed as provided in this Subsection (3).

1496 (d) The School and Institutional Trust Lands Board of Trustees nominating committee
1497 shall submit to the State Board of Education the name of one person to serve as director.

1498 (e) The State Board of Education may:

- 1499 (i) appoint the person described in Subsection (3)(d) to serve as director; or
- 1500 (ii) deny the appointment of the person described in Subsection (3)(d) to serve as
1501 director.

1502 (f) If the State Board of Education denies an appointment under this Subsection (3):

- 1503 (i) the State Board of Education shall provide in writing one or more reasons for the
1504 denial to the School and Institutional Trust Lands Board of Trustees nominating committee;
1505 and

1506 (ii) the School and Institutional Trust Lands Board of Trustees nominating committee
1507 and the State Board of Education shall follow the procedures and requirements of this
1508 Subsection (3) until the State Board of Education appoints a director.

1509 (g) The State Board of Education may remove the director only by majority vote of a
1510 quorum in an open and public meeting after proper notice and the inclusion of the removal item
1511 on the agenda.

1512 (4) The State Board of Education shall make rules regarding:

- 1513 (a) regular reporting from the School Children's Trust Section director to the State
1514 Board of Education, to allow the State Board of Education to fulfill its duties in representing
1515 the trust beneficiaries; and

- 1516 (b) the day-to-day reporting of the School Children's Trust Section director.
- 1517 (5) (a) The director shall annually submit a proposed section budget to the State Board
1518 of Education.
- 1519 (b) After approving a section budget, the State Board of Education shall propose the
1520 approved budget to the Legislature.
- 1521 (6) The director is entitled to attend any presentation, discussion, meeting, or other
1522 gathering concerning the trust, subject to:
- 1523 (a) provisions of law prohibiting the director's attendance to preserve confidentiality; or
1524 (b) other provisions of law that the director's attendance would violate.
- 1525 (7) The section shall have a staff.
- 1526 (8) The section shall protect current and future beneficiary rights and interests in the
1527 trust consistent with the state's perpetual obligations under:
- 1528 (a) the Utah Enabling Act;
1529 (b) the Utah Constitution;
1530 (c) state statute; and
1531 (d) standard trust principles described in Section [53C-1-102](#).
- 1532 (9) The section shall promote:
- 1533 (a) productive use of school and institutional trust lands; and
1534 (b) the efficient and prudent investment of funds managed by the School and
1535 Institutional Trust Fund Office, created in Section [53D-1-201](#).
- 1536 (10) The section shall provide representation, advocacy, and input:
- 1537 (a) on behalf of current and future beneficiaries of the trust, school community
1538 councils, schools, and school districts;
- 1539 (b) on federal, state, and local land decisions and policies that affect the trust; and
1540 (c) to:
- 1541 (i) the School and Institutional Trust Lands Administration;
1542 (ii) the School and Institutional Trust Lands Board of Trustees;
1543 (iii) the Legislature;
1544 (iv) the School and Institutional Trust Fund Office, created in Section [53D-1-201](#);
1545 (v) the School and Institutional Trust Fund Board of Trustees, created in Section
1546 [53D-1-301](#);

1547 (vi) the attorney general;

1548 (vii) the public; and

1549 (viii) other entities as determined by the section.

1550 (11) The section shall provide independent oversight on the prudent and profitable
1551 management of the trust and report annually to the State Board of Education and the
1552 Legislature.

1553 (12) The section shall provide information requested by a person or entity described in
1554 Subsections (10)(c)(i) through (vii).

1555 (13) (a) The section shall provide training to the entities described in Subsection
1556 (13)(b) on:

1557 (i) the School LAND Trust Program established in Section 53A-16-101.5; and

1558 (ii) (A) a school community council established pursuant to Section 53A-1a-108; or

1559 (B) a charter trust land council established under Section 53A-16-101.5.

1560 (b) The section shall provide the training to:

1561 (i) a local school board or a charter school governing board;

1562 (ii) a school district or a charter school; and

1563 (iii) a school community council.

1564 Section 37. Section 53A-20-104 is amended to read:

1565 **53A-20-104. Enforcement of chapter by state superintendent -- Employment of**
1566 **personnel -- School districts and charter schools -- Certificate of inspection verification.**

1567 (1) The state superintendent of public instruction shall enforce this chapter.

1568 (2) The superintendent may employ architects or other qualified personnel, or contract
1569 with the State Building Board, the state fire marshal, or a local governmental entity to:

1570 (a) examine the plans and specifications of any school building or alteration submitted
1571 under this chapter;

1572 (b) verify the inspection of any school building during or following construction; and

1573 (c) perform other functions necessary to ensure compliance with this chapter.

1574 (3) (a) (i) If a local school board uses the school district's building inspector under
1575 Subsection 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and issues its own certificate authorizing
1576 permanent occupancy of the school building, the local school board shall file a certificate of
1577 inspection verification with the local governmental entity's building official and the State

1578 [~~Office~~] Board of Education, advising those entities that the school district has complied with
1579 the inspection provisions of this chapter.

1580 (ii) If a charter school uses a school district building inspector under Subsection
1581 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and the school district issues to the charter school a
1582 certificate authorizing permanent occupancy of the school building, the charter school shall file
1583 with the State [~~Office~~] Board of Education a certificate of inspection verification.

1584 (iii) If a local school board or charter school uses a local governmental entity's building
1585 inspector under Subsection 10-9a-305(6)(a)(i) or 17-27a-305(6)(a)(i) and the local
1586 governmental entity issues the local school board or charter school a certificate authorizing
1587 permanent occupancy of the school building, the local school board or charter school shall file
1588 with the State [~~Office~~] Board of Education a certificate of inspection verification.

1589 (iv) (A) If a local school board or charter school uses an independent, certified building
1590 inspector under Subsection 10-9a-305(6)(a)(iii) or 17-27a-305(6)(a)(iii), the local school board
1591 or charter school shall, upon completion of all required inspections of the school building, file
1592 with the State [~~Office~~] Board of Education a certificate of inspection verification and a request
1593 for the issuance of a certificate authorizing permanent occupancy of the school building.

1594 (B) Upon the local school board's or charter school's filing of the certificate and request
1595 as provided in Subsection (3)(a)(iv)(A), the school district or charter school shall be entitled to
1596 temporary occupancy of the school building that is the subject of the request for a period of 90
1597 days, beginning the date the request is filed, if the school district or charter school has
1598 complied with all applicable fire and life safety code requirements.

1599 (C) Within 30 days after the local school board or charter school files a request under
1600 Subsection (3)(a)(iv)(A) for a certificate authorizing permanent occupancy of the school
1601 building, the state superintendent of public instruction shall:

1602 (I) (Aa) issue to the local school board or charter school a certificate authorizing
1603 permanent occupancy of the school building; or

1604 (Bb) deliver to the local school board or charter school a written notice indicating
1605 deficiencies in the school district's or charter school's compliance with the inspection
1606 provisions of this chapter; and

1607 (II) mail a copy of the certificate authorizing permanent occupancy or the notice of
1608 deficiency to the building official of the local governmental entity in which the school building

1609 is located.

1610 (D) Upon the local school board or charter school remedying the deficiencies indicated
1611 in the notice under Subsection (3)(a)(iv)(C)(I)(Bb) and notifying the state superintendent of
1612 public instruction that the deficiencies have been remedied, the state superintendent of public
1613 instruction shall issue a certificate authorizing permanent occupancy of the school building and
1614 mail a copy of the certificate to the building official of the local governmental entity in which
1615 the school building is located.

1616 (E) (I) The state superintendent of public instruction may charge the school district or
1617 charter school a fee for an inspection that the superintendent considers necessary to enable the
1618 superintendent to issue a certificate authorizing permanent occupancy of the school building.

1619 (II) A fee under Subsection (3)(a)(iv)(E)(I) may not exceed the actual cost of
1620 performing the inspection.

1621 (b) For purposes of this Subsection (3):

1622 (i) "local governmental entity" means either a municipality, for a school building
1623 located within a municipality, or a county, for a school building located within an
1624 unincorporated area in the county; and

1625 (ii) "certificate of inspection verification" means a standard inspection form developed
1626 by the state superintendent in consultation with local school boards and charter schools to
1627 verify that inspections by qualified inspectors have occurred.

1628 Section 38. Section **53A-25b-306** is amended to read:

1629 **53A-25b-306. Programs for deafblind individuals -- State deafblind education**
1630 **specialist.**

1631 (1) The board shall adopt policies and programs for providing appropriate educational
1632 services to individuals who are deafblind.

1633 (2) Except as provided in Subsection (4), the board shall designate an employee [~~of the~~
1634 ~~Utah State Office of Education~~] who holds a deafblind certification or equivalent training and
1635 expertise to:

1636 (a) act as a resource coordinator for the board on public education programs designed
1637 for individuals who are deafblind;

1638 (b) facilitate the design and implementation of professional development programs to
1639 assist school districts, charter schools, and the Utah Schools for the Deaf and the Blind in

1640 meeting the educational needs of those who are deafblind; and

1641 (c) facilitate the design of and assist with the implementation of one-on-one
1642 intervention programs in school districts, charter schools, and at the Utah Schools for the Deaf
1643 and the Blind for those who are deafblind, serving as a resource for, or team member of,
1644 individual IEP teams.

1645 (3) The board may authorize and approve the costs of an employee [~~of the Utah State~~
1646 ~~Office of Education~~] to obtain a deafblind certification or equivalent training and expertise to
1647 qualify for the position described in Subsection (2).

1648 (4) The board may contract with a third party for the services required under
1649 Subsection (2).

1650 Section 39. Section **53A-25b-501** is amended to read:

1651 **53A-25b-501. Instructional Materials Access Center -- Board to make rules.**

1652 (1) The [~~Utah State Office of Education~~] board shall collaborate with the Utah Schools
1653 for the Deaf and the Blind, school districts, and charter schools in establishing the Utah State
1654 Instructional Materials Access Center to provide students with print disabilities access to
1655 instructional materials in alternate formats in a timely manner.

1656 (2) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
1657 Administrative Rulemaking Act, to:

1658 (a) establish the Utah State Instructional Materials Access Center;
1659 (b) define how the Educational Resource Center at the Utah Schools for the Deaf and
1660 the Blind shall collaborate in the operation of the Utah State Instructional Materials Access
1661 Center;

1662 (c) specify procedures for the operation of the Utah State Instructional Materials
1663 Access Center, including procedures to:

1664 (i) identify students who qualify for instructional materials in alternate formats; and
1665 (ii) distribute and store instructional materials in alternate formats;

1666 (d) establish the contribution of school districts and charter schools towards the cost of
1667 instructional materials in alternate formats; and

1668 (e) require textbook publishers, as a condition of contract, to provide electronic file sets
1669 in conformance with the National Instructional Materials Accessibility Standard.

1670 Section 40. Section **53B-6-104** is amended to read:

1671 **53B-6-104. Multi-University Consortium for Teacher Training in Sensory**
1672 **Impairments -- Purposes -- Appropriation.**

1673 (1) (a) In conjunction with the State Board of Regents' master plan for higher
1674 education, there is established a Multi-University Consortium for Teacher Training in Sensory
1675 Impairments which is an outgrowth of a consortium established by the federal government.

1676 (b) The consortium shall include within its membership the University of Utah, Utah
1677 State University, Brigham Young University, the Utah Schools for the Deaf and the Blind, the
1678 Services for At-Risk Students section [of] under the State [~~Office~~] Board of Education, and
1679 local school districts.

1680 (2) The consortium, in collaboration with the State Board of Regents and the State
1681 Board of Education, shall develop and implement teacher preparation programs that qualify
1682 and certify instructors to work with students who are visually impaired, hearing impaired, or
1683 both visually and hearing impaired.

