

**PUBLIC EDUCATION RECODIFICATION - LOCAL****ADMINISTRATION**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Val L. Peterson

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**LONG TITLE****Committee Note:**

The Education Interim Committee recommended this bill.

**General Description:**

This bill reorganizes and renumbers certain provisions of the public education code related to local administration of the public education system.

**Highlighted Provisions:**

This bill:

- ▶ reorganizes and renumbers certain provisions of the public education code related to local administration of the public education system;
- ▶ defines terms;
- ▶ enacts provisions related to public education for organizational purposes;
- ▶ reenacts provisions related to public education for organizational purposes;
- ▶ repeals provisions related to public education for organizational purposes; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

This bill provides revisor instructions.



**Utah Code Sections Affected:****ENACTS:**

**53B-1-115**, Utah Code Annotated 1953  
**53G-1-101**, Utah Code Annotated 1953  
**53G-1-102**, Utah Code Annotated 1953  
**53G-1-103**, Utah Code Annotated 1953  
**53G-2-101**, Utah Code Annotated 1953  
**53G-2-102**, Utah Code Annotated 1953  
**53G-3-101**, Utah Code Annotated 1953  
**53G-4-101**, Utah Code Annotated 1953  
**53G-4-102**, Utah Code Annotated 1953  
**53G-4-501**, Utah Code Annotated 1953  
**53G-4-601**, Utah Code Annotated 1953  
**53G-4-701**, Utah Code Annotated 1953  
**53G-4-1001**, Utah Code Annotated 1953  
**53G-5-101**, Utah Code Annotated 1953  
**53G-5-103**, Utah Code Annotated 1953  
**53G-5-411**, Utah Code Annotated 1953  
**53G-5-412**, Utah Code Annotated 1953  
**53G-5-413**, Utah Code Annotated 1953  
**53G-6-101**, Utah Code Annotated 1953  
**53G-6-102**, Utah Code Annotated 1953  
**53G-6-301**, Utah Code Annotated 1953  
**53G-6-501**, Utah Code Annotated 1953  
**53G-6-701**, Utah Code Annotated 1953  
**53G-7-101**, Utah Code Annotated 1953  
**53G-7-102**, Utah Code Annotated 1953  
**53G-7-201**, Utah Code Annotated 1953  
**53G-7-202**, Utah Code Annotated 1953  
**53G-7-301**, Utah Code Annotated 1953  
**53G-7-501**, Utah Code Annotated 1953

59           **53G-7-1001**, Utah Code Annotated 1953  
60           **53G-7-1201**, Utah Code Annotated 1953  
61           **53G-8-101**, Utah Code Annotated 1953  
62           **53G-8-102**, Utah Code Annotated 1953  
63           **53G-8-201**, Utah Code Annotated 1953  
64           **53G-8-401**, Utah Code Annotated 1953  
65           **53G-8-601**, Utah Code Annotated 1953  
66           **53G-9-101**, Utah Code Annotated 1953  
67           **53G-9-102**, Utah Code Annotated 1953  
68           **53G-9-201**, Utah Code Annotated 1953  
69           **53G-9-401**, Utah Code Annotated 1953  
70           **53G-9-501**, Utah Code Annotated 1953  
71           **53G-9-701**, Utah Code Annotated 1953  
72           **53G-10-101**, Utah Code Annotated 1953  
73           **53G-10-102**, Utah Code Annotated 1953  
74           **53G-10-201**, Utah Code Annotated 1953  
75           **53G-10-301**, Utah Code Annotated 1953  
76           **53G-10-305**, Utah Code Annotated 1953  
77           **53G-10-401**, Utah Code Annotated 1953  
78           **53G-10-403**, Utah Code Annotated 1953  
79           **53G-10-501**, Utah Code Annotated 1953  
80           **53G-11-101**, Utah Code Annotated 1953  
81           **53G-11-102**, Utah Code Annotated 1953  
82           **53G-11-201**, Utah Code Annotated 1953  
83           **53G-11-301**, Utah Code Annotated 1953  
84           **53G-11-502**, Utah Code Annotated 1953

85   RENUMBERS AND AMENDS:

86           **11-36a-206**, (Renumbered from 53A-20-100.5, as enacted by Laws of Utah 1995,  
87   Chapter 283)  
88           **53G-3-102**, (Renumbered from 53A-2-112, as enacted by Laws of Utah 1988, Chapter  
89   49)

90           **53G-3-103**, (Renumbered from 53A-2-111, as enacted by Laws of Utah 1988, Chapter  
91 49)  
92           **53G-3-201**, (Renumbered from 53A-2-101, as enacted by Laws of Utah 1988, Chapter  
93 2)  
94           **53G-3-202**, (Renumbered from 53A-2-108, as last amended by Laws of Utah 2000,  
95 Chapter 185)  
96           **53G-3-203**, (Renumbered from 53A-2-101.5, as last amended by Laws of Utah 2009,  
97 Chapter 350)  
98           **53G-3-204**, (Renumbered from 53A-2-123, as last amended by Laws of Utah 2013,  
99 Chapter 445)  
100           **53G-3-205**, (Renumbered from 53A-2-116, as enacted by Laws of Utah 1988, Chapter  
101 49)  
102           **53G-3-301**, (Renumbered from 53A-2-118, as last amended by Laws of Utah 2017,  
103 Chapter 91)  
104           **53G-3-302**, (Renumbered from 53A-2-118.1, as last amended by Laws of Utah 2017,  
105 Chapter 91)  
106           **53G-3-303**, (Renumbered from 53A-2-118.2, as last amended by Laws of Utah 2011,  
107 Chapter 371)  
108           **53G-3-304**, (Renumbered from 53A-2-118.4, as last amended by Laws of Utah 2015,  
109 Chapter 428)  
110           **53G-3-305**, (Renumbered from 53A-2-119, as last amended by Laws of Utah 2010,  
111 Chapter 230)  
112           **53G-3-306**, (Renumbered from 53A-2-120, as last amended by Laws of Utah 2011,  
113 Chapter 295)  
114           **53G-3-307**, (Renumbered from 53A-2-121, as last amended by Laws of Utah 2011,  
115 Chapter 295)  
116           **53G-3-308**, (Renumbered from 53A-2-122, as last amended by Laws of Utah 2006,  
117 Chapter 183)  
118           **53G-3-401**, (Renumbered from 53A-2-102, as last amended by Laws of Utah 1993,  
119 Chapter 227)  
120           **53G-3-402**, (Renumbered from 53A-2-103, as last amended by Laws of Utah 2008,

121 Chapter 236)  
122 **53G-3-403**, (Renumbered from 53A-2-113, as last amended by Laws of Utah 1993,  
123 Chapter 4)  
124 **53G-3-404**, (Renumbered from 53A-2-114, as last amended by Laws of Utah 2011,  
125 Chapter 371)  
126 **53G-3-501**, (Renumbered from 53A-2-104, as last amended by Laws of Utah 2007,  
127 Chapter 215)  
128 **53G-3-502**, (Renumbered from 53A-2-105, as last amended by Laws of Utah 2007,  
129 Chapter 215)  
130 **53G-3-503**, (Renumbered from 53A-2-115, as last amended by Laws of Utah 2011,  
131 Chapter 371)  
132 **53G-4-201**, (Renumbered from 53A-3-101, as repealed and reenacted by Laws of Utah  
133 1995, Chapter 1)  
134 **53G-4-202**, (Renumbered from 53A-3-106, as last amended by Laws of Utah 2015,  
135 Chapters 60 and 196)  
136 **53G-4-203**, (Renumbered from 53A-3-201, as last amended by Laws of Utah 2005,  
137 Chapter 172)  
138 **53G-4-204**, (Renumbered from 53A-3-202, as last amended by Laws of Utah 2010,  
139 Chapter 90)  
140 **53G-4-205**, (Renumbered from 53A-3-204, as last amended by Laws of Utah 2011,  
141 Chapter 366)  
142 **53G-4-301**, (Renumbered from 53A-3-301, as last amended by Laws of Utah 2011,  
143 Chapters 209 and 322)  
144 **53G-4-302**, (Renumbered from 53A-3-302, as last amended by Laws of Utah 2012,  
145 Chapter 46)  
146 **53G-4-303**, (Renumbered from 53A-3-303, as last amended by Laws of Utah 2008,  
147 Chapter 382)  
148 **53G-4-304**, (Renumbered from 53A-3-304, as last amended by Laws of Utah 2011,  
149 Chapter 336)  
150 **53G-4-401**, (Renumbered from 53A-3-401, as last amended by Laws of Utah 2014,  
151 Chapter 336)

152           **53G-4-402**, (Renumbered from 53A-3-402, as last amended by Laws of Utah 2017,  
153 Chapters 278 and 330)  
154           **53G-4-403**, (Renumbered from 53A-3-403, as last amended by Laws of Utah 2017,  
155 Chapter 372)  
156           **53G-4-404**, (Renumbered from 53A-3-404, as last amended by Laws of Utah 2004,  
157 Chapter 206)  
158           **53G-4-405**, (Renumbered from 53A-3-405, as enacted by Laws of Utah 1988, Chapter  
159 2)  
160           **53G-4-406**, (Renumbered from 53A-3-406, as enacted by Laws of Utah 1988, Chapter  
161 2)  
162           **53G-4-407**, (Renumbered from 53A-3-408, as enacted by Laws of Utah 1988, Chapter  
163 2)  
164           **53G-4-408**, (Renumbered from 53A-3-412, as enacted by Laws of Utah 1988, Chapter  
165 2)  
166           **53G-4-409**, (Renumbered from 53A-3-420, as last amended by Laws of Utah 2010,  
167 Chapter 305)  
168           **53G-4-410**, (Renumbered from 53A-3-429, as last amended by Laws of Utah 2014,  
169 Chapter 63)  
170           **53G-4-411**, (Renumbered from 53A-3-432, as enacted by Laws of Utah 2015, Chapter  
171 300 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 300)  
172           **53G-4-502**, (Renumbered from 53A-5-101, as last amended by Laws of Utah 1990,  
173 Chapter 78)  
174           **53G-4-503**, (Renumbered from 53A-5-102, as enacted by Laws of Utah 1988, Chapter  
175 2)  
176           **53G-4-504**, (Renumbered from 53A-5-103, as enacted by Laws of Utah 1988, Chapter  
177 2)  
178           **53G-4-602**, (Renumbered from 53A-18-101, as last amended by Laws of Utah 2005,  
179 Chapter 105)  
180           **53G-4-603**, (Renumbered from 53A-18-102, as last amended by Laws of Utah 2014,  
181 Chapter 325)  
182           **53G-4-604**, (Renumbered from 53A-18-103, as enacted by Laws of Utah 1988, Chapter

183 2)  
184 **53G-4-605**, (Renumbered from 53A-18-104, as last amended by Laws of Utah 2009,  
185 Chapter 388)  
186 **53G-4-606**, (Renumbered from 53A-18-105, as enacted by Laws of Utah 1988, Chapter  
187 2)  
188 **53G-4-607**, (Renumbered from 53A-18-106, as last amended by Laws of Utah 1993,  
189 Chapter 227)  
190 **53G-4-608**, (Renumbered from 53A-18-107, as enacted by Laws of Utah 2013, Chapter  
191 356)  
192 **53G-4-702**, (Renumbered from 53A-23-101, as enacted by Laws of Utah 1988, Chapter  
193 2)  
194 **53G-4-703**, (Renumbered from 53A-23-102, as enacted by Laws of Utah 1988, Chapter  
195 2)  
196 **53G-4-704**, (Renumbered from 53A-23-103, as enacted by Laws of Utah 1988, Chapter  
197 2)  
198 **53G-4-705**, (Renumbered from 53A-23-104, as enacted by Laws of Utah 1988, Chapter  
199 2)  
200 **53G-4-801**, (Renumbered from 53A-28-102, as enacted by Laws of Utah 1996, Chapter  
201 62)  
202 **53G-4-802**, (Renumbered from 53A-28-201, as enacted by Laws of Utah 1996, Chapter  
203 62)  
204 **53G-4-803**, (Renumbered from 53A-28-202, as enacted by Laws of Utah 1996, Chapter  
205 62)  
206 **53G-4-804**, (Renumbered from 53A-28-203, as last amended by Laws of Utah 2003,  
207 Chapter 221)  
208 **53G-4-805**, (Renumbered from 53A-28-301, as last amended by Laws of Utah 2011,  
209 Chapter 342)  
210 **53G-4-806**, (Renumbered from 53A-28-302, as last amended by Laws of Utah 2011,  
211 Chapter 342)  
212 **53G-4-807**, (Renumbered from 53A-28-401, as last amended by Laws of Utah 2011,  
213 Chapter 342)

214           **53G-4-808**, (Renumbered from 53A-28-402, as last amended by Laws of Utah 2011,  
215 Chapter 342)  
216           **53G-4-901**, (Renumbered from 53A-2-402, as last amended by Laws of Utah 2015,  
217 Chapter 352)  
218           **53G-4-902**, (Renumbered from 53A-2-403, as last amended by Laws of Utah 2012,  
219 Chapter 104)  
220           **53G-4-903**, (Renumbered from 53A-2-404, as enacted by Laws of Utah 2006, Chapter  
221 339)  
222           **53G-4-1001.5**, (Renumbered from 53A-22-101, as enacted by Laws of Utah 1988,  
223 Chapter 2)  
224           **53G-4-1002**, (Renumbered from 53A-22-102, as enacted by Laws of Utah 1988,  
225 Chapter 2)  
226           **53G-4-1003**, (Renumbered from 53A-22-103, as enacted by Laws of Utah 1988,  
227 Chapter 2)  
228           **53G-4-1004**, (Renumbered from 53A-22-104, as enacted by Laws of Utah 1988,  
229 Chapter 2)  
230           **53G-4-1005**, (Renumbered from 53A-22-105, as enacted by Laws of Utah 1988,  
231 Chapter 2)  
232           **53G-4-1006**, (Renumbered from 53A-22-106, as enacted by Laws of Utah 1988,  
233 Chapter 2)  
234           **53G-5-102**, (Renumbered from 53A-1a-501.3, as last amended by Laws of Utah 2017,  
235 Chapter 382)  
236           **53G-5-104**, (Renumbered from 53A-1a-503, as last amended by Laws of Utah 2008,  
237 Chapter 319)  
238           **53G-5-201**, (Renumbered from 53A-1a-501.5, as last amended by Laws of Utah 2011,  
239 Chapter 429)  
240           **53G-5-202**, (Renumbered from 53A-1a-501.6, as last amended by Laws of Utah 2014,  
241 Chapter 363)  
242           **53G-5-203**, (Renumbered from 53A-1a-501.7, as last amended by Laws of Utah 2016,  
243 Chapters 144 and 271)  
244           **53G-5-204**, (Renumbered from 53A-1a-507.1, as enacted by Laws of Utah 2005,



245 Chapter 74)  
246 **53G-5-301**, (Renumbered from 53A-1a-501.9, as enacted by Laws of Utah 2013,  
247 Chapter 376)  
248 **53G-5-302**, (Renumbered from 53A-1a-504, as last amended by Laws of Utah 2017,  
249 Chapters 325 and 378)  
250 **53G-5-303**, (Renumbered from 53A-1a-508, as last amended by Laws of Utah 2017,  
251 Chapter 212)  
252 **53G-5-304**, (Renumbered from 53A-1a-505, as last amended by Laws of Utah 2014,  
253 Chapter 363)  
254 **53G-5-305**, (Renumbered from 53A-1a-515, as last amended by Laws of Utah 2014,  
255 Chapter 363)  
256 **53G-5-306**, (Renumbered from 53A-1a-521, as last amended by Laws of Utah 2017,  
257 Chapter 382)  
258 **53G-5-401**, (Renumbered from 53A-1a-503.5, as last amended by Laws of Utah 2016,  
259 Chapter 232)  
260 **53G-5-402**, (Renumbered from 53A-1a-523, as enacted by Laws of Utah 2011, Chapter  
261 436)  
262 **53G-5-403**, (Renumbered from 53A-1a-517, as last amended by Laws of Utah 2014,  
263 Chapter 363)  
264 **53G-5-404**, (Renumbered from 53A-1a-507, as last amended by Laws of Utah 2014,  
265 Chapter 363)  
266 **53G-5-405**, (Renumbered from 53A-1a-511, as last amended by Laws of Utah 2016,  
267 Chapters 355 and 363)  
268 **53G-5-406**, (Renumbered from 53A-1a-520, as last amended by Laws of Utah 2014,  
269 Chapter 363)  
270 **53G-5-407**, (Renumbered from 53A-1a-512, as last amended by Laws of Utah 2014,  
271 Chapter 363)  
272 **53G-5-408**, (Renumbered from 53A-1a-512.5, as last amended by Laws of Utah 2015,  
273 Chapter 389)  
274 **53G-5-409**, (Renumbered from 53A-1a-518, as last amended by Laws of Utah 2010,  
275 Chapter 162)

276           **53G-5-410**, (Renumbered from 53A-1a-524, as last amended by Laws of Utah 2016,  
277 Chapter 220)  
278           **53G-5-501**, (Renumbered from 53A-1a-509, as last amended by Laws of Utah 2014,  
279 Chapter 363)  
280           **53G-5-502**, (Renumbered from 53A-1a-509.5, as last amended by Laws of Utah 2016,  
281 Chapter 363)  
282           **53G-5-503**, (Renumbered from 53A-1a-510, as last amended by Laws of Utah 2017,  
283 Chapter 378)  
284           **53G-5-504**, (Renumbered from 53A-1a-510.5, as last amended by Laws of Utah 2016,  
285 Chapter 213)  
286           **53G-5-505**, (Renumbered from 53A-1a-514, as last amended by Laws of Utah 2014,  
287 Chapter 363)  
288           **53G-5-601**, (Renumbered from 53A-20b-102, as last amended by Laws of Utah 2012,  
289 Chapter 201)  
290           **53G-5-602**, (Renumbered from 53A-20b-103, as last amended by Laws of Utah 2012,  
291 Chapter 201)  
292           **53G-5-603**, (Renumbered from 53A-20b-104, as last amended by Laws of Utah 2012,  
293 Chapter 201)  
294           **53G-5-604**, (Renumbered from 53A-20b-105, as last amended by Laws of Utah 2012,  
295 Chapter 201)  
296           **53G-5-605**, (Renumbered from 53A-20b-106, as enacted by Laws of Utah 2007,  
297 Chapter 167)  
298           **53G-5-606**, (Renumbered from 53A-20b-201, as last amended by Laws of Utah 2014,  
299 Chapter 363)  
300           **53G-5-607**, (Renumbered from 53A-20b-202, as enacted by Laws of Utah 2012,  
301 Chapter 201)  
302           **53G-5-608**, (Renumbered from 53A-20b-203, as enacted by Laws of Utah 2012,  
303 Chapter 201)  
304           **53G-5-609**, (Renumbered from 53A-20b-204, as enacted by Laws of Utah 2012,  
305 Chapter 201)  
306           **53G-6-201**, (Renumbered from 53A-11-101, as last amended by Laws of Utah 2007,

307 Chapter 81)  
308 **53G-6-202**, (Renumbered from 53A-11-101.5, as last amended by Laws of Utah 2012,  
309 Chapter 203)  
310 **53G-6-203**, (Renumbered from 53A-11-101.7, as last amended by Laws of Utah 2017,  
311 Chapter 330)  
312 **53G-6-204**, (Renumbered from 53A-11-102, as last amended by Laws of Utah 2014,  
313 Chapter 374)  
314 **53G-6-205**, (Renumbered from 53A-11-101.3, as enacted by Laws of Utah 2007,  
315 Chapter 81)  
316 **53G-6-206**, (Renumbered from 53A-11-103, as last amended by Laws of Utah 2017,  
317 Chapter 330)  
318 **53G-6-207**, (Renumbered from 53A-11-104, as last amended by Laws of Utah 2007,  
319 Chapter 81)  
320 **53G-6-208**, (Renumbered from 53A-11-105, as last amended by Laws of Utah 2017,  
321 Chapter 330)  
322 **53G-6-209**, (Renumbered from 53A-11-106, as last amended by Laws of Utah 2007,  
323 Chapter 81)  
324 **53G-6-302**, (Renumbered from 53A-2-201, as last amended by Laws of Utah 2017,  
325 Chapter 175)  
326 **53G-6-303**, (Renumbered from 53A-2-202, as last amended by Laws of Utah 1998,  
327 Chapter 263)  
328 **53G-6-304**, (Renumbered from 53A-2-203.5, as enacted by Laws of Utah 1998,  
329 Chapter 124)  
330 **53G-6-305**, (Renumbered from 53A-2-204, as last amended by Laws of Utah 2017,  
331 Chapter 316)  
332 **53G-6-306**, (Renumbered from 53A-2-205, as enacted by Laws of Utah 1988, Chapter  
333 2)  
334 **53G-6-401**, (Renumbered from 53A-2-206.5, as last amended by Laws of Utah 2012,  
335 Chapter 67)  
336 **53G-6-402**, (Renumbered from 53A-2-207, as last amended by Laws of Utah 2012,  
337 Chapter 67)

338           **53G-6-403**, (Renumbered from 53A-2-208, as last amended by Laws of Utah 2008,  
339 Chapter 346)  
340           **53G-6-404**, (Renumbered from 53A-2-209, as repealed and reenacted by Laws of Utah  
341 1993, Chapter 119)  
342           **53G-6-405**, (Renumbered from 53A-2-210, as last amended by Laws of Utah 2008,  
343 Chapter 346)  
344           **53G-6-406**, (Renumbered from 53A-2-211, as last amended by Laws of Utah 1993,  
345 Chapter 119)  
346           **53G-6-407**, (Renumbered from 53A-2-213, as last amended by Laws of Utah 2008,  
347 Chapter 346)  
348           **53G-6-502**, (Renumbered from 53A-1a-506, as last amended by Laws of Utah 2017,  
349 Chapters 87 and 212)  
350           **53G-6-503**, (Renumbered from 53A-1a-506.5, as last amended by Laws of Utah 2014,  
351 Chapter 363)  
352           **53G-6-504**, (Renumbered from 53A-1a-502.5, as last amended by Laws of Utah 2016,  
353 Chapter 213)  
354           **53G-6-601**, (Renumbered from 53A-11-501, as last amended by Laws of Utah 1998,  
355 Chapter 263)  
356           **53G-6-602**, (Renumbered from 53A-11-502, as last amended by Laws of Utah 1998,  
357 Chapter 263)  
358           **53G-6-603**, (Renumbered from 53A-11-503, as last amended by Laws of Utah 1993,  
359 Chapter 234)  
360           **53G-6-604**, (Renumbered from 53A-11-504, as last amended by Laws of Utah 2017,  
361 Chapter 278)  
362           **53G-6-702**, (Renumbered from 53A-11-102.5, as last amended by Laws of Utah 2010,  
363 Chapter 210)  
364           **53G-6-703**, (Renumbered from 53A-11-102.6, as last amended by Laws of Utah 2011,  
365 Chapter 340)  
366           **53G-6-704**, (Renumbered from 53A-1a-519, as last amended by Laws of Utah 2011,  
367 Chapter 433)  
368           **53G-6-705**, (Renumbered from 53A-2-214, as last amended by Laws of Utah 2017,

369 Chapter 173)  
370 **53G-6-706**, (Renumbered from 53A-11-102.7, as enacted by Laws of Utah 2014,  
371 Chapter 374)  
372 **53G-6-707**, (Renumbered from 53A-2-206, as last amended by Laws of Utah 2012,  
373 Chapter 398)  
374 **53G-6-708**, (Renumbered from 53A-17a-114, as last amended by Laws of Utah 2017,  
375 Chapter 382)  
376 **53G-6-801**, (Renumbered from 53A-15-1401, as last amended by Laws of Utah 2015,  
377 Chapter 444)  
378 **53G-6-802**, (Renumbered from 53A-15-1402, as last amended by Laws of Utah 2015,  
379 Chapter 444)  
380 **53G-6-803**, (Renumbered from 53A-15-1403, as last amended by Laws of Utah 2015,  
381 Chapter 444)  
382 **53G-7-203**, (Renumbered from 53A-3-402.7, as enacted by Laws of Utah 1993,  
383 Chapter 122)  
384 **53G-7-204**, (Renumbered from 53A-3-402.1, as enacted by Laws of Utah 1999,  
385 Chapter 268)  
386 **53G-7-205**, (Renumbered from 53A-3-402.9, as last amended by Laws of Utah 2016,  
387 Chapter 144)  
388 **53G-7-206**, (Renumbered from 53A-13-108.5, as last amended by Laws of Utah 2015,  
389 Chapter 415)  
390 **53G-7-207**, (Renumbered from 53A-11-901.5, as renumbered and amended by Laws of  
391 Utah 1997, Chapter 10)  
392 **53G-7-208**, (Renumbered from 53A-3-409, as last amended by Laws of Utah 2015,  
393 Chapter 286)  
394 **53G-7-209**, (Renumbered from 53A-3-413, as last amended by Laws of Utah 2015,  
395 Chapters 232 and 342)  
396 **53G-7-210**, (Renumbered from 53A-3-414, as last amended by Laws of Utah 2015,  
397 Chapter 232)  
398 **53G-7-211**, (Renumbered from 53A-3-407, as enacted by Laws of Utah 1988, Chapter  
399 2)

400           **53G-7-212**, (Renumbered from 53A-3-402.5, as repealed and reenacted by Laws of  
401 Utah 1993, Chapter 1)  
402           **53G-7-213**, (Renumbered from 53A-3-417, as last amended by Laws of Utah 2004,  
403 Chapter 171)  
404           **53G-7-214**, (Renumbered from 53A-3-427, as last amended by Laws of Utah 2013,  
405 Chapter 214)  
406           **53G-7-215**, (Renumbered from 53A-1-409, as last amended by Laws of Utah 2016,  
407 Chapter 347)  
408           **53G-7-216**, (Renumbered from 53A-1-706, as last amended by Laws of Utah 2016,  
409 Chapter 220)  
410           **53G-7-302**, (Renumbered from 53A-19-101, as last amended by Laws of Utah 2016,  
411 Chapter 363)  
412           **53G-7-303**, (Renumbered from 53A-19-102, as last amended by Laws of Utah 2016,  
413 Chapter 363)  
414           **53G-7-304**, (Renumbered from 53A-19-103, as enacted by Laws of Utah 1988, Chapter  
415 2)  
416           **53G-7-305**, (Renumbered from 53A-19-104, as last amended by Laws of Utah 2016,  
417 Chapter 363)  
418           **53G-7-306**, (Renumbered from 53A-19-105, as last amended by Laws of Utah 2016,  
419 Chapters 350 and 367)  
420           **53G-7-307**, (Renumbered from 53A-19-106, as last amended by Laws of Utah 2016,  
421 Chapter 363)  
422           **53G-7-308**, (Renumbered from 53A-19-107, as enacted by Laws of Utah 1988, Chapter  
423 2)  
424           **53G-7-309**, (Renumbered from 53A-19-108, as last amended by Laws of Utah 2016,  
425 Chapter 363)  
426           **53G-7-401**, (Renumbered from 53A-30-102, as enacted by Laws of Utah 2014, Chapter  
427 433)  
428           **53G-7-402**, (Renumbered from 53A-30-103, as enacted by Laws of Utah 2014, Chapter  
429 433)  
430           **53G-7-502**, (Renumbered from 53A-12-101, as enacted by Laws of Utah 1988, Chapter

431 2)  
432 **53G-7-503**, (Renumbered from 53A-12-102, as last amended by Laws of Utah 2015,  
433 Chapter 258)  
434 **53G-7-504**, (Renumbered from 53A-12-103, as last amended by Laws of Utah 2008,  
435 Chapter 382)  
436 **53G-7-505**, (Renumbered from 53A-12-104, as enacted by Laws of Utah 1988, Chapter  
437 2)  
438 **53G-7-601**, (Renumbered from 53A-12-202, as enacted by Laws of Utah 1988, Chapter  
439 2)  
440 **53G-7-602**, (Renumbered from 53A-12-201, as enacted by Laws of Utah 1988, Chapter  
441 2)  
442 **53G-7-603**, (Renumbered from 53A-12-204, as last amended by Laws of Utah 2002,  
443 Chapter 299)  
444 **53G-7-604**, (Renumbered from 53A-12-205, as enacted by Laws of Utah 1988, Chapter  
445 2)  
446 **53G-7-605**, (Renumbered from 53A-12-206, as enacted by Laws of Utah 1988, Chapter  
447 2)  
448 **53G-7-606**, (Renumbered from 53A-12-207, as last amended by Laws of Utah 2010,  
449 Chapter 305)  
450 **53G-7-701**, (Renumbered from 53A-11-1202, as last amended by Laws of Utah 2011,  
451 Chapter 403)  
452 **53G-7-702**, (Renumbered from 53A-11-1203, as last amended by Laws of Utah 2011,  
453 Chapter 403)  
454 **53G-7-703**, (Renumbered from 53A-11-1204, as enacted by Laws of Utah 2007,  
455 Chapter 114)  
456 **53G-7-704**, (Renumbered from 53A-11-1205, as enacted by Laws of Utah 2007,  
457 Chapter 114)  
458 **53G-7-705**, (Renumbered from 53A-11-1206, as last amended by Laws of Utah 2011,  
459 Chapter 403)  
460 **53G-7-706**, (Renumbered from 53A-11-1207, as enacted by Laws of Utah 2007,  
461 Chapter 114)

462           **53G-7-707**, (Renumbered from 53A-11-1208, as last amended by Laws of Utah 2011,  
463 Chapter 403)  
464           **53G-7-708**, (Renumbered from 53A-11-1209, as enacted by Laws of Utah 2007,  
465 Chapter 114)  
466           **53G-7-709**, (Renumbered from 53A-11-1210, as enacted by Laws of Utah 2007,  
467 Chapter 114)  
468           **53G-7-710**, (Renumbered from 53A-11-1211, as last amended by Laws of Utah 2011,  
469 Chapter 403)  
470           **53G-7-711**, (Renumbered from 53A-11-1212, as last amended by Laws of Utah 2011,  
471 Chapter 403)  
472           **53G-7-712**, (Renumbered from 53A-11-1213, as enacted by Laws of Utah 2007,  
473 Chapter 114)  
474           **53G-7-713**, (Renumbered from 53A-11-1214, as enacted by Laws of Utah 2007,  
475 Chapter 114)  
476           **53G-7-801**, (Renumbered from 53A-15-1101, as enacted by Laws of Utah 2006,  
477 Chapter 190)  
478           **53G-7-802**, (Renumbered from 53A-15-1102, as enacted by Laws of Utah 2006,  
479 Chapter 190)  
480           **53G-7-803**, (Renumbered from 53A-15-1103, as enacted by Laws of Utah 2006,  
481 Chapter 190)  
482           **53G-7-901**, (Renumbered from 53A-29-101, as enacted by Laws of Utah 1996, Chapter  
483 73)  
484           **53G-7-902**, (Renumbered from 53A-29-102, as enacted by Laws of Utah 1996, Chapter  
485 73)  
486           **53G-7-903**, (Renumbered from 53A-29-103, as last amended by Laws of Utah 2008,  
487 Chapter 250)  
488           **53G-7-904**, (Renumbered from 53A-29-104, as last amended by Laws of Utah 2015,  
489 Chapter 389)  
490           **53G-7-905**, (Renumbered from 53A-29-105, as enacted by Laws of Utah 1996, Chapter  
491 73)  
492           **53G-7-1002**, (Renumbered from 53A-3-422, as last amended by Laws of Utah 2002,



493 Chapter 301)  
494 **53G-7-1003**, (Renumbered from 53A-3-423, as enacted by Laws of Utah 2001, Chapter  
495 172)  
496 **53G-7-1004**, (Renumbered from 53A-3-424, as last amended by Laws of Utah 2016,  
497 Chapter 144)  
498 **53G-7-1101**, (Renumbered from 53A-1-1601, as enacted by Laws of Utah 2017,  
499 Chapter 196)  
500 **53G-7-1102**, (Renumbered from 53A-1-1602, as enacted by Laws of Utah 2017,  
501 Chapter 196)  
502 **53G-7-1103**, (Renumbered from 53A-1-1603, as enacted by Laws of Utah 2017,  
503 Chapter 196)  
504 **53G-7-1104**, (Renumbered from 53A-1-1604, as enacted by Laws of Utah 2017,  
505 Chapter 196)  
506 **53G-7-1105**, (Renumbered from 53A-1-1605, as enacted by Laws of Utah 2017,  
507 Chapter 196)  
508 **53G-7-1106**, (Renumbered from 53A-1-1606, as enacted by Laws of Utah 2017,  
509 Chapter 196)  
510 **53G-7-1202**, (Renumbered from 53A-1a-108, as last amended by Laws of Utah 2016,  
511 Chapter 220)  
512 **53G-7-1203**, (Renumbered from 53A-1a-108.1, as last amended by Laws of Utah 2015,  
513 Chapter 276)  
514 **53G-7-1204**, (Renumbered from 53A-1a-108.5, as last amended by Laws of Utah 2016,  
515 Chapter 220)  
516 **53G-8-202**, (Renumbered from 53A-11-901, as last amended by Laws of Utah 2017,  
517 Chapter 330)  
518 **53G-8-203**, (Renumbered from 53A-11-902, as last amended by Laws of Utah 2017,  
519 Chapter 55)  
520 **53G-8-204**, (Renumbered from 53A-11-903, as last amended by Laws of Utah 2007,  
521 Chapter 161)  
522 **53G-8-205**, (Renumbered from 53A-11-904, as last amended by Laws of Utah 2010,  
523 Chapter 276)

524           **53G-8-206**, (Renumbered from 53A-11-905, as last amended by Laws of Utah 2007,  
525 Chapter 161)  
526           **53G-8-207**, (Renumbered from 53A-11-906, as last amended by Laws of Utah 2007,  
527 Chapters 82 and 161)  
528           **53G-8-208**, (Renumbered from 53A-11-907, as last amended by Laws of Utah 2007,  
529 Chapter 161)  
530           **53G-8-209**, (Renumbered from 53A-11-908, as last amended by Laws of Utah 2017,  
531 Chapter 330)  
532           **53G-8-210**, (Renumbered from 53A-11-910, as last amended by Laws of Utah 2017,  
533 Chapter 330)  
534           **53G-8-211**, (Renumbered from 53A-11-911, as enacted by Laws of Utah 2017, Chapter  
535 330)  
536           **53G-8-212**, (Renumbered from 53A-11-806, as last amended by Laws of Utah 2017,  
537 Chapter 55)  
538           **53G-8-301**, (Renumbered from 53A-11-801, as last amended by Laws of Utah 2017,  
539 Chapter 55)  
540           **53G-8-302**, (Renumbered from 53A-11-802, as last amended by Laws of Utah 2017,  
541 Chapter 55)  
542           **53G-8-303**, (Renumbered from 53A-11-803, as last amended by Laws of Utah 1994,  
543 Chapter 260)  
544           **53G-8-304**, (Renumbered from 53A-11-804, as enacted by Laws of Utah 1992, Chapter  
545 251)  
546           **53G-8-305**, (Renumbered from 53A-11-805, as enacted by Laws of Utah 1992, Chapter  
547 251)  
548           **53G-8-402**, (Renumbered from 53A-11-1001, as last amended by Laws of Utah 2008,  
549 Chapter 3)  
550           **53G-8-403**, (Renumbered from 53A-11-1002, as last amended by Laws of Utah 2004,  
551 Chapter 102)  
552           **53G-8-404**, (Renumbered from 53A-11-1003, as enacted by Laws of Utah 1994,  
553 Chapter 256)  
554           **53G-8-405**, (Renumbered from 53A-11-1004, as last amended by Laws of Utah 2008,

555 Chapter 3)  
556 **53G-8-501**, (Renumbered from 53A-11-401, as last amended by Laws of Utah 1989,  
557 Chapter 22)  
558 **53G-8-502**, (Renumbered from 53A-11-402, as enacted by Laws of Utah 1988, Chapter  
559 2)  
560 **53G-8-503**, (Renumbered from 53A-11-403, as last amended by Laws of Utah 2017,  
561 Chapter 330)  
562 **53G-8-504**, (Renumbered from 53A-11-404, as enacted by Laws of Utah 1988, Chapter  
563 2)  
564 **53G-8-505**, (Renumbered from 53A-11-1301, as renumbered and amended by Laws of  
565 Utah 2008, Chapter 3)  
566 **53G-8-506**, (Renumbered from 53A-11-1302, as last amended by Laws of Utah 2017,  
567 Chapter 330)  
568 **53G-8-507**, (Renumbered from 53A-11-1303, as renumbered and amended by Laws of  
569 Utah 2008, Chapter 3)  
570 **53G-8-508**, (Renumbered from 53A-11-1304, as renumbered and amended by Laws of  
571 Utah 2008, Chapter 3)  
572 **53G-8-509**, (Renumbered from 53A-11-1305, as renumbered and amended by Laws of  
573 Utah 2008, Chapter 3)  
574 **53G-8-510**, (Renumbered from 53A-11-1101, as enacted by Laws of Utah 1994,  
575 Chapter 256)  
576 **53G-8-602**, (Renumbered from 53A-3-501, as last amended by Laws of Utah 1998,  
577 Chapter 10)  
578 **53G-8-603**, (Renumbered from 53A-3-503, as last amended by Laws of Utah 1990,  
579 Chapter 78)  
580 **53G-8-604**, (Renumbered from 53A-3-504, as enacted by Laws of Utah 1988, Chapter  
581 140)  
582 **53G-8-701**, (Renumbered from 53A-11-1602, as enacted by Laws of Utah 2016,  
583 Chapter 165)  
584 **53G-8-702**, (Renumbered from 53A-11-1603, as enacted by Laws of Utah 2016,  
585 Chapter 165)

586           **53G-8-703**, (Renumbered from 53A-11-1604, as last amended by Laws of Utah 2017,  
587 Chapter 330)  
588           **53G-9-202**, (Renumbered from 53A-11-205, as enacted by Laws of Utah 2001, First  
589 Special Session, Chapter 3)  
590           **53G-9-203**, (Renumbered from 53A-11-605, as last amended by Laws of Utah 2013,  
591 Chapter 335)  
592           **53G-9-204**, (Renumbered from 53A-11-204, as last amended by Laws of Utah 2002,  
593 Chapter 301)  
594           **53G-9-205**, (Renumbered from 53A-19-301, as enacted by Laws of Utah 1996, Chapter  
595 268)  
596           **53G-9-206**, (Renumbered from 53A-13-103, as enacted by Laws of Utah 1988, Chapter  
597 2)  
598           **53G-9-207**, (Renumbered from 53A-13-112, as enacted by Laws of Utah 2014, Chapter  
599 342)  
600           **53G-9-208**, (Renumbered from 53A-11-606, as enacted by Laws of Utah 2017, Chapter  
601 191)  
602           **53G-9-301 (Effective 07/01/18)**, (Renumbered from 53A-11-300.5 (Effective  
603 07/01/18), as enacted by Laws of Utah 2017, Chapter 344)  
604           **53G-9-302 (Effective 07/01/18)**, (Renumbered from 53A-11-301 (Effective 07/01/18),  
605 as repealed and reenacted by Laws of Utah 2017, Chapter 344)  
606           **53G-9-302 (Superseded 07/01/18)**, (Renumbered from 53A-11-301 (Superseded  
607 07/01/18), as last amended by Laws of Utah 1992, Chapter 53)  
608           **53G-9-303 (Effective 07/01/18)**, (Renumbered from 53A-11-302 (Effective 07/01/18),  
609 as repealed and reenacted by Laws of Utah 2017, Chapter 344)  
610           **53G-9-303 (Superseded 07/01/18)**, (Renumbered from 53A-11-302 (Superseded  
611 07/01/18), as last amended by Laws of Utah 2017, Chapter 278)  
612           **53G-9-304 (Effective 07/01/18)**, (Renumbered from 53A-11-302.5 (Effective  
613 07/01/18), as repealed and reenacted by Laws of Utah 2017, Chapter 344)  
614           **53G-9-304 (Superseded 07/01/18)**, (Renumbered from 53A-11-302.5 (Superseded  
615 07/01/18), as enacted by Laws of Utah 1992, Chapter 129)  
616           **53G-9-305 (Effective 07/01/18)**, (Renumbered from 53A-11-303 (Effective 07/01/18),

617 as repealed and reenacted by Laws of Utah 2017, Chapter 344)  
618 **53G-9-305 (Superseded 07/01/18)**, (Renumbered from 53A-11-303 (Superseded  
619 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)  
620 **53G-9-306 (Effective 07/01/18)**, (Renumbered from 53A-11-304 (Effective 07/01/18),  
621 as repealed and reenacted by Laws of Utah 2017, Chapter 344)  
622 **53G-9-306 (Superseded 07/01/18)**, (Renumbered from 53A-11-304 (Superseded  
623 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)  
624 **53G-9-307 (Repealed 07/01/18)**, (Renumbered from 53A-11-305 (Repealed 07/01/18),  
625 as repealed by Laws of Utah 2017, Chapter 344)  
626 **53G-9-308 (Effective 07/01/18)**, (Renumbered from 53A-11-306 (Effective 07/01/18),  
627 as repealed and reenacted by Laws of Utah 2017, Chapter 344)  
628 **53G-9-308 (Superseded 07/01/18)**, (Renumbered from 53A-11-306 (Superseded  
629 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)  
630 **53G-9-309 (Effective 07/01/18)**, (Renumbered from 53A-11-307 (Effective 07/01/18),  
631 as enacted by Laws of Utah 2017, Chapter 344)  
632 **53G-9-402**, (Renumbered from 53A-11-201, as last amended by Laws of Utah 1996,  
633 Chapter 4)  
634 **53G-9-403**, (Renumbered from 53A-11-202, as enacted by Laws of Utah 1988, Chapter  
635 2)  
636 **53G-9-404**, (Renumbered from 53A-11-203, as last amended by Laws of Utah 2016,  
637 Chapter 271)  
638 **53G-9-502**, (Renumbered from 53A-11-601, as last amended by Laws of Utah 2017,  
639 Chapter 183)  
640 **53G-9-503**, (Renumbered from 53A-11-602, as enacted by Laws of Utah 2004, Chapter  
641 4)  
642 **53G-9-504**, (Renumbered from 53A-11-603, as enacted by Laws of Utah 2006, Chapter  
643 215)  
644 **53G-9-505**, (Renumbered from 53A-11-603.5, as enacted by Laws of Utah 2016,  
645 Chapter 423)  
646 **53G-9-506**, (Renumbered from 53A-11-604, as enacted by Laws of Utah 2006, Chapter  
647 215)

648           **53G-9-601**, (Renumbered from 53A-11a-102, as last amended by Laws of Utah 2017,  
649 Chapters 170 and 213)  
650           **53G-9-602**, (Renumbered from 53A-11a-201, as last amended by Laws of Utah 2017,  
651 Chapter 213)  
652           **53G-9-603**, (Renumbered from 53A-11a-202, as last amended by Laws of Utah 2017,  
653 Chapter 213)  
654           **53G-9-604**, (Renumbered from 53A-11a-203, as last amended by Laws of Utah 2017,  
655 Chapters 30, 170, and 213)  
656           **53G-9-605**, (Renumbered from 53A-11a-301, as last amended by Laws of Utah 2017,  
657 Chapters 170 and 213)  
658           **53G-9-606**, (Renumbered from 53A-11a-302, as last amended by Laws of Utah 2017,  
659 Chapters 170 and 213)  
660           **53G-9-607**, (Renumbered from 53A-11a-401, as last amended by Laws of Utah 2017,  
661 Chapters 170, 213 and last amended by Coordination Clause, Laws of Utah 2017,  
662 Chapter 213)  
663           **53G-9-608**, (Renumbered from 53A-11a-402, as last amended by Laws of Utah 2017,  
664 Chapters 170 and 213)  
665           **53G-9-702**, (Renumbered from 53A-15-1301, as last amended by Laws of Utah 2016,  
666 Chapter 144)  
667           **53G-9-703**, (Renumbered from 53A-15-1302, as last amended by Laws of Utah 2015,  
668 Chapters 85 and 442)  
669           **53G-9-704**, (Renumbered from 53A-15-1304, as enacted by Laws of Utah 2017,  
670 Chapter 378)  
671           **53G-9-801**, (Renumbered from 53A-15-1902, as enacted by Laws of Utah 2016,  
672 Chapter 320)  
673           **53G-9-802**, (Renumbered from 53A-15-1903, as enacted by Laws of Utah 2016,  
674 Chapter 320)  
675           **53G-9-803**, (Renumbered from 53A-13-104, as last amended by Laws of Utah 2013,  
676 Chapter 377)  
677           **53G-10-202**, (Renumbered from 53A-13-101.1, as enacted by Laws of Utah 1993,  
678 Chapter 95)

679           **53G-10-203**, (Renumbered from 53A-13-101.3, as enacted by Laws of Utah 1993,  
680 Chapter 95)  
681           **53G-10-204**, (Renumbered from 53A-13-109, as last amended by Laws of Utah 2014,  
682 Chapter 387)  
683           **53G-10-205**, (Renumbered from 53A-13-101.2, as last amended by Laws of Utah 2015,  
684 Chapter 91)  
685           **53G-10-302**, (Renumbered from 53A-13-101.4, as last amended by Laws of Utah 2011,  
686 Chapter 298)  
687           **53G-10-303**, (Renumbered from 53A-13-101.5, as last amended by Laws of Utah 2017,  
688 Chapter 382)  
689           **53G-10-304**, (Renumbered from 53A-13-101.6, as last amended by Laws of Utah 2012,  
690 Chapter 426)  
691           **53G-10-402**, (Renumbered from 53A-13-101, as last amended by Laws of Utah 2017,  
692 Chapter 162)  
693           **53G-10-404**, (Renumbered from 53A-13-107, as last amended by Laws of Utah 2010,  
694 Chapter 305)  
695           **53G-10-405**, (Renumbered from 53A-13-102, as last amended by Laws of Utah 2002,  
696 Fifth Special Session, Chapter 8)  
697           **53G-10-406**, (Renumbered from 53A-13-113, as enacted by Laws of Utah 2017,  
698 Chapter 455)  
699           **53G-10-502**, (Renumbered from 53A-13-201, as last amended by Laws of Utah 2008,  
700 Chapter 382)  
701           **53G-10-503**, (Renumbered from 53A-13-202, as last amended by Laws of Utah 2003,  
702 Chapter 23)  
703           **53G-10-504**, (Renumbered from 53A-13-203, as enacted by Laws of Utah 1988,  
704 Chapter 2)  
705           **53G-10-505**, (Renumbered from 53A-13-204, as last amended by Laws of Utah 2003,  
706 Chapter 23)  
707           **53G-10-506**, (Renumbered from 53A-13-205, as enacted by Laws of Utah 1988,  
708 Chapter 2)  
709           **53G-10-507**, (Renumbered from 53A-13-208, as last amended by Laws of Utah 2016,

710 Chapter 144)  
711 **53G-10-508**, (Renumbered from 53A-13-209, as last amended by Laws of Utah 2008,  
712 Chapter 382)  
713 **53G-11-202**, (Renumbered from 53A-3-411, as last amended by Laws of Utah 2005,  
714 Chapter 285)  
715 **53G-11-203**, (Renumbered from 53A-3-431, as enacted by Laws of Utah 2012, Chapter  
716 127)  
717 **53G-11-204**, (Renumbered from 53A-19-401, as enacted by Laws of Utah 2015,  
718 Chapter 399)  
719 **53G-11-205**, (Renumbered from 53A-3-426, as enacted by Laws of Utah 2007, Chapter  
720 88)  
721 **53G-11-206**, (Renumbered from 53A-3-425, as last amended by Laws of Utah 2013,  
722 Chapter 278)  
723 **53G-11-207**, (Renumbered from 53A-3-428, as enacted by Laws of Utah 2009, Chapter  
724 392)  
725 **53G-11-302**, (Renumbered from 53A-17a-140, as last amended by Laws of Utah 2017,  
726 Chapter 173)  
727 **53G-11-303**, (Renumbered from 53A-3-701, as last amended by Laws of Utah 2015,  
728 Chapter 415)  
729 **53G-11-401**, (Renumbered from 53A-15-1502, as last amended by Laws of Utah 2016,  
730 Chapter 44)  
731 **53G-11-402**, (Renumbered from 53A-15-1503, as last amended by Laws of Utah 2016,  
732 Chapter 44)  
733 **53G-11-403**, (Renumbered from 53A-15-1504, as last amended by Laws of Utah 2016,  
734 Chapters 44 and 348)  
735 **53G-11-404**, (Renumbered from 53A-15-1505, as enacted by Laws of Utah 2015,  
736 Chapter 389)  
737 **53G-11-405**, (Renumbered from 53A-15-1506, as enacted by Laws of Utah 2015,  
738 Chapter 389)  
739 **53G-11-406**, (Renumbered from 53A-15-1507, as enacted by Laws of Utah 2015,  
740 Chapter 389)



741           **53G-11-407**, (Renumbered from 53A-15-1508, as last amended by Laws of Utah 2016,  
742 Chapter 348)

743           **53G-11-408**, (Renumbered from 53A-15-1509, as last amended by Laws of Utah 2016,  
744 Chapter 348)

745           **53G-11-409**, (Renumbered from 53A-15-1510, as enacted by Laws of Utah 2015,  
746 Chapter 389)

747           **53G-11-410**, (Renumbered from 53A-15-1511, as enacted by Laws of Utah 2016,  
748 Chapter 199)

749           **53G-11-501**, (Renumbered from 53A-8a-102, as last amended by Laws of Utah 2017,  
750 Chapter 328)

751           **53G-11-501.5**, (Renumbered from 53A-8a-401, as last amended by Laws of Utah 2017,  
752 Chapter 328)

753           **53G-11-503**, (Renumbered from 53A-8a-201, as renumbered and amended by Laws of  
754 Utah 2012, Chapter 425)

755           **53G-11-504**, (Renumbered from 53A-8a-301, as last amended by Laws of Utah 2017,  
756 Chapter 328)

757           **53G-11-505**, (Renumbered from 53A-8a-302, as last amended by Laws of Utah 2017,  
758 Chapter 328)

759           **53G-11-506**, (Renumbered from 53A-8a-403, as last amended by Laws of Utah 2017,  
760 Chapter 328)

761           **53G-11-507**, (Renumbered from 53A-8a-405, as last amended by Laws of Utah 2017,  
762 Chapter 328)

763           **53G-11-508**, (Renumbered from 53A-8a-406, as last amended by Laws of Utah 2017,  
764 Chapter 328)

765           **53G-11-509**, (Renumbered from 53A-8a-408, as renumbered and amended by Laws of  
766 Utah 2012, Chapter 425)

767           **53G-11-510**, (Renumbered from 53A-8a-409, as last amended by Laws of Utah 2017,  
768 Chapter 328)

769           **53G-11-511**, (Renumbered from 53A-8a-410, as last amended by Laws of Utah 2017,  
770 Chapter 328)

771           **53G-11-512**, (Renumbered from 53A-8a-501, as last amended by Laws of Utah 2015,

Chapter 203)

**53G-11-513**, (Renumbered from 53A-8a-502, as renumbered and amended by Laws of Utah 2012, Chapter 425)

**53G-11-514**, (Renumbered from 53A-8a-503, as enacted by Laws of Utah 2012, Chapter 425)

**53G-11-515**, (Renumbered from 53A-8a-504, as renumbered and amended by Laws of Utah 2012, Chapter 425)

**53G-11-516**, (Renumbered from 53A-8a-505, as renumbered and amended by Laws of Utah 2012, Chapter 425)

**53G-11-517**, (Renumbered from 53A-8a-506, as enacted by Laws of Utah 2012, Chapter 425)

**53G-11-518**, (Renumbered from 53A-8a-601, as last amended by Laws of Utah 2016, Chapter 204)

REPEALS:

**53A-2-117**, as last amended by Laws of Utah 2017, Chapter 91

**53A-3-415**, as last amended by Laws of Utah 1991, Chapter 72

**53A-8a-402**, as last amended by Laws of Utah 2017, Chapter 328

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

Section 1. Section **11-36a-206**, which is renumbered from Section 53A-20-100.5 is renumbered and amended to read:

**~~53A-20-100.5~~. 11-36a-206. Prohibition of school impact fees.**

(1) As used in this section, "school impact fee" means a charge on new development in order to generate revenue for funding or recouping the costs of capital improvements for schools or school facility expansions necessitated by and attributable to the new development.

(2) Beginning March 21, 1995, there is a moratorium prohibiting a county, city, town, local school board, or any other political subdivision from imposing or collecting a school impact fee unless hereafter authorized by the Legislature by statute.

(3) Collection of any fees authorized before March 21, 1995, by any ordinance, resolution or rule of any county, city, town, local school board, or other political subdivision shall terminate on May 1, 1996, unless hereafter authorized by the Legislature by statute.

Section 2. Section **53B-1-115** is enacted to read:

**53B-1-115. Purchases of educational technology.**

(1) A college of education shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in purchasing technology.

(2) A college of education may purchase technology through cooperative purchasing contracts administered by the state Division of Purchasing or through the college of education's own established purchasing program.

Section 3. Section **53G-1-101** is enacted to read:

**TITLE 53G. PUBLIC EDUCATION SYSTEM -- LOCAL ADMINISTRATION**  
**CHAPTER 1. TITLE PROVISIONS**

**53G-1-101. Title.**

(1) This title is known as "Public Education System -- Local Administration."

(2) This chapter is known as "Title Provisions."

Section 4. Section **53G-1-102** is enacted to read:

**53G-1-102. Public education code definitions.**

The terms defined in Section [53E-1-102](#) apply to this title.

Section 5. Section **53G-1-103** is enacted to read:

**53G-1-103. Title 53G definitions.**

Reserved

Section 6. Section **53G-2-101** is enacted to read:

**CHAPTER 2. LOCAL PUBLIC EDUCATION SYSTEM POLICY**

**Part 1. General Provisions**

**53G-2-101. Title.**

This chapter is known as "Local Public Education System Policy."

Section 7. Section **53G-2-102** is enacted to read:

**53G-2-102. Definitions.**

Reserved

Section 8. Section **53G-3-101** is enacted to read:

**CHAPTER 3. SCHOOL DISTRICT CREATION AND CHANGE**

**Part 1. General Provisions**

**53G-3-101. Title.**

This chapter is known as "School District Creation and Change."

Section 9. Section **53G-3-102**, which is renumbered from Section 53A-2-112 is renumbered and amended to read:

~~[53A-2-112].~~ **53G-3-102. Definitions.**

As used in ~~[Sections 53A-2-113 through 53A-2-116]~~ this chapter:

(1) "Allocation date" means:

(a) June 20 of the second calendar year after the local school board general election date described in Subsection [53G-3-302\(3\)\(a\)\(i\)](#); or

(b) another date that the transition teams under Section [53G-3-302](#) mutually agree to.

(2) "Canvass date" means the date of the canvass of an election under Subsection [53G-3-301\(5\)](#) at which voters approve the creation of a new school district under Section [53G-3-302](#).

~~[(1)]~~ (3) "Consolidation" means the merger of two or more school districts into a single administrative unit.

(4) "Creation election date" means the date of the election under Subsection [53G-3-301\(9\)](#) at which voters approve the creation of a new school district under Section [53G-3-302](#).

(5) "Divided school district," "existing district," or "existing school district" means a school district from which a new district is created.

(6) "New district" or "new school district" means a school district created under Section [53G-3-301](#) or [53G-3-302](#).

(7) "Remaining district" or "remaining school district" means an existing district after the creation of a new district.

~~[(2)]~~ (8) "Restructuring" means the transfer of territory from one school district to another school district.

Section 10. Section **53G-3-103**, which is renumbered from Section 53A-2-111 is renumbered and amended to read:

~~[53A-2-111].~~ **53G-3-103. Legislative findings.**

The Legislature finds that restructuring and consolidation of school districts may provide long-term educational and financial benefits, but that short-term costs and other problems may make it difficult for school officials to move forward with such plans. The

Legislature therefore adopts Sections ~~[53A-2-111 through 53A-2-116]~~ 53G-3-102, 53G-3-103, 53G-3-205, 53G-3-403, 53G-3-404, and 53G-3-503 to assist the public school system to create more efficient and effective administrative units.

Section 11. Section **53G-3-201**, which is renumbered from Section 53A-2-101 is renumbered and amended to read:

~~[53A-2-101].~~ **53G-3-201. School districts.**

School districts may be created, merged, dissolved, or their boundaries changed only as provided in this chapter.

Section 12. Section **53G-3-202**, which is renumbered from Section 53A-2-108 is renumbered and amended to read:

~~[53A-2-108].~~ **53G-3-202. School districts independent of municipal and county governments -- School district name -- Control of property.**

(1) (a) Each school district shall be controlled by its board of education and shall be independent of municipal and county governments.

(b) The name of each school district created after May 1, 2000 shall comply with Subsection 17-50-103(2)(a).

(2) The local school board shall have direction and control of all school property in the district.

Section 13. Section **53G-3-203**, which is renumbered from Section 53A-2-101.5 is renumbered and amended to read:

~~[53A-2-101.5].~~ **53G-3-203. Filing of notice and plat relating to school district boundary changes including creation, consolidation, division, or dissolution -- Recording requirements -- Effective date.**

(1) The county legislative body shall:

(a) within 30 days after the creation, consolidation, division, or dissolution of a school district, file with the lieutenant governor:

(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

(ii) except in the case of a dissolution, a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

(b) upon the lieutenant governor's issuance of a certificate of boundary action under

Section 67-1a-6.5:

(i) if the school district is or, in the case of dissolution, was located within the boundary of a single county, submit to the recorder of that county:

(A) the original:

(I) notice of an impending boundary action;

(II) certificate of boundary action; and

(III) except in the case of dissolution, approved final local entity plat; and

(B) if applicable, a certified copy of the resolution approving the boundary action; or

(ii) if the school district is or, in the case of a dissolution, was located within the boundaries of more than a single county:

(A) submit to the recorder of one of those counties:

(I) the original of the documents listed in Subsections (1)(b)(i)(A)(I), (II), and (III); and

(II) if applicable, a certified copy of the resolution approving the boundary action; and

(B) submit to the recorder of each other county:

(I) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I), (II), and (III);

and

(II) if applicable, a certified copy of the resolution approving the boundary action.

(2) (a) Upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the boundary of a new or existing school district that was the subject of the action has legal effect.

(b) (i) As used in this Subsection (2)(b), "affected area" means:

(A) in the case of the creation of a school district, the area within the school district's boundary;

(B) in the case of the consolidation of multiple school districts, the area within the boundary of each school district that is consolidated into another school district;

(C) in the case of the division of a school district, the area within the boundary of the school district created by the division; and

(D) in the case of an addition to an existing school district, the area added to the school district.

(ii) The effective date of a boundary action, as defined in Section 17-23-20, for purposes of assessing property within the school district is governed by Section 59-2-305.5.

(iii) Until the documents listed in Subsection (1)(b) are recorded in the office of the recorder of each county in which the property is located, a school district may not levy or collect a property tax on property within the affected area.

Section 14. Section **53G-3-204**, which is renumbered from Section 53A-2-123 is renumbered and amended to read:

**~~53A-2-123~~. 53G-3-204. Notice before preparing or amending a long-range plan or acquiring certain property.**

(1) As used in this section:

(a) "Affected entity" means each county, municipality, local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special service district under Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

(i) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or

(ii) that has filed with the school district a copy of the general or long-range plan of the county, municipality, local district, special service district, school district, interlocal cooperation entity, or specified public utility.

(b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section [54-2-1](#).

(2) (a) If a school district located in a county of the first or second class prepares a long-range plan regarding its facilities proposed for the future or amends an already existing long-range plan, the school district shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of its intent to prepare a long-range plan or to amend an existing long-range plan.

(b) Each notice under Subsection (2)(a) shall:

(i) indicate that the school district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;

(ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;

(iii) be:

(A) sent to each county in whose unincorporated area and each municipality in whose

boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;

(B) sent to each affected entity;

(C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;

(D) sent to each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and

(E) placed on the Utah Public Notice Website created under Section 63F-1-701;

(iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:

(A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and

(B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and

(v) include the address of an Internet website, if the school district has one, and the name and telephone number of a person where more information can be obtained concerning the school district's proposed long-range plan or amendments to a long-range plan.

(3) (a) Except as provided in Subsection (3)(d), each school district intending to acquire real property in a county of the first or second class for the purpose of expanding the district's infrastructure or other facilities shall provide written notice, as provided in this Subsection (3), of its intent to acquire the property if the intended use of the property is contrary to:

(i) the anticipated use of the property under the county or municipality's general plan; or

(ii) the property's current zoning designation.

(b) Each notice under Subsection (3)(a) shall:

(i) indicate that the school district intends to acquire real property;

(ii) identify the real property; and



(iii) be sent to:

(A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and

(B) each affected entity.

(c) A notice under this Subsection (3) is a protected record as provided in Subsection **63G-2-305**(8).

(d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.

(ii) If a school district is not required to comply with the notice requirement of Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real property.

Section 15. Section **53G-3-205**, which is renumbered from Section 53A-2-116 is renumbered and amended to read:

**~~[53A-2-116].~~      53G-3-205. Rights of transferred employees -- Salary during first year -- Leave and tenure benefits.**

(1) If a school employee is transferred from one district to another because of district consolidation or restructuring, the employee's salary may not be less, during the first year after the transfer, than it would have been had the transfer not taken place.

(2) The district to which an employee is transferred under Subsection (1) shall credit the employee with all accumulated leave and tenure recognized by the district from which the employee was transferred.

(3) If the district to which an employee is transferred does not have a leave benefit which reasonably corresponds to one the employee seeks to transfer, that district shall compensate the employee for the benefit on the same basis as would have been done had the employee retired.

Section 16. Section **53G-3-301**, which is renumbered from Section 53A-2-118 is renumbered and amended to read:

### **Part 3. Creating a New School District**

**~~[53A-2-118].~~      53G-3-301. Creation of new school district -- Initiation of**

**process -- Procedures to be followed.**

(1) A new school district may be created from one or more existing school districts, as provided in this section.

(2) The process to create a new school district may be initiated:

(a) through a citizens' initiative petition;

(b) at the request of the board of the existing district or districts to be affected by the creation of the new district; or

(c) at the request of a city within the boundaries of the school district or at the request of interlocal agreement participants, pursuant to Section ~~[53A-2-118.1]~~ [53G-3-302](#).

(3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by qualified electors residing within the geographical boundaries of the proposed new school district in an amount equal to at least 15% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.

(b) Each request or petition submitted under Subsection (2) shall:

(i) be filed with the clerk of each county in which any part of the proposed new school district is located;

(ii) indicate the typed or printed name and current residence address of each governing board member making a request, or registered voter signing a petition, as the case may be;

(iii) describe the proposed new school district boundaries; and

(iv) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each.

(c) The process described in Subsection (2)(a) may only be initiated once during any four-year period.

(d) A new district may not be formed under Subsection (2) if the student population of the proposed new district is less than 3,000 or the existing district's student population would be less than 3,000 because of the creation of the new school district.

(4) A signer of a petition described in Subsection (2)(a) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing a written request for withdrawal or reinstatement with the county clerk.

(5) Within 45 days after the day on which a petition described in Subsection (2)(a) is filed, or five business days after the day on which a request described in Subsection (2)(b) or (c) is filed, the clerk of each county with which the request or petition is filed shall:

(a) determine whether the request or petition complies with Subsections (2) and (3), as applicable; and

(b) (i) if the county clerk determines that the request or petition complies with the applicable requirements:

(A) certify the request or petition and deliver the certified request or petition to the county legislative body; and

(B) mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the county clerk determines that the request or petition fails to comply with any of the applicable requirements, reject the request or petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.

(6) (a) If the county clerk fails to certify or reject a request or petition within the time specified in Subsection (5), the request or petition is considered to be certified.

(b) (i) If the county clerk rejects a request or petition, the person that submitted the request or petition may amend the request or petition to correct the deficiencies for which the request or petition was rejected, and refile the request or petition.

(ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled after having been rejected by a county clerk.

(c) If, on or before December 1, a county legislative body receives a request from a school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified by the county clerk:

(i) the county legislative body shall appoint an ad hoc advisory committee, as provided in Subsection (7), on or before January 1;

(ii) the ad hoc advisory committee shall submit its report and recommendations to the county legislative body, as provided in Subsection (7), on or before July 1; and

(iii) if the legislative body of each county with which a request or petition is filed approves a proposal to create a new district, each legislative body shall submit the proposal to the respective county clerk to be voted on by the electors of each existing district at the regular general or municipal general election held in November.

(7) (a) The legislative body of each county with which a request or petition is filed shall appoint an ad hoc advisory committee to review and make recommendations on a request for the creation of a new school district submitted under Subsection (2)(a) or (b).

(b) The advisory committee shall:

(i) seek input from:

(A) those requesting the creation of the new school district;

(B) the school board and school personnel of each existing school district;

(C) those citizens residing within the geographical boundaries of each existing school district;

(D) the State Board of Education; and

(E) other interested parties;

(ii) review data and gather information on at least:

(A) the financial viability of the proposed new school district;

(B) the proposal's financial impact on each existing school district;

(C) the exact placement of school district boundaries; and

(D) the positive and negative effects of creating a new school district and whether the positive effects outweigh the negative if a new school district were to be created; and

(iii) make a report to the county legislative body in a public meeting on the committee's activities, together with a recommendation on whether to create a new school district.

(8) For a request or petition submitted under Subsection (2)(a) or (b):

(a) The county legislative body shall provide for a 45-day public comment period on the report and recommendation to begin on the day the report is given under Subsection (7)(b)(iii).

(b) Within 14 days after the end of the comment period, the legislative body of each county with which a request or petition is filed shall vote on the creation of the proposed new school district.

(c) The proposal is approved if a majority of the members of the legislative body of each county with which a request or petition is filed votes in favor of the proposal.

(d) If the proposal is approved, the legislative body of each county with which a request or petition is filed shall submit the proposal to the county clerk to be voted on:

(i) by the legal voters of each existing school district affected by the proposal;

(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

(e) Creation of the new school district shall occur if a majority of the electors within both the proposed school district and each remaining school district voting on the proposal vote in favor of the creation of the new district.

(f) Each county legislative body shall comply with the requirements of Section ~~53A-2-101.5~~ [53G-3-203](#).

(g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is approved by the electors, the existing district's documented costs to study and implement the proposal shall be reimbursed by the new district.

(9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection (5) or (6)(a), the legislative body of each county in which part of the proposed new school district is located shall submit the proposal to the respective clerk of each county to be voted on:

(i) by the legal voters residing within the proposed new school district boundaries;

(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

(b) (i) If a majority of the legal voters within the proposed new school district boundaries voting on the proposal at an election under Subsection (9)(a) vote in favor of the creation of the new district:

(A) each county legislative body shall comply with the requirements of Section ~~53A-2-101.5~~ [53G-3-203](#); and

(B) upon the lieutenant governor's issuance of the certificate under Section [67-1a-6.5](#), the new district is created.

(ii) Notwithstanding the creation of a new district as provided in Subsection (9)(b)(i)(B):

(A) a new school district may not begin to provide educational services to the area within the new district until July 1 of the second calendar year following the school board

general election date described in Subsection [~~53A-2-118.1~~] 53G-3-302(3)(a)(i);

(B) a remaining district may not begin to provide educational services to the area within the remaining district until the time specified in Subsection (9)(b)(ii)(A); and

(C) each existing district shall continue, until the time specified in Subsection (9)(b)(ii)(A), to provide educational services within the entire area covered by the existing district.

Section 17. Section **53G-3-302**, which is renumbered from Section 53A-2-118.1 is renumbered and amended to read:

**~~[53A-2-118.1].~~ 53G-3-302. Proposal initiated by a city or by interlocal agreement participants to create a school district -- Boundaries -- Election of local school board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

(1) (a) After conducting a feasibility study, a city with a population of at least 50,000, as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3), may by majority vote of the legislative body, submit for voter approval a measure to create a new school district with boundaries contiguous with that city's boundaries, in accordance with Section [~~53A-2-118~~] 53G-3-301.

(b) (i) The determination of all matters relating to the scope, adequacy, and other aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the city's legislative body.

(ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of a legal action or other challenge to:

(A) an election for voter approval of the creation of a new school district; or

(B) the creation of the new school district.

(2) (a) By majority vote of the legislative body, a city of any class, a town, or a county, may, together with one or more other cities, towns, or the county enter into an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter approval a measure to create a new school district.

(b) (i) In accordance with Section [~~53A-2-118~~] 53G-3-301, interlocal agreement participants under Subsection (2)(a) may submit a proposal for voter approval if:

(A) the interlocal agreement participants conduct a feasibility study prior to submitting the proposal to the county;

1175 (B) the combined population within the proposed new school district boundaries is at  
1176 least 50,000;

1177 (C) the new school district boundaries:

1178 (I) are contiguous;

1179 (II) do not completely surround or otherwise completely geographically isolate a  
1180 portion of an existing school district that is not part of the proposed new school district from  
1181 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

1182 (III) include the entire boundaries of each participant city or town, except as provided  
1183 in Subsection (2)(d)(ii); and

1184 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

1185 (D) the combined population within the proposed new school district of interlocal  
1186 agreement participants that have entered into an interlocal agreement proposing to create a new  
1187 school district is at least 80% of the total population of the proposed new school district.

1188 (ii) The determination of all matters relating to the scope, adequacy, and other aspects  
1189 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new  
1190 feasibility study or revise a previous feasibility study due to a change in the proposed new  
1191 school district boundaries, is within the exclusive discretion of the legislative bodies of the  
1192 interlocal agreement participants that enter into an interlocal agreement to submit for voter  
1193 approval a measure to create a new school district.

1194 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the  
1195 basis of a legal action or other challenge to:

1196 (A) an election for voter approval of the creation of a new school district; or

1197 (B) the creation of the new school district.

1198 (iv) For purposes of determining whether the boundaries of a proposed new school  
1199 district cross county lines under Subsection (2)(b)(i)(C)(IV):

1200 (A) a municipality located in more than one county and entirely within the boundaries  
1201 of a single school district is considered to be entirely within the same county as other  
1202 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's  
1203 land area and population is located in that same county than outside the county; and

1204 (B) a municipality located in more than one county that participates in an interlocal  
1205 agreement under Subsection (2)(a) with respect to some but not all of the area within the

1206 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may  
1207 not be considered to cross county lines.

1208 (c) (i) A county may only participate in an interlocal agreement under this Subsection  
1209 (2) for the unincorporated areas of the county.

1210 (ii) Boundaries of a new school district created under this section may include:

1211 (A) a portion of one or more existing school districts; and

1212 (B) a portion of the unincorporated area of a county, including a portion of a township.

1213 (d) (i) As used in this Subsection (2)(d):

1214 (A) "Isolated area" means an area that:

1215 (I) is entirely within the boundaries of a municipality that, except for that area, is  
1216 entirely within a school district different than the school district in which the area is located;  
1217 and

1218 (II) would, because of the creation of a new school district from the existing district in  
1219 which the area is located, become completely geographically isolated.

1220 (B) "Municipality's school district" means the school district that includes all of the  
1221 municipality in which the isolated area is located except the isolated area.

1222 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in  
1223 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
1224 within the municipality's boundaries if:

1225 (A) the portion of the municipality proposed to be included in the new school district  
1226 would, if not included, become an isolated area upon the creation of the new school district; or

1227 (B) (I) the portion of the municipality proposed to be included in the new school  
1228 district is within the boundaries of the same school district that includes the other interlocal  
1229 agreement participants; and

1230 (II) the portion of the municipality proposed to be excluded from the new school  
1231 district is within the boundaries of a school district other than the school district that includes  
1232 the other interlocal agreement participants.

1233 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school  
1234 district may be submitted for voter approval pursuant to an interlocal agreement under  
1235 Subsection (2)(a), even though the new school district boundaries would create an isolated  
1236 area, if:



1237 (I) the potential isolated area is contiguous to one or more of the interlocal agreement  
1238 participants;

1239 (II) the interlocal participants submit a written request to the municipality in which the  
1240 potential isolated area is located, requesting the municipality to enter into an interlocal  
1241 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to  
1242 create a new school district that includes the potential isolated area; and

1243 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the  
1244 municipality has not entered into an interlocal agreement as requested in the request.

1245 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold  
1246 one or more public hearings to allow input from the public and affected school districts  
1247 regarding whether or not the municipality should enter into an interlocal agreement with  
1248 respect to the potential isolated area.

1249 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

1250 (Aa) a new school district is created under this section after a measure is submitted to  
1251 voters based on the authority of Subsection (2)(d)(iii)(A); and

1252 (Bb) the creation of the new school district results in an isolated area.

1253 (II) The isolated area shall, on July 1 of the second calendar year following the local  
1254 school board general election date described in Subsection (3)(a)(i), become part of the  
1255 municipality's school district.

1256 (III) Unless the isolated area is the only remaining part of the existing district, the  
1257 process described in Subsection (4) shall be modified to:

1258 (Aa) include a third transition team, appointed by the local school board of the  
1259 municipality's school district, to represent that school district; and

1260 (Bb) require allocation of the existing district's assets and liabilities among the new  
1261 district, the remaining district, and the municipality's school district.

1262 (IV) The existing district shall continue to provide educational services to the isolated  
1263 area until July 1 of the second calendar year following the local school board general election  
1264 date described in Subsection (3)(a)(i).

1265 (3) (a) If a proposal under this section is approved by voters:

1266 (i) an election shall be held at the next regular general election to elect:

1267 (A) members to the local school board of the existing school district whose terms are

1268 expiring;

1269 (B) all members to the local school board of the new school district; and

1270 (C) all members to the local school board of the remaining district;

1271 (ii) the assets and liabilities of the existing school district shall be divided between the

1272 remaining school district and the new school district as provided in Subsection (5) and Section

1273 ~~[53A-2-121]~~ [53G-3-307](#);

1274 (iii) transferred employees shall be treated in accordance with Sections ~~[53A-2-116]~~

1275 [53G-3-205](#) and ~~[53A-2-122]~~ [53G-3-308](#);

1276 (iv) (A) an individual residing within the boundaries of a new school district at the

1277 time the new school district is created may, for six school years after the creation of the new

1278 school district, elect to enroll in a secondary school located outside the boundaries of the new

1279 school district if:

1280 (I) the individual resides within the boundaries of that secondary school as of the day

1281 before the new school district is created; and

1282 (II) the individual would have been eligible to enroll in that secondary school had the

1283 new school district not been created; and

1284 (B) the school district in which the secondary school is located shall provide

1285 educational services, including, if provided before the creation of the new school district,

1286 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school

1287 year for which the individual makes the election; and

1288 (v) within one year after the new district begins providing educational services, the

1289 superintendent of each remaining district affected and the superintendent of the new district

1290 shall meet, together with the Superintendent of Public Instruction, to determine if further

1291 boundary changes should be proposed in accordance with Section ~~[53A-2-104]~~ [53G-3-501](#).

1292 (b) (i) The terms of the initial members of the local school board of the new district and

1293 remaining district shall be staggered and adjusted by the county legislative body so that

1294 approximately half of the local school board is elected every two years.

1295 (ii) The term of a member of the existing local school board, including a member

1296 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local

1297 school board general election date described in Subsection (3)(a)(i), regardless of when the

1298 term would otherwise have terminated.

1299 (iii) Notwithstanding the existence of a local school board for the new district and a  
1300 local school board for the remaining district under Subsection (3)(a)(i), the local school board  
1301 of the existing district shall continue, until the time specified in Subsection [~~53A-2-118~~]  
1302 53G-3-301(9)(b)(ii)(A), to function and exercise authority as a local school board to the extent  
1303 necessary to continue to provide educational services to the entire existing district.

1304 (iv) An individual may simultaneously serve as or be elected to be a member of the  
1305 local school board of an existing district and a member of the local school board of:

1306 (A) a new district; or

1307 (B) a remaining district.

1308 (4) (a) Within 45 days after the canvass date for the election at which voters approve  
1309 the creation of a new district:

1310 (i) a transition team to represent the remaining district shall be appointed by the  
1311 members of the existing local school board who reside within the area of the remaining district,  
1312 in consultation with:

1313 (A) the legislative bodies of all municipalities in the area of the remaining district; and

1314 (B) the legislative body of the county in which the remaining district is located, if the  
1315 remaining district includes one or more unincorporated areas of the county; and

1316 (ii) another transition team to represent the new district shall be appointed by:

1317 (A) for a new district located entirely within the boundaries of a single city, the  
1318 legislative body of that city; or

1319 (B) for each other new district, the legislative bodies of all interlocal agreement  
1320 participants.

1321 (b) The local school board of the existing school district shall, within 60 days after the  
1322 canvass date for the election at which voters approve the creation of a new district:

1323 (i) prepare an inventory of the existing district's:

1324 (A) assets, both tangible and intangible, real and personal; and

1325 (B) liabilities; and

1326 (ii) deliver a copy of the inventory to each of the transition teams.

1327 (c) The transition teams appointed under Subsection (4)(a) shall:

1328 (i) determine the allocation of the existing district's assets and, except for indebtedness  
1329 under Section [~~53A-2-121~~] 53G-3-307, liabilities between the remaining district and the new

1330 district in accordance with Subsection (5);

1331 (ii) prepare a written report detailing how the existing district's assets and, except for

1332 indebtedness under Section [~~53A-2-121~~] [53G-3-307](#), liabilities are to be allocated; and

1333 (iii) deliver a copy of the written report to:

1334 (A) the local school board of the existing district;

1335 (B) the local school board of the remaining district; and

1336 (C) the local school board of the new district.

