

PUBLIC EDUCATION DEFINITIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill defines terms that apply to the public education code and amends provisions in the public education code related to defined terms.

Highlighted Provisions:

This bill:

▶ defines terms that apply to:

- Title 53E, Public Education System -- State Administration;
- Title 53F, Public Education System -- Funding; and
- Title 53G, Public Education System -- Local Administration;

▶ amends provisions in Title 53E, Public Education System -- State Administration, and Title 53F, Public Education System -- Funding, to use and conform with the defined terms;

▶ amends other provisions in the public education code related to defined terms; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

26-7-9, as last amended by Laws of Utah 2018, Chapter 415

53E-1-102, as enacted by Laws of Utah 2018, Chapter 1

- 30 **53E-2-201**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 31 **53E-2-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 32 **53E-2-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 33 **53E-2-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 34 **53E-2-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 35 **53E-2-304**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
- 36 amended by Laws of Utah 2018, Chapter 1
- 37 **53E-3-201**, as last amended by Laws of Utah 2018, Chapter 336 and renumbered and
- 38 amended by Laws of Utah 2018, Chapter 1
- 39 **53E-3-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 40 **53E-3-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 41 **53E-3-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 42 **53E-3-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 43 **53E-3-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 44 **53E-3-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 45 **53E-3-401**, as last amended by Laws of Utah 2018, Chapters 200, 383 and renumbered
- 46 and amended by Laws of Utah 2018, Chapter 1
- 47 **53E-3-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 48 **53E-3-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 49 **53E-3-501**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 50 **53E-3-503**, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and
- 51 amended by Laws of Utah 2018, Chapter 1
- 52 **53E-3-504**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 53 **53E-3-505**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 54 amended by Laws of Utah 2018, Chapter 1
- 55 **53E-3-506**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 56 **53E-3-507**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 57 **53E-3-508**, as renumbered and amended by Laws of Utah 2018, Chapter 1

- 58 **53E-3-509**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 59 **53E-3-510**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 60 **53E-3-511**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 61 **53E-3-512**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 62 **53E-3-513**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 63 **53E-3-515**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 64 **53E-3-516**, as enacted by Laws of Utah 2018, Chapter 302
- 65 **53E-3-517**, as enacted by Laws of Utah 2018, Chapter 73
- 66 **53E-3-602**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 67 **53E-3-603**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 68 **53E-3-702**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 69 **53E-3-703**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 70 **53E-3-705**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 71 **53E-3-706**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 72 **53E-3-707**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 73 **53E-3-709**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 74 **53E-3-801**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 75 **53E-3-802**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 76 **53E-3-903**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 77 **53E-4-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 78 **53E-4-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 79 **53E-4-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 80 **53E-4-205**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 81 **53E-4-206**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 82 **53E-4-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 83 **53E-4-301.5**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 84 **53E-4-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 85 **53E-4-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1

- 86 **53E-4-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 87 **53E-4-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 88 **53E-4-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 89 **53E-4-307**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 90 **53E-4-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 91 **53E-4-309**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 92 **53E-4-310**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 93 **53E-4-311**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 94 **53E-4-312**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 95 **53E-4-314**, as enacted by Laws of Utah 2018, Chapter 389
- 96 **53E-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 97 **53E-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 98 **53E-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 99 **53E-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 100 **53E-4-407**, as last amended by Laws of Utah 2018, Chapter 148 and renumbered and
101 amended by Laws of Utah 2018, Chapter 1
- 102 **53E-4-408**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 103 **53E-5-201**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 104 **53E-5-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 105 **53E-5-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 106 **53E-5-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 107 **53E-5-205**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 108 **53E-5-206**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 109 **53E-5-207**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 110 **53E-5-208**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 111 **53E-5-209**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 112 **53E-5-210**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 113 **53E-5-211**, as renumbered and amended by Laws of Utah 2018, Chapter 1

- 114 **53E-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 115 **53E-5-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 116 **53E-5-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 117 **53E-5-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 118 **53E-5-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 119 **53E-5-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 120 **53E-5-307**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 121 **53E-5-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 122 **53E-5-309**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 123 **53E-5-310**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 124 **53E-6-102**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 125 amended by Laws of Utah 2018, Chapter 1
- 126 **53E-6-103**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 127 **53E-6-201**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 128 amended by Laws of Utah 2018, Chapter 1
- 129 **53E-6-204**, as enacted by Laws of Utah 2018, Chapter 462
- 130 **53E-6-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 131 **53E-6-302**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 132 amended by Laws of Utah 2018, Chapter 1
- 133 **53E-6-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 134 **53E-6-307**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 135 **53E-6-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 136 **53E-6-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 137 **53E-6-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 138 **53E-6-501**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 139 **53E-6-502**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 140 **53E-6-503**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 141 **53E-6-504**, as renumbered and amended by Laws of Utah 2018, Chapter 1

- 142 **53E-6-505**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 143 **53E-6-506**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 144 **53E-6-602**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 145 **53E-6-603**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 146 **53E-6-604**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 147 **53E-6-605**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 148 **53E-6-607**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 149 **53E-6-701**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 150 **53E-6-702**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 151 amended by Laws of Utah 2018, Chapter 1
- 152 **53E-6-703**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 153 **53E-6-801**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 154 **53E-6-802**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 155 **53E-6-902**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 156 amended by Laws of Utah 2018, Chapter 1
- 157 **53E-7-202**, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and
- 158 amended by Laws of Utah 2018, Chapter 1
- 159 **53E-7-204**, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and
- 160 amended by Laws of Utah 2018, Chapter 1
- 161 **53E-7-208**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 162 **53E-7-301**, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and
- 163 amended by Laws of Utah 2018, Chapter 1
- 164 **53E-7-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 165 **53E-8-102**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 166 **53E-8-201**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 167 **53E-8-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 168 **53E-8-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 169 **53E-8-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1

- 170 **53E-8-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 171 **53E-8-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 172 **53E-8-406**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 173 **53E-8-407**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 174 **53E-8-408**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 175 **53E-8-409**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 176 **53E-9-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 177 **53E-9-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 178 **53E-9-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 179 **53E-9-301**, as last amended by Laws of Utah 2018, Chapters 304, 389 and renumbered
- 180 and amended by Laws of Utah 2018, Chapter 1
- 181 **53E-9-302**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 182 amended by Laws of Utah 2018, Chapter 1
- 183 **53E-9-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 184 **53E-9-304**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 185 amended by Laws of Utah 2018, Chapter 1
- 186 **53E-9-305**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 187 amended by Laws of Utah 2018, Chapter 1
- 188 **53E-9-306**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 189 amended by Laws of Utah 2018, Chapter 1
- 190 **53E-9-307**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 191 amended by Laws of Utah 2018, Chapter 1
- 192 **53E-9-308**, as last amended by Laws of Utah 2018, Chapters 285, 304 and renumbered
- 193 and amended by Laws of Utah 2018, Chapter 1
- 194 **53E-9-309**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 195 amended by Laws of Utah 2018, Chapter 1
- 196 **53E-9-310**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
- 197 amended by Laws of Utah 2018, Chapter 1

- 198 **53E-10-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 199 **53E-10-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 200 **53E-10-206**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 201 **53E-10-302**, as last amended by Laws of Utah 2018, Chapter 410 and renumbered and
- 202 amended by Laws of Utah 2018, Chapter 1
- 203 **53E-10-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 204 **53E-10-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 205 **53E-10-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 206 **53E-10-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 207 **53E-10-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 208 **53E-10-405**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 209 **53E-10-406**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 210 **53E-10-503**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 211 **53E-10-504**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 212 **53E-10-505**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 213 **53E-10-601**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 214 **53E-10-603**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 215 **53E-10-606**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 216 **53E-10-607**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 217 **53E-10-609**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 218 **53E-10-701**, as enacted by Laws of Utah 2018, Chapter 341
- 219 **53E-10-703**, as enacted by Laws of Utah 2018, Chapter 341
- 220 **53E-10-704**, as enacted by Laws of Utah 2018, Chapter 341
- 221 **53E-10-705**, as enacted by Laws of Utah 2018, Chapter 341
- 222 **53E-10-706**, as enacted by Laws of Utah 2018, Chapter 341
- 223 **53E-10-707**, as enacted by Laws of Utah 2018, Chapter 341
- 224 **53F-2-102**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
- 225 amended by Laws of Utah 2018, Chapter 2

- 226 **53F-2-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 227 **53F-2-203**, as last amended by Laws of Utah 2018, Chapters 448, 456 and renumbered
- 228 and amended by Laws of Utah 2018, Chapter 2
- 229 **53F-2-204**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 230 **53F-2-205**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
- 231 amended by Laws of Utah 2018, Chapter 2
- 232 **53F-2-206**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 233 **53F-2-207**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 234 **53F-2-302**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 235 **53F-2-303**, as enacted by Laws of Utah 2018, Chapter 2
- 236 **53F-2-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 237 **53F-2-305**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 238 **53F-2-306**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 239 **53F-2-307**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 240 **53F-2-308**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 241 **53F-2-309**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 242 **53F-2-310**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 243 amended by Laws of Utah 2018, Chapter 2
- 244 **53F-2-311**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 245 **53F-2-312**, as last amended by Laws of Utah 2018, Chapters 208, 300, 456 and
- 246 renumbered and amended by Laws of Utah 2018, Chapter 2
- 247 **53F-2-313**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 248 **53F-2-401**, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and
- 249 amended by Laws of Utah 2018, Chapter 2
- 250 **53F-2-402**, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and
- 251 amended by Laws of Utah 2018, Chapter 2
- 252 **53F-2-403**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 253 **53F-2-404**, as last amended by Laws of Utah 2018, Chapter 448 and renumbered and

254 amended by Laws of Utah 2018, Chapter 2
255 **53F-2-405**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
256 amended by Laws of Utah 2018, Chapter 2
257 **53F-2-407**, as renumbered and amended by Laws of Utah 2018, Chapter 2
258 **53F-2-408**, as renumbered and amended by Laws of Utah 2018, Chapter 2
259 **53F-2-409**, as renumbered and amended by Laws of Utah 2018, Chapter 2
260 **53F-2-410**, as last amended by Laws of Utah 2018, Chapters 117, 165, 396 and
261 renumbered and amended by Laws of Utah 2018, Chapter 2
262 **53F-2-411**, as renumbered and amended by Laws of Utah 2018, Chapter 2
263 **53F-2-413**, as renumbered and amended by Laws of Utah 2018, Chapter 2
264 **53F-2-501**, as renumbered and amended by Laws of Utah 2018, Chapter 2
265 **53F-2-502**, as renumbered and amended by Laws of Utah 2018, Chapter 2 and repealed
266 and reenacted by Laws of Utah 2018, Chapter 98
267 **53F-2-503**, as last amended by Laws of Utah 2018, Chapters 300, 456 and renumbered
268 and amended by Laws of Utah 2018, Chapter 2
269 **53F-2-504**, as last amended by Laws of Utah 2018, Chapter 212 and renumbered and
270 amended by Laws of Utah 2018, Chapter 2
271 **53F-2-505**, as renumbered and amended by Laws of Utah 2018, Chapter 2
272 **53F-2-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
273 **53F-2-507**, as renumbered and amended by Laws of Utah 2018, Chapter 2
274 **53F-2-508**, as renumbered and amended by Laws of Utah 2018, Chapter 2
275 **53F-2-509**, as renumbered and amended by Laws of Utah 2018, Chapter 2
276 **53F-2-510**, as renumbered and amended by Laws of Utah 2018, Chapter 2
277 **53F-2-511**, as renumbered and amended by Laws of Utah 2018, Chapter 2
278 **53F-2-512**, as renumbered and amended by Laws of Utah 2018, Chapter 2
279 **53F-2-513**, as renumbered and amended by Laws of Utah 2018, Chapter 2
280 **53F-2-514**, as renumbered and amended by Laws of Utah 2018, Chapter 2
281 **53F-2-517**, as renumbered and amended by Laws of Utah 2018, Chapter 2

282 **53F-2-518**, as renumbered and amended by Laws of Utah 2018, Chapter 2
283 **53F-2-519**, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and
284 amended by Laws of Utah 2018, Chapter 107
285 **53F-2-601**, as enacted by Laws of Utah 2018, Chapter 2
286 **53F-2-702**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and
287 amended by Laws of Utah 2018, Chapter 2
288 **53F-2-703**, as renumbered and amended by Laws of Utah 2018, Chapter 2
289 **53F-2-704**, as enacted by Laws of Utah 2018, Chapter 2 and last amended by Laws of
290 Utah 2018, Chapters 211, 300, 383, and 456
291 **53F-2-705**, as renumbered and amended by Laws of Utah 2018, Chapter 2
292 **53F-3-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
293 **53F-3-203**, as renumbered and amended by Laws of Utah 2018, Chapter 2
294 **53F-4-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2
295 **53F-4-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
296 **53F-4-203**, as enacted by Laws of Utah 2018, Chapter 2
297 **53F-4-204**, as renumbered and amended by Laws of Utah 2018, Chapter 2
298 **53F-4-205**, as renumbered and amended by Laws of Utah 2018, Chapter 2
299 **53F-4-206**, as renumbered and amended by Laws of Utah 2018, Chapter 2
300 **53F-4-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2
301 **53F-4-302**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
302 amended by Laws of Utah 2018, Chapter 2
303 **53F-4-303**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
304 amended by Laws of Utah 2018, Chapter 2
305 **53F-4-304**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
306 amended by Laws of Utah 2018, Chapter 2
307 **53F-4-305**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
308 amended by Laws of Utah 2018, Chapter 2
309 **53F-4-306**, as renumbered and amended by Laws of Utah 2018, Chapter 2

- 310 **53F-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 311 **53F-4-402**, as last amended by Laws of Utah 2018, Chapter 163 and renumbered and
- 312 amended by Laws of Utah 2018, Chapter 2
- 313 **53F-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 314 **53F-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 315 **53F-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 316 **53F-4-407**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 317 **53F-4-501**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 318 **53F-4-503**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 319 **53F-4-504**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 320 **53F-4-507**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 321 **53F-4-508**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 322 **53F-4-510**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 323 **53F-4-511**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 324 **53F-4-512**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 325 **53F-4-514**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 326 **53F-4-516**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 327 **53F-5-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 328 **53F-5-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 329 **53F-5-203**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 330 amended by Laws of Utah 2018, Chapter 2
- 331 **53F-5-204**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 332 **53F-5-205**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 333 amended by Laws of Utah 2018, Chapter 2
- 334 **53F-5-207**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 335 **53F-5-208**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 336 **53F-5-209**, as enacted by Laws of Utah 2018, Chapter 412
- 337 **53F-5-210**, as enacted by Laws of Utah 2018, Chapter 358

- 338 **53F-5-211**, as enacted by Laws of Utah 2018, Chapter 441
- 339 **53F-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 340 **53F-5-302**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 341 **53F-5-303**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 342 **53F-5-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 343 **53F-5-305**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 344 **53F-5-307**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 345 **53F-5-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 346 **53F-5-402**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 347 **53F-5-403**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 348 **53F-5-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 349 **53F-5-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 350 **53F-5-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 351 **53F-5-501**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 352 **53F-5-502**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 353 **53F-5-503**, as last amended by Laws of Utah 2018, Chapter 102 and renumbered and
- 354 amended by Laws of Utah 2018, Chapter 2
- 355 **53F-5-504**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 356 **53F-5-505**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 357 **53F-5-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 358 **53F-5-601**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 359 **53F-5-602**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 360 **53F-5-603**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 361 **53F-6-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 362 **53F-6-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
- 363 **53F-6-301**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and
- 364 amended by Laws of Utah 2018, Chapter 2
- 365 **53F-6-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2

366 **53F-6-309**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and
367 amended by Laws of Utah 2018, Chapter 2

368 **53F-7-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2

369 **53F-7-301**, as enacted by Laws of Utah 2018, Chapter 2

370 **53F-8-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2

371 **53F-8-402**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
372 amended by Laws of Utah 2018, Chapter 2

373 **53F-8-403**, as enacted by Laws of Utah 2018, Chapter 2

374 **53F-9-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2

375 **53F-9-203**, as renumbered and amended by Laws of Utah 2018, Chapter 2

376 **53F-9-206**, as renumbered and amended by Laws of Utah 2018, Chapter 2

377 **53F-9-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2

378 **53F-9-302**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
379 amended by Laws of Utah 2018, Chapter 2

380 **53F-9-304**, as last amended by Laws of Utah 2018, Chapters 249, 329 and renumbered
381 and amended by Laws of Utah 2018, Chapter 2

382 **53F-9-305**, as enacted by Laws of Utah 2018, Chapter 456

383 **53F-9-306**, as enacted by Laws of Utah 2018, Chapter 456

384 **53F-9-401**, as last amended by Laws of Utah 2018, Chapter 142 and renumbered and
385 amended by Laws of Utah 2018, Chapter 2

386 **53F-9-501**, as renumbered and amended by Laws of Utah 2018, Chapter 2

387

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

389 Section 1. Section **26-7-9** is amended to read:

390 **26-7-9. Online public health education module.**

391 (1) As used in this section:

392 (a) "Health care provider" means the same as that term is defined in Section

393 **78B-3-403**.

394 (b) "Nonimmune" means that a child or an individual:
395 (i) has not received each vaccine required in Section 53G-9-305 and has not developed
396 a natural immunity through previous illness to a vaccine-preventable disease, as documented
397 by a health care provider;
398 (ii) cannot receive each vaccine required in Section 53G-9-305; or
399 (iii) is otherwise known to not be immune to a vaccine-preventable disease.
400 (c) "Vaccine-preventable disease" means an infectious disease that can be prevented by
401 a vaccination required in Section 53G-9-305.
402 (2) The department shall develop an online education module regarding
403 vaccine-preventable diseases:
404 (a) to assist a parent of a nonimmune child to:
405 (i) recognize the symptoms of vaccine-preventable diseases;
406 (ii) respond in the case of an outbreak of a vaccine-preventable disease;
407 (iii) protect children who contract a vaccine-preventable disease; and
408 (iv) prevent the spread of vaccine-preventable diseases;
409 (b) that contains only the following:
410 (i) information about vaccine-preventable diseases necessary to achieve the goals
411 stated in Subsection (2)(a), including the best practices to prevent the spread of
412 vaccine-preventable diseases;
413 (ii) recommendations to reduce the likelihood of a nonimmune individual contracting
414 or transmitting a vaccine-preventable disease; and
415 (iii) information about additional available resources related to vaccine-preventable
416 diseases and the availability of low-cost vaccines;
417 (c) that includes interactive questions or activities; and
418 (d) that is expected to take an average user 20 minutes or less to complete, based on
419 user testing.
420 (3) In developing the online education module described in Subsection (2), the
421 department shall consult with individuals interested in vaccination or vaccine-preventable

422 diseases, including:

423 (a) representatives from organizations of health care professionals; and

424 (b) parents of nonimmune children.

425 (4) The department shall make the online education module described in Subsection

426 (2) publicly available to parents through:

427 (a) a link on the department's website;

428 (b) county health departments, as that term is defined in Section 26A-1-102;

429 (c) local health departments, as that term is defined in Section 26A-1-102;

430 (d) local education agencies, as that term is defined in Section [~~53E-3-401~~] 53E-1-102;

431 and

432 (e) other public health programs or organizations.

433 Section 2. Section 53E-1-102 is amended to read:

434 **53E-1-102. Public education code definitions.**

435 [~~As~~] Unless otherwise indicated, as used in this title, Title 53F, Public Education

436 System -- Funding, and Title 53G, Public Education System -- Local Administration[;];

437 (1) "Charter agreement" means an agreement made in accordance with Section

438 53G-5-303 that authorizes the operation of a charter school.

439 (2) "Charter school governing board" means the board that governs a charter school.

440 (3) "District school" means a public school under the control of a local school board.

441 (4) "Individualized education program" or "IEP" means a written statement for a

442 student with a disability that is developed, reviewed, and revised in accordance with the

443 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

444 (5) "LEA governing board" means:

445 (a) for a school district, the local school board;

446 (b) for a charter school, the charter school governing board; or

447 (c) for the Utah Schools for the Deaf and the Blind, the state board.

448 (6) "Local education agency" or "LEA" means:

449 (a) a school district;

450 (b) a charter school; or
 451 (c) the Utah Schools for the Deaf and the Blind.
 452 (7) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
 453 Election of Members of Local Boards of Education.

454 (8) "Minimum School Program" means the same as that term is defined in Section
 455 53F-2-102.

456 (9) "Parent" means a parent or legal guardian.

457 [~~public~~] (10) "Public education code" means:

458 [~~(+)] (a) this title;~~

459 [~~(2)] (b) Title 53F, Public Education System -- Funding; and~~

460 [~~(3)] (c) Title 53G, Public Education System -- Local Administration.~~

461 (11) "Rule" means a rule made in accordance with Title 63G, Chapter 3, Utah
 462 Administrative Rulemaking Act.

463 (12) "Section 504 accommodation plan" means a plan developed in accordance with
 464 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a
 465 disability, to meet the student's educational needs and ensure equitable access to a free
 466 appropriate public education.

467 (13) "State board" means the State Board of Education.

468 (14) "State superintendent" means the state superintendent of public instruction
 469 appointed under Section 53E-3-301.

470 Section 3. Section **53E-2-201** is amended to read:

471 **53E-2-201. Policy for Utah's public education system.**

472 (1) (a) The continuous cultivation of an informed and virtuous citizenry among
 473 succeeding generations is essential to the state and the nation.

474 (b) The state's public education system is established and maintained as provided in
 475 Utah Constitution, Article X, and this public education code.

476 (c) Parents [~~and guardians~~] have the primary responsibility for the education of their
 477 children and elect representatives in the Legislature and on state and local school boards to

478 administer the state public education system, which provides extensive support and assistance.
479 All children of the state are entitled to a free elementary and secondary public education as
480 provided in Utah Constitution, Article X.

481 (d) Public schools fulfill a vital purpose in the education and preparation of informed
482 and responsible citizens who:

- 483 (i) fully understand and lawfully exercise their individual rights and liberties;
- 484 (ii) become self-reliant and able to provide for themselves and their families; and
- 485 (iii) contribute to the public good and the health, welfare, and security of the state and
486 the nation.

487 (2) In the implementation of all policies, programs, and responsibilities adopted in
488 accordance with this public education code, the Legislature, the [~~State Board of Education~~]
489 state board, local school boards, and charter school governing boards shall:

- 490 (a) respect, protect, and further the interests of parents [~~and guardians~~] in their
491 children's public education; and
- 492 (b) promote and encourage full and active participation and involvement of parents
493 [~~and guardians~~] at all public schools.

494 Section 4. Section **53E-2-202** is amended to read:

495 **53E-2-202. Planning for Utah's public education system.**

496 (1) Before November 30, 2016, the [~~State Board of Education~~] state board shall:

- 497 (a) (i) prepare a report that summarizes, for the last 15 years or more, the policies and
498 programs established by, and the performance history of, the state's public education system;
499 and

500 (ii) prepare a formal 10-year plan for the state's public education system, including
501 recommendations to:

- 502 (A) repeal outdated policies and programs; and
- 503 (B) clarify and correlate current policies and programs; and

504 (b) submit the report and plan described in Subsection (1)(a) to the Education Interim
505 Committee for review and recommendations.

506 (2) The [~~State Board of Education~~] state board shall review and maintain the 10-year
507 plan described in Subsection (1)(a)(ii) and submit the updated plan to the Education Interim
508 Committee for review and approval at least once every five years.

509 Section 5. Section **53E-2-301** is amended to read:

510 **53E-2-301. Public education's vision and mission.**

511 (1) The Legislature envisions an educated citizenry that encompasses the following
512 foundational principles:

- 513 (a) citizen participation in civic and political affairs;
- 514 (b) economic prosperity for the state by graduating students who are college and career
515 ready;
- 516 (c) strong moral and social values; and
- 517 (d) loyalty and commitment to constitutional government.

518 (2) The Legislature recognizes that public education's mission is to assure Utah the best
519 educated citizenry in the world and each individual the training to succeed in a global society
520 by providing students with:

- 521 (a) learning and occupational skills;
- 522 (b) character development;
- 523 (c) literacy and numeracy;
- 524 (d) high quality instruction;
- 525 (e) curriculum based on high standards and relevance; and
- 526 (f) effective assessment to inform high quality instruction and accountability.

527 (3) The Legislature:

528 (a) recognizes that parents [~~or guardians~~] are a child's first teachers and are responsible
529 for the education of their children;

530 (b) encourages family engagement and adequate preparation so that students enter the
531 public education system ready to learn; and

532 (c) intends that the mission detailed in Subsection (2) be carried out through a
533 responsive educational system that guarantees local school communities autonomy, flexibility,

534 and client choice, while holding them accountable for results.

535 (4) This section will be applied consistent with Section 53G-10-204.

536 Section 6. Section 53E-2-302 is amended to read:

537 **53E-2-302. Characteristics of public education system.**

538 The Legislature shall assist in maintaining a public education system that has the
539 following characteristics:

540 (1) assumes that all students have the ability to learn and that each student departing
541 the system will be prepared to achieve success in productive employment, further education, or
542 both;

543 (2) provides a personalized education plan or personalized education occupation plan
544 for each student, which involves the student, the student's parent [~~or guardian~~], and school
545 personnel in establishing the plan;

546 (3) provides students with the knowledge and skills to take responsibility for their
547 decisions and to make appropriate choices;

548 (4) provides opportunities for students to exhibit the capacity to learn, think, reason,
549 and work effectively, individually and in groups;

550 (5) offers world-class core standards that enable students to successfully compete in a
551 global society, and to succeed as citizens of a constitutional republic;

552 (6) incorporates an information retrieval system that provides students, parents, and
553 educators with reliable, useful, and timely data on the progress of each student;

554 (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in
555 large part through collaborative efforts among the [~~State Board of Education~~] state board, the
556 State Board of Regents, and school districts, provides effective ongoing professional
557 development opportunities for teachers to improve their teaching skills, and provides
558 recognition, rewards, and compensation for their excellence;

559 (8) empowers each school district and public school to create its own vision and plan
560 to achieve results consistent with the objectives outlined in this part;

561 (9) uses technology to improve teaching and learning processes and for the delivery of

562 educational services;

563 (10) promotes ongoing research and development projects at the district and the school
564 level that are directed at improving or enhancing public education;

565 (11) offers a public school choice program, which gives students and their parents
566 options to best meet the student's personalized education needs;

567 (12) emphasizes the involvement of educators, parents, business partnerships, and the
568 community at large in the educational process by allowing them to be involved in establishing
569 and implementing educational goals and participating in decision-making at the school site;
570 and

571 (13) emphasizes competency-based standards and progress-based assessments,
572 including tracking and measurement systems.

573 Section 7. Section **53E-2-303** is amended to read:

574 **53E-2-303. Parental participation in educational process -- Employer support.**

575 (1) The Legislature recognizes the importance of parental participation in the
576 educational process in order for students to achieve and maintain high levels of performance.

577 (2) It is, therefore, the policy of the state to:

578 (a) encourage parents to provide a home environment that values education and send
579 their children to school prepared to learn;

580 (b) rely upon school districts and schools to provide opportunities for parents of
581 students to be involved in establishing and implementing educational goals for their respective
582 schools and students; and

583 (c) expect employers to recognize the need for parents and members of the community
584 to participate in the public education system in order to help students achieve and maintain
585 excellence.

586 (3) (a) Each local school board shall adopt a policy on parental involvement in the
587 schools of the district.

588 (b) The local school board shall design its policy to build consistent and effective
589 communication among parents, teachers, and administrators.

590 (c) The policy shall provide parents with the opportunity to be actively involved in
591 their children's education and to be informed of:

592 (i) the importance of the involvement of parents in directly affecting the success of
593 their children's educational efforts; and

594 (ii) groups and organizations that may provide instruction and training to parents to
595 help improve their children's academic success and support their academic efforts.

596 Section 8. Section **53E-2-304** is amended to read:

597 **53E-2-304. School district and individual school powers -- Plan for college and**
598 **career readiness definition.**

599 (1) In order to acquire and develop the characteristics listed in Section **53E-2-302**, each
600 school district and each public school within its respective district shall implement a
601 comprehensive system of accountability in which students advance through public schools by
602 demonstrating competency in the core standards for Utah public schools through the use of
603 diverse assessment instruments such as authentic assessments, projects, and portfolios.

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

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

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

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

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

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

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

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

620 (b) (i) As used in this section, "plan for college and career readiness" means a plan
621 developed by a student and the student's parent [~~or guardian~~], in consultation with school
622 counselors, teachers, and administrators that:

623 (A) is initiated at the beginning of grade 7;

624 (B) identifies a student's skills and objectives;

625 (C) maps out a strategy to guide a student's course selection; and

626 (D) links a student to post-secondary options, including higher education and careers.

627 (ii) Each local school board, in consultation with school personnel, parents, and school
628 community councils or similar entities shall establish policies to provide for the effective
629 implementation of an individual learning plan or a plan for college and career readiness for
630 each student at the school site.

631 (iii) The policies shall include guidelines and expectations for:

632 (A) recognizing the student's accomplishments, strengths, and progress toward meeting
633 student achievement standards as defined in the core standards for Utah public schools;

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

635 (C) involving students, parents, and school personnel in preparing and implementing
636 an individual learning plan and a plan for college and career readiness.

637 (iv) A parent may request a conference with school personnel in addition to an
638 individual learning plan or a plan for college and career readiness conference established by
639 local school board policy.

640 (v) Time spent during the school day to implement an individual learning plan or a
641 plan for college and career readiness is considered part of the school term described in Section
642 [53F-2-102](#).

643 (3) A school district or public school may submit proposals to modify or waive rules or
644 policies of a supervisory authority within the public education system in order to acquire or
645 develop the characteristics listed in Section [53E-2-302](#).

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

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

650 Section 9. Section **53E-3-201** is amended to read:

651 **53E-3-201. State board members -- Election and appointment of officers --**
652 **Removal from office.**

653 (1) Members of the [~~State Board of Education~~] state board shall be nominated and
654 elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local
655 School Boards.

656 (2) The [~~State Board of Education~~] state board shall elect from its members a chair,
657 and at least one vice chair, but no more than three vice chairs, every other year at a meeting
658 held any time between November 15 and January 15.

659 (3) (a) If the election of officers is held subsequent to the election of a new member of
660 the state board, but prior to the time that the new member takes office, the new member shall
661 assume the position of the outgoing member for purposes of the election of officers.

662 (b) In all other matters the outgoing member shall retain the full authority of the office
663 until replaced as provided by law.

664 (4) The duties of these officers shall be determined by the state board.

665 (5) The state board shall appoint a secretary who serves at the pleasure of the state
666 board.

667 (6) An officer appointed or elected by the state board under this section may be
668 removed from office for cause by a vote of two-thirds of the state board.

669 Section 10. Section **53E-3-202** is amended to read:

670 **53E-3-202. Compensation for members of the state board -- Insurance -- Per**
671 **diem and expenses.**

672 (1) The salary for a member of the [~~State Board of Education~~] state board is set in
673 accordance with Section [36-2-3](#).

674 (2) Compensation for a member of the [~~State Board of Education~~] state board is
675 payable monthly.

676 (3) A [~~State Board of Education~~] state board member may participate in any group
677 insurance plan provided to employees of the [~~State Board of Education~~] state board as part of
678 the [~~State Board of Education~~] state board member's compensation on the same basis as
679 required for employee participation.

680 (4) In addition to the provisions of Subsections (1) and (3), a [~~State Board of~~
681 ~~Education~~] state board member may receive per diem and travel expenses in accordance with:

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

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

684 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
685 63A-3-107.

686 Section 11. Section 53E-3-203 is amended to read:

687 **53E-3-203. State board meetings -- Quorum requirements.**

688 (1) The [~~State Board of Education~~] state board shall meet at the call of the chairman
689 and at least 11 times each year.

690 (2) A majority of all members is required to validate an act of the [~~State Board of~~
691 ~~Education~~] state board.

692 Section 12. Section 53E-3-204 is amended to read:

693 **53E-3-204. Gross neglect of duty -- Nonpayment of salary or expenses.**

694 (1) Failure of a member of the [~~State Board of Education or of a governing board of a~~
695 ~~branch or division of the public school system~~] state board or of an LEA governing board to
696 carry out responsibilities assigned by law or to comply with rules of the [~~State Board of~~
697 ~~Education~~] state board is gross neglect of duty.

698 (2) Salary or expenses shall not be paid for work which violates rules of the state
699 board.

700 Section 13. Section 53E-3-301 is amended to read:

701 **53E-3-301. Appointment -- Qualifications -- Duties.**

702 (1) (a) The [~~State Board of Education~~] state board shall appoint a state superintendent
703 of public instruction, [~~hereinafter called the state superintendent,~~] who is the executive officer
704 of the [~~State Board of Education~~] state board and serves at the pleasure of the [~~State Board of~~
705 ~~Education~~] state board.

706 (b) The [~~State Board of Education~~] state board shall appoint the state superintendent on
707 the basis of outstanding professional qualifications.

708 (c) The state superintendent shall administer all programs assigned to the [~~State Board~~
709 ~~of Education~~] state board in accordance with the policies and the standards established by the
710 [~~State Board of Education~~] state board.

711 (2) The [~~State Board of Education~~] state board shall, with the state superintendent,
712 develop a statewide education strategy focusing on core academics, including the development
713 of:

714 (a) core standards for Utah public schools and graduation requirements;

715 (b) a process to select model instructional materials that best correlate with the core
716 standards for Utah public schools and graduation requirements that are supported by generally
717 accepted scientific standards of evidence;

718 (c) professional development programs for teachers, superintendents, and principals;

719 (d) model remediation programs;

720 (e) a model method for creating individual student learning targets, and a method of
721 measuring an individual student's performance toward those targets;

722 (f) progress-based assessments for ongoing performance evaluations of school districts
723 and schools;

724 (g) incentives to achieve the desired outcome of individual student progress in core
725 academics that do not create disincentives for setting high goals for the students;

726 (h) an annual report card for school and school district performance, measuring
727 learning and reporting progress-based assessments;

728 (i) a systematic method to encourage innovation in schools and school districts as each
729 strives to achieve improvement in performance; and

730 (j) a method for identifying and sharing best demonstrated practices across school
731 districts and schools.

732 (3) The state superintendent shall perform duties assigned by the [~~State Board of~~
733 ~~Education~~] state board, including:

734 (a) investigating all matters pertaining to the public schools;

735 (b) adopting and keeping an official seal to authenticate the state superintendent's
736 official acts;

737 (c) holding and conducting meetings, seminars, and conferences on educational topics;

738 (d) presenting to the governor and the Legislature each December a report of the public
739 school system for the preceding year that includes:

740 (i) data on the general condition of the schools with recommendations considered
741 desirable for specific programs;

742 (ii) a complete statement of fund balances;

743 (iii) a complete statement of revenues by fund and source;

744 (iv) a complete statement of adjusted expenditures by fund, the status of bonded
745 indebtedness, the cost of new school plants, and school levies;

746 (v) a complete statement of state funds allocated to each school district and charter
747 school by source, including supplemental appropriations, and a complete statement of
748 expenditures by each school district and charter school, including supplemental appropriations,
749 by function and object as outlined in the United States Department of Education publication
750 "Financial Accounting for Local and State School Systems";

751 (vi) a statement that includes data on:

752 (A) fall enrollments;

753 (B) average membership;

754 (C) high school graduates;

755 (D) licensed and classified employees, including data reported by school districts on
756 educator ratings pursuant to Section [53G-11-511](#);

757 (E) pupil-teacher ratios;

- 758 (F) average class sizes;
- 759 (G) average salaries;
- 760 (H) applicable private school data; and
- 761 (I) data from statewide assessments described in Section [53E-4-301](#) for each school
- 762 and school district;
- 763 (vii) statistical information regarding incidents of delinquent activity in the schools or
- 764 at school-related activities with separate categories for:
 - 765 (A) alcohol and drug abuse;
 - 766 (B) weapon possession;
 - 767 (C) assaults; and
 - 768 (D) arson;
- 769 (viii) information about:
 - 770 (A) the development and implementation of the strategy of focusing on core
 - 771 academics;
 - 772 (B) the development and implementation of competency-based education and
 - 773 progress-based assessments; and
 - 774 (C) the results being achieved under Subsections (3)(d)(viii)(A) and (B), as measured
 - 775 by individual progress-based assessments and a comparison of Utah students' progress with the
 - 776 progress of students in other states using standardized norm-referenced tests as benchmarks;
 - 777 and
- 778 (ix) other statistical and financial information about the school system that the state
- 779 superintendent considers pertinent;
- 780 (e) collecting and organizing education data into an automated decision support system
- 781 to facilitate school district and school improvement planning, accountability reporting,
- 782 performance recognition, and the evaluation of educational policy and program effectiveness to
- 783 include:
 - 784 (i) data that are:
 - 785 (A) comparable across schools and school districts;

- 786 (B) appropriate for use in longitudinal studies; and
- 787 (C) comprehensive with regard to the data elements required under applicable state or
- 788 federal law or [~~State Board of Education~~] state board rule;
- 789 (ii) features that enable users, most particularly school administrators, teachers, and
- 790 parents, to:
- 791 (A) retrieve school and school district level data electronically;
- 792 (B) interpret the data visually; and
- 793 (C) draw conclusions that are statistically valid; and
- 794 (iii) procedures for the collection and management of education data that:
- 795 (A) require the state superintendent to:
- 796 (I) collaborate with school districts and charter schools in designing and implementing
- 797 uniform data standards and definitions;
- 798 (II) undertake or sponsor research to implement improved methods for analyzing
- 799 education data;
- 800 (III) provide for data security to prevent unauthorized access to or contamination of the
- 801 data; and
- 802 (IV) protect the confidentiality of data under state and federal privacy laws; and
- 803 (B) require all school districts and schools to comply with the data collection and
- 804 management procedures established under Subsection (3)(e);
- 805 (f) administering and implementing federal educational programs in accordance with
- 806 Part 8, Implementing Federal or National Education Programs; and
- 807 (g) with the approval of the [~~State Board of Education~~] state board, preparing and
- 808 submitting to the governor a budget for the [~~State Board of Education~~] state board to be
- 809 included in the budget that the governor submits to the Legislature.
- 810 (4) The state superintendent shall distribute funds deposited in the Autism Awareness
- 811 Restricted Account created in Section [53F-9-401](#) in accordance with the requirements of
- 812 Section [53F-9-401](#).
- 813 (5) Upon leaving office, the state superintendent shall deliver to the state

814 superintendent's successor all books, records, documents, maps, reports, papers, and other
815 articles pertaining to the state superintendent's office.

816 (6) (a) For the purposes of Subsection (3)(d)(vi):

817 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
818 students enrolled in a school by the number of full-time equivalent teachers assigned to the
819 school, including regular classroom teachers, school-based specialists, and special education
820 teachers;

821 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
822 the schools within a school district;

823 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
824 pupil-teacher ratio of charter schools in the state; and

825 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
826 pupil-teacher ratio of public schools in the state.

827 (b) The printed copy of the report required by Subsection (3)(d) shall:

828 (i) include the pupil-teacher ratio for:

829 (A) each school district;

830 (B) the charter schools aggregated; and

831 (C) the state's public schools aggregated; and

832 (ii) identify a website where pupil-teacher ratios for each school in the state may be
833 accessed.

834 Section 14. Section **53E-3-302** is amended to read:

835 **53E-3-302. Compensation of state superintendent -- Other state board employees.**

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

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

839 (a) appoint other employees; and

840 (b) delegate appropriate duties and responsibilities to state board employees.

841 (3) The compensation and duties of state board employees shall be established by the

842 state board and paid from money appropriated for that purpose.

843 Section 15. Section **53E-3-303** is amended to read:

844 **53E-3-303. Advice by state superintendent -- Written opinions.**

845 (1) The state superintendent shall advise superintendents, [~~school~~] LEA governing
846 boards, and other school officers upon all matters involving the welfare of the schools.

847 (2) The state superintendent shall, when requested by district superintendents or other
848 school officers, provide written opinions on questions of public education, administrative
849 policy, and procedure, but not upon questions of law.

850 (3) Upon request by the state superintendent, the attorney general shall issue written
851 opinions on questions of law.

852 (4) Opinions issued under this section shall be considered to be correct and final unless
853 set aside by a court of competent jurisdiction or by subsequent legislation.

854 Section 16. Section **53E-3-401** is amended to read:

855 **53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement --**
856 **Attorney.**

857 (1) As used in this section:

858 [~~(a)~~] "~~Board~~" means the State Board of Education.]

859 [~~(b)~~] (a) "Education entity" means:

860 (i) an entity that receives a distribution of state funds through a grant program managed
861 by the state board under this public education code;

862 (ii) an entity that enters into a contract with the state board to provide an educational
863 good or service;

864 (iii) a school district; or

865 (iv) a charter school.

866 [~~(c)~~] (b) "Educational good or service" means a good or service that is required or
867 regulated under:

868 (i) this public education code; or

869 (ii) a rule authorized under this public education code.

870 [~~(d) "Local education agency" or "LEA" means:~~]

871 [~~(i) a school district;~~]

872 [~~(ii) a charter school; or~~]

873 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

874 (2) (a) The [~~State Board of Education~~] state board has general control and supervision
875 of the state's public education system.

876 (b) "General control and supervision" as used in Utah Constitution, Article X, Section
877 3, means directed to the whole system.

878 (3) The state board may not govern, manage, or operate school districts, institutions,
879 and programs, unless granted that authority by statute.

880 [~~(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
881 ~~the]~~

882 (4) (a) The state board may make rules to execute the state board's duties and
883 responsibilities under the Utah Constitution and state law.

884 (b) The state board may delegate the state board's statutory duties and responsibilities
885 to state board employees.

886 (5) (a) The state board may sell any interest it holds in real property upon a finding by
887 the state board that the property interest is surplus.

888 (b) The state board may use the money it receives from a sale under Subsection (5)(a)
889 for capital improvements, equipment, or materials, but not for personnel or ongoing costs.

890 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
891 or institution administered by the state board, the money may only be used for purposes related
892 to the agency or institution.

893 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and
894 related matters during the next following session of the Legislature.

895 (6) The state board shall develop policies and procedures related to federal educational
896 programs in accordance with Part 8, Implementing Federal or National Education Programs.

897 (7) On or before December 31, 2010, the [~~State Board of Education~~] state board shall

898 review mandates or requirements provided for in state board rule to determine whether certain
899 mandates or requirements could be waived to remove funding pressures on public schools on a
900 temporary basis.

901 (8) (a) If an education entity violates this public education code or rules authorized
902 under this public education code, the state board may, in accordance with the rules described in
903 Subsection (8)(c):

904 (i) require the education entity to enter into a corrective action agreement with the state
905 board;

906 (ii) temporarily or permanently withhold state funds from the education entity;

907 (iii) require the education entity to pay a penalty; or

908 (iv) require the education entity to reimburse specified state funds to the state board.

909 (b) Except for temporarily withheld funds, if the state board collects state funds under
910 Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.

911 [~~(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
912 ~~the]~~

913 (c) The state board shall make rules:

914 (i) that require notice and an opportunity to be heard for an education entity affected by
915 a state board action described in Subsection (8)(a); and

916 (ii) to administer this Subsection (8).

917 (d) (i) An individual may bring a violation of statute or state board rule to the attention
918 of the state board in accordance with a process described in rule adopted by the state board.

919 (ii) If the state board identifies a violation of statute or state board rule as a result of the
920 process described in Subsection (8)(d)(i), the state board may take action in accordance with
921 this section.

922 (e) The state board shall report criminal conduct of an education entity to the district
923 attorney of the county where the education entity is located.

924 (9) The state board may audit the use of state funds by an education entity that receives
925 those state funds as a distribution from the state board.

926 (10) The state board may require[;] by rule [~~made in accordance with Title 63G,~~
927 ~~Chapter 3, Utah Administrative Rulemaking Act,~~] that if an LEA contracts with a third party
928 contractor for an educational good or service, the LEA shall require in the contract that the
929 third party contractor shall provide, upon request of the LEA, information necessary for the
930 LEA to verify that the educational good or service complies with:

931 (a) this public education code; and

932 (b) state board rule authorized under this public education code.

933 (11) (a) The state board may appoint an attorney to provide legal advice to the state
934 board and coordinate legal affairs for the state board and the state board's employees.

935 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
936 Attorney General.

937 (c) An attorney described in Subsection (11)(a) may not:

938 (i) conduct litigation;

939 (ii) settle claims covered by the Risk Management Fund created in Section [63A-4-201](#);

940 or

941 (iii) issue formal legal opinions.

942 (12) The state board shall ensure that any training or certification that an employee of
943 the public education system is required to complete under this title or by rule complies with
944 Title 63G, Chapter 22, State Training and Certification Requirements.

945 Section 17. Section **53E-3-402** is amended to read:

946 **53E-3-402. Acceptance of gifts, endowments, devises, and bequests.**

947 (1) The [~~State Board of Education~~] state board, on its own behalf or on behalf of an
948 educational institution for which the state board is the direct governing body, may accept
949 private grants, loans, gifts, endowments, devises, or bequests which are made for educational
950 purposes.

951 (2) These contributions are not subject to appropriation by the Legislature.

952 Section 18. Section **53E-3-403** is amended to read:

953 **53E-3-403. Establishment of public education foundations -- Powers and duties --**

954 **Tax exempt status.**

955 (1) The [~~State Board of Education~~] state board, a local school board, or the Utah
956 Schools for the Deaf and the Blind may establish foundations to:

957 (a) assist in the development and implementation of programs to promote educational
958 excellence; and

959 (b) assist in the accomplishment of other education-related objectives.

960 (2) A foundation established under Subsection (1):

961 (a) may solicit and receive contributions from private enterprises for the purpose of this
962 section;

963 (b) shall comply with Title 51, Chapter 7, State Money Management Act, and rules
964 made under the act;

965 (c) has no power or authority to incur contractual obligations or liabilities that
966 constitute a claim against public funds except as provided in this section;

967 (d) may not exercise executive, administrative, or rulemaking authority over the
968 programs described in this section, except to the extent specifically authorized by the
969 responsible school board;

970 (e) is exempt from all taxes levied by the state or any of its political subdivisions with
971 respect to activities conducted under this section;

972 (f) may participate in the Risk Management Fund under Section [63A-4-204](#);

973 (g) shall provide a school with information detailing transactions and balances of funds
974 managed for that school;

975 (h) shall, for foundation accounts from which money is distributed to schools, provide
976 all the schools within a school district information that:

977 (i) details account transactions; and

978 (ii) shows available balances in the accounts; and

979 (i) may not:

980 (i) engage in lobbying activities;

981 (ii) attempt to influence legislation; or

- 982 (iii) participate in any campaign activity for or against:
- 983 (A) a political candidate; or
- 984 (B) an initiative, referendum, proposed constitutional amendment, bond, or any other
- 985 ballot proposition submitted to the voters.
- 986 (3) A local school board that establishes a foundation under Subsection (1) shall:
- 987 (a) require the foundation to:
- 988 (i) use the school district's accounting system; or
- 989 (ii) follow written accounting policies established by the local school board;
- 990 (b) review and approve the foundation's accounting, purchasing, and check issuance
- 991 policies to ensure that there is an adequate separation of responsibilities; and
- 992 (c) approve procedures to verify that issued foundation payments have been properly
- 993 approved.

994 Section 19. Section **53E-3-501** is amended to read:

995 **53E-3-501. State board to establish miscellaneous minimum standards for public**

996 **schools.**

997 (1) The [~~State Board of Education~~] state board shall establish rules and minimum

998 standards for the public schools that are consistent with this public education code, including

999 rules and minimum standards governing the following:

- 1000 (a) (i) the qualification and certification of educators and ancillary personnel who
- 1001 provide direct student services;
- 1002 (ii) required school administrative and supervisory services; and
- 1003 (iii) the evaluation of instructional personnel;
- 1004 (b) (i) access to programs;
- 1005 (ii) attendance;
- 1006 (iii) competency levels;
- 1007 (iv) graduation requirements; and
- 1008 (v) discipline and control;
- 1009 (c) (i) school accreditation;

- 1010 (ii) the academic year;
- 1011 (iii) alternative and pilot programs;
- 1012 (iv) curriculum and instruction requirements;
- 1013 (v) school libraries; and
- 1014 (vi) services to:
 - 1015 (A) persons with a disability as defined by and covered under:
 - 1016 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102;
 - 1017 (II) the Rehabilitation Act of 1973, 29 U.S.C. Sec. 705(20)(A); and
 - 1018 (III) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1401(3); and
 - 1019 (B) other special groups;
- 1020 (d) (i) state reimbursed bus routes;
- 1021 (ii) bus safety and operational requirements; and
- 1022 (iii) other transportation needs; and
- 1023 (e) (i) school productivity and cost effectiveness measures;
- 1024 (ii) federal programs;
- 1025 (iii) school budget formats; and
- 1026 (iv) financial, statistical, and student accounting requirements.
- 1027 (2) The [~~State Board of Education~~] state board shall determine if:
 - 1028 (a) the minimum standards have been met; and
 - 1029 (b) required reports are properly submitted.
- 1030 (3) The [~~State Board of Education~~] state board may apply for, receive, administer, and
- 1031 distribute to eligible applicants funds made available through programs of the federal
- 1032 government.
- 1033 (4) (a) A technical college listed in Section [53B-2a-105](#) shall provide
- 1034 competency-based career and technical education courses that fulfill high school graduation
- 1035 requirements, as requested and authorized by the [~~State Board of Education~~] state board.
- 1036 (b) A school district may grant a high school diploma to a student participating in a
- 1037 course described in Subsection (4)(a) that is provided by a technical college listed in Section

1038 53B-2a-105.

1039 Section 20. Section 53E-3-503 is amended to read:

1040 **53E-3-503. Education of individuals in custody of or receiving services from**
1041 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

1042 [~~(1)~~ For purposes of this section, "board" means the State Board of Education.]

1043 [~~(2)~~] (1) (a) The state board is directly responsible for the education of all individuals
1044 who are:

1045 (i) (A) younger than 21 years old; or

1046 (B) students with disabilities entitled to a free, appropriate public education as
1047 described in Section 53E-7-202; and

1048 (ii) (A) receiving services from the Department of Human Services;

1049 (B) in the custody of an equivalent agency of a Native American tribe recognized by
1050 the United States Bureau of Indian Affairs and whose custodial parent [~~or legal guardian~~]
1051 resides within the state; or

1052 (C) being held in a juvenile detention facility.

1053 (b) The state board shall make rules [~~in accordance with Title 63G, Chapter 3, Utah~~
1054 ~~Administrative Rulemaking Act,~~] to provide for the distribution of funds for the education of
1055 individuals described in Subsection [~~(2)~~] (1)(a).

1056 [~~(3)~~] (2) Subsection [~~(2)~~] (1)(a)(ii)(B) does not apply to an individual taken into
1057 custody for the primary purpose of obtaining access to education programs provided for youth
1058 in custody.

1059 [~~(4)~~] (3) The state board shall, where feasible, contract with school districts or other
1060 appropriate agencies to provide educational, administrative, and supportive services, but the
1061 state board shall retain responsibility for the programs.

1062 [~~(5)~~] (4) The Legislature shall establish and maintain separate education budget
1063 categories for youth in custody or who are under the jurisdiction of the following state
1064 agencies:

1065 (a) detention centers and the Divisions of Juvenile Justice Services and Child and

1066 Family Services;

1067 (b) the Division of Substance Abuse and Mental Health; and

1068 (c) the Division of Services for People with Disabilities.

1069 ~~[(6)]~~ (5) (a) The Department of Human Services and the state board shall appoint a
1070 coordinating council to plan, coordinate, and recommend budget, policy, and program
1071 guidelines for the education and treatment of persons in the custody of the Division of Juvenile
1072 Justice Services and the Division of Child and Family Services.

1073 (b) The Department of Human Services and the state board may appoint similar
1074 councils for those in the custody of the Division of Substance Abuse and Mental Health or the
1075 Division of Services for People with Disabilities.

1076 ~~[(7)]~~ (6) A school district contracting to provide services under Subsection ~~[(4)]~~ (3)
1077 shall establish an advisory council to plan, coordinate, and review education and treatment
1078 programs for individuals held in custody in the district.

1079 Section 21. Section **53E-3-504** is amended to read:

1080 **53E-3-504. Child literacy program -- Coordinated activities.**

1081 (1) The ~~[State Board of Education]~~ state board, through the state superintendent ~~[of~~
1082 ~~public instruction]~~, shall provide for a public service campaign to educate parents on the
1083 importance of providing their children with opportunities to develop emerging literacy skills
1084 through a statewide "Read to Me" program.

1085 (2) The state board shall coordinate its activities under this section with other state and
1086 community entities that are engaged in child literacy programs in order to maximize its efforts
1087 and resources, including the Utah Commission on National and Community Service.

1088 Section 22. Section **53E-3-505** is amended to read:

1089 **53E-3-505. Financial and economic literacy education.**

1090 (1) As used in this section:

1091 (a) "Financial and economic activities" include activities related to the topics listed in
1092 Subsection (1)(b).

1093 (b) "Financial and economic literacy concepts" include concepts related to the

- 1094 following topics:
- 1095 (i) basic budgeting;
- 1096 (ii) saving and financial investments;
- 1097 (iii) banking and financial services, including balancing a checkbook or a bank account
- 1098 and online banking services;
- 1099 (iv) career management, including earning an income;
- 1100 (v) rights and responsibilities of renting or buying a home;
- 1101 (vi) retirement planning;
- 1102 (vii) loans and borrowing money, including interest, credit card debt, predatory
- 1103 lending, and payday loans;
- 1104 (viii) insurance;
- 1105 (ix) federal, state, and local taxes;
- 1106 (x) charitable giving;
- 1107 (xi) online commerce;
- 1108 (xii) identity fraud and theft;
- 1109 (xiii) negative financial consequences of gambling;
- 1110 (xiv) bankruptcy;
- 1111 (xv) free markets and prices;
- 1112 (xvi) supply and demand;
- 1113 (xvii) monetary and fiscal policy;
- 1114 (xviii) effective business plan creation, including using economic analysis in creating a
- 1115 plan;
- 1116 (xix) scarcity and choices;
- 1117 (xx) opportunity cost and tradeoffs;
- 1118 (xxi) productivity;
- 1119 (xxii) entrepreneurism; and
- 1120 (xxiii) economic reasoning.
- 1121 (c) "Financial and economic literacy passport" means a document that tracks mastery

1122 of financial and economic literacy concepts and completion of financial and economic
1123 activities in kindergarten through grade 12.

1124 (d) "General financial literacy course" means the course of instruction described in
1125 Section [53E-4-204](#).

1126 (2) The [~~State Board of Education~~] state board shall:

1127 (a) in cooperation with interested private and nonprofit entities:

1128 (i) develop a financial and economic literacy passport that students may elect to
1129 complete;

1130 (ii) develop methods of encouraging parent and educator involvement in completion of
1131 the financial and economic literacy passport; and

1132 (iii) develop and implement appropriate recognition and incentives for students who
1133 complete the financial and economic literacy passport, including:

1134 (A) a financial and economic literacy endorsement on the student's diploma of
1135 graduation;

1136 (B) a specific designation on the student's official transcript; and

1137 (C) any incentives offered by community partners;

1138 (b) more fully integrate existing and new financial and economic literacy education
1139 into instruction in kindergarten through grade 12 by:

1140 (i) coordinating financial and economic literacy instruction with existing instruction in
1141 other areas of the core standards for Utah public schools, such as mathematics and social
1142 studies;

1143 (ii) using curriculum mapping;

1144 (iii) creating training materials and staff development programs that:

1145 (A) highlight areas of potential coordination between financial and economic literacy
1146 education and other core standards for Utah public schools concepts; and

1147 (B) demonstrate specific examples of financial and economic literacy concepts as a
1148 way of teaching other core standards for Utah public schools concepts; and

1149 (iv) using appropriate financial and economic literacy assessments to improve financial

1150 and economic literacy education and, if necessary, developing assessments;

1151 (c) work with interested public, private, and nonprofit entities to:

1152 (i) identify, and make available to teachers, online resources for financial and

1153 economic literacy education, including modules with interactive activities and turnkey

1154 instructor resources;

1155 (ii) coordinate school use of existing financial and economic literacy education

1156 resources;

1157 (iii) develop simple, clear, and consistent messaging to reinforce and link existing

1158 financial literacy resources;

1159 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial

1160 education providers in implementing methods of appropriately communicating to teachers,

1161 students, and parents key financial and economic literacy messages; and

1162 (v) encourage parents and students to establish higher education savings, including a

1163 Utah Educational Savings Plan account;

1164 (d) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]

1165 make rules to develop guidelines and methods for school districts and charter schools to more

1166 fully integrate financial and economic literacy education into other core standards for Utah

1167 public schools courses;

1168 (e) (i) contract with a provider, through a request for proposals process, to develop an

1169 online, end-of-course assessment for the general financial literacy course;

1170 (ii) require a school district or charter school to administer an online, end-of-course

1171 assessment to a student who takes the general financial literacy course; and

1172 (iii) develop a plan, through the state superintendent [~~of public instruction~~], to analyze

1173 the results of an online, end-of-course assessment in general financial literacy that includes:

1174 (A) an analysis of assessment results by standard; and

1175 (B) average scores statewide and by school district and school; and

1176 (f) in cooperation with school districts, charter schools, and interested private and

1177 nonprofit entities, provide opportunities for professional development in financial and

1178 economic literacy to teachers, including:

- 1179 (i) a statewide learning community for financial and economic literacy;
- 1180 (ii) summer workshops; and
- 1181 (iii) online videos of experts in the field of financial and economic literacy education.

1182 (3) (a) The [~~State Board of Education~~] state board shall establish a task force to study
1183 and make recommendations to the state board on how to improve financial and economic
1184 literacy education in the public school system.

1185 (b) The task force membership shall include representatives of:

- 1186 (i) the [~~State Board of Education~~] state board;
- 1187 (ii) school districts and charter schools;
- 1188 (iii) the State Board of Regents; and
- 1189 (iv) private or public entities that teach financial education and share a commitment to
1190 empower individuals and families to achieve economic stability, opportunity, and upward
1191 mobility.

1192 (c) The task force shall reconvene every three years to review and recommend
1193 adjustments to the standards and objectives of the general financial literacy course.

1194 Section 23. Section **53E-3-506** is amended to read:

1195 **53E-3-506. Educational program on the use of information technology.**

1196 (1) The [~~State Board of Education~~] state board shall provide for an educational
1197 program on the use of information technology, which shall be offered by high schools.

1198 (2) An educational program on the use of information technology shall:

- 1199 (a) provide instruction on skills and competencies essential for the workplace and
1200 requested by employers;
- 1201 (b) include the following components:
 - 1202 (i) a curriculum;
 - 1203 (ii) online access to the curriculum;
 - 1204 (iii) instructional software for classroom and student use;
 - 1205 (iv) certification of skills and competencies most frequently requested by employers;

- 1206 (v) professional development for teachers; and
- 1207 (vi) deployment and program support, including integration with existing core
- 1208 standards for Utah public schools; and
- 1209 (c) be made available to high school students, faculty, and staff.

1210 Section 24. Section **53E-3-507** is amended to read:

1211 **53E-3-507. Powers of the state board.**

1212 The [~~State Board of Education~~] state board:

1213 (1) shall establish minimum standards for career and technical education programs in

1214 the public education system;

1215 (2) may apply for, receive, administer, and distribute funds made available through

1216 programs of federal and state governments to promote and aid career and technical education;

1217 (3) shall cooperate with federal and state governments to administer programs that

1218 promote and maintain career and technical education;

1219 (4) shall cooperate with the Utah System of Technical Colleges Board of Trustees, Salt

1220 Lake Community College's School of Applied Technology, Snow College, and Utah State

1221 University Eastern to ensure that students in the public education system have access to career

1222 and technical education at Utah System of Technical Colleges technical colleges, Salt Lake

1223 Community College's School of Applied Technology, Snow College, and Utah State University

1224 Eastern;

1225 (5) shall require that before a minor student may participate in clinical experiences as

1226 part of a health care occupation program at a high school or other institution to which the

1227 student has been referred, the student's parent [~~or legal guardian~~] has:

1228 (a) been first given written notice through appropriate disclosure when registering and

1229 prior to participation that the program contains a clinical experience segment in which the

1230 student will observe and perform specific health care procedures that may include personal

1231 care, patient bathing, and bathroom assistance; and

1232 (b) provided specific written consent for the student's participation in the program and

1233 clinical experience; and

1234 (6) shall, after consulting with school districts, charter schools, the Utah System of
1235 Technical Colleges Board of Trustees, Salt Lake Community College's School of Applied
1236 Technology, Snow College, and Utah State University Eastern, prepare and submit an annual
1237 report to the governor and to the Legislature's Education Interim Committee by October 31 of
1238 each year detailing:

1239 (a) how the career and technical education needs of secondary students are being met;
1240 and

1241 (b) the access secondary students have to programs offered:

1242 (i) at technical colleges; and

1243 (ii) within the regions served by Salt Lake Community College's School of Applied
1244 Technology, Snow College, and Utah State University Eastern.

1245 Section 25. Section **53E-3-508** is amended to read:

1246 **53E-3-508. Rulemaking -- Standards for high quality programs operating outside**
1247 **of the regular school day.**

1248 [~~(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
1249 ~~and in consultation with the Department of Workforce Services, the State Board of Education~~
1250 ~~shall]~~

1251 (1) The state board shall, in consultation with the Department of Workforce Services,
1252 make rules that describe the standards for a high quality program operating outside of the
1253 regular school day:

1254 (a) for elementary or secondary students; and

1255 (b) offered by a:

1256 (i) school district;

1257 (ii) charter school;

1258 (iii) private provider, including a non-profit provider; or

1259 (iv) municipality.

1260 (2) The standards described in Subsection (1) shall specify that a high quality program
1261 operating outside of the regular school day:

- 1262 (a) provides a safe, healthy, and nurturing environment for all participants;
- 1263 (b) develops and maintains positive relationships among staff, participants, families,
- 1264 schools, and communities;
- 1265 (c) encourages participants to learn new skills; and
- 1266 (d) is effectively administered.

1267 Section 26. Section **53E-3-509** is amended to read:

1268 **53E-3-509. Gang prevention and intervention policies.**

1269 (1) (a) The [~~State Board of Education~~] state board shall adopt rules that require a local
1270 school board or charter school governing board [~~of a charter school~~] to enact gang prevention
1271 and intervention policies for all schools within the state board's jurisdiction.

1272 (b) The rules described in Subsection (1)(a) shall provide that the gang prevention and
1273 intervention policies of a local school board or charter school governing board may include
1274 provisions that reflect the individual school district's or charter school's unique needs or
1275 circumstances.

1276 (2) The rules described in Subsection (1) may include the following provisions:

1277 (a) school faculty and personnel shall report suspected gang activities relating to the
1278 school and its students to a school administrator and law enforcement;

1279 (b) a student who participates in gang activities may be excluded from participation in
1280 extracurricular activities, including interscholastic athletics, as determined by the school
1281 administration after consultation with law enforcement;

1282 (c) gang-related graffiti or damage to school property shall result in parent [~~or~~
1283 guardian] notification and appropriate administrative and law enforcement actions, which may
1284 include obtaining restitution from those responsible for the damage;

1285 (d) if a serious gang-related incident, as determined by the school administrator in
1286 consultation with local law enforcement, occurs on school property, at school related activities,
1287 or on a site that is normally considered to be under school control, notification shall be
1288 provided to parents [~~and guardians~~] of students in the school:

1289 (i) informing them, in general terms, about the incident, but removing all personally

1290 identifiable information about students from the notice;

1291 (ii) emphasizing the school's concern for safety; and

1292 (iii) outlining the action taken at the school regarding the incident;

1293 (e) school faculty and personnel shall be trained by experienced evidence based trainers

1294 that may include community gang specialists and law enforcement as part of comprehensive

1295 strategies to recognize early warning signs for youth in trouble and help students resist serious

1296 involvement in undesirable activity, including joining gangs or mimicking gang behavior;

1297 (f) prohibitions on the following behavior:

1298 (i) advocating or promoting a gang or any gang-related activities;

1299 (ii) marking school property, books, or school work with gang names, slogans, or

1300 signs;

1301 (iii) conducting gang initiations;

1302 (iv) threatening another person with bodily injury or inflicting bodily injury on another

1303 in connection with a gang or gang-related activity;

1304 (v) aiding or abetting an activity described under Subsections (2)(f)(i) through (iv) by a

1305 person's presence or support;

1306 (vi) displaying or wearing common gang apparel, common dress, or identifying signs

1307 or symbols on one's clothing, person, or personal property that is disruptive to the school

1308 environment; and

1309 (vii) communicating in any method, including verbal, non-verbal, and electronic

1310 means, designed to convey gang membership or affiliation.

1311 (3) The rules described in Subsection (1) may require a local school board or charter

1312 school governing board [~~of a charter school~~] to publicize the policies enacted by the local

1313 school board or charter school governing board [~~of a charter school~~] in accordance with the

1314 rules described in Subsection (1) to all students, parents, [~~guardians,~~] and faculty through

1315 school websites, handbooks, letters to parents [~~and guardians~~], or other reasonable means of

1316 communication.

1317 (4) The [~~State Board of Education~~] state board may consult with appropriate

1318 committees, including committees that provide opportunities for the input of parents, law
1319 enforcement, and community agencies, as it develops, enacts, and administers the rules
1320 described in Subsection (1).

1321 Section 27. Section **53E-3-510** is amended to read:

1322 **53E-3-510. Control of school lunch revenues -- Apportionment -- Costs.**

1323 (1) School lunch revenues shall be under the control of the [~~State Board of Education~~]
1324 state board and may only be disbursed, transferred, or drawn upon by its order. The revenue
1325 may only be used to provide school lunches and a school lunch program in the state's school
1326 districts in accordance with standards established by the state board.

1327 (2) The state board shall apportion the revenue according to the number of school
1328 children receiving school lunches in each school district. The [~~State Board of Education~~] state
1329 board and local school boards shall employ staff to administer and supervise the school lunch
1330 program and purchase supplies and equipment.

1331 (3) The costs of the school lunch program shall be included in the state board's annual
1332 budget.

1333 Section 28. Section **53E-3-511** is amended to read:

1334 **53E-3-511. Student Achievement Backpack -- Utah Student Record Store.**

1335 (1) As used in this section:

1336 (a) "Authorized LEA user" means a teacher or other person who is:

1337 (i) employed by an LEA that provides instruction to a student; and

1338 (ii) authorized to access data in a Student Achievement Backpack through the Utah
1339 Student Record Store.

1340 [~~(b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf~~
1341 ~~and the Blind.~~]

1342 [~~(c)~~] (b) "Statewide assessment" means the same as that term is defined in Section
1343 **53E-4-301**.

1344 [~~(c)~~] (c) "Student Achievement Backpack" means, for a student from kindergarten
1345 through grade 12, a complete learner profile that:

- 1346 (i) is in electronic format;
- 1347 (ii) follows the student from grade to grade and school to school; and
- 1348 (iii) is accessible by the student's parent [~~or guardian~~] or an authorized LEA user.
- 1349 [~~(c)~~] (d) "Utah Student Record Store" means a repository of student data collected from
- 1350 LEAs as part of the state's longitudinal data system that is:
- 1351 (i) managed by the [~~State Board of Education~~] state board;
- 1352 (ii) cloud-based; and
- 1353 (iii) accessible via a web browser to authorized LEA users.
- 1354 (2) (a) The [~~State Board of Education~~] state board shall use the [~~State Board of~~
- 1355 ~~Education~~] state board's robust, comprehensive data collection system, which collects
- 1356 longitudinal student transcript data from LEAs and the unique student identifiers as described
- 1357 in Section [53E-4-308](#), to allow the following to access a student's Student Achievement
- 1358 Backpack:
- 1359 (i) the student's parent [~~or guardian~~]; and
- 1360 (ii) each LEA that provides instruction to the student.
- 1361 (b) The [~~State Board of Education~~] state board shall ensure that a Student Achievement
- 1362 Backpack:
- 1363 (i) provides a uniform, transparent reporting mechanism for individual student
- 1364 progress;
- 1365 (ii) provides a complete learner history for postsecondary planning;
- 1366 (iii) provides a teacher with visibility into a student's complete learner profile to better
- 1367 inform instruction and personalize education;
- 1368 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
- 1369 the use of data already collected by the [~~State Board of Education~~] state board;
- 1370 (v) facilitates a student's parent [~~or guardian~~] taking an active role in the student's
- 1371 education by simplifying access to the student's complete learner profile; and
- 1372 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
- 1373 storage and collection system.

1374 (3) Using existing information collected and stored in the [~~State Board of Education's~~]
1375 state board's data warehouse, the [~~State Board of Education~~] state board shall create the Utah
1376 Student Record Store where an authorized LEA user may:

1377 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
1378 school; or

1379 (b) request student records to be transferred from one LEA to another.

1380 (4) The [~~State Board of Education~~] state board shall implement security measures to
1381 ensure that:

1382 (a) student data stored or transmitted to or from the Utah Student Record Store is
1383 secure and confidential pursuant to the requirements of the Family Educational Rights and
1384 Privacy Act, 20 U.S.C. Sec. 1232g; and

1385 (b) an authorized LEA user may only access student data that is relevant to the user's
1386 LEA or school.