1684 (3) (a) There is appropriated from the General Fund for fiscal year 1994-95, \$200,000
1685 to the State Board of Regents to fund the consortium's teacher preparation programs referred to
1686 in Subsection (2).

1687 (b) The appropriation is nonlapsing.

1688 (c) The State Board of Regents shall consider including within its annual budget
1689 recommendations a line item appropriation to provide ongoing funding for the programs
1690 provided pursuant to this section.

1691 Section 41. Section **53B-17-105** is amended to read:

1692 **53B-17-105. Utah Education and Telehealth Network.**

1693 (1) There is created the Utah Education and Telehealth Network, or UETN.

1694 (2) UETN shall:

1695 (a) coordinate and support the telecommunications needs of public and higher
1696 education, public libraries, and entities affiliated with the state systems of public and higher
1697 education as approved by the Utah Education and Telehealth Network Board, including the
1698 statewide development and implementation of a network for education, which utilizes satellite,
1699 microwave, fiber-optic, broadcast, and other transmission media;

1700 (b) coordinate the various telecommunications technology initiatives of public and
1701 higher education;

- 1702 (c) provide high-quality, cost-effective Internet access and appropriate interface
- 1703 equipment for schools and school systems;
- 1704 (d) procure, install, and maintain telecommunication services and equipment on behalf
- 1705 of public and higher education;
- 1706 (e) develop or implement other programs or services for the delivery of distance
- 1707 learning and telehealth services as directed by law;
- 1708 (f) apply for state and federal funding on behalf of:
- 1709 (i) public and higher education; and
- 1710 (ii) telehealth services;
- 1711 (g) in consultation with health care providers from a variety of health care systems,
- 1712 explore and encourage the development of telehealth services as a means of reducing health
- 1713 care costs and increasing health care quality and access, with emphasis on assisting rural health
- 1714 care providers and special populations; and
- 1715 (h) in consultation with the Utah Department of Health, advise the governor and the
- 1716 Legislature on:
 - 1717 (i) the role of telehealth in the state;
 - 1718 (ii) the policy issues related to telehealth;
 - 1719 (iii) the changing telehealth needs and resources in the state; and
 - 1720 (iv) state budgetary matters related to telehealth.
- 1721 (3) In performing the duties under Subsection (2), UETN shall:
 - 1722 (a) provide services to schools, school districts, and the public and higher education
 - 1723 systems through an open and competitive bidding process;
 - 1724 (b) work with the private sector to deliver high-quality, cost-effective services;
 - 1725 (c) avoid duplicating facilities, equipment, or services of private providers or public
 - 1726 telecommunications service, as defined under Section 54-8b-2;
 - 1727 (d) utilize statewide economic development criteria in the design and implementation
 - 1728 of the educational telecommunications infrastructure; and
 - 1729 (e) assure that public service entities, such as educators, public service providers, and
 - 1730 public broadcasters, are provided access to the telecommunications infrastructure developed in
 - 1731 the state.
- 1732 (4) The University of Utah shall provide administrative support for UETN.

1733 (5) (a) The Utah Education and Telehealth Network Board, which is the governing
1734 board for UETN, is created.

1735 (b) The Utah Education and Telehealth Network Board shall have 13 members as
1736 follows:

1737 (i) four members representing the state system of higher education appointed by the
1738 commissioner of higher education;

1739 (ii) four members representing the state system of public education ~~H→~~ **[including:**

1740 ~~—— (A) three members appointed by the State Board of Education; and~~

1741 ~~—— (B) one member [representing the Utah State Office of Education] appointed by the~~
1742 ~~state superintendent;] appointed by the State Board of Education; ←H~~

1743 (iii) one member representing applied technology centers appointed by the president of
1744 the Utah College of Applied Technology;

1745 (iv) one member representing the state library appointed by the state librarian;

1746 (v) two members representing hospitals as follows:

1747 (A) the members may not be employed by the same hospital system;

1748 (B) one member shall represent a rural hospital;

1749 (C) one member shall represent an urban hospital; and

1750 (D) the chief administrator or the administrator's designee for each hospital licensed in
1751 this state shall select the two hospital representatives; and

1752 (vi) one member representing the office of the governor, appointed by the governor.

1753 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1754 appointed for the unexpired term.

1755 (d) (i) The board shall elect a chair.

1756 (ii) The chair shall set the agenda for the board meetings.

1757 (6) A member of the board may not receive compensation or benefits for the member's
1758 service, but may receive per diem and travel expenses in accordance with:

1759 (a) Section 63A-3-106;

1760 (b) Section 63A-3-107; and

1761 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1762 63A-3-107.

1763 (7) The board:

- 1764 (a) shall hire an executive director for UETN who may hire staff for UETN as
- 1765 permitted by the budget;
- 1766 (b) may terminate the executive director's employment or assignment;
- 1767 (c) shall determine the executive director's salary;
- 1768 (d) shall annually conduct a performance evaluation of the executive director;
- 1769 (e) shall establish policies the board determines are necessary for the operation of
- 1770 UETN and the administration of UETN's duties; and
- 1771 (f) shall advise UETN in:
 - 1772 (i) the development and operation of a coordinated, statewide, multi-option
 - 1773 telecommunications system to assist in the delivery of educational services and telehealth
 - 1774 services throughout the state; and
 - 1775 (ii) acquiring, producing, and distributing instructional content.
- 1776 (8) The executive director of UETN shall be an at-will employee.
- 1777 (9) UETN shall locate and maintain educational and telehealth telecommunication
- 1778 infrastructure throughout the state.
- 1779 (10) Educational institutions shall manage site operations under policy established by
- 1780 UETN.
- 1781 (11) Subject to future budget constraints, the Legislature shall provide an annual
- 1782 appropriation to operate UETN.
- 1783 (12) If the network operated by the Department of Technology Services is not
- 1784 available, UETN may provide network connections to the central administration of counties
- 1785 and municipalities for the sole purpose of transferring data to a secure facility for backup and
- 1786 disaster recovery.

1787 Section 42. Section **53B-18-801** is amended to read:

1788 **53B-18-801. Establishment of the center -- Purpose -- Duties and responsibilities.**

- 1789 (1) There is hereby established the Center for the School of the Future at Utah State
- 1790 University, hereafter referred to as "the center."
- 1791 (2) (a) The purpose of the center is to promote best practices in the state's public
- 1792 education system and encourage cooperative and research development relationships between
- 1793 public and higher education.
- 1794 (b) For purposes of this section "best practices" means the best process or system that

1795 effectively achieves an educational objective.

1796 (3) The center has the following duties and responsibilities:

1797 (a) to direct its efforts to those education issues judged to be of greatest importance by
1798 the State [~~Office~~] Board of Education, school districts, and their patrons, subject to the
1799 availability of funds to sustain its efforts;

1800 (b) to coordinate and collaborate with education stakeholders, such as institutions of
1801 higher education, the State [~~Office~~] Board of Education, school districts, parent-teacher
1802 organizations, and other public and private educational interests in identifying or developing
1803 and then implementing best practices throughout the state's public education system;

1804 (c) to contribute to the creation and maintenance of a public education system that
1805 continually and systematically improves itself by building upon the most effective education
1806 policies, programs, and practices and rejecting those that are less effective;

1807 (d) to identify problems and challenges in providing educational and related services to
1808 all students in the public schools, including special education students and students at risk;

1809 (e) to identify current public and private resources at both the state and national level
1810 that are available to resolve problems or overcome challenges within the public education
1811 system and seek additional resources as necessary; and

1812 (f) to support the implementation of best practices in the public education system
1813 through professional development programs and dissemination of information.

1814 (4) The center in collaboration with the State [~~Office~~] Board of Education shall:

1815 (a) clarify the problems and challenges identified under this section, identify desired
1816 outcomes, and agree upon measures of outcomes;

1817 (b) prioritize the problems and challenges;

1818 (c) identify readily accessible resources to solve problems and challenges, including
1819 best practices that could be implemented with little or no adaptation;

1820 (d) determine whether new programs or procedures should be developed, and estimate
1821 the extent of effort required for that development;

1822 (e) determine which existing programs should be eliminated; and

1823 (f) assist in implementing solutions, monitoring accomplishments, disseminating
1824 results, and facilitating the extension of successful efforts to new settings.

1825 Section 43. Section **53D-1-102** is amended to read:

1826 **53D-1-102. Definitions.**

1827 (1) "Account" means the School and Institutional Trust Fund Management Account,
1828 created in Section [53D-1-203](#).

1829 (2) "Beneficiaries":

1830 (a) means those for whose benefit the trust fund is managed and preserved, consistent
1831 with the enabling act, the Utah Constitution, and state law; and

1832 (b) does not include other government institutions or agencies, the public at large, or
1833 the general welfare of the state.

1834 (3) "Board" means the board of trustees established in Section [53D-1-301](#).

1835 (4) "Director" means the director of the office.

1836 (5) "Enabling act" means the act of Congress, dated July 16, 1894, enabling the people
1837 of Utah to form a constitution and state government and to be admitted into the Union.

1838 (6) "Nominating committee" means the committee established under Section
1839 [53D-1-501](#).

1840 (7) "Office" means the School and Institutional Trust Fund Office, created in Section
1841 [53D-1-201](#).

1842 (8) "School children's trust section" means the School Children's Trust Section [~~within~~]
1843 under the State [Office] Board of Education, established in Section [53A-16-101.6](#).

1844 (9) "Trust fund" means money derived from:

1845 (a) the sale or use of land granted to the state under Sections 6, 8, and 12 of the
1846 enabling act;

1847 (b) proceeds referred to in Section 9 of the enabling act from the sale of public land;
1848 and

1849 (c) revenue and assets referred to in Utah Constitution, Article X, Section 5,
1850 Subsections (1)(c), (e), and (f).

1851 Section 44. Section **58-41-4** is amended to read:

1852 **58-41-4. Exemptions from chapter.**

1853 (1) In addition to the exemptions from licensure in Section [58-1-307](#), the following
1854 persons may engage in the practice of speech-language pathology and audiology subject to the
1855 stated circumstances and limitations without being licensed under this chapter:

1856 (a) a qualified person licensed in this state under any law existing in this state prior to

1857 May 13, 1975, from engaging in the profession for which he is licensed;

1858 (b) a medical doctor, physician, or surgeon licensed in this state, from engaging in his
1859 specialty in the practice of medicine;

1860 (c) a hearing aid dealer or salesman from selling, fitting, adjusting, and repairing
1861 hearing aids, and conducting hearing tests solely for that purpose. However, a hearing aid
1862 dealer may not conduct audiologic testing on persons under the age of 18 years except under
1863 the direct supervision of an audiologist licensed under this chapter;

1864 (d) a person who has obtained a valid and current credential issued by the [~~Utah~~] State
1865 [~~Office~~] Board of Education while performing specifically the functions of a speech-language
1866 pathologist or audiologist, in no way in his own interest, solely within the confines of and
1867 under the direction and jurisdiction of and only in the academic interest of the schools by which
1868 employed in this state;

1869 (e) a person employed as a speech-language pathologist or audiologist by federal
1870 government agencies or subdivisions or, prior to July 1, 1989, by state or local government
1871 agencies or subdivisions, while specifically performing speech-language pathology or
1872 audiology services in no way in his own interest, solely within the confines of and under the
1873 direction and jurisdiction of and in the specific interest of that agency or subdivision;

1874 (f) a person identified in Subsections (1)(d) and (e) may offer lectures for a fee, or
1875 monetary or other compensation, without being licensed; however, such person may elect to be
1876 subject to the requirements of this chapter;

1877 (g) a person employed by accredited colleges or universities as a speech-language
1878 pathologist or audiologist from performing the services or functions described in this chapter
1879 when they are:

1880 (i) performed solely as an assigned teaching function of employment;

1881 (ii) solely in academic interest and pursuit as a function of that employment;