1337 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and

1338 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the

1339 election at which voters approve the creation of a new district, unless that deadline is extended

1340 by the mutual agreement of:

1341 (i) the local school board of the existing district; and

1342 (ii) (A) the legislative body of the city in which the new district is located, for a new

1343 district located entirely within a single city; or

1344 (B) the legislative bodies of all interlocal agreement participants, for each other new

1345 district.

1346 (e) (i) All costs and expenses of the transition team that represents a remaining district

1347 shall be borne by the remaining district.

1348 (ii) All costs and expenses of the transition team that represents a new district shall

1349 initially be borne by:

1350 (A) the city whose legislative body appoints the transition team, if the transition team

1351 is appointed by the legislative body of a single city; or

1352 (B) the interlocal agreement participants, if the transition team is appointed by the

1353 legislative bodies of interlocal agreement participants.

1354 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal

1355 agreement participants for:

1356 (A) transition team costs and expenses; and

1357 (B) startup costs and expenses incurred by the city or interlocal agreement participants

1358 on behalf of the new district.

1359 (5) (a) As used in this Subsection (5):

1360 (i) "Associated property" means furniture, equipment, or supplies located in or

1361 specifically associated with a physical asset.

1362 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection  
1363 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or  
1364 employee by law or school district accounting practice.

1365 (B) "Discretionary asset or liability" does not include a physical asset, associated  
1366 property, a vehicle, or bonded indebtedness.

1367 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection  
1368 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee  
1369 by law or school district accounting practice.

1370 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated  
1371 property, a vehicle, or bonded indebtedness.

1372 (iv) "Physical asset" means a building, land, or water right together with revenue  
1373 derived from the lease or use of the building, land, or water right.

1374 (b) Except as provided in Subsection (5)(c), the transition teams appointed under  
1375 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the  
1376 allocation date, both tangible and intangible, real and personal, to the new district and  
1377 remaining district as follows:

1378 (i) a physical asset and associated property shall be allocated to the school district in  
1379 which the physical asset is located;

1380 (ii) a discretionary asset or liability shall be allocated between the new district and  
1381 remaining district in proportion to the student populations of the school districts;

1382 (iii) a nondiscretionary asset shall be allocated to the school district where the project,  
1383 school, student, or employee to which the nondiscretionary asset is tied will be located;

1384 (iv) vehicles used for pupil transportation shall be allocated:

1385 (A) according to the transportation needs of schools, as measured by the number and  
1386 assortment of vehicles used to serve transportation routes serving schools within the new  
1387 district and remaining district; and

1388 (B) in a manner that gives each school district a fleet of vehicles for pupil  
1389 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;  
1390 and

1391 (v) other vehicles shall be allocated:

- 1392 (A) in proportion to the student populations of the school districts; and
- 1393 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
- 1394 condition, and carrying capacities.
- 1395 (c) By mutual agreement, the transition teams may allocate an asset or liability in a
- 1396 manner different than the allocation method specified in Subsection (5)(b).
- 1397 (6) (a) As used in this Subsection (6):
- 1398 (i) "New district startup costs" means:
- 1399 (A) costs and expenses incurred by a new district in order to prepare to begin providing
- 1400 educational services on July 1 of the second calendar year following the local school board
- 1401 general election date described in Subsection (3)(a)(i); and
- 1402 (B) the costs and expenses of the transition team that represents the new district.
- 1403 (ii) "Remaining district startup costs" means:
- 1404 (A) costs and expenses incurred by a remaining district in order to:
- 1405 (I) make necessary adjustments to deal with the impacts resulting from the creation of
- 1406 the new district; and
- 1407 (II) prepare to provide educational services within the remaining district once the new
- 1408 district begins providing educational services within the new district; and
- 1409 (B) the costs and expenses of the transition team that represents the remaining district.
- 1410 (b) (i) By January 1 of the year following the local school board general election date
- 1411 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed
- 1412 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the
- 1413 remaining district and the new district, as provided in this Subsection (6).
- 1414 (ii) The existing district may make additional funds available for the use of the
- 1415 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)
- 1416 through an interlocal agreement.
- 1417 (c) The existing district shall make the money under Subsection (6)(b) available to the
- 1418 remaining district and the new district proportionately based on student population.
- 1419 (d) The money made available under Subsection (6)(b) may be accessed and spent by:
- 1420 (i) for the remaining district, the local school board of the remaining district; and
- 1421 (ii) for the new district, the local school board of the new district.
- 1422 (e) (i) The remaining district may use its portion of the money made available under

1423 Subsection (6)(b) to pay for remaining district startup costs.

1424 (ii) The new district may use its portion of the money made available under Subsection  
1425 (6)(b) to pay for new district startup costs.

1426 (7) (a) The existing district shall transfer title or, if applicable, partial title of property  
1427 to the new school district in accordance with the allocation of property by the transition teams,  
1428 as stated in the report under Subsection (4)(c)(ii).

1429 (b) The existing district shall complete each transfer of title or, if applicable, partial  
1430 title to real property and vehicles by July 1 of the second calendar year following the local  
1431 school board general election date described in Subsection (3)(a)(i), except as that date is  
1432 changed by the mutual agreement of:

1433 (i) the local school board of the existing district;

1434 (ii) the local school board of the remaining district; and

1435 (iii) the local school board of the new district.

1436 (c) The existing district shall complete the transfer of all property not included in  
1437 Subsection (7)(b) by November 1 of the second calendar year after the local school board  
1438 general election date described in Subsection (3)(a)(i).

1439 (8) Except as provided in Subsections (6) and (7), after the creation election date an  
1440 existing school district may not transfer or agree to transfer title to district property without the  
1441 prior consent of:

1442 (a) the legislative body of the city in which the new district is located, for a new district  
1443 located entirely within a single city; or

1444 (b) the legislative bodies of all interlocal agreement participants, for each other new  
1445 district.

1446 (9) This section does not apply to the creation of a new district initiated through a  
1447 citizens' initiative petition or at the request of a local school board under Section [~~53A-2-118~~]  
1448 53G-3-301.

1449 Section 18. Section **53G-3-303**, which is renumbered from Section 53A-2-118.2 is  
1450 renumbered and amended to read:

1451 [~~53A-2-118.2~~]. **53G-3-303. New school district property tax -- Limitations.**

1452 (1) (a) A new school district created under Section [~~53A-2-118.1~~] 53G-3-302 may not  
1453 impose a property tax prior to the fiscal year in which the new school district assumes

responsibility for providing student instruction.

(b) The remaining school district retains authority to impose property taxes on the existing school district, including the territory of the new school district, until the fiscal year in which the new school district assumes responsibility for providing student instruction.

(2) (a) If at the time a new school district created pursuant to Section ~~[53A-2-118.1]~~ 53G-3-302 assumes responsibility for student instruction any portion of the territory within the new school district was subject to a levy pursuant to Section ~~[53A-17a-133]~~ 53F-8-301, the new school district's board may:

(i) discontinue the levy for the new school district;

(ii) impose a levy on the new school district as provided in Section ~~[53A-17a-133]~~ 53F-8-301; or

(iii) impose the levy on the new school district, subject to Subsection (2)(b).

(b) If the new school district's board applies a levy to the new school district pursuant to Subsection (2)(a)(iii), the levy may not exceed the maximum duration or rate authorized by the voters of the existing district or districts at the time of the vote to create the new school district.

Section 19. Section **53G-3-304**, which is renumbered from Section 53A-2-118.4 is renumbered and amended to read:

~~[53A-2-118.4].~~ **53G-3-304. Property tax levies in new district and remaining district -- Distribution of property tax revenue.**

(1) ~~[As]~~ Notwithstanding terms defined in Section 53G-3-102, as used in this section:

(a) "Divided school district" or "existing district" means a school district from which a new district is created.

(b) "New district" means a school district created under Section ~~[53A-2-118.1]~~ 53G-3-302 after May 10, 2011.

(c) "Property tax levy" means a property tax levy that a school district is authorized to impose, except:

(i) the minimum basic rate imposed under Section ~~[53A-17a-135]~~ 53F-2-301;

(ii) a debt service levy imposed under Section 11-14-310; or

(iii) a judgment levy imposed under Section 59-2-1330.

(d) "Qualifying taxable year" means the calendar year in which a new district begins to



1485 provide educational services.

1486 (e) "Remaining district" means an existing district after the creation of a new district.

1487 (2) A new district and remaining district shall continue to impose property tax levies  
1488 that were imposed by the divided school district in the taxable year prior to the qualifying  
1489 taxable year.

1490 (3) Except as provided in Subsection (6), a property tax levy that a new district and  
1491 remaining district are required to impose under Subsection (2) shall be set at a rate that:

1492 (a) is uniform in the new district and remaining district; and

1493 (b) generates the same amount of revenue that was generated by the property tax levy  
1494 within the divided school district in the taxable year prior to the qualifying taxable year.

1495 (4) (a) Except as provided in Subsection (4)(b), the county treasurer of the county in  
1496 which a property tax levy is imposed under Subsection (2) shall distribute revenues generated  
1497 by the property tax levy to the new district and remaining district in proportion to the  
1498 percentage of the divided school district's enrollment on the October 1 prior to the new district  
1499 commencing educational services that were enrolled in schools currently located in the new  
1500 district or remaining district.

1501 (b) The county treasurer of a county of the first class shall distribute revenues  
1502 generated by a capital local levy of .0006 that a school district in a county of the first class is  
1503 required to impose under Section [~~53A-16-113~~] [53F-8-303](#) in accordance with the distribution  
1504 method specified in Section [53A-16-114](#).

1505 (5) On or before March 31, a county treasurer shall distribute revenues generated by a  
1506 property tax levy imposed under Subsection (2) in the prior calendar year to a new district and  
1507 remaining district as provided in Subsection (4).

1508 (6) (a) Subject to the notice and public hearing requirements of Section [59-2-919](#), a  
1509 new district or remaining district may set a property tax rate higher than the rate required by  
1510 Subsection (3), up to:

1511 (i) the maximum rate, if any, allowed by law; or

1512 (ii) the maximum rate authorized by voters for a voted local levy under Section  
1513 [~~53A-17a-133~~] [53F-8-301](#).

1514 (b) The revenues generated by the portion of a property tax rate in excess of the rate  
1515 required by Subsection (3) shall be retained by the district that imposes the higher rate.

Section 20. Section **53G-3-305**, which is renumbered from Section 53A-2-119 is renumbered and amended to read:

~~[53A-2-119].~~        **53G-3-305. Reapportionment -- Local school board membership.**

(1) Upon the creation of a new school district, the county legislative body shall reapportion the affected school districts pursuant to Section [20A-14-201](#).

(2) Except as provided in Section ~~[53A-2-118.1]~~ [53G-3-302](#), school board membership in the affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

Section 21. Section **53G-3-306**, which is renumbered from Section 53A-2-120 is renumbered and amended to read:

~~[53A-2-120].~~        **53G-3-306. Transfer of school property to new school district.**

(1) (a) (i) On July 1 of the year following the school board elections for a new district created pursuant to a citizens' initiative petition or school board request under Section ~~[53A-2-118]~~ [53G-3-301](#) and an existing district as provided in Section ~~[53A-2-119]~~ [53G-3-305](#), the board of the existing district shall convey and deliver to the board of the new district all school property which the new district is entitled to receive.

(ii) Any disagreements as to the disposition of school property shall be resolved by the county legislative body.

(iii) Subsection (1)(a)(ii) does not apply to disagreements between transition teams about the proper allocation of property under Subsection ~~[53A-2-118.1]~~ [53G-3-302](#)(4).

(b) An existing district shall transfer property to a new district created under Section ~~[53A-2-118.1]~~ [53G-3-302](#) in accordance with Section ~~[53A-2-118.1]~~ [53G-3-302](#).

(2) Title vests in the new school board, including all rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property.

(3) The new school board may bring and maintain actions to recover, protect, and preserve the property and rights of the district's schools and to enforce contracts.

Section 22. Section **53G-3-307**, which is renumbered from Section 53A-2-121 is renumbered and amended to read:

1547           ~~[53A-2-121].~~           **53G-3-307. Tax to pay for indebtedness of divided school**  
1548 **district.**

1549           (1) (a) For a new district created prior to May 10, 2011, the local school boards of the  
1550 remaining and new districts shall determine the portion of the divided school district's bonded  
1551 indebtedness and other indebtedness for which the property within the new district remains  
1552 subject to the levy of taxes to pay a proportionate share of the divided school district's  
1553 outstanding indebtedness.

1554           (b) The proportionate share of the divided school district's outstanding indebtedness for  
1555 which property within the new district remains subject to the levy of taxes shall be calculated  
1556 by determining the proportion that the total assessed valuation of the property within the new  
1557 district bears to the total assessed valuation of the divided school district:

1558           (i) in the year immediately preceding the date the new district was created; or

1559           (ii) at a time mutually agreed upon by the local school boards of the new district and  
1560 the remaining district.

1561           (c) The agreement reflecting the determinations made under this Subsection (1) shall  
1562 take effect upon being filed with the county legislative body and the State Board of Education.

1563           (2) (a) Except as provided in Subsection (2)(b), the local school board of a new district  
1564 created prior to May 10, 2011 shall levy a tax on property within the new district sufficient to  
1565 pay the new district's proportionate share of the indebtedness determined under Subsection (1).

1566           (b) If a new district has money available to pay the new district's proportionate share of  
1567 the indebtedness determined under Subsection (1), the new district may abate a property tax to  
1568 the extent of money available.

1569           (3) As used in Subsections (4) and (5), "outstanding bonded indebtedness" means debt  
1570 owed for a general obligation bond issued by the divided school district:

1571           (a) prior to the creation of the new district; or

1572           (b) in accordance with a mutual agreement of the local school boards of the remaining  
1573 and new districts under Subsection (6).

1574           (4) If a new district is created on or after May 10, 2011, property within the new  
1575 district and the remaining district is subject to the levy of a tax to pay the divided school  
1576 district's outstanding bonded indebtedness as provided in Subsection (5).

1577           (5) (a) Except as provided in Subsection (5)(b), the local school board of the new

1578 district and the local school board of the remaining district shall impose a tax levy at a rate that:

1579 (i) generates from the combined districts the amount of revenue required each year to  
1580 meet the outstanding bonded indebtedness of the divided school district; and

1581 (ii) is uniform within the new district and remaining district.

1582 (b) A local school board of a new district may abate a property tax required to be  
1583 imposed under Subsection (5)(a) to the extent the new district has money available to pay to  
1584 the remaining district the amount of revenue that would be generated within the new district  
1585 from the tax rate specified in Subsection (5)(a).

1586 (6) (a) The local school boards of the remaining and new districts shall determine by  
1587 mutual agreement the disposition of bonds approved but not issued by the divided school  
1588 district before the creation of the new district based primarily on the representation made to the  
1589 voters at the time of the bond election.

1590 (b) Before a determination is made under Subsection (6)(a), a remaining district may  
1591 not issue bonds approved but not issued before the creation of the new district if property in the  
1592 new district would be subject to the levy of a tax to pay the bonds.

1593 Section 23. Section **53G-3-308**, which is renumbered from Section 53A-2-122 is  
1594 renumbered and amended to read:

1595 **[53A-2-122].** **53G-3-308. Employees of a new district.**

1596 (1) Upon the creation of a new district:

1597 (a) an employee of an existing district who is employed at a school that is transferred to  
1598 the new district shall become an employee of the new district; and

1599 (b) the school board of the new district shall:

1600 (i) have discretion in the hiring of all other staff;

1601 (ii) adopt the personnel policies and practices of the existing district, including salary  
1602 schedules and benefits; and

1603 (iii) enter into agreements with employees of the new district, or their representatives,  
1604 that have the same terms as those in the negotiated agreements between the existing district and  
1605 its employees.

1606 (2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new  
1607 district is created who becomes an employee of the new district shall retain the same status as a  
1608 career or provisional employee with accrued seniority and accrued benefits.

1609 (b) Subsection (2)(a) applies to:

1610 (i) employees of an existing district who are transferred to a new district pursuant to  
1611 Subsection (1)(a); and

1612 (ii) employees of a school district from which a new district is created who are hired by  
1613 the new district within one year of the date of the creation of the new district.

1614 (3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and  
1615 is rehired by the existing district within one year of the date of the creation of the new district  
1616 shall, when rehired by the existing district, retain the same status as a career or provisional  
1617 employee with accrued seniority and accrued benefits.

1618 Section 24. Section **53G-3-401**, which is renumbered from Section 53A-2-102 is  
1619 renumbered and amended to read:

1620 **Part 4. Consolidating School Districts**

1621 **[53A-2-102]. 53G-3-401. Consolidation of school districts -- Resolution by**  
1622 **school board members -- Petition by electors -- Election.**

1623 (1) Two or more school districts may unite and form a single school district in one of  
1624 the following ways:

1625 (a) a majority of the members of each of the boards of education of the affected  
1626 districts shall approve and present to the county legislative body of the affected counties a  
1627 resolution to consolidate the districts. Once this is done, consolidation shall be established  
1628 under this chapter; or

1629 (b) a majority of the members of the board of education of each affected district, or  
1630 15% of the qualified electors in each of the affected districts, shall sign and present a petition to  
1631 the county legislative body of each affected county. The question shall be voted upon at an  
1632 election called for that purpose, which shall be the next general or municipal election.  
1633 Consolidation shall occur if a majority of those voting on the question in each district favor  
1634 consolidation.

1635 (2) The elections required under Subsection (1)(b) shall be conducted and the returns  
1636 canvassed as provided by election laws.

1637 Section 25. Section **53G-3-402**, which is renumbered from Section 53A-2-103 is  
1638 renumbered and amended to read:

1639 **[53A-2-103]. 53G-3-402. Transfer of property to new school district --**

**Rights and obligations of new school board -- Outstanding indebtedness -- Special tax.**

(1) On July 1 following the approval of the creation of a new school district under Section ~~[53A-2-102]~~ 53G-3-401, the local school boards of the former districts shall convey and deliver all school property to the local school board of the new district. Title vests in the new board. All rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property vest at once in the new board.

(2) The new board may bring and maintain actions to recover, protect, and preserve the property and rights of the district schools and to enforce contracts.

(3) The new board shall assume and be liable for all outstanding debts and obligations of each of the former school districts.

(4) All of the bonded indebtedness, outstanding debts, and obligations of a former district, which cannot be reasonably paid from the assets of the former district, shall be paid by a special tax levied by the new board as needed. The tax shall be levied upon the property within the former district which was liable for the indebtedness at the time of consolidation. If bonds are approved in the new district under Section ~~[53A-18-102]~~ 53G-4-603, the special tax shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of the new district.

(5) Bonded indebtedness of a former district which has been refunded shall be paid in the same manner as that which the new district assumes under Section ~~[53A-18-101]~~ 53G-4-602.

(6) State funds received by the new district under Section ~~[53A-21-202]~~ 53F-3-202 may be applied toward the payment of outstanding bonded indebtedness of a former district in the same proportion as the bonded indebtedness of the territory within the former district bears to the total bonded indebtedness of the districts combined.

Section 26. Section **53G-3-403**, which is renumbered from Section 53A-2-113 is renumbered and amended to read:

~~[53A-2-113].~~        **53G-3-403. School district consolidation -- State funding of consolidated districts.**

When districts consolidate, payments made by the state under ~~[Title 53A, Chapter 17a, Minimum School Program Act]~~ Title 53F, Public Education System -- Funding, shall continue

for a period of five years from the date of consolidation on the same basis as if no consolidation had occurred. At the end of the five-year period, the consolidated district shall receive funding as a single district.

Section 27. Section **53G-3-404**, which is renumbered from Section 53A-2-114 is renumbered and amended to read:

**~~[53A-2-114].~~      53G-3-404. Additional levies -- School board options to abolish or continue after consolidation.**

(1) If a school district that has approved an additional levy under Section ~~[53A-17a-133]~~ 53F-8-301 is consolidated with a district which does not have such a levy, the board of education of the consolidated district may choose to abolish the levy, or apply it in whole or in part to the entire consolidated district.

(2) If the board chooses to apply any part of the levy to the entire district, the levy may continue in force for no more than three years, unless approved by the electors of the consolidated district in the manner set forth in Section ~~[53A-17a-133]~~ 53F-8-301.

Section 28. Section **53G-3-501**, which is renumbered from Section 53A-2-104 is renumbered and amended to read:

#### **Part 5. Restructuring a School District**

**~~[53A-2-104].~~      53G-3-501. Transfer of a portion of a school district -- Board resolution -- Board petition -- Elector petition -- Transfer election.**

(1) Part of a school district may be transferred to another district in one of the following ways:

(a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the local board of education of each affected school district;

(b) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by a majority of the members of the local school board of each affected school district; or

(c) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of the affected school districts within that county.

(2) (a) If an annexation of property by a city would result in its residents being served

by more than one school district, then the presidents of the affected local school boards shall meet within 60 days prior to the effective date of the annexation to determine whether it would be advisable to adjust school district boundaries to permit all residents of the expanded city to be served by a single school district.

(b) Upon conclusion of the meeting, the local school board presidents shall prepare a recommendation for presentation to their respective boards as soon as reasonably possible.

(c) The boards may then initiate realignment proceedings under Subsection (1)(a) or (b).

(d) If a local board rejects realignment under Subsection (1)(a) or (b), the other board may initiate the following procedures by majority vote within 60 days of the vote rejecting realignment:

(i) (A) within 30 days after a vote to initiate these procedures, each local board shall appoint one member to a boundary review committee; or

(B) if the local board becomes deadlocked in selecting the appointee under Subsection (2)(d)(i)(A), the board's chair shall make the appointment or serve as the appointee to the review committee.

(ii) The two local board-appointed members of the committee shall meet and appoint a third member of the committee.

(iii) If the two local board-appointed members are unable to agree on the appointment of a third member within 30 days after both are appointed, the State Superintendent of Public Instruction shall appoint the third member.

(iv) The committee shall meet as necessary to prepare recommendations concerning resolution of the realignment issue, and shall submit the recommendations to the affected local boards within six months after the appointment of the third member of the committee.

(v) If a majority of the members of each local board accepts the recommendation of the committee, or accepts the recommendation after amendment by the boards, then the accepted recommendation shall be implemented.

(vi) If the committee fails to submit its recommendation within the time allotted, or if one local board rejects the recommendation, the affected boards may agree to extend the time for the committee to prepare an acceptable recommendation or either board may request the State Board of Education to resolve the question.



(vii) If the committee has submitted a recommendation which the state board finds to be reasonably supported by the evidence, the state board shall adopt the committee's recommendation.

(viii) The decision of the state board is final.

(3) (a) The electors of each affected district shall vote on the transfer requested under Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general election.

(b) The election shall be conducted and the returns canvassed as provided by election law.

(c) A transfer is effected only if a majority of votes cast by the electors in both the proposed transferor district and in the proposed transferee district are in favor of the transfer.

Section 29. Section **53G-3-502**, which is renumbered from Section 53A-2-105 is renumbered and amended to read:

**[53A-2-105]. 53G-3-502. Transfer of school property -- Indebtedness on transferred property.**

(1) If a transfer of a portion of one school district to another school district is approved under Section [~~53A-2-104~~] 53G-3-501, the state superintendent and the superintendents and presidents of the boards of education of each of the affected school districts shall determine the basis for a transfer of all school property reasonably and fairly allocable to that portion being transferred.

(2) (a) Title to property transferred vests in the transferee board of education.

(b) The transfer of a school building that is in operation at the time of determination shall be made at the close of a fiscal year.

(c) The transfer of all other school property shall be made five days after approval of the transfer of territory under Section [~~53A-2-104~~] 53G-3-501.

(3) (a) The individuals referred to in Subsection (1) shall determine the portion of bonded indebtedness and other indebtedness of the transferor board for which the transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor board.

(b) This is done by:

(i) determining the amount of the outstanding bonded indebtedness and other

indebtedness of the transferor board of education;

(ii) determining the total taxable value of the property of the transferor district and the taxable value of the property to be transferred; and

(iii) calculating the portion of the indebtedness of the transferor board for which the transferred portion retains liability.

(4) (a) The agreement reflecting these determinations takes effect upon being filed with the State Board of Education.

(b) The transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor school board.

(c) The transferee school board may assume the obligation to pay the proportionate share of the transferor school board's indebtedness that has been determined under Subsection (3) to be the obligation of the transferred portion by the approval of a resolution by a majority of the qualified electors of the transferee school district at an election called and held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.

(5) If the transferee school district assumes the obligation to pay this proportionate share of the transferor school board's indebtedness, the transferee school board shall levy a tax in the whole of the transferee district, including the transferred portion, sufficient to pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator of the transferor board.

(6) If the transferee school board does not assume this obligation, the transferee school board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the transferor board.

(7) For the purposes of school districts affected by repealed laws governing the annexation of an unincorporated area of a school district by a city which included what was formerly known as a city school district, transitions of unincorporated areas and property from the transferor district to the transferee district in progress on the effective date of this act shall revert to the boundaries and ownership prior to the initiation of annexation and may then proceed under this section and Section ~~[53A-2-104]~~ [53G-3-501](#).

Section 30. Section **53G-3-503**, which is renumbered from Section 53A-2-115 is renumbered and amended to read:

1795 [53A-2-115]. **53G-3-503. Additional levies in transferred territory --**  
 1796 **Transferee board option to abolish or continue.**

1797 If two or more districts undergo restructuring that results in a district receiving territory  
 1798 that increases the population of the district by at least 25%, and if the transferred territory was,  
 1799 at the time of transfer, subject to an additional levy under Section [53A-17a-133] 53F-8-301,  
 1800 the board of education of the transferee district may abolish the levy or apply the levy in whole  
 1801 or in part to the entire restructured district. Any such levy made applicable to the entire district  
 1802 may continue in force for no more than five years, unless approved by the electors of the  
 1803 restructured district in the manner set forth in Section [53A-17a-133] 53F-8-301.

1804 Section 31. Section **53G-4-101** is enacted to read:

## 1805 **CHAPTER 4. SCHOOL DISTRICTS**

### 1806 **Part 1. General Provisions**

#### 1807 **53G-4-101. Title.**

1808 This chapter is known as "School Districts."

1809 Section 32. Section **53G-4-102** is enacted to read:

#### 1810 **53G-4-102. Definitions.**

1811 Reserved

1812 Section 33. Section **53G-4-201**, which is renumbered from Section 53A-3-101 is  
 1813 renumbered and amended to read:

### 1814 **Part 2. Local School Board Organization and Meetings**

1815 [53A-3-101]. **53G-4-201. Selection and election of members to local boards**  
 1816 **of education.**

1817 Members of local boards of education shall be elected as provided in Title 20A,  
 1818 Chapter 14, Nomination and Election of State and Local School Boards.

1819 Section 34. Section **53G-4-202**, which is renumbered from Section 53A-3-106 is  
 1820 renumbered and amended to read:

1821 [53A-3-106]. **53G-4-202. Local school board meetings -- Rules of order**  
 1822 **and procedure -- Location requirements -- Expulsion of members prohibited --**  
 1823 **Exceptions.**

1824 (1) As used in this section:

1825 (a) "Disaster" means an event that:

(i) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomenon, or technological hazard; and

(ii) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require a response by a governmental, not-for-profit, or private entity.

(b) "Local emergency" means a condition in any municipality or county of the state that requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save lives and protect property within its jurisdiction in response to a disaster or to avoid or reduce the threat of a disaster.

(c) "Rules of order and procedure" means a set of rules that governs and prescribes in a public meeting:

(i) parliamentary order and procedure;

(ii) ethical behavior; and

(iii) civil discourse.

(2) Subject to Subsection (4), a local school board [~~or charter school governing board~~] shall:

(a) adopt rules of order and procedure to govern a public meeting of the local school board;

(b) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (2)(a); and

(c) make the rules of order and procedure described in Subsection (2)(a) available to the public:

(i) at each public meeting of the local school board; and

(ii) on the local school board's public website, if available.

(3) (a) Except as provided in Subsections (3)(b) and (c), a local school board may not hold a public meeting outside of the geographic boundary of the local school board's school district.

(b) A local school board may hold a public meeting outside of the geographic boundary of the local school board's school district if it is necessary for the local school board to hold a meeting during a disaster or local emergency.

(c) A local school board may hold a public meeting outside of the geographic boundary of the local school board's school district to conduct a site visit if:

(i) the location of the site visit provides the local school board members the opportunity to see or experience an activity that:

(A) relates to the local school board's responsibilities; and

(B) does not exist within the geographic boundaries of the local school board's school district; and

(ii) the local school board does not vote or take other action during the public meeting held at the site visit location.

(d) This Subsection (3) does not apply to a charter school governing board.

(4) The requirements of this section do not affect a local school ~~[board or charter school governing]~~ board's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(5) (a) Except as provided in Subsection (5)(b), a local school board may not expel a member of the school board from an open public meeting or prohibit the member from attending an open public meeting.

(b) Except as provided in Subsection (5)(c), following a two-thirds vote of the members of the local school board, the local school board may fine or expel a member of the local school board for:

(i) disorderly conduct at the open public meeting;

(ii) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or

(iii) a commission of a crime during the open public meeting.

(c) A local school board may adopt rules or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Section 35. Section **53G-4-203**, which is renumbered from Section 53A-3-201 is renumbered and amended to read:

~~[53A-3-201].~~        **53G-4-203. Election of officers -- Terms -- Time of election -- Removal of officers -- Quorum requirements.**

(1) A local school board shall elect a president and a vice-president whose terms of office are for two years and until their successors are elected.

(2) The elections shall be held during the first board meeting in January following a regular school board election held in the district.

(3) An officer appointed or elected by a local school board may be removed from office for cause by a vote of two-thirds of the board.

(4) When a vacancy occurs in the office of president or vice president of the board for any reason, a replacement shall be elected for the unexpired term.

(5) Attendance of a simple majority of the board members constitutes a quorum for the transaction of official business.

Section 36. Section **53G-4-204**, which is renumbered from Section 53A-3-202 is renumbered and amended to read:

**[53A-3-202].            53G-4-204. Compensation for services -- Additional per diem -- Approval of expenses.**

(1) Each member of a local school board, except the student member, shall receive compensation for services and for necessary expenses in accordance with board compensation schedules adopted by the local school board in accordance with the provisions of this section.

(2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its board compensation schedules, the board shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.

(3) Notice of the time, place, and purpose of the meeting shall be provided at least seven days prior to the meeting by:

(a) (i) publication at least once in a newspaper published in the county where the school district is situated and generally circulated within the school district; and

(ii) publication on the Utah Public Notice Website created in Section [63F-1-701](#); and

(b) posting a notice:

(i) at each school within the school district;

(ii) in at least three other public places within the school district; and

(iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

(4) After the conclusion of the public hearing, the local school board may adopt or amend its board compensation schedules.

(5) Each member shall submit an itemized account of necessary travel expenses for board approval.

(6) A local school board may, without following the procedures described in Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to July 1, 2007 until, at the discretion of the board, the compensation schedule is amended or a new compensation schedule is adopted.

Section 37. Section **53G-4-205**, which is renumbered from Section 53A-3-204 is renumbered and amended to read:

~~[53A-3-204].~~        **53G-4-205. Duties of president.**

(1) The president of each local school board shall preside at all meetings of the board, appoint all committees, and sign all warrants ordered by the board to be drawn upon the business administrator for school money.

(2) If the president is absent or acquires a disability, these duties are performed by the vice president.

Section 38. Section **53G-4-301**, which is renumbered from Section 53A-3-301 is renumbered and amended to read:

### **Part 3. Local School Board Administrative Officers**

~~[53A-3-301].~~        **53G-4-301. Superintendent of schools -- Appointment -- Qualifications -- Term -- Compensation.**

(1) Subject to Subsection (8), a local school board shall appoint a district superintendent of schools who serves as the local school board's chief executive officer.

(2) A local school board shall appoint the superintendent on the basis of outstanding professional qualifications.

(3) (a) A superintendent's term of office is for two years and until, subject to Subsection (8), a successor is appointed and qualified.

(b) A local school board that appoints a superintendent in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the superintendent.

(4) Unless a vacancy occurs during an interim vacancy period subject to Subsection (8), if it becomes necessary to appoint an interim superintendent due to a vacancy in the office of superintendent, the local school board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new superintendent.

(5) (a) The superintendent shall hold an administrative/supervisory license issued by the State Board of Education, except as otherwise provided in Subsection (5)(b).

(b) At the request of a local school board, the State Board of Education shall grant a letter of authorization permitting a person with outstanding professional qualifications to serve as superintendent without holding an administrative/supervisory license.

(6) A local school board shall set the superintendent's compensation for services.

(7) A superintendent qualifies for office by taking the constitutional oath of office.

(8) (a) As used in this Subsection (8), "interim vacancy period" means the period of time that:

(i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of a local school board; and

(ii) ends on the day on which the member-elect begins the member's term.

(b) (i) The local school board may not appoint a superintendent during an interim vacancy period.

(ii) Notwithstanding Subsection (8)(b)(i):

(A) the local school board may appoint an interim superintendent during an interim vacancy period; and

(B) the interim superintendent's term shall expire once a new superintendent is appointed by the new local school board after the interim vacancy period has ended.

(c) Subsection (8)(b) does not apply if all the local school board members who held office on the day of the general election whose term of office was vacant for the election are re-elected to the local school board for the following term.

Section 39. Section **53G-4-302**, which is renumbered from Section 53A-3-302 is renumbered and amended to read:

~~[53A-3-302].~~      **53G-4-302. Business administrator -- Term -- Oath.**

(1) Subject to Subsection (5), a local school board shall appoint a business administrator.

(2) (a) The business administrator's term of office is for two years and until, subject to Subsection (5), a successor is appointed and qualified.

(b) A local school board that appoints a business administrator in accordance with this section may not, on or after May 8, 2012, enter into an employment contract that contains an



automatic renewal provision with the business administrator.

(3) Unless a vacancy occurs during an interim vacancy period subject to Subsection (5), if it becomes necessary to appoint an interim business manager due to a vacancy in the office of business administrator, then the local school board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new business manager.

(4) The business administrator qualifies for office by taking the constitutional oath of office.

(5) (a) As used in this Subsection (5), "interim vacancy period" means the period of time that:

(i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of a local school board; and

(ii) ends on the day on which the member-elect begins the member's term.

(b) (i) A local school board may not appoint a business administrator during an interim vacancy period.

(ii) Notwithstanding Subsection (5)(b)(i):

(A) the local school board may appoint an interim business administrator during an interim vacancy period; and

(B) the interim business administrator's term shall expire once a new business administrator is appointed by the new local school board after the interim vacancy period has ended.

(c) Subsection (5)(b) does not apply if all the local school board members who held office on the day of the general election whose term of office was vacant for the election are reelected to the local school board for the following term.

Section 40. Section **53G-4-303**, which is renumbered from Section 53A-3-303 is renumbered and amended to read:

~~[53A-3-303].~~ **53G-4-303. Duties of business administrator.**

Subject to the direction of the district superintendent of schools, the district's business administrator shall:

(1) attend all meetings of the board, keep an accurate record of its proceedings, and have custody of the seal and records;

- 2012 (2) be custodian of all district funds, be responsible and accountable for all money  
2013 received and disbursed, and keep accurate records of all revenues received and their sources;  
2014 (3) countersign with the president of the board all warrants and claims against the  
2015 district as well as other legal documents approved by the board;  
2016 (4) prepare and submit to the board each month a written report of the district's receipts  
2017 and expenditures;  
2018 (5) use uniform budgeting, accounting, and auditing procedures and forms approved by  
2019 the State Board of Education, which shall be in accordance with generally accepted accounting  
2020 principles or auditing standards and Title 63J, Chapter 1, Budgetary Procedures Act;  
2021 (6) prepare and submit to the board a detailed annual statement for the period ending  
2022 June 30, of the revenue and expenditures, including beginning and ending fund balances;  
2023 (7) assist the superintendent in the preparation and submission of budget documents  
2024 and statistical and fiscal reports required by law or the State Board of Education;  
2025 (8) insure that adequate internal controls are in place to safeguard the district's funds;  
2026 and  
2027 (9) perform other duties as the superintendent may require.

2028 Section 41. Section **53G-4-304**, which is renumbered from Section 53A-3-304 is  
2029 renumbered and amended to read:

2030 **~~[53A-3-304].~~ 53G-4-304. Other board officers.**

2031 (1) A board may appoint other necessary officers who serve at the pleasure of the  
2032 board.

2033 (2) These officers shall qualify by taking the constitutional oath of office before  
2034 assuming office.

2035 Section 42. Section **53G-4-401**, which is renumbered from Section 53A-3-401 is  
2036 renumbered and amended to read:

2037 **Part 4. Local School Board Powers and Miscellaneous Duties**

2038 **~~[53A-3-401].~~ 53G-4-401. Boards of education are bodies corporate -- Seal**  
2039 **-- Authority to sue -- Conveyance of property -- Duty to residents of the local school**  
2040 **board member's district -- Establishment of public education foundation.**

2041 (1) As used in this section, "body corporate" means a public corporation and legal  
2042 subdivision of the state, vested with the powers and duties of a government entity as specified

in this chapter.

(2) The board of education of a school district is a body corporate under the name of the "Board of Education of ..... School District" (inserting the proper name), and shall have an official seal conformable to its name.

(3) The seal is used by its business administrator in the authentication of all required matters.

(4) A local school board may sue and be sued, and may take, hold, lease, sell, and convey real and personal property as the interests of the schools may require.

(5) Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board.

(6) A local school board may establish a foundation in accordance with Section 53E-3-403.

Section 43. Section **53G-4-402**, which is renumbered from Section 53A-3-402 is renumbered and amended to read:

~~[53A-3-402].~~        **53G-4-402. Powers and duties generally.**

(1) A local school board shall:

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

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

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

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

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

(f) implement training programs for school administrators, including basic

management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects.

(2) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section [~~53A-1-402~~] 53E-3-501.

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

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

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

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

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

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

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

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

(6) Except as provided in Section [~~53A-1-1004~~] 53E-3-905, a board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

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

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

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

(10) (a) A board shall administer and implement federal educational programs in accordance with Title [~~53A, Chapter 1, Part 9~~] 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs [Act].

(b) Federal funds are not considered funds within the school district budget under [~~Title 53A, Chapter 19, Public School~~] Chapter 7, Part 3, Budgets.

2105 (11) (a) A board may organize school safety patrols and adopt rules under which the  
2106 patrols promote student safety.

2107 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
2108 parental consent for the appointment.

2109 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
2110 of a highway intended for vehicular traffic use.

2111 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
2112 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
2113 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

2114 (12) (a) A board may on its own behalf, or on behalf of an educational institution for  
2115 which the board is the direct governing body, accept private grants, loans, gifts, endowments,  
2116 devises, or bequests that are made for educational purposes.

2117 (b) These contributions are not subject to appropriation by the Legislature.

2118 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue  
2119 citations for violations of Subsection 76-10-105(2).

2120 (b) A person may not be appointed to serve as a compliance officer without the  
2121 person's consent.

2122 (c) A teacher or student may not be appointed as a compliance officer.

2123 (14) A board shall adopt bylaws and rules for the board's own procedures.

2124 (15) (a) A board shall make and enforce rules necessary for the control and  
2125 management of the district schools.

2126 (b) Board rules and policies shall be in writing, filed, and referenced for public access.

2127 (16) A board may hold school on legal holidays other than Sundays.

2128 (17) (a) A board shall establish for each school year a school traffic safety committee to  
2129 implement this Subsection (17).

2130 (b) The committee shall be composed of one representative of:

2131 (i) the schools within the district;

2132 (ii) the Parent Teachers' Association of the schools within the district;

2133 (iii) the municipality or county;

2134 (iv) state or local law enforcement; and

2135 (v) state or local traffic safety engineering.

2136 (c) The committee shall:

2137 (i) receive suggestions from school community councils, parents, teachers, and others  
2138 and recommend school traffic safety improvements, boundary changes to enhance safety, and  
2139 school traffic safety program measures;

2140 (ii) review and submit annually to the Department of Transportation and affected  
2141 municipalities and counties a child access routing plan for each elementary, middle, and junior  
2142 high school within the district;

2143 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
2144 provide training to all school children in kindergarten through grade six, within the district, on  
2145 school crossing safety and use; and

2146 (iv) help ensure the district's compliance with rules made by the Department of  
2147 Transportation under Section 41-6a-303.

2148 (d) The committee may establish subcommittees as needed to assist in accomplishing  
2149 its duties under Subsection (17)(c).

2150 (18) (a) A school board shall adopt and implement a comprehensive emergency  
2151 response plan to prevent and combat violence in the school board's public schools, on school  
2152 grounds, on its school vehicles, and in connection with school-related activities or events.

2153 (b) The plan shall:

2154 (i) include prevention, intervention, and response components;

2155 (ii) be consistent with the student conduct and discipline policies required for school  
2156 districts under [~~Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans~~] Chapter  
2157 11, Part 2, Miscellaneous Requirements;

2158 (iii) require inservice training for all district and school building staff on what their  
2159 roles are in the emergency response plan;

2160 (iv) provide for coordination with local law enforcement and other public safety  
2161 representatives in preventing, intervening, and responding to violence in the areas and activities  
2162 referred to in Subsection (18)(a); and

2163 (v) include procedures to notify a student, to the extent practicable, who is off campus  
2164 at the time of a school violence emergency because the student is:

2165 (A) participating in a school-related activity; or

2166 (B) excused from school for a period of time during the regular school day to

participate in religious instruction at the request of the student's parent or guardian.

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

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

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

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

(c) The plan may:

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

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

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

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

(B) would be involved in providing emergency services to students injured while participating in sports events.

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

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

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

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

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

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

2198 (b) The notice of a public hearing required under Subsection (21)(a) shall:  
2199 (i) indicate the:  
2200 (A) school or schools under consideration for closure or boundary change; and  
2201 (B) date, time, and location of the public hearing; and  
2202 (ii) at least 10 days before the public hearing, be:  
2203 (A) published:  
2204 (I) in a newspaper of general circulation in the area; and  
2205 (II) on the Utah Public Notice Website created in Section [63F-1-701](#); and  
2206 (B) posted in at least three public locations within the municipality or on the district's  
2207 official website.

2208 (22) A board may implement a facility energy efficiency program established under  
2209 Title 11, Chapter 44, Performance Efficiency Act.

2210 (23) A board may establish or partner with a certified youth court program, in  
2211 accordance with Section [78A-6-1203](#), or establish or partner with a comparable restorative  
2212 justice program, in coordination with schools in that district. A school may refer a student to  
2213 youth court or a comparable restorative justice program in accordance with Section  
2214 [~~53A-11-911~~] [53G-8-211](#).

2215 Section 44. Section ~~53G-4-403~~, which is renumbered from Section 53A-3-403 is  
2216 renumbered and amended to read:

2217 [~~53A-3-403~~]. **53G-4-403. School district fiscal year -- Statistical reports.**

2218 (1) A school district's [~~or charter school's~~] fiscal year begins on July 1 and ends on June  
2219 30.

2220 (2) (a) A school district [~~or charter school~~] shall forward statistical reports for the  
2221 preceding school year, containing items required by law or by the State Board of Education, to  
2222 the state superintendent on or before November 1 of each year.

2223 (b) The reports shall include information to enable the state superintendent to complete  
2224 the statement required under Subsection [~~53A-1-301~~] [53E-3-301](#)(3)(d)(v).

2225 (3) A school district [~~or charter school~~] shall forward the accounting report required  
2226 under Section [51-2a-201](#) to the state superintendent on or before October 15 of each year.

2227 Section 45. Section ~~53G-4-404~~, which is renumbered from Section 53A-3-404 is  
2228 renumbered and amended to read:



2229 ~~[53A-3-404].~~ **53G-4-404. Annual financial report -- Audit report.**

2230 (1) The annual financial report of each school district, containing items required by law  
2231 or by the State Board of Education and attested to by independent auditors, shall be prepared as  
2232 required by Section [51-2a-201](#).

2233 (2) If auditors are employed under Section [51-2a-201](#), the auditors shall complete their  
2234 field work in sufficient time to allow them to verify necessary audit adjustments included in the  
2235 annual financial report to the state superintendent.

2236 (3) (a) (i) The district shall forward the annual financial report to the state  
2237 superintendent not later than October 1.

2238 (ii) The report shall include information to enable the state superintendent to complete  
2239 the statement required under Subsection ~~[53A-1-301]~~ [53E-3-301](#)(3)(d)(v).

2240 (b) The State Board of Education shall publish electronically a copy of the report on  
2241 the Internet not later than December 15.

2242 (4) The completed audit report shall be delivered to the school district board of  
2243 education and the state superintendent of public instruction not later than November 30 of each  
2244 year.

2245 Section 46. Section **53G-4-405**, which is renumbered from Section 53A-3-405 is  
2246 renumbered and amended to read:

2247 ~~[53A-3-405].~~ **53G-4-405. Approval of purchases or indebtedness -- Board**  
2248 **approval of identified purchases.**

2249 (1) An officer or employee of a school district may not make a purchase or incur  
2250 indebtedness on behalf of the district without the approval and order of the board.

2251 (2) The board shall adopt one of the following approval methods, or a combination of  
2252 the two:

2253 (a) The board shall approve an appropriation for identified purchases in the district  
2254 budget. Each purchase made under an identified purchase does not require additional board  
2255 approval.

2256 (b) The board shall approve individual purchases when made throughout the fiscal  
2257 year.

2258 Section 47. Section **53G-4-406**, which is renumbered from Section 53A-3-406 is  
2259 renumbered and amended to read:

2260 ~~[53A-3-406].~~ **53G-4-406. Claims against the board -- Itemized.**

2261 Except for salary which is regularly authorized by the board, the board may not hear or  
2262 consider any claim against the board which is not itemized.

2263 Section 48. Section **53G-4-407**, which is renumbered from Section 53A-3-408 is  
2264 renumbered and amended to read:

2265 ~~[53A-3-408].~~ **53G-4-407. Tax exemption of school board property.**

2266 (1) Real and personal property held by a local school board is exempt from general and  
2267 special taxation and from local assessments.

2268 (2) This property may not be taken in any manner for debt.

2269 Section 49. Section **53G-4-408**, which is renumbered from Section 53A-3-412 is  
2270 renumbered and amended to read:

2271 ~~[53A-3-412].~~ **53G-4-408. Residence not condition of employment.**

2272 A local school board may not require an employee to reside within its school district as  
2273 a condition of employment.

2274 Section 50. Section **53G-4-409**, which is renumbered from Section 53A-3-420 is  
2275 renumbered and amended to read:

2276 ~~[53A-3-420].~~ **53G-4-409. Activity disclosure statements.**

2277 (1) ~~[For a school year beginning with or after the 2012-13 school year, a]~~ A local  
2278 school board shall require the development of activity disclosure statements for each  
2279 school-sponsored group or program which involves students and faculty in grades 9 through 12  
2280 in contests, performances, events, or other activities that require them to miss normal class time  
2281 or takes place outside regular school time.

2282 (2) The activity disclosure statements shall be disseminated to the students desiring  
2283 involvement in the specific activity or to the students' parents or legal guardians or to both  
2284 students and their parents.

2285 (3) An activity disclosure statement shall contain the following information:

2286 (a) the specific name of the team, group, or activity;

2287 (b) the maximum number of students involved;

2288 (c) whether or not tryouts are used to select students, specifying date and time  
2289 requirements for tryouts, if applicable;

2290 (d) beginning and ending dates of the activity;

2291 (e) a tentative schedule of the events, performances, games, or other activities with  
2292 dates, times, and places specified if available;

2293 (f) if applicable, designation of any nonseason events or activities, including an  
2294 indication of the status, required, expected, suggested, or optional, with the dates, times, and  
2295 places specified;

2296 (g) personal costs associated with the activity;

2297 (h) the name of the school employee responsible for the activity; and

2298 (i) any additional information considered important for the students and parents to  
2299 know.

2300 Section 51. Section **53G-4-410**, which is renumbered from Section 53A-3-429 is  
2301 renumbered and amended to read:

2302 ~~**[53A-3-429].**~~ **53G-4-410. Regional service centers.**

2303 (1) For purposes of this section, "eligible regional service center" means a regional  
2304 service center formed by two or more school districts as an interlocal entity, in accordance with  
2305 Title 11, Chapter 13, Interlocal Cooperation Act.

2306 (2) The Legislature strongly encourages school districts to collaborate and cooperate to  
2307 provide educational services in a manner that will best utilize resources for the overall  
2308 operation of the public education system.

2309 (3) An eligible regional service center formed by an interlocal agreement, in  
2310 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution  
2311 described in Subsection (5) if the Legislature appropriates money for eligible regional service  
2312 centers.

2313 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize  
2314 a regional service center in operation before July 1, 2011, the interlocal agreement may not  
2315 eliminate any rights or obligations of the regional service center in effect before entering into  
2316 the interlocal agreement.

2317 (b) An interlocal agreement entered into to confirm or formalize an existing regional  
2318 service center shall have the effect of confirming and ratifying in the regional service center,  
2319 the title to any property held in the name, or for the benefit of the regional service center as of  
2320 the effective date of the interlocal agreement.

2321 (5) (a) The State Board of Education shall distribute any funding appropriated to

eligible regional service centers as provided by the Legislature.

(b) The State Board of Education may provide funding to an eligible regional service center in addition to legislative appropriations.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules regarding eligible regional service centers including:

(a) the distribution of legislative appropriations to eligible regional service centers;

(b) the designation of eligible regional service centers as agents to distribute Utah Education and Telehealth Network services; and

(c) the designation of eligible regional service centers as agents for regional coordination of public education and higher education services.

~~[(7) A public school that is a charter school may enter into a contract with an eligible regional service center to receive education-related services from the eligible regional service center.]~~

Section 52. Section ~~53G-4-411~~, which is renumbered from Section 53A-3-432 is renumbered and amended to read:

~~[53A-3-432].~~ **53G-4-411. Interlocal agreement for public education transportation services.**

(1) In accordance with Title 11, Chapter 13, Interlocal Cooperation Act, at least two school districts may, for the purpose of coordinating public education transportation services:

(a) create an interlocal entity as defined in Section 11-13-103 if the school districts establish an interlocal entity governing board as described in Subsection (2); or

(b) enter into a joint or cooperative undertaking as described in Section 11-13-207 if the school districts establish a joint board as described in Subsection (2).

(2) A governing board described in Subsection (1)(a) or a joint board described in Subsection (1)(b) shall consist of:

(a) at least one elected member of a local school board from each school district that creates the interlocal entity or enters into the joint or cooperative undertaking; and

(b) only elected members of the local school boards of the school districts that create the interlocal entity or enter into the joint or cooperative undertaking.

Section 53. Section ~~53G-4-501~~ is enacted to read:

#### **Part 5. Utah School Boards Association**

2353 **53G-4-501. Definitions.**

2354 Reserved

2355 Section 54. Section **53G-4-502**, which is renumbered from Section 53A-5-101 is  
2356 renumbered and amended to read:

2357 **[53A-5-101]. 53G-4-502. Utah School Boards Association.**

2358 The Utah School Boards Association is recognized as an organization and agency of the  
2359 school boards of Utah and is representative of those boards.

2360 Section 55. Section **53G-4-503**, which is renumbered from Section 53A-5-102 is  
2361 renumbered and amended to read:

2362 **[53A-5-102]. 53G-4-503. Boards of education authorized to become**  
2363 **members of association.**

2364 The State Board of Education, local school boards, and their agencies may become  
2365 members of the Utah School Boards Association and cooperate with the association and its  
2366 members on activities and problems relating to the state's educational system.

2367 Section 56. Section **53G-4-504**, which is renumbered from Section 53A-5-103 is  
2368 renumbered and amended to read:

2369 **[53A-5-103]. 53G-4-504. Payment of dues -- Expenses in attending**  
2370 **meetings -- Contributions.**

2371 (1) Member boards may pay dues and make other contributions to the association for  
2372 its educational activities.

2373 (2) They may also incur reasonable travel and subsistence expenses for the purpose of  
2374 attending meetings and conferences of the association.

2375 (3) Dues and contributions expenses shall be paid in the same manner as are other  
2376 expenses of the member boards.

2377 Section 57. Section **53G-4-601** is enacted to read:

2378 **Part 6. School District Indebtedness**

2379 **53G-4-601. Definitions.**

2380 Reserved

2381 Section 58. Section **53G-4-602**, which is renumbered from Section 53A-18-101 is  
2382 renumbered and amended to read:

2383 **[53A-18-101]. 53G-4-602. School district tax anticipation notes.**

(1) A local school board may borrow money in anticipation of the collection of taxes or other revenue of the school district so long as it complies with Title 11, Chapter 14, Local Government Bonding Act.

(2) The board may incur indebtedness under this section for any purpose for which district funds may be expended, but not in excess of the estimated district revenues for the current school year.

(3) Revenues include all revenues of the district from the state or any other source.

(4) The district may incur the indebtedness prior to imposing or collecting the taxes or receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates.

Section 59. Section **53G-4-603**, which is renumbered from Section 53A-18-102 is renumbered and amended to read:

**~~[53A-18-102].~~ 53G-4-603. Additional indebtedness -- Election -- Voter information pamphlet.**

(1) As used in this section:

(a) "Qualifying general obligation bond" means a bond:

(i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and

(ii) authorized by an election held on or after July 1, 2014.

(b) "Voter information pamphlet" means the notification required by Section [11-14-202](#).

(2) A local school board may require the qualified electors of the district to vote on a proposition as to whether to incur indebtedness, subject to conditions provided in Title 11, Chapter 14, Local Government Bonding Act, if:

(a) the debts of the district are equal to school taxes and other estimated revenues for the school year, and it is necessary to create and incur additional indebtedness in order to maintain and support schools within the district; or

(b) the local school board determines it advisable to issue school district bonds to purchase school sites, buildings, or furnishings or to improve existing school property.

(3) A local school board shall specify, in the voter information pamphlet for a bond election, a plan of finance, including:

(a) the specific project or projects for which a bond is to be issued; and

(b) a priority designation for each project.

(4) Except as provided in Subsection (5), a local school board shall ensure that qualifying general obligation bond proceeds are used to complete projects in accordance with the plan of finance described in Subsection (3).

(5) (a) After distribution to the public of the voter information pamphlet, with two-thirds majority approval of the local school board, a local school board may upon a determination of compelling circumstances adjust the plan of finance described in Subsection (3) by:

(i) changing the priority designation of a project;

(ii) adding a project that was not listed in the voter information pamphlet; or

(iii) removing a project that was listed in the voter information pamphlet.

(b) A local school board may not vote on more than one adjustment described in Subsection (5)(a) per meeting.

(6) For a qualifying general obligation bond, a local school board shall post on the local school board's website:

(a) the plan of finance as described in the voter information pamphlet; and

(b) a progress report detailing the status of the projects listed in the plan of finance, including:

(i) the status of any construction contracts related to a project;

(ii) the bid amount;

(iii) the estimated and actual construction start date;

(iv) the estimated and actual construction end date; and

(v) the final cost.

(7) (a) If a local school board violates Subsection (4), a registered voter in the school district may file an action for an extraordinary writ to prohibit the local school board from adjusting the plan of finance without obtaining the necessary local school board approval.

(b) If a registered voter prevails in an action under Subsection (7)(a), the court shall award reasonable costs and attorney fees to the registered voter.

(c) The action described in Subsection (7)(a) may not be used to challenge the validity of a bond.

Section 60. Section **53G-4-604**, which is renumbered from Section 53A-18-103 is renumbered and amended to read:

2446 ~~[53A-18-103].~~ 53G-4-604. Consolidated school district bonds.

2447 (1) A consolidated county school district may issue bonds, without an election, to fund,  
2448 purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to  
2449 consolidation and assumed by the consolidated school district.

2450 (2) The legality, regularity, and validity of the outstanding indebtedness shall be  
2451 determined in the same manner used to determine the validity of other bonds to be refunded by  
2452 the board.

2453 Section 61. Section 53G-4-605, which is renumbered from Section 53A-18-104 is  
2454 renumbered and amended to read:

2455 ~~[53A-18-104].~~ 53G-4-605. Testing validity of bonds to be refunded --  
2456 Procedure.

2457 If considered advisable by the local school board, the validity of any bonds intended to  
2458 be refunded may be determined in the following manner:

2459 (1) The board shall:

2460 (a) publish a notice describing with sufficient particularity for identification the bond  
2461 or bonds intended to be refunded:

2462 (i) once a week for two successive weeks in a newspaper published in the school  
2463 district; and

2464 (ii) as required in Section 45-1-101; and

2465 (b) post a notice for two successive weeks in three public and conspicuous places  
2466 describing with sufficient particularity for identification the bond or bonds intended to be  
2467 refunded.

2468 (2) The notice shall require any person objecting to the legality, regularity, or validity  
2469 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before  
2470 the board at a specified place within the district on a specified day and time.

2471 (3) The time may not be less than 14 nor more than 60 days after the first publication  
2472 or posting of the notice.

2473 (4) The notice shall require the person to appear at the meeting with his objections in  
2474 writing, duly verified.

2475 (5) The board shall convene at the time and place specified in the notice and receive all  
2476 objections as prescribed in Subsection (4).



2477 (6) The objections shall be filed with and preserved by the board.

2478 (7) If no written objections are presented at the time and place specified in the notice,  
2479 the board shall so certify.

2480 (8) All persons are then prohibited from questioning in any manner or proceeding the  
2481 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness  
2482 represented by the bonds, and the board may then refund the bonds.

2483 (9) Any person filing a written objection under Subsection (4) shall, within 20 days  
2484 after the filing, commence appropriate legal proceedings against the board and others as may be  
2485 proper parties, in the district court for the county in which the school district is situated, to  
2486 challenge and determine the legality, regularity, and validity of the bond or bonds, their issue  
2487 and sale, or the indebtedness represented by them.

2488 (10) Failure to commence the proceedings within 20 days bars the person filing  
2489 objections from questioning, in any manner or proceeding, the legality, regularity, or validity of  
2490 the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

2491 (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the  
2492 court, the board may refund the bonds.

2493 Section 62. Section **53G-4-606**, which is renumbered from Section 53A-18-105 is  
2494 renumbered and amended to read:

2495 **~~[53A-18-105].~~ 53G-4-606. Sinking fund -- Investment.**

2496 (1) The money levied and collected to create a sinking fund for the redemption of  
2497 bonds issued by a local school board shall be immediately credited to a special fund.

2498 (2) After retaining an amount sufficient to pay the principal of the bonds maturing  
2499 during the year, the board shall invest the fund and any surplus as provided under Title 51,  
2500 Chapter 7, State Money Management Act.

2501 Section 63. Section **53G-4-607**, which is renumbered from Section 53A-18-106 is  
2502 renumbered and amended to read:

2503 **~~[53A-18-106].~~ 53G-4-607. Bonds a lien on property -- Levy of tax to pay**  
2504 **bonds.**

2505 (1) Bonds issued under this ~~[chapter]~~ part are a lien upon the taxable property of the  
2506 school district issuing them.

2507 (2) If the local school board neglects or refuses to cause a tax to be levied in

accordance with law to meet the outstanding bonds or the interest on the bonds, the county legislative body of the county in which the district is located shall levy the tax and apply the money collected to the payment of the bonds and the interest.

Section 64. Section ~~53G-4-608~~, which is renumbered from Section 53A-18-107 is renumbered and amended to read:

~~[53A-18-107].~~ **53G-4-608. Requirement to conduct seismic safety evaluations when issuing a bond.**

(1) As used in this section:

(a) "Federal guidelines" means guidelines and procedures specified in "Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook, 2nd Edition" published by the United States Federal Emergency Management Agency.

(b) "Qualifying general obligation bond" means a bond:

(i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and

(ii) authorized by an election held on or after July 1, 2013.

(c) "Seismic safety evaluation" means a seismic safety rapid visual screening evaluated in accordance with federal guidelines or a more detailed seismic structural evaluation.

(2) If a school district issues a qualifying general obligation bond, the school district shall:

(a) except as provided in Subsection (4), conduct or update a seismic safety evaluation of each school district building:

(i) constructed before 1975; and

(ii) used by the school district as a school; and

(b) provide a copy of a seismic safety evaluation prepared under Subsection (2)(a) to the Utah Seismic Safety Commission created in Section ~~63C-6-101~~.

(3) A seismic safety evaluation conducted under Subsection (2) shall be conducted by a licensed structural engineer familiar with seismic codes.

(4) A school district is not required to conduct or update a seismic safety evaluation of a building as required in Subsection (2)(a) if:

(a) a seismic safety evaluation was performed on the building within the 25-year period before the school district issues the qualifying general obligation bond; and

(b) the school district provides a copy of the school district's seismic safety evaluation

described in Subsection (4)(a) to the Utah Seismic Safety Commission.

(5) Creation of a seismic safety evaluation of a school, or a list of schools needing seismic upgrades, shall not be construed as expanding or changing the state's or a school district's common law duty of care for liability purposes.

Section 65. Section **53G-4-701** is enacted to read:

**Part 7. Local School Board Building Reserve Fund**

**53G-4-701. Definitions.**

**Reserved**

Section 66. Section **53G-4-702**, which is renumbered from Section 53A-23-101 is renumbered and amended to read:

**[53A-23-101]. 53G-4-702. School board reserve fund.**

Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing, replacing, improving, equipping, and furnishing school buildings and purchasing school sites.

Section 67. Section **53G-4-703**, which is renumbered from Section 53A-23-102 is renumbered and amended to read:

**[53A-23-102]. 53G-4-703. Revenues to be allocated to fund.**

A local school board may annually allocate to the fund any revenues from the state which are made available for capital outlay purposes, and not otherwise earmarked, and such other revenues as the school district may raise locally for this purpose.

Section 68. Section **53G-4-704**, which is renumbered from Section 53A-23-103 is renumbered and amended to read:

**[53A-23-103]. 53G-4-704. Building Reserve Fund -- Investment of fund.**

(1) The fund shall be known as the Building Reserve Fund of \_\_\_\_\_ (name of school district) School District.

(2) Any interest or capital gains accrue to the benefit of the fund.

(3) The fund may only be invested as provided in Title 51, Chapter 7, State Money Management Act of 1974.

Section 69. Section **53G-4-705**, which is renumbered from Section 53A-23-104 is renumbered and amended to read:

**[53A-23-104]. 53G-4-705. Accumulations -- Expenditures from fund --**

2570 **Public notice -- Transfer to other funds.**

2571 (1) The money in the fund shall accumulate from year to year.

2572 (2) However, the local school board may make expenditures from the fund if public  
2573 notice is given stating the purpose for which the expenditures are to be made.

2574 (3) The procedure for giving public notice is set forth in Section [~~53A-19-102~~]  
2575 53G-7-303.

2576 (4) Expenditures shall be made for capital outlay costs only.

2577 (5) Money in the fund at the end of the year shall remain intact and may not be  
2578 transferred to any other fund or used for any other purpose.

2579 Section 70. Section **53G-4-801**, which is renumbered from Section 53A-28-102 is  
2580 renumbered and amended to read:

2581 **Part 8. School District Bond Guaranty**

2582 [~~53A-28-102~~]. **53G-4-801. Definitions.**

2583 (1) "Board" means the board of education of a school district existing now or later  
2584 under the laws of the state.

2585 (2) "Bond" means any general obligation bond or refunding bond issued after the  
2586 effective date of this [~~chapter~~] part.

2587 (3) "Default avoidance program" means the school bond guaranty program established  
2588 by this [~~chapter~~] part.

2589 (4) "General obligation bond" means any bond, note, warrant, certificate of  
2590 indebtedness, or other obligation of a board payable in whole or in part from revenues derived  
2591 from ad valorem taxes and that constitutes an indebtedness within the meaning of any  
2592 applicable constitutional or statutory debt limitation.

2593 (5) "Paying agent" means the corporate paying agent selected by the board for a bond  
2594 issue who is:

2595 (a) duly qualified; and

2596 (b) acceptable to the state treasurer.

2597 (6) "Permanent school fund" means the state school fund described in the Utah  
2598 Constitution, Article X, Section 5(1).

2599 (7) "Refunding bond" means any general obligation bond issued by a board for the  
2600 purpose of refunding its outstanding general obligation bonds.

(8) "School district" means any school district existing now or later under the laws of the state.

Section 71. Section **53G-4-802**, which is renumbered from Section 53A-28-201 is renumbered and amended to read:

~~[53A-28-201].~~      **53G-4-802. Contract with bondholders -- Full faith and credit of state is pledged -- Limitation as to certain refunded bonds.**

(1) (a) The state of Utah pledges to and agrees with the holders of any bonds that the state will not alter, impair, or limit the rights vested by the default avoidance program with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged.

(b) Notwithstanding Subsection (1)(a), nothing contained in this ~~[chapter]~~ part precludes an alteration, impairment, or limitation if adequate provision is made by law for the protection of the holders of the bonds.

(c) Each board may refer to this pledge and undertaking by the state in its bonds.

(2) (a) The full faith and credit and unlimited taxing power of the state is pledged to guarantee full and timely payment of the principal of (either at the stated maturity or by any advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds as such payments shall become due (except that in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments guaranteed shall be made in such amounts and at such times as such payments of principal would have been due had there not been any such acceleration).

(b) This guaranty does not extend to the payment of any redemption premium.

(c) Reference to this ~~[chapter]~~ part by its title on the face of any bond conclusively establishes the guaranty provided to that bond under provisions of this ~~[chapter]~~ part.

(3) (a) Any bond guaranteed under this ~~[chapter]~~ part that is refunded and considered paid for the purposes of and within the meaning of Subsection ~~11-27-3~~(6), no longer has the benefit of the guaranty provided by this ~~[chapter]~~ part from and after the date on which that bond was considered to be paid.

(b) Any refunding bond issued by a board that is itself secured by government obligations until the proceeds are applied to pay refunded bonds, as provided in Title 11,

Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this [chapter] part, until the refunding bonds cease to be secured by government obligations as provided in Title 11, Chapter 27, Utah Refunding Bond Act.

(4) Only validly issued bonds issued after the effective date of this [chapter] part are guaranteed under this [chapter] part.

Section 72. Section **53G-4-803**, which is renumbered from Section 53A-28-202 is renumbered and amended to read:

~~[53A-28-202].~~ **53G-4-803. Program eligibility -- Option to forego guaranty.**

(1) (a) Any board may request that the state treasurer issue a certificate evidencing eligibility for the state's guaranty under this [chapter] part.

(b) After reviewing the request, if the state treasurer determines that the board is eligible, the state treasurer shall promptly issue the certificate and provide it to the requesting board.

(c) (i) The board receiving the certificate and all other persons may rely on the certificate as evidencing eligibility for the guaranty for one year from and after the date of the certificate, without making further inquiry of the state treasurer during that year.

(ii) The certificate of eligibility is valid for one year even if the state treasurer later determines that the school board is ineligible.

(2) Any board that chooses to forego the benefits of the guaranty provided by this [chapter] part for a particular issue of bonds may do so by not referring to this [chapter] part on the face of its bonds.

(3) Any board that has bonds, the principal of or interest on which has been paid, in whole or in part, by the state under this [chapter] part may not issue any additional bonds guaranteed by this act until:

(a) all payment obligations of the board to the state under the default avoidance program are satisfied; and

(b) the state treasurer and the state superintendent of public instruction each certify in writing, to be kept on file by the state treasurer and the state superintendent, that the board is fiscally solvent.

(4) Bonds not guaranteed by this [chapter] part are not included in the definition of "bonds" in Section ~~[53A-28-201]~~ 53G-4-802 as used generally in this [chapter] part and are not

2663 subject to the requirements of and do not receive the benefits of this ~~[chapter]~~ part.

2664 Section 73. Section **53G-4-804**, which is renumbered from Section 53A-28-203 is  
2665 renumbered and amended to read:

2666 ~~[53A-28-203]~~. **53G-4-804. Fiscal solvency of school districts -- Duties of**  
2667 **state treasurer and attorney general.**

2668 (1) The state superintendent of public instruction shall:

2669 (a) monitor the financial affairs and condition of each board in the state to evaluate  
2670 each school board's financial solvency; and

2671 (b) report immediately to the governor and state treasurer any circumstances suggesting  
2672 that a school district will be unable to timely meet its debt service obligations and recommend  
2673 a course of remedial action.

2674 (2) (a) The state treasurer shall determine whether or not the financial affairs and  
2675 condition of a board are such that it would be imprudent for the state to guarantee the bonds of  
2676 that board.

2677 (b) If the state treasurer determines that the state should not guarantee the bonds of that  
2678 board, the state treasurer shall:

2679 (i) prepare a determination of ineligibility; and

2680 (ii) keep it on file in the office of the state treasurer.

2681 (c) The state treasurer may remove a board from the status of ineligibility when a  
2682 subsequent report or other information made available to the state treasurer evidences that it is  
2683 no longer imprudent for the state to guarantee the bonds of that board.

2684 (3) Nothing in this section affects the state's guaranty of bonds of a board issued:

2685 (a) before determination of ineligibility;

2686 (b) after the eligibility of the board is restored; or

2687 (c) under a certificate of eligibility issued under Section ~~[53A-28-202]~~ 53G-4-803.

2688 Section 74. Section **53G-4-805**, which is renumbered from Section 53A-28-301 is  
2689 renumbered and amended to read:

2690 ~~[53A-28-301]~~. **53G-4-805. Business administrator duties -- Paying agent to**  
2691 **provide notice -- State treasurer to execute transfer to paying agents -- Effect of transfer.**

2692 (1) (a) The business administrator of each board with outstanding, unpaid bonds shall  
2693 transfer money sufficient for the scheduled debt service payment to its paying agent at least 15

2694 days before any principal or interest payment date for the bonds.

2695 (b) The paying agent may, if instructed to do so by the business administrator, invest  
2696 the money at the risk and for the benefit of the board until the payment date.

2697 (c) A business administrator who is unable to transfer the scheduled debt service  
2698 payment to the paying agent 15 days before the payment date shall immediately notify the  
2699 paying agent and the state treasurer by:

2700 (i) telephone;

2701 (ii) a writing sent by facsimile transmission; and

2702 (iii) a writing sent by first-class United States mail.

2703 (2) If sufficient funds are not transferred to the paying agent as required by Subsection  
2704 (1), the paying agent shall notify the state treasurer of that failure in writing at least 10 days  
2705 before the scheduled debt service payment date by:

2706 (a) telephone;

2707 (b) a writing sent by facsimile transmission; and

2708 (c) a writing sent by first-class United States mail.

2709 (3) (a) If sufficient money to pay the scheduled debt service payment has not been  
2710 transferred to the paying agent, the state treasurer shall, on or before the scheduled payment  
2711 date, transfer sufficient money to the paying agent to make the scheduled debt service payment.

2712 (b) The payment by the treasurer:

2713 (i) discharges the obligation of the issuing board to its bondholders for the payment;

2714 and

2715 (ii) transfers the rights represented by the general obligation of the board from the  
2716 bondholders to the state.

2717 (c) The board shall pay the transferred obligation to the state as provided in this  
2718 [chapter] part.

2719 Section 75. Section **53G-4-806**, which is renumbered from Section 53A-28-302 is  
2720 renumbered and amended to read:

2721 ~~[53A-28-302].~~ **53G-4-806. State financial assistance intercept mechanism --**

2722 **State treasurer duties -- Interest and penalty provisions.**

2723 (1) (a) If one or more payments on bonds are made by the state treasurer as provided in  
2724 Section ~~[53A-28-301]~~ 53G-4-805, the state treasurer shall:



(i) immediately intercept any payments from the Uniform School Fund or from any other source of operating money provided by the state to the board that issued the bonds that would otherwise be paid to the board by the state; and

(ii) apply the intercepted payments to reimburse the state for payments made pursuant to the state's guaranty until all obligations of the board to the state arising from those payments, including interest and penalties, are paid in full.

(b) The state has no obligation to the board or to any person or entity to replace any money intercepted under authority of Subsection (1)(a).

(2) The board that issued bonds for which the state has made all or part of a debt service payment shall:

(a) reimburse all money drawn by the state treasurer on its behalf;

(b) pay interest to the state on all money paid by the state from the date the money was drawn to the date they are repaid at a rate not less than the average prime rate for national money center banks plus 1%; and

(c) pay all penalties required by this [chapter] part.

(3) (a) The state treasurer shall establish the reimbursement interest rate after considering the circumstances of any prior draws by the board on the state, market interest and penalty rates, and the cost of funds, if any, that were required to be borrowed by the state to make payment on the bonds.

(b) The state treasurer may, after considering the circumstances giving rise to the failure of the board to make payment on its bonds in a timely manner, impose on the board a penalty of not more than 5% of the amount paid by the state pursuant to its guaranty for each instance in which a payment by the state is made.

(4) (a) (i) If the state treasurer determines that amounts obtained under this section will not reimburse the state in full within one year from the state's payment of a board's scheduled debt service payment, the state treasurer shall pursue any legal action, including mandamus, against the board to compel it to:

(A) levy and provide property tax revenues to pay debt service on its bonds when due as required by Title 11, Chapter 14, Local Government Bonding Act; and

(B) meet its repayment obligations to the state.

(ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same

2756 substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act,  
2757 as would a holder of the bonds of a board.

2758 (b) The attorney general shall assist the state treasurer in these duties.

2759 (c) The board shall pay the attorney's fees, expenses, and costs of the state treasurer and  
2760 the attorney general.

2761 (5) (a) Except as provided in Subsection (5)(c), any board whose operating funds were  
2762 intercepted under this section may replace those funds from other board money or from ad  
2763 valorem property taxes, subject to the limitations provided in this Subsection (5).

2764 (b) A board may use ad valorem property taxes or other money to replace intercepted  
2765 funds only if the ad valorem property taxes or other money was derived from:

2766 (i) taxes originally levied to make the payment but which were not timely received by  
2767 the board;

2768 (ii) taxes from a special levy made to make the missed payment or to replace the  
2769 intercepted money;

2770 (iii) money transferred from the capital outlay fund of the board or the undistributed  
2771 reserve, if any, of the board; or

2772 (iv) any other source of money on hand and legally available.

2773 (c) Notwithstanding the provisions of Subsections (5)(a) and (b), a board may not  
2774 replace operating funds intercepted by the state with money collected and held to make  
2775 payments on bonds if that replacement would divert money from the payment of future debt  
2776 service on the bonds and increase the risk that the state's guaranty would be called upon a  
2777 second time.

2778 Section 76. Section **53G-4-807**, which is renumbered from Section 53A-28-401 is  
2779 renumbered and amended to read:

2780 ~~[53A-28-401]~~. **53G-4-807. Backup liquidity arrangements -- Issuance of**  
2781 **notes.**

2782 (1) (a) If, at the time the state is required to make a debt service payment under its  
2783 guaranty on behalf of a board, sufficient money of the state is not on hand and available for that  
2784 purpose, the state treasurer may:

2785 (i) seek a loan from the Permanent School Fund sufficient to make the required  
2786 payment; or

2787 (ii) issue state debt as provided in Subsection (2).

2788 (b) Nothing in this Subsection (1) requires the Permanent School Fund to lend money  
2789 to the state treasurer.

2790 (2) (a) The state treasurer may issue state debt in the form of general obligation notes  
2791 to meet its obligations under this ~~[chapter]~~ part.

2792 (b) The amount of notes issued may not exceed the amount necessary to make payment  
2793 on all bonds with respect to which the notes are issued plus all costs of issuance, sale, and  
2794 delivery of the notes, rounded up to the nearest natural multiple of \$5,000.

2795 (c) Each series of notes issued may not mature later than 18 months from the date the  
2796 notes are issued.

2797 (d) Notes issued may be refunded using the procedures set forth in this ~~[chapter]~~ part  
2798 for the issuance of notes, in an amount not more than the amount necessary to pay principal of  
2799 and accrued but unpaid interest on any refunded notes plus all costs of issuance, sale, and  
2800 delivery of the refunding notes, rounded up to the nearest natural multiple of \$5,000.

2801 (e) Each series of refunding notes may not mature later than 18 months from the date  
2802 the refunding notes are issued.

2803 (3) (a) Before issuing or selling any general obligation note to other than a state fund or  
2804 account, the state treasurer shall:

2805 (i) prepare a written plan of financing; and

2806 (ii) file it with the governor.

2807 (b) The plan of financing shall provide for:

2808 (i) the terms and conditions under which the notes will be issued, sold, and delivered;

2809 (ii) the taxes or revenues to be anticipated;

2810 (iii) the maximum amount of notes that may be outstanding at any one time under the  
2811 plan of financing;

2812 (iv) the sources of payment of the notes;

2813 (v) the rate or rates of interest, if any, on the notes or a method, formula, or index under  
2814 which the interest rate or rates on the notes may be determined during the time the notes are  
2815 outstanding; and

2816 (vi) all other details relating to the issuance, sale, and delivery of the notes.

2817 (c) In identifying the taxes or revenues to be anticipated and the sources of payment of

the notes in the financing plan, the state treasurer may include:

(i) the taxes authorized by Section [~~53A-28-402~~] 53G-4-808;

(ii) the intercepted revenues authorized by Section [~~53A-28-302~~] 53G-4-806;

(iii) the proceeds of refunding notes; or

(iv) any combination of Subsections (3)(c)(i), (ii), and (iii).

(d) The state treasurer may include in the plan of financing the terms and conditions of arrangements entered into by the state treasurer on behalf of the state with financial and other institutions for letters of credit, standby letters of credit, reimbursement agreements, and remarketing, indexing, and tender agent agreements to secure the notes, including payment from any legally available source of fees, charges, or other amounts coming due under the agreements entered into by the state treasurer.