1387 (5) A student's parent [~~or guardian~~] may request the student's Student Achievement
1388 Backpack from the LEA or the school in which the student is enrolled.

1389 (6) An authorized LEA user may access student data in a Student Achievement
1390 Backpack, which shall include the following data, or request that the data be transferred from
1391 one LEA to another:

1392 (a) student demographics;

1393 (b) course grades;

1394 (c) course history; and

1395 (d) results of a statewide assessment.

1396 (7) An authorized LEA user may access student data in a Student Achievement
1397 Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the
1398 following data, or request that the data be transferred from one LEA to another:

1399 (a) section attendance;

1400 (b) the name of a student's teacher for classes or courses the student takes;

1401 (c) teacher qualifications for a student's teacher, including years of experience, degree,

1402 license, and endorsement;

1403 (d) results of statewide assessments;

1404 (e) a student's writing sample that is written for a writing assessment administered
1405 pursuant to Section 53E-4-303;

1406 (f) student growth scores on a statewide assessment, as applicable;

1407 (g) a school's grade assigned pursuant to Chapter 5, Part 2, School Accountability
1408 System;

1409 (h) results of benchmark assessments of reading administered pursuant to Section
1410 53E-4-307; and

1411 (i) a student's reading level at the end of grade 3.

1412 (8) No later than June 30, 2017, the [~~State Board of Education~~] state board shall ensure
1413 that data collected in the Utah Student Record Store for a Student Achievement Backpack is
1414 integrated into each LEA's student information system and is made available to a student's
1415 parent [~~or guardian~~] and an authorized LEA user in an easily accessible viewing format.

1416 Section 29. Section 53E-3-512 is amended to read:

1417 **53E-3-512. State board rules establishing basic ethical conduct standards --**

1418 **Local school board policies.**

1419 [~~(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
1420 ~~the State Board of Education]~~

1421 (1) The state board shall make rules that establish basic ethical conduct standards for
1422 public education employees who provide education-related services outside of their regular
1423 employment to their current or prospective public school students.

1424 (2) The rules shall provide that a local school board may adopt policies implementing
1425 the standards and addressing circumstances present in the district.

1426 Section 30. Section 53E-3-513 is amended to read:

1427 **53E-3-513. Parental permission required for specified in-home programs --**

1428 **Exceptions.**

1429 (1) The [~~State Board of Education~~] state board, local school boards, school districts,

1430 and public schools are prohibited from requiring infant or preschool in-home literacy or other
1431 educational or parenting programs without obtaining parental permission in each individual
1432 case.

1433 (2) This section does not prohibit the Division of Child and Family Services, within the
1434 Department of Human Services, from providing or arranging for family preservation or other
1435 statutorily provided services in accordance with Title 62A, Chapter 4a, Child and Family
1436 Services, or any other in-home services that have been court ordered, pursuant to Title 62A,
1437 Chapter 4a, Child and Family Services, or Title 78A, Chapter 6, Juvenile Court Act.

1438 Section 31. Section **53E-3-515** is amended to read:

1439 **53E-3-515. Hospitality and Tourism Management Career and Technical**
1440 **Education Pilot Program.**

1441 (1) As used in this section:

1442 [~~(a)~~ "Board" means the State Board of Education.]

1443 [~~(b)~~ (a) "Local education agency" means a school district or charter school.

1444 [~~(c)~~ (b) "Pilot program" means the Hospitality and Tourism Management Career and
1445 Technical Education Pilot Program created under Subsection (2).

1446 (2) There is created a Hospitality and Tourism Management Career and Technical
1447 Education Pilot Program to provide instruction that a local education agency may offer to a
1448 student in any of grades 9 through 12 on:

1449 (a) the information and skills required for operational level employee positions in
1450 hospitality and tourism management, including:

1451 (i) hospitality soft skills;

1452 (ii) operational areas of the hospitality industry;

1453 (iii) sales and marketing; and

1454 (iv) safety and security; and

1455 (b) the leadership and managerial responsibilities, knowledge, and skills required by an
1456 entry-level leader in hospitality and tourism management, including:

1457 (i) hospitality leadership skills;

1458 (ii) operational leadership;

1459 (iii) managing food and beverage operations; and

1460 (iv) managing business operations.

1461 (3) The instruction described in Subsection (2) may be delivered in a public school
1462 using live instruction, video, or online materials.

1463 (4) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
1464 board shall select one or more providers to supply materials and curriculum for the pilot
1465 program.

1466 (b) The state board may seek recommendations from trade associations and other
1467 entities that have expertise in hospitality and tourism management regarding potential
1468 providers of materials and curriculum for the pilot program.

1469 (5) (a) A local education agency may apply to the state board to participate in the pilot
1470 program.

1471 (b) The state board shall select participants in the pilot program.

1472 (c) A local education agency that participates in the pilot program shall use the
1473 materials and curriculum supplied by a provider selected under Subsection (4).

1474 (6) The state board shall evaluate the pilot program and provide an annual written
1475 report to the Education Interim Committee and the Economic Development and Workforce
1476 Services Interim Committee on or before October 1 describing:

1477 (a) how many local education agencies and how many students are participating in the
1478 pilot program; and

1479 (b) any recommended changes to the pilot program.

1480 Section 32. Section **53E-3-516** is amended to read:

1481 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
1482 **authority.**

1483 (1) As used in this section:

1484 (a) "Disciplinary action" means an action by a public school meant to formally
1485 discipline a student of that public school that includes a suspension or expulsion.

- 1486 (b) "Law enforcement agency" means the same as that term is defined in Section
1487 [77-7a-103](#).
- 1488 (c) "Minor" means the same as that term is defined in Section [53G-6-201](#).
- 1489 (d) "Other law enforcement activity" means a significant law enforcement interaction
1490 with a minor that does not result in an arrest, including:
- 1491 (i) a search and seizure by an SRO;
 - 1492 (ii) issuance of a criminal citation;
 - 1493 (iii) issuance of a ticket or summons;
 - 1494 (iv) filing a delinquency petition; or
 - 1495 (v) referral to a probation officer.
- 1496 (e) "School is in session" means the hours of a day during which a public school
1497 conducts instruction for which student attendance is counted toward calculating average daily
1498 membership.
- 1499 (f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
1500 clinic, or other event or activity that is authorized by a specific public school, according to
1501 ~~[local]~~ LEA governing board policy, and satisfies at least one of the following conditions:
- 1502 (A) the activity is managed or supervised by a school district, public school, or public
1503 school employee;
 - 1504 (B) the activity uses the school district or public school facilities, equipment, or other
1505 school resources; or
 - 1506 (C) the activity is supported or subsidized, more than inconsequentially, by public
1507 funds, including the public school's activity funds or ~~[minimum school program]~~ Minimum
1508 School Program dollars.
- 1509 (ii) "School-sponsored activity" includes preparation for and involvement in a public
1510 performance, contest, athletic competition, demonstration, display, or club activity.
- 1511 (g) "Student resource officer" or "SRO" means the same as that term is defined in
1512 Section [53G-8-701](#).
- 1513 (2) Beginning on July 1, 2020, the ~~[State Board of Education]~~ state board, in

1514 collaboration with school districts, charter schools, and law enforcement agencies, shall
1515 develop an annual report regarding the following incidents that occur on school grounds while
1516 school is in session or during a school-sponsored activity:

- 1517 (a) arrests of a minor;
- 1518 (b) other law enforcement activities; and
- 1519 (c) disciplinary actions.

1520 (3) The report described in Subsection (2) shall include the following information by
1521 school district and charter school:

- 1522 (a) the number of arrests of a minor, including the reason why the minor was arrested;
- 1523 (b) the number of other law enforcement activities, including the following information
1524 for each incident:

- 1525 (i) the reason for the other law enforcement activity; and
- 1526 (ii) the type of other law enforcement activity used;
- 1527 (c) the number of disciplinary actions imposed, including:
 - 1528 (i) the reason for the disciplinary action; and
 - 1529 (ii) the type of disciplinary action; and
 - 1530 (d) the number of SROs employed.

1531 (4) The report described in Subsection (2) shall include the following information, in
1532 aggregate, for each element described in Subsections (3)(a) through (c):

- 1533 (a) age;
- 1534 (b) grade level;
- 1535 (c) race;
- 1536 (d) sex; and
- 1537 (e) disability status.

1538 (5) Information included in the annual report described in Subsection (2) shall comply
1539 with:

- 1540 (a) Chapter 9, Part 3, Student Data Protection ~~[Act]~~;
- 1541 (b) Chapter 9, Part 2, Student Privacy; and

1542 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
 1543 ~~[(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
 1544 ~~the State Board of Education]~~

1545 (6) The state board shall make rules to compile the report described in Subsection (2).

1546 (7) The ~~[State Board of Education]~~ state board shall provide the report described in
 1547 Subsection (2) to the Education Interim Committee before November 1 of each year for
 1548 incidents that occurred during the previous school year.

1549 Section 33. Section **53E-3-517** is amended to read:

1550 **53E-3-517. Educator credential database.**

1551 (1) As used in this section:

1552 ~~[(a) "Board" means the State Board of Education.]~~

1553 ~~[(b)]~~ (a) "Educator" means the same as that term is defined in Section [53E-6-102](#).

1554 ~~[(c)]~~ (b) "Educator credential database" means a database used by the state board that:

1555 (i) contains educator credential information and LEA information; and

1556 (ii) is used by the state board to determine funding distribution.

1557 ~~[(d) "Local education agency" or "LEA" means:]~~

1558 ~~[(i) a charter school;]~~

1559 ~~[(ii) a school district; or]~~

1560 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

1561 (2) Before July 1, 2020, the state board shall ensure that a technical limitation of the
 1562 educator credential database does not prevent an educator from accepting employment at more
 1563 than one LEA.

1564 Section 34. Section **53E-3-602** is amended to read:

1565 **53E-3-602. Auditors appointed -- Auditing standards.**

1566 (1) Procedures utilized by auditors employed by local school boards shall meet or
 1567 exceed generally accepted auditing standards approved by the ~~[State Board of Education]~~ state
 1568 board and the state auditor.

1569 (2) The standards must include financial accounting for both revenue and expenditures,

1570 and student accounting.

1571 Section 35. Section **53E-3-603** is amended to read:

1572 **53E-3-603. State board to verify audits.**

1573 The [~~State Board of Education~~] state board is responsible for verifying audits of
1574 financial and student accounting records of school districts for purposes of determining the
1575 allocation of Uniform School Fund money.

1576 Section 36. Section **53E-3-702** is amended to read:

1577 **53E-3-702. State board to adopt public school construction guidelines.**

1578 (1) As used in this section[~~:(a) "Board" means the State Board of Education. (b)~~
1579 ~~"Public~~], "public school construction" means construction work on a new public school.

1580 (2) (a) The state board shall:

1581 (i) adopt guidelines for public school construction; and

1582 (ii) consult with the Division of Facilities Construction and Management

1583 Administration on proposed guidelines before adoption.

1584 (b) The state board shall ensure that guidelines adopted under Subsection (2)(a)(i)
1585 maximize funds used for public school construction and reflect efficient and economic use of
1586 those funds, including adopting guidelines that address a school's essential needs rather than
1587 encouraging or endorsing excessive costs per square foot of construction or nonessential
1588 facilities, design, or furnishings.

1589 (3) Before a school district or charter school may begin public school construction, the
1590 school district or charter school shall:

1591 (a) review the guidelines adopted by the state board under this section; and

1592 (b) take into consideration the guidelines when planning the public school
1593 construction.

1594 (4) In adopting the guidelines for public school construction, the state board shall
1595 consider the following and adopt alternative guidelines as needed:

1596 (a) location factors, including whether the school is in a rural or urban setting, and
1597 climate factors;

- 1598 (b) variations in guidelines for significant or minimal projected student population
1599 growth;
- 1600 (c) guidelines specific to schools that serve various populations and grades, including
1601 high schools, junior high schools, middle schools, elementary schools, alternative schools, and
1602 schools for people with disabilities; and
- 1603 (d) year-round use.
- 1604 (5) The guidelines shall address the following:
- 1605 (a) square footage per student;
- 1606 (b) minimum and maximum required real property for a public school;
- 1607 (c) athletic facilities and fields, playgrounds, and hard surface play areas;
- 1608 (d) cost per square foot;
- 1609 (e) minimum and maximum qualities and costs for building materials;
- 1610 (f) design efficiency;
- 1611 (g) parking;
- 1612 (h) furnishing;
- 1613 (i) proof of compliance with applicable building codes; and
- 1614 (j) safety.

1615 Section 37. Section **53E-3-703** is amended to read:

1616 **53E-3-703. Construction and alteration of schools and plants -- Advertising for**
1617 **bids -- Payment and performance bonds -- Contracts -- Bidding limitations on local**
1618 **school boards -- Interest of local school board members.**

1619 (1) As used in this section, the word "sealed" does not preclude acceptance of
1620 electronically sealed and submitted bids or proposals in addition to bids or proposals manually
1621 sealed and submitted.

1622 (2) (a) Prior to the construction of any school or the alteration of any existing school
1623 plant, if the total estimated accumulative building project cost exceeds \$80,000, a local school
1624 board shall advertise for bids on the project at least 10 days before the bid due date.

1625 (b) The advertisement shall state:

1626 (i) that proposals for the building project are required to be sealed in accordance with
1627 plans and specifications provided by the local school board;

1628 (ii) where and when the proposals will be opened;

1629 (iii) that the local school board reserves the right to reject any and all proposals; and

1630 (iv) that a person that submits a proposal is required to submit a certified check or bid
1631 bond, of not less than 5% of the bid in the proposal, to accompany the proposal.

1632 (c) The local school board shall publish the advertisement, at a minimum:

1633 (i) on the local school board's website; or

1634 (ii) on a state website that is:

1635 (A) owned or managed by, or provided under contract with, the Division of Purchasing
1636 and General Services; and

1637 (B) available for the posting of public procurement notices.

1638 (3) (a) The local school board shall meet at the time and place specified in the
1639 advertisement and publicly open and read all received proposals.

1640 (b) If satisfactory bids are received, the local school board shall award the contract to
1641 the lowest responsible bidder.

1642 (c) If none of the proposals are satisfactory, all shall be rejected.

1643 (d) The local school board shall again advertise in the manner provided in this section.

1644 (e) If, after advertising a second time no satisfactory bid is received, the local school
1645 board may proceed under its own direction with the required project.

1646 (4) (a) The check or bond required under Subsection (2)(b) shall be drawn in favor of
1647 the local school board.

1648 (b) If the successful bidder fails or refuses to enter into the contract and furnish the
1649 additional bonds required under this section, then the bidder's check or bond is forfeited to the
1650 district.

1651 (5) A local school board shall require payment and performance bonds of the
1652 successful bidder as required in Section [63G-6a-1103](#).

1653 (6) (a) A local school board may require in the proposed contract that up to 5% of the

1654 contract price be withheld until the project is completed and accepted by the local school
1655 board.

1656 (b) If money is withheld, the local school board shall place it in an interest bearing
1657 account, and the interest accrues for the benefit of the contractor and subcontractors.

1658 (c) This money shall be paid upon completion of the project and acceptance by the
1659 local school board.

1660 (7) (a) A local school board may not bid on projects within the district if the total
1661 accumulative estimated cost exceeds \$80,000.

1662 (b) The local school board may use its resources if no satisfactory bids are received
1663 under this section.

1664 (8) If the local school board determines in accordance with Section [63G-6a-1302](#) to use
1665 a construction manager/general contractor as its method of construction contracting
1666 management on projects where the total estimated accumulative cost exceeds \$80,000, it shall
1667 select the construction manager/general contractor in accordance with the requirements of Title
1668 63G, Chapter 6a, Utah Procurement Code.

1669 (9) A local school board member may not have a direct or indirect financial interest in
1670 the construction project contract.

1671 Section 38. Section **53E-3-705** is amended to read:

1672 **53E-3-705. School plant capital outlay report.**

1673 (1) The [~~State Board of Education~~] state board shall prepare an annual school plant
1674 capital outlay report of all school districts, which includes information on the number and size
1675 of building projects completed and under construction.

1676 (2) A school district or charter school shall prepare and submit an annual school plant
1677 capital outlay report in accordance with Section [63A-3-402](#).

1678 Section 39. Section **53E-3-706** is amended to read:

1679 **53E-3-706. Enforcement of part by state superintendent -- Employment of**
1680 **personnel -- School districts and charter schools -- Certificate of inspection verification.**

1681 (1) The state superintendent [~~of public instruction~~] shall enforce this part.

1682 (2) The state superintendent may employ architects or other qualified personnel, or
1683 contract with the State Building Board, the state fire marshal, or a local governmental entity to:

1684 (a) examine the plans and specifications of any school building or alteration submitted
1685 under this part;

1686 (b) verify the inspection of any school building during or following construction; and

1687 (c) perform other functions necessary to ensure compliance with this part.

1688 (3) (a) (i) If a local school board uses the school district's building inspector under
1689 Subsection 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and issues its own certificate authorizing
1690 permanent occupancy of the school building, the local school board shall file a certificate of
1691 inspection verification with the local governmental entity's building official and the [~~State~~
1692 ~~Board of Education~~] state board, advising those entities that the school district has complied
1693 with the inspection provisions of this part.

1694 (ii) If a charter school uses a school district building inspector under Subsection
1695 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and the school district issues to the charter school a
1696 certificate authorizing permanent occupancy of the school building, the charter school shall file
1697 with the [~~State Board of Education~~] state board a certificate of inspection verification.

1698 (iii) If a local school board or charter school uses a local governmental entity's building
1699 inspector under Subsection 10-9a-305(6)(a)(i) or 17-27a-305(6)(a)(i) and the local
1700 governmental entity issues the local school board or charter school a certificate authorizing
1701 permanent occupancy of the school building, the local school board or charter school shall file
1702 with the [~~State Board of Education~~] state board a certificate of inspection verification.

1703 (iv) (A) If a local school board or charter school uses an independent, certified building
1704 inspector under Subsection 10-9a-305(6)(a)(iii) or 17-27a-305(6)(a)(iii), the local school board
1705 or charter school shall, upon completion of all required inspections of the school building, file
1706 with the [~~State Board of Education~~] state board a certificate of inspection verification and a
1707 request for the issuance of a certificate authorizing permanent occupancy of the school
1708 building.

1709 (B) Upon the local school board's or charter school's filing of the certificate and request

1710 as provided in Subsection (3)(a)(iv)(A), the school district or charter school shall be entitled to
1711 temporary occupancy of the school building that is the subject of the request for a period of 90
1712 days, beginning the date the request is filed, if the school district or charter school has
1713 complied with all applicable fire and life safety code requirements.

1714 (C) Within 30 days after the local school board or charter school files a request under
1715 Subsection (3)(a)(iv)(A) for a certificate authorizing permanent occupancy of the school
1716 building, the state superintendent [~~of public instruction~~] shall:

1717 (I) (Aa) issue to the local school board or charter school a certificate authorizing
1718 permanent occupancy of the school building; or

1719 (Bb) deliver to the local school board or charter school a written notice indicating
1720 deficiencies in the school district's or charter school's compliance with the inspection
1721 provisions of this part; and

1722 (II) mail a copy of the certificate authorizing permanent occupancy or the notice of
1723 deficiency to the building official of the local governmental entity in which the school building
1724 is located.

1725 (D) Upon the local school board or charter school remedying the deficiencies indicated
1726 in the notice under Subsection (3)(a)(iv)(C)(I)(Bb) and notifying the state superintendent [~~of~~
1727 ~~public instruction~~] that the deficiencies have been remedied, the state superintendent [~~of public~~
1728 ~~instruction~~] shall issue a certificate authorizing permanent occupancy of the school building
1729 and mail a copy of the certificate to the building official of the local governmental entity in
1730 which the school building is located.

1731 (E) (I) The state superintendent [~~of public instruction~~] may charge the school district or
1732 charter school a fee for an inspection that the state superintendent considers necessary to enable
1733 the state superintendent to issue a certificate authorizing permanent occupancy of the school
1734 building.

1735 (II) A fee under Subsection (3)(a)(iv)(E)(I) may not exceed the actual cost of
1736 performing the inspection.

1737 (b) For purposes of this Subsection (3):

1738 (i) "local governmental entity" means either a municipality, for a school building
1739 located within a municipality, or a county, for a school building located within an
1740 unincorporated area in the county; and

1741 (ii) "certificate of inspection verification" means a standard inspection form developed
1742 by the state superintendent in consultation with local school boards and charter schools to
1743 verify that inspections by qualified inspectors have occurred.

1744 Section 40. Section **53E-3-707** is amended to read:

1745 **53E-3-707. School building construction and inspection manual -- Annual**
1746 **construction and inspection conference -- Verification of school construction inspections.**

1747 (1) (a) The [~~State Board of Education~~] state board, through the state superintendent [~~of~~
1748 ~~public instruction~~], shall develop and distribute to each school district a school building
1749 construction and inspection resource manual.

1750 (b) The manual shall be provided to a charter school upon request of the charter school.

1751 (2) (a) The manual shall include:

1752 (i) current legal requirements; and

1753 (ii) information on school building construction and inspections, including the
1754 guidelines adopted by the [~~State Board of Education~~] state board in accordance with Section
1755 **53E-3-702**.

1756 (b) The state superintendent shall review and update the manual at least once every
1757 three years.

1758 (3) The state board shall provide for an annual school construction conference to allow
1759 a representative from each school district and charter school to:

1760 (a) receive current information on the design, construction, and inspection of school
1761 buildings;

1762 (b) receive training on such matters as:

1763 (i) using properly certified building inspectors;

1764 (ii) filing construction inspection summary reports and the final inspection certification
1765 with the local governmental authority's building official;

1766 (iii) the roles and relationships between a school district or charter school and the local
1767 governmental authority, either a county or municipality, as related to the construction and
1768 inspection of school buildings; and

1769 (iv) adequate documentation of school building inspections; and

1770 (c) provide input on any changes that may be needed to improve the existing school
1771 building inspection program.

1772 (4) The state board shall develop a process to verify that inspections by qualified
1773 inspectors occur in each school district or charter school.

1774 Section 41. Section **53E-3-709** is amended to read:

1775 **53E-3-709. Power of state board regarding expected federal aid to build schools.**

1776 For the purpose of participating in any program of assistance by the government of the
1777 United States designed to aid the various states, their political subdivisions and their
1778 educational agencies and institutions in providing adequate educational buildings and facilities,
1779 the [~~State Board of Education~~] state board, with the approval of the governor, may do the
1780 following:

1781 (1) It may develop and implement plans relating to the building of educational
1782 buildings for the use and benefit of school districts and educational institutions and agencies of
1783 the state. These plans may conform to the requirements of federal legislation to such extent as
1784 the state board finds necessary to qualify the state and its educational subdivisions, agencies,
1785 and institutions for federal educational building grants-in-aid.

1786 (2) It may enter into agreements on behalf of the state, its school districts, and its
1787 educational agencies and institutions with the federal government and its agencies, and with the
1788 school districts, educational agencies, and institutions of the state, as necessary to comply with
1789 federal legislation and to secure for them rights of participation as necessary to fulfill the
1790 educational building needs of the state.

1791 (3) It may accept, allocate, disburse, and otherwise deal with federal funds or other
1792 assets that are available for buildings from any federal legislation or program of assistance
1793 among the school districts, public educational agencies, and other public institutions eligible to

1794 participate in those programs.

1795 Section 42. Section **53E-3-801** is amended to read:

1796 **53E-3-801. Definitions.**

1797 As used in this part:

1798 (1) (a) "Cost" means an estimation of state and local money required to implement a
1799 federal education agreement or national program.

1800 (b) "Cost" does not include capital costs associated with implementing a federal
1801 education agreement or national program.

1802 (2) "Education entities" means the entities that may bear the state and local costs of
1803 implementing a federal program or national program, including:

1804 (a) the [~~State Board of Education~~] state board;

1805 (b) the state superintendent [~~of public instruction~~];

1806 (c) a local school board;

1807 (d) a school district and its schools;

1808 (e) a charter school governing board; and

1809 (f) a charter school.

1810 (3) "Federal education agreement" means a legally binding document or representation
1811 that requires a school official to implement a federal program or set of requirements that
1812 originates from the U.S. Department of Education and that has, as a primary focus, an impact
1813 on the educational services at a district or charter school.

1814 (4) "Federal programs" include:

1815 (a) the No Child Left Behind Act;

1816 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law
1817 105-17, and subsequent amendments; and

1818 (c) other federal educational programs.

1819 (5) "National program" means a national or multi-state education program, agreement,
1820 or standards that:

1821 (a) originated from, or were received directly or indirectly from, a national or

1822 multi-state organization, coalition, or compact;

1823 (b) have, as a primary focus, an impact on the educational services at a public school;

1824 and

1825 (c) are adopted by the [~~State Board of Education~~] state board or state superintendent [~~of~~

1826 ~~public instruction~~] with the intent to cause a local school official to implement the national or

1827 multi-state education program, agreement, or standards.

1828 (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20

1829 U.S.C. Sec. 6301 et seq.

1830 (7) "School official" includes:

1831 (a) the [~~State Board of Education~~] state board;

1832 (b) the state superintendent;

1833 (c) employees of the [~~State Board of Education~~] state board and the state

1834 superintendent;

1835 (d) local school boards;

1836 (e) school district superintendents and employees; and

1837 (f) charter school governing board members, administrators, and employees.

1838 Section 43. Section **53E-3-802** is amended to read:

1839 **53E-3-802. Federal programs -- School official duties.**

1840 (1) School officials may:

1841 (a) apply for, receive, and administer funds made available through programs of the

1842 federal government;

1843 (b) only expend federal funds for the purposes for which they are received and are

1844 accounted for by the state, school district, or charter school; and

1845 (c) reduce or eliminate a program created with or expanded by federal funds to the

1846 extent allowed by law when federal funds for that program are subsequently reduced or

1847 eliminated.

1848 (2) School officials shall:

1849 (a) prioritize resources, especially to resolve conflicts between federal provisions or

1850 between federal and state programs, including:

1851 (i) providing first priority to meeting state goals, objectives, program needs, and
1852 accountability systems as they relate to federal programs; and

1853 (ii) subject to Subsection (4), providing second priority to implementing federal goals,
1854 objectives, program needs, and accountability systems that do not directly and simultaneously
1855 advance state goals, objectives, program needs, and accountability systems;

1856 (b) interpret the provisions of federal programs in the best interest of students in this
1857 state;

1858 (c) maximize local control and flexibility;

1859 (d) minimize additional state resources that are diverted to implement federal programs
1860 beyond the federal money that is provided to fund the programs;

1861 (e) request changes to federal educational programs, especially programs that are
1862 underfunded or provide conflicts with other state or federal programs, including:

1863 (i) federal statutes;

1864 (ii) federal regulations; and

1865 (iii) other federal policies and interpretations of program provisions; and

1866 (f) seek waivers from all possible federal statutes, requirements, regulations, and
1867 program provisions from federal education officials to:

1868 (i) maximize state flexibility in implementing program provisions; and

1869 (ii) receive reasonable time to comply with federal program provisions.

1870 (3) The requirements of school officials under this part, including the responsibility to
1871 lobby federal officials, are not intended to mandate school officials to incur costs or require the
1872 hiring of lobbyists, but are intended to be performed in the course of school officials' normal
1873 duties.

1874 (4) (a) As used in this Subsection (4):

1875 (i) "Available Education Fund revenue surplus" means the Education Fund revenue
1876 surplus after the statutory transfers and set-asides described in Section [63J-1-313](#).

1877 (ii) "Education Fund revenue surplus" means the same as that term is defined in

1878 Section 63J-1-313.

1879 (b) Before prioritizing the implementation of a future federal goal, objective, program
1880 need, or accountability system that does not directly and simultaneously advance a state goal,
1881 objective, program need, or accountability system, the [~~State Board of Education~~] state board
1882 may:

1883 (i) determine the financial impact of failure to implement the federal goal, objective,
1884 program need, or accountability system; and

1885 (ii) if the [~~State Board of Education~~] state board determines that failure to implement
1886 the federal goal, objective, program need, or accountability system may result in a financial
1887 loss, request that the Legislature mitigate the financial loss.

1888 (c) A mitigation requested under Subsection (4)(b)(ii) may include appropriating
1889 available Education Fund revenue surplus through an appropriations act, including an
1890 appropriations act passed during a special session called by the governor or a general session.

1891 (d) This mitigation option is in addition to and does not restrict or conflict with the
1892 state's authority provided in this part.

1893 Section 44. Section 53E-3-903 is amended to read:

1894 **53E-3-903. Article II -- Definitions.**

1895 (1) As used in this compact, unless the context clearly requires a different construction:

1896 [~~(1)~~] (a) "Active duty" means full-time duty status in the active uniformed service of
1897 the United States, including members of the National Guard and Reserve.

1898 [~~(2)~~] (b) "Children of military families" means a school-aged child, enrolled in
1899 Kindergarten through Twelfth grade, in the household of an active duty member.

1900 [~~(3)~~] (c) "Compact commissioner" means the voting representative of each compacting
1901 state appointed pursuant to Article VIII of this compact.

1902 [~~(4)~~] (d) "Deployment" means the period one month prior to the service member's
1903 departure from their home station on military orders through six months after return to their
1904 home station.

1905 [~~(5)~~] (e) "Education" or "educational records" means those official records, files, and

1906 data directly related to a student and maintained by the school or local education agency,
1907 including but not limited to records encompassing all the material kept in the student's
1908 cumulative folder such as general identifying data, records of attendance and of academic work
1909 completed, records of achievement and results of evaluative tests, health data, disciplinary
1910 status, test protocols, and individualized education programs.

1911 ~~[(6)]~~ (f) "Extracurricular activities" means a voluntary activity sponsored by the school
1912 or local education agency or an organization sanctioned by the local education agency.

1913 Extracurricular activities include, but are not limited to, preparation for and involvement in
1914 public performances, contests, athletic competitions, demonstrations, displays, and club
1915 activities.

1916 ~~[(7)]~~ (g) "Interstate Commission on Educational Opportunity for Military Children"
1917 means the commission that is created in Section [53E-3-910](#) and generally referred to as
1918 Interstate Commission.

1919 ~~[(8)]~~ (h) "Local education agency" means a public authority legally constituted by the
1920 state as an administrative agency to provide control of and direction for Kindergarten through
1921 Twelfth grade public educational institutions.

1922 ~~[(9)]~~ (i) "Member state" means a state that has enacted this compact.

1923 ~~[(10)]~~ (j) "Military installation" means a base, camp, post, station, yard, center,
1924 homeport facility for any ship, or other activity under the jurisdiction of the Department of
1925 Defense, including any leased facility, which is located within any of the several states, the
1926 District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,
1927 American Samoa, the Northern Mariana Islands, and any other U.S. Territory. The term does
1928 not include any facility used primarily for civil works, rivers and harbors projects, or flood
1929 control projects.

1930 ~~[(11)]~~ (k) "Non-member state" means a state that has not enacted this compact.

1931 ~~[(12)]~~ (l) "Receiving state" means the state to which a child of a military family is sent,
1932 brought, or caused to be sent or brought.

1933 ~~[(13)]~~ (m) "Rule" means a written statement by the Interstate Commission promulgated

1934 pursuant to Section 53E-3-913 that is of general applicability, implements, interprets, or
1935 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
1936 requirement of the Interstate Commission, and has the force and effect of a rule promulgated
1937 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and includes the
1938 amendment, repeal, or suspension of an existing rule.

1939 [(14)] (n) "Sending state" means the state from which a child of a military family is
1940 sent, brought, or caused to be sent or brought.

1941 [(15)] (o) "State" means a state of the United States, the District of Columbia, the
1942 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern
1943 Mariana Islands, and any other U.S. Territory.

1944 [(16)] (p) "Student" means the child of a military family for whom the local education
1945 agency receives public funding and who is formally enrolled in Kindergarten through Twelfth
1946 grade.

1947 [(17)] (q) "Transition" means:

1948 [(a)] (i) the formal and physical process of transferring from school to school; or

1949 [(b)] (ii) the period of time in which a student moves from one school in the sending
1950 state to another school in the receiving state.

1951 [(18)] (r) "Uniformed services" means the same as that term is defined in Section
1952 68-3-12.5.

1953 [(19)] (s) "Veteran" means a person who served in the uniformed services and who was
1954 discharged or released therefrom under conditions other than dishonorable.

1955 (2) The definitions described in Section 53E-1-102 do not apply to this compact.

1956 Section 45. Section 53E-4-202 is amended to read:

1957 **53E-4-202. Core standards for Utah public schools.**

1958 (1) (a) In establishing minimum standards related to curriculum and instruction
1959 requirements under Section 53E-3-501, the [~~State Board of Education~~] state board shall, in
1960 consultation with local school boards, school superintendents, teachers, employers, and parents
1961 implement core standards for Utah public schools that will enable students to, among other

1962 objectives:

1963 (i) communicate effectively, both verbally and through written communication;

1964 (ii) apply mathematics; and

1965 (iii) access, analyze, and apply information.

1966 (b) Except as provided in this public education code, the [~~State Board of Education~~]

1967 state board may recommend but may not require a local school board or charter school

1968 governing board to use:

1969 (i) a particular curriculum or instructional material; or

1970 (ii) a model curriculum or instructional material.

1971 (2) The [~~State Board of Education~~] state board shall, in establishing the core standards

1972 for Utah public schools:

1973 (a) identify the basic knowledge, skills, and competencies each student is expected to
1974 acquire or master as the student advances through the public education system; and

1975 (b) align with each other the core standards for Utah public schools and the
1976 assessments described in Section [53E-4-303](#).

1977 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
1978 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
1979 continual progress within and between grade levels and courses in the basic academic areas of:

1980 (a) English, including explicit phonics, spelling, grammar, reading, writing,
1981 vocabulary, speech, and listening; and

1982 (b) mathematics, including basic computational skills.

1983 (4) Before adopting core standards for Utah public schools, the [~~State Board of~~
1984 ~~Education~~] state board shall:

1985 (a) publicize draft core standards for Utah public schools on the [~~State Board of~~
1986 ~~Education's~~] state board's website and the Utah Public Notice website created under Section
1987 [63F-1-701](#);

1988 (b) invite public comment on the draft core standards for Utah public schools for a
1989 period of not less than 90 days; and

1990 (c) conduct three public hearings that are held in different regions of the state on the
1991 draft core standards for Utah public schools.

1992 (5) [~~Local school~~] LEA governing boards shall design their school programs, that are
1993 supported by generally accepted scientific standards of evidence, to focus on the core standards
1994 for Utah public schools with the expectation that each program will enhance or help achieve
1995 mastery of the core standards for Utah public schools.

1996 (6) Except as provided in Section 53G-10-402, each school may select instructional
1997 materials and methods of teaching, that are supported by generally accepted scientific standards
1998 of evidence, that the school considers most appropriate to meet the core standards for Utah
1999 public schools.

2000 (7) The state may exit any agreement, contract, memorandum of understanding, or
2001 consortium that cedes control of the core standards for Utah public schools to any other entity,
2002 including a federal agency or consortium, for any reason, including:

2003 (a) the cost of developing or implementing the core standards for Utah public schools;

2004 (b) the proposed core standards for Utah public schools are inconsistent with
2005 community values; or

2006 (c) the agreement, contract, memorandum of understanding, or consortium:

2007 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
2008 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;

2009 (ii) conflicts with Utah law;

2010 (iii) requires Utah student data to be included in a national or multi-state database;

2011 (iv) requires records of teacher performance to be included in a national or multi-state
2012 database; or

2013 (v) imposes curriculum, assessment, or data tracking requirements on home school or
2014 private school students.

2015 (8) The [~~State Board of Education~~] state board shall annually report to the Education
2016 Interim Committee on the development and implementation of the core standards for Utah
2017 public schools, including the time line established for the review of the core standards for Utah

2018 public schools by a standards review committee and the recommendations of a standards
2019 review committee established under Section 53E-4-203.

2020 Section 46. Section 53E-4-203 is amended to read:

2021 **53E-4-203. Standards review committee.**

2022 [~~1~~] As used in this section, "board" means the State Board of Education.]

2023 [~~2~~] (1) Subject to Subsection [~~5~~] (4), the [~~State Board of Education~~] state board

2024 shall establish:

2025 (a) a time line for the review by a standards review committee of the core standards for
2026 Utah public schools for:

2027 (i) English language arts;

2028 (ii) mathematics;

2029 (iii) science;

2030 (iv) social studies;

2031 (v) fine arts;

2032 (vi) physical education and health; and

2033 (vii) early childhood education; and

2034 (b) a separate standards review committee for each subject area specified in Subsection
2035 [~~2~~] (1)(a) to review, and recommend to the state board revisions to, the core standards for
2036 Utah public schools.

2037 [~~3~~] (2) At least one year before the state board takes formal action to adopt new core
2038 standards for Utah public schools, the state board shall establish a standards review committee
2039 as required by Subsection [~~2~~] (1)(b).

2040 [~~4~~] (3) A standards review committee shall meet at least twice during the time period
2041 described in Subsection [~~3~~] (2).

2042 [~~5~~] (4) In establishing a time line for the review of core standards for Utah public
2043 schools by a standards review committee, the state board shall give priority to establishing a
2044 standards review committee to review, and recommend revisions to, the mathematics core
2045 standards for Utah public schools.

2046 [~~(6)~~] (5) The membership of a standards review committee consists of:

2047 (a) seven individuals, with expertise in the subject being reviewed, appointed by the

2048 state board chair, including teachers, business representatives, faculty of higher education

2049 institutions in Utah, and others as determined by the state board chair;

2050 (b) five parents [~~or guardians~~] of public education students appointed by the speaker of

2051 the House of Representatives; and

2052 (c) five parents [~~or guardians~~] of public education students appointed by the president

2053 of the Senate.

2054 [~~(7)~~] (6) The state board shall provide staff support to the standards review committee.

2055 [~~(8)~~] (7) A member of the standards review committee may not receive compensation

2056 or benefits for the member's service on the committee.

2057 [~~(9)~~] (8) Among the criteria a standards review committee shall consider when

2058 reviewing the core standards for Utah public schools is giving students an adequate foundation

2059 to successfully pursue college, technical education, a career, or other life pursuits.

2060 [~~(10)~~] (9) A standards review committee shall submit, to the state board, comments and

2061 recommendations for revision of the core standards for Utah public schools.

2062 [~~(11)~~] (10) The state board shall take into consideration the comments and

2063 recommendations of a standards review committee in adopting the core standards for Utah

2064 public schools.

2065 [~~(12)~~] (11) (a) Nothing in this section prohibits the state board from amending or

2066 adding individual core standards for Utah public schools as the need arises in the state board's

2067 ongoing responsibilities.

2068 (b) If the state board makes changes as described in Subsection [~~(12)~~] (11)(a), the state

2069 board shall include the changes in the annual report the state board submits to the Education

2070 Interim Committee under Section [53E-4-202](#).

2071 Section 47. Section **53E-4-204** is amended to read:

2072 **53E-4-204. Standards and graduation requirements.**

2073 (1) The [~~State Board of Education~~] state board shall establish rigorous core standards

2074 for Utah public schools and graduation requirements under Section 53E-3-501 for grades 9
2075 through 12 that:

- 2076 (a) are consistent with state law and federal regulations; and
- 2077 (b) beginning no later than with the graduating class of 2008:
 - 2078 (i) use competency-based standards and assessments;
 - 2079 (ii) include instruction that stresses general financial literacy from basic budgeting to
2080 financial investments, including bankruptcy education and a general financial literacy test-out
2081 option; and
 - 2082 (iii) increase graduation requirements in language arts, mathematics, and science to
2083 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,
2084 and 2.0 units in science.

2085 (2) The [~~State Board of Education~~] state board shall also establish competency-based
2086 standards and assessments for elective courses.

2087 (3) On or before July 1, 2014, the [~~State Board of Education~~] state board shall adopt
2088 revised course standards and objectives for the course of instruction in general financial
2089 literacy described in Subsection (1)(b) that address:

- 2090 (a) the costs of going to college, student loans, scholarships, and the Free Application
2091 for Federal Student Aid (FAFSA); and
- 2092 (b) technology that relates to banking, savings, and financial products.

2093 (4) The [~~State Board of Education~~] state board shall administer the course of
2094 instruction in general financial literacy described in Subsection (1)(b) in the same manner as
2095 other core standards for Utah public schools courses for grades 9 through 12 are administered.

2096 Section 48. Section 53E-4-205 is amended to read:

2097 **53E-4-205. American civics education initiative.**

2098 (1) As used in this section:

- 2099 (a) "Adult education program" means an organized educational program below the
2100 postsecondary level, other than a regular full-time K-12 secondary education program,
2101 provided by an LEA or nonprofit organization that provides the opportunity for an adult to

2102 further the adult's high school level education.

2103 (b) "Basic civics test" means a test that includes 50 of the 100 questions on the civics
2104 test form used by the United States Citizenship and Immigration Services:

2105 (i) to determine that an individual applying for United States citizenship meets the
2106 basic citizenship skills specified in 8 U.S.C. Sec. 1423; and

2107 (ii) in accordance with 8 C.F.R. Sec. 312.2.

2108 [~~(c) "Board" means the State Board of Education.~~]

2109 [~~(d) "LEA" means:~~]

2110 [~~(i) a school district;~~]

2111 [~~(ii) a charter school; or~~]

2112 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

2113 (2) (a) Except as provided in Subsection (2)(b), the state board shall require:

2114 (i) a public school student who graduates on or after January 1, 2016, to pass a basic
2115 civics test as a condition for receiving a high school diploma; and

2116 (ii) a student enrolled in an adult education program to pass a basic civics test as a
2117 condition for receiving an adult education secondary diploma.

2118 (b) The state board may require a public school student to pass an alternate assessment
2119 instead of a basic civics test if the student qualifies for an alternate assessment, as defined in
2120 state board rule.

2121 (3) An individual who correctly answers a minimum of 35 out of the 50 questions on a
2122 basic civics test passes the test and an individual who correctly answers fewer than 35 out of 50
2123 questions on a basic civics test does not pass the test.

2124 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2125 ~~the]~~

2126 (4) The state board shall make rules that:

2127 (a) require an LEA that serves secondary students to administer a basic civics test or
2128 alternate assessment to a public school student enrolled in the LEA;

2129 (b) require an adult education program provider to administer a basic civics test to an

2130 individual who intends to receive an adult education secondary diploma;

2131 (c) allow an individual to take a basic civics test as many times as needed in order to
2132 pass the test; and

2133 (d) for the alternate assessment described in Subsection (2)(b), describe:

2134 (i) the content of an alternate assessment;

2135 (ii) how a public school student qualifies for an alternate assessment; and

2136 (iii) how an LEA determines if a student passes an alternate assessment.

2137 Section 49. Section **53E-4-206** is amended to read:

2138 **53E-4-206. Career and college readiness mathematics competency standards.**

2139 (1) As used in this section, "qualifying score" means a score established as described in
2140 Subsection (4), that, if met by a student, qualifies the student to receive college credit for a
2141 mathematics course that satisfies the state system of higher education quantitative literacy
2142 requirement.

2143 ~~[(2) The State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah~~
2144 ~~Administrative Rulemaking Act,]~~

2145 (2) The state board shall make rules that:

2146 (a) (i) establish the mathematics competency standards described in Subsection (3) as a
2147 graduation requirement beginning with the 2016-17 school year; and

2148 (ii) include the qualifying scores described in Subsection (4); and

2149 (b) establish systematic reporting of college and career ready mathematics
2150 achievement.

2151 (3) In addition to other graduation requirements established by the [~~State Board of~~
2152 ~~Education~~] state board, a student shall fulfill one of the following requirements to demonstrate
2153 mathematics competency that supports the student's future college and career goals as outlined
2154 in the student's college and career plan:

2155 (a) for a student pursuing a college degree after graduation:

2156 (i) receive a score that at least meets the qualifying score for:

2157 (A) an Advanced Placement calculus or statistics exam;

- 2158 (B) an International Baccalaureate higher level mathematics exam;
- 2159 (C) a college-level math placement test described in Subsection (5);
- 2160 (D) a College Level Examination Program precalculus or calculus exam; or
- 2161 (E) the ACT Mathematics Test; or
- 2162 (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that
- 2163 satisfies the state system of higher education quantitative literacy requirement;
- 2164 (b) for a non college degree-seeking student, the student shall complete appropriate
- 2165 math competencies for the student's career goals as described in the student's college and career
- 2166 plan;
- 2167 (c) for a student with an individualized education program prepared in accordance with
- 2168 the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall
- 2169 meet the mathematics standards described in the student's individualized education program; or
- 2170 (d) for a senior student with special circumstances as described in [~~State Board of~~
- 2171 ~~Education~~] state board rule, the student shall fulfill a requirement associated with the student's
- 2172 special circumstances, as established in [~~State Board of Education~~] state board rule.
- 2173 (4) The State Board of Regents shall, in consultation with the [~~State Board of~~
- 2174 ~~Education~~] state board, determine qualifying scores for the tests and exams described in
- 2175 Subsection (3)(a)(i).
- 2176 (5) The State Board of Regents, established in Section [53B-1-103](#), shall make a policy
- 2177 to select at least two tests for college-level math placement.
- 2178 (6) The State Board of Regents shall, in consultation with the [~~State Board of~~
- 2179 ~~Education~~] state board, make policies to:
- 2180 (a) develop mechanisms for a student who completes a math competency requirement
- 2181 described in Subsection (3)(a) to:
- 2182 (i) receive college credit; and
- 2183 (ii) satisfy the state system of higher education quantitative literacy requirement;
- 2184 (b) allow a student, upon completion of required high school mathematics courses with
- 2185 at least a "C" grade, entry into a mathematics concurrent enrollment course;

- 2186 (c) increase access to a range of mathematics concurrent enrollment courses;
- 2187 (d) establish a consistent concurrent enrollment course approval process; and
- 2188 (e) establish a consistent process to qualify high school teachers with an upper level
- 2189 mathematics endorsement to teach entry level mathematics concurrent enrollment courses.

2190 Section 50. Section **53E-4-301** is amended to read:

2191 **53E-4-301. Definitions.**

2192 As used in this part:

2193 [~~(1) "Board" means the State Board of Education.~~]

2194 [~~(2)~~] (1) "Core standards for Utah public schools" means the standards established by
2195 the state board as described in Section [53E-4-202](#).

2196 [~~(3) "Individualized education program" or "IEP" means a written statement for a
2197 student with a disability that is developed, reviewed, and revised in accordance with the
2198 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.~~]

2199 [~~(4)~~] (2) "Statewide assessment" means one or more of the following, as applicable:

- 2200 (a) a standards assessment described in Section [53E-4-303](#);
- 2201 (b) a high school assessment described in Section [53E-4-304](#);
- 2202 (c) a college readiness assessment described in Section [53E-4-305](#); or
- 2203 (d) an assessment of students in grade 3 to measure reading grade level described in
- 2204 Section [53E-4-307](#).

2205 Section 51. Section **53E-4-301.5** is amended to read:

2206 **53E-4-301.5. Legislative intent.**

2207 (1) In enacting this part, the Legislature intends to determine the effectiveness of
2208 school districts and schools in assisting students to master the fundamental educational skills
2209 toward which instruction is directed.

2210 (2) The state board shall ensure that a statewide assessment provides the public, the
2211 Legislature, the state board, school districts, public schools, and school teachers with:

- 2212 (a) evaluative information regarding the various levels of proficiency achieved by
- 2213 students, so that they may have an additional tool to plan, measure, and evaluate the

2214 effectiveness of programs in the public schools; and

2215 (b) information to recognize excellence and to identify the need for additional resources
2216 or to reallocate educational resources in a manner to ensure educational opportunities for all
2217 students and to improve existing programs.

2218 Section 52. Section **53E-4-302** is amended to read:

2219 **53E-4-302. Statewide assessments -- Duties of the state board.**

2220 (1) The state board shall:

2221 (a) require the state superintendent [~~of public instruction~~] to:

2222 (i) submit and recommend statewide assessments to the state board for adoption by the
2223 state board; and

2224 (ii) distribute the statewide assessments adopted by the state board to a school district
2225 or charter school;

2226 (b) provide for the state to participate in the National Assessment of Educational
2227 Progress state-by-state comparison testing program; and

2228 (c) require a school district or charter school to administer statewide assessments.

2229 [~~(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2230 ~~the]~~

2231 (2) The state board shall make rules for the administration of statewide assessments.

2232 (3) The state board shall ensure that statewide assessments are administered in
2233 compliance with the requirements of Chapter 9, Student Privacy and Data Protection.

2234 Section 53. Section **53E-4-303** is amended to read:

2235 **53E-4-303. Utah standards assessments -- Administration -- Review committee.**

2236 (1) As used in this section, "computer adaptive assessment" means an assessment that
2237 measures the range of a student's ability by adapting to the student's responses, selecting more
2238 difficult or less difficult questions based on the student's responses.

2239 (2) The state board shall:

2240 (a) adopt a standards assessment that:

2241 (i) measures a student's proficiency in:

- 2242 (A) mathematics for students in each of grades 3 through 8;
- 2243 (B) English language arts for students in each of grades 3 through 8;
- 2244 (C) science for students in each of grades 4 through 8; and
- 2245 (D) writing for students in at least grades 5 and 8; and
- 2246 (ii) except for the writing measurement described in Subsection (2)(a)(i)(D), is a
- 2247 computer adaptive assessment; and
- 2248 (b) ensure that an assessment described in Subsection (2)(a) is:
- 2249 (i) a criterion referenced assessment;
- 2250 (ii) administered online;
- 2251 (iii) aligned with the core standards for Utah public schools; and
- 2252 (iv) adaptable to competency-based education as defined in Section [53F-5-501](#).
- 2253 (3) A school district or charter school shall annually administer the standards
- 2254 assessment adopted by the state board under Subsection (2) to all students in the subjects and
- 2255 grade levels described in Subsection (2).
- 2256 (4) A student's score on the standards assessment adopted under Subsection (2) may
- 2257 not be considered in determining:
- 2258 (a) the student's academic grade for a course; or
- 2259 (b) whether the student may advance to the next grade level.
- 2260 (5) (a) The state board shall establish a committee consisting of 15 parents of Utah
- 2261 public education students to review all standards assessment questions.
- 2262 (b) The committee established in Subsection (5)(a) shall include the following parent
- 2263 members:
- 2264 (i) five members appointed by the chair of the state board;
- 2265 (ii) five members appointed by the speaker of the House of Representatives or the
- 2266 speaker's designee; and
- 2267 (iii) five members appointed by the president of the Senate or the president's designee.
- 2268 (c) The state board shall provide staff support to the parent committee.
- 2269 (d) The term of office of each member appointed in Subsection (5)(b) is four years.

2270 (e) The chair of the state board, the speaker of the House of Representatives, and the
2271 president of the Senate shall adjust the length of terms to stagger the terms of committee
2272 members so that approximately half of the committee members are appointed every two years.

2273 (f) No member may receive compensation or benefits for the member's service on the
2274 committee.

2275 Section 54. Section **53E-4-304** is amended to read:

2276 **53E-4-304. High school assessments.**

2277 (1) The state board shall adopt a high school assessment that:

2278 (a) is predictive of a student's college readiness as measured by the college readiness
2279 assessment described in Section **53E-4-305**; and

2280 (b) provides a growth score for a student from grade 9 to 10.

2281 (2) A school district or charter school shall annually administer the high school
2282 assessment adopted by the state board under Subsection (1) to all students in grades 9 and 10.

2283 Section 55. Section **53E-4-305** is amended to read:

2284 **53E-4-305. College readiness assessments.**

2285 (1) The Legislature recognizes the need for the state board to develop and implement
2286 standards and assessment processes to ensure that student progress is measured and that
2287 [~~school~~] LEA governing boards and school personnel are accountable.

2288 (2) The state board shall adopt a college readiness assessment for secondary students
2289 that:

2290 (a) is the college readiness assessment most commonly submitted to local universities;
2291 and

2292 (b) may include:

2293 (i) the Armed Services Vocational Aptitude Battery; or

2294 (ii) a battery of assessments that are predictive of success in higher education.

2295 (3) (a) Except as provided in Subsection (3)(b), a school district or charter school shall
2296 annually administer the college readiness assessment adopted under Subsection (2) to all
2297 students in grade 11.

2298 (b) A student with an IEP may take an appropriate college readiness assessment other
2299 than the assessment adopted by the state board under Subsection (2), as determined by the
2300 student's IEP.

2301 (4) In accordance with Section 53F-4-202, the state board shall contract with a provider
2302 to provide an online college readiness diagnostic tool.

2303 Section 56. Section **53E-4-306** is amended to read:

2304 **53E-4-306. State reading goal -- Reading achievement plan.**

2305 (1) As used in this section:

2306 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
2307 ability that has been organized into a hierarchical arrangement leading to higher levels of
2308 knowledge, skill, or ability.

2309 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
2310 comprehension, and vocabulary.

2311 (2) (a) The Legislature recognizes that:

2312 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong
2313 learning;

2314 (ii) there is an ever increasing demand for literacy in the highly technological society
2315 we live in;

2316 (iii) students who do not learn to read will be economically and socially disadvantaged;

2317 (iv) reading problems exist in almost every classroom;

2318 (v) almost all reading failure is preventable if reading difficulties are diagnosed and
2319 treated early; and

2320 (vi) early identification and treatment of reading difficulties can result in students
2321 learning to read by the end of [~~the third~~] grade 3.

2322 (b) It is therefore the goal of the state to have every student in the state's public
2323 education system reading on or above grade level by the end of [~~the third~~] grade 3.

2324 (3) (a) Each public school containing kindergarten, grade [~~one~~] 1, grade [~~two~~] 2, or
2325 grade [~~three~~] 3, including charter schools, shall develop, as a component of the school

2326 improvement plan described in Section [53G-7-1204](#), a reading achievement plan for its
2327 students in kindergarten through grade [~~three~~] 3 to reach the reading goal set in Subsection
2328 (2)(b).

2329 (b) The reading achievement plan shall be:

2330 (i) created under the direction of:

2331 (A) the school community council or a subcommittee or task force created by the
2332 school community council, in the case of a school district school; or

2333 (B) the charter school governing board or a subcommittee or task force created by the
2334 charter school governing board, in the case of a charter school; and

2335 (ii) implemented by the school's principal, teachers, and other appropriate school staff.

2336 (c) The school principal shall take primary responsibility to provide leadership and
2337 allocate resources and support for teachers and students, most particularly for those who are
2338 reading below grade level, to achieve the reading goal.

2339 (d) Each reading achievement plan shall include:

2340 (i) an assessment component that:

2341 (A) focuses on ongoing formative assessment to measure the five domains of reading,
2342 as appropriate, and inform individualized instructional decisions; and

2343 (B) includes a benchmark assessment of reading approved by the state board pursuant
2344 to Section [53E-4-307](#);

2345 (ii) an intervention component:

2346 (A) that provides adequate and appropriate interventions focused on each student
2347 attaining competency in reading skills;

2348 (B) based on best practices identified through proven researched-based methods;

2349 (C) that provides intensive intervention, such as focused instruction in small groups
2350 and individualized data driven instruction, implemented at the earliest possible time for
2351 students having difficulty in reading;

2352 (D) that provides an opportunity for parents to receive materials and guidance so that
2353 they will be able to assist their children in attaining competency in reading skills; and

2354 (E) that, as resources allow, may involve a reading specialist; and
2355 (iii) a reporting component that includes reporting to parents:
2356 (A) at the beginning, in the middle, and at the end of grade [~~one~~] 1, grade [~~two~~] 2, and
2357 grade [~~three~~] 3, their child's benchmark assessment results as required by Section 53E-4-307;
2358 and
2359 (B) at the end of [~~third~~] grade 3, their child's reading level.
2360 (e) In creating or reviewing a reading achievement plan as required by this section, a
2361 school community council, charter school governing board, or a subcommittee or task force of
2362 a school community council or charter school governing board may not have access to data that
2363 reveal the identity of students.
2364 (4) (a) The school district shall approve each plan developed by schools within the
2365 district prior to its implementation and review each plan annually.
2366 (b) The charter school governing board shall approve each plan developed by schools
2367 under its control and review each plan annually.
2368 (c) A school district and charter school governing board shall:
2369 (i) monitor the learning gains of a school's students as reported by the benchmark
2370 assessments administered pursuant to Section 53E-4-307; and
2371 (ii) require a reading achievement plan to be revised, if the school district or charter
2372 school governing board determines a school's students are not making adequate learning gains.
2373 Section 57. Section 53E-4-307 is amended to read:
2374 **53E-4-307. Benchmark assessments in reading -- Report to parent.**
2375 (1) As used in this section, "competency" means a demonstrable acquisition of a
2376 specified knowledge, skill, or ability that has been organized into a hierarchical arrangement
2377 leading to higher levels of knowledge, skill, or ability.
2378 (2) The state board shall approve a benchmark assessment for use statewide by school
2379 districts and charter schools to assess the reading competency of students in grades [~~one, two,~~
2380 ~~and three~~] 1, 2, and 3 as provided by this section.
2381 (3) A school district or charter school shall:

2382 (a) administer benchmark assessments to students in grades [~~one, two, and three~~] 1, 2,
2383 and 3 at the beginning, middle, and end of the school year using the benchmark assessment
2384 approved by the state board; and

2385 (b) after administering a benchmark assessment, report the results to a student's parent
2386 [~~or guardian~~].

2387 (4) If a benchmark assessment or supplemental reading assessment indicates a student
2388 lacks competency in a reading skill, or is lagging behind other students in the student's grade in
2389 acquiring a reading skill, the school district or charter school shall:

2390 (a) provide focused individualized intervention to develop the reading skill;

2391 (b) administer formative assessments to measure the success of the focused
2392 intervention;

2393 (c) inform the student's parent [~~or guardian~~] of activities that the parent [~~or guardian~~]
2394 may engage in with the student to assist the student in improving reading proficiency; and

2395 (d) provide information to the parent [~~or guardian~~] regarding appropriate interventions
2396 available to the student outside of the regular school day that may include tutoring, before and
2397 after school programs, or summer school.

2398 (5) In accordance with Section [53F-4-201](#), the state board shall contract with one or
2399 more educational technology providers for a diagnostic assessment system for reading for
2400 students in kindergarten through grade 3.

2401 Section 58. Section **53E-4-308** is amended to read:

2402 **53E-4-308. Unique student identifier -- Coordination of higher education and**
2403 **public education information technology systems.**

2404 (1) As used in this section, "unique student identifier" means an alphanumeric code
2405 assigned to each public education student for identification purposes, which:

2406 (a) is not assigned to any former or current student; and

2407 (b) does not incorporate personal information, including a birth date or Social Security
2408 number.

2409 (2) The state board, through the state superintendent [~~of public instruction~~], shall

2410 assign each public education student a unique student identifier, which shall be used to track
2411 individual student performance on achievement tests administered under this part.

2412 (3) The state board and the State Board of Regents shall coordinate public education
2413 and higher education information technology systems to allow individual student academic
2414 achievement to be tracked through both education systems in accordance with this section and
2415 Section **53B-1-109**.

2416 (4) The state board and the State Board of Regents shall coordinate access to the
2417 unique student identifier of a public education student who later attends an institution within
2418 the state system of higher education.

2419 Section 59. Section **53E-4-309** is amended to read:

2420 **53E-4-309. Grade level specification change.**

2421 (1) The state board may change a grade level specification for the administration of
2422 specific assessments under this part to a different grade level specification or a
2423 competency-based specification if the specification is more consistent with patterns of school
2424 organization.

2425 (2) (a) If the state board changes a grade level specification described in Subsection
2426 (1), the state board shall submit a report to the Legislature explaining the reasons for changing
2427 the grade level specification.

2428 (b) The state board shall submit the report at least six months before the anticipated
2429 change.

2430 Section 60. Section **53E-4-310** is amended to read:

2431 **53E-4-310. Scoring -- Reports of results.**

2432 (1) For a statewide assessment that requires the use of a student answer sheet, a local
2433 school board or charter school governing board shall submit all answer sheets on a per-school
2434 and per-class basis to the state superintendent [~~of public instruction~~] for scoring unless the
2435 assessment requires scoring by a national testing service.

2436 (2) The district, school, and class results of the statewide assessments, but not the score
2437 or relative position of individual students, shall be reported to each local school board or

2438 charter school governing board annually at a regularly scheduled meeting.

2439 (3) A local school board or charter school governing board:

2440 (a) shall make copies of the report available to the general public upon request; and

2441 (b) may charge a fee for the cost of copying the report.

2442 (4) (a) The state board shall annually provide to school districts and charter schools a
2443 comprehensive report for each of the school district's and charter school's students showing the
2444 student's statewide assessment results for each year that the student took a statewide
2445 assessment.

2446 (b) A school district or charter school shall give a copy of the comprehensive report to
2447 the student's parents and make the report available to school staff, as appropriate.

2448 Section 61. Section **53E-4-311** is amended to read:

2449 **53E-4-311. Analysis of results -- Staff professional development.**

2450 (1) The state board, through the state superintendent [~~of public instruction~~], shall
2451 develop an online data reporting tool to analyze the results of statewide assessments.

2452 (2) The online data reporting tool shall include components designed to:

2453 (a) assist school districts and individual schools to use the results of the analysis in
2454 planning, evaluating, and enhancing programs;

2455 (b) identify schools not achieving state-established acceptable levels of student
2456 performance in order to assist those schools in improving student performance levels; and

2457 (c) provide:

2458 (i) for statistical reporting of statewide assessment results at state, school district,
2459 school, and grade or course levels; and

2460 (ii) actual levels of performance on statewide assessments.

2461 (3) A local school board or charter school governing board shall provide for:

2462 (a) evaluation of the statewide assessment results and use of the evaluations in setting
2463 goals and establishing programs; and

2464 (b) a professional development program that provides teachers, principals, and other
2465 professional staff with the training required to successfully establish and maintain statewide

2466 assessments.

2467 Section 62. Section **53E-4-312** is amended to read:

2468 **53E-4-312. Preparation for tests.**

2469 (1) School district employees may not conduct any specific instruction or preparation
2470 of students that would be a breach of testing ethics, such as the teaching of specific test
2471 questions.

2472 (2) School district employees who administer the test shall follow the standardization
2473 procedures in the test administration manual for an assessment and any additional specific
2474 instructions developed by the state board.

2475 (3) The state board may revoke the certification of an individual who violates this
2476 section.

2477 Section 63. Section **53E-4-314** is amended to read:

2478 **53E-4-314. School readiness assessment.**

2479 (1) As used in this section:

2480 (a) "School readiness assessment" means the preschool entry assessment described in
2481 this section.

2482 (b) "School readiness program" means a preschool program:

2483 (i) in which a student participates in the year before the student is expected to enroll in
2484 kindergarten; and

2485 (ii) that receives funding under:

2486 (A) Title 53F, Chapter 5, Part 3, High Quality School Readiness Program; or

2487 (B) Title 53F, Chapter 6, Part 3, School Readiness Initiative.

2488 (2) The [~~State Board of Education~~] state board shall develop a school readiness
2489 assessment that aligns with the kindergarten entry and exit assessment described in Section
2490 [53F-4-205](#).

2491 (3) A school readiness program shall:

2492 (a) except as provided in Subsection (4), administer to each student who participates in
2493 the school readiness program:

2494 (i) the school readiness assessment at the beginning of the student's participation in the
2495 school readiness program; and

2496 (ii) the kindergarten entry assessment described in Section 53F-4-205 at the end of the
2497 student's participation in the school readiness program; and

2498 (b) report the results of the assessments described in Subsection (3)(a) or (4) to:

2499 (i) the [~~State Board of Education~~] state board; and

2500 (ii) the Department of Workforce Services.

2501 (4) In place of the assessments described in Subsection (3)(a), a school readiness
2502 program that is offered through home-based technology may administer to each student who
2503 participates in the school readiness program:

2504 (a) a validated computer adaptive pre-assessment at the beginning of the student's
2505 participation in the school readiness program; and

2506 (b) a validated computer adaptive post-assessment at the end of the student's
2507 participation in the school readiness program.

2508 Section 64. Section **53E-4-402** is amended to read:

2509 **53E-4-402. Creation of commission -- Powers -- Payment of expenses.**

2510 (1) The [~~State Board of Education~~] state board shall appoint a State Instructional
2511 Materials Commission consisting of:

2512 (a) the state superintendent [~~of public instruction~~] or the state superintendent's
2513 designee;

2514 (b) a school district superintendent;

2515 (c) a secondary school principal;

2516 (d) an elementary school principal;

2517 (e) a secondary school teacher;

2518 (f) an elementary school teacher;

2519 (g) five persons not employed in public education; and

2520 (h) a dean of a school of education of a state college or university.

2521 (2) The commission shall evaluate instructional materials for recommendation by the

2522 state board.

2523 (3) Members shall serve without compensation, but their actual and necessary expenses
2524 incurred in the performance of their official duties shall be paid out of money appropriated to
2525 the state board.

2526 Section 65. Section **53E-4-403** is amended to read:

2527 **53E-4-403. Commission's evaluation of instructional materials --**
2528 **Recommendation by the state board.**

2529 (1) Semi-annually after reviewing the evaluations of the commission, the state board
2530 shall recommend instructional materials for use in the public schools.

2531 (2) The standard period of time instructional materials shall remain on the list of
2532 recommended instructional materials shall be five years.

2533 (3) Unsatisfactory instructional materials may be removed from the list of
2534 recommended instructional materials at any time within the period applicable to the
2535 instructional materials.

2536 (4) Except as provided in Section **53G-10-402**, each school shall have discretion to
2537 select instructional materials for use by the school. A school may select:

2538 (a) instructional materials recommended by the state board as provided in this section;
2539 or

2540 (b) other instructional materials the school considers appropriate to teach the core
2541 standards for Utah public schools.

2542 Section 66. Section **53E-4-404** is amended to read:

2543 **53E-4-404. Meetings -- Notice.**

2544 (1) The commission shall meet at the call of the state superintendent [~~of public~~
2545 ~~instruction~~] or the state superintendent's designee.

2546 (2) Notice of a meeting shall be given as required under Section **52-4-202**.

2547 Section 67. Section **53E-4-406** is amended to read:

2548 **53E-4-406. Awarding instructional materials contracts.**

2549 (1) The state board shall award contracts for furnishing instructional materials.

2550 (2) If a satisfactory proposal to furnish instructional materials is not received, a new
2551 request for proposals may be issued.

2552 Section 68. Section **53E-4-407** is amended to read:

2553 **53E-4-407. Illegal acts -- Misdemeanor.**

2554 It is a class B misdemeanor for a member of the commission or the state board to
2555 receive money or other remuneration as an inducement for the recommendation or introduction
2556 of instructional materials into the schools.

2557 Section 69. Section **53E-4-408** is amended to read:

2558 **53E-4-408. Instructional materials alignment with core standards for Utah public**
2559 **schools.**

2560 (1) For a school year beginning with or after the 2012-13 school year, a school district
2561 may not purchase primary instructional materials unless the primary instructional materials
2562 provider:

2563 (a) contracts with an independent party to evaluate and map the alignment of the
2564 primary instructional materials with the core standards for Utah public schools adopted under
2565 Section **53E-3-501**;

2566 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
2567 website at no charge, for use by teachers and the general public; and

2568 (c) pays the costs related to the requirements of this Subsection (1).

2569 (2) The requirements under Subsection (1) may not be performed by:

2570 (a) the [~~State Board of Education~~] state board;

2571 (b) the state superintendent [~~of public instruction~~] or employees of the [~~State Board of~~
2572 ~~Education~~] state board;

2573 (c) the State Instructional Materials Commission appointed pursuant to Section
2574 **53E-4-402**;

2575 (d) a local school board or a school district; or

2576 (e) the instructional materials creator or publisher.

2577 [~~(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

2578 ~~the State Board of Education]~~

2579 (3) The state board shall make rules that establish:

2580 (a) the qualifications of the independent parties who may evaluate and map the
2581 alignment of the primary instructional materials in accordance with the provisions of
2582 Subsection (1)(a); and

2583 (b) requirements for the detailed summary of the evaluation and its placement on a
2584 public website in accordance with the provisions of Subsection (1)(b).

2585 Section 70. Section **53E-5-201** is amended to read:

2586 **53E-5-201. Definitions.**

2587 As used in this part:

2588 [~~(1) "Board" means the State Board of Education.]~~

2589 [~~(2) "Individualized education program" means a written statement for a student with a
2590 disability that is developed, reviewed, and revised in accordance with the Individuals with
2591 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

2592 [~~(3)~~] (1) "Lowest performing 25% of students" means the proportion of a school's
2593 students who scored in the lowest 25% of students in the school on a statewide assessment
2594 based on the prior school year's scores.

2595 [~~(4)~~] (2) "Statewide assessment" means one or more of the following, as applicable:

- 2596 (a) a standards assessment described in Section [53E-4-303](#);
- 2597 (b) a high school assessment described in Section [53E-4-304](#);
- 2598 (c) a college readiness assessment described in Section [53E-4-305](#); or
- 2599 (d) an alternate assessment administered to a student with a disability.

2600 Section 71. Section **53E-5-202** is amended to read:

2601 **53E-5-202. Statewide school accountability system -- State board rulemaking.**

2602 (1) There is established a statewide school accountability system.

2603 [~~(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2604 the]~~

2605 (2) The state board shall make rules to implement the school accountability system in

2606 accordance with this part.