1882 (iii) in no way for their own interest; and

1883 (iv) provided for no fee, monetary or otherwise, other than their agreed institutional
1884 salary;

1885 (h) a person pursuing a course of study leading to a degree in speech-language
1886 pathology or audiology while enrolled in an accredited college or university, provided those
1887 activities constitute an assigned, directed, and supervised part of his curricular study, and in no

1888 other interest, and that all examinations, tests, histories, charts, progress notes, reports,
1889 correspondence, and all documents and records which he produces be identified clearly as
1890 having been conducted and prepared by a student in training and that such a person is
1891 obviously identified and designated by appropriate title clearly indicating the training status
1892 and provided that he does not hold himself out directly or indirectly as being qualified to
1893 practice independently;

1894 (i) a person trained in elementary audiometry and qualified to perform basic
1895 audiometric tests while employed by a licensed medical doctor to perform solely for him while
1896 under his direct supervision, the elementary conventional audiometric tests of air conduction
1897 screening, air conduction threshold testing, and tympanometry;

1898 (j) a person while performing as a speech-language pathologist or audiologist for the
1899 purpose of obtaining required professional experience under the provisions of this chapter, if he
1900 meets all training requirements and is professionally responsible to and under the supervision
1901 of a speech-language pathologist or audiologist who holds the CCC or a state license in
1902 speech-language pathology or audiology. This provision is applicable only during the time that
1903 person is obtaining the required professional experience;

1904 (k) a corporation, partnership, trust, association, group practice, or like organization
1905 engaging in speech-language pathology or audiology services without certification or license, if
1906 it acts only through employees or consists only of persons who are licensed under this chapter;

1907 (l) performance of speech-language pathology or audiology services in this state by a
1908 speech-language pathologist or audiologist who is not a resident of this state and is not licensed
1909 under this chapter if those services are performed for no more than one month in any calendar
1910 year in association with a speech-language pathologist or audiologist licensed under this
1911 chapter, and if that person meets the qualifications and requirements for application for
1912 licensure described in Section [58-41-5](#); and

1913 (m) a person certified under Title 53A, State System of Public Education, as a teacher
1914 of the deaf, from providing the services or performing the functions he is certified to perform.

1915 (2) No person is exempt from the requirements of this chapter who performs or
1916 provides any services as a speech-language pathologist or audiologist for which a fee, salary,
1917 bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who
1918 engages any part of his professional work for a fee practicing in conjunction with, by

1919 permission of, or apart from his position of employment as speech-language pathologist or
1920 audiologist in any branch or subdivision of local, state, or federal government or as otherwise
1921 identified in this section.

1922 Section 45. Section **59-10-1307** is amended to read:

1923 **59-10-1307. Contributions for education.**

1924 (1) Except as provided in Section **59-10-1304**, a resident or nonresident individual that
1925 files an individual income tax return under this chapter may designate on the resident or
1926 nonresident individual's individual income tax return a contribution as provided in this part to:

1927 (a) the foundation of any school district if that foundation is exempt from federal
1928 income taxation under Section 501(c)(3), Internal Revenue Code; or

1929 (b) a school district described in Title 53A, Chapter 2, School Districts, if the school
1930 district has not established a foundation.

1931 (2) If a resident or nonresident individual designates an amount as a contribution
1932 under:

1933 (a) Subsection (1)(a), but does not designate a particular school district foundation to
1934 receive the contribution, the contribution shall be made to the [Utah] State [Office] Board of
1935 Education to be distributed to one or more associations of foundations:

1936 (i) if those foundations that are members of the association are established in
1937 accordance with Section **53A-4-205**; and

1938 (ii) as determined by the [Utah] State [Office] Board of Education; or

1939 (b) Subsection (1)(b), but does not designate a particular school district to receive the
1940 contribution, the contribution shall be made to the [Utah] State [Office] Board of Education.

1941 (3) The commission shall:

1942 (a) determine annually the total amount of contributions designated to each entity
1943 described in Subsection (1) in accordance with this section; and

1944 (b) subject to Subsection (2), credit the amounts described in Subsection (1) to the
1945 entities.

1946 Section 46. Section **62A-4a-412** is amended to read:

1947 **62A-4a-412. Reports and information confidential.**

1948 (1) Except as otherwise provided in this chapter, reports made pursuant to this part, as
1949 well as any other information in the possession of the division obtained as the result of a report

1950 are private, protected, or controlled records under Title 63G, Chapter 2, Government Records
1951 Access and Management Act, and may only be made available to:

1952 (a) a police or law enforcement agency investigating a report of known or suspected
1953 abuse or neglect;

1954 (b) a physician who reasonably believes that a child may be the subject of abuse or
1955 neglect;

1956 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
1957 who is the subject of a report;

1958 (d) a contract provider that has a written contract with the division to render services to
1959 a minor who is the subject of a report;

1960 (e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural
1961 parents of the child, and the guardian ad litem;

1962 (f) a court, upon a finding that access to the records may be necessary for the
1963 determination of an issue before the court, provided that in a divorce, custody, or related
1964 proceeding between private parties, the record alone is:

1965 (i) limited to objective or undisputed facts that were verified at the time of the
1966 investigation; and

1967 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
1968 ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or
1969 neglect of another person;

1970 (g) an office of the public prosecutor or its deputies in performing an official duty;

1971 (h) a person authorized by a Children's Justice Center, for the purposes described in
1972 Section 67-5b-102;

1973 (i) a person engaged in bona fide research, when approved by the director of the
1974 division, if the information does not include names and addresses;

1975 (j) the State [~~Office~~] Board of Education, acting on behalf of itself or on behalf of a
1976 school district, for the purpose of evaluating whether an individual should be permitted to
1977 obtain or retain a license as an educator or serve as an employee or volunteer in a school,
1978 limited to information with substantiated findings involving an alleged sexual offense, an
1979 alleged felony or class A misdemeanor drug offense, or any alleged offense against the person
1980 under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the

1981 office must provide the subject of a report received under Subsection (1)(k) with an
1982 opportunity to respond to the report before making a decision concerning licensure or
1983 employment;

1984 (k) any person identified in the report as a perpetrator or possible perpetrator of abuse
1985 or neglect, after being advised of the screening prohibition in Subsection (2);

1986 (l) except as provided in Subsection 63G-2-202(10), a person filing a petition for a
1987 child protective order on behalf of a child who is the subject of the report; and

1988 (m) a licensed child-placing agency or person who is performing a preplacement
1989 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and
1990 78B-6-130.

1991 (2) (a) A person, unless listed in Subsection (1), may not request another person to
1992 obtain or release a report or any other information in the possession of the division obtained as
1993 a result of the report that is available under Subsection (1)(k) to screen for potential
1994 perpetrators of abuse or neglect.

1995 (b) A person who requests information knowing that it is a violation of Subsection
1996 (2)(a) to do so is subject to the criminal penalty in Subsection (4).

1997 (3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division
1998 and law enforcement officials shall ensure the anonymity of the person or persons making the
1999 initial report and any others involved in its subsequent investigation.

2000 (b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but
2001 including this chapter and Title 63G, Chapter 2, Government Records Access and Management
2002 Act, when the division makes a report or other information in its possession available under
2003 Subsection (1)(e) to a subject of the report or a parent of a child, the division shall remove from
2004 the report or other information only the names, addresses, and telephone numbers of
2005 individuals or specific information that could:

2006 (i) identify the referent;

2007 (ii) impede a criminal investigation; or

2008 (iii) endanger a person's safety.

2009 (4) Any person who wilfully permits, or aides and abets the release of data or
2010 information obtained as a result of this part, in the possession of the division or contained on
2011 any part of the Management Information System, in violation of this part or Sections

2012 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

2013 (5) The physician-patient privilege is not a ground for excluding evidence regarding a
2014 child's injuries or the cause of those injuries, in any proceeding resulting from a report made in
2015 good faith pursuant to this part.

2016 (6) A child-placing agency or person who receives a report in connection with a
2017 preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

2018 (a) may provide this report to the person who is the subject of the report; and

2019 (b) may provide this report to a person who is performing a preplacement adoptive
2020 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a
2021 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

2022 Section 47. Section 62A-5a-102 is amended to read:

2023 **62A-5a-102. Definitions.**

2024 As used in this chapter:

2025 (1) "Council" means the Coordinating Council for Persons with Disabilities.

2026 (2) "State agencies" means:

2027 (a) the Division of Services for People with Disabilities and the Division of Substance
2028 Abuse and Mental Health, within the Department of Human Services;

2029 (b) the Division of Health Care Financing within the Department of Health;

2030 (c) family health services programs established under Title 26, Chapter 10, Family
2031 Health Services, operated by the Department of Health;

2032 (d) the Utah State Office of Rehabilitation; and

2033 (e) special education programs operated by the State ~~[Office]~~ Board of Education and
2034 local school districts under Title 53A, Chapter 15, Part 3, Education of Children with
2035 Disabilities.

2036 Section 48. Section 62A-15-1101 is amended to read:

2037 **62A-15-1101. Suicide prevention -- Reporting requirements.**

2038 (1) As used in the section:

2039 (a) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201
2040 within the Department of Public Safety.

2041 (b) "Division" means the Division of Substance Abuse and Mental Health.

2042 (c) "Intervention" means an effort to prevent a person from attempting suicide.

2043 (d) "Postvention" means mental health intervention after a suicide attempt or death to
2044 prevent or contain contagion.

2045 (e) "State suicide prevention coordinator" means an individual designated by the
2046 division as described in Subsections (2) and (3).

2047 (2) The division shall appoint a state suicide prevention coordinator to administer a
2048 state suicide prevention program composed of suicide prevention, intervention, and postvention
2049 programs, services, and efforts.

2050 (3) The state suicide prevention program may include the following components:

2051 (a) delivery of resources, tools, and training to community-based coalitions;

2052 (b) evidence-based suicide risk assessment tools and training;

2053 (c) town hall meetings for building community-based suicide prevention strategies;

2054 (d) suicide prevention gatekeeper training;

2055 (e) training to identify warning signs and to manage an at-risk individual's crisis;

2056 (f) evidence-based intervention training;

2057 (g) intervention skills training; and

2058 (h) postvention training.

2059 (4) The state suicide prevention coordinator shall coordinate with at least the
2060 following:

2061 (a) local mental health and substance abuse authorities;

2062 (b) the State Board of Education, including the [~~State Office of Education~~] public
2063 education suicide prevention coordinator described in Section 53A-15-1301;

2064 (c) the Department of Health;

2065 (d) health care providers, including emergency rooms; and

2066 (e) other public health suicide prevention efforts.

2067 (5) The state suicide prevention coordinator shall provide a written report, and shall
2068 orally report to the Health and Human Services Interim Committee, by the October meeting
2069 every year, on:

2070 (a) implementation of the state suicide prevention program, as described in Subsections
2071 (2) and (3);

2072 (b) data measuring the effectiveness of each component of the state suicide prevention
2073 program;

2074 (c) funds appropriated for each component of the state suicide prevention program; and
2075 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
2076 other subgroups identified by the state suicide prevention coordinator.

2077 (6) The state suicide prevention coordinator shall report to the Legislature's Education
2078 Interim Committee, by the October 2015 meeting, jointly with the State Board of Education, on
2079 the coordination of suicide prevention programs and efforts with the State Board of Education
2080 and the [~~State Office of Education~~] public education suicide prevention coordinator as
2081 described in Section 53A-15-1301.

2082 (7) The state suicide prevention coordinator shall consult with the bureau to implement
2083 and manage the operation of a firearm safety program, as described in Subsection
2084 53-10-202(18) and Section 53-10-202.1.

2085 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2086 division shall make rules governing the implementation of the state suicide prevention
2087 program, consistent with this section.