(e) When issuing the notes, the state treasurer shall issue an order setting forth the interest, form, manner of execution, payment, manner of sale, prices at, above, or below face value, and all details of issuance of the notes.

(f) The order and the details set forth in the order shall conform with any applicable plan of financing and with this [~~chapter~~] part.

(g) (i) Each note shall recite that it is a valid obligation of the state and that the full faith, credit, and resources of the state are pledged for the payment of the principal of and interest on the note from the taxes or revenues identified in accordance with its terms and the constitution and laws of Utah.

(ii) These general obligation notes do not constitute debt of the state for the purposes of the 1.5% debt limitation of the Utah Constitution, Article XIV, Section 1.

(h) Immediately upon the completion of any sale of notes, the state treasurer shall:

(i) make a verified return of the sale to the state auditor, specifying the amount of notes sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale; and

(ii) credit the proceeds of sale, other than accrued interest and amounts required to pay costs of issuance of the notes, to the General Fund to be applied to the purpose for which the notes were issued.

Section 77. Section **53G-4-808**, which is renumbered from Section 53A-28-402 is renumbered and amended to read:

2849 ~~[53A-28-402].~~ **53G-4-808.** Unlimited ad valorem tax as pledge of full faith  
2850 and credit -- State Tax Commission duties -- Property tax abated.

2851 (1) (a) In each year after the issuance of general obligation notes under this ~~[chapter]~~  
2852 part and until all outstanding notes are retired, there is levied a direct annual tax on all real and  
2853 personal property within the state subject to state taxation, sufficient to pay all principal of and  
2854 interest on the general obligation notes as they become due.

2855 (b) If money expected to be intercepted under Section ~~[53A-28-302]~~ 53G-4-806 is  
2856 expected to be insufficient to reimburse the state for its payments of school districts' scheduled  
2857 debt service payments or if it is necessary for the state treasurer to borrow as provided in  
2858 Section ~~[53A-28-401]~~ 53G-4-807 and amounts to be intercepted under Section ~~[53A-28-302]~~  
2859 53G-4-806 are expected to be insufficient to timely pay the general obligation notes issued or  
2860 other borrowing undertaken under that section, the state treasurer shall certify to and give  
2861 notice to the state tax commission of the amount of the deficiency.

2862 (c) After receipt of that certified notice from the state treasurer, the state tax  
2863 commission shall:

2864 (i) immediately fix the tax rate necessary and levy direct ad valorem property tax on all  
2865 real and personal property in the state subject to state taxation sufficient to provide money in  
2866 the amount of the deficiency stated in the notice; and

2867 (ii) require that the tax be collected and remitted as soon as may be in the ordinary  
2868 course of ad valorem tax levy and collection.

2869 (2) To the extent that other legally available revenues and funds of the state are  
2870 sufficient to meet the certified deficiency, the property tax for this purpose is abated.

2871 Section 78. Section **53G-4-901**, which is renumbered from Section 53A-2-402 is  
2872 renumbered and amended to read:

2873 **Part 9. Surplus School District Land**

2874 ~~[53A-2-402].~~ **53G-4-901.** Definitions.

2875 As used in this part:

2876 (1) "Eligible entity" means:

2877 (a) a city or town with a population density of 3,000 or more people per square mile; or

2878 (b) a county whose unincorporated area includes a qualifying planning advisory area.

2879 (2) "Purchase price" means the greater of:

2880 (a) an amount that is the average of:

2881 (i) the appraised value of the surplus property, based on the predominant zone in the  
2882 surrounding area, as indicated in an appraisal obtained by the eligible entity; and

2883 (ii) the appraised value of the surplus property, based on the predominant zone in the  
2884 surrounding area, as indicated in an appraisal obtained by the school district; and

2885 (b) the amount the school district paid to acquire the surplus property.

2886 (3) "Qualifying planning advisory area" means a planning advisory area under Section  
2887 17-27a-306 that has a population density of 3,000 or more people per square mile within the  
2888 boundaries of the planning advisory area.

2889 (4) "Surplus property" means land owned by a school district that:

2890 (a) was purchased with taxpayer money;

2891 (b) is located within a city or town that is an eligible entity or within a qualifying  
2892 planning advisory area;

2893 (c) consists of one contiguous tract at least three acres in size; and

2894 (d) has been declared by the school district to be surplus.

2895 Section 79. Section **53G-4-902**, which is renumbered from Section 53A-2-403 is  
2896 renumbered and amended to read:

2897 ~~[53A-2-403].~~ **53G-4-902. Purchase of surplus property.**

2898 (1) An eligible entity may purchase, and each school district shall sell, surplus property  
2899 as provided in this section.

2900 (2) (a) Upon declaring land to be surplus property, each school district shall give  
2901 written notice to each eligible entity in which the surplus property is located.

2902 (b) Each notice under Subsection (2)(a) shall:

2903 (i) state that the school district has declared the land to be surplus property; and

2904 (ii) describe the surplus property.

2905 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by  
2906 paying the school district the purchase price.

2907 (4) (a) The legislative body of each eligible entity desiring to purchase surplus property  
2908 under this section shall:

2909 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt a  
2910 resolution declaring the intent to purchase the surplus property and deliver a copy of the

2911 resolution to the school district; and

2912 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)  
2913 to the school district, deliver to the school district an earnest money offer to purchase the  
2914 surplus property at the purchase price.

2915 (b) If an eligible entity fails to comply with either of the requirements under Subsection  
2916 (4)(a) within the applicable time period, the eligible entity forfeits the right to purchase the  
2917 surplus property.

2918 (5) (a) An eligible entity may waive its right to purchase surplus property under this  
2919 part by submitting a written waiver to the school district.

2920 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has  
2921 no further obligation under this part to sell the surplus property to the eligible entity.

2922 (6) Surplus property acquired by an eligible entity may not be used for any purpose  
2923 other than:

2924 (a) a county, city, or town hall;

2925 (b) a park or other open space;

2926 (c) a cultural center or community center;

2927 (d) a facility for the promotion, creation, or retention of public or private jobs within  
2928 the state through planning, design, development, construction, rehabilitation, business  
2929 relocation, or any combination of these, within a county, city, or town;

2930 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public  
2931 or private facilities, or other improvements that benefit the state or a county, city, or town; or

2932 (f) a facility for a charter school under Chapter ~~[1a, Part 5, The Utah Charter Schools~~  
2933 ~~Act]~~ 5, Charter Schools.

2934 (7) (a) A school district that sells surplus property under this part may use proceeds  
2935 from the sale only for bond debt reduction or school district capital facilities.

2936 (b) Each school district that sells surplus property under this part shall place all  
2937 proceeds from the sale that are not used for bond debt reduction in a capital facilities fund of  
2938 the school district for use for school district capital facilities.

2939 Section 80. Section **53G-4-903**, which is renumbered from Section 53A-2-404 is  
2940 renumbered and amended to read:

2941 ~~[53A-2-404].~~ **53G-4-903. Resale of surplus property.**

(1) If an eligible entity that has acquired surplus property under Section [~~53A-2-403~~] 53G-4-902 afterwards declares that property to be surplus, the school district from which the eligible entity acquired the property may purchase, and the eligible entity shall sell, the property as provided in Section [~~53A-2-403~~] 53G-4-902, except that the price at which the school district shall be entitled to reacquire the property shall be the price that the eligible entity paid for the property, plus the cost of any existing improvements that the eligible entity made to the property after it purchased the property.

(2) If the school district does not reacquire the surplus property under Subsection (1) and the eligible entity sells the surplus property to another buyer, the eligible entity and the school district shall equally share any proceeds of that sale that exceed the amount the eligible entity paid for the property plus the cost of any existing improvements the eligible entity made to the property after it purchased the property.

Section 81. Section **53G-4-1001** is enacted to read:

**Part 10. School Construction Due to New Industrial Plants**

**53G-4-1001. Definitions.**

Reserved

Section 82. Section **53G-4-1001.5**, which is renumbered from Section 53A-22-101 is renumbered and amended to read:

**[53A-22-101].      53G-4-1001.5. Purpose of part.**

It is the purpose of this [~~chapter~~] part to provide school districts with the ability to raise funds for necessary new school construction, including additions to existing school buildings caused by the development of industrial plants that require large numbers of workers for their construction and operation.

Section 83. Section **53G-4-1002**, which is renumbered from Section 53A-22-102 is renumbered and amended to read:

**[53A-22-102].      53G-4-1002. New industrial plants in school district -- Duty of school district.**

A school district confronted with actual or anticipated large increases in enrollment because of the construction of a new industrial plant or plants to a degree that new buildings or additions to existing buildings are required shall make the following efforts to raise funds to meet those building needs:



(1) bond to its maximum capacity and maintain maximum bonding by rebonding at least once every other year until building needs are met;

(2) maintain an annual property tax levy for capital outlay and debt service combined of not less than .0036 per dollar of taxable value; and

(3) initiate any action necessary to qualify for any state, federal, or other funds for capital outlay for which the district may be eligible.

Section 84. Section **53G-4-1003**, which is renumbered from Section 53A-22-103 is renumbered and amended to read:

**~~[53A-22-103].~~      53G-4-1003. Funds raised -- Highest priority projects.**

(1) Funds raised by the school district in accordance with this ~~[chapter]~~ part shall be used on the highest priority projects established by the district's five-year comprehensive capital outlay plan, which shall be approved by the State Board of Education.

(2) The plan must include appropriate priorities for the construction of minimal facilities for new students.

(3) If priority use of the funds raised by the district in accordance with this ~~[chapter]~~ part does not provide minimal facilities as defined by the State Board of Education for students in any new and remote community established in the district, or for students in existing communities because of the location of new or expanded industries in the area, the district may enter into lease-purchase agreements or lease with option to purchase agreements with private builders to furnish the minimal facilities required by the district and approved by the State Board of Education.

(4) The district may make payments on these agreements from any of its otherwise uncommitted capital outlay funds.

Section 85. Section **53G-4-1004**, which is renumbered from Section 53A-22-104 is renumbered and amended to read:

**~~[53A-22-104].~~      53G-4-1004. Minimal school facilities -- Lease-purchase or lease with option to purchase agreement authorized.**

(1) If a school district is unable to find any private builder who is capable of furnishing minimal school facilities in new or existing communities, on terms acceptable to the district and to the State Board of Education, the developers of the industrial plant, or plants, may agree to provide minimal school facilities under a lease-purchase agreement or lease with option to

purchase agreement with the district.

(2) The district shall pay the developers according to the terms of the agreement from sources listed for such payments in this ~~[chapter]~~ part.

Section 86. Section **53G-4-1005**, which is renumbered from Section 53A-22-105 is renumbered and amended to read:

~~[53A-22-105].~~      **53G-4-1005. Remote industrial plant requiring new school building -- Construction permit requirements.**

A state officer or local governmental official may not issue a construction permit or other authorization for the construction of a remote industrial plant requiring the provision of a new community, including new public elementary and secondary school buildings, until the local school board of the district in which the plant will be located has certified to the state office or local official, in writing, that the district has obtained the funds, or a firm commitment that funds will be made available as necessary, to build the required minimal school facilities.

Section 87. Section **53G-4-1006**, which is renumbered from Section 53A-22-106 is renumbered and amended to read:

~~[53A-22-106].~~      **53G-4-1006. Rules and regulations authorized.**

The State Board of Education shall adopt all standards and rules necessary for the administration and enforcement of this ~~[chapter]~~ part.

Section 88. Section **53G-5-101** is enacted to read:

## **CHAPTER 5. CHARTER SCHOOLS**

### **Part 1. General Provisions**

**53G-5-101. Title.**

This chapter is known as "Charter Schools."

Section 89. Section **53G-5-102**, which is renumbered from Section 53A-1a-501.3 is renumbered and amended to read:

~~[53A-1a-501.3].~~      **53G-5-102. Definitions.**

As used in this ~~[part]~~ chapter:

(1) "Asset" means property of all kinds, real and personal, tangible and intangible, and includes:

(a) cash;

(b) stock or other investments;

3035 (c) real property;  
 3036 (d) equipment and supplies;  
 3037 (e) an ownership interest;  
 3038 (f) a license;  
 3039 (g) a cause of action; and  
 3040 (h) any similar property.  
 3041 (2) "Board of trustees of a higher education institution" or "board of trustees" means:  
 3042 (a) the board of trustees of:  
 3043 (i) the University of Utah;  
 3044 (ii) Utah State University;  
 3045 (iii) Weber State University;  
 3046 (iv) Southern Utah University;  
 3047 (v) Snow College;  
 3048 (vi) Dixie State University;  
 3049 (vii) Utah Valley University; or  
 3050 (viii) Salt Lake Community College; or  
 3051 (b) the board of directors of a technical college described in Section [53B-2a-108](#).  
 3052 (3) "Charter agreement" or "charter" means an agreement made in accordance with  
 3053 Section ~~[53A-1a-508]~~ [53G-5-303](#) that authorizes the operation of a charter school.  
 3054 (4) "Charter school authorizer" or "authorizer" means the State Charter School Board, a  
 3055 local school board, or a board of trustees of a higher education institution that authorizes the  
 3056 establishment of a charter school.  
 3057 (5) "Governing board" means the board that operates a charter school.  
 3058 Section 90. Section **53G-5-103** is enacted to read:  
 3059 **53G-5-103. Charter school funding.**  
 3060 Unless otherwise specified, the provisions of Title 53F, Public Education System --  
 3061 Funding, govern charter school funding, including Title 53F, Chapter 2, Part 7, Charter School  
 3062 Funding, which governs levies imposed for charter school funding.  
 3063 Section 91. Section **53G-5-104**, which is renumbered from Section 53A-1a-503 is  
 3064 renumbered and amended to read:  
 3065 ~~[53A-1a-503].~~ **53G-5-104. Purpose of charter schools.**

The purposes of the state's charter schools as a whole are to:

- (1) continue to improve student learning;
- (2) encourage the use of different and innovative teaching methods;
- (3) create new professional opportunities for educators that will allow them to actively participate in designing and implementing the learning program at the school;
- (4) increase choice of learning opportunities for students;
- (5) establish new models of public schools and a new form of accountability for schools that emphasizes the measurement of learning outcomes and the creation of innovative measurement tools;
- (6) provide opportunities for greater parental involvement in management decisions at the school level; and
- (7) expand public school choice in areas where schools have been identified for school improvement, corrective action, or restructuring under the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.

Section 92. Section **53G-5-201**, which is renumbered from Section 53A-1a-501.5 is renumbered and amended to read:

**Part 2. State Charter School Board**

**~~[53A-1a-501.5].~~      53G-5-201. State Charter School Board created.**

(1) As used in this section, "organization that represents Utah's charter schools" means an organization, except a governmental entity, that advocates for charter schools, charter school parents, or charter school students.

(2) (a) The State Charter School Board is created consisting of the following members appointed by the governor:

- (i) two members who have expertise in finance or small business management;
  - (ii) three members who:
    - (A) are nominated by an organization that represents Utah's charter schools; and
    - (B) have expertise or experience in developing or administering a charter school; and
  - (iii) two members who are nominated by the State Board of Education.
- (b) Each appointee shall have demonstrated dedication to the purposes of charter schools as outlined in Section ~~[53A-1a-503]~~ 53G-5-104.
- (c) At least two candidates shall be nominated for each appointment made under

3097 Subsection (2)(a)(ii) or (iii).

3098 (d) The governor may seek nominations for a prospective appointment under  
3099 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

3100 (3) (a) State Charter School Board members shall serve four-year terms.

3101 (b) If a vacancy occurs, the governor shall appoint a replacement for the unexpired  
3102 term.

3103 (4) The governor may remove a member at any time for official misconduct, habitual  
3104 or willful neglect of duty, or for other good and sufficient cause.

3105 (5) (a) The State Charter School Board shall annually elect a chair from its  
3106 membership.

3107 (b) Four members of the board shall constitute a quorum.

3108 (c) Meetings may be called by the chair or upon request of three members of the board.

3109 (6) A member may not receive compensation or benefits for the member's service, but  
3110 may receive per diem and travel expenses in accordance with:

3111 (a) Section 63A-3-106;

3112 (b) Section 63A-3-107; and

3113 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
3114 63A-3-107.

3115 Section 93. Section **53G-5-202**, which is renumbered from Section 53A-1a-501.6 is  
3116 renumbered and amended to read:

3117 ~~[53A-1a-501.6].~~ **53G-5-202. Power and duties of State Charter School Board.**

3118 (1) The State Charter School Board shall:

3119 (a) authorize and promote the establishment of charter schools, subject to the  
3120 provisions in this ~~[part]~~ chapter and other related provisions;

3121 (b) annually review and evaluate the performance of charter schools authorized by the  
3122 State Charter School Board and hold the schools accountable for their performance;

3123 (c) monitor charter schools authorized by the State Charter School Board for  
3124 compliance with federal and state laws, rules, and regulations;

3125 (d) provide technical support to charter schools and persons seeking to establish charter  
3126 schools by:

3127 (i) identifying and promoting successful charter school models;

- 3128 (ii) facilitating the application and approval process for charter school authorization;  
3129 (iii) directing charter schools and persons seeking to establish charter schools to  
3130 sources of private funding and support;
- 3131 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of  
3132 supporting and strengthening proposals before an application for charter school authorization is  
3133 submitted to a charter school authorizer; and
- 3134 (v) assisting charter schools to understand and carry out their charter obligations;
- 3135 (e) provide technical support, as requested, to a charter school authorizer relating to  
3136 charter schools;
- 3137 (f) make recommendations on legislation and rules pertaining to charter schools to the  
3138 Legislature and State Board of Education, respectively; and
- 3139 (g) make recommendations to the State Board of Education on the funding of charter  
3140 schools.
- 3141 (2) The State Charter School Board may:
- 3142 (a) contract;
- 3143 (b) sue and be sued; and
- 3144 (c) (i) at the discretion of the charter school, provide administrative services to, or  
3145 perform other school functions for, charter schools authorized by the State Charter School  
3146 Board; and
- 3147 (ii) charge fees for the provision of services or functions.
- 3148 Section 94. Section **53G-5-203**, which is renumbered from Section 53A-1a-501.7 is  
3149 renumbered and amended to read:
- 3150 **[53A-1a-501.7]. 53G-5-203. State Charter School Board -- Staff director --**  
3151 **Facilities.**
- 3152 (1) (a) The State Charter School Board, with the consent of the superintendent of  
3153 public instruction, shall appoint a staff director for the State Charter School Board.
- 3154 (b) The State Charter School Board shall have authority to remove the staff director  
3155 with the consent of the superintendent of public instruction.
- 3156 (c) The position of staff director is exempt from the career service provisions of Title  
3157 67, Chapter 19, Utah State Personnel Management Act.
- 3158 (2) The superintendent of public instruction shall provide space for staff of the State

Charter School Board in facilities occupied by the State Board of Education or the State Board of Education's employees, with costs charged for the facilities equal to those charged other sections and divisions under the State Board of Education.

Section 95. Section **53G-5-204**, which is renumbered from Section 53A-1a-507.1 is renumbered and amended to read:

~~[53A-1a-507.1].~~ **53G-5-204. Charter school innovative practices -- Report to State Charter School Board.**

Prior to July 31 of each year, a charter school may identify and report to the State Charter School Board its innovative practices which fulfill the purposes of charter schools as outlined in Section ~~[53A-1a-503]~~ 53G-5-104, including:

- (1) unique learning opportunities providing increased choice in education;
- (2) new public school models;
- (3) innovative teaching practices;
- (4) opportunities for educators to actively participate in the design and implementation of the learning program;
- (5) new forms of accountability emphasizing the measurement of learning outcomes and the creation of new measurement tools;
- (6) opportunities for greater parental involvement, including involvement in management decisions; and
- (7) the impact of the innovative practices on student achievement.

Section 96. Section **53G-5-301**, which is renumbered from Section 53A-1a-501.9 is renumbered and amended to read:

**Part 3. Charter School Authorization**

~~[53A-1a-501.9].~~ **53G-5-301. State Charter School Board to request applications for certain types of charter schools.**

(1) To meet the unique learning styles and needs of students, the State Charter School Board shall seek to expand the types of instructional methods and programs offered by schools, as provided in this section.

(2) (a) The State Charter School Board shall request individuals, groups of individuals, or not-for-profit legal entities to submit an application to the State Charter School Board to establish a charter school that employs new and creative methods to meet the unique learning

3190 styles and needs of students, such as:

3191 (i) a military charter school;

3192 (ii) a charter school whose mission is to enhance learning opportunities for students at  
3193 risk of academic failure;

3194 (iii) a charter school whose focus is career and technical education;

3195 (iv) a single gender charter school; or

3196 (v) a charter school with an international focus that provides opportunities for the  
3197 exchange of students or teachers.

3198 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter  
3199 School Board shall request applications for other types of charter schools that meet the unique  
3200 learning styles and needs of students.

3201 (3) The State Charter School Board shall publicize a request for applications to  
3202 establish a charter school specified in Subsection (2).

3203 (4) A charter school application submitted pursuant to Subsection (2) shall be subject  
3204 to the application and approval procedures specified in Section [~~53A-1a-505~~] [53G-5-304](#).

3205 (5) The State Charter School Board and the State Board of Education may approve one  
3206 or more applications for each charter school specified in Subsection (2), subject to the  
3207 Legislature appropriating funds for, or authorizing, an increase in charter school enrollment  
3208 capacity as provided in Section [~~53A-1a-502.5~~] [53G-6-504](#).

3209 (6) The State Board of Education shall submit a request to the Legislature to  
3210 appropriate funds for, or authorize, the enrollment of students in charter schools tentatively  
3211 approved under this section.

3212 Section 97. Section **53G-5-302**, which is renumbered from Section 53A-1a-504 is  
3213 renumbered and amended to read:

3214 [~~53A-1a-504~~]. **53G-5-302. Charter school application -- Applicants --**  
3215 **Contents.**

3216 (1) (a) An application to establish a charter school may be submitted by:

3217 (i) an individual;

3218 (ii) a group of individuals; or

3219 (iii) a nonprofit legal entity organized under Utah law.

3220 (b) An authorized charter school may apply under this chapter for a charter from



3221 another charter school authorizer.

3222 (2) A charter school application shall include:

3223 (a) the purpose and mission of the school;

3224 (b) except for a charter school authorized by a local school board, a statement that,  
3225 after entering into a charter agreement, the charter school will be organized and managed under  
3226 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;

3227 (c) a description of the governance structure of the school, including:

3228 (i) a list of the governing board members that describes the qualifications of each  
3229 member; and

3230 (ii) an assurance that the applicant shall, within 30 days of authorization, provide the  
3231 authorizer with the results of a background check for each member;

3232 (d) a description of the target population of the school that includes:

3233 (i) the projected maximum number of students the school proposes to enroll;

3234 (ii) the projected school enrollment for each of the first three years of school operation;

3235 and

3236 (iii) the ages or grade levels the school proposes to serve;

3237 (e) academic goals;

3238 (f) qualifications and policies for school employees, including policies that:

3239 (i) comply with the criminal background check requirements described in Section

3240 [\[53A-1a-512.5\]](#) [53G-5-408](#);

3241 (ii) require employee evaluations; and

3242 (iii) address employment of relatives within the charter school;

3243 (g) a description of how the charter school will provide, as required by state and federal  
3244 law, special education and related services;

3245 (h) for a public school converting to charter status, arrangements for:

3246 (i) students who choose not to continue attending the charter school; and

3247 (ii) teachers who choose not to continue teaching at the charter school;

3248 (i) a statement that describes the charter school's plan for establishing the charter  
3249 school's facilities, including:

3250 (i) whether the charter school intends to lease or purchase the charter school's facilities;

3251 and

3252 (ii) financing arrangements;  
3253 (j) a market analysis of the community the school plans to serve;  
3254 (k) a capital facility plan;  
3255 (l) a business plan;  
3256 (m) other major issues involving the establishment and operation of the charter school;  
3257 and

3258 (n) the signatures of the governing board members of the charter school.  
3259 (3) A charter school authorizer may require a charter school application to include:  
3260 (a) the charter school's proposed:  
3261 (i) curriculum;  
3262 (ii) instructional program; or  
3263 (iii) delivery methods;  
3264 (b) a method for assessing whether students are reaching academic goals, including, at  
3265 a minimum, administering the statewide assessments described in Section [\[53A-1-602\]](#)  
3266 [53E-4-301](#);

3267 (c) a proposed calendar;  
3268 (d) sample policies;  
3269 (e) a description of opportunities for parental involvement;  
3270 (f) a description of the school's administrative, supervisory, or other proposed services  
3271 that may be obtained through service providers; or  
3272 (g) other information that demonstrates an applicant's ability to establish and operate a  
3273 charter school.

3274 Section 98. Section **53G-5-303**, which is renumbered from Section 53A-1a-508 is  
3275 renumbered and amended to read:

3276 **~~[53A-1a-508].~~ 53G-5-303. Charter agreement -- Content -- Modification.**

3277 (1) A charter agreement:  
3278 (a) is a contract between the charter school applicant and the charter school authorizer;  
3279 (b) shall describe the rights and responsibilities of each party; and  
3280 (c) shall allow for the operation of the applicant's proposed charter school.  
3281 (2) A charter agreement shall include:  
3282 (a) the name of:

- 3283 (i) the charter school; and  
3284 (ii) the charter school applicant;  
3285 (b) the mission statement and purpose of the charter school;  
3286 (c) the charter school's opening date;  
3287 (d) the grade levels and number of students the charter school will serve;  
3288 (e) a description of the structure of the charter school governing board, including:  
3289 (i) the number of board members;  
3290 (ii) how members of the board are appointed; and  
3291 (iii) board members' terms of office;  
3292 (f) assurances that:  
3293 (i) the charter school governing board will comply with:  
3294 (A) the charter school's bylaws;  
3295 (B) the charter school's articles of incorporation; and  
3296 (C) applicable federal law, state law, and State Board of Education rules;  
3297 (ii) the charter school governing board will meet all reporting requirements described  
3298 in Section [~~53A-1a-507~~] 53G-5-404; and  
3299 (iii) except as provided in [~~Title 53A, Chapter 20b, Part 2~~] Part 6, Charter School  
3300 Credit Enhancement Program, neither the authorizer nor the state, including an agency of the  
3301 state, is liable for the debts or financial obligations of the charter school or a person who  
3302 operates the charter school;  
3303 (g) which administrative rules the State Board of Education will waive for the charter  
3304 school;  
3305 (h) minimum financial standards for operating the charter school;  
3306 (i) minimum standards for student achievement; and  
3307 (j) signatures of the charter school authorizer and the charter school governing board  
3308 members.  
3309 (3) (a) Except as provided in Subsection (3)(b), a charter agreement may not be  
3310 modified except by mutual agreement between the charter school authorizer and the charter  
3311 school governing board.  
3312 (b) A charter school governing board may modify the charter school's charter  
3313 agreement without the mutual agreement described in Subsection (3)(a) to include an

3314 enrollment preference described in Subsection [~~53A-1a-506~~] 53G-6-502(4)(g).

3315 Section 99. Section **53G-5-304**, which is renumbered from Section 53A-1a-505 is  
3316 renumbered and amended to read:

3317 ~~[53A-1a-505].~~ **53G-5-304. Charter schools authorized by the State Charter**  
3318 **School Board -- Application process -- Prohibited bases of application denial.**

3319 (1) (a) An applicant seeking authorization of a charter school from the State Charter  
3320 School Board shall provide a copy of the application to the local school board of the school  
3321 district in which the proposed charter school shall be located either before or at the same time it  
3322 files its application with the State Charter School Board.

3323 (b) The local board may review the application and may offer suggestions or  
3324 recommendations to the applicant or the State Charter School Board prior to its acting on the  
3325 application.

3326 (c) The State Charter School Board shall give due consideration to suggestions or  
3327 recommendations made by the local school board under Subsection (1)(b).

3328 (d) The State Charter School Board shall review and, by majority vote, either approve  
3329 or deny the application.

3330 (e) The State Board of Education shall, by majority vote, within 60 days after action by  
3331 the State Charter School Board under Subsection (1)(d):

3332 (i) approve or deny an application approved by the State Charter School Board; or

3333 (ii) hear an appeal, if any, of an application denied by the State Charter School Board.

3334 (f) The State Board of Education's action under Subsection (1)(d) is final action subject  
3335 to judicial review.

3336 (g) A charter school application may not be denied on the basis that the establishment  
3337 of the charter school will have any or all of the following impacts on a public school, including  
3338 another charter school:

3339 (i) an enrollment decline;

3340 (ii) a decrease in funding; or

3341 (iii) a modification of programs or services.

3342 (2) The State Board of Education shall make a rule providing a timeline for the  
3343 opening of a charter school following the approval of a charter school application by the State  
3344 Charter School Board.

(3) After approval of a charter school application and in accordance with Section ~~[53A-1a-508]~~ 53G-5-303, the applicant and the State Charter School Board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(4) The State Charter School Board shall, in accordance with State Board of Education rules, establish and make public the State Charter School Board's:

(a) application requirements, in accordance with Section ~~[53A-1a-504]~~ 53G-5-302;

(b) application process, including timelines, in accordance with this section; and

(c) minimum academic, financial, and enrollment standards.

Section 100. Section **53G-5-305**, which is renumbered from Section 53A-1a-515 is renumbered and amended to read:

~~[53A-1a-515]~~. **53G-5-305. Charters authorized by local school boards -- Application process -- Local school board responsibilities.**

(1) (a) An applicant identified in Section ~~[53A-1a-504]~~ 53G-5-302 may submit an application to a local school board to establish and operate a charter school within the geographical boundaries of the school district administered by the local school board.

(b) (i) The principal, teachers, or parents of students at an existing public school may submit an application to the local school board to convert the school or a portion of the school to charter status.

(A) If the entire school is applying for charter status, at least two-thirds of the licensed educators employed at the school and at least two-thirds of the parents or guardians of students enrolled at the school must have signed a petition approving the application prior to its submission to the charter school authorizer.

(B) If only a portion of the school is applying for charter status, the percentage is reduced to a simple majority.

(ii) The local school board may not approve an application submitted under Subsection (1)(b)(i) unless the local school board determines that:

(A) students opting not to attend the proposed converted school would have access to a comparable public education alternative; and

(B) current teachers who choose not to teach at the converted charter school or who are not retained by the school at the time of its conversion would receive a first preference for transfer to open teaching positions for which they qualify within the school district, and, if no

3376 positions are open, contract provisions or board policy regarding reduction in staff would  
3377 apply.

3378 (2) (a) An existing public school that converts to charter status under a charter granted  
3379 by a local school board may:

3380 (i) continue to receive the same services from the school district that it received prior to  
3381 its conversion; or

3382 (ii) contract out for some or all of those services with other public or private providers.

3383 (b) Any other charter school authorized by a local school board may contract with the  
3384 board to receive some or all of the services referred to in Subsection (3)(a).

3385 (c) Except as specified in a charter agreement, local school board assets do not transfer  
3386 to an existing public school that converts to charter status under a charter granted by a local  
3387 school board under this section.

3388 (3) (a) (i) A public school that converts to a charter school under a charter granted by a  
3389 local school board shall receive funding:

3390 (A) through the school district; and

3391 (B) on the same basis as it did prior to its conversion to a charter school.

3392 (ii) The school may also receive federal money designated for charter schools under  
3393 any federal program.

3394 (b) (i) A local school board-authorized charter school operating in a facility owned by  
3395 the school district and not paying reasonable rent to the school district shall receive funding:

3396 (A) through the school district; and

3397 (B) on the same basis that other district schools receive funding.

3398 (ii) The school may also receive federal money designated for charter schools under  
3399 any federal program.

3400 (c) Subject to the provisions in Section [~~53A-1a-502.5~~] 53G-6-504, a charter school  
3401 authorized by a local school board shall receive funding as provided in [~~Section 53A-1a-513~~]  
3402 Title 53F, Chapter 2, Part 7, Charter School Funding.

3403 (d) (i) A charter school authorized by a local school board, but not described in  
3404 Subsection (3)(a), (b), or (c) shall receive funding:

3405 (A) through the school district; and

3406 (B) on the same basis that other district schools receive funding.

3407 (ii) The school may also receive federal money designated for charter schools under  
3408 any federal program.

3409 (4) (a) A local school board that receives an application for a charter school under this  
3410 section shall, within 45 days, either accept or reject the application.

3411 (b) If the board rejects the application, it shall notify the applicant in writing of the  
3412 reason for the rejection.

3413 (c) The applicant may submit a revised application for reconsideration by the board.

3414 (d) If the local school board refuses to authorize the applicant, the applicant may seek a  
3415 charter from the State Charter School Board under Section [~~53A-1a-505~~] 53G-5-304.

3416 (5) The State Board of Education shall make a rule providing for a timeline for the  
3417 opening of a charter school following the approval of a charter school application by a local  
3418 school board.

3419 (6) After approval of a charter school application and in accordance with Section  
3420 [~~53A-1a-508~~] 53G-5-303, the applicant and the local school board shall set forth the terms and  
3421 conditions for the operation of the charter school in a written charter agreement.

3422 (7) A local school board shall:

3423 (a) annually review and evaluate the performance of charter schools authorized by the  
3424 local school board and hold the schools accountable for their performance;

3425 (b) monitor charter schools authorized by the local school board for compliance with  
3426 federal and state laws, rules, and regulations; and

3427 (c) provide technical support to charter schools authorized by the local school board to  
3428 assist them in understanding and performing their charter obligations.

3429 (8) A local school board may terminate a charter school it authorizes as provided in  
3430 Sections [~~53A-1a-509~~] 53G-5-501 and [~~53A-1a-510~~] 53G-5-503.

3431 (9) In addition to the exemptions described in Sections [~~53A-1a-511~~] 53G-5-405,  
3432 53G-7-202, and [~~53A-1a-512~~] 53G-5-407, a charter school authorized by a local school board  
3433 is:

3434 (a) not required to separately submit a report or information required under this [~~title~~]  
3435 public education code to the State Board of Education if the information is included in a report  
3436 or information that is submitted by the local school board or school district; and

3437 (b) exempt from the requirement under Section [~~53A-1a-507~~] 53G-5-404 that a charter

3438 school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit  
3439 Corporation Act.

3440 (10) Before a local school board accepts a charter school application, the local school  
3441 board shall, in accordance with State Board of Education rules, establish and make public the  
3442 local school board's:

- 3443 (a) application requirements, in accordance with Section [~~53A-1a-504~~] [53G-5-302](#);
- 3444 (b) application process, including timelines, in accordance with this section; and
- 3445 (c) minimum academic, financial, and enrollment standards.

3446 Section 101. Section **53G-5-306**, which is renumbered from Section 53A-1a-521 is  
3447 renumbered and amended to read:

3448 ~~[53A-1a-521].~~ **53G-5-306. Charter schools authorized by a board of**  
3449 **trustees of a higher education institution -- Application process -- Board of trustees**  
3450 **responsibilities.**

3451 (1) Subject to the approval of the State Board of Education and except as provided in  
3452 Subsection (8), an applicant identified in Section [~~53A-1a-504~~] [53G-5-302](#) may enter into an  
3453 agreement with a board of trustees of a higher education institution authorizing the applicant to  
3454 establish and operate a charter school.

3455 (2) (a) An applicant applying for authorization from a board of trustees to establish and  
3456 operate a charter school shall provide a copy of the application to the State Charter School  
3457 Board and the local school board of the school district in which the proposed charter school  
3458 will be located either before or at the same time the applicant files the application with the  
3459 board of trustees.

3460 (b) The State Charter School Board and the local school board may review the  
3461 application and offer suggestions or recommendations to the applicant or the board of trustees  
3462 before acting on the application.

3463 (c) The board of trustees shall give due consideration to suggestions or  
3464 recommendations made by the State Charter School Board or the local school board under  
3465 Subsection (2)(b).

3466 (3) (a) If a board of trustees approves an application to establish and operate a charter  
3467 school, the board of trustees shall submit the application to the State Board of Education.

3468 (b) The State Board of Education shall, by majority vote, within 60 days of receipt of



the application, approve or deny an application approved by a board of trustees.

(c) The State Board of Education's action under Subsection (3)(b) is final action subject to judicial review.

(4) The State Board of Education shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by a board of trustees.

(5) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(6) (a) The school's charter may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Subsection (7).

(b) In the first two years that a charter school is in operation, an annual fee described in Subsection (6)(a) may not exceed the product of 3% of the revenue the charter school receives from the state in the current fiscal year.

(c) Beginning with the third year that a charter school is in operation, an annual fee described in Subsection (6)(a) may not exceed the product of 1% of the revenue a charter school receives from the state in the current fiscal year.

(d) An annual fee described in Subsection (6)(a) shall be:

(i) paid to the board of trustees' higher education institution; and

(ii) expended as directed by the board of trustees.

(7) A board of trustees shall:

(a) annually review and evaluate the performance of charter schools authorized by the board of trustees and hold the schools accountable for their performance;

(b) monitor charter schools authorized by the board of trustees for compliance with federal and state laws, rules, and regulations; and

(c) provide technical support to charter schools authorized by the board of trustees to assist them in understanding and performing their charter obligations.

(8) (a) In addition to complying with the requirements of this section, a technical college board of directors described in Section 53B-2a-108 shall obtain the approval of the Utah System of Technical Colleges Board of Trustees before entering into an agreement to

3500 establish and operate a charter school.

3501 (b) If a technical college board of directors approves an application to establish and  
3502 operate a charter school, the technical college board of directors shall submit the application to  
3503 the Utah System of Technical Colleges Board of Trustees.

3504 (c) The Utah System of Technical Colleges Board of Trustees shall, by majority vote,  
3505 within 60 days of receipt of an application described in Subsection (8)(b), approve or deny the  
3506 application.

3507 (d) The Utah System of Technical Colleges Board of Trustees may deny an application  
3508 approved by a technical college board of directors if the proposed charter school does not  
3509 accomplish a purpose of charter schools as provided in Section ~~[53A-1a-503]~~ 53G-5-104.

3510 (e) A charter school application may not be denied on the basis that the establishment  
3511 of the charter school will have any or all of the following impacts on a public school, including  
3512 another charter school:

- 3513 (i) an enrollment decline;  
3514 (ii) a decrease in funding; or  
3515 (iii) a modification of programs or services.

3516 (9) (a) Subject to the requirements of this ~~[part]~~ chapter and other related provisions, a  
3517 technical college board of directors may establish:

- 3518 (i) procedures for submitting applications to establish and operate a charter school; or  
3519 (ii) criteria for approval of an application to establish and operate a charter school.

3520 (b) The Utah System of Technical Colleges Board of Trustees may not establish policy  
3521 governing the procedures or criteria described in Subsection (9)(a).

3522 (10) Before a technical college board of directors accepts a charter school application,  
3523 the technical college board of directors shall, in accordance with State Board of Education  
3524 rules, establish and make public:

- 3525 (a) application requirements, in accordance with Section ~~[53A-1a-504]~~ 53G-5-302;  
3526 (b) the application process, including timelines, in accordance with this section; and  
3527 (c) minimum academic, financial, and enrollment standards.

3528 Section 102. Section **53G-5-401**, which is renumbered from Section 53A-1a-503.5 is  
3529 renumbered and amended to read:

3530 **Part 4. Powers and Duties**

3531 ~~[53A-1a-503.5].~~ **53G-5-401. Status of charter schools.**

3532 (1) Charter schools are:

3533 (a) considered to be public schools within the state's public education system;

3534 (b) subject to Subsection ~~[53A-1-401]~~ 53E-3-401(8); and

3535 (c) governed by independent boards and held accountable to a legally binding written  
3536 contractual agreement.

3537 (2) A charter school may be established by:

3538 (a) creating a new school; or

3539 (b) converting an existing public school to charter status.

3540 (3) A parochial school or home school is not eligible for charter school status.

3541 Section 103. Section **53G-5-402**, which is renumbered from Section 53A-1a-523 is  
3542 renumbered and amended to read:

3543 ~~[53A-1a-523].~~ **53G-5-402. Property tax exemption for property owned by a**  
3544 **charter school.**

3545 For purposes of a property tax exemption for property of school districts under  
3546 Subsection 59-2-1101(3)(a)(ii)(B), a charter school is considered to be a school district.

3547 Section 104. Section **53G-5-403**, which is renumbered from Section 53A-1a-517 is  
3548 renumbered and amended to read:

3549 ~~[53A-1a-517].~~ **53G-5-403. Charter school assets.**

3550 (1) (a) A charter school may receive, hold, manage, and use any devise, bequest, grant,  
3551 endowment, gift, or donation of any asset made to the school for any of the purposes of this  
3552 [part] chapter and other related provisions.

3553 (b) Unless a donor or grantor specifically provides otherwise in writing, all assets  
3554 described in Subsection (1) shall be presumed to be made to the charter school and shall be  
3555 included in the charter school's assets.

3556 (2) It is unlawful for any person affiliated with a charter school to demand or request  
3557 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated  
3558 with the charter school as a condition for employment or enrollment at the school or continued  
3559 attendance at the school.

3560 (3) All assets purchased with charter school funds shall be included in the charter  
3561 school's assets.

(4) A charter school may not dispose of its assets in violation of the provisions of this [part] chapter or other related provisions, state board rules, policies of its charter school authorizer, or its charter, including the provisions governing the closure of a charter school under Section [~~53A-1a-510.5~~] [53G-5-504](#).

Section 105. Section **53G-5-404**, which is renumbered from Section 53A-1a-507 is renumbered and amended to read:

~~[53A-1a-507].~~      **53G-5-404. Requirements for charter schools.**

(1) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(2) A charter school may not charge tuition or fees, except those fees normally charged by other public schools.

(3) A charter school shall meet all applicable federal, state, and local health, safety, and civil rights requirements.

(4) (a) A charter school shall make the same annual reports required of other public schools under this [title] public education code, including an annual financial audit report.

(b) A charter school shall file its annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.

(5) (a) A charter school shall be accountable to the charter school's authorizer for performance as provided in the school's charter.

(b) To measure the performance of a charter school, an authorizer may use data contained in:

(i) the charter school's annual financial audit report;

(ii) a report submitted by the charter school as required by statute; or

(iii) a report submitted by the charter school as required by its charter.

(c) A charter school authorizer may not impose performance standards, except as permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section [~~53A-1a-503~~] [53G-5-104](#) or as otherwise provided in law.

(6) A charter school may not advocate unlawful behavior.

(7) Except as provided in Section [~~53A-1a-515~~] [53G-5-305](#), a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act,

after its authorization.

(8) A charter school shall provide adequate liability and other appropriate insurance.

(9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing of the charter school's facilities to the school's authorizer and an attorney for review and advice prior to the charter school entering into the lease, agreement, or contract.

(10) A charter school may not employ an educator whose license has been suspended or revoked by the State Board of Education under Section ~~[53A-6-501]~~ 53E-6-604.

Section 106. Section **53G-5-405**, which is renumbered from Section 53A-1a-511 is renumbered and amended to read:

~~[53A-1a-511].~~      **53G-5-405. Waivers from state board rules -- Application of statutes and rules to charter schools.**

(1) A charter school shall operate in accordance with its charter and is subject to ~~[Title 53A, State System of Public Education,]~~ this public education code and other state laws applicable to public schools, except as otherwise provided in this ~~[part]~~ chapter and other related provisions.

~~[(2) (a) A charter school or any other public school or school district may apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter.]~~

~~[(b) The state board may grant the waiver, unless:]~~

~~[(i) the waiver would cause the school district or the school to be in violation of state or federal law; or]~~

~~[(ii) the waiver would threaten the health, safety, or welfare of students in the district or at the school.]~~

~~[(c) If the State Board of Education denies the waiver, the reason for the denial shall be provided in writing to the waiver applicant.]~~

~~[(3)]~~ (2) (a) Except as provided in Subsection ~~[(3)]~~ (2)(b), State Board of Education rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services; and

3624 (iii) required expenditures for instructional supplies.

3625 (b) A charter school shall comply with rules implementing statutes that prescribe how  
3626 state appropriations may be spent.

3627 ~~[(4)]~~ (3) The following provisions of ~~[Title 53A, State System of Public Education]~~  
3628 this public education code, and rules adopted under those provisions, do not apply to a charter  
3629 school:

3630 (a) Sections ~~[53A-1a-108]~~ 53G-7-1202 and ~~[53A-1a-108.5]~~ 53G-7-1204, requiring the  
3631 establishment of a school community council and school improvement plan;

3632 (b) Section ~~[53A-3-420]~~ 53G-4-409, requiring the use of activity disclosure statements;

3633 (c) Section ~~[53A-12-207]~~ 53G-7-606, requiring notification of intent to dispose of  
3634 textbooks;

3635 (d) Section ~~[53A-13-107]~~ 53G-10-404, requiring annual presentations on adoption;

3636 (e) Sections ~~[53A-19-103]~~ 53G-7-304 and ~~[53A-19-105]~~ 53G-7-306 pertaining to fiscal  
3637 procedures of school districts and local school boards; and

3638 (f) Section ~~[53A-14-107]~~ 53E-4-408, requiring an independent evaluation of  
3639 instructional materials.

3640 ~~[(5)]~~ (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter  
3641 school is considered an educational procurement unit as defined in Section 63G-6a-103.

3642 ~~[(6)]~~ (5) Each charter school shall be subject to:

3643 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

3644 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

3645 ~~[(7)]~~ (6) A charter school is exempt from Section 51-2a-201.5, requiring accounting  
3646 reports of certain nonprofit corporations. A charter school is subject to the requirements of  
3647 Section ~~[53A-1a-507]~~ 53G-5-404.

3648 ~~[(8)]~~ (7) (a) The State Charter School Board shall, in concert with the charter schools,  
3649 study existing state law and administrative rules for the purpose of determining from which  
3650 laws and rules charter schools should be exempt.

3651 (b) (i) The State Charter School Board shall present recommendations for exemption to  
3652 the State Board of Education for consideration.

3653 (ii) The State Board of Education shall consider the recommendations of the State  
3654 Charter School Board and respond within 60 days.

3655 Section 107. Section **53G-5-406**, which is renumbered from Section 53A-1a-520 is  
3656 renumbered and amended to read:

3657 **[53A-1a-520]. 53G-5-406. Accountability -- Rules.**

3658 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
3659 after consultation with chartering entities, the State Board of Education shall make rules that:

3660 (1) require a charter school to develop an accountability plan, approved by its charter  
3661 school authorizer, during its first year of operation;

3662 (2) require an authorizer to:

3663 (a) visit a charter school at least once during:

3664 (i) its first year of operation; and

3665 (ii) the review period described under Subsection (3); and

3666 (b) provide written reports to its charter schools after the visits; and

3667 (3) establish a review process that is required of a charter school once every five years  
3668 by its authorizer.

3669 Section 108. Section **53G-5-407**, which is renumbered from Section 53A-1a-512 is  
3670 renumbered and amended to read:

3671 **[53A-1a-512]. 53G-5-407. Employees of charter schools.**

3672 (1) A charter school shall select its own employees.

3673 (2) The school's governing board shall determine the level of compensation and all  
3674 terms and conditions of employment, except as otherwise provided in Subsections (7) and (8)  
3675 and under this [part] chapter and other related provisions.

3676 (3) The following statutes governing public employees and officers do not apply to a  
3677 charter school:

3678 (a) Chapter [8a, Public Education Human Resource Management Act] 11, Part 5,  
3679 School District and USDB Employee Requirements; and

3680 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.

3681 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter  
3682 school, under rules adopted by the State Board of Education, shall employ teachers who:

3683 (i) are licensed; or

3684 (ii) on the basis of demonstrated competency, would qualify to teach under alternative  
3685 certification or authorization programs.

3686 (b) The school's governing board shall disclose the qualifications of its teachers to the  
3687 parents of its students.

3688 (5) State Board of Education rules governing the licensing or certification of  
3689 administrative and supervisory personnel do not apply to charter schools.

3690 (6) (a) An employee of a school district may request a leave of absence in order to  
3691 work in a charter school upon approval of the local school board.

3692 (b) While on leave, the employee may retain seniority accrued in the school district and  
3693 may continue to be covered by the benefit program of the district if the charter school and the  
3694 locally elected school board mutually agree.

3695 (7) (a) A proposed or authorized charter school may elect to participate as an employer  
3696 for retirement programs under:

3697 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;

3698 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

3699 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

3700 (b) An election under this Subsection (7):

3701 (i) shall be documented by a resolution adopted by the governing board of the charter  
3702 school; and

3703 (ii) applies to the charter school as the employer and to all employees of the charter  
3704 school.

3705 (c) The governing board of a charter school may offer employee benefit plans for its  
3706 employees:

3707 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;

3708 or

3709 (ii) under any other program.

3710 (8) A charter school may not revoke an election to participate made under Subsection  
3711 (7).

3712 (9) The governing board of a charter school shall ensure that, prior to the beginning of  
3713 each school year, each of its employees signs a document acknowledging that the employee:

3714 (a) has received:

3715 (i) the disclosure required under Section [63A-4-204.5](#) if the charter school participates  
3716 in the Risk Management Fund; or



(ii) written disclosure similar to the disclosure required under Section [63A-4-204.5](#) if the charter school does not participate in the Risk Management Fund; and

(b) understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure.

Section 109. Section **53G-5-408**, which is renumbered from Section 53A-1a-512.5 is renumbered and amended to read:

**~~[53A-1a-512.5].~~ 53G-5-408. Criminal background checks on school personnel.**

The following individuals are required to submit to a criminal background check and ongoing monitoring as provided in Section ~~[53A-15-1503]~~ [53G-11-402](#):

(1) an employee of a charter school who does not hold a current Utah educator license issued by the State Board of Education under Title ~~[53A, Chapter 6, Educator Licensing and Professional Practices Act]~~ [53E, Chapter 6, Education Professional Licensure](#);

(2) a volunteer for a charter school who is given significant unsupervised access to a student in connection with the volunteer's assignment;

(3) a contract employee, as defined in Section ~~[53A-15-1502]~~ [53G-11-401](#), who works at a charter school; and

(4) a charter school governing board member.

Section 110. Section **53G-5-409**, which is renumbered from Section 53A-1a-518 is renumbered and amended to read:

**~~[53A-1a-518].~~ 53G-5-409. Regulated transactions and relationships -- Definitions -- Rulemaking.**

(1) As used in this section:

(a) "Charter school officer" means:

(i) a member of a charter school's governing board;

(ii) a member of a board or an officer of a nonprofit corporation under which a charter school is organized and managed; or

(iii) the chief administrative officer of a charter school.

(b) (i) "Employment" means a position in which a person's salary, wages, pay, or compensation, whether as an employee or contractor, is paid from charter school funds.

(ii) "Employment" does not include a charter school volunteer.

3748 (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,  
3749 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,  
3750 sister-in-law, son-in-law, or daughter-in-law.

3751 (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer  
3752 may not be employed at a charter school.

3753 (b) If a relative of a charter school officer is to be considered for employment in a  
3754 charter school, the charter school officer shall:

3755 (i) disclose the relationship, in writing, to the other charter school officers;

3756 (ii) submit the employment decision to the charter school's governing board for the  
3757 approval, by majority vote, of the charter school's governing board;

3758 (iii) abstain from voting on the issue; and

3759 (iv) be absent from any meeting when the employment is being considered and  
3760 determined.

3761 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a  
3762 relative of a charter school officer may not have a financial interest in a contract or other  
3763 transaction involving a charter school in which the charter school officer serves as a charter  
3764 school officer.

3765 (b) If a charter school's governing board considers entering into a contract or executing  
3766 a transaction in which a charter school officer or a relative of a charter school officer has a  
3767 financial interest, the charter school officer shall:

3768 (i) disclose the financial interest, in writing, to the other charter school officers;

3769 (ii) submit the contract or transaction decision to the charter school's governing board  
3770 for the approval, by majority vote, of the charter school's governing board;

3771 (iii) abstain from voting on the issue; and

3772 (iv) be absent from any meeting when the contract or transaction is being considered  
3773 and determined.

3774 (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of  
3775 employment for:

3776 (i) the chief administrative officer of a charter school; or

3777 (ii) a relative of the chief administrative officer of a charter school whose employment  
3778 is approved in accordance with the provisions in Subsection (2).

3779 (4) The State Board of Education or State Charter School Board may not operate a  
3780 charter school.

3781 Section 111. Section **53G-5-410**, which is renumbered from Section 53A-1a-524 is  
3782 renumbered and amended to read:

3783 ~~[53A-1a-524].~~ **53G-5-410. Safe technology utilization and digital**  
3784 **citizenship.**

3785 A charter school governing board, or a council formed by a charter school governing  
3786 board to prepare a plan for the use of School LAND Trust Program money under Section

3787 ~~[53A-16-101.5]~~ 53F-2-404:

3788 (1) shall provide for education and awareness on safe technology utilization and digital  
3789 citizenship that empowers:

3790 (a) a student to make smart media and online choices; and

3791 (b) a parent or guardian to know how to discuss safe technology use with the parent's  
3792 or guardian's child;

3793 (2) shall partner with the school's principal and other administrators to ensure that  
3794 adequate on and off campus Internet filtering is installed and consistently configured to prevent  
3795 viewing of harmful content by students and school personnel, in accordance with charter school  
3796 governing board policy and Subsection ~~[53A-1-706]~~ 53G-7-216(3); and

3797 (3) may partner with one or more non-profit organizations to fulfill the duties described  
3798 in Subsections (1) and (2).

3799 Section 112. Section **53G-5-411** is enacted to read:

3800 **53G-5-411. Charter school fiscal year -- Statistical reports.**

3801 (1) A charter school's fiscal year begins on July 1 and ends on June 30.

3802 (2) (a) A charter school shall forward statistical reports for the preceding school year,  
3803 containing items required by law or by the State Board of Education, to the state superintendent  
3804 on or before November 1 of each year.

3805 (b) The reports shall include information to enable the state superintendent to complete  
3806 the statement required under Subsection 53E-3-301(3)(d)(v).

3807 (3) A charter school shall forward the accounting report required under Section  
3808 51-2a-201 to the state superintendent on or before October 15 of each year.

3809 Section 113. Section **53G-5-412** is enacted to read:

**53G-5-412. Contract with regional service centers.**

A public school that is a charter school may enter into a contract with an eligible regional service center, as defined in Section 53G-4-410, to receive education related services from the eligible regional service center.

Section 114. Section **53G-5-413** is enacted to read:

**53G-5-413. Charter school governing board meetings -- Rules of order and procedure.**

(1) As used in this section, "rules of order and procedure" means a set of rules that governs and prescribes in a public meeting:

(a) parliamentary order and procedure;

(b) ethical behavior; and

(c) civil discourse.

(2) Subject to Subsection (4), a charter school governing board shall:

(a) adopt rules of order and procedure to govern a public meeting of the charter school governing board;

(b) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (2)(a); and

(c) make the rules of order and procedure described in Subsection (2)(a) available to the public;

(i) at each public meeting of the charter school governing board; and

(ii) on the charter school governing board's public website, if available.

(3) The requirements of this section do not affect a charter school governing board's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

Section 115. Section **53G-5-501**, which is renumbered from Section 53A-1a-509 is renumbered and amended to read:

**Part 5. Noncompliance, Charter Termination, and Liability****[53A-1a-509]. 53G-5-501. Noncompliance -- Rulemaking.**

(1) If a charter school is found to be out of compliance with the requirements of Section [53A-1a-507] 53G-5-404 or the school's charter, the charter school authorizer shall notify the following in writing that the charter school has a reasonable time to remedy the deficiency, except as otherwise provided in Subsection [53A-1a-510] 53G-5-503(4):

- 3841 (a) the governing board of the charter school; and
- 3842 (b) if the charter school is a qualifying charter school with outstanding bonds issued in
- 3843 accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School Credit Enhancement Program, the
- 3844 Utah Charter School Finance Authority.
- 3845 (2) If the charter school does not remedy the deficiency within the established timeline,
- 3846 the authorizer may:
- 3847 (a) subject to the requirements of Subsection (4), take one or more of the following
- 3848 actions:
- 3849 (i) remove a charter school director or finance officer;
- 3850 (ii) remove a governing board member; or
- 3851 (iii) appoint an interim director or mentor to work with the charter school; or
- 3852 (b) subject to the requirements of Section [~~53A-1a-510~~] 53G-5-503, terminate the
- 3853 school's charter.
- 3854 (3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a)
- 3855 shall be paid from the funds of the charter school for which the interim director or mentor is
- 3856 working.
- 3857 (4) The authorizer shall notify the Utah Charter School Finance Authority before the
- 3858 authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is
- 3859 a qualifying charter school with outstanding bonds issued in accordance with [~~Chapter 20b,~~
- 3860 ~~Part 2~~] Part 6, Charter School Credit Enhancement Program.
- 3861 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3862 State Board of Education shall make rules:
- 3863 (a) specifying the timeline for remedying deficiencies under Subsection (1); and
- 3864 (b) ensuring the compliance of a charter school with its approved charter.
- 3865 Section 116. Section **53G-5-502**, which is renumbered from Section 53A-1a-509.5 is
- 3866 renumbered and amended to read:
- 3867 ~~[53A-1a-509.5].~~ **53G-5-502. Voluntary school improvement process.**
- 3868 (1) As used in this section, "high performing charter school" means a charter school
- 3869 that:
- 3870 (a) satisfies all requirements of state law and State Board of Education rules;
- 3871 (b) has operated for at least three years meeting the terms of the school's charter

3872 agreement; and

3873 (c) has students performing at or above the academic performance standard in the  
3874 school's charter agreement.

3875 (2) (a) Subject to Subsection (2)(b), a governing board may voluntarily request the  
3876 charter school's authorizer to place the school in a school improvement process.

3877 (b) A governing board shall provide notice and a hearing on the governing board's  
3878 intent to make a request under Subsection (2)(a) to parents and guardians of students enrolled  
3879 in the charter school.

3880 (3) An authorizer may grant a governing board's request to be placed in a school  
3881 improvement process if the governing board has provided notice and a hearing under  
3882 Subsection (2)(b).

3883 (4) An authorizer that has entered into a school improvement process with a governing  
3884 board shall:

3885 (a) enter into a contract with the governing board on the terms of the school  
3886 improvement process;

3887 (b) notify the State Board of Education that the authorizer has entered into a school  
3888 improvement process with the governing board;

3889 (c) make a report to a committee of the State Board of Education regarding the school  
3890 improvement process; and

3891 (d) notify the Utah Charter School Finance Authority that the authorizer has entered  
3892 into a school improvement process with the governing board if the charter school is a  
3893 qualifying charter school with outstanding bonds issued in accordance with [~~Chapter 20b, Part~~  
3894 2] Part 6, Charter School Credit Enhancement Program.

3895 (5) Upon notification under Subsection (4)(b), and after the report described in  
3896 Subsection (4)(c), the State Board of Education shall notify charter schools and the school  
3897 district in which the charter school is located that the governing board has entered into a school  
3898 improvement process with the charter school's authorizer.

3899 (6) A high performing charter school or the school district in which the charter school  
3900 is located may apply to the governing board to assume operation and control of the charter  
3901 school that has been placed in a school improvement process.

3902 (7) A governing board that has entered into a school improvement process shall review

3903 applications submitted under Subsection (6) and submit a proposal to the charter school's  
3904 authorizer to:

3905 (a) terminate the school's charter, notwithstanding the requirements of Section  
3906 ~~[53A-1a-510]~~ 53G-5-503; and

3907 (b) transfer operation and control of the charter school to:

3908 (i) the school district in which the charter school is located; or

3909 (ii) a high performing charter school.

3910 (8) Except as provided in Subsection (9) and subject to Subsection (10), an authorizer  
3911 may:

3912 (a) approve a governing board's proposal under Subsection (7); or

3913 (b) (i) deny a governing board's proposal under Subsection (7); and

3914 (ii) (A) terminate the school's charter in accordance with Section ~~[53A-1a-510]~~  
3915 53G-5-503;

3916 (B) allow the governing board to submit a revised proposal; or

3917 (C) take no action.

3918 (9) An authorizer may not take an action under Subsection (8) for a qualifying charter  
3919 school with outstanding bonds issued in accordance with ~~[Chapter 20b, Part 2]~~ Part 6, Charter  
3920 School Credit Enhancement Program, without mutual agreement of the Utah Charter School  
3921 Finance Authority and the authorizer.

3922 (10) (a) An authorizer that intends to transfer operation and control of a charter school  
3923 as described in Subsection (7)(b) shall request approval from the State Board of Education.

3924 (b) (i) The State Board of Education shall consider an authorizer's request under  
3925 Subsection (10)(a) within 30 days of receiving the request.

3926 (ii) If the State Board of Education denies an authorizer's request under Subsection  
3927 (10)(a), the authorizer may not transfer operation and control of the charter school as described  
3928 in Subsection (7)(b).

3929 (iii) If the State Board of Education does not take action on an authorizer's request  
3930 under Subsection (10)(a) within 30 days of receiving the request, an authorizer may proceed to  
3931 transfer operation and control of the charter school as described in Subsection (7)(b).

3932 Section 117. Section **53G-5-503**, which is renumbered from Section 53A-1a-510 is  
3933 renumbered and amended to read:

~~[53A-1a-510].~~ **53G-5-503. Termination of a charter.**

(1) Subject to the requirements of Subsection (3), a charter school authorizer may terminate a school's charter for any of the following reasons:

(a) failure of the charter school to meet the requirements stated in the charter;  
(b) failure to meet generally accepted standards of fiscal management;  
(c) subject to Subsection (8), failure to make adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

(d) (i) designation as a low performing school under ~~[Chapter 1, Part 12]~~ Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [Act]; and

(ii) failure to improve the school's grade under the conditions described in ~~[Chapter 1, Part 12]~~ Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [Act];

(e) violation of requirements under this ~~[part]~~ chapter or another law; or

(f) other good cause shown.

(2) (a) The authorizer shall notify the following of the proposed termination in writing, state the grounds for the termination, and stipulate that the governing board may request an informal hearing before the authorizer:

(i) the governing board of the charter school; and

(ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with ~~[Chapter 20b, Part 2]~~ Part 6, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.

(b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after receiving a written request under Subsection (2)(a).

(c) If the authorizer, by majority vote, approves a motion to terminate a charter school, the governing board of the charter school may appeal the decision to the State Board of Education.

(d) (i) The State Board of Education shall hear an appeal of a termination made pursuant to Subsection (2)(c).

(ii) The State Board of Education's action is final action subject to judicial review.

(e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with ~~[Chapter 20b, Part 2]~~ Part 6, Charter School



3965 Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection  
3966 (2)(b) 120 days or more after notifying the following of the proposed termination:

3967 (A) the governing board of the qualifying charter school; and

3968 (B) the Utah Charter School Finance Authority.

3969 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School  
3970 Finance Authority shall meet with the authorizer to determine whether the deficiency may be  
3971 remedied in lieu of termination of the qualifying charter school's charter.

3972 (3) An authorizer may not terminate the charter of a qualifying charter school with  
3973 outstanding bonds issued in accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School  
3974 Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance  
3975 Authority and the authorizer.

3976 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3977 the State Board of Education shall make rules that require a charter school to report any threats  
3978 to the health, safety, or welfare of its students to the State Charter School Board in a timely  
3979 manner.

3980 (b) The rules under Subsection (4)(a) shall also require the charter school report to  
3981 include what steps the charter school has taken to remedy the threat.

3982 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a  
3983 charter immediately if good cause has been shown or if the health, safety, or welfare of the  
3984 students at the school is threatened.

3985 (6) If a charter is terminated during a school year, the following entities may apply to  
3986 the charter school's authorizer to assume operation of the school:

3987 (a) the school district where the charter school is located;

3988 (b) the governing board of another charter school; or

3989 (c) a private management company.

3990 (7) (a) If a charter is terminated, a student who attended the school may apply to and  
3991 shall be enrolled in another public school under the enrollment provisions of [~~Chapter 2, Part~~  
3992 ~~2,~~] Chapter 6, Part 3, School District [~~of~~] Residency, subject to space availability.

3993 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

3994 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter  
3995 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are

3996 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

3997 Section 118. Section **53G-5-504**, which is renumbered from Section 53A-1a-510.5 is  
3998 renumbered and amended to read:

3999 ~~[53A-1a-510.5]~~. **53G-5-504. Charter school closure.**

4000 (1) If a charter school is closed for any reason, including the termination of a charter in  
4001 accordance with Section ~~[53A-1a-510]~~ 53G-5-503 or the conversion of a charter school to a  
4002 private school, the provisions of this section apply.

4003 (2) A decision to close a charter school is made:

4004 (a) when a charter school authorizer approves a motion to terminate described in  
4005 Subsection ~~[53A-1a-510]~~ 53G-5-503(2)(c);

4006 (b) when the State Board of Education takes final action described in Subsection  
4007 ~~[53A-1a-510]~~ 53G-5-503(2)(d)(ii); or

4008 (c) when a charter school provides notice to the charter school's authorizer that the  
4009 charter school is relinquishing the charter school's charter.

4010 (3) (a) No later than 10 days after the day on which a decision to close a charter school  
4011 is made, the charter school shall:

4012 (i) provide notice to the following, in writing, of the decision:

4013 (A) if the charter school made the decision to close, the charter school's authorizer;

4014 (B) the State Charter School Board;

4015 (C) if the State Board of Education did not make the decision to close, the State Board  
4016 of Education;

4017 (D) parents of students enrolled at the charter school;

4018 (E) the charter school's creditors;

4019 (F) the charter school's lease holders;

4020 (G) the charter school's bond issuers;

4021 (H) other entities that may have a claim to the charter school's assets;

4022 (I) the school district in which the charter school is located and other charter schools  
4023 located in that school district; and

4024 (J) any other person that the charter school determines to be appropriate; and

4025 (ii) post notice of the decision on the Utah Public Notice Website, created in Section  
4026 63F-1-701.

- 4027 (b) The notice described in Subsection (3)(a) shall include:  
4028 (i) the proposed date of the charter school closure;  
4029 (ii) the charter school's plans to help students identify and transition into a new school;  
4030 and  
4031 (iii) contact information for the charter school during the transition.  
4032 (4) After a decision to close a charter school is made, the closing charter school shall:  
4033 (a) designate a custodian for the protection of student files and school business records;  
4034 (b) maintain a base of operation throughout the charter school closing, including:  
4035 (i) an office;  
4036 (ii) hours of operation;  
4037 (iii) operational telephone service with voice messaging stating the hours of operation;  
4038 and  
4039 (iv) a designated individual to respond to questions or requests during the hours of  
4040 operation;  
4041 (c) maintain insurance coverage and risk management coverage throughout the  
4042 transition to closure and for a period following closure of the charter school as specified by the  
4043 charter school's authorizer;  
4044 (d) complete a financial audit or other procedure required by board rule immediately  
4045 after the decision to close is made;  
4046 (e) inventory all assets of the charter school; and  
4047 (f) list all creditors of the charter school and specifically identify secured creditors and  
4048 assets that are security interests.  
4049 (5) The closing charter school's authorizer shall oversee the closing charter school's  
4050 compliance with Subsection (4).  
4051 (6) (a) A closing charter school shall return any assets remaining, after all liabilities  
4052 and obligations of the closing charter school are paid or discharged, to the closing charter  
4053 school's authorizer.  
4054 (b) The closing charter school's authorizer shall liquidate assets at fair market value or  
4055 assign the assets to another public school.  
4056 (7) The closing charter school's authorizer shall oversee liquidation of assets and  
4057 payment of debt in accordance with board rule.

(8) The closing charter school shall:

(a) comply with all state and federal reporting requirements; and

(b) submit all documentation and complete all state and federal reports required by the closing charter school's authorizer or the State Board of Education, including documents to verify the closing charter school's compliance with procedural requirements and satisfaction of all financial issues.

(9) When the closing charter school's financial affairs are closed out and dissolution is complete, the authorizer shall ensure that a final audit of the charter school is completed.

(10) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall, after considering suggestions from charter school authorizers, make rules that:

(a) provide additional closure procedures for charter schools; and

(b) establish a charter school closure process.

Section 119. Section **53G-5-505**, which is renumbered from Section 53A-1a-514 is renumbered and amended to read:

**~~53A-1a-514~~.      53G-5-505. Tort liability.**

(1) An employee of a charter school is a public employee and the governing board is a public employer in the same manner as a local school board for purposes of tort liability.

(2) The governing board of a charter school, the nonprofit corporation under which the charter school is organized and managed, and the school are solely liable for any damages resulting from a legal challenge involving the operation of the school.

Section 120. Section **53G-5-601**, which is renumbered from Section 53A-20b-102 is renumbered and amended to read:

#### **Part 6. Charter School Credit Enhancement Program**

**~~53A-20b-102~~.      53G-5-601. Definitions.**

As used in this ~~chapter~~ part:

(1) "Annual charter school enrollment" means the total enrollment of all students in the state enrolled in a charter school in grades kindergarten through grade 12, based on October 1 enrollment counts.

(2) "Annual state enrollment" means the total enrollment of all students in the state enrolled in a public school in grades kindergarten through grade 12, based on October 1

4089 enrollment counts.

4090 (3) "Authority" means the Utah Charter School Finance Authority created by this part.

4091 (4) "Board" means the governing board of the authority described in Section

4092 ~~[53A-20b-103]~~ [53G-5-602](#).

4093 (5) "Charter school" means a school created under ~~[Title 53A, Chapter 1a, Part 5, The~~  
4094 ~~Utah Charter Schools Act]~~ this chapter.

4095 (6) "Credit enhancement program" means the Charter School Credit Enhancement

4096 Program established in ~~[Part 2, Charter School Credit Enhancement Program]~~ Section

4097 [53G-5-606](#).

4098 (7) "Debt service reserve fund" means the reserve fund created or established by, or for  
4099 the benefit of, a qualifying charter school for the purpose of paying principal of and interest on  
4100 bonds issued under the credit enhancement program as the payments become due and other  
4101 money of the qualifying charter school is not available to make the payments.

4102 (8) "Debt service reserve fund requirement" means, as of a particular date of  
4103 computation, and with respect to a particular issue of bonds, the amount required to be on  
4104 deposit in the debt service reserve fund, which amount:

4105 (a) may be a sum certain or as set forth in a formula; and

4106 (b) may not be less than the maximum annual debt service requirement for the related  
4107 bonds.

4108 (9) (a) "Obligations" mean any notes, debentures, revenue bonds, or other evidences of  
4109 financial indebtedness, except as provided in Subsection (9)(b).

4110 (b) "Obligations" do not include general obligation bonds.

4111 (10) "Project" means:

4112 (a) any building, structure, or property owned, to be acquired, or used by a charter  
4113 school for any of its educational purposes and the related appurtenances, easements,  
4114 rights-of-way, improvements, paving, utilities, landscaping, parking facilities, and lands; or

4115 (b) any capital equipment owned, to be acquired, or used by a charter school for any of  
4116 its educational purposes, interests in land, and grounds, together with the personal property  
4117 necessary, convenient, or appurtenant to them.

4118 (11) "Qualifying charter school" means a charter school that:

4119 (a) meets standards adopted by the authority for participation in the credit enhancement

4120 program; and

4121 (b) is designated by the authority as a qualifying charter school for purposes of  
4122 participation in the credit enhancement program.

4123 (12) "Reserve account" means the Charter School Reserve Account created in Section  
4124 [~~53A-20b-301~~] [53F-9-303](#).

4125 Section 121. Section **53G-5-602**, which is renumbered from Section 53A-20b-103 is  
4126 renumbered and amended to read:

4127 **[~~53A-20b-103~~]. 53G-5-602. Utah Charter School Finance Authority created**  
4128 **-- Members -- Compensation -- Services.**

4129 (1) There is created a body politic and corporate known as the Utah Charter School  
4130 Finance Authority. The authority is created to provide an efficient and cost-effective method of  
4131 financing charter school facilities.

4132 (2) The governing board of the authority shall be composed of:

4133 (a) the governor or the governor's designee;

4134 (b) the state treasurer; and

4135 (c) the state superintendent of public instruction or the state superintendent's designee.

4136 (3) A member may not receive compensation or benefits for the member's service, but  
4137 may receive per diem and travel expenses in accordance with:

4138 (a) Section [63A-3-106](#);

4139 (b) Section [63A-3-107](#); and

4140 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
4141 [63A-3-107](#).

4142 (4) Upon request, the State Board of Education shall provide staff support to the  
4143 authority.

4144 Section 122. Section **53G-5-603**, which is renumbered from Section 53A-20b-104 is  
4145 renumbered and amended to read:

4146 **[~~53A-20b-104~~]. 53G-5-603. Powers and duties of authority.**

4147 (1) The authority shall have perpetual succession as a body politic and corporate.

4148 (2) The authority may:

4149 (a) sue and be sued in its own name;

4150 (b) have, and alter at will, an official seal;

4151 (c) contract with experts, advisers, consultants, and agents for needed services;  
4152 (d) receive and accept aid or contributions from any source, including the United States  
4153 or this state, in the form of money, property, labor, or other things of value to be held, used,  
4154 and applied to carry out the purposes of this part, subject to the conditions upon which the aid  
4155 and contributions are made, for any purpose consistent with this part;  
4156 (e) exercise the powers granted to municipalities and counties pursuant to Title 11,  
4157 Chapter 17, Utah Industrial Facilities and Development Act, including the power to borrow  
4158 money and issue obligations, including refunding obligations, subject to the same limitations as  
4159 that imposed on a municipality or county under the act, except:  
4160 (i) the authority may only exercise powers under the act to finance or refinance a  
4161 project as defined in Section ~~[53A-20b-102]~~ 53G-5-601; and  
4162 (ii) the authority's area of operation shall include all areas of the state;  
4163 (f) employ advisers, consultants, and agents, including financial experts, independent  
4164 legal counsel, and any advisers, consultants, and agents as may be necessary in its judgment  
4165 and fix their compensation;  
4166 (g) make and execute contracts and other instruments necessary or convenient for the  
4167 performance of its duties and the exercise of its powers and functions;  
4168 (h) in accordance with Section ~~[53A-20b-201]~~ 53G-5-606, designate a charter school  
4169 as a qualifying charter school for purposes of participation in the credit enhancement program;  
4170 and  
4171 (i) have and exercise any other powers or duties that are necessary or appropriate to  
4172 carry out and effectuate the purposes of this ~~[chapter]~~ part.  
4173 (3) Except as provided in ~~[Part 2, Charter School Credit Enhancement Program]~~  
4174 Section 53G-5-607, 53G-5-608, or 53G-5-609, the Utah Charter School Finance Authority may  
4175 not exercise power in any manner which would create general or moral obligations of the state  
4176 or of any agency, department, or political subdivision of the state.  
4177 Section 123. Section **53G-5-604**, which is renumbered from Section 53A-20b-105 is  
4178 renumbered and amended to read:  
4179 ~~[53A-20b-105].~~ **53G-5-604. Limited obligations.**  
4180 Except as provided in ~~[Part 2, Charter School Credit Enhancement Program]~~ Section  
4181 53G-5-607, 53G-5-608, or 53G-5-609, bonds, notes, and other obligations issued by the

4182 authority:

4183 (1) do not constitute a debt, moral obligation, or liability of the state, or of any county,  
4184 city, town, school district, or any other political subdivision of the state;

4185 (2) do not constitute the loan of credit of the state or of any county, city, town, school  
4186 district, or any other political subdivision of the state; and

4187 (3) may not be paid from funds other than loan payments or lease revenues received  
4188 from a charter school or other funds pledged by a charter school.

4189 Section 124. Section **53G-5-605**, which is renumbered from Section 53A-20b-106 is  
4190 renumbered and amended to read:

4191 **~~[53A-20b-106]. 53G-5-605. State to succeed to property of authority when~~**  
4192 **encumbrances paid or authority dissolved.**

4193 (1) If the authority is dissolved at any time, for any reason, all funds, property, rights,  
4194 and interests of the authority, following the satisfaction of the authority's obligations, shall  
4195 immediately vest in and become the property of the state, which shall succeed to all rights of  
4196 the authority subject to any encumbrances which may then exist on any particular properties.

4197 (2) None of the net earnings of the authority shall inure to the benefit of any private  
4198 person.

4199 Section 125. Section **53G-5-606**, which is renumbered from Section 53A-20b-201 is  
4200 renumbered and amended to read:

4201 **~~[53A-20b-201]. 53G-5-606. Charter School Credit Enhancement Program --~~**  
4202 **Standards for the designation of qualifying charter schools -- Debt service reserve fund**  
4203 **requirements.**

4204 (1) There is created the Charter School Credit Enhancement Program to assist  
4205 qualifying charter schools in obtaining favorable financing by providing a means of  
4206 replenishing a qualifying charter school's debt service reserve fund.

4207 (2) The authority shall establish standards for a charter school to be designated as a  
4208 qualifying charter school.