2607 Section 72. Section **53E-5-203** is amended to read:

2608 **53E-5-203. Schools included in school accountability system -- Other indicators**
2609 **and point distribution for a school that serves a special student population.**

2610 (1) Except as provided in Subsection (2), the state board shall include all public
2611 schools in the state in the school accountability system established under this part.

2612 (2) The state board shall exempt from the school accountability system:

2613 (a) a school in which the number of students tested on a statewide assessment is lower
2614 than the minimum sample size necessary, based on acceptable professional practice for
2615 statistical reliability, or when release of the information would violate 20 U.S.C. Sec. 1232h,
2616 the prevention of the unlawful release of personally identifiable student data;

2617 (b) a school in the school's first year of operations if the school's local school board or
2618 charter school governing board requests the exemption; or

2619 (c) a high school in the school's second year of operations if the school's local school
2620 board or charter school governing board requests the exemption.

2621 (3) Notwithstanding the provisions of this part, the state board may use, to
2622 appropriately assess the educational impact of a school that serves a special student population:

2623 (a) other indicators in addition to the indicators described in Section **53E-5-205** or
2624 **53E-5-206**; or

2625 (b) different point distribution than the point distribution described in Section
2626 **53E-5-207**.

2627 Section 73. Section **53E-5-204** is amended to read:

2628 **53E-5-204. Rating schools.**

2629 (1) Except as provided in Subsection (3), and in accordance with this part, the state
2630 board shall annually assign to each school an overall rating using an A through F letter grading
2631 scale where, based on the school's performance level on the indicators described in Subsection

2632 (2):

2633 (a) an A grade represents an exemplary school;

2634 (b) a B grade represents a commendable school;
2635 (c) a C grade represents a typical school;
2636 (d) a D grade represents a developing school; and
2637 (e) an F grade represents a critical needs school.

2638 (2) A school's overall rating described in Subsection (1) shall be based on the school's
2639 performance on the indicators described in:

2640 (a) Section 53E-5-205, for an elementary school or a middle school; or
2641 (b) Section 53E-5-206, for a high school.

2642 (3) (a) For a school year in which the state board determines it is necessary to establish,
2643 due to a transition to a new assessment, a new baseline to determine student growth described
2644 in Section 53E-5-210, the state board is not required to assign an overall rating described in
2645 Subsection (1) to a school to which the new baseline applies.

2646 (b) For the 2017-2018 school year, the state board:

2647 (i) shall evaluate a school based on the school's performance level on the indicators
2648 described in Subsection (2) and in accordance with this part; and

2649 (ii) is not required to assign a school an overall rating described in Subsection (1).

2650 Section 74. Section 53E-5-205 is amended to read:

2651 **53E-5-205. Indicators for elementary and middle schools.**

2652 For an elementary school or a middle school, the state board shall assign the school's
2653 overall rating, in accordance with Section 53E-5-207, based on the school's performance on the
2654 following indicators:

2655 (1) academic achievement as measured by performance on a statewide assessment of
2656 English language arts, mathematics, and science;

2657 (2) academic growth as measured by progress from year to year on a statewide
2658 assessment of English language arts, mathematics, and science; and

2659 (3) equitable educational opportunity as measured by:

2660 (a) academic growth of the lowest performing 25% of students as measured by
2661 progress of the lowest performing 25% of students on a statewide assessment of English

2662 language arts, mathematics, and science; and

2663 (b) except as provided in Section 53E-5-209, English learner progress as measured by
2664 performance on an English learner assessment established by the state board.

2665 Section 75. Section 53E-5-206 is amended to read:

2666 **53E-5-206. Indicators for high schools.**

2667 For a high school, in accordance with Section 53E-5-207, the state board shall assign
2668 the school's overall rating based on the school's performance on the following indicators:

2669 (1) academic achievement as measured by performance on a statewide assessment of
2670 English language arts, mathematics, and science;

2671 (2) academic growth as measured by progress from year to year on a statewide
2672 assessment of English language arts, mathematics, and science;

2673 (3) equitable educational opportunity as measured by:

2674 (a) academic growth of the lowest performing 25% of students as measured by
2675 progress of the lowest performing 25% of students on a statewide assessment of English
2676 language arts, mathematics, and science; and

2677 (b) except as provided in Section 53E-5-209, English learner progress as measured by
2678 performance on an English learner assessment established by the state board; and

2679 (4) postsecondary readiness as measured by:

2680 (a) the school's graduation rate, as described in Section 53E-5-207;

2681 (b) student performance, as described in Section 53E-5-207, on a college readiness
2682 assessment described in Section 53E-4-305; and

2683 (c) student achievement in advanced course work, as described in Section 53E-5-207.

2684 Section 76. Section 53E-5-207 is amended to read:

2685 **53E-5-207. Calculation of points.**

2686 (1) (a) The state board shall award to a school points for academic achievement
2687 described in Subsection 53E-5-205(1) or 53E-5-206(1) as follows:

2688 (i) the state board shall award a school points proportional to the percentage of the
2689 school's students who, out of all the school's students who take a statewide assessment of

2690 English language arts, score at or above the proficient level on the assessment;

2691 (ii) the state board shall award a school points proportional to the percentage of the

2692 school's students who, out of all the school's students who take a statewide assessment of

2693 mathematics, score at or above the proficient level on the assessment; and

2694 (iii) the state board shall award a school points proportional to the percentage of the

2695 school's students who, out of all the school's students who take a statewide assessment of

2696 science, score at or above the proficient level on the assessment.

2697 (b) (i) The maximum number of total points possible for academic achievement

2698 described in Subsection (1)(a) is 56 points.

2699 (ii) The maximum number of points possible for a component listed in Subsection

2700 (1)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (1)(b)(i).

2701 (2) (a) Subject to Subsection (2)(b), the state board shall award to a school points for

2702 academic growth described in Subsection [53E-5-205\(2\)](#) or [53E-5-206\(2\)](#) as follows:

2703 (i) the state board shall award a school points for growth of the school's students on a

2704 statewide assessment of English language arts;

2705 (ii) the state board shall award a school points for growth of the school's students on a

2706 statewide assessment of mathematics; and

2707 (iii) the state board shall award a school points for growth of the school's students on a

2708 statewide assessment of science.

2709 (b) The state board shall determine points for growth awarded under Subsection (2)(a)

2710 by indexing the points based on:

2711 (i) whether a student's performance on a statewide assessment is equal to or exceeds

2712 the student's academic growth target; and

2713 (ii) the amount of a student's growth on a statewide assessment compared to other

2714 students with similar prior assessment scores.

2715 (c) (i) The maximum number of total points possible for academic growth described in

2716 Subsection (2)(a) is 56 points.

2717 (ii) The maximum number of points possible for a component listed in Subsection

2718 (2)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (2)(c)(i).

2719 (3) (a) Subject to Subsection (3)(b), the state board shall award to a school points for
2720 equitable educational opportunity described in Subsection 53E-5-205(3) or 53E-5-206(3) as
2721 follows:

2722 (i) the state board shall award a school points for growth of the school's lowest
2723 performing 25% of students on a statewide assessment of English language arts;

2724 (ii) the state board shall award a school points for growth of the school's lowest
2725 performing 25% of students on a statewide assessment of mathematics;

2726 (iii) the state board shall award a school points for growth of the school's lowest
2727 performing 25% of students on a statewide assessment of science; and

2728 (iv) except as provided in Section 53E-5-209, the state board shall award to a school
2729 points proportional to the percentage of English learners who achieve adequate progress as
2730 determined by the state board on an English learner assessment established by the state board.

2731 (b) The state board shall determine points for academic growth awarded under
2732 Subsection (3)(a)(i), (ii), or (iii) by indexing the points based on the amount of a student's
2733 growth on a statewide assessment compared to other students with similar prior assessment
2734 scores.

2735 (c) (i) The maximum number of total points possible for equitable educational
2736 opportunity described in Subsection (3)(a) is 38 points.

2737 (ii) The maximum number of points possible for the components listed in Subsection
2738 (3)(a)(i), (ii), and (iii), combined, is 25 points.

2739 (iii) The maximum number of points possible for a component listed in Subsection
2740 (3)(a)(i), (ii), or (iii) is one-third of the number of the combined points described in Subsection
2741 (3)(c)(ii).

2742 (iv) The maximum number of points possible for the component listed in Subsection
2743 (3)(a)(iv) is 13 points.

2744 (4) (a) The state board shall award to a high school points for postsecondary readiness
2745 described in Subsection 53E-5-206(4) as follows:

2746 (i) the state board shall award to a high school points proportional to the percentage of
2747 the school's students who, out of all the school's students who take a college readiness
2748 assessment described in Section 53E-4-305, receive a composite score of at least 18 on the
2749 assessment;

2750 (ii) the state board shall award to a high school points proportional to the percentage of
2751 the school's students who achieve at least one of the following:

2752 (A) a C grade or better in an Advanced Placement course;

2753 (B) a C grade or better in a concurrent enrollment course;

2754 (C) a C grade or better in an International Baccalaureate course; or

2755 (D) completion of a career and technical education pathway, as defined by the state
2756 board; and

2757 (iii) in accordance with Subsection (4)(c), the state board shall award to a high school
2758 points proportional to the percentage of the school's students who graduate from the school.

2759 (b) (i) The maximum number of total points possible for postsecondary readiness
2760 described in Subsection (4)(a) is 75 points.

2761 (ii) The maximum number of points possible for a component listed in Subsection
2762 (4)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (4)(b)(i).

2763 (c) (i) In calculating the percentage of students who graduate described in Subsection
2764 (4)(a)(iii), except as provided in Subsection (4)(c)(ii), the state board shall award to a high
2765 school points proportional to the percentage of the school's students who graduate from the
2766 school within four years.

2767 (ii) The state board may award up to 10% of the points allocated for high school
2768 graduation described in Subsection (4)(b)(ii) to a school for students who graduate from the
2769 school within five years.

2770 Section 77. Section 53E-5-208 is amended to read:

2771 **53E-5-208. Calculation of total points awarded -- Maximum number of total**
2772 **points possible.**

2773 (1) Except as provided in Section 53E-5-209, the state board shall calculate the number

2774 of total points awarded to a school by totaling the number of points the state board awards to
2775 the school in accordance with Section 53E-5-207.

2776 (2) The maximum number of total points possible under Subsection (1) is:

2777 (a) for an elementary school or a middle school, 150 points; or

2778 (b) for a high school, 225 points.

2779 Section 78. Section 53E-5-209 is amended to read:

2780 **53E-5-209. Exclusion of English learner progress -- Calculation of total points**
2781 **awarded for a school with fewer than 10 English learners.**

2782 (1) For a school that has fewer than 10 English learners, the state board shall:

2783 (a) exclude the use of English learner progress in determining the school's overall
2784 rating by:

2785 (i) awarding no points to the school for English learner progress described in
2786 Subsection 53E-5-207(3)(a)(iv); and

2787 (ii) excluding the points described in Subsection 53E-5-207(3)(c)(iv) from the school's
2788 maximum points possible; and

2789 (b) calculate the number of total points awarded to the school by totaling the number of
2790 points the state board awards to the school in accordance with Section 53E-5-207 subject to the
2791 exclusion described in Subsection (1)(a).

2792 (2) The maximum number of total points possible under Subsection (1) is:

2793 (a) for an elementary school or a middle school, 137 points; or

2794 (b) for a high school, 212 points.

2795 Section 79. Section 53E-5-210 is amended to read:

2796 **53E-5-210. State board duties -- Proficient level -- Student growth -- English**
2797 **learner adequate progress.**

2798 (1) (a) For the purpose of determining whether a student scores at or above the
2799 proficient level on a statewide assessment, the state board shall determine, through a process
2800 that evaluates student performance based on specific criteria, the minimum level that
2801 demonstrates proficiency for each statewide assessment.

2802 (b) If the state board adjusts the minimum level that demonstrates proficiency
2803 described in Subsection (1)(a), the state board shall report the adjustment and the reason for the
2804 adjustment to the Education Interim Committee no later than 30 days after the day on which the
2805 state board makes the adjustment.

2806 (2) (a) For the purpose of determining whether a student's performance on a statewide
2807 assessment is equal to or exceeds the student's academic growth target, the state board shall
2808 calculate, for each individual student, the amount of growth necessary to achieve or maintain
2809 proficiency by a future school year determined by the state board.

2810 (b) For the purpose of determining the amount of a student's growth on a statewide
2811 assessment compared to other students with similar prior assessment scores, the state board
2812 shall calculate growth as a percentile for a student using appropriate statistical methods.

2813 (3) For the purpose of determining whether an English learner achieves adequate
2814 progress on an English learner assessment established by the state board, the state board shall
2815 determine the minimum progress that demonstrates adequate progress.

2816 Section 80. Section **53E-5-211** is amended to read:

2817 **53E-5-211. Reporting.**

2818 (1) The state board shall annually publish on the state board's website a report card that
2819 includes for each school:

2820 (a) the school's overall rating described in Subsection **53E-5-204(1)**;

2821 (b) the school's performance on each indicator described in:

2822 (i) Section **53E-5-205**, for an elementary school or a middle school; or

2823 (ii) Section **53E-5-206**, for a high school;

2824 (c) information comparing the school's performance on each indicator described in
2825 Subsection (1)(b) with:

2826 (i) the average school performance; and

2827 (ii) the school's performance in all previous years for which data is available;

2828 (d) the percentage of students who participated in statewide assessments;

2829 (e) for an elementary school, the percentage of students who read on grade level in

2830 grades 1 through 3; and

2831 (f) for a high school, performance on Advanced Placement exams.

2832 (2) A school may include in the school's report card described in Subsection (1) up to
2833 two self-reported school quality indicators that:

2834 (a) are approved by the state board for inclusion; and

2835 (b) may include process or input indicators.

2836 (3) (a) The state board shall develop an individualized student achievement report that
2837 includes:

2838 (i) information on the student's level of proficiency as measured by a statewide
2839 assessment; and

2840 (ii) a comparison of the student's academic growth target and actual academic growth
2841 as measured by a statewide assessment.

2842 (b) The state board shall, subject to the Family Educational Rights and Privacy Act, 20
2843 U.S.C. Sec. 1232g, make the individualized student achievement report described in
2844 Subsection (3)(a) available for a school district or charter school to access electronically.

2845 (c) A school district or charter school shall distribute an individualized student
2846 achievement report to the parent [~~or guardian~~] of the student to whom the report applies.

2847 Section 81. Section **53E-5-301** is amended to read:

2848 **53E-5-301. Definitions.**

2849 As used in this part:

2850 [~~(1) "Board" means the State Board of Education.~~]

2851 [~~(2)~~ (1) "Charter school authorizer" means the same as that term is defined in Section
2852 [53G-5-102](#).

2853 [~~(3) "Charter school governing board" means the governing board, as defined in
2854 Section [53G-5-102](#), that governs a charter.~~]

2855 [~~(4) "District school" means a public school under the control of a local school board
2856 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
2857 Boards.~~]

2858 [(5)] (2) "Educator" means the same as that term is defined in Section 53E-6-102.

2859 [(6)] (3) "Final remedial year" means the second school year following the initial
2860 remedial year.

2861 [(7)] (4) "Independent school turnaround expert" or "turnaround expert" means a
2862 person identified by the state board under Section 53E-5-305.

2863 [(8)] (5) "Initial remedial year" means the school year a district school or charter school
2864 is designated as a low performing school under Section 53E-5-302.

2865 [(9)] (6) "[~~Local education~~] LEA governing board" means a local school board or
2866 charter school governing board.

2867 [(10)] "~~Local school board~~" means a board elected under ~~Title 20A, Chapter 14, Part 2,~~
2868 ~~Election of Members of Local Boards of Education.~~]

2869 [(11)] (7) "Low performing school" means a district school or charter school that has
2870 been designated a low performing school by the state board because the school is:

2871 (a) for two consecutive school years in the lowest performing 3% of schools statewide
2872 according to the percentage of possible points earned under the school accountability system;
2873 and

2874 (b) a low performing school according to other outcome-based measures as may be
2875 defined in rules made by the state board [~~in accordance with Title 63G, Chapter 3, Utah~~
2876 ~~Administrative Rulemaking Act~~].

2877 [(12)] (8) "School accountability system" means the school accountability system
2878 established in Part 2, School Accountability System.

2879 [(13)] (9) "School grade" or "grade" means the letter grade assigned to a school as the
2880 school's overall rating under the school accountability system.

2881 [(14)] (10) "School turnaround committee" means a committee established under:

2882 (a) for a district school, Section 53E-5-303; or

2883 (b) for a charter school, Section 53E-5-304.

2884 [(15)] (11) "School turnaround plan" means a plan described in:

2885 (a) for a district school, Section 53E-5-303; or

2886 (b) for a charter school, Section [53E-5-304](#).

2887 Section 82. Section **53E-5-302** is amended to read:

2888 **53E-5-302. State board to designate low performing schools -- Needs assessment.**

2889 (1) Except as provided in Subsection (4), the state board shall:

2890 (a) annually designate a school as a low performing school; and

2891 (b) conduct a needs assessment for a low performing school by thoroughly analyzing
2892 the root causes of the low performing school's low performance.

2893 (2) The state board may use up to 5% of the appropriation provided under this part to
2894 hire or contract with one or more individuals to conduct a needs assessment described in
2895 Subsection (1)(b).

2896 (3) A school that was designated as a low performing school based on 2015-2016
2897 school year performance that is not in the lowest performing 3% of schools statewide following
2898 the 2016-2017 school year is exempt from the provisions of this part.

2899 (4) The state board is not required to designate as a low performing school a school for
2900 which the state board is not required to assign an overall rating in accordance with Section
2901 [53E-5-204](#).

2902 Section 83. Section **53E-5-303** is amended to read:

2903 **53E-5-303. Required action to turn around a low performing district school.**

2904 (1) In accordance with deadlines established by the state board, a local school board of
2905 a low performing school shall:

2906 (a) establish a school turnaround committee composed of the following members:

2907 (i) the local school board member who represents the voting district where the low
2908 performing school is located;

2909 (ii) the school principal;

2910 (iii) three parents of students enrolled in the low performing school appointed by the
2911 chair of the school community council;

2912 (iv) one teacher at the low performing school appointed by the principal;

2913 (v) one teacher at the low performing school appointed by the school district

2914 superintendent; and
2915 (vi) one school district administrator;
2916 (b) solicit proposals from a turnaround expert identified by the state board under
2917 Section [53E-5-305](#);
2918 (c) partner with the school turnaround committee to select a proposal;
2919 (d) submit the proposal described in Subsection (1)(b) to the state board for review and
2920 approval; and
2921 (e) subject to Subsections (3) and (4), contract with a turnaround expert.
2922 (2) A proposal described in Subsection (1)(b) shall include a:
2923 (a) strategy to address the root causes of the low performing school's low performance
2924 identified through the needs assessment described in Section [53E-5-302](#); and
2925 (b) scope of work to facilitate implementation of the strategy that includes at least the
2926 activities described in Subsection (4)(b).
2927 (3) A local school board may not select a turnaround expert that is:
2928 (a) the school district; or
2929 (b) an employee of the school district.
2930 (4) A contract between a local school board and a turnaround expert:
2931 (a) shall be based on an explicit stipulation of desired outcomes and consequences for
2932 not meeting goals, including cancellation of the contract;
2933 (b) shall include a scope of work that requires the turnaround expert to at a minimum:
2934 (i) develop and implement, in partnership with the school turnaround committee, a
2935 school turnaround plan that meets the criteria described in Subsection (5);
2936 (ii) monitor the effectiveness of a school turnaround plan through reliable means of
2937 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,
2938 and interviews;
2939 (iii) provide ongoing implementation support and project management for a school
2940 turnaround plan;
2941 (iv) provide high-quality professional development personalized for school staff that is

2942 designed to build:

2943 (A) the leadership capacity of the school principal;

2944 (B) the instructional capacity of school staff;

2945 (C) educators' capacity with data-driven strategies by providing actionable, embedded

2946 data practices; and

2947 (v) leverage support from community partners to coordinate an efficient delivery of

2948 supports to students inside and outside the classroom;

2949 (c) may include a scope of work that requires the turnaround expert to:

2950 (i) develop sustainable school district and school capacities to effectively respond to

2951 the academic and behavioral needs of students in high poverty communities; or

2952 (ii) other services that respond to the needs assessment conducted under Section

2953 [53E-5-302](#);

2954 (d) shall include travel costs and payment milestones; and

2955 (e) may include pay for performance provisions.

2956 (5) A school turnaround committee shall partner with the turnaround expert selected

2957 under Subsection (1) to develop and implement a school turnaround plan that:

2958 (a) addresses the root causes of the low performing school's low performance identified

2959 through the needs assessment described in Section [53E-5-302](#);

2960 (b) includes recommendations regarding changes to the low performing school's

2961 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,

2962 finances, policies, or other areas that may be necessary to implement the school turnaround

2963 plan;

2964 (c) includes measurable student achievement goals and objectives and benchmarks by

2965 which to measure progress;

2966 (d) includes a professional development plan that identifies a strategy to address

2967 problems of instructional practice;

2968 (e) includes a detailed budget specifying how the school turnaround plan will be

2969 funded;

2970 (f) includes a plan to assess and monitor progress;

2971 (g) includes a plan to communicate and report data on progress to stakeholders; and

2972 (h) includes a timeline for implementation.

2973 (6) A local school board of a low performing school shall:

2974 (a) prioritize school district funding and resources to the low performing school;

2975 (b) grant the low performing school streamlined authority over staff, schedule, policies,

2976 budget, and academic programs to implement the school turnaround plan; and

2977 (c) assist the turnaround expert and the low performing school with:

2978 (i) addressing the root cause of the low performing school's low performance; and

2979 (ii) the development or implementation of a school turnaround plan.

2980 (7) (a) On or before June 1 of an initial remedial year, a school turnaround committee

2981 shall submit the school turnaround plan to the local school board for approval.

2982 (b) Except as provided in Subsection (7)(c), on or before July 1 of an initial remedial

2983 year, a local school board of a low performing school shall submit the school turnaround plan

2984 to the state board for approval.

2985 (c) If the local school board does not approve the school turnaround plan submitted

2986 under Subsection (7)(a), the school turnaround committee may appeal the disapproval in

2987 accordance with rules made by the state board as described in Subsection 53E-5-305(6).

2988 (8) A local school board, or a local school board's designee, shall annually report to the

2989 state board progress toward the goals, benchmarks, and timetable in a low performing school's

2990 turnaround plan.

2991 Section 84. Section **53E-5-304** is amended to read:

2992 **53E-5-304. Required action to terminate or turn around a low performing**

2993 **charter school.**

2994 (1) In accordance with deadlines established by the state board, a charter school

2995 authorizer of a low performing school shall initiate a review to determine whether the charter

2996 school is in compliance with the school's charter agreement described in Section 53G-5-303,

2997 including the school's established minimum standards for student achievement.

2998 (2) If a low performing school is found to be out of compliance with the school's
2999 charter agreement, the charter school authorizer may terminate the school's charter agreement
3000 in accordance with Section [53G-5-503](#).

3001 (3) A charter school authorizer shall make a determination on the status of a low
3002 performing school's charter agreement under Subsection (2) on or before a date specified by the
3003 state board in an initial remedial year.

3004 (4) In accordance with deadlines established by the state board, if a charter school
3005 authorizer does not terminate a low performing school's charter agreement under Subsection
3006 (2), a charter school governing board of a low performing school shall:

3007 (a) establish a school turnaround committee composed of the following members:

3008 (i) a member of the charter school governing board, appointed by the chair of the
3009 charter school governing board;

3010 (ii) the school principal;

3011 (iii) three parents of students enrolled in the low performing school, appointed by the
3012 chair of the charter school governing board; and

3013 (iv) two teachers at the low performing school, appointed by the school principal;

3014 (b) solicit proposals from a turnaround expert identified by the state board under
3015 Section [53E-5-305](#);

3016 (c) partner with the school turnaround committee to select a proposal;

3017 (d) submit the proposal described in Subsection (4)(b) to the state board for review and
3018 approval; and

3019 (e) subject to Subsections (6) and (7), contract with a turnaround expert.

3020 (5) A proposal described in Subsection (4)(b) shall include a:

3021 (a) strategy to address the root causes of the low performing school's low performance
3022 identified through the needs assessment described in Section [53E-5-302](#); and

3023 (b) scope of work to facilitate implementation of the strategy that includes at least the
3024 activities described in Subsection [53E-5-303](#)(4)(b).

3025 (6) A charter school governing board may not select a turnaround expert that:

- 3026 (a) is a member of the charter school governing board;
- 3027 (b) is an employee of the charter school; or
- 3028 (c) has a contract to operate the charter school.
- 3029 (7) A contract entered into between a charter school governing board and a turnaround
- 3030 expert shall include and reflect the requirements described in Subsection 53E-5-303(4).
- 3031 (8) (a) A school turnaround committee shall partner with the independent school
- 3032 turnaround expert selected under Subsection (4) to develop and implement a school turnaround
- 3033 plan that includes the elements described in Subsection 53E-5-303(5).
- 3034 (b) A charter school governing board shall assist a turnaround expert and a low
- 3035 performing charter school with:
 - 3036 (i) addressing the root cause of the low performing school's low performance; and
 - 3037 (ii) the development or implementation of a school turnaround plan.
- 3038 (9) (a) On or before June 1 of an initial remedial year, a school turnaround committee
- 3039 shall submit the school turnaround plan to the charter school governing board for approval.
- 3040 (b) Except as provided in Subsection (9)(c), on or before July 1 of an initial remedial
- 3041 year, a charter school governing board of a low performing school shall submit the school
- 3042 turnaround plan to the state board for approval.
- 3043 (c) If the charter school governing board does not approve the school turnaround plan
- 3044 submitted under Subsection (9)(a), the school turnaround committee may appeal the
- 3045 disapproval in accordance with rules made by the state board as described in Subsection
- 3046 53E-5-305(6).
- 3047 (10) The provisions of this part do not modify or limit a charter school authorizer's
- 3048 authority at any time to terminate a charter school's charter agreement in accordance with
- 3049 Section 53G-5-503.
- 3050 (11) A charter school governing board or a charter school governing board's designee
- 3051 shall annually report to the state board progress toward the goals, benchmarks, and timetable in
- 3052 a low performing school's turnaround plan.
- 3053 Section 85. Section 53E-5-305 is amended to read:

3054 **53E-5-305. State board to identify independent school turnaround experts --**
3055 **Review and approval of school turnaround plans -- Appeals process.**

3056 (1) The state board shall identify two or more approved independent school turnaround
3057 experts, through a standard procurement process, that a low performing school may contract
3058 with to:

- 3059 (a) respond to the needs assessment conducted under Section 53E-5-302; and
- 3060 (b) provide the services described in Section 53E-5-303 or 53E-5-304, as applicable.

3061 (2) In identifying independent school turnaround experts under Subsection (1), the state
3062 board shall identify experts that:

- 3063 (a) have a credible track record of improving student academic achievement in public
3064 schools with various demographic characteristics, as measured by statewide assessments
3065 described in Section 53E-4-301;

- 3066 (b) have experience designing, implementing, and evaluating data-driven instructional
3067 systems in public schools;

- 3068 (c) have experience coaching public school administrators and teachers on designing
3069 data-driven school improvement plans;

- 3070 (d) have experience working with the various education entities that govern public
3071 schools;

- 3072 (e) have experience delivering high-quality professional development in instructional
3073 effectiveness to public school administrators and teachers; and

- 3074 (f) are willing to partner with any low performing school in the state, regardless of
3075 location.

3076 (3) (a) The state board shall:

- 3077 (i) review a proposal submitted for approval under Section 53E-5-303 or 53E-5-304 no
3078 later than 30 days after the day on which the proposal is submitted;

- 3079 (ii) review a school turnaround plan submitted for approval under Subsection
3080 53E-5-303(7)(b) or under Subsection 53E-5-304(9)(b) within 30 days of submission; and

- 3081 (iii) approve a school turnaround plan that:

3082 (A) is timely;

3083 (B) is well-developed; and

3084 (C) meets the criteria described in Subsection 53E-5-303(5).

3085 (b) The state board may not approve a school turnaround plan that is not aligned with

3086 the needs assessment conducted under Section 53E-5-302.

3087 (4) (a) Subject to legislative appropriations, when a school turnaround plan is approved

3088 by the state board, the state board shall distribute funds to each [~~local education~~] LEA

3089 governing board with a low performing school to carry out the provisions of Sections

3090 53E-5-303 and 53E-5-304.

3091 [~~(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

3092 ~~the]~~

3093 (b) The state board shall make rules establishing a distribution method and allowable

3094 uses of the funds described in Subsection (4)(a).

3095 (5) The state board shall:

3096 (a) monitor and assess progress toward the goals, benchmarks and timetable in each

3097 school turnaround plan; and

3098 (b) act as a liaison between a local school board, low performing school, and

3099 turnaround expert.

3100 [~~(6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

3101 ~~the]~~

3102 (6) (a) The state board shall make rules to establish an appeals process for:

3103 (i) a low performing district school that is not granted approval from the district

3104 school's local school board under Subsection 53E-5-303(7)(b);

3105 (ii) a low performing charter school that is not granted approval from the charter

3106 school's charter school governing board under Subsection 53E-5-304(9)(b); and

3107 (iii) a local school board or charter school governing board that is not granted approval

3108 from the state board under Subsection (3)(a) or (b).

3109 (b) The state board shall ensure that rules made under Subsection (6)(a) require an

3110 appeals process described in:

- 3111 (i) Subsections (6)(a)(i) and (ii) to be resolved on or before July 1 of the initial
- 3112 remedial year; and
- 3113 (ii) Subsection (6)(a)(iii) to be resolved on or before August 15 of the initial remedial
- 3114 year.

3115 (7) The state board may use up to 4% of the funds appropriated by the Legislature to
3116 carry out the provisions of this part for administration if the amount for administration is
3117 approved by the state board in an open meeting.

3118 Section 86. Section **53E-5-306** is amended to read:

3119 **53E-5-306. Implications for failing to improve school performance.**

3120 (1) As used in this section, "high performing charter school" means a charter school
3121 that:

- 3122 (a) satisfies all requirements of state law and state board rules;
- 3123 (b) meets or exceeds standards for student achievement established by the charter
- 3124 school's charter school authorizer; and
- 3125 (c) has received at least a B grade under the school accountability system in the
- 3126 previous two school years.

3127 [~~(2)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3128 ~~the]~~

3129 (2)(a) The state board shall make rules establishing:

- 3130 (i) exit criteria for a low performing school;
- 3131 (ii) criteria for granting a school an extension as described in Subsection (3); and
- 3132 (iii) implications for a low performing school that does not meet exit criteria after the
- 3133 school's final remedial year or the last school year of the extension period described in
- 3134 Subsection (3).

3135 (b) In establishing exit criteria for a low performing school the state board shall:

- 3136 (i) determine for each low performing school the number of points awarded under the
- 3137 school accountability system in the final remedial year that represent a substantive and

3138 statistically significant improvement over the number of points awarded under the school
3139 accountability system in the school year immediately preceding the initial remedial year;

3140 (ii) establish a method to estimate the exit criteria after a low performing school's first
3141 remedial year to provide a target for each low performing school; and

3142 (iii) use generally accepted statistical practices.

3143 (c) The state board shall through a competitively awarded contract engage a third party
3144 with expertise in school accountability and assessments to verify the criteria adopted under this
3145 Subsection (2).

3146 (3) (a) A low performing school may petition the state board for an extension to
3147 continue school improvement efforts for up to two years if the low performing school does not
3148 meet the exit criteria established by the state board as described in Subsection (2).

3149 (b) A school that has been granted an extension under this Subsection (3) is eligible
3150 for:

3151 (i) continued funding under Section [53E-5-305](#); and

3152 (ii) (A) the school teacher recruitment and retention incentive under Section
3153 [53E-5-308](#); or

3154 (B) the School Recognition and Reward Program under Section [53E-5-307](#).

3155 (4) If a low performing school does not meet exit criteria after the school's final
3156 remedial year or the last school year of the extension period, the state board may intervene by:

3157 (a) restructuring a district school, which may include:

3158 (i) contract management;

3159 (ii) conversion to a charter school; or

3160 (iii) state takeover;

3161 (b) restructuring a charter school by:

3162 (i) terminating a school's charter agreement;

3163 (ii) closing a charter school; or

3164 (iii) transferring operation and control of the charter school to:

3165 (A) a high performing charter school; or

3166 (B) the school district in which the charter school is located; or

3167 (c) other appropriate action as determined by the state board.

3168 Section 87. Section **53E-5-307** is amended to read:

3169 **53E-5-307. School Recognition and Reward Program.**

3170 (1) As used in this section, "eligible school" means a low performing school that:

3171 (a) was designated as a low performing school based on 2014-2015 school year
3172 performance; and

3173 (b) (i) improves the school's grade by at least one letter grade, as determined by
3174 comparing the school's letter grade for the school year prior to the initial remedial year to the
3175 school's letter grade for the final remedial year; or

3176 (ii) (A) has been granted an extension under Subsection **53E-5-306(3)**; and

3177 (B) improves the school's grade by at least one letter grade, as determined by
3178 comparing the school's letter grade for the school year prior to the initial remedial year to the
3179 school's letter grade for the last school year of the extension period.

3180 (2) The School Recognition and Reward Program is created to provide incentives to
3181 schools and educators to improve the school grade of a low performing school.

3182 (3) Subject to appropriations by the Legislature, upon the release of school grades by
3183 the state board, the state board shall distribute a reward equal to:

3184 (a) for an eligible school that improves the eligible school's grade one letter grade:

3185 (i) \$100 per tested student; and

3186 (ii) \$1,000 per educator;

3187 (b) for an eligible school that improves the eligible school's grade two letter grades:

3188 (i) \$200 per tested student; and

3189 (ii) \$2,000 per educator;

3190 (c) for an eligible school that improves the eligible school's grade three letter grades:

3191 (i) \$300 per tested student; and

3192 (ii) \$3,000 per educator; and

3193 (d) for an eligible school that improves the eligible school's grade four letter grades:

3194 (i) \$500 per tested student; and

3195 (ii) \$5,000 per educator.

3196 (4) The principal of an eligible school that receives a reward under Subsection (3), in
3197 consultation with the educators at the eligible school, may determine how to use the money in
3198 the best interest of the school, including providing bonuses to educators.

3199 (5) If the number of qualifying eligible schools exceeds available funds, the state board
3200 may reduce the amounts specified in Subsection (3).

3201 (6) A local school board of an eligible school, in coordination with the eligible school's
3202 turnaround committee, may elect to receive a reward under this section or receive funds
3203 described in Section [53E-5-308](#) but not both.

3204 Section 88. Section [53E-5-308](#) is amended to read:

3205 **53E-5-308. Turnaround school teacher recruitment and retention.**

3206 (1) As used in this section, "plan" means a teacher recruitment and retention plan.

3207 (2) On a date specified by the state board, [~~a local education~~] an LEA governing board
3208 of a low performing school shall submit to the state board for review and approval a plan to
3209 address teacher recruitment and retention in a low performing school.

3210 (3) The state board shall:

3211 (a) review a plan submitted under Subsection (2);

3212 (b) approve a plan if the plan meets criteria established by the state board in rules
3213 [~~made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~]; and

3214 (c) subject to legislative appropriations, provide funding to [~~a local education~~] an LEA
3215 governing board for teacher recruitment and retention efforts identified in an approved plan if
3216 the [~~local education~~] LEA governing board provides matching funds in an amount equal to at
3217 least the funding the low performing school would receive from the state board.

3218 (4) The money distributed under this section may only be expended to fund teacher
3219 recruitment and retention efforts identified in an approved plan.

3220 Section 89. Section [53E-5-309](#) is amended to read:

3221 **53E-5-309. School Leadership Development Program.**

3222 (1) As used in this section, "school leader" means a school principal or assistant
3223 principal.

3224 (2) There is created the School Leadership Development Program to increase the
3225 number of highly effective school leaders capable of:

3226 (a) initiating, achieving, and sustaining school improvement efforts; and

3227 (b) forming and sustaining community partnerships as described in Section 53F-5-402.

3228 (3) The state board shall identify one or more providers, through a request for
3229 proposals process, to develop or provide leadership development training for school leaders
3230 that:

3231 (a) may provide in-depth training in proven strategies to turn around low performing
3232 schools;

3233 (b) may emphasize hands-on and job-embedded learning;

3234 (c) aligns with the state's leadership standards established by state board rule;

3235 (d) reflects the needs of a school district or charter school where a school leader serves;

3236 (e) may include training on using student achievement data to drive decisions;

3237 (f) may develop skills in implementing and evaluating evidence-based instructional
3238 practices;

3239 (g) may develop skills in leading collaborative school improvement structures,
3240 including professional learning communities; and

3241 (h) includes instruction on forming and sustaining community partnerships as
3242 described in Section 53F-5-402.

3243 (4) Subject to legislative appropriations, the [~~State Board of Education~~] state board
3244 shall provide incentive pay to a school leader who:

3245 (a) completes leadership development training under this section; and

3246 (b) agrees to work, for at least five years, in a school that received an F grade or D
3247 grade under the school accountability system in the school year previous to the first year the
3248 school leader:

3249 (i) completes leadership development training; and

3250 (ii) begins to work, or continues to work, in a school described in this Subsection

3251 (4)(b).

3252 [~~(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

3253 ~~the]~~

3254 (5) The state board shall make rules specifying:

3255 (a) eligibility criteria for a school leader to participate in the School Leadership

3256 Development Program;

3257 (b) application procedures for the School Leadership Development Program;

3258 (c) criteria for selecting school leaders from the application pool; and

3259 (d) procedures for awarding incentive pay under Subsection (4).

3260 Section 90. Section **53E-5-310** is amended to read:

3261 **53E-5-310. Reporting requirement.**

3262 On or before November 30 of each year, the state board shall report to the Education

3263 Interim Committee on the provisions of this part.

3264 Section 91. Section **53E-6-102** is amended to read:

3265 **53E-6-102. Definitions.**

3266 As used in this chapter:

3267 [~~(1) "Board" means the State Board of Education.~~]

3268 [~~(2)~~] (1) "Certificate" means a license issued by a governmental jurisdiction outside the

3269 state.

3270 [~~(3)~~] (2) "Educator" means:

3271 (a) a person who holds a license;

3272 (b) a teacher, counselor, administrator, librarian, or other person required, under rules

3273 of the state board, to hold a license; or

3274 (c) a person who is the subject of an allegation which has been received by the state

3275 board or UPPAC and was, at the time noted in the allegation, a license holder or a person

3276 employed in a position requiring licensure.

3277 [~~(4)~~] (3) "License" means an authorization issued by the state board that permits the

3278 holder to serve in a professional capacity in the public schools.

3279 ~~[(5)]~~ (4) "National Board certification" means a current certificate issued by the
3280 National Board for Professional Teaching Standards.

3281 ~~[(6)]~~ "Rule" means an administrative rule adopted by the board under Title 63G,
3282 Chapter 3, Utah Administrative Rulemaking Act.]

3283 ~~[(7)]~~ (5) "School" means a public or private entity that provides educational services to
3284 a minor child.

3285 ~~[(8)]~~ (6) "UPPAC" means the Utah Professional Practices Advisory Commission.

3286 Section 92. Section **53E-6-103** is amended to read:

3287 **53E-6-103. Legislative findings on teacher quality -- Declaration of education as**
3288 **a profession.**

3289 (1) (a) The Legislature acknowledges that education is perhaps the most important
3290 function of state and local governments, recognizing that the future success of our state and
3291 nation depend in large part upon the existence of a responsible and educated citizenry.

3292 (b) The Legislature further acknowledges that the primary responsibility for the
3293 education of children within the state resides with their parents [~~or guardians~~] and that the role
3294 of state and local governments is to support and assist parents in fulfilling that responsibility.

3295 (2) (a) The Legislature finds that:

3296 (i) quality teaching is the basic building block of successful schools and, outside of
3297 home and family circumstances, the essential component of student achievement;

3298 (ii) the high quality of teachers is absolutely essential to enhance student achievement
3299 and to assure educational excellence in each classroom in the state's public schools; and

3300 (iii) the implementation of a comprehensive continuum of data-driven strategies
3301 regarding recruitment, preservice, licensure, induction, professional development, and
3302 evaluation is essential if the state and its citizens expect every classroom to be staffed by a
3303 skilled, caring, and effective teacher.

3304 (b) In providing for the safe and effective performance of the function of educating
3305 Utah's children, the Legislature further finds it to be of critical importance that education,

3306 including instruction, administrative, and supervisory services, be recognized as a profession,
3307 and that those who are licensed or seek to become licensed and to serve as educators:

3308 (i) meet high standards both as to qualifications and fitness for service as educators
3309 through quality recruitment and preservice programs before assuming their responsibilities in
3310 the schools;

3311 (ii) maintain those standards in the performance of their duties while holding licenses,
3312 in large part through participating in induction and ongoing professional development
3313 programs focused on instructional improvement;

3314 (iii) receive fair, systematic evaluations of their performance at school for the purpose
3315 of enhancing the quality of public education and student achievement; and

3316 (iv) have access to a process for fair examination and review of allegations made
3317 against them and for the administration of appropriate sanctions against those found, in
3318 accordance with due process, to have failed to conduct themselves in a manner commensurate
3319 with their authority and responsibility to provide appropriate professional services to the
3320 children of the state.

3321 Section 93. Section **53E-6-201** is amended to read:

3322 **53E-6-201. State board licensure.**

3323 (1) To be fully implemented by July 1, 2020, and, if technology and funds are
3324 available, the state board shall establish in rule a system for educator licensing that includes:

3325 (a) an associate educator license that permits an individual to provide educational
3326 services in a public school while working to meet the requirements of a professional educator
3327 license;

3328 (b) a professional educator license that permits an individual to provide educational
3329 services in a public school after demonstrating that the individual meets licensure requirements
3330 established in state board rule; and

3331 (c) an LEA-specific educator license issued by the state board at the request of an
3332 LEA's governing body that is valid for an individual to provide educational services in the
3333 requesting LEA's schools.

3334 (2) An individual employed in a position that requires licensure by the state board shall
3335 hold the license that is appropriate to the position.

3336 (3) (a) The state board may by rule rank, endorse, or otherwise classify licenses and
3337 establish the criteria for obtaining, retaining, and reinstating licenses.

3338 (b) An educator who is enrolling in a course of study at an institution within the state
3339 system of higher education to satisfy the state board requirements for retaining a license is
3340 exempt from tuition, except for a semester registration fee established by the State Board of
3341 Regents, if:

3342 (i) the educator is enrolled on the basis of surplus space in the class after regularly
3343 enrolled students have been assigned and admitted to the class in accordance with regular
3344 procedures, normal teaching loads, and the institution's approved budget; and

3345 (ii) enrollments are determined by each institution under rules and guidelines
3346 established by the State Board of Regents in accordance with findings of fact that space is
3347 available for the educator's enrollment.

3348 Section 94. Section **53E-6-204** is amended to read:

3349 **53E-6-204. Exemptions from licensure.**

3350 Except as otherwise provided by statute or rule, a spouse of an individual serving in the
3351 armed forces of the United States while the individual is stationed within this state may work
3352 as an educator without being licensed under this title if:

3353 (1) the spouse holds a valid educator license issued by any other state or jurisdiction
3354 recognized by the state board; and

3355 (2) the license is current and the spouse is in good standing in the state or jurisdiction
3356 of licensure.

3357 Section 95. Section **53E-6-301** is amended to read:

3358 **53E-6-301. Qualifications of applicants for licenses -- Changes in qualifications.**

3359 (1) The state board shall establish by rule the scholarship, training, and experience
3360 required of license applicants.

3361 (2) (a) The state board shall announce any increase in the requirements when made.

3362 (b) An increase in requirements shall become effective not less than one year from the
3363 date of the announcement.

3364 (3) The state board may determine by examination or otherwise the qualifications of
3365 license applicants.

3366 Section 96. Section **53E-6-302** is amended to read:

3367 **53E-6-302. Teacher preparation programs.**

3368 [~~(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3369 ~~the]~~

3370 (1) The state board shall make rules that establish standards for approval of a
3371 preparation program.

3372 (2) The state board shall ensure that standards adopted under Subsection (1) meet or
3373 exceed generally recognized national standards for preparation of educators.

3374 (3) The state board shall designate an employee of the state board's staff to:

3375 (a) work with education deans of state institutions of higher education to coordinate
3376 on-site monitoring of teacher preparation programs that may include:

3377 (i) monitoring courses for teacher preparation programs;

3378 (ii) working with course instructors for teacher preparation programs; and

3379 (iii) interviewing students admitted to teacher preparation programs;

3380 (b) act as a liaison between:

3381 (i) the state board;

3382 (ii) local school boards or charter school governing boards; and

3383 (iii) representatives of teacher preparation programs; and

3384 (c) report the employee's findings and recommendations for the improvement of
3385 teacher preparation programs to:

3386 (i) the state board; and

3387 (ii) education deans of state institutions of higher education.

3388 (4) The state board shall:

3389 (a) in good faith, consider the findings and recommendations described in Subsection

3390 (3)(c); and

3391 (b) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]
3392 make rules, as the state board determines is necessary, to implement recommendations
3393 described in Subsection (3)(c).

3394 Section 97. Section **53E-6-303** is amended to read:

3395 **53E-6-303. Prohibition on use of degrees or credit from unapproved institutions.**

3396 (1) An individual may not use a postsecondary degree or credit awarded by a
3397 postsecondary institution or program to gain a license, employment, or any other benefit within
3398 the public school system unless the institution or program was, at the time the degree or credit
3399 was awarded:

3400 (a) approved for the granting of the degree or credit by the state board; or

3401 (b) accredited by an accrediting organization recognized by the state board.

3402 (2) The state board may grant an exemption from Subsection (1) to an individual who
3403 shows good cause for the granting of the exemption.

3404 Section 98. Section **53E-6-307** is amended to read:

3405 **53E-6-307. Certification in other jurisdictions -- Impact on licensing in Utah.**

3406 (1) An applicant for a license, renewal of a license, or reinstatement of a license shall
3407 provide the administrator of teacher licensing with an affidavit, stating under oath the current
3408 status of any certificate, license, or other authorization required for a professional position in
3409 education, which the applicant holds or has held in any other jurisdiction.

3410 (2) An applicant for a license who has held a teacher's license in any other jurisdiction
3411 or who graduated from an institution of higher education in another state shall also provide the
3412 administrator of teacher licensing with:

3413 (a) a complete listing of the higher education institutions attended by the applicant,
3414 whether the applicant's enrollment or eligibility for completion of a program was terminated by
3415 the institution, and, if so, the reasons for termination;

3416 (b) a complete list of prior school employers; and

3417 (c) a release on a form provided by the administrator permitting the state board to

3418 obtain records from other jurisdictions and from institutions of higher education attended by
3419 the applicant, including expunged or otherwise protected records, relating to any offense
3420 described substantially in the same language as in Section 53G-11-405.

3421 (3) If the applicant's certificate, license, or authorization as an educator in any other
3422 jurisdiction is under investigation, has expired or been surrendered, suspended or revoked, or is
3423 currently not valid for any other reason, the state board may not grant the requested license,
3424 renewal, or reinstatement until it has received confirmation from the administrator of
3425 professional certification in that jurisdiction that the applicant would be eligible for
3426 certification or licensure in that jurisdiction.

3427 (4) The state board may not withhold a license for the sole reason that the applicant
3428 would be ineligible for certification, licensure, or authorization in the jurisdiction referred to in
3429 Subsection (3) because of failure to meet current requirements in that jurisdiction relating to
3430 education, time in service, or residence.

3431 Section 99. Section 53E-6-401 is amended to read:

3432 **53E-6-401. Background checks.**

3433 In accordance with Section 53G-11-403, the [~~State Board of Education~~] state board
3434 shall require a license applicant to submit to a criminal background check and ongoing
3435 monitoring as a condition for licensing.

3436 Section 100. Section 53E-6-402 is amended to read:

3437 **53E-6-402. State board-required licensing or employment recommendations --**
3438 **Local public school-required licensing recommendations -- Notice requirements for**
3439 **affected parties -- Exemption from liability.**

3440 (1) (a) The state board shall provide the appropriate administrator of a public or private
3441 school or of an agency outside the state that is responsible for licensing or certifying
3442 educational personnel with a recommendation or other information possessed by the state
3443 board that has significance in evaluating the employment or license of:

- 3444 (i) a current or prospective school employee;
3445 (ii) an educator or education license holder; or

- 3446 (iii) a license applicant.
- 3447 (b) Information supplied under Subsection (1)(a) shall include:
- 3448 (i) the complete record of a hearing; and
- 3449 (ii) the investigative report for matters that:
- 3450 (A) the educator has had an opportunity to contest; and
- 3451 (B) did not proceed to a hearing.
- 3452 (2) At the request of the state board, an administrator of a public school or school
- 3453 district shall, and an administrator of a private school may, provide the state board with a
- 3454 recommendation or other information possessed by the school or school district that has
- 3455 significance in evaluating the:
- 3456 (a) license of an educator or education license holder; or
- 3457 (b) potential licensure of a license applicant.
- 3458 (3) If the state board decides to deny licensure or to take action against an educator's
- 3459 license based upon information provided under this section, the state board shall:
- 3460 (a) give notice of the information to the educator or license applicant; and
- 3461 (b) afford the educator or license applicant an opportunity to respond to the
- 3462 information.
- 3463 (4) A person who, in good faith, provides a recommendation or discloses or receives
- 3464 information under this section is exempt from civil and criminal liability relating to that
- 3465 recommendation, receipt, or disclosure.

3466 Section 101. Section **53E-6-403** is amended to read:

3467 **53E-6-403. Tie-in with the Criminal Investigations and Technical Services**

3468 **Division.**

- 3469 (1) The state board shall:
- 3470 (a) designate employees to act, with state board supervision, as an online terminal
- 3471 agency with the Department of Public Safety's Criminal Investigations and Technical Services
- 3472 Division under Section **53-10-108**; and
- 3473 (b) provide relevant information concerning current or prospective employees or

3474 volunteers upon request to other school officials as provided in Section 53E-6-402.

3475 (2) The cost of the online service shall be borne by the entity making the inquiry.

3476 Section 102. Section 53E-6-501 is amended to read:

3477 **53E-6-501. Utah Professional Practices Advisory Commission established.**

3478 The Utah Professional Practices Advisory Commission, UPPAC, is established to assist
3479 and advise the state board in matters relating to the professional practices of educators.

3480 Section 103. Section 53E-6-502 is amended to read:

3481 **53E-6-502. UPPAC members -- Executive secretary.**

3482 (1) UPPAC shall consist of a nonvoting executive secretary and 11 voting members,
3483 nine of whom shall be licensed educators in good standing, and two of whom shall be members
3484 nominated by the education organization within the state that has the largest membership of
3485 parents of students and teachers.

3486 (2) Six of the voting members shall be persons whose primary responsibility is
3487 teaching.

3488 (3) (a) The state superintendent [~~of public instruction~~] shall appoint an employee to
3489 serve as executive secretary.

3490 (b) Voting members are appointed by the state superintendent as provided under
3491 Section 53E-6-503.

3492 (4) [~~Board~~] State board employees shall staff UPPAC activities.

3493 Section 104. Section 53E-6-503 is amended to read:

3494 **53E-6-503. Nominations -- Appointment of commission members --**
3495 **Reappointments.**

3496 (1) (a) The state board shall adopt rules establishing procedures for nominating and
3497 appointing individuals to voting membership on UPPAC.

3498 (b) Nomination petitions must be filed with the state superintendent prior to June 16 of
3499 the year of appointment.

3500 (c) A nominee for appointment as a member of UPPAC as an educator must have been
3501 employed in the representative class in the Utah public school system or a private school

3502 accredited by the state board during the three years immediately preceding the date of
3503 appointment.

3504 (2) The state superintendent [~~of public instruction~~] shall appoint the members of the
3505 commission.

3506 (3) Appointments begin July 1 and are for terms of three years and until a successor is
3507 appointed.

3508 (4) Terms of office are staggered so that approximately 1/3 of UPPAC members are
3509 appointed annually.

3510 (5) A member may not serve more than two terms.

3511 Section 105. Section **53E-6-504** is amended to read:

3512 **53E-6-504. Filling of vacancies.**

3513 (1) A UPPAC vacancy occurs if a member resigns, fails to attend three or more
3514 meetings during a calendar year, or no longer meets the requirements for nomination and
3515 appointment.

3516 (2) If a vacancy occurs, the state superintendent shall appoint a successor to fill the
3517 unexpired term.

3518 (3) If the state superintendent does not fill the vacancy within 60 days, the state board
3519 shall make the appointment.

3520 (4) Nominations to fill vacancies are submitted to the state superintendent in
3521 accordance with procedures established under rules of the state board.

3522 Section 106. Section **53E-6-505** is amended to read:

3523 **53E-6-505. Meetings and expenses of UPPAC members.**

3524 (1) UPPAC shall meet at least quarterly and at the call of the chair or of a majority of
3525 the members.

3526 (2) Members of UPPAC serve without compensation but are allowed reimbursement
3527 for actual and necessary expenses under the rules of the Division of Finance.

3528 (3) The state board shall pay reimbursement to UPPAC members out of the Education
3529 Fund.

3530 Section 107. Section **53E-6-506** is amended to read:

3531 **53E-6-506. UPPAC duties and procedures.**

3532 (1) The state board may direct UPPAC to review a complaint about an educator and
3533 recommend that the state board:

3534 (a) dismiss the complaint; or

3535 (b) investigate the complaint in accordance with this section.

3536 (2) (a) The state board may direct UPPAC to:

3537 (i) in accordance with this section, investigate a complaint's allegation or decision; or

3538 (ii) hold a hearing.

3539 (b) UPPAC may initiate a hearing as part of an investigation.

3540 (c) Upon completion of an investigation or hearing, UPPAC shall:

3541 (i) provide findings to the state board; and

3542 (ii) make a recommendation for state board action.

3543 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to
3544 adversely affect an educator's license unless UPPAC gives the educator an opportunity for a
3545 hearing.

3546 (3) (a) The state board may:

3547 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC
3548 oversight; or

3549 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an
3550 investigation.

3551 (b) In conducting an investigation, UPPAC or an independent investigator shall
3552 conduct the investigation independent of and separate from a related criminal investigation.

3553 (c) In conducting an investigation, UPPAC or an independent investigator may:

3554 (i) in accordance with Section **53E-6-606** administer oaths and issue subpoenas; or

3555 (ii) receive evidence related to an alleged offense, including sealed or expunged
3556 records released to the state board under Section **77-40-109**.

3557 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may

3558 recommend that the state board initiate a background check on an educator as described in
3559 Section 53G-11-403.

3560 (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense
3561 against a minor child if the educator voluntarily surrendered a license or certificate or allowed a
3562 license or certificate to lapse in the face of a charge of having committed a sexual offense
3563 against a minor child.

3564 (4) The state board may direct UPPAC to:

3565 (a) recommend to the state board procedures for:

3566 (i) receiving and processing complaints;

3567 (ii) investigating a complaint's allegation or decision;

3568 (iii) conducting hearings; or

3569 (iv) reporting findings and making recommendations to the state board for state board
3570 action;

3571 (b) recommend to the state board or a professional organization of educators:

3572 (i) standards of professional performance, competence, and ethical conduct for
3573 educators; or

3574 (ii) suggestions for improvement of the education profession; or

3575 (c) fulfill other duties the state board finds appropriate.

3576 (5) UPPAC may not participate as a party in a dispute relating to negotiations between:

3577 (a) a school district and the school district's educators; or

3578 (b) a charter school and the charter school's educators.

3579 (6) The state board shall make rules establishing UPPAC duties and procedures.

3580 Section 108. Section 53E-6-602 is amended to read:

3581 **53E-6-602. Licensing power of the state board -- Licensing final action -- Appeal**
3582 **rights.**

3583 (1) The state board holds the power to license educators.

3584 (2) (a) The state board shall take final action with regard to an educator license.

3585 (b) An entity other than the state board may not take final action with regard to an

3586 educator license.

3587 (3) (a) In accordance with Subsection (3)(b), a license applicant or an educator may
3588 seek judicial review of a final action made by the state board under this chapter.

3589 (b) A license applicant or educator may file a petition for judicial review of the state
3590 board's final action if the license applicant or educator files a petition within 30 days after the
3591 day on which the license applicant or educator received notice of the final action.

3592 Section 109. Section **53E-6-603** is amended to read:

3593 **53E-6-603. Ineligibility for educator license.**

3594 (1) The state board may refuse to issue a license to a license applicant if the state board
3595 finds good cause for the refusal, including behavior of the applicant:

3596 (a) found pursuant to a criminal, civil, or administrative matter after reasonable
3597 opportunity for the applicant to contest the allegation; and

3598 (b) considered, as behavior of an educator, to be:

3599 (i) immoral, unprofessional, or incompetent behavior; or

3600 (ii) a violation of standards of ethical conduct, performance, or professional
3601 competence.

3602 (2) The state board may not issue, renew, or reinstate an educator license if the license
3603 applicant or educator:

3604 (a) was convicted of a felony of a sexual nature;

3605 (b) pled guilty to a felony of a sexual nature;

3606 (c) entered a plea of no contest to a felony of a sexual nature;

3607 (d) entered a plea in abeyance to a felony of a sexual nature;

3608 (e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
3609 Offenses, against a minor child;

3610 (f) engaged in sexually explicit conduct, as defined in Section [76-5b-103](#), with a
3611 student who is a minor;

3612 (g) engaged in sexually explicit conduct, as defined in Section [76-5b-103](#), with a
3613 student who is:

- 3614 (i) not a minor; and
- 3615 (ii) enrolled in a school where the license applicant or educator is or was employed; or
- 3616 (h) admits to the state board or UPPAC that the license applicant or educator

3617 committed conduct that amounts to:

- 3618 (i) a felony of a sexual nature; or
- 3619 (ii) a sexual offense or sexually explicit conduct described in Subsection (2)(e), (f), or
- 3620 (g).

3621 (3) If an individual is ineligible for licensure under Subsection (1) or (2), a public
3622 school may not:

- 3623 (a) employ the person in the public school; or
- 3624 (b) allow the person to volunteer in the public school.

3625 (4) (a) If the state board denies licensure under this section, the state board shall
3626 immediately notify the applicant of:

- 3627 (i) the denial; and
- 3628 (ii) the applicant's right to request a hearing before UPPAC.

3629 (b) Upon receipt of a notice described in Subsection (4)(a), an applicant may, within 30
3630 days after the day on which the applicant received the notice, request a hearing before UPPAC
3631 for the applicant to review and respond to all evidence upon which the state board based the
3632 denial.

3633 (c) If the state board receives a request for a hearing described in Subsection (4)(b), the
3634 state board shall direct UPPAC to hold a hearing.

3635 Section 110. Section **53E-6-604** is amended to read:

3636 **53E-6-604. State board disciplinary action against an educator.**

3637 (1) (a) The state board shall direct UPPAC to investigate an allegation, administrative
3638 decision, or judicial decision that evidences an educator is unfit for duty because the educator
3639 exhibited behavior that:

- 3640 (i) is immoral, unprofessional, or incompetent; or
- 3641 (ii) violates standards of ethical conduct, performance, or professional competence.

3642 (b) If the state board determines an allegation or decision described in Subsection
3643 (1)(a) does not evidence an educator's unfitness for duty, the state board may dismiss the
3644 allegation or decision without an investigation or hearing.

3645 (2) The state board shall direct UPPAC to investigate and allow an educator to respond
3646 in a UPPAC hearing if the state board receives an allegation that the educator:

3647 (a) was charged with a felony of a sexual nature;

3648 (b) was convicted of a felony of a sexual nature;

3649 (c) pled guilty to a felony of a sexual nature;

3650 (d) entered a plea of no contest to a felony of a sexual nature;

3651 (e) entered a plea in abeyance to a felony of a sexual nature;

3652 (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
3653 Offenses, against a minor child;

3654 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3655 student who is a minor; or

3656 (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3657 student who is:

3658 (i) not a minor; and

3659 (ii) enrolled in a school where the educator is or was employed.

3660 (3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board
3661 shall direct UPPAC to:

3662 (a) investigate the alleged violation; and

3663 (b) hold a hearing to allow the educator to respond to the allegation.

3664 (4) Upon completion of an investigation or hearing described in this section, UPPAC
3665 shall:

3666 (a) provide findings to the state board; and

3667 (b) make a recommendation for state board action.

3668 (5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and
3669 recommendation, the state board may:

- 3670 (i) revoke the educator's license;
- 3671 (ii) suspend the educator's license;
- 3672 (iii) restrict or prohibit the educator from renewing the educator's license;
- 3673 (iv) warn or reprimand the educator;
- 3674 (v) enter into a written agreement with the educator that requires the educator to
- 3675 comply with certain conditions;
- 3676 (vi) direct UPPAC to further investigate or gather information; or
- 3677 (vii) take other action the state board finds to be appropriate for and consistent with the
- 3678 educator's behavior.
- 3679 (b) Upon review of UPPAC's findings and recommendation, the state board shall
- 3680 revoke the license of an educator who:
- 3681 (i) was convicted of a felony of a sexual nature;
- 3682 (ii) pled guilty to a felony of a sexual nature;
- 3683 (iii) entered a plea of no contest to a felony of a sexual nature;
- 3684 (iv) entered a plea in abeyance to a felony of a sexual nature;
- 3685 (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
- 3686 Offenses, against a minor child;
- 3687 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
- 3688 student who is a minor;
- 3689 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
- 3690 student who is:
- 3691 (A) not a minor; and
- 3692 (B) enrolled in a school where the educator is or was employed; or
- 3693 (viii) admits to the state board or UPPAC that the applicant committed conduct that
- 3694 amounts to:
- 3695 (A) a felony of a sexual nature; or
- 3696 (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi),
- 3697 or (vii).

3698 (c) The state board may not reinstate a revoked license.

3699 (d) Before the state board takes adverse action against an educator under this section,
3700 the state board shall ensure that the educator had an opportunity for a UPPAC hearing.

3701 Section 111. Section **53E-6-605** is amended to read:

3702 **53E-6-605. Designation of hearing officer or panel -- Review of findings.**

3703 (1) UPPAC or a state or local school board charged with responsibility for conducting
3704 a hearing may conduct the hearing itself or appoint a hearing officer or panel to conduct the
3705 hearing and make recommendations concerning findings.

3706 (2) UPPAC or the local school board shall review the record of the hearing and the
3707 recommendations, and may obtain and review, in the presence of the parties or their
3708 representatives, additional relevant information, prior to issuing official findings.

3709 (3) UPPAC shall provide a panel of its members to serve as fact finders in a hearing at
3710 the request of the educator who is the subject of the hearing.

3711 Section 112. Section **53E-6-607** is amended to read:

3712 **53E-6-607. Policies for conducting hearings -- Standard of proof.**

3713 (1) The state board and each local school board shall adopt [~~rules~~] policies for the
3714 conduct of hearings to ensure that requirements of due process are met.

3715 (2) An accused party shall be provided not less than 15 days before a hearing with:

3716 (a) notice of the hearing;

3717 (b) the law, rule, or policy alleged to have been violated;

3718 (c) sufficient information about the allegations and the evidence to be presented in
3719 support of the allegations to permit the accused party to prepare a meaningful defense; and

3720 (d) a copy of the [~~rules~~] policies under which the hearing will be conducted.

3721 (3) If an accused party fails to request a hearing within 30 days after written notice is
3722 sent to the party's address as shown on the records of the local school board, for actions taken
3723 under the auspices of a local school board, or on the records of the state board, for actions
3724 taken under the auspices of the state board, then the accused party shall be considered to have
3725 waived the right to a hearing and the action may proceed without further delay.

3726 (4) Hearing fact finders shall use the preponderance of evidence standard in deciding
3727 all questions unless a higher standard is required by law.

3728 (5) Unless otherwise provided in this public education code, the decisions of state and
3729 local school boards are final determinations under this section, appealable to the appropriate
3730 court for review.

3731 Section 113. Section **53E-6-701** is amended to read:

3732 **53E-6-701. Mandatory reporting of physical or sexual abuse of students.**

3733 (1) For purposes of this section, "educator" means, in addition to a person included
3734 under Section **53E-6-102**, a person, including a volunteer or temporary employee, who at the
3735 time of an alleged offense was performing a function in a private school for which a license
3736 would be required in a public school.

3737 (2) In addition to any duty to report suspected cases of child abuse or neglect under
3738 Section **62A-4a-403**, an educator who has reasonable cause to believe that a student may have
3739 been physically or sexually abused by a school employee shall immediately report the belief
3740 and all other relevant information to the school principal, to the superintendent, or to the state
3741 board.

3742 (3) A school administrator who has received a report under Subsection (2) or who
3743 otherwise has reasonable cause to believe that a student may have been physically or sexually
3744 abused by an educator shall immediately report that information to the state board.

3745 (4) Upon notice that an educator allegedly violated Subsection (2) or (3), the state
3746 board shall direct UPPAC to investigate the educator's alleged violation as described in Section
3747 **53E-6-604**.

3748 (5) A person who makes a report under this section in good faith shall be immune from
3749 civil or criminal liability that might otherwise arise by reason of that report.

3750 Section 114. Section **53E-6-702** is amended to read:

3751 **53E-6-702. Reimbursement of legal fees and costs to educators.**

3752 (1) As used in this section:

3753 (a) "Action" means any action, except those referred to in Section **52-6-201**, brought

3754 against an educator by an individual or entity other than:

3755 (i) the entity who licenses the educator; and

3756 (ii) the LEA that employs the educator or employed the educator at the time of the
3757 alleged act or omission.

3758 (b) "Educator" means an individual who holds or is required to hold a license as
3759 defined by the state board and is employed by an LEA located within the state.

3760 [~~(c) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and~~
3761 ~~the Blind.~~]

3762 (2) Except as otherwise provided in Section [52-6-201](#), an educator is entitled to recover
3763 reasonable attorneys' fees and costs incurred in the educator's defense against an individual or
3764 entity who initiates an action against the educator if:

3765 (a) the action is brought for any act or omission of the educator during the performance
3766 of the educator's duties within the scope of the educator's employment; and

3767 (b) it is dismissed or results in findings favorable to the educator.

3768 (3) An educator who recovers under this section is also entitled to recover reasonable
3769 attorneys' fees and costs necessarily incurred by the educator in recovering the attorneys' fees
3770 and costs allowed under Subsection (2).

3771 Section 115. Section **53E-6-703** is amended to read:

3772 **53E-6-703. Professional competence or performance -- Administrative hearing**
3773 **by local school board -- Action on complaint.**

3774 (1) (a) No civil action by or on behalf of a student relating to the professional
3775 competence or performance of a licensed employee of a school district, or to the discipline of
3776 students by a licensed employee, application of in loco parentis, or a violation of ethical
3777 conduct by an employee of a school district, may be brought in a court until at least 60 days
3778 after the filing of a written complaint with the local school board [~~of education~~] of the district,
3779 or until findings have been issued by the local school board after a hearing on the complaint,
3780 whichever is sooner.

3781 (b) As used in Subsection (1)(a), "in loco parentis" means the power of professional

3782 school personnel to exercise the rights, duties, and responsibilities of a reasonable, responsible
3783 parent in dealing with students in school-related matters.

3784 (c) A parent of a student has standing to file a civil action against an employee who
3785 provides services to a school attended by the student.

3786 (2) Within 15 days of receiving a complaint under Subsection (1), a local school board
3787 may elect to refer the complaint to the [~~State Board of Education~~] state board.

3788 (3) If a complaint is referred to the state board, no civil action may be brought in a
3789 court on matters relating to the complaint until the state board has provided a hearing and
3790 issued its findings or until 90 days after the filing of the complaint with the local school board,
3791 whichever is sooner.

3792 Section 116. Section **53E-6-801** is amended to read:

3793 **53E-6-801. Mediation of contract negotiations.**

3794 (1) The president of a professional local organization which represents a majority of
3795 the licensed employees of a school district or the chairman or president of a local school board
3796 may, after negotiating for 90 days, declare an impasse by written notification to the other party
3797 and to the [~~State Board of Education~~] state board.

3798 (2) The party declaring the impasse may request the state superintendent [~~of public~~
3799 ~~instruction~~] to appoint a mediator for the purpose of helping to resolve the impasse if the
3800 parties to the dispute have not been able to agree on a third party mediator.

3801 (3) Within five working days after receipt of the written request, the state
3802 superintendent shall appoint a mediator who is mutually acceptable to the local school board
3803 and the professional organization representing a majority of the licensed employees.

3804 (4) The mediator shall meet with the parties, either jointly or separately, and attempt to
3805 settle the impasse.

3806 (5) The mediator may not, without the consent of both parties, make findings of fact or
3807 recommend terms for settlement.

3808 (6) Both parties shall equally share the costs of mediation.

3809 (7) Nothing in this section prevents the parties from adopting a written mediation

3810 procedure other than that provided in this section.

3811 (8) If the parties have a mediation procedure, they shall follow that procedure.

3812 Section 117. Section **53E-6-802** is amended to read:

3813 **53E-6-802. Appointment of hearing officer -- Hearing process.**

3814 (1) If a mediator appointed under Section **53E-6-801** is unable to effect settlement of
3815 the controversy within 15 working days after his appointment, either party to the mediation
3816 may by written notification to the other party and to the state superintendent [~~of public~~
3817 ~~instruction~~] request that their dispute be submitted to a hearing officer who shall make findings
3818 of fact and recommend terms of settlement.