2088 Section 49. Section 63A-9-101 is amended to read:

2089 **63A-9-101. Definitions.**

2090 (1) (a) "Agency" means each department, commission, board, council, agency,
2091 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
2092 unit, bureau, panel, or other administrative unit of the state.

2093 (b) "Agency" includes the State Board of Education[~~, the Office of Education~~], each
2094 Applied Technology Center, the Board of Regents, the institutional councils of each higher
2095 education institution, and each higher education institution.

2096 (c) "Agency" includes the legislative and judicial branches.

2097 (2) "Committee" means the Motor Vehicle Review Committee created by this chapter.

2098 (3) "Director" means the director of the division.

2099 (4) "Division" means the Division of Fleet Operations created by this chapter.

2100 (5) "Executive director" means the executive director of the Department of
2101 Administrative Services.

2102 (6) "Local agency" means:

2103 (a) a county;

2104 (b) a municipality;

- 2105 (c) a school district;
- 2106 (d) a local district;
- 2107 (e) a special service district;
- 2108 (f) an interlocal entity as defined under Section 11-13-103; or
- 2109 (g) any other political subdivision of the state, including a local commission, board, or
- 2110 other governmental entity that is vested with the authority to make decisions regarding the
- 2111 public's business.

2112 (7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.

2113 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation

2114 purposes.

2115 (8) "State vehicle" means each motor vehicle owned, operated, or in the possession of

2116 an agency.

2117 Section 50. Section 63B-3-301 is amended to read:

2118 **63B-3-301. Legislative intent -- Additional projects.**

2119 (1) It is the intent of the Legislature that, for any lease purchase agreement that the

2120 Legislature may authorize the Division of Facilities Construction and Management to enter into

2121 during its 1994 Annual General Session, the State Building Ownership Authority, at the

2122 reasonable rates and amounts it may determine, and with technical assistance from the state

2123 treasurer, the director of the Division of Finance, and the executive director of the Governor's

2124 Office of Management and Budget, may seek out the most cost effective and prudent lease

2125 purchase plans available to the state and may, pursuant to Title 63B, Chapter 1, Part 3, State

2126 Building Ownership Authority Act, certificate out interests in, or obligations of the authority

2127 pertaining to:

2128 (a) the lease purchase obligation; or

2129 (b) lease rental payments under the lease purchase obligation.

2130 (2) It is the intent of the Legislature that the Department of Transportation dispose of

2131 surplus real properties and use the proceeds from those properties to acquire or construct

2132 through the Division of Facilities Construction and Management a new District Two Complex.

2133 (3) It is the intent of the Legislature that the State Building Board allocate funds from

2134 the Capital Improvement appropriation and donations to cover costs associated with the

2135 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered

2136 by insurance proceeds.

2137 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
2138 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2139 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in
2140 which participation interests may be created, to provide up to \$10,600,000 for the construction
2141 of a Natural Resources Building in Salt Lake City, together with additional amounts necessary
2142 to:

- 2143 (i) pay costs of issuance;
- 2144 (ii) pay capitalized interest; and
- 2145 (iii) fund any debt service reserve requirements.

2146 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2147 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2148 director of the Division of Finance, and the executive director of the Governor's Office of
2149 Management and Budget.

2150 (c) It is the intent of the Legislature that the operating budget for the Department of
2151 Natural Resources not be increased to fund these lease payments.

2152 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
2153 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2154 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in
2155 which participation interests may be created, to provide up to \$8,300,000 for the acquisition of
2156 the office buildings currently occupied by the Department of Environmental Quality and
2157 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
2158 City, together with additional amounts necessary to:

- 2159 (i) pay costs of issuance;
- 2160 (ii) pay capitalized interest; and
- 2161 (iii) fund any debt service reserve requirements.

2162 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2163 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2164 director of the Division of Finance, and the executive director of the Governor's Office of
2165 Management and Budget.

2166 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership

2167 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2168 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in
2169 which participation interests may be created, to provide up to \$9,000,000 for the acquisition or
2170 construction of up to two field offices for the Department of Human Services in the
2171 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 2172 (i) pay costs of issuance;
- 2173 (ii) pay capitalized interest; and
- 2174 (iii) fund any debt service reserve requirements.

2175 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2176 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2177 director of the Division of Finance, and the executive director of the Governor's Office of
2178 Management and Budget.

2179 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
2180 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2181 Act, to issue or execute obligations or enter into or arrange for lease purchase agreements in
2182 which participation interests may be created, to provide up to \$5,000,000 for the acquisition or
2183 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together
2184 with additional amounts necessary to:

- 2185 (i) pay costs of issuance;
- 2186 (ii) pay capitalized interest; and
- 2187 (iii) fund any debt service reserve requirements.

2188 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2189 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2190 director of the Division of Finance, and the executive director of the Governor's Office of
2191 Management and Budget.

2192 (c) It is the intent of the Legislature that the operating budget for the Department of
2193 Alcoholic Beverage Control not be increased to fund these lease payments.

2194 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
2195 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2196 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in
2197 which participation interests may be created, to provide up to \$6,800,000 for the construction

2198 of a Prerelease and Parole Center for the Department of Corrections, containing a minimum of
2199 300 beds, together with additional amounts necessary to:

- 2200 (i) pay costs of issuance;
- 2201 (ii) pay capitalized interest; and
- 2202 (iii) fund any debt service reserve requirements.

2203 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2204 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2205 director of the Division of Finance, and the executive director of the Governor's Office of
2206 Management and Budget.

2207 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
2208 in Salt Lake City, becomes law, it is the intent of the Legislature that:

2209 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
2210 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,
2211 the Office of the Legislative Fiscal Analyst, the Governor's Office of Management and Budget,
2212 and the State Building Board participate in a review of the proposed facility design for the
2213 Courts Complex no later than December 1994; and

2214 (b) although this review will not affect the funding authorization issued by the 1994
2215 Legislature, it is expected that Division of Facilities Construction and Management will give
2216 proper attention to concerns raised in these reviews and make appropriate design changes
2217 pursuant to the review.

2218 (10) It is the intent of the Legislature that:

2219 (a) the Division of Facilities Construction and Management, in cooperation with the
2220 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
2221 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
2222 to the Division of Juvenile Justice Services;

2223 (b) the development process use existing prototype proposals unless it can be
2224 quantifiably demonstrated that the proposals cannot be used;

2225 (c) the facility is designed so that with minor modifications, it can accommodate
2226 detention, observation and assessment, transition, and secure programs as needed at specific
2227 geographical locations;

2228 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division

2229 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
2230 design and construct one facility and design the other;

2231 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
2232 Justice Services shall:

2233 (A) determine the location for the facility for which design and construction are fully
2234 funded; and

2235 (B) in conjunction with the Division of Facilities Construction and Management,
2236 determine the best methodology for design and construction of the fully funded facility;

2237 (e) the Division of Facilities Construction and Management submit the prototype as
2238 soon as possible to the Infrastructure and General Government Appropriations Subcommittee
2239 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
2240 review;

2241 (f) the Division of Facilities Construction and Management issue a Request for
2242 Proposal for one of the facilities, with that facility designed and constructed entirely by the
2243 winning firm;

2244 (g) the other facility be designed and constructed under the existing Division of
2245 Facilities Construction and Management process;

2246 (h) that both facilities follow the program needs and specifications as identified by
2247 Division of Facilities Construction and Management and the Division of Youth Corrections
2248 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

2249 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

2250 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
2251 Park Master Study be used by the Division of Facilities Construction and Management to
2252 develop a master plan for the State Fair Park that:

2253 (a) identifies capital facilities needs, capital improvement needs, building
2254 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

2255 (b) establishes priorities for development, estimated costs, and projected timetables.

2256 (12) It is the intent of the Legislature that:

2257 (a) the Division of Facilities Construction and Management, in cooperation with the
2258 Division of Parks and Recreation and surrounding counties, develop a master plan and general
2259 program for the phased development of Antelope Island;

- 2260 (b) the master plan:
- 2261 (i) establish priorities for development;
- 2262 (ii) include estimated costs and projected time tables; and
- 2263 (iii) include recommendations for funding methods and the allocation of
- 2264 responsibilities between the parties; and
- 2265 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
- 2266 Environmental Quality Appropriations Subcommittee and Infrastructure and General
- 2267 Government Appropriations Subcommittee.
- 2268 (13) It is the intent of the Legislature to authorize the University of Utah to use:
- 2269 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
- 2270 the supervision of the director of the Division of Facilities Construction and Management
- 2271 unless supervisory authority is delegated by the director; and
- 2272 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
- 2273 Research Building under the supervision of the director of the Division of Facilities
- 2274 Construction and Management unless supervisory authority is delegated by the director.
- 2275 (14) It is the intent of the Legislature to authorize Utah State University to use:
- 2276 (a) federal and other funds to plan, design, and construct the Bee Lab under the
- 2277 supervision of the director of the Division of Facilities Construction and Management unless
- 2278 supervisory authority is delegated by the director;
- 2279 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
- 2280 Facility addition and renovation under the supervision of the director of the Division of
- 2281 Facilities Construction and Management unless supervisory authority is delegated by the
- 2282 director;
- 2283 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
- 2284 to the Nutrition and Food Science Building under the supervision of the director of the
- 2285 Division of Facilities Construction and Management unless supervisory authority is delegated
- 2286 by the director; and
- 2287 (d) federal and private funds to plan, design, and construct the Millville Research
- 2288 Facility under the supervision of the director of the Division of Facilities Construction and
- 2289 Management unless supervisory authority is delegated by the director.
- 2290 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

2291 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
2292 Office and Learning Center under the supervision of the director of the Division of Facilities
2293 Construction and Management unless supervisory authority is delegated by the director;

2294 (b) institutional funds to plan, design, and construct the relocation and expansion of a
2295 temporary maintenance compound under the supervision of the director of the Division of
2296 Facilities Construction and Management unless supervisory authority is delegated by the
2297 director; and

2298 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
2299 supervision of the director of the Division of Facilities Construction and Management unless
2300 supervisory authority is delegated by the director.

2301 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

2302 (a) federal funds to plan, design, and construct a Community Services Building under
2303 the supervision of the director of the Division of Facilities Construction and Management
2304 unless supervisory authority is delegated by the director; and

2305 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
2306 expansion under the supervision of the director of the Division of Facilities Construction and
2307 Management unless supervisory authority is delegated by the director.

2308 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
2309 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
2310 Facility in Gunnison under the supervision of the director of the Division of Facilities
2311 Construction and Management unless supervisory authority is delegated by the director.

2312 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
2313 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
2314 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
2315 Division of Facilities Construction and Management unless supervisory authority is delegated
2316 by the director.

2317 (19) It is the intent of the Legislature that the Utah Department of Transportation use
2318 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
2319 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

2320 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
2321 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building

2322 and purchase equipment for use in that building that could be used in metal trades or other
2323 programs in other Applied Technology Centers.

2324 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
2325 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
2326 considered as the highest priority projects for construction funding in fiscal year 1996.

2327 (22) It is the intent of the Legislature that:

2328 (a) the Division of Facilities Construction and Management complete physical space
2329 utilization standards by June 30, 1995, for the use of technology education activities;

2330 (b) these standards are to be developed with and approved by the State [~~Office~~] Board
2331 of Education, the Board of Regents, and the Utah State Building Board;

2332 (c) these physical standards be used as the basis for:

2333 (i) determining utilization of any technology space based on number of stations capable
2334 and occupied for any given hour of operation; and

2335 (ii) requests for any new space or remodeling;

2336 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
2337 Ogden-Weber Applied Technology Center are exempt from this process; and

2338 (e) the design of the Davis Applied Technology Center take into account the utilization
2339 formulas established by the Division of Facilities Construction and Management.