4209 (3) In establishing the standards described in Subsection (2) the authority shall  
4210 consider:

4211 (a) whether a charter school has received an investment grade rating, independent of  
4212 any rating enhancement resulting from the issuance of bonds pursuant to the credit



- 4213 enhancement program;
- 4214 (b) the location of the charter school's project;
- 4215 (c) the operating history of the charter school;
- 4216 (d) the financial strength of the charter school; and
- 4217 (e) any other criteria the authority determines are relevant.
- 4218 (4) The bonds issued by the authority for a qualifying charter school are not an
- 4219 indebtedness of the state or of the authority but are special obligations payable solely from:
- 4220 (a) the revenues or other funds pledged by the qualifying charter school; and
- 4221 (b) amounts appropriated by the Legislature pursuant to Subsection (9).
- 4222 (5) The authority shall notify the authorizer of a charter school that the charter school is
- 4223 participating in the credit enhancement program if the authority:
- 4224 (a) designates the charter school as a qualifying charter school; and
- 4225 (b) issues bonds for the qualifying charter school under the credit enhancement
- 4226 program.
- 4227 (6) One or more debt service reserve funds shall be established for a qualifying charter
- 4228 school with respect to bonds issued pursuant to the credit enhancement program.
- 4229 (7) (a) Except as provided in Subsection (7)(b), money in a debt service reserve fund
- 4230 may not be withdrawn from the debt service reserve fund if the amount withdrawn would
- 4231 reduce the level of money in the debt service reserve fund to less than the debt service reserve
- 4232 fund requirement.
- 4233 (b) So long as the applicable bonds issued under the credit enhancement program
- 4234 remain outstanding, money in a debt service reserve fund may be withdrawn in an amount that
- 4235 would reduce the level of money in the debt service reserve fund to less than the debt service
- 4236 reserve fund requirement if the money is withdrawn for the purpose of:
- 4237 (i) paying the principal of, redemption price of, or interest on a bond when due and if
- 4238 no other money of the qualifying charter school is available to make the payment, as
- 4239 determined by the authority; or
- 4240 (ii) paying any redemption premium required to be paid when the bonds are redeemed
- 4241 prior to maturity if no bonds will remain outstanding upon payment from the funds in the
- 4242 qualifying charter school's debt service reserve fund.
- 4243 (8) Money in a qualifying charter school's debt service reserve fund that exceeds the

4244 debt service reserve fund requirement may be withdrawn by the qualifying charter school.

4245 (9) (a) The authority shall annually, on or before December 1, certify to the governor  
4246 the amount, if any, required to restore amounts on deposit in the debt service reserve funds of  
4247 qualifying charter schools to the respective debt service reserve fund requirements.

4248 (b) The governor shall request from the Legislature an appropriation of the certified  
4249 amount to restore amounts on deposit in the debt service reserve funds of qualifying charter  
4250 schools to the respective debt service reserve fund requirements.

4251 (c) The Legislature may appropriate money to the authority to restore amounts on  
4252 deposit in the debt service reserve funds of qualifying charter schools to the respective debt  
4253 service reserve fund requirements.

4254 (d) A qualifying charter school that receives money from an appropriation to restore  
4255 amounts on deposit in a debt service reserve fund to the debt service reserve fund requirement,  
4256 shall repay the state at the time and in the manner as the authority shall require.

4257 (10) The authority may create and establish other funds for its purposes.

4258 Section 126. Section **53G-5-607**, which is renumbered from Section 53A-20b-202 is  
4259 renumbered and amended to read:

4260 **~~[53A-20b-202].~~ 53G-5-607. Charter School Reserve Account contribution**  
4261 **requirements for qualifying charter schools.**

4262 (1) When bonds are issued under the credit enhancement program for a qualifying  
4263 charter school, the qualifying charter school shall contribute money to the reserve account in  
4264 the amount determined as provided in Subsection (2).

4265 (2) The authority shall determine the up-front and ongoing requirements for  
4266 contributions of money to the reserve account for each qualifying charter school.

4267 Section 127. Section **53G-5-608**, which is renumbered from Section 53A-20b-203 is  
4268 renumbered and amended to read:

4269 **~~[53A-20b-203].~~ 53G-5-608. Bond issuance.**

4270 (1) (a) The state may not alter, impair, or limit the rights of bondholders or persons  
4271 contracting with a qualifying charter school until the bonds, including interest and other  
4272 contractual obligations, are fully met and discharged.

4273 (b) Nothing in this ~~[chapter]~~ part precludes an alteration, impairment, or limitation if  
4274 provision is made by law for the protection of bondholders or persons entering into contracts

4275 with a qualifying charter school.

4276 (2) The authority may require a qualifying charter school to vest in the authority the  
4277 right to enforce any covenant made to secure bonds issued under the credit enhancement  
4278 program by making appropriate provisions in the indenture related to the qualifying charter  
4279 school's bonds.

4280 (3) The authority may require a qualifying charter school to make covenants and  
4281 agreements in indentures or in a reimbursement agreement to protect the interests of the state  
4282 and to secure repayment to the state of any money received by the qualifying charter school  
4283 from an appropriation to restore amounts deposited in the qualifying charter school's debt  
4284 service reserve fund to the debt service reserve fund requirement.

4285 (4) The authority may charge a fee to administer the issuance of bonds for a qualifying  
4286 charter school.

4287 Section 128. Section **53G-5-609**, which is renumbered from Section 53A-20b-204 is  
4288 renumbered and amended to read:

4289 ~~[53A-20b-204].~~ **53G-5-609. Limitation on participation in Charter School**  
4290 **Credit Enhancement Program.**

4291 (1) In accordance with Subsection (2), on or before January 1 of each year, the  
4292 authority shall determine the credit enhancement program's bond issuance limitation.

4293 (2) The authority may not issue bonds for a qualifying charter school under the credit  
4294 enhancement program if the total par amount outstanding under the program would exceed an  
4295 amount equal to the product of:

4296 (a) 1.3;

4297 (b) an amount equal to the quotient of:

4298 (i) annual charter school enrollment; divided by

4299 (ii) annual state enrollment; and

4300 (c) the total par amount then outstanding under the school bond guarantee program  
4301 established in [~~Chapter 28, Utah School Bond Guaranty Act~~] Chapter 4, Part 8, School District  
4302 Bond Guaranty.

4303 Section 129. Section **53G-6-101** is enacted to read:

4304 **CHAPTER 6. PARTICIPATION IN PUBLIC SCHOOLS**

4305 **Part 1. General Provisions**

4306 **53G-6-101. Title.**

4307 This chapter is known as "Participation in Public Schools."

4308 Section 130. Section **53G-6-102** is enacted to read:

4309 **53G-6-102. Definitions.**

4310 Reserved

4311 Section 131. Section **53G-6-201**, which is renumbered from Section 53A-11-101 is  
4312 renumbered and amended to read:

4313 **Part 2. Compulsory Education**

4314 **[53A-11-101]. 53G-6-201. Definitions.**

4315 For purposes of this part:

4316 (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a  
4317 school-age minor assigned to a class or class period to attend the entire class or class period.

4318 (b) A school-age minor may not be considered absent under this part more than one  
4319 time during one day.

4320 (2) "Habitual truant" means a school-age minor who:

4321 (a) is at least 12 years old;

4322 (b) is subject to the requirements of Section [\[53A-11-101.5\]](#) [53G-6-202](#); and

4323 (c) (i) is truant at least 10 times during one school year; or

4324 (ii) fails to cooperate with efforts on the part of school authorities to resolve the  
4325 minor's attendance problem as required under Section [\[53A-11-103\]](#) [53G-6-206](#).

4326 (3) "Minor" means a person under the age of 18 years.

4327 (4) "Parent" includes:

4328 (a) a custodial parent of the minor;

4329 (b) a legally appointed guardian of a minor; or

4330 (c) any other person purporting to exercise any authority over the minor which could be  
4331 exercised by a person described in Subsection (4)(a) or (b).

4332 (5) "School-age minor" means a minor who:

4333 (a) is at least six years old, but younger than 18 years old; and

4334 (b) is not emancipated.

4335 (6) "School year" means the period of time designated by a local school board or local  
4336 charter board as the school year for the school where the school-age minor:

- 4337 (a) is enrolled; or  
4338 (b) should be enrolled, if the school-age minor is not enrolled in school.  
4339 (7) "Truant" means absent without a valid excuse.  
4340 (8) "Truant minor" means a school-age minor who:  
4341 (a) is subject to the requirements of Section [~~53A-11-101.5~~] 53G-6-202 or  
4342 [~~53A-11-101.7~~] 53G-6-203; and  
4343 (b) is truant.  
4344 (9) "Valid excuse" means:  
4345 (a) an illness;  
4346 (b) a family death;  
4347 (c) an approved school activity;  
4348 (d) an absence permitted by a school-age minor's:  
4349 (i) individualized education program, developed pursuant to the Individuals with  
4350 Disabilities Education Improvement Act of 2004, as amended; or  
4351 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act  
4352 of 1973, as amended; or  
4353 (e) any other excuse established as valid by a local school board, local charter board, or  
4354 school district.
- 4355 Section 132. Section **53G-6-202**, which is renumbered from Section 53A-11-101.5 is  
4356 renumbered and amended to read:
- 4357 **[~~53A-11-101.5~~]. 53G-6-202. Compulsory education.**
- 4358 (1) For purposes of this section:  
4359 (a) "Intentionally" is as defined in Section 76-2-103.  
4360 (b) "Recklessly" is as defined in Section 76-2-103.  
4361 (c) "Remainder of the school year" means the portion of the school year beginning on  
4362 the day after the day on which the notice of compulsory education violation described in  
4363 Subsection (3) is served and ending on the last day of the school year.  
4364 (d) "School-age child" means a school-age minor under the age of 14.  
4365 (2) Except as provided in Section [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~]  
4366 53G-6-702, the parent of a school-age minor shall enroll and send the school-age minor to a  
4367 public or regularly established private school.

(3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.

(4) The notice of compulsory education violation, described in Subsection (3):

(a) shall direct the parent of the school-age child to:

(i) meet with school authorities to discuss the school-age child's school attendance problems; and

(ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age child;

(b) shall designate the school authorities with whom the parent is required to meet;

(c) shall state that it is a class B misdemeanor for the parent of the school-age child to intentionally or recklessly:

(i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or

(ii) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year;

(d) shall be served on the school-age child's parent by personal service or certified mail; and

(e) may not be issued unless the school-age child has been truant at least five times during the school year.

(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section [~~53A-11-102~~] [53G-6-204](#) or [~~53A-11-102.5~~] [53G-6-702](#).

(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:

(a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

(b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.

4399 (7) A local school board, local charter board, or school district shall report violations of  
4400 this section to the appropriate county or district attorney.

4401 Section 133. Section **53G-6-203**, which is renumbered from Section 53A-11-101.7 is  
4402 renumbered and amended to read:

4403 ~~[53A-11-101.7].~~ **53G-6-203. Truancy -- Notice of truancy -- Failure to**  
4404 **cooperate with school authorities.**

4405 (1) Except as provided in Section [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~]  
4406 53G-6-702, a school-age minor who is enrolled in a public school shall attend the public school  
4407 in which the school-age minor is enrolled.

4408 (2) A local school board, charter school governing board, or school district may impose  
4409 administrative penalties on a school-age minor in accordance with Section [~~53A-11-911~~]  
4410 53G-8-211 who is truant.

4411 (3) A local school board or charter school governing board:

4412 (a) may authorize a school administrator, a designee of a school administrator, a law  
4413 enforcement officer acting as a school resource officer, or a truancy specialist to issue notices  
4414 of truancy to school-age minors who are at least 12 years old; and

4415 (b) shall establish a procedure for a school-age minor, or the school-age minor's  
4416 parents, to contest a notice of truancy.

4417 (4) The notice of truancy described in Subsection (3):

4418 (a) may not be issued until the school-age minor has been truant at least five times  
4419 during the school year;

4420 (b) may not be issued to a school-age minor who is less than 12 years old;

4421 (c) may not be issued to a minor exempt from school attendance as provided in Section  
4422 [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~] 53G-6-702;

4423 (d) shall direct the school-age minor and the parent of the school-age minor to:

4424 (i) meet with school authorities to discuss the school-age minor's truancies; and

4425 (ii) cooperate with the school board, local charter board, or school district in securing  
4426 regular attendance by the school-age minor; and

4427 (e) shall be mailed to, or served on, the school-age minor's parent.

4428 (5) Nothing in this part prohibits a local school board, charter school governing board,  
4429 or school district from taking action to resolve a truancy problem with a school-age minor who

4430 has been truant less than five times, provided that the action does not conflict with the  
4431 requirements of this part.

4432 Section 134. Section **53G-6-204**, which is renumbered from Section 53A-11-102 is  
4433 renumbered and amended to read:

4434 **~~[53A-11-102].~~ 53G-6-204. Minors exempt from school attendance.**

4435 (1) (a) A local school board or charter school governing board may excuse a school-age  
4436 minor from attendance for any of the following reasons:

4437 (i) a school-age minor over age 16 may receive a partial release from school to enter  
4438 employment, or attend a trade school, if the school-age minor has completed the eighth grade;  
4439 or

4440 (ii) on an annual basis, a school-age minor may receive a full release from attending a  
4441 public, regularly established private, or part-time school or class if:

4442 (A) the school-age minor has already completed the work required for graduation from  
4443 high school, or has demonstrated mastery of required skills and competencies in accordance  
4444 with Subsection [~~53A-15-102~~] 53F-2-501(1);

4445 (B) the school-age minor is in a physical or mental condition, certified by a competent  
4446 physician if required by the local school board or charter school governing board, which  
4447 renders attendance inexpedient and impracticable;

4448 (C) proper influences and adequate opportunities for education are provided in  
4449 connection with the school-age minor's employment; or

4450 (D) the district superintendent or charter school governing board has determined that a  
4451 school-age minor over the age of 16 is unable to profit from attendance at school because of  
4452 inability or a continuing negative attitude toward school regulations and discipline.

4453 (b) A school-age minor receiving a partial release from school under Subsection  
4454 (1)(a)(i) is required to attend:

4455 (i) school part time as prescribed by the local school board or charter school governing  
4456 board; or

4457 (ii) a home school part time.

4458 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)  
4459 must be sufficient to satisfy the local school board or charter school governing board.

4460 (d) A local school board or charter school governing board that excuses a school-age



minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor is excused from attendance during the time specified on the certificate.

(2) (a) A local school board shall excuse a school-age minor from attendance, if the school-age minor's parent files a signed and notarized affidavit with the school-age minor's school district of residence, as defined in Section [~~53A-2-201~~] [53G-6-302](#), that:

(i) the school-age minor will attend a home school; and

(ii) the parent assumes sole responsibility for the education of the school-age minor, except to the extent the school-age minor is dual enrolled in a public school as provided in Section [~~53A-11-102.5~~] [53G-6-702](#).

(b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:

(i) the school-age minor attends a home school; and

(ii) the school district where the affidavit was filed remains the school-age minor's district of residence.

(c) A parent of a school-age minor who attends a home school is solely responsible for:

(i) the selection of instructional materials and textbooks;

(ii) the time, place, and method of instruction; and

(iii) the evaluation of the home school instruction.

(d) A local school board may not:

(i) require a parent of a school-age minor who attends a home school to maintain records of instruction or attendance;

(ii) require credentials for individuals providing home school instruction;

(iii) inspect home school facilities; or

(iv) require standardized or other testing of home school students.

(e) Upon the request of a parent, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.

(f) A local school board that excuses a school-age minor from attendance as provided by this Subsection (2) shall annually issue a certificate stating that the school-age minor is excused from attendance for the specified school year.

(g) A local school board shall issue a certificate excusing a school-age minor from

4492 attendance:

4493 (i) within 30 days after receipt of a signed and notarized affidavit filed by the  
4494 school-age minor's parent pursuant to Subsection (2); and

4495 (ii) on or before August 1 each year thereafter unless:

4496 (A) the school-age minor enrolls in a school within the school district;

4497 (B) the school-age minor's parent or guardian notifies the school district that the  
4498 school-age minor no longer attends a home school; or

4499 (C) the school-age minor's parent or guardian notifies the school district that the  
4500 school-age minor's school district of residence has changed.

4501 (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a)  
4502 is exempt from the application of Subsections [~~53A-11-101.5~~] 53G-6-202(2), (5), and (6).

4503 (4) Nothing in this section may be construed to prohibit or discourage voluntary  
4504 cooperation, resource sharing, or testing opportunities between a school or school district and a  
4505 parent or guardian of a minor attending a home school.

4506 Section 135. Section **53G-6-205**, which is renumbered from Section 53A-11-101.3 is  
4507 renumbered and amended to read:

4508 ~~[53A-11-101.3].~~ **53G-6-205. Preapproval of extended absence.**

4509 In determining whether to preapprove an extended absence of a school-age minor as a  
4510 valid excuse under Subsection [~~53A-11-101~~] 53G-6-201(9)(e), a local school board, local  
4511 charter board, or school district shall approve the absence if the local school board, local  
4512 charter board, or school district determines that the extended absence will not adversely impact  
4513 the school-age minor's education.

4514 Section 136. Section **53G-6-206**, which is renumbered from Section 53A-11-103 is  
4515 renumbered and amended to read:

4516 ~~[53A-11-103].~~ **53G-6-206. Duties of a school board, local charter board, or**  
4517 **school district in resolving attendance problems -- Parental involvement -- Liability not**  
4518 **imposed.**

4519 (1) (a) Except as provided in Subsection (1)(b), a local school board, local charter  
4520 board, or school district shall make efforts to resolve the school attendance problems of each  
4521 school-age minor who is, or should be, enrolled in the school district.

4522 (b) A minor exempt from school attendance under Section [~~53A-11-102~~] 53G-6-204 or

4523 ~~[53A-11-102.5]~~ 53G-6-702 is not considered to be a minor who is or should be enrolled in a  
4524 school district or charter school under Subsection (1)(a).

4525 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:

4526 (a) counseling of the minor by school authorities;

4527 (b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in  
4528 accordance with Section ~~[53A-11-101.7]~~ 53G-6-203;

4529 (c) issuing a notice of compulsory education violation to a parent of a school-age child,  
4530 in accordance with Section ~~[53A-11-101.5]~~ 53G-6-202;

4531 (d) making any necessary adjustment to the curriculum and schedule to meet special  
4532 needs of the minor;

4533 (e) considering alternatives proposed by a parent;

4534 (f) monitoring school attendance of the minor;

4535 (g) voluntary participation in truancy mediation, if available; and

4536 (h) providing a school-age minor's parent, upon request, with a list of resources  
4537 available to assist the parent in resolving the school-age minor's attendance problems.

4538 (3) In addition to the efforts described in Subsection (2), the local school board, local  
4539 charter board, or school district may enlist the assistance of community and law enforcement  
4540 agencies as appropriate and reasonably feasible in accordance with Section ~~[53A-11-911]~~  
4541 53G-8-211.

4542 (4) This section does not impose civil liability on boards of education, local school  
4543 boards, local charter boards, school districts, or their employees.

4544 (5) Proceedings initiated under this part do not obligate or preclude action by the  
4545 Division of Child and Family Services under Section 78A-6-319.

4546 Section 137. Section **53G-6-207**, which is renumbered from Section 53A-11-104 is  
4547 renumbered and amended to read:

4548 ~~[53A-11-104].~~ **53G-6-207. Truancy specialists.**

4549 A local school board or local charter board may appoint and fix the compensation of a  
4550 truancy specialist to assist in enforcing laws related to school attendance and to perform other  
4551 duties prescribed by law or the board.

4552 Section 138. Section **53G-6-208**, which is renumbered from Section 53A-11-105 is  
4553 renumbered and amended to read:

4554            ~~[53A-11-105].~~            53G-6-208. Taking custody of a person believed to be a  
4555 truant minor -- Disposition -- Reports -- Immunity from liability.

4556            (1) A peace officer or public school administrator may take a minor into temporary  
4557 custody if there is reason to believe the minor is a truant minor.

4558            (2) An individual taking a school-age minor into custody under Subsection (1) shall,  
4559 without unnecessary delay, release the minor to:

4560            (a) the principal of the minor's school;

4561            (b) a person who has been designated by the local school board or local charter board  
4562 to receive and return the minor to school; or

4563            (c) a truancy center established under Subsection (5).

4564            (3) If the minor refuses to return to school or go to the truancy center, the officer or  
4565 administrator shall, without unnecessary delay, notify the minor's parents and release the minor  
4566 to their custody.

4567            (4) If the parents cannot be reached or are unable or unwilling to accept custody and  
4568 none of the options in Subsection (2) are available, the minor shall be referred to the Division  
4569 of Child and Family Services.

4570            (5) (a) A local school board or local charter board, singly or jointly with another school  
4571 board, may establish or designate truancy centers within existing school buildings and staff the  
4572 centers with existing teachers or staff to provide educational guidance and counseling for truant  
4573 minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and  
4574 direct the minor's parents to come to the center, pick up the minor, and return the minor to the  
4575 school in which the minor is enrolled.

4576            (b) If the parents cannot be reached or are unable or unwilling to comply with the  
4577 request within a reasonable time, the center shall take such steps as are reasonably necessary to  
4578 insure the safety and well being of the minor, including, when appropriate, returning the minor  
4579 to school or referring the minor to the Division of Child and Family Services. A minor taken  
4580 into custody under this section may not be placed in a detention center or other secure  
4581 confinement facility.

4582            (6) Action taken under this section shall be reported to the appropriate school district.  
4583 The district shall promptly notify the minor's parents of the action taken.

4584            (7) The Utah Governmental Immunity Act applies to all actions taken under this

4585 section.

4586 (8) Nothing in this section may be construed to grant authority to a public school  
4587 administrator to place a minor in the custody of the Division of Child and Family Services,  
4588 without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A,  
4589 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

4590 Section 139. Section **53G-6-209**, which is renumbered from Section 53A-11-106 is  
4591 renumbered and amended to read:

4592 **~~[53A-11-106].~~ 53G-6-209. Truancy support centers.**

4593 (1) A school district may establish one or more truancy support centers for:

4594 (a) truant minors taken into custody under Section [~~53A-11-105~~] 53G-6-208; or

4595 (b) students suspended or expelled from school.

4596 (2) A truancy support center shall provide services to the truant minor and the truant  
4597 minor's family, including:

4598 (a) assessments of the truant minor's needs and abilities;

4599 (b) support for the parents and truant minor through counseling and community  
4600 programs; and

4601 (c) tutoring for the truant minor during the time spent at the center.

4602 (3) For the suspended or expelled student, the truancy support center shall provide an  
4603 educational setting, staffed with certified teachers and aides, to provide the student with  
4604 ongoing educational programming appropriate to the student's grade level.

4605 (4) In a district with a truancy support center, all students suspended or expelled from  
4606 school shall be referred to the center. A parent or guardian shall appear with the student at the  
4607 center within 48 hours of the suspension or expulsion, not including weekends or holidays.  
4608 The student shall register and attend classes at the truancy support center for the duration of the  
4609 suspension or expulsion unless the parent or guardian demonstrates that alternative  
4610 arrangements have been made for the education or supervision of the student during the time of  
4611 suspension or expulsion.

4612 (5) The truancy support center may provide counseling and other support programming  
4613 for students suspended or expelled from school and their parents or guardian.

4614 Section 140. Section **53G-6-301** is enacted to read:

4615 **Part 3. School District Residency**

**53G-6-301. Definitions.**Reserved

Section 141. Section **53G-6-302**, which is renumbered from Section 53A-2-201 is renumbered and amended to read:

**[53A-2-201]. 53G-6-302. Child's school district of residence --****Determination -- Responsibility for providing educational services.**

(1) As used in this section:

(a) "Health care facility" means the same as that term is defined in Section [26-21-2](#).

(b) "Human services program" means the same as that term is defined in Section [62A-2-101](#).

(2) The school district of residence of a minor child whose custodial parent or legal guardian resides within Utah is:

(a) the school district in which the custodial parent or legal guardian resides; or

(b) the school district in which the child resides:

(i) while in the custody or under the supervision of a Utah state agency;

(ii) while under the supervision of a private or public agency which is in compliance with Section [62A-4a-606](#) and is authorized to provide child placement services by the state;

(iii) while living with a responsible adult resident of the district, if a determination has been made in accordance with rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;

(B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section [\[53A-2-207\]](#) [53G-6-402](#); and

(C) considering the child to be a resident of the district under this Subsection (2)(b)(iii) does not violate any other law or rule of the State Board of Education;

(iv) while the child is receiving services from a health care facility or human services program, if a determination has been made in accordance with rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

(A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;

4647 (B) exigent circumstances exist that do not permit the case to be appropriately  
4648 addressed under Section [~~53A-2-207~~] [53G-6-402](#); and

4649 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)  
4650 does not violate any other law or rule of the State Board of Education; or

4651 (v) if the child is married or has been determined to be an emancipated minor by a  
4652 court of law or by a state administrative agency authorized to make that determination.

4653 (3) A minor child whose custodial parent or legal guardian does not reside in the state  
4654 is considered to be a resident of the district in which the child lives, unless that designation  
4655 violates any other law or rule of the State Board of Education, if:

4656 (a) the child is married or an emancipated minor under Subsection (2)(b)(v);

4657 (b) the child lives with a resident of the district who is a responsible adult and whom  
4658 the district agrees to designate as the child's legal guardian under Section [~~53A-2-202~~]  
4659 [53G-6-303](#); or

4660 (c) if permissible under policies adopted by a local school board, it is established to the  
4661 satisfaction of the local school board that:

4662 (i) the child lives with a responsible adult who is a resident of the district and is the  
4663 child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

4664 (ii) the child's presence in the district is not for the primary purpose of attending the  
4665 public schools;

4666 (iii) the child's physical, mental, moral, or emotional health will best be served by  
4667 considering the child to be a resident for school purposes; and

4668 (iv) the child is prepared to abide by the rules and policies of the school and school  
4669 district in which attendance is sought.

4670 (4) (a) If admission is sought under Subsection (2)(b)(iii), or (3)(c), then the district  
4671 may require the person with whom the child lives to be designated as the child's custodian in a  
4672 durable power of attorney, issued by the party who has legal custody of the child, granting the  
4673 custodian full authority to take any appropriate action, including authorization for educational  
4674 or medical services, in the interests of the child.

4675 (b) Both the party granting and the party empowered by the power of attorney shall  
4676 agree to:

4677 (i) assume responsibility for any fees or other charges relating to the child's education

in the district; and

(ii) if eligibility for fee waivers is claimed under Section ~~[53A-12-103]~~ 53G-7-504, provide the school district with all financial information requested by the district for purposes of determining eligibility for fee waivers.

(c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of this section and accepted by the school district shall remain in force until the earliest of the following occurs:

(i) the child reaches the age of 18, marries, or becomes emancipated;

(ii) the expiration date stated in the document; or

(iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee, or by order of a court of competent jurisdiction.

(5) A power of attorney does not confer legal guardianship.

(6) Each school district is responsible for providing educational services for all children of school age who are residents of the district.

Section 142. Section **53G-6-303**, which is renumbered from Section 53A-2-202 is renumbered and amended to read:

~~[53A-2-202].~~        **53G-6-303. Guardianship for residency purposes by responsible adult -- Procedure to obtain -- Termination.**

(1) For purposes of this part, "responsible adult" means a person 21 years of age or older who is a resident of this state and is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for a minor child.

(2) A local board of education may adopt a policy permitting it to designate a responsible adult residing in the school district as legal guardian of a child whose custodial parent or legal guardian does not reside within the state upon compliance with the following requirements:

(a) submission to the school district of a signed and notarized affidavit by the child's custodial parent or legal guardian stating that:

(i) the child's presence in the district is not for the primary purpose of attending the public schools;

(ii) the child's physical, mental, moral, or emotional health would best be served by a transfer of guardianship to the Utah resident;



4709 (iii) the affiant is aware that designation of a guardian under this section is equivalent  
4710 to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any  
4711 existing parental or guardianship rights in the same manner as would occur under a  
4712 court-ordered guardianship;

4713 (iv) the affiant consents and submits to any such suspension or termination of parental  
4714 or guardianship rights;

4715 (v) the affiant consents and submits to the jurisdiction of the state district court in  
4716 which the school district is located in any action relating to the guardianship or custody of the  
4717 child in question;

4718 (vi) the affiant designates a named responsible adult as agent, authorized to accept  
4719 service on behalf of the affiant of any process, notice, or demand required or permitted to be  
4720 served in connection with any action under Subsection (2)(a)(v); and

4721 (vii) it is the affiant's intent that the child become a permanent resident of the state and  
4722 reside with and be under the supervision of the named responsible adult;

4723 (b) submission to the school district of a signed and notarized affidavit by the  
4724 responsible adult stating that:

4725 (i) the affiant is a resident of the school district and desires to become the guardian of  
4726 the child;

4727 (ii) the affiant consents and submits to the jurisdiction of the state district court in  
4728 which the school district is located in any action relating to the guardianship or custody of the  
4729 child in question;

4730 (iii) the affiant will accept the responsibilities of guardianship for the duration,  
4731 including the responsibility to provide adequate supervision, discipline, food, shelter,  
4732 educational and emotional support, and medical care for the child if designated as the child's  
4733 guardian; and

4734 (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);

4735 (c) submission to the school district of a signed and notarized affidavit by the child  
4736 stating that:

4737 (i) the child desires to become a permanent resident of Utah and reside with and be  
4738 responsible to the named responsible adult; and

4739 (ii) the child will abide by all applicable rules of any public school which the child may

4740 attend after guardianship is awarded; and

4741 (d) if the child's custodial parent or legal guardian cannot be found in order to execute  
4742 the statement required under Subsection (2)(a), the responsible adult must submit an affidavit  
4743 to that effect to the district. The district shall also submit a copy of the statement to the  
4744 Criminal Investigations and Technical Services Division of the Department of Public Safety,  
4745 established in Section [53-10-103](#).

4746 (3) The district may require the responsible adult, in addition to the documents set forth  
4747 in Subsection (2), to also submit any other documents which are relevant to the appointment of  
4748 a guardian of a minor or which the district reasonably believes to be necessary in connection  
4749 with a given application to substantiate any claim or assertion made in connection with the  
4750 application for guardianship.

4751 (4) Upon receipt of the information and documentation required under Subsections (2)  
4752 and (3), and a determination by the board that the information is accurate, that the requirements  
4753 of this section have been met, and that the interests of the child would best be served by  
4754 granting the requested guardianship, the school board or its authorized representative may  
4755 designate the applicant as guardian of the child by issuing a designation of guardianship letter  
4756 to the applicant.

4757 (5) (a) If a local school board has adopted a policy permitting the board to designate a  
4758 guardian under this section, a denial of an application for appointment of a guardian may be  
4759 appealed to the district court in which the school district is located.

4760 (b) The court shall uphold the decision of the board unless it finds, by clear and  
4761 convincing evidence, that the board's decision was arbitrary and capricious.

4762 (c) An applicant may, rather than appealing the board's decision under Subsection  
4763 (5)(b), file an original Petition for Appointment of Guardian with the district court, which  
4764 action shall proceed as if no decision had been made by the school board.

4765 (6) A responsible adult obtaining guardianship under this section has the same rights,  
4766 authority, and responsibilities as a guardian appointed under Section [75-5-201](#).

4767 (7) (a) The school district shall deliver the original documents filed with the school  
4768 district, together with a copy of the designation of guardianship issued by the district, in person  
4769 or by any form of mail requiring a signed receipt, to the clerk of the state district court in which  
4770 the school district is located.

4771 (b) The court may not charge the school district a fee for filing guardianship papers  
4772 under this section.

4773 (8) (a) The authority and responsibility of a custodial parent or legal guardian  
4774 submitting an affidavit under this section may be restored by the district, and the guardianship  
4775 obtained under this section terminated by the district:

4776 (i) upon submission to the school district in which the guardianship was obtained of a  
4777 signed and notarized statement by the person who consented to guardianship under Subsection  
4778 (2)(a) requesting termination of the guardianship; or

4779 (ii) by the person accepting guardianship under Subsection (2)(b) requesting the  
4780 termination of the guardianship.

4781 (b) If the school district determines that it would not be in the best interests of the child  
4782 to terminate the guardianship, the district may refer the request for termination to the state  
4783 district court in which the documents were filed under Subsection (5) for further action  
4784 consistent with the interests of the child.

4785 (9) The school district shall retain copies of all documents required by this section  
4786 until the child in question has reached the age of 18 unless directed to surrender the documents  
4787 by a court of competent jurisdiction.

4788 (10) (a) Intentional submission to a school district of fraudulent or misleading  
4789 information under this part is punishable under Section 76-8-504.

4790 (b) A school district which has reason to believe that a party has intentionally  
4791 submitted false or misleading information under this part may, after notice and opportunity for  
4792 the party to respond to the allegation:

4793 (i) void any guardianship, authorization, or action which was based upon the false or  
4794 misleading information; and

4795 (ii) recover, from the party submitting the information, the full cost of any benefits  
4796 received by the child on the basis of the false or misleading information, including tuition, fees,  
4797 and other unpaid school charges, together with any related costs of recovery.

4798 (c) A student whose guardianship or enrollment has been terminated under this section  
4799 may, upon payment of all applicable tuition and fees, continue in enrollment until the end of  
4800 the school year unless excluded from attendance for cause.

4801 Section 143. Section 53G-6-304, which is renumbered from Section 53A-2-203.5 is

4802 renumbered and amended to read:

4803 ~~[53A-2-203.5].~~ **53G-6-304. Recognition of guardianship.**

4804 (1) A document issued by other than a court of law which purports to award  
4805 guardianship to a person who is not a legal resident of the jurisdiction in which the  
4806 guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah  
4807 court.

4808 (2) The procedure for obtaining approval under Subsection (1) is the procedure  
4809 required under Title 75, Chapter 5, Part 2, Guardians of Minors, for obtaining a court  
4810 appointment of a guardian.

4811 Section 144. Section **53G-6-305**, which is renumbered from Section 53A-2-204 is  
4812 renumbered and amended to read:

4813 ~~[53A-2-204].~~ **53G-6-305. District paying tuition -- Effect on state aid.**

4814 (1) A local school board may by written agreement pay the tuition of a child attending  
4815 school in a district outside the state. Both districts shall approve the agreement and file it with  
4816 the State Board of Education.

4817 (2) The average daily membership of the child may be added to that of other eligible  
4818 children attending schools within the district of residence for the purpose of apportionment of  
4819 state funds.

4820 (3) (a) The district of residence shall bear any excess tuition costs over the state's  
4821 contribution for attendance in the district of residence unless otherwise approved in advance by  
4822 the State Board of Education.

4823 (b) (i) If a child who resides in a Utah school district's boundaries attends school in a  
4824 neighboring state under this section, the State Board of Education may make an out-of-state  
4825 tuition payment to the Utah school district of residence.

4826 (ii) If the State Board of Education approves the use of state funds for an out-of-state  
4827 tuition payment described in Subsection (3)(b)(i), the State Board of Education shall use funds  
4828 appropriated by the Legislature for necessarily existent small schools as described in Section  
4829 ~~[53A-17a-109]~~ **53F-2-304.**

4830 Section 145. Section **53G-6-306**, which is renumbered from Section 53A-2-205 is  
4831 renumbered and amended to read:

4832 ~~[53A-2-205].~~ **53G-6-306. Permitting attendance by nonresident of the state**

**-- Tuition.**

(1) A local school board may permit a child residing outside the state to attend school within the district. With the exception of a child enrolled under Section ~~[53A-2-206]~~ 53G-6-707, the child is not included for the purpose of apportionment of state funds.

(2) The board shall charge the nonresident child tuition at least equal to the per capita cost of the school program in which the child enrolls unless the board, in open meeting, determines to waive the charge for that child in whole or in part. The official minutes of the meeting shall reflect the determination.

Section 146. Section **53G-6-401**, which is renumbered from Section 53A-2-206.5 is renumbered and amended to read:

**Part 4. School District Enrollment**

~~[53A-2-206.5].~~ **53G-6-401. Definitions.**

As used in Sections ~~[53A-2-207]~~ 53G-6-402 through ~~[53A-2-213]~~ 53G-6-407:

(1) "Early enrollment" means:

(a) except as provided in Subsection (1)(b), application prior to the third Friday in February for admission for the next school year to a school that is not a student's school of residence; and

(b) application prior to November 1 for admission for the next school year to a school that is not a student's school of residence if:

(i) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and

(ii) the grade reconfiguration described in Subsection (1)(b) will be implemented in the next school year.

(2) (a) "Early enrollment school capacity" or "maximum capacity" means the total number of students who could be served in a school building if each of the building's instructional stations were to have the enrollment specified in Subsection (2)(b).

(b) (i) Except as provided in Subsection (2)(b)(ii):

(A) for an elementary school, an instructional station shall have an enrollment at least equal to the school district's average class size for the corresponding grade; and

(B) for a middle, junior, or senior high school, an instructional station shall have an enrollment at least equal to the district's average class size for similar classes.

4864 (ii) (A) A local school board shall determine the instructional station capacity for  
4865 laboratories, physical education facilities, shops, study halls, self-contained special education  
4866 classrooms, facilities jointly financed by the school district and another community agency for  
4867 joint use, and similar rooms.

4868 (B) Capacity for self-contained special education classrooms shall be based upon  
4869 students per class as defined by State Board of Education and federal special education  
4870 standards.

4871 (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or  
4872 physical education facility to which a local board of education could reasonably assign a class,  
4873 teacher, or program during a given class period.

4874 (b) More than one instructional station may be assigned to a classroom, laboratory,  
4875 shop, study hall, or physical education facility during a class period.

4876 (4) "Late enrollment" means application:

4877 (a) after the third Friday in February for admission for the next school year to a school  
4878 that is not the student's school of residence; or

4879 (b) for admission for the current year to a school that is not the student's school of  
4880 residence.

4881 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number  
4882 of students who could be served in a school if each teacher were to have the class size specified  
4883 in Subsection (5)(b).

4884 (b) (i) An elementary school teacher shall have a class size at least equal to the district's  
4885 average class size for the corresponding grade.

4886 (ii) A middle, junior, or senior high school teacher shall have a class size at least equal  
4887 to the district's average class size for similar classes.

4888 (6) "Nonresident student" means a student who lives outside the boundaries of the  
4889 school attendance area.

4890 (7) "Open enrollment threshold" means:

4891 (a) for early enrollment, a projected school enrollment level that is the greater of:

4892 (i) 90% of the maximum capacity; or

4893 (ii) maximum capacity minus 40 students; and

4894 (b) for late enrollment, actual school enrollment that is the greater of:

4895 (i) 90% of adjusted capacity; or  
4896 (ii) adjusted capacity minus 40 students.  
4897 (8) "Projected school enrollment" means the current year enrollment of a school as of  
4898 October 1, adjusted for projected growth for the next school year.

4899 (9) "School attendance area" means an area established by a local school board from  
4900 which students are assigned to attend a certain school.

4901 (10) "School of residence" means the school to which a student is assigned to attend  
4902 based on the student's place of residence.

4903 Section 147. Section **53G-6-402**, which is renumbered from Section 53A-2-207 is  
4904 renumbered and amended to read:

4905 **[53A-2-207]. 53G-6-402. Open enrollment options -- Procedures --**  
4906 **Processing fee -- Continuing enrollment.**

4907 (1) Each local school board is responsible for providing educational services consistent  
4908 with Utah state law and rules of the State Board of Education for each student who resides in  
4909 the district and, as provided in this section through Section [~~53A-2-213~~] 53G-6-407 and to the  
4910 extent reasonably feasible, for any student who resides in another district in the state and  
4911 desires to attend a school in the district.

4912 (2) (a) A school is open for enrollment of nonresident students if the enrollment level  
4913 is at or below the open enrollment threshold.

4914 (b) If a school's enrollment falls below the open enrollment threshold, the local school  
4915 board shall allow a nonresident student to enroll in the school.

4916 (3) A local school board may allow enrollment of nonresident students in a school that  
4917 is operating above the open enrollment threshold.

4918 (4) (a) A local school board shall adopt policies describing procedures for nonresident  
4919 students to follow in applying for entry into the district's schools.

4920 (b) Those procedures shall provide, as a minimum, for:

4921 (i) distribution to interested parties of information about the school or school district  
4922 and how to apply for admission;

4923 (ii) use of standard application forms prescribed by the State Board of Education;

4924 (iii) (A) submission of applications from December 1 through the third Friday in  
4925 February by those seeking admission during the early enrollment period for the following year;

4926 or

4927 (B) submission of applications from August 1 through November 1 by those seeking  
4928 admission during the early enrollment period for the following year in a school district  
4929 described in Subsection [~~53A-2-206.5~~] 53G-6-401(1)(b);

4930 (iv) submission of applications by those seeking admission during the late enrollment  
4931 period;

4932 (v) written notification to the student's parent or legal guardian of acceptance or  
4933 rejection of an application:

4934 (A) within six weeks after receipt of the application by the district or by March 31,  
4935 whichever is later, for applications submitted during the early enrollment period;

4936 (B) within two weeks after receipt of the application by the district or by the Friday  
4937 before the new school year begins, whichever is later, for applications submitted during the late  
4938 enrollment period for admission in the next school year; and

4939 (C) within two weeks after receipt of the application by the district, for applications  
4940 submitted during the late enrollment period for admission in the current year;

4941 (vi) written notification to the resident school for intradistrict transfers or the resident  
4942 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

4943 (vii) written notification to the parents or legal guardians of each student that resides  
4944 within the school district and other interested parties of the revised early enrollment period  
4945 described in Subsection [~~53A-2-206.5~~] 53G-6-401(1)(b) if:

4946 (A) the school district is doing a district wide grade reconfiguration of its elementary,  
4947 middle, junior, and senior high schools; and

4948 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be  
4949 implemented in the next school year.

4950 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting  
4951 applications and notifying parents of acceptance or rejection of an application, a local school  
4952 board may delay the dates if a local school board is not able to make a reasonably accurate  
4953 projection of the early enrollment school capacity or late enrollment school capacity of a school  
4954 due to:

4955 (A) school construction or remodeling;

4956 (B) drawing or revision of school boundaries; or



- 4957 (C) other circumstances beyond the control of the local school board.
- 4958 (ii) The delay may extend no later than four weeks beyond the date the local school  
4959 board is able to make a reasonably accurate projection of the early enrollment school capacity  
4960 or late enrollment school capacity of a school.
- 4961 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of  
4962 application.
- 4963 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,  
4964 subject to the same rules and standards as resident students, without renewed applications in  
4965 subsequent years unless one of the following occurs:
- 4966 (a) the student graduates;
- 4967 (b) the student is no longer a Utah resident;
- 4968 (c) the student is suspended or expelled from school; or
- 4969 (d) the district determines that enrollment within the school will exceed the school's  
4970 open enrollment threshold.
- 4971 (7) (a) Determination of which nonresident students will be excluded from continued  
4972 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in  
4973 the school, with those most recently enrolled being excluded first and the use of a lottery  
4974 system when multiple nonresident students have the same number of school days in the school.
- 4975 (b) Nonresident students who will not be permitted to continue their enrollment shall  
4976 be notified no later than March 15 of the current school year.
- 4977 (8) The parent or guardian of a student enrolled in a school that is not the student's  
4978 school of residence may withdraw the student from that school for enrollment in another public  
4979 school by submitting notice of intent to enroll the student in:
- 4980 (a) the district of residence; or
- 4981 (b) another nonresident district.
- 4982 (9) Unless provisions have previously been made for enrollment in another school, a  
4983 nonresident district releasing a student from enrollment shall immediately notify the district of  
4984 residence, which shall enroll the student in the resident district and take such additional steps  
4985 as may be necessary to ensure compliance with laws governing school attendance.
- 4986 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between  
4987 schools, whether effective on the first day of the school year or after the school year has begun,

by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.

(b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.

(c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.

(11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:

(a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and

(b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.

(12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Section 675.

Section 148. Section **53G-6-403**, which is renumbered from Section 53A-2-208 is renumbered and amended to read:

**~~[53A-2-208].~~        53G-6-403. Rules for acceptance and rejection of applications.**

(1) (a) A local school board shall adopt rules governing acceptance and rejection of applications required under Section ~~[53A-2-207]~~ 53G-6-402.

(b) The rules adopted under Subsection (1)(a) shall include policies and procedures to assure that decisions regarding enrollment requests are administered fairly without prejudice to any student or class of student, except as provided in Subsection (2).

(2) Standards for accepting or rejecting an application for enrollment may include:

(a) for an elementary school, the capacity of the grade level;

(b) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;

5019 (c) not offering, or having capacity in, an elementary or secondary special education or  
5020 other special program the student requires;

5021 (d) maintenance of reduced class sizes:

5022 (i) in a Title I school that uses federal, state, and local money to reduce class sizes for  
5023 the purpose of improving student achievement; or

5024 (ii) in a school that uses school trust money to reduce class size;

5025 (e) willingness of prospective students to comply with district policies; and

5026 (f) giving priority to intradistrict transfers over interdistrict transfers.

5027 (3) (a) Standards for accepting or rejecting applications for enrollment may not  
5028 include:

5029 (i) previous academic achievement;

5030 (ii) athletic or other extracurricular ability;

5031 (iii) the fact that the student requires special education services for which space is  
5032 available;

5033 (iv) proficiency in the English language; or

5034 (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).

5035 (b) A board may provide for the denial of applications from students who:

5036 (i) have committed serious infractions of the law or school rules, including rules of the  
5037 district in which enrollment is sought; or

5038 (ii) have been guilty of chronic misbehavior which would, if it were to continue after  
5039 the student was admitted:

5040 (A) endanger persons or property;

5041 (B) cause serious disruptions in the school; or

5042 (C) place unreasonable burdens on school staff.

5043 (c) A board may also provide for provisional enrollment of students with prior  
5044 behavior problems, establishing conditions under which enrollment of a nonresident student  
5045 would be permitted or continued.

5046 (4) (a) The State Board of Education, in consultation with the Utah High School  
5047 Activities Association, shall establish policies regarding nonresident student participation in  
5048 interscholastic competition.

5049 (b) Nonresident students shall be eligible for extracurricular activities at a public

school consistent with eligibility standards as applied to students that reside within the school attendance area, except as provided by policies established under Subsection (4)(a).

(5) For each school in the district, the local school board shall post on the school district's website:

- (a) the school's maximum capacity;
- (b) the school's adjusted capacity;
- (c) the school's projected enrollment used in the calculation of the open enrollment threshold;
- (d) actual enrollment on October 1, January 2, and April 1;
- (e) the number of nonresident student enrollment requests;
- (f) the number of nonresident student enrollment requests accepted; and
- (g) the number of resident students transferring to another school.

Section 149. Section **53G-6-404**, which is renumbered from Section 53A-2-209 is renumbered and amended to read:

**[53A-2-209].            53G-6-404. Denial of enrollment -- Appeal.**

(1) Denial of initial or continuing enrollment in a nonresident school may be appealed to the board of education of the nonresident district.

(2) The decision of the board shall be upheld in any subsequent proceedings unless the board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Section 150. Section **53G-6-405**, which is renumbered from Section 53A-2-210 is renumbered and amended to read:

**[53A-2-210].            53G-6-405. Funding.**

(1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.

(2) The State Board of Education shall adopt rules providing that:

(a) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and

(b) if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage

5081 of school days the student is enrolled in the nonresident district.

5082 (3) (a) Except as provided in this Subsection (3), the parent or guardian of a  
5083 nonresident student shall arrange for the student's own transportation to and from school.

5084 (b) The State Board of Education may adopt rules under which nonresident students  
5085 may be transported to their schools of attendance if:

5086 (i) the transportation of students to schools in other districts would relieve  
5087 overcrowding or other serious problems in the district of residence and the costs of  
5088 transportation are not excessive; or

5089 (ii) the Legislature has granted an adequate specific appropriation for that purpose.

5090 (c) A receiving district shall provide transportation for a nonresident student on the  
5091 basis of available space on an approved route within the district to the school of attendance if  
5092 district students would be eligible for transportation to the same school from that point on the  
5093 bus route and the student's presence does not increase the cost of the bus route.

5094 (d) Nothing in this section shall be construed as prohibiting the resident district or the  
5095 receiving district from providing bus transportation on any approved route.

5096 (e) Except as provided in Subsection (3)(b), the district of residence may not claim any  
5097 state transportation costs for students enrolled in other school districts.

5098 Section 151. Section **53G-6-406**, which is renumbered from Section 53A-2-211 is  
5099 renumbered and amended to read:

5100 ~~[53A-2-211].~~ **53G-6-406. Graduation credits.**

5101 (1) A nonresident district shall accept credits toward graduation that were awarded by a  
5102 school accredited or approved by the State Board of Education or a regional accrediting body  
5103 recognized by the U.S. Department of Education.

5104 (2) A nonresident district shall award a diploma to a nonresident student attending  
5105 school within the district during the semester immediately preceding graduation if the student  
5106 meets graduation requirements generally applicable to students in the school.

5107 (3) A district may not require that a student attend school within the district for more  
5108 than one semester prior to graduation in order to receive a diploma.

5109 Section 152. Section **53G-6-407**, which is renumbered from Section 53A-2-213 is  
5110 renumbered and amended to read:

5111 ~~[53A-2-213].~~ **53G-6-407. Intradistrict transfers for students impacted by**

**boundary changes -- Transportation of students who transfer within a district.**

(1) (a) In adjusting school boundaries, a local school board shall strive to avoid requiring current students to change schools and shall, to the extent reasonably feasible, accommodate parents who wish to avoid having their children attend different schools of the same level because of boundary changes which occur after one or more children in the family begin attending one of the affected schools.

(b) In granting interdistrict and intradistrict transfers to a particular school, the local school board shall take into consideration the fact that an applicant's brother or sister is attending the school or another school within the district.

(2) (a) A district shall receive transportation money under Sections ~~[53A-17a-126]~~ [53F-2-402](#) and ~~[53A-17a-127]~~ [53F-2-403](#) for resident students who enroll in schools other than the regularly assigned school on the basis of the distance from the student's residence to the school the student would have attended had the intradistrict attendance option not been used.

(b) The parent or guardian of the student shall arrange for the student's transportation to and from school, except that the district shall provide transportation on the basis of available space on an approved route within the district to the school of the student's attendance if the student would be otherwise eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Section 153. Section **53G-6-501** is enacted to read:

**Part 5. Charter School Enrollment****53G-6-501. Definitions.**

As used in this part:

(1) "Asset" means the same as that term is defined in Section [53G-5-102](#).

(2) "Board of trustees of a higher education institution" or "board of trustees" means the same as that term is defined in Section [53G-5-102](#).

(3) "Charter agreement" or "charter" means the same as that term is defined in Section [53G-5-102](#).

(4) "Charter school authorizer" or "authorizer" means the same as that term is defined in Section [53G-5-102](#).

(5) "Governing board" means the same as that term is defined in Section [53G-5-102](#).

Section 154. Section **53G-6-502**, which is renumbered from Section 53A-1a-506 is

5143 renumbered and amended to read:

5144 ~~[53A-1a-506].~~ **53G-6-502. Eligible students.**

5145 (1) As used in this section:

5146 (a) "At capacity" means operating above the school's open enrollment threshold.

5147 (b) "District school" means a public school under the control of a local school board  
5148 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School  
5149 Boards.

5150 (c) "Open enrollment threshold" means the same as that term is defined in Section

5151 ~~[53A-2-206.5]~~ 53G-6-401.

5152 (d) "Refugee" means a person who is eligible to receive benefits and services from the  
5153 federal Office of Refugee Resettlement.

5154 (e) "School of residence" means the same as that term is defined in Section

5155 ~~[53A-2-206.5]~~ 53G-6-401.

5156 (2) All resident students of the state qualify for admission to a charter school, subject  
5157 to the limitations set forth in this section and Section ~~[53A-1a-506.5]~~ 53G-6-503.

5158 (3) (a) A charter school shall enroll an eligible student who submits a timely  
5159 application, unless the number of applications exceeds the capacity of a program, class, grade  
5160 level, or the charter school.

5161 (b) If the number of applications exceeds the capacity of a program, class, grade level,  
5162 or the charter school, the charter school shall select students on a random basis, except as  
5163 provided in Subsections (4) through (8).

5164 (4) A charter school may give an enrollment preference to:

5165 (a) a child or grandchild of an individual who has actively participated in the  
5166 development of the charter school;

5167 (b) a child or grandchild of a member of the charter school governing board;

5168 (c) a sibling of an individual who was previously or is presently enrolled in the charter  
5169 school;

5170 (d) a child of an employee of the charter school;

5171 (e) a student articulating between charter schools offering similar programs that are  
5172 governed by the same charter school governing board;

5173 (f) a student articulating from one charter school to another pursuant to an articulation

5174 agreement between the charter schools that is approved by the State Charter School Board; or  
5175 (g) a student who resides within a two-mile radius of the charter school and whose  
5176 school of residence is at capacity.

5177 (5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g),  
5178 a charter school that is approved by the State Board of Education after May 13, 2014, and is  
5179 located in a high growth area as defined in Section [~~53A-1a-502.5~~] 53G-6-504 shall give an  
5180 enrollment preference to a student who resides within a two-mile radius of the charter school.

5181 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not  
5182 apply to a charter school that was approved without a high priority status pursuant to  
5183 Subsection [~~53A-1a-502.5~~] 53G-6-504(7)(b).

5184 (6) If a district school converts to charter status, the charter school shall give an  
5185 enrollment preference to students who would have otherwise attended it as a district school.

5186 (7) (a) A charter school whose mission is to enhance learning opportunities for  
5187 refugees or children of refugee families may give an enrollment preference to refugees or  
5188 children of refugee families.

5189 (b) A charter school whose mission is to enhance learning opportunities for English  
5190 language learners may give an enrollment preference to English language learners.

5191 (8) A charter school may weight the charter school's lottery to give a slightly better  
5192 chance of admission to educationally disadvantaged students, including:

- 5193 (a) low-income students;
- 5194 (b) students with disabilities;
- 5195 (c) English language learners;
- 5196 (d) migrant students;
- 5197 (e) neglected or delinquent students; and
- 5198 (f) homeless students.

5199 (9) A charter school may not discriminate in the charter school's admission policies or  
5200 practices on the same basis as other public schools may not discriminate in admission policies  
5201 and practices.

5202 Section 155. Section **53G-6-503**, which is renumbered from Section 53A-1a-506.5 is  
5203 renumbered and amended to read:

5204 [~~53A-1a-506.5~~]. **53G-6-503. Charter school students -- Admissions**



5205 **procedures -- Transfers.**

5206 (1) As used in this section:

5207 (a) "District school" means a public school under the control of a local school board  
5208 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School  
5209 Boards.5210 (b) "Nonresident school district" means a school district other than a student's school  
5211 district of residence.5212 (c) "School district of residence" means a student's school district of residence as  
5213 determined under Section [~~53A-2-201~~] [53G-6-302](#).5214 (d) "School of residence" means the school to which a student is assigned to attend  
5215 based on the student's place of residence.5216 (2) (a) The State School Board, in consultation with the State Charter School Board,  
5217 shall make rules describing procedures for students to follow in applying for entry into, or  
5218 exiting, a charter school.

5219 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

5220 (i) posting on a charter school's Internet website, beginning no later than 60 days before  
5221 the school's initial period of applications:

5222 (A) procedures for applying for admission to the charter school;

5223 (B) the school's opening date, if the school has not yet opened, or the school calendar;  
5224 and5225 (C) information on how a student may transfer from a charter school to another charter  
5226 school or a district school;

5227 (ii) written notification to a student's parent or legal guardian of an offer of admission;

5228 (iii) written acceptance of an offer of admission by a student's parent or legal guardian;

5229 (iv) written notification to a student's current charter school or school district of  
5230 residence upon acceptance of the student for enrollment in a charter school; and

5231 (v) the admission of students at:

5232 (A) any time to protect the health or safety of a student; or

5233 (B) times other than those permitted under standard policies if there are other  
5234 conditions of special need that warrant consideration.

5235 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is

enrolled in a charter school or who has accepted an offer of admission to a charter school from duplicating enrollment for the student in another charter school or a school district without following the withdrawal procedures described in Subsection (3).

(3) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in another charter school or a school district by submitting to the charter school:

(a) on or before June 30, a notice of intent to enroll the student in the student's school of residence for the following school year;

(b) after June 30, a letter of acceptance for enrollment in the student's school district of residence for the following year;

(c) a letter of acceptance for enrollment in the student's school district of residence in the current school year;

(d) a letter of acceptance for enrollment in a nonresident school district; or

(e) a letter of acceptance for enrollment in a charter school.

(4) (a) A charter school shall report to a school district, by the last business day of each month the aggregate number of new students, sorted by their school of residence and grade level, who have accepted enrollment in the charter school for the following school year.

(b) A school district shall report to a charter school, by the last business day of each month, the aggregate number of students enrolled in the charter school who have accepted enrollment in the school district in the following school year, sorted by grade level.

(5) When a vacancy occurs because a student has withdrawn from a charter school, the charter school may immediately enroll a new student from its list of applicants.

(6) Unless provisions have previously been made for enrollment in another school, a charter school releasing a student from enrollment during a school year shall immediately notify the school district of residence, which shall enroll the student in the school district of residence and take additional steps as may be necessary to ensure compliance with laws governing school attendance.

(7) (a) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in the student's school of residence in the following school year if an application of admission is submitted to the school district of residence by June 30.

5267 (b) If the parent of a student enrolled in a charter school submits an application of  
5268 admission to the student's school district of residence after June 30 for the student's enrollment  
5269 in the school district of residence in the following school year, or an application of admission is  
5270 submitted for enrollment during the current school year, the student may enroll in a school of  
5271 the school district of residence that has adequate capacity in:

5272 (i) the student's grade level, if the student is an elementary school student; or  
5273 (ii) the core classes that the student needs to take, if the student is a secondary school  
5274 student.

5275 (c) State Board of Education rules made under Subsection (2)(a) shall specify how  
5276 adequate capacity in a grade level or core classes is determined for the purposes of Subsection  
5277 (7)(b).

5278 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time  
5279 to protect the health and safety of the student.

5280 (9) A school district or charter school may charge secondary students a one-time \$5  
5281 processing fee, to be paid at the time of application.

5282 Section 156. Section **53G-6-504**, which is renumbered from Section 53A-1a-502.5 is  
5283 renumbered and amended to read:

5284 **~~[53A-1a-502.5].~~ 53G-6-504. Approval of increase in charter school**  
5285 **enrollment capacity -- Expansion.**

5286 (1) For the purposes of this section:

5287 (a) "High growth area" means an area of the state where school enrollment is  
5288 significantly increasing or projected to significantly increase.

5289 (b) "Next school year" means the school year that begins on or after the July 1  
5290 immediately following the end of a general session of the Legislature.

5291 (2) The State Board of Education may approve an increase in charter school enrollment  
5292 capacity subject to the Legislature:

5293 (a) appropriating funds for an increase in charter school enrollment capacity in the next  
5294 school year; or

5295 (b) authorizing an increase in charter school enrollment capacity in the school year  
5296 immediately following the next school year.

5297 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment

capacity, the Legislature shall provide a separate appropriation or authorization of enrollment capacity for a charter school proposed and approved in response to a request for applications issued under Section ~~[53A-1a-501.9]~~ 53G-5-301.

(4) (a) A charter school may annually submit a request to the State Board of Education for an increase in enrollment capacity in the amount of .25 times the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program.

(b) A charter school shall submit a request for an increase in enrollment capacity pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase in enrollment capacity is requested.

(c) The State Board of Education shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under ~~[Section 53A-1a-513]~~ Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.

(d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a permanent increase in the charter school's enrollment capacity.

(5) (a) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall, after considering suggestions from charter school authorizers, make rules establishing requirements, procedures, and deadlines for an expansion of a charter school.

(b) The rules described in Subsection (5)(a) shall include rules related to:

(i) an expansion of a charter school when another charter school issues a notice of closure; and

(ii) the establishment of a satellite campus.

(6) (a) If the Legislature does not appropriate funds for an increase in charter school enrollment capacity that is tentatively approved by the State Board of Education, the State Board of Education shall prioritize the tentatively approved schools and expansions based on approved funds.

(b) A charter school or expansion that is tentatively approved, but not funded, shall be considered to be tentatively approved for the next application year and receive priority status

5329 for available funding.

5330 (7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in  
5331 charter school enrollment capacity for new charter schools and expanding charter schools, the  
5332 State Board of Education shall give:

5333 (i) high priority to approving a new charter school or a charter school expansion in a  
5334 high growth area; and

5335 (ii) low priority to approving a new charter school or a charter school expansion in an  
5336 area where student enrollment is stable or declining.

5337 (b) An applicant seeking to establish a charter school in a high growth area may elect  
5338 to not receive high priority status as provided in Subsection (7)(a)(i).

5339 Section 157. Section **53G-6-601**, which is renumbered from Section 53A-11-501 is  
5340 renumbered and amended to read:

5341 **Part 6. Preventing Enrollment or Transfer of Missing Children**

5342 **[53A-11-501]. 53G-6-601. Definitions.**

5343 As used in this [chapter] part:

5344 (1) "Division" means the Criminal Investigations and Technical Services Division of  
5345 the Department of Public Safety, established in Section [53-10-103](#).

5346 (2) "Missing child" has the same meaning as provided in Section [26-2-27](#).

5347 (3) "State registrar" means the State Registrar of Vital Statistics within the Department  
5348 of Health.

5349 Section 158. Section **53G-6-602**, which is renumbered from Section 53A-11-502 is  
5350 renumbered and amended to read:

5351 **[53A-11-502]. 53G-6-602. Identifying records -- Reporting requirements.**

5352 (1) Upon notification by the division of a missing child in accordance with Section  
5353 [53-10-203](#), a school in which that child is currently or was previously enrolled shall flag the  
5354 record of that child in a manner that whenever a copy of or information regarding the record is  
5355 requested, the school is alerted to the fact that the record is that of a missing child.

5356 (2) The school shall immediately report any request concerning flagged records or  
5357 knowledge as to the whereabouts of any missing child to the division.

5358 (3) Upon notification by the division that a missing child has been recovered, the  
5359 school shall remove the flag from that child's record.

Section 159. Section **53G-6-603**, which is renumbered from Section 53A-11-503 is renumbered and amended to read:

**~~[53A-11-503].~~ 53G-6-603. Requirement of birth certificate for enrollment of students -- Procedures.**

(1) Upon enrollment of a student for the first time in a particular school, that school shall notify in writing the person enrolling the student that within 30 days he must provide either a certified copy of the student's birth certificate, or other reliable proof of the student's identity and age, together with an affidavit explaining the inability to produce a copy of the birth certificate.

(2) (a) Upon the failure of a person enrolling a student to comply with Subsection (1), the school shall notify that person in writing that unless he complies within 10 days the case shall be referred to the local law enforcement authority for investigation.

(b) If compliance is not obtained within that 10 day period, the school shall refer the case to the division.

(3) The school shall immediately report to the division any affidavit received pursuant to this subsection which appears inaccurate or suspicious.

Section 160. Section **53G-6-604**, which is renumbered from Section 53A-11-504 is renumbered and amended to read:

**~~[53A-11-504].~~ 53G-6-604. Requirement of school record for transfer of student -- Procedures.**

(1) Except as provided in Section [~~53A-1-1004~~] 53E-3-905, a school shall request a certified copy of a transfer student's record, directly from the transfer student's previous school, within 14 days after enrolling the transfer student.

(2) (a) Except as provided in Subsection (2)(b) and Section [~~53A-1-1004~~] 53E-3-905, a school requested to forward a certified copy of a transferring student's record to the new school shall comply within 30 school days of the request.

(b) If the record has been flagged pursuant to Section [~~53A-11-502~~] 53G-6-602, a school may not forward the record to the new school and the requested school shall notify the division of the request.

Section 161. Section **53G-6-701** is enacted to read:

## **Part 7. Other Public School Participation**

5391 **53G-6-701. Definitions.**

5392 Reserved

5393 Section 162. Section **53G-6-702**, which is renumbered from Section 53A-11-102.5 is  
5394 renumbered and amended to read:

5395 **[53A-11-102.5]. 53G-6-702. Dual enrollment.**

5396 (1) (a) "District school" means a public school under the control of a local school board  
5397 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School  
5398 Boards.

5399 (b) "Minor" means the same as that term is defined in Section 53G-6-201.

5400 (2) A person having control of a minor who is enrolled in a regularly established  
5401 private school or a home school may also enroll the minor in a public school for dual  
5402 enrollment purposes.

5403 (3) The minor may participate in any academic activity in the public school available to  
5404 students in the minor's grade or age group, subject to compliance with the same rules and  
5405 requirements that apply to a full-time student's participation in the activity.

5406 (4) (a) A student enrolled in a dual enrollment program in a district school is  
5407 considered a student of the district in which the district school of attendance is located for  
5408 purposes of state funding to the extent of the student's participation in the district school  
5409 programs.

5410 (b) A student enrolled in a dual enrollment program in a charter school is considered a  
5411 student of the charter school for purposes of state funding to the extent of the student's  
5412 participation in the charter school programs.

5413 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
5414 State Board of Education shall make rules for purposes of dual enrollment to govern and  
5415 regulate the transferability of credits toward graduation that are earned in a private or home  
5416 school.

5417 Section 163. Section **53G-6-703**, which is renumbered from Section 53A-11-102.6 is  
5418 renumbered and amended to read:

5419 **[53A-11-102.6]. 53G-6-703. Private school and home school students'**  
5420 **participation in extracurricular activities in a public school.**

5421 (1) As used in this section:

5422 (a) "Academic eligibility requirements" means the academic eligibility requirements  
5423 that a home school student is required to meet to participate in an extracurricular activity in a  
5424 public school.

5425 (b) "Minor" means the same as that term is defined in Section [53G-6-201](#).

5426 (c) "Parent" means the same as that term is defined in Section [53G-6-201](#).

5427 ~~[(b)]~~ (d) "Principal" means the principal of the school in which a home school student  
5428 participates or intends to participate in an extracurricular activity.

5429 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to  
5430 participate in an extracurricular activity at a public school as provided in this section.

5431 (b) A private school student may only participate in an extracurricular activity at a  
5432 public school that is not offered by the student's private school.

5433 (c) Except as provided in Subsection (2)(d), a private school student or a home school  
5434 student may only participate in an extracurricular activity at:

5435 (i) the school within whose attendance boundaries the student's custodial parent or  
5436 legal guardian resides; or

5437 (ii) the school from which the student withdrew for the purpose of attending a private  
5438 or home school.

5439 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a  
5440 private school student or a home school student to participate in an extracurricular activity  
5441 other than:

5442 (i) an interscholastic competition of athletic teams sponsored and supported by a public  
5443 school; or

5444 (ii) an interscholastic contest or competition for music, drama, or forensic groups or  
5445 teams sponsored and supported by a public school.

5446 (3) (a) Except as provided in Subsections (4) through (13), a private school or home  
5447 school student shall be eligible to participate in an extracurricular activity at a public school  
5448 consistent with eligibility standards:

5449 (i) applied to a fully enrolled public school student;

5450 (ii) of the public school where the private school or home school student participates in  
5451 an extracurricular activity; and

5452 (iii) for the extracurricular activity in which the private school or home school student



5453 participates.

5454 (b) A school district or public school may not impose additional requirements on a  
5455 private school or home school student to participate in an extracurricular activity that are not  
5456 imposed on a fully enrolled public school student.

5457 (c) (i) A private school or home school student who participates in an extracurricular  
5458 activity at a public school shall pay the same fees as required of a fully enrolled public school  
5459 student to participate in an extracurricular activity.

5460 (ii) If a local school board or charter school governing board imposes a mandatory  
5461 student activity fee for a student enrolled in a public school, the fee may be imposed on a  
5462 private school or home school student who participates in an extracurricular activity at the  
5463 public school if the same benefits of paying the mandatory student activity fee that are  
5464 available to a fully enrolled public school student are available to a private school or home  
5465 school student who participates in an extracurricular activity at the public school.

5466 (4) Eligibility requirements based on school attendance are not applicable to a home  
5467 school student.

5468 (5) A home school student meets academic eligibility requirements to participate in an  
5469 extracurricular activity if:

5470 (a) the student is mastering the material in each course or subject being taught; and

5471 (b) the student is maintaining satisfactory progress towards achievement or promotion.

5472 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or  
5473 organization providing instruction to the student shall submit an affidavit to the principal  
5474 indicating the student meets academic eligibility requirements.

5475 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school  
5476 student shall:

5477 (i) be considered to meet academic eligibility requirements; and

5478 (ii) retain academic eligibility for all extracurricular activities during the activity season  
5479 for which the affidavit is submitted, until:

5480 (A) a panel established under Subsection (10) determines the home school student does  
5481 not meet academic eligibility requirements; or

5482 (B) the person who submitted the affidavit under Subsection (6)(a) provides written  
5483 notice to the school principal that the student no longer meets academic eligibility

5484 requirements.

5485 (7) (a) A home school student who loses academic eligibility pursuant to Subsection  
5486 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted  
5487 the affidavit under Subsection (6)(a) provides written notice to the school principal that the  
5488 home school student has reestablished academic eligibility.

5489 (b) If a home school student reestablishes academic eligibility pursuant to Subsection  
5490 (7)(a), the home school student may participate in extracurricular activities for the remainder of  
5491 the activity season for which an affidavit was submitted under Subsection (6)(a).

5492 (8) A person who has probable cause to believe a home school student does not meet  
5493 academic eligibility requirements may submit an affidavit to the principal:

5494 (a) asserting the home school student does not meet academic eligibility requirements;  
5495 and

5496 (b) providing information indicating that the home school student does not meet the  
5497 academic eligibility requirements.

5498 (9) A principal shall review the affidavit submitted under Subsection (8), and if the  
5499 principal determines it contains information which constitutes probable cause to believe a  
5500 home school student may not meet academic eligibility requirements, the principal shall  
5501 request a panel established pursuant to Subsection (10) to verify the student's compliance with  
5502 academic eligibility requirements.

5503 (10) (a) A school district superintendent shall:

5504 (i) appoint a panel of three individuals to verify a home school student's compliance  
5505 with academic eligibility requirements when requested by a principal pursuant to Subsection  
5506 (9); and

5507 (ii) select the panel members from nominees submitted by national, state, or regional  
5508 organizations whose members are home school students and parents.

5509 (b) Of the members appointed to a panel under Subsection (10)(a):

5510 (i) one member shall have experience teaching in a public school as a licensed teacher  
5511 and in home schooling high school-age students;

5512 (ii) one member shall have experience teaching in a higher education institution and in  
5513 home schooling; and

5514 (iii) one member shall have experience in home schooling high school-age students.

5515 (11) A panel appointed under Subsection (10):  
5516 (a) shall review the affidavit submitted under Subsection (8);  
5517 (b) may confer with the person who submitted the affidavit under Subsection (8);  
5518 (c) shall request the home school student to submit test scores or a portfolio of work  
5519 documenting the student's academic achievement to the panel;  
5520 (d) shall review the test scores or portfolio of work; and  
5521 (e) shall determine whether the home school student meets academic eligibility  
5522 requirements.

5523 (12) A home school student who meets academic eligibility requirements pursuant to  
5524 Subsection (11), retains academic eligibility for all extracurricular activities during the activity  
5525 season for which an affidavit is submitted pursuant to Subsection (6).

5526 (13) (a) A panel's determination that a home school student does not comply with  
5527 academic eligibility requirements is effective for an activity season and all extracurricular  
5528 activities that have academic eligibility requirements.

5529 (b) A home school student who is not in compliance with academic eligibility  
5530 requirements as determined by a panel appointed under Subsection (11) may seek to establish  
5531 academic eligibility under this section for the next activity season.

5532 (14) (a) A public school student who has been declared to be academically ineligible to  
5533 participate in an extracurricular activity and who subsequently enrolls in a home school shall  
5534 lose eligibility for participation in the extracurricular activity until the student:

5535 (i) demonstrates academic eligibility by providing test results or a portfolio of the  
5536 student's work to the school principal, provided that a student may not reestablish academic  
5537 eligibility under this Subsection (14)(a) during the same activity season in which the student  
5538 was declared to be academically ineligible;

5539 (ii) returns to public school and reestablishes academic eligibility; or

5540 (iii) enrolls in a private school and establishes academic eligibility.

5541 (b) A public school student who has been declared to be behaviorally ineligible to  
5542 participate in an extracurricular activity and who subsequently enrolls in a home school shall  
5543 lose eligibility for participation in the extracurricular activity until the student meets eligibility  
5544 standards as provided in Subsection (3).

5545 (15) When selection to participate in an extracurricular activity at a public school is

made on a competitive basis, a private school student and a home school student shall be eligible to try out for and participate in the activity as provided in this section.

(16) (a) If a student exits a public school to enroll in a private or home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.

(b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) shall be based on the student meeting public school academic eligibility standards at the time of exiting public school.

(c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.

Section 164. Section **53G-6-704**, which is renumbered from Section 53A-1a-519 is renumbered and amended to read:

**~~[53A-1a-519].~~      53G-6-704. Charter school students' participation in extracurricular activities at other public schools.**

(1) A charter school student is eligible to participate in an extracurricular activity not offered by the student's charter school at:

(a) the school within whose attendance boundaries the student's custodial parent or legal guardian resides;

(b) the public school from which the student withdrew for the purpose of attending a charter school; or

(c) a public school that is not a charter school if the student's charter school is located on the campus of the public school or has local school board approval to locate on the campus of the public school.

(2) In addition to the public schools listed in Subsection (1), the State Board of Education may establish rules to allow a charter school student to participate in an extracurricular activity at a public school other than a public school listed in Subsection (1).

(3) A school other than a school described in Subsection (1)(a), (b), or (c) may allow a charter school student to participate in extracurricular activities other than:

(a) interschool competitions of athletic teams sponsored and supported by a public

5577 school; or

5578 (b) interschool contests or competitions for music, drama, or forensic groups or teams  
5579 sponsored and supported by a public school.

5580 (4) A charter school student is eligible for extracurricular activities at a public school  
5581 consistent with eligibility standards as applied to full-time students of the public school.

5582 (5) A school district or public school may not impose additional requirements on a  
5583 charter school student to participate in extracurricular activities that are not imposed on  
5584 full-time students of the public school.

5585 (6) (a) The State Board of Education shall make rules establishing fees for charter  
5586 school students' participation in extracurricular activities at school district schools.

5587 (b) The rules shall provide that:

5588 (i) charter school students pay the same fees as other students to participate in  
5589 extracurricular activities;

5590 (ii) charter school students are eligible for fee waivers pursuant to Section  
5591 ~~[53A-12-103]~~ [53G-7-504](#);

5592 (iii) for each charter school student who participates in an extracurricular activity at a  
5593 school district school, the charter school shall pay a share of the school district's costs for the  
5594 extracurricular activity; and

5595 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state  
5596 and local tax revenues expended, except capital facilities expenditures, for an extracurricular  
5597 activity in a school district or school divided by total student enrollment of the school district  
5598 or school.

5599 (c) In determining a charter school's share of the costs of an extracurricular activity  
5600 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees  
5601 statewide based on average costs statewide or average costs within a sample of school districts.

5602 (7) When selection to participate in an extracurricular activity at a public school is  
5603 made on a competitive basis, a charter school student is eligible to try out for and participate in  
5604 the activity as provided in this section.

5605 Section 165. Section **53G-6-705**, which is renumbered from Section 53A-2-214 is  
5606 renumbered and amended to read:

5607 ~~[53A-2-214]~~. **53G-6-705. Online students' participation in extracurricular**

5608 **activities.**

5609 (1) As used in this section:

5610 (a) "Online education" means the use of information and communication technologies  
5611 to deliver educational opportunities to a student in a location other than a school.

5612 (b) "Online student" means a student who:

5613 (i) participates in an online education program sponsored or supported by the State  
5614 Board of Education, a school district, or charter school; and

5615 (ii) generates funding for the school district or school pursuant to Subsection

5616 [~~53A-17a-103~~] 53F-2-102(7) and rules of the State Board of Education.

5617 (2) An online student is eligible to participate in extracurricular activities at:

5618 (a) the school within whose attendance boundaries the student's custodial parent or  
5619 legal guardian resides; or

5620 (b) the public school from which the student withdrew for the purpose of participating  
5621 in an online education program.

5622 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an  
5623 online student to participate in extracurricular activities other than:

5624 (a) interschool competitions of athletic teams sponsored and supported by a public  
5625 school; or

5626 (b) interschool contests or competitions for music, drama, or forensic groups or teams  
5627 sponsored and supported by a public school.

5628 (4) An online student is eligible for extracurricular activities at a public school  
5629 consistent with eligibility standards as applied to full-time students of the public school.

5630 (5) A school district or public school may not impose additional requirements on an  
5631 online school student to participate in extracurricular activities that are not imposed on  
5632 full-time students of the public school.

5633 (6) (a) The State Board of Education shall make rules establishing fees for an online  
5634 school student's participation in extracurricular activities at school district schools.

5635 (b) The rules shall provide that:

5636 (i) online school students pay the same fees as other students to participate in  
5637 extracurricular activities;

5638 (ii) online school students are eligible for fee waivers pursuant to Section

5639 [~~53A-12-103~~] [53G-7-504](#);

5640 (iii) for each online school student who participates in an extracurricular activity at a  
5641 school district school, the online school shall pay a share of the school district's costs for the  
5642 extracurricular activity; and

5643 (iv) an online school's share of the costs of an extracurricular activity shall reflect state  
5644 and local tax revenues expended, except capital facilities expenditures, for an extracurricular  
5645 activity in a school district or school divided by total student enrollment of the school district  
5646 or school.

5647 (c) In determining an online school's share of the costs of an extracurricular activity  
5648 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees  
5649 statewide based on average costs statewide or average costs within a sample of school districts.

5650 (7) When selection to participate in an extracurricular activity at a public school is  
5651 made on a competitive basis, an online student is eligible to try out for and participate in the  
5652 activity as provided in this section.

5653 Section 166. Section **53G-6-706**, which is renumbered from Section 53A-11-102.7 is  
5654 renumbered and amended to read:

5655 ~~[53A-11-102.7].~~ **53G-6-706. Placement of a home school student who**  
5656 **transfers to a public school.**

5657 (1) For the purposes of this section[, "~~home~~"]:

5658 (a) "Home school student" means a student who attends a home school pursuant to  
5659 Section [~~53A-11-102~~] [53G-6-204](#).