3819 (2) Within five working days after receipt of the request, the state superintendent [~~of~~
3820 ~~public instruction~~] shall appoint a hearing officer who is mutually acceptable to the local
3821 school board and the professional organization representing a majority of the certificated
3822 employees.

3823 (3) The hearing officer may not, without consent of both parties, be the same person
3824 who served as mediator.

3825 (4) The hearing officer shall meet with the parties, either jointly or separately, may
3826 make inquiries and investigations, and may issue subpoenas for the production of persons or
3827 documents relevant to all issues in dispute.

3828 (5) The [~~State Board of Education~~] state board and departments, divisions, authorities,
3829 bureaus, agencies, and officers of the state, local school boards, and the professional
3830 organization shall furnish the hearing officer, on request, all relevant records, documents, and
3831 information in their possession.

3832 (6) If the final positions of the parties are not resolved before the hearing ends, the
3833 hearing officer shall prepare a written report containing the agreements of the parties with
3834 respect to all resolved negotiated contract issues and the positions that the hearing officer
3835 considers appropriate on all unresolved final positions of the parties.

3836 (7) The hearing officer shall submit the report to the parties privately within 10
3837 working days after the conclusion of the hearing or within the date established for the

3838 submission of posthearing briefs, but not later than 20 working days after the hearing officer's
3839 appointment.

3840 (8) Either the hearing officer, the professional organization, or the local school board
3841 may make the report public if the dispute is not settled within 10 working days after its receipt
3842 from the hearing officer.

3843 (9) (a) The state superintendent [~~of public instruction~~] may determine the majority
3844 status of any professional organization which requests assistance under this section.

3845 (b) The decision of the state superintendent is final unless it is clearly inconsistent with
3846 the evidence.

3847 Section 118. Section **53E-6-902** is amended to read:

3848 **53E-6-902. Teacher leaders.**

3849 (1) As used in this section, "teacher" means an educator who has an assignment to
3850 teach in a classroom.

3851 (2) There is created the role of a teacher leader to:

3852 (a) work with a student teacher and a teacher who supervises a student teacher;

3853 (b) assist with the training of a recently hired teacher; and

3854 (c) support school-based professional learning.

3855 [~~(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3856 ~~the]~~

3857 (3) The state board shall make rules that:

3858 (a) define the role of a teacher leader, including the functions described in Subsection
3859 (2); and

3860 (b) establish the minimum criteria for a teacher to qualify as a teacher leader.

3861 (4) The state board shall solicit recommendations from school districts and educators
3862 regarding:

3863 (a) appropriate resources to provide a teacher leader; and

3864 (b) appropriate ways to compensate a teacher leader.

3865 Section 119. Section **53E-7-202** is amended to read:

3866 **53E-7-202. Education programs for students with disabilities -- Supervision by**
3867 **the state board -- Enforcement.**

3868 (1) (a) All students with disabilities, who are 3 years old or older but younger than 22
3869 years old and have not graduated from high school with a regular diploma, are entitled to a free,
3870 appropriate public education.

3871 (b) For purposes of Subsection (1)(a), if a student with a disability turns 22 during the
3872 school year, the entitlement extends to the end of the school year.

3873 ~~[(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
3874 ~~State Board of Education]~~

3875 (c) The state board shall adopt rules consistent with applicable state and federal law to
3876 implement this part.

3877 (2) The rules adopted by the ~~[State Board of Education]~~ state board shall include the
3878 following:

3879 (a) appropriate and timely identification of students with disabilities;

3880 (b) diagnosis, evaluation, and classification by qualified personnel;

3881 (c) standards for classes and services;

3882 (d) provision for multidistrict programs;

3883 (e) provision for delivery of service responsibilities;

3884 (f) certification and qualifications for instructional staff; and

3885 (g) services for dual enrollment students attending public school on a part-time basis
3886 under Section [53G-6-702](#).

3887 (3) (a) The ~~[State Board of Education]~~ state board shall have general control and
3888 supervision over all educational programs for students within the state who have disabilities.

3889 (b) Those programs must comply with rules adopted by the ~~[State Board of Education]~~
3890 state board under this section.

3891 (4) The state superintendent ~~[of public instruction]~~ shall enforce this part.

3892 Section 120. Section **53E-7-204** is amended to read:

3893 **53E-7-204. School district responsibility -- Reimbursement of costs -- Other**

3894 **programs.**

3895 (1) (a) Each school district shall provide, either singly or in cooperation with other
3896 school districts or public institutions, a free, appropriate education program for all students
3897 with disabilities who are residents of the district.

3898 (b) The program shall include necessary special facilities, instruction, and
3899 education-related services.

3900 (c) The costs of a district's program, or a district's share of a joint program, shall be
3901 paid from district funds.

3902 (2) School districts that provide special education services under this part in
3903 accordance with applicable rules of the [~~State Board of Education~~] state board shall receive
3904 reimbursement from the state board under Title 53F, Chapter 2, State Funding -- Minimum
3905 School Program, and other applicable laws.

3906 (3) (a) A school district may, singly or in cooperation with other public entities,
3907 provide education and training for persons with disabilities who are:

3908 (i) younger than 3 years old; or

3909 (ii) older than 22 years old as described in Subsection [53E-7-202\(1\)](#).

3910 (b) The cost of such a program may be paid from fees, contributions, and other funds
3911 received by the district for support of the program, but may not be paid from public education
3912 funds.

3913 Section 121. Section **53E-7-208** is amended to read:

3914 **53E-7-208. Resolution of disputes in special education -- Hearing request --**
3915 **Timelines -- Levels -- Appeal process -- Recovery of costs.**

3916 (1) The Legislature finds that it is in the best interest of students with disabilities to
3917 provide for a prompt and fair final resolution of disputes which may arise over educational
3918 programs and rights and responsibilities of students with disabilities, their parents, and the
3919 public schools.

3920 (2) Therefore, the [~~State Board of Education~~] state board shall adopt rules meeting the
3921 requirements of 20 U.S.C. Section 1415 governing the establishment and maintenance of

3922 procedural safeguards for students with disabilities and their parents [~~or guardians~~] as to the
3923 provision of free, appropriate public education to those students.

3924 (3) The timelines established by the state board shall provide adequate time to address
3925 and resolve disputes without unnecessarily disrupting or delaying the provision of free,
3926 appropriate public education for students with disabilities.

3927 (4) Prior to seeking a hearing or other formal proceedings, the parties to a dispute
3928 under this section shall make a good faith effort to resolve the dispute informally at the school
3929 building level.

3930 (5) (a) If the dispute is not resolved under Subsection (4), a party may request a due
3931 process hearing.

3932 (b) The hearing shall be conducted under rules adopted by the state board in
3933 accordance with 20 U.S.C. Section 1415.

3934 (6) (a) A party to the hearing may appeal the decision issued under Subsection (5) to a
3935 court of competent jurisdiction under 20 U.S.C. Section 1415(i).

3936 (b) The party must file the judicial appeal within 30 days after issuance of the due
3937 process hearing decision.

3938 (7) If the parties fail to reach agreement on payment of attorney fees, then a party
3939 seeking recovery of attorney fees under 20 U.S.C. Section 1415(i) for a special education
3940 administrative action shall file a court action within 30 days after issuance of a decision under
3941 Subsection (5).

3942 Section 122. Section **53E-7-301** is amended to read:

3943 **53E-7-301. Definitions.**

3944 As used in this part:

3945 (1) "Blind student" means an individual, who is 3 years old or older but younger than
3946 22 years old and eligible for special education services, who:

3947 (a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a
3948 limited field of vision such that the widest diameter subtends an angular distance no greater
3949 than 20 degrees;

3950 (b) has a medically indicated expectation of visual deterioration; or

3951 (c) has functional blindness.

3952 (2) "Braille" means the system of reading and writing through touch, commonly known
3953 as English Braille.

3954 (3) "Functional blindness" means a visual impairment that renders a student unable to
3955 read or write print at a level commensurate with the student's cognitive abilities.

3956 [~~(4) "Individualized education program" or "IEP" means a written statement developed~~
3957 ~~for a student eligible for special education services pursuant to the Individuals with Disabilities~~
3958 ~~Education Act, 20 U.S.C. Section 1414(d).]~~

3959 Section 123. Section **53E-7-304** is amended to read:

3960 **53E-7-304. Braille versions of textbooks.**

3961 (1) As a condition of the annual contract for instructional materials process and as a
3962 condition of textbook acceptance, the [~~State Board of Education~~] state board shall require
3963 publishers of textbooks recommended by the state board to furnish, on request, their textbooks
3964 and related instructional materials in an electronic file set, in conformance with the National
3965 Instructional Materials Accessibility Standard, from which Braille versions of all or part of the
3966 textbook and related instructional materials can be produced.

3967 (2) When Braille translation software for specialty code translation becomes available,
3968 publishers shall furnish, on request, electronic file sets, in conformance with the National
3969 Instructional Materials Accessibility Standard, for nonliterary subjects such as mathematics and
3970 science.

3971 Section 124. Section **53E-8-102** is amended to read:

3972 **53E-8-102. Definitions.**

3973 As used in this chapter:

3974 (1) "Advisory council" means the Advisory Council for the Utah Schools for the Deaf
3975 and the Blind.

3976 (2) "Alternate format" includes braille, audio, or digital text, or large print.

3977 (3) "Associate superintendent" means:

- 3978 (a) the associate superintendent of the Utah School for the Deaf; or
3979 (b) the associate superintendent of the Utah School for the Blind.
3980 (4) "Blind" means:
3981 (a) if the person is three years of age or older but younger than 22 years of age, having
3982 a visual impairment that, even with correction, adversely affects educational performance or
3983 substantially limits one or more major life activities; and
3984 (b) if the person is younger than three years of age, having a visual impairment.
3985 (5) "Blindness" means an impairment in vision in which central visual acuity:
3986 (a) does not exceed 20/200 in the better eye with correcting lenses; or
3987 (b) is accompanied by a limit to the field of vision in the better eye to such a degree
3988 that its widest diameter subtends an angle of no greater than 20 degrees.
3989 [~~(6) "Board" means the State Board of Education.~~]
3990 [~~(7)~~ (6) "Cortical visual impairment" means a neurological visual disorder:
3991 (a) that:
3992 (i) affects the visual cortex or visual tracts of the brain;
3993 (ii) is caused by damage to the visual pathways to the brain;
3994 (iii) affects a person's visual discrimination, acuity, processing, and interpretation; and
3995 (iv) is often present in conjunction with other disabilities or eye conditions that cause
3996 visual impairment; and
3997 (b) in which the eyes and optic nerves of the affected person appear normal and the
3998 person's pupil responses are normal.
3999 [~~(8)~~ (7) "Deaf" means:
4000 (a) if the person is three years of age or older but younger than 22 years of age, having
4001 hearing loss, whether permanent or fluctuating, that, even with amplification, adversely affects
4002 educational performance or substantially limits one or more major life activities; and
4003 (b) if the person is younger than three years of age, having hearing loss.
4004 [~~(9)~~ (8) "Deafblind" means:
4005 (a) if the person is three years of age or older but younger than 22 years of age:

4006 (i) deaf;
4007 (ii) blind; and
4008 (iii) having hearing loss and visual impairments that cause such severe communication
4009 and other developmental and educational needs that the person cannot be accommodated in
4010 special education programs solely for students who are deaf or blind; or

4011 (b) if the person is younger than three years of age, having both hearing loss and vision
4012 impairments that are diagnosed as provided in Section [53E-8-401](#).

4013 ~~[(10)]~~ (9) "Deafness" means a hearing loss so severe that the person is impaired in
4014 processing linguistic information through hearing, with or without amplification.

4015 ~~[(11)]~~ (10) "Educator" means a person who holds:

4016 (a) (i) a license issued under Chapter 6, Education Professional Licensure; and

4017 (ii) a position as:

4018 (A) a teacher;

4019 (B) a speech pathologist;

4020 (C) a librarian or media specialist;

4021 (D) a preschool teacher;

4022 (E) a guidance counselor;

4023 (F) a school psychologist;

4024 (G) an audiologist; or

4025 (H) an orientation and mobility specialist; or

4026 (b) (i) a bachelor's degree or higher;

4027 (ii) credentials from the governing body of the professional's area of practice; and

4028 (iii) a position as:

4029 (A) a Parent Infant Program consultant;

4030 (B) a deafblind consultant;

4031 (C) a school nurse;

4032 (D) a physical therapist;

4033 (E) an occupational therapist;

4034 (F) a social worker; or

4035 (G) a low vision specialist.

4036 [~~(12)~~] (11) "Functional blindness" means a disorder in which the physical structures of
4037 the eye may be functioning, but the person does not attend to, examine, utilize, or accurately
4038 process visual information.

4039 [~~(13)~~] (12) "Functional hearing loss" means a central nervous system impairment that
4040 results in abnormal auditory perception, including an auditory processing disorder or auditory
4041 neuropathy/dys-synchrony, in which parts of the auditory system may be functioning, but the
4042 person does not attend to, respond to, localize, utilize, or accurately process auditory
4043 information.

4044 [~~(14)~~] (13) "Hard of hearing" means having a hearing loss, excluding deafness.

4045 [~~(15)~~] (14) "Individualized education program" or "IEP" means:

4046 (a) a written statement for a student with a disability that is developed, reviewed, and
4047 revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.
4048 1400 et seq.; or

4049 (b) an individualized family service plan developed:

4050 (i) for a child with a disability who is younger than three years of age; and

4051 (ii) in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.
4052 1400 et seq.

4053 [~~(16)~~] (15) "LEA" means a local education agency that has administrative control and
4054 direction for public education.

4055 [~~(17)~~] (16) "LEA of record" means the school district of residence of a student as
4056 determined under Section [53G-6-302](#).

4057 [~~(18)~~] (17) "Low vision" means an impairment in vision in which:

4058 (a) visual acuity is at 20/70 or worse; or

4059 (b) the visual field is reduced to less than 20 degrees.

4060 [~~(19)~~] (18) "Parent Infant Program" means a program at the Utah Schools for the Deaf
4061 and the Blind that provides services:

4062 (a) through an interagency agreement with the Department of Health to children
4063 younger than three years of age who are deaf, blind, or deafblind; and

4064 (b) to children younger than three years of age who are deafblind through Deafblind
4065 Services of the Utah Schools for the Deaf and the Blind.

4066 [~~(20)~~] (19) "Section 504" means Section 504 of the Rehabilitation Act of 1973.

4067 [~~(21)~~] "~~Section 504 accommodation plan~~" means a plan developed pursuant to Section
4068 ~~504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to~~
4069 ~~an individual with a disability to ensure access to major life activities.]~~

4070 [~~(22)~~] (20) "Superintendent" means the superintendent of the Utah Schools for the Deaf
4071 and the Blind.

4072 [~~(23)~~] (21) "Visual impairment" includes partial sightedness, low vision, blindness,
4073 cortical visual impairment, functional blindness, and degenerative conditions that lead to
4074 blindness or severe loss of vision.

4075 Section 125. Section **53E-8-201** is amended to read:

4076 **53E-8-201. Utah Schools for the Deaf and the Blind created -- Designated LEA --**
4077 **Services statewide.**

4078 (1) The Utah Schools for the Deaf and the Blind is created as a single public school
4079 agency that includes:

- 4080 (a) the Utah School for the Deaf;
- 4081 (b) the Utah School for the Blind;
- 4082 (c) programs for students who are deafblind; and
- 4083 (d) the Parent Infant Program.

4084 (2) Under the general control and supervision of the state board, consistent with the
4085 state board's constitutional authority, the Utah Schools for the Deaf and the Blind:

- 4086 (a) may provide services to students statewide:
 - 4087 (i) who are deaf, blind, or deafblind; or
 - 4088 (ii) who are neither deaf, blind, nor deafblind, if allowed under rules of the state board
- 4089 established pursuant to Section **53E-8-401**; and

4090 (b) shall serve as the designated LEA for a student and assume the responsibilities of
4091 providing services as prescribed through the student's IEP or Section 504 accommodation plan
4092 when the student's LEA of record, parent [~~or legal guardian~~], and the Utah Schools for the Deaf
4093 and the Blind determine that the student be placed at the Utah Schools for the Deaf and the
4094 Blind.

4095 (3) When the Utah Schools for the Deaf and the Blind becomes a student's designated
4096 LEA, the LEA of record and the Utah Schools for the Deaf and the Blind shall ensure that all
4097 rights and requirements regarding individual student assessment, eligibility, services,
4098 placement, and procedural safeguards provided through the Individuals with Disabilities
4099 Education Act, 20 U.S.C. Sec. 1400 et seq. and Section 504 of the Rehabilitation Act of 1973,
4100 as amended, remain in force.

4101 (4) Nothing in this section diminishes the responsibility of a student's LEA of record
4102 for the education of the student as provided in Chapter 7, Part 2, Special Education Program.

4103 Section 126. Section **53E-8-204** is amended to read:

4104 **53E-8-204. Authority of the state board -- Rulemaking -- Superintendent --**
4105 **Advisory council.**

4106 (1) The [~~State Board of Education~~] state board is the governing board of the Utah
4107 Schools for the Deaf and the Blind.

4108 (2) (a) The state board shall appoint a superintendent for the Utah Schools for the Deaf
4109 and the Blind.

4110 (b) The state board shall make rules [~~in accordance with Title 63G, Chapter 3, Utah~~
4111 ~~Administrative Rulemaking Act,~~] regarding the qualifications, terms of employment, and duties
4112 of the superintendent for the Utah Schools for the Deaf and the Blind.

4113 (3) The superintendent shall:

4114 (a) subject to the approval of the state board, appoint an associate superintendent to
4115 administer the Utah School for the Deaf based on:

4116 (i) demonstrated competency as an expert educator of deaf persons; and

4117 (ii) knowledge of school management and the instruction of deaf persons;

4118 (b) subject to the approval of the state board, appoint an associate superintendent to
4119 administer the Utah School for the Blind based on:

4120 (i) demonstrated competency as an expert educator of blind persons; and
4121 (ii) knowledge of school management and the instruction of blind persons, including an
4122 understanding of the unique needs and education of deafblind persons.

4123 (4) (a) The state board shall:

4124 (i) establish an [~~Advisory Council~~] advisory council for the Utah Schools for the Deaf
4125 and the Blind and appoint no more than 11 members to the advisory council;

4126 (ii) make rules [~~in accordance with Title 63G, Chapter 3, Utah Administrative~~
4127 ~~Rulemaking Act,~~] regarding the operation of the advisory council; and

4128 (iii) receive and consider the advice and recommendations of the advisory council but
4129 is not obligated to follow the recommendations of the advisory council.

4130 (b) The advisory council described in Subsection (4)(a) shall include at least:

4131 (i) two members who are blind;
4132 (ii) two members who are deaf; and
4133 (iii) two members who are deafblind or parents of a deafblind child.

4134 (5) The state board shall approve the annual budget and expenditures of the Utah
4135 Schools for the Deaf and the Blind.

4136 (6) (a) On or before the November interim meeting each year, the state board shall
4137 report to the Education Interim Committee on the Utah Schools for the Deaf and the Blind.

4138 (b) The state board shall ensure that the report described in Subsection (6)(a) includes:

4139 (i) a financial report;
4140 (ii) a report on the activities of the superintendent and associate superintendents;
4141 (iii) a report on activities to involve parents and constituency and advocacy groups in
4142 the governance of the school; and
4143 (iv) a report on student achievement, including:
4144 (A) longitudinal student achievement data for both current and previous students served
4145 by the Utah Schools for the Deaf and the Blind;

4146 (B) graduation rates; and

4147 (C) a description of the educational placement of students exiting the Utah Schools for
4148 the Deaf and the Blind.

4149 Section 127. Section **53E-8-301** is amended to read:

4150 **53E-8-301. Educators exempt from Department of Human Resource**
4151 **Management rules -- Collective bargaining agreement.**

4152 (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt
4153 from mandatory compliance with rules of the Department of Human Resource Management.

4154 (2) The state board may enter into a collective bargaining agreement to establish
4155 compensation and other personnel policies with educators employed by the Utah Schools for
4156 the Deaf and the Blind to replace rules of the Department of Human Resource Management.

4157 (3) A collective bargaining agreement made under Subsection (2) is subject to the same
4158 requirements that are imposed on local school boards by Section **53G-11-202**.

4159 Section 128. Section **53E-8-302** is amended to read:

4160 **53E-8-302. Annual salary adjustments for educators.**

4161 (1) In accordance with Section **53F-7-301**, the Legislature shall appropriate money to
4162 the state board for the salary adjustments described in this section.

4163 (2) The state board shall include in its annual budget request for the Utah Schools for
4164 the Deaf and the Blind an amount of money sufficient to adjust educators' salaries as described
4165 in Subsection (3) and fund step and lane changes.

4166 (3) (a) The state board shall determine the salary adjustment specified in Subsection (2)
4167 by:

4168 (i) calculating a weighted average salary adjustment for nonadministrative licensed
4169 staff adopted by the school districts of the state, with the average weighted by the number of
4170 teachers in each school district; and

4171 (ii) increasing the weighted average salary adjustment by 10% in any year in which
4172 teachers of the Utah Schools for the Deaf and the Blind are not ranked in the top 10 in 20-year
4173 earnings when compared to earnings of teachers in the school districts of the state.

4174 (b) In calculating a weighted average salary adjustment for nonadministrative licensed
4175 staff adopted by the school districts of the state under Subsection (3)(a), the state board shall
4176 exclude educator salary adjustments provided pursuant to Section 53F-2-405.

4177 (4) From money appropriated to the state board for salary adjustments, the state board
4178 shall adjust the salary schedule applicable to educators at the school each year.

4179 Section 129. Section **53E-8-401** is amended to read:

4180 **53E-8-401. Eligibility for services of the Utah Schools for the Deaf and the Blind.**

4181 (1) Except as provided in Subsections (3), (4), and (5), a person is eligible to receive
4182 services of the Utah Schools for the Deaf and the Blind if the person is:

4183 (a) a resident of Utah;

4184 (b) younger than 22 years of age;

4185 (c) referred to the Utah Schools for the Deaf and the Blind by the person's school
4186 district of residence or a local early intervention program; and

4187 (d) identified as deaf, blind, or deafblind through:

4188 (i) the special education eligibility determination process; or

4189 (ii) the Section 504 eligibility determination process.

4190 (2) (a) In diagnosing a person younger than age three who is deafblind, the following
4191 information may be used:

4192 (i) ophthalmological and audiological documentation;

4193 (ii) functional vision or hearing assessments and evaluations; or

4194 (iii) informed clinical opinion conducted by a person with expertise in deafness,
4195 blindness, or deafblindness.

4196 (b) Informed clinical opinion shall be:

4197 (i) included in the determination of eligibility when documentation is incomplete or not
4198 conclusive; and

4199 (ii) based on pertinent records related to the individual's current health status and
4200 medical history, an evaluation and observations of the individual's level of sensory functioning,
4201 and the needs of the family.

4202 (3) (a) A student who qualifies for special education shall have services and placement
4203 determinations made through the IEP process.

4204 (b) A student who qualifies for accommodations under Section 504 shall have services
4205 and placement determinations made through the Section 504 team process.

4206 (c) A parent [~~or legal guardian~~] of a child who is deaf, blind, or deafblind shall make
4207 the final decision regarding placement of the child in a Utah Schools for the Deaf and the Blind
4208 program or in a school district or charter school program subject to special education federal
4209 regulations regarding due process.

4210 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the
4211 Blind in accordance with rules of the state board.

4212 (b) The rules shall require the payment of tuition for services provided to a
4213 nonresident.

4214 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and
4215 the Blind under circumstances described in Section [53E-8-408](#).

4216 [~~(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4217 and this chapter, the~~]

4218 (6) The state board:

4219 (a) shall make rules that determine the eligibility of students to be served by the Utah
4220 Schools for the Deaf and the Blind; and

4221 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind
4222 to receive services of the Utah Schools for the Deaf and the Blind if the student is younger than
4223 22 years of age.

4224 Section 130. Section **53E-8-402** is amended to read:

4225 **53E-8-402. Entrance policies and procedures.**

4226 With input from the Utah Schools for the Deaf and the Blind, school districts, parents,
4227 and the advisory council, the state board shall establish entrance policies and procedures that
4228 IEP teams and Section 504 teams are to consider in making placement recommendations at the
4229 Utah Schools for the Deaf and the Blind.

4230 Section 131. Section **53E-8-406** is amended to read:

4231 **53E-8-406. Programs for deafblind individuals -- State deafblind education**
4232 **specialist.**

4233 (1) The state board shall adopt policies and programs for providing appropriate
4234 educational services to individuals who are deafblind.

4235 (2) Except as provided in Subsection (4), the state board shall designate an employee
4236 who holds a deafblind certification or equivalent training and expertise to:

4237 (a) act as a resource coordinator for the state board on public education programs
4238 designed for individuals who are deafblind;

4239 (b) facilitate the design and implementation of professional development programs to
4240 assist school districts, charter schools, and the Utah Schools for the Deaf and the Blind in
4241 meeting the educational needs of those who are deafblind; and

4242 (c) facilitate the design of and assist with the implementation of one-on-one
4243 intervention programs in school districts, charter schools, and at the Utah Schools for the Deaf
4244 and the Blind for those who are deafblind, serving as a resource for, or team member of,
4245 individual IEP teams.

4246 (3) The state board may authorize and approve the costs of an employee to obtain a
4247 deafblind certification or equivalent training and expertise to qualify for the position described
4248 in Subsection (2).

4249 (4) The state board may contract with a third party for the services required under
4250 Subsection (2).

4251 Section 132. Section **53E-8-407** is amended to read:

4252 **53E-8-407. Educational Enrichment Program for Deaf, Hard of Hearing, and**
4253 **Visually Impaired Students -- Funding for the program.**

4254 (1) There is established the Educational Enrichment Program for Deaf, Hard of
4255 Hearing, and Visually Impaired Students.

4256 (2) The purpose of the program is to provide opportunities that will, in a family
4257 friendly environment, enhance the educational services required for deaf, hard of hearing,

4258 blind, or deafblind students.

4259 (3) The advisory council shall design and implement the program, subject to the
4260 approval by the state board.

4261 (4) The program shall be funded from the interest and dividends derived from the
4262 permanent funds created for the Utah Schools for the Deaf and the Blind pursuant to Section 12
4263 of the Utah Enabling Act and distributed by the director of the School and Institutional Trust
4264 Lands Administration under Section [53C-3-103](#).

4265 Section 133. Section **53E-8-408** is amended to read:

4266 **53E-8-408. Educational services for an individual with a hearing loss.**

4267 (1) Subject to Subsection (2), the Utah Schools for the Deaf and the Blind shall provide
4268 educational services to an individual:

4269 (a) who seeks to receive the educational services; and

4270 (b) (i) whose results of a test for hearing loss are reported to the Utah Schools for the
4271 Deaf and the Blind in accordance with Section [26-10-6](#) or [26-10-13](#); or

4272 (ii) who has been diagnosed with a hearing loss by a physician or an audiologist.

4273 (2) If the individual who will receive the services described in Subsection (1) is a
4274 minor, the Utah Schools for the Deaf and the Blind may not provide the services to the
4275 individual until after receiving permission from the individual's parent [~~or guardian~~].

4276 Section 134. Section **53E-8-409** is amended to read:

4277 **53E-8-409. Instructional Materials Access Center -- State board to make rules.**

4278 (1) The state board shall collaborate with the Utah Schools for the Deaf and the Blind,
4279 school districts, and charter schools in establishing the Utah State Instructional Materials
4280 Access Center to provide students with print disabilities access to instructional materials in
4281 alternate formats in a timely manner.

4282 (2) The state board shall make rules~~[, in accordance with Title 63G, Chapter 3, Utah~~
4283 ~~Administrative Rulemaking Act,]~~ to:

4284 (a) establish the Utah State Instructional Materials Access Center;

4285 (b) define how the Educational Resource Center at the Utah Schools for the Deaf and

4286 the Blind shall collaborate in the operation of the Utah State Instructional Materials Access
4287 Center;

4288 (c) specify procedures for the operation of the Utah State Instructional Materials
4289 Access Center, including procedures to:

4290 (i) identify students who qualify for instructional materials in alternate formats; and

4291 (ii) distribute and store instructional materials in alternate formats;

4292 (d) establish the contribution of school districts and charter schools towards the cost of
4293 instructional materials in alternate formats; and

4294 (e) require textbook publishers, as a condition of contract, to provide electronic file sets
4295 in conformance with the National Instructional Materials Accessibility Standard.

4296 Section 135. Section **53E-9-202** is amended to read:

4297 **53E-9-202. Application of state and federal law to the administration and**
4298 **operation of public schools -- Local school board and charter school governing board**
4299 **policies.**

4300 (1) As used in this section "education entity" means:

4301 (a) the [~~State Board of Education~~] state board;

4302 (b) a local school board or charter school governing board;

4303 (c) a school district;

4304 (d) a public school; or

4305 (e) the Utah Schools for the Deaf and the Blind.

4306 (2) An education entity and an employee, student aide, volunteer, third party
4307 contractor, or other agent of an education entity shall protect the privacy of a student, the
4308 student's parents, and the student's family and support parental involvement in the education of
4309 their children through compliance with the protections provided for family and student privacy
4310 under this part and the Family Educational Rights and Privacy Act and related provisions under
4311 20 U.S.C. Secs. 1232g and 1232h, in the administration and operation of all public school
4312 programs, regardless of the source of funding.

4313 (3) A local school board or charter school governing board shall enact policies

4314 governing the protection of family and student privacy as required by this part.

4315 Section 136. Section **53E-9-203** is amended to read:

4316 **53E-9-203. Activities prohibited without prior written consent -- Validity of**
4317 **consent -- Qualifications -- Training on implementation.**

4318 (1) Except as provided in Subsection (7), Section **53G-9-604**, and Section **53G-9-702**,
4319 policies adopted by a school district or charter school under Section **53E-9-202** shall include
4320 prohibitions on the administration to a student of any psychological or psychiatric examination,
4321 test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the
4322 student's parent [~~or legal guardian~~], in which the purpose or evident intended effect is to cause
4323 the student to reveal information, whether the information is personally identifiable or not,
4324 concerning the student's or any family member's:

4325 (a) political affiliations or, except as provided under Section **53G-10-202** or rules of
4326 the [~~State Board of Education~~] state board, political philosophies;

4327 (b) mental or psychological problems;

4328 (c) sexual behavior, orientation, or attitudes;

4329 (d) illegal, anti-social, self-incriminating, or demeaning behavior;

4330 (e) critical appraisals of individuals with whom the student or family member has close
4331 family relationships;

4332 (f) religious affiliations or beliefs;

4333 (g) legally recognized privileged and analogous relationships, such as those with
4334 lawyers, medical personnel, or ministers; and

4335 (h) income, except as required by law.

4336 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten
4337 through grade 12.

4338 (3) Except as provided in Subsection (7), Section **53G-9-604**, and Section **53G-9-702**,
4339 the prohibitions under Subsection (1) shall also apply within the curriculum and other school
4340 activities unless prior written consent of the student's parent [~~or legal guardian~~] has been
4341 obtained.

4342 (4) (a) Written parental consent is valid only if a parent [~~or legal guardian~~] has been
4343 first given written notice, including notice that a copy of the educational or student survey
4344 questions to be asked of the student in obtaining the desired information is made available at
4345 the school, and a reasonable opportunity to obtain written information concerning:

4346 (i) records or information, including information about relationships, that may be
4347 examined or requested;

4348 (ii) the means by which the records or information shall be examined or reviewed;

4349 (iii) the means by which the information is to be obtained;

4350 (iv) the purposes for which the records or information are needed;

4351 (v) the entities or persons, regardless of affiliation, who will have access to the
4352 personally identifiable information; and

4353 (vi) a method by which a parent of a student can grant permission to access or examine
4354 the personally identifiable information.

4355 (b) For a survey described in Subsection (1), written notice described in Subsection
4356 (4)(a) shall include an Internet address where a parent [~~or legal guardian~~] can view the exact
4357 survey to be administered to the [~~parent or legal guardian's~~] parent's student.

4358 (5) (a) Except in response to a situation which a school employee reasonably believes
4359 to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or
4360 Neglect Reporting Requirements, or by order of a court, disclosure to a parent [~~or legal~~
4361 ~~guardian~~] must be given at least two weeks before information protected under this section is
4362 sought.

4363 (b) Following disclosure, a parent [~~or guardian~~] may waive the two week minimum
4364 notification period.

4365 (c) Unless otherwise agreed to by a student's parent [~~or legal guardian~~] and the person
4366 requesting written consent, the authorization is valid only for the activity for which it was
4367 granted.

4368 (d) A written withdrawal of authorization submitted to the school principal by the
4369 authorizing parent [~~or guardian~~] terminates the authorization.

4370 (e) A general consent used to approve admission to school or involvement in special
4371 education, remedial education, or a school activity does not constitute written consent under
4372 this section.

4373 (6) (a) This section does not limit the ability of a student under Section 53G-10-203 to
4374 spontaneously express sentiments or opinions otherwise protected against disclosure under this
4375 section.

4376 (b) (i) If a school employee or agent believes that a situation exists which presents a
4377 serious threat to the well-being of a student, that employee or agent shall notify the student's
4378 parent [~~or guardian~~] without delay.

4379 (ii) If, however, the matter has been reported to the Division of Child and Family
4380 Services within the Department of Human Services, it is the responsibility of the division to
4381 notify the student's parent [~~or guardian~~] of any possible investigation, prior to the student's
4382 return home from school.

4383 (iii) The division may be exempted from the notification requirements described in this
4384 Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification
4385 of [~~his~~] the student's parent [~~or guardian~~], or if that notification is otherwise prohibited by state
4386 or federal law.

4387 (7) (a) If a school employee, agent, or school resource officer believes a student is
4388 at-risk of attempting suicide, physical self-harm, or harming others, the school employee,
4389 agent, or school resource officer may intervene and ask a student questions regarding the
4390 student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for
4391 the purposes of:

4392 (i) referring the student to appropriate prevention services; and

4393 (ii) informing the student's parent [~~or legal guardian~~].

4394 (b) On or before September 1, 2014, a school district or charter school shall develop
4395 and adopt a policy regarding intervention measures consistent with Subsection (7)(a) while
4396 requiring the minimum degree of intervention to accomplish the goals of this section.

4397 (8) Local school boards and charter school governing boards shall provide inservice for

4398 teachers and administrators on the implementation of this section.

4399 (9) The state board shall provide procedures for disciplinary action for violations of
4400 this section.

4401 Section 137. Section **53E-9-204** is amended to read:

4402 **53E-9-204. Access to education records -- Training requirement -- Certification.**

4403 (1) As used in this section, "education record" means the same as that term is defined
4404 in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

4405 (2) A local school board or charter school governing board shall require each public
4406 school to:

4407 (a) create and maintain a list that includes the name and position of each school
4408 employee who the public school authorizes, in accordance with Subsection (4), to have access
4409 to an education record; and

4410 (b) provide the list described in Subsection (2)(a) to the school's local school board or
4411 charter school governing board.

4412 (3) A local school board or charter school governing board shall:

4413 (a) provide training on student privacy laws; and

4414 (b) require a school employee on the list described in Subsection (2) to:

4415 (i) complete the training described in Subsection (3)(a); and

4416 (ii) provide to the local school board or charter school governing board a certified
4417 statement, signed by the school employee, that certifies that the school employee completed the
4418 training described in Subsection (3)(a) and that the school employee understands student
4419 privacy requirements.

4420 (4) (a) Except as provided in Subsection (4)(b), a local school board, charter school
4421 governing board, public school, or school employee may only share an education record with a
4422 school employee if:

4423 (i) that school employee's name is on the list described in Subsection (2); and

4424 (ii) federal and state privacy laws authorize the education record to be shared with that
4425 school employee.

4426 (b) A local school board, charter school governing board, public school, or school
4427 employee may share an education record with a school employee if the board, school, or
4428 employee obtains written consent from:

4429 (i) the parent [~~or legal guardian~~] of the student to whom the education record relates, if
4430 the student is younger than 18 years old; or

4431 (ii) the student to whom the education record relates, if the student is 18 years old or
4432 older.

4433 Section 138. Section **53E-9-301** is amended to read:

4434 **53E-9-301. Definitions.**

4435 As used in this part:

4436 (1) "Adult student" means a student who:

4437 (a) is at least 18 years old;

4438 (b) is an emancipated student; or

4439 (c) qualifies under the McKinney-Vento Homeless Education Assistance

4440 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.

4441 (2) "Aggregate data" means data that:

4442 (a) are totaled and reported at the group, cohort, school, school district, region, or state
4443 level with at least 10 individuals in the level;

4444 (b) do not reveal personally identifiable student data; and

4445 (c) are collected in accordance with state board rule.

4446 (3) (a) "Biometric identifier" means a:

4447 (i) retina or iris scan;

4448 (ii) fingerprint;

4449 (iii) human biological sample used for valid scientific testing or screening; or

4450 (iv) scan of hand or face geometry.

4451 (b) "Biometric identifier" does not include:

4452 (i) a writing sample;

4453 (ii) a written signature;

- 4454 (iii) a voiceprint;
- 4455 (iv) a photograph;
- 4456 (v) demographic data; or
- 4457 (vi) a physical description, such as height, weight, hair color, or eye color.
- 4458 (4) "Biometric information" means information, regardless of how the information is
- 4459 collected, converted, stored, or shared:
 - 4460 (a) based on an individual's biometric identifier; and
 - 4461 (b) used to identify the individual.
- 4462 [~~(5) "Board" means the State Board of Education.~~]
- 4463 [~~(6)~~ (5) "Data breach" means an unauthorized release of or unauthorized access to
- 4464 personally identifiable student data that is maintained by an education entity.
- 4465 [~~(7)~~ (6) "Data governance plan" means an education entity's comprehensive plan for
- 4466 managing education data that:
 - 4467 (a) incorporates reasonable data industry best practices to maintain and protect student
 - 4468 data and other education-related data;
 - 4469 (b) describes the role, responsibility, and authority of an education entity data
 - 4470 governance staff member;
 - 4471 (c) provides for necessary technical assistance, training, support, and auditing;
 - 4472 (d) describes the process for sharing student data between an education entity and
 - 4473 another person;
 - 4474 (e) describes the education entity's data expungement process, including how to
 - 4475 respond to requests for expungement;
 - 4476 (f) describes the data breach response process; and
 - 4477 (g) is published annually and available on the education entity's website.
- 4478 [~~(8)~~ (7) "Education entity" means:
 - 4479 (a) the state board;
 - 4480 (b) a local school board;
 - 4481 (c) a charter school governing board;

4482 (d) a school district;
4483 (e) a charter school;
4484 (f) the Utah Schools for the Deaf and the Blind; or
4485 (g) for purposes of implementing the School Readiness Initiative described in Title
4486 53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in
4487 Section [35A-3-209](#).

4488 ~~[(9)]~~ (8) "Expunge" means to seal or permanently delete data, as described in state
4489 board rule made under Section [53E-9-306](#).

4490 ~~[(10)]~~ (9) "General audience application" means an Internet website, online service,
4491 online application, mobile application, or software program that:

4492 (a) is not specifically intended for use by an audience member that attends kindergarten
4493 or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from
4494 1 to 12; and

4495 (b) is not subject to a contract between an education entity and a third-party contractor.

4496 ~~[(11)]~~ (10) "Higher education outreach student data" means the following student data
4497 for a student:

4498 (a) name;

4499 (b) parent name;

4500 (c) grade;

4501 (d) school and school district; and

4502 (e) contact information, including:

4503 (i) primary phone number;

4504 (ii) email address; and

4505 (iii) physical address.

4506 ~~[(12) "Individualized education program" or "IEP" means a written statement:]~~

4507 ~~[(a) for a student with a disability; and]~~

4508 ~~[(b) that is developed, reviewed, and revised in accordance with the Individuals with~~
4509 ~~Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

4510 [~~(13)~~] (11) "Local education agency" or "LEA" means:
4511 (a) a school district;
4512 (b) a charter school;
4513 (c) the Utah Schools for the Deaf and the Blind; or
4514 (d) for purposes of implementing the School Readiness Initiative described in Title
4515 53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in
4516 Section [35A-3-209](#).

4517 [~~(14)~~] (12) "Metadata dictionary" means a record that:
4518 (a) defines and discloses all personally identifiable student data collected and shared by
4519 the education entity;
4520 (b) comprehensively lists all recipients with whom the education entity has shared
4521 personally identifiable student data, including:
4522 (i) the purpose for sharing the data with the recipient;
4523 (ii) the justification for sharing the data, including whether sharing the data was
4524 required by federal law, state law, or a local directive; and
4525 (iii) how sharing the data is permitted under federal or state law; and
4526 (c) without disclosing personally identifiable student data, is displayed on the
4527 education entity's website.

4528 [~~(15)~~] (13) "Necessary student data" means data required by state statute or federal law
4529 to conduct the regular activities of an education entity, including:
4530 (a) name;
4531 (b) date of birth;
4532 (c) sex;
4533 (d) parent contact information;
4534 (e) custodial parent information;
4535 (f) contact information;
4536 (g) a student identification number;
4537 (h) local, state, and national assessment results or an exception from taking a local,

- 4538 state, or national assessment;
- 4539 (i) courses taken and completed, credits earned, and other transcript information;
- 4540 (j) course grades and grade point average;
- 4541 (k) grade level and expected graduation date or graduation cohort;
- 4542 (l) degree, diploma, credential attainment, and other school exit information;
- 4543 (m) attendance and mobility;
- 4544 (n) drop-out data;
- 4545 (o) immunization record or an exception from an immunization record;
- 4546 (p) race;
- 4547 (q) ethnicity;
- 4548 (r) tribal affiliation;
- 4549 (s) remediation efforts;
- 4550 (t) an exception from a vision screening required under Section 53G-9-404 or
- 4551 information collected from a vision screening required under Section 53G-9-404;
- 4552 (u) information related to the Utah Registry of Autism and Developmental Disabilities,
- 4553 described in Section 26-7-4;
- 4554 (v) student injury information;
- 4555 (w) a disciplinary record created and maintained as described in Section 53E-9-306;
- 4556 (x) juvenile delinquency records;
- 4557 (y) English language learner status; and
- 4558 (z) child find and special education evaluation data related to initiation of an IEP.
- 4559 ~~[(16)]~~ (14) (a) "Optional student data" means student data that is not:
- 4560 (i) necessary student data; or
- 4561 (ii) student data that an education entity may not collect under Section 53E-9-305.
- 4562 (b) "Optional student data" includes:
- 4563 (i) information that is:
- 4564 (A) related to an IEP or needed to provide special needs services; and
- 4565 (B) not necessary student data;

4566 (ii) biometric information; and
4567 (iii) information that is not necessary student data and that is required for a student to
4568 participate in a federal or other program.

4569 [~~(17)~~] (15) "Parent" means:

4570 (a) a student's parent;

4571 (b) a student's legal guardian; or

4572 (c) an individual who has written authorization from a student's parent or legal
4573 guardian to act as a parent or legal guardian on behalf of the student.

4574 [~~(18)~~] (16) (a) "Personally identifiable student data" means student data that identifies
4575 or is used by the holder to identify a student.

4576 (b) "Personally identifiable student data" includes:

4577 (i) a student's first and last name;

4578 (ii) the first and last name of a student's family member;

4579 (iii) a student's or a student's family's home or physical address;

4580 (iv) a student's email address or other online contact information;

4581 (v) a student's telephone number;

4582 (vi) a student's social security number;

4583 (vii) a student's biometric identifier;

4584 (viii) a student's health or disability data;

4585 (ix) a student's education entity student identification number;

4586 (x) a student's social media user name and password or alias;

4587 (xi) if associated with personally identifiable student data, the student's persistent
4588 identifier, including:

4589 (A) a customer number held in a cookie; or

4590 (B) a processor serial number;

4591 (xii) a combination of a student's last name or photograph with other information that
4592 together permits a person to contact the student online;

4593 (xiii) information about a student or a student's family that a person collects online and

4594 combines with other personally identifiable student data to identify the student; and
4595 (xiv) information that, alone or in combination, is linked or linkable to a specific
4596 student that would allow a reasonable person in the school community, who does not have
4597 personal knowledge of the relevant circumstances, to identify the student with reasonable
4598 certainty.

4599 [~~(19)~~] (17) "School official" means an employee or agent of an education entity, if the
4600 education entity has authorized the employee or agent to request or receive student data on
4601 behalf of the education entity.

4602 [~~(20)~~] (18) (a) "Student data" means information about a student at the individual
4603 student level.

4604 (b) "Student data" does not include aggregate or de-identified data.

4605 [~~(21)~~] (19) "Student data manager" means:

4606 (a) the state student data officer; or

4607 (b) an individual designated as a student data manager by an education entity under
4608 Section [53E-9-303](#), who fulfills the duties described in Section [53E-9-308](#).

4609 [~~(22)~~] (20) (a) "Targeted advertising" means presenting advertisements to a student
4610 where the advertisement is selected based on information obtained or inferred over time from
4611 that student's online behavior, usage of applications, or student data.

4612 (b) "Targeted advertising" does not include advertising to a student:

4613 (i) at an online location based upon that student's current visit to that location; or

4614 (ii) in response to that student's request for information or feedback, without retention
4615 of that student's online activities or requests over time for the purpose of targeting subsequent
4616 ads.

4617 [~~(23)~~] (21) "Third-party contractor" means a person who:

4618 (a) is not an education entity; and

4619 (b) pursuant to a contract with an education entity, collects or receives student data in
4620 order to provide a product or service, as described in the contract, if the product or service is
4621 not related to school photography, yearbooks, graduation announcements, or a similar product

4622 or service.

4623 [(24)] (22) "Written consent" means written authorization to collect or share a student's
4624 student data, from:

4625 (a) the student's parent, if the student is not an adult student; or

4626 (b) the student, if the student is an adult student.

4627 Section 139. Section **53E-9-302** is amended to read:

4628 **53E-9-302. State student data protection governance.**

4629 (1) (a) An education entity or a third-party contractor who collects, uses, stores, shares,
4630 or deletes student data shall protect student data as described in this part.

4631 [~~(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
4632 ~~the]~~

4633 (b) The state board shall make rules to administer this part, including student data
4634 protection standards for public education employees, student aides, and volunteers.

4635 (2) The state board shall oversee the preparation and maintenance of:

4636 (a) a statewide data governance plan; and

4637 (b) a state-level metadata dictionary.

4638 (3) As described in this Subsection (3), the state board shall establish advisory groups
4639 to oversee student data protection in the state and make recommendations to the state board
4640 regarding student data protection.

4641 (a) The state board shall establish a student data policy advisory group:

4642 (i) composed of members from:

4643 (A) the Legislature;

4644 (B) the state board and state board employees; and

4645 (C) one or more LEAs;

4646 (ii) to discuss and make recommendations to the state board regarding:

4647 (A) enacted or proposed legislation; and

4648 (B) state and local student data protection policies across the state;

4649 (iii) that reviews and monitors the state student data governance plan; and

- 4650 (iv) that performs other tasks related to student data protection as designated by the
4651 state board.
- 4652 (b) The state board shall establish a student data governance advisory group:
- 4653 (i) composed of the state student data officer and other state board employees; and
- 4654 (ii) that performs duties related to state and local student data protection, including:
- 4655 (A) overseeing data collection and usage by state board program offices; and
- 4656 (B) preparing and maintaining the state board's student data governance plan under the
4657 direction of the student data policy advisory group.
- 4658 (c) The state board shall establish a student data users advisory group:
- 4659 (i) composed of members who use student data at the local level; and
- 4660 (ii) that provides feedback and suggestions on the practicality of actions proposed by
4661 the student data policy advisory group and the student data governance advisory group.
- 4662 (4) (a) The state board shall designate a state student data officer.
- 4663 (b) The state student data officer shall:
- 4664 (i) act as the primary point of contact for state student data protection administration in
4665 assisting the state board to administer this part;
- 4666 (ii) ensure compliance with student privacy laws throughout the public education
4667 system, including:
- 4668 (A) providing training and support to applicable state board and LEA employees; and
- 4669 (B) producing resource materials, model plans, and model forms for local student data
4670 protection governance, including a model student data collection notice;
- 4671 (iii) investigate complaints of alleged violations of this part;
- 4672 (iv) report violations of this part to:
- 4673 (A) the state board;
- 4674 (B) an applicable education entity; and
- 4675 (C) the student data policy advisory group; and
- 4676 (v) act as a state level student data manager.
- 4677 (5) The state board shall designate:

- 4678 (a) at least one support manager to assist the state student data officer; and
- 4679 (b) a student data protection auditor to assist the state student data officer.
- 4680 (6) The state board shall establish a research review process for a request for data for
- 4681 the purpose of research or evaluation.

4682 Section 140. Section **53E-9-303** is amended to read:

4683 **53E-9-303. Local student data protection governance.**

4684 (1) An LEA shall adopt policies to protect student data in accordance with this part and

4685 state board rule, taking into account the specific needs and priorities of the LEA.

4686 (2) (a) An LEA shall designate an individual to act as a student data manager to fulfill

4687 the responsibilities of a student data manager described in Section **53E-9-308**.

4688 (b) If possible, an LEA shall designate the LEA's records officer as defined in Section

4689 **63G-2-103**, as the student data manager.

4690 (3) An LEA shall create and maintain an LEA:

- 4691 (a) data governance plan; and
- 4692 (b) metadata dictionary.

4693 (4) An LEA shall establish an external research review process for a request for data

4694 for the purpose of external research or evaluation.

4695 Section 141. Section **53E-9-304** is amended to read:

4696 **53E-9-304. Student data ownership and access -- Notification in case of**

4697 **significant data breach.**

4698 (1) (a) A student owns the student's personally identifiable student data.

4699 (b) An education entity shall allow the following individuals to access a student's

4700 student data that is maintained by the education entity:

- 4701 (i) the student's parent;
- 4702 (ii) the student; and
- 4703 (iii) in accordance with the education entity's internal policy described in Section
- 4704 **53E-9-303** and in the absence of a parent, an individual acting as a parent to the student.

4705 (2) (a) If a significant data breach occurs at an education entity, the education entity

4706 shall notify:

4707 (i) the student, if the student is an adult student; or

4708 (ii) the student's parent [~~or legal guardian~~], if the student is not an adult student.

4709 [~~(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

4710 ~~the]~~

4711 (b) The state board shall make rules to define a significant data breach described in

4712 Subsection (2)(a).

4713 Section 142. Section **53E-9-305** is amended to read:

4714 **53E-9-305. Collecting student data -- Prohibition -- Student data collection notice**

4715 **-- Written consent.**

4716 (1) An education entity may not collect a student's:

4717 (a) social security number; or

4718 (b) except as required in Section [78A-6-112](#), criminal record.

4719 (2) An education entity that collects student data shall, in accordance with this section,

4720 prepare and distribute, except as provided in Subsection (3), to parents and students a student

4721 data collection notice statement that:

4722 (a) is a prominent, stand-alone document;

4723 (b) is annually updated and published on the education entity's website;

4724 (c) states the student data that the education entity collects;

4725 (d) states that the education entity will not collect the student data described in

4726 Subsection (1);

4727 (e) states the student data described in Section [53E-9-308](#) that the education entity may

4728 not share without written consent;

4729 (f) includes the following statement:

4730 "The collection, use, and sharing of student data has both benefits and risks. Parents

4731 and students should learn about these benefits and risks and make choices regarding student

4732 data accordingly.";

4733 (g) describes in general terms how the education entity stores and protects student data;

4734 (h) states a student's rights under this part; and
4735 (i) for an education entity that teaches students in grade 9, 10, 11, or 12, requests
4736 written consent to share student data with the State Board of Regents as described in Section
4737 [53E-9-308](#).

4738 (3) The state board may publicly post the state board's collection notice described in
4739 Subsection (2).

4740 (4) An education entity may collect the necessary student data of a student if the
4741 education entity provides a student data collection notice to:

- 4742 (a) the student, if the student is an adult student; or
- 4743 (b) the student's parent, if the student is not an adult student.

4744 (5) An education entity may collect optional student data if the education entity:

4745 (a) provides, to an individual described in Subsection (4), a student data collection
4746 notice that includes a description of:

- 4747 (i) the optional student data to be collected; and
- 4748 (ii) how the education entity will use the optional student data; and

4749 (b) obtains written consent to collect the optional student data from an individual
4750 described in Subsection (4).

4751 (6) An education entity may collect a student's biometric identifier or biometric
4752 information if the education entity:

4753 (a) provides, to an individual described in Subsection (4), a biometric information
4754 collection notice that is separate from a student data collection notice, which states:

- 4755 (i) the biometric identifier or biometric information to be collected;
- 4756 (ii) the purpose of collecting the biometric identifier or biometric information; and
- 4757 (iii) how the education entity will use and store the biometric identifier or biometric
4758 information; and

4759 (b) obtains written consent to collect the biometric identifier or biometric information
4760 from an individual described in Subsection (4).

4761 (7) Except under the circumstances described in Subsection [53G-8-211\(2\)](#), an

4762 education entity may not refer a student to an alternative evidence-based intervention described
4763 in Subsection 53G-8-211(3) without written consent.

4764 Section 143. Section 53E-9-306 is amended to read:

4765 **53E-9-306. Using and expunging student data -- Rulemaking -- Disciplinary**
4766 **records.**

4767 (1) In accordance with Title 63G, Chapter 2, Government Records Access and
4768 Management Act, [~~and Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] the state
4769 board shall make rules regarding using and expunging student data, including:

4770 (a) a categorization of disciplinary records that includes the following levels of
4771 maintenance:

4772 (i) one year;

4773 (ii) three years; and

4774 (iii) in accordance with Subsection (3), as determined by the education entity;

4775 (b) the types of student data that may be expunged, including:

4776 (i) medical records; and

4777 (ii) behavioral test assessments;

4778 (c) the types of student data that may not be expunged, including:

4779 (i) grades;

4780 (ii) transcripts;

4781 (iii) a record of the student's enrollment; and

4782 (iv) assessment information; and

4783 (d) the timeline and process for a prior student or parent of a prior student to request
4784 that an education entity expunge all of the prior student's student data.

4785 (2) In accordance with state board rule, an education entity may create and maintain a
4786 disciplinary record for a student.

4787 (3) (a) As recognized in Section 53E-9-304, and to ensure maximum student data
4788 privacy, an education entity shall, in accordance with state board rule, expunge a student's
4789 student data that is stored by the education entity.

4790 (b) An education entity shall retain and dispose of records in accordance with Section
4791 63G-2-604 and state board rule.

4792 Section 144. Section 53E-9-307 is amended to read:

4793 **53E-9-307. Securing and cataloguing student data.**

4794 [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the]~~

4795 The state board shall make rules that:

4796 (1) using reasonable data industry best practices, prescribe the maintenance and
4797 protection of stored student data by:

4798 (a) an education entity;

4799 (b) the Utah Registry of Autism and Developmental Disabilities, described in Section
4800 26-7-4, for student data obtained under Section 53E-9-308; and

4801 (c) a third-party contractor; and

4802 (2) state requirements for an education entity's metadata dictionary.

4803 Section 145. Section 53E-9-308 is amended to read:

4804 **53E-9-308. Sharing student data -- Prohibition -- Requirements for student data**
4805 **manager -- Authorized student data sharing.**

4806 (1) (a) Except as provided in Subsection (1)(b), an education entity, including a student
4807 data manager, may not share personally identifiable student data without written consent.

4808 (b) An education entity, including a student data manager, may share personally
4809 identifiable student data:

4810 (i) in accordance with the Family Education Rights and Privacy Act and related
4811 provisions under 20 U.S.C. Secs. 1232g and 1232h;

4812 (ii) as required by federal law; and

4813 (iii) as described in Subsections (3), (5), and (6).

4814 (2) A student data manager shall:

4815 (a) authorize and manage the sharing, outside of the student data manager's education
4816 entity, of personally identifiable student data for the education entity as described in this
4817 section;

4818 (b) act as the primary local point of contact for the state student data officer described
4819 in Section 53E-9-302; and

4820 (c) fulfill other responsibilities described in the data governance plan of the student
4821 data manager's education entity.

4822 (3) A student data manager may share a student's personally identifiable student data
4823 with a caseworker or representative of the Department of Human Services if:

4824 (a) the Department of Human Services is:

4825 (i) legally responsible for the care and protection of the student, including the
4826 responsibility to investigate a report of educational neglect, as provided in Subsection
4827 62A-4a-409(5); or

4828 (ii) providing services to the student;

4829 (b) the student's personally identifiable student data is not shared with a person who is
4830 not authorized:

4831 (i) to address the student's education needs; or

4832 (ii) by the Department of Human Services to receive the student's personally
4833 identifiable student data; and

4834 (c) the Department of Human Services maintains and protects the student's personally
4835 identifiable student data.

4836 (4) The Department of Human Services, a school official, or the Utah Juvenile Court
4837 may share personally identifiable student data to improve education outcomes for youth:

4838 (a) in the custody of, or under the guardianship of, the Department of Human Services;

4839 (b) receiving services from the Division of Juvenile Justice Services;

4840 (c) in the custody of the Division of Child and Family Services;

4841 (d) receiving services from the Division of Services for People with Disabilities; or

4842 (e) under the jurisdiction of the Utah Juvenile Court.

4843 (5) (a) A student data manager may share personally identifiable student data in
4844 response to a subpoena issued by a court.

4845 (b) A person who receives personally identifiable student data under Subsection (5)(a)

4846 may not use the personally identifiable student data outside of the use described in the
4847 subpoena.

4848 (6) (a) A student data manager may share student data, including personally
4849 identifiable student data, in response to a request to share student data for the purpose of
4850 research or evaluation, if the student data manager:

4851 (i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a)(6);

4852 (ii) submits the request to the education entity's research review process; and

4853 (iii) fulfills the instructions that result from the review process.

4854 (b) (i) In accordance with state and federal law, the state board shall share student data,
4855 including personally identifiable student data, as requested by the Utah Registry of Autism and
4856 Developmental Disabilities described in Section 26-7-4.

4857 (ii) A person who receives student data under Subsection (6)(b)(i):

4858 (A) shall maintain and protect the student data in accordance with state board rule
4859 described in Section 53E-9-307;

4860 (B) may not use the student data for a purpose not described in Section 26-7-4; and

4861 (C) is subject to audit by the state student data officer described in Section 53E-9-302.

4862 (c) The state board shall enter into an agreement with the State Board of Regents,
4863 established in Section 53B-1-103, to share higher education outreach student data, for students
4864 in grades 9 through 12 who have obtained written consent under Subsection 53E-9-305(2)(i), to
4865 be used strictly for the purpose of:

4866 (i) providing information and resources to students in grades 9 through 12 about higher
4867 education; and

4868 (ii) helping students in grades 9 through 12 enter the higher education system and
4869 remain until graduation.

4870 Section 146. Section 53E-9-309 is amended to read:

4871 **53E-9-309. Third-party contractors.**

4872 (1) A third-party contractor shall use personally identifiable student data received
4873 under a contract with an education entity strictly for the purpose of providing the contracted

4874 product or service within the negotiated contract terms.

4875 (2) When contracting with a third-party contractor, an education entity shall require the
4876 following provisions in the contract:

4877 (a) requirements and restrictions related to the collection, use, storage, or sharing of
4878 student data by the third-party contractor that are necessary for the education entity to ensure
4879 compliance with the provisions of this part and state board rule;

4880 (b) a description of a person, or type of person, including an affiliate of the third-party
4881 contractor, with whom the third-party contractor may share student data;

4882 (c) provisions that, at the request of the education entity, govern the deletion of the
4883 student data received by the third-party contractor;

4884 (d) except as provided in Subsection (4) and if required by the education entity,
4885 provisions that prohibit the secondary use of personally identifiable student data by the
4886 third-party contractor; and

4887 (e) an agreement by the third-party contractor that, at the request of the education entity
4888 that is a party to the contract, the education entity or the education entity's designee may audit
4889 the third-party contractor to verify compliance with the contract.

4890 (3) As authorized by law or court order, a third-party contractor shall share student data
4891 as requested by law enforcement.

4892 (4) A third-party contractor may:

4893 (a) use student data for adaptive learning or customized student learning purposes;

4894 (b) market an educational application or product to a parent of a student if the
4895 third-party contractor did not use student data, shared by or collected on behalf of an education
4896 entity, to market the educational application or product;

4897 (c) use a recommendation engine to recommend to a student:

4898 (i) content that relates to learning or employment, within the third-party contractor's
4899 application, if the recommendation is not motivated by payment or other consideration from
4900 another party; or

4901 (ii) services that relate to learning or employment, within the third-party contractor's

4902 application, if the recommendation is not motivated by payment or other consideration from
4903 another party;

4904 (d) respond to a student request for information or feedback, if the content of the
4905 response is not motivated by payment or other consideration from another party;

4906 (e) use student data to allow or improve operability and functionality of the third-party
4907 contractor's application; or

4908 (f) identify for a student nonprofit institutions of higher education or scholarship
4909 providers that are seeking students who meet specific criteria:

4910 (i) regardless of whether the identified nonprofit institutions of higher education or
4911 scholarship providers provide payment or other consideration to the third-party contractor; and

4912 (ii) only if the third-party contractor obtains authorization in writing from:

4913 (A) a student's parent through the student's school or LEA; or

4914 (B) for an adult student, the student.

4915 (5) At the completion of a contract with an education entity, if the contract has not
4916 been renewed, a third-party contractor shall return or delete upon the education entity's request
4917 all personally identifiable student data under the control of the education entity unless a student
4918 or the student's parent consents to the maintenance of the personally identifiable student data.

4919 (6) (a) A third-party contractor may not:

4920 (i) except as provided in Subsection (6)(b), sell student data;

4921 (ii) collect, use, or share student data, if the collection, use, or sharing of the student
4922 data is inconsistent with the third-party contractor's contract with the education entity; or

4923 (iii) use student data for targeted advertising.

4924 (b) A person may obtain student data through the purchase of, merger with, or
4925 otherwise acquiring a third-party contractor if the third-party contractor remains in compliance
4926 with this section.

4927 (7) The provisions of this section do not:

4928 (a) apply to the use of a general audience application, including the access of a general
4929 audience application with login credentials created by a third-party contractor's application;

- 4930 (b) apply to the providing of Internet service; or
- 4931 (c) impose a duty on a provider of an interactive computer service, as defined in 47
- 4932 U.S.C. Sec. 230, to review or enforce compliance with this section.
- 4933 (8) A provision of this section that relates to a student's student data does not apply to a
- 4934 third-party contractor if the third-party contractor obtains authorization from the following
- 4935 individual, in writing, to waive that provision:
- 4936 (a) the student's parent, if the student is not an adult student; or
- 4937 (b) the student, if the student is an adult student.
- 4938 Section 147. Section **53E-9-310** is amended to read:
- 4939 **53E-9-310. Penalties.**
- 4940 (1) (a) A third-party contractor that knowingly or recklessly permits unauthorized
- 4941 collecting, sharing, or use of student data under this part:
- 4942 (i) except as provided in Subsection (1)(b), may not enter into a future contract with an
- 4943 education entity;
- 4944 (ii) may be required by the state board to pay a civil penalty of up to \$25,000; and
- 4945 (iii) may be required to pay:
- 4946 (A) the education entity's cost of notifying parents and students of the unauthorized
- 4947 sharing or use of student data; and
- 4948 (B) expenses incurred by the education entity as a result of the unauthorized sharing or
- 4949 use of student data.
- 4950 (b) An education entity may enter into a contract with a third-party contractor that
- 4951 knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:
- 4952 (i) the state board or education entity determines that the third-party contractor has
- 4953 corrected the errors that caused the unauthorized collecting, sharing, or use of student data; and
- 4954 (ii) the third-party contractor demonstrates:
- 4955 (A) if the third-party contractor is under contract with an education entity, current
- 4956 compliance with this part; or
- 4957 (B) an ability to comply with the requirements of this part.

4958 (c) The state board may assess the civil penalty described in Subsection (1)(a)(ii) in
4959 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

4960 (d) The state board may bring an action in the district court of the county in which the
4961 office of the state board is located, if necessary, to enforce payment of the civil penalty
4962 described in Subsection (1)(a)(ii).

4963 (e) An individual who knowingly or intentionally permits unauthorized collecting,
4964 sharing, or use of student data may be found guilty of a class A misdemeanor.

4965 (2) (a) A parent or adult student may bring an action in a court of competent
4966 jurisdiction for damages caused by a knowing or reckless violation of Section 53E-9-309 by a
4967 third-party contractor.

4968 (b) If the court finds that a third-party contractor has violated Section 53E-9-309, the
4969 court may award to the parent or student:

4970 (i) damages; and

4971 (ii) costs.

4972 Section 148. Section 53E-10-202 is amended to read:

4973 **53E-10-202. State board to supervise.**

4974 (1) The general control and supervision, but not the direct management, of adult
4975 education is vested in the [~~State Board of Education~~] state board.

4976 (2) The state board has the following powers:

4977 (a) makes and enforces rules to organize, conduct, and supervise adult education;

4978 (b) appoints state staff for the adult education program, establishes their duties, and
4979 fixes their compensation;

4980 (c) determines the qualifications of, and issues teaching certificates to, persons
4981 employed to give adult education instruction; and

4982 (d) determines the basis of apportionment and distributes funds made available for
4983 adult education.

4984 (3) (a) The [~~State Board of Education~~] state board shall make rules providing for the
4985 establishment of fees which shall be imposed by local school boards for participation in adult

4986 education programs.

4987 (b) A fee structure for adult education shall take into account the ability of a Utah
4988 resident who participates in adult education to pay the fees.

4989 (c) Sections 53G-7-504 and 53G-7-505 pertaining to fees and fee waivers in secondary
4990 schools do not apply to adult education.

4991 Section 149. Section 53E-10-203 is amended to read:

4992 **53E-10-203. Director of adult education.**

4993 (1) Upon recommendation of the state superintendent, the [~~State Board of Education~~]
4994 state board may appoint a full-time director for adult education to work under the supervision
4995 of the state board.

4996 (2) The director may coordinate the adult education program authorized under Sections
4997 53E-10-202 through 53E-10-206 with other adult education programs.

4998 Section 150. Section 53E-10-206 is amended to read:

4999 **53E-10-206. Salaries -- Costs.**

5000 (1) Salaries and other necessary expenses of the state adult education staff shall be paid
5001 from funds appropriated for adult education.

5002 (2) The [~~State Board of Education~~] state board shall determine the terms and
5003 conditions of payment.

5004 (3) A local school board shall pay all costs incident to the local administration and
5005 operation of its adult education program.

5006 (4) The local school board shall submit reports required by the [~~State Board of~~
5007 ~~Education~~] state board for the administration of adult education.

5008 Section 151. Section 53E-10-302 is amended to read:

5009 **53E-10-302. Concurrent enrollment program.**

5010 (1) The [~~State Board of Education~~] state board and the State Board of Regents shall
5011 establish and maintain a concurrent enrollment program that:

5012 (a) provides an eligible student the opportunity to enroll in a course that allows the
5013 eligible student to earn credit concurrently:

- 5014 (i) toward high school graduation; and
5015 (ii) at an institution of higher education;
5016 (b) includes only a course that:
5017 (i) leads to a degree or certificate offered by an institution of higher education; and
5018 (ii) is one of the following:
5019 (A) a general education course;
5020 (B) a career and technical education course;
5021 (C) a pre-major college level course; or
5022 (D) a foreign language concurrent enrollment course described in Section 53E-10-307;
5023 (c) requires that the instructor of a concurrent enrollment course is an eligible
5024 instructor; and
5025 (d) is designed and implemented to take full advantage of the most current available
5026 education technology.
5027 (2) The [~~State Board of Education~~] state board and the State Board of Regents shall
5028 coordinate to:
5029 (a) establish a concurrent enrollment course approval process that ensures:
5030 (i) credit awarded for concurrent enrollment is consistent and transferable to all
5031 institutions of higher education; and
5032 (ii) learning outcomes for a concurrent enrollment course align with:
5033 (A) core standards for Utah public schools adopted by the [~~State Board of Education~~]
5034 state board; and
5035 (B) except for a foreign language concurrent enrollment course described in Section
5036 53E-10-307, an institution of higher education lower division course numbered at or above the
5037 1000 level; and
5038 (b) provide advising to an eligible student, including information on:
5039 (i) general education requirements at institutions of higher education; and
5040 (ii) how to choose concurrent enrollment courses to avoid duplication or excess credit
5041 hours.