2340 (23) It is the intent of the Legislature that Utah Valley State College may use the
2341 money from the bond allocated to the remodel of the Signetics building to relocate its technical
2342 education programs at other designated sites or facilities under the supervision of the director
2343 of the Division of Facilities Construction and Management unless supervisory authority is
2344 delegated by the director.

2345 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
2346 project for the Bridgerland Applied Technology Center be used to design and construct the
2347 space associated with Utah State University and design the technology center portion of the
2348 project.

2349 (25) It is the intent of the Legislature that the governor provide periodic reports on the
2350 expenditure of the funds provided for electronic technology, equipment, and hardware to the
2351 Public Utilities and Technology Interim Committee, the Infrastructure and General
2352 Government Appropriations Subcommittee, and the Legislative Management Committee.

2353 Section 51. Section **63B-4-201** is amended to read:

2354 **63B-4-201. Legislative intent statements -- Capital facilities.**

2355 (1) (a) It is the intent of the Legislature that the University of Utah use institutional and
2356 other funds to plan, design, and construct two campus child care centers under the supervision
2357 of the director of the Division of Facilities Construction and Management unless supervisory
2358 authority is delegated by the director.

2359 (b) The university shall work with Salt Lake City and the surrounding neighborhood to
2360 ensure site compatibility for future recreational development by the city.

2361 (2) It is the intent of the Legislature that the University of Utah use institutional funds
2362 to plan, design, and construct:

2363 (a) the Union Parking structure under the supervision of the director of the Division of
2364 Facilities Construction and Management unless supervisory authority is delegated by the
2365 director;

2366 (b) the stadium renovation under the supervision of the director of the Division of
2367 Facilities Construction and Management unless supervisory authority is delegated by the
2368 director;

2369 (c) the Huntsman Cancer Institute under the supervision of the director of the Division
2370 of Facilities Construction and Management unless supervisory authority is delegated by the
2371 director;

2372 (d) the Business Case Method Building under the supervision of the director of the
2373 Division of Facilities Construction and Management unless supervisory authority is delegated
2374 by the director; and

2375 (e) the Fine Arts Museum expansion under the supervision of the director of the
2376 Division of Facilities Construction and Management unless supervisory authority is delegated
2377 by the director.

2378 (3) It is the intent of the Legislature that Utah State University use institutional funds to
2379 plan, design, and construct:

2380 (a) a student health services facility under the supervision of the director of the
2381 Division of Facilities Construction and Management unless supervisory authority is delegated
2382 by the director;

2383 (b) a women's softball field under the supervision of the director of the Division of

2384 Facilities Construction and Management unless supervisory authority is delegated by the
2385 director;

2386 (c) an addition to the Nutrition and Food Services Building under the supervision of
2387 the director of the Division of Facilities Construction and Management unless supervisory
2388 authority is delegated by the director; and

2389 (d) a Human Resource Research Center under the supervision of the director of the
2390 Division of Facilities Construction and Management unless supervisory authority is delegated
2391 by the director.

2392 (4) It is the intent of the Legislature that Weber State University use institutional funds
2393 to plan, design, and construct:

2394 (a) a track renovation under the supervision of the director of the Division of Facilities
2395 Construction and Management unless supervisory authority is delegated by the director; and

2396 (b) the Dee Events Center offices under the supervision of the director of the Division
2397 of Facilities Construction and Management unless supervisory authority is delegated by the
2398 director.

2399 (5) It is the intent of the Legislature that Southern Utah University use:

2400 (a) institutional funds to plan, design, and construct an institutional residence under the
2401 supervision of the director of the Division of Facilities Construction and Management unless
2402 supervisory authority is delegated by the director; and

2403 (b) project revenues and other funds to plan, design, and construct the Shakespearean
2404 Festival support facilities under the supervision of the director of the Division of Facilities
2405 Construction and Management unless supervisory authority is delegated by the director.

2406 (6) It is the intent of the Legislature that Dixie College use institutional funds to plan,
2407 design, and construct an institutional residence under the supervision of the director of the
2408 Division of Facilities Construction and Management unless supervisory authority is delegated
2409 by the director.

2410 (7) It is the intent of the Legislature that the Division of Forestry, Fire, and State Lands
2411 use federal and other funds to plan, design, and construct a wetlands enhancement facility
2412 under the supervision of the director of the Division of Facilities Construction and
2413 Management unless supervisory authority is delegated by the director.

2414 (8) (a) As provided in Subsection [63A-5-209\(2\)](#), the funds appropriated to the Project

2415 Reserve Fund may only be used for the award of contracts in excess of the construction budget
2416 if these funds are required to meet the intent of the project.

2417 (b) It is the intent of the Legislature that:

2418 (i) up to \$2,000,000 of the amount may be used to award the construction contract for
2419 the Ogden Court Building; and

2420 (ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996
2421 Legislature.

2422 (9) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2423 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2424 or execute obligations or enter into or arrange for a lease purchase agreement in which
2425 participation interests may be created to provide up to \$539,700 for the purchase and
2426 demolition of the Keyston property and construction of parking facilities adjacent to the State
2427 [~~Office~~] Board of Education building in Salt Lake City, with additional amounts necessary to:

2428 (i) pay costs of issuance;

2429 (ii) pay capitalized interest; and

2430 (iii) fund any debt service reserve requirements.

2431 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2432 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2433 director of the Division of Finance, and the executive director of the Governor's Office of
2434 Management and Budget.

2435 (10) (a) It is the intent of the Legislature that the money appropriated for Phase One of
2436 the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State
2437 University is to include design of full code compliance, life safety, space necessary to maintain
2438 required programs, and seismic upgrades.

2439 (b) The design shall identify the full scope and cost of Phase Two of the remodeling for
2440 funding consideration in the fiscal year 1997 budget cycle.

2441 (11) It is the intent of the Legislature that:

2442 (a) the fiscal year 1996 appropriation for the Davis County Higher Education land
2443 purchase includes up to \$250,000 for planning purposes;

2444 (b) the Division of Facilities Construction and Management, the Board of Regents, and
2445 the assigned institution of higher education work jointly to ensure the following elements are

2446 part of the planning process:

2447 (i) projections of student enrollment and programmatic needs for the next 10 years;

2448 (ii) review and make recommendations for better use of existing space, current
2449 technologies, public/private partnerships, and other alternatives as a means to reduce the need
2450 for new facilities and still accommodate the projected student needs; and

2451 (iii) use of a master plan that includes issues of utilities, access, traffic circulation,
2452 drainage, rights of way, future developments, and other infrastructure items considered
2453 appropriate; and

2454 (c) every effort is used to minimize expenditures for this part until a definitive decision
2455 has been made by BRACC relative to Hill Air Force Base.

2456 (12) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2457 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2458 or execute obligations or enter into or arrange for a lease purchase agreement in which
2459 participation interests may be created, to provide up to \$7,400,000 for the acquisition and
2460 improvement of the Human Services Building located at 120 North 200 West, Salt Lake City,
2461 Utah, with associated parking for the Department of Human Services together with additional
2462 amounts necessary to:

2463 (i) pay costs of issuance;

2464 (ii) pay capitalized interest; and

2465 (iii) fund any debt service reserve requirements.

2466 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2467 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2468 director of the Division of Finance, and the executive director of the Governor's Office of
2469 Management and Budget.

2470 (13) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2471 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2472 or execute obligations or enter into or arrange for a lease purchase agreement in which
2473 participation interests may be created to provide up to \$63,218,600 for the construction of a
2474 Salt Lake Courts Complex together with additional amounts necessary to:

2475 (i) pay costs of issuance;

2476 (ii) pay capitalized interest; and

2477 (iii) fund any debt service reserve requirements.

2478 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2479 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2480 director of the Division of Finance, and the executive director of the Governor's Office of
2481 Management and Budget.

2482 (c) It is the intent of the Legislature that the Division of Facilities Construction and
2483 Management lease land to the State Building Ownership Authority for the construction of a
2484 Salt Lake Courts Complex.

2485 (14) It is the intent of the Legislature that:

2486 (a) the Board of Regents use the higher education design project money to design no
2487 more than two higher education projects from among the following projects:

2488 (i) Utah State University Eastern - Student Center;

2489 (ii) Snow College - Noyes Building;

2490 (iii) University of Utah - Gardner Hall;

2491 (iv) Utah State University - Widtsoe Hall; or

2492 (v) Southern Utah University - Physical Education Building; and

2493 (b) the higher education institutions that receive approval from the Board of Regents to
2494 design projects under this chapter design those projects under the supervision of the director of
2495 the Division of Facilities Construction and Management unless supervisory authority is
2496 delegated by the director.

2497 (15) It is the intent of the Legislature that:

2498 (a) the Board of Regents may authorize the University of Utah to use institutional
2499 funds and donated funds to design Gardner Hall; and

2500 (b) if authorized by the Board of Regents, the University of Utah may use institutional
2501 funds and donated funds to design Gardner Hall under the supervision of the director of the
2502 Division of Facilities Construction and Management unless supervisory authority is delegated
2503 by the director.

2504 (16) It is the intent of the Legislature that the Division of Facilities Construction and
2505 Management use up to \$250,000 of the capital improvement money to fund the site
2506 improvements required at the San Juan campus of the Utah State University Eastern.

2507 Section 52. Section **63B-5-201** is amended to read:

2508 **63B-5-201. Legislative intent statements.**

2509 (1) If the United States Department of Defense has not provided matching funds to
2510 construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities
2511 Construction and Management shall transfer any funds received from issuance of a General
2512 Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital
2513 improvements.

2514 (2) It is the intent of the Legislature that the University of Utah use institutional funds
2515 to plan, design, and construct:

2516 (a) the Health Science East parking structure under the supervision of the director of
2517 the Division of Facilities Construction and Management unless supervisory authority is
2518 delegated by the director;

2519 (b) the Health Science Office Building under the supervision of the director of the
2520 Division of Facilities Construction and Management unless supervisory authority is delegated
2521 by the director; and

2522 (c) the new Student Housing/Olympic Athletes Village under the supervision of the
2523 director of the Division of Facilities Construction and Management unless supervisory
2524 authority is delegated by the director.

2525 (3) It is the intent of the Legislature that Utah State University use institutional funds to
2526 plan, design, and construct a multipurpose facility under the supervision of the director of the
2527 Division of Facilities Construction and Management unless supervisory authority is delegated
2528 by the director.

2529 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal
2530 funding to plan, design, and construct a sample library facility under the supervision of the
2531 director of the Division of Facilities Construction and Management unless supervisory
2532 authority is delegated by the director.

2533 (5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State
2534 Park Club House does not pass, the State Building Ownership Authority, under authority of
2535 Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute
2536 obligations, or enter into or arrange for a lease purchase agreement in which participation
2537 interests may be created, to provide up to \$1,500,000 for the remodel and expansion of the
2538 clubhouse at Wasatch Mountain State Park for the Division of Parks and Recreation, together

2539 with additional amounts necessary to:

- 2540 (i) pay costs of issuance;
- 2541 (ii) pay capitalized interest; and
- 2542 (iii) fund any debt service reserve requirements.

2543 (b) The State Building Ownership Authority shall work cooperatively with the
2544 Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase
2545 plan available.

2546 (6) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2547 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2548 into or arrange for a lease purchase agreement in which participation interests may be created,
2549 to provide up to \$835,300 for the construction of a liquor store in the Snyderville area, together
2550 with additional amounts necessary to:

- 2551 (i) pay costs of issuance;
- 2552 (ii) pay capitalized interest; and
- 2553 (iii) fund any debt service reserve requirements.

2554 (b) The State Building Ownership Authority shall work cooperatively with the
2555 Department of Alcoholic Beverage Control to seek out the most cost effective and prudent
2556 lease purchase plan available.

2557 (7) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2558 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2559 into or arrange for a lease purchase agreement in which participation interests may be created,
2560 to provide up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together
2561 with additional amounts necessary to:

- 2562 (i) pay costs of issuance;
- 2563 (ii) pay capitalized interest; and
- 2564 (iii) fund any debt service reserve requirements.