5660 (b) "Parent" means the same as that term is defined in Section [53G-6-201](#).

5661 (2) When a home school student transfers from a home school to a public school, the  
5662 public school shall place the student in the grade levels, classes, or courses that the student's  
5663 parent or guardian and in consultation with the school administrator determine are appropriate  
5664 based on the parent's or guardian's assessment of the student's academic performance.

5665 (3) (a) Within 30 days of a home school student's placement in a public school grade  
5666 level, class, or course, either the student's teacher or the student's parent or guardian may  
5667 request a conference to consider changing the student's placement.

5668 (b) If the student's teacher and the student's parent or guardian agree on a placement  
5669 change, the public school shall place the student in the agreed upon grade level, class, or

5670 course.

5671 (c) If the student's teacher and the student's parent or guardian do not agree on a  
5672 placement change, the public school shall evaluate the student's subject matter mastery in  
5673 accordance with Subsection (3)(d).

5674 (d) The student's parent or guardian has the option of:

5675 (i) allowing the public school to administer, to the student, assessments that are:

5676 (A) regularly administered to public school students; and

5677 (B) used to measure public school students' subject matter mastery and determine  
5678 placement; or

5679 (ii) having a private entity or individual administer assessments of subject matter  
5680 mastery to the student at the parent's or guardian's expense.

5681 (e) After an evaluation of a student's subject matter mastery, a public school may  
5682 change a student's placement in a grade level, class, or course.

5683 (4) This section does not apply to a student who is dual enrolled in a public school and  
5684 a home school pursuant to Section ~~[53A-11-102.5]~~ [53G-6-702](#).

5685 Section 167. Section **53G-6-707**, which is renumbered from Section 53A-2-206 is  
5686 renumbered and amended to read:

5687 ~~[53A-2-206]~~. **53G-6-707. Interstate compact students -- Inclusion in**  
5688 **attendance count -- Funding for foreign exchange students -- Annual report --**  
5689 **Requirements for exchange student agencies.**

5690 (1) A school district or charter school may include the following students in the  
5691 district's or school's membership and attendance count for the purpose of apportionment of  
5692 state money:

5693 (a) a student enrolled under an interstate compact, established between the State Board  
5694 of Education and the state education authority of another state, under which a student from one  
5695 compact state would be permitted to enroll in a public school in the other compact state on the  
5696 same basis as a resident student of the receiving state; or

5697 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact  
5698 on Placement of Children.

5699 ~~[(2) (a) A school district or charter school may include foreign exchange students in the~~  
5700 ~~district's or school's membership and attendance count for the purpose of apportionment of~~



5701 state money, except as provided in Subsections (2)(b) through (d).]

5702       ~~[(b) (i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be~~  
5703 ~~included in average daily membership for the purpose of determining the number of weighted~~  
5704 ~~pupil units in the grades 1-12 basic program.]~~

5705       ~~[(ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units~~  
5706 ~~in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the~~  
5707 ~~number of foreign exchange students who were:]~~

5708       ~~[(A) enrolled in a school district or charter school on October 1 of the previous fiscal~~  
5709 ~~year; and]~~

5710       ~~[(B) sponsored by an agency approved by the district's local school board or charter~~  
5711 ~~school's governing board.]~~

5712       ~~[(c) (i) The total number of foreign exchange students in the state that may be counted~~  
5713 ~~for the purpose of apportioning state money under Subsection (2)(b) shall be the lesser of:]~~

5714       ~~[(A) the number of foreign exchange students enrolled in public schools in the state on~~  
5715 ~~October 1 of the previous fiscal year; or]~~

5716       ~~[(B) 328 foreign exchange students.]~~

5717       ~~[(ii) The State Board of Education shall make rules in accordance with Title 63G,~~  
5718 ~~Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of~~  
5719 ~~foreign exchange students that may be counted for the purpose of apportioning state money~~  
5720 ~~under Subsection (2)(b).]~~

5721       ~~[(d) Notwithstanding Sections 53A-17a-133 and 53A-17a-164, weighted pupil units in~~  
5722 ~~the grades 1 through 12 basic program for foreign exchange students, as determined by~~  
5723 ~~Subsections (2)(b) and (c), may not be included for the purposes of determining a school~~  
5724 ~~district's state guarantee money under the voted or board local levies.]~~

5725       ~~[(3)]~~ (2) A school district or charter school may:

5726       (a) enroll foreign exchange students that do not qualify for state money; and

5727       (b) pay for the costs of those students with other funds available to the school district  
5728 or charter school.

5729       ~~[(4)]~~ (3) Due to the benefits to all students of having the opportunity to become  
5730 familiar with individuals from diverse backgrounds and cultures, school districts are  
5731 encouraged to enroll foreign exchange students, as provided in Subsection ~~[(3)]~~ (2), particularly

in schools with declining or stable enrollments where the incremental cost of enrolling the foreign exchange student may be minimal.

~~[(5)]~~ (4) The board shall make an annual report to the Legislature on the number of exchange students and the number of interstate compact students sent to or received from public schools outside the state.

~~[(6)]~~ (5) (a) A local school board or charter school governing board shall require each approved exchange student agency to provide it with a sworn affidavit of compliance prior to the beginning of each school year.

(b) The affidavit shall include the following assurances:

(i) that the agency has complied with all applicable policies of the board;

(ii) that a household study, including a background check of all adult residents, has been made of each household where an exchange student is to reside, and that the study was of sufficient scope to provide reasonable assurance that the exchange student will receive proper care and supervision in a safe environment;

(iii) that host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;

(iv) that a representative of the exchange student agency shall visit each student's place of residence at least once each month during the student's stay in Utah;

(v) that the agency will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;

(vi) that each exchange student will be given in the exchange student's native language names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and

(vii) that alternate placements are readily available so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.

~~[(7)]~~ (6) (a) A local school board or charter school governing board shall provide each approved exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a

5763 serious problem.

5764 (b) The agency shall make a copy of the list available to each of its exchange students  
5765 in the exchange student's native language.

5766 [(8)] (7) Notwithstanding Subsection [(2)(c)(i)] 53F-2-303(3)(a), a school district or  
5767 charter school shall enroll a foreign exchange student if the foreign exchange student:

5768 (a) is sponsored by an agency approved by the State Board of Education;

5769 (b) attends the same school during the same time period that another student from the  
5770 school is:

5771 (i) sponsored by the same agency; and

5772 (ii) enrolled in a school in a foreign country; and

5773 (c) is enrolled in the school for one year or less.

5774 Section 168. Section **53G-6-708**, which is renumbered from Section 53A-17a-114 is  
5775 renumbered and amended to read:

5776 ~~[53A-17a-114].~~ **53G-6-708. Career and technical education program**  
5777 **alternatives.**

5778 (1) A secondary student may attend a technical college described in Section  
5779 53B-2a-105 if the secondary student's career and technical education goals are better achieved  
5780 by attending a technical college as determined by:

5781 (a) the secondary student; and

5782 (b) if the secondary student is a minor, the secondary student's parent or legal guardian.

5783 (2) A secondary student served under this section by a technical college described in  
5784 Section 53B-2a-105 shall be counted in the average daily membership of the sending school  
5785 district or charter school.

5786 Section 169. Section **53G-6-801**, which is renumbered from Section 53A-15-1401 is  
5787 renumbered and amended to read:

5788 **Part 8. Parental Rights**

5789 ~~[53A-15-1401].~~ **53G-6-801. Definitions.**

5790 As used in this part:

5791 (1) "Federal law" means:

5792 (a) a statute passed by the Congress of the United States; or

5793 (b) a final regulation:

5794 (i) adopted by an administrative agency of the United States government; and  
5795 (ii) published in the code of federal regulations or the federal register.

5796 (2) "Individualized Education Program" or "IEP" means a written statement, for a  
5797 student with a disability, that is developed, reviewed, and revised in accordance with the  
5798 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

5799 (3) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and  
5800 the Blind.

5801 (4) "Reasonably accommodate" means an LEA shall make its best effort to enable a  
5802 parent or guardian to exercise a parental right specified in Section ~~[53A-15-1403]~~ 53G-6-803:  
5803 (a) without substantial impact to staff and resources, including employee working  
5804 conditions, safety and supervision on school premises and for school activities, and the  
5805 efficient allocation of expenditures; and  
5806 (b) while balancing:  
5807 (i) the parental rights of parents or guardians;  
5808 (ii) the educational needs of other students;  
5809 (iii) the academic and behavioral impacts to a classroom;  
5810 (iv) a teacher's workload; and  
5811 (v) the assurance of the safe and efficient operation of a school.

5812 Section 170. Section **53G-6-802**, which is renumbered from Section 53A-15-1402 is  
5813 renumbered and amended to read:  
5814 ~~[53A-15-1402].~~ **53G-6-802. Annual notice of parental rights.**  
5815 (1) An LEA shall annually notify a parent or guardian of a student enrolled in the LEA  
5816 of the parent's or guardian's rights as specified in this part.

5817 (2) An LEA satisfies the notification requirement described in Subsection (1) by  
5818 posting the information on the LEA's website or through other means of electronic  
5819 communication.

5820 Section 171. Section **53G-6-803**, which is renumbered from Section 53A-15-1403 is  
5821 renumbered and amended to read:  
5822 ~~[53A-15-1403].~~ **53G-6-803. Parental right to academic accommodations.**  
5823 (1) (a) A student's parent or guardian is the primary person responsible for the  
5824 education of the student, and the state is in a secondary and supportive role to the parent or

5825 guardian. As such, a student's parent or guardian has the right to reasonable academic  
5826 accommodations from the student's LEA as specified in this section.

5827 (b) Each accommodation shall be considered on an individual basis and no student  
5828 shall be considered to a greater or lesser degree than any other student.

5829 (c) The parental rights specified in this section do not include all the rights or  
5830 accommodations that may be available to a student's parent or guardian as a user of the public  
5831 education system.

5832 (d) An accommodation under this section may only be provided if the accommodation  
5833 is:

5834 (i) consistent with federal law; and

5835 (ii) consistent with a student's IEP if the student already has an IEP.

5836 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to  
5837 retain a student in kindergarten through grade 8 on grade level based on the student's academic  
5838 ability or the student's social, emotional, or physical maturity.

5839 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a  
5840 teacher or request for a change of teacher.

5841 (4) An LEA shall reasonably accommodate the request of a student's parent or guardian  
5842 to visit and observe any class the student attends.

5843 (5) Notwithstanding [~~Chapter 11, Part 1, Compulsory Education Requirements~~] Part 2,  
5844 Compulsory Education, an LEA shall record an excused absence for a scheduled family event  
5845 or a scheduled proactive visit to a health care provider if:

5846 (a) the parent or guardian submits a written statement at least one school day before the  
5847 scheduled absence; and

5848 (b) the student agrees to make up course work for school days missed for the scheduled  
5849 absence in accordance with LEA policy.

5850 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request  
5851 to place a student in a specialized class, a specialized program, or an advanced course.

5852 (b) An LEA shall consider multiple academic data points when determining an  
5853 accommodation under Subsection (6)(a).

5854 (7) Consistent with Section [~~53A-13-108~~] 53E-4-204, which requires the State Board  
5855 of Education to establish graduation requirements that use competency-based standards and

assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:

(a) testing out of the course; or

(b) demonstrating competency in course standards.

(8) An LEA shall reasonably accommodate a parent's or guardian's request to meet with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a regularly scheduled parent teacher conference.

(9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student from taking an assessment that:

(i) is federally mandated;

(ii) is mandated by the state under this ~~[title]~~ public education code; or

(iii) requires the use of:

(A) a state assessment system; or

(B) software that is provided or paid for by the state.

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

(i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:

(A) does not place an undue burden on a parent or guardian; and

(B) may be completed online; and

(ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a).

(c) An LEA:

(i) shall follow the procedures outlined in rules made by the State Board of Education under Subsection (9)(b) to excuse a student under Subsection (9)(a);

(ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the State Board of Education under Subsection (9)(b); and

(iii) may not reward a student for taking an assessment described in Subsection (9)(a).

(d) The State Board of Education shall:

(i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and

(ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

(10) (a) An LEA shall provide for:

(i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section ~~[53A-11-903]~~ 53G-8-204; and

(ii) a parent's or guardian's signature acknowledging receipt of the school's discipline and conduct policy.

(b) An LEA shall notify a parent or guardian of a student's violation of a school's discipline and conduct policy and allow a parent or guardian to respond to the notice in accordance with ~~[Chapter 11, Part 9]~~ Chapter 8, Part 2, School Discipline and Conduct Plans.

Section 172. Section **53G-7-101** is enacted to read:

## **CHAPTER 7. PUBLIC SCHOOL GENERAL REQUIREMENTS**

### **Part 1. General Provisions**

#### **53G-7-101. Title.**

This chapter is known as "Public School General Requirements."

Section 173. Section **53G-7-102** is enacted to read:

#### **53G-7-102. Definitions.**

Reserved

Section 174. Section **53G-7-201** is enacted to read:

### **Part 2. Powers and Miscellaneous Duties**

#### **53G-7-201. Definitions.**

Reserved

Section 175. Section **53G-7-202** is enacted to read:

#### **53G-7-202. Waivers from state board rules.**

(1) A charter school or any other public school or school district may apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter.

(2) The state board may grant the waiver, unless:

(a) the waiver would cause the school district or the school to be in violation of state or

5918 federal law; or

5919 (b) the waiver would threaten the health, safety, or welfare of students in the district or  
5920 at the school.

5921 (3) If the State Board of Education denies the waiver, the reason for the denial shall be  
5922 provided in writing to the waiver applicant.

5923 Section 176. Section **53G-7-203**, which is renumbered from Section 53A-3-402.7 is  
5924 renumbered and amended to read:

5925 **[53A-3-402.7]. 53G-7-203. Kindergartens -- Establishment -- Funding.**

5926 (1) Kindergartens are an integral part of the state's public education system.

5927 (2) ~~[By July 1, 1994, each]~~ Each local board of education shall provide kindergarten  
5928 classes free of charge for kindergarten children residing within the district.

5929 (3) Kindergartens established under Subsection (2) shall receive state money under  
5930 ~~[Title 53A, Chapter 17a, Minimum School Program Act]~~ Title 53F, Public Education System --  
5931 Funding.

5932 Section 177. Section **53G-7-204**, which is renumbered from Section 53A-3-402.1 is  
5933 renumbered and amended to read:

5934 **[53A-3-402.1]. 53G-7-204. Access to student records by custodial and**  
5935 **noncustodial parents.**

5936 (1) Except as provided in Subsection (2), a public school shall allow a custodial parent  
5937 and a noncustodial parent of a child the same access to their child's education records.

5938 (2) A school may not allow a noncustodial parent access to the child's education  
5939 records if:

5940 (a) a court has issued an order that limits the noncustodial parent's access to the child's  
5941 education records; and

5942 (b) the school has received a copy of the court order or has actual knowledge of the  
5943 court order.

5944 Section 178. Section **53G-7-205**, which is renumbered from Section 53A-3-402.9 is  
5945 renumbered and amended to read:

5946 **[53A-3-402.9]. 53G-7-205. Assessment of emerging and early reading skills**  
5947 **-- Resources provided by school districts.**

5948 (1) The Legislature recognizes that well-developed reading skills help:



5949 (a) children to succeed in school, develop self esteem, and build positive relationships  
5950 with others;

5951 (b) young adults to become independent learners; and

5952 (c) adults to become and remain productive members of a rapidly changing  
5953 technology-based society.

5954 (2) (a) Each potential kindergarten student, the student's parent or guardian, and  
5955 kindergarten personnel at the student's school may participate in an assessment of the student's  
5956 reading and numeric skills.

5957 (b) The State Board of Education, in cooperation with the state's school districts, may  
5958 develop the assessment instrument and any additional materials needed to implement and  
5959 supplement the assessment program.

5960 (3) The potential kindergarten student's teacher may use the assessment in planning and  
5961 developing an instructional program to meet the student's identified needs.

5962 (4) (a) Each school is encouraged to schedule the assessment early enough before the  
5963 kindergarten starting date so that a potential kindergarten student's parent or guardian has time  
5964 to develop the child's needed skills as identified by the assessment.

5965 (b) Based on the assessment under Subsection (2), the school shall provide the  
5966 potential student's parent or guardian with appropriate resource materials to assist the parent or  
5967 guardian at home in the student's literacy development.

5968 Section 179. Section **53G-7-206**, which is renumbered from Section 53A-13-108.5 is  
5969 renumbered and amended to read:

5970 **~~[53A-13-108.5].~~ 53G-7-206. Acceptance of credits and grades awarded by**  
5971 **accredited schools.**

5972 (1) (a) A public school shall accept credits and grades awarded to a student by a school  
5973 accredited or approved by the State Board of Education or accredited or recognized by the  
5974 Northwest Association of Accredited Schools as issued by the school, without alterations.

5975 (b) Credits awarded for a core standards for Utah public schools course shall be applied  
5976 to fulfilling core standards for Utah public schools requirements.

5977 (2) Subsection (1) applies to credits awarded to a student who:

5978 (a) transfers to a public school; or

5979 (b) while enrolled in the public school, takes courses offered by another public or

5980 private school.

5981 (3) Subsection (1) applies to:

5982 (a) traditional classes in which an instructor is present in the classroom and the student  
5983 is required to attend the class for a particular length of time;

5984 (b) open entry/open exit classes in which the student has the flexibility to begin or end  
5985 study at any time, progress through course material at his own pace, and demonstrate  
5986 competency when knowledge and skills have been mastered;

5987 (c) courses offered over the Internet; or

5988 (d) distance learning courses.

5989 Section 180. Section **53G-7-207**, which is renumbered from Section 53A-11-901.5 is  
5990 renumbered and amended to read:

5991 **[53A-11-901.5]. 53G-7-207. Period of silence.**

5992 A teacher may provide for the observance of a period of silence each school day in a  
5993 public school.

5994 Section 181. Section **53G-7-208**, which is renumbered from Section 53A-3-409 is  
5995 renumbered and amended to read:

5996 **[53A-3-409]. 53G-7-208. Local governmental entities and school districts**  
5997 **-- Contracts and cooperation -- Disbursement of funds -- Municipal and county**  
5998 **representative participation in school district board meetings -- Notice required.**

5999 (1) Local governmental entities and school districts may contract and cooperate with  
6000 one another in matters affecting the health, welfare, education, and convenience of the  
6001 inhabitants within their respective territorial limits.

6002 (2) A local governmental entity may disburse public funds in aid of a school district  
6003 located wholly or partially within the limits of its jurisdiction.

6004 (3) (a) As used in this Subsection (3):

6005 (i) "Interested county executive" means the county executive or county manager of a  
6006 county with unincorporated area within the boundary of a school district, or the designee of the  
6007 county executive or county manager.

6008 (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely  
6009 within the boundary of a school district, or the mayor's designee.

6010 (b) A school district board shall allow an interested mayor and interested county

executive to attend and participate in the board discussions at a school district board meeting that is open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

(c) An interested county executive and interested mayor may attend and participate in board discussions at a school district board meeting that is closed to the public under Title 52, Chapter 4, Open and Public Meetings Act, if:

(i) the school district board invites the interested county executive or interested mayor to attend and participate; and

(ii) for a closed meeting held for the purpose of discussing the board's disposition or acquisition of real property, the interested county executive or interested mayor does not have a conflict of interest with respect to the real estate disposition or acquisition.

(d) (i) A county or municipality may enter into an agreement with a school district under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an interested county executive or interested mayor at a school district board meeting.

(ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the provisions of this Subsection (3).

(e) Each local school board shall give notice of board meetings to each interested mayor and interested county executive.

(f) The notice required under Subsection (3)(c) shall be provided by:

(i) mail;

(ii) e-mail; or

(iii) other effective means agreed to by the person to whom notice is given.

Section 182. Section **53G-7-209**, which is renumbered from Section 53A-3-413 is renumbered and amended to read:

~~[53A-3-413].~~      **53G-7-209. Use of public school buildings and grounds as civic centers.**

(1) As used in this section, "civic center" means a public school building or ground, including a charter school building or ground, that is established and maintained as a limited public forum for supervised recreational activities and meetings.

(2) Except as provided in Subsection (3), all public school buildings and grounds shall be civic centers.

(3) The use of school property as a civic center:

6042 (a) may not interfere with a school function or purpose; and

6043 (b) is considered a permit for governmental immunity purposes for a governmental  
6044 entity under Subsection [63G-7-201](#)(4)(c).

6045 (4) The organizer of an event may not use a civic center unless the organizer resides  
6046 within the geographic boundaries of the school district in which the civic center is located.

6047 Section 183. Section **53G-7-210**, which is renumbered from Section 53A-3-414 is  
6048 renumbered and amended to read:

6049 **~~[53A-3-414].~~ 53G-7-210. Local school boards' and charter school**  
6050 **governing boards' responsibility for school buildings and grounds when used as civic**  
6051 **centers.**

6052 (1) As used in this section, "civic center" means the same as that term is defined in  
6053 Section ~~[53A-3-413]~~ [53G-7-209](#).

6054 (2) A local school board or charter school governing board:

6055 (a) shall manage, direct, and control civic centers ~~[under this chapter]~~;

6056 (b) shall adopt policies for the use of civic centers;

6057 (c) may charge a reasonable fee for the use of a civic center so that the school district  
6058 or charter school incurs no expense for that use;

6059 (d) may appoint a special functions officer under Section [53-13-105](#) to have charge of  
6060 the grounds and protect school property when used for civic center purposes;

6061 (e) shall allow the use of a civic center, for other than school purposes, unless it  
6062 determines that the use interferes with a school function or purpose; and

6063 (f) shall ensure that school administrators are trained about and properly implement the  
6064 provisions of this section and Section ~~[53A-3-413]~~ [53G-7-209](#).

6065 Section 184. Section **53G-7-211**, which is renumbered from Section 53A-3-407 is  
6066 renumbered and amended to read:

6067 **~~[53A-3-407].~~ 53G-7-211. Display of American flag.**

6068 (1) Each local school board shall provide each school within the district with a suitable  
6069 flagpole.

6070 (2) The American flag shall be displayed on every school day and on every state and  
6071 national holiday.

6072 (3) The flag shall be maintained in a respectable condition.

6073 Section 185. Section **53G-7-212**, which is renumbered from Section 53A-3-402.5 is  
6074 renumbered and amended to read:

6075 ~~[53A-3-402.5]~~. **53G-7-212. Voter registration forms for high school**  
6076 **students.**

6077 Each public school district and each accredited nonpublic school shall provide voter  
6078 registration forms to students as required by Section **20A-2-302**.

6079 Section 186. Section **53G-7-213**, which is renumbered from Section 53A-3-417 is  
6080 renumbered and amended to read:

6081 ~~[53A-3-417]~~. **53G-7-213. Child care centers in public schools --**  
6082 **Requirements -- Availability -- Compliance with state and local laws.**

6083 (1) (a) Upon receiving a request from a community group such as a community  
6084 council, local PTA, or parent/student organization, a local school board may authorize the use  
6085 of a part of any school building in the district to provide child care services for school aged  
6086 children.

6087 (b) (i) The school board shall provide written public notice of its intent to authorize a  
6088 child care center.

6089 (ii) The board shall file a copy of the notice with the Office of Child Care within the  
6090 Department of Workforce Services and the Department of Health.

6091 (2) (a) Establishment of a child care center in a public school building is contingent  
6092 upon the local school board determining that the center will not interfere with the building's use  
6093 for regular school purposes.

6094 (b) The decision shall be made at the sole discretion of the school board.

6095 (c) A school board may withdraw its approval to operate a child care center at any time  
6096 if it determines that such use interferes with the operation or interest of the school.

6097 (d) The school district and its employees and agents are immune from any liability that  
6098 might otherwise result from a withdrawal of approval if the withdrawal was made in good  
6099 faith.

6100 (3) (a) The board shall charge a commercially reasonable fee for the use of a school  
6101 building as a child care center so that the district does not incur an expense.

6102 (b) The fee shall include but not be limited to costs for utility, building maintenance,  
6103 and administrative services supplied by the school that are related to the operation of the child

6104 care center.

6105 (4) (a) Child care service may be provided by governmental agencies other than school  
6106 districts, nonprofit community service groups, or private providers.

6107 (b) If competitive proposals to provide child care services are submitted by the entities  
6108 listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit  
6109 community service groups so long as their proposals are judged to be at least equal to the  
6110 proposal of the governmental agency.

6111 (c) It is intended that these programs function at the local community level with  
6112 minimal state and district involvement.

6113 (5) It is the intent of the Legislature that providers not be required to go through a  
6114 complex procedure in order to obtain approval for providing the service.

6115 (6) (a) Child care centers within a public school building shall make their services  
6116 available to all children regardless of where the children reside.

6117 (b) If space and resources are limited, first priority shall be given to those who reside  
6118 within the school boundaries where the center is located, and to the children of teachers and  
6119 other employees of the school where the child care center is located.

6120 (c) Second priority shall be given to those who reside within the school district  
6121 boundaries where the center is located.

6122 (7) (a) The school board shall require proof of liability insurance which is adequate in  
6123 the opinion of the school board for use of school property as a child care center.

6124 (b) A school district participating in the state Risk Management Fund shall require the  
6125 provider of child care services to comply with the applicable provisions of Title 63A, Chapter  
6126 4, Risk Management.

6127 (8) Child care centers established under this section shall operate in compliance with  
6128 state and local laws and regulations, including zoning and licensing requirements, and  
6129 applicable school rules.

6130 (9) Except for Subsection (8), this section does not apply to child care centers  
6131 established by a school district within a public school building if the center offers child care  
6132 services primarily to children of employees or children of students of the school district.

6133 Section 187. Section **53G-7-214**, which is renumbered from Section 53A-3-427 is  
6134 renumbered and amended to read:

6135           ~~[53A-3-427].~~           **53G-7-214. Honorary high school diploma for certain**  
6136 **veterans.**

6137           (1) A board of education of a school district may award an honorary high school  
6138 diploma to a veteran, if the veteran:

6139           (a) left high school before graduating in order to serve in the armed forces of the  
6140 United States;

6141           (b) served in the armed forces of the United States during the period of World War II,  
6142 the Korean War, or the Vietnam War;

6143           (c) (i) was honorably discharged; or

6144           (ii) was released from active duty because of a service-related disability; and

6145           (d) (i) resides within the school district; or

6146           (ii) resided within the school district at the time of leaving high school to serve in the  
6147 armed forces of the United States.

6148           (2) To receive an honorary high school diploma, a veteran or immediate family  
6149 member or guardian of a veteran shall submit to a local school board:

6150           (a) a request for an honorary high school diploma; and

6151           (b) information required by the local school board to verify the veteran's eligibility for  
6152 an honorary high school diploma under Subsection (1).

6153           (3) At the request of a veteran, a veteran's immediate family member or guardian, or a  
6154 local school board, the Department of Veterans' and Military Affairs shall certify whether the  
6155 veteran meets the requirements of Subsections (1)(b) and (c).

6156           Section 188. Section **53G-7-215**, which is renumbered from Section 53A-1-409 is  
6157 renumbered and amended to read:

6158           ~~[53A-1-409].~~           **53G-7-215. Competency-based education --**  
6159 **Recommendations -- Coordination.**

6160           (1) As used in this section, "competency-based education" means the same as that term  
6161 is defined in Section ~~[53A-15-1802]~~ [53F-5-501](#).

6162           (2) A local school board or a charter school governing board may establish a  
6163 competency-based education program.

6164           (3) A local school board or charter school governing board that establishes a  
6165 competency-based education program shall:

- 6166 (a) establish assessments to accurately measure competency;  
6167 (b) provide the assessments to an enrolled student at no cost to the student;  
6168 (c) award credit to a student who demonstrates competency and subject mastery;  
6169 (d) submit the competency-based standards to the State Board of Education for review;  
6170 and  
6171 (e) publish the competency-based standards on its website or by other electronic means  
6172 readily accessible to the public.

- 6173 (4) A local school board or charter school governing board may:  
6174 (a) on a random lottery-based basis, limit enrollment to courses that have been  
6175 designated as competency-based courses;  
6176 (b) waive or adapt traditional attendance requirements;  
6177 (c) adjust class sizes to maximize the value of course instructors or course mentors;  
6178 (d) enroll students from any geographic location within the state; and  
6179 (e) provide proctored online competency-based assessments.

6180 Section 189. Section **53G-7-216**, which is renumbered from Section 53A-1-706 is  
6181 renumbered and amended to read:

6182 ~~[53A-1-706].~~ **53G-7-216. Purchases of educational technology.**

6183 (1) (a) A school district[;] or charter school[~~; or college of education~~] shall comply  
6184 with Title 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as  
6185 otherwise provided in Subsection (1)(b).

6186 (b) A school district or charter school may purchase computers from, and contract for  
6187 the repair or refurbishing of computers with, the Utah Correctional Industries without going  
6188 through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah  
6189 Procurement Code.

6190 (2) A school district[;] or charter school[~~; or college of education~~] may purchase  
6191 technology through cooperative purchasing contracts administered by the state Division of  
6192 Purchasing or through its own established purchasing program.

6193 (3) Consistent with policies adopted by a local school board or charter school  
6194 governing board, a school district or charter school that purchases technology under this section  
6195 shall ensure that adequate on and off campus Internet filtering is installed and consistently  
6196 configured to prevent viewing of harmful content by students and school personnel.



6197 Section 190. Section **53G-7-301** is enacted to read:

6198 **Part 3. Budgets**

6199 **53G-7-301. Definitions.**

6200 Reserved

6201 Section 191. Section **53G-7-302**, which is renumbered from Section 53A-19-101 is  
6202 renumbered and amended to read:

6203 **[53A-19-101]. 53G-7-302. School district and charter school budgets.**

6204 (1) As used in this section:

6205 (a) "Budget officer" means:

6206 (i) for a school district, the school district's superintendent; or

6207 (ii) for a charter school, an individual selected by the charter school governing board.

6208 (b) "Governing board" means:

6209 (i) for a school district, the local school board; or

6210 (ii) for a charter school, the charter school governing board.

6211 (2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with  
6212 supporting documentation, to be submitted to the budget officer's governing board.

6213 (3) The tentative budget and supporting documents shall include the following items:

6214 (a) the revenues and expenditures of the preceding fiscal year;

6215 (b) the estimated revenues and expenditures of the current fiscal year;

6216 (c) for a school district, an estimate of the revenues for the succeeding fiscal year based  
6217 upon the lowest tax levy that will raise the required revenue, using the current year's taxable  
6218 value as the basis for this calculation;

6219 (d) a detailed estimate of the essential expenditures for all purposes for the next  
6220 succeeding fiscal year; and

6221 (e) the estimated financial condition of the school district or charter school by funds at  
6222 the close of the current fiscal year.

6223 (4) The tentative budget shall be filed with the district business administrator or charter  
6224 school executive director for public inspection at least 15 days before the date of the tentative  
6225 budget's proposed adoption by the governing board.

6226 Section 192. Section **53G-7-303**, which is renumbered from Section 53A-19-102 is  
6227 renumbered and amended to read:

- 6228 ~~[53A-19-102]~~. 53G-7-303. Local governing board budget procedures.
- 6229 (1) As used in this section:
- 6230 (a) "Budget officer" means:
- 6231 (i) for a school district, the school district's superintendent; or
- 6232 (ii) for a charter school, an individual selected by the charter school governing board.
- 6233 (b) "Governing board" means:
- 6234 (i) for a school district, the local school board; or
- 6235 (ii) for a charter school, the charter school governing board.
- 6236 (2) (a) For a school district, before June 22 of each year, a local school board shall
- 6237 adopt a budget and make appropriations for the next fiscal year.
- 6238 (b) For a school district, if the tax rate in the school district's proposed budget exceeds
- 6239 the certified tax rate defined in Section [59-2-924](#), the local school board shall comply with
- 6240 Section [59-2-919](#) in adopting the budget, except as provided by Section ~~[53A-17a-133]~~
- 6241 [53F-8-301](#).
- 6242 (3) (a) For a school district, before the adoption or amendment of a budget, a local
- 6243 school board shall hold a public hearing, as defined in Section [10-9a-103](#), on the proposed
- 6244 budget or budget amendment.
- 6245 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
- 6246 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the
- 6247 public hearing, a local school board shall:
- 6248 (i) publish a notice of the public hearing in a newspaper or combination of newspapers
- 6249 of general circulation in the school district, except as provided in Section [45-1-101](#);
- 6250 (ii) publish a notice of the public hearing electronically in accordance with Section
- 6251 [45-1-101](#);
- 6252 (iii) file a copy of the proposed budget with the local school board's business
- 6253 administrator for public inspection; and
- 6254 (iv) post the proposed budget on the school district's Internet website.
- 6255 (c) A notice of a public hearing on a school district's proposed budget shall include
- 6256 information on how the public may access the proposed budget as provided in Subsections
- 6257 (3)(b)(iii) and (iv).
- 6258 (4) For a charter school, before June 22 of each year, a charter school governing board

6259 shall adopt a budget for the next fiscal year.

6260 (5) Within 30 days of adopting a budget, a governing board shall file a copy of the  
6261 adopted budget with the state auditor and the State Board of Education.

6262 Section 193. Section **53G-7-304**, which is renumbered from Section 53A-19-103 is  
6263 renumbered and amended to read:

6264 **[53A-19-103]. 53G-7-304. Undistributed reserve in school board budget.**

6265 (1) A local school board may adopt a budget with an undistributed reserve. The reserve  
6266 may not exceed 5% of the maintenance and operation budget adopted by the board in  
6267 accordance with a scale developed by the State Board of Education. The scale is based on the  
6268 size of the school district's budget.

6269 (2) The board may appropriate all or a part of the undistributed reserve made to any  
6270 expenditure classification in the maintenance and operation budget by written resolution  
6271 adopted by a majority vote of the board setting forth the reasons for the appropriation. The  
6272 board shall file a copy of the resolution with the State Board of Education and the state auditor.

6273 (3) The board may not use undistributed reserves in the negotiation or settlement of  
6274 contract salaries for school district employees.

6275 Section 194. Section **53G-7-305**, which is renumbered from Section 53A-19-104 is  
6276 renumbered and amended to read:

6277 **[53A-19-104]. 53G-7-305. Limits on appropriations -- Estimated**  
6278 **expendable revenue.**

6279 (1) As used in this section:

6280 (a) "Budget officer" means:

6281 (i) for a school district, the school district's superintendent; or

6282 (ii) for a charter school, an individual selected by the charter school governing board.

6283 (b) "Governing board" means:

6284 (i) for a school district, the local school board; or

6285 (ii) for a charter school, the charter school governing board.

6286 (2) A governing board may not make an appropriation in excess of its estimated  
6287 expendable revenue, including undistributed reserves, for the following fiscal year.

6288 (3) A governing board may reduce a budget appropriation at the governing board's  
6289 regular meeting if notice of the proposed action is given to all governing board members and to

6290 the district superintendent or charter school executive director, as applicable, at least one week  
6291 before the meeting.

6292 (4) For a school district, in determining the estimated expendable revenue, any existing  
6293 deficits arising through excessive expenditures from former years are deducted from the  
6294 estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of  
6295 the district for the previous year.

6296 (5) For a school district, in the event of financial hardships, the local school board may  
6297 deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of  
6298 the deficit amount.

6299 (6) For a school district, all estimated balances available for appropriations at the end  
6300 of the fiscal year shall revert to the funds from which they were appropriated and shall be fund  
6301 balances available for appropriation in the budget of the following year.

6302 (7) For a school district, an increase in an appropriation may not be made by the local  
6303 school board unless the following steps are taken:

6304 (a) the local school board receives a written request from the district superintendent  
6305 that sets forth the reasons for the proposed increase;

6306 (b) notice of the request is published:

6307 (i) in a newspaper of general circulation within the school district at least one week  
6308 before the local school board meeting at which the request will be considered; and

6309 (ii) in accordance with Section 45-1-101, at least one week before the local school  
6310 board meeting at which the request will be considered; and

6311 (c) the local school board holds a public hearing on the request before the local school  
6312 board's acting on the request.

6313 Section 195. Section **53G-7-306**, which is renumbered from Section 53A-19-105 is  
6314 renumbered and amended to read:

6315 ~~[53A-19-105].~~ **53G-7-306. School district interfund transfers.**

6316 (1) A school district shall spend revenues only within the fund for which they were  
6317 originally authorized, levied, collected, or appropriated.

6318 (2) Except as otherwise provided in this section, school district interfund transfers of  
6319 residual equity are prohibited.

6320 (3) The State Board of Education may authorize school district interfund transfers of

6321 residual equity when a district states its intent to create a new fund or expand, contract, or  
6322 liquidate an existing fund.

6323 (4) The State Board of Education may also authorize school district interfund transfers  
6324 of residual equity for a financially distressed district if the board determines the following:

6325 (a) the district has a significant deficit in its maintenance and operations fund caused  
6326 by circumstances not subject to the administrative decisions of the district;

6327 (b) the deficit cannot be reasonably reduced under Section [~~53A-19-104~~] [53G-7-305](#);  
6328 and

6329 (c) without the transfer, the school district will not be capable of meeting statewide  
6330 educational standards adopted by the State Board of Education.

6331 (5) The board shall develop standards for defining and aiding financially distressed  
6332 school districts under this section in accordance with Title 63G, Chapter 3, Utah  
6333 Administrative Rulemaking Act.

6334 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded  
6335 and reported in the debt service fund.

6336 (b) Debt service levies under Subsection [59-2-924](#) (5)(c) that are not subject to the  
6337 public hearing provisions of Section [59-2-919](#) may not be used for any purpose other than  
6338 retiring general obligation debt.

6339 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal  
6340 year shall be used in subsequent years for general obligation debt retirement.

6341 (d) Any amounts left in the debt service fund after all general obligation debt has been  
6342 retired may be transferred to the capital projects fund upon completion of the budgetary hearing  
6343 process required under Section [~~53A-19-102~~] [53G-7-303](#).

6344 Section 196. Section **53G-7-307**, which is renumbered from Section 53A-19-106 is  
6345 renumbered and amended to read:

6346 ~~[53A-19-106].~~ **53G-7-307. Warrants drawn by budget officer.**

6347 (1) As used in this section:

6348 (a) "Budget officer" means:

6349 (i) for a school district, the school district's superintendent; or

6350 (ii) for a charter school, an individual selected by the charter school governing board.

6351 (b) "Governing board" means:

6352 (i) for a school district, the local school board; or  
6353 (ii) for a charter school, the charter school governing board.  
6354 (2) The budget officer of a governing board may not draw warrants on school district  
6355 or charter school funds except in accordance with and within the limits of the budget passed by  
6356 the governing board.

6357 Section 197. Section **53G-7-308**, which is renumbered from Section 53A-19-107 is  
6358 renumbered and amended to read:

6359 ~~[53A-19-107].~~ **53G-7-308. Emergency expenditures.**

6360 This ~~[chapter]~~ part does not apply to appropriations required because of emergencies  
6361 involving loss of life or great loss of property.

6362 Section 198. Section **53G-7-309**, which is renumbered from Section 53A-19-108 is  
6363 renumbered and amended to read:

6364 ~~[53A-19-108].~~ **53G-7-309. Monthly budget reports.**

6365 (1) As used in this section:

6366 (a) "Budget officer" means:

6367 (i) for a school district, the school district's superintendent; or

6368 (ii) for a charter school, an individual selected by the charter school governing board.

6369 (b) "Governing board" means:

6370 (i) for a school district, the local school board; or

6371 (ii) for a charter school, the charter school governing board.

6372 (2) The business administrator or budget officer of a governing board shall provide  
6373 each board member with a report, on a monthly basis, that includes the following information:

6374 (a) the amounts of all budget appropriations;

6375 (b) the disbursements from the appropriations as of the date of the report; and

6376 (c) the percentage of the disbursements as of the date of the report.

6377 (3) Within five days of providing the monthly report described in Subsection (2) to a  
6378 governing board, the business administrator or budget officer shall make a copy of the report  
6379 available for public review.

6380 Section 199. Section **53G-7-401**, which is renumbered from Section 53A-30-102 is  
6381 renumbered and amended to read:

6382 **Part 4. Internal Audits**

6383           ~~[53A-30-102].~~           **53G-7-401. Definitions.**

6384           As used in this part:

6385           (1) "Audit committee" means a standing committee:

6386           (a) appointed by the local school board or charter school governing board with the  
6387 following number of members as applicable to the local school board or charter school  
6388 governing board:

6389           (i) for a board of a local education agency that consists of seven or more members,  
6390 three members of that board; or

6391           (ii) for a board of a local education agency that consists of six or fewer members, two  
6392 members of that board; and

6393           (b) composed of people who are not administrators or employees of the local education  
6394 agency.

6395           (2) "Audit director" means the person who directs the internal audit program.

6396           (3) "Audit plan" means a prioritized list of audits to be performed by an internal audit  
6397 program within a specified period of time.

6398           (4) "Internal audit" means an independent appraisal activity established within a local  
6399 education agency as a control system to examine and evaluate the adequacy and effectiveness  
6400 of other internal control systems within the local education agency.

6401           (5) "Internal audit program" means an audit function that:

6402           (a) is conducted by a local school board or charter school governing board independent  
6403 of the local education agency offices or other operations;

6404           (b) objectively evaluates the effectiveness of the local education agency governance,  
6405 risk management, internal controls, and the efficiency of operations; and

6406           (c) is conducted in accordance with the current:

6407           (i) International Standards for the Professional Practice of Internal Auditing; or

6408           (ii) The Government Auditing Standards, issued by the Comptroller General of the  
6409 United States.

6410           (6) "Local education agency" means a school district or charter school.

6411           Section 200. Section **53G-7-402**, which is renumbered from Section 53A-30-103 is  
6412 renumbered and amended to read:

6413           ~~[53A-30-103].~~           **53G-7-402. Internal auditing program -- Audit committee --**

6414 **Powers and duties.**

6415 (1) A local school board or charter school governing board shall establish an audit  
6416 committee.

6417 (2) (a) The audit committee shall establish an internal audit program that provides  
6418 internal audit services for the programs administered by the local education agency.

6419 (b) A local education agency that has fewer than 10,000 students is not subject to  
6420 Subsection (2)(a).

6421 (3) (a) A local school board or charter school governing board shall appoint the audit  
6422 director, with the advisement of the audit committee, if the local school board or charter school  
6423 governing board hires an audit director.

6424 (b) If the local school board or charter school governing board has not appointed an  
6425 audit director and the school board or governing board contracts directly for internal audit  
6426 services, the local school board or charter school governing board shall approve a contract for  
6427 internal audit services, with the advisement of the audit committee.

6428 (4) The audit committee shall ensure that copies of all reports of audit findings issued  
6429 by the internal auditors are available, upon request, to the audit director of the State Board of  
6430 Education, the Office of the State Auditor, and the Office of Legislative Auditor General.

6431 (5) The audit committee shall ensure that significant audit matters that cannot be  
6432 appropriately addressed by the local education agency internal auditors are referred to either the  
6433 audit director of the State Board of Education, the Office of the State Auditor, or the Office of  
6434 Legislative Auditor General.

6435 (6) The audit director may contract with a consultant to assist with an audit.

6436 (7) The audit director of the State Board of Education and the Office of the State  
6437 Auditor may contract to provide internal audit services.

6438 Section 201. Section **53G-7-501** is enacted to read:

6439 **Part 5. Student Fees**6440 **53G-7-501. Definitions.**

6441 Reserved

6442 Section 202. Section **53G-7-502**, which is renumbered from Section 53A-12-101 is  
6443 renumbered and amended to read:

6444 ~~[53A-12-101].~~ **53G-7-502. Schools to be free -- Age limitations.**



(1) Except as otherwise provided in [~~Title 53A, State System of Public Education~~] this public education code, in each school district the public schools shall be free to all children between five and 18 years of age who are residents of the district, and also to persons over 18 who are domiciled in the state of Utah and have not completed high school.

(2) A person over the age of 18 taking courses under this section must declare an intent to complete requirements for a high school diploma. All courses taken must lead toward that diploma and must be approved by those directly responsible for administering the program.

(3) A person required to pay tuition under this section may have the tuition waived under Section [~~53A-15-404~~] 53E-10-205.

Section 203. Section **53G-7-503**, which is renumbered from Section 53A-12-102 is renumbered and amended to read:

~~[53A-12-102].~~      **53G-7-503.** State policy on student fees, deposits, or other charges.

(1) For purposes of this part:

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

(b) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.

(c) "Secondary school student":

(i) means a student enrolled in a secondary school; and

(ii) includes a student in grade 6 if the student attends a secondary school.

(2) (a) A secondary school may impose fees on secondary school students.

(b) The board shall adopt rules regarding the imposition of fees in secondary schools in accordance with the requirements of this part.

(3) A fee, deposit, or other charge may not be made, or any expenditure required of a student or the student's parent or guardian, as a condition for student participation in an activity, class, or program provided, sponsored, or supported by or through a public school or school district, unless authorized by the local school board or charter school governing board under rules adopted by the board.

(4) (a) A fee, deposit, charge, or expenditure may not be required for elementary school activities which are part of the regular school day or for supplies used during the regular school day.

(b) An elementary school or elementary school teacher may compile and provide to a student's parent or guardian a suggested list of supplies for use during the regular school day so that a parent or guardian may furnish on a voluntary basis those supplies for student use.

(c) A list provided to a student's parent or guardian pursuant to Subsection (4)(b) shall include and be preceded by the following language:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

Section 204. Section **53G-7-504**, which is renumbered from Section 53A-12-103 is renumbered and amended to read:

**[53A-12-103]. 53G-7-504. Waiver of fees.**

(1) (a) A local school board shall require, as part of an authorization granted under Section ~~[53A-12-102]~~ 53G-7-503, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.

(b) (i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.

(ii) If the student or the student's parent or guardian is financially unable to pay the fee, the board shall provide for alternatives to waiving the fee, which may include installment payments and school or community service or work projects for the student.

(iii) In cases of extreme financial hardship or where the student has suffered a long-term illness, or death in the family, or other major emergency and where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

(iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and charges made in the secondary schools.

(2) (a) The board shall require each school in the district that charges a fee under this ~~[chapter] part and Part 6, Textbook Fees~~, to provide a variety of alternatives for satisfying the fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the fee.

6507 (b) The board shall develop and provide a list of alternatives for the schools, including  
6508 such options as allowing the student to provide:

6509 (i) tutorial assistance to other students;

6510 (ii) assistance before or after school to teachers and other school personnel on school  
6511 related matters; and

6512 (iii) general community or home service.

6513 (c) Each school may add to the list of alternatives provided by the board, subject to  
6514 approval by the board.

6515 (3) A local school board may establish policies providing for partial fee waivers or  
6516 other alternatives for those students who, because of extenuating circumstances, are not in a  
6517 financial position to pay the entire fee.

6518 (4) With regard to children who are in the custody of the Division of Child and Family  
6519 Services who are also eligible under Title IV-E of the federal Social Security Act, local school  
6520 boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

6521 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6522 State Board of Education shall make rules:

6523 (a) requiring a parent or guardian of a student applying for a fee waiver to provide  
6524 documentation and certification to the school verifying:

6525 (i) the student's eligibility to receive the waiver; and

6526 (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have  
6527 been complied with to the fullest extent reasonably possible according to the individual  
6528 circumstances of both the fee waiver applicant and the school; and

6529 (b) specifying the acceptable forms of documentation for the requirement under  
6530 Subsection (5)(a), which shall include verification based on income tax returns or current pay  
6531 stubs.

6532 (6) Notwithstanding the requirements under Subsection (5), a school is not required to  
6533 keep documentation on file after the verification is completed.

6534 Section 205. Section **53G-7-505**, which is renumbered from Section 53A-12-104 is  
6535 renumbered and amended to read:

6536 ~~[53A-12-104].~~ **53G-7-505. Notice of student fees and waivers.**

6537 A local school board shall annually give written notice of its student fee schedules and

6538 fee waiver policies to the parent or guardian of a child who attends a public school within the  
6539 district.

6540 Section 206. Section **53G-7-601**, which is renumbered from Section 53A-12-202 is  
6541 renumbered and amended to read:

6542 **Part 6. Textbook Fees**

6543 ~~[53A-12-202].~~ **53G-7-601. "Textbooks" defined.**

6544 For the purposes of Sections [~~53A-12-201~~] 53G-7-602 through [~~53A-12-206~~]  
6545 53G-7-605, "textbooks" includes textbooks and workbooks necessary for participation in any  
6546 instructional course. Textbooks shall not include personal or consumable items, such as  
6547 pencils, papers, pens, erasers, notebooks, other items of personal use, or products which a  
6548 student may purchase at his option, such as school publications, class rings, annuals, and  
6549 similar items.

6550 Section 207. Section **53G-7-602**, which is renumbered from Section 53A-12-201 is  
6551 renumbered and amended to read:

6552 ~~[53A-12-201].~~ **53G-7-602. State policy on providing textbooks.**

6553 (1) It is the public policy of this state that public education shall be free.

6554 (2) A student may not be denied an education because of economic inability to  
6555 purchase textbooks necessary for advancement in or graduation from the public school system.

6556 (3) A school board may not sell textbooks or otherwise charge textbook fees or  
6557 deposits except as provided in [~~Title 53A, State System of Public Education~~] this public  
6558 education code.

6559 Section 208. Section **53G-7-603**, which is renumbered from Section 53A-12-204 is  
6560 renumbered and amended to read:

6561 ~~[53A-12-204].~~ **53G-7-603. Purchase of textbooks by local school board --**  
6562 **Sales to pupils -- Free textbooks -- Textbooks provided to teachers -- Payment of costs --**  
6563 **Rental of textbooks.**

6564 (1) A local school board, under rules adopted by the State Board of Education, may  
6565 purchase textbooks for use in the public schools directly from the publisher at prices and terms  
6566 approved by the state board and may sell those books to pupils in grades nine through 12 at a  
6567 cost not to exceed the actual cost of the book plus costs of transportation and handling.

6568 (2) Each local school board, however, shall provide, free of charge, textbooks and

workbooks required for courses of instruction for each child attending public schools whose parent or guardian is financially unable to purchase them.

(3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3, Family Employment Program, supplemental security income, or who are in the custody of the Division of Child and Family Services within the Department of Human Services are eligible for free textbooks and workbooks under this section.

(4) The local school board shall also purchase all books necessary for teachers to conduct their classes.

(5) The cost of furnishing textbooks and workbooks may be paid from school operating funds, the textbook fund, or from other available funds.

(6) Books provided to teachers and pupils without charge or at less than full cost are paid for out of funds of the district and remain the property of the district.

(7) In school districts that require pupils to rent books instead of purchasing them or providing them free of charge, the local school board shall waive rental fees for a child whose parent or guardian is financially unable to pay the rental fee. The children considered eligible under Subsection (3) are also eligible for the purposes of this Subsection (7).

Section 209. Section **53G-7-604**, which is renumbered from Section 53A-12-205 is renumbered and amended to read:

**[53A-12-205].**        **53G-7-604. Free textbook system.**

(1) If a local school board considers it desirable or necessary, or if the board is petitioned by two-thirds of those voting in the district, it shall provide free textbooks to all pupils in the schools under its charge.

(2) Books purchased under this section shall be paid for out of the funds of the district.

(3) The board shall assure that sufficient funds are raised and set aside for this purpose.

(4) A board that has adopted the free textbook system shall terminate the system if petitioned by two-thirds of those voting in an election conducted for that purpose vote to terminate the system.

(5) The board may not act upon a petition to terminate the free textbook system during a period of four years after the system is adopted.

(6) The board may not reinstitute a free textbook system until four years after its termination.

Section 210. Section **53G-7-605**, which is renumbered from Section 53A-12-206 is renumbered and amended to read:

**~~[53A-12-206].~~      53G-7-605. Repurchase and resale of textbooks.**

(1) If a student moves from a district in which free textbooks were not provided, the school board of that district may purchase the books used by the student at a reasonable price, based upon the original cost and the condition of the book upon return.

(2) The books purchased by the district under this section may be resold to other students in the district.

Section 211. Section **53G-7-606**, which is renumbered from Section 53A-12-207 is renumbered and amended to read:

**~~[53A-12-207].~~      53G-7-606. Disposal of textbooks.**

(1) For a school year beginning with or after the 2012-13 school year, a local school district may not dispose of textbooks used in its public schools without first notifying all other school districts in the state of its intent to dispose of the textbooks.

(2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or worn out.

(3) The State Board of Education shall develop rules and procedures directing the disposal of textbooks.

Section 212. Section **53G-7-701**, which is renumbered from Section 53A-11-1202 is renumbered and amended to read:

#### **Part 7. Student Clubs**

**~~[53A-11-1202].~~      53G-7-701. Definitions.**

As used in this part:

(1) "Bigotry" means action or advocacy of imminent action involving:

(a) the harassment or denigration of a person or entity; or

(b) any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in this section, Section ~~[53A-13-101.3]~~ 53G-10-203, or 20 U.S.C. ~~[Section]~~ Sec. 4071(f).

6631 (2) "Club" means any student organization that meets during noninstructional time.

6632 (3) "Conscience" means a standard based upon learned experiences, a personal  
6633 philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of  
6634 right and wrong which is felt on an individual basis, a belief in an external absolute, or any  
6635 combination of the foregoing.

6636 (4) "Curricular club" means a club that is school sponsored and that may receive  
6637 leadership, direction, and support from the school or school district beyond providing a  
6638 meeting place during noninstructional time. An elementary school curricular club means a club  
6639 that is organized and directed by school sponsors at the elementary school. A secondary school  
6640 curricular club means a club:

6641 (a) whose subject matter is taught or will soon be taught in a regular course;

6642 (b) whose subject matter concerns the body of courses as a whole;

6643 (c) in which participation is required for a particular course; or

6644 (d) in which participation results in academic credit.

6645 (5) (a) "Discretionary time" means school-related time for students that is not  
6646 instructional time.

6647 (b) "Discretionary time" includes free time before and after school, during lunch and  
6648 between classes or on buses, and private time before athletic and other events or activities.

6649 (6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of  
6650 imminent action that violates any law or administrative rule.

6651 (b) "Encourage criminal or delinquent conduct" does not include discussions  
6652 concerning changing of laws or rules, or actions taken through lawfully established channels to  
6653 effectuate such change.

6654 (7) (a) "Instructional time" means time during which a school is responsible for a  
6655 student and the student is required or expected to be actively engaged in a learning activity.

6656 (b) "Instructional time" includes instructional activities in the classroom or study hall  
6657 during regularly scheduled hours, required activities outside the classroom, and counseling,  
6658 private conferences, or tutoring provided by school employees or volunteers acting in their  
6659 official capacities during or outside of regular school hours.

6660 (8) "Involve human sexuality" means:

6661 (a) presenting information in violation of laws governing sex education, including

6662 Sections [~~53A-13-101~~] 53G-10-402 and [~~53A-13-302~~] 53E-9-203;

6663 (b) advocating or engaging in sexual activity outside of legally recognized marriage or  
6664 forbidden by state law; or

6665 (c) presenting or discussing information relating to the use of contraceptive devices or  
6666 substances, regardless of whether the use is for purposes of contraception or personal health.

6667 (9) "Limited open forum" means a forum created by a school district or charter school  
6668 for student expression within the constraints of Subsection [~~53A-13-101.3~~] 53G-10-203(2)(b).

6669 (10) "Noncurricular club" is a student initiated group that may be authorized and  
6670 allowed school facilities use during noninstructional time in secondary schools by a school and  
6671 school governing board in accordance with the provisions of this part. A noncurricular club's  
6672 meetings, ideas, and activities are not sponsored or endorsed in any way by a school governing  
6673 board, the school, or by school or school district employees.

6674 (11) "Noninstructional time" means time set aside by a school before instructional time  
6675 begins or after instructional time ends, including discretionary time.

6676 (12) "Religious club" means a noncurricular club designated in its application as either  
6677 being religiously based or based on expression or conduct mandated by conscience.

6678 (13) "School" means a public school, including a charter school.

6679 (14) (a) "School facilities use" means access to a school facility, premises, or playing  
6680 field.

6681 (b) "School facilities use" includes access to a limited open forum.

6682 (15) "School governing board" means a local school board or charter school board.

6683 Section 213. Section **53G-7-702**, which is renumbered from Section 53A-11-1203 is  
6684 renumbered and amended to read:

6685 [~~53A-11-1203~~]. **53G-7-702. Student clubs -- Limited open forum --**

6686 **Authorization.**

6687 (1) (a) A school may establish and maintain a limited open forum for student clubs  
6688 pursuant to the provisions of this part, State Board of Education rules, and school governing  
6689 board policies.

6690 (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to  
6691 create a closed forum at any time by allowing curricular clubs only.

6692 (2) (a) A school shall review applications for authorization of clubs on a case-by-case



6693 basis.

6694 (b) Before granting an authorization, the school shall find:

6695 (i) that the proposed club meets this part's respective requirements of a curricular club  
6696 or a noncurricular club; and

6697 (ii) that the proposed club's purpose and activities comply with this part.

6698 (c) Before granting an authorization, a school may request additional information from  
6699 the faculty sponsor, from students proposing the club, or from its school governing board, if  
6700 desired.

6701 (3) A school shall grant authorization and school facilities use to curricular and  
6702 noncurricular clubs whose applications are found to meet the requirements of this part, rules of  
6703 the State Board of Education, and policies of the school governing board and shall limit or  
6704 deny authorization or school facilities use to proposed clubs that do not meet the requirements  
6705 of this part, rules of the State Board of Education, and policies of the school governing board.

6706 Section 214. Section **53G-7-703**, which is renumbered from Section 53A-11-1204 is  
6707 renumbered and amended to read:

6708 ~~[53A-11-1204].~~ **53G-7-703. Curricular clubs -- Authorization.**

6709 (1) Faculty members or students proposing a curricular club shall submit written  
6710 application for authorization on a form approved by the school governing board.

6711 (2) A school governing board may exempt a club whose membership is determined by  
6712 student body election or a club that is governed by an association that regulates interscholastic  
6713 activities from the authorization requirements under this section.

6714 (3) An application for authorization of a curricular club shall include:

6715 (a) the recommended club name;

6716 (b) a statement of the club's purpose, goals, and activities;

6717 (c) a statement of the club's categorization, which shall be included in the parental  
6718 consent required under Section ~~[53A-11-1210]~~ 53G-7-709, indicating all of the following that  
6719 may apply:

6720 (i) athletic;

6721 (ii) business/economic;

6722 (iii) agriculture;

6723 (iv) art/music/performance;

6724 (v) science;  
6725 (vi) gaming;  
6726 (vii) religious;  
6727 (viii) community service/social justice; and  
6728 (ix) other;  
6729 (d) the recommended meeting times, dates, and places;  
6730 (e) a statement that the club will comply with the provisions of this part and all other  
6731 applicable laws, rules, or policies; and  
6732 (f) a budget showing the amount and source of any funding provided or to be provided  
6733 to the club and its proposed use.  
6734 (4) The application may be as brief as a single page so long as it contains the items  
6735 required under this section.  
6736 (5) A school shall approve the name of a curricular club consistent with the club's  
6737 purposes and its school sponsorship.  
6738 (6) (a) A school shall determine curriculum relatedness by strictly applying this part's  
6739 definition of curricular club to the club application.  
6740 (b) If the school finds that the proposed club is a curricular club, the school shall  
6741 continue to review the application as an application for authorization of a curricular club.  
6742 (c) If the school finds that the proposed club is a noncurricular club, the school may:  
6743 (i) return the application to the faculty member or students proposing the club for  
6744 amendment; or  
6745 (ii) review the application as an application for authorization of a noncurricular club.  
6746 (7) (a) Only curricular clubs may be authorized for elementary schools.  
6747 (b) A school governing body may limit, or permit a secondary school to limit, the  
6748 authorization of clubs at the secondary school to only curricular clubs.  
6749 Section 215. Section **53G-7-704**, which is renumbered from Section 53A-11-1205 is  
6750 renumbered and amended to read:  
6751 **[53A-11-1205]. 53G-7-704. Noncurricular clubs -- Annual authorization.**  
6752 (1) A noncurricular club shall have a minimum of three members.  
6753 (2) Students proposing a noncurricular club shall submit a written application for  
6754 authorization on a form approved by the school governing board.

6755 (3) An application for authorization of a noncurricular club shall include:  
6756 (a) the recommended club name;  
6757 (b) a statement of the club's purpose, goals, and activities;  
6758 (c) a statement of the club's categorization, which shall be included in the parental  
6759 consent required under Section [~~53A-11-1210~~] 53G-7-709, indicating all of the following that  
6760 may apply:  
6761 (i) athletic;  
6762 (ii) business/economic;  
6763 (iii) agriculture;  
6764 (iv) art/music/performance;  
6765 (v) science;  
6766 (vi) gaming;  
6767 (vii) religious;  
6768 (viii) community service/social justice; and  
6769 (ix) other;  
6770 (d) the recommended meeting times, dates, and places;  
6771 (e) a statement that the club will comply with the provisions of this part and all other  
6772 applicable laws, rules, or policies; and  
6773 (f) a budget showing the amount and source of any funding provided or to be provided  
6774 to the club and its proposed use.  
6775 (4) The application may be as brief as a single page so long as it contains the items  
6776 required under this section.  
6777 (5) (a) A school governing board may provide for approval of a noncurricular club  
6778 name in an action separate from that relating to authorization of the club itself.  
6779 (b) A school governing board shall require:  
6780 (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and  
6781 activities; and  
6782 (ii) that the noncurricular club name shall be a name that would not result in or imply a  
6783 violation of this part.  
6784 Section 216. Section **53G-7-705**, which is renumbered from Section 53A-11-1206 is  
6785 renumbered and amended to read:

6786 ~~[53A-11-1206].~~ 53G-7-705. **Clubs -- Limitations and denials.**

6787 (1) A school shall limit or deny authorization or school facilities use to a club, or  
6788 require changes prior to granting authorization or school facilities use:

6789 (a) as the school determines it to be necessary to:

6790 (i) protect the physical, emotional, psychological, or moral well-being of students and  
6791 faculty;

6792 (ii) maintain order and discipline on school premises;

6793 (iii) prevent a material and substantial interference with the orderly conduct of a  
6794 school's educational activities;

6795 (iv) protect the rights of parents or guardians and students;

6796 (v) maintain the boundaries of socially appropriate behavior; or

6797 (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or

6798 (b) if a club's proposed charter and proposed activities indicate students or advisors in  
6799 club related activities would as a substantial, material, or significant part of their conduct or  
6800 means of expression:

6801 (i) encourage criminal or delinquent conduct;

6802 (ii) promote bigotry;

6803 (iii) involve human sexuality; or

6804 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or  
6805 psychological services for which a license would be required under state law.

6806 (2) A school governing board has the authority to determine whether any club meets  
6807 the criteria of Subsection (1).

6808 (3) If a school or school governing board limits or denies authorization to a club, the  
6809 school or school governing board shall provide, in writing, to the applicant the factual and legal  
6810 basis for the limitation or denial.

6811 (4) A student's spontaneous expression of sentiments or opinions otherwise identified  
6812 in Subsection ~~[53A-13-302]~~ 53E-9-203(1) is not prohibited.

6813 Section 217. Section **53G-7-706**, which is renumbered from Section 53A-11-1207 is  
6814 renumbered and amended to read:

6815 ~~[53A-11-1207].~~ 53G-7-706. **Faculty oversight of authorized clubs.**

6816 (1) A school shall approve the faculty sponsor, supervisor, or monitor for each

6817 authorized curricular, noncurricular, and religious club to provide oversight consistent with this  
6818 part and the needs of the school to ensure that the methods of expression, religious practices, or  
6819 other conduct of the students or advisors involved do not:

6820 (a) unreasonably interfere with the ability of school officials to maintain order and  
6821 discipline;

6822 (b) unreasonably endanger or threaten the well-being of persons or property;

6823 (c) violate concepts of civility or propriety appropriate to a school setting; or

6824 (d) violate applicable laws, rules, regulations, and policies.

6825 (2) (a) A school shall annually approve faculty members as sponsors of curricular  
6826 clubs.

6827 (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular  
6828 club.

6829 (3) (a) A school shall approve faculty members to serve as supervisors for authorized  
6830 noncurricular clubs.

6831 (b) A faculty supervisor shall provide oversight to ensure compliance with the  
6832 approved club purposes, goals, and activities and with the provisions of this part and other  
6833 applicable laws, rules, and policies.

6834 (c) The approval of a faculty supervisor or monitor does not constitute school  
6835 sponsorship of the club.

6836 (d) A faculty monitor approved for a religious club may not participate in the activities  
6837 of the religious club, except to perform the supervisory role required by this section.

6838 (4) Without the prior approval by the school, a person who is not a school faculty  
6839 member or a club member may not:

6840 (a) make a presentation to a noncurricular club; or

6841 (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

6842 Section 218. Section **53G-7-707**, which is renumbered from Section 53A-11-1208 is  
6843 renumbered and amended to read:

6844 **~~[53A-11-1208].~~ 53G-7-707. Use of school facilities by clubs.**

6845 (1) A school shall determine and assign school facilities use for curricular and  
6846 noncurricular clubs consistent with the needs of the school.

6847 (2) The following rules apply to curricular clubs:

(a) in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and

(b) the school may provide financial or other support to curricular clubs.

(3) The following rules apply to noncurricular clubs:

(a) a preference or priority may not be given among noncurricular clubs;

(b) (i) a school shall only provide the space for noncurricular club meetings; and

(ii) a school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this part, including providing space and faculty oversight for noncurricular clubs;

(c) a school shall establish the noninstructional times during which noncurricular clubs may meet;

(d) a school may establish the places that noncurricular clubs may meet;

(e) a school may set the number of hours noncurricular clubs may use the school's facilities per month, provided that all noncurricular clubs shall be treated equally; and

(f) a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Section 219. Section **53G-7-708**, which is renumbered from Section 53A-11-1209 is renumbered and amended to read:

~~[53A-11-1209].~~      **53G-7-708. Club membership.**

(1) A school shall require written parental or guardian consent for student participation in all curricular and noncurricular clubs at the school.

(2) Membership in curricular clubs is governed by the following rules:

(a) (i) membership may be limited to students who are currently attending the sponsoring school or school district; and

(ii) members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section ~~[53A-11-1210]~~ 53G-7-709, specific parental or guardian permission for membership in a curricular club at another school;

(b) (i) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and

(ii) try-outs may not require activities that violate the provisions of this part and other

6879 applicable laws, rules, and policies; and

6880 (c) other rules as determined by the State Board of Education, school district, or  
6881 school.

6882 (3) Membership in noncurricular clubs is governed by the following rules:

6883 (a) student membership in a noncurricular club is voluntary;

6884 (b) membership shall be limited to students who are currently attending the school;

6885 (c) (i) noncurricular clubs may require that prospective members try out based on  
6886 objective criteria outlined in the application materials; and

6887 (ii) try-outs may not require activities that violate the provisions of this part and other  
6888 applicable laws, rules, and policies;

6889 (d) a copy of any written or other media materials that were presented at a  
6890 noncurricular club meeting by a nonschool person shall be delivered to a school administrator  
6891 no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent  
6892 or legal guardian shall have an opportunity to review those materials; and

6893 (e) other rules as determined by the State Board of Education, school district, or  
6894 school.

6895 Section 220. Section **53G-7-709**, which is renumbered from Section 53A-11-1210 is  
6896 renumbered and amended to read:

6897 **[53A-11-1210].** **53G-7-709. Parental consent.**

6898 (1) A school shall require written parental or guardian consent for student participation  
6899 in all curricular and noncurricular clubs at the school.

6900 (2) The consent described in Subsection (1) shall include an activity disclosure  
6901 statement containing the following information:

6902 (a) the specific name of the club;

6903 (b) a statement of the club's purpose, goals, and activities;

6904 (c) a statement of the club's categorization, which shall be obtained from the  
6905 application for authorization of a club in accordance with the provisions of Section  
6906 [53A-11-1204] 53G-7-703 or [53A-11-1205] 53G-7-704, indicating all of the following that  
6907 may apply:

6908 (i) athletic;

6909 (ii) business/economic;

(iii) agriculture;  
(iv) art/music/performance;  
(v) science;  
(vi) gaming;  
(vii) religious;  
(viii) community service/social justice; and  
(ix) other;  
(d) beginning and ending dates;  
(e) a tentative schedule of the club activities with dates, times, and places specified;  
(f) personal costs associated with the club, if any;  
(g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and  
(h) any additional information considered important for the students and parents to know.

(3) All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a charter school, or their designee.

Section 221. Section **53G-7-710**, which is renumbered from Section 53A-11-1211 is renumbered and amended to read:

**~~[53A-11-1211].~~      53G-7-710. Violations -- Investigations -- School responses.**

(1) A school shall investigate any report or allegation that an authorized curricular or noncurricular club is:

(a) participating in activities beyond the scope of its purpose; or  
(b) in violation of a provision of this part or another applicable law, rule, regulation, or policy.

(2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the report or allegation, if a violation is substantiated, the school may do any of the following:

(a) allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of this part and other applicable laws, rules, regulations, or policies;

(b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in



the future;

(c) limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school; or

(d) terminate the club's authorization and dissolve the club.

(3) Any limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this part.

(4) A club that has been terminated in accordance with Subsection (2)(d) may not reapply for authorization until the following school year.

(5) A student who makes a false allegation or report under this section shall be subject to school discipline.

Section 222. Section **53G-7-711**, which is renumbered from Section 53A-11-1212 is renumbered and amended to read:

**[53A-11-1212]. 53G-7-711. Appeals -- Procedures.**

(1) (a) A completed application or complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.

(b) If an application or complaint is denied, written reasons for the denial or results of the investigation shall be stated and, if appropriate, suggested corrections shall be made to remedy the deficiency.

(c) A club that is denied school facilities use shall be informed at the time of the denial of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial could be corrected.

(2) (a) If denied, suspended, or terminated, a club, student desirous of participating or speaking, or a complaining parent or guardian, has 10 school days from the date of the denial, suspension, or termination to file a written appeal from the denial, suspension, or termination to a designee authorized by the school governing board.

(b) The designee shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative remedies unless the time for evaluation is extended by agreement of all parties.

(3) A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to a person designated by the school governing

6972 board.

6973 Section 223. Section **53G-7-712**, which is renumbered from Section 53A-11-1213 is  
6974 renumbered and amended to read:

6975 ~~[53A-11-1213]~~. **53G-7-712. Rulemaking -- State Board of Education --**  
6976 **School governing boards.**

6977 The State Board of Education may adopt additional rules and school governing boards  
6978 may adopt additional rules or policies governing clubs that do not conflict with the provisions  
6979 of this part.

6980 Section 224. Section **53G-7-713**, which is renumbered from Section 53A-11-1214 is  
6981 renumbered and amended to read:

6982 ~~[53A-11-1214]~~. **53G-7-713. Severability.**

6983 If any provision of this part or the application of any provision to any person or  
6984 circumstance, is held invalid, the remainder of this part shall be given effect without the invalid  
6985 provision or application.

6986 Section 225. Section **53G-7-801**, which is renumbered from Section 53A-15-1101 is  
6987 renumbered and amended to read:

6988 **Part 8. School Uniforms**

6989 ~~[53A-15-1101]~~. **53G-7-801. Definitions.**

6990 As used in this part:

6991 (1) "Principal" includes the chief administrator of a school that does not have a  
6992 principal.

6993 (2) "School" means a public school, including a charter school.

6994 (3) "School official" means the principal of a school or the local school board for a  
6995 school district.

6996 (4) "School uniform" means student clothing conforming to a school uniform policy  
6997 under this part, which may include a dress code, dress of designated colors, or a reasonable  
6998 designated uniform of a particular style. A school uniform policy may not include very  
6999 expensive or prescriptive clothing requirements.

7000 Section 226. Section **53G-7-802**, which is renumbered from Section 53A-15-1102 is  
7001 renumbered and amended to read:

7002 ~~[53A-15-1102]~~. **53G-7-802. Uniforms in schools -- Legislative finding --**

7003 **Policies.**

7004 (1) The Legislature finds that:

7005 (a) each student should be allowed to learn in a safe environment which fosters the  
7006 learning process and is free from unnecessary disruptions;7007 (b) the wearing of certain types of clothing may identify students as members of youth  
7008 gangs and contribute to disruptive behavior and violence in the schools;

7009 (c) school uniform policies may be part of an overall program to:

7010 (i) improve school safety and discipline; and

7011 (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent  
7012 disturbances among students; and

7013 (d) school uniforms may:

7014 (i) decrease violence and theft among students; and

7015 (ii) foster and promote desirable school operating conditions and a positive educational  
7016 environment in accordance with this part.7017 (2) In accordance with Section [~~53A-15-1103~~] [53G-7-803](#), a school may adopt a school  
7018 uniform policy that requires students enrolled at that school to wear a designated school  
7019 uniform during the school day.

7020 (3) A school uniform policy shall:

7021 (a) protect students' free exercise of religious beliefs;

7022 (b) specify whether the uniform policy is voluntary or mandatory for students;

7023 (c) specify whether or not the uniform policy has an opt-out provision in addition to the  
7024 provisions under Subsection (5); and7025 (d) include a provision for financial assistance to families who cannot afford to  
7026 purchase a required uniform, which may include:

7027 (i) the school providing school uniforms to students;

7028 (ii) the school making used school uniforms available to students; or

7029 (iii) other programs to make school uniforms available to economically disadvantaged  
7030 students.7031 (4) A school uniform policy under this part is not considered a fee for either an  
7032 elementary or a secondary school.

7033 (5) A school uniform policy shall include a provision allowing a principal at any time

during the school year to grant an exemption from wearing a school uniform to a student because of extenuating circumstances.

(6) (a) If a school adopts a school uniform policy under this part, that school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).

(b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

Section 227. Section **53G-7-803**, which is renumbered from Section 53A-15-1103 is renumbered and amended to read:

~~[53A-15-1103].~~ **53G-7-803. Uniforms in schools -- Policy approval.**

(1) The school uniform policy authorized in Section [~~53A-15-1102~~] 53G-7-802 may be adopted:

(a) for a charter school:

(i) by the governing body or administrator of the charter school in accordance with Subsection (2); or

(ii) by including the school uniform policy in the school's charter approved in accordance with [~~Title 53A, Chapter 1a, Part 5, The~~] Chapter 5, Utah Charter Schools [~~Act~~];

(b) for more than one school at the district level by a local school board in accordance with Subsection (2); or

(c) for a single school at the school level by the principal of the school in accordance with Subsection (2).

(2) A school uniform policy adopted by an election is subject to the following requirements:

(a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;

(b) (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and

(ii) only parents and guardians of students subject to the proposed school uniform policy may vote at the election, limited to one vote per family.

(3) (a) A local school board or principal is required to hold an election to consider

adoption of a school uniform policy for an entire school district or an individual school if initiative petitions are presented as follows:

(i) for a school district, a petition signed by a parent or guardian of 20% of the district's students presented to the local school board; and

(ii) for an individual school, a petition signed by a parent or guardian of 20% of the school's students presented to the principal.

(b) The public hearing and election procedures required in Subsection (2) apply to Subsection (3).

(4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance or modification of a school uniform policy adopted under this section.

(b) A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.

(5) The adopting authority shall establish the manner and time of an election required under this section.

Section 228. Section **53G-7-901**, which is renumbered from Section 53A-29-101 is renumbered and amended to read:

#### **Part 9. Internships**

##### **~~[53A-29-101].~~ 53G-7-901. Definitions.**

As used in this ~~[chapter]~~ part:

(1) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through a school, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(2) "Intern" means a student enrolled in a school-sponsored work experience and career exploration program under Section ~~[53A-29-102]~~ 53G-7-902 involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.

(3) "Internship" means the work experience segment of an intern's school-sponsored work experience and career exploration program, performed under the direct supervision of a cooperating employer.

(4) "Private school" means a school serving any of grades 7 through 12 which is not part of the public education system.

7096 (5) "Public school" means:  
7097 (a) a public school district;  
7098 (b) an applied technology center or applied technology service region;  
7099 (c) the Schools for the Deaf and the Blind; or  
7100 (d) other components of the public education system authorized by the State Board of  
7101 Education to offer internships.

7102 Section 229. Section **53G-7-902**, which is renumbered from Section 53A-29-102 is  
7103 renumbered and amended to read:

7104 ~~[53A-29-102].~~ **53G-7-902. Public or private school internships.**

7105 A public or private school may offer internships in connection with work experience  
7106 and career exploration programs operated in accordance with the rules of the State Board of  
7107 Education.

7108 Section 230. Section **53G-7-903**, which is renumbered from Section 53A-29-103 is  
7109 renumbered and amended to read:

7110 ~~[53A-29-103].~~ **53G-7-903. Interns -- Workers' compensation medical**  
7111 **benefits.**

7112 (1) An intern participating in an internship under Section ~~[53A-29-102]~~ 53G-7-902 is  
7113 considered to be a volunteer government worker of the sponsoring public school, or an  
7114 employee of the sponsoring private school, solely for purposes of receiving workers'  
7115 compensation medical benefits.

7116 (2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy  
7117 against the school and the cooperating employer for all injuries and occupational diseases as  
7118 provided under Title 34A, Chapters 2, Workers' Compensation Act, and Chapter 3, Utah  
7119 Occupational Disease Act.