- 5042 (3) After consultation with institution of higher education concurrent enrollment
5043 directors, the State Board of Regents shall:
- 5044 (a) provide guidelines to an institution of higher education for establishing qualifying
5045 academic criteria for an eligible student to enroll in a concurrent enrollment course; and
5046 (b) on or before January 1, 2019, establish a policy that:
- 5047 (i) describes the qualifications for an LEA employee to be an eligible instructor; and
5048 (ii) ensures that the qualifications described in Subsection (3)(b)(i):
- 5049 (A) maximize concurrent enrollment opportunities for eligible students while
5050 maintaining quality; and
- 5051 (B) allow for an individual who teaches a concurrent enrollment course in the 2017-18
5052 or 2018-19 school year to continue to teach the concurrent enrollment course in subsequent
5053 years.
- 5054 (4) To qualify for funds under Section 53F-2-409, an LEA and an institution of higher
5055 education shall:
- 5056 (a) enter into a contract, in accordance with Section 53E-10-303, to provide one or
5057 more concurrent enrollment courses that are approved under the course approval process
5058 described in Subsection (2);
- 5059 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible
5060 instructor;
- 5061 (c) establish qualifying academic criteria for an eligible student to enroll in a
5062 concurrent enrollment course, in accordance with the guidelines described in Subsection (3)(a);
- 5063 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible
5064 student; and
- 5065 (e) coordinate advising to eligible students.
- 5066 (5) (a) An institution of higher education faculty member is an eligible instructor.
5067 (b) An LEA employee is an eligible instructor if the LEA employee:
- 5068 (i) is licensed under Chapter 6, Education Professional Licensure;
5069 (ii) is supervised by an institution of higher education; and

5070 (iii) (A) meets the qualifications described in the policy established under Subsection
5071 (3)(b); or

5072 (B) has an upper level mathematics credential issued by the [~~State Board of Education~~]
5073 state board.

5074 (c) Notwithstanding Subsection (5)(b)(iii), an LEA employee is an eligible instructor
5075 if:

5076 (i) the State Board of Regents has not established the policy described in Subsection
5077 (3)(b); and

5078 (ii) the LEA employee:

5079 (A) meets the requirements described in Subsections (5)(b)(i) and (ii); and

5080 (B) is approved as adjunct faculty by an institution of higher education.

5081 (6) An LEA and an institution of higher education may qualify a grade 9 or grade 10
5082 student to enroll in a current enrollment course by exception, including a student who
5083 otherwise qualifies to take a foreign language concurrent enrollment course described in
5084 Section [53E-10-307](#).

5085 (7) An institution of higher education shall accept credits earned by a student who
5086 completes a concurrent enrollment course on the same basis as credits earned by a full-time or
5087 part-time student enrolled at the institution of higher education.

5088 Section 152. Section **53E-10-304** is amended to read:

5089 **53E-10-304. Concurrent enrollment participation form -- Parental permission.**

5090 (1) The State Board of Regents shall create a higher education concurrent enrollment
5091 participation form that includes a parental permission form.

5092 (2) Before allowing an eligible student to participate in concurrent enrollment, an LEA
5093 and an institution of higher education shall ensure that the eligible student has, for the current
5094 school year:

5095 (a) submitted the participation form described in Subsection (1);

5096 (b) signed an acknowledgment of program participation requirements; and

5097 (c) obtained parental permission as indicated by the signature of a student's parent [~~or~~

5098 legal guardian] on the parental permission form.

5099 Section 153. Section **53E-10-308** is amended to read:

5100 **53E-10-308. Reporting.**

5101 The [~~State Board of Education~~] state board and the State Board of Regents shall submit
5102 an annual written report to the Higher Education Appropriations Subcommittee and the Public
5103 Education Appropriations Subcommittee on student participation in the concurrent enrollment
5104 program, including:

5105 (1) data on the higher education tuition not charged due to the hours of higher
5106 education credit granted through concurrent enrollment;

5107 (2) tuition or fees charged under Section [53E-10-305](#);

5108 (3) an accounting of the money appropriated for concurrent enrollment; and

5109 (4) a justification of the distribution method described in Subsections [53F-2-409\(3\)\(d\)](#)
5110 and (e).

5111 Section 154. Section **53E-10-401** is amended to read:

5112 **53E-10-401. Definitions.**

5113 As used in this part:

5114 (1) "Commission" means the American Indian-Alaskan Native Education Commission
5115 created in Section [53E-10-403](#).

5116 (2) "Liaison" means the individual appointed under Section [53E-10-402](#).

5117 (3) "Native American Legislative Liaison Committee" means the committee created in
5118 Section [36-22-1](#).

5119 (4) "State plan" means the state plan adopted under Section [53E-10-405](#).

5120 [~~(5) "Superintendent" means the superintendent of public instruction appointed under~~
5121 ~~Section [53E-3-301](#);~~]

5122 Section 155. Section **53E-10-402** is amended to read:

5123 **53E-10-402. American Indian-Alaskan Native Public Education Liaison.**

5124 (1) Subject to budget constraints, the state superintendent shall appoint an individual as
5125 the American Indian-Alaskan Native Public Education Liaison.

5126 (2) The liaison shall work under the direction of the state superintendent in the
5127 development and implementation of the state plan.

5128 (3) The liaison shall annually report to the Native American Legislative Liaison
5129 Committee about:

5130 (a) the liaison's activities; and

5131 (b) the activities related to the education of American Indians and Alaskan Natives in
5132 the state's public school system and efforts to close the achievement gap.

5133 Section 156. Section **53E-10-403** is amended to read:

5134 **53E-10-403. Commission created.**

5135 (1) There is created a commission known as the "American Indian-Alaskan Native
5136 Education Commission." The commission shall consist of 16 members as follows:

5137 (a) the state superintendent;

5138 (b) the liaison;

5139 (c) two individuals appointed by the [~~State Board of Education~~] state board that are
5140 coordinators funded in whole or in part under Title VII, Elementary and Secondary Education
5141 Act;

5142 (d) three members of the Native American Legislative Liaison Committee appointed by
5143 the chairs of the Native American Legislative Liaison Committee;

5144 (e) a representative of the Navajo Nation who resides in Utah selected by the Navajo
5145 Utah Commission;

5146 (f) a representative of the Ute Indian Tribe of the Uintah and Ouray Reservation who
5147 resides in Utah selected by the Uintah and Ouray Tribal Business Committee;

5148 (g) a representative of the Paiute Indian Tribe of Utah who resides in Utah selected by
5149 the Paiute Indian Tribe of Utah Tribal Council;

5150 (h) a representative of the Northwestern Band of the Shoshone Nation who resides in
5151 Utah selected by the Northwestern Band of the Shoshone Nation Tribal Council;

5152 (i) a representative of the Confederated Tribes of the Goshute who resides in Utah
5153 selected by the Confederated Tribes of the Goshute Reservation Tribal Council;

- 5154 (j) a representative of the Skull Valley Band of Goshute Indians who resides in Utah
5155 selected by the Skull Valley Band of Goshute Indian Tribal Executive Committee;
- 5156 (k) a representative of the Ute Mountain Ute Tribe who resides in Utah selected by the
5157 Ute Mountain Ute Tribal Council;
- 5158 (l) a representative of the San Juan Southern Paiute Tribe who resides in Utah selected
5159 by the San Juan Southern Paiute Tribal Council; and
- 5160 (m) an appointee from the governor.
- 5161 (2) Unless otherwise determined by the [~~State Board of Education~~] state board, the
5162 state superintendent shall chair the commission.
- 5163 (3) (a) The state superintendent shall call meetings of the commission.
- 5164 (b) Eight members of the commission constitute a quorum of the commission.
- 5165 (c) The action of a majority of the commission at a meeting when a quorum is present
5166 constitutes action of the commission.
- 5167 (4) If a vacancy occurs in the membership for any reason, the replacement shall be
5168 appointed in the same manner of the original appointment for the vacant position.
- 5169 (5) The commission may adopt procedures or requirements for:
- 5170 (a) voting, when there is a tie of the commission members; and
- 5171 (b) the frequency of meetings.
- 5172 (6) (a) A member of the commission may not receive compensation or benefits for the
5173 member's service, but may receive per diem and travel expenses in accordance with:
- 5174 (i) Section [63A-3-106](#);
- 5175 (ii) Section [63A-3-107](#); and
- 5176 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
5177 [63A-3-107](#).
- 5178 (b) Compensation and expenses of a participant who is a legislator are governed by
5179 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- 5180 (7) The staff of the [~~State Board of Education~~] state board shall staff the commission.
- 5181 (8) The commission shall be dissolved on December 31, 2015.

5182 Section 157. Section **53E-10-405** is amended to read:

5183 **53E-10-405. Adoption of state plan.**

5184 (1) After receipt of the proposed state plan from the commission in accordance with
5185 Section **53E-10-404**, the Native American Legislative Liaison Committee may review the
5186 proposed state plan and make changes to the proposed state plan that the Native American
5187 Legislative Liaison Committee considers beneficial to addressing the educational achievement
5188 gap of the state's American Indian and Alaskan Native students.

5189 (2) (a) The Native American Legislative Liaison Committee shall submit the proposed
5190 state plan as modified by the Native American Legislative Liaison Committee to the Utah
5191 [~~State Board of Education~~] state board.

5192 (b) The Utah [~~State Board of Education~~] state board shall, by majority vote, within 60
5193 days after receipt of the state plan under Subsection (2)(a), adopt, modify, or reject the state
5194 plan. If the Utah [~~State Board of Education~~] state board does not act within 60 days after
5195 receipt of the state plan, the state plan is considered adopted by the Utah [~~State Board of~~
5196 ~~Education~~] state board.

5197 (3) The Native American Legislative Liaison Committee may prepare legislation to
5198 implement the state plan adopted under this section.

5199 Section 158. Section **53E-10-406** is amended to read:

5200 **53E-10-406. Changes to state plan.**

5201 (1) The Native American Legislative Liaison Committee may recommend to the [~~Utah~~
5202 ~~State Board of Education~~] state board changes to the state plan adopted under Section
5203 **53E-10-405** to ensure that the state plan continues to meet the academic needs of the state's
5204 American Indian and Alaskan Native students.

5205 (2) The Native American Legislative Liaison Committee may recommend to the state
5206 superintendent that the commission be reconstituted for an 18-month period if the Native
5207 American Legislative Liaison Committee determines that a substantial review of the state plan
5208 is necessary. If reconstituted under this Subsection (2), the commission shall comply with the
5209 requirements of Sections **53E-10-402** through **53E-10-404**.

5210 Section 159. Section **53E-10-503** is amended to read:

5211 **53E-10-503. School Safety and Crisis Line Commission established -- Members.**

5212 (1) There is created the School Safety and Crisis Line Commission composed of the
5213 following members:

5214 (a) one member who represents the Office of the Attorney General, appointed by the
5215 attorney general;

5216 (b) one member who represents the Utah Public Education System, appointed by the
5217 [~~State Board of Education~~] state board;

5218 (c) one member who represents the Utah System of Higher Education, appointed by the
5219 State Board of Regents;

5220 (d) one member who represents the Utah Department of Health, appointed by the
5221 executive director of the Department of Health;

5222 (e) one member of the House of Representatives, appointed by the speaker of the
5223 House of Representatives;

5224 (f) one member of the Senate, appointed by the president of the Senate;

5225 (g) one member who represents the University Neuropsychiatric Institute, appointed by
5226 the chair of the commission;

5227 (h) one member who represents law enforcement who has extensive experience in
5228 emergency response, appointed by the chair of the commission;

5229 (i) one member who represents the Utah Department of Human Services who has
5230 experience in youth services or treatment services, appointed by the executive director of the
5231 Department of Human Services; and

5232 (j) two members of the public, appointed by the chair of the commission.

5233 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be
5234 appointed to four-year terms.

5235 (b) The length of the terms of the members shall be staggered so that approximately
5236 half of the committee is appointed every two years.

5237 (c) When a vacancy occurs in the membership of the commission, the replacement

5238 shall be appointed for the unexpired term.

5239 (3) (a) The attorney general's designee shall serve as chair of the commission.

5240 (b) The chair shall set the agenda for commission meetings.

5241 (4) Attendance of a simple majority of the members constitutes a quorum for the
5242 transaction of official commission business.

5243 (5) Formal action by the commission requires a majority vote of a quorum.

5244 (6) (a) Except as provided in Subsection (6)(b), a member may not receive
5245 compensation, benefits, per diem, or travel expenses for the member's service.

5246 (b) Compensation and expenses of a member who is a legislator are governed by
5247 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

5248 (7) The Office of the Attorney General shall provide staff support to the commission.
5249 Section 160. Section 53E-10-504 is amended to read:

5250 **53E-10-504. School Safety and Crisis Line Commission duties.**

5251 The commission shall coordinate:

5252 (1) statewide efforts related to the School Safety and Crisis Line; and

5253 (2) with the [~~State Board of Education~~] state board and the State Board of Regents to
5254 promote awareness of the services available through the School Safety and Crisis Line.

5255 Section 161. Section 53E-10-505 is amended to read:

5256 **53E-10-505. State board and local boards of education to update policies and**
5257 **promote awareness.**

5258 (1) The [~~State Board of Education~~] state board shall:

5259 (a) revise the conduct and discipline policy models, described in Section 53G-8-202, to
5260 include procedures for responding to reports received under Subsection 53E-10-502(3); and

5261 (b) revise the curriculum developed by the [~~State Board of Education~~] state board for
5262 the parent seminar, described in Section 53G-9-703, to include information about the School
5263 Safety and Crisis Line.

5264 (2) A local school board or charter school governing board shall:

5265 (a) revise the conduct and discipline policies, described in Section 53G-8-203, to

5266 include procedures for responding to reports received under Subsection 53E-10-502(3); and
5267 (b) inform students, parents, and school personnel about the School Safety and Crisis
5268 Line.

5269 Section 162. Section 53E-10-601 is amended to read:

5270 **53E-10-601. Definitions.**

5271 As used in this part:

5272 [~~(1)~~] "~~Board~~" means the ~~State Board of Education~~.]

5273 [~~(2)~~] (1) "Electronic High School" means a rigorous program offering grade 9 - 12
5274 level online courses and coordinated by the state board.

5275 [~~(3)~~] (2) "Home-schooled student" means a student:

5276 (a) attends a home school;

5277 (b) is exempt from school attendance pursuant to Section 53G-6-204; and

5278 (c) attends no more than two regularly scheduled classes or courses in a public school
5279 per semester.

5280 [~~(4)~~] (3) "Open-entry, open-exit" means:

5281 (a) a method of instructional delivery that allows for flexible scheduling in response to
5282 individual student needs or requirements and demonstrated competency when knowledge and
5283 skills have been mastered; and

5284 (b) students have the flexibility to begin or end study at any time, progress through
5285 course material at their own pace, and demonstrate competency when knowledge and skills
5286 have been mastered.

5287 Section 163. Section 53E-10-603 is amended to read:

5288 **53E-10-603. Courses and credit.**

5289 (1) The Electronic High School may only offer courses required for high school
5290 graduation or that fulfill course requirements established by the [~~State Board of Education~~]
5291 state board.

5292 (2) The Electronic High School shall:

5293 (a) offer courses in an open-entry, open-exit format; and

5294 (b) offer courses that are in conformance with the core standards for Utah public
5295 schools established by the state board.

5296 (3) Public schools shall:

5297 (a) accept all credits awarded to students by the Electronic High School; and

5298 (b) apply credits awarded for a course described in Subsection (2)(b) toward the
5299 fulfillment of course requirements.

5300 Section 164. Section **53E-10-606** is amended to read:

5301 **53E-10-606. Payment for an Electronic High School course.**

5302 (1) Electronic High School courses are provided to students who are Utah residents, as
5303 defined in Section **53G-6-302**, free of charge.

5304 (2) Nonresident students may enroll in Electronic High School courses for a fee set by
5305 the state board, provided that the course can accommodate additional students.

5306 Section 165. Section **53E-10-607** is amended to read:

5307 **53E-10-607. Electronic High School diploma.**

5308 The Electronic High School may award a diploma to a student that meets any of the
5309 following criteria upon the student's completion of high school graduation requirements set by
5310 the state board:

5311 (1) a home-schooled student;

5312 (2) a student who has dropped out of school and whose original high school class has
5313 graduated; or

5314 (3) a student who is identified by the student's resident school district as ineligible for
5315 graduation from a traditional high school program for specific reasons.

5316 Section 166. Section **53E-10-609** is amended to read:

5317 **53E-10-609. State contribution for the Electronic High School.**

5318 Money appropriated to the [~~State Board of Education~~] state board for the Electronic
5319 High School shall be distributed to the school according to rules established by the state board
5320 [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~].

5321 Section 167. Section **53E-10-701** is amended to read:

5322 **53E-10-701. Definitions.**

5323 As used in this part:

5324 [~~(1)~~] "~~Board~~" means the State Board of Education.]

5325 [~~(2)~~] (1) "Director" means the director of ULEAD appointed under this part.

5326 [~~(3)~~] (2) "Director Selection Committee" or "selection committee" means the
5327 committee created in Section [~~53E-10-703~~] 53E-10-704 that appoints the director.

5328 [~~(4)~~] (3) "Local education agency" or "LEA" means a public:

5329 (a) school district;

5330 (b) school; or

5331 (c) charter school.

5332 [~~(5)~~] (4) "Participating institution" means a public or private research institution that
5333 enters into an arrangement with the director to provide research and other services described in
5334 this part.

5335 [~~(6)~~] (5) "Research clearinghouse" means a collection of information maintained and
5336 distributed by ULEAD in accordance with Section [~~53E-10-705~~] 53E-10-706.

5337 [~~(7)~~] (6) "Steering committee" means the committee that advises the director and is
5338 created in Section [~~53E-10-706~~] 53E-10-707.

5339 [~~(8)~~] (7) "ULEAD" means Utah Leading through Effective, Actionable, and Dynamic
5340 Education through the efforts of the director, participating institutions, and the steering
5341 committee as described in this part.

5342 Section 168. Section **53E-10-703** is amended to read:

5343 **53E-10-703. ULEAD director -- Qualification and employment -- Duties --**

5344 **Reporting -- Annual conference.**

5345 (1) The ULEAD director shall:

5346 (a) (i) hold a doctorate degree in education or an equivalent degree; and

5347 (ii) have demonstrated experience in research and dissemination of best practices in
5348 education; and

5349 (b) (i) be a full-time employee; and

- 5350 (ii) report to the state superintendent [~~of public instruction~~].
- 5351 (2) The state superintendent shall:
- 5352 (a) evaluate the director's performance annually;
- 5353 (b) report on the director's performance to the selection committee; and
- 5354 (c) provide space for the director and the director's staff.
- 5355 (3) The director may hire staff, using only money specifically appropriated to ULEAD.
- 5356 (4) The director shall perform the following duties and functions:
- 5357 (a) gather current research on innovative and effective practices in K-12 education for
- 5358 use by policymakers and practitioners;
- 5359 (b) facilitate collaboration between LEAs, higher education researchers, and
- 5360 practitioners by:
- 5361 (i) sharing innovative and effective practices shown to improve student learning;
- 5362 (ii) identifying experts in specific areas of practice; and
- 5363 (iii) maintaining a research clearinghouse and directory of researchers; and
- 5364 (c) analyze barriers to replication or adaption of innovative and successful practices
- 5365 studied by ULEAD or contributed to the ULEAD research clearinghouse.
- 5366 (5) The director shall:
- 5367 (a) prioritize reports and other research based on recommendations of the steering
- 5368 committee in accordance with Subsection [53E-10-707\(5\)](#), and after consulting with individuals
- 5369 described in Subsection [53E-10-707\(6\)](#);
- 5370 (b) identify Utah LEAs, or schools outside the public school system, that are:
- 5371 (i) innovative in specific areas of practice; and
- 5372 (ii) more effective or efficient than comparable LEAs in improving student learning;
- 5373 (c) establish criteria for innovative practice reports to be performed by participating
- 5374 institutions and included in the research clearinghouse, including report templates;
- 5375 (d) arrange with participating institutions to generate innovative practice reports on
- 5376 effective and innovative K-12 education practices; and
- 5377 (e) (i) disseminate each innovative practice report to LEAs; and

- 5378 (ii) publish innovative practice reports on the ULEAD website.
- 5379 (6) In an innovative practice report, a participating institution shall:
- 5380 (a) include or reference a review of research regarding the practice in which the subject
- 5381 LEA has demonstrated success;
- 5382 (b) identify through academically acceptable, evidence-based research methods the
- 5383 causes of the LEA's successful practice;
- 5384 (c) identify opportunities for LEAs to adopt or customize innovative or best practices;
- 5385 (d) address limitations to successful replication or adaptation of the successful practice
- 5386 by other LEAs, which may include barriers arising from federal or state law, state or LEA
- 5387 policy, socioeconomic conditions, or funding limitations;
- 5388 (e) include practical templates for successful replication and adaptation of successful
- 5389 practices, following criteria established by the director;
- 5390 (f) identify experts in the successful practice that is the subject of the innovative
- 5391 practice report, including teachers or administrators at the subject LEA; and
- 5392 (g) include:
- 5393 (i) an executive summary describing the innovative practice report; and
- 5394 (ii) a video component or other elements designed to ensure that an innovative practice
- 5395 report is readily understandable by practitioners.
- 5396 (7) The director may, if requested by an LEA leader or policymaker, conduct an
- 5397 evidence-based review of a possible innovation in an area of practice.
- 5398 (8) The director may also accept innovative practice reports from trained practitioners
- 5399 that meet the criteria set by the director.
- 5400 (9) The director or a participating institution, to enable successful replication or
- 5401 adaption of successful practices, may recommend to:
- 5402 (a) the Legislature, amendments to state law; or
- 5403 (b) the state board, revisions to state board rule or policy.
- 5404 (10) The director shall:
- 5405 (a) report on the activities of ULEAD annually to the state board; and

5406 (b) provide reports or other information to the state board upon state board request.

5407 (11) The director shall:

5408 (a) prepare an annual report on ULEAD research and other activities;

5409 (b) on or before September 30, submit the annual report:

5410 (i) to the Education Interim Committee and the Public Education Appropriations

5411 Subcommittee; and

5412 (ii) in accordance with Section 68-3-14;

5413 (c) publish the annual report on the ULEAD website; and

5414 (d) disseminate the report to LEAs through electronic channels.

5415 (12) The director shall facilitate and conduct an annual conference on successful and
5416 innovative K-12 education practices, featuring:

5417 (a) Utah education leaders; and

5418 (b) practitioners and researchers, chosen by the director, to discuss the subjects of LEA
5419 and other ULEAD activities, or other innovative and successful education practices.

5420 Section 169. Section **53E-10-704** is amended to read:

5421 **53E-10-704. Director Selection Committee -- Membership -- Powers and duties --**
5422 **Compensation.**

5423 (1) There is created the Director Selection Committee to appoint the director.

5424 (2) The selection committee shall consist of the following nine members each
5425 appointed for two-year staggered terms, with the initial terms of the members described in
5426 Subsections (2)(a), (b), and (c) to be three years:

5427 (a) one member of the office of the governor, who is the chair of the selection
5428 committee and appointed by the governor;

5429 (b) one member of the House of Representatives, appointed by the speaker of the
5430 House of Representatives;

5431 (c) one member of the Senate, appointed by the president of the Senate;

5432 (d) one member of the state board, appointed by the chair of the state board;

5433 (e) one member of the Board of Regents, appointed by the chair of the Board of

5434 Regents;

5435 (f) one member appointed by the state superintendent [~~of public instruction~~];

5436 (g) one member of the State Charter School Board, appointed by the chair of the State

5437 Charter School Board;

5438 (h) one member of the Utah School Boards Association recognized in Section

5439 [53G-4-502](#), appointed by the association executive director; and

5440 (i) one member of a state association that represents school superintendents, appointed

5441 by the association executive director.

5442 (3) (a) A member of the selection committee may be appointed for more than one term.

5443 (b) If a midterm vacancy occurs on the selection committee, the appointing individual,

5444 as described in Subsection (2), for the vacant position shall appoint an individual for the

5445 remainder of the term.

5446 (4) A majority of the members shall constitute a quorum for the transaction of selection

5447 committee business.

5448 (5) (a) The selection committee shall select and appoint a director for a four-year term.

5449 (b) The director may be appointed for more than one term.

5450 (6) (a) In a year in which the director is appointed, the selection committee shall:

5451 (i) solicit applications for the director position to be submitted no later than June 1;

5452 (ii) hold at least two meetings to discuss candidates for the open director position; and

5453 (iii) select and appoint by majority vote a candidate to fill the director position to begin

5454 employment no later than August 1.

5455 (b) Notwithstanding Subsection (6)(a), if a midterm vacancy in the director position

5456 occurs, the selection committee shall:

5457 (i) no later than 25 business days after the day on which the position is vacated, solicit

5458 applications for the director position;

5459 (ii) hold at least two meetings to discuss candidates for the vacant position; and

5460 (iii) no later than 60 business days after the day on which the position is vacated, select

5461 a candidate to fill the director position for the remainder of the term.

5462 (7) (a) The selection committee:

5463 (i) may remove a director before the completion of the director's term only by a
5464 majority vote of the selection committee; and

5465 (ii) is the only person empowered to remove the director.

5466 (b) The chair shall hold a meeting to consider removing the director upon request of
5467 two or more selection committee members.

5468 (8) A member of the selection committee may not receive compensation except a
5469 member who is a legislator shall receive compensation for travel and other expense
5470 reimbursements in accordance with Section 36-2-2.

5471 (9) The selection committee shall:

5472 (a) establish criteria for evaluation of the ULEAD program, including the degree of
5473 participation by participating institutions and practitioners; and

5474 (b) evaluate the effectiveness of ULEAD every four years for purposes of continuing
5475 the program.

5476 (10) The selection committee shall hold a meeting described in this section in
5477 accordance with Title 52, Chapter 4, Open and Public Meetings Act.

5478 Section 170. Section **53E-10-705** is amended to read:

5479 **53E-10-705. Participating institutions.**

5480 (1) The director may arrange or collaborate with a participating institution:

5481 (a) to conduct an innovative practice report or provide other research services,
5482 including research regarding barriers to adoption of practices studied by ULEAD;

5483 (b) to assist an LEA to:

5484 (i) facilitate communities of practice for replication or adaptation of best practices
5485 identified by ULEAD; and

5486 (ii) advise teachers and school leaders on conducting their own research to improve
5487 education practices;

5488 (c) to assist an LEA with an application to the state board for waiver from a state board
5489 rule in accordance with Section 53G-7-202 to allow replication or adaptation of best practices;

5490 or

5491 (d) for any other purpose that is consistent with and advances the director's duties and
5492 functions.

5493 (2) An agreement entered into by a participating institution with the state board or an
5494 LEA to perform ULEAD work shall:

5495 (a) include provisions allowing and governing external research data sharing; and

5496 (b) comply with state and federal law.

5497 (3) The director shall support federal and private research funding requests by a
5498 participating institution for research that is in support of the director's duties and functions.

5499 Section 171. Section **53E-10-706** is amended to read:

5500 **53E-10-706. Electronic resources -- Research clearinghouse.**

5501 (1) The state board shall publish a ULEAD website containing information provided by
5502 the director as described in this part.

5503 (2) The director shall within two years of appointment:

5504 (a) develop and maintain a research clearinghouse publicly available through the
5505 website described in Subsection (1); and

5506 (b) include in the research clearinghouse:

5507 (i) research on K-12 education, including peer-reviewed research;

5508 (ii) information on K-12 education innovation and best practices;

5509 (iii) an index and explanation of academic, state, federal, or other K-12 education
5510 research repositories;

5511 (iv) K-12 education research and policy briefs generated by Utah public and private
5512 institutions of higher education, including participating institutions, categorized and searchable
5513 by topic;

5514 (v) access points to and explanation of currently available K-12 education data,
5515 including data managed by the Utah Data Research Center created in Section **35A-14-201** and
5516 data maintained by the state board;

5517 (vi) other K-12 education information as determined by the director, including

5518 information regarding efforts by institutions or other individuals to promote innovative and
5519 effective education practices in Utah; and

5520 (vii) each innovative practice report prepared by ULEAD, categorized and searchable
5521 by topic, location of the studied LEA, and socioeconomic and demographic profile.

5522 (3) The director shall publish:

5523 (a) an electronic directory of K-12 education experts identified in ULEAD research and
5524 reports; and

5525 (b) a monthly report to LEAs, via electronic channels provided by the state board,
5526 highlighting ULEAD activities and soliciting proposals from education practitioners for
5527 ULEAD research and reports.

5528 (4) The director may provide electronic seminars or forums for professional learning
5529 regarding subjects of ULEAD research and reports to K-12 practitioners.

5530 Section 172. Section **53E-10-707** is amended to read:

5531 **53E-10-707. ULEAD Steering Committee.**

5532 (1) (a) There is created the ULEAD Steering Committee.

5533 (b) The director is the chair of the steering committee.

5534 (2) The steering committee shall consist of the following members each appointed for a
5535 term of one year:

5536 (a) the director;

5537 (b) one member appointed by the chair of the state board;

5538 (c) the state superintendent [~~of public instruction~~] or the state superintendent's
5539 designee;

5540 (d) the staff director of the State Charter School Board or the director's designee;

5541 (e) one member appointed by the office of the governor;

5542 (f) one member, appointed by the director, who is a superintendent of a school district;

5543 (g) one member, appointed by the director, of a local school board;

5544 (h) two principals or other public school leaders of public schools that are not charter
5545 schools, appointed by the director;

- 5546 (i) two principals or other public school leaders of charter schools, appointed by the
5547 director;
- 5548 (j) two educators who hold a current license under Chapter 6, Education Professional
5549 Licensure, nominated by LEA leaders and appointed by the director; and
- 5550 (k) two members representing citizens or business, nominated by the members of the
5551 public and appointed by the director.
- 5552 (3) (a) A member of the steering committee may be appointed for more than one term.
- 5553 (b) If a midterm vacancy occurs on the steering committee, the appointing individual,
5554 as described in Subsection (2), for the vacant position shall appoint an individual for the
5555 remainder of the term.
- 5556 (4) (a) The steering committee shall hold a meeting at least semi annually in January
5557 and July or on dates otherwise chosen by the director.
- 5558 (b) The state board shall provide space for the steering committee to meet.
- 5559 (5) The steering committee shall:
- 5560 (a) discuss prospective and current ULEAD projects and findings;
- 5561 (b) consult with and make recommendations to the director to prioritize ULEAD
5562 reports and areas of focused research;
- 5563 (c) facilitate connections between the director and Utah's political, business, education
5564 technology, and academic communities; and
- 5565 (d) make recommendations to improve gathering, retaining, and disseminating
5566 education data and research and evaluation findings for use by participating institutions and
5567 other education policy researchers, including data managed by the Utah Data Research Center
5568 created in Section [35A-14-201](#).
- 5569 (6) In order to determine research priorities for ULEAD, the director shall consult with:
- 5570 (a) members of the Legislature responsible for public education;
- 5571 (b) members of Utah professional education associations, including principals and
5572 [~~school boards~~] LEA governing board members; and
- 5573 (c) policy-research centers based in Utah.

5574 (7) The state board or state superintendent [~~of public instruction~~] may request that the
5575 director arrange with a participating institution to prepare a report on a specific LEA or area of
5576 practice meeting the criteria established in this part.

5577 (8) A member of the steering committee may not receive compensation except a
5578 member who is a legislator shall receive compensation for travel and other expense
5579 reimbursements in accordance with Section 36-2-2.

5580 (9) The steering committee shall hold a meeting described in this section in accordance
5581 with Title 52, Chapter 4, Open and Public Meetings Act.

5582 Section 173. Section **53F-2-102** is amended to read:

5583 **53F-2-102. Definitions.**

5584 As used in this chapter:

5585 (1) "Basic state-supported school program," "basic program," or "basic school
5586 program" means public education programs for kindergarten, elementary, and secondary school
5587 students that are operated and maintained for the amount derived by multiplying the number of
5588 weighted pupil units for each school district or charter school by the value established each
5589 year in the enacted public education budget, except as otherwise provided in this chapter.

5590 [~~(2) "Charter school governing board" means the governing board, as defined in~~
5591 ~~Section 53G-5-102, that governs a charter school.]~~

5592 [~~(3) "Local education]~~ (2) "LEA governing board" means a local school board or
5593 charter school governing board.

5594 [~~(4) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,~~
5595 ~~Election of Members of Local Boards of Education.]~~

5596 [~~(5)]~~ (3) "Pupil in average daily membership (ADM)" means a full-day equivalent
5597 pupil.

5598 [~~(6) (a) "State-supported minimum school program" or]~~

5599 (4) (a) "Minimum School Program" means the state-supported public school programs
5600 for kindergarten, elementary, and secondary schools as described in this Subsection [~~(6)]~~ (4).

5601 (b) The Minimum School Program established in school districts and charter schools

5602 shall include the equivalent of a school term of nine months as determined by the [~~State Board~~
5603 ~~of Education~~] state board.

5604 (c) (i) The state board shall establish the number of days or equivalent instructional
5605 hours that school is held for an academic school year.

5606 (ii) Education, enhanced by utilization of technologically enriched delivery systems,
5607 when approved by [~~a local education~~] an LEA governing board, shall receive full support by
5608 the [~~State Board of Education~~] state board as it pertains to fulfilling the attendance
5609 requirements, excluding time spent viewing commercial advertising.

5610 (d) (i) [~~A local education~~] An LEA governing board may reallocate up to 32
5611 instructional hours or four school days established under Subsection [~~(6)~~] (4)(c) for teacher
5612 preparation time or teacher professional development.

5613 (ii) A reallocation of instructional hours or school days under Subsection [~~(6)~~] (4)(d)(i)
5614 is subject to the approval of two-thirds of the members of [~~a local education~~] an LEA
5615 governing board voting in a regularly scheduled meeting:

5616 (A) at which a quorum of the [~~local education~~] LEA governing board is present; and

5617 (B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.

5618 (iii) If [~~a local education~~] an LEA governing board reallocates instructional hours or
5619 school days as provided by this Subsection [~~(6)~~] (4)(d), the school district or charter school
5620 shall notify students' parents [~~and guardians~~] of the school calendar at least 90 days before the
5621 beginning of the school year.

5622 (iv) Instructional hours or school days reallocated for teacher preparation time or
5623 teacher professional development pursuant to this Subsection [~~(6)~~] (4)(d) is considered part of a
5624 school term referred to in Subsection [~~(6)~~] (4)(b).

5625 (e) The Minimum School Program includes a program or allocation funded by a line
5626 item appropriation or other appropriation designated as follows:

5627 (i) Basic School Program;

5628 (ii) Related to Basic Programs;

5629 (iii) Voted and Board Levy Programs; or

5630 (iv) Minimum School Program.

5631 [(7)] (5) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of
5632 factors that is computed in accordance with this chapter for the purpose of determining the
5633 costs of a program on a uniform basis for each school district or charter school.

5634 Section 174. Section 53F-2-202 is amended to read:

5635 **53F-2-202. Contribution of state to cost of Minimum School Program --**
5636 **Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.**

5637 The state's contribution to the total cost of the [~~minimum school program~~] Minimum
5638 School Program is determined and distributed as follows:

5639 (1) The State Tax Commission shall levy an amount determined by the Legislature on
5640 all taxable property of the state.

5641 (a) This amount, together with other funds provided by law, is the state's contribution
5642 to the [~~minimum school program~~] Minimum School Program.

5643 (b) The statewide levy is set at zero until changed by the Legislature.

5644 (2) During the first week in November, the State Tax Commission shall certify to the
5645 [~~State Board of Education~~] state board the amounts designated as state aid for each school
5646 district under Section 59-2-902.

5647 (3) (a) The actual amounts computed under Section 59-2-902 are the state's
5648 contribution to the [~~minimum school program~~] Minimum School Program of each school
5649 district.

5650 (b) The [~~State Board of Education~~] state board shall provide each [~~local education~~]
5651 LEA governing board with a statement of the amount of state aid.

5652 (4) Before the first day of each month, the state treasurer and the Division of Finance,
5653 with the approval of the [~~State Board of Education~~] state board, shall disburse 1/12 of the
5654 state's contribution to the cost of the [~~minimum school program~~] Minimum School Program to
5655 each school district and each charter school.

5656 (a) The [~~State Board of Education~~] state board may not make a disbursement to a
5657 school district or charter school whose payments have been interrupted under Subsection

5658 (4)(d).

5659 (b) Discrepancies between the monthly disbursements and the actual cost of the
5660 program shall be adjusted in the final settlement under Subsection (5).

5661 (c) If the monthly distributions overdraw the money in the Uniform School Fund, the
5662 Division of Finance is authorized to run this fund in a deficit position.

5663 (d) The [~~State Board of Education~~] state board may interrupt disbursements to a school
5664 district or charter school if, in the judgment of the [~~State Board of Education~~] state board, the
5665 school district or charter school is failing to comply with the [~~minimum school program~~]
5666 Minimum School Program, is operating programs that are not approved by the [~~State Board of~~
5667 ~~Education~~] state board, or has not submitted reports required by law or the [~~State Board of~~
5668 ~~Education~~] state board.

5669 (i) Disbursements shall be resumed upon request of the [~~State Board of Education~~]
5670 state board.

5671 (ii) Back disbursements shall be included in the next regular disbursement, and the
5672 amount disbursed certified to the State Division of Finance and state treasurer by the [~~State~~
5673 ~~Board of Education~~] state board.

5674 (e) The [~~State Board of Education~~] state board may authorize exceptions to the 1/12
5675 per month disbursement formula for grant funds if the [~~State Board of Education~~] state board
5676 determines that a different disbursement formula would better serve the purposes of the grant.

5677 (5) (a) If money in the Uniform School Fund is insufficient to meet the state's
5678 contribution to the [~~minimum school program~~] Minimum School Program as appropriated, the
5679 amount of the deficiency thus created shall be carried as a deficiency in the Uniform School
5680 Fund until the next session of the Legislature, at which time the Legislature shall appropriate
5681 funds to cover the deficiency.

5682 (b) If there is an operating deficit in public education Uniform School Fund
5683 appropriations, the Legislature shall eliminate the deficit by:

5684 (i) budget transfers or other legal means;

5685 (ii) appropriating money from the Education Budget Reserve Account;

5686 (iii) appropriating up to 25% of the balance in the General Fund Budget Reserve
5687 Account; or

5688 (iv) some combination of Subsections (5)(b)(i), (ii), and (iii).

5689 (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more
5690 than 25% of the balance in the General Fund Budget Reserve Account to fund operating
5691 deficits in public education appropriations.

5692 Section 175. Section **53F-2-203** is amended to read:

5693 **53F-2-203. Reduction of LEA governing board allocation based on insufficient**
5694 **revenues.**

5695 (1) As used in this section, "Minimum School Program funds" means the total of state
5696 and local funds appropriated for the Minimum School Program, excluding:

5697 (a) an appropriation for a state guaranteed local levy increment as described in Section
5698 [53F-2-601](#); and

5699 (b) the appropriation to charter schools to replace local property tax revenues pursuant
5700 to Section [53F-2-704](#).

5701 (2) If the Legislature reduces appropriations made to support public schools under this
5702 chapter because an Education Fund budget deficit, as defined in Section [63J-1-312](#), exists, the
5703 ~~[State Board of Education]~~ state board, after consultation with each ~~[local education]~~ LEA
5704 governing board, shall allocate the reduction among school districts and charter schools in
5705 proportion to each school district's or charter school's percentage share of Minimum School
5706 Program funds.

5707 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
5708 (7), ~~[a local education]~~ an LEA governing board shall determine which programs are affected
5709 by a reduction pursuant to Subsection (2) and the amount each program is reduced.

5710 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
5711 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

5712 (5) ~~[A local education]~~ An LEA governing board may not reduce or reallocate
5713 spending of funds distributed to the school district or charter school for the following

5714 programs:

- 5715 (a) educator salary adjustments provided in Section 53F-2-405;
- 5716 (b) the Teacher Salary Supplement Program provided in Section 53F-2-504;
- 5717 (c) the extended year for special educators provided in Section 53F-2-310;
- 5718 (d) USTAR centers provided in Section 53F-2-505;
- 5719 (e) the School LAND Trust Program described in Sections 53F-2-404 and 53F-7-1206;

5720 or

- 5721 (f) a special education program within the basic school program.
- 5722 (6) ~~[A local education]~~ An LEA governing board may not reallocate spending of funds
- 5723 distributed to the school district or charter school to a reserve account.
- 5724 (7) ~~[A local education]~~ An LEA governing board that reduces or reallocates funds in
- 5725 accordance with this section shall report all transfers into, or out of, Minimum School Program
- 5726 programs to the ~~[State Board of Education]~~ state board as part of the school district or charter
- 5727 school's Annual Financial and Program report.

5728 Section 176. Section 53F-2-204 is amended to read:

5729 **53F-2-204. Use of funds for approved programs -- Assessment of funded**
5730 **programs.**

- 5731 (1) Funds appropriated under this chapter shall only be used for programs approved by
- 5732 the ~~[State Board of Education]~~ state board.
- 5733 (2) The ~~[State Board of Education]~~ state board shall assess the progress and degree of
- 5734 effectiveness of all programs funded under this chapter.

5735 Section 177. Section 53F-2-205 is amended to read:

5736 **53F-2-205. Powers and duties of state board to adjust Minimum School Program**
5737 **allocations -- Use of remaining funds at the end of a fiscal year.**

- 5738 (1) As used in this section:
- 5739 ~~[(a) "Board" means the State Board of Education.]~~
- 5740 ~~[(b)]~~ (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20
- 5741 U.S.C. Sec. 6301 et seq.

5742 [(e)] (b) "Program" means a program or allocation funded by a line item appropriation
5743 or other appropriation designated as:

- 5744 (i) Basic Program;
- 5745 (ii) Related to Basic Programs;
- 5746 (iii) Voted and Board Levy Programs; or
- 5747 (iv) Minimum School Program.

5748 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units
5749 in a program is underestimated, the state board shall reduce the value of the weighted pupil unit
5750 in that program so that the total amount paid for the program does not exceed the amount
5751 appropriated for the program.

5752 (3) If the number of weighted pupil units in a program is overestimated, the state board
5753 shall spend excess money appropriated for the following purposes giving priority to the
5754 purpose described in Subsection (3)(a):

5755 (a) to support the value of the weighted pupil unit in a program within the basic
5756 state-supported school program in which the number of weighted pupil units is underestimated;

5757 (b) to support the state guaranteed local levy increments as defined in Section
5758 [53F-2-601](#), if:

5759 (i) local contributions to the voted local levy program or board local levy program are
5760 overestimated; or

5761 (ii) the number of weighted pupil units within school districts qualifying for a
5762 guarantee is underestimated;

5763 (c) to support the state supplement to local property taxes allocated to charter schools,
5764 if the state supplement is less than the amount prescribed by Section [53F-2-704](#); or

5765 (d) to support a school district with a loss in student enrollment as provided in Section
5766 [53F-2-207](#).

5767 (4) If local contributions from the minimum basic tax rate imposed under Section
5768 [53F-2-301](#) or [53F-2-301.5](#), as applicable, are overestimated, the state board shall reduce the
5769 value of the weighted pupil unit for all programs within the basic state-supported school

5770 program so the total state contribution to the basic state-supported school program does not
5771 exceed the amount of state funds appropriated.

5772 (5) If local contributions from the minimum basic tax rate imposed under Section
5773 [53F-2-301](#) or [53F-2-301.5](#), as applicable, are underestimated, the state board shall:

5774 (a) spend the excess local contributions for the purposes specified in Subsection (3),
5775 giving priority to supporting the value of the weighted pupil unit in programs within the basic
5776 state-supported school program in which the number of weighted pupil units is underestimated;
5777 and

5778 (b) reduce the state contribution to the basic state-supported school program so the
5779 total cost of the basic state-supported school program does not exceed the total state and local
5780 funds appropriated to the basic state-supported school program plus the local contributions
5781 necessary to support the value of the weighted pupil unit in programs within the basic
5782 state-supported school program in which the number of weighted pupil units is underestimated.

5783 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state
5784 guarantee per weighted pupil unit provided under the local levy state guarantee program
5785 described in Section [53F-2-601](#), if:

5786 (a) local contributions to the voted local levy program or board local levy program are
5787 overestimated; or

5788 (b) the number of weighted pupil units within school districts qualifying for a
5789 guarantee is underestimated.

5790 (7) Money appropriated to the state board is nonlapsing.

5791 (8) The state board shall report actions taken by the state board under this section to the
5792 Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

5793 Section 178. Section **53F-2-206** is amended to read:

5794 **53F-2-206. Flexibility in the use of certain related to basic program funds.**

5795 (1) As used in this section, "qualifying program" means:

5796 (a) the Enhancement for At-Risk Students Program created in Section [53F-2-410](#);

5797 (b) the Enhancement for Accelerated Students Program created in Section [53F-2-408](#);

5798 and

5799 (c) the concurrent enrollment program established in Section 53E-10-302.

5800 (2) If a school district or charter school receives an allocation of state funds for a
5801 qualifying program that is less than \$10,000, the [~~local education~~] LEA governing board of the
5802 receiving school district or charter school may:

5803 (a) (i) combine the funds with one or more qualifying program fund allocations each of
5804 which is less than \$10,000; and

5805 (ii) use the combined funds in accordance with the program requirements for any of the
5806 qualifying programs that are combined; or

5807 (b) (i) transfer the funds to a qualifying program for which the school district or charter
5808 school received an allocation of funds that is greater than or equal to \$10,000; and

5809 (ii) use the combined funds in accordance with the program requirements for the
5810 qualifying program to which the funds are transferred.

5811 Section 179. Section 53F-2-207 is amended to read:

5812 **53F-2-207. Loss in student enrollment -- Board action.**

5813 To avoid penalizing a school district financially for an excessive loss in student
5814 enrollment due to factors beyond its control, the [~~State Board of Education~~] state board may
5815 allow a percentage increase in units otherwise allowable during any year when a school
5816 district's average daily membership drops more than 4% below the average for the highest two
5817 of the preceding three years in the school district.

5818 Section 180. Section 53F-2-302 is amended to read:

5819 **53F-2-302. Determination of weighted pupil units.**

5820 The number of weighted pupil units in the [~~minimum school program~~] Minimum
5821 School Program for each year is the total of the units for each school district and, subject to
5822 Subsection (4), charter school, determined as follows:

5823 (1) The number of units is computed by adding the average daily membership of all
5824 pupils of the school district or charter school attending schools, other than kindergarten and
5825 self-contained classes for children with a disability.

5826 (2) The number of units is computed by adding the average daily membership of all
5827 pupils of the school district or charter school enrolled in kindergarten and multiplying the total
5828 by .55.

5829 (a) In those school districts or charter schools that do not hold kindergarten for a full
5830 nine-month term, the local school board or charter school governing board may approve a
5831 shorter term of nine weeks' duration.

5832 (b) Upon [~~local education~~] LEA governing board approval, the number of pupils in
5833 average daily membership at the short-term kindergarten shall be counted for the purpose of
5834 determining the number of units allowed in the same ratio as the number of days the short-term
5835 kindergarten is held, not exceeding nine weeks, compared to the total number of days schools
5836 are held in that school district or charter school in the regular school year.

5837 (3) (a) The [~~State Board of Education~~] state board shall use prior year plus growth to
5838 determine average daily membership in distributing money under the [~~minimum school~~
5839 program] Minimum School Program where the distribution is based on kindergarten through
5840 grade 12 ADMs or weighted pupil units.

5841 (b) Under prior year plus growth, kindergarten through grade 12 average daily
5842 membership for the current year is based on the actual kindergarten through grade 12 average
5843 daily membership for the previous year plus an estimated percentage growth factor.

5844 (c) The growth factor is the percentage increase in total average daily membership on
5845 the first school day of October in the current year as compared to the total average daily
5846 membership on the first school day of October of the previous year.

5847 (4) In distributing funds to charter schools under this section, charter school pupils
5848 shall be weighted, where applicable, as follows:

- 5849 (a) .55 for kindergarten pupils;
- 5850 (b) .9 for pupils in grades 1 through 6;
- 5851 (c) .99 for pupils in grades 7 through 8; and
- 5852 (d) 1.2 for pupils in grades 9 through 12.

5853 Section 181. Section **53F-2-303** is amended to read:

5854 **53F-2-303. Foreign exchange student weighted pupil units.**

5855 (1) A school district or charter school may include foreign exchange students in the
5856 district's or school's membership and attendance count for the purpose of apportionment of
5857 state money, except as provided in Subsections (2) through (4).

5858 (2) (a) Notwithstanding Section 53F-2-302, foreign exchange students may not be
5859 included in average daily membership for the purpose of determining the number of weighted
5860 pupil units in the grades 1-12 basic program.

5861 (b) Subject to the limitation in Subsection (3), the number of weighted pupil units in
5862 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the
5863 number of foreign exchange students who were:

5864 (i) enrolled in a school district or charter school on October 1 of the previous fiscal
5865 year; and

5866 (ii) sponsored by an agency approved by the district's local school board or charter
5867 school's governing board.

5868 (3) (a) The total number of foreign exchange students in the state that may be counted
5869 for the purpose of apportioning state money under Subsection (2) shall be the lesser of:

5870 (i) the number of foreign exchange students enrolled in public schools in the state on
5871 October 1 of the previous fiscal year; or

5872 (ii) 328 foreign exchange students.

5873 (b) The [~~State Board of Education~~] state board shall make rules [~~in accordance with~~
5874 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] to administer the cap on the
5875 number of foreign exchange students that may be counted for the purpose of apportioning state
5876 money under Subsection (2).

5877 (4) Notwithstanding Section 53F-2-601, weighted pupil units in the grades 1-12 basic
5878 program for foreign exchange students, as determined by Subsections (2) and (3), may not be
5879 included for the purposes of determining a school district's state guarantee money under
5880 Section 53F-2-601.

5881 Section 182. Section 53F-2-304 is amended to read:

5882 **53F-2-304. Necessarily existent small schools -- Computing additional weighted**
5883 **pupil units -- Consolidation of small schools.**

5884 (1) As used in this section[~~:(a) "Board" means the State Board of Education. (b)~~
5885 ~~"Necessarily"], "necessarily existent small schools funding balance" means the difference~~
5886 between:

5887 [~~(i)~~] (a) the amount appropriated for the necessarily existent small schools program in a
5888 fiscal year; and

5889 [~~(ii)~~] (b) the amount distributed to school districts for the necessarily existent small
5890 schools program in the same fiscal year.

5891 (2) (a) Upon application by a local school board, the state board shall, in consultation
5892 with the local school board, classify schools in the school district as necessarily existent small
5893 schools, in accordance with this section and state board rules adopted under Subsection (3).

5894 (b) An application must be submitted to the state board before April 2, and the state
5895 board must report a decision to a local school board before June 2.

5896 (3) The state board shall adopt standards and make rules[~~, in accordance with Title~~
5897 ~~63G, Chapter 3, Utah Administrative Rulemaking Act,] to:~~

5898 (a) govern the approval of necessarily existent small schools consistent with principles
5899 of efficiency and economy that serve the purpose of eliminating schools where consolidation is
5900 feasible by participation in special school units; and

5901 (b) ensure that school districts are not building secondary schools in close proximity to
5902 one another where economy and efficiency would be better served by one school meeting the
5903 needs of secondary students in a designated geographical area.

5904 (4) A one or two-year secondary school that has received necessarily existent small
5905 school money under this section prior to July 1, 2000, may continue to receive such money in
5906 subsequent years.

5907 (5) The state board shall prepare and publish objective standards and guidelines for
5908 determining which small schools are necessarily existent after consultation with local school
5909 boards.

5910 (6) (a) Additional weighted pupil units for schools classified as necessarily existent
5911 small schools shall be computed using regression formulas adopted by the state board.

5912 (b) The regression formulas establish the following maximum sizes for funding under
5913 the necessarily existent small school program:

5914 (i) an elementary school 160

5915 (ii) a one or two-year secondary school 300

5916 (iii) a three-year secondary school 450

5917 (iv) a four-year secondary school 500

5918 (v) a six-year secondary school 600

5919 (c) Schools with fewer than 10 students shall receive the same add-on weighted pupil
5920 units as schools with 10 students.

5921 (d) The state board shall prepare and distribute an allocation table based on the
5922 regression formula to each school district.

5923 (7) (a) To avoid penalizing a school district financially for consolidating the school
5924 district's small schools, additional weighted pupil units may be allowed a school district each
5925 year, not to exceed two years.

5926 (b) The additional weighted pupil units may not exceed the difference between what
5927 the school district receives for a consolidated school and what the school district would have
5928 received for the small schools had the small schools not been consolidated.

5929 (8) Subject to legislative appropriation, the state board shall give first priority from an
5930 appropriation made under this section to funding an expense approved by the state board as
5931 described in Subsection [53G-6-305\(3\)\(a\)](#).

5932 (9) (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8),
5933 the state board may distribute a portion of necessarily existent small schools funding in
5934 accordance with a formula adopted by the state board that considers the tax effort of a local
5935 school board.

5936 (b) The amount distributed in accordance with Subsection (9)(a) may not exceed the
5937 necessarily existent small schools fund in balance of the prior fiscal year.

5938 (10) A local school board may use the money allocated under this section for
 5939 maintenance and operation of school programs or for other school purposes as approved by the
 5940 state board.

5941 Section 183. Section **53F-2-305** is amended to read:

5942 **53F-2-305. Professional staff weighted pupil units.**

5943 (1) Professional staff weighted pupil units are computed and distributed in accordance
 5944 with the following schedule:

5945 (a) Professional Staff Cost Formula

5946	Years of	Bachelor's	Bachelor's	Master's	Master's	
	Experience	Degree	+30 Qt. Hr.	Degree	+45 Qt. Hr.	Doctorate
5947	1	1.00	1.05	1.10	1.15	1.20
5948	2	1.05	1.10	1.15	1.20	1.25
5949	3	1.10	1.15	1.20	1.25	1.30
5950	4	1.15	1.20	1.25	1.30	1.35
5951	5	1.20	1.25	1.30	1.35	1.40
5952	6	1.25	1.30	1.35	1.40	1.45
5953	7	1.30	1.35	1.40	1.45	1.50
5954	8	1.35	1.40	1.45	1.50	1.55
5955	9			1.50	1.55	1.60
5956	10				1.60	1.65
5957	11					1.70

5958 (b) Multiply the number of full-time or equivalent professional personnel in each
 5959 applicable experience category in Subsection (1)(a) by the applicable weighting factor.

5960 (c) Divide the total of Subsection (1)(b) by the number of professional personnel
 5961 included in Subsection (1)(b) and reduce the quotient by 1.00.

5962 (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed

5963 in accordance with Sections 53F-2-302 and 53F-2-304.

5964 (2) The [~~State Board of Education~~] state board shall enact rules [~~in accordance with~~
5965 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] that require a certain percentage
5966 of a school district's or charter school's professional staff to be certified in the area in which the
5967 staff teaches in order for the school district or charter school to receive full funding under the
5968 schedule.

5969 (3) If an individual's teaching experience is a factor in negotiating a contract of
5970 employment to teach in the state's public schools, then the [~~local education~~] LEA governing
5971 board is encouraged to accept as credited experience all of the years the individual has taught in
5972 the state's public schools.

5973 Section 184. Section 53F-2-306 is amended to read:

5974 **53F-2-306. Weighted pupil units for small school district administrative costs --**
5975 **Appropriation for charter school administrative costs.**

5976 (1) Administrative costs weighted pupil units are computed for a small school district
5977 and distributed to the small school district in accordance with the following schedule:

5978 Administrative Costs Schedule

5979 School District Enrollment as of October 1	Weighted Pupil Units
5980 1 - 500 students	95
5981 501 - 1,000 students	80
5982 1,001 - 2,000 students	70
5983 2,001 - 5,000 students	60

5984 (2) (a) Except as provided in Subsection (2)(b), money appropriated to the [~~State Board~~
5985 ~~of Education~~] state board for charter school administrative costs shall be distributed to charter
5986 schools in the amount of \$100 for each charter school student in enrollment.

5987 (b) (i) If money appropriated for charter school administrative costs is insufficient to
5988 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be
5989 allocated among charter schools in proportion to each charter school's enrollment as a

5990 percentage of the total enrollment in charter schools.

5991 (ii) If the [~~State Board of Education~~] state board makes adjustments to Minimum
5992 School Program allocations under Section 53F-2-205, the allocation provided in Subsection
5993 (2)(b)(i) shall be determined after adjustments are made under Section 53F-2-205.

5994 (c) Charter school governing boards are encouraged to identify and use cost-effective
5995 methods of performing administrative functions, including contracting for administrative
5996 services with the State Charter School Board as provided in Section 53G-5-202.

5997 (3) Charter schools are not eligible for funds for administrative costs under Subsection
5998 (1).

5999 Section 185. Section 53F-2-307 is amended to read:

6000 **53F-2-307. Weighted pupil units for programs for students with disabilities --**
6001 **Local school board allocation.**

6002 (1) The number of weighted pupil units for students with disabilities shall reflect the
6003 direct cost of programs for those students conducted in accordance with rules established by the
6004 [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative~~
6005 ~~Rulemaking Act~~] state board.

6006 (2) Disability program money allocated to school districts or charter schools is
6007 restricted and shall be spent for the education of students with disabilities but may include
6008 expenditures for approved programs of services conducted for certified instructional personnel
6009 who have students with disabilities in their classes.

6010 (3) The [~~State Board of Education~~] state board shall establish and strictly interpret
6011 definitions and provide standards for determining which students have disabilities and shall
6012 assist school districts and charter schools in determining the services that should be provided to
6013 students with disabilities.

6014 (4) Each year the [~~State Board of Education~~] state board shall evaluate the standards
6015 and guidelines that establish the identifying criteria for disability classifications to assure strict
6016 compliance with those standards by the school districts and charter schools.

6017 (5) (a) Money appropriated to the [~~State Board of Education~~] state board for add-on

6018 WPU for students with disabilities enrolled in regular programs shall be allocated to school
6019 districts and charter schools as provided in this Subsection (5).

6020 (b) The [~~State Board of Education~~] state board shall use a school district's or charter
6021 school's average number of special education add-on weighted pupil units determined by the
6022 previous five year's average daily membership data as a foundation for the special education
6023 add-on appropriation.

6024 (c) A school district's or charter school's special education add-on WPU for the
6025 current year may not be less than the foundation special education add-on WPU.

6026 (d) Growth WPU shall be added to the prior year special education add-on WPU, and
6027 growth WPU shall be determined as follows:

6028 (i) The special education student growth factor is calculated by comparing S-3 total
6029 special education ADM of two years previous to the current year to the S-3 total special
6030 education ADM three years previous to the current year, not to exceed the official October total
6031 school district growth factor from the prior year.

6032 (ii) When calculating and applying the growth factor, a school district's S-3 total
6033 special education ADM for a given year is limited to 12.18% of the school district's S-3 total
6034 student ADM for the same year.

6035 (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special
6036 education ADM of two years previous to the current year.

6037 (iv) Growth ADMs for each school district or each charter school are multiplied by
6038 1.53 weighted pupil units and added to the prior year special education add-on WPU to
6039 determine each school district's or each charter school's total allocation.

6040 (6) If money appropriated under this chapter for programs for students with disabilities
6041 does not meet the costs of school districts and charter schools for those programs, each school
6042 district and each charter school shall first receive the amount generated for each student with a
6043 disability under the basic program.

6044 Section 186. Section **53F-2-308** is amended to read:

6045 **53F-2-308. Preschool special education appropriation -- Extended year program**

6046 **appropriation -- Appropriation for special education programs in state institutions --**
6047 **Appropriations for stipends for special educators.**

6048 (1) (a) Money appropriated to the [~~State Board of Education~~] state board for the
6049 preschool special education program shall be allocated to school districts to provide a free,
6050 appropriate public education to preschool students with a disability, ages three through five.

6051 (b) The money shall be distributed on the basis of the school district's count of
6052 preschool children with a disability for December 1 of the previous year, as mandated by
6053 federal law.

6054 (2) Money appropriated for the extended school year program for children with a
6055 severe disability shall be limited to students with severe disabilities with education program
6056 goals identifying significant regression and recoupment disability as approved by the [~~State~~
6057 ~~Board of Education~~] state board.

6058 (3) (a) Money appropriated for self-contained regular special education programs may
6059 not be used to supplement other school programs.

6060 (b) Money in any of the other restricted line item appropriations may not be reduced
6061 more than 2% to be used for purposes other than those specified by the appropriation, unless
6062 otherwise provided by law.

6063 (4) (a) The [~~State Board of Education~~] state board shall compute preschool funding by
6064 a factor of 1.47 times the current December 1 child count of eligible preschool aged three, four,
6065 and five-year-olds times the WPU value, limited to 8% growth over the prior year December 1
6066 count.

6067 (b) The [~~State Board of Education~~] state board shall develop guidelines to implement
6068 the funding formula for preschool special education, and establish prevalence limits for
6069 distribution of the money.

6070 (5) Of the money appropriated for Special Education - State Programming, the [~~State~~
6071 ~~Board of Education~~] state board shall distribute the revenue generated from 909 WPU's to
6072 school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends to
6073 special educators for additional days of work pursuant to the requirements of Section

6074 **53F-2-310.**

6075 Section 187. Section **53F-2-309** is amended to read:

6076 **53F-2-309. Appropriation for intensive special education costs.**

6077 [~~(1) As used in this section:~~]

6078 [~~(a) "Board" means the State Board of Education.~~]

6079 [~~(b) "Local education agency" or "LEA" means:~~]

6080 [~~(i) a school district;~~]

6081 [~~(ii) a charter school; or~~]

6082 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

6083 [~~(2)~~] (1) (a) On or before February 1, 2017, the state board shall [~~, in accordance with~~
6084 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] make rules establishing a
6085 distribution formula to allocate money appropriated to the state board for Special Education --
6086 Intensive Services that allocate to an LEA:

6087 (i) 50% of the appropriation based on the highest cost students with disabilities; and

6088 (ii) 50% of the appropriation based on the highest impact to an LEA due to high cost
6089 students with disabilities.

6090 (b) Beginning with the 2017-18 school year, the state board shall allocate money
6091 appropriated to the state board for Special Education -- Intensive Services in accordance with
6092 rules described in Subsection [~~(2)~~] (1)(a).

6093 [~~(3)~~] (2) Before initiating the rulemaking process under Subsection [~~(2)~~] (1)(a), the
6094 state board shall present the proposed rule to the Public Education Appropriations
6095 Subcommittee or Education Interim Committee.

6096 Section 188. Section **53F-2-310** is amended to read:

6097 **53F-2-310. Stipends for special educators for additional days of work.**

6098 (1) As used in this section:

6099 [~~(a) "IEP" means an individualized education program developed pursuant to the~~
6100 ~~Individuals with Disabilities Education Improvement Act of 2004, as amended.~~]

6101 [~~(b)~~] (a) "Special education teacher" means a teacher whose primary assignment is the

6102 instruction of students with disabilities who are eligible for special education services.

6103 ~~[(c)]~~ (b) "Special educator" means a person employed by a school district, charter
6104 school, or the Utah Schools for the Deaf and the Blind who holds:

6105 (i) a license issued by the [~~State Board of Education~~] state board; and

6106 (ii) a position as a:

6107 (A) special education teacher;

6108 (B) speech-language pathologist; or

6109 (C) teacher of the deaf or hard of hearing;

6110 (2) The Legislature shall annually appropriate money for stipends to special educators
6111 for additional days of work:

6112 (a) in recognition of the added duties and responsibilities assumed by special educators
6113 to comply with federal law regulating the education of students with disabilities and the need to
6114 attract and retain qualified special educators; and

6115 (b) subject to future budget constraints.

6116 (3) (a) The [~~State Board of Education~~] state board shall distribute money appropriated
6117 under this section to school districts, charter schools, and the Utah Schools for the Deaf and the
6118 Blind for stipends for special educators in the amount of \$200 per day for up to 10 additional
6119 working days.

6120 (b) Money distributed under this section shall include, in addition to the \$200 per day
6121 stipend, money for the following employer-paid benefits:

6122 (i) retirement;

6123 (ii) workers' compensation;

6124 (iii) Social Security; and

6125 (iv) Medicare.

6126 (4) A special educator receiving a stipend shall:

6127 (a) work an additional day beyond the number of days contracted with the special
6128 educator's school district or school for each daily stipend;

6129 (b) schedule the additional days of work before or after the school year; and

6130 (c) use the additional days of work to perform duties related to the IEP process,

6131 including:

6132 (i) administering student assessments;

6133 (ii) conducting IEP meetings;

6134 (iii) writing IEPs;

6135 (iv) conferring with parents; and

6136 (v) maintaining records and preparing reports.

6137 (5) A special educator may:

6138 (a) elect to receive a stipend for one to 10 days of additional work; or

6139 (b) elect to not receive a stipend.

6140 (6) A person who does not hold a full-time position as a special educator is eligible for

6141 a partial stipend equal to the percentage of a full-time special educator position the person

6142 assumes.

6143 Section 189. Section **53F-2-311** is amended to read:

6144 **53F-2-311. Weighted pupil units for career and technical education programs --**

6145 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

6146 (1) (a) Money appropriated to the [~~State Board of Education~~] state board for approved
6147 career and technical education programs and the comprehensive guidance program:

6148 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);

6149 and

6150 (ii) may not be used to fund programs below grade 9.

6151 (b) Subsection (1)(a)(ii) does not apply to the following programs:

6152 (i) comprehensive guidance;

6153 (ii) Technology-Life-Careers; and

6154 (iii) work-based learning programs.

6155 (2) (a) Weighted pupil units are computed for pupils in approved programs.

6156 (b) (i) The [~~State Board of Education~~] state board shall fund approved programs based

6157 upon hours of membership of grades 9 through 12 students.

6158 (ii) Subsection (2)(b)(i) does not apply to the following programs:

6159 (A) comprehensive guidance;

6160 (B) Technology-Life-Careers; and

6161 (C) work-based learning programs.

6162 (c) The [~~State Board of Education~~] state board shall use an amount not to exceed 20%
6163 of the total appropriation under this section to fund approved programs based on performance
6164 measures such as placement and competency attainment defined in standards set by the [~~State
6165 Board of Education~~] state board.

6166 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
6167 total appropriation under this section, and shall be distributed to each school district or each
6168 charter school sponsoring career and technical education student leadership organizations
6169 based on the agency's share of the state's total membership in those organizations.

6170 (e) The [~~State Board of Education~~] state board shall make the necessary calculations
6171 for distribution of the appropriation to a school district and charter school and may revise and
6172 recommend changes necessary for achieving equity and ease of administration.

6173 (3) (a) Twenty weighted pupil units shall be computed for career and technical
6174 education administrative costs for each school district, except 25 weighted pupil units may be
6175 computed for each school district that consolidates career and technical education
6176 administrative services with one or more other school districts.

6177 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
6178 conducting approved career and technical education programs in a school district according to
6179 standards established by the [~~State Board of Education~~] state board.

6180 (c) Forty weighted pupil units shall be computed for each school district that operates
6181 an approved career and technical education center.

6182 (d) Between five and seven weighted pupil units shall be computed for each summer
6183 career and technical education agriculture program according to standards established by the
6184 [~~State Board of Education~~] state board.

6185 (e) The [~~State Board of Education~~] state board shall, by rule, establish qualifying

6186 criteria for a school district or charter school to receive weighted pupil units under this
6187 Subsection (3).

6188 (4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall
6189 be allocated using average daily membership in approved programs for the previous year.

6190 (b) A school district or charter school that has experienced student growth in grades 9
6191 through 12 for the previous year shall have the growth factor applied to the previous year's
6192 weighted pupil units when calculating the allocation of money under this Subsection (4).

6193 (5) (a) The [~~State Board of Education~~] state board shall establish rules for upgrading
6194 high school career and technical education programs.

6195 (b) The rules shall reflect career and technical training and actual marketable job skills
6196 in society.

6197 (c) The rules shall include procedures to assist school districts and charter schools to
6198 convert existing programs that are not preparing students for the job market into programs that
6199 will accomplish that purpose.

6200 (6) Programs that do not meet [~~State Board of Education~~] state board standards may
6201 not be funded under this section.

6202 Section 190. Section **53F-2-312** is amended to read:

6203 **53F-2-312. Appropriation for class size reduction.**

6204 (1) Money appropriated to the [~~State Board of Education~~] state board for class size
6205 reduction shall be used to reduce the average class size in kindergarten through grade 8 in the
6206 state's public schools.

6207 (2) A school district or charter school shall receive an allocation for class size reduction
6208 based on the school district or charter school's prior year average daily membership plus
6209 growth in kindergarten through grade 8 as determined under Subsection **53F-2-302(3)**
6210 compared to the total prior year average daily membership plus growth in kindergarten through
6211 grade 8 statewide.

6212 (3) (a) [~~A local education~~] An LEA governing board may use an allocation to reduce
6213 class size in any one or all of the grades referred to under this section, except as otherwise

6214 provided in Subsection (3)(b).

6215 (b) (i) [~~A local education~~] An LEA governing board shall use 50% of an allocation to
6216 reduce class size in any one or all of grades kindergarten through grade 2, with an emphasis on
6217 improving student reading skills.

6218 (ii) If a school district's or charter school's average class size is below 18 students in
6219 kindergarten through grade 2, [~~a local education~~] an LEA governing board may petition the
6220 [~~State Board of Education~~] state board for, and the [~~State Board of Education~~] state board may
6221 grant, a waiver of the requirement described in Subsection (3)(b)(i).

6222 (4) A school may use nontraditional innovative and creative methods to reduce class
6223 sizes with this appropriation and may use part of an allocation to focus on class size reduction
6224 for specific groups, such as at risk students, or for specific blocks of time during the school
6225 day.

6226 (5) (a) [~~A local education~~] An LEA governing board may use up to 20% of an
6227 allocation under this section for capital facilities projects if such projects would help to reduce
6228 class size.

6229 (b) If a school district's or charter school's student population increases by at least 5%
6230 or at least 700 students from the previous school year, the [~~local education~~] LEA governing
6231 board may use up to 50% of an allocation received by the school district or charter school
6232 under this section for classroom construction.