2565 (b) The State Building Ownership Authority shall work cooperatively with the
2566 University of Utah to seek out the most cost effective and prudent lease purchase plan
2567 available.

2568 (c) It is the intent of the Legislature that the University of Utah lease land to the State
2569 Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

2570 (8) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2571 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2572 into or arrange for a lease purchase agreement in which participation interests may be created,
2573 to provide up to \$857,600 for the construction of an addition to the Human Services facility in
2574 Vernal, Utah together with additional amounts necessary to:

- 2575 (i) pay costs of issuance;
- 2576 (ii) pay capitalized interest; and
- 2577 (iii) fund any debt service reserve requirements.

2578 (b) The State Building Ownership Authority shall work cooperatively with the
2579 Department of Human Services to seek out the most cost effective and prudent lease purchase
2580 plan available.

2581 (9) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2582 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2583 into or arrange for a lease purchase agreement in which participation interests may be created,
2584 to provide up to \$3,470,200 for the construction of the Student Services Center, at Utah State
2585 University Eastern, together with additional amounts necessary to:

- 2586 (i) pay costs of issuance;
- 2587 (ii) pay capitalized interest; and
- 2588 (iii) fund any debt service reserve requirements.

2589 (b) The State Building Ownership Authority shall work cooperatively with Utah State
2590 University Eastern to seek out the most cost effective and prudent lease purchase plan
2591 available.

2592 (10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue
2593 Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations,
2594 the State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue
2595 bonds or other evidences of indebtedness of Dixie College to borrow money on the credit of
2596 the income and revenues, including legislative appropriations, of Dixie College, to finance the
2597 acquisition of the Dixie Center.

2598 (b) (i) The bonds or other evidences of indebtedness authorized by this section shall be
2599 issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions
2600 and in amounts that the board, by resolution, determines are reasonable and necessary and may

2601 not exceed \$6,000,000 together with additional amounts necessary to:

2602 (A) pay cost of issuance;

2603 (B) pay capitalized interest; and

2604 (C) fund any debt service reserve requirements.

2605 (ii) To the extent that future legislative appropriations will be required to provide for
2606 payment of debt service in full, the board shall ensure that the revenue bonds are issued
2607 containing a clause that provides for payment from future legislative appropriations that are
2608 legally available for that purpose.

2609 (11) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2610 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2611 into or arrange for a lease purchase agreement in which participation interests may be created,
2612 to provide up to \$10,479,000 for the construction of a facility for the Courts - Davis County
2613 Regional Expansion, together with additional amounts necessary to:

2614 (i) pay costs of issuance;

2615 (ii) pay capitalized interest; and

2616 (iii) fund any debt service reserve requirements.

2617 (b) The State Building Ownership Authority shall work cooperatively with the Office
2618 of the Court Administrator to seek out the most cost effective and prudent lease purchase plan
2619 available.

2620 (12) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2621 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2622 into or arrange for a lease purchase agreement in which participation interests may be created,
2623 to provide up to \$4,200,000 for the purchase and remodel of the Washington County
2624 Courthouse, together with additional amounts necessary to:

2625 (i) pay costs of issuance;

2626 (ii) pay capitalized interest; and

2627 (iii) fund any debt service reserve requirements.

2628 (b) The State Building Ownership Authority shall work cooperatively with the Office
2629 of the Court Administrator to seek out the most cost effective and prudent lease purchase plan
2630 available.

2631 (13) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter

2632 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2633 into or arrange for a lease purchase agreement in which participation interests may be created,
2634 to provide up to \$14,299,700 for the construction of a facility for the State Library and the
2635 Division of Services for the Blind and Visually Impaired, together with additional amounts
2636 necessary to:

2637 (i) pay costs of issuance;

2638 (ii) pay capitalized interest; and

2639 (iii) fund any debt service reserve requirements.

2640 (b) The State Building Ownership Authority shall work cooperatively with the [~~Office~~]
2641 State Board of Education and the Governor's Office of Economic Development to seek out the
2642 most cost effective and prudent lease purchase plan available.

2643 Section 53. Section **63F-2-102** is amended to read:

2644 **63F-2-102. Data Security Management Council -- Membership -- Duties.**

2645 (1) There is created the Data Security Management Council composed of nine
2646 members as follows:

2647 (a) the chief information officer appointed under Section **63F-1-201**, or the chief
2648 information officer's designee;

2649 (b) one individual appointed by the governor;

2650 (c) one individual appointed by the speaker of the House of Representatives and the
2651 president of the Senate from the Legislative Information Technology Steering Committee; and

2652 (d) the highest ranking information technology official, or the highest ranking
2653 information technology official's designee, from each of:

2654 (i) the Judicial Council;

2655 (ii) the State Board of Regents;

2656 (iii) the State [~~Office~~] Board of Education;

2657 (iv) the Utah College of Applied Technology;

2658 (v) the State Tax Commission; and

2659 (vi) the Office of the Attorney General.

2660 (2) The council shall elect a chair of the council by majority vote.

2661 (3) (a) A majority of the members of the council constitutes a quorum.

2662 (b) Action by a majority of a quorum of the council constitutes an action of the council.

- 2663 (4) The Department of Technology Services shall provide staff to the council.
- 2664 (5) The council shall meet monthly, or as often as necessary, to:
- 2665 (a) review existing state government data security policies;
- 2666 (b) assess ongoing risks to state government information technology;
- 2667 (c) create a method to notify state and local government entities of new risks;
- 2668 (d) coordinate data breach simulation exercises with state and local government
- 2669 entities; and
- 2670 (e) develop data security best practice recommendations for state government that
- 2671 include recommendations regarding:
- 2672 (i) hiring and training a chief information security officer for each government entity;
- 2673 (ii) continuous risk monitoring;
- 2674 (iii) password management;
- 2675 (iv) using the latest technology to identify and respond to vulnerabilities;
- 2676 (v) protecting data in new and old systems; and
- 2677 (vi) best procurement practices.
- 2678 (6) A member who is not a member of the Legislature may not receive compensation
- 2679 or benefits for the member's service but may receive per diem and travel expenses as provided
- 2680 in:
- 2681 (a) Section [63A-3-106](#);
- 2682 (b) Section [63A-3-107](#); and
- 2683 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
- 2684 Section 54. Section **63G-6a-202** is amended to read:
- 2685 **63G-6a-202. Creation of Utah State Procurement Policy Board.**
- 2686 (1) There is created the Utah State Procurement Policy Board.
- 2687 (2) The board consists of up to 15 members as follows:
- 2688 (a) two representatives of state institutions of higher education, appointed by the board
- 2689 of regents;
- 2690 (b) a representative of the Department of Human Services, appointed by the executive
- 2691 director of that department;
- 2692 (c) a representative of the Department of Transportation, appointed by the executive
- 2693 director of that department;

2694 (d) two representatives of school districts, appointed by the State [~~Office~~] Board of
2695 Education;

2696 (e) a representative of the Division of Facilities Construction and Management,
2697 appointed by the director of that division;

2698 (f) one representative of a county, appointed by the Utah Association of Counties;

2699 (g) one representative of a city or town, appointed by the Utah League of Cities and
2700 Towns;

2701 (h) two representatives of local districts or special service districts, appointed by the
2702 Utah Association of Special Districts;

2703 (i) the executive director of the Department of Technology Services or the executive
2704 director's designee;

2705 (j) the chief procurement officer or the chief procurement officer's designee; and

2706 (k) two representatives of state agencies, other than a state agency already represented
2707 on the board, appointed by the executive director of the Department of Administrative
2708 Services, with the approval of the executive director of the state agency that employs the
2709 employee.

2710 (3) Members of the board shall be knowledgeable and experienced in, and have
2711 supervisory responsibility for, procurement in their official positions.

2712 (4) A board member may serve as long as the member meets the description in
2713 Subsection (2) unless removed by the person or entity with the authority to appoint the board
2714 member.

2715 (5) (a) The board shall:

2716 (i) adopt rules of procedure for conducting its business; and

2717 (ii) elect a chair to serve for one year.

2718 (b) The chair of the board shall be selected by a majority of the members of the board
2719 and may be elected to succeeding terms.

2720 (c) The chief procurement officer shall designate an employee of the division to serve
2721 as the nonvoting secretary to the policy board.

2722 (6) A member of the board may not receive compensation or benefits for the member's
2723 service, but may receive per diem and travel expenses in accordance with:

2724 (a) Section [63A-3-106](#);

2725 (b) Section 63A-3-107; and

2726 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

2727 63A-3-107.

2728 Section 55. Section 63G-10-102 is amended to read:

2729 **63G-10-102. Definitions.**

2730 As used in this chapter:

2731 (1) (a) "Action settlement agreement" includes a stipulation, consent decree, settlement
2732 agreement, or any other legally binding document or representation that resolves a threatened
2733 or pending lawsuit between the state and another party by requiring the state to take legally
2734 binding action.

2735 (b) "Action settlement agreement" includes stipulations, consent decrees, settlement
2736 agreements, and other legally binding documents or representations resolving a dispute
2737 between the state and another party when the state is required to pay money and required to
2738 take legally binding action.

2739 (c) "Action settlement agreement" does not include:

2740 (i) the internal process established by the Department of Transportation to resolve
2741 construction contract claims;

2742 (ii) any resolution of an employment dispute or claim made by an employee of the state
2743 of Utah against the state as employer;

2744 (iii) adjudicative orders issued by the State Tax Commission, the Public Service
2745 Commission, the Labor Commission, or the Department of Workforce Services; or

2746 (iv) the settlement of disputes arising from audits, defaults, or breaches of permits,
2747 contracts of sale, easements, or leases by the School and Institutional Trust Lands
2748 Administration.

2749 (2) (a) "Agency" means each department, commission, board, council, agency,
2750 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
2751 unit, bureau, panel, or other administrative unit of the state.

2752 (b) "Agency" includes the legislative branch, the judicial branch, the attorney general's
2753 office, the State [~~Office~~] Board of Education, the Board of Regents, the institutional councils of
2754 each higher education institution, and each higher education institution.

2755 (3) (a) "Financial settlement agreement" includes a stipulation, consent decree,

2756 settlement agreement, and any other legally binding document or representation that resolves a
2757 dispute between the state and another party exclusively by requiring the payment of money
2758 from one party to the other.

2759 (b) "Financial settlement agreement" does not include:

2760 (i) agreements made under the internal process established by the Department of
2761 Transportation to resolve construction contract claims;

2762 (ii) adjudicative orders issued by the State Tax Commission, Public Service
2763 Commission, Labor Commission, or the Department of Workforce Services;

2764 (iii) the settlement of disputes arising from audits, defaults, or breaches of permits,
2765 contracts of sale, easements, or leases by the School and Institutional Trust Lands
2766 Administration; or

2767 (iv) agreements made under the internal processes established by the Division of
2768 Facilities Construction and Management or by law to resolve construction contract claims
2769 made against the state by contractors or subcontractors.

2770 (4) "Government entities" means the state and its political subdivisions.

2771 Section 56. Section **63G-12-209** is amended to read:

2772 **63G-12-209. Proficiency standards for English.**

2773 (1) A permit holder shall in good faith use best efforts to become proficient in the
2774 English language at or above the equivalent to an intermediate level on a language proficiency
2775 assessment test used by the State [~~Office~~] Board of Education for purposes of secondary school
2776 students.

2777 (2) An undocumented individual shall pay the costs of complying with this section.

2778 Section 57. Section **63I-5-102** is amended to read:

2779 **63I-5-102. Definitions.**

2780 As used in this chapter:

2781 (1) "Agency governing board" is any board or commission that has policy making and
2782 oversight responsibility over the agency, including the authority to appoint and remove the
2783 agency director.