7120 Section 231. Section **53G-7-904**, which is renumbered from Section 53A-29-104 is  
7121 renumbered and amended to read:

7122 ~~[53A-29-104].~~ **53G-7-904. Internship programs -- Criminal background**  
7123 **checks.**

7124 Officers and employees of a cooperating employer who will be given significant  
7125 unsupervised access to a student in connection with the student's activities as an intern shall be  
7126 considered to be a volunteer for purposes of criminal background checks under Section

7127 [~~53A-15-1503~~] [53G-11-402](#).

7128 Section 232. Section **53G-7-905**, which is renumbered from Section 53A-29-105 is  
7129 renumbered and amended to read:

7130 ~~[53A-29-105]~~. **53G-7-905. Recognition of participation in internship**  
7131 **program.**

7132 A cooperating employer may be given appropriate recognition by a school, including  
7133 the posting of the employer's name and a short description of the employer's business in an  
7134 appropriate location on school property, or publication of that information in official  
7135 publications of the school or school district.

7136 Section 233. Section **53G-7-1001** is enacted to read:

7137 **Part 10. Internet Policy**

7138 **53G-7-1001. Definitions.**

7139 Reserved

7140 Section 234. Section **53G-7-1002**, which is renumbered from Section 53A-3-422 is  
7141 renumbered and amended to read:

7142 ~~[53A-3-422]~~. **53G-7-1002. Internet and online access policy required.**

7143 State funds may not be provided to any local school board that provides access to the  
7144 Internet or an online service unless the local school board adopts and enforces a policy to  
7145 restrict access to Internet or online sites that contain obscene material.

7146 Section 235. Section **53G-7-1003**, which is renumbered from Section 53A-3-423 is  
7147 renumbered and amended to read:

7148 ~~[53A-3-423]~~. **53G-7-1003. Process and content standards for policy.**

7149 (1) "Policy" as used in this section means the elementary and secondary school online  
7150 access policy adopted by a local school board to meet the requirements of Section [~~53A-3-422~~]  
7151 [53G-7-1002](#).

7152 (2) (a) Each policy shall be developed under the direction of the local school board,  
7153 adopted in an open meeting, and have an effective date. The local school board shall review  
7154 the policy at least every three years, and a footnote shall be added to the policy indicating the  
7155 effective date of the last review.

7156 (b) Notice of the availability of the policy shall be posted in a conspicuous place within  
7157 each school. The local school board may issue any other public notice it considers appropriate.

7158 (3) The policy shall:

7159 (a) state that it restricts access to Internet or online sites that contain obscene material  
7160 and shall state how the local school board intends to meet the requirements of Section  
7161 ~~[53A-3-422]~~ [53G-7-1002](#);

7162 (b) inform the public that administrative procedures and guidelines for the staff to  
7163 follow in enforcing the policy have been adopted and are available for review at the school; and

7164 (c) inform the public that procedures to handle complaints about the policy, its  
7165 enforcement, or about observed behavior have been adopted and are available for review at the  
7166 school.

7167 Section 236. Section **53G-7-1004**, which is renumbered from Section 53A-3-424 is  
7168 renumbered and amended to read:

7169 ~~[53A-3-424]~~. **53G-7-1004. Rulemaking -- Reporting.**

7170 The State Board of Education may make rules in accordance with Title 63G, Chapter 3,  
7171 Utah Administrative Rulemaking Act, regarding compliance standards and reporting  
7172 requirements for local school boards with respect to the policy required by Section  
7173 ~~[53A-3-422]~~ [53G-7-1002](#).

7174 Section 237. Section **53G-7-1101**, which is renumbered from Section 53A-1-1601 is  
7175 renumbered and amended to read:

7176 **Part 11. Public School Membership in Associations**

7177 ~~[53A-1-1601]~~. **53G-7-1101. Definitions.**

7178 As used in this part:

7179 (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of  
7180 assigning a public school a classification or region.

7181 (2) "Appeals panel" means the appeals panel created in Section ~~[53A-1-1606]~~  
7182 [53G-7-1106](#).

7183 (3) (a) "Association" means an organization that governs or regulates a student's  
7184 participation in an athletic interscholastic activity.

7185 (b) "Association" does not include an institution of higher education described in  
7186 Section [53B-1-102](#).

7187 (4) "Classification" means the designation of a school based on the size of the school's  
7188 student enrollment population for purposes of interscholastic activities.



7189 (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated  
7190 or governed by an association.

7191 (6) "Governing body" means a body within an association that:

7192 (a) is responsible for:

7193 (i) adopting rules or policies that govern interscholastic activities or the administration  
7194 of the association;

7195 (ii) adopting or amending the association's governing document or bylaws;

7196 (iii) enforcing the rules and policies of the association; and

7197 (iv) adopting the association's budget; and

7198 (b) has oversight of other boards, committees, councils, or bodies within the  
7199 association.

7200 (7) "Interscholastic activity" means an activity within the state in which:

7201 (a) a student that participates represents the student's school in the activity; and

7202 (b) the participating student is enrolled in grade 9, 10, 11, or 12.

7203 (8) "Public hearing" means a hearing at which members of the public are provided a  
7204 reasonable opportunity to comment on the subject of the hearing.

7205 (9) "Region" means a grouping of schools of the same classification for purposes of  
7206 interscholastic activities.

7207 Section 238. Section **53G-7-1102**, which is renumbered from Section 53A-1-1602 is  
7208 renumbered and amended to read:

7209 **[53A-1-1602]. 53G-7-1102. Public schools prohibited from membership.**

7210 (1) A public school may not be a member of or pay dues to an association that is not in  
7211 compliance on or after July 1, 2017, with:

7212 (a) this part;

7213 (b) Title 52, Chapter 4, Open and Public Meetings Act;

7214 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

7215 (d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

7216 (2) Unless otherwise specified, an association's compliance with or an association  
7217 employee or officer's compliance with the provisions described in Subsection (1) does not alter:

7218 (a) the association's public or private status; or

7219 (b) the public or private employment status of the employee or officer.

Section 239. Section **53G-7-1103**, which is renumbered from Section 53A-1-1603 is renumbered and amended to read:

**~~[53A-1-1603].~~      53G-7-1103. Governing body membership.**

(1) (a) A governing body shall have 15 members as follows:

(i) six members who:

(A) are each an elected member of a local school board; and

(B) each represent a different classification;

(ii) (A) one school superintendent representing the two largest classifications;

(B) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A); and

(C) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);

(iii) (A) one school principal representing the two largest classifications;

(B) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A); and

(C) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);

(iv) one representative of charter schools;

(v) one representative of private schools, if private schools are members of or regulated by the association; and

(vi) one member representing the State Board of Education.

(b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be elected or appointed by or represent charter or private schools on the governing body.

(2) (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected, appointed, or otherwise selected in accordance with association rule or policy to the extent the selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).

(b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of the State Board of Education or the chair's designee if the designee is an elected member of the State Board of Education.

Section 240. Section **53G-7-1104**, which is renumbered from Section 53A-1-1604 is renumbered and amended to read:

**[53A-1-1604]. 53G-7-1104. Reporting requirements.**

An association shall provide a verbal report, accompanied by a written report, annually to the State Board of Education, including:

- (1) the association's annual budget in accordance with Section ~~53A-1-1605~~ 53G-7-1105;
- (2) a schedule of events scheduled or facilitated by the association;
- (3) procedures for alignment or realignment;
- (4) any amendments or changes to the association's governing document or bylaws; and
- (5) any other information requested by the State Board of Education.

Section 241. Section **53G-7-1105**, which is renumbered from Section 53A-1-1605 is renumbered and amended to read:

**[53A-1-1605]. 53G-7-1105. Association budgets.**

- (1) An association shall:
  - (a) adopt a budget in accordance with this section; and
  - (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall be in accordance with generally accepted accounting principles or auditing standards.
- (2) An association budget officer or executive director shall annually prepare a tentative budget, with supporting documentation, to be submitted to the governing body.
- (3) The tentative budget and supporting documents shall include the following items:
  - (a) the revenues and expenditures of the preceding fiscal year;
  - (b) the estimated revenues and expenditures of the current fiscal year;
  - (c) a detailed estimate of the essential expenditures for all purposes for the next succeeding fiscal year; and
  - (d) the estimated financial condition of the association by funds at the close of the current fiscal year.
- (4) The tentative budget shall be filed with the governing body 15 days, or earlier, before the date of the tentative budget's proposed adoption by the governing body.
- (5) The governing body shall adopt a budget.
- (6) Before the adoption or amendment of a budget, the governing body shall hold a

public hearing on the proposed budget or budget amendment.

(7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the public hearing described in Subsection (6), at least 10 days before the public hearing, a governing body shall:

(i) publish a notice of the public hearing electronically in accordance with Section ~~63F-1-701~~; and

(ii) post the proposed budget on the association's Internet website.

(b) A notice of a public hearing on an association's proposed budget shall include information on how the public may access the proposed budget as provided in Subsection (7)(a).

(8) No later than September 30 of each year, the governing body shall file a copy of the adopted budget with the state auditor and the State Board of Education.

Section 242. Section ~~53G-7-1106~~, which is renumbered from Section 53A-1-1606 is renumbered and amended to read:

~~[53A-1-1606].~~ **53G-7-1106. Procedures for disputes -- Appeals -- Appeals panel -- Compensation.**

(1) (a) An association shall establish a uniform procedure for hearing and deciding:

(i) disputes;

(ii) allegations of violations of the association's rules or policies;

(iii) requests to establish eligibility after a student transfers schools; and

(iv) disputes related to alignment or realignment.

(b) An individual may appeal to an appeals panel established in this section an association decision regarding a request to establish eligibility after a student transfers schools.

(2) (a) There is established an appeals panel for an association decision described in Subsection (1)(b).

(b) The appeals panel shall consist of the following three members:

(i) a judge or attorney who is not employed by, or contracts with, a school;

(ii) a retired educator, principal, or superintendent; and

(iii) a retired athletic director or coach.

(c) A review and decision by the appeals panel is limited to whether the association properly followed the association's rules and procedures in regard to a decision described in

7313 Subsection (1)(b).

7314 (d) (i) An association shall adopt policies for filing an appeal with the appeals panel.

7315 (ii) The appeals panel shall review an appeal and issue a written decision explaining  
7316 the appeals panel's decision no later than 10 business days after an appeal is filed.

7317 (e) The appeals panel's decision is final.

7318 (3) (a) The State Board of Education shall appoint the members of the appeals panel  
7319 described in Subsection (2):

7320 (i) from the association's nominations described in Subsection (3)(b); and

7321 (ii) in accordance with the State Board of Education's appointment process.

7322 (b) (i) The association shall nominate up to three individuals for each position  
7323 described in Subsection (2) for the State Board of Education's consideration.

7324 (ii) If the State Board of Education refuses to appoint members to the panel who were  
7325 nominated by the association as described in Subsection (3)(b)(i), the State Board of Education  
7326 shall request additional nominations from the association.

7327 (iii) No later than 45 days after the association provides the nominations, the State  
7328 Board of Education shall appoint to the appeals panel an individual from the names provided  
7329 by the association.

7330 (c) For the initial membership, the State Board of Education shall appoint two of the  
7331 positions having an initial term of three years and one position having an initial term of two  
7332 years.

7333 (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire,  
7334 the State Board of Education shall appoint each new member or reappointed member to a  
7335 two-year term.

7336 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
7337 appointed for the unexpired term.

7338 (4) The State Board of Education shall reimburse an association for per diem and travel  
7339 expenses of members of the appeals panel.

7340 Section 243. Section **53G-7-1201** is enacted to read:

7341 **Part 12. School Community Councils and Charter Trust Land Councils**

7342 **53G-7-1201. Definitions.**

7343 **Reserved**

Section 244. Section **53G-7-1202**, which is renumbered from Section 53A-1a-108 is renumbered and amended to read:

~~[53A-1a-108].~~      **53G-7-1202. School community councils -- Duties -- Composition -- Election procedures and selection of members.**

(1) As used in this section:

(a) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.

(b) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

(c) "Educator" means the same as that term is defined in Section ~~[53A-6-103]~~ [53E-6-102.](#)

(d) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who:

(A) is attending the school; or

(B) will be enrolled at the school during the parent's or guardian's term of office.

(ii) "Parent or guardian member" may not include an educator who is employed at the school.

(e) "School community council" means a council established at a district school in accordance with this section.

(f) "School employee member" means a member of a school community council who is a person employed at the school by the school or school district, including the principal.

(g) "School LAND Trust Program money" means money allocated to a school pursuant to Section ~~[53A-16-101.5]~~ [53F-2-404.](#)

(2) A district school, in consultation with the district school's local school board, shall establish a school community council at the school building level for the purpose of:

(a) involving parents or guardians of students in decision making at the school level;

(b) improving the education of students;

(c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents and guardians, school employees, and the local school board; and

- 7375 (d) increasing public awareness of:  
7376 (i) school trust lands and related land policies;  
7377 (ii) management of the State School Fund established in Utah Constitution Article X,  
7378 Section V; and  
7379 (iii) educational excellence.
- 7380 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:  
7381 (i) create a school improvement plan in accordance with Section [~~53A-1a-108.5~~]  
7382 [53G-7-1204](#);  
7383 (ii) create the School LAND Trust Program in accordance with Section [~~53A-16-101.5~~]  
7384 [53F-2-404](#);  
7385 (iii) advise and make recommendations to school and school district administrators and  
7386 the local school board regarding:  
7387 (A) the school and its programs;  
7388 (B) school district programs;  
7389 (C) a child access routing plan in accordance with Section [~~53A-3-402~~] [53G-4-402](#);  
7390 (D) safe technology utilization and digital citizenship; and  
7391 (E) other issues relating to the community environment for students;  
7392 (iv) provide for education and awareness on safe technology utilization and digital  
7393 citizenship that empowers:  
7394 (A) a student to make smart media and online choices; and  
7395 (B) a parent or guardian to know how to discuss safe technology use with the parent's  
7396 or guardian's child; and  
7397 (v) partner with the school's principal and other administrators to ensure that adequate  
7398 on and off campus Internet filtering is installed and consistently configured to prevent viewing  
7399 of harmful content by students and school personnel, in accordance with local school board  
7400 policy and Subsection [~~53A-1-706~~] [53G-7-216](#)(3).
- 7401 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)  
7402 and (v), a school community council may:  
7403 (i) partner with one or more non-profit organizations; or  
7404 (ii) create a subcommittee.
- 7405 (c) A school or school district administrator may not prohibit or discourage a school

community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.

(4) (a) Each school community council shall consist of school employee members and parent or guardian members in accordance with this section.

(b) Except as provided in Subsection (4)(c) or (d):

(i) each school community council for a high school shall have six parent or guardian members and four school employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have four parent or guardian members and two school employee members, including the principal.

(c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:

(i) the membership includes two or more parent or guardian members than the number of school employee members; and

(ii) there are at least two school employee members on the school community council.

(d) (i) The number of parent or guardian members of a school community council who are not educators employed by the school district shall exceed the number of parent or guardian members who are educators employed by the school district.

(ii) If, after an election, the number of parent or guardian members who are not educators employed by the school district does not exceed the number of parent or guardian members who are educators employed by the school district, the parent or guardian members of the school community council shall appoint one or more parent or guardian members to the school community council so that the number of parent or guardian members who are not educators employed by the school district exceeds the number of parent or guardian members who are educators employed by the school district.

(5) (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.

(b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the



7437 election and serve a two-year term.

7438 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a  
7439 student attending the school may vote in, or run as a candidate in, the election under Subsection  
7440 (5)(b)(i).

7441 (B) If an election is held in the spring, a parent or guardian of a student who will be  
7442 attending the school the following school year may vote in, and run as a candidate in, the  
7443 election under Subsection (5)(b)(i).

7444 (iii) Any parent or guardian of a student who meets the qualifications of this section  
7445 may file or declare the parent's or guardian's candidacy for election to a school community  
7446 council.

7447 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the  
7448 election of parent or guardian members of a school community council shall be established by  
7449 a local school board for the schools within the school district.

7450 (B) An election for the parent or guardian members of a school community council  
7451 shall be held near the beginning of the school year or held in the spring and completed before  
7452 the last week of school.

7453 (C) Each school shall establish a time period for the election of parent or guardian  
7454 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at  
7455 least a four-year period.

7456 (c) (i) At least 10 days before the date that voting commences for the elections held  
7457 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,  
7458 shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,  
7459 and run as a candidate in, an election under this Subsection (5).

7460 (ii) The notice shall include:

7461 (A) the dates and times of the elections;

7462 (B) a list of council positions that are up for election; and

7463 (C) instructions for becoming a candidate for a community council position.

7464 (iii) The principal of the school, or the principal's designee, shall oversee the elections  
7465 held under Subsections (5)(a) and (5)(b).

7466 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a  
7467 secure ballot box.

(d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.

(e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.

(iii) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a two-year term.

(f) (i) If the number of candidates who file for a parent or guardian position or school employee position on a school community council is less than or equal to the number of open positions, an election is not required.

(ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian position remains unfilled, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains unfilled, the other school employee members of the council shall appoint a school employee who meets the qualifications of this section to fill the position.

(g) The principal shall enter the names of the council members on the School LAND Trust website on or before October 20 of each year, pursuant to Section [~~53A-1a-108.1~~]  
[53G-7-1203](#).

(h) Terms shall be staggered so that approximately half of the council members stand for election each year.

(i) A school community council member may serve successive terms provided the member continues to meet the definition of a parent or guardian member or school employee member as specified in Subsection (1).

(j) Each school community council shall elect:

(i) a chair from its parent or guardian members; and

(ii) a vice chair from either its parent or guardian members or school employee members, excluding the principal.

7499 (6) (a) A school community council may create subcommittees or task forces to:

7500 (i) advise or make recommendations to the council; or

7501 (ii) develop all or part of a plan listed in Subsection (3).

7502 (b) Any plan or part of a plan developed by a subcommittee or task force shall be

7503 subject to the approval of the school community council.

7504 (c) A school community council may appoint individuals who are not council members

7505 to serve on a subcommittee or task force, including parents or guardians, school employees, or

7506 other community members.

7507 (7) (a) A majority of the members of a school community council is a quorum for the

7508 transaction of business.

7509 (b) The action of a majority of the members of a quorum is the action of the school

7510 community council.

7511 (8) A local school board shall provide training for a school community council each

7512 year, including training:

7513 (a) for the chair and vice chair about their responsibilities;

7514 (b) on resources available on the School LAND Trust website; and

7515 (c) on the following statutes governing school community councils:

7516 (i) Section [~~53A-1a-108~~] [53G-7-1202](#);

7517 (ii) Section [~~53A-1a-108.1~~] [53G-7-1203](#);

7518 (iii) Section [~~53A-1a-108.5~~] [53G-7-1204](#); and

7519 (iv) Section [~~53A-16-101.5~~] [53F-2-404](#).

7520 Section 245. Section **53G-7-1203**, which is renumbered from Section 53A-1a-108.1 is

7521 renumbered and amended to read:

7522 **[~~53A-1a-108.1~~]. 53G-7-1203. School community councils -- Open and public**

7523 **meeting requirements.**

7524 (1) As used in this section:

7525 (a) (i) "Charter trust land council" means a council established by a charter school

7526 governing board under Section [~~53A-16-101.5~~] [53F-2-404](#).

7527 (ii) "Charter trust land council" does not include a charter school governing board

7528 acting as a charter trust land council.

7529 (b) "School community council" means a council established at a school within a

7530 school district under Section [~~53A-1a-108~~] [53G-7-1202](#).

7531 (c) "Council" means a school community council or a charter trust land council.

7532 (2) A school community council or a charter trust land council:

7533 (a) shall conduct deliberations and take action openly as provided in this section; and

7534 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

7535 (3) (a) As required by Section [~~53A-1a-108~~] [53G-7-1202](#), a local school board shall

7536 provide training for the members of a school community council on this section.

7537 (b) A charter school governing board shall provide training for the members of a

7538 charter trust land council on this section.

7539 (4) (a) A meeting of a council is open to the public.

7540 (b) A council may not close any portion of a meeting.

7541 (5) A council shall, at least one week prior to a meeting, post the following information

7542 on the school's website:

7543 (a) a notice of the meeting, time, and place;

7544 (b) an agenda for the meeting; and

7545 (c) the minutes of the previous meeting.

7546 (6) (a) On or before October 20, a principal shall post the following information on the

7547 school website and in the school office:

7548 (i) the proposed council meeting schedule for the year;

7549 (ii) a telephone number or email address, or both, where each council member can be

7550 reached directly; and

7551 (iii) a summary of the annual report required under Section [~~53A-16-101.5~~] [53F-2-404](#)

7552 on how the school's School LAND Trust Program money was used to enhance or improve

7553 academic excellence at the school and implement a component of the school's improvement

7554 plan.

7555 (b) (i) A council shall identify and use methods of providing the information listed in

7556 Subsection (6)(a) to a parent or guardian who does not have Internet access.

7557 (ii) Money allocated to a school under the School LAND Trust Program created in

7558 Section [~~53A-16-101.5~~] [53F-2-404](#) may not be used to provide information as required by

7559 Subsection (6)(b)(i).

7560 (7) (a) The notice requirement of Subsection (5) may be disregarded if:

- 7561 (i) because of unforeseen circumstances it is necessary for a council to hold an  
7562 emergency meeting to consider matters of an emergency or urgent nature; and
- 7563 (ii) the council gives the best notice practicable of:
- 7564 (A) the time and place of the emergency meeting; and
- 7565 (B) the topics to be considered at the emergency meeting.
- 7566 (b) An emergency meeting of a council may not be held unless:
- 7567 (i) an attempt has been made to notify all the members of the council; and
- 7568 (ii) a majority of the members of the council approve the meeting.
- 7569 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity  
7570 to notify the public as to the topics to be considered at the meeting.
- 7571 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on  
7572 the meeting agenda.
- 7573 (c) A council may not take final action on a topic in a meeting unless the topic is:
- 7574 (i) listed under an agenda item as required by Subsection (8)(b); and
- 7575 (ii) included with the advance public notice required by Subsection (5).
- 7576 (9) (a) Written minutes shall be kept of a council meeting.
- 7577 (b) Written minutes of a council meeting shall include:
- 7578 (i) the date, time, and place of the meeting;
- 7579 (ii) the names of members present and absent;
- 7580 (iii) a brief statement of the matters proposed, discussed, or decided;
- 7581 (iv) a record, by individual member, of each vote taken;
- 7582 (v) the name of each person who:
- 7583 (A) is not a member of the council; and
- 7584 (B) after being recognized by the chair, provided testimony or comments to the  
7585 council;
- 7586 (vi) the substance, in brief, of the testimony or comments provided by the public under  
7587 Subsection (9)(b)(v); and
- 7588 (vii) any other information that is a record of the proceedings of the meeting that any  
7589 member requests be entered in the minutes.
- 7590 (c) The written minutes of a council meeting:
- 7591 (i) are a public record under Title 63G, Chapter 2, Government Records Access and

7592 Management Act; and

7593 (ii) shall be retained for three years.

7594 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of  
7595 rules that govern and prescribe in a public meeting:

7596 (i) parliamentary order and procedure;

7597 (ii) ethical behavior; and

7598 (iii) civil discourse.

7599 (b) A council shall:

7600 (i) adopt rules of order and procedure to govern a public meeting of the council;

7601 (ii) conduct a public meeting in accordance with the rules of order and procedure

7602 described in Subsection (10)(b)(i); and

7603 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available  
7604 to the public:

7605 (A) at each public meeting of the council; and

7606 (B) on the school's website.

7607 Section 246. Section **53G-7-1204**, which is renumbered from Section 53A-1a-108.5 is  
7608 renumbered and amended to read:

7609 **[53A-1a-108.5]. 53G-7-1204. School improvement plan.**

7610 (1) (a) A school community council established under Section ~~[53A-1a-108]~~

7611 53G-7-1202 shall annually evaluate, with the school's principal, the school's statewide  
7612 achievement test results, reading achievement plan, class size reduction needs, and technology  
7613 needs, and use the evaluations in developing a school improvement plan to improve teaching  
7614 and learning conditions.

7615 (b) In evaluating statewide achievement test results and developing a school  
7616 improvement plan, a school community council may not have access to data that reveal the  
7617 identity of students.

7618 (2) A school community council shall develop a school improvement plan that:

7619 (a) identifies the school's most critical academic needs;

7620 (b) recommends a course of action to meet the identified needs;

7621 (c) lists any programs, practices, materials, or equipment that the school will need to  
7622 implement its action plan to have a direct impact on the instruction of students and result in

7623 measurable increased student performance;

7624 (d) describes how the school intends to enhance or improve academic achievement,  
7625 including how financial resources available to the school, such as School LAND Trust Program  
7626 money received under Section [~~53A-16-101.5~~] 53F-2-404 and state and federal grants, will be  
7627 used to enhance or improve academic achievement; and

7628 (e) if the school community council represents a school that educates students in  
7629 kindergarten, grade 1, grade 2, or grade 3, includes a reading achievement plan as described in  
7630 Section [~~53A-1-606.5~~] 53E-4-306.

7631 (3) Although a school improvement plan focuses on the school's most critical academic  
7632 needs, the school improvement plan may include other actions to enhance or improve academic  
7633 achievement and the community environment for students.

7634 (4) The school principal shall make available to the school community council the  
7635 school budget and other data needed to develop the school improvement plan.

7636 (5) The school improvement plan is subject to the approval of the local school board of  
7637 the school district in which the school is located.

7638 (6) A school community council may develop a multiyear school improvement plan,  
7639 but the multiyear school improvement plan must be presented to and approved annually by the  
7640 local school board.

7641 (7) Each school shall:

7642 (a) implement the school improvement plan as developed by the school community  
7643 council and approved by the local school board;

7644 (b) provide ongoing support for the council's school improvement plan; and

7645 (c) meet local school board reporting requirements regarding performance and  
7646 accountability.

7647 (8) The school community council of a low performing school, as defined in Section  
7648 [~~53A-1-1202~~] 53E-5-301, shall develop a school improvement plan that is consistent with the  
7649 school turnaround plan developed by the school turnaround committee under [~~Chapter 1, Part~~  
7650 ~~12~~] Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [Act].

7651 Section 247. Section **53G-8-101** is enacted to read:

## 7652 **CHAPTER 8. DISCIPLINE AND SAFETY**

### 7653 **Part 1. General Provisions**

7654 **53G-8-101. Title.**

7655 This chapter is known as "Discipline and Safety."

7656 Section 248. Section **53G-8-102** is enacted to read:

7657 **53G-8-102. Definitions.**

7658 Reserved

7659 Section 249. Section **53G-8-201** is enacted to read:

7660 **Part 2. School Discipline and Conduct Plans**

7661 **53G-8-201. Definitions.**

7662 Reserved

7663 Section 250. Section **53G-8-202**, which is renumbered from Section 53A-11-901 is  
7664 renumbered and amended to read:

7665 **[53A-11-901]. 53G-8-202. Public school discipline policies -- Basis of the**  
7666 **policies -- Enforcement.**

7667 (1) The Legislature recognizes that every student in the public schools should have the  
7668 opportunity to learn in an environment which is safe, conducive to the learning process, and  
7669 free from unnecessary disruption.

7670 (2) (a) To foster such an environment, each local school board or governing board of a  
7671 charter school, with input from school employees, parents and guardians of students, students,  
7672 and the community at large, shall adopt conduct and discipline policies for the public schools  
7673 in accordance with Section ~~[53A-11-911]~~ [53G-8-211](#).

7674 (b) A district or charter school shall base its policies on the principle that every student  
7675 is expected:

7676 (i) to follow accepted rules of conduct; and

7677 (ii) to show respect for other people and to obey persons in authority at the school.

7678 (c) (i) On or before September 1, 2015, the State Board of Education shall revise the  
7679 conduct and discipline policy models for elementary and secondary public schools to include  
7680 procedures for responding to reports received through the School Safety and Crisis Line under  
7681 Subsection ~~[53A-11-1503]~~ [53E-10-502](#)(3).

7682 (ii) Each district or charter school shall use the models, where appropriate, in  
7683 developing its conduct and discipline policies under this chapter.

7684 (d) The policies shall emphasize that certain behavior, most particularly behavior



which disrupts, is unacceptable and may result in disciplinary action.

(3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents or guardians understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

Section 251. Section **53G-8-203**, which is renumbered from Section 53A-11-902 is renumbered and amended to read:

~~[53A-11-902].~~        **53G-8-203. Conduct and discipline policies and procedures.**

(1) The conduct and discipline policies required under Section ~~[53A-11-901]~~ 53G-8-202 shall include:

~~[(1)]~~ (a) provisions governing student conduct, safety, and welfare;

~~[(2)]~~ (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;

~~[(3)]~~ (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection ~~[(2)]~~ (1)(b);

~~[(4)]~~ (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section ~~[53A-11-802]~~ 53G-8-302;

~~[(5)]~~ (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection ~~[(2)]~~ (1)(b), if the conduct threatens harm or does harm to:

~~[(a)]~~ (i) the school;

~~[(b)]~~ (ii) school property;

~~[(c)]~~ (iii) a person associated with the school; or

~~[(d)]~~ (iv) property associated with a person described in Subsection ~~[(5)(c)]~~ (1)(e)(iii);

~~[(6)]~~ (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;

~~[(7)]~~ (g) specific provisions, consistent with Section ~~[53A-15-603]~~ 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;

~~[(8)]~~ (h) standards and procedures for dealing with habitual disruptive or unsafe

student behavior in accordance with the provisions of this part; and

~~[(9)]~~ (i) procedures for responding to reports received through the School Safety and Crisis Line under Subsection ~~[53A-11-1503]~~ 53E-10-502(3).

(2) (a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the districtwide discipline plan required under Section 53G-8-202.

(b) (i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through six.

(ii) The board shall receive input from teachers, school administrators, and parents and guardians of the affected students before adopting the policy.

(c) The policy described in Subsection (2)(a) shall provide for:

(i) notice to the parent or guardian of a student prior to holding the student after school on a particular day; and

(ii) exceptions to the notice provision if detention is necessary for the student's health or safety.

Section 252. Section **53G-8-204**, which is renumbered from Section 53A-11-903 is renumbered and amended to read:

~~[53A-11-903].~~      **53G-8-204. Suspension and expulsion procedures -- Notice to parents -- Distribution of policies.**

(1) (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.

(b) (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the governing board of a charter school.

(2) (a) Each local school board or governing board of a charter school shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Section 253. Section **53G-8-205**, which is renumbered from Section 53A-11-904 is renumbered and amended to read:

~~[53A-11-904].~~      **53G-8-205.** **Grounds for suspension or expulsion from a public school.**

(1) A student may be suspended or expelled from a public school for any of the following reasons:

(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

(b) willful destruction or defacing of school property;

(c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

(d) possession, control, or use of an alcoholic beverage as defined in Section **32B-1-102**;

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or

(f) possession or use of pornographic material on school property.

(2) (a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or

(C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent or legal guardian; and

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section ~~[53A-11-907]~~ 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or governing board of a charter school and giving highest priority to providing a safe school environment for all students.

(3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection ~~[53A-11-102]~~ 53G-6-204(1).

(5) Each local school board and governing board of a charter school shall prepare an annual report for the State Board of Education on:

7809 (a) each violation committed under this section; and

7810 (b) each action taken by the school district against a student who committed the  
7811 violation.

7812 Section 254. Section **53G-8-206**, which is renumbered from Section 53A-11-905 is  
7813 renumbered and amended to read:

7814 **~~[53A-11-905].~~ 53G-8-206. Delegation of authority to suspend or expel a**  
7815 **student -- Procedure for suspension -- Readmission.**

7816 (1) (a) A local board of education may delegate to any school principal or assistant  
7817 principal within the school district the power to suspend a student in the principal's school for  
7818 up to 10 school days.

7819 (b) A governing board of a charter school may delegate to the chief administrative  
7820 officer of the charter school the power to suspend a student in the charter school for up to 10  
7821 school days.

7822 (2) The board may suspend a student for up to one school year or delegate that power  
7823 to the district superintendent, the superintendent's designee, or chief administrative officer of a  
7824 charter school.

7825 (3) The board may expel a student for a fixed or indefinite period, provided that the  
7826 expulsion shall be reviewed by the district superintendent or the superintendent's designee and  
7827 the conclusions reported to the board, at least once each year.

7828 (4) If a student is suspended, a designated school official shall notify the parent or  
7829 guardian of the student of the following without delay:

7830 (a) that the student has been suspended;

7831 (b) the grounds for the suspension;

7832 (c) the period of time for which the student is suspended; and

7833 (d) the time and place for the parent or guardian to meet with a designated school  
7834 official to review the suspension.

7835 (5) (a) A suspended student shall immediately leave the school building and the school  
7836 grounds following a determination by the school of the best way to transfer custody of the  
7837 student to the parent or guardian or other person authorized by the parent or applicable law to  
7838 accept custody of the student.

7839 (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be

7840 readmitted to a public school until:

7841 (i) the student and the parent or guardian have met with a designated school official to  
7842 review the suspension and agreed upon a plan to avoid recurrence of the problem; or

7843 (ii) in the discretion of the principal or chief administrative officer of a charter school,  
7844 the parent or guardian of the suspended student and the student have agreed to participate in  
7845 such a meeting.

7846 (c) A suspension may not extend beyond 10 school days unless the student and the  
7847 student's parent or guardian have been given a reasonable opportunity to meet with a  
7848 designated school official and respond to the allegations and proposed disciplinary action.

7849 Section 255. Section **53G-8-207**, which is renumbered from Section 53A-11-906 is  
7850 renumbered and amended to read:

7851 ~~[53A-11-906].~~ **53G-8-207. Alternatives to suspension or expulsion.**

7852 (1) Each local school board or governing board of a charter school shall establish:

7853 (a) policies providing that prior to suspending or expelling a student for repeated acts  
7854 of willful disobedience, defiance of authority, or disruptive behavior which are not of such a  
7855 violent or extreme nature that immediate removal is required, good faith efforts shall be made  
7856 to implement a remedial discipline plan that would allow the student to remain in school; and

7857 (b) alternatives to suspension, including policies that allow a student to remain in  
7858 school under an in-school suspension program or under a program allowing the parent or  
7859 guardian, with the consent of the student's teacher or teachers, to attend class with the student  
7860 for a period of time specified by a designated school official.

7861 (2) If the parent or guardian does not agree or fails to attend class with the student, the  
7862 student shall be suspended in accordance with the conduct and discipline policies of the district  
7863 or the school.

7864 (3) The parent or guardian of a suspended student and the designated school official  
7865 may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or  
7866 other appropriate state agencies, if necessary, in dealing with the student's suspension.

7867 (4) The state superintendent of public instruction, in cooperation with school districts  
7868 and charter schools, shall:

7869 (a) research methods of motivating and providing incentives to students that:

7870 (i) directly and regularly reward or recognize appropriate behavior;

(ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and

(iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;

(b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);

(c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);

(d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel;

(e) submit the report described in Subsection (4)(d) to the Education Interim Committee; and

(f) maintain data for purposes of accountability, later reporting, and future analysis.

Section 256. Section **53G-8-208**, which is renumbered from Section 53A-11-907 is renumbered and amended to read:

**~~[53A-11-907].~~      53G-8-208. Student suspended or expelled -- Responsibility of parent or guardian -- Application for students with disabilities.**

(1) If a student is suspended or expelled from a public school under this part for more than 10 school days, the parent or guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.

(2) (a) The parent or guardian shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student.

(b) The parent or guardian and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.

(3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent or guardian.

(4) (a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.

(b) The district or charter school shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.

(5) (a) This part applies to students with disabilities to the extent permissible under applicable law or regulation.

(b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.

Section 257. Section **53G-8-209**, which is renumbered from Section 53A-11-908 is renumbered and amended to read:

~~[53A-11-908].~~      **53G-8-209. Extracurricular activities -- Prohibited conduct**  
**-- Reporting of violations -- Limitation of liability.**

(1) The Legislature recognizes that:

(a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;

(b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;

(c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;

(d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and

(e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether



students or staff, comply with all applicable laws and rules of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.

(2) (a) The State Board of Education may, and local boards of education and governing boards of charter schools shall, adopt rules implementing this section that apply to both students and staff.

(b) The rules described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section ~~[53A-11-911]~~ 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections ~~[53A-11-902 (5)(a) through (d)]~~ 53G-8-203(1)(e)(i) through (iv):

(i) use of foul, abusive, or profane language while engaged in school related activities;

(ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and

(iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

(3) (a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

(b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.

(c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.

(4) Limitations of liability set forth under Section ~~[53A-11-1004]~~ 53G-8-405 apply to this section.

Section 258. Section **53G-8-210**, which is renumbered from Section 53A-11-910 is renumbered and amended to read:

~~[53A-11-910].~~      **53G-8-210. Disruptive student behavior.**

- 7964 (1) As used in this section:
- 7965 (a) "Disruptive student behavior" includes:
- 7966 (i) the grounds for suspension or expulsion described in Section [~~53A-11-904~~]
- 7967 53G-8-205; and
- 7968 (ii) the conduct described in Subsection [~~53A-11-908~~] 53G-8-209(2)(b).
- 7969 (b) "Parent" includes:
- 7970 (i) a custodial parent of a school-age minor;
- 7971 (ii) a legally appointed guardian of a school-age minor; or
- 7972 (iii) any other person purporting to exercise any authority over the minor which could
- 7973 be exercised by a person described in Subsection (1)(b)(i) or (ii).
- 7974 (c) "Qualifying minor" means a school-age minor who:
- 7975 (i) is at least nine years old; or
- 7976 (ii) turns nine years old at any time during the school year.
- 7977 (d) "School year" means the period of time designated by a local school board or local
- 7978 charter board as the school year for the school where the school-age minor is enrolled.
- 7979 (2) A local school board, school district, governing board of a charter school, or charter
- 7980 school may impose administrative penalties in accordance with Section [~~53A-11-911~~]
- 7981 53G-8-211 on a school-age minor who violates this part.
- 7982 (3) (a) A local school board or governing board of a charter school shall:
- 7983 (i) authorize a school administrator or a designee of a school administrator to issue
- 7984 notices of disruptive student behavior to qualifying minors; and
- 7985 (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to
- 7986 contest a notice of disruptive student behavior.
- 7987 (b) A school representative shall provide to a parent of a school-age minor, a list of
- 7988 resources available to assist the parent in resolving the school-age minor's disruptive student
- 7989 behavior problem.
- 7990 (c) A local school board or governing board of a charter school shall establish
- 7991 procedures for a school counselor or other designated school representative to work with a
- 7992 qualifying minor who engages in disruptive student behavior in order to attempt to resolve the
- 7993 minor's disruptive student behavior problems.
- 7994 (4) The notice of disruptive student behavior described in Subsection (3)(a):

7995 (a) shall be issued to a qualifying minor who:  
7996 (i) engages in disruptive student behavior, that does not result in suspension or  
7997 expulsion, three times during the school year; or  
7998 (ii) engages in disruptive student behavior, that results in suspension or expulsion, once  
7999 during the school year;  
8000 (b) shall require that the qualifying minor and a parent of the qualifying minor:  
8001 (i) meet with school authorities to discuss the qualifying minor's disruptive student  
8002 behavior; and  
8003 (ii) cooperate with the local school board or governing board of a charter school in  
8004 correcting the school-age minor's disruptive student behavior; and  
8005 (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.  
8006 (5) A habitual disruptive student behavior notice:  
8007 (a) may only be issued to a qualifying minor who:  
8008 (i) engages in disruptive student behavior, that does not result in suspension or  
8009 expulsion, at least six times during the school year;  
8010 (ii) (A) engages in disruptive student behavior, that does not result in suspension or  
8011 expulsion, at least three times during the school year; and  
8012 (B) engages in disruptive student behavior, that results in suspension or expulsion, at  
8013 least once during the school year; or  
8014 (iii) engages in disruptive student behavior, that results in suspension or expulsion, at  
8015 least twice during the school year; and  
8016 (b) may only be issued by a school administrator, a designee of a school administrator,  
8017 or a truancy specialist, who is authorized by a local school board or governing board of a local  
8018 charter school to issue a habitual disruptive student behavior notice.  
8019 (6) (a) A qualifying minor to whom a habitual disruptive student behavior notice is  
8020 issued under Subsection (5) may not be referred to the juvenile court.  
8021 (b) Within five days after the day on which a habitual disruptive student behavior  
8022 notice is issued, a representative of the school district or charter school shall provide  
8023 documentation, to a parent of the qualifying minor who receives the notice, of the efforts made  
8024 by a school counselor or representative under Subsection (3)(c).  
8025 Section 259. Section **53G-8-211**, which is renumbered from Section 53A-11-911 is

8026 renumbered and amended to read:

8027 ~~[53A-11-911].~~ **53G-8-211. Responses to school-based behavior.**

8028 (1) As used in this section:

8029 (a) "Class A misdemeanor person offense" means a class A misdemeanor described in  
8030 Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 5b, Sexual Exploitation  
8031 Act.

8032 (b) "Mobile crisis outreach team" means the same as that term is defined in Section  
8033 [78A-6-105](#).

8034 (c) "Nonperson class A misdemeanor" means a class A misdemeanor that is not a class  
8035 A misdemeanor person offense.

8036 (d) "Restorative justice program" means a school-based program that is designed to  
8037 enhance school safety, reduce school suspensions, and limit referrals to court, and is designed  
8038 to help minors take responsibility for and repair the harm of behavior that occurs in school.

8039 (2) This section applies to a minor enrolled in school who is alleged to have committed  
8040 an offense:

8041 (a) on school property; or

8042 (b) that is truancy.

8043 (3) If the alleged offense is a class C misdemeanor, an infraction, a status offense on  
8044 school property, or truancy, the minor may not be referred to law enforcement or court but may  
8045 be referred to alternative school-related interventions, including:

8046 (a) a mobile crisis outreach team, as defined in Section [78A-6-105](#);

8047 (b) a receiving center operated by the Division of Juvenile Justice Services in  
8048 accordance with Section [62A-7-104](#); and

8049 (c) a youth court or comparable restorative justice program.

8050 (4) If the alleged offense is a class B misdemeanor or a nonperson class A  
8051 misdemeanor, the minor may be referred directly to the juvenile court by the school  
8052 administrator or the school administrator's designee, or the minor may be referred to the  
8053 alternative interventions in Subsection (3).

8054 Section 260. Section **53G-8-212**, which is renumbered from Section 53A-11-806 is  
8055 renumbered and amended to read:

8056 ~~[53A-11-806].~~ **53G-8-212. Defacing or damaging school property --**

8057 **Student's liability -- Work program alternative.**

8058 (1) A student who willfully defaces or otherwise damages any school property may be  
8059 suspended or otherwise disciplined.

8060 (2) (a) If a school's property has been lost or willfully cut, defaced, or otherwise  
8061 damaged, the school may withhold the issuance of an official written grade report, diploma, or  
8062 transcript of the student responsible for the damage or loss until the student or the student's  
8063 parent or guardian has paid for the damages.

8064 (b) The student's parent or guardian is liable for damages as otherwise provided in  
8065 Section [78A-6-1113](#).

8066 (3) (a) If the student and the student's parent or guardian are unable to pay for the  
8067 damages or if it is determined by the school in consultation with the student's parent or  
8068 guardian that the student's interests would not be served if the parent or guardian were to pay  
8069 for the damages, the school shall provide for a program of work the student may complete in  
8070 lieu of the payment.

8071 (b) The school shall release the official grades, diploma, and transcripts of the student  
8072 upon completion of the work.

8073 (4) Before any penalties are assessed under this section, the school shall adopt  
8074 procedures to ensure that the student's right to due process is protected.

8075 (5) No penalty may be assessed for damages which may be reasonably attributed to  
8076 normal wear and tear.

8077 (6) If the Department of Human Services or a licensed child-placing agency has been  
8078 granted custody of the student, the student's records, if requested by the department or agency,  
8079 may not be withheld from the department or agency for nonpayment of damages under this  
8080 section.

8081 Section 261. Section **53G-8-301**, which is renumbered from Section 53A-11-801 is  
8082 renumbered and amended to read:

8083 **Part 3. Physical Restraint of Students**

8084 ~~[53A-11-801].~~ **53G-8-301. Definitions.**

8085 As used in this part:

8086 (1) "Corporal punishment" means the intentional infliction of physical pain upon the  
8087 body of a student as a disciplinary measure.

8088 (2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,  
8089 shoulder, or back for the purpose of guiding a student to another location.

8090 (3) "Physical restraint" means a personal restriction that immobilizes or significantly  
8091 reduces the ability of a student to move the student's arms, legs, body, or head freely.

8092 (4) "School" means a public or private elementary school, secondary school, or  
8093 preschool.

8094 (5) "Student" means an individual who is:

8095 (a) under the age of 19 and receiving educational services; or

8096 (b) under the age of 23 and receiving educational services as an individual with a  
8097 disability.

8098 Section 262. Section **53G-8-302**, which is renumbered from Section 53A-11-802 is  
8099 renumbered and amended to read:

8100 **~~[53A-11-802].~~ 53G-8-302. Prohibition of corporal punishment -- Use of**  
8101 **reasonable and necessary physical restraint.**

8102 (1) A school employee may not inflict or cause the infliction of corporal punishment  
8103 upon a student.

8104 (2) A school employee may use reasonable and necessary physical restraint in self  
8105 defense or when otherwise appropriate to the circumstances to:

8106 (a) obtain possession of a weapon or other dangerous object in the possession or under  
8107 the control of a student;

8108 (b) protect a student or another individual from physical injury;

8109 (c) remove from a situation a student who is violent; or

8110 (d) protect property from being damaged, when physical safety is at risk.

8111 (3) Nothing in this section prohibits a school employee from using less intrusive  
8112 means, including a physical escort, to address circumstances described in Subsection (2).

8113 (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or  
8114 permit the commission of an act prohibited by this part is void and unenforceable.

8115 (b) An employee may not be subjected to any sanction for failure or refusal to commit  
8116 an act prohibited under this part.

8117 (5) A parochial or private school that does not receive state funds to provide for the  
8118 education of a student may exempt itself from the provisions of this section by adopting a

8119 policy to that effect and notifying the parents or guardians of students in the school of the  
8120 exemption.

8121 (6) This section does not apply to a law enforcement officer as defined in Section  
8122 [53-13-103](#).

8123 Section 263. Section **53G-8-303**, which is renumbered from Section 53A-11-803 is  
8124 renumbered and amended to read:

8125 ~~[53A-11-803]~~. **53G-8-303. Investigation of complaint -- Confidentiality --**  
8126 **Immunity.**

8127 (1) (a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4,  
8128 Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.

8129 (b) If a violation is confirmed, school authorities shall take prompt and appropriate  
8130 action, including in-service training and other administrative action, to ensure against a  
8131 repetition of the violation.

8132 (2) Reports made on violations of this part are subject to the same requirements of  
8133 confidentiality as provided under Section [62A-4a-412](#).

8134 (3) Any school or individual who in good faith makes a report or cooperates in an  
8135 investigation by a school or authorized public agency concerning a violation of this part is  
8136 immune from any civil or criminal liability that might otherwise result by reason of those  
8137 actions.

8138 Section 264. Section **53G-8-304**, which is renumbered from Section 53A-11-804 is  
8139 renumbered and amended to read:

8140 ~~[53A-11-804]~~. **53G-8-304. Liability.**

8141 (1) (a) Corporal punishment which would, but for this part, be considered to be  
8142 reasonable discipline of a minor under Section [76-2-401](#) may not be used as a basis for any  
8143 civil or criminal action.

8144 (b) A court of competent jurisdiction may take appropriate action against any  
8145 employing entity if the court finds that the employing entity has not taken reasonable steps to  
8146 enforce the provisions of this part.

8147 (2) Civil or criminal action may proceed without hindrance in the case of corporal  
8148 punishment which would not be reasonable discipline under Sections [76-2-401](#) and  
8149 ~~[53A-11-805]~~ [53G-8-305](#).

8150 Section 265. Section **53G-8-305**, which is renumbered from Section 53A-11-805 is  
8151 renumbered and amended to read:

8152 ~~[53A-11-805].~~ **53G-8-305. Exception.**

8153 Behavior reduction intervention which is in compliance with Section **76-2-401** and with  
8154 state and local rules adopted under Section ~~[53A-15-301]~~ **53E-7-202** is excepted from this part.

8155 Section 266. Section **53G-8-401** is enacted to read:

8156 **Part 4. Juvenile Court and Law Enforcement Notification to Public Schools**

8157 **53G-8-401. Definitions.**

8158 **Reserved**

8159 Section 267. Section **53G-8-402**, which is renumbered from Section 53A-11-1001 is  
8160 renumbered and amended to read:

8161 ~~[53A-11-1001].~~ **53G-8-402. Notification by juvenile court and law**  
8162 **enforcement agencies.**

8163 (1) Notifications received from the juvenile court or law enforcement agencies by the  
8164 school district pursuant to Subsections **78A-6-112(3)(b)** and **78A-6-117(1)(b)** are governed by  
8165 this part.

8166 (2) School districts may enter into agreements with law enforcement agencies for  
8167 notification under Subsection (1).

8168 Section 268. Section **53G-8-403**, which is renumbered from Section 53A-11-1002 is  
8169 renumbered and amended to read:

8170 ~~[53A-11-1002].~~ **53G-8-403. Superintendent required to notify school.**

8171 (1) Within three days of receiving the information from the juvenile court or a law  
8172 enforcement agency, the district superintendent shall notify the principal of the school the  
8173 juvenile attends or last attended.

8174 (2) Upon receipt of the information, the principal shall:

8175 (a) make a notation in a secure file other than the student's permanent file; and

8176 (b) if the student is still enrolled in the school, notify staff members who, in his  
8177 opinion, should know of the adjudication.

8178 (3) A person receiving information pursuant to this part may only disclose the  
8179 information to other persons having both a right and a current need to know.

8180 (4) Access to secure files shall be limited to persons authorized to receive information



8181 under this part.

8182 Section 269. Section **53G-8-404**, which is renumbered from Section 53A-11-1003 is  
8183 renumbered and amended to read:

8184 ~~[53A-11-1003].~~ **53G-8-404. Board to set procedures.**

8185 The State Board of Education shall make rules governing the dissemination of the  
8186 information.

8187 Section 270. Section **53G-8-405**, which is renumbered from Section 53A-11-1004 is  
8188 renumbered and amended to read:

8189 ~~[53A-11-1004].~~ **53G-8-405. Liability for release of information.**

8190 (1) The district superintendent, principal, and any staff member notified by the  
8191 principal may not be held liable for information which may become public knowledge unless it  
8192 can be shown by clear and convincing evidence that the information became public knowledge  
8193 through an intentional act of the superintendent, principal, or a staff member.

8194 (2) A person receiving information under Subsection [78A-6-112\(3\)\(b\)\[;\]](#) or  
8195 [78A-6-117\(1\)\(b\)](#), or Section ~~[53A-11-1002]~~ [53G-8-403](#) is immune from any liability, civil or  
8196 criminal, for acting or failing to act in response to the information unless the person acts or  
8197 fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

8198 Section 271. Section **53G-8-501**, which is renumbered from Section 53A-11-401 is  
8199 renumbered and amended to read:

8200 **Part 5. Substance Abuse Reporting and Weapons Notification**

8201 ~~[53A-11-401].~~ **53G-8-501. Definitions.**

8202 For purposes of Sections ~~[53A-11-402]~~ [53G-8-502](#) through ~~[53A-11-404]~~ [53G-8-504](#):

8203 (1) "Educator" means a person employed by a public school, but excludes those  
8204 employed by institutions of higher education.

8205 (2) "Prohibited act" means an act prohibited by Section ~~[53A-3-501]~~ [53G-8-602](#),  
8206 relating to alcohol; Section [58-37-8](#), relating to controlled substances; or Section [58-37a-5](#),  
8207 relating to drug paraphernalia.

8208 Section 272. Section **53G-8-502**, which is renumbered from Section 53A-11-402 is  
8209 renumbered and amended to read:

8210 ~~[53A-11-402].~~ **53G-8-502. Mandatory reporting of prohibited acts.**

8211 If an educator has reasonable cause to believe that a student at the public school where

the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

Section 273. Section **53G-8-503**, which is renumbered from Section 53A-11-403 is renumbered and amended to read:

~~[53A-11-403].~~      **53G-8-503. Reporting procedure.**

(1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections ~~[53A-11-401]~~ 53G-8-501 through ~~[53A-11-404]~~ 53G-8-504.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section ~~[53A-11-402]~~ 53G-8-502, shall immediately report the violation to the student's parent or legal guardian, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section ~~[53A-11-911]~~ 53G-8-211.

(3) The designated educator may not disclose to the student or to the student's parent or legal guardian the identity of the educator who made the initial report.

Section 274. Section **53G-8-504**, which is renumbered from Section 53A-11-404 is renumbered and amended to read:

~~[53A-11-404].~~      **53G-8-504. Immunity from civil or criminal liability.**

An educator who in good faith makes a report under Sections ~~[53A-11-402]~~ 53G-8-502 and ~~[53A-11-403]~~ 53G-8-503 is immune from any liability, civil or criminal, that might otherwise result from that action.

Section 275. Section **53G-8-505**, which is renumbered from Section 53A-11-1301 is renumbered and amended to read:

~~[53A-11-1301].~~      **53G-8-505. Definitions.**

For purposes of Sections 53G-8-506 through 53G-8-509:

(1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply ~~[to this part]~~ to Sections 53G-8-506 through 53G-8-509.

~~[(2) As used in this part:]~~

~~[(a)]~~ (2) "Prohibited act" means an act punishable under Section ~~[53A-3-501]~~ 53G-8-602, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled Substances Act.

~~[(b)]~~ (3) "School" means a public or private elementary or secondary school.

8243 Section 276. Section **53G-8-506**, which is renumbered from Section 53A-11-1302 is  
8244 renumbered and amended to read:

8245 ~~[53A-11-1302].~~ **53G-8-506. Reporting of prohibited acts affecting a school --**  
8246 **Confidentiality.**

8247 (1) A person who has reasonable cause to believe that an individual has committed a  
8248 prohibited act shall, in accordance with Section ~~[53A-11-911]~~ 53G-8-211, immediately notify:

8249 (a) the principal;

8250 (b) an administrator of the affected school;

8251 (c) the superintendent of the affected school district; or

8252 (d) an administrator of the affected school district.

8253 (2) If notice is given to a school official, the official may authorize an investigation  
8254 into allegations involving school property, students, or school district employees.

8255 (3) A school official may only refer a complaint of an alleged prohibited act reported as  
8256 occurring on school grounds or in connection with school-sponsored activities to an  
8257 appropriate law enforcement agency in accordance with Section ~~[53A-11-911]~~ 53G-8-211.

8258 (4) The identity of persons making reports pursuant to this section shall be kept  
8259 confidential.

8260 Section 277. Section **53G-8-507**, which is renumbered from Section 53A-11-1303 is  
8261 renumbered and amended to read:

8262 ~~[53A-11-1303].~~ **53G-8-507. Immunity from civil or criminal liability.**

8263 Any person, official, or institution, other than a law enforcement officer or law  
8264 enforcement agency, participating in good faith in making a report or conducting an  
8265 investigation under the direction of school or law enforcement authorities under ~~[this part]~~  
8266 Section 53G-8-505, 53G-8-506, 53G-8-508, or 53G-8-509, is immune from any liability, civil  
8267 or criminal, that otherwise might result by reason of that action.

8268 Section 278. Section **53G-8-508**, which is renumbered from Section 53A-11-1304 is  
8269 renumbered and amended to read:

8270 ~~[53A-11-1304].~~ **53G-8-508. Admissibility of evidence in civil and criminal**  
8271 **actions.**

8272 (1) Evidence relating to ~~[violations of this part]~~ a violation of Section 53G-8-505,  
8273 53G-8-506, 53G-8-509, or 53G-9-507, which is seized by school authorities acting alone, on

their own authority, and not in conjunction with or at the behest of law enforcement authorities is admissible in civil and criminal actions.

(2) A search under this section must be based on at least a reasonable belief that the search will turn up evidence of a violation of this part. The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the circumstances, including the age and sex of the person involved and the nature of the infraction.

Section 279. Section **53G-8-509**, which is renumbered from Section 53A-11-1305 is renumbered and amended to read:

~~[53A-11-1305].~~ **53G-8-509. Board rules to ensure protection of individual rights.**

The State Board of Education and local boards of education shall adopt rules to implement ~~[this part]~~ Sections 53G-8-505 through 53G-8-508. The rules shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Section 280. Section **53G-8-510**, which is renumbered from Section 53A-11-1101 is renumbered and amended to read:

~~[53A-11-1101].~~ **53G-8-510. Notification of teachers of weapons on school property -- Immunity from civil and criminal liability.**

(1) Whenever a student is found on school property during school hours or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to or known by the principal, the principal shall notify law enforcement personnel and school or district personnel who, in the opinion of the principal, should be informed.

(2) A person who in good faith reports information under Subsection (1) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

Section 281. Section **53G-8-601** is enacted to read:

#### **Part 6. Criminal Offenses and Traffic Ordinances**

##### **53G-8-601. Definitions.**

##### **Reserved**

Section 282. Section **53G-8-602**, which is renumbered from Section 53A-3-501 is

8305 renumbered and amended to read:

8306 ~~[53A-3-501].~~ **53G-8-602. Possession or consumption of alcoholic beverages**  
8307 **at school or school-sponsored activities -- Penalty.**

8308 (1) Except as approved by a local school board as part of the curriculum, a person may  
8309 not possess or drink an alcoholic beverage:

8310 (a) inside or on the grounds of any building owned or operated by a part of the public  
8311 education system; or

8312 (b) in those portions of any building, park, or stadium which are being used for an  
8313 activity sponsored by or through any part of the public education system.

8314 (2) (a) Subsection (1)(a) does not apply to property owned by a school district in  
8315 contemplation of future use for school purposes while the property is under lease to another  
8316 party.

8317 (b) (i) For purposes of Subsection (2)(a), a lease must be full time for a period of not  
8318 less than two years.

8319 (ii) The property may not be used for school purposes at any time during the lease  
8320 period.

8321 (3) Violation of this section is a class B misdemeanor.

8322 Section 283. Section **53G-8-603**, which is renumbered from Section 53A-3-503 is  
8323 renumbered and amended to read:

8324 ~~[53A-3-503].~~ **53G-8-603. Criminal trespass upon school property --**  
8325 **Penalty.**

8326 (1) A person is guilty of criminal trespass upon school property if the person does the  
8327 following:

8328 (a) enters or remains unlawfully upon school property, and:

8329 (i) intends to cause annoyance or injury to a person or damage to property on the  
8330 school property;

8331 (ii) intends to commit a crime; or

8332 (iii) is reckless as to whether the person's presence will cause fear for the safety of  
8333 another; or

8334 (b) enters or remains without authorization upon school property if notice against entry  
8335 or remaining has been given by:

(i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;

(ii) the posting of signs reasonably likely to come to the attention of trespassers;

(iii) fencing or other enclosure obviously designed to exclude trespassers; or

(iv) a current order of suspension or expulsion.

(2) As used in this section:

(a) "Enter" means intrusion of the entire body.

(b) "School official" means a public or private school administrator or person in charge of a school program or activity.

(c) "School property" means real property owned or occupied by a public or private school, including real property temporarily occupied for a school activity or program.

(3) Violation of this section is a class B misdemeanor.

Section 284. Section **53G-8-604**, which is renumbered from Section 53A-3-504 is renumbered and amended to read:

**~~[53A-3-504].~~      53G-8-604. Traffic ordinances on school property -- Enforcement.**

(1) A local political subdivision in which real property is located that belongs to, or is controlled by, the State Board of Education, a local board of education, an area vocational center, or the Schools for the Deaf and the Blind may, at the request of the responsible board of education or institutional council, adopt ordinances for the control of vehicular traffic on that property.

(2) A law enforcement officer whose jurisdiction includes the property in question may enforce an ordinance adopted under Subsection (1).

Section 285. Section **53G-8-701**, which is renumbered from Section 53A-11-1602 is renumbered and amended to read:

#### **Part 7. School Resource Officers**

**~~[53A-11-1602].~~      53G-8-701. Definitions.**

As used in this section:

(1) "Governing authority" means:

(a) for a school district, the local school board;

(b) for a charter school, the governing board; or

8367 (c) for the Utah Schools for the Deaf and the Blind, the State Board of Education.

8368 (2) "Law enforcement agency" means the same as that term is defined in Section

8369 [53-1-102](#).

8370 (3) "Local education agency" or "LEA" means:

8371 (a) a school district;

8372 (b) a charter school; or

8373 (c) the Utah Schools for the Deaf and the Blind.

8374 (4) "School resource officer" or "SRO" means a law enforcement officer, as defined in

8375 Section [53-13-103](#), who contracts with or whose law enforcement agency contracts with an

8376 LEA to provide law enforcement services for the LEA.

8377 Section 286. Section **53G-8-702**, which is renumbered from Section 53A-11-1603 is  
8378 renumbered and amended to read:

8379 ~~[53A-11-1603]~~. **53G-8-702. School resource officer training -- Curriculum.**

8380 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

8381 State Board of Education shall make rules that prepare and make available a training program

8382 for school principals and school resource officers to attend.

8383 (2) To create the curriculum and materials for the training program described in

8384 Subsection (1), the State Board of Education shall:

8385 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice  
8386 created in Section [63M-7-201](#);

8387 (b) solicit input from local school boards, charter school governing boards, and the  
8388 Utah Schools for the Deaf and the Blind;

8389 (c) solicit input from local law enforcement and other interested community  
8390 stakeholders; and

8391 (d) consider the current United States Department of Education recommendations on  
8392 school discipline and the role of a school resource officer.

8393 (3) The training program described in Subsection (1) may include training on the  
8394 following:

8395 (a) childhood and adolescent development;

8396 (b) responding age-appropriately to students;

8397 (c) working with disabled students;

(d) techniques to de-escalate and resolve conflict;  
(e) cultural awareness;  
(f) restorative justice practices;  
(g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;  
(h) student privacy rights;  
(i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;  
(j) strategies to reduce juvenile justice involvement; and  
(k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure.

Section 287. Section **53G-8-703**, which is renumbered from Section 53A-11-1604 is renumbered and amended to read:

**~~[53A-11-1604].~~      53G-8-703. Contracts between an LEA and law enforcement for school resource officer services -- Requirements.**

(1) An LEA may contract with a law enforcement agency or an individual to provide school resource officer services at the LEA if the LEA's governing authority reviews and approves the contract.

(2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the LEA's governing authority shall require in the contract:

(a) an acknowledgment by the law enforcement agency or the individual that an SRO hired under the contract shall:

(i) provide for and maintain a safe, healthy, and productive learning environment in a school;

(ii) act as a positive role model to students;

(iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;

(iv) emphasize the use of restorative approaches to address negative behavior; and

(v) at the request of the LEA, teach a vocational law enforcement class;

(b) a description of the shared understanding of the LEA and the law enforcement agency or individual regarding the roles and responsibilities of law enforcement and the LEA



8429 to:

8430 (i) maintain safe schools;

8431 (ii) improve school climate; and

8432 (iii) support educational opportunities for students;

8433 (c) a designation of student offenses that the SRO shall confer with the LEA to resolve,  
8434 including an offense that:

8435 (i) is a minor violation of the law; and

8436 (ii) would not violate the law if the offense was committed by an adult;

8437 (d) a designation of student offenses that are administrative issues that an SRO shall  
8438 refer to a school administrator for resolution in accordance with Section ~~[53A-11-911]~~

8439 53G-8-211;

8440 (e) a detailed description of the rights of a student under state and federal law with  
8441 regard to:

8442 (i) searches;

8443 (ii) questioning; and

8444 (iii) information privacy;

8445 (f) a detailed description of:

8446 (i) job duties;

8447 (ii) training requirements; and

8448 (iii) other expectations of the SRO and school administration in relation to law  
8449 enforcement at the LEA;

8450 (g) that an SRO who is hired under the contract and the principal at the school where  
8451 an SRO will be working, or the principal's designee, will jointly complete the SRO training  
8452 described in Section ~~[53A-11-1603]~~ 53G-8-702; and

8453 (h) if the contract is between an LEA and a law enforcement agency, that:

8454 (i) both parties agree to jointly discuss SRO applicants; and

8455 (ii) the law enforcement agency will accept feedback from an LEA about an SRO's  
8456 performance.

8457 Section 288. Section **53G-9-101** is enacted to read:

8458 **CHAPTER 9. HEALTH AND WELFARE**

8459 **Part 1. General Provisions**

8460 **53G-9-101. Title.**

8461 This chapter is known as "Health and Welfare."

8462 Section 289. Section **53G-9-102** is enacted to read:

8463 **53G-9-102. Definitions.**

8464 Reserved

8465 Section 290. Section **53G-9-201** is enacted to read:

8466 **Part 2. Miscellaneous Requirements**

8467 **53G-9-201. Definitions.**

8468 Reserved

8469 Section 291. Section **53G-9-202**, which is renumbered from Section 53A-11-205 is  
8470 renumbered and amended to read:

8471 **[53A-11-205]. 53G-9-202. Notification to the parent of an injured or sick**  
8472 **child.**

8473 (1) A public school shall notify the custodial parent and, if requested in writing by a  
8474 noncustodial parent, make reasonable efforts to notify the noncustodial parent of a student who  
8475 is injured or becomes ill at the school during the regular school day if:

8476 (a) the injury or illness requires treatment at a hospital, doctor's office, or other medical  
8477 facility not located on the school premises; and

8478 (b) the school has received a current telephone number for the party it is required to  
8479 notify or make reasonable efforts to notify.

8480 (2) (a) Subsection (1) does not apply to a noncustodial parent forbidden to have contact  
8481 with the student under a court order or similar procedure.

8482 (b) The custodial parent is responsible for providing the school with the noncustodial  
8483 parent's status under Subsection (2)(a) through a procedure adopted by the local school board.

8484 Section 292. Section **53G-9-203**, which is renumbered from Section 53A-11-605 is  
8485 renumbered and amended to read:

8486 **[53A-11-605]. 53G-9-203. Definitions -- School personnel -- Medical**  
8487 **recommendations -- Exceptions -- Penalties.**

8488 (1) As used in this section:

8489 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or  
8490 mental health therapist.

8491 (b) "School personnel" means a school district or charter school employee, including a  
8492 licensed, part-time, contract, or nonlicensed employee.

8493 (2) School personnel may:

8494 (a) provide information and observations to a student's parent or guardian about that  
8495 student, including observations and concerns in the following areas:

8496 (i) progress;

8497 (ii) health and wellness;

8498 (iii) social interactions;

8499 (iv) behavior; or

8500 (v) topics consistent with Subsection [~~53A-13-302~~] 53E-9-203(6);

8501 (b) communicate information and observations between school personnel regarding a  
8502 child;

8503 (c) refer students to other appropriate school personnel and agents, consistent with  
8504 local school board or charter school policy, including referrals and communication with a  
8505 school counselor or other mental health professionals working within the school system;

8506 (d) consult or use appropriate health care professionals in the event of an emergency  
8507 while the student is at school, consistent with the student emergency information provided at  
8508 student enrollment;

8509 (e) exercise their authority relating to the placement within the school or readmission  
8510 of a child who may be or has been suspended or expelled for a violation of Section  
8511 [~~53A-11-904~~] 53G-8-205; and

8512 (f) complete a behavioral health evaluation form if requested by a student's parent or  
8513 guardian to provide information to a licensed physician.

8514 (3) School personnel shall:

8515 (a) report suspected child abuse consistent with Section 62A-4a-403;

8516 (b) comply with applicable state and local health department laws, rules, and policies;  
8517 and

8518 (c) conduct evaluations and assessments consistent with the Individuals with  
8519 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

8520 (4) Except as provided in Subsection (2), Subsection (6), and Section [~~53A-11a-203~~]  
8521 53G-9-604, school personnel may not:

(a) recommend to a parent or guardian that a child take or continue to take a psychotropic medication;

(b) require that a student take or continue to take a psychotropic medication as a condition for attending school;

(c) recommend that a parent or guardian seek or use a type of psychiatric or psychological treatment for a child;

(d) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments; or

(e) make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent or guardian refuses to consent to:

(i) a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or

(ii) a psychiatric or behavioral health evaluation of a child.

(5) Notwithstanding Subsection (4)(e), school personnel may make a report that would otherwise be prohibited under Subsection (4)(e) if failure to take the action described under Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of others.

(6) Notwithstanding Subsection (4), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the State Board of Education, working within the school system may:

(a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

(b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;

(c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section ~~[53A-13-302]~~ 53E-9-203; and

(d) provide to a parent or guardian, upon the specific request of the parent or guardian,

8553 a list of three or more health care professionals or providers, including licensed physicians,  
8554 psychologists, or other health specialists.

8555 (7) Local school boards or charter schools shall adopt a policy:

8556 (a) providing for training of appropriate school personnel on the provisions of this  
8557 section; and

8558 (b) indicating that an intentional violation of this section is cause for disciplinary action  
8559 consistent with local school board or charter school policy and under Section [~~53A-8a-502~~]  
8560 53G-11-513.

8561 (8) Nothing in this section shall be interpreted as discouraging general communication  
8562 not prohibited by this section between school personnel and a student's parent or guardian.

8563 Section 293. Section **53G-9-204**, which is renumbered from Section 53A-11-204 is  
8564 renumbered and amended to read:

8565 [~~53A-11-204~~]. **53G-9-204. Nursing services in the public schools --**  
8566 **Collaborative efforts.**

8567 (1) (a) Students in the state's public schools may be better protected against risks to  
8568 health and safety if schools were to have registered nurses readily available to assist in  
8569 providing educational and nursing services in the public schools.

8570 (b) Those services would be further enhanced if they could be offered with the active  
8571 support and participation of local public health departments and private medical providers,  
8572 most particularly in those areas of the state without currently functioning collaborative  
8573 programs.

8574 (c) (i) School districts, local health departments, private medical providers, and parents  
8575 of students are therefore encouraged to work together in determining needs and risks to student  
8576 health in the state's public schools and in developing and implementing plans to meet those  
8577 needs and minimize risks to students.

8578 (ii) School community councils or school directors of affected schools shall review the  
8579 plans prior to their implementation.

8580 (2) School districts are encouraged to provide nursing services equivalent to the  
8581 services of one registered nurse for every 5,000 students or, in districts with fewer than 5,000  
8582 students, the level of services recommended by the Department of Health.

8583 Section 294. Section **53G-9-205**, which is renumbered from Section 53A-19-301 is

8584 renumbered and amended to read:

8585 ~~[53A-19-301].~~ **53G-9-205. School Breakfast Program -- Review of**  
8586 **nonparticipants.**

8587 (1) (a) Each local school board shall, at least once every three years, review each  
8588 elementary school in its district that does not participate in the School Breakfast Program as to  
8589 the school's reasons for nonparticipation.

8590 (b) (i) If the school board determines that there are valid reasons for the school's  
8591 nonparticipation, no further action is needed.

8592 (ii) Reasons for nonparticipation may include a recommendation from the school  
8593 community council authorized under Section ~~[53A-1a-108]~~ 53G-7-1202 or a similar group of  
8594 parents and school employees that the school should not participate in the program.

8595 (2) (a) After two nonparticipation reviews, a local school board may, by majority vote,  
8596 waive any further reviews of the nonparticipatory school.

8597 (b) A waiver of the review process under Subsection (2)(a) does not prohibit  
8598 subsequent consideration by the local school board of an individual school's nonparticipation in  
8599 the School Breakfast Program.

8600 (3) The requirements of this section shall be nullified by the termination of the  
8601 entitlement status of the School Breakfast Program by the federal government.

8602 Section 295. Section **53G-9-206**, which is renumbered from Section 53A-13-103 is  
8603 renumbered and amended to read:

8604 ~~[53A-13-103].~~ **53G-9-206. Eye protective devices for industrial education,**  
8605 **physics laboratory, and chemistry laboratory activities.**

8606 (1) Any individual who participates in any of the following activities in public or  
8607 private schools that may endanger his vision shall wear quality eye protective devices:

8608 (a) industrial education activities that involve:

8609 (i) hot molten metals;

8610 (ii) the operation of equipment that could throw particles of foreign matter into the  
8611 eyes;

8612 (iii) heat treating, tempering, or kiln firing of any industrial materials;

8613 (iv) gas or electric arc welding; or

8614 (v) caustic or explosive material;

8615 (b) chemistry or physics laboratories when using caustic or explosive chemicals, and  
8616 hot liquids and solids.

8617 (2) "Quality eye protective devices" means devices that meet the standards of the  
8618 American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by  
8619 the American Standards Association, Inc.

8620 (3) (a) The local school board shall furnish these protective devices to individuals  
8621 involved in these activities.

8622 (b) The board may sell these protective devices at cost or rent or loan them to  
8623 individuals involved in these activities.

8624 Section 296. Section **53G-9-207**, which is renumbered from Section 53A-13-112 is  
8625 renumbered and amended to read:

8626 ~~[53A-13-112].~~ **53G-9-207. Child sexual abuse prevention.**

8627 (1) As used in this section, "school personnel" is as defined in Section ~~[53A-11-605]~~  
8628 [53G-9-203](#).

8629 (2) On or before July 1, 2015, the State Board of Education shall approve, in  
8630 partnership with the Department of Human Services, age-appropriate instructional materials for  
8631 the training and instruction described in Subsections (3)(a) and (4).

8632 (3) (a) Beginning in the 2016-17 school year, a school district or charter school shall  
8633 provide training and instruction on child sexual abuse prevention and awareness to:

8634 (i) school personnel in elementary and secondary schools on:

8635 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate  
8636 manner; and

8637 (B) the mandatory reporting requirements described in Sections ~~[53A-6-502]~~  
8638 [53E-6-701](#) and [62A-4a-403](#); and

8639 (ii) parents or guardians of elementary school students on:

8640 (A) recognizing warning signs of a child who is being sexually abused; and

8641 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse  
8642 with a child.

8643 (b) A school district or charter school shall use the instructional materials approved by  
8644 the State Board of Education under Subsection (2) to provide the training and instruction to  
8645 school personnel and parents or guardians under Subsection (3)(a).

8646 (4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school  
8647 may provide instruction on child sexual abuse prevention and awareness to elementary school  
8648 students using age-appropriate curriculum.

8649 (b) Beginning in the 2016-17 school year, a school district or charter school that  
8650 provides the instruction described in Subsection (4)(a) shall use the instructional materials  
8651 approved by the board under Subsection (2) to provide the instruction.

8652 (5) (a) An elementary school student may not be given the instruction described in  
8653 Subsection (4) unless the parent or guardian of the student is:

8654 (i) notified in advance of the:

8655 (A) instruction and the content of the instruction; and

8656 (B) parent or guardian's right to have the student excused from the instruction;

8657 (ii) given an opportunity to review the instructional materials before the instruction  
8658 occurs; and

8659 (iii) allowed to be present when the instruction is delivered.

8660 (b) Upon the written request of the parent or guardian of an elementary school student,  
8661 the student shall be excused from the instruction described in Subsection (4).

8662 (c) Participation of a student requires compliance with Sections [~~53A-13-301~~]  
8663 53E-9-202 and [~~53A-13-302~~] 53E-9-203.

8664 (6) A school district or charter school may determine the mode of delivery for the  
8665 training and instruction described in Subsections (3) and (4).

8666 (7) (a) The State Board of Education shall report to the Education Interim Committee  
8667 on the progress of the provisions of this section by the committee's November 2017 meeting.

8668 (b) Upon request of the State Board of Education, a school district or charter school  
8669 shall provide to the State Board of Education information that is necessary for the report  
8670 required under Subsection (7)(a).

8671 Section 297. Section **53G-9-208**, which is renumbered from Section 53A-11-606 is  
8672 renumbered and amended to read:

8673 [~~53A-11-606~~]. **53G-9-208. Sunscreen -- Possession -- Administration --**  
8674 **Immunity.**

8675 (1) As used in this section, "sunscreen" means a compound topically applied to prevent  
8676 sunburn.



(2) A public school shall permit a student, without a parent or physician's authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug Administration.

(3) If a student is unable to self-apply sunscreen, a volunteer school employee may apply the sunscreen on the student if the student's parent or legal guardian provides written consent for the assistance.

(4) A volunteer school employee who applies sunscreen on a student in compliance with Subsection (3) and the volunteer school employee's employer are not liable for:

(a) an adverse reaction suffered by the student as a result of having the sunscreen applied; or

(b) discontinuing the application of the sunscreen at any time.

Section 298. Section **53G-9-301 (Effective 07/01/18)**, which is renumbered from Section 53A-11-300.5 (Effective 07/01/18) is renumbered and amended to read:

### **Part 3. Immunization Requirements**

**~~[53A-11-300.5 (Effective 07/01/18)].~~ 53G-9-301 (Effective 07/01/18). Definitions.**

As used in this part:

(1) "Department" means the Department of Health, created in Section [26-1-4](#).

(2) "Health official" means an individual designated by a local health department from within the local health department to consult and counsel parents and licensed health care providers, in accordance with Subsection ~~[53A-11-302.5]~~ [53G-9-304\(2\)\(a\)](#).

(3) "Health official designee" means a licensed health care provider designated by a local health department, in accordance with Subsection ~~[53A-11-302.5]~~ [53G-9-304\(2\)\(b\)](#), to consult with parents, licensed health care professionals, and school officials.

(4) "Immunization" or "immunize" means a process through which an individual develops an immunity to a disease, through vaccination or natural exposure to the disease.