6233 (6) This appropriation is to supplement any other appropriation made for class size
6234 reduction.

6235 (7) The Legislature shall provide for an annual adjustment in the appropriation
6236 authorized under this section in proportion to the increase in the number of students in the state
6237 in kindergarten through grade 8.

6238 Section 191. Section **53F-2-313** is amended to read:

6239 **53F-2-313. Weighted pupil units for career and technical education set-aside**
6240 **programs.**

6241 (1) Each school district and charter school shall receive a guaranteed minimum

6242 allocation from the money appropriated to the [~~State Board of Education~~] state board for a
6243 career and technical education set-aside program.

6244 (2) The set-aside funds remaining after the initial minimum payment allocation are
6245 distributed by a request for proposals process to help pay for equipment costs necessary to
6246 initiate new programs and for high priority programs as determined by labor market
6247 information.

6248 Section 192. Section **53F-2-401** is amended to read:

6249 **53F-2-401. Appropriation for adult education programs.**

6250 (1) Money appropriated to the [~~State Board of Education~~] state board for adult
6251 education shall be allocated to school districts for adult high school completion and adult basic
6252 skills programs.

6253 (2) (a) The [~~State Board of Education~~] state board and the Department of Corrections,
6254 subject to legislative appropriation, are responsible for providing the programs described in
6255 Subsection (1) to individuals in the custody of the Department of Corrections.

6256 (b) To fulfill the responsibility described in Subsection (2)(a), the [~~State Board of~~
6257 ~~Education~~] state board and the Department of Corrections shall, where feasible, contract with
6258 appropriate private or public agencies to provide educational and related administrative
6259 services.

6260 (c) The [~~State Board of Education~~] state board shall allocate at least 15% of the money
6261 appropriated to the [~~State Board of Education~~] state board for adult education to support the
6262 programs for which the [~~State Board of Education~~] state board and the Department of
6263 Corrections are responsible under this Subsection (2).

6264 (3) (a) For money that is not allocated under Subsection (2)(c), each school district
6265 shall receive a pro rata share of the appropriation for adult high school completion programs
6266 based on the number of people in the school district listed in the latest official census who are
6267 over 18 years of age and who do not have a high school diploma and prior year participation or
6268 as approved by [~~State Board of Education~~] state board rule.

6269 (b) On February 1 of each school year, the [~~State Board of Education~~] state board shall

6270 recapture money not used for an adult high school completion program described in Subsection
6271 (3)(a) for reallocation to school districts that have implemented programs based on need and
6272 effort as determined by the [~~State Board of Education~~] state board.

6273 (4) To the extent of money available, school districts shall provide program services to
6274 adults who do not have a diploma and who intend to graduate from high school, with particular
6275 emphasis on homeless individuals who are seeking literacy and life skills.

6276 (5) Overruns in adult education in any school district may not reduce the value of the
6277 weighted pupil unit for this program in another school district.

6278 (6) School districts shall spend money on adult basic skills programs according to
6279 standards established by the [~~State Board of Education~~] state board.

6280 Section 193. Section **53F-2-402** is amended to read:

6281 **53F-2-402. State support of pupil transportation.**

6282 (1) Money appropriated to the [~~State Board of Education~~] state board for
6283 state-supported transportation of public school students shall be apportioned and distributed in
6284 accordance with Section **53F-2-403**, except as otherwise provided in this section.

6285 (2) (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil
6286 transportation money to pay for transportation of students based on current valid contractual
6287 arrangements and best transportation options and methods as determined by the schools.

6288 (b) All student transportation costs of the schools shall be paid from the allocation of
6289 pupil transportation money specified in statute.

6290 (3) (a) A local school board may only claim eligible transportation costs as legally
6291 reported on the prior year's annual financial report submitted under Section **53G-4-404**.

6292 (b) The state shall contribute 85% of approved transportation costs, subject to budget
6293 constraints.

6294 (c) If in a fiscal year the total transportation allowance for all school districts exceeds
6295 the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not
6296 more than the amount appropriated.

6297 Section 194. Section **53F-2-403** is amended to read:

6298 **53F-2-403. Eligibility for state-supported transportation -- Approved bus routes.**

6299 (1) A student eligible for state-supported transportation means:

6300 (a) a student enrolled in kindergarten through grade [~~six~~] 6 who lives at least 1-1/2
6301 miles from school;

6302 (b) a student enrolled in grades [~~seven~~] 7 through 12 who lives at least two miles from
6303 school; and

6304 (c) a student enrolled in a special program offered by a school district and approved by
6305 the [~~State Board of Education~~] state board for trainable, motor, multiple-disability, or other
6306 students with severe disabilities who are incapable of walking to school or where it is unsafe
6307 for students to walk because of their disabling condition, without reference to distance from
6308 school.

6309 (2) If a school district implements double sessions as an alternative to new building
6310 construction, with the approval of the [~~State Board of Education~~] state board, those affected
6311 elementary school students residing less than 1-1/2 miles from school may be transported one
6312 way to or from school because of safety factors relating to darkness or other hazardous
6313 conditions as determined by the local school board.

6314 (3) (a) The [~~State Board of Education~~] state board shall distribute transportation money
6315 to school districts based on:

6316 (i) an allowance per mile for approved bus routes;

6317 (ii) an allowance per hour for approved bus routes; and

6318 (iii) a minimum allocation for each school district eligible for transportation funding.

6319 (b) The [~~State Board of Education~~] state board shall distribute appropriated
6320 transportation funds based on the prior year's eligible transportation costs as legally reported
6321 under Subsection [53F-2-402\(3\)](#).

6322 (c) The [~~State Board of Education~~] state board shall annually review the allowance per
6323 mile and the allowance per hour and adjust the allowances to reflect current economic
6324 conditions.

6325 (4) (a) Approved bus routes for funding purposes shall be determined on fall data

6326 collected by October 1.

6327 (b) Approved route funding shall be determined on the basis of the most efficient and
6328 economic routes.

6329 (5) A Transportation Advisory Committee with representation from school district
6330 superintendents, business officials, school district transportation supervisors, and [~~State Board~~
6331 ~~of Education~~] state board employees shall serve as a review committee for addressing school
6332 transportation needs, including recommended approved bus routes.

6333 (6) A local school board may provide for the transportation of students regardless of the
6334 distance from school, from general funds of the school district.

6335 (7) (a) (i) If a local school board expends an amount of revenue equal to at least .0002
6336 per dollar of taxable value of the school district's board local levy imposed under Section
6337 [53F-8-302](#) to pay for transporting students and for the replacement of school buses, the state
6338 may contribute an amount not to exceed 85% of the state average cost per mile, contingent
6339 upon the Legislature appropriating funds for a state contribution.

6340 (ii) The [~~State Board of Education's~~] state board's employees shall distribute the state
6341 contribution according to rules enacted by the [~~State Board of Education~~] state board.

6342 (b) (i) The amount of state guarantee money that a school district would otherwise be
6343 entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the
6344 school district's levy is reduced as a consequence of changes in the certified tax rate under
6345 Section [59-2-924](#) due to changes in property valuation.

6346 (ii) Subsection (7)(b)(i) applies for a period of two years following the change in the
6347 certified tax rate.

6348 Section 195. Section **53F-2-404** is amended to read:

6349 **53F-2-404. School LAND Trust Program distribution of funds.**

6350 (1) (a) The School LAND Trust Program, established in Section [53G-7-1206](#), shall be
6351 funded each fiscal year:

6352 (i) from the Trust Distribution Account created in Section [53F-9-201](#); and

6353 (ii) in the amount of the sum of the following:

6354 (A) on or about July 15 each year, out of the distributions from the investment of
6355 money in the permanent State School Fund deposited to the Trust Distribution Account; and

6356 (B) interest accrued on the Trust Distribution Account in the immediately preceding
6357 fiscal year.

6358 (b) The program shall be funded as provided in Subsection (1)(a) up to an amount
6359 equal to 3% of the funds provided for the Minimum School Program, pursuant to this chapter,
6360 each fiscal year.

6361 (c) The Legislature shall annually allocate, through an appropriation to the [~~State Board~~
6362 ~~of Education~~] state board, a portion of the Trust Distribution Account created in Section
6363 [53F-9-201](#) to be used for the administration of the School LAND Trust Program.

6364 (d) Any unused balance remaining from an amount appropriated under Subsection
6365 (1)(c) shall be deposited in the Trust Distribution Account for distribution to schools in the
6366 School LAND Trust Program.

6367 (2) (a) The [~~State Board of Education~~] state board shall allocate the money referred to
6368 in Subsection (1) annually as follows:

6369 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the
6370 product of:

6371 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
6372 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

6373 (B) the total amount available for distribution under Subsection (1);

6374 (ii) charter schools shall receive funding equal to the product of:

6375 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on
6376 October 1 in the prior year in public schools statewide; and

6377 (B) the total amount available for distribution under Subsection (1); and

6378 (iii) of the funds available for distribution under Subsection (1) after the allocation of
6379 funds for the Utah Schools for the Deaf and the Blind and charter schools:

6380 (A) school districts shall receive 10% of the funds on an equal basis; and

6381 (B) the remaining 90% of the funds shall be distributed to school districts on a per

6382 student basis.

6383 ~~[(b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
6384 ~~the State Board of Education]~~

6385 (b) (i) The state board shall make rules specifying a formula to distribute the amount
6386 allocated under Subsection (2)(a)(ii) to charter schools.

6387 (ii) In making rules under Subsection (2)(b)(i), the ~~[State Board of Education]~~ state
6388 board shall:

6389 (A) consult with the State Charter School Board; and

6390 (B) ensure that the rules include a provision that allows a charter school in the charter
6391 school's first year of operations to receive funding based on projected enrollment, to be
6392 adjusted in future years based on actual enrollment.

6393 (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each
6394 school within the school district on an equal per student basis.

6395 ~~[(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
6396 ~~the State Board of Education]~~

6397 (d) The state board may make rules regarding the time and manner in which the student
6398 count shall be made for allocation of the money under Subsection (2)(a)(iii).

6399 (3) If the amount of money prescribed for funding the School LAND Trust Program
6400 under this section is less than or greater than the money appropriated for the School LAND
6401 Trust Program, the appropriation shall be equal to the amount of money prescribed for funding
6402 the School LAND Trust Program in this section, up to a maximum of an amount equal to 3%
6403 of the funds provided for the Minimum School Program.

6404 (4) The ~~[State Board of Education]~~ state board shall distribute the money appropriated
6405 in Subsection (3) in accordance with this section and rules established by the state board [~~in~~
6406 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~.

6407 Section 196. Section **53F-2-405** is amended to read:

6408 **53F-2-405. Educator salary adjustments.**

6409 (1) As used in this section, "educator" means a person employed by a school district,

6410 charter school, or the Utah Schools for the Deaf and the Blind who holds:

6411 (a) a license issued by the [~~State Board of Education~~] state board; and

6412 (b) a position as a:

6413 (i) classroom teacher;

6414 (ii) speech pathologist;

6415 (iii) librarian or media specialist;

6416 (iv) preschool teacher;

6417 (v) mentor teacher;

6418 (vi) teacher specialist or teacher leader;

6419 (vii) guidance counselor;

6420 (viii) audiologist;

6421 (ix) psychologist; or

6422 (x) social worker.

6423 (2) In recognition of the need to attract and retain highly skilled and dedicated
6424 educators, the Legislature shall annually appropriate money for educator salary adjustments,
6425 subject to future budget constraints.

6426 (3) Money appropriated to the [~~State Board of Education~~] state board for educator
6427 salary adjustments shall be distributed to school districts, charter schools, and the Utah Schools
6428 for the Deaf and the Blind in proportion to the number of full-time-equivalent educator
6429 positions in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as
6430 compared to the total number of full-time-equivalent educator positions in school districts,
6431 charter schools, and the Utah Schools for the Deaf and the Blind.

6432 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind
6433 shall award bonuses to educators as follows:

6434 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
6435 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
6436 Blind;

6437 (b) an individual who is not a full-time educator shall receive a partial salary adjustment

6438 based on the number of hours the individual works as an educator; and

6439 (c) a salary adjustment may be awarded only to an educator who has received a
6440 satisfactory rating or above on the educator's most recent evaluation.

6441 (5) The [~~State Board of Education~~] state board may make rules as necessary to
6442 administer this section[, ~~in accordance with Title 63G, Chapter 3, Utah Administrative~~
6443 ~~Rulemaking Act~~].

6444 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
6445 money each year to:

6446 (i) maintain educator salary adjustments provided in prior years; and

6447 (ii) provide educator salary adjustments to new employees.

6448 (b) Money appropriated for educator salary adjustments shall include money for the
6449 following employer-paid benefits:

6450 (i) retirement;

6451 (ii) worker's compensation;

6452 (iii) social security; and

6453 (iv) Medicare.

6454 (7) (a) Subject to future budget constraints, the Legislature shall:

6455 (i) maintain the salary adjustments provided to school administrators in the 2007-08
6456 school year; and

6457 (ii) provide salary adjustments for new school administrators in the same amount as
6458 provided for existing school administrators.

6459 (b) The appropriation provided for educator salary adjustments shall include salary
6460 adjustments for school administrators as specified in Subsection (7)(a).

6461 (c) In distributing and awarding salary adjustments for school administrators, the [~~State~~
6462 ~~Board of Education~~] state board, a school district, a charter school, or the Utah Schools for the
6463 Deaf and the Blind shall comply with the requirements for the distribution and award of
6464 educator salary adjustments as provided in Subsections (3) and (4).

6465 Section 197. Section **53F-2-407** is amended to read:

6466 **53F-2-407. Appropriation for library books and electronic resources.**

6467 (1) The [~~State Board of Education~~] state board shall distribute money appropriated for
6468 library books and electronic resources as follows:

6469 (a) 25% shall be divided equally among all public schools; and

6470 (b) 75% shall be divided among public schools based on each school's average daily
6471 membership as compared to the total average daily membership.

6472 (2) A school district or charter school may not use money distributed under Subsection
6473 (1) to supplant other money used to purchase library books or electronic resources.

6474 Section 198. Section **53F-2-408** is amended to read:

6475 **53F-2-408. Enhancement for Accelerated Students Program.**

6476 (1) As used in this section, "eligible low-income student" means a student who:

6477 (a) takes an Advanced Placement test;

6478 (b) has applied for an Advanced Placement test fee reduction; and

6479 (c) qualifies for a free lunch or a lunch provided at reduced cost.

6480 (2) The [~~State Board of Education~~] state board shall distribute money appropriated for
6481 the Enhancement for Accelerated Students Program to school districts and charter schools
6482 according to a formula adopted by the [~~State Board of Education~~] state board, after consultation
6483 with [~~local education~~] LEA governing boards.

6484 (3) A distribution formula adopted under Subsection (2) may include an allocation of
6485 money for:

6486 (a) Advanced Placement courses;

6487 (b) Advanced Placement test fees of eligible low-income students;

6488 (c) gifted and talented programs, including professional development for teachers of
6489 high ability students; and

6490 (d) International Baccalaureate programs.

6491 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for
6492 Accelerated Students Program may be allowed for International Baccalaureate programs.

6493 (5) A school district or charter school shall use money distributed under this section to

6494 enhance the academic growth of students whose academic achievement is accelerated.

6495 (6) The ~~[State Board of Education]~~ state board shall develop performance criteria to
6496 measure the effectiveness of the Enhancement for Accelerated Students Program.

6497 (7) If a school district or charter school receives an allocation of less than \$10,000
6498 under this section, the school district or charter school may use the allocation as described in
6499 Section [53F-2-206](#).

6500 Section 199. Section **53F-2-409** is amended to read:

6501 **53F-2-409. Concurrent enrollment funding.**

6502 (1) The terms defined in Section ~~[53F-10-301]~~ [53E-10-301](#) apply to this section.

6503 (2) The ~~[State Board of Education]~~ state board shall allocate money appropriated for
6504 concurrent enrollment in accordance with this section.

6505 (3) (a) The ~~[State Board of Education]~~ state board shall allocate money appropriated
6506 for concurrent enrollment in proportion to the number of credit hours earned for courses taken
6507 where:

6508 (i) an LEA primarily bears the cost of instruction; and

6509 (ii) an institution of higher education primarily bears the cost of instruction.

6510 (b) From the money allocated under Subsection (3)(a)(i), the ~~[State Board of~~
6511 ~~Education]~~ state board shall distribute:

6512 (i) 60% of the money to LEAs; and

6513 (ii) 40% of the money to the State Board of Regents.

6514 (c) From the money allocated under Subsection (3)(a)(ii), the ~~[State Board of~~
6515 ~~Education]~~ state board shall distribute:

6516 (i) 40% of the money to LEAs; and

6517 (ii) 60% of the money to the State Board of Regents.

6518 (d) The ~~[State Board of Education]~~ state board shall make rules~~[, in accordance with~~
6519 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ providing for the distribution of
6520 the money to LEAs under Subsections (3)(b)(i) and (3)(c)(i).

6521 (e) The State Board of Regents shall make rules~~[, in accordance with Title 63G,~~

6522 ~~Chapter 3, Utah Administrative Rulemaking Act,~~ providing for the distribution of the money
6523 allocated to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).

6524 (4) Subject to budget constraints, the Legislature shall annually increase the money
6525 appropriated for concurrent enrollment in proportion to the percentage increase over the
6526 previous school year in:

6527 (a) kindergarten through grade 12 student enrollment; and

6528 (b) the value of the weighted pupil unit.

6529 (5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA
6530 may use the allocation as described in Section [53F-2-206](#).

6531 Section 200. Section **53F-2-410** is amended to read:

6532 **53F-2-410. Enhancement for At-Risk Students Program.**

6533 (1) (a) Subject to Subsection (1)(b), the ~~[State Board of Education]~~ state board shall
6534 distribute money appropriated for the Enhancement for At-Risk Students Program to school
6535 districts and charter schools according to a formula adopted by the ~~[State Board of Education]~~
6536 state board, after consultation with ~~[local education]~~ LEA governing boards.

6537 (b) (i) The ~~[State Board of Education]~~ state board shall appropriate \$1,500,000 from
6538 the appropriation for Enhancement for At-Risk Students Program for a gang prevention and
6539 intervention program designed to help students at risk for gang involvement stay in school.

6540 (ii) Money for the gang prevention and intervention program shall be distributed to
6541 school districts and charter schools through a request for proposals process.

6542 (2) In establishing a distribution formula under Subsection (1)(a), the ~~[State Board of~~
6543 Education] state board shall:

6544 (a) use the following criteria:

6545 (i) low performance on statewide assessments described in Section [53E-4-301](#);

6546 (ii) poverty;

6547 (iii) mobility;

6548 (iv) limited English proficiency;

6549 (v) chronic absenteeism; and

6550 (vi) homelessness;

6551 (b) ensure that the distribution formula distributes money on a per student and per

6552 criterion basis; and

6553 (c) ensure that the distribution formula provides funding for each criterion that a

6554 student meets such that a student who meets:

6555 (i) one criterion is counted once; and

6556 (ii) more than one criterion is counted for each criterion the student meets up to three

6557 criteria.

6558 (3) Subject to future budget constraints, the amount appropriated for the Enhancement

6559 for At-Risk Students Program shall increase annually with growth in the at-risk student

6560 population and changes to the value of the weighted pupil unit as defined in Section

6561 ~~[53F-9-305]~~ [53F-4-301](#).

6562 (4) ~~[A local education]~~ An LEA governing board shall use money distributed under

6563 this section to improve the academic achievement of students who are at risk of academic

6564 failure including addressing truancy.

6565 (5) The ~~[State Board of Education]~~ state board shall develop performance criteria to

6566 measure the effectiveness of the Enhancement for At-Risk Students Program.

6567 (6) If a school district or charter school receives an allocation of less than \$10,000

6568 under this section, the school district or charter school may use the allocation as described in

6569 Section [53F-2-206](#).

6570 (7) During the fiscal year that begins July 1, 2022, the Public Education Appropriations

6571 Subcommittee shall evaluate:

6572 (a) the impact of funding provided in this section to determine whether the funding has

6573 improved educational outcomes for students who are at-risk for academic failure; and

6574 (b) whether the funding should continue as established, be amended, or be consolidated

6575 in the value of the weighted pupil unit.

6576 Section 201. Section **53F-2-411** is amended to read:

6577 **53F-2-411. Appropriation for Title I Schools in Improvement Paraeducators**

6578 **Program.**

6579 (1) As used in this section:

6580 (a) "Eligible school" means a Title I school that has not achieved adequate yearly
6581 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in
6582 the same subject area for two consecutive years.

6583 (b) "Paraeducator" means a school employee who:

6584 (i) delivers instruction under the direct supervision of a teacher; and

6585 (ii) meets the requirements under Subsection (3).

6586 (c) "Program" means the Title I Schools in Improvement Paraeducators Program
6587 created in this section.

6588 (2) The program is created to provide funding for eligible schools to hire paraeducators
6589 to provide additional instructional aid in the classroom to assist students in achieving academic
6590 success and assist the school in exiting Title I school improvement status.

6591 (3) A paraeducator who is funded under this section shall have:

6592 (a) earned a secondary school diploma or a recognized equivalent;

6593 (b) (i) completed at least two years with a minimum of 48 semester hours at an
6594 accredited higher education institution;

6595 (ii) obtained an associates or higher degree from an accredited higher education
6596 institution; or

6597 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,
6598 and ability to assist in instructing students in, reading, writing, and mathematics; and

6599 (c) received large group-, small group-, and individual-level professional development
6600 that is intensive and focused and covers curriculum, instruction, assessment, classroom and
6601 behavior management, and teaming.

6602 (4) The [~~State Board of Education~~] state board shall distribute money appropriated for
6603 the program to eligible schools, in accordance with rules adopted by the state board.

6604 (5) Funds appropriated under the program may not be used to supplant other money
6605 used for paraeducators at eligible schools.

6606 Section 202. Section **53F-2-413** is amended to read:

6607 **53F-2-413. Alternative programs.**

6608 (1) Since the [~~State Board of Education~~] state board has adopted a policy that requires
6609 school districts and charter schools to grant credit for proficiency through alternative programs,
6610 school districts and charter schools are encouraged to continue and expand school district and
6611 charter school cooperation with accredited institutions through performance contracts for
6612 educational services, particularly where it is beneficial to students whose progress could be
6613 better served through alternative programs.

6614 (2) School districts and charter schools are encouraged to participate in programs that
6615 focus on increasing the number of ethnic minority and female students in the secondary schools
6616 who will go on to study mathematics, engineering, or related sciences at an institution of higher
6617 education.

6618 Section 203. Section **53F-2-501** is amended to read:

6619 **53F-2-501. Early graduation incentives -- Incentive to school district -- Partial**
6620 **tuition scholarship for student -- Payments.**

6621 (1) A secondary public school student who has completed all required courses or
6622 demonstrated mastery of required skills and competencies may graduate at any time with the
6623 approval of:

6624 (a) the student;

6625 (b) the student's parent [~~or guardian~~]; and

6626 (c) a local school official who is authorized by the school's principal or director to
6627 approve early graduation.

6628 (2) The [~~State Board of Education~~] state board shall make a payment to a public high
6629 school in an amount equal to 1/2 of the scholarship awarded to each student under this section
6630 who graduates from the school at or before the conclusion of grade 11, or a proportionately
6631 lesser amount for a student who graduates after the conclusion of grade 11 but before the
6632 conclusion of grade 12.

6633 (3) (a) The [~~State Board of Education~~] state board shall award to each student who

6634 graduates from high school at or before the conclusion of grade 11 a centennial scholarship in
6635 the amount of the greater of 30% of the previous year's value of the weighted pupil unit or
6636 \$1,000, subject to this Subsection (3) through Subsection (6).

6637 (b) A student who is awarded a centennial scholarship may use the scholarship for full
6638 time enrollment at:

6639 (i) a Utah public college, university, or community college;

6640 (ii) a technical college described in Section 53B-2a-105; or

6641 (iii) any other institution in the state of Utah that:

6642 (A) is accredited by an accrediting organization recognized by the State Board of
6643 Regents; and

6644 (B) offers postsecondary courses of the student's choice.

6645 (c) Before making a payment of a centennial scholarship, the [~~State Board of~~
6646 ~~Education~~] state board shall verify that the student has registered at an institution described in
6647 Subsection (3)(b):

6648 (i) during the fiscal year following the student's graduation from high school; or

6649 (ii) at the end of the student's deferral period, in accordance with Subsection (4).

6650 (d) If a student graduates after the conclusion of grade 11 but before the conclusion of
6651 grade 12, the [~~State Board of Education~~] state board shall award the student a centennial
6652 scholarship of a proportionately lesser amount than the scholarship amount described in
6653 Subsection (3)(a).

6654 (4) (a) A student who is eligible for a centennial scholarship under Subsection (3) may
6655 make a request to the [~~State Board of Education~~] state board that the [~~State Board of~~
6656 ~~Education~~] state board defer consideration of the student for the scholarship for a set period of
6657 time.

6658 (b) A student who makes a request under Subsection (4)(a) shall state in the request the
6659 reason for which the student wishes not to be considered for the scholarship until the end of the
6660 deferral period, which may include:

6661 (i) health reasons;

6662 (ii) religious reasons;
6663 (iii) military service; or
6664 (iv) humanitarian service.
6665 (c) If a student makes a request under Subsection (4)(a), the [~~State Board of Education~~]
6666 state board shall:
6667 (i) (A) review the student's request; and
6668 (B) approve or reject the student's request; and
6669 (ii) if the [~~State Board of Education~~] state board approves the student's request, in
6670 consultation with the student, set the length of the deferral period, ensuring that the deferral
6671 period is sufficient to meet the student's needs under Subsection (4)(b).
6672 (d) At the end of the deferral period, and upon request of the student, the [~~State Board~~
6673 ~~of Education~~] state board shall:
6674 (i) determine a student to be eligible for the scholarship if the student was eligible at
6675 the time of the student's request for deferral; and
6676 (ii) if found eligible, make a payment to the student in an amount equal to the amount
6677 described in Subsection (4)(e).
6678 (e) The amount of a student's deferred scholarship payment shall be determined by the
6679 [~~State Board of Education~~] state board based on the amount of the scholarship the student
6680 would have been entitled to as described in Subsection (3) and based on the fiscal year prior to
6681 the student's request for deferral.
6682 (5) Except as provided in Subsection (4)(b), the [~~State Board of Education~~] state board:
6683 (a) shall make the payments authorized in Subsections (2) and (3)(a) during the fiscal
6684 year that follows the student's graduation; and
6685 (b) may make the payments authorized in Subsection (3)(b) during the fiscal year:
6686 (i) in which the student graduates; or
6687 (ii) following the student's graduation.
6688 (6) Subject to future budget constraints, the Legislature shall adjust the appropriation
6689 for the Centennial Scholarship Program based on:

- 6690 (a) the anticipated increase of students awarded a centennial scholarship; and
- 6691 (b) the percent increase of the prior year's weighted pupil unit value, as provided in
- 6692 Subsection (3).

6693 Section 204. Section **53F-2-502** is amended to read:

6694 **53F-2-502. Dual language immersion.**

6695 (1) As used in this section:

6696 [~~(a) "Board" means the State Board of Education.~~]

6697 [~~(b)~~] (a) "Dual language immersion" means an instructional setting in which a student
6698 receives a portion of instruction in English and a portion of instruction exclusively in a partner
6699 language.

6700 [~~(c)~~] (b) "Local education agency" or "LEA" means a school district or a charter school.

6701 [~~(d)~~] (c) "Participating LEA" means an LEA selected by the state board to receive a
6702 grant described in this section.

6703 [~~(e)~~] (d) "Partner language" means a language other than English in which instruction
6704 is provided in dual language immersion.

6705 (2) The state board shall:

6706 (a) establish a dual language immersion program;

6707 (b) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]
6708 make rules that establish:

6709 (i) a grant program for an LEA to receive funding for dual language immersion;

6710 (ii) the required qualifications for an LEA to be a participating LEA;

6711 (iii) subject to this section, requirements of a participating LEA;

6712 (iv) a proficiency assessment for each partner language; and

6713 (v) a progression of how a school in a participating LEA adds grade levels in which the
6714 school offers dual language immersion;

6715 (c) subject to legislative appropriations:

6716 (i) select participating LEAs; and

6717 (ii) award to a participating LEA a grant to support dual language immersion in the

6718 LEA; and
6719 (d) report to a legislative committee on the results of a proficiency assessment
6720 described in Subsection (2)(b)(iv) upon request.
6721 (3) A participating LEA shall:
6722 (a) establish in a school a full-day dual language immersion instructional model that
6723 provides at least 50% of instruction exclusively in a partner language;
6724 (b) in accordance with the state board rules described in Subsection (2)(b), add grades
6725 in which dual language immersion is provided in a school; and
6726 (c) annually administer to each student in grades 3 through 8 who participates in dual
6727 language immersion an assessment described in Subsection (2)(b)(iv).
6728 (4) The state board shall:
6729 (a) provide support to a participating LEA, including by:
6730 (i) offering professional learning for dual language immersion educators;
6731 (ii) developing curriculum related to dual language immersion; or
6732 (iii) providing instructional support for a partner language;
6733 (b) conduct a program evaluation of the dual language immersion program established
6734 under Subsection (2)(a); and
6735 (c) on or before November 1, 2019, report to the Education Interim Committee and the
6736 Public Education Appropriations Subcommittee on the results of the program evaluation
6737 described in Subsection (4)(b).
6738 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement
6739 Code, contract with a third party to conduct the program evaluation described in Subsection
6740 (4)(b).

6741 Section 205. Section **53F-2-503** is amended to read:
6742 **53F-2-503. Early Literacy Program -- Literacy proficiency plan.**

6743 (1) As used in this section:
6744 [~~(a) "Board" means the State Board of Education.~~]
6745 [~~(b)~~] (a) "Program" means the Early Literacy Program.

6746 [(e)] (b) "Program money" means:

6747 (i) school district revenue allocated to the program from other money available to the
6748 school district, except money provided by the state, for the purpose of receiving state funds
6749 under this section; and

6750 (ii) money appropriated by the Legislature to the program.

6751 (2) The Early Literacy Program consists of program money and is created to
6752 supplement other school resources for early literacy.

6753 (3) Subject to future budget constraints, the Legislature may annually appropriate
6754 money to the Early Literacy Program.

6755 (4) (a) [~~A local education~~] An LEA governing board of a school district or a charter
6756 school that serves students in any of grades kindergarten through grade 3 shall submit a plan to
6757 the state board for literacy proficiency improvement that incorporates the following
6758 components:

6759 (i) core instruction in:

6760 (A) phonological awareness;

6761 (B) phonics;

6762 (C) fluency;

6763 (D) comprehension;

6764 (E) vocabulary;

6765 (F) oral language; and

6766 (G) writing;

6767 (ii) intervention strategies that are aligned to student needs;

6768 (iii) professional development for classroom teachers, literacy coaches, and
6769 interventionists in kindergarten through grade 3;

6770 (iv) assessments that support adjustments to core and intervention instruction;

6771 (v) a growth goal for the school district or charter school that:

6772 (A) is based upon student learning gains as measured by benchmark assessments
6773 administered pursuant to Section [53E-4-307](#); and

6774 (B) includes a target of at least 60% of all students in grades 1 through 3 meeting the
6775 growth goal;

6776 (vi) at least two goals that are specific to the school district or charter school that:

6777 (A) are measurable;

6778 (B) address current performance gaps in student literacy based on data; and

6779 (C) include specific strategies for improving outcomes; and

6780 (vii) if a school uses interactive literacy software, the use of interactive literacy
6781 software, including early interactive reading software described in Section 53F-4-203.

6782 (b) ~~[A local education]~~ An LEA governing board shall approve a plan described in
6783 Subsection (4)(a) in a public meeting before submitting the plan to the state board.

6784 (c) The state board shall provide model plans that ~~[a local education]~~ an LEA
6785 governing board may use, or ~~[a local education]~~ an LEA governing board may develop the
6786 ~~[local education]~~ LEA governing board's own plan.

6787 (d) A plan developed by ~~[a local education]~~ an LEA governing board shall be approved
6788 by the state board.

6789 (e) The state board shall develop uniform standards for acceptable growth goals that ~~[a~~
6790 ~~local education]~~ an LEA governing board adopts for a school district or charter school as
6791 described in this Subsection (4).

6792 (5) (a) There are created within the Early Literacy Program three funding programs:

6793 (i) the Base Level Program;

6794 (ii) the Guarantee Program; and

6795 (iii) the Low Income Students Program.

6796 (b) The state board may use up to \$7,500,000 from an appropriation described in
6797 Subsection (3) for computer-assisted instructional learning and assessment programs.

6798 (6) Money appropriated to the state board for the Early Literacy Program and not used
6799 by the state board for computer-assisted instructional learning and assessments described in
6800 Subsection (5)(b) shall be allocated to the three funding programs as follows:

6801 (a) 8% to the Base Level Program;

6802 (b) 46% to the Guarantee Program; and

6803 (c) 46% to the Low Income Students Program.

6804 (7) (a) For a school district or charter school to participate in the Base Level Program,
6805 the ~~[local education]~~ LEA governing board shall submit a plan described in Subsection (4) and
6806 shall receive approval of the plan from the state board.

6807 (b) (i) The local school board of a school district qualifying for Base Level Program
6808 funds and the charter school governing boards of qualifying elementary charter schools
6809 combined shall receive a base amount.

6810 (ii) The base amount for the qualifying elementary charter schools combined shall be
6811 allocated among each charter school in an amount proportionate to:

6812 (A) each existing charter school's prior year fall enrollment in grades kindergarten
6813 through grade 3; and

6814 (B) each new charter school's estimated fall enrollment in grades kindergarten through
6815 grade 3.

6816 (8) (a) A local school board that applies for program money in excess of the Base Level
6817 Program funds may choose to first participate in the Guarantee Program or the Low Income
6818 Students Program.

6819 (b) A school district shall fully participate in either the Guarantee Program or the Low
6820 Income Students Program before the local school board may elect for the school district to
6821 either fully or partially participate in the other program.

6822 (c) For a school district to fully participate in the Guarantee Program, the local school
6823 board shall allocate to the program money available to the school district, except money
6824 provided by the state, equal to the amount of revenue that would be generated by a tax rate of
6825 .000056.

6826 (d) For a school district to fully participate in the Low Income Students Program, the
6827 local school board shall allocate to the program money available to the school district, except
6828 money provided by the state, equal to the amount of revenue that would be generated by a tax
6829 rate of .000065.

6830 (e) (i) The state board shall verify that a local school board allocates the money
6831 required in accordance with Subsections (8)(c) and (d) before the state board distributes funds
6832 in accordance with this section.

6833 (ii) The State Tax Commission shall provide the state board the information the state
6834 board needs in order to comply with Subsection (8)(e)(i).

6835 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school
6836 district that fully participates in the Guarantee Program shall receive state funds in an amount
6837 that is:

6838 (i) equal to the difference between \$21 multiplied by the school district's total WPU's
6839 and the revenue the local school board is required to allocate under Subsection (8)(c) for the
6840 school district to fully participate in the Guarantee Program; and

6841 (ii) not less than \$0.

6842 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
6843 under the Guarantee Program an amount equal to \$21 times the elementary charter school's
6844 total WPU's.

6845 (c) The state board may adjust the \$21 guarantee amount described in Subsections
6846 (9)(a) and (b) to account for actual appropriations and money used by the state board for
6847 computer-assisted instructional learning and assessments.

6848 (10) The state board shall distribute Low Income Students Program funds in an amount
6849 proportionate to the number of students in each school district or charter school who qualify for
6850 free or reduced price school lunch multiplied by two.

6851 (11) A school district that partially participates in the Guarantee Program or Low
6852 Income Students Program shall receive program funds based on the amount of school district
6853 revenue allocated to the program as a percentage of the amount of revenue that could have been
6854 allocated if the school district had fully participated in the program.

6855 (12) (a) [~~A local education~~] An LEA governing board shall use program money for
6856 early literacy interventions and supports in kindergarten through grade 3 that have proven to
6857 significantly increase the percentage of students who are proficient in literacy, including:

- 6858 (i) evidence-based intervention curriculum;
- 6859 (ii) literacy assessments that identify student learning needs and monitor learning
- 6860 progress; or
- 6861 (iii) focused literacy interventions that may include:
- 6862 (A) the use of reading specialists or paraprofessionals;
- 6863 (B) tutoring;
- 6864 (C) before or after school programs;
- 6865 (D) summer school programs; or
- 6866 (E) the use of interactive computer software programs for literacy instruction and
- 6867 assessments for students.
- 6868 (b) ~~[A local education]~~ An LEA governing board may use program money for portable
- 6869 technology devices used to administer literacy assessments.
- 6870 (c) Program money may not be used to supplant funds for existing programs, but may
- 6871 be used to augment existing programs.
- 6872 (13) (a) ~~[A local education]~~ An LEA governing board shall annually submit a report to
- 6873 the state board accounting for the expenditure of program money in accordance with the ~~[local~~
- 6874 ~~education]~~ LEA governing board's plan described in Subsection (4).
- 6875 (b) If ~~[a local education]~~ an LEA governing board uses program money in a manner
- 6876 that is inconsistent with Subsection (12), the school district or charter school is liable for
- 6877 reimbursing the state board for the amount of program money improperly used, up to the
- 6878 amount of program money received from the state board.
- 6879 ~~[(14)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
- 6880 ~~Act, the]~~
- 6881 (14) (a) The state board shall make rules to implement the program.
- 6882 (b) (i) The rules under Subsection (14)(a) shall require each ~~[local education]~~ LEA
- 6883 governing board to annually report progress in meeting goals described in Subsections (4)(a)(v)
- 6884 and (vi), including the strategies the school district or charter school uses to address the goals.
- 6885 (ii) If a school district or charter school does not meet or exceed the school district's or

6886 charter school's goals described in Subsection (4)(a)(v) or (vi), the ~~[local education]~~ LEA
6887 governing board shall prepare a new plan that corrects deficiencies.

6888 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state
6889 board before the ~~[local education]~~ LEA governing board receives an allocation for the next
6890 year.

6891 (15) (a) The state board shall:

6892 (i) develop strategies to provide support for a school district or charter school that fails
6893 to meet a goal described in Subsection (4)(a)(v) or (vi); and

6894 (ii) provide increasing levels of support to a school district or charter school that fails
6895 to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.

6896 (b) (i) The state board shall use a digital reporting platform to provide information to
6897 school districts and charter schools about interventions that increase proficiency in literacy.

6898 (ii) The digital reporting platform shall include performance information for a school
6899 district or charter school on the goals described in Subsection (4)(a)(v) and (vi).

6900 (16) The state board may use up to 3% of the funds appropriated by the Legislature to
6901 carry out the provisions of this section for administration of the program.

6902 (17) The state board shall make an annual report to the Public Education
6903 Appropriations Subcommittee that:

6904 (a) includes information on:

6905 (i) student learning gains in early literacy for the past school year and the five-year
6906 trend;

6907 (ii) the percentage of grade 3 students who are proficient in English language arts in the
6908 past school year and the five-year trend;

6909 (iii) the progress of school districts and charter schools in meeting goals described in a
6910 plan described in Subsection (4)(a); and

6911 (iv) the specific strategies or interventions used by school districts or charter schools
6912 that have significantly improved early grade literacy proficiency; and

6913 (b) may include recommendations on how to increase the percentage of grade 3

6914 students who are proficient in English language arts, including how to use a strategy or
6915 intervention described in Subsection (17)(a)(iv) to improve literacy proficiency for additional
6916 students.

6917 (18) The report described in Subsection (17) shall include information provided
6918 through the digital reporting platform described in Subsection (15)(b).

6919 Section 206. Section **53F-2-504** is amended to read:

6920 **53F-2-504. Teacher Salary Supplement Program -- Appeal process.**

6921 (1) As used in this section:

6922 [~~(a)~~ "Board" means the State Board of Education.]

6923 [~~(b)~~] (a) "Certificate teacher" means a teacher who holds a National Board certification.

6924 [~~(c)~~] (b) "Eligible teacher" means a teacher who:

6925 (i) has an assignment to teach:

6926 (A) a secondary school level mathematics course;

6927 (B) integrated science in grade 7 or 8;

6928 (C) chemistry;

6929 (D) physics;

6930 (E) computer science; or

6931 (F) special education;

6932 (ii) holds the appropriate endorsement for the assigned course;

6933 (iii) has qualifying educational background; and

6934 (iv) (A) is a new employee; or

6935 (B) received a satisfactory rating or above on the teacher's most recent evaluation.

6936 [~~(d)~~] (c) "Field of computer science" means:

6937 (i) computer science; or

6938 (ii) computer information technology.

6939 [~~(e)~~] (d) "Field of science" means:

6940 (i) integrated science;

6941 (ii) chemistry;

6942 (iii) physics;

6943 (iv) physical science; or

6944 (v) general science.

6945 [~~(f)~~] (e) "License" means the same as that term is defined in Section 53E-6-102.

6946 [~~(g)~~] (f) "National Board certification" means the same as that term is defined in

6947 Section 53E-6-102.

6948 [~~(h)~~] (g) "Qualifying educational background" means:

6949 (i) for a teacher who is assigned a secondary school level mathematics course:

6950 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or

6951 (B) a bachelor's degree major, master's degree, or doctoral degree that has course

6952 requirements that are substantially equivalent to the course requirements for a bachelor's degree

6953 major, master's degree, or doctoral degree in mathematics;

6954 (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry

6955 course, or physics course:

6956 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of science;

6957 or

6958 (B) a bachelor's degree major, master's degree, or doctoral degree that has course

6959 requirements that are substantially equivalent to the course requirements of those required for a

6960 degree described in Subsection (1)[~~(h)~~](g)(ii)(A);

6961 (iii) for a teacher who is assigned a computer science course:

6962 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of

6963 computer science; or

6964 (B) a bachelor's degree major, master's degree, or doctoral degree that has course

6965 requirements that are substantially equivalent to the course requirements of those required for a

6966 degree described in Subsection (1)[~~(h)~~](g)(iii)(A); or

6967 (iv) for a teacher who is assigned to teach special education, a bachelor's degree major,

6968 master's degree, or doctoral degree in special education.

6969 [~~(i)~~] (h) "Title I school" means a school that receives funds under the Elementary and

6970 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

6971 ~~(f)~~ (i) "Title I school certificate teacher" means a certificate teacher who is assigned to
6972 teach at a Title I school.

6973 (2) (a) Subject to future budget constraints, the Legislature shall:

6974 (i) annually appropriate money to the Teacher Salary Supplement Program to maintain
6975 annual salary supplements provided in previous years; and

6976 (ii) provide salary supplements to new recipients.

6977 (b) Money appropriated for the Teacher Salary Supplement Program shall include
6978 money for the following employer-paid benefits:

6979 (i) retirement;

6980 (ii) workers' compensation;

6981 (iii) Social Security; and

6982 (iv) Medicare.

6983 (3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full
6984 time to teach one or more courses listed in Subsections (1)~~(c)~~(b)(i)(A) through (F) is \$4,100
6985 and funded through an appropriation described in Subsection (2).

6986 (ii) An eligible teacher who has a part-time assignment to teach one or more courses
6987 listed in Subsections (1)~~(c)~~(b)(i)(A) through (F) shall receive a partial salary supplement
6988 based on the number of hours worked in the course assignment.

6989 (b) The annual salary supplement for a certificate teacher is \$750.

6990 (c) (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.

6991 (ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b)
6992 and (c) may only receive the salary supplement that is greater in value.

6993 (4) The state board shall:

6994 (a) create an online application system for a teacher to apply to receive a salary
6995 supplement through the Teacher Salary Supplement Program;

6996 (b) determine if a teacher:

6997 (i) (A) is an eligible teacher; and

6998 (B) has a course assignment as listed in Subsections (1)[(e)](b)(i)(A) through (F);

6999 (ii) is a certificate teacher; or

7000 (iii) is a Title I school certificate teacher;

7001 (c) verify, as needed, the determinations made under Subsection (4)(b) with school

7002 district and school administrators; and

7003 (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate

7004 teachers.

7005 (5) (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher

7006 shall apply with the state board before the conclusion of a school year to receive the salary

7007 supplement authorized in this section.

7008 (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may

7009 apply with the state board, after verification that the requirements under this section have been

7010 satisfied, to receive a salary supplement after the completion of:

7011 (i) the school year as an annual award; or

7012 (ii) a semester or trimester as a partial award based on the portion of the school year

7013 that has been completed.

7014 (6) (a) The state board shall establish and administer an appeal process for a teacher to

7015 follow if the teacher applies for a salary supplement and does not receive a salary supplement

7016 under Subsection (8).

7017 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to

7018 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree

7019 major with course requirements that are substantially equivalent to the course requirements for

7020 a degree described in:

7021 (A) Subsection (1)[(h)](g)(i)(A);

7022 (B) Subsection (1)[(h)](g)(ii)(A);

7023 (C) Subsection (1)[(h)](g)(iii)(A); or

7024 (D) Subsection (1)[(h)](g)(iv).

7025 (ii) A teacher shall provide transcripts and other documentation to the state board in

7026 order for the state board to determine if the teacher has a degree or degree major with course
7027 requirements that are substantially equivalent to the course requirements for a degree listed in:

7028 (A) Subsection (1)[~~(h)~~](g)(i)(A);

7029 (B) Subsection (1)[~~(h)~~](g)(ii)(A);

7030 (C) Subsection (1)[~~(h)~~](g)(iii)(A); or

7031 (D) Subsection (1)[~~(h)~~](g)(iv).

7032 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
7033 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.

7034 (ii) A teacher shall provide to the state board a certificate or other related
7035 documentation in order for the state board to determine if the teacher holds a current certificate.

7036 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
7037 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:

7038 (A) holds a current certificate; and

7039 (B) is assigned to teach at a Title I school.

7040 (ii) A teacher shall provide to the state board:

7041 (A) information described in Subsection (6)(c)(ii); and

7042 (B) verification that the teacher is assigned to teach at a Title I school.

7043 (7) (a) The state board shall distribute money appropriated to the Teacher Salary
7044 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
7045 Program in accordance with the provisions of this section.

7046 (b) The state board shall include the employer-paid benefits described under
7047 Subsection (2)(b) in the amount of each salary supplement.

7048 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
7049 salary supplement limits described under Subsection (3).

7050 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
7051 a school district or charter school to provide a salary supplement equal to the amount specified
7052 in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate
7053 teacher.

7054 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's
7055 qualification as an eligible teacher, a certificate teacher, or a Title I school certificate teacher
7056 every year, semester, or trimester.

7057 (9) Notwithstanding the provisions of this section, if the appropriation for the program
7058 is insufficient to cover the costs associated with salary supplements, the state board shall
7059 distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.

7060 Section 207. Section **53F-2-505** is amended to read:

7061 **53F-2-505. Utah Science Technology and Research Initiative Centers Program.**

7062 (1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers
7063 Program is created to provide a financial incentive for [~~local education~~] LEA governing boards
7064 to adopt programs in respective charter schools and school districts that result in a more
7065 efficient use of human resources and capital facilities.

7066 (b) The potential benefits of the program include:

7067 (i) increased compensation for math and science teachers by providing opportunities
7068 for an expanded contract year which will enhance school districts' and charter schools' ability to
7069 attract and retain talented and highly qualified math and science teachers;

7070 (ii) increased capacity of school buildings by using buildings more hours of the day or
7071 more days of the year, resulting in reduced capital facilities costs;

7072 (iii) decreased class sizes created by expanding the number of instructional
7073 opportunities in a year;

7074 (iv) opportunities for earlier high school graduation;

7075 (v) improved student college preparation;

7076 (vi) increased opportunities to offer additional remedial and advanced courses in math
7077 and science;

7078 (vii) opportunities to coordinate high school and post-secondary math and science
7079 education; and

7080 (viii) the creation or improvement of science, technology, engineering, and math
7081 centers (STEM Centers).

7082 (2) From money appropriated for the USTAR Centers Program, the [~~State Board of~~
7083 ~~Education~~] state board shall award grants to charter schools and school districts to pay for costs
7084 related to the adoption and implementation of the program.

7085 (3) The [~~State Board of Education~~] state board shall:

7086 (a) solicit proposals from the State Charter School Board and local school boards for
7087 the use of grant money to facilitate the adoption and implementation of the program; and

7088 (b) award grants on a competitive basis.

7089 (4) The State Charter School Board shall:

7090 (a) solicit proposals from charter school governing boards that may be interested in
7091 participating in the USTAR Centers Program;

7092 (b) prioritize and consolidate the proposals into the equivalent of a single school
7093 district request; and

7094 (c) submit the consolidated request to the [~~State Board of Education~~] state board.

7095 (5) In selecting a grant recipient, the [~~State Board of Education~~] state board shall
7096 consider:

7097 (a) the degree to which a charter school or school district's proposed adoption and
7098 implementation of an extended year for math and science teachers achieves the benefits
7099 described in Subsection (1);

7100 (b) the unique circumstances of different urban, rural, large, small, growing, and
7101 declining charter schools and school districts; and

7102 (c) providing pilot programs in as many different school districts and charter schools as
7103 possible.

7104 (6) (a) Except as provided in Subsection (6)(b), a school district or charter school may
7105 only use grant money to provide full year teacher contracts, part-time teacher contract
7106 extensions, or combinations of both, for math and science teachers.

7107 (b) Up to 5% of the grant money may be used to fund math and science field trips,
7108 textbooks, and supplies.

7109 (7) Participation in the USTAR Centers Program shall be:

7110 (a) voluntary for an individual teacher; and
7111 (b) voluntary for a charter school or school district.
7112 Section 208. Section **53F-2-506** is amended to read:
7113 **53F-2-506. Beverley Taylor Sorenson Elementary Arts Learning Program.**
7114 (1) As used in this section:
7115 (a) "Endowed chair" means a person who holds an endowed position or administrator
7116 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
7117 university.
7118 (b) "Endowed university" means an institution of higher education in the state that:
7119 (i) awards elementary education degrees in arts instruction;
7120 (ii) has received a major philanthropic donation for the purpose of arts and integrated
7121 arts instruction; and
7122 (iii) has created an endowed position as a result of a donation described in Subsection
7123 (1)(b)(ii).
7124 (c) "Integrated arts advocate" means a person who:
7125 (i) advocates for arts and integrated arts instruction in the state; and
7126 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
7127 chair.
7128 [~~(d) "Local education agency" or "LEA" means:~~]
7129 [~~(i) a school district;~~]
7130 [~~(ii) a charter school; or~~]
7131 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]
7132 (2) The Legislature finds that a strategic placement of arts in elementary education can
7133 impact the critical thinking of students in other core subject areas, including mathematics,
7134 reading, and science.
7135 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
7136 enhance the social, emotional, academic, and arts learning of students in kindergarten through
7137 grade ~~six~~ 6 by integrating arts teaching and learning into core subject areas and providing

7138 professional development for positions that support elementary arts and integrated arts
7139 education.

7140 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
7141 Learning Program, and subject to Subsection (5), the [~~State Board of Education~~] state board
7142 shall, after consulting with endowed chairs and the integrated arts advocate and receiving their
7143 recommendations, administer a grant program to enable LEAs to:

7144 (a) hire highly qualified arts specialists, art coordinators, and other positions that
7145 support arts education and arts integration;

7146 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
7147 described under Subsection (4)(a) to purchase supplies and equipment; and

7148 (c) engage in other activities that improve the quantity and quality of integrated arts
7149 education.

7150 (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds
7151 of no less than 20% of the grant amount, including no less than 20% of the grant amount for
7152 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

7153 (b) An LEA may not:

7154 (i) include administrative, facility, or capital costs to provide the matching funds
7155 required under Subsection (5)(a); or

7156 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
7157 supplant funds for existing programs.

7158 (6) An LEA that receives a grant under this section shall partner with an endowed chair
7159 to provide professional development in integrated elementary arts education.

7160 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
7161 Learning Program, the [~~State Board of Education~~] state board shall administer a grant program
7162 to fund activities within arts and the integrated arts programs at an endowed university in the
7163 college where the endowed chair resides to:

7164 (a) provide high quality professional development in elementary integrated arts
7165 education in accordance with the professional learning standards in Section [53G-11-303](#) to

7166 LEAs that receive a grant under Subsection (4);

7167 (b) design and conduct research on:

7168 (i) elementary integrated arts education and instruction;

7169 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts

7170 Learning Program; and

7171 (iii) effectiveness of the professional development under Subsection (7)(a); and

7172 (c) provide the public with integrated elementary arts education resources.

7173 (8) The [~~State Board of Education~~] state board shall make rules [~~in accordance with~~

7174 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] to administer the Beverley Taylor

7175 Sorenson Elementary Arts Learning Program.

7176 Section 209. Section **53F-2-507** is amended to read:

7177 **53F-2-507. Enhanced kindergarten early intervention program.**

7178 (1) The [~~State Board of Education~~] state board shall, as described in Subsection (4),

7179 distribute funds appropriated under this section for an enhanced kindergarten program

7180 described in Subsection (2), to school districts and charter schools that apply for the funds.

7181 (2) [~~A local education~~] An LEA governing board shall use funds appropriated in this

7182 section for a school district or charter school to offer an early intervention program, delivered

7183 through an enhanced kindergarten program that:

7184 (a) is an academic program focused on building age-appropriate literacy and numeracy

7185 skills;

7186 (b) uses an evidence-based early intervention model;

7187 (c) is targeted to at-risk students; and

7188 (d) is delivered through additional hours or other means.

7189 (3) [~~A local education~~] An LEA governing board may not require a student to

7190 participate in an enhanced kindergarten program described in Subsection (2).

7191 (4) The [~~State Board of Education~~] state board shall distribute funds appropriated

7192 under this section for an enhanced kindergarten program described in Subsection (2) as

7193 follows:

7194 (a) (i) the total allocation for charter schools shall be calculated by:
7195 (A) dividing the number of charter school students by the total number of students in
7196 the public education system in the prior school year; and
7197 (B) multiplying the resulting percentage by the total amount of available funds; and
7198 (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter
7199 schools with the greatest need for an enhanced kindergarten program, as determined by the
7200 [~~State Board of Education~~] state board in consultation with the State Charter School Board;
7201 (b) each school district shall receive the amount calculated by:
7202 (i) multiplying the value of the weighted pupil unit by 0.45; and
7203 (ii) multiplying the result by 20; and
7204 (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b)
7205 are made, shall be distributed to applicant school districts by:
7206 (i) determining the number of students eligible to receive free lunch in the prior school
7207 year for each school district; and
7208 (ii) prorating the remaining funds based on the number of students eligible to receive
7209 free lunch in each school district.
7210 Section 210. Section **53F-2-508** is amended to read:
7211 **53F-2-508. Student Leadership Skills Development Program.**
7212 (1) For purposes of this section [~~:(a) "Board" means the State Board of Education . (b)~~
7213 ~~"Program"~~], "program" means the Student Leadership Skills Development Program created in
7214 Subsection (2).
7215 (2) There is created the Student Leadership Skills Development Program to develop
7216 student behaviors and skills that enhance a school's learning environment and are vital for
7217 success in a career, including:
7218 (a) communication skills;
7219 (b) teamwork skills;
7220 (c) interpersonal skills;
7221 (d) initiative and self-motivation;

- 7222 (e) goal setting skills;
- 7223 (f) problem solving skills; and
- 7224 (g) creativity.
- 7225 (3) (a) The state board shall administer the program and award grants to elementary
- 7226 schools that apply for a grant on a competitive basis.
- 7227 (b) The state board may award a grant of:
- 7228 (i) up to \$10,000 per school for the first year a school participates in the program; and
- 7229 (ii) up to \$20,000 per school for subsequent years a school participates in the program.
- 7230 (c) (i) After awarding a grant to a school for a particular year, the state board may not
- 7231 change the grant amount awarded to the school for that year.
- 7232 (ii) The state board may award a school a different amount in subsequent years.
- 7233 (4) An elementary school may participate in the program established under this section
- 7234 in accordance with [~~State Board of Education rules, made in accordance with Title 63G,~~
- 7235 ~~Chapter 3, Utah Administrative Rulemaking Act~~] state board rules.
- 7236 (5) In selecting elementary schools to participate in the program, the state board shall:
- 7237 (a) require a school in the first year the school participates in the program to provide
- 7238 matching funds or an in-kind contribution of goods or services in an amount equal to the grant
- 7239 the school receives from the state board;
- 7240 (b) require a school to participate in the program for two years; and
- 7241 (c) give preference to Title I schools or schools in need of academic improvement.
- 7242 (6) The state board shall make the following information related to the grants described
- 7243 in Subsection (3) publicly available on the state board's website:
- 7244 (a) reimbursement procedures that clearly define how a school may spend grant money
- 7245 and how the state board will reimburse the school;
- 7246 (b) the period of time a school is permitted to spend grant money;
- 7247 (c) criteria for selecting a school to receive a grant; and
- 7248 (d) a list of schools that receive a grant and the amount of each school's grant.
- 7249 (7) A school that receives a grant described in Subsection (3) shall:

- 7250 (a) (i) set school-wide goals for the school's student leadership skills development
7251 program; and
- 7252 (ii) require each student to set personal goals; and
- 7253 (b) provide the following to the state board after the first school year of implementation
7254 of the program:
- 7255 (i) evidence that the grant money was used for the purpose of purchasing or developing
7256 the school's own student leadership skills development program; and
- 7257 (ii) a report on the effectiveness and impact of the school's student leadership skills
7258 development program on student behavior and academic results as measured by:
- 7259 (A) a reduction in truancy;
- 7260 (B) assessments of academic achievement;
- 7261 (C) a reduction in incidents of student misconduct or disciplinary actions; and
- 7262 (D) the achievement of school-wide goals and students' personal goals.
- 7263 (8) After participating in the program for two years, a school may not receive
7264 additional grant money in subsequent years if the school fails to demonstrate an improvement
7265 in student behavior and academic achievement as measured by the data reported under
7266 Subsection (7)(b).
- 7267 (9) (a) The state board shall make a report on the program to the Education Interim
7268 Committee by the committee's October 2016 meeting.
- 7269 (b) The report shall include an evaluation of the program's success in enhancing a
7270 school's learning environment and improving academic achievement.
- 7271 Section 211. Section **53F-2-509** is amended to read:
- 7272 **53F-2-509. Grants for field trips to the State Capitol.**
- 7273 (1) The [~~State Board of Education~~] state board may award grants to school districts and
7274 charter schools to take students on field trips to the State Capitol.
- 7275 (2) Grant money may be used to pay for transportation expenses related to a field trip
7276 to the State Capitol.
- 7277 (3) The [~~State Board of Education~~] state board shall make rules:

7278 (a) establishing procedures for applying for and awarding grants; and
7279 (b) specifying how grant money shall be allocated among school districts and charter
7280 schools.

7281 Section 212. Section **53F-2-510** is amended to read:
7282 **53F-2-510. Digital Teaching and Learning Grant Program.**

7283 (1) As used in this section:
7284 (a) "Advisory committee" means the committee established by the state board under
7285 Subsection (9)(b).
7286 [~~(b)~~ "Board" means the State Board of Education.]
7287 [~~(c)~~] (b) "Digital readiness assessment" means an assessment provided by the state
7288 board that:
7289 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive
7290 digital teaching and learning; and
7291 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital
7292 teaching and learning.
7293 [~~(d)~~] (c) "High quality professional learning" means the professional learning standards
7294 described in Section **53G-11-303**.
7295 [~~(e)~~] (d) "Implementation assessment" means an assessment that analyzes an LEA's
7296 implementation of an LEA plan, including identifying areas for improvement, obstacles to
7297 implementation, progress toward the achievement of stated goals, and recommendations going
7298 forward.
7299 [~~(f)~~] (e) "LEA plan" means an LEA's plan to implement a digital teaching and learning
7300 program that meets the requirements of this section and requirements set forth by the state
7301 board and the advisory committee.
7302 [~~(g)~~ "Local education agency" or "LEA" means:]
7303 [(i) a school district;]
7304 [(ii) a charter school; or]
7305 [(iii) the Utah Schools for the Deaf and the Blind.]

7306 ~~[(h)]~~ (f) "Program" means the Digital Teaching and Learning Grant Program created
7307 and described in Subsections (8) through (13).

7308 ~~[(i)]~~ (g) "Utah Education and Telehealth Network" or "UETN" means the Utah
7309 Education and Telehealth Network created in Section [53B-17-105](#).

7310 (2) (a) The state board shall establish a digital teaching and learning task force to
7311 develop a funding proposal to present to the Legislature for digital teaching and learning in
7312 elementary and secondary schools.

7313 (b) The digital teaching and learning task force shall include representatives of:

7314 (i) the state board;

7315 (ii) UETN;

7316 (iii) LEAs; and

7317 (iv) the Governor's Education Excellence Commission.

7318 (3) (a) The state board, in consultation with the digital teaching and learning task force
7319 created in Subsection (2), shall create a funding proposal for a statewide digital teaching and
7320 learning program designed to:

7321 (i) improve student outcomes through the use of digital teaching and learning
7322 technology; and

7323 (ii) provide high quality professional learning for educators to improve student
7324 outcomes through the use of digital teaching and learning technology.

7325 (b) The state board shall:

7326 (i) identify outcome based metrics to measure student achievement related to a digital
7327 teaching and learning program; and

7328 (ii) develop minimum benchmark standards for student achievement and school level
7329 outcomes to measure successful implementation of a digital teaching and learning program.

7330 (4) As funding allows, the state board shall develop a master plan for a statewide
7331 digital teaching and learning program, including the following:

7332 (a) a statement of purpose that describes the objectives or goals the state board will
7333 accomplish by implementing a digital teaching and learning program;

- 7334 (b) a forecast for fundamental components needed to implement a digital teaching and
7335 learning program, including a forecast for:
- 7336 (i) student and teacher devices;
 - 7337 (ii) Wi-Fi and wireless compatible technology;
 - 7338 (iii) curriculum software;
 - 7339 (iv) assessment solutions;
 - 7340 (v) technical support;
 - 7341 (vi) change management of LEAs;
 - 7342 (vii) high quality professional learning;
 - 7343 (viii) Internet delivery and capacity; and
 - 7344 (ix) security and privacy of users;
- 7345 (c) a determination of the requirements for:
- 7346 (i) statewide technology infrastructure; and
 - 7347 (ii) local LEA technology infrastructure;
- 7348 (d) standards for high quality professional learning related to implementing and
7349 maintaining a digital teaching and learning program;
- 7350 (e) a statewide technical support plan that will guide the implementation and
7351 maintenance of a digital teaching and learning program, including standards and competency
7352 requirements for technical support personnel;
- 7353 (f) (i) a grant program for LEAs; or
 - 7354 (ii) a distribution formula to fund LEA digital teaching and learning programs;
 - 7355 (g) in consultation with UETN, an inventory of the state public education system's
7356 current technology resources and other items and a plan to integrate those resources into a
7357 digital teaching and learning program;
 - 7358 (h) an ongoing evaluation process that is overseen by the state board;
 - 7359 (i) proposed rules that incorporate the principles of the master plan into the state's
7360 public education system as a whole; and
 - 7361 (j) a plan to ensure long-term sustainability that:

7362 (i) accounts for the financial impacts of a digital teaching and learning program; and

7363 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
7364 teaching and learning program.

7365 (5) UETN shall:

7366 (a) in consultation with the state board, conduct an inventory of the state public
7367 education system's current technology resources and other items as determined by UETN,
7368 including software;

7369 (b) perform an engineering study to determine the technology infrastructure needs of
7370 the public education system to implement a digital teaching and learning program, including
7371 the infrastructure needed for the state board, UETN, and LEAs; and

7372 (c) as funding allows, provide infrastructure and technology support for school districts
7373 and charter schools.

7374 (6) On or before December 1, 2015, the state board and UETN shall present the
7375 funding proposal for a statewide digital teaching and learning program described in Subsection
7376 (3) to the Education Interim Committee and the Executive Appropriations Committee,
7377 including:

7378 (a) the state board's progress on the development of a master plan described in
7379 Subsection (4); and

7380 (b) the progress of UETN on the inventory and study described in Subsection (5).

7381 (7) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school
7382 within an LEA, shall annually complete a digital readiness assessment.

7383 (8) There is created the Digital Teaching and Learning Grant Program to improve
7384 educational outcomes in public schools by effectively incorporating comprehensive digital
7385 teaching and learning technology.

7386 (9) The state board shall:

7387 (a) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]
7388 adopt rules for the administration of the program, including rules requiring:

7389 (i) an LEA plan to include measures to ensure that the LEA monitors and implements

7390 technology with best practices, including the recommended use for effectiveness;

7391 (ii) an LEA plan to include robust goals for learning outcomes and appropriate
7392 measurements of goal achievement;

7393 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a
7394 combination of grant and local funds; and

7395 (iv) an LEA to report on funds from expenses previous to the implementation of the
7396 LEA plan that the LEA has redirected after implementation;

7397 (b) establish an advisory committee to make recommendations on the program and
7398 LEA plan requirements and report to the state board; and

7399 (c) in accordance with this section, approve LEA plans and award grants.

7400 (10) (a) The state board shall, subject to legislative appropriations, award a grant to an
7401 LEA:

7402 (i) that submits an LEA plan that meets the requirements described in Subsection (11);
7403 and

7404 (ii) for which the LEA's leadership and management members have completed a digital
7405 teaching and learning leadership and implementation training as provided in Subsection
7406 (10)(b).

7407 (b) The state board or its designee shall provide the training described in Subsection
7408 (10)(a)(ii).

7409 (11) The state board shall establish requirements of an LEA plan that shall include:

7410 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an
7411 obstacle to implementation or other issues identified in the assessment;

7412 (b) a proposal to provide high quality professional learning for educators in the use of
7413 digital teaching and learning technology;

7414 (c) a proposal for leadership training and management restructuring, if necessary, for
7415 successful implementation;

7416 (d) clearly identified targets for improved student achievement, student learning, and
7417 college readiness through digital teaching and learning; and

7418 (e) any other requirement established by the state board in rule [~~in accordance with~~
7419 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~], including an application process
7420 and metrics to analyze the quality of a proposed LEA plan.

7421 (12) The state board or the state board's designee shall establish an interactive
7422 dashboard available to each LEA that is awarded a grant for the LEA to track and report the
7423 LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to
7424 create customized reports.

7425 (13) (a) There is no federal funding, federal requirement, federal education agreement,
7426 or national program included or related to this state adopted program.

7427 (b) Any inclusion of federal funding, federal requirement, federal education agreement,
7428 or national program shall require separate express approval as provided in Title 53E, Chapter 3,
7429 Part 8, Implementing Federal or National Education Programs.

7430 (14) (a) An LEA that receives a grant as part of the program shall:

7431 (i) subject to Subsection (14)(b), complete an implementation assessment for each year
7432 that the LEA is expending grant money; and

7433 (ii) (A) report the findings of the implementation assessment to the state board; and

7434 (B) submit to the state board a plan to resolve issues raised in the implementation
7435 assessment.

7436 (b) Each school within the LEA shall:

7437 (i) complete an implementation assessment; and

7438 (ii) submit a compilation report that meets the requirements described in Subsections
7439 (14)(a)(ii)(A) and (B).

7440 (15) The state board or the state board's designee shall review an implementation
7441 assessment and review each participating LEA's progress from the previous year, as applicable.

7442 (16) The state board shall establish interventions for an LEA that does not make
7443 progress on implementation of the LEA's implementation plan, including:

7444 (a) nonrenewal of, or time period extensions for, the LEA's grant;

7445 (b) reduction of funds; or

7446 (c) other interventions to assist the LEA.

7447 (17) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
7448 shall contract with an independent evaluator to:

7449 (a) annually evaluate statewide direct and intermediate outcomes beginning the first
7450 year that grants are awarded, including baseline data collection for long-term outcomes;

7451 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate
7452 statewide long-term outcomes; and

7453 (c) report on the information described in Subsections (17)(a) and (b) to the state
7454 board.

7455 (18) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter
7456 6a, Utah Procurement Code, or other agreement with one or more providers of technology
7457 powered learning solutions and one or more providers of wireless networking solutions may be
7458 entered into by:

7459 (i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state
7460 board's designee, or an LEA; or

7461 (ii) an LEA.

7462 (b) A contract or agreement entered into under Subsection (18)(a) may be a contract or
7463 agreement that:

7464 (i) UETN enters into with a provider and payment for services is directly appropriated
7465 by the Legislature, as funds are available, to UETN;

7466 (ii) UETN enters into with a provider and pays for the provider's services and is
7467 reimbursed for payments by an LEA that benefits from the services;

7468 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or
7469 agreement directly with the provider and the LEA pays directly for the provider's services; or

7470 (iv) an LEA enters into directly, pays a provider, and receives preapproved
7471 reimbursement from a UETN fund established for this purpose.

7472 (c) If an LEA does not reimburse UETN in a reasonable time for services received
7473 under a contract or agreement described in Subsection (18)(b), the state board shall pay the

7474 balance due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding
7475 -- Minimum School Program.

7476 (d) If UETN negotiates or enters into an agreement as described in Subsection
7477 (18)(b)(ii) or (18)(b)(iii), and UETN enters into an additional agreement with an LEA that is
7478 associated with the agreement described in Subsection (18)(b)(ii) or (18)(b)(iii), the associated
7479 agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is
7480 defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the
7481 requirements of Section 63G-6a-2105.