2784 (2) "Agency head" means a cabinet officer, an elected official, an executive director, or
2785 a board or commission vested with responsibility to administer or make policy for a state
2786 agency.

- 2787 (3) "Agency internal audit director" or "audit director" means the person who:
2788 (a) directs the internal audit program for the state agency; and
2789 (b) is appointed by the audit committee or, if no audit committee has been established,
2790 by the agency head.
- 2791 (4) "Appointing authority" means:
2792 (a) the governor, for state agencies other than the State Tax Commission;
2793 (b) the Judicial Council, for judicial branch agencies;
2794 (c) the Board of Regents, for higher education entities;
2795 (d) the State Board of Education, for [~~the State Office~~] entities administered by the
2796 State Board of Education; [~~and~~] or
2797 (e) the four tax commissioners, for the State Tax Commission.
- 2798 (5) "Audit committee" means a standing committee composed of members who:
2799 (a) are appointed by an appointing authority;
2800 (b) (i) do not have administrative responsibilities within the agency; and
2801 (ii) are not an agency contractor or other service provider; and
2802 (c) have the expertise to provide effective oversight of and advice about internal audit
2803 activities and services.
- 2804 (6) "Audit plan" means a prioritized list of audits to be performed by an internal audit
2805 program within a specified period of time.
- 2806 (7) "Higher education entity" means the Board of Regents, the institutional councils of
2807 each higher education institution, [~~and~~] or each higher education institution.
- 2808 (8) "Internal audit" means an independent appraisal activity established within a state
2809 agency as a control system to examine and evaluate the adequacy and effectiveness of other
2810 internal control systems within the agency.
- 2811 (9) "Internal audit program" means an audit function that:
2812 (a) is conducted by an agency, division, bureau, or office, independent of the agency,
2813 division, bureau, or office operations;
2814 (b) objectively evaluates the effectiveness of agency, division, bureau, or office
2815 governance, risk management, internal controls, and the efficiency of operations; and
2816 (c) is conducted in accordance with the current:
2817 (i) International Standards for the Professional Practice of Internal Auditing; or

2818 (ii) The Government Auditing Standards, issued by the Comptroller General of the
2819 United States.

2820 (10) "Judicial branch agency" means each administrative entity of the judicial branch.

2821 (11) (a) "State agency" means:

2822 (i) each department, commission, board, council, agency, institution, officer,
2823 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,
2824 or other administrative unit of the state; [~~and~~] or

2825 (ii) each state public education entity.

2826 (b) "State agency" does not mean:

2827 (i) a legislative branch agency;

2828 (ii) an independent state agency as defined in Section [63E-1-102](#);

2829 (iii) a county, municipality, school district, local district, or special service district; or

2830 (iv) any administrative subdivision of a county, municipality, school district, local
2831 district, or special service district.

2832 Section 58. Section **63I-5-201** is amended to read:

2833 **63I-5-201. Internal auditing programs -- State agencies.**

2834 (1) (a) The departments of Administrative Services, Agriculture, Commerce, Heritage
2835 and Arts, Corrections, Workforce Services, Environmental Quality, Health, Human Services,
2836 Natural Resources, Public Safety, and Transportation, and the State Tax Commission shall
2837 conduct various types of auditing procedures as determined by the agency head or governor.

2838 (b) The governor may, by executive order, require a state agency not described in
2839 Subsection (1)(a) to establish an internal audit program.

2840 (c) The governor shall ensure that each state agency that reports to the governor has
2841 adequate internal audit coverage.

2842 (2) (a) The Office of the Court Administrator shall establish an internal audit program
2843 under the direction of the Judicial Council, including auditing procedures for courts not of
2844 record.

2845 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
2846 internal audit program.

2847 (3) (a) Dixie State University, the University of Utah, Utah State University, Salt Lake
2848 Community College, Southern Utah University, Utah Valley University, Weber State

2849 University, and Snow College shall establish an internal audit program under the direction of
2850 the Board of Regents.

2851 (b) The State Board of Regents may issue policies requiring other higher education
2852 entities or programs to establish an internal audit program.

2853 (4) The State [~~Office~~] Board of Education shall establish [~~under the direction of the~~
2854 ~~State Board of Education~~] an internal audit program that provides internal audit services for
2855 each program administered by the State [~~Office~~] Board of Education.

2856 (5) Subject to Section [32B-2-302.5](#), the internal audit division of the Department of
2857 Alcoholic Beverage Control shall establish an internal audit program under the direction of the
2858 Alcoholic Beverage Control Commission.

2859 Section 59. Section **63J-1-219** is amended to read:

2860 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

2861 (1) As used in this section:

2862 (a) (i) "Designated state agency" means the Department of Administrative Services, the
2863 Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the
2864 Department of Commerce, the Department of Heritage and Arts, the Department of
2865 Corrections, the Department of Environmental Quality, the Department of Financial
2866 Institutions, the Department of Health, the Department of Human Resource Management, the
2867 Department of Human Services, the Department of Insurance, the Department of Natural
2868 Resources, the Department of Public Safety, the Department of Technology Services, the
2869 Department of Transportation, the Department of Veterans' and Military Affairs, the
2870 Department of Workforce Services, the Labor Commission, the Office of Economic
2871 Development, the Public Service Commission, the State Board of Regents, the State [~~Office~~]
2872 Board of Education, the State Tax Commission, or the Utah National Guard.

2873 (ii) "Designated state agency" does not include the judicial branch, the legislative
2874 branch, or an office or other entity within the judicial branch or the legislative branch.

2875 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
2876 Sec. 7501, that is reported as part of a single audit.

2877 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

2878 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or
2879 before October 31, prepare a report that:

2880 (a) reports the aggregate value of federal receipts the designated state agency received
2881 for the preceding fiscal year;

2882 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the
2883 designated state agency for the preceding fiscal year;

2884 (c) calculates the percentage of the designated state agency's total budget for the
2885 preceding fiscal year that constitutes federal receipts that the designated state agency received
2886 for that fiscal year; and

2887 (d) develops plans for operating the designated state agency if there is a reduction of:

2888 (i) 5% or more in the federal receipts that the designated state agency receives; and

2889 (ii) 25% or more in the federal receipts that the designated state agency receives.

2890 (3) (a) The report required by Subsection (2) that the Board of Regents prepares shall
2891 include the information required by Subsections (2)(a) through (c) for each state institution of
2892 higher education listed in Section 53B-2-101.

2893 (b) The report required by Subsection (2) that the State [~~Office~~] Board of Education
2894 prepares shall include the information required by Subsections (2)(a) through (c) for each
2895 school district and each charter school within the public education system.

2896 (4) A designated state agency that prepares a report in accordance with Subsection (2)
2897 shall submit the report to the Division of Finance on or before November 1 of each year.

2898 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a
2899 report that:

2900 (i) compiles and summarizes the reports the Division of Finance receives in accordance
2901 with Subsection (4); and

2902 (ii) compares the aggregate value of federal receipts each designated state agency
2903 received for the previous fiscal year to the aggregate amount of federal funds appropriated by
2904 the Legislature to that designated state agency for that fiscal year.

2905 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),
2906 compile a list of designated state agencies that do not submit a report as required by this
2907 section.

2908 (6) The Division of Finance shall submit the report required by Subsection (5) to the
2909 Executive Appropriations Committee on or before December 1 of each year.

2910 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive

2911 Appropriations Committee shall place the report on the agenda for review and consideration at
2912 the next Executive Appropriations Committee meeting.

2913 (8) When considering the report required by Subsection (5), the Executive
2914 Appropriations Committee may elect to:

2915 (a) recommend that the Legislature reduce or eliminate appropriations for a designated
2916 state agency;

2917 (b) take no action; or

2918 (c) take another action that a majority of the committee approves.

2919 Section 60. Section **63M-10-201** is amended to read:

2920 **63M-10-201. Creation -- Purpose -- Administration -- Access.**

2921 (1) There is created the Serious Habitual Offender Comprehensive Action Program
2922 (SHOCAP) to establish a SHOCAP Database to identify and track youthful offenders in order
2923 to assist agencies in providing collaborative and comprehensive services to them.

2924 (2) The database shall be administered by the Administrative Office of the Courts with
2925 information contributed by the following agencies:

2926 (a) the State [~~Office~~] Board of Education[~~, including~~] and all school districts and
2927 charter schools;

2928 (b) the Department of Health;

2929 (c) the Department of Human Services, including all county mental health agencies;

2930 (d) the Department of Public Safety;

2931 (e) all county and municipal law enforcement agencies; and

2932 (f) all county and district attorney offices.

2933 (3) The database shall be maintained in accordance with guidelines established by the
2934 Administrative Office of the Courts so that the agencies listed in Subsection (2) can efficiently
2935 access the database.

2936 (4) Information provided by schools in compliance with the provisions of this chapter
2937 is authorized under the Family Educational Rights and Privacy Act Regulations, 34 CFR Part
2938 99.

2939 (5) Information in the database provided by an agency to the database is considered to
2940 be the property of the agency providing the information and retains any classification given it
2941 under Title 63G, Chapter 2, Government Records Access and Management Act.

2942 (6) Any person who knowingly releases or discloses information from the database for
2943 a purpose other than authorized by this chapter or to a person who is not entitled to it is guilty
2944 of a class B misdemeanor.

2945 (7) Neither the state nor the courts are liable to any person for gathering, managing, or
2946 using the information in the database as provided in this chapter.

2947 Section 61. Section **67-19-6.7** is amended to read:

2948 **67-19-6.7. Overtime policies for state employees.**

2949 (1) As used in this section:

2950 (a) "Accrued overtime hours" means:

2951 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end
2952 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt
2953 state employee who accrued them; and

2954 (ii) for exempt employees, overtime hours earned during an overtime year.

2955 (b) "Appointed official" means:

2956 (i) each department executive director and deputy director, each division director, and
2957 each member of a board or commission; and

2958 (ii) any other person employed by a department who is appointed by, or whose
2959 appointment is required by law to be approved by, the governor and who:

2960 (A) is paid a salary by the state; and

2961 (B) who exercises managerial, policy-making, or advisory responsibility.

2962 (c) "Department" means the Department of Administrative Services, the Department of
2963 Corrections, the Department of Financial Institutions, the Department of Alcoholic Beverage
2964 Control, the Insurance Department, the Public Service Commission, the Labor Commission,
2965 the Department of Agriculture and Food, the Department of Human Services, the State Board
2966 of Education, the Department of Natural Resources, the Department of Technology Services,
2967 the Department of Transportation, the Department of Commerce, the Department of Workforce
2968 Services, the State Tax Commission, the Department of Heritage and Arts, the Department of
2969 Health, the National Guard, the Department of Environmental Quality, the Department of
2970 Public Safety, the Department of Human Resource Management, the Commission on Criminal
2971 and Juvenile Justice, all merit employees except attorneys in the Office of the Attorney
2972 General, merit employees in the Office of the State Treasurer, merit employees in the Office of

2973 the State Auditor, Department of Veterans' and Military Affairs, and the Board of Pardons and
2974 Parole.

2975 (d) "Elected official" means any person who is an employee of the state because the
2976 person was elected by the registered voters of Utah to a position in state government.

2977 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair
2978 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2979 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2980 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards
2981 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of
2982 compensation the nonexempt employee will receive for overtime.

2983 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by
2984 the Department of Human Resource Management applying FLSA requirements.

2985 (i) "Overtime" means actual time worked in excess of the employee's defined work
2986 period.

2987 (j) "Overtime year" means the year determined by a department under Subsection
2988 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

2989 (k) "State employee" means every person employed by a department who is not:

2990 (i) an appointed official;

2991 (ii) an elected official;

2992 (iii) a member of a board or commission who is paid only for per diem or travel
2993 expenses; or

2994 (iv) employed on a contractual basis [at] by the State [~~Office~~] Board of Education.