(5) "Immunization record" means a record relating to a student that includes:

(a) information regarding each required vaccination that the student has received, including the date each vaccine was administered, verified by:

(i) a licensed health care provider;

(ii) an authorized representative of a local health department;

- 8708 (iii) an authorized representative of the department;
- 8709 (iv) a registered nurse; or
- 8710 (v) a pharmacist;
- 8711 (b) information regarding each disease against which the student has been immunized
- 8712 by previously contracting the disease; and
- 8713 (c) an exemption form identifying each required vaccination from which the student is
- 8714 exempt, including all required supporting documentation described in Section [\[53A-11-302\]](#)
- 8715 [53G-9-303](#).
- 8716 (6) "Legally responsible individual" means:
- 8717 (a) a student's parent;
- 8718 (b) the student's legal guardian;
- 8719 (c) an adult brother or sister of a student who has no legal guardian; or
- 8720 (d) the student, if the student:
- 8721 (i) is an adult; or
- 8722 (ii) is a minor who may consent to treatment under Section [26-10-9](#).
- 8723 (7) "Licensed health care provider" means a health care provider who is licensed under
- 8724 Title 58, Occupations and Professions, as:
- 8725 (a) a medical doctor;
- 8726 (b) an osteopathic doctor;
- 8727 (c) a physician assistant; or
- 8728 (d) an advanced practice registered nurse.
- 8729 (8) "Local education agency" or "LEA" means:
- 8730 (a) a school district;
- 8731 (b) a charter school; or
- 8732 (c) the Utah Schools for the Deaf and the Blind.
- 8733 (9) "Local health department" means the same as that term is defined in Section
- 8734 [26A-1-102](#).
- 8735 (10) "Required vaccines" means vaccines required by department rule described in
- 8736 Section [\[53A-11-303\]](#) [53G-9-305](#).
- 8737 (11) "School" means any public or private:
- 8738 (a) elementary or secondary school through grade 12;

8739 (b) preschool;

8740 (c) child care program, as that term is defined in Section [26-39-102](#);

8741 (d) nursery school; or

8742 (e) kindergarten.

8743 (12) "Student" means an individual who attends a school.

8744 (13) "Vaccinating" or "vaccination" means the administration of a vaccine.

8745 (14) "Vaccination exemption form" means a form, described in Section

8746 [\[53A-11-302.5\]](#) [53G-9-304](#), that documents and verifies that a student is exempt from the

8747 requirement to receive one or more required vaccines.

8748 (15) "Vaccine" means the substance licensed for use by the United States Food and

8749 Drug Administration that is injected into or otherwise administered to an individual to

8750 immunize the individual against a communicable disease.

8751 Section 299. Section **53G-9-302 (Superseded 07/01/18)**, which is renumbered from

8752 Section 53A-11-301 (Superseded 07/01/18) is renumbered and amended to read:

8753 **~~[53A-11-301 (Superseded 07/01/18)]~~. [53G-9-302 \(Superseded](#)**

8754 **07/01/18)**. **Certificate of immunization required.**

8755 (1) Unless exempted for personal, medical, or religious objections as provided in

8756 Section [\[53A-11-302\]](#) [53G-9-303](#), a student may not attend a public, private, or parochial

8757 kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day

8758 care center, child care facility, family care home, or headstart program in this state unless there

8759 is presented to the appropriate official of the school a certificate of immunization from a

8760 licensed physician or authorized representative of the state or local health department stating

8761 that the student has received immunization against communicable diseases as required by rules

8762 adopted under Section [\[53A-11-303\]](#) [53G-9-305](#).

8763 (2) School districts may not receive weighted pupil unit money for a student unless the

8764 student has obtained a certificate of immunization under this section or qualifies for conditional

8765 enrollment or an exemption from immunization under Section [\[53A-11-302\]](#) [53G-9-303](#).

8766 Section 300. Section **53G-9-302 (Effective 07/01/18)**, which is renumbered from

8767 Section 53A-11-301 (Effective 07/01/18) is renumbered and amended to read:

8768 **~~[53A-11-301 (Effective 07/01/18)]~~. [53G-9-302 \(Effective](#)**

8769 **07/01/18)**. **Immunization required -- Exception -- Weighted pupil unit funding.**

8770 (1) A student may not attend a school unless:

8771 (a) the school receives an immunization record from the legally responsible individual  
8772 of the student, the student's former school, or a statewide registry that shows:

8773 (i) that the student has received each vaccination required by the department under  
8774 Section ~~[53A-11-303]~~ [53G-9-305](#); or

8775 (ii) for any required vaccination that the student has not received, that the student:

8776 (A) has immunity against the disease for which the vaccination is required, because the  
8777 student previously contracted the disease as documented by a health care provider, as that term  
8778 is defined in Section [78B-3-103](#); or

8779 (B) is exempt from receiving the vaccination under Section ~~[53A-11-302]~~ [53G-9-303](#);

8780 (b) the student qualifies for conditional enrollment under Section ~~[53A-11-306]~~  
8781 [53G-9-308](#); or

8782 (c) the student:

8783 (i) is a student, as defined in Section ~~[53A-1-1002]~~ [53E-3-903](#); and

8784 (ii) complies with the immunization requirements for military children under Section  
8785 ~~[53A-1-1004]~~ [53E-3-905](#).

8786 (2) An LEA may not receive weighted pupil unit money for a student who is not  
8787 permitted to attend school under Subsection (1).

8788 Section 301. Section **53G-9-303 (Superseded 07/01/18)**, which is renumbered from  
8789 Section 53A-11-302 (Superseded 07/01/18) is renumbered and amended to read:

8790 ~~[53A-11-302 (Superseded 07/01/18)]~~. **53G-9-303 (Superseded**  
8791 **07/01/18)**. **Immunizations required -- Exceptions -- Grounds for exemption from**  
8792 **required immunizations.**

8793 (1) A student may not enter school without a certificate of immunization, except as  
8794 provided in this section.

8795 (2) Except as provided in Section ~~[53A-1-1004]~~ [53E-3-905](#), a student who at the time  
8796 of school enrollment has not been completely immunized against each specified disease may  
8797 attend school under a conditional enrollment if the student has received one dose of each  
8798 specified vaccine prior to enrollment.

8799 (3) A student is exempt from receiving the required immunizations if there is presented  
8800 to the appropriate official of the school one or more of the following:

(a) a certificate from a licensed physician stating that due to the physical condition of the student one or more specified immunizations would endanger the student's life or health;

(b) A completed form obtained at the local health department where the student resides, providing:

(i) the information required under Subsection [~~53A-11-302.5~~] [53G-9-304](#)(1); and

(ii) a statement that the person has a personal belief opposed to immunizations, which is signed by one of the individuals listed in Subsection [~~53A-11-302~~] [53G-9-303](#)(3)(c) and witnessed by the local health officer or his designee; or

(c) a statement that the person is a bona fide member of a specified, recognized religious organization whose teachings are contrary to immunizations, signed by one of the following persons:

(i) one of the student's parents;

(ii) the student's guardian;

(iii) a legal age brother or sister of a student who has no parent or guardian; or

(iv) the student, if of legal age.

Section 302. Section **53G-9-303 (Effective 07/01/18)**, which is renumbered from Section 53A-11-302 (Effective 07/01/18) is renumbered and amended to read:

~~[53A-11-302 (Effective 07/01/18)].~~      **53G-9-303 (Effective 07/01/18). Grounds for exemption from required vaccines -- Renewal.**

(1) A student is exempt from the requirement to receive a vaccine required under Section [~~53A-11-303~~] [53G-9-305](#) if the student qualifies for a medical or personal exemption from the vaccination under Subsection (2) or (3).

(2) A student qualifies for a medical exemption from a vaccination required under Section [~~53A-11-303~~] [53G-9-305](#) if the student's legally responsible individual provides to the student's school:

(a) a completed vaccination exemption form; and

(b) a written notice signed by a licensed health care provider stating that, due to the physical condition of the student, administration of the vaccine would endanger the student's life or health.

(3) A student qualifies for a personal exemption from a vaccination required under Section [~~53A-11-303~~] [53G-9-305](#) if the student's legally responsible individual provides to the

8832 student's school a completed vaccination exemption form, stating that the student is exempt  
8833 from the vaccination because of a personal or religious belief.

8834 (4) (a) A vaccination exemption form submitted under this section is valid for as long  
8835 as the student remains at the school to which the form first is presented.

8836 (b) If the student changes schools before the student is old enough to enroll in  
8837 kindergarten, the vaccination exemption form accepted as valid at the student's previous school  
8838 is valid until the earlier of the day on which:

8839 (i) the student enrolls in kindergarten; or

8840 (ii) the student turns six years old.

8841 (c) If the student changes schools after the student is old enough to enroll in  
8842 kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption  
8843 form accepted as valid at the student's previous school is valid until the earlier of the day on  
8844 which:

8845 (i) the student enrolls in grade 7; or

8846 (ii) the student turns 12 years old.

8847 (d) If the student changes schools after the student is old enough to enroll in grade 7,  
8848 the vaccination exemption form accepted as valid at the student's previous school is valid until  
8849 the student completes grade 12.

8850 (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained  
8851 through completion of the online education module created in Section 26-7-9 is valid for at  
8852 least two years.

8853 Section 303. Section **53G-9-304 (Superseded 07/01/18)**, which is renumbered from  
8854 Section 53A-11-302.5 (Superseded 07/01/18) is renumbered and amended to read:

8855 **[53A-11-302.5 (Superseded 07/01/18)]. 53G-9-304 (Superseded**

8856 **07/01/18). Personal belief immunization exemption.**

8857 (1) The Department of Health shall provide to all local health departments a form to be  
8858 used by persons claiming an exemption from immunization requirements based on a personal  
8859 belief opposed to immunization. The form shall include a statement printed on the form and  
8860 drafted by the Department of Health stating the department's position regarding the benefits of  
8861 immunization. The form shall require, at a minimum:

8862 (a) a statement claiming exemption from immunizations required under Section

8863 [~~53A-11-302~~] 53G-9-303, signed by a person listed under Subsection [~~53A-11-302~~]

8864 53G-9-303(3)(c);

8865 (b) the name and address of the person who signs the form;

8866 (c) the name of the student exempted from immunizations; and

8867 (d) the school at which the student is enrolling.

8868 (2) (a) The Department of Health shall provide these forms to the local health  
8869 departments.

8870 (b) Local health departments shall make the forms available to the public upon request.

8871 (3) (a) A student enrolling in a school and who claims exemption from immunizations  
8872 based on a personal belief shall complete the form described in Subsection (1) and provide it to  
8873 the school officials at the school in which the student is enrolling.

8874 (b) Students who prior to July 1, 1992, claimed an exemption from immunizations  
8875 based on personal beliefs shall prior to December 1, 1992, complete the form described in  
8876 Subsection (1) and provide it to the appropriate official of the school the student attends.

8877 Section 304. Section **53G-9-304 (Effective 07/01/18)**, which is renumbered from  
8878 Section 53A-11-302.5 (Effective 07/01/18) is renumbered and amended to read:

8879 ~~[53A-11-302.5 (Effective 07/01/18)].~~ **53G-9-304 (Effective**  
8880 **07/01/18). Vaccination exemption form.**

8881 (1) The department shall:

8882 (a) develop a vaccination exemption form that includes only the following information:

8883 (i) identifying information regarding:

8884 (A) the student to whom an exemption applies; and

8885 (B) the legally responsible individual who claims the exemption for the student and  
8886 signs the vaccination exemption form;

8887 (ii) an indication regarding the vaccines to which the exemption relates;

8888 (iii) a statement that the claimed exemption is for:

8889 (A) a medical reason; or

8890 (B) a personal or religious belief; and

8891 (iv) an explanation of the requirements, in the event of an outbreak of a disease for  
8892 which a required vaccine exists, for a student who:

8893 (A) has not received the required vaccine; and

8894 (B) is not otherwise immune from the disease; and

8895 (b) provide the vaccination exemption form created in this Subsection (1) to local  
8896 health departments.

8897 (2) (a) Each local health department shall designate one or more individuals from  
8898 within the local health department as a health official to consult, regarding the requirements of  
8899 this part, with:

8900 (i) parents, upon the request of parents;

8901 (ii) school principals and administrators; and

8902 (iii) licensed health care providers.

8903 (b) A local health department may designate a licensed health care provider as a health  
8904 official designee to provide the services described in Subsection (2)(a).

8905 (3) (a) To receive a vaccination exemption form described in Subsection (1), a legally  
8906 responsible individual shall complete the online education module described in Section 26-7-9,  
8907 permitting an individual to:

8908 (i) complete any requirements online; and

8909 (ii) download and print the vaccine exemption form immediately upon completion of  
8910 the requirements.

8911 (b) A legally responsible individual may decline to take the online education module  
8912 and obtain a vaccination exemption form from a local health department if the individual:

8913 (i) requests and receives an in-person consultation at a local health department from a  
8914 health official or a health official designee regarding the requirements of this part; and

8915 (ii) pays any fees established under Subsection (4)(b).

8916 (4) (a) Neither the department nor any other person may charge a fee for the exemption  
8917 form offered through the online education module in Subsection (3)(a).

8918 (b) A local health department may establish a fee of up to \$25 to cover the costs of  
8919 providing an in-person consultation.

8920 Section 305. Section **53G-9-305 (Superseded 07/01/18)**, which is renumbered from  
8921 Section 53A-11-303 (Superseded 07/01/18) is renumbered and amended to read:

8922 ~~**53A-11-303 (Superseded 07/01/18)**~~. **53G-9-305 (Superseded**  
8923 **07/01/18)**. **Regulations of department.**

8924 (1) The Department of Health shall adopt rules to establish which immunizations are



8925 required and the manner and frequency of their administration.

8926 (2) The rules adopted shall conform to recognized standard medical practices.

8927 (3) The rules shall require the reporting of statistical information and names of  
8928 noncompliers by the schools.

8929 Section 306. Section **53G-9-305 (Effective 07/01/18)**, which is renumbered from  
8930 Section 53A-11-303 (Effective 07/01/18) is renumbered and amended to read:

8931 ~~[53A-11-303 (Effective 07/01/18)]~~. **53G-9-305 (Effective**  
8932 **07/01/18). Regulations of department.**

8933 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8934 department shall make rules regarding:

8935 (a) which vaccines are required as a condition of attending school;

8936 (b) the manner and frequency of the vaccinations; and

8937 (c) the vaccination exemption form described in Section ~~[53A-11-302.5]~~ 53G-9-304.

8938 (2) The department shall ensure that the rules described in Subsection (1):

8939 (a) conform to recognized standard medical practices; and

8940 (b) require schools to report to the department statistical information and names of  
8941 students who are not in compliance with Section ~~[53A-11-304]~~ 53G-9-302.

8942 Section 307. Section **53G-9-306 (Superseded 07/01/18)**, which is renumbered from  
8943 Section 53A-11-304 (Superseded 07/01/18) is renumbered and amended to read:

8944 ~~[53A-11-304 (Superseded 07/01/18)]~~. **53G-9-306 (Superseded**  
8945 **07/01/18). Certificate part of student's record -- Forms for certificates -- Transfer of**  
8946 **immunization record to official certificate.**

8947 (1) Each school shall retain official certificates of immunization for every enrolled  
8948 student. The certificate becomes a part of the individual student's permanent school record and  
8949 follows the student through his or her public or private school career.

8950 (2) The Department of Health shall provide official certificate of immunization forms  
8951 to public and private schools, physicians, and local health departments. The forms referred to in  
8952 this subsection shall include a clear statement of the student's rights under Section  
8953 ~~[53A-11-302]~~ 53G-9-303.

8954 (3) Any immunization record provided by a licensed physician, registered nurse, or  
8955 public health official may be accepted by a school official as a certificate of immunization if

the type of immunization given and the dates given are specified and the information is transferred to an official certificate of immunization and verified by the school district in which the public or private school is located.

Section 308. Section **53G-9-306 (Effective 07/01/18)**, which is renumbered from Section 53A-11-304 (Effective 07/01/18) is renumbered and amended to read:

**~~[53A-11-304 (Effective 07/01/18)]~~. 53G-9-306 (Effective 07/01/18).**

**Immunization record part of student's record -- School review process at enrollment -- Transfer.**

(1) Each school:

(a) shall request an immunization record for each student at the time the student enrolls in the school;

(b) may not charge a fee related to receiving or reviewing an immunization record or a vaccination exemption form; and

(c) shall retain an immunization record for each enrolled student as part of the student's permanent school record.

(2) (a) Within five business days after the day on which a student enrolls in a school, an individual designated by the school principal or administrator shall:

(i) determine whether the school has received an immunization record for the student;

(ii) review the student's immunization record to determine whether the record complies with Subsection ~~[53A-11-304]~~ 53G-9-302(1); and

(iii) identify any deficiencies in the student's immunization record.

(b) If the school has not received a student's immunization record or there are deficiencies in the immunization record, the school shall:

(i) place the student on conditional enrollment, in accordance with Section ~~[53A-11-306]~~ 53G-9-308; and

(ii) within five days after the day on which the school places the student on conditional enrollment, provide the written notice described in Subsection ~~[53A-11-306]~~ 53G-9-308(2).

(3) A school from which a student transfers shall provide the student's immunization record to the student's new school upon request of the student's legally responsible individual.

Section 309. Section **53G-9-307 (Repealed 07/01/18)**, which is renumbered from Section 53A-11-305 (Repealed 07/01/18) is renumbered and amended to read:

8987 ~~[53A-11-305 (Repealed 07/01/18)]~~. 53G-9-307 (Repealed

8988 07/01/18). **Immunization by local health departments -- Fees.**

8989 (1) If a student has not been immunized against a disease specified by the Department  
8990 of Health, he may be immunized by the local health department upon the request of his parent  
8991 or guardian, or upon the student's request if he is of legal age. The local health department may  
8992 charge a fee to cover the cost of administration of the vaccine.

8993 (2) The vaccine necessary for immunizations required under Sections ~~[53A-11-301]~~  
8994 53G-9-302 and ~~[53A-11-303]~~ 53G-9-305 shall be furnished to local departments of health by  
8995 the Department of Health. The Department of Health may recover all or part of the cost of  
8996 vaccines purchased with state funds by charging local health departments a fee for those  
8997 vaccines. Local health departments may pass the cost of the vaccine on to the student, his  
8998 parent or guardian, or other responsible party. However, a child may not be refused  
8999 immunizations by the local health department in his area of residence because of inability to  
9000 pay.

9001 (3) The Department of Health shall establish the fee for administration of vaccines, as  
9002 provided by Subsection (1), and shall establish fees for vaccines.

9003 Section 310. Section **53G-9-308 (Superseded 07/01/18)**, which is renumbered from  
9004 Section 53A-11-306 (Superseded 07/01/18) is renumbered and amended to read:

9005 ~~[53A-11-306 (Superseded 07/01/18)]~~. 53G-9-308 (Superseded  
9006 07/01/18). **Conditional enrollment -- Suspension for noncompliance -- Procedure.**

9007 (1) Conditional enrollment time periods may be modified by the department by legally  
9008 adopted rules.

9009 (2) The requirements for conditional enrollment shall apply to each student unless that  
9010 student is exempted under Section 53A-11-302.

9011 (3) After five days written notice of a pending suspension and of the student's rights  
9012 under Section ~~[53A-11-302]~~ 53G-9-303 shall be mailed to the last-known address of a parent,  
9013 guardian, or legal age brother or sister of a student who is without parent or guardian, the  
9014 governing authority of any school shall prohibit further attendance by a student under a  
9015 conditional enrollment who has failed to obtain the immunization required within time period  
9016 set forth in Section ~~[53A-11-302]~~ 53G-9-303 or otherwise established by rule.

9017 (4) Parents or guardians of children who are prohibited from attending school for

failure to comply with the provisions of this part shall be referred to the juvenile court.

Section 311. Section **53G-9-308 (Effective 07/01/18)**, which is renumbered from Section 53A-11-306 (Effective 07/01/18) is renumbered and amended to read:

~~[53A-11-306 (Effective 07/01/18)]~~. **53G-9-308 (Effective 07/01/18). Conditional enrollment -- Suspension for noncompliance -- Procedure.**

(1) A student for whom a school has not received a complete immunization record may attend the school on a conditional enrollment:

(a) during the period in which the student's immunization record is under review by the school; or

(b) for 21 calendar days after the day on which the school provides the notice described in Subsection (2).

(2) (a) Within five days after the day on which a school places a student on conditional enrollment, the school shall provide written notice to the student's legally responsible individual, in person or by mail, that:

(i) the school has placed the student on conditional enrollment for failure to comply with the requirements of Subsection ~~[53A-11-304]~~ 53G-9-302(1);

(ii) describes the identified deficiencies in the student's immunization record or states that the school has not received an immunization record for the student;

(iii) gives notice that the student will not be allowed to attend school unless the legally responsible individual cures the deficiencies, or provides an immunization record that complies with Subsection ~~[53A-11-304]~~ 53G-9-302(1), within the conditional enrollment period described in Subsection (1)(b); and

(iv) describes the process for obtaining a required vaccination.

(b) A school shall remove the conditional enrollment status from a student after the school receives an immunization record for the student that complies with Subsection ~~[53A-11-304]~~ 53G-9-302(1).

(c) Except as provided in Subsection (2)(d), at the end of the conditional enrollment period, a school shall prohibit a student who does not comply with Subsection ~~[53A-11-304]~~ 53G-9-302(1) from attending the school until the student complies with Subsection ~~[53A-11-304]~~ 53G-9-302(1).

(d) A school principal or administrator:

(i) shall grant an additional extension of the conditional enrollment period, if the extension is necessary to complete all required vaccination dosages, for a time period medically recommended to complete all required vaccination dosages; and

(ii) may grant an additional extension of the conditional enrollment period in cases of extenuating circumstances, if the school principal or administrator and a school nurse, a health official, or a health official designee agree that an additional extension will likely lead to compliance with Subsection ~~[53A-11-301]~~ 53G-9-302(1) during the additional extension period.

Section 312. Section **53G-9-309 (Effective 07/01/18)**, which is renumbered from Section 53A-11-307 (Effective 07/01/18) is renumbered and amended to read:

~~[53A-11-307 (Effective 07/01/18)]~~. **53G-9-309 (Effective 07/01/18). School record of students' immunization status -- Confidentiality.**

(1) Each school shall maintain a current list of all enrolled students, noting each student:

(a) for whom the school has received a valid and complete immunization record;

(b) who is exempt from receiving a required vaccine; and

(c) who is allowed to attend school under Section ~~[53A-11-306]~~ 53G-9-308.

(2) Each school shall ensure that the list described in Subsection (1) specifically identifies each disease against which a student is not immunized.

(3) Upon the request of an official from a local health department in the case of a disease outbreak, a school principal or administrator shall:

(a) notify the legally responsible individual of any student who is not immune to the outbreak disease, providing information regarding steps the legally responsible individual may take to protect students;

(b) identify each student who is not immune to the outbreak disease; and

(c) for a period determined by the local health department not to exceed the duration of the disease outbreak, do one of the following at the discretion of the school principal or administrator after obtaining approval from the local health department:

(i) provide a separate educational environment for the students described in Subsection (3)(b) that ensures the protection of the students described in Subsection (3)(b) as well as the protection of the remainder of the student body; or

9080 (ii) prevent each student described in Subsection (3)(b) from attending school.

9081 (4) A name appearing on the list described in Subsection (1) is subject to  
9082 confidentiality requirements described in Section 26-1-17.5 and Section [~~53A-13-301~~]  
9083 53E-9-202.

9084 Section 313. Section **53G-9-401** is enacted to read:

9085 **Part 4. Health Examinations**

9086 **53G-9-401. Definitions.**

9087 Reserved

9088 Section 314. Section **53G-9-402**, which is renumbered from Section 53A-11-201 is  
9089 renumbered and amended to read:

9090 [~~53A-11-201~~]. **53G-9-402. Rules for examinations prescribed by**  
9091 **Department of Health -- Notification of impairment.**

9092 (1) (a) Each local school board shall implement rules as prescribed by the Department  
9093 of Health for vision, dental, abnormal spinal curvature, and hearing examinations of students  
9094 attending the district's schools.

9095 (b) Under guidelines of the Department of Health, qualified health professionals shall  
9096 provide instructions, equipment, and materials for conducting the examinations.

9097 (c) The rules shall include exemption provisions for students whose parents or  
9098 guardians contend the examinations violate their personal beliefs.

9099 (2) The school shall notify, in writing, a student's parent or guardian of any impairment  
9100 disclosed by the examinations.

9101 Section 315. Section **53G-9-403**, which is renumbered from Section 53A-11-202 is  
9102 renumbered and amended to read:

9103 [~~53A-11-202~~]. **53G-9-403. Personnel to perform health examination.**

9104 A local school board may use teachers or licensed registered nurses to conduct  
9105 examinations required under this [~~chapter~~] part and licensed physicians as needed for medical  
9106 consultation related to those examinations.

9107 Section 316. Section **53G-9-404**, which is renumbered from Section 53A-11-203 is  
9108 renumbered and amended to read:

9109 [~~53A-11-203~~]. **53G-9-404. Vision screening.**

9110 (1) As used in this section:

9111 (a) "Office" means the Utah State Office of Rehabilitation created in Section  
9112 35A-1-202.

9113 (b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than  
9114 nine years old.

9115 (2) A child under nine years old entering school for the first time in this state must  
9116 present the following to the school:

9117 (a) a certificate signed by a licensed physician, optometrist, or other licensed health  
9118 professional approved by the office, stating that the child has received vision screening to  
9119 determine the presence of amblyopia or other visual defects; or

9120 (b) a written statement signed by at least one parent or legal guardian of the child that  
9121 the screening violates the personal beliefs of the parent or legal guardian.

9122 (3) (a) The office:

9123 (i) shall provide vision screening report forms to a person approved by the office to  
9124 conduct a free vision screening for a qualifying child;

9125 (ii) may work with health care professionals, teachers, and vision screeners to develop  
9126 protocols that may be used by a parent, teacher, or vision screener to help identify a child who  
9127 may have conditions that are not detected in a vision screening, such as problems with eye  
9128 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence  
9129 insufficiency; and

9130 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language  
9131 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice  
9132 required by Subsection (3)(b).

9133 (b) The report forms shall include the following information for a parent or guardian:  
9134 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye  
9135 doctor."

9136 (4) A school district or charter school may conduct free vision screening clinics for a  
9137 qualifying child.

9138 (5) (a) The office shall maintain a central register of qualifying children who fail vision  
9139 screening and who are referred for follow-up treatment.

9140 (b) The register described in Subsection (5)(a) shall include the name of the child, age  
9141 or birthdate, address, cause for referral, and follow-up results.

9142 (c) A school district or charter school shall report to the office referral follow-up results  
9143 for a qualifying child.

9144 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a  
9145 vision screener for a free vision screening clinic for a qualifying child:

9146 (i) is a school nurse;

9147 (ii) holds a certificate issued by the office under Subsection (6)(b)(ii); or

9148 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii).

9149 (b) The office shall:

9150 (i) provide vision screening training to a volunteer seeking a certificate described in  
9151 Subsection (6)(b)(ii), using curriculum established by the office; and

9152 (ii) issue a certificate to a volunteer who successfully completes the vision screening  
9153 training described in Subsection (6)(b)(i).

9154 (c) An individual described in Subsection (6)(a) is not liable for damages that result  
9155 from acts or omissions related to the vision screening, unless the acts or omissions are willful  
9156 or grossly negligent.

9157 (7) (a) Except as provided in Subsection (7)(b), a licensed health professional  
9158 providing vision care to private patients may not participate as a screener in a free vision  
9159 screening program provided by a school district.

9160 (b) A school district or charter school may:

9161 (i) allow a licensed health professional who provides vision care to private patients to  
9162 participate as a screener in a free vision screening program for a child 3-1/2 years old or older;

9163 (ii) establish guidelines to administer a free vision screening program described in  
9164 Subsection (7)(b)(i); and

9165 (iii) establish penalties for a violation of the requirements of Subsection (7)(c).

9166 (c) A licensed health professional or other person who participates as a screener in a  
9167 free vision screening program described in Subsection (7)(b):

9168 (i) may not market, advertise, or promote the licensed health professional's business in  
9169 connection with providing the free screening at the school; and

9170 (ii) shall provide the child's results of the free vision screening on a form produced by  
9171 the school or school district, which:

9172 (A) may not include contact information other than the name of the licensed health



9173 professional; and

9174 (B) shall include a statement: "vision screening is not a substitute for a complete eye  
9175 exam and vision evaluation by an eye doctor."

9176 (d) A school district or charter school may provide information to a parent or guardian  
9177 of the availability of follow up vision services for a student.

9178 (8) The Department of Health shall:

9179 (a) by rule, set standards and procedures for vision screening required by this [~~chapter~~]  
9180 part, which shall include a process for notifying the parent or guardian of a child who fails a  
9181 vision screening or is identified as needing follow-up care; and

9182 (b) provide the office with copies of rules, standards, instructions, and test charts  
9183 necessary for conducting vision screening.

9184 (9) The office shall supervise screening, referral, and follow-up required by this  
9185 [~~chapter~~] part.

9186 Section 317. Section **53G-9-501** is enacted to read:

9187 **Part 5. Administration of Medication**

9188 **53G-9-501. Definitions.**

9189 **Reserved**

9190 Section 318. Section **53G-9-502**, which is renumbered from Section 53A-11-601 is  
9191 renumbered and amended to read:

9192 **[53A-11-601]. 53G-9-502. Administration of medication to students --**

9193 **Prerequisites -- Immunity from liability -- Applicability.**

9194 (1) A public or private school that holds any classes in grades kindergarten through 12  
9195 may provide for the administration of medication to any student during periods when the  
9196 student is under the control of the school, subject to the following conditions:

9197 (a) the local school board, charter school governing board, or the private equivalent,  
9198 after consultation with the Department of Health and school nurses shall adopt policies that  
9199 provide for:

9200 (i) the designation of volunteer employees who may administer medication;

9201 (ii) proper identification and safekeeping of medication;

9202 (iii) the training of designated volunteer employees by the school nurse;

9203 (iv) maintenance of records of administration; and

9204 (v) notification to the school nurse of medication that will be administered to students;  
9205 and

9206 (b) medication may only be administered to a student if:

9207 (i) the student's parent or legal guardian has provided a current written and signed  
9208 request that medication be administered during regular school hours to the student; and

9209 (ii) the student's licensed health care provider has prescribed the medication and  
9210 provides documentation as to the method, amount, and time schedule for administration, and a  
9211 statement that administration of medication by school employees during periods when the  
9212 student is under the control of the school is medically necessary.

9213 (2) Authorization for administration of medication by school personnel may be  
9214 withdrawn by the school at any time following actual notice to the student's parent or guardian.

9215 (3) School personnel who provide assistance under Subsection (1) in substantial  
9216 compliance with the licensed health care provider's written prescription and the employers of  
9217 these school personnel are not liable, civilly or criminally, for:

9218 (a) any adverse reaction suffered by the student as a result of taking the medication;  
9219 and

9220 (b) discontinuing the administration of the medication under Subsection (2).

9221 (4) Subsections (1) through (3) do not apply to:

9222 (a) the administration of glucagon in accordance with Section [~~53A-11-603~~]  
9223 53G-9-504;

9224 (b) the administration of a seizure rescue medication in accordance with Section  
9225 [~~53A-11-603.5~~] 53G-9-505; or

9226 (c) the administration of an opiate antagonist in accordance with Title 26, Chapter 55,  
9227 Opiate Overdose Response Act.

9228 Section 319. Section **53G-9-503**, which is renumbered from Section 53A-11-602 is  
9229 renumbered and amended to read:

9230 [~~53A-11-602~~]. **53G-9-503. Self-administration of asthma medication.**

9231 (1) As used in this section, "asthma medication" means prescription or nonprescription,  
9232 inhaled asthma medication.

9233 (2) A public school shall permit a student to possess and self-administer asthma  
9234 medication if:

9235 (a) the student's parent or guardian signs a statement:  
9236 (i) authorizing the student to self-administer asthma medication; and  
9237 (ii) acknowledging that the student is responsible for, and capable of,  
9238 self-administering the asthma medication; and  
9239 (b) the student's health care provider provides a written statement that states:  
9240 (i) it is medically appropriate for the student to self-administer asthma medication and  
9241 be in possession of asthma medication at all times; and  
9242 (ii) the name of the asthma medication prescribed or authorized for the student's use.  
9243 (3) The Utah Department of Health, in cooperation with the state superintendent of  
9244 public instruction, shall design forms to be used by public schools for the parental and health  
9245 care provider statements described in Subsection (2).  
9246 (4) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and  
9247 self-administration of asthma medication in accordance with this section.  
9248 Section 320. Section **53G-9-504**, which is renumbered from Section 53A-11-603 is  
9249 renumbered and amended to read:  
9250 **[~~53A-11-603~~]. 53G-9-504. Administration of glucagon -- Training of**  
9251 **volunteer school personnel -- Authority to use glucagon -- Immunity from liability.**  
9252 (1) As used in this section, "glucagon authorization" means a signed statement from a  
9253 parent or guardian of a student with diabetes:  
9254 (a) certifying that glucagon has been prescribed for the student;  
9255 (b) requesting that the student's public school identify and train school personnel who  
9256 volunteer to be trained in the administration of glucagon in accordance with this section; and  
9257 (c) authorizing the administration of glucagon in an emergency to the student in  
9258 accordance with this section.  
9259 (2) (a) A public school shall, within a reasonable time after receiving a glucagon  
9260 authorization, train two or more school personnel who volunteer to be trained in the  
9261 administration of glucagon, with training provided by the school nurse or another qualified,  
9262 licensed medical professional.  
9263 (b) A public school shall allow all willing school personnel to receive training in the  
9264 administration of glucagon, and the school shall assist and may not obstruct the identification  
9265 or training of volunteers under this Subsection (2).

9266 (c) The Utah Department of Health, in cooperation with the state superintendent of  
9267 public instruction, shall design a glucagon authorization form to be used by public schools in  
9268 accordance with this section.

9269 (3) (a) Training in the administration of glucagon shall include:

9270 (i) techniques for recognizing the symptoms that warrant the administration of  
9271 glucagon;

9272 (ii) standards and procedures for the storage and use of glucagon;

9273 (iii) other emergency procedures, including calling the emergency 911 number and  
9274 contacting, if possible, the student's parent or guardian; and

9275 (iv) written materials covering the information required under this Subsection (3).

9276 (b) A school shall retain for reference the written materials prepared in accordance with  
9277 Subsection (3)(a)(iv).

9278 (4) A public school shall permit a student or school personnel to possess or store  
9279 prescribed glucagon so that it will be available for administration in an emergency in  
9280 accordance with this section.

9281 (5) (a) A person who has received training in accordance with this section may  
9282 administer glucagon at a school or school activity to a student with a glucagon authorization if:

9283 (i) the student is exhibiting the symptoms that warrant the administration of glucagon;  
9284 and

9285 (ii) a licensed health care professional is not immediately available.

9286 (b) A person who administers glucagon in accordance with Subsection (5)(a) shall  
9287 direct a responsible person to call 911 and take other appropriate actions in accordance with the  
9288 training materials retained under Subsection (3)(b).

9289 (6) School personnel who provide or receive training under this section and act in good  
9290 faith are not liable in any civil or criminal action for any act taken or not taken under the  
9291 authority of this section with respect to the administration of glucagon.

9292 (7) Section [~~53A-11-601~~] [53G-9-502](#) does not apply to the administration of glucagon  
9293 in accordance with this section.

9294 (8) Section [~~53A-11-904~~] [53G-8-205](#) does not apply to the possession and  
9295 administration of glucagon in accordance with this section.

9296 (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and

9297 Professions, do not apply to a person licensed as a health professional under Title 58,  
9298 Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,  
9299 trains nonlicensed volunteers to administer glucagon in accordance with this section.

9300 Section 321. Section **53G-9-505**, which is renumbered from Section 53A-11-603.5 is  
9301 renumbered and amended to read:

9302 **~~[53A-11-603.5].~~ 53G-9-505. Trained school employee volunteers --**  
9303 **Administration of seizure rescue medication -- Exemptions from liability.**

9304 (1) As used in this section:

9305 (a) "Prescribing health care professional" means:

9306 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice  
9307 Act;

9308 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah  
9309 Osteopathic Medical Practice Act;

9310 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
9311 Practice Act; or

9312 (iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

9313 (b) "Section 504 accommodation plan" means a plan developed pursuant to Section  
9314 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to  
9315 an individual with a disability to ensure access to major life activities.

9316 (c) "Seizure rescue authorization" means a student's Section 504 accommodation plan  
9317 that:

9318 (i) certifies that:

9319 (A) a prescribing health care professional has prescribed a seizure rescue medication  
9320 for the student;

9321 (B) the student's parent or legal guardian has previously administered the student's  
9322 seizure rescue medication in a nonmedically-supervised setting without a complication; and

9323 (C) the student has previously ceased having full body prolonged or convulsive seizure  
9324 activity as a result of receiving the seizure rescue medication;

9325 (ii) describes the specific seizure rescue medication authorized for the student,  
9326 including the indicated dose, and instructions for administration;

9327 (iii) requests that the student's public school identify and train school employees who

9328 are willing to volunteer to receive training to administer a seizure rescue medication in  
9329 accordance with this section; and

9330 (iv) authorizes a trained school employee volunteer to administer a seizure rescue  
9331 medication in accordance with this section.

9332 (d) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing  
9333 health care professional, to be administered as described in a student's seizure rescue  
9334 authorization, while the student experiences seizure activity.

9335 (ii) A seizure rescue medication does not include a medication administered  
9336 intravenously or intramuscularly.

9337 (e) "Trained school employee volunteer" means an individual who:

9338 (i) is an employee of a public school where at least one student has a seizure rescue  
9339 authorization;

9340 (ii) is at least 18 years old; and

9341 (iii) as described in this section:

9342 (A) volunteers to receive training in the administration of a seizure rescue medication;

9343 (B) completes a training program described in this section;

9344 (C) demonstrates competency on an assessment; and

9345 (D) completes annual refresher training each year that the individual intends to remain  
9346 a trained school employee volunteer.

9347 (2) (a) The Department of Health shall, with input from the State Board of Education  
9348 and a children's hospital, develop a training program for trained school employee volunteers in  
9349 the administration of seizure rescue medications that includes:

9350 (i) techniques to recognize symptoms that warrant the administration of a seizure  
9351 rescue medication;

9352 (ii) standards and procedures for the storage of a seizure rescue medication;

9353 (iii) procedures, in addition to administering a seizure rescue medication, in the event  
9354 that a student requires administration of the seizure rescue medication, including:

9355 (A) calling 911; and

9356 (B) contacting the student's parent or legal guardian;

9357 (iv) an assessment to determine if an individual is competent to administer a seizure  
9358 rescue medication;

- 9359 (v) an annual refresher training component; and
- 9360 (vi) written materials describing the information required under this Subsection (2)(a).
- 9361 (b) A public school shall retain for reference the written materials described in
- 9362 Subsection (2)(a)(vi).
- 9363 (c) The following individuals may provide the training described in Subsection (2)(a):
- 9364 (i) a school nurse; or
- 9365 (ii) a licensed health care professional.
- 9366 (3) (a) A public school shall, after receiving a seizure rescue authorization:
- 9367 (i) inform school employees of the opportunity to be a school employee volunteer; and
- 9368 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
- 9369 volunteers, using the training program described in Subsection (2)(a).
- 9370 (b) A public school may not:
- 9371 (i) obstruct the identification or training of a trained school employee volunteer; or
- 9372 (ii) compel a school employee to become a trained school employee volunteer.
- 9373 (4) A trained school employee volunteer may possess or store a prescribed rescue
- 9374 seizure medication, in accordance with this section.
- 9375 (5) A trained school employee volunteer may administer a seizure rescue medication to
- 9376 a student with a seizure rescue authorization if:
- 9377 (a) the student is exhibiting a symptom, described on the student's seizure rescue
- 9378 authorization, that warrants the administration of a seizure rescue medication; and
- 9379 (b) a licensed health care professional is not immediately available to administer the
- 9380 seizure rescue medication.
- 9381 (6) A trained school employee volunteer who administers a seizure rescue medication
- 9382 shall direct an individual to call 911 and take other appropriate actions in accordance with the
- 9383 training described in Subsection (2).
- 9384 (7) A trained school employee volunteer who administers a seizure rescue medication
- 9385 in accordance with this section in good faith is not liable in a civil or criminal action for an act
- 9386 taken or not taken under this section.
- 9387 (8) Section [~~53A-11-601~~] 53G-9-502 does not apply to the administration of a seizure
- 9388 rescue medication.
- 9389 (9) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession of a seizure

9390 rescue medication in accordance with this section.

9391 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations  
9392 and Professions, do not apply to a person licensed as a health care professional under Title 58,  
9393 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,  
9394 training a nonlicensed school employee who volunteers to administer a seizure rescue  
9395 medication in accordance with this section.

9396 (b) Allowing a trained school employee volunteer to administer a seizure rescue  
9397 medication in accordance with this section does not constitute unlawful or inappropriate  
9398 delegation under Title 58, Occupations and Professions.

9399 Section 322. Section **53G-9-506**, which is renumbered from Section 53A-11-604 is  
9400 renumbered and amended to read:

9401 ~~[53A-11-604].~~ **53G-9-506. Diabetes medication -- Possession --**  
9402 **Self-administration.**

9403 (1) As used in this section, "diabetes medication" means prescription or  
9404 nonprescription medication used to treat diabetes, including related medical devices, supplies,  
9405 and equipment used to treat diabetes.

9406 (2) A public school shall permit a student to possess or possess and self-administer  
9407 diabetes medication if:

9408 (a) the student's parent or guardian signs a statement:

9409 (i) authorizing the student to possess or possess and self-administer diabetes  
9410 medication; and

9411 (ii) acknowledging that the student is responsible for, and capable of, possessing or  
9412 possessing and self-administering the diabetes medication; and

9413 (b) the student's health care provider provides a written statement that states:

9414 (i) it is medically appropriate for the student to possess or possess and self-administer  
9415 diabetes medication and the student should be in possession of diabetes medication at all times;  
9416 and

9417 (ii) the name of the diabetes medication prescribed or authorized for the student's use.

9418 (3) The Utah Department of Health, in cooperation with the state superintendent of  
9419 public instruction, shall design forms to be used by public schools for the parental and health  
9420 care provider statements described in Subsection (2).



(4) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and self-administration of diabetes medication in accordance with this section.

Section 323. Section **53G-9-601**, which is renumbered from Section 53A-11a-102 is renumbered and amended to read:

**Part 6. Bullying and Hazing**

**~~[53A-11a-102].~~ 53G-9-601. Definitions.**

As used in this [chapter] part:

(1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

(b) A single act does not constitute abusive conduct.

(2) "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

(a) causing physical or emotional harm to the school employee or student;

(b) causing damage to the school employee's or student's property;

(c) placing the school employee or student in reasonable fear of:

(i) harm to the school employee's or student's physical or emotional well-being; or

(ii) damage to the school employee's or student's property;

(d) creating a hostile, threatening, humiliating, or abusive educational environment due to:

(i) the pervasiveness, persistence, or severity of the actions; or

(ii) a power differential between the bully and the target; or

(e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

(3) "Communication" means the conveyance of a message, whether verbal, written, or electronic.

(4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether

9452 the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the  
9453 electronic communication.

9454 (5) (a) "Hazing" means a school employee or student intentionally, knowingly, or  
9455 recklessly committing an act or causing another individual to commit an act toward a school  
9456 employee or student that:

9457 (i) (A) endangers the mental or physical health or safety of a school employee or  
9458 student;

9459 (B) involves any brutality of a physical nature, including whipping, beating, branding,  
9460 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or  
9461 exposure to the elements;

9462 (C) involves consumption of any food, alcoholic product, drug, or other substance or  
9463 other physical activity that endangers the mental or physical health and safety of a school  
9464 employee or student; or

9465 (D) involves any activity that would subject a school employee or student to extreme  
9466 mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that  
9467 subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

9468 (ii) (A) is committed for the purpose of initiation into, admission into, affiliation with,  
9469 holding office in, or as a condition for membership in a school or school sponsored team,  
9470 organization, program, club, or event; or

9471 (B) is directed toward a school employee or student whom the individual who commits  
9472 the act knows, at the time the act is committed, is a member of, or candidate for membership  
9473 in, a school or school sponsored team, organization, program, club, or event in which the  
9474 individual who commits the act also participates.

9475 (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of  
9476 whether the school employee or student against whom the conduct is committed directed,  
9477 consented to, or acquiesced in, the conduct.

9478 (6) "Policy" means a school board policy described in Section [~~53A-11a-301~~]  
9479 [53G-9-605](#).

9480 (7) "Retaliate" means an act or communication intended:

9481 (a) as retribution against a person for reporting bullying or hazing; or

9482 (b) to improperly influence the investigation of, or the response to, a report of bullying

9483 or hazing.

9484 (8) "School" means a public elementary or secondary school, including a charter  
9485 school.

9486 (9) "School board" means:

9487 (a) a local school board; or

9488 (b) a charter school governing board.

9489 (10) "School employee" means an individual working in the individual's official  
9490 capacity as:

9491 (a) a school teacher;

9492 (b) a school staff member;

9493 (c) a school administrator; or

9494 (d) an individual:

9495 (i) who is employed, directly or indirectly, by a school, school board, or school district;

9496 and

9497 (ii) who works on a school campus.

9498 Section 324. Section **53G-9-602**, which is renumbered from Section 53A-11a-201 is  
9499 renumbered and amended to read:

9500 **[53A-11a-201]. 53G-9-602. Bullying, hazing, and cyber-bullying prohibited.**

9501 (1) A school employee or student may not engage in bullying a school employee or  
9502 student:

9503 (a) on school property;

9504 (b) at a school related or sponsored event;

9505 (c) on a school bus;

9506 (d) at a school bus stop; or

9507 (e) while the school employee or student is traveling to or from a location or event  
9508 described in Subsections (1)(a) through (d).

9509 (2) A school employee or student may not engage in hazing or cyber-bullying a school  
9510 employee or student at any time or in any location.

9511 Section 325. Section **53G-9-603**, which is renumbered from Section 53A-11a-202 is  
9512 renumbered and amended to read:

9513 **[53A-11a-202]. 53G-9-603. Retaliation and making a false allegation**

9514 **prohibited.**

9515 (1) A school employee or student may not engage in retaliation against:

9516 (a) a school employee;

9517 (b) a student; or

9518 (c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying,  
9519 hazing, or retaliation.

9520 (2) A school employee or student may not make a false allegation of bullying,  
9521 cyber-bullying, hazing, or retaliation against a school employee or student.

9522 Section 326. Section **53G-9-604**, which is renumbered from Section 53A-11a-203 is  
9523 renumbered and amended to read:

9524 **[53A-11a-203]. 53G-9-604. Parental notification of certain incidents and**  
9525 **threats required.**

9526 (1) For purposes of this section, "parent" includes a student's guardian.

9527 (2) A school shall:

9528 (a) notify a parent if the parent's student threatens to commit suicide; or

9529 (b) notify the parents of each student involved in an incident of bullying,  
9530 cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's  
9531 student.

9532 (3) (a) If a school notifies a parent of an incident or threat required to be reported under  
9533 Subsection (2), the school shall produce and maintain a record that verifies that the parent was  
9534 notified of the incident or threat.

9535 (b) A school shall maintain a record described in Subsection (3)(a) in accordance with  
9536 the requirements of:

9537 ~~[(i) Chapter 1, Part 14, Student Data Protection Act;]~~

9538 ~~[(ii) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act;]~~

9539 (i) Title 53E, Chapter 9, Part 2, Student Privacy;

9540 (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;

9541 (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

9542 (iv) 34 C.F.R. Part 99.

9543 (4) A local school board or charter school governing board shall adopt a policy  
9544 regarding the process for:

9545 (a) notifying a parent as required in Subsection (2); and  
9546 (b) producing and retaining a record that verifies that a parent was notified of an  
9547 incident or threat as required in Subsection (3).

9548 (5) At the request of a parent, a school may provide information and make  
9549 recommendations related to an incident or threat described in Subsection (2).

9550 (6) A school shall:

9551 (a) provide a student a copy of a record maintained in accordance with this section that  
9552 relates to the student if the student requests a copy of the record; and

9553 (b) expunge a record maintained in accordance with this section that relates to a  
9554 student if the student:

9555 (i) has graduated from high school; and

9556 (ii) requests the record be expunged.

9557 Section 327. Section **53G-9-605**, which is renumbered from Section 53A-11a-301 is  
9558 renumbered and amended to read:

9559 ~~**[53A-11a-301].**~~ **53G-9-605. Bullying, cyber-bullying, hazing, abusive**  
9560 **conduct, and retaliation policy.**

9561 (1) On or before September 1, 2018, a school board shall update the school board's  
9562 bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

9563 (2) A policy shall:

9564 (a) be developed only with input from:

9565 (i) students;

9566 (ii) parents;

9567 (iii) teachers;

9568 (iv) school administrators;

9569 (v) school staff; or

9570 (vi) local law enforcement agencies; and

9571 (b) provide protection to a student, regardless of the student's legal status.

9572 (3) A policy shall include the following components:

9573 (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are  
9574 consistent with this ~~[chapter]~~ part;

9575 (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;

(c) language prohibiting retaliation against an individual who reports conduct that is prohibited under this ~~[chapter]~~ part;

(d) language prohibiting making a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;

(e) as required in Section ~~[53A-11a-203]~~ 53G-9-604, parental notification of:

(i) a student's threat to commit suicide; and

(ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, involving the parent's student;

(f) a grievance process for a school employee who has experienced abusive conduct;

(g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and

(h) a requirement for a signed statement annually, indicating that the individual signing the statement has received the school board's policy, from each:

(i) school employee;

(ii) student who is at least eight years old; and

(iii) parent or guardian of a student enrolled in the charter school or school district.

(4) A copy of a policy shall be:

(a) included in student conduct handbooks;

(b) included in employee handbooks;

(c) provided to a parent or a guardian of a student enrolled in the charter school or school district; and

(d) distributed to parents.

(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

(6) Nothing in this ~~[chapter]~~ part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

Section 328. Section **53G-9-606**, which is renumbered from Section 53A-11a-302 is renumbered and amended to read:

~~[53A-11a-302]~~. **53G-9-606. Model policy and State Board of Education duties.**

(1) On or before September 1, 2018, the State Board of Education shall:

9607 (a) update the State Board of Education's model policy on bullying, cyber-bullying,  
9608 hazing, and retaliation to include abusive conduct; and

9609 (b) post the model policy described in Subsection (1)(a) on the State Board of  
9610 Education's website.

9611 (2) The State Board of Education shall require a school board to report annually to the  
9612 State Board of Education on:

9613 (a) the school board's policy, including implementation of the signed statement  
9614 requirement described in Subsection [~~53A-11a-301~~] 53G-9-605(3)(g);

9615 (b) the school board's training of school employees relating to bullying, cyber-bullying,  
9616 hazing, and retaliation described in Section [~~53A-11a-401~~] 53G-9-607; and

9617 (c) other information related to this [~~chapter~~] part, as determined by the State Board of  
9618 Education.

9619 Section 329. Section **53G-9-607**, which is renumbered from Section 53A-11a-401 is  
9620 renumbered and amended to read:

9621 **[~~53A-11a-401~~]. 53G-9-607. Training, education, and prevention --**  
9622 **Standards.**

9623 (1) (a) A school board shall include in the training of a school employee training  
9624 regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the  
9625 standards described in Subsection (4).

9626 (b) A school board may offer voluntary training to parents and students regarding  
9627 abusive conduct.

9628 (2) To the extent that state or federal funding is available for this purpose, school  
9629 boards are encouraged to implement programs or initiatives, in addition to the training  
9630 described in Subsection (1), to provide for training and education regarding, and the prevention  
9631 of, bullying, hazing, abusive conduct, and retaliation.

9632 (3) The programs or initiatives described in Subsection (2) may involve:

9633 (a) the establishment of a bullying task force; or

9634 (b) the involvement of school employees, students, or law enforcement.

9635 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
9636 State Board of Education shall make rules that establish standards for high quality training  
9637 related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

Section 330. Section **53G-9-608**, which is renumbered from Section 53A-11a-402 is renumbered and amended to read:

~~[53A-11a-402].~~      **53G-9-608. Other forms of legal redress.**

(1) Nothing in this ~~[chapter]~~ part prohibits a victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or criminal law.

(2) This section does not create or alter tort liability.

Section 331. Section **53G-9-701** is enacted to read:

**Part 7. Suicide Prevention**

**53G-9-701. Definitions.**

Reserved

Section 332. Section **53G-9-702**, which is renumbered from Section 53A-15-1301 is renumbered and amended to read:

~~[53A-15-1301].~~      **53G-9-702. Youth suicide prevention programs required in secondary schools -- State Board of Education to develop model programs -- Reporting requirements.**

(1) As used in the section:

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

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

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

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

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

(f) "Secondary grades":

(i) means grades 7 through 12; and

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

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

(2) (a) In collaboration with the public education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program in the



9669 secondary grades of the school district or charter school.

9670 (b) A school district or charter school's program shall include the following  
9671 components:

9672 (i) in collaboration with the training, programs, and initiatives described in Section  
9673 ~~[53A-11a-401]~~ [53G-9-607](#), programs and training to address bullying and cyberbullying, as  
9674 those terms are defined in Section ~~[53A-11a-102]~~ [53G-9-601](#);

9675 (ii) prevention of youth suicides;

9676 (iii) youth suicide intervention; and

9677 (iv) postvention for family, students, and faculty.

9678 (3) The board shall:

9679 (a) designate a public education suicide prevention coordinator; and

9680 (b) in collaboration with the Department of Health and the state suicide prevention  
9681 coordinator, develop model programs to provide to school districts and charter schools:

9682 (i) program training; and

9683 (ii) resources regarding the required components described in Subsection (2)(b).

9684 (4) The public education suicide prevention coordinator shall:

9685 (a) oversee the youth suicide prevention programs of school districts and charter  
9686 schools; ~~[and]~~

9687 (b) coordinate prevention and postvention programs, services, and efforts with the state  
9688 suicide prevention coordinator~~[-]; and~~

9689 (c) award grants in accordance with Section [53F-5-206](#).

9690 (5) A public school suicide prevention program may allow school personnel to ask a  
9691 student questions related to youth suicide prevention, intervention, or postvention.

9692 (6) (a) Subject to legislative appropriation, the board may distribute money to a school  
9693 district or charter school to be used to implement evidence-based practices and programs, or  
9694 emerging best practices and programs, for preventing suicide in the school district or charter  
9695 school.

9696 (b) The board shall distribute money under Subsection (6)(a) so that each school that  
9697 enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser  
9698 amount per school if the legislative appropriation is not sufficient to provide at least \$500 per  
9699 school.

9700 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to  
9701 implement evidence-based practices and programs, or emerging best practices and programs,  
9702 for preventing suicide.

9703 (ii) Each school may select the evidence-based practices and programs, or emerging  
9704 best practices and programs, for preventing suicide that the school implements.

9705 (7) (a) The board shall provide a written report, and shall orally report to the  
9706 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the  
9707 public education suicide prevention coordinator and the state suicide prevention coordinator,  
9708 on:

9709 (i) the progress of school district and charter school youth suicide prevention programs,  
9710 including rates of participation by school districts, charter schools, and students;

9711 (ii) the board's coordination efforts with the Department of Health and the state suicide  
9712 prevention coordinator;

9713 (iii) the public education suicide prevention coordinator's model program for training  
9714 and resources related to youth suicide prevention, intervention, and postvention;

9715 (iv) data measuring the effectiveness of youth suicide programs;

9716 (v) funds appropriated to each school district and charter school for youth suicide  
9717 prevention programs; and

9718 (vi) five-year trends of youth suicides per school, school district, and charter school.

9719 (b) School districts and charter schools shall provide to the board information that is  
9720 necessary for the board's report to the Legislature's Education Interim Committee as required in  
9721 Subsection (7)(a).

9722 Section 333. Section **53G-9-703**, which is renumbered from Section 53A-15-1302 is  
9723 renumbered and amended to read:

9724 ~~[53A-15-1302].~~ **53G-9-703. Parent education -- Mental health -- Bullying --**  
9725 **Safety.**

9726 (1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for  
9727 parents of students in the school district that:

9728 (i) is offered at no cost to parents;

9729 (ii) begins at or after 6 p.m.;

9730 (iii) is held in at least one school located in the school district; and

- 9731 (iv) covers the topics described in Subsection (2).
- 9732 (b) (i) A school district shall annually offer one parent seminar for each 11,000  
9733 students enrolled in the school district.
- 9734 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer  
9735 more than three seminars.
- 9736 (c) A school district may:
- 9737 (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
- 9738 (ii) use the curriculum developed by the State Board of Education under Subsection  
9739 (2).
- 9740 (d) A school district shall notify each charter school located in the attendance  
9741 boundaries of the school district of the date and time of a parent seminar, so the charter school  
9742 may inform parents of the seminar.
- 9743 (2) The State Board of Education shall:
- 9744 (a) develop a curriculum for the parent seminar described in Subsection (1) that  
9745 includes information on:
- 9746 (i) substance abuse, including illegal drugs and prescription drugs and prevention;
- 9747 (ii) bullying;
- 9748 (iii) mental health, depression, suicide awareness, and suicide prevention, including  
9749 education on limiting access to fatal means;
- 9750 (iv) Internet safety, including pornography addiction; and
- 9751 (v) the School Safety and Crisis Line established in Section [\[53A-11-1503\]](#)  
9752 [53E-10-502](#); and
- 9753 (b) provide the curriculum, including resources and training, to school districts upon  
9754 request.
- 9755 (3) The State Board of Education shall report to the Legislature's Education Interim  
9756 Committee, by the October 2015 meeting, on:
- 9757 (a) the progress of implementation of the parent seminar;
- 9758 (b) the number of parent seminars conducted in each school district;
- 9759 (c) the estimated attendance reported by each school district;
- 9760 (d) a recommendation of whether to continue the parent seminar program; and
- 9761 (e) if a local school board has opted out of providing the parent seminar, as described

9762 in Subsection (4), the reasons why a local school board opted out.

9763 (4) (a) A school district is not required to offer the parent seminar if the local school  
9764 board determines that the topics described in Subsection (2) are not of significant interest or  
9765 value to families in the school district.

9766 (b) If a local school board chooses not to offer the parent seminar, the local school  
9767 board shall notify the State Board of Education and provide the reasons why the local school  
9768 board chose not to offer the parent seminar.

9769 Section 334. Section **53G-9-704**, which is renumbered from Section 53A-15-1304 is  
9770 renumbered and amended to read:

9771 ~~[53A-15-1304].~~ **53G-9-704.** Youth suicide prevention training for employees.

9772 (1) A school district or charter school shall require a licensed employee to complete  
9773 two hours of professional development training on youth suicide prevention within the  
9774 employee's license cycle described in Section ~~[53A-6-104]~~ 53E-6-201.

9775 (2) The board shall:

9776 (a) develop or adopt sample materials to be used by a school district or charter school  
9777 for professional development training on youth suicide prevention; and

9778 (b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
9779 Rulemaking Act, incorporate the training described in Subsection (1) into professional  
9780 development training described in Section ~~[53A-6-104]~~ 53E-6-201.

9781 Section 335. Section **53G-9-801**, which is renumbered from Section 53A-15-1902 is  
9782 renumbered and amended to read:

9783 **Part 8. Dropout Prevention and Recovery and Remediation Programs**

9784 ~~[53A-15-1902].~~ **53G-9-801.** Definitions.

9785 As used in ~~[this part]~~ Section 53G-9-802:

9786 (1) "Attainment goal" means earning:

9787 (a) a high school diploma;

9788 (b) a Utah High School Completion Diploma, as defined in State Board of Education  
9789 rule;

9790 (c) an Adult Education Secondary Diploma, as defined in State Board of Education  
9791 rule; or

9792 (d) an employer-recognized, industry-based certificate that is:

9793 (i) likely to result in job placement; and  
9794 (ii) included in the State Board of Education's approved career and technical education  
9795 industry certification list.

9796 (2) "Cohort" means a group of students, defined by the year in which the group enters  
9797 grade 9.

9798 (3) "Designated student" means a student:

9799 (a) (i) who has withdrawn from an LEA before earning a diploma;

9800 (ii) who has been dropped from average daily membership; and

9801 (iii) whose cohort has not yet graduated; or

9802 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined  
9803 by the student's LEA, using risk factors defined in rules made by the State Board of Education  
9804 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

9805 (4) "Graduation rate" means:

9806 (a) for a school district or a charter school that includes grade 12, the graduation rate  
9807 calculated by the State Board of Education for federal accountability and reporting purposes; or

9808 (b) for a charter school that does not include grade 12, a proxy graduation rate defined  
9809 in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah  
9810 Administrative Rulemaking Act.

9811 (5) "Local education agency" or "LEA" means a school district or charter school that  
9812 serves students in grade 9, 10, 11, or 12.

9813 (6) "Nontraditional program" means a program, as defined in rules made by the State  
9814 Board of Education under Subsection [~~53A-1-402~~] [53E-3-501](#)(1)(e), in which a student  
9815 receives instruction through:

9816 (a) distance learning;

9817 (b) online learning;

9818 (c) blended learning; or

9819 (d) competency-based learning.

9820 (7) "Statewide graduation rate" means:

9821 (a) for a school district or a charter school that includes grade 12, the statewide  
9822 graduation rate, as annually calculated by the State Board of Education; or

9823 (b) for a charter school that does not include grade 12, the average graduation rate for

9824 all charter schools that do not include grade 12.

9825 (8) "Third party" means:

9826 (a) a private provider; or

9827 (b) an LEA that does not meet the criteria described in Subsection [~~53A-15-1903~~]

9828 53G-9-802(3).

9829 Section 336. Section **53G-9-802**, which is renumbered from Section 53A-15-1903 is  
9830 renumbered and amended to read:

9831 ~~[53A-15-1903]~~. **53G-9-802. Dropout prevention and recovery -- Flexible**

9832 **enrollment options -- Contracting -- Reporting.**

9833 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and  
9834 recovery services to a designated student, including:

9835 (i) engaging with or attempting to recover a designated student;

9836 (ii) developing a learning plan, in consultation with a designated student, to identify:

9837 (A) barriers to regular school attendance and achievement;

9838 (B) an attainment goal; and

9839 (C) a means for achieving the attainment goal through enrollment in one or more of the  
9840 programs described in Subsection (2);

9841 (iii) monitoring a designated student's progress toward reaching the designated  
9842 student's attainment goal; and

9843 (iv) providing tiered interventions for a designated student who is not making progress  
9844 toward reaching the student's attainment goal.

9845 (b) An LEA shall provide the dropout prevention and recovery services described in  
9846 Subsection (1)(a):

9847 (i) throughout the calendar year; and

9848 (ii) except as provided in Subsection (1)(c)(i), for each designated student who  
9849 becomes a designated student while enrolled in the LEA.

9850 (c) (i) A designated student's school district of residence shall provide dropout recovery  
9851 services if the designated student:

9852 (A) was enrolled in a charter school that does not include grade 12; and

9853 (B) becomes a designated student in the summer after the student completes academic  
9854 instruction at the charter school through the maximum grade level the charter school is eligible

9855 to serve under the charter school's charter agreement as described in Section [~~53A-1a-508~~]  
9856 53G-5-303.

9857 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include  
9858 grade 12 shall notify each of the charter school's student's district of residence, as determined  
9859 under Section [~~53A-2-201~~] 53G-6-302, when the student completes academic instruction at the  
9860 charter school as described in Subsection (1)(c)(i)(B).

9861 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,  
9862 contact information, and student identification number.

9863 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:

9864 (i) are tailored to the designated student's learning plan developed under Subsection  
9865 (1)(a)(ii); and

9866 (ii) include two or more of the following:

9867 (A) enrollment in the LEA in a traditional program;

9868 (B) enrollment in the LEA in a nontraditional program;

9869 (C) enrollment in a program offered by a private provider that has entered into a  
9870 contract with the LEA to provide educational services; or

9871 (D) enrollment in a program offered by another LEA.

9872 (b) A designated student may enroll in:

9873 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this  
9874 [~~Title 53A, State System of Public Education,~~] public education code, rules established by the  
9875 State Board of Education, and policies established by the LEA;

9876 (ii) the Electronic High School, in accordance with [~~Part 10, Electronic High School~~  
9877 ~~Act~~] Title 53E, Chapter 10, Part 6, Electronic High School; or

9878 [(ii)] (iii) the Statewide Online Education Program, in accordance with [~~Part 12~~] Title  
9879 53F, Chapter 4, Part 5, Statewide Online Education Program [~~Act~~].

9880 (c) An LEA shall make the LEA's best effort to accommodate a designated student's  
9881 choice of enrollment under Subsection (2)(b).

9882 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),  
9883 an LEA shall enter into a contract with a third party to provide the dropout prevention and  
9884 recovery services described in Subsection (1)(a) for any school year in which the LEA meets  
9885 the following criteria:

9886 (a) the LEA's graduation rate is lower than the statewide graduation rate; and  
9887 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the  
9888 previous three school years; or  
9889 (ii) during the previous calendar year, at least 10% of the LEA's designated students  
9890 have not:  
9891 (A) reached the students' attainment goals; or  
9892 (B) made a year's worth of progress toward the students' attainment goals.  
9893 (4) An LEA that is in the LEA's first three years of operation is not subject to the  
9894 requirement described in Subsection (3).  
9895 (5) An LEA described in Subsection (3) shall ensure that:  
9896 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a  
9897 demonstrated record of effectiveness engaging with and recovering designated students; and  
9898 (b) a contract with a third party requires the third party to:  
9899 (i) provide the services described in Subsection (1)(a); and  
9900 (ii) regularly report progress to the LEA.  
9901 (6) An LEA shall annually submit a report to the State Board of Education on dropout  
9902 prevention and recovery services provided under this section, including:  
9903 (a) the methods the LEA or third party uses to engage with or attempt to recover  
9904 designated students under Subsection (1)(a)(i);  
9905 (b) the number of designated students who enroll in a program described in Subsection  
9906 (2) as a result of the efforts described in Subsection (6)(a);  
9907 (c) the number of designated students who reach the designated students' attainment  
9908 goals identified under Subsection (1)(a)(ii)(B); and  
9909 (d) funding allocated to provide dropout prevention and recovery services.  
9910 (7) The State Board of Education shall:  
9911 (a) ensure that an LEA described in Subsection (3) contracts with a third party to  
9912 provide dropout prevention and recovery services in accordance with Subsections (3) and (5);  
9913 and  
9914 (b) on or before October 30, 2017, and each year thereafter, report to the Education  
9915 Interim Committee on the provisions of this section, including a summary of the reports  
9916 submitted under Subsection (6).



9917 Section 337. Section **53G-9-803**, which is renumbered from Section 53A-13-104 is  
9918 renumbered and amended to read:

9919 ~~[53A-13-104].~~ **53G-9-803. Remediation programs for secondary students.**

9920 (1) For purposes of this section:

9921 (a) "Secondary school" means a school that provides instruction to students in grades 7,  
9922 8, 9, 10, 11, or 12.

9923 (b) "Secondary school student":

9924 (i) means a student enrolled in a secondary school; and

9925 (ii) includes a student in grade 6 if the student attends a secondary school.

9926 (2) A school district or charter school shall implement programs for secondary school  
9927 students to attain the competency levels and graduation requirements established by the State  
9928 Board of Education.

9929 (3) (a) A school district or charter school shall establish remediation programs for  
9930 secondary school students who do not meet competency levels in English, mathematics,  
9931 science, or social studies.

9932 (b) Participation in the programs is mandatory for secondary school students who fail  
9933 to meet the competency levels based on classroom performance.

9934 (4) Secondary school students who require remediation under this section may not be  
9935 advanced to the following class in subject sequences until they meet the required competency  
9936 level for the subject or complete the required remediation program, except that a school district  
9937 or charter school may allow secondary school students requiring remediation who would  
9938 otherwise be scheduled to enter their first year of high school to complete their remediation  
9939 program during that first year.

9940 (5) (a) Remediation programs provided under this section should not be unnecessarily  
9941 lengthy or repetitive.

9942 (b) A secondary school student need not repeat an entire class if remediation can  
9943 reasonably be achieved through other means.

9944 (6) A school district or charter school may charge secondary school students a fee to  
9945 participate in the remediation programs.

9946 Section 338. Section **53G-10-101** is enacted to read:

9947 **CHAPTER 10. CURRICULUM PARTICIPATION AND REQUIREMENTS**

**Part 1. General Provisions**

**53G-10-101. Title.**

This chapter is known as "Curriculum Participation and Requirements."

Section 339. Section **53G-10-102** is enacted to read:

**53G-10-102. Definitions.**

Reserved

Section 340. Section **53G-10-201** is enacted to read:

**Part 2. General Requirements and Participation**

**53G-10-201. Definitions.**

Reserved

Section 341. Section **53G-10-202**, which is renumbered from Section 53A-13-101.1 is renumbered and amended to read:

**[53A-13-101.1]. 53G-10-202. Maintaining constitutional freedom in the public schools.**

(1) Any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules of the state and local boards of education, may be undertaken in the public schools.

(2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

(3) Public schools may not sponsor prayer or religious devotionals.

(4) School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

Section 342. Section **53G-10-203**, which is renumbered from Section 53A-13-101.3 is renumbered and amended to read:

9979 ~~[53A-13-101.3].~~ **53G-10-203. Expressions of belief -- Discretionary time.**

9980 (1) Expression of personal beliefs by a student participating in school-directed  
9981 curricula or activities may not be prohibited or penalized unless the expression unreasonably  
9982 interferes with order or discipline, threatens the well-being of persons or property, or violates  
9983 concepts of civility or propriety appropriate to a school setting.

9984 (2) (a) As used in this section, "discretionary time" means noninstructional time during  
9985 which a student is free to pursue personal interests.

9986 (b) Free exercise of voluntary religious practice or freedom of speech by students  
9987 during discretionary time shall not be denied unless the conduct unreasonably interferes with  
9988 the ability of school officials to maintain order and discipline, unreasonably endangers persons  
9989 or property, or violates concepts of civility or propriety appropriate to a school setting.

9990 (3) Any limitation under Sections ~~[53A-13-101.2 and 53A-13-101.3]~~ 53G-10-203 and  
9991 53G-10-205 on student expression, practice, or conduct shall be by the least restrictive means  
9992 necessary to satisfy the school's interests as stated in those sections, or to satisfy another  
9993 specifically identified compelling governmental interest.

9994 Section 343. Section **53G-10-204**, which is renumbered from Section 53A-13-109 is  
9995 renumbered and amended to read:

9996 ~~[53A-13-109].~~ **53G-10-204. Civic and character education -- Definitions --**  
9997 **Legislative finding -- Elements -- Reporting requirements.**

9998 (1) As used in this section:

9999 (a) "Character education" means reaffirming values and qualities of character which  
10000 promote an upright and desirable citizenry.

10001 (b) "Civic education" means the cultivation of informed, responsible participation in  
10002 political life by competent citizens committed to the fundamental values and principles of  
10003 representative democracy in Utah and the United States.

10004 (c) "Values" means time-established principles or standards of worth.

10005 (2) The Legislature recognizes that:

10006 (a) Civic and character education are fundamental elements of the public education  
10007 system's core mission as originally intended and established under Article X of the Utah  
10008 Constitution;

10009 (b) Civic and character education are fundamental elements of the constitutional

responsibility of public education and shall be a continuing emphasis and focus in public schools;

(c) the cultivation of a continuing understanding and appreciation of a constitutional republic and principles of representative democracy in Utah and the United States among succeeding generations of educated and responsible citizens is important to the nation and state;

(d) the primary responsibility for the education of children within the state resides with their parents or guardians and that the role of state and local governments is to support and assist parents in fulfilling that responsibility;

(e) public schools fulfill a vital purpose in the preparation of succeeding generations of informed and responsible citizens who are deeply attached to essential democratic values and institutions; and

(f) the happiness and security of American society relies upon the public virtue of its citizens which requires a united commitment to a moral social order where self-interests are willingly subordinated to the greater common good.

(3) Through an integrated curriculum, students shall be taught in connection with regular school work:

(a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

(b) respect for and an understanding of the Declaration of Independence and the constitutions of the United States and of the state of Utah;

(c) Utah history, including territorial and preterritorial development to the present;

(d) the essentials and benefits of the free enterprise system;

(e) respect for parents, home, and family;

(f) the dignity and necessity of honest labor; and

(g) other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured by the constitution.

(4) Local school boards and school administrators may provide training, direction, and encouragement, as needed, to accomplish the intent and requirements of this section and to effectively emphasize civic and character education in the course of regular instruction in the

10041 public schools.

10042 (5) Civic and character education in public schools are:

10043 (a) not intended to be separate programs in need of special funding or added specialists  
10044 to be accomplished; and

10045 (b) core principles which reflect the shared values of the citizens of Utah and the  
10046 founding principles upon which representative democracy in the United States and the state of  
10047 Utah are based.

10048 (6) To assist the Commission on Civic and Character Education in fulfilling the  
10049 commission's duties under Section ~~67-1a-11~~, by December 30 of each year, each school district  
10050 and the State Charter School Board shall submit to the lieutenant governor and the commission  
10051 a report summarizing how civic and character education are achieved in the school district or  
10052 charter schools through an integrated school curriculum and in the regular course of school  
10053 work as provided in this section.

10054 (7) Each year, the State Board of Education shall report to the Education Interim  
10055 Committee, on or before the October meeting, the methods used, and the results being  
10056 achieved, to instruct and prepare students to become informed and responsible citizens through  
10057 an integrated curriculum taught in connection with regular school work as required in this  
10058 section.

10059 Section 344. Section **53G-10-205**, which is renumbered from Section 53A-13-101.2 is  
10060 renumbered and amended to read:

10061 ~~[53A-13-101.2].~~ **53G-10-205. Waivers of participation.**

10062 (1) As used in this section:

10063 ~~[(a) (i) "Human sexuality instruction" means any course material, unit, class, lesson,~~  
10064 ~~activity, or presentation that, as the focus of the discussion, provides instruction or information~~  
10065 ~~to a student about:]~~

10066 ~~[(A) sexual abstinence;]~~

10067 ~~[(B) human sexuality;]~~

10068 ~~[(C) human reproduction;]~~

10069 ~~[(D) reproductive anatomy;]~~

10070 ~~[(E) physiology;]~~

10071 ~~[(F) pregnancy;]~~

10072 [~~(G) marriage;~~  
10073 [~~(H) childbirth;~~  
10074 [~~(I) parenthood;~~  
10075 [~~(J) contraception;~~  
10076 [~~(K) HIV/AIDS; or~~  
10077 [~~(L) sexually transmitted diseases.~~]  
10078 [~~(ii) "Human sexuality instruction" does not include child sexual abuse prevention~~  
10079 ~~instruction described in Section [53A-13-112](#).~~]  
10080 [~~(b)~~] (a) "Parent" means a parent or legal guardian.  
10081 [~~(c)~~] (b) "School" means a public school.  
10082 (2) If a parent of a student, or a secondary student, determines that the student's  
10083 participation in a portion of the curriculum or in an activity would require the student to affirm  
10084 or deny a religious belief or right of conscience, or engage or refrain from engaging in a  
10085 practice forbidden or required in the exercise of a religious right or right of conscience, the  
10086 parent or the secondary student may request:  
10087 (a) a waiver of the requirement to participate; or  
10088 (b) a reasonable alternative that requires reasonably equivalent performance by the  
10089 student of the secular objectives of the curriculum or activity in question.  
10090 (3) The school shall promptly notify a student's parent if the secondary student makes a  
10091 request under Subsection (2).  
10092 (4) If a request is made under Subsection (2), the school shall:  
10093 (a) waive the participation requirement;  
10094 (b) provide a reasonable alternative to the requirement; or  
10095 (c) notify the requesting party that participation is required.  
10096 (5) The school shall ensure that the provisions of Subsection [~~53A-13-101.3~~]  
10097 [53G-10-203](#)(3) are met in connection with any required participation under Subsection (4)(c).  
10098 [~~(6) A school shall obtain prior written consent from a student's parent before the~~  
10099 ~~school may provide human sexuality instruction to the student.~~]  
10100 [~~(7) If a student's parent chooses not to have the student participate in human sexuality~~  
10101 ~~instruction, a school shall:~~]  
10102 [~~(a) waive the requirement for the student to participate in the human sexuality~~

10103 ~~instruction; or]~~

10104 ~~[(b) provide the student with a reasonable alternative to the human sexuality instruction~~  
 10105 ~~requirement.]~~

10106 ~~[(8) In cooperation with the student's teacher or school, a parent shall take~~  
 10107 ~~responsibility for the parent's student's human sexuality instruction if a school:]~~

10108 ~~[(a) waives the student's human sexuality instruction requirement in Subsection (7)(a);~~  
 10109 ~~or]~~

10110 ~~[(b) provides the student with a reasonable alternative to the human sexuality~~  
 10111 ~~instruction requirement described in Subsection (7)(b).]~~

10112 ~~[(9)]~~ (6) A student's academic or citizenship performance may not be penalized if ~~[(a)]~~  
 10113 the secondary student or the student's parent chooses to exercise a religious right or right of  
 10114 conscience in accordance with the provisions of this section ~~[-or]~~.