7482 Section 213. Section 53F-2-511 is amended to read:

7483 **53F-2-511. Reimbursement Program for Early Graduation From**
7484 **Competency-Based Education.**

7485 (1) As used in this section:

7486 [~~(a)~~] "~~Board~~" means the State Board of Education.]

7487 [~~(b)~~] (a) "Cohort" means a group of students, defined by the year in which the group
7488 enters grade 9.

7489 [~~(c)~~] (b) "Eligible LEA" means an LEA that has demonstrated to the state board that
7490 the LEA or, for a school district, a school within the LEA, provides and facilitates
7491 competency-based education that:

7492 (i) is based on the core principles described in Section 53F-5-502; and

7493 (ii) meets other criteria established by the state board in rule.

7494 [~~(d)~~] (c) "Eligible student" means an individual who:

7495 (i) attended an eligible LEA and graduated by completing graduation requirements, as
7496 described in Section 53E-4-204, earlier than that individual's cohort completed graduation
7497 requirements because of the individual's participation in the eligible LEA's competency-based
7498 education;

7499 (ii) no longer attends the eligible LEA; and

7500 (iii) is not included in the LEA's average daily membership under this chapter.

7501 [~~(e)~~] "~~Local education agency~~" or "~~LEA~~" means:]

7502 [~~(i) a school district;~~
7503 [~~(ii) a charter school; or~~
7504 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]
7505 [~~(f)~~] (d) "Partial pupil" means if an eligible student attends less than a full year of
7506 membership, the number of days the student was in membership compared to a full
7507 membership year.
7508 [~~(g)~~] (e) "Program" means the Reimbursement Program for Early Graduation From
7509 Competency-Based Education established in this section.
7510 (2) (a) There is established the Reimbursement Program for Early Graduation From
7511 Competency-Based Education.
7512 (b) Subject to future budget constraints, the Legislature may annually appropriate
7513 money to the Reimbursement Program for Early Graduation From Competency-Based
7514 Education.
7515 (3) An LEA may apply to the state board to receive a reimbursement, as described in
7516 Subsection (5), for an eligible student.
7517 (4) The state board shall approve a reimbursement to an LEA after the LEA
7518 demonstrates:
7519 (a) that the LEA is an eligible LEA; and
7520 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible
7521 student.
7522 (5) (a) For each eligible student, the state board shall only reimburse an eligible LEA:
7523 (i) if the eligible student attended the eligible LEA for less than a full school year
7524 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro
7525 rated based on the difference between:
7526 (A) the number of days of partial pupil in average daily membership earned by the
7527 eligible LEA while the eligible student was still in attendance; and
7528 (B) a full pupil in average daily membership; and
7529 (ii) the value of one weighted pupil unit for each full school year the eligible student

7530 graduated ahead of the eligible student's cohort.

7531 (b) The state board shall:

7532 (i) use data from the prior year average daily membership to determine the number of
7533 eligible students; and

7534 (ii) reimburse the eligible LEA in the current school year.

7535 (6) The state board shall [~~in accordance with Title 63G, Chapter 3, Utah~~
7536 ~~Administrative Rulemaking Act,~~] adopt rules to administer the provisions of this section.

7537 Section 214. Section **53F-2-512** is amended to read:

7538 **53F-2-512. Appropriation for accommodation plans for students with Section 504**
7539 **accommodations.**

7540 [~~(1) As used in this section:~~]

7541 [~~(a) "Board" means the State Board of Education.~~]

7542 [~~(b) "Local education agency" or "LEA" means:~~]

7543 [~~(i) a school district;~~]

7544 [~~(ii) a charter school; or~~]

7545 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

7546 [~~(c) "Section 504 accommodation plan" means an accommodation plan under Section~~
7547 ~~504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.~~]

7548 [~~(2)~~] (1) (a) The state board shall make rules[~~; in accordance with Title 63G, Chapter 3,~~
7549 ~~Utah Administrative Rulemaking Act,~~] that establish a reimbursement program that:

7550 (i) distributes any money appropriated to the state board for Special Education --
7551 Section 504 Accommodations;

7552 (ii) allows an LEA to apply for reimbursement of the costs of services that:

7553 (A) an LEA renders to a student with a Section 504 accommodation plan; and

7554 (B) exceed 150% of the average cost of a general education student; and

7555 (iii) provides for a pro-rated reimbursement based on the amount of reimbursement
7556 applications received during a given fiscal year and the amount of money appropriated to the
7557 state board that fiscal year.

7558 (b) Beginning with the 2018-19 school year, the state board shall allocate money
7559 appropriated to the state board for Special Education -- Section 504 Accommodations in
7560 accordance with the rules described in Subsection ~~[(2)]~~ (1)(a).

7561 ~~[(3)]~~ (2) On or before January 30, 2018, the state board shall report to the Public
7562 Education Appropriations Subcommittee:

7563 (a) information collected regarding the number of students who qualify for a Section
7564 504 accommodation plan; and

7565 (b) if available, the estimated financial impact of providing Section 504
7566 accommodation services to the number of students described in Subsection ~~[(3)]~~ (2)(a).

7567 Section 215. Section **53F-2-513** is amended to read:

7568 **53F-2-513. Effective Teachers in High Poverty Schools Incentive Program --**
7569 **Salary bonus -- Evaluation.**

7570 (1) As used in this section:

7571 ~~[(a)]~~ "Board" means the State Board of Education.]

7572 ~~[(b)]~~ (a) "Cohort" means a group of students, defined by the year in which the group
7573 enters grade 1.

7574 ~~[(c)]~~ (b) "Eligible teacher" means a teacher who:

7575 (i) is employed as a teacher in a high poverty school at the time the teacher is
7576 considered by the state board for a salary bonus; and

7577 (ii) achieves a median growth percentile of 70 or higher:

7578 (A) a full school year before the school year the eligible teacher is being considered by
7579 the state board for a salary bonus under this section, regardless of whether the teacher was
7580 employed the previous school year by a high poverty school or a different public school; and

7581 (B) while teaching at any public school in the state a course for which a standards
7582 assessment is administered as described in Section [53E-4-303](#).

7583 ~~[(d)]~~ (c) "High poverty school" means a public school:

7584 (i) in which:

7585 (A) more than 20% of the enrolled students are classified as children affected by

7586 intergenerational poverty; or

7587 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

7588 (ii) (A) that has previously met the criteria described in Subsection (1)~~(d)~~(c)(i)(A)

7589 and for each school year since meeting that criteria at least 15% of the enrolled students at the

7590 public school have been classified as children affected by intergenerational poverty; or

7591 (B) that has previously met the criteria described in Subsection (1)~~(d)~~(c)(i)(B) and for

7592 each school year since meeting that criteria at least 60% of the enrolled students at the public

7593 school have qualified for free or reduced lunch.

7594 ~~(e)~~ (d) "Intergenerational poverty" means the same as that term is defined in Section

7595 [35A-9-102](#).

7596 ~~(f)~~ (e) "Median growth percentile" means a number that describes the comparative

7597 effectiveness of a teacher in helping the teacher's students achieve growth in a year by

7598 identifying the median student growth percentile of all the students a teacher instructs.

7599 ~~(g)~~ (f) "Program" means the Effective Teachers in High Poverty Schools Incentive

7600 Program created in Subsection (2).

7601 ~~(h)~~ (g) "Student growth percentile" is a number that describes where a student ranks

7602 in comparison to the student's cohort.

7603 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to

7604 provide an annual salary bonus for an eligible teacher.

7605 (b) The state board shall~~[- in accordance with Title 63G, Chapter 3, Utah~~

7606 ~~Administrative Rulemaking Act,]~~ make rules for:

7607 (i) the administration of the program;

7608 (ii) payment of a salary bonus; and

7609 (iii) application requirements.

7610 (c) The state board shall make an annual salary bonus payment in a fiscal year that

7611 begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the

7612 program.

7613 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate

7614 money to fund the program.

7615 (b) Money appropriated for the program shall include money for the following
7616 employer-paid benefits:

7617 (i) social security; and

7618 (ii) Medicare.

7619 (4) (a) (i) A charter school or school district school shall annually apply to the state
7620 board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus
7621 each year that the teacher is an eligible teacher.

7622 (ii) A teacher need not be an eligible teacher in consecutive years to receive the
7623 increased annual salary bonus described in Subsection (4)(b).

7624 (b) The annual salary bonus for an eligible teacher is \$5,000.

7625 (c) A public school that applies on behalf of an eligible teacher under Subsection
7626 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible
7627 teacher is awarded the salary bonus.

7628 (d) The state board shall award a salary bonus to an eligible teacher based on the order
7629 that an application from a public school on behalf of the eligible teacher is received.

7630 (5) The state board shall:

7631 (a) determine if a teacher is an eligible teacher; and

7632 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school
7633 district and school district administrators.

7634 (6) The state board shall:

7635 (a) distribute money from the program to school districts and charter schools in
7636 accordance with this section and state board rule; and

7637 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the
7638 salary bonus amount described in Subsection (4)(b).

7639 (7) Money received from the program shall be used by a school district or charter
7640 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for
7641 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection

7642 (3)(b).

7643 (8) (a) After the third year salary bonus payments are made, and each succeeding year,
7644 the state board shall evaluate the extent to which a salary bonus described in this section
7645 improves recruitment and retention of effective teachers in high poverty schools by at least:

7646 (i) surveying teachers who receive the salary bonus; and

7647 (ii) examining turnover rates of teachers who receive the salary bonus compared to
7648 teachers who do not receive the salary bonus.

7649 (b) Each year that the state board conducts an evaluation described in Subsection
7650 (8)(a), the state board shall, in accordance with Section 68-3-14, submit a report on the results
7651 of the evaluation to the Education Interim Committee on or before November 30.

7652 (9) A public school shall annually notify a teacher:

7653 (a) of the teacher's median growth percentile; and

7654 (b) how the teacher's median growth percentile is calculated.

7655 (10) Notwithstanding this section, if the appropriation for the program is insufficient to
7656 cover the costs associated with salary bonuses, the state board may limit or reduce a salary
7657 bonus.

7658 Section 216. Section **53F-2-514** is amended to read:

7659 **53F-2-514. Job enhancements for mathematics, science, technology, and special**
7660 **education training.**

7661 (1) As used in this section, "special education teacher" includes occupational therapist.

7662 (2) The Public Education Job Enhancement Program is established to attract, train, and
7663 retain highly qualified:

7664 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical
7665 science, learning technology, or information technology;

7666 (b) special education teachers; and

7667 (c) teachers in grades [~~four~~] 4 through [~~six~~] 6 with mathematics endorsements.

7668 (3) The program shall provide for the following:

7669 (a) application by a school district superintendent or the principal of a school on behalf

7670 of a qualified teacher;

7671 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's
7672 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be
7673 given to selected public school teachers on a competitive basis:

7674 (i) whose applications are approved; and

7675 (ii) who teach in the state's public education system for four years in the areas
7676 identified in Subsection (2);

7677 (c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two
7678 installments, with an initial payment of up to \$10,000 at the beginning of the term and up to
7679 \$10,000 at the conclusion of the term;

7680 (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to
7681 complete two years of the four-year teaching term in the areas identified in Subsection (2) as
7682 provided by rule of the [~~State Board of Education in accordance with Title 63G, Chapter 3,~~
7683 ~~Utah Administrative Rulemaking Act~~] state board, unless waived for good cause by the [~~State~~
7684 ~~Board of Education~~] state board; and

7685 (iii) nonpayment of the second installment if the teacher fails to complete the four-year
7686 teaching term; and

7687 (d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the
7688 providing institution to certify adequate performance in obtaining the master's degree,
7689 endorsement, or graduate education in order for the teacher to maintain the scholarship; and

7690 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails
7691 to complete the authorized classes or program or to teach in the state system of public
7692 education in the areas identified in Subsection (2) for four years after obtaining the master's
7693 degree, the endorsement, or graduate education.

7694 (4) An individual teaching in the public schools under a letter of authorization may
7695 participate in the cash award program if:

7696 (a) the individual has taught under the letter of authorization for at least one year in the
7697 areas referred to in Subsection (2); and

7698 (b) the application made under Subsection (3)(a) is based in large part upon the
7699 individual receiving a superior evaluation as a classroom teacher.

7700 (5) (a) The program may provide for the expenditure of up to \$1,000,000 of available
7701 money, if at least an equal amount of matching money becomes available, to provide
7702 professional development training to superintendents, administrators, and principals in the
7703 effective use of technology in public schools.

7704 (b) An award granted under this Subsection (5) shall be made in accordance with
7705 criteria developed and adopted by the [~~State Board of Education and in accordance with Title~~
7706 ~~63G, Chapter 3, Utah Administrative Rulemaking Act~~] state board in rule.

7707 (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may
7708 be expended, regardless of the matching money being available.

7709 Section 217. Section **53F-2-517** is amended to read:

7710 **53F-2-517. Quality Teaching Block Grant Program -- State contributions.**

7711 (1) The [~~State Board of Education~~] state board shall distribute money appropriated for
7712 the Quality Teaching Block Grant Program to school districts and charter schools according to
7713 a formula adopted by the [~~State Board of Education~~] state board, after consultation with [~~local~~
7714 ~~education~~] LEA governing boards, that allocates the funding in a fair and equitable manner.

7715 (2) [~~Local education~~] LEA governing boards shall use Quality Teaching Block Grant
7716 money to implement professional learning that meets the standards specified in Section
7717 **53G-11-303**.

7718 Section 218. Section **53F-2-518** is amended to read:

7719 **53F-2-518. Appropriation for retirement and social security.**

7720 (1) The employee's retirement contribution shall be 1% for employees who are under
7721 the state's contributory retirement program.

7722 (2) The employer's contribution under the state's contributory retirement program is
7723 determined under Section **49-12-301**, subject to the 1% contribution under Subsection (1).

7724 (3) (a) The employer-employee contribution rate for employees who are under the
7725 state's noncontributory retirement program is determined under Section **49-13-301**.

7726 (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate
7727 the appropriation for charter schools described under Subsection (5).

7728 (4) (a) Money appropriated to the [~~State Board of Education~~] state board for retirement
7729 and social security money shall be allocated to school districts and charter schools based on a
7730 school district's or charter school's total weighted pupil units compared to the total weighted
7731 pupil units for all school districts and charter schools in the state.

7732 (b) Subject to budget constraints, money needed to support retirement and social
7733 security shall be determined by taking a school district's or charter school's prior year allocation
7734 and adjusting it for:

7735 (i) student growth;

7736 (ii) the percentage increase in the value of the weighted pupil unit; and

7737 (iii) the effect of any change in the rates for retirement, social security, or both.

7738 (5) A charter school governing board that makes an election of nonparticipation in the
7739 Utah State Retirement Systems in accordance with Section [53G-5-407](#) and Title 49, Utah State
7740 Retirement and Insurance Benefit Act, shall use the funds described under this section for
7741 retirement to provide the charter school's own compensation, benefit, and retirement programs.

7742 Section 219. Section **53F-2-519** is amended to read:

7743 **53F-2-519. Appropriation for school nurses.**

7744 (1) The [~~State Board of Education~~] state board shall distribute money appropriated for
7745 school nurses to award grants to school districts and charter schools that:

7746 (a) provide an equal amount of matching funds; and

7747 (b) do not supplant other money used for school nurses.

7748 (2) (a) A school district or charter school that is awarded a grant under this section
7749 shall require each school nurse employed by the school district or charter school to complete
7750 two hours of continuing nurse education on the emotional and mental health of students.

7751 (b) The continuing nurse education described in Subsection (2)(a) shall include training
7752 on:

7753 (i) the awareness of, screening for, and triaging to appropriate treatment for mental

7754 health problems;

7755 (ii) trauma-informed care;

7756 (iii) signs of mental illness;

7757 (iv) alcohol and substance abuse;

7758 (v) response to acute mental health crises; and

7759 (vi) suicide prevention, including information about the 24-hour availability of the

7760 School Safety and Crisis Line established under Section [53E-10-502](#).

7761 Section 220. Section **53F-2-601** is amended to read:

7762 **53F-2-601. State guaranteed local levy increments -- Appropriation to increase**

7763 **number of guaranteed local levy increments -- No effect of change of minimum basic tax**

7764 **rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**

7765 **increment funds.**

7766 (1) As used in this section:

7767 (a) "Board local levy" means a local levy described in Section [53F-8-302](#).

7768 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the

7769 state:

7770 (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or

7771 (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).

7772 (c) "Local levy increment" means .0001 per dollar of taxable value.

7773 (d) (i) "Voted and board local levy funding balance" means the difference between:

7774 (A) the amount appropriated for the guaranteed local levy increments in a fiscal year;

7775 and

7776 (B) the amount necessary to fund in the same fiscal year the guaranteed local levy

7777 increments as determined under this section.

7778 (ii) "Voted and board local levy funding balance" does not include appropriations

7779 described in Subsection (2)(b)(i).

7780 (e) "Voted local levy" means a local levy described in Section [53F-8-301](#).

7781 (2) (a) (i) In addition to the revenue collected from the imposition of a voted local levy

7782 or a board local levy, the state shall guarantee that a school district receives, subject to
7783 Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount
7784 sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil
7785 unit.

7786 (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments
7787 that are subject to the guarantee amount described in Subsection (2)(a)(i) are:

7788 (A) for a board local levy, the first four local levy increments a local school board
7789 imposes under the board local levy; and

7790 (B) for a voted local levy, the first 16 local levy increments a local school board
7791 imposes under the voted local levy.

7792 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall
7793 annually appropriate money from the Local Levy Growth Account established in Section
7794 [53F-9-305](#) for purposes described in Subsection (2)(b)(ii).

7795 (ii) The [~~State Board of Education~~] state board shall, for a fiscal year beginning on or
7796 after July 1, 2018, and subject to Subsection (2)(c), allocate funds appropriated under
7797 Subsection (2)(b)(i) in the following order of priority by increasing:

7798 (A) by up to four increments the number of voted local levy guaranteed local levy
7799 increments above 16;

7800 (B) by up to 16 increments the number of board local levy guaranteed local levy
7801 increments above four; and

7802 (C) the guaranteed amount described in Subsection (2)(a)(i).

7803 (c) The number of guaranteed local levy increments under this Subsection (2) for a
7804 school district may not exceed 20 guaranteed local levy increments, regardless of whether the
7805 guaranteed local levy increments are from the imposition of a voted local levy, a board local
7806 levy, or a combination of the two.

7807 (3) (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value
7808 of the weighted pupil unit by making the value of the guarantee equal to .011962 times the
7809 value of the prior year's weighted pupil unit.

7810 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted
7811 pupil unit for each year subject to the Legislature appropriating funds for an increase in the
7812 guarantee.

7813 (4) (a) The amount of state guarantee money that a school district would otherwise be
7814 entitled to receive under this section may not be reduced for the sole reason that the school
7815 district's board local levy or voted local levy is reduced as a consequence of changes in the
7816 certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

7817 (b) Subsection (4)(a) applies for a period of five years following a change in the
7818 certified tax rate as described in Subsection (4)(a).

7819 (5) The guarantee provided under this section does not apply to the portion of a voted
7820 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
7821 year, unless an increase in the voted local levy rate was authorized in an election conducted on
7822 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

7823 (6) (a) If a voted and board local levy funding balance exists for the prior fiscal year,
7824 the ~~[State Board of Education]~~ state board shall:

7825 (i) use the voted and board local levy funding balance to increase the value of the state
7826 guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and

7827 (ii) distribute guaranteed local levy increment funds to school districts based on the
7828 increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).

7829 (b) The ~~[State Board of Education]~~ state board shall report action taken under
7830 Subsection (6)(a) to the Office of the Legislative Fiscal Analyst and the Governor's Office of
7831 Management and Budget.

7832 (7) A local school board of a school district that receives funds described in this section
7833 shall budget and expend the funds for public education purposes.

7834 Section 221. Section 53F-2-702 is amended to read:

7835 **53F-2-702. Funding for charter schools.**

7836 (1) Except as described in Section 53F-2-302, a charter school shall receive state funds,
7837 as applicable, on the same basis as a school district receives funds.

7838 (2) (a) As described in Section 53F-2-703, the ~~[State Board of Education]~~ state board
7839 shall distribute charter school levy per pupil revenues to charter schools.

7840 (b) As described in Section 53F-2-704, and subject to future budget constraints, the
7841 Legislature shall provide an appropriation for charter schools for each charter school student
7842 enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues
7843 described in Subsection (2)(a).

7844 (3) Charter schools are eligible to receive federal funds if they meet all applicable
7845 federal requirements and comply with relevant federal regulations.

7846 (4) The ~~[State Board of Education]~~ state board shall distribute funds for charter school
7847 students directly to the charter school.

7848 (5) (a) Notwithstanding Subsection (1), a charter school is not eligible to receive state
7849 transportation funding.

7850 (b) The state board shall also adopt rules relating to the transportation of students to
7851 and from charter schools, taking into account Sections 53F-2-403 and 53G-6-405.

7852 (c) ~~[The]~~ A charter school governing board ~~[of the charter school]~~ may provide
7853 transportation through an agreement or contract with the local school board, a private provider,
7854 or parents.

7855 (6) (a) (i) In accordance with Section 53F-2-705, the State Charter School Board may
7856 allocate grants for start-up costs to charter schools from money appropriated for charter school
7857 start-up costs.

7858 (ii) The charter school governing board of a charter school that receives money from a
7859 grant under Section 53F-2-705 shall use the grant for expenses for planning and
7860 implementation of the charter school.

7861 (b) The ~~[State Board of Education]~~ state board shall coordinate the distribution of
7862 federal money appropriated to help fund costs for establishing and maintaining charter schools
7863 within the state.

7864 (7) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,
7865 endowment, gift, or donation of any property made to the school for any of the purposes of

7866 Title 53G, Chapter 5, Charter Schools, or related provisions.

7867 (b) It is unlawful for any person affiliated with a charter school to demand or request
7868 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
7869 with the charter school as a condition for employment or enrollment at the school or continued
7870 attendance at the school.

7871 Section 222. Section **53F-2-703** is amended to read:

7872 **53F-2-703. Charter school levy.**

7873 (1) As used in this section:

7874 [~~(a)~~] "~~Board~~" means the State Board of Education.]

7875 [~~(b)~~] (a) "Charter School Levy Account" means the Charter School Levy Account
7876 created in Section **53F-9-301**.

7877 [~~(c)~~] (b) "Charter school levy per district revenues" means the product of:

7878 (i) a school district's district per pupil local revenues; and

7879 (ii) the number of charter school students in the school district who are resident
7880 students.

7881 [~~(d)~~] (c) "Charter school levy per pupil revenues" means an amount equal to the
7882 following:

7883 (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary
7884 as described in Subsection (4); divided by

7885 (ii) the number of students enrolled in a charter school on October 1 of the prior school
7886 year.

7887 [~~(e)~~] (d) "Charter school levy revenues" means the charter school levy revenues
7888 generated by a charter school levy rate described in Subsection (2)(b)(i).

7889 [~~(f)~~] (e) "Charter school levy total local revenues" means the sum of charter school levy
7890 per district revenues for every school district in the state for the same given fiscal year.

7891 [~~(g)~~] (f) "District per pupil local revenues" means the same as that term is defined in
7892 Section **53F-2-704**.

7893 [~~(h)~~] (g) "Resident student" means the same as that term is defined in Section

7894 53F-2-704.

7895 (2) (a) Beginning with the taxable year beginning on January 1, 2017, the state shall
7896 annually impose a charter school levy as described in this Subsection (2).

7897 (b) (i) For each school district, before June 22, the State Tax Commission shall certify
7898 a rate for the charter school levy described in Subsection (2)(a) to generate an amount of
7899 revenue within a school district equal to 25% of the charter school levy per district revenues
7900 excluding the amount of revenues:

7901 (A) described in Subsection 53F-2-704(1)(c)(iv); and

7902 (B) expended by the school district for recreational facilities and activities authorized
7903 under Title 11, Chapter 2, Playgrounds.

7904 (ii) To calculate a charter school levy rate for a school district, the State Tax
7905 Commission shall use the calculation method described in Subsection 59-2-924(4).

7906 (c) The charter school levy shall be separately stated on a tax notice.

7907 (3) (a) A county treasurer shall collect the charter school levy revenues for all school
7908 districts located within the county treasurer's county and remit the money monthly to the state
7909 treasurer.

7910 (b) The state treasurer shall deposit the charter school levy revenues received from a
7911 county treasurer into the Charter School Levy Account.

7912 (4) (a) For each charter school student, the state board shall distribute the charter
7913 school per pupil levy revenues from the Charter School Levy Account to the student's charter
7914 school in accordance with this Subsection (4).

7915 (b) For a given fiscal year, if the actual charter school levy total local revenues are
7916 more than the estimated charter school levy total local revenues the state board shall:

7917 (i) deduct the amount of revenue that exceeds the estimated charter school levy total
7918 local revenues from the actual charter school levy total local revenues; and

7919 (ii) use the remaining amount to calculate the charter school per pupil levy revenues.

7920 (c) For a given fiscal year, if the actual charter school total local revenues are less than
7921 the estimated charter school levy total local revenues, the state board shall:

7922 (i) if sufficient funds are available in the Charter School Levy Account, add an amount
7923 of funds from the Charter School Levy Account to the charter school levy total local revenues
7924 to equal the estimated charter school levy total local revenues; and

7925 (ii) if sufficient funds are not available in the Charter School Levy Account, calculate
7926 the charter school per pupil levy revenues using the actual amount of the charter school levy
7927 total local revenues.

7928 Section 223. Section **53F-2-704** is amended to read:

7929 **53F-2-704. Charter school levy state guarantee.**

7930 (1) As used in this section:

7931 (a) "Charter school levy per pupil revenues" means the same as that term is defined in
7932 Section [53F-2-703](#).

7933 (b) "Charter school students' average local revenues" means the amount determined as
7934 follows:

7935 (i) for each student enrolled in a charter school on the previous October 1, calculate the
7936 district per pupil local revenues of the school district in which the student resides;

7937 (ii) sum the district per pupil local revenues for each student enrolled in a charter
7938 school on the previous October 1; and

7939 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
7940 enrolled in charter schools on the previous October 1.

7941 (c) "District local property tax revenues" means the sum of a school district's revenue
7942 received from the following:

7943 (i) a voted local levy imposed under Section [53F-8-301](#);

7944 (ii) a board local levy imposed under Section [53F-8-302](#), excluding revenues expended
7945 for:

7946 (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of
7947 taxable value of the school district's board local levy; and

7948 (B) the Early Literacy Program described in Section [53F-2-503](#), up to the amount of
7949 revenue generated by a .000121 per dollar of taxable value of the school district's board local

7950 levy;

7951 (iii) a capital local levy imposed under Section 53F-8-303; and

7952 (iv) a guarantee described in Section 53F-2-601, 53F-3-202, or 53F-3-203.

7953 (d) "District per pupil local revenues" means, using data from the most recently

7954 published school district annual financial reports and state superintendent's annual report, an

7955 amount equal to district local property tax revenues divided by the sum of:

7956 (i) a school district's average daily membership; and

7957 (ii) the average daily membership of a school district's resident students who attend

7958 charter schools.

7959 (e) "Resident student" means a student who is considered a resident of the school

7960 district under Title 53G, Chapter 6, Part 3, School District Residency.

7961 (f) "Statewide average debt service revenues" means the amount determined as

7962 follows, using data from the most recently published state superintendent's annual report:

7963 (i) sum the revenues of each school district from the debt service levy imposed under

7964 Section 11-14-310; and

7965 (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district

7966 average daily membership.

7967 (2) (a) Subject to future budget constraints, the Legislature shall provide an

7968 appropriation for charter schools for each charter school student enrolled on October 1 to

7969 supplement the allocation of charter school levy per pupil revenues described in Subsection

7970 53F-2-702(2)(a).

7971 (b) Except as provided in Subsection (2)(c), the amount of money provided by the state

7972 for a charter school student shall be the sum of:

7973 (i) charter school students' average local revenues minus the charter school levy per

7974 pupil revenues; and

7975 (ii) statewide average debt service revenues.

7976 (c) If the total of charter school levy per pupil revenues distributed by the [~~State Board~~

7977 ~~of Education~~] state board and the amount provided by the state under Subsection (2)(b) is less

7978 than \$1,427, the state shall provide an additional supplement so that a charter school receives at
7979 least \$1,427 per student under Subsection 53F-2-702(2).

7980 (d) (i) If the legislative appropriation described in Subsection (2)(a) is insufficient to
7981 provide an amount described in Subsection (2)(b) for each charter school student, the [~~State~~
7982 ~~Board of Education~~] state board shall make an adjustment to Minimum School Program
7983 allocations as described in Section 53F-2-205.

7984 (ii) Following an adjustment described in Subsection (2)(d)(i), if legislative
7985 appropriations remain insufficient to provide an amount described in Subsection (2)(b) for each
7986 student enrolled in a charter school, the [~~State Board of Education~~] state board shall:

7987 (A) distribute to a charter school an amount described in Subsection (2)(b) for each
7988 student enrolled in the charter school under or equal to the maximum number of students the
7989 charter school serves, as described in the charter school's charter school agreement described in
7990 Section 53G-5-303; and

7991 (B) distribute money remaining after the distributions described in Subsection
7992 (2)(d)(ii)(A) to a charter school based on the charter school's share of all students enrolled in
7993 charter schools who exceed the number of maximum students served by charter schools, as
7994 described in charter school agreements entered into under Section 53G-5-303.

7995 (3) (a) Except as provided in Subsection (3)(b), of the money provided to a charter
7996 school under Subsection 53F-2-702(2), 10% shall be expended for funding school facilities
7997 only.

7998 (b) Subsection (3)(a) does not apply to an online charter school.

7999 Section 224. Section 53F-2-705 is amended to read:

8000 **53F-2-705. Grants for charter school start-up costs.**

8001 (1) (a) The State Charter School Board shall use money appropriated for charter school
8002 start-up costs to provide grants to charter schools to pay for expenses for the planning and
8003 implementation of a charter school.

8004 (b) The State Charter School Board:

8005 (i) may use up to 8% of the money appropriated for charter school start-up costs for

8006 financial monitoring of new charter schools and to provide professional development or
8007 technical assistance for charter school governing board members and staff of new charter
8008 schools; and

8009 (ii) in accordance with rules adopted by the [~~State Board of Education~~] state board,
8010 may use up to \$200,000 of the money appropriated for charter school start-up costs for a
8011 mentoring program for new and existing charter schools.

8012 (2) The amount of a grant for charter school start-up costs shall be based on the
8013 authorized enrollment of the charter school.

8014 (3) The [~~State Board of Education~~] state board shall make rules consistent with this
8015 section specifying:

8016 (a) procedures for applying for and awarding grants for charter school start-up costs;

8017 (b) permitted uses of grant money; and

8018 (c) requirements for a charter school to submit the following to the State Charter
8019 School Board:

8020 (i) a budget for the grant money; and

8021 (ii) a final report on the expenditure of the grant money.

8022 (4) The [~~State Board of Education~~] state board shall make rules establishing a
8023 mentoring program for new and existing charter schools.

8024 Section 225. Section **53F-3-202** is amended to read:

8025 **53F-3-202. Capital Outlay Foundation Program created -- Distribution formulas**
8026 **-- Allocations.**

8027 (1) As used in this section:

8028 (a) "Foundation guarantee level per ADM" means a minimum revenue amount per
8029 ADM generated by the base tax effort rate, including the following:

8030 (i) the revenue generated locally from a school district's combined capital levy rate; and

8031 (ii) the revenue allocated to a school district by the [~~State Board of Education~~] state
8032 board in accordance with Section [53F-3-202](#).

8033 (b) "Qualifying school district" means a school district with a property tax yield per

8034 ADM less than the foundation guarantee level per ADM.

8035 (c) "Small school district" means a school district that has fewer than 1,000 pupils in
8036 average daily membership.

8037 (2) There is created the Capital Outlay Foundation Program to provide capital outlay
8038 funding to a school district based on a district's local property tax effort and property tax yield
8039 per student compared to a foundation guarantee funding level.

8040 (3) (a) The [~~State Board of Education~~] state board shall determine the foundation
8041 guarantee level per ADM that fully allocates the funds appropriated to the [~~State Board of~~
8042 ~~Education~~] state board for distribution under this section.

8043 (b) In determining the foundation guarantee level per ADM and a school district's
8044 allocation of funds under this section, the [~~State Board of Education~~] state board shall use data
8045 from the fiscal year that is two years prior to the fiscal year the school district receives the
8046 allocation, including the:

8047 (i) number of pupils in average daily membership;

8048 (ii) tax rates; and

8049 (iii) derived net taxable value.

8050 (4) By June 1, a county treasurer shall report to the [~~State Board of Education~~] state
8051 board the actual collections of property taxes in the school districts located within the county
8052 treasurer's county for the period beginning April 1 through the following March 31
8053 immediately preceding that June 1.

8054 (5) If a qualifying school district imposes a combined capital levy rate that is greater
8055 than or equal to the base tax effort rate, the [~~State Board of Education~~] state board shall allocate
8056 to the qualifying school district an amount equal to the product of the following:

8057 (a) the qualifying school district's ADM; and

8058 (b) an amount equal to the difference between the following:

8059 (i) the foundation guarantee level per ADM, as determined in accordance with

8060 Subsection (3); and

8061 (ii) the qualifying school district's property tax yield per ADM.

8062 (6) If a qualifying school district imposes a combined capital levy rate less than the
8063 base tax effort rate, the ~~[State Board of Education]~~ state board shall allocate to the qualifying
8064 school district an amount equal to the product of the following:

- 8065 (a) the qualifying school district's ADM;
- 8066 (b) an amount equal to the difference between the following:
 - 8067 (i) the foundation guarantee level per ADM; and
 - 8068 (ii) the qualifying school district's property tax yield per ADM; and
- 8069 (c) a percentage equal to:
 - 8070 (i) the qualifying school district's combined capital levy rate; divided by
 - 8071 (ii) the base tax effort rate.

8072 (7) (a) The ~~[State Board of Education]~~ state board shall allocate:

8073 (i) a minimum of \$200,000 to each small school district with a property tax base per
8074 ADM less than or equal to the statewide average property tax base per ADM;

8075 (ii) a minimum of \$100,000 to each small school district with a property tax base per
8076 ADM that is:

- 8077 (A) greater than the statewide average property tax base per ADM; and
- 8078 (B) less than or equal to two times the statewide average property tax base per ADM;

8079 and

8080 (iii) a minimum of \$50,000 to each small school district with a property tax base per
8081 ADM that is:

- 8082 (A) greater than two times the statewide average property tax base per ADM; and
- 8083 (B) less than or equal to five times the statewide average property tax base per ADM.

8084 (b) The ~~[State Board of Education]~~ state board shall incorporate the minimum
8085 allocations described in Subsection (7)(a) in its calculation of the foundation guarantee level
8086 per ADM determined in accordance with Subsection (3).

8087 Section 226. Section **53F-3-203** is amended to read:

8088 **53F-3-203. Capital Outlay Enrollment Growth Program created -- Distribution**
8089 **formulas -- Allocations.**

8090 (1) As used in this section:

8091 (a) "Average annual net enrollment increase" means the quotient of:

8092 (i) (A) enrollment in the prior fiscal year, based on October 1 enrollment counts; minus

8093 (B) enrollment in the year four years prior, based on October 1 enrollment counts;

8094 divided by

8095 (ii) three.

8096 (b) "Eligible district" or "eligible school district" means a school district that:

8097 (i) has an average annual net enrollment increase; and

8098 (ii) has a property tax base per ADM in the year two years prior that is less than two
8099 times the statewide average property tax base per ADM in the year two years prior.

8100 (2) There is created the Capital Outlay Enrollment Growth Program to provide capital
8101 outlay funding to school districts experiencing net enrollment increases.

8102 (3) For fiscal years beginning on or after July 1, 2008, the [~~State Board of Education~~]
8103 state board shall annually allocate appropriated funds to eligible school districts in accordance
8104 with Subsection (4).

8105 (4) The [~~State Board of Education~~] state board shall allocate to an eligible school
8106 district an amount equal to the product of:

8107 (a) the quotient of:

8108 (i) the eligible school district's average annual net enrollment increase; divided by

8109 (ii) the sum of the average annual net enrollment increase in all eligible school
8110 districts; and

8111 (b) the total amount appropriated for the Capital Outlay Enrollment Growth Program in
8112 that fiscal year.

8113 Section 227. Section **53F-4-201** is amended to read:

8114 **53F-4-201. State board required to contract for a diagnostic assessment system**
8115 **for reading.**

8116 (1) (a) As described in Section **53E-4-307**, the [~~State Board of Education~~] state board
8117 shall approve a benchmark assessment for use statewide by school districts and charter schools.

8118 (b) The [~~State Board of Education~~] state board shall contract with one or more
8119 educational technology providers, selected through a request for proposals process, for a
8120 diagnostic assessment system for reading for students in kindergarten through grade [~~three~~] 3
8121 that meets the requirements of this section.

8122 (2) Subject to legislative appropriations, a diagnostic assessment system for reading
8123 shall be made available to school districts and charter schools that apply to use a diagnostic
8124 assessment for reading beginning in the 2011-12 school year.

8125 (3) A diagnostic assessment system for reading for students in kindergarten through
8126 grade [~~three~~] 3 shall:

8127 (a) be in a digital format;

8128 (b) include benchmark assessments of reading proficiency to be administered at the
8129 beginning, in the middle, and at the end of kindergarten, grade [~~one~~] 1, grade [~~two~~] 2, and
8130 grade [~~three~~] 3;

8131 (c) include formative assessments to be administered every two to four weeks for
8132 students who are at high risk of not attaining proficiency in reading;

8133 (d) align with the language arts core standards for Utah public schools adopted by the
8134 [~~State Board of Education~~] state board; and

8135 (e) include a data analysis component hosted by the provider that:

8136 (i) has the capacity to generate electronic information immediately and produce
8137 individualized student progress reports, class summaries, and class groupings for instruction;

8138 (ii) may have the capability of identifying lesson plans that may be used to develop
8139 reading skills;

8140 (iii) enables teachers, administrators, and designated supervisors to access reports
8141 through a secured password system;

8142 (iv) produces electronic printable reports for parents and administrators; and

8143 (v) has the capability for principals to monitor usage by teachers.

8144 Section 228. Section **53F-4-202** is amended to read:

8145 **53F-4-202. College readiness diagnostic tool.**

8146 (1) The state board shall contract with a provider, selected through a request for
8147 proposals process, to provide an online college readiness diagnostic tool that is aligned with the
8148 college readiness assessment described in Section [53E-4-305](#).

8149 (2) An online test preparation program described in Subsection (1):

8150 (a) (i) shall allow a student to independently access online materials and learn at the
8151 student's own pace; and

8152 (ii) may be used to provide classroom and teacher-assisted instruction;

8153 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in
8154 an approach that is engaging to high school students;

8155 (c) shall enable electronic reporting of student progress to administrators, teachers,
8156 parents, and other facilitators;

8157 (d) shall record a student's progress in an online dashboard that provides diagnostic
8158 assessment of the content areas tested and identifies mastery of corresponding skill sets; and

8159 (e) shall provide training and professional development to personnel in school districts
8160 and charter schools on how to utilize the online test preparation program and provide
8161 teacher-assisted instruction to students.

8162 (3) The state board, school districts, and charter schools shall make the online test
8163 preparation program available to a student:

8164 (a) beginning in the 2013-14 school year; and

8165 (b) for at least one full year.

8166 Section 229. Section **53F-4-203** is amended to read:

8167 **53F-4-203. Early interactive reading software -- Independent evaluator.**

8168 (1) (a) Subject to legislative appropriations, the [~~State Board of Education~~] state board
8169 shall select and contract with one or more technology providers, through a request for
8170 proposals process, to provide early interactive reading software for literacy instruction and
8171 assessments for students in kindergarten through grade 3.

8172 (b) By August 1 of each year, the [~~State Board of Education~~] state board shall
8173 distribute licenses for early interactive reading software described in Subsection (1)(a) to the

8174 school districts and charter schools of ~~[local education]~~ LEA governing boards that apply for
8175 the licenses.

8176 (c) Except as provided in state board rule, a school district or charter school that
8177 received a license described in Subsection (1)(b) during the prior year shall be given first
8178 priority to receive an equivalent license during the current year.

8179 (d) Licenses distributed to school districts and charter schools in addition to the
8180 licenses described in Subsection (1)(c) shall be distributed through a competitive process.

8181 (2) A public school that receives a license described in Subsection (1)(b) shall use the
8182 license:

8183 (a) for a student in kindergarten or grade 1:

8184 (i) for intervention for the student if the student is reading below grade level; or

8185 (ii) for advancement beyond grade level for the student if the student is reading at or
8186 above grade level; and

8187 (b) for a student in grade 2 or 3, for intervention for the student if the student is reading
8188 below grade level.

8189 (3) (a) On or before August 1 of each year, the ~~[State Board of Education]~~ state board
8190 shall select and contract with an independent evaluator, through a request for proposals
8191 process, to act as an independent contractor to evaluate early interactive reading software
8192 provided under this section.

8193 (b) The ~~[State Board of Education]~~ state board shall ensure that a contract with an
8194 independent evaluator requires the independent evaluator to:

8195 (i) evaluate a student's learning gains as a result of using early interactive reading
8196 software provided under Subsection (1);

8197 (ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not
8198 developed by a provider of early interactive reading software; and

8199 (iii) determine the extent to which a public school uses the early interactive reading
8200 software.

8201 (c) The ~~[State Board of Education]~~ state board and the independent evaluator selected

8202 under Subsection (3)(a) shall report annually on the results of the evaluation to the Education
8203 Interim Committee and the governor.

8204 (4) The [~~State Board of Education~~] state board may use up to 4% of the appropriation
8205 provided under Subsection (1)(a) to:

8206 (a) acquire an analytical software program that:

8207 (i) monitors, for an individual school, early intervention interactive reading software
8208 use and the associated impact on student performance; and

8209 (ii) analyzes the information gathered under Subsection (4)(a)(i) to prescribe individual
8210 school usage time to maximize the beneficial impact on student performance; or

8211 (b) contract with an independent evaluator selected under Subsection (3)(a).

8212 Section 230. Section **53F-4-204** is amended to read:

8213 **53F-4-204. Student intervention early warning pilot program.**

8214 (1) As used in this section:

8215 [~~(a) "Board" means the State Board of Education.~~]

8216 [~~(b)~~] (a) "Digital program" means a program that provides information for student early
8217 intervention as described in this section.

8218 [~~(c) "Local education agency" or "LEA" means:~~]

8219 [~~(i) a district school;~~]

8220 [~~(ii) a charter school; or~~]

8221 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

8222 [~~(d)~~] (b) "Online data reporting tool" means a system described in Section [53E-4-311](#).

8223 (2) (a) The state board shall, subject to legislative appropriations:

8224 (i) enhance the online data reporting tool and provide additional formative actionable
8225 data on student outcomes subject to Subsection (2)(c); and

8226 (ii) select through a competitive contract process a provider to provide to an LEA a
8227 digital program as described in this section.

8228 (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot
8229 program.

- 8230 (c) Information collected or used by the state board for purposes of enhancing the
8231 online data reporting tool in accordance with this section may not identify a student
8232 individually.
- 8233 (3) The enhancement to the online data reporting tool and the digital program shall:
- 8234 (a) be designed with a user-appropriate interface for use by teachers, school
8235 administrators, and parents;
- 8236 (b) provide reports on a student's results at the student level on:
- 8237 (i) a national assessment;
- 8238 (ii) a local assessment; and
- 8239 (iii) a standards assessment described in Section [53E-4-303](#);
- 8240 (c) have the ability to provide data from aggregate student reports based on a student's:
- 8241 (i) teacher;
- 8242 (ii) school;
- 8243 (iii) school district, if applicable; or
- 8244 (iv) ethnicity;
- 8245 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on
8246 a single computer screen;
- 8247 (e) have the ability to compare the performance of students, for each teacher, based on
8248 a student's:
- 8249 (i) gender;
- 8250 (ii) special needs, including primary exceptionality;
- 8251 (iii) English proficiency;
- 8252 (iv) economic status;
- 8253 (v) migrant status;
- 8254 (vi) ethnicity;
- 8255 (vii) response to tiered intervention;
- 8256 (viii) response to tiered-intervention enrollment date;
- 8257 (ix) absence rate;

- 8258 (x) feeder school;
- 8259 (xi) type of school, including primary or secondary, public or private, Title I, or other
8260 general school-type category;
- 8261 (xii) course failures; and
- 8262 (xiii) other criteria, as determined by the state board; and
- 8263 (f) have the ability to load data from a local, national, or other assessment in the data's
8264 original format within a reasonable time.
- 8265 (4) Subject to legislative appropriations, the online data reporting tool and digital
8266 program shall:
- 8267 (a) integrate criteria for early warning indicators, including the following criteria:
- 8268 (i) discipline;
- 8269 (ii) attendance;
- 8270 (iii) behavior;
- 8271 (iv) course failures; and
- 8272 (v) other criteria as determined by a local school board or charter school governing
8273 board; and
- 8274 (b) provide a teacher or administrator the ability to view the early warning indicators
8275 described in Subsection (4)(a) with a student's assessment results described in Subsection
8276 (3)(b).
- 8277 (5) Subject to legislative appropriations, the online data reporting tool and the digital
8278 program shall:
- 8279 (a) provide data on response to intervention using existing assessments or measures
8280 that are manually added, including assessment and nonacademic measures;
- 8281 (b) provide a user the ability to share interventions within a reporting environment and
8282 add comments to inform other teachers, administrators, and parents [~~or guardians~~];
- 8283 (c) save and share reports among different teachers and school administrators, subject
8284 to the student population information a teacher or administrator has the rights to access;
- 8285 (d) automatically flag a student profile when early warning thresholds are met so that a

8286 teacher can easily identify a student who may be in need of intervention;

8287 (e) incorporate a variety of algorithms to support student learning outcomes and
8288 provide student growth reporting by teacher;

8289 (f) integrate response to intervention tiers and activities as filters for the reporting of
8290 individual student data and aggregated data, including by ethnicity, school, or teacher;

8291 (g) have the ability to generate student parent [~~or guardian~~] communication to alert the
8292 parent [~~or guardian~~] of academic plans or interventions; and

8293 (h) configure alerts based upon student academic results, including a student's
8294 performance on the previous year standards assessment described in Section 53E-4-303.

8295 (6) (a) The state board shall, subject to legislative appropriations, select an LEA to
8296 receive access to a digital program through a provider described in Subsection (2)(a)(ii).

8297 (b) An LEA that receives access to a digital program shall pay for 50% of the cost of
8298 the digital program.

8299 (c) An LEA that receives access to a digital program shall no later than one school year
8300 after accessing a digital program report to the state board in a format required by the state board
8301 on the effectiveness of the digital program, positive and negative attributes of the digital
8302 program, recommendations for improving the online data reporting tool, and any other
8303 information regarding a digital program requested by the state board.

8304 (d) The state board shall consider recommendations from an LEA for changes to the
8305 online data reporting tool.

8306 (7) Information described in this section shall be used in accordance with and provided
8307 subject to:

8308 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and

8309 (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
8310 Section 231. Section 53F-4-205 is amended to read:

8311 **53F-4-205. Kindergarten supplemental enrichment program.**

8312 (1) As used in this section:

8313 [~~(a) "Board" means the State Board of Education.~~]

8314 ~~[(b)]~~ (a) "Eligible school" means a charter or school district school in which:
8315 (i) at least 10% of the students experience intergenerational poverty; or
8316 (ii) 50% of students were eligible to receive free or reduced lunch in the previous
8317 school year.

8318 ~~[(c)]~~ (b) "Intergenerational poverty" means the same as that term is defined in Section
8319 [35A-9-102](#).

8320 ~~[(d)]~~ (c) "Kindergarten supplemental enrichment program" means a program to
8321 improve the academic competency of kindergarten students that:
8322 (i) meets the criteria described in Subsection (4);
8323 (ii) receives funding from a grant program described in Subsection (3); and
8324 (iii) is administered by an eligible school.

8325 (2) (a) In accordance with this section, the state board shall distribute funds
8326 appropriated under this section to support kindergarten supplemental enrichment programs,
8327 giving priority first to awarding funds to an eligible school with at least 10% of the students
8328 experiencing intergenerational poverty and second priority to an eligible school in which 50%
8329 of students were eligible to receive free or reduced lunch in the previous school year.

8330 (b) The state board shall develop kindergarten entry and exit assessments for use by a
8331 kindergarten supplemental enrichment program.

8332 (3) (a) The state board shall administer a qualifying grant program as described in this
8333 Subsection (3) to distribute funds described in Subsection (2)(a) to an eligible school:
8334 (i) that applies for a grant;
8335 (ii) that offers a kindergarten supplemental enrichment program that meets the
8336 requirements described in Subsection (4);
8337 (iii) that has an overall need for a kindergarten supplemental enrichment program,
8338 based on the results of the eligible school's kindergarten entry and exit assessments described
8339 in Subsection (4)(b)(ii);
8340 (iv) if the eligible school has previously established a kindergarten supplemental
8341 enrichment program under this section, that shows success of the eligible school's kindergarten

8342 supplemental enrichment program, based on the results of the eligible school's kindergarten
8343 entry and exit assessments described in Subsection (4)(b)(ii); and

8344 (v) that proposes a kindergarten supplemental enrichment program that addresses the
8345 particular needs of students at risk of experiencing intergenerational poverty.

8346 (b) An eligible school shall include in a grant application a letter from the principal of
8347 the eligible school certifying that the eligible school's proposed kindergarten supplemental
8348 enrichment program will meet the needs of either children in intergenerational poverty or
8349 children who are eligible to receive free or reduced lunch as appropriate for the eligible school.

8350 (4) An eligible school that receives a grant as described in Subsection (3) shall:

8351 (a) use the grant money to offer a kindergarten supplemental enrichment program to:

8352 (i) target kindergarten students at risk for not meeting grade 3 core standards for Utah
8353 public schools, established by the state board under Section [53E-4-202](#), by the end of each
8354 student's grade 3 year;

8355 (ii) use an evidence-based early intervention model;

8356 (iii) focus on academically improving age-appropriate literacy and numeracy skills;

8357 (iv) emphasize the use of live instruction;

8358 (v) administer the kindergarten entry and exit assessments described in Subsection
8359 (2)(b); and

8360 (vi) deliver the kindergarten supplemental enrichment program through additional
8361 hours or other means; and

8362 (b) report to the state board annually regarding:

8363 (i) how the eligible school used grant money received under Subsection (3);

8364 (ii) the results of the eligible school's kindergarten entry and exit assessments for the
8365 prior year;

8366 (iii) with assistance from state board employees, the number of students served,
8367 including the number of students who are eligible for free or reduced lunch; and

8368 (iv) with assistance from state board employees, student performance outcomes
8369 achieved by the eligible school's kindergarten supplemental enrichment program, disaggregated

8370 by economic and ethnic subgroups.

8371 (5) An eligible school that receives a grant as described in Subsection (3) may not
8372 receive funds appropriated under Section 53F-2-507.

8373 (6) A parent [~~or legal guardian~~] may decline participation of the [~~parent or legal~~
8374 ~~guardian's~~] parent's kindergarten student in an eligible school's kindergarten supplemental
8375 enrichment program.

8376 [~~(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
8377 ~~the]~~

8378 (7) The state board shall make rules to establish reporting procedures and administer
8379 this section.

8380 Section 232. Section 53F-4-206 is amended to read:

8381 **53F-4-206. Computer program for students with autism and other special needs.**

8382 [~~(1) As used in this section, "board" means the State Board of Education.]~~

8383 [~~(2)~~] (1) To improve social skills and student achievement for students with autism and
8384 other special needs in pre-school through grade 2, the state board shall contract with a provider,
8385 selected through a request for proposals process, to provide computer software programs and
8386 activity manuals.

8387 [~~(3)~~] (2) In evaluating proposals submitted under Subsection [~~(2)~~] (1), the state board
8388 shall:

8389 (a) ensure that the state board's evaluation criteria weighs heavily the proposer's ability
8390 and experience to provide computer software programs and activity manuals to improve social
8391 skills and student achievement for students with autism and other special needs in pre-school
8392 through grade 2;

8393 (b) consider, in evaluating the proposer's ability and experience, any quantitative and
8394 evaluative results from field testing, state tests, and other standardized achievement tests;

8395 (c) ensure that the state board's evaluation criteria weighs heavily the proposer's ability
8396 to:

8397 (i) collect data from each computer using the computer software, regardless of where

8398 the computer is located;

8399 (ii) provide students access to the proposer's program from any computer with internet
8400 access;

8401 (iii) enable reporting of student progress to administrators, teachers, parents, and other
8402 facilitators; and

8403 (iv) record a student's progress in the computer software; and

8404 (d) consider the extent to which the computer software program uses engaging
8405 animation to teach students.

8406 ~~[(4)]~~ (3) The state board shall provide the computer software programs and activity
8407 manuals procured under this section to school districts and charter schools that demonstrate a
8408 commitment by the school principal and staff to implement the computer software programs
8409 and activity manuals as prescribed by the provider.

8410 Section 233. Section **53F-4-301** is amended to read:

8411 **53F-4-301. Definitions.**

8412 As used in this part:

8413 (1) "Assessment team" means a team consisting of:

8414 (a) the student's parent ~~[or guardian]~~;

8415 (b) the student's private school classroom teacher;

8416 (c) special education personnel from the student's school district; and

8417 (d) if available, special education personnel from the private school at which the
8418 student is enrolled.

8419 ~~[(2) "Board" means the State Board of Education.]~~

8420 ~~[(3)]~~ (2) "Eligible private school" means a private school that meets the requirements
8421 of Section **53F-4-303**.

8422 ~~[(4) "Individualized Education Program" or "IEP" means a written statement for a
8423 student with a disability that is developed, reviewed, and revised in accordance with the
8424 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

8425 ~~[(5)]~~ (3) "Local Education Agency" or "LEA" means:

8426 (a) a school district; or

8427 (b) a charter school.

8428 [~~(6)~~] (4) "Preschool" means an education program for a student who:

8429 (a) is age three, four, or five; and

8430 (b) has not entered kindergarten.

8431 [~~(7)~~] (5) "Scholarship student" means a student who receives a scholarship under this

8432 part.

8433 [~~(8)~~] (6) "Value of the weighted pupil unit" means the amount established each year in

8434 statute that is multiplied by the number of weighted pupil units to yield the funding level for

8435 the basic state-supported school program.

8436 Section 234. Section **53F-4-302** is amended to read:

8437 **53F-4-302. Scholarship program created -- Qualifications.**

8438 (1) The Carson Smith Scholarship Program is created to award scholarships to students

8439 with disabilities to attend a private school.

8440 (2) To qualify for a scholarship:

8441 (a) the student's custodial parent [~~or legal guardian~~] shall reside within Utah;

8442 (b) the student shall have one or more of the following disabilities:

8443 (i) an intellectual disability;

8444 (ii) deafness or being hard of hearing;

8445 (iii) a speech or language impairment;

8446 (iv) a visual impairment;

8447 (v) a serious emotional disturbance;

8448 (vi) an orthopedic impairment;

8449 (vii) autism;

8450 (viii) traumatic brain injury;

8451 (ix) other health impairment;

8452 (x) specific learning disabilities;

8453 (xi) deafblindness; or

8454 (xii) a developmental delay, provided the student is at least three years of age, pursuant
8455 to Subsection (2)(c), and is younger than eight years of age;

8456 (c) the student shall be at least three years of age before September 2 of the year in
8457 which admission to a private school is sought and under 19 years of age on the last day of the
8458 school year as determined by the private school, or, if the individual has not graduated from
8459 high school, will be under 22 years of age on the last day of the school year as determined by
8460 the private school; and

8461 (d) except as provided in Subsection (3), the student shall:

8462 (i) be enrolled in a Utah public school in the school year prior to the school year the
8463 student will be enrolled in a private school;

8464 (ii) have an IEP; and

8465 (iii) have obtained acceptance for admission to an eligible private school.

8466 (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:

8467 (a) the student is enrolled or has obtained acceptance for admission to an eligible
8468 private school that has previously served students with disabilities; and

8469 (b) an assessment team is able to readily determine with reasonable certainty:

8470 (i) that the student has a disability listed in Subsection (2)(b) and would qualify for
8471 special education services, if enrolled in a public school; and

8472 (ii) for the purpose of establishing the scholarship amount, the appropriate level of
8473 special education services which should be provided to the student.

8474 (4) (a) To receive a full-year scholarship under this part, a parent of a student shall
8475 submit to the LEA where the student is enrolled an application on or before the August 15
8476 immediately preceding the first day of the school year for which the student would receive the
8477 scholarship.

8478 (b) The state board may waive the full-year scholarship deadline described in
8479 Subsection (4)(a).

8480 (c) An application for a scholarship shall contain an acknowledgment by the parent that
8481 the selected school is qualified and capable of providing the level of special education services

8482 required for the student.

8483 (5) (a) The scholarship application form shall contain the following statement:

8484 "I acknowledge that:

8485 (1) A private school may not provide the same level of special education services that
8486 are provided in a public school;

8487 (2) I will assume full financial responsibility for the education of my scholarship
8488 student if I accept this scholarship;

8489 (3) Acceptance of this scholarship has the same effect as a parental refusal to consent
8490 to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20
8491 U.S.C. Sec. 1400 et seq.; and

8492 (4) My child may return to a public school at any time."

8493 (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility
8494 for the education of the scholarship student.

8495 (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to
8496 services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20
8497 U.S.C. Sec. 1400 et seq.

8498 (d) The creation of the scholarship program or granting of a scholarship does not:

8499 (i) imply that a public school did not provide a free and appropriate public education
8500 for a student; or

8501 (ii) constitute a waiver or admission by the state.

8502 (6) (a) Except as provided in Subsection (6)(b), a scholarship shall remain in force for
8503 the lesser of:

8504 (i) three years; or

8505 (ii) until the student is determined ineligible for special education services.

8506 (b) If a student is determined ineligible for special education services as described in
8507 Subsection (6)(a)(ii) before the end of a school year, the student may remain enrolled at the
8508 private school and qualifies for the scholarship until the end of the school year.

8509 (c) A scholarship shall be extended for an additional three years, if:

- 8510 (i) the student is evaluated by an assessment team; and
- 8511 (ii) the assessment team determines that the student would qualify for special education
- 8512 services, if enrolled in a public school.
- 8513 (d) The assessment team shall determine the appropriate level of special education
- 8514 services which should be provided to the student for the purpose of setting the scholarship
- 8515 amount.
- 8516 (e) A scholarship shall be extended for successive three-year periods as provided in
- 8517 Subsections (6)(a) and (c):
- 8518 (i) until the student graduates from high school; or
- 8519 (ii) if the student does not graduate from high school, until the student is age 22.
- 8520 (7) A student's parent, at any time, may remove the student from a private school and
- 8521 place the student in another eligible private school and retain the scholarship.
- 8522 (8) A scholarship student:
- 8523 (a) may participate in the Statewide Online Education Program described in Part 5,
- 8524 Statewide Online Education Program; and
- 8525 (b) may not participate in a dual enrollment program pursuant to Section [53G-6-702](#).
- 8526 (9) The parents [~~or guardians~~] of a scholarship student have the authority to choose the
- 8527 private school that will best serve the interests and educational needs of that student, which
- 8528 may be a sectarian or nonsectarian school, and to direct the scholarship resources available for
- 8529 that student solely as a result of their genuine and independent private choices.
- 8530 (10) (a) An LEA shall notify in writing the parents [~~or guardians~~] of students enrolled
- 8531 in the LEA who have an IEP of the availability of a scholarship to attend a private school
- 8532 through the Carson Smith Scholarship Program.
- 8533 (b) The notice described under Subsection (10)(a) shall:
- 8534 (i) be provided no later than 30 days after the student initially qualifies for an IEP;
- 8535 (ii) be provided annually no later than February 1 to all students who have an IEP; and
- 8536 (iii) include the address of the Internet website maintained by the state board that
- 8537 provides prospective applicants with detailed program information and application forms for

8538 the Carson Smith Scholarship Program.

8539 (c) An LEA or school within an LEA that has an enrolled student who has an IEP shall
8540 post the address of the Internet website maintained by the state board that provides prospective
8541 applicants with detailed program information and application forms for the Carson Smith
8542 Scholarship Program on the LEA's or school's website, if the LEA or school has one.

8543 Section 235. Section **53F-4-303** is amended to read:

8544 **53F-4-303. Eligible private schools.**

8545 (1) To be eligible to enroll a scholarship student, a private school shall:

8546 (a) have a physical location in Utah where the scholarship students attend classes and
8547 have direct contact with the school's teachers;

8548 (b) (i) (A) obtain an audit and report from a licensed independent certified public
8549 accountant that conforms with the following requirements:

8550 (I) the audit shall be performed in accordance with generally accepted auditing
8551 standards;

8552 (II) the financial statements shall be presented in accordance with generally accepted
8553 accounting principles; and

8554 (III) the audited financial statements shall be as of a period within the last 12 months;
8555 or

8556 (B) contract with an independent licensed certified public accountant to conduct an
8557 Agreed Upon Procedures engagement, as adopted by the state board; and

8558 (ii) submit the audit report or report of the agreed upon procedure to the state board
8559 when the private school applies to accept scholarship students;

8560 (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;

8561 (d) meet state and local health and safety laws and codes;

8562 (e) provide a written disclosure to the parent of each prospective student, before the
8563 student is enrolled of:

8564 (i) the special education services that will be provided to the student, including the cost
8565 of those services;

- 8566 (ii) tuition costs;
- 8567 (iii) additional fees a parent will be required to pay during the school year; and
- 8568 (iv) the skill or grade level of the curriculum that the student will be participating in;
- 8569 (f) (i) administer an annual assessment of each scholarship student's academic
- 8570 progress;
- 8571 (ii) report the results of the assessment described in Subsection (1)(f)(i) to the student's
- 8572 parent; and
- 8573 (iii) make the results available to the assessment team evaluating the student pursuant
- 8574 to Subsection 53F-4-302(6);
- 8575 (g) employ or contract with teachers who:
- 8576 (i) hold baccalaureate or higher degrees;
- 8577 (ii) have at least three years of teaching experience in public or private schools; or
- 8578 (iii) have the necessary special skills, knowledge, or expertise that qualifies them to
- 8579 provide instruction:
- 8580 (A) in the subjects taught; and
- 8581 (B) to the special needs students taught;
- 8582 (h) maintain documentation demonstrating that teachers at the private school meet the
- 8583 qualifications described in Subsection (1)(g);
- 8584 (i) require the following individuals to submit to a nationwide, fingerprint-based
- 8585 criminal background check and ongoing monitoring, in accordance with Section 53G-11-402,
- 8586 as a condition for employment or appointment, as authorized by the Adam Walsh Child
- 8587 Protection and Safety Act of 2006, Pub. L. No. 109-248:
- 8588 (i) an employee who does not hold a current Utah educator license issued by the state
- 8589 board under Title 53E, Chapter 6, Education Professional Licensure;
- 8590 (ii) a contract employee; and
- 8591 (iii) a volunteer who is given significant unsupervised access to a student in connection
- 8592 with the volunteer's assignment; and
- 8593 (j) provide to parents the relevant credentials of the teachers who will be teaching their

8594 students.

8595 (2) A private school is not eligible to enroll scholarship students if:

8596 (a) the private school requires a student to sign a contract waiving the student's rights
8597 to transfer to another eligible private school during the school year;

8598 (b) the audit report submitted under Subsection (1)(b) contains a going concern
8599 explanatory paragraph; or

8600 (c) the report of the agreed upon procedure submitted under Subsection (1)(b) shows
8601 that the private school does not have adequate working capital to maintain operations for the
8602 first full year, as determined under Subsection (1)(b).

8603 (3) A home school is not eligible to enroll scholarship students.

8604 (4) Residential treatment facilities licensed by the state are not eligible to enroll
8605 scholarship students.

8606 (5) A private school intending to enroll scholarship students shall submit an application
8607 to the state board by May 1 of the school year preceding the school year in which it intends to
8608 enroll scholarship students.

8609 (6) The state board shall:

8610 (a) approve a private school's application to enroll scholarship students, if the private
8611 school meets the eligibility requirements of this section; and

8612 (b) make available to the public a list of the eligible private schools.

8613 (7) An approved eligible private school that changes ownership shall submit a new
8614 application to the state board and demonstrate that it continues to meet the eligibility
8615 requirements of this section.

8616 Section 236. Section **53F-4-304** is amended to read:

8617 **53F-4-304. Scholarship payments.**

8618 (1) (a) The state board shall award scholarships subject to the availability of money
8619 appropriated by the Legislature for that purpose.

8620 (b) The Legislature shall annually appropriate money to the state board from the
8621 General Fund to make scholarship payments.

8622 (c) The Legislature shall annually increase the amount of money appropriated under
8623 Subsection (1)(b) by an amount equal to the product of:

- 8624 (i) the average scholarship amount awarded as of December 1 in the previous year; and
- 8625 (ii) the product of:

8626 (A) the number of students in preschool through grade 12 in public schools statewide
8627 who have an IEP on December 1 of the previous year; and

8628 (B) 0.0007.

8629 (d) If the number of scholarship students as of December 1 in any school year equals or
8630 exceeds 7% of the number of students in preschool through grade 12 in public schools
8631 statewide who have an IEP as of December 1 in the same school year, the Public Education
8632 Appropriations Subcommittee shall study the requirement to increase appropriations for
8633 scholarship payments as provided in this section.

8634 (e) (i) If money is not available to pay for all scholarships requested, the state board
8635 shall allocate scholarships on a random basis except that the state board shall give preference to
8636 students who received scholarships in the previous school year.

8637 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,
8638 the state board may not award new scholarships during that school year and the state board
8639 shall prorate money available for scholarships among the eligible students who received
8640 scholarships in the previous year.

8641 (2) Except as provided in Subsection (4), the state board shall award full-year
8642 scholarships in the following amounts:

8643 (a) for a student who received an average of 180 minutes per day or more of special
8644 education services in a public school before transferring to a private school, an amount not to
8645 exceed the lesser of:

- 8646 (i) the value of the weighted pupil unit multiplied by 2.5; or
- 8647 (ii) the private school tuition and fees; and

8648 (b) for a student who received an average of less than 180 minutes per day of special
8649 education services in a public school before transferring to a private school, an amount not to

8650 exceed the lesser of:

8651 (i) the value of the weighted pupil unit multiplied by 1.5; or

8652 (ii) the private school tuition and fees.

8653 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
8654 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

8655 (4) If a student leaves a private school before the end of a fiscal quarter:

8656 (a) the private school is only entitled to the amount of scholarship equivalent to the
8657 number of days that the student attended the private school; and

8658 (b) the private school shall remit a prorated amount of the scholarship to the state board
8659 in accordance with the procedures described in rules adopted by the state board [~~in accordance~~
8660 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~].

8661 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:

8662 (a) make the amount available to the student to enroll immediately in another
8663 qualifying private school; or

8664 (b) refund the amount back to the Carson Smith Scholarship Program account to be
8665 available to support the costs of another scholarship.

8666 (6) (a) The state board shall make an additional allocation on a random basis before
8667 June 30 each year only:

8668 (i) if there are sufficient remaining funds in the program; and

8669 (ii) for scholarships for students enrolled in a full-day preschool program.

8670 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship
8671 amount or supplement may not exceed the lesser of:

8672 (i) the value of the weighted pupil unit multiplied by 1.0; or

8673 (ii) the private school tuition and fees.

8674 (c) The state board shall, when preparing annual growth projection numbers for the
8675 Legislature, include the annual number of applications for additional allocations described in
8676 Subsection (6)(a).

8677 (7) (a) The scholarship amount for a student who receives a waiver under Subsection

8678 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level
8679 of special education services to be provided to the student.

8680 (b) (i) If the student requires an average of 180 minutes per day or more of special
8681 education services, a full-year scholarship shall be equal to the amount specified in Subsection
8682 (2)(a).

8683 (ii) If the student requires less than an average of 180 minutes per day of special
8684 education services, a full-year scholarship shall be equal to the amount specified in Subsection
8685 (2)(b).

8686 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,
8687 a full-year scholarship is equal to the amount specified in Subsection (3).

8688 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of
8689 documentation that verifies a student's admission to, or continuing enrollment and attendance
8690 at, a private school, the state board shall make scholarship payments quarterly in four equal
8691 amounts in each school year in which a scholarship is in force.

8692 (b) In accordance with state board rule, the state board may make a scholarship
8693 payment before the first quarterly payment of the school year, if a private school requires
8694 partial payment of tuition before the start of the school year to reserve space for a student
8695 admitted to the school.

8696 (9) A parent of a scholarship student shall notify the state board if the student does not
8697 have continuing enrollment and attendance at an eligible private school.

8698 (10) Before scholarship payments are made, the state board shall cross-check
8699 enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship
8700 payments are not erroneously made.

8701 Section 237. Section **53F-4-305** is amended to read:

8702 **53F-4-305. State board to make rules.**

8703 [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the]~~

8704 The state board shall make rules consistent with this part establishing:

8705 (1) the eligibility of students to participate in the scholarship program;

8706 (2) the application process for the scholarship program; and

8707 (3) payment procedures to eligible private schools.

8708 Section 238. Section **53F-4-306** is amended to read:

8709 **53F-4-306. Enforcement and penalties.**

8710 (1) (a) The state board shall require a private school to submit a signed affidavit
8711 assuring the private school will comply with the requirements of this part.