2995 (l) "Uniform annual date" means the date when an exempt employee's accrued
2996 overtime lapses.

2997 (m) "Work period" means:

2998 (i) for all nonexempt employees, except law enforcement and hospital employees, a
2999 consecutive seven day 24 hour work period of 40 hours;

3000 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and

3001 (iii) for nonexempt law enforcement and hospital employees, the period established by
3002 each department by rule for those employees according to the requirements of the Fair Labor
3003 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

3004 (2) Each department shall compensate each state employee who works overtime by
3005 complying with the requirements of this section.

3006 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each
3007 nonexempt employee.

3008 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
3009 compensated for overtime by:

3010 (i) taking time off work at the rate of one and one-half hour off for each overtime hour
3011 worked; or

3012 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per
3013 hour that the state employee receives for nonovertime work.

3014 (c) Any nonexempt employee who elects to take time off under this Subsection (3)
3015 shall be paid for any overtime worked in excess of the cap established by the Department of
3016 Human Resource Management.

3017 (d) Before working any overtime, each nonexempt employee shall obtain authorization
3018 to work overtime from the employee's immediate supervisor.

3019 (e) Each department shall:

3020 (i) for employees who elect to be compensated with time off for overtime, allow
3021 overtime earned during a fiscal year to be accumulated; and

3022 (ii) for employees who elect to be paid for overtime worked, pay them for overtime
3023 worked in the paycheck for the pay period in which the employee worked the overtime.

3024 (f) If the department pays a nonexempt employee for overtime, the department shall
3025 charge that payment to the department's budget.

3026 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
3027 overtime hours for nonexempt employees and charge that total against the appropriate fund or
3028 subfund.

3029 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall
3030 compensate exempt employees who work overtime by granting them time off at the rate of one
3031 hour off for each hour of overtime worked.

3032 (ii) The executive director of the Department of Human Resource Management may
3033 grant limited exceptions to this requirement, where work circumstances dictate, by authorizing
3034 a department to pay employees for overtime worked at the rate per hour that the employee

3035 receives for nonovertime work, if the department has funds available.

3036 (b) (i) Each department shall:

3037 (A) establish in its written human resource policies a uniform annual date for each
3038 division that is at the end of any pay period; and

3039 (B) communicate the uniform annual date to its employees.

3040 (ii) If any department fails to establish a uniform annual date as required by this
3041 Subsection (4), the executive director of the Department of Human Resource Management, in
3042 conjunction with the director of the Division of Finance, shall establish the date for that
3043 department.

3044 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a
3045 benefit, and is not a vested right.

3046 (ii) A court may not construe the overtime for exempt employees authorized by this
3047 Subsection (4) as an entitlement, a benefit, or as a vested right.

3048 (d) At the end of the overtime year, upon transfer to another department at any time,
3049 and upon termination, retirement, or other situations where the employee will not return to
3050 work before the end of the overtime year:

3051 (i) any of an exempt employee's overtime that is more than the maximum established
3052 by the Department of Human Resource Management rule lapses; and

3053 (ii) unless authorized by the executive director of the Department of Human Resource
3054 Management under Subsection (4)(a)(ii), a department may not compensate the exempt
3055 employee for that lapsed overtime by paying the employee for the overtime or by granting the
3056 employee time off for the lapsed overtime.

3057 (e) Before working any overtime, each exempt employee shall obtain authorization to
3058 work overtime from the exempt employee's immediate supervisor.

3059 (f) If the department pays an exempt employee for overtime under authorization from
3060 the executive director of the Department of Human Resource Management, the department
3061 shall charge that payment to the department's budget in the pay period earned.

3062 (5) The Department of Human Resource Management shall:

3063 (a) ensure that the provisions of the FLSA and this section are implemented throughout
3064 state government;

3065 (b) determine, for each state employee, whether that employee is exempt, nonexempt,

3066 law enforcement, or has some other status under the FLSA;

3067 (c) in coordination with modifications to the systems operated by the Division of
3068 Finance, make rules:

3069 (i) establishing procedures for recording overtime worked that comply with FLSA
3070 requirements;

3071 (ii) establishing requirements governing overtime worked while traveling and
3072 procedures for recording that overtime that comply with FLSA requirements;

3073 (iii) establishing requirements governing overtime worked if the employee is "on call"
3074 and procedures for recording that overtime that comply with FLSA requirements;

3075 (iv) establishing requirements governing overtime worked while an employee is being
3076 trained and procedures for recording that overtime that comply with FLSA requirements;

3077 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt
3078 employee may accrue before a department is required to pay the employee for the overtime
3079 worked;

3080 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
3081 exempt employee that do not lapse; and

3082 (vii) establishing procedures for adjudicating appeals of any FLSA determinations
3083 made by the Department of Human Resource Management as required by this section;

3084 (d) monitor departments for compliance with the FLSA; and

3085 (e) recommend to the Legislature and the governor any statutory changes necessary
3086 because of federal government action.

3087 (6) In coordination with the procedures for recording overtime worked established in
3088 rule by the Department of Human Resource Management, the Division of Finance shall modify
3089 its payroll and human resource systems to accommodate those procedures.

3090 (a) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
3091 Administrative Procedures Act, Section [67-19-31](#), and Section [67-19a-301](#), any employee who
3092 is aggrieved by the FLSA designation made by the Department of Human Resource
3093 Management as required by this section may appeal that determination to the executive director
3094 of the Department of Human Resource Management by following the procedures and
3095 requirements established in Department of Human Resource Management rule.

3096 (b) Upon receipt of an appeal under this section, the executive director shall notify the

3097 executive director of the employee's department that the appeal has been filed.

3098 (c) If the employee is aggrieved by the decision of the executive director of the
3099 Department of Human Resource Management, the employee shall appeal that determination to
3100 the Department of Labor, Wage and Hour Division, according to the procedures and
3101 requirements of federal law.

3102 Section 62. Section **77-40-109** is amended to read:

3103 **77-40-109. Retention and release of expunged records -- Agencies.**

3104 (1) The bureau shall keep, index, and maintain all expunged records of arrests and
3105 convictions.

3106 (2) (a) Employees of the bureau may not divulge any information contained in its index
3107 to any person or agency without a court order unless specifically authorized by statute.

3108 (b) The following organizations may receive information contained in expunged
3109 records upon specific request:

3110 (i) the Board of Pardons and Parole;

3111 (ii) Peace Officer Standards and Training;

3112 (iii) federal authorities, unless prohibited by federal law;

3113 (iv) the Department of Commerce;

3114 (v) the Department of Insurance;

3115 (vi) the State [~~Office~~] Board of Education; and

3116 (vii) the Commission on Criminal and Juvenile Justice, for purposes of investigating
3117 applicants for judicial office.

3118 (c) A person or agency authorized by this Subsection (2) to view expunged records
3119 may not reveal or release any information obtained from the expunged records to anyone
3120 outside the court order or specific request, including distribution on a public website.

3121 (3) The bureau may also use the information in its index as provided in Section
3122 [53-5-704](#).

3123 (4) If, after obtaining an expungement, the petitioner is charged with a felony, the state
3124 may petition the court to open the expunged records upon a showing of good cause.

3125 (5) (a) For judicial sentencing, a court may order any records expunged under this
3126 chapter or Section [77-27-5.1](#) to be opened and admitted into evidence.

3127 (b) The records are confidential and are available for inspection only by the court,

3128 parties, counsel for the parties, and any other person who is authorized by the court to inspect
3129 them.

3130 (c) At the end of the action or proceeding, the court shall order the records expunged
3131 again.

3132 (d) Any person authorized by this Subsection (5) to view expunged records may not
3133 reveal or release any information obtained from the expunged records to anyone outside the
3134 court.

3135 (6) Records released under this chapter are classified as protected under Section
3136 63G-2-305 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to
3137 Records.

3138 Section 63. Section 78A-6-209 is amended to read:

3139 **78A-6-209. Court records -- Inspection.**

3140 (1) The court and the probation department shall keep records as required by the board
3141 and the presiding judge.

3142 (2) Court records shall be open to inspection by:

3143 (a) the parents or guardian of a child, a minor who is at least 18 years of age, other
3144 parties in the case, the attorneys, and agencies to which custody of a minor has been
3145 transferred;

3146 (b) for information relating to adult offenders alleged to have committed a sexual
3147 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
3148 Title 76, Chapter 5, Offenses Against the Person, the State [~~Office~~] Board of Education for the
3149 purpose of evaluating whether an individual should be permitted to obtain or retain a license as
3150 an educator or serve as an employee or volunteer in a school, with the understanding that the
3151 [~~office~~] State Board of Education must provide the individual with an opportunity to respond to
3152 any information gathered from its inspection of the records before it makes a decision
3153 concerning licensure or employment;

3154 (c) the Criminal Investigations and Technical Services Division, established in Section
3155 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm
3156 and establishing good character for issuance of a concealed firearm permit as provided in
3157 Section 53-5-704;

3158 (d) the Division of Child and Family Services for the purpose of Child Protective

3159 Services Investigations in accordance with Sections 62A-4a-403 and 62A-4a-409 and
3160 administrative hearings in accordance with Section 62A-4a-1009;

3161 (e) the Office of Licensing for the purpose of conducting a background check of an
3162 applicant for an initial license or a license renewal in accordance with Section 62A-2-120;

3163 (f) for information related to a juvenile offender who has committed a sexual offense, a
3164 felony, or an offense that if committed by an adult would be a misdemeanor, the Department of
3165 Health for the purpose of evaluating under the provisions of Subsection 26-39-404(3) whether
3166 a licensee should be permitted to obtain or retain a license to provide child care, with the
3167 understanding that the department must provide the individual who committed the offense with
3168 an opportunity to respond to any information gathered from its inspection of records before it
3169 makes a decision concerning licensure;

3170 (g) for information related to a juvenile offender who has committed a sexual offense,
3171 a felony, or an offense that if committed by an adult would be a misdemeanor, the Department
3172 of Health to determine whether an individual meets the background screening requirements of
3173 Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that
3174 the department must provide the individual who committed the offense an opportunity to
3175 respond to any information gathered from its inspection of records before it makes a decision
3176 under that part; and

3177 (h) for information related to a juvenile offender who has committed a sexual offense,
3178 a felony, or an offense that if committed by an adult would be a misdemeanor, the Department
3179 of Health to determine whether to grant, deny, or revoke background clearance under Section
3180 26-8a-310 for an individual who is seeking or who has obtained emergency medical service
3181 personnel certification under Section 26-8a-302, with the understanding that the department
3182 must provide the individual who committed the offense an opportunity to respond to any
3183 information gathered from the department's inspection of records before it makes a
3184 determination.

3185 (3) With the consent of the judge, court records may be inspected by the child, by
3186 persons having a legitimate interest in the proceedings, and by persons conducting pertinent
3187 research studies.

3188 (4) If a petition is filed charging a minor 14 years of age or older with an offense that
3189 would be a felony if committed by an adult, the court shall make available to any person upon

3190 request the petition, any adjudication or disposition orders, and the delinquency history
3191 summary of the minor charged unless the records are closed by the court upon findings on the
3192 record for good cause.

3193 (5) Probation officers' records and reports of social and clinical studies are not open to
3194 inspection, except by consent of the court, given under rules adopted by the board.

3195 (6) (a) Any juvenile delinquency adjudication or disposition orders and the delinquency
3196 history summary of any person charged as an adult with a felony offense shall be made
3197 available to any person upon request.

3198 (b) This provision does not apply to records that have been destroyed or expunged in
3199 accordance with court rules.

3200 (c) The court may charge a reasonable fee to cover the costs associated with retrieving
3201 a requested record that has been archived.

Legislative Review Note
Office of Legislative Research and General Counsel