10115 ~~[(b) the student's parent chooses not to have the student participate in human sexuality~~  
 10116 ~~instruction as described in Subsection (7).]~~

10117 Section 345. Section **53G-10-301** is enacted to read:

10118 **Part 3. Miscellaneous Curriculum Requirements**

10119 **53G-10-301. Definitions.**

10120 Reserved

10121 Section 346. Section **53G-10-302**, which is renumbered from Section 53A-13-101.4 is  
 10122 renumbered and amended to read:

10123 ~~[53A-13-101.4].~~ **53G-10-302. Instruction in American history and**  
 10124 **government -- Study and posting of American heritage documents.**

10125 (1) The Legislature recognizes that a proper understanding of American history and  
 10126 government is essential to good citizenship, and that the public schools are the primary public  
 10127 institutions charged with responsibility for assisting children and youth in gaining that  
 10128 understanding.

10129 (2) (a) The State Board of Education and local school boards shall periodically review  
 10130 school curricula and activities to ensure that effective instruction in American history and  
 10131 government is taking place in the public schools.

10132 (b) The boards shall solicit public input as part of the review process.

10133 (c) Instruction in American history and government shall include a study of:

10134 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an  
10135 oligarchy;

10136 (ii) political philosophies and economic systems, such as socialism, individualism, and  
10137 free market capitalism; and

10138 (iii) the United States' form of government, a compound constitutional republic.

10139 (3) School curricula and activities shall include a thorough study of historical  
10140 documents such as:

10141 (a) the Declaration of Independence;

10142 (b) the United States Constitution;

10143 (c) the national motto;

10144 (d) the pledge of allegiance;

10145 (e) the national anthem;

10146 (f) the Mayflower Compact;

10147 (g) the writings, speeches, documents, and proclamations of the Founders and the  
10148 Presidents of the United States;

10149 (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and  
10150 post Federalist eras;

10151 (i) United States Supreme Court decisions;

10152 (j) Acts of the United States Congress, including the published text of the  
10153 Congressional Record; and

10154 (k) United States treaties.

10155 (4) To increase student understanding of, and familiarity with, American historical  
10156 documents, public schools may display historically important excerpts from, or copies of, those  
10157 documents in school classrooms and common areas as appropriate.

10158 (5) There shall be no content-based censorship of American history and heritage  
10159 documents referred to in this section due to their religious or cultural nature.

10160 (6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302  
10161 to be the national motto of the United States, in one or more prominent places within each  
10162 school building.

10163 Section 347. Section **53G-10-303**, which is renumbered from Section 53A-13-101.5 is  
10164 renumbered and amended to read:



~~[53A-13-101.5].~~      **53G-10-303. Teaching of American sign language.**

(1) The Legislature recognizes that American sign language is a fully developed, autonomous, natural language with distinct grammar, syntax, and art forms.

(2) American sign language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.

(3) The State Board of Education, in consultation with the state's school districts and members of the deaf and hard of hearing community, shall develop and implement policies and procedures for the teaching of American sign language in the state's public education system at least at the middle school or high school level.

(4) A student may count credit received for completion of a course in American sign language at the middle school or high school level toward the satisfaction of a foreign language requirement in the public education system under rules made by the State Board of Education.

(5) The State Board of Regents, in consultation with the state's public institutions of higher education and members of the state's deaf and hard of hearing community, shall develop and implement policies and procedures for offering instruction in American sign language in the state's system of higher education.

(6) The Joint Liaison Committee, in consultation with members of the state's deaf and hard of hearing community, shall review any policies and procedures developed under this section and make recommendations to either or both boards regarding the policies.

Section 348. Section **53G-10-304**, which is renumbered from Section 53A-13-101.6 is renumbered and amended to read:

~~[53A-13-101.6].~~      **53G-10-304. Instruction on the flag of the United States of America.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall provide by rule for a program of instruction within the public schools relating to the flag of the United States.

(2) The instruction shall include the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to 10.

(3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of each day in each public school classroom in the state, led by a student in the classroom, as

assigned by the classroom teacher on a rotating basis.

(b) Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge.

(c) A student shall be excused from reciting the pledge upon written request from the student's parent or legal guardian.

(d) (i) At least once a year students shall be instructed that:

(A) participation in the pledge of allegiance is voluntary and not compulsory; and

(B) not only is it acceptable for someone to choose not to participate in the pledge of allegiance for religious or other reasons, but students should show respect for any student who chooses not to participate.

(ii) A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described in Subsection (3)(d)(i).

Section 349. Section **53G-10-305** is enacted to read:

**53G-10-305. Financial education information.**

A public school shall provide the following to the parents or guardian of a kindergarten student during kindergarten enrollment:

(1) a financial and economic literacy passport, as defined in Section [53E-3-505](#); and

(2) information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

Section 350. Section **53G-10-401** is enacted to read:

**Part 4. Health Curriculum Requirements**

**53G-10-401. Definitions.**

Reserved

Section 351. Section **53G-10-402**, which is renumbered from Section 53A-13-101 is renumbered and amended to read:

~~[53A-13-101].~~ **53G-10-402. Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.**

(1) (a) The State Board of Education shall establish curriculum requirements under Section ~~[53A-1-402;]~~ [53E-3-501](#) that include instruction in:

(i) community and personal health;

10227 (ii) physiology;  
10228 (iii) personal hygiene; and  
10229 (iv) prevention of communicable disease.  
10230 (b) (i) That instruction shall stress:  
10231 (A) the importance of abstinence from all sexual activity before marriage and fidelity  
10232 after marriage as methods for preventing certain communicable diseases; and  
10233 (B) personal skills that encourage individual choice of abstinence and fidelity.  
10234 (ii) (A) At no time may instruction be provided, including responses to spontaneous  
10235 questions raised by students, regarding any means or methods that facilitate or encourage the  
10236 violation of any state or federal criminal law by a minor or an adult.  
10237 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a  
10238 spontaneous question as long as the response is consistent with the provisions of this section.  
10239 (c) (i) The board shall recommend instructional materials for use in the curricula  
10240 required under Subsection (1)(a) after considering evaluations of instructional materials by the  
10241 State Instructional Materials Commission.  
10242 (ii) A local school board may choose to adopt:  
10243 (A) the instructional materials recommended under Subsection (1)(c)(i); or  
10244 (B) other instructional materials as provided in state board rule.  
10245 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a  
10246 minimum:  
10247 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)  
10248 shall be based upon recommendations of the school district's Curriculum Materials Review  
10249 Committee that comply with state law and state board rules emphasizing abstinence before  
10250 marriage and fidelity after marriage, and prohibiting instruction in:  
10251 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;  
10252 (II) the advocacy of premarital or extramarital sexual activity; or  
10253 (III) the advocacy or encouragement of the use of contraceptive methods or devices;  
10254 (IV) the advocacy of sexual activity outside of marriage;  
10255 (B) that the adoption of instructional materials shall take place in an open and regular  
10256 meeting of the local school board for which prior notice is given to parents and guardians of  
10257 students attending schools in the district and an opportunity for them to express their views and

10258 opinions on the materials at the meeting;

10259 (C) provision for an appeal and review process of the local school board's decision; and

10260 (D) provision for a report by the local school board to the State Board of Education of

10261 the action taken and the materials adopted by the local school board under Subsections

10262 (1)(c)(ii)(B) and (1)(c)(iii).

10263 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and

10264 systematic in grades eight through 12.

10265 (b) At the request of the board, the Department of Health shall cooperate with the

10266 board in developing programs to provide instruction in those areas.

10267 (3) (a) The board shall adopt rules that:

10268 (i) provide that the parental consent requirements of Sections [76-7-322](#) and [76-7-323](#)

10269 are complied with; and

10270 (ii) require a student's parent or legal guardian to be notified in advance and have an

10271 opportunity to review the information for which parental consent is required under Sections

10272 [76-7-322](#) and [76-7-323](#).

10273 (b) The board shall also provide procedures for disciplinary action for violation of

10274 Section [76-7-322](#) or [76-7-323](#).

10275 (4) (a) In keeping with the requirements of Section [~~53A-13-109~~] [53G-10-204](#), and

10276 because school employees and volunteers serve as examples to their students, school

10277 employees or volunteers acting in their official capacities may not support or encourage

10278 criminal conduct by students, teachers, or volunteers.

10279 (b) To ensure the effective performance of school personnel, the limitations described

10280 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official

10281 capacities if:

10282 (i) they knew or should have known that their action could result in a material and

10283 substantial interference or disruption in the normal activities of the school; and

10284 (ii) that action does result in a material and substantial interference or disruption in the

10285 normal activities of the school.

10286 (c) Neither the State Board of Education nor local school districts may allow training

10287 of school employees or volunteers that supports or encourages criminal conduct.

10288 (d) The State Board of Education shall adopt rules implementing this section.

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

(5) Except as provided in Section ~~[53A-13-101.1]~~ 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

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

(b) Each school district shall provide appropriate inservice training for its teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections ~~[53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302]~~ 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205, and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the inservice training.

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

(d) In order to assist school districts in providing the inservice training required under Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop and disseminate model teacher inservice programs which districts may use to train the individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of character referenced in that subsection.

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

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

Section 352. Section **53G-10-403** is enacted to read:

**53G-10-403. Required parental consent for human sexuality instruction.**

- 10320 (1) As used in this section:
- 10321 (a) (i) "Human sexuality instruction" means any course material, unit, class, lesson,
- 10322 activity, or presentation that, as the focus of the discussion, provides instruction or information
- 10323 to a student about:
- 10324 (A) sexual abstinence;
- 10325 (B) human sexuality;
- 10326 (C) human reproduction;
- 10327 (D) reproductive anatomy;
- 10328 (E) physiology;
- 10329 (F) pregnancy;
- 10330 (G) marriage;
- 10331 (H) childbirth;
- 10332 (I) parenthood;
- 10333 (J) contraception;
- 10334 (K) HIV/AIDS; or
- 10335 (L) sexually transmitted diseases.
- 10336 (ii) "Human sexuality instruction" does not include child sexual abuse prevention
- 10337 instruction described in Section [53G-9-207](#).
- 10338 (b) "Parent" means the same as that term is defined in Section [53G-10-205](#).
- 10339 (c) "School" means the same as that term is defined in Section [53G-10-205](#).
- 10340 (2) A school shall obtain prior written consent from a student's parent before the school
- 10341 may provide human sexuality instruction to the student.
- 10342 (3) If a student's parent chooses not to have the student participate in human sexuality
- 10343 instruction, a school shall:
- 10344 (a) waive the requirement for the student to participate in the human sexuality
- 10345 instruction; or
- 10346 (b) provide the student with a reasonable alternative to the human sexuality instruction
- 10347 requirement.
- 10348 (4) In cooperation with the student's teacher or school, a parent shall take responsibility
- 10349 for the parent's student's human sexuality instruction if a school:
- 10350 (a) waives the student's human sexuality instruction requirement in Subsection (3)(a);

10351 or

10352 (b) provides the student with a reasonable alternative to the human sexuality  
10353 instruction requirement described in Subsection (3)(b).

10354 (5) A student's academic or citizenship performance may not be penalized if the  
10355 student's parent chooses not to have the student participate in human sexuality instruction as  
10356 described in Subsection (3).

10357 Section 353. Section **53G-10-404**, which is renumbered from Section 53A-13-107 is  
10358 renumbered and amended to read:

10359 **~~[53A-13-107].~~ 53G-10-404. Adoption information.**

10360 (1) For a school year beginning with or after the 2012-13 school year, a local school  
10361 board shall ensure that an annual presentation on adoption is given to its secondary school  
10362 students in grades 7-12, so that each student receives the presentation at least once during  
10363 grades 7-9 and at least once during grades 10-12.

10364 (2) The presentation shall be made by a licensed teacher as part of the health education  
10365 core.

10366 Section 354. Section **53G-10-405**, which is renumbered from Section 53A-13-102 is  
10367 renumbered and amended to read:

10368 **~~[53A-13-102].~~ 53G-10-405. Instruction on the harmful effects of alcohol,**  
10369 **tobacco, and controlled substances -- Rulemaking authority -- Assistance from the**  
10370 **Division of Substance Abuse and Mental Health.**

10371 (1) The State Board of Education shall adopt rules providing for instruction at each  
10372 grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the  
10373 human body and society. The rules shall require but are not limited to instruction on the  
10374 following:

10375 (a) teaching of skills needed to evaluate advertisements for, and media portrayal of,  
10376 alcohol, tobacco, and controlled substances;

10377 (b) directing students towards healthy and productive alternatives to the use of alcohol,  
10378 tobacco, and controlled substances; and

10379 (c) discouraging the use of alcohol, tobacco, and controlled substances.

10380 (2) At the request of the board, the Division of Substance Abuse and Mental Health  
10381 shall cooperate with the board in developing programs to provide this instruction.

(3) The board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.

Section 355. Section **53G-10-406**, which is renumbered from Section 53A-13-113 is renumbered and amended to read:

~~[53A-13-113].~~ **53G-10-406. Underage Drinking Prevention Program -- State Board of Education rules.**

(1) As used in this section:

(a) "Advisory council" means the Underage Drinking Prevention Program Advisory Council created in this section.

(b) "Board" means the State Board of Education.

(c) "LEA" means:

(i) a school district;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(d) "Program" means the Underage Drinking Prevention Program created in this section.

(e) "School-based prevention presentation" means an evidence-based program intended for students aged 13 and older that:

(i) is aimed at preventing underage consumption of alcohol;

(ii) is delivered by methods that engage students in storytelling and visualization;

(iii) addresses the behavioral risk factors associated with underage drinking; and

(iv) provides practical tools to address the dangers of underage drinking.

(2) There is created the Underage Drinking Prevention Program that consists of:

(a) a school-based prevention presentation for students in grade 8; and

(b) a school-based prevention presentation for students in grade 10 that increases awareness of the dangers of driving under the influence of alcohol.

(3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each school year to each student in grade 8 and grade 10.

(b) An LEA shall select from the providers qualified by the board under Subsection (6) to offer the program.



- 10413 (4) The board shall administer the program with input from the advisory council.
- 10414 (5) There is created the Underage Drinking Prevention Program Advisory Council
- 10415 comprised of the following members:
- 10416 (a) the executive director of the Department of Alcoholic Beverage Control or the
- 10417 executive director's designee;
- 10418 (b) the executive director of the Department of Health or the executive director's
- 10419 designee;
- 10420 (c) the director of the Division of Substance Abuse and Mental Health or the director's
- 10421 designee;
- 10422 (d) the director of the Division of Child and Family Services or the director's designee;
- 10423 (e) the director of the Division of Juvenile Justice Services or the director's designee;
- 10424 (f) the state superintendent of public instruction or the state superintendent of public
- 10425 instruction's designee; and
- 10426 (g) two members of the State Board of Education, appointed by the chair of the State
- 10427 Board of Education.
- 10428 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
- 10429 shall qualify one or more providers to provide the program to an LEA.
- 10430 (b) In selecting a provider described in Subsection (6)(a), the board shall consider:
- 10431 (i) whether the provider's program complies with the requirements described in this
- 10432 section;
- 10433 (ii) the extent to which the provider's underage drinking prevention program aligns
- 10434 with core standards for Utah public schools; and
- 10435 (iii) the provider's experience in providing a program that is effective at reducing
- 10436 underage drinking.
- 10437 (7) (a) The board shall use money from the Underage Drinking Prevention Program
- 10438 Restricted Account described in Section [~~53A-13-114~~] [53F-9-304](#) for the program.
- 10439 (b) The board may use money from the Underage Drinking Prevention Program
- 10440 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
- 10441 program.
- 10442 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 10443 board shall make rules that:

(a) beginning with the 2018-19 school year, require an LEA to offer the Underage Drinking Prevention Program each school year to each student in grade 8 and grade 10; and  
(b) establish criteria for the board to use in selecting a provider described in Subsection (6).

Section 356. Section **53G-10-501** is enacted to read:

**Part 5. Driver Education Classes**

**53G-10-501. Definitions.**

Reserved

Section 357. Section **53G-10-502**, which is renumbered from Section 53A-13-201 is renumbered and amended to read:

**[53A-13-201]. 53G-10-502. Driver education established by school districts.**

(1) As used in this part:

(a) "Driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle.

(b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.

(2) (a) Local school districts may establish and maintain driver education for pupils.

(b) A school or local school district that provides driver education shall provide an opportunity for each pupil enrolled in that school or local school district to take the written test when the pupil is 15 years and nine months of age.

(c) Notwithstanding the provisions of Subsection (2)(b), a school or local school district that provides driver education may provide an opportunity for each pupil enrolled in that school or school district to take the written test when the pupil is 15 years of age.

(3) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for driver education offered in the public schools.

(5) The rules under Subsection (4) shall:

(a) require at least one hour of classroom training on the subject of railroad crossing safety for each driver education pupil; and

(b) establish minimum standards for approved driving ranges under Section

10475 53-3-505.5.

10476 (6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving  
10477 training provided as part of driver education offered under this part and used to satisfy the  
10478 driver training requirement under Section 53-3-204.

10479 Section 358. Section 53G-10-503, which is renumbered from Section 53A-13-202 is  
10480 renumbered and amended to read:

10481 ~~[53A-13-202].~~ **53G-10-503. Driver education funding -- Reimbursement of**  
10482 **school districts for driver education class expenses -- Limitations -- Excess funds --**  
10483 **Student fees.**

10484 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver  
10485 education shall fund the program solely through:

10486 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform  
10487 School Fund as created under Section 41-1a-1205; and

10488 (ii) student fees collected by each school.

10489 (b) In determining the cost of driver education, a school district may exclude:

10490 (i) the full-time equivalent cost of a teacher for a driver education class taught during  
10491 regular school hours; and

10492 (ii) classroom space and classroom maintenance.

10493 (c) A school district may not use any additional school funds beyond those allowed  
10494 under Subsection (1)(b) to subsidize driver education.

10495 (2) (a) The state superintendent of public instruction shall, prior to September 2nd  
10496 following the school year during which it was expended, or may at earlier intervals during that  
10497 school year, reimburse each school district that applied for reimbursement in accordance with  
10498 this section.

10499 (b) A school district that maintains driver education classes that conform to this part  
10500 and the rules prescribed by the board may apply for reimbursement for the actual cost of  
10501 providing the behind-the-wheel and observation training incidental to those classes.

10502 (3) Under the state board's supervision for driver education, a school district may:

10503 (a) employ personnel who are not licensed by the board under Section ~~[53A-6-104]~~  
10504 53E-6-201; or

10505 (b) contract with private parties or agencies licensed under Section 53-3-504 for the

10506 behind-the-wheel phase of the driver education program.

10507 (4) The reimbursement amount shall be paid out of the Automobile Driver Education  
10508 Tax Account in the Uniform School Fund and may not exceed:

10509 (a) \$100 per student who has completed driver education during the school year;

10510 (b) \$30 per student who has only completed the classroom portion in the school or  
10511 through the electronic high school during the school year; or

10512 (c) \$70 per student who has only completed the behind-the-wheel and observation  
10513 portion in the school during the school year.

10514 (5) If the amount of money in the account at the end of a school year is less than the  
10515 total of the reimbursable costs, the state superintendent of public instruction shall allocate the  
10516 money to each school district in the same proportion that its reimbursable costs bear to the total  
10517 reimbursable costs of all school districts.

10518 (6) If the amount of money in the account at the end of any school year is more than the  
10519 total of the reimbursement costs provided under Subsection (4), the superintendent may  
10520 allocate the excess funds to school districts:

10521 (a) to reimburse each school district that applies for reimbursement of the cost of a fee  
10522 waived under Section [~~53A-12-103~~] 53G-7-504 for driver education; and

10523 (b) to aid in the procurement of equipment and facilities which reduce the cost of  
10524 behind-the-wheel instruction.

10525 (7) A local school board shall establish the student fee for driver education for the  
10526 school district. Student fees shall be reasonably associated with the costs of driver education  
10527 that are not otherwise covered by reimbursements and allocations made under this section.

10528 Section 359. Section **53G-10-504**, which is renumbered from Section 53A-13-203 is  
10529 renumbered and amended to read:

10530 ~~[53A-13-203].~~ **53G-10-504. Enrollment of private school pupils.**

10531 (1) A school district maintaining driver education classes shall allow pupils enrolled in  
10532 grades nine to 12 of regularly established private schools located within the school district to  
10533 enroll in the most accessible public school in the school district to receive driver education.

10534 (2) Enrollment is on the same terms and conditions as applies to students in public  
10535 schools within the district, as such terms and conditions relate to the driver education classes  
10536 only.

Section 360. Section **53G-10-505**, which is renumbered from Section 53A-13-204 is renumbered and amended to read:

~~[53A-13-204].~~      **53G-10-505. Reports as to costs of driver training programs.**

A local school board seeking reimbursement shall, at the end of each school year and at other times as designated by the State Board of Education, report the following to the state superintendent of public instruction:

(1) the costs of providing driver education including a separate accounting for:

(a) course work; and

(b) behind-the-wheel and observation training to students;

(2) the costs of fees waived under Section ~~[53A-12-103]~~ 53G-7-504 for driver education including a separate accounting for:

(a) course work; and

(b) behind-the-wheel and observation training to students;

(3) the number of students who completed driver education including a separate accounting for:

(a) course work; and

(b) behind-the-wheel and observation training to students;

(4) whether or not a passing grade was received; and

(5) any other information the State Board of Education may require for the purpose of administering this program.

Section 361. Section **53G-10-506**, which is renumbered from Section 53A-13-205 is renumbered and amended to read:

~~[53A-13-205].~~      **53G-10-506. Promoting the establishment and maintenance of classes -- Payment of costs.**

(1) The superintendent of public instruction shall promote the establishment and maintenance of driver education classes in school districts under rules adopted by the State Board of Education.

(2) The state board may employ personnel and sponsor experimental programs considered necessary to give full effect to this program.

(3) The costs of implementing this section shall be paid from the legislative appropriation to the board made from the Automobile Driver Education Tax Account in the

10568 Uniform School Fund.

10569 Section 362. Section **53G-10-507**, which is renumbered from Section 53A-13-208 is  
10570 renumbered and amended to read:

10571 ~~[53A-13-208]~~. **53G-10-507. Driver education teachers certified as license**  
10572 **examiners.**

10573 (1) The Driver License Division of the Department of Public Safety and the State  
10574 Board of Education shall establish procedures and standards to certify teachers of driver  
10575 education classes under this part to administer written and driving tests.

10576 (2) The division is the certifying authority.

10577 (3) (a) A teacher certified under this section shall give written and driving tests  
10578 designed for driver education classes authorized under this part.

10579 (b) The Driver License Division shall, in conjunction with the State Board of  
10580 Education, establish minimal standards for the driver education class tests that are at least as  
10581 difficult as those required to receive a class D operator's license under Title 53, Chapter 3,  
10582 Uniform Driver License Act.

10583 (c) A student who passes the written test but fails the driving test given by a teacher  
10584 certified under this section may apply for a learner permit or class D operator's license under  
10585 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver  
10586 License Division office.

10587 (4) A student shall have a learner permit issued by the Driver License Division under  
10588 Section [53-3-210.5](#) in the student's immediate possession at all times when operating a motor  
10589 vehicle under this section.

10590 (5) A student who successfully passes the tests given by a certified driver education  
10591 teacher under this section satisfies the written and driving parts of the test required for a learner  
10592 permit or class D operator's license.

10593 (6) The Driver License Division and the State Board of Education shall establish  
10594 procedures to enable school districts to administer or process any tests for students to receive a  
10595 learner permit or class D operator's license.

10596 (7) The division and board shall establish the standards and procedures required under  
10597 this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative  
10598 Rulemaking Act.

Section 363. Section **53G-10-508**, which is renumbered from Section 53A-13-209 is renumbered and amended to read:

~~[53A-13-209]~~. **53G-10-508.** **Programs authorized -- Minimum standards.**

(1) Local school districts may:

(a) allow students to complete the classroom training portion of driver education through the following programs:

(i) home study; or

(ii) the electronic high school;

(b) provide each parent with driver education instructional materials to assist in parent involvement with driver education including behind-the-wheel driving materials;

(c) offer driver education outside of school hours in order to reduce the cost of providing driver education;

(d) offer driver education through community education programs;

(e) offer the classroom portion of driver education in the public schools and allow the student to complete the behind-the-wheel portion with a private provider:

(i) licensed under Section ~~53-3-504~~; and

(ii) not associated with the school or under contract with the school under Subsection ~~[53A-13-202]~~ 53G-10-503(3); or

(f) any combination of Subsections (1)(a) through (e).

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall establish minimum standards for the school-related programs under Subsection (1).

Section 364. Section **53G-11-101** is enacted to read:

## **CHAPTER 11. EMPLOYEES**

### **Part 1. General Provisions**

**53G-11-101.** **Title.**

This chapter is known as "Employees."

Section 365. Section **53G-11-102** is enacted to read:

**53G-11-102.** **Definitions.**

Reserved

Section 366. Section **53G-11-201** is enacted to read:

**Part 2. Miscellaneous Requirements****53G-11-201. Definitions.****Reserved**

Section 367. Section **53G-11-202**, which is renumbered from Section 53A-3-411 is renumbered and amended to read:

**[53A-3-411].      53G-11-202. Employment of school personnel -- Length of contract -- Termination for cause -- Individual contract of employment -- Employee acknowledgment of liability protection.**

(1) A local school board may enter into a written employment contract for a term not to exceed five years.

(2) Nothing in the terms of the contract shall restrict the power of a local school board to terminate the contract for cause at any time.

(3) (a) A local school board may not enter into a collective bargaining agreement that prohibits or limits individual contracts of employment.

(b) Subsection (3)(a) does not apply to an agreement that was entered into before May 5, 2003.

(4) Each local school board shall:

(a) ensure that each employment contract complies with the requirements of Section [34-32-1.1](#);

(b) comply with the requirements of Section [34-32-1.1](#) in employing any personnel, whether by employment contract or otherwise; and

(c) ensure that at the time an employee enters into an employment contract, the employee shall sign a separate document acknowledging that the employee:

(i) has received:

(A) the disclosure required under Subsection [63A-4-204](#)(4)(d) if the school district participates in the Risk Management Fund; or

(B) written disclosure similar to the disclosure required under Section [63A-4-204](#) if the school district does not participate in the Risk Management Fund; and

(ii) understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure.

Section 368. Section **53G-11-203**, which is renumbered from Section 53A-3-431 is



10661 renumbered and amended to read:

10662 ~~[53A-3-431].~~ **53G-11-203. Health insurance mandates.**

10663 A local school board and the governing body of a charter school shall include in a  
10664 health plan it offers to school district employees, or charter school employees insurance  
10665 mandates in accordance with Section [31A-22-605.5](#).

10666 Section 369. Section **53G-11-204**, which is renumbered from Section 53A-19-401 is  
10667 renumbered and amended to read:

10668 ~~[53A-19-401].~~ **53G-11-204. Postemployment health insurance benefits**  
10669 **restrictions -- Definitions -- Restrictions -- Exceptions.**

10670 (1) As used in this section:

10671 (a) "Budgetary accounts" means the same as that term is defined in Section [51-5-3](#).

10672 (b) "GASB" means the same as that term is defined in Section [51-5-3](#).

10673 (c) "Liabilities" means the same as that term is defined in Section [51-5-3](#).

10674 (d) "Postemployment" means the same as that term is defined in Section [51-5-3](#).

10675 (e) "Postemployment health insurance benefits" means health insurance benefits:

10676 (i) offered or promised to an employee for the employee's postemployment; or

10677 (ii) continued into postemployment.

10678 (2) Except as provided under Subsection (3), a school district or charter school may not  
10679 offer or provide a postemployment health insurance benefit to an employee who begins  
10680 employment with the school district or charter school on or after July 1, 2015.

10681 (3) A school district or charter school may offer or provide postemployment health care  
10682 insurance to employees if the school district or charter school:

10683 (a) calculates the liabilities associated with postemployment health insurance benefits  
10684 by applying GASB standards;

10685 (b) recognizes current payments and all liabilities associated with the postemployment  
10686 health insurance benefits in budgetary accounts;

10687 (c) fully funds the annual required contributions associated with the postemployment  
10688 health insurance benefits liabilities;

10689 (d) establishes and implements a plan approved by the school district's local school  
10690 board or charter school's governing board to catch up on any unfunded liabilities within no  
10691 more than 20 years; and

(e) provides for ongoing payments against the postemployment health insurance liabilities as employees qualify for receiving the postemployment health insurance benefits.

(4) (a) Except as provided in Subsection (4)(b), if in a fiscal year, a school district or charter school fails to fully fund the annual required contributions described in Subsection (3)(c), the school district or charter school may not offer or provide a postemployment health insurance benefit for new employees beginning on the first day of that fiscal year.

(b) The provisions of Subsection (4)(a) do not apply if:

(i) for a school district only, the school district is imposing the maximum allowed local school board levy under Section [~~53A-17a-164~~] [53F-8-302](#);

(ii) the school district or charter school fully funds the annual required contributions, including any missed contributions, by the end of the fiscal year following the fiscal year of inadequate funding; or

(iii) no increase was approved by the Legislature in the weighted pupil unit as defined in Section [~~53A-17a-103~~] [53F-2-102](#) for the fiscal year the annual required contributions were not fully funded.

Section 370. Section **53G-11-205**, which is renumbered from Section 53A-3-426 is renumbered and amended to read:

**[~~53A-3-426~~].        53G-11-205. Education employee associations -- Equal participation -- Prohibition on endorsement or preferential treatment -- Naming of school breaks.**

(1) As used in this section:

(a) "Education employee association" includes teacher associations, teacher unions, teacher organizations, and classified education employees' associations.

(b) "School" means a school district, a school in a school district, a charter school, or the State Board of Education and its employees.

(2) A school shall allow education employee associations equal access to the following activities:

(a) distribution of information in or access to teachers' or employees' physical or electronic mailboxes, including email accounts that are provided by the school; and

(b) membership solicitation activities at new teacher or employee orientation training or functions.

(3) If a school permits an education employee association to engage in any of the activities described in Subsection (2), the school shall permit all other education employee associations to engage in the activity on the same terms and conditions afforded to the education employee association.

(4) It is unlawful for a school to:

(a) establish or maintain structures, procedures, or policies that favor one education employee association over another or otherwise give preferential treatment to an education employee association; or

(b) explicitly or implicitly endorse any education employee association.

(5) A school's calendars and publications may not include or refer to the name of any education employee association in relation to any day or break in the school calendar.

Section 371. Section **53G-11-206**, which is renumbered from Section 53A-3-425 is renumbered and amended to read:

~~[53A-3-425].~~ **53G-11-206. Association leave -- District policy.**

(1) As used in this section:

(a) "Association leave" means leave from a school district employee's regular school responsibilities granted for that employee to spend time for association, employee association, or union duties.

(b) "Employee association" means an association that:

(i) negotiates employee salaries, benefits, contracts, or other conditions of employment; or

(ii) performs union duties.

(2) Except as provided in Subsection (3), a local school board may not allow paid association leave for a school district employee to perform an employee association or union duty.

(3) (a) A local school board may allow paid association leave for a school district employee to perform an employee association duty if:

(i) the duty performed by the employee on paid association leave will directly benefit the school district, including representing the school district's licensed educators:

(A) on a board or committee, such as the school district's foundation, a curriculum development board, insurance committee, or catastrophic leave committee;

10754 (B) at a school district leadership meeting; or  
10755 (C) at a workshop or meeting conducted by the school district's local school board;  
10756 (ii) the duty performed by the employee on paid association leave does not include  
10757 political activity, including:  
10758 (A) advocating for or against a candidate for public office in a partisan or nonpartisan  
10759 election;  
10760 (B) soliciting a contribution for a political action committee, a political issues  
10761 committee, a registered political party, or a candidate, as defined in Section 20A-11-101; or  
10762 (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot  
10763 proposition, as defined in Section 20A-1-102; and  
10764 (iii) the local school board ensures compliance with the requirements of Subsections  
10765 (4)(a) through (g).  
10766 (b) Prior to a school district employee's participation in paid or unpaid association  
10767 leave, a local school board shall adopt a written policy that governs association leave.  
10768 (c) Except as provided in Subsection (3)(d), a local school board policy that governs  
10769 association leave shall require reimbursement to the school district of the costs for an  
10770 employee, including benefits, for the time that the employee is:  
10771 (i) on unpaid association leave; or  
10772 (ii) participating in a paid association leave activity that does not provide a direct  
10773 benefit to the school district.  
10774 (d) For a school district that allowed association leave described in Subsections  
10775 (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association  
10776 leave may allow up to 10 days of association leave before requiring a reimbursement described  
10777 in Subsection (3)(c).  
10778 (e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided  
10779 by an employee, association, or union.  
10780 (4) If a local school board adopts a policy to allow paid association leave, the policy  
10781 shall include procedures and controls to:  
10782 (a) ensure that the duties performed by employees on paid association leave directly  
10783 benefit the school district;  
10784 (b) require the school district to document the use and approval of paid association

10785 leave;

10786 (c) require school district supervision of employees on paid association leave;

10787 (d) require the school district to account for the costs and expenses of paid association

10788 leave;

10789 (e) ensure that during the hours of paid association leave a school district employee

10790 may not engage in political activity, including:

10791 (i) advocating for or against a candidate for public office in a partisan or nonpartisan

10792 election;

10793 (ii) soliciting a contribution for a political action committee, a political issues

10794 committee, a registered political party, or a candidate, as defined in Section [20A-11-101](#); and

10795 (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot

10796 proposition, as defined in Section [20A-1-102](#);

10797 (f) ensure that association leave is only paid out of school district funds when the paid

10798 association leave directly benefits the district; and

10799 (g) require the reimbursement to the school district of the cost of paid association leave

10800 activities that do not provide a direct benefit to education within the school district.

10801 (5) If a local school board adopts a policy to allow paid association leave, that policy

10802 shall indicate that a willful violation of this section or of a policy adopted in accordance with

10803 Subsection (3) or (4) may be used for disciplinary action under Section [[53A-8a-502](#)]

10804 [53G-11-513](#).

10805 Section 372. Section **53G-11-207**, which is renumbered from Section 53A-3-428 is

10806 renumbered and amended to read:

10807 **[53A-3-428]. 53G-11-207. Collective bargaining agreement -- Website**

10808 **posting.**

10809 (1) As used in this section, "collective bargaining agreement" includes:

10810 (a) a master agreement; and

10811 (b) an amendment, addendum, memorandum, or other document modifying the master

10812 agreement.

10813 (2) The board of education of a school district:

10814 (a) shall post on the school district's website a collective bargaining agreement entered

10815 into by the board of education within 10 days of the ratification of the agreement; and

10816 (b) may remove from the school district's website a collective bargaining agreement  
10817 that is no longer in effect.

10818 (3) The governing board of a charter school:

10819 (a) shall post on the charter school's website a collective bargaining agreement entered  
10820 into by the governing board of the charter school within 10 days of the ratification of the  
10821 agreement; and

10822 (b) may remove from the charter school's website a collective bargaining agreement  
10823 that is no longer in effect.

10824 Section 373. Section **53G-11-301** is enacted to read:

10825 **Part 3. Licensed Employee Requirements**

10826 **53G-11-301. Definitions.**

10827 Reserved

10828 Section 374. Section **53G-11-302**, which is renumbered from Section 53A-17a-140 is  
10829 renumbered and amended to read:

10830 **[53A-17a-140]. 53G-11-302. Contracts with teachers.**

10831 A school district may not enter into contracts with teachers that would prevent the  
10832 school district from paying differential salaries or putting limitations on an individual salary  
10833 paid in order to fill a shortage in specific teaching areas.

10834 Section 375. Section **53G-11-303**, which is renumbered from Section 53A-3-701 is  
10835 renumbered and amended to read:

10836 **[53A-3-701]. 53G-11-303. Professional learning standards.**

10837 (1) As used in this section, "professional learning" means a comprehensive, sustained,  
10838 and evidence-based approach to improving teachers' and principals' effectiveness in raising  
10839 student achievement.

10840 (2) A school district or charter school shall implement high quality professional  
10841 learning that meets the following standards:

10842 (a) professional learning occurs within learning communities committed to continuous  
10843 improvement, individual and collective responsibility, and goal alignment;

10844 (b) professional learning requires skillful leaders who develop capacity, advocate, and  
10845 create support systems, for professional learning;

10846 (c) professional learning requires prioritizing, monitoring, and coordinating resources

10847 for educator learning;

10848 (d) professional learning uses a variety of sources and types of student, educator, and  
10849 system data to plan, assess, and evaluate professional learning;

10850 (e) professional learning integrates theories, research, and models of human learning to  
10851 achieve its intended outcomes;

10852 (f) professional learning applies research on change and sustains support for  
10853 implementation of professional learning for long-term change;

10854 (g) professional learning aligns its outcomes with:

10855 (i) performance standards for teachers and school administrators as described in rules  
10856 of the State Board of Education; and

10857 (ii) performance standards for students as described in the core standards for Utah  
10858 public schools adopted by the State Board of Education pursuant to Section [~~53A-1-402.6~~]

10859 53E-4-202; and

10860 (h) professional learning:

10861 (i) incorporates the use of technology in the design, implementation, and evaluation of  
10862 high quality professional learning practices; and

10863 (ii) includes targeted professional learning on the use of technology devices to enhance  
10864 the teaching and learning environment and the integration of technology in content delivery.

10865 (3) School districts and charter schools shall use money appropriated by the Legislature  
10866 for professional learning or federal grant money awarded for professional learning to  
10867 implement professional learning that meets the standards specified in Subsection (2).

10868 (4) (a) In the fall of 2014, the State Board of Education, through the state  
10869 superintendent of public instruction, and in collaboration with an independent consultant  
10870 acquired through a competitive bid process, shall conduct a statewide survey of school districts  
10871 and charter schools to:

10872 (i) determine the current state of professional learning for educators as aligned with the  
10873 standards specified in Subsection (2);

10874 (ii) determine the effectiveness of current professional learning practices; and

10875 (iii) identify resources to implement professional learning as described in Subsection  
10876 (2).

10877 (b) The State Board of Education shall select a consultant from bidders who have

demonstrated successful experience in conducting a statewide analysis of professional learning.

(c) (i) Annually in the fall, beginning in 2015 through 2020, the State Board of Education, through the state superintendent of public instruction, in conjunction with school districts and charter schools, shall gather and use data to determine the impact of professional learning efforts and resources.

(ii) Data used to determine the impact of professional learning efforts and resources under Subsection (4)(c)(i) shall include:

(A) student achievement data;

(B) educator evaluation data; and

(C) survey data.

Section 376. Section **53G-11-401**, which is renumbered from Section 53A-15-1502 is renumbered and amended to read:

#### **Part 4. Background Checks**

##### **[53A-15-1502]. 53G-11-401. Definitions.**

As used in this part:

(1) "Authorized entity" means an LEA, qualifying private school, or the State Board of Education that is authorized to request a background check and ongoing monitoring under this part.

(2) "Bureau" means the Bureau of Criminal Identification within the Department of Public Safety created in Section **53-10-201**.

(3) "Contract employee" means an employee of a staffing service or other entity who works at a public or private school under a contract.

(4) "FBI" means the Federal Bureau of Investigation.

~~[(6)]~~ (5) (a) "License applicant" means an applicant for a license issued by the State Board of Education under Title ~~[53A, Chapter 6, Educator Licensing and Professional Practices Act]~~ **53E, Chapter 6, Education Professional Licensure**.

(b) "License applicant" includes an applicant for reinstatement of an expired, lapsed, suspended, or revoked license.

~~[(5)]~~ (6) "Local education agency" or "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.

(7) "Non-licensed employee" means an employee of an LEA or qualifying private



10909 school that does not hold a current Utah educator license issued by the State Board of  
 10910 Education under Title [~~53A, Chapter 6, Educator Licensing and Professional Practices Act~~]  
 10911 53E, Chapter 6, Education Professional Licensure.

10912 (8) "Personal identifying information" means:

10913 (a) current name, former names, nicknames, and aliases;

10914 (b) date of birth;

10915 (c) address;

10916 (d) telephone number;

10917 (e) driver license number or other government-issued identification number;

10918 (f) social security number; and

10919 (g) fingerprints.

10920 (9) "Qualifying private school" means a private school that:

10921 (a) enrolls students under Title [~~53A, Chapter 1a, Part 7, Carson Smith Scholarships~~  
 10922 ~~for Students with Special Needs Act~~] 53F, Chapter 4, Part 3, Carson Smith Scholarship  
 10923 Program; and

10924 (b) is authorized to conduct fingerprint-based background checks of national crime  
 10925 information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L.  
 10926 No. 109-248.

10927 (10) "Rap back system" means a system that enables authorized entities to receive  
 10928 ongoing status notifications of any criminal history reported on individuals whose fingerprints  
 10929 are registered in the system.

10930 (11) "WIN Database" means the Western Identification Network Database that consists  
 10931 of eight western states sharing one electronic fingerprint database.

10932 Section 377. Section **53G-11-402**, which is renumbered from Section 53A-15-1503 is  
 10933 renumbered and amended to read:

10934 ~~[53A-15-1503].~~ **53G-11-402. Background checks for non-licensed employees,**  
 10935 **contract employees, volunteers, and charter school governing board members.**

10936 (1) An LEA or qualifying private school shall:

10937 (a) require the following individuals to submit to a nationwide criminal background  
 10938 check and ongoing monitoring as a condition for employment or appointment:

10939 (i) a non-licensed employee;

10940 (ii) a contract employee;

10941 (iii) a volunteer who will be given significant unsupervised access to a student in

10942 connection with the volunteer's assignment; and

10943 (iv) a charter school governing board member;

10944 (b) collect the following from an individual required to submit to a background check

10945 under Subsection (1)(a):

10946 (i) personal identifying information;

10947 (ii) subject to Subsection (2), a fee described in Subsection [53-10-108\(15\)](#); and

10948 (iii) consent, on a form specified by the LEA or qualifying private school, for:

10949 (A) an initial fingerprint-based background check by the FBI and the bureau upon

10950 submission of the application; and

10951 (B) retention of personal identifying information for ongoing monitoring through

10952 registration with the systems described in Section [~~53A-15-1505~~] [53G-11-404](#);

10953 (c) submit the individual's personal identifying information to the bureau for:

10954 (i) an initial fingerprint-based background check by the FBI and the bureau; and

10955 (ii) ongoing monitoring through registration with the systems described in Section

10956 [~~53A-15-1505~~] [53G-11-404](#) if the results of the initial background check do not contain

10957 disqualifying criminal history information as determined by the LEA or qualifying private

10958 school in accordance with Section [~~53A-15-1506~~] [53G-11-405](#); and

10959 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure

10960 that the LEA or qualifying private school only receives notifications for individuals with whom

10961 the LEA or qualifying private school maintains an authorizing relationship.

10962 (2) An LEA or qualifying private school may not require an individual to pay the fee

10963 described in Subsection (1)(b)(ii) unless the individual:

10964 (a) has passed an initial review; and

10965 (b) is one of a pool of no more than five candidates for the position.

10966 (3) By September 1, 2018, an LEA or qualifying private school shall:

10967 (a) collect the information described in Subsection (1)(b) from individuals:

10968 (i) who were employed or appointed prior to July 1, 2015; and

10969 (ii) with whom the LEA or qualifying private school currently maintains an authorizing

10970 relationship; and

(b) submit the information to the bureau for ongoing monitoring through registration with the systems described in Section ~~[53A-15-1505]~~ 53G-11-404.

(4) An LEA or qualifying private school that receives criminal history information about a licensed educator under Subsection ~~[53A-15-1504]~~ 53G-11-403(5) shall assess the employment status of the licensed educator as provided in Section ~~[53A-15-1506]~~ 53G-11-405.

(5) An LEA or qualifying private school may establish a policy to exempt an individual described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if the individual is being temporarily employed or appointed.

Section 378. Section **53G-11-403**, which is renumbered from Section 53A-15-1504 is renumbered and amended to read:

~~[53A-15-1504]~~. **53G-11-403. Background checks for licensed educators.**

The State Board of Education shall:

(1) require a license applicant to submit to a nationwide criminal background check and ongoing monitoring as a condition for licensing;

(2) collect the following from an applicant:

(a) personal identifying information;

(b) a fee described in Subsection ~~53-10-108~~(15); and

(c) consent, on a form specified by the State Board of Education, for:

(i) an initial fingerprint-based background check by the FBI and bureau upon submission of the application;

(ii) retention of personal identifying information for ongoing monitoring through registration with the systems described in Section ~~[53A-15-1505]~~ 53G-11-404; and

(iii) disclosure of any criminal history information to the individual's employing LEA or qualifying private school;

(3) submit an applicant's personal identifying information to the bureau for:

(a) an initial fingerprint-based background check by the FBI and bureau; and

(b) ongoing monitoring through registration with the systems described in Section ~~[53A-15-1505]~~ 53G-11-404 if the results of the initial background check do not contain disqualifying criminal history information as determined by the State Board of Education in accordance with Section ~~[53A-15-1506]~~ 53G-11-405;

(4) identify the appropriate privacy risk mitigation strategy that will be used to ensure

that the State Board of Education only receives notifications for individuals with whom the State Board of Education maintains an authorizing relationship;

(5) notify the employing LEA or qualifying private school upon receipt of any criminal history information reported on a licensed educator employed by the LEA or qualifying private school; and

(6) (a) collect the information described in Subsection (2) from individuals who were licensed prior to July 1, 2015, by the individual's next license renewal date; and

(b) submit the information to the bureau for ongoing monitoring through registration with the systems described in Section ~~[53A-15-1505]~~ 53G-11-404.

Section 379. Section **53G-11-404**, which is renumbered from Section 53A-15-1505 is renumbered and amended to read:

~~[53A-15-1505].~~ **53G-11-404. Bureau responsibilities.**

The bureau shall:

(1) upon request from an authorized entity, register the fingerprints submitted by the authorized entity as part of a background check with:

(a) the WIN Database rap back system, or any successor system; and

(b) the rap back system maintained by the Federal Bureau of Investigation;

(2) notify an authorized entity when a new entry is made against an individual whose fingerprints are registered with the rap back systems described in Subsection (1) regarding:

(a) an alleged offense; or

(b) a conviction, including a plea in abeyance;

(3) assist authorized entities to identify the appropriate privacy risk mitigation strategy that is to be used to ensure that the authorized entity only receives notifications for individuals with whom the authorized entity maintains an authorizing relationship; and

(4) collaborate with the State Board of Education to provide training to authorized entities on the notification procedures and privacy risk mitigation strategies described in this part.

Section 380. Section **53G-11-405**, which is renumbered from Section 53A-15-1506 is renumbered and amended to read:

~~[53A-15-1506].~~ **53G-11-405. Due process for individuals--Review of criminal history information.**

(1) (a) In accordance with Section ~~53-10-108~~, an authorized entity shall provide an individual an opportunity to review and respond to any criminal history information received under this part.

(b) If an authorized entity decides to disqualify an individual as a result of criminal history information received under this part, an individual may request a review of:

- (i) information received; and
- (ii) the reasons for the disqualification.

(c) An authorized entity shall provide an individual described in Subsection (1)(b) with written notice of:

- (i) the reasons for the disqualification; and
- (ii) the individual's right to request a review of the disqualification.

(2) (a) An LEA or qualifying private school shall make decisions regarding criminal history information for the individuals subject to the background check requirements under Section ~~[53A-15-1503]~~ 53G-11-402 in accordance with:

- (i) Subsection (3);
- (ii) administrative procedures established by the LEA or qualifying private school; and
- (iii) rules established by the State Board of Education.

(b) The State Board of Education shall make decisions regarding criminal history information for licensed educators in accordance with:

- (i) Subsection (3);
- (ii) Title ~~[53A, Chapter 6, Educator Licensing and Professional Practices Act]~~ 53E, Chapter 6, Education Professional Licensure; and
- (iii) rules established by the State Board of Education.

(3) When making decisions regarding initial employment, initial licensing, or initial appointment for the individuals subject to background checks under this part, an authorized entity shall consider:

- (a) any convictions, including pleas in abeyance;
- (b) any matters involving a felony; and
- (c) any matters involving an alleged:
  - (i) sexual offense;
  - (ii) class A misdemeanor drug offense;

(iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;  
(iv) class A misdemeanor property offense that is alleged to have occurred within the previous three years; and

(v) any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

Section 381. Section **53G-11-406**, which is renumbered from Section 53A-15-1507 is renumbered and amended to read:

**~~[53A-15-1507].~~      53G-11-406. Self-reporting requirement.**

(1) Individuals subject to the background check requirements under this part shall self-report conviction, arrest, or offense information in accordance with rules established by the State Board of Education.

(2) An LEA shall report conviction, arrest, or offense information received from licensed educators under Subsection (1) to the State Board of Education in accordance with rules established by the State Board of Education.

Section 382. Section **53G-11-407**, which is renumbered from Section 53A-15-1508 is renumbered and amended to read:

**~~[53A-15-1508].~~      53G-11-407. Update criminal background check rules and policies.**

On or before September 1, 2015:

(1) the State Board of Education shall update the State Board of Education's criminal background check rules consistent with this part; and

(2) an LEA shall update the LEA's criminal background check policies consistent with this part.

Section 383. Section **53G-11-408**, which is renumbered from Section 53A-15-1509 is renumbered and amended to read:

**~~[53A-15-1509].~~      53G-11-408. Training provided to authorized entities.**

The State Board of Education shall collaborate with the bureau to provide training to authorized entities on the provisions of this part.

Section 384. Section **53G-11-409**, which is renumbered from Section 53A-15-1510 is renumbered and amended to read:

**~~[53A-15-1510].~~      53G-11-409. Legislative audit.**

After the conclusion of the 2018-2019 school year, subject to the prioritization of the Legislative Audit Subcommittee, the legislative auditor general shall conduct a review and issue a report on the extent to which the criminal background check procedures and ongoing monitoring described in this part adequately detect and identify the criminal histories of individuals who are employed by or volunteering in public schools.

Section 385. Section **53G-11-410**, which is renumbered from Section 53A-15-1511 is renumbered and amended to read:

~~[53A-15-1511].~~      **53G-11-410. Reference check requirements for LEA applicants and volunteers.**

(1) As used in this section:

(a) "Child" means an individual who is younger than 18 years old.

(b) "LEA applicant" means an applicant for employment by an LEA.

(c) "Physical abuse" means the same as that term is defined in Section [78A-6-105](#).

(d) "Potential volunteer" means an individual who:

(i) has volunteered for but not yet fulfilled an unsupervised volunteer assignment; and

(ii) during the last three years, has worked in a qualifying position.

(e) "Qualifying position" means paid employment that requires the employee to directly care for, supervise, control, or have custody of a child.

(f) "Sexual abuse" means the same as that term is defined in Section [78A-6-105](#).

(g) "Student" means an individual who:

(i) is enrolled in an LEA in any grade from preschool through grade 12; or

(ii) receives special education services from an LEA under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

(h) "Unsupervised volunteer assignment" means a volunteer assignment at an LEA that allows the volunteer significant unsupervised access to a student.

(2) (a) Before hiring an LEA applicant or giving an unsupervised volunteer assignment to a potential volunteer, an LEA shall:

(i) require the LEA applicant or potential volunteer to sign a release authorizing the LEA applicant or potential volunteer's previous qualifying position employers to disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant or potential volunteer;

(ii) for an LEA applicant, request that the LEA applicant's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant;

(iii) for a potential volunteer, request that the potential volunteer's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the potential volunteer; and

(iv) document the efforts taken to make a request described in Subsection (2)(a)(ii) or (iii).

(b) An LEA may not hire an LEA applicant who does not sign a release described in Subsection (2)(a)(i).

(c) An LEA may not give an unsupervised volunteer assignment to a potential volunteer who does not sign a release described in Subsection (2)(a)(i).

(d) An LEA shall use the LEA's best efforts to request information under Subsection (2)(a)(ii) or (iii) before:

(i) hiring an LEA applicant; or

(ii) giving an unsupervised volunteer assignment to a potential volunteer.

(e) In accordance with state and federal law, an LEA may request from an LEA applicant or potential volunteer other information the LEA determines is relevant.

(3) (a) An LEA that receives a request described in Subsection (2)(a)(ii) or (iii) shall use the LEA's best efforts to respond to the request within 20 business days after the day on which the LEA received the request.

(b) If an LEA or other employer in good faith discloses information that is within the scope of a request described in Subsection (2)(a)(ii) or (iii), the LEA or other employer is immune from civil and criminal liability for the disclosure.

Section 386. Section **53G-11-501**, which is renumbered from Section 53A-8a-102 is renumbered and amended to read:

**Part 5. School District and USDB Employee Requirements**

~~[53A-8a-102].~~ **53G-11-501. Definitions.**

As used in this [chapter] part:

(1) "Administrator" means an individual who:



11157 (a) serves in a position that requires:

11158 (i) an educator license with an administrative area of concentration; or

11159 (ii) a letter of authorization described in Section [~~53A-3-301~~] 53G-4-301 or

11160 [~~53A-6-110~~] 53E-6-304; and

11161 (b) supervises school administrators or teachers.

11162 (2) "Career educator" means a licensed employee who has a reasonable expectation of  
11163 continued employment under the policies of a local school board.

11164 [~~(2)~~] (3) "Career employee" means an employee of a school district who has obtained a  
11165 reasonable expectation of continued employment based upon Section [~~53A-8a-201~~]  
11166 53G-11-503 and an agreement with the employee or the employee's association, district

11167 practice, or policy.

11168 [~~(3)~~] (4) "Contract term" or "term of employment" means the period of time during  
11169 which an employee is engaged by the school district under a contract of employment, whether  
11170 oral or written.

11171 [~~(4)~~] (5) "Dismissal" or "termination" means:

11172 (a) termination of the status of employment of an employee;

11173 (b) failure to renew or continue the employment contract of a career employee beyond  
11174 the then-current school year;

11175 (c) reduction in salary of an employee not generally applied to all employees of the  
11176 same category employed by the school district during the employee's contract term; or

11177 (d) change of assignment of an employee with an accompanying reduction in pay,  
11178 unless the assignment change and salary reduction are agreed to in writing.

11179 (6) "Educator" means an individual employed by a school district who is required to  
11180 hold a professional license issued by the State Board of Education, except:

11181 (a) a superintendent; or

11182 (b) an individual who works less than three hours per day or is hired for less than half  
11183 of a school year.

11184 [~~(5)~~] (7) (a) "Employee" means a career or provisional employee of a school district,  
11185 except as provided in Subsection [~~(5)~~] (7)(b).

11186 (b) [~~For~~] Excluding Section 53G-11-518, for purposes of [Part 2, Status of  
11187 Employment, Part 4, Educator Evaluations, and Part 5, Orderly School Termination

11188 ~~Procedures~~ this part, "employee" does not include:

11189 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the  
11190 Blind;

11191 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf  
11192 and the Blind; or

11193 (iii) a temporary employee.

11194 ~~[(6)]~~ (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that  
11195 mandates the termination of an employee who started to work for a district most recently  
11196 before terminating a more senior employee.

11197 (9) "Probationary educator" means an educator employed by a school district who,  
11198 under local school board policy, has been advised by the school district that the educator's  
11199 performance is inadequate.

11200 (10) "Provisional educator" means an educator employed by a school district who has  
11201 not achieved status as a career educator within the school district.

11202 ~~[(7)]~~ (11) "Provisional employee" means an individual, other than a career employee or  
11203 a temporary employee, who is employed by a school district.

11204 ~~[(8)]~~ (12) "School board" or "board" means a district school board or, for the Utah  
11205 Schools for the Deaf and the Blind, the State Board of Education.

11206 ~~[(9)]~~ (13) "School district" or "district" means:

11207 (a) a public school district; or

11208 (b) the Utah Schools for the Deaf and the Blind.

11209 (14) "Summative evaluation" means the annual evaluation that summarizes an  
11210 educator's performance during a school year and that is used to make decisions related to the  
11211 educator's employment.

11212 ~~[(10)]~~ (15) "Temporary employee" means an individual who is employed on a  
11213 temporary basis as defined by policies adopted by the local board of education. If the class of  
11214 employees in question is represented by an employee organization recognized by the local  
11215 board, the board shall adopt the board's policies based upon an agreement with that  
11216 organization. Temporary employees serve at will and have no expectation of continued  
11217 employment.

11218 ~~[(11)]~~ (16) (a) "Unsatisfactory performance" means a deficiency in performing work

tasks that may be:

(i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and

(ii) remediated through training, study, mentoring, or practice.

(b) "Unsatisfactory performance" does not include the following conduct that is designated as a cause for termination under Section ~~[53A-8a-501]~~ [53G-11-512](#) or a reason for license discipline by the State Board of Education or Utah Professional Practices Advisory Commission:

(i) a violation of work rules;

(ii) a violation of local school board policies, State Board of Education rules, or law;

(iii) a violation of standards of ethical, moral, or professional conduct; or

(iv) insubordination.

Section 387. Section **53G-11-501.5**, which is renumbered from Section 53A-8a-401 is renumbered and amended to read:

~~[53A-8a-401].~~ **53G-11-501.5. Legislative findings.**

(1) The Legislature finds that the effectiveness of public educators can be improved and enhanced by providing specific feedback and support for improvement through a systematic, fair, and competent annual evaluation and remediation of public educators whose performance is inadequate.

(2) The State Board of Education and each local school board shall implement ~~[this part,]~~ Sections [53G-11-501](#), [53G-11-506](#), [53G-11-507](#), [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), and [53G-11-511](#) in accordance with Subsections ~~[53A-1a-104]~~ [53E-2-302](#)(7) and ~~[53A-6-102]~~ [53E-6-103](#)(2)(a) and (b), to:

(a) allow the educator and the school district to promote the professional growth of the educator; and

(b) identify and encourage quality instruction in order to improve student academic growth.

Section 388. Section **53G-11-502** is enacted to read:

**53G-11-502. Applicability.**

Reserved

Section 389. Section **53G-11-503**, which is renumbered from Section 53A-8a-201 is renumbered and amended to read:

11250 ~~[53A-8a-201]~~. 53G-11-503. Career employee status for provisional  
11251 employees -- Career status in the event of change of position -- Continuation of  
11252 probationary status when position changes -- Temporary status for extra duty  
11253 assignments -- Employees not eligible for career status.

11254 (1) (a) A provisional employee must work for a school district on at least a half-time  
11255 basis for three consecutive years to obtain career employee status.

11256 (b) A school district may extend the provisional status of an employee up to an  
11257 additional two consecutive years in accordance with a written policy adopted by the district's  
11258 school board that specifies the circumstances under which an employee's provisional status  
11259 may be extended.

11260 (2) Policies of an employing school district shall determine the status of a career  
11261 employee in the event of the following:

11262 (a) the employee accepts a position which is substantially different from the position in  
11263 which career status was achieved; or

11264 (b) the employee accepts employment in another school district.

11265 (3) If an employee who is under an order of probation or remediation in one  
11266 assignment in a school district is transferred or given a new assignment in the district, the order  
11267 shall stand until its provisions are satisfied.

11268 (4) An employee who is given extra duty assignments in addition to a primary  
11269 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary  
11270 employee in those extra duty assignments and may not acquire career status beyond the primary  
11271 assignment.

11272 (5) A person is an at-will employee and is not eligible for career employee status if the  
11273 person:

11274 (a) is a teacher who holds a competency-based license pursuant to Section  
11275 ~~[53A-6-104.5]~~ 53E-6-306 and does not hold a level 1, 2, or 3 license as defined in Section  
11276 ~~[53A-6-103]~~ 53E-6-102; or

11277 (b) holds an administrative/supervisory letter of authorization pursuant to Section  
11278 ~~[53A-6-110]~~ 53E-6-304.

11279 Section 390. Section 53G-11-504, which is renumbered from Section 53A-8a-301 is  
11280 renumbered and amended to read:

11281 ~~[53A-8a-301].~~ **53G-11-504. Evaluation of employee performance.**

11282 (1) Except as provided in Subsection (2), a local school board shall require that the  
11283 performance of each school district employee be evaluated annually in accordance with rules of  
11284 the State Board of Education adopted in accordance with this ~~[chapter]~~ part and Title 63G,  
11285 Chapter 3, Utah Administrative Rulemaking Act.

11286 (2) Rules adopted by the State Board of Education under Subsection (1) may include  
11287 an exemption from annual performance evaluations for a temporary employee or a part-time  
11288 employee.

11289 Section 391. Section **53G-11-505**, which is renumbered from Section 53A-8a-302 is  
11290 renumbered and amended to read:

11291 ~~[53A-8a-302].~~ **53G-11-505. State Board of Education rules -- Reporting to**  
11292 **Legislature.**

11293 (1) Subject to ~~[Part 4, Educator Evaluations]~~ Sections [53G-11-506](#), [53G-11-507](#),  
11294 [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), and [53G-11-511](#), rules adopted by the State Board of  
11295 Education under Section ~~[53A-8a-301]~~ [53G-11-504](#) shall:

11296 (a) provide general guidelines, requirements, and procedures for the development and  
11297 implementation of employee evaluations;

11298 (b) establish required components and allow for optional components of employee  
11299 evaluations;

11300 (c) require school districts to choose valid and reliable methods and tools to implement  
11301 the evaluations; and

11302 (d) establish a timeline for school districts to implement employee evaluations.

11303 (2) The State Board of Education shall report to the Education Interim Committee, as  
11304 requested, on progress in implementing employee evaluations in accordance with ~~[this part and~~  
11305 ~~Part 4, Educator Evaluations]~~ this section and Sections [53G-11-504](#), [53G-11-506](#), [53G-11-507](#),  
11306 [53G-11-508](#), [53G-11-509](#), [53G-11-510](#), and [53G-11-511](#).

11307 Section 392. Section **53G-11-506**, which is renumbered from Section 53A-8a-403 is  
11308 renumbered and amended to read:

11309 ~~[53A-8a-403].~~ **53G-11-506. Establishment of educator evaluation program**  
11310 **-- Joint committee.**

11311 (1) A local school board shall develop an educator evaluation program in consultation

with its joint committee.

(2) The joint committee described in Subsection (1) shall consist of an equal number of classroom teachers, parents, and administrators appointed by the local school board.

(3) A local school board may appoint members of the joint committee from a list of nominees:

(a) voted on by classroom teachers in a nomination election;

(b) voted on by the administrators in a nomination election; and

(c) of parents submitted by school community councils within the district.

(4) Subject to Subsection (5), the joint committee may:

(a) adopt or adapt an evaluation program for educators based on a model developed by the State Board of Education; or

(b) create the local school board's own evaluation program for educators.

(5) The evaluation program developed by the joint committee shall comply with the requirements of ~~[this part]~~ Sections [53G-11-507](#) through [53G-11-511](#) and rules adopted by the State Board of Education under Section ~~[53A-8a-409]~~ [53G-11-510](#).

Section 393. Section **53G-11-507**, which is renumbered from Section 53A-8a-405 is renumbered and amended to read:

~~[53A-8a-405]~~. **53G-11-507. Components of educator evaluation program.**

(1) A local school board in consultation with a joint committee established in Section ~~[53A-8a-403]~~ [53G-11-506](#) shall adopt a reliable and valid educator evaluation program that evaluates educators based on educator professional standards established by the State Board of Education and includes:

(a) a systematic annual evaluation of all provisional, probationary, and career educators;

(b) use of multiple lines of evidence, including:

(i) self-evaluation;

(ii) student and parent input;

(iii) for an administrator, employee input;

(iv) a reasonable number of supervisor observations to ensure adequate reliability;

(v) evidence of professional growth and other indicators of instructional improvement based on educator professional standards established by the State Board of Education; and

(vi) student academic growth data;  
(c) a summative evaluation that differentiates among four levels of performance; and  
(d) for an administrator, the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility.

(2) (a) An educator evaluation program described in Subsection (1) may include a reasonable number of peer observations.

(b) An educator evaluation program described in Subsection (1) may not use end-of-level assessment scores in educator evaluation.

Section 394. Section **53G-11-508**, which is renumbered from Section 53A-8a-406 is renumbered and amended to read:

~~[53A-8a-406].~~      **53G-11-508. Summative evaluation timelines -- Review of summative evaluations.**

(1) The person responsible for administering an educator's summative evaluation shall:

(a) at least 15 days before an educator's first evaluation:  
(i) notify the educator of the evaluation process; and  
(ii) give the educator a copy of the evaluation instrument, if an instrument is used;  
(b) allow the educator to respond to any part of the evaluation;  
(c) attach the educator's response to the evaluation if the educator's response is

provided in writing;

(d) within 15 days after the evaluation process is completed, discuss the written evaluation with the educator; and

(e) based upon the educator's performance, assign to the educator one of the four levels of performance described in Section ~~[53A-8a-405]~~ 53G-11-507.

(2) An educator who is not satisfied with a summative evaluation may request a review of the evaluation within 15 days after receiving the written evaluation.

(3) (a) If a review is requested in accordance with Subsection (2), the school district superintendent or the superintendent's designee shall appoint a person not employed by the school district who has expertise in teacher or personnel evaluation to review the evaluation procedures and make recommendations to the superintendent regarding the educator's summative evaluation.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

State Board of Education shall make rules prescribing standards for an independent review of an educator's summative evaluation.

(c) A review of an educator's summative evaluation under Subsection (3)(a) shall be conducted in accordance with State Board of Education rules made under Subsection (3)(b).

Section 395. Section **53G-11-509**, which is renumbered from Section 53A-8a-408 is renumbered and amended to read:

~~[53A-8a-408].~~ **53G-11-509. Mentor for provisional educator.**

(1) In accordance with Subsections ~~[53A-1a-104]~~ 53E-2-302(7) and ~~[53A-6-102]~~ 53F-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign a person who has received training or will receive training in mentoring educators as a mentor to the provisional educator.

(2) Where possible, the mentor shall be a career educator who performs substantially the same duties as the provisional educator and has at least three years of educational experience.

(3) The mentor shall assist the provisional educator to become effective and competent in the teaching profession and school system, but may not serve as an evaluator of the provisional educator.

(4) An educator who is assigned as a mentor may receive compensation for those services in addition to the educator's regular salary.

Section 396. Section **53G-11-510**, which is renumbered from Section 53A-8a-409 is renumbered and amended to read:

~~[53A-8a-409].~~ **53G-11-510. State Board of Education to describe a framework for the evaluation of educators.**

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

(a) describing a framework for the evaluation of educators that is consistent with the requirements of Part 3, Employee Evaluations, and ~~[this part]~~ Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; and

(b) requiring an educator's summative evaluation to be based on:

(i) educator professional standards established by the State Board of Education; and

(ii) the requirements described in Subsection ~~[53A-8a-405]~~ 53G-11-507(1).



(2) The rules described in Subsection (1) shall prohibit the use of end-of-level assessment scores in educator evaluation.

Section 397. Section **53G-11-511**, which is renumbered from Section 53A-8a-410 is renumbered and amended to read:

**~~53A-8a-410~~. 53G-11-511. Report of performance levels.**

(1) A school district shall report to the State Board of Education the number and percent of educators in each of the four levels of performance assigned under Section ~~53A-8a-406~~ 53G-11-508.

(2) The data reported under Subsection (1) shall be separately reported for the following educator classifications:

(a) administrators;

(b) teachers, including separately reported data for provisional teachers and career teachers; and

(c) other classifications or demographics of educators as determined by the State Board of Education.

(3) The state superintendent shall include the data reported by school districts under this section in the state superintendent's annual report of the public school system required by Section ~~53A-1-301~~ 53E-3-301.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules to ensure the privacy and protection of individual evaluation data.

Section 398. Section **53G-11-512**, which is renumbered from Section 53A-8a-501 is renumbered and amended to read:

**~~53A-8a-501~~. 53G-11-512. Local school board to establish dismissal procedures.**

(1) A local school board shall, by contract with its employees or their associations, or by resolution of the board, establish procedures for dismissal of employees in an orderly manner without discrimination.

(2) The procedures shall include:

(a) standards of due process;

(b) causes for dismissal; and

(c) procedures and standards related to developing and implementing a plan of assistance for a career employee whose performance is unsatisfactory.

(3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c) shall require a plan of assistance to identify:

- (a) specific, measurable, and actionable deficiencies;
- (b) the available resources provided for improvement; and
- (c) a course of action to improve employee performance.

(4) If a career employee exhibits both unsatisfactory performance as described in Subsection ~~[53A-8a-102(10)(a)]~~ 53G-11-501(16)(a) and conduct described in Subsection ~~[53A-8a-102(10)(b)]~~ 53G-11-501(16)(b), an employer:

(a) may:

- (i) attempt to remediate the conduct of the career employee; or
- (ii) terminate the career employee for cause if the conduct merits dismissal consistent with procedures established by the local school board; and

(b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section ~~[53A-8a-503]~~ 53G-11-514.

(5) If the conduct of a career employee described in Subsection (4) is satisfactorily remediated, and unsatisfactory performance issues remain, an employer shall develop and implement a plan of assistance for the career employee, as provided in Section ~~[53A-8a-503]~~ 53G-11-514.

(6) If the conduct of a career employee described in Subsection (4) is not satisfactorily remediated, an employer:

(a) may dismiss the career employee for cause in accordance with procedures established by the local school board that include standards of due process and causes for dismissal; and

(b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section ~~[53A-8a-503]~~ 53G-11-514.

Section 399. Section **53G-11-513**, which is renumbered from Section 53A-8a-502 is renumbered and amended to read:

~~[53A-8a-502].~~      **53G-11-513. Dismissal procedures.**

(1) A district shall provide employees with a written statement specifying:

11467 (a) the causes under which a career employee's contract may not be renewed or  
11468 continued beyond the current school year;

11469 (b) the causes under which a career or provisional employee's contract may be  
11470 terminated during the contract term; and

11471 (c) the orderly dismissal procedures that are used by the district in cases of contract  
11472 termination, discontinuance, or nonrenewal.

11473 (2) A career employee's contract may be terminated during its term for reasons of  
11474 unsatisfactory performance or discontinued beyond the current school year for reasons of  
11475 unsatisfactory performance as provided in Section [~~53A-8a-503~~] [53G-11-514](#).

11476 (3) (a) A district is not required to provide a cause for not offering a contract to a  
11477 provisional employee.

11478 (b) If a district intends to not offer a contract for a subsequent term of employment to a  
11479 provisional employee, the district shall give notice of that intention to the employee at least 60  
11480 days before the end of the provisional employee's contract term.

11481 (4) In the absence of a notice, an employee is considered employed for the next  
11482 contract term with a salary based upon the salary schedule applicable to the class of employee  
11483 into which the individual falls.

11484 (5) If a district intends to not renew or discontinue the contract of a career employee or  
11485 to terminate a career or provisional employee's contract during the contract term:

11486 (a) the district shall give written notice of the intent to the employee;

11487 (b) the notice shall be served by personal delivery or by certified mail addressed to the  
11488 employee's last-known address as shown on the records of the district;

11489 (c) the district shall give notice at least 30 days prior to the proposed date of  
11490 termination;

11491 (d) the notice shall state the date of termination and the detailed reasons for  
11492 termination;

11493 (e) the notice shall advise the employee that the employee has a right to a fair hearing  
11494 and that the hearing is waived if it is not requested within 15 days after the notice of  
11495 termination was either personally delivered or mailed to the employee's most recent address  
11496 shown on the district's personnel records; and

11497 (f) the notice shall state that failure of the employee to request a hearing in accordance

with procedures set forth in the notice constitutes a waiver of that right and that the district may then proceed with termination without further notice.

(6) (a) The procedure under which a contract is terminated during its term may include a provision under which the active service of the employee is suspended pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the district.

(b) Suspension pending a hearing may be without pay if an authorized representative of the district determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true.

(c) If termination is not subsequently ordered, the employee shall receive back pay for the period of suspension without pay.

(7) The procedure under which an employee's contract is terminated during its term shall provide for a written notice of suspension or final termination including findings of fact upon which the action is based.

Section 400. Section **53G-11-514**, which is renumbered from Section 53A-8a-503 is renumbered and amended to read:

~~[53A-8a-503].~~ **53G-11-514. Nonrenewal or termination of a career employee's contract for unsatisfactory performance.**

(1) If a district intends to not renew a career employee's contract for unsatisfactory performance or terminate a career employee's contract during the contract term for unsatisfactory performance, the district shall:

(a) provide and discuss with the career employee written documentation clearly identifying the deficiencies in performance;

(b) provide written notice that the career employee's contract is subject to nonrenewal or termination if, upon a reevaluation of the career employee's performance, the career employee's performance is determined to be unsatisfactory;

(c) develop and implement a plan of assistance, in accordance with procedures and standards established by the local school board under Section ~~[53A-8a-504]~~ 53G-11-512, to allow the career employee an opportunity to improve performance;

(d) reevaluate the career employee's performance; and

(e) if the career employee's performance remains unsatisfactory, give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection ~~[53A-8a-502]~~ 53G-11-513(5).

(2) (a) The period of time for implementing a plan of assistance:

- (i) may not exceed 120 school days, except as provided under Subsection (2)(b);
- (ii) may continue into the next school year;
- (iii) should be sufficient to successfully complete the plan of assistance; and
- (iv) shall begin when the career employee receives the written notice provided under Subsection (1)(b) and end when the determination is made that the career employee has successfully remediated the deficiency or notice of intent to not renew or terminate the career employee's contract is given in accordance with Subsection ~~[53A-8a-502]~~ 53G-11-513(5).

(b) In accordance with local school board policy, the period of time for implementing a plan of assistance may extend beyond 120 school days if:

- (i) a career employee is on leave from work during the time period the plan of assistance is scheduled to be implemented; and
- (ii) (A) the leave was approved and scheduled before the written notice was provided under Subsection (1)(b); or
- (B) the leave is specifically approved by the local school board.

(3) (a) If upon a reevaluation of the career employee's performance, the district determines the career employee's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance for the same deficiency pursuant to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the district may elect to not renew or terminate the career employee's contract.

(b) If a district intends to not renew or terminate a career employee's contract as provided in Subsection (3)(a), the district shall:

- (i) provide written documentation of the career employee's deficiencies in performance; and
- (ii) give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection ~~[53A-8a-502]~~ 53G-11-513(5).

Section 401. Section **53G-11-515**, which is renumbered from Section 53A-8a-504 is renumbered and amended to read:

~~[53A-8a-504].~~ **53G-11-515. Hearings before district board or hearing officers -- Rights of the board and the employee -- Subpoenas -- Appeals.**

(1) (a) Hearings are held under this ~~[chapter]~~ part before the board or before hearing officers selected by the board to conduct the hearings and make recommendations concerning findings.

(b) The board shall establish procedures to appoint hearing officers.

(c) The board may delegate its authority to a hearing officer to make decisions relating to the employment of an employee which are binding upon both the employee and the board.

(d) This Subsection (1) does not limit the right of the board or the employee to appeal to an appropriate court of law.

(2) At the hearings, an employee has the right to counsel, to produce witnesses, to hear testimony against the employee, to cross-examine witnesses, and to examine documentary evidence.

(3) Subpoenas may be issued and oaths administered as provided under Section ~~[53A-6-603]~~ 53E-6-606.

Section 402. Section **53G-11-516**, which is renumbered from Section 53A-8a-505 is renumbered and amended to read:

~~[53A-8a-505].~~ **53G-11-516. Necessary staff reduction not precluded -- Last-hired, first-fired layoffs prohibited.**

(1) Nothing in this ~~[chapter]~~ part prevents staff reduction if necessary to reduce the number of employees because of the following:

(a) declining student enrollments in the district;

(b) the discontinuance or substantial reduction of a particular service or program;

(c) the shortage of anticipated revenue after the budget has been adopted; or

(d) school consolidation.

(2) A school district may not utilize a last-hired, first-fired layoff policy when terminating school district employees.

(3) A school district may consider the following factors when terminating a school district employee:

(a) the results of an employee's performance evaluation; and

(b) a school's personnel needs.

Section 403. Section **53G-11-517**, which is renumbered from Section 53A-8a-506 is renumbered and amended to read:

~~[53A-8a-506].~~ **53G-11-517. Restriction on transfer of employee with unsatisfactory performance.**

An employee whose performance is unsatisfactory may not be transferred to another school unless the local school board specifically approves the transfer of the employee.

Section 404. Section **53G-11-518**, which is renumbered from Section 53A-8a-601 is renumbered and amended to read:

~~[53A-8a-601].~~ **53G-11-518. State Board of Education to make rules on performance compensation.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system described in Section ~~[53A-8a-405]~~ **53G-11-507.**

(2) Rules adopted under Subsection (1) shall:

(a) establish a timeline for developing and implementing an employee compensation system that is aligned with an annual evaluation system; and

(b) provide that beginning no later than the 2016-17 school year:

(i) any advancement on an adopted wage or salary schedule:

(A) shall be based primarily on an evaluation; and

(B) may not be based on end-of-level assessment scores; and

(ii) an employee may not advance on an adopted wage or salary schedule if the employee's rating on the most recent evaluation is at the lowest level of an evaluation instrument.

Section 405. **Repealer.**

This bill repeals:

Section ~~53A-2-117~~, **Definitions.**

Section ~~53A-3-415~~, **School board policy on detaining students after school.**

Section ~~53A-8a-402~~, **Definitions.**

Section 406. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect

11622 upon approval by the governor, or the day following the constitutional time limit of Utah  
11623 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
11624 the date of veto override.

11625       Section 407. **Revisor instructions.**

11626       The Legislature intends that the Office of Legislative Research and General Counsel, in  
11627 preparing the Utah Code database for publication, not enroll this bill if any of the following  
11628 bills do not pass:

11629           (1) H.B. 10, Public Education Recodification - State System;

11630           (2) H.B. 11, Public Education Recodification - Funding; or

11631           (3) S.B. 12, Public Education Recodification - Cross References and Repeals.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**