8712 (b) If a school fails to submit a signed affidavit within 30 days of receiving notification
8713 that the school is an approved private school to receive the Carson Smith Scholarship, the state
8714 board may:

8715 (i) deny the private school permission to enroll scholarship students; and

8716 (ii) interrupt disbursement of or withhold scholarship payments.

8717 (2) The state board may investigate complaints and convene administrative hearings for
8718 an alleged violation of this part.

8719 (3) Upon a finding that this part was violated, the state board may:

8720 (a) deny a private school permission to enroll scholarship students;

8721 (b) interrupt disbursement of or withhold scholarship payments; or

8722 (c) issue an order for repayment of scholarship payments fraudulently obtained.

8723 Section 239. Section **53F-4-401** is amended to read:

8724 **53F-4-401. Definitions.**

8725 As used in this part:

8726 (1) "Contractor" means the educational technology provider selected by the [~~State~~
8727 ~~Board of Education~~] state board under Section **53F-4-402**.

8728 (2) "Low income" means an income below 185% of the federal poverty guideline.

8729 (3) "Preschool children" means children who are:

8730 (a) age four or five; and

8731 (b) have not entered kindergarten.

8732 (4) "UPSTART" means the project established by Section **53F-4-402** that uses a
8733 home-based educational technology program to develop school readiness skills of preschool

8734 children.

8735 Section 240. Section **53F-4-402** is amended to read:

8736 **53F-4-402. UPSTART program to develop school readiness skills of preschool**
8737 **children.**

8738 (1) UPSTART, a project that uses a home-based educational technology program to
8739 develop school readiness skills of preschool children, is established within the public education
8740 system.

8741 (2) UPSTART is created to:

8742 (a) evaluate the effectiveness of giving preschool children access, at home, to
8743 interactive individualized instruction delivered by computers and the Internet to prepare them
8744 academically for success in school; and

8745 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science
8746 delivered by computers and the Internet to all preschool children in Utah.

8747 (3) (a) The [~~State Board of Education~~] state board shall contract with an educational
8748 technology provider, selected through a request for proposals process, for the delivery of a
8749 home-based educational technology program for preschool children that meets the
8750 requirements of Subsection (4).

8751 (b) (i) The [~~State Board of Education~~] state board may, on or before July 1, 2019, issue
8752 a request for proposals for two-year pilot proposals from, and enter into a contract with, one or
8753 more educational technology providers that do not have an existing contract under this part
8754 with the state for the delivery of a home-based educational technology program for preschool
8755 children that meets the requirements of Subsection (4).

8756 (ii) If the [~~State Board of Education~~] state board enters into a contract for a two-year
8757 pilot as described in Subsection (3)(b)(i), the [~~State Board of Education~~] state board may enter
8758 into a contract with one or more educational technology providers that have participated in a
8759 Utah pilot.

8760 (c) Every five years after July 1, 2021, the [~~State Board of Education~~] state board may
8761 issue a new request for proposals described in this section.

8762 (4) A home-based educational technology program for preschool children shall meet
8763 the following standards:

8764 (a) the contractor shall provide computer-assisted instruction for preschool children on
8765 a home computer connected by the Internet to a centralized file storage facility;

8766 (b) the contractor shall:

8767 (i) provide technical support to families for the installation and operation of the
8768 instructional software; and

8769 (ii) provide for the installation of computer and Internet access in homes of low income
8770 families that cannot afford the equipment and service;

8771 (c) the contractor shall have the capability of doing the following through the Internet:

8772 (i) communicating with parents;

8773 (ii) updating the instructional software;

8774 (iii) validating user access;

8775 (iv) collecting usage data;

8776 (v) storing research data; and

8777 (vi) producing reports for parents, schools, and the Legislature;

8778 (d) the program shall include the following components:

8779 (i) computer-assisted, individualized instruction in reading, mathematics, and science;

8780 (ii) a multisensory reading tutoring program; and

8781 (iii) a validated computer adaptive reading test that does not require the presence of
8782 trained adults to administer and is an accurate indicator of reading readiness of children who
8783 cannot read;

8784 (e) the contractor shall have the capability to quickly and efficiently modify, improve,
8785 and support the product;

8786 (f) the contractor shall work in cooperation with school district personnel who will
8787 provide administrative and technical support of the program as provided in Section [53F-4-403](#);

8788 (g) the contractor shall solicit families to participate in the program as provided in
8789 Section [53F-4-404](#); and

8790 (h) in implementing the home-based educational technology program, the contractor
8791 shall seek the advise and expertise of early childhood education professionals within the Utah
8792 System of Higher Education on issues such as:

- 8793 (i) soliciting families to participate in the program;
- 8794 (ii) providing training to families; and
- 8795 (iii) motivating families to regularly use the instructional software.

8796 (5) (a) The contract shall provide funding for a home-based educational technology
8797 program for preschool children, subject to the appropriation of money by the Legislature for
8798 UPSTART.

8799 (b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall
8800 be separate from an appropriation described in Subsection (5)(a).

8801 (6) The [~~State Board of Education~~] state board shall evaluate a proposal based on:

- 8802 (a) whether the home-based educational technology program meets the standards
8803 specified in Subsection (4);
- 8804 (b) the results of an independent evaluation of the home-based educational technology
8805 program;
- 8806 (c) the experience of the home-based educational technology program provider; and
- 8807 (d) the per pupil cost of the home-based educational technology program.

8808 Section 241. Section **53F-4-404** is amended to read:

8809 **53F-4-404. Family participation in UPSTART -- Low income family verification.**

8810 (1) The contractor shall:

8811 (a) solicit families to participate in UPSTART through a public information campaign
8812 and referrals from participating school districts; and

8813 (b) work with the Department of Workforce Services and the [~~State Board of~~
8814 ~~Education~~] state board to solicit participation from families of children experiencing
8815 intergenerational poverty, as defined in Section **35A-9-102**, to participate in UPSTART.

8816 (2) (a) Preschool children who participate in UPSTART shall:

8817 (i) be from families with diverse socioeconomic and ethnic backgrounds;

8818 (ii) reside in different regions of the state in both urban and rural areas; and
8819 (iii) be given preference to participate if the preschool child's family resides in a rural
8820 area with limited prekindergarten services.

8821 (b) (i) If the number of families who would like to participate in UPSTART exceeds
8822 the number of participants funded by the legislative appropriation, the contractor shall give
8823 priority to preschool children from low income families and preschool children who are
8824 English language learners.

8825 (ii) At least 30% of the preschool children who participate in UPSTART shall be from
8826 low income families.

8827 (3) A low income family that cannot afford a computer and Internet service to operate
8828 the instructional software may obtain a computer and peripheral equipment on loan and receive
8829 free Internet service for the duration of the family's participation in UPSTART.

8830 (4) (a) The contractor shall make the home-based educational technology program
8831 available to families at a cost agreed upon by the [~~State Board of Education~~] state board and the
8832 contractor if the number of families who would like to participate in UPSTART exceeds the
8833 number of participants funded by the legislative appropriation.

8834 (b) The [~~State Board of Education~~] state board and the contractor shall annually post on
8835 their websites information on purchasing a home-based educational technology program as
8836 provided in Subsection (4)(a).

8837 (5) (a) The contractor shall:

8838 (i) determine if a family is a low income family for purposes of this part; and
8839 (ii) use the same application form as described in Section 35A-9-401 or create an
8840 application form that requires an individual to provide and certify the information necessary for
8841 the contractor to make the determination described in Subsection (5)(a)(i).

8842 (b) The contractor may:

8843 (i) require an individual to submit supporting documentation; and
8844 (ii) create a deadline for an individual to submit an application, if necessary.

8845 Section 242. Section **53F-4-405** is amended to read:

8846 **53F-4-405. Purchase of equipment and service through cooperative purchasing**
8847 **contracts.**

8848 The [~~State Board of Education~~] state board or a school district may purchase computers,
8849 peripheral equipment, and Internet service for low income families who cannot afford them
8850 through cooperative purchasing contracts administered by the state Division of Purchasing and
8851 General Services.

8852 Section 243. Section **53F-4-406** is amended to read:

8853 **53F-4-406. Audit and evaluation.**

8854 (1) The state auditor shall:

8855 (a) conduct an annual audit of the contractor's use of funds for UPSTART; or

8856 (b) contract with an independent certified public accountant to conduct an annual audit.

8857 (2) The [~~State Board of Education~~] state board shall:

8858 (a) require by contract that the contractor will open its books and records relating to its
8859 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;

8860 (b) reimburse the state auditor for the actual and necessary costs of the audit; and

8861 (c) contract with an independent, qualified evaluator, selected through a request for
8862 proposals process, to evaluate the home-based educational technology program for preschool
8863 children.

8864 (3) Of the money appropriated by the Legislature for UPSTART, excluding funds used
8865 to provide computers, peripheral equipment, and Internet service to families, no more than
8866 7.5% may be used for the evaluation of the program.

8867 Section 244. Section **53F-4-407** is amended to read:

8868 **53F-4-407. Annual report.**

8869 (1) The [~~State Board of Education~~] state board shall make a report on UPSTART to the
8870 Education Interim Committee by November 30 each year.

8871 (2) The report shall:

8872 (a) address the extent to which UPSTART is accomplishing the purposes for which it
8873 was established as specified in Section [53F-4-402](#); and

- 8874 (b) include the following information:
- 8875 (i) the number of families:
- 8876 (A) volunteering to participate in the program;
- 8877 (B) selected to participate in the program;
- 8878 (C) requesting computers; and
- 8879 (D) furnished computers;
- 8880 (ii) the frequency of use of the instructional software;
- 8881 (iii) obstacles encountered with software usage, hardware, or providing technical
- 8882 assistance to families;
- 8883 (iv) student performance on pre-kindergarten and post-kindergarten assessments
- 8884 conducted by school districts and charter schools for students who participated in the
- 8885 home-based educational technology program and those who did not participate in the program;
- 8886 and
- 8887 (v) as available, the evaluation of the program conducted pursuant to Section
- 8888 [53F-4-406](#).

8889 Section 245. Section **53F-4-501** is amended to read:

8890 **53F-4-501. Definitions.**

8891 As used in this part:

8892 [~~(1) "District school" means a public school under the control of a local school board~~

8893 ~~elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School~~

8894 ~~Boards.]~~

8895 [~~(2)~~ (1) "Eligible student" means:

- 8896 (a) a student enrolled in a district school or charter school in Utah; or
- 8897 (b) beginning on July 1, 2013, a student:
- 8898 (i) who attends a private school or home school; and
- 8899 (ii) whose custodial parent [~~or legal guardian~~] is a resident of Utah.

8900 [~~(3) "LEA" means a local education agency in Utah that has administrative control and~~

8901 ~~direction for public education.]~~

8902 [(4)] (2) "Online course" means a course of instruction offered by the Statewide Online
8903 Education Program through the use of digital technology.

8904 [(5)] (3) "Plan for college and career readiness" means the same as that term is defined
8905 in Section 53E-2-304.

8906 [(6)] (4) "Primary LEA of enrollment" means the LEA in which an eligible student is
8907 enrolled for courses other than online courses offered through the Statewide Online Education
8908 Program.

8909 [(7)] (5) "Released-time" means a period of time during the regular school day a
8910 student is excused from school at the request of the student's parent [~~or guardian~~] pursuant to
8911 rules of the [~~State Board of Education~~] state board.

8912 Section 246. Section **53F-4-503** is amended to read:

8913 **53F-4-503. Option to enroll in online courses offered through the Statewide**
8914 **Online Education Program.**

8915 (1) Subject to the course limitations provided in Subsection (2), an eligible student may
8916 enroll in an online course offered through the Statewide Online Education Program if:

- 8917 (a) the student meets the course prerequisites;
- 8918 (b) the course is open for enrollment;
- 8919 (c) the online course is aligned with the student's plan for college and career readiness;
- 8920 (d) the online course is consistent with the student's [~~individual education plan (IEP)~~]
8921 IEP, if the student has an IEP; and
- 8922 (e) the online course is consistent with the student's international baccalaureate
8923 program, if the student is participating in an international baccalaureate program.

8924 (2) An eligible student may enroll in online courses for no more than the following
8925 number of credits:

- 8926 (a) in the 2011-12 and 2012-13 school years, two credits;
- 8927 (b) in the 2013-14 school year, three credits;
- 8928 (c) in the 2014-15 school year, four credits;
- 8929 (d) in the 2015-16 school year, five credits; and

- 8930 (e) beginning with the 2016-17 school year, six credits.
- 8931 (3) Notwithstanding Subsection (2):
- 8932 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
8933 online courses for more than the number of credits specified in Subsection (2); or
- 8934 (b) upon the request of an eligible student, the [~~State Board of Education~~] state board
8935 may allow the student to enroll in online courses for more than the number of credits specified
8936 in Subsection (2), if the online courses better meet the academic goals of the student.
- 8937 (4) An eligible student's primary LEA of enrollment:
- 8938 (a) in conjunction with the student and the student's parent [~~or legal guardian~~], is
8939 responsible for preparing and implementing a plan for college and career readiness for the
8940 eligible student, as provided in Section [~~53F-2-304~~] 53E-2-304; and
- 8941 (b) shall assist an eligible student in scheduling courses in accordance with the
8942 student's plan for college and career readiness, graduation requirements, and the student's
8943 post-secondary plans.
- 8944 (5) An eligible student's primary LEA of enrollment may not:
- 8945 (a) impose restrictions on a student's selection of an online course that fulfills
8946 graduation requirements and is consistent with the student's plan for college and career
8947 readiness or post-secondary plans; or
- 8948 (b) give preference to an online course or online course provider.
- 8949 (6) The [~~State Board of Education~~] state board, including an employee of the [~~State~~
8950 ~~Board of Education~~] state board, may not give preference to an online course or online course
8951 provider.
- 8952 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an
8953 inducement or incentive to a public school student to participate in the Statewide Online
8954 Education Program.
- 8955 (b) For purposes of Subsection (7)(a):
- 8956 (i) "Inducement or incentive" does not mean:
- 8957 (A) instructional materials or software necessary to take an online course; or

8958 (B) access to a computer or digital learning device for the purpose of taking an online
8959 course.

8960 (ii) "Person" does not include a relative of the public school student.

8961 Section 247. Section **53F-4-504** is amended to read:

8962 **53F-4-504. Authorized online course providers.**

8963 The following entities may offer online courses to eligible students through the
8964 Statewide Online Education Program:

8965 (1) a charter school or district school created exclusively for the purpose of serving
8966 students online;

8967 (2) an LEA program, approved by the [~~LEA's~~] LEA governing board, that is created
8968 exclusively for the purpose of serving students online; and

8969 (3) a program of an institution of higher education listed in Section **53B-2-101** that:

8970 (a) offers secondary school level courses; and

8971 (b) is created exclusively for the purpose of serving students online.

8972 Section 248. Section **53F-4-507** is amended to read:

8973 **53F-4-507. State board to deduct funds and make payments -- Plan for the**
8974 **payment of online courses taken by private and home school students.**

8975 (1) For a fiscal year that begins on or after July 1, 2018, and subject to future budget
8976 constraints, the Legislature shall adjust the appropriation for the Statewide Online Education
8977 Program based on:

8978 (a) the anticipated increase of eligible home school and private school students
8979 enrolled in the Statewide Online Education Program; and

8980 (b) the value of the weighted pupil unit.

8981 (2) (a) The [~~State Board of Education~~] state board shall deduct money from funds
8982 allocated to the student's primary LEA of enrollment under Chapter 2, State Funding --
8983 Minimum School Program, to pay for online course fees.

8984 (b) Money shall be deducted under Subsection (2) in the amount and at the time an
8985 online course provider qualifies to receive payment for an online course as provided in

8986 Subsection 53F-4-505(4).

8987 (3) From money deducted under Subsection (2), the [~~State Board of Education~~] state
8988 board shall make payments to the student's online course provider as provided in Section
8989 53F-4-505.

8990 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,
8991 2013, for the payment of online courses taken by a private school or home school student.

8992 Section 249. Section 53F-4-508 is amended to read:

8993 **53F-4-508. Course credit acknowledgment.**

8994 (1) A student's primary LEA of enrollment and the student's online course provider
8995 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and
8996 the online course provider acknowledge that the online course provider is responsible for the
8997 instruction of the student in a specified online course.

8998 (2) The terms of the course credit acknowledgment shall provide that:

8999 (a) the online course provider shall receive a payment in the amount provided under
9000 Section 53F-4-505; and

9001 (b) the student's primary LEA of enrollment acknowledges that the [~~State Board of~~
9002 ~~Education~~] state board will deduct funds allocated to the LEA under Chapter 2, State Funding
9003 -- Minimum School Program, in the amount and at the time the online course provider qualifies
9004 to receive payment for the online course as provided in Subsection 53F-4-505(4).

9005 (3) (a) A course credit acknowledgment may originate with either an online course
9006 provider or primary LEA of enrollment.

9007 (b) The originating entity shall submit the course credit acknowledgment to the [~~State~~
9008 ~~Board of Education~~] state board who shall forward it to the primary LEA of enrollment for
9009 course selection verification or the online course provider for acceptance.

9010 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment
9011 if:

9012 (A) the online course is not aligned with the student's plan for college and career
9013 readiness;

9014 (B) the online course is not consistent with the student's IEP, if the student has an IEP;

9015 (C) the online course is not consistent with the student's international baccalaureate
9016 program, if the student participates in an international baccalaureate program; or

9017 (D) the number of online course credits exceeds the maximum allowed for the year as
9018 provided in Section 53F-4-503.

9019 (ii) Verification of alignment of an online course with a student's plan for college and
9020 career readiness does not require a meeting with the student.

9021 (d) An online course provider may only reject a course credit acknowledgment if:

9022 (i) the student does not meet course prerequisites; or

9023 (ii) the course is not open for enrollment.

9024 (e) A primary LEA of enrollment or online course provider shall submit an acceptance
9025 or rejection of a course credit acknowledgment to the [~~State Board of Education~~] state board
9026 within 72 business hours of the receipt of a course credit acknowledgment from the [~~State~~
9027 ~~Board of Education~~] state board pursuant to Subsection (3)(b).

9028 (f) If an online course provider accepts a course credit acknowledgment, the online
9029 course provider shall forward to the primary LEA of enrollment the online course start date as
9030 established under Section 53F-4-506.

9031 (g) If an online course provider rejects a course credit acknowledgment, the online
9032 course provider shall include an explanation which the [~~State Board of Education~~] state board
9033 shall forward to the primary LEA of enrollment for the purpose of assisting a student with
9034 future online course selection.

9035 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a
9036 course credit acknowledgment to the [~~State Board of Education~~] state board within 72 business
9037 hours of the receipt of a course credit acknowledgment from the [~~State Board of Education~~]
9038 state board pursuant to Subsection (3)(b), the [~~State Board of Education~~] state board shall
9039 consider the course credit acknowledgment accepted.

9040 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of
9041 enrollment shall notify the student of the acceptance and the start date for the online course as

9042 established under Section [53F-4-506](#).

9043 (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment
9044 shall notify the student of the rejection and provide an explanation of the rejection.

9045 (j) If the online course student has an individual education plan (IEP) or 504
9046 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504
9047 accommodations to the online course provider within 72 business hours after the primary LEA
9048 of enrollment receives notice that the online course provider accepted the course credit
9049 acknowledgment.

9050 (4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment,
9051 because the LEA is negotiating, or intends to negotiate, an online course fee with the online
9052 course provider pursuant to Subsection [53F-4-505\(6\)](#).

9053 (b) If a primary LEA of enrollment negotiates an online course fee with an online
9054 course provider before the start date of an online course, a course credit acknowledgment may
9055 be amended to reflect the negotiated online course fee.

9056 Section 250. Section **53F-4-510** is amended to read:

9057 **53F-4-510. Administration of statewide assessments to students enrolled in online**
9058 **courses.**

9059 (1) A student enrolled in an online course that is a course for which a statewide
9060 assessment is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the
9061 statewide assessment.

9062 (2) (a) The [~~State Board of Education~~] state board shall make rules providing for the
9063 administration of a statewide assessment to a student enrolled in an online course.

9064 (b) Rules made under Subsection (2)(a) shall:

9065 (i) provide for the administration of a statewide assessment upon a student completing
9066 an online course; and

9067 (ii) require an online course provider to proctor the statewide assessment.

9068 Section 251. Section **53F-4-511** is amended to read:

9069 **53F-4-511. Report on performance of online course providers.**

9070 (1) The [~~State Board of Education~~] state board, in collaboration with online course
9071 providers, shall develop a report on the performance of online course providers, which may be
9072 used to evaluate the Statewide Online Education Program and assess the quality of an online
9073 course provider.

9074 (2) A report on the performance of an online course provider shall include:

9075 (a) scores aggregated by test on statewide assessments administered under Title 53E,
9076 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered
9077 through the Statewide Online Education Program;

9078 (b) the percentage of the online course provider's students who complete online courses
9079 within the applicable time period specified in Subsection 53F-4-505(4)(c);

9080 (c) the percentage of the online course provider's students who complete online courses
9081 after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student
9082 graduates from high school; and

9083 (d) the pupil-teacher ratio for the combined online courses of the online course
9084 provider.

9085 (3) The [~~State Board of Education~~] state board shall post a report on the performance
9086 of an online course provider on the Statewide Online Education Program's website.

9087 Section 252. Section 53F-4-512 is amended to read:

9088 **53F-4-512. Dissemination of information on the Statewide Online Education**
9089 **Program.**

9090 (1) The [~~State Board of Education~~] state board shall develop a website for the
9091 Statewide Online Education Program which shall include:

9092 (a) a description of the Statewide Online Education Program, including its purposes;

9093 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
9094 an online course;

9095 (c) a directory of online course providers;

9096 (d) a link to a course catalog for each online course provider; and

9097 (e) a report on the performance of online course providers as required by Section

9098 53F-4-511.

9099 (2) An online course provider shall provide the following information on the online
9100 course provider's website:

9101 (a) a description of the Statewide Online Education Program, including its purposes;

9102 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
9103 an online course;

9104 (c) a course catalog;

9105 (d) scores aggregated by test on statewide assessments administered under Title 53E,
9106 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered
9107 through the Statewide Online Education Program;

9108 (e) the percentage of an online course provider's students who complete online courses
9109 within the applicable time period specified in Subsection 53F-4-505(4)(c);

9110 (f) the percentage of an online course provider's students who complete online courses
9111 after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student
9112 graduates from high school; and

9113 (g) the online learning provider's pupil-teacher ratio for the online courses combined.

9114 Section 253. Section 53F-4-514 is amended to read:

9115 **53F-4-514. State board -- Rulemaking.**

9116 The [~~State Board of Education~~] state board shall make rules in accordance with this part
9117 [~~and Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] that:

9118 (1) establish a course credit acknowledgement form and procedures for completing and
9119 submitting to the [~~State Board of Education~~] state board a course credit acknowledgement; and

9120 (2) establish procedures for the administration of a statewide assessment to a student
9121 enrolled in an online course.

9122 Section 254. Section 53F-4-516 is amended to read:

9123 **53F-4-516. Report of noncompliance -- Action to ensure compliance.**

9124 (1) The state superintendent shall report to the [~~State Board of Education~~] state board
9125 any report of noncompliance of this part made to a member of the staff of the [~~State Board of~~

9126 ~~Education]~~ state board.

9127 (2) The [~~State Board of Education]~~ state board shall take appropriate action to ensure
9128 compliance with this part.

9129 Section 255. Section **53F-5-201** is amended to read:

9130 **53F-5-201. Grants for online delivery of statewide assessments.**

9131 (1) As used in this section:

9132 (a) "Adaptive tests" means tests administered during the school year using an online
9133 adaptive test system.

9134 (b) "Core standards for Utah public schools" means the standards established by the
9135 [~~State Board of Education]~~ state board as described in Section [53E-4-202](#).

9136 (c) "Statewide assessment" means the same as that term is defined in Section
9137 [53E-4-301](#).

9138 (d) "Summative tests" means tests administered near the end of a course to assess
9139 overall achievement of course goals.

9140 (e) "Uniform online summative test system" means a single system for the online
9141 delivery of summative tests required as statewide assessments that:

9142 (i) is coordinated by the [~~State Board of Education]~~ state board;

9143 (ii) ensures the reliability and security of statewide assessments; and

9144 (iii) is selected through collaboration between the [~~State Board of Education]~~ state
9145 board and school district representatives with expertise in technology, assessment, and
9146 administration.

9147 (2) The [~~State Board of Education]~~ state board may award grants to school districts and
9148 charter schools to implement:

9149 (a) a uniform online summative test system to enable school staff and parents of
9150 students to review statewide assessment scores by the end of the school year; or

9151 (b) an online adaptive test system to enable parents of students and school staff to
9152 measure and monitor a student's academic progress during a school year.

9153 (3) (a) Grant money may be used to pay for any of the following, provided it is directly

9154 related to implementing a uniform online summative test system, an online adaptive test
9155 system, or both:

9156 (i) computer equipment and peripherals, including electronic data capture devices
9157 designed for electronic test administration and scoring;

9158 (ii) software;

9159 (iii) networking equipment;

9160 (iv) upgrades of existing equipment or software;

9161 (v) upgrades of existing physical plant facilities;

9162 (vi) personnel to provide technical support or coordination and management; and

9163 (vii) teacher professional development.

9164 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the
9165 online delivery of summative tests or adaptive tests required as statewide assessments, may be
9166 used for other purposes.

9167 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
9168 ~~State Board of Education]~~

9169 (4) The state board shall make rules:

9170 (a) establishing procedures for applying for and awarding grants;

9171 (b) specifying how grant money is allocated among school districts and charter schools;

9172 (c) requiring reporting of grant money expenditures and evidence showing that the
9173 grant money has been used to implement a uniform online summative test system, an online
9174 adaptive test system, or both;

9175 (d) establishing technology standards for an online adaptive testing system;

9176 (e) requiring a school district or charter school that receives a grant under this section
9177 to implement, in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection,
9178 an online adaptive test system by the 2014-15 school year that:

9179 (i) meets the technology standards established under Subsection (4)(d); and

9180 (ii) is aligned with the core standards for Utah public schools;

9181 (f) requiring a school district or charter school to provide matching funds to implement

9182 a uniform online summative test system, an online adaptive test system, or both in an amount
 9183 that is greater than or equal to the amount of a grant received under this section; and

9184 (g) ensuring that student identifiable data is not released to any person, except as
 9185 provided by Title 53E, Chapter 9, Student Privacy and Data Protection, and rules of the [~~State~~
 9186 ~~Board of Education~~] state board adopted under the authority of those parts.

9187 (5) If a school district or charter school uses grant money for purposes other than those
 9188 stated in Subsection (3), the school district or charter school is liable for reimbursing the [~~State~~
 9189 ~~Board of Education~~] state board in the amount of the grant money improperly used.

9190 (6) A school district or charter school may not use federal funds to provide the
 9191 matching funds required to receive a grant under this section.

9192 (7) A school district may not impose a tax rate above the certified tax rate for the
 9193 purpose of generating revenue to provide matching funds for a grant under this section.

9194 Section 256. Section **53F-5-202** is amended to read:

9195 **53F-5-202. National Board certification reimbursement.**

9196 (1) (a) The terms defined in Section **53E-6-102** apply to this section.

9197 (b) As used in this section [~~:(i) "Eligible~~], "eligible educator" means an educator who:

9198 [~~(A)~~] (i) holds a current National Board certification; and

9199 [~~(B)~~] (ii) is employed as an educator by an LEA.

9200 [~~(ii) "Local education agency" or "LEA" means:]~~

9201 [~~(A) a school district;~~]

9202 [~~(B) a charter school; or]~~

9203 [~~(C) the Utah Schools for the Deaf and the Blind.]~~

9204 (2) (a) Subject to legislative appropriations and Subsection (2)(b), the state board shall
 9205 reimburse an eligible educator for the cost to attain or renew a National Board certification.

9206 (b) The state board may only issue a reimbursement under Subsection (2)(a) for a
 9207 certification attained or renewed after July 1, 2016.

9208 (3) The state board shall reimburse an eligible educator under this section on a first
 9209 come, first served basis.

9210 (4) The state board shall make rules~~[, in accordance with Title 63G, Chapter 3, Utah~~
9211 ~~Administrative Rulemaking Act,]~~ specifying procedures and timelines for reimbursing costs
9212 under Subsection (2).

9213 Section 257. Section **53F-5-203** is amended to read:

9214 **53F-5-203. Interventions for Reading Difficulties Pilot Program.**

9215 (1) As used in this section:

9216 [~~(a) "Board" means the State Board of Education.~~]

9217 [~~(b)~~] (a) "Dyslexia" means a specific learning disability that is neurological in origin
9218 and characterized by difficulties with accurate or fluent word recognition and by poor spelling
9219 and decoding abilities that typically result from a deficit in the phonological component of
9220 language that is often unexpected in relation to other cognitive abilities and the provision of
9221 effective classroom instruction.

9222 [~~(c) "Local education agency" or "LEA" means:~~]

9223 [~~(i) a school district;~~]

9224 [~~(ii) a charter school; or~~]

9225 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

9226 [~~(d)~~] (b) "Multi-Tier System of Supports" or "MTSS" means a framework integrating
9227 assessment and intervention that:

9228 (i) provides increasingly intensive interventions for students at risk for or experiencing
9229 reading difficulties, including:

9230 (A) tier II interventions that, in addition to standard classroom reading, provide
9231 supplemental and targeted small group instruction in reading using evidence-based curricula;
9232 and

9233 (B) tier III interventions that address the specific needs of students who are the most at
9234 risk or who have not responded to tier II interventions by providing frequent, intensive, and
9235 targeted small group instruction using evidence-based curricula; and

9236 (ii) is developed to:

9237 (A) maximize student achievement;

- 9238 (B) reduce behavior problems; and
- 9239 (C) increase long-term success.
- 9240 [~~(e)~~] (c) "Program" means the Interventions for Reading Difficulties Pilot Program.
- 9241 [~~(f)~~] (d) "Reading difficulty" means an impairment, including dyslexia, that negatively
- 9242 affects a student's ability to learn to read.
- 9243 (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:
- 9244 (a) specific evidence-based literacy interventions using an MTSS for students in
- 9245 kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including
- 9246 dyslexia; and
- 9247 (b) professional development to educators who provide the literacy interventions
- 9248 described in Subsection (2)(a).
- 9249 (3) (a) An LEA may submit a proposal to the state board to participate in the program.
- 9250 (b) An LEA proposal described in Subsection (3)(a) shall:
- 9251 (i) specify:
- 9252 (A) a range of current benchmark assessment in reading scores described in Section
- 9253 [53E-4-307](#) that the LEA will use to determine whether a student is at risk for a reading
- 9254 difficulty; and
- 9255 (B) other reading difficulty risk factors that the LEA will use to determine whether a
- 9256 student is at risk for a reading difficulty;
- 9257 (ii) describe the LEA's existing reading program;
- 9258 (iii) describe the LEA's MTSS approach; and
- 9259 (iv) include any other information requested by the state board.
- 9260 (c) The state board may:
- 9261 (i) specify the format for an LEA proposal; and
- 9262 (ii) set a deadline for an LEA to submit a proposal.
- 9263 (4) The state board shall:
- 9264 (a) define criteria for selecting an LEA to participate in the program;
- 9265 (b) during fiscal year 2016, select five LEAs to participate in the program:

- 9266 (i) on a competitive basis; and
9267 (ii) using criteria described in Subsection (4)(a); and
9268 (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per
9269 school within the LEA.
- 9270 (5) During fiscal years 2017, 2018, and 2019, if funding allows, the state board may
9271 select additional LEAs to participate in the program.
- 9272 (6) An LEA that participates in the program:
9273 (a) shall, beginning with the 2016-17 school year, provide the interventions described
9274 in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year;
9275 and
9276 (b) may provide the professional development described in Subsections (8)(a) and (b)
9277 beginning in fiscal year 2016.
- 9278 (7) An LEA that participates in the program shall:
9279 (a) select at least one school in the LEA to participate in the program;
9280 (b) identify students in kindergarten through grade 5 for participation in the program
9281 by:
9282 (i) using current benchmark assessment in reading scores as described in Section
9283 [53E-4-307](#); and
9284 (ii) considering other reading difficulty risk factors identified by the LEA;
9285 (c) provide interventions for each student participating in the program using an MTSS
9286 implemented by an educator trained in evidence-based interventions;
9287 (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading
9288 achievement plan described in Section [53E-4-306](#) for each school in the LEA that participates
9289 in the program; and
9290 (e) report annually to the state board on:
9291 (i) individual student outcomes in changes in reading ability;
9292 (ii) school level outcomes; and
9293 (iii) any other information requested by the state board.

9294 (8) Subject to funding for the program, an LEA may use the funds described in
9295 Subsection (4)(c) for the following purposes:

9296 (a) to provide for ongoing professional development in evidence-based literacy
9297 interventions;

9298 (b) to support educators in earning a reading interventionist credential that prepares
9299 teachers to provide a student who is at risk for or experiencing reading difficulty, including
9300 dyslexia, with reading intervention that is:

9301 (i) explicit;

9302 (ii) systematic; and

9303 (iii) targeted to a student's specific reading difficulty; and

9304 (c) to implement the program.

9305 (9) The state board shall contract with an independent evaluator to evaluate the
9306 program on:

9307 (a) whether the program improves reading outcomes for a student who receives the
9308 interventions described in Subsection (7)(c);

9309 (b) whether the program may reduce future special education costs; and

9310 (c) any other student or school achievement outcomes requested by the state board.

9311 (10) (a) The state board shall make a final report on the program to the Education
9312 Interim Committee on or before November 1, 2018.

9313 (b) In the final report described in Subsection (10)(a), the state board shall include the
9314 results of the evaluation described in Subsection (9).

9315 Section 258. Section **53F-5-204** is amended to read:

9316 **53F-5-204. Initiative to strengthen college and career readiness.**

9317 (1) As used in this section:

9318 (a) "College and career counseling" means:

9319 (i) nurturing college and career aspirations;

9320 (ii) assisting students in planning an academic program that connects to college and
9321 career goals;

9322 (iii) providing early and ongoing exposure to information necessary to make informed
9323 decisions when selecting a college and career;

9324 (iv) promoting participation in college and career assessments;

9325 (v) providing financial aid information; and

9326 (vi) increasing understanding about college admission processes.

9327 (b) "LEA" or "local education agency" means a school district or charter school.

9328 (2) There is created the Strengthening College and Career Readiness Program, a grant
9329 program for LEAs, to improve students' college and career readiness through enhancing the
9330 skill level of school counselors to provide college and career counseling.

9331 (3) The [~~State Board of Education~~] state board shall:

9332 (a) on or before August 1, 2015, collaborate with the State Board of Regents, and
9333 business, community, and education stakeholders to develop a certificate for school counselors
9334 that:

9335 (i) certifies that a school counselor is highly skilled at providing college and career
9336 counseling; and

9337 (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as
9338 defined in rules established by the [~~State Board of Education~~] state board;

9339 (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis,
9340 for payment of course fees for courses required to earn the certificate developed by the [~~State
9341 Board of Education~~] state board under Subsection (3)(a); and

9342 (c) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]
9343 make rules specifying:

9344 (i) procedures for applying for and awarding grants under this section;

9345 (ii) criteria for awarding grants; and

9346 (iii) reporting requirements for grantees.

9347 (4) An LEA that receives a grant under this section shall use the grant for payment of
9348 course fees for courses required to attain the certificate as determined by the [~~State Board of
9349 Education~~] state board under Subsection (3)(a).

9350 (5) The [~~State Board of Education~~] state board shall report to the Education Interim
9351 Committee on the status of the Strengthening College and Career Readiness Program on or
9352 before:

9353 (a) November 1, 2016; and

9354 (b) November 1, 2017.

9355 Section 259. Section **53F-5-205** is amended to read:

9356 **53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math**
9357 **teacher training programs.**

9358 (1) (a) The terms defined in Section **53E-6-102** apply to this section.

9359 (b) As used in this section, "paraeducator" means a school employee who:

9360 (i) delivers instruction under the direct supervision of a teacher; and

9361 (ii) works in an area where there is a shortage of qualified teachers, such as special
9362 education, Title I, ESL, reading remediation, math, or science.

9363 (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships
9364 to paraeducators for education and training to become licensed teachers.

9365 (3) The [~~State Board of Education~~] state board shall use money appropriated for the
9366 Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to
9367 paraeducators employed by school districts and charter schools who are pursuing an associate's
9368 degree or bachelor's degree program to become a licensed teacher.

9369 (4) A paraeducator is eligible to receive a scholarship if:

9370 (a) the paraeducator is employed by a school district or charter school;

9371 (b) is admitted to, or has made an application to, an associate's degree program or
9372 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

9373 (c) the principal at the school where the paraeducator is employed has nominated the
9374 paraeducator for a scholarship.

9375 (5) (a) The [~~State Board of Education~~] state board shall establish a committee to select
9376 scholarship recipients from nominations submitted by school principals.

9377 (b) The committee shall include representatives of the [~~State Board of Education~~] state

9378 board, State Board of Regents, and the general public, excluding school district and charter
9379 school employees.

9380 (c) A member may not receive compensation or benefits for the member's service, but
9381 may receive per diem and travel expenses in accordance with:

9382 (i) Section 63A-3-106;

9383 (ii) Section 63A-3-107; and

9384 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9385 63A-3-107.

9386 (d) The committee shall select scholarship recipients based on the following criteria:

9387 (i) test scores, grades, or other evidence demonstrating the applicant's ability to
9388 successfully complete a teacher education program; and

9389 (ii) the applicant's record of success as a paraeducator.

9390 (6) The maximum scholarship amount is \$5,000.

9391 (7) Scholarship money may only be used to pay for tuition costs:

9392 (a) of:

9393 (i) an associate's degree program that fulfills credit requirements for the first two years
9394 of a bachelor's degree program leading to teacher licensure; or

9395 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and

9396 (b) at a higher education institution:

9397 (i) located in Utah; and

9398 (ii) accredited by the Northwest Commission on Colleges and Universities.

9399 (8) A scholarship recipient must be continuously employed as a paraeducator by a
9400 school district or charter school while pursuing a degree using scholarship money.

9401 (9) The [~~State Board of Education~~] state board shall make rules in accordance with this
9402 section [~~and Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] to administer the
9403 Paraeducator to Teacher Scholarship Program, including rules establishing:

9404 (a) scholarship application procedures;

9405 (b) the number of, and qualifications for, committee members who select scholarship

9406 recipients; and

9407 (c) procedures for distributing scholarship money.

9408 (10) If the state obtains matching funds of equal sums from private contributors, the

9409 state board may award grants to institutions of higher education or nonprofit educational

9410 organizations for programs that provide:

9411 (a) mentoring and training leading to a secondary education license with a certificate in

9412 mathematics for an individual who:

9413 (i) is not a teacher in a public or private school;

9414 (ii) does not have a teaching license;

9415 (iii) has a bachelor's degree or higher; and

9416 (iv) demonstrates a high level of mathematics competency by:

9417 (A) successfully completing substantial course work in mathematics; and

9418 (B) passing a mathematics content exam; or

9419 (b) a stipend, professional development, and leadership opportunities to an experienced

9420 mathematics teacher who demonstrates high content knowledge and exemplary teaching and

9421 leadership skills to assist the teacher in becoming a teacher leader.

9422 (11) (a) The state board shall make rules [~~in accordance with Title 63G, Chapter 3,~~

9423 ~~Utah Administrative Rulemaking Act,~~] that establish criteria for awarding grants under this

9424 section.

9425 (b) In awarding grants, the state board shall consider the amount or percent of matching

9426 funds provided by the grant recipient.

9427 Section 260. Section **53F-5-207** is amended to read:

9428 **53F-5-207. Intergenerational Poverty Interventions Grant Program --**

9429 **Definitions -- Grant requirements -- Reporting requirements.**

9430 (1) As used in this section:

9431 [~~(a) "Board" means the State Board of Education.~~]

9432 [~~(b)~~] (a) "Eligible student" means a student who is classified as a child affected by

9433 intergenerational poverty.

9434 ~~(e)~~ (b) "Intergenerational poverty" has the same meaning as in Section 35A-9-102.

9435 (c) "LEA governing board" means a local school board or a charter school governing
9436 board.

9437 (d) "Local [~~Education Agency~~] education agency" or "LEA" means a school district or
9438 charter school.

9439 (e) "Program" means the Intergenerational Poverty Interventions Grant Program
9440 created in Subsection (2).

9441 (2) The Intergenerational Poverty Interventions Grant Program is created to provide
9442 grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for
9443 eligible students, outside of the regular school day offerings.

9444 (3) Subject to future budget constraints, the state board shall distribute to LEAs money
9445 appropriated for the program in accordance with this section.

9446 (4) The state board shall:

9447 (a) solicit proposals from [~~local education~~] LEA governing boards to receive money
9448 under the program; and

9449 (b) award grants to [~~a local education~~] an LEA governing board on behalf of an LEA
9450 based on criteria described in Subsection (5).

9451 (5) In awarding a grant under Subsection (4), the state board shall consider:

9452 (a) the percentage of an LEA's students that are classified as children affected by
9453 intergenerational poverty;

9454 (b) the level of administrative support and leadership at an eligible LEA to effectively
9455 implement, monitor, and evaluate the program; and

9456 (c) an LEA's commitment and ability to work with the Department of Workforce
9457 Services, the Department of Health, the Department of Human Services, and the juvenile courts
9458 to provide services to the LEA's eligible students.

9459 (6) To receive a grant under the program on behalf of an LEA, [~~a local education~~] an
9460 LEA governing board shall submit a proposal to the state board detailing:

9461 (a) the LEA's strategy to implement the program, including the LEA's strategy to

- 9462 improve the academic achievement of children affected by intergenerational poverty;
- 9463 (b) the LEA's strategy for coordinating with and engaging the Department of
- 9464 Workforce Services to provide services for the LEA's eligible students;
- 9465 (c) the number of students the LEA plans to serve, categorized by age and
- 9466 intergenerational poverty status;
- 9467 (d) the number of students, eligible students, and schools the LEA plans to fund with
- 9468 the grant money; and
- 9469 (e) the estimated cost per student.
- 9470 (7) (a) The state board shall annually report to the Utah Intergenerational Welfare
- 9471 Reform Commission, created in Section 35A-9-301, by November 30 of each year, on:
- 9472 (i) the progress of LEA programs using grant money;
- 9473 (ii) the progress of LEA programs in improving the academic achievement of children
- 9474 affected by intergenerational poverty; and
- 9475 (iii) the LEA's coordination efforts with the Department of Workforce Services, the
- 9476 Department of Health, the Department of Human Services, and the juvenile courts.
- 9477 (b) The state board shall provide the report described in Subsection (7)(a) to the
- 9478 Education Interim Committee upon request.
- 9479 (c) An LEA that receives grant money pursuant to this section shall provide to the state
- 9480 board information that is necessary for the state board's report described in Subsection (7)(a).
- 9481 Section 261. Section 53F-5-208 is amended to read:
- 9482 **53F-5-208. Reading Performance Improvement Scholarship Program.**
- 9483 (1) There is established a Reading Performance Improvement Scholarship Program to
- 9484 assist selected elementary teachers in obtaining a reading endorsement so that they may help
- 9485 improve the reading performance of students in their classes.
- 9486 (2) The [~~State Board of Education~~] state board shall award scholarships of up to \$500
- 9487 to each recipient under the program.
- 9488 (3) The state board shall give weighted consideration to scholarship applicants who:
- 9489 (a) teach in grades kindergarten through [~~three~~] 3;

9490 (b) are designated by their schools as, or are seeking the designation of, reading
9491 specialist; and

9492 (c) teach in a rural area of the state.

9493 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9494 ~~the]~~

9495 (4) The state board shall provide by rule for:

9496 (a) the application procedure for the scholarship; and

9497 (b) what constitutes a reading specialist at the elementary school level.

9498 Section 262. Section **53F-5-209** is amended to read:

9499 **53F-5-209. Grants for school-based mental health supports.**

9500 (1) As used in this section:

9501 [~~(a) "Board" means the State Board of Education.]~~

9502 [~~(b)~~ (a) "Elementary school" means a school that includes any one or all of grades
9503 kindergarten through grade 6.

9504 [~~(c)~~ (b) "Intergenerational poverty" means the same as that term is defined in Section
9505 [35A-9-102](#).

9506 [~~(d) "Local education agency" or "LEA" means a school district, charter school, or
9507 Utah Schools for the Deaf and the Blind.]~~

9508 [~~(e)~~ (c) "Qualifying personnel" means a school counselor or school social worker who:

9509 (i) is licensed by the state board; and

9510 (ii) collaborates with educators and a student's family or guardian on:

9511 (A) early identification and intervention of a student's academic and mental health
9512 needs; and

9513 (B) removing barriers to learning and developing skills and behaviors critical for a
9514 student's academic achievement.

9515 (2) Subject to legislative appropriations and Subsection (3), the state board shall award
9516 a grant to an LEA to provide targeted school-based mental health support in an elementary
9517 school, including trauma-informed care, through employment of qualifying personnel.

- 9518 (3) In awarding a grant under this section, the state board shall give:
- 9519 (a) first priority to an LEA that proposes to target funds to one or more elementary
- 9520 schools with a high percentage of students exhibiting risk factors for childhood trauma; and
- 9521 (b) second priority to an LEA that proposes to target funds to one or more elementary
- 9522 schools with a high percentage of students experiencing intergenerational poverty.
- 9523 (4) To qualify for a grant, an LEA shall:
- 9524 (a) submit an application to the state board that includes:
- 9525 (i) measurable goals on improving student safety, student engagement, school culture,
- 9526 and academic achievement; and
- 9527 (ii) how the LEA intends to meet goals submitted under Subsection (4)(a)(i) through
- 9528 the use of the grant funds; and
- 9529 (b) provide local funds to match grant funds received under this section in an amount
- 9530 equal to one-half of the amount of the grant funds.
- 9531 (5) An LEA may not replace federal, state, or local funds previously allocated to
- 9532 employ qualified personnel with funds distributed under this section.
- 9533 [~~(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
- 9534 ~~the]~~
- 9535 (6) The state board shall make rules specifying:
- 9536 (a) procedures for applying for and awarding grants under this section, including:
- 9537 (i) a definition of risk factors for childhood trauma;
- 9538 (ii) the duration of a grant; and
- 9539 (iii) a schedule for submission of matching grant funds; and
- 9540 (b) annual reporting requirements for grantees in accordance with Subsection (7).
- 9541 (7) An LEA that receives a grant under this section shall submit an annual report to the
- 9542 state board, including:
- 9543 (a) progress toward achieving the goals submitted under Subsection (4)(a)(i); and
- 9544 (b) if the LEA decides to discontinue the qualifying personnel position, the LEA's
- 9545 reason for discontinuing the position.

9546 (8) Beginning on or before July 1, 2019, the state board shall provide training that
9547 instructs educators on the impact of trauma on student learning, including information advising
9548 educators against practicing medicine, giving a diagnosis, or providing treatment.

9549 Section 263. Section **53F-5-210** is amended to read:

9550 **53F-5-210. Educational Improvement Opportunities Outside of the Regular**
9551 **School Day Grant Program.**

9552 (1) As used in this section:

9553 (a) "Applicant" means an LEA, private provider, nonprofit provider, or municipality
9554 that provides an existing program and applies for a grant under the provisions of this section.

9555 [~~(b)~~] "Board" means the State Board of Education.]

9556 [~~(c)~~] (b) "Existing program" means a currently funded and operating program, as
9557 described in Subsections **53E-3-508**(1)(a) and (b).

9558 [~~(d)~~] (c) "Grant program" means the Educational Improvement Opportunities Outside
9559 of the Regular School Day Grant Program created in Subsection (2).

9560 [~~(e)~~] (d) "Grantor" means:

9561 (i) for an LEA that receives a grant under this section, the state board; or

9562 (ii) for a private provider, nonprofit provider, or municipality that receives a grant
9563 under this section, the Department of Workforce Services.

9564 [~~(f)~~] (e) "Local education agency" or "LEA" means a school district or charter school.

9565 (2) There is created the Educational Improvement Opportunities Outside of the Regular
9566 School Day Grant Program to provide grant funds for an existing program to improve and
9567 develop the existing program in accordance with the high quality standards described in
9568 Section **53E-3-508**.

9569 (3) Subject to legislative appropriation and in accordance with Subsection (7):

9570 (a) the state board shall:

9571 (i) solicit LEA applications to receive a grant under this section; and

9572 (ii) award a grant based on the criteria described in Subsection (5); and

9573 (b) the Department of Workforce Services shall:

9574 (i) solicit private provider, nonprofit provider, or municipality applications to receive a
9575 grant under this section; and

9576 (ii) award a grant based on the criteria described in Subsection (5).

9577 (4) To receive a grant under this section, an applicant shall submit a proposal to the
9578 grantor describing:

9579 (a) how the applicant proposes to develop and improve the existing program to meet
9580 the standards described in Section 53E-3-508;

9581 (b) information necessary for the state board to determine the impact of the applicant's
9582 program on the academic performance of participating students;

9583 (c) the total number of students the applicant proposes to serve through the existing
9584 program;

9585 (d) the estimated percentage of the students described in Subsection (4)(c) who qualify
9586 for free or reduced lunch; and

9587 (e) the estimated cost of the applicant's existing program, per student.

9588 (5) In awarding a grant under Subsection (3), the grantor shall consider:

9589 (a) how an applicant's existing program proposes to meet the standards described in
9590 Section 53E-3-508; and

9591 (b) the percentage of students in that program who qualify for free and reduced lunch.

9592 (6) An applicant that receives a grant under this section shall:

9593 (a) use the grant to improve an existing program in accordance with the standards
9594 described in Section 53E-3-508; and

9595 (b) annually report to the grantor:

9596 (i) the number of students served by the existing program;

9597 (ii) the academic outcomes that the program is expected to have on participating
9598 students;

9599 (iii) program attendance rates of participating students; and

9600 (iv) other information required by the grantor.

9601 (7) (a) To receive a distribution of grant money under this section, an applicant shall

9602 identify and certify the availability of private matching funds in the amount of the grant to be
9603 distributed to the applicant.

9604 (b) Neither the state board nor the Department of Workforce Services shall be expected
9605 to seek private matching funds for this grant program.

9606 [~~(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9607 ~~the]~~

9608 (8) The state board shall make rules to administer this section that include:

9609 (a) specific criteria to determine academic performance;

9610 (b) application and reporting procedures; and

9611 (c) criteria for an existing program to qualify for a grant under this section.

9612 [~~(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9613 ~~the]~~

9614 (9) The Department of Workforce Services shall make rules to administer the grant
9615 program as described in Subsection (3)(b).

9616 (10) In accordance with 34 C.F.R. Sec. 99.35, the state board shall designate the
9617 Department of Workforce Services as an authorized representative for the purpose of sharing
9618 student data and evaluating and reporting the impact and effectiveness of the grant program.

9619 (11) The state board and the Department of Workforce Services may utilize up to 10%
9620 of the funds appropriated for administrative costs associated with the grant program and the
9621 report described in Subsection (12).

9622 (12) The state board shall report to the Education Interim Committee before November
9623 30, 2019, regarding:

9624 (a) the grant program's effect on the quality of existing programs that participate in the
9625 grant program; and

9626 (b) the impact of the existing programs on the academic performance of participating
9627 students.

9628 Section 264. Section **53F-5-211** is amended to read:

9629 **53F-5-211. Rural school transportation reimbursement.**

- 9630 (1) As used in this section:
- 9631 (a) "Eligible school" means a district school or a charter school:
- 9632 (i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section
- 9633 17-50-501;
- 9634 (ii) in which at least 65% of the students enrolled in the school qualify for free or
- 9635 reduced price lunch; and
- 9636 (iii) that has provided transportation to and from the school for a regular school day for
- 9637 students for at least five years.
- 9638 (b) [~~Local~~] "LEA governing board" means:
- 9639 (i) for a school district, the local school board; or
- 9640 (ii) for a charter school, the charter school governing board.
- 9641 (2) [~~A local~~] An LEA governing board may annually submit a request to the [~~State~~
- 9642 ~~Board of Education~~] state board to receive reimbursement for an expense that:
- 9643 (a) the [~~local~~] LEA governing board incurs transporting a student to or from an eligible
- 9644 school for the regular school day; and
- 9645 (b) the [~~local~~] LEA governing board does not pay using state funding for pupil
- 9646 transportation described in Section 53F-2-402 or 53F-2-403.
- 9647 (3) (a) Subject to legislative appropriations, and except as provided in Subsection
- 9648 (3)(b), the [~~State Board of Education~~] state board shall reimburse a local school board for an
- 9649 expense included in a request described in Subsection (2).
- 9650 (b) If the legislative appropriation for this section is insufficient to fund an expense in a
- 9651 request received under Subsection (2), the [~~State Board of Education~~] state board may reduce a
- 9652 local school board's reimbursement in accordance with the rules described in Subsection (4).
- 9653 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
- 9654 ~~the State Board of Education]~~
- 9655 (4) The state board shall make rules that establish:
- 9656 (a) requirements for information a local school board shall include in a reimbursement
- 9657 request described in Subsection (2);

9658 (b) a deadline by which a local school board shall submit a request described in
9659 Subsection (2); and

9660 (c) a formula for reducing a local school board's allocation under Subsection (3).

9661 (5) Nothing in this section affects a school district's allocation for pupil transportation
9662 under Sections [53F-2-402](#) and [53F-2-403](#).

9663 Section 265. Section **53F-5-301** is amended to read:

9664 **53F-5-301. Definitions.**

9665 As used in this part:

9666 [~~(1) "Board" means the State Board of Education.~~]

9667 [~~(2)~~] (1) "Child Development Associate Credential" means a credential in early
9668 childhood education that is:

9669 (a) based on a core set of competency standards; and

9670 (b) nationally recognized.

9671 [~~(3)~~] (2) "Department" means the Department of Workforce Services.

9672 [~~(4)~~] (3) "Economically disadvantaged child" means a child who:

9673 (a) is in a family that is eligible for assistance through TANF; or

9674 (b) is eligible for free or reduced lunch.

9675 [~~(5)~~] (4) "Eligible home-based technology provider" means a provider that offers a
9676 home-based educational technology program to develop the school readiness skills of an
9677 eligible student.

9678 [~~(6)~~] (5) "Eligible private provider" means the same as that term is defined in Section
9679 [53F-6-301](#).

9680 [~~(7)~~] (6) "Eligible student" means an individual who:

9681 (a) will be four years of age on or before September 2 of the school year in which the
9682 individual intends to participate in a school readiness program;

9683 (b) has not entered kindergarten; and

9684 (c) (i) is experiencing intergenerational poverty, as determined by the department; or

9685 (ii) (A) is an economically disadvantaged child; and

9686 (B) is at risk for not meeting grade 3 core standards for Utah public schools,
9687 established by the [~~State Board of Education~~] state board under Section 53E-4-202, by the end
9688 of the individual's grade 3 year, as determined by an assessment.

9689 [~~(8)~~] (7) "High quality school readiness program" means a school readiness program
9690 that:

9691 (a) is provided by an LEA, eligible private provider, or eligible home-based technology
9692 provider; and

9693 (b) meets the elements of a high quality school readiness program described in Section
9694 53F-6-304 as determined by the state board or the department under Section 53F-5-303,
9695 53F-5-304, or 53F-5-305.

9696 [~~(9)~~] (8) "Intergenerational poverty" means the same as that term is defined in Section
9697 35A-9-102.

9698 [~~(10)~~] (9) "Intergenerational poverty scholarship" or "IGP scholarship" means a
9699 scholarship to attend a high quality school readiness program for an eligible student who is
9700 experiencing intergenerational poverty.

9701 [~~(H)~~] (10) "Local education agency" or "LEA" means a:

9702 (a) school district; or

9703 (b) charter school.

9704 [~~(12)~~] (11) "TANF" means Temporary Assistance for Needy Families, described in 42
9705 U.S.C. Sec. 601 et seq.

9706 Section 266. Section 53F-5-302 is amended to read:

9707 **53F-5-302. Administration of programs.**

9708 (1) The [~~State Board of Education~~] state board, in collaboration with the department,
9709 shall:

9710 (a) administer the grant program described in Section 53F-5-303 for LEAs;

9711 (b) administer the grant program for eligible home-based technology providers
9712 described in Section 53F-5-304; and

9713 (c) oversee the evaluation described in Section 53F-5-307.

- 9714 (2) The department, in collaboration with the state board, shall administer:
9715 (a) the grant program described in Section 53F-5-303 for eligible private providers;
9716 (b) the Intergenerational Poverty School Readiness Scholarship Program described in
9717 Section 53F-5-305; and
9718 (c) early childhood teacher training described in Section 53F-5-306.

9719 Section 267. Section 53F-5-303 is amended to read:

9720 **53F-5-303. Student Access to High Quality School Readiness Programs Grant**
9721 **Program -- Determination of high quality school readiness program-- Reporting**
9722 **requirement -- Fees.**

9723 (1) There is created the Student Access to High Quality School Readiness Programs
9724 Grant Program to expand access to high quality school readiness programs for eligible students
9725 through:

- 9726 (a) grants for LEAs administered by the state board; and
9727 (b) grants for eligible private providers administered by the department.

9728 (2) The state board, in coordination with the department, shall develop a tool to
9729 determine whether a school readiness program is a high quality school readiness program.

9730 (3) (a) The state board shall solicit proposals from LEAs to fund increases in the
9731 number of eligible students high quality school readiness programs can serve.

9732 (b) The department shall solicit proposals from eligible private providers to fund
9733 increases in the number of eligible students high quality school readiness programs can serve.

9734 (4) (a) Except as provided in Subsection (4)(c), a respondent shall submit a proposal
9735 that includes the information described in Subsection (4)(b):

- 9736 (i) to the state board, for a respondent that is an LEA; or
9737 (ii) to the department, for a respondent that is an eligible private provider.

9738 (b) A respondent's proposal for the grant solicitation described in Subsection (3) shall
9739 include:

- 9740 (i) the respondent's existing and proposed school readiness program, including:
9741 (A) the number of students served by the respondent's school readiness program;

9742 (B) the respondent's policies and procedures for admitting students into the school
9743 readiness program;

9744 (C) the estimated cost per student; and

9745 (D) any fees the respondent charges to a parent [~~or legal guardian~~] for the school
9746 readiness program;

9747 (ii) the respondent's plan to use funding sources, in addition to a grant described in this
9748 section, including:

9749 (A) federal funding; or

9750 (B) private grants or donations;

9751 (iii) existing or planned partnerships between the respondent and an LEA, eligible
9752 private provider, or eligible home-based technology provider to increase access to high quality
9753 school readiness programs for eligible students;

9754 (iv) how the respondent would use a grant to:

9755 (A) expand the number of eligible students served by the respondent's school readiness
9756 program; and

9757 (B) target the funding toward the highest risk students, including addressing the
9758 particular needs of children at risk of experiencing intergenerational poverty;

9759 (v) how the respondent's school readiness program is a high quality school readiness
9760 program; and

9761 (vi) the results of any evaluations of the respondent's school readiness program.

9762 (c) In addition to the requirements described in Subsection (4)(b), a respondent that is
9763 an LEA shall describe in the respondent's proposal the percentage of the respondent's
9764 kindergarten through grade 12 students who are economically disadvantaged children.

9765 (5) (a) For each LEA proposal received in response to the solicitation described in
9766 Subsection (3)(a), the state board shall determine if the LEA school readiness program is a high
9767 quality school readiness program by:

9768 (i) applying the tool described in Subsection (2); and

9769 (ii) conducting at least one site visit to the program.

9770 (b) For each eligible private provider proposal received in response to the solicitation
9771 described in Subsection (3)(b), the department shall determine if the school readiness program
9772 is a high quality school readiness program by:

9773 (i) applying the tool described in Subsection (2); and

9774 (ii) conducting at least one site visit to the program.

9775 (6) (a) Subject to legislative appropriations and Subsection (6)(b), the state board shall
9776 award grants, on a competitive basis, to respondents that are LEAs.

9777 (b) The state board may only award a grant to an LEA if:

9778 (i) the LEA submits a proposal that includes the information required under Subsection
9779 (4);

9780 (ii) the state board determines that the LEA's program is a high quality school readiness
9781 program as described in Subsection (5); and

9782 (iii) the LEA agrees to the evaluation requirements described in Section [53F-5-307](#).

9783 (7) (a) Subject to legislative appropriations and Subsection (7)(b), the department shall
9784 award grants, on a competitive basis, to respondents that are eligible private providers.

9785 (b) The department may only award a grant to a respondent if:

9786 (i) the respondent submits a proposal that includes the information required under
9787 Subsection (4);

9788 (ii) the department determines that the respondent's school readiness program is a high
9789 quality school readiness program as described in Subsection (5); and

9790 (iii) the respondent agrees to the evaluation requirements described in Section
9791 [53F-5-307](#).

9792 (8) In evaluating a proposal received in response to the solicitation described in
9793 Subsection (3), the state board and the department shall consider:

9794 (a) the number and percent of students in the respondent's high quality school readiness
9795 program that are eligible students at the highest risk;

9796 (b) geographic diversity, including whether the respondent is urban or rural;

9797 (c) the extent to which the respondent intends to participate in a partnership with an

9798 LEA, eligible private provider, or eligible home-based technology provider; and

9799 (d) the respondent's level of administrative support and leadership to effectively
9800 implement, monitor, and evaluate the program.

9801 (9) (a) The state board shall ensure that an LEA that receives a grant under this section
9802 funded by TANF funds uses the grant to provide a high quality school readiness program for
9803 eligible students who are eligible to receive assistance through TANF.

9804 (b) The department shall ensure that a private provider that receives a grant under this
9805 section funded by TANF funds uses the grant to provide a high quality school readiness
9806 program for eligible students who are eligible to receive assistance through TANF.

9807 (10) A respondent that receives a grant under this section shall:

9808 (a) use the grant to expand access for eligible students to high quality school readiness
9809 programs by enrolling eligible students in a high quality school readiness program;

9810 (b) report to the state board annually regarding:

9811 (i) how the respondent used the grant awarded under Subsection (6) or (7);

9812 (ii) participation in any partnerships between an LEA, eligible private provider, or
9813 eligible home-based technology provider; and

9814 (iii) the results of any evaluations;

9815 (c) allow classroom or other visits by an independent evaluator selected by the state
9816 board under Section [53F-5-307](#); and

9817 (d) for a respondent that is an LEA, notify a parent [~~or legal guardian~~] who expresses
9818 interest in enrolling the [~~parent or legal guardian's~~] parent's child in the LEA's high quality
9819 school readiness program of each state-funded high quality school readiness program operating
9820 within the LEA's geographic boundaries.

9821 (11) An LEA that receives a grant under this section may charge a student fee to
9822 participate in an LEA's school readiness program if:

9823 (a) the LEA's local school board or charter school governing board approves the fee;

9824 (b) the fee for a student does not exceed the actual cost of providing the high quality
9825 school readiness program to the student; and

9826 (c) the fee structure for the program is designed on a sliding scale, based on household
9827 income.

9828 (12) (a) The state board shall establish interventions for a grantee that is an LEA that
9829 fails to comply with the requirements described in this section.

9830 (b) The department shall establish interventions for a grantee that is an eligible private
9831 provider that fails to comply with the requirements described in this section.

9832 (c) An intervention under this Subsection (12) may include discontinuing or reducing
9833 funding.

9834 (13) Subject to legislative appropriations, the state board and the department shall give
9835 first priority in awarding grants to a respondent that has previously received a grant under this
9836 section if the respondent:

9837 (a) makes the annual report described in Subsection [~~(9)~~] (10)(b);

9838 (b) participates in the annual evaluation described in Section 53F-5-307; and

9839 (c) continues to offer a high quality school readiness program as determined during an
9840 annual site visit by:

9841 (i) the state board, for an LEA; or

9842 (ii) the department, for an eligible private provider.

9843 [~~(14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:~~

9844 ~~(a) the]~~

9845 (14) (a) The state board shall make rules to:

9846 (i) implement the tool described in Subsection (2); and

9847 (ii) administer the grant program for LEAs described in this section[~~; and~~].

9848 (b) [~~the~~] The department shall make rules to administer the grant program for eligible
9849 private providers described in this section.

9850 Section 268. Section 53F-5-304 is amended to read:

9851 **53F-5-304. Home-based technology high quality school readiness program.**

9852 (1) (a) The state board shall offer a home-based technology high quality school
9853 readiness program to eligible students by awarding contracts to one or more home-based

9854 technology providers, as described in this section.

9855 (b) The state board shall solicit proposals from eligible home-based technology
9856 providers to provide high quality school readiness programs for eligible students to participate
9857 in:

9858 (i) at home;

9859 (ii) as part of a school readiness program offered by an LEA or private provider; or

9860 (iii) in any other setting where Internet access is available, such as a library.

9861 (c) The home-based technology high quality school readiness program described in this
9862 section is established in the public education system.

9863 (2) An eligible home-based technology provider that responds to the solicitation
9864 described in Subsection (1) shall submit a proposal describing:

9865 (a) how the home-based technology provider's school readiness program meets the
9866 elements of a high quality school readiness program described in [~~Subsection~~] Section
9867 53F-6-304~~[(2)]~~;

9868 (b) how the home-based technology provider intends to target the home-based
9869 technology provider's school readiness program to eligible students who are at the highest risk,
9870 as determined by the state board;

9871 (c) the cost of the program per student;

9872 (d) the cost of a statewide license;

9873 (e) existing or planned partnerships between the home-based technology provider and
9874 an LEA or eligible private provider; and

9875 (f) the results of all evaluations of the home-based technology provider's school
9876 readiness program.

9877 (3) For each proposal received under Subsection (2), the state board shall:

9878 (a) determine if the program is a high quality school readiness program using the tool
9879 described in Subsection 53F-5-303(2); and

9880 (b) receive a demonstration of the home-based technology.

9881 (4) (a) Subject to legislative appropriations, and in accordance with Title 63G, Chapter

9882 6a, Utah Procurement Code, the state board shall award contracts to one or more home-based
9883 technology providers to provide home-based school readiness programs.

9884 (b) The state board may only award a contract to a home-based technology provider if
9885 the home-based technology provider:

9886 (i) submits a proposal that includes the information described in Subsection (2);

9887 (ii) offers a high quality school readiness program; and

9888 (iii) agrees to the evaluation requirements described in Section [53F-5-307](#).

9889 (5) In evaluating a proposal received under Subsection (2), the state board shall
9890 consider:

9891 (a) the number and percent of eligible students that the respondent intends to serve;

9892 (b) the extent to which the respondent intends to participate in a partnership with an
9893 LEA or eligible private provider;

9894 (c) the extent to which the respondent is able to reach students who do not have access
9895 to other high quality school readiness programs; and

9896 (d) the cost per student.

9897 (6) A home-based technology provider that receives a contract under this section:

9898 (a) shall use the funding to provide a high quality school readiness program to eligible
9899 students; and

9900 (b) may use the funding for the installation of computer or Internet access in homes of
9901 eligible students whose families cannot afford the equipment or services.

9902 (7) The state board shall ensure that a home-based technology provider that receives a
9903 grant under this section funded by TANF funds uses the grant to provide a home-based high
9904 quality school readiness program to eligible students who are eligible to receive TANF funded
9905 assistance.

9906 [~~(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9907 ~~the]~~

9908 (8) The state board shall make rules to implement this section.

9909 Section 269. Section **53F-5-305** is amended to read:

9910 **53F-5-305. Intergenerational Poverty School Readiness Scholarship Program.**

9911 (1) There is created the Intergenerational Poverty School Readiness Scholarship
9912 Program to provide an eligible student experiencing intergenerational poverty access to a high
9913 quality school readiness program.

9914 (2) The department shall, in accordance with Section 35A-9-401:

9915 (a) determine if an individual is eligible for an IGP scholarship; and

9916 (b) award an IGP scholarship.

9917 (3) (a) (i) An LEA or home-based technology provider may apply to the state board to
9918 receive a designation as a high quality school readiness program.

9919 (ii) The state board shall determine if an LEA or home-based technology provider
9920 offers a high quality school readiness program using the tool described in Subsection
9921 53F-5-303(2).

9922 (b) (i) An eligible private provider may apply to the department to receive a
9923 designation as a high quality school readiness program.

9924 (ii) The department shall determine if an eligible private provider offers a high quality
9925 school readiness program using the tool described in Subsection 53F-5-303(2).

9926 (4) (a) The department and the state board shall coordinate to assist a parent [~~or legal~~
9927 ~~guardian~~] of a recipient of an IGP scholarship to enroll the IGP scholarship recipient in a high
9928 quality school readiness program:

9929 (i) offered by an LEA, eligible private provider, or eligible home-based technology
9930 provider; and

9931 (ii) of the [~~parent or legal guardian's~~] parent's choice.

9932 (b) The department shall pay the scholarship amount directly to a high quality school
9933 readiness program in which an IGP scholarship recipient enrolls.

9934 (5) (a) Except as provided in Subsection (5)(b), the department may not provide an
9935 individual's IGP scholarship to an LEA, eligible private provider, or eligible home-based
9936 technology provider unless the LEA, eligible private provider, or eligible home-based
9937 technology provider offers a high quality school readiness program, as determined by the state

9938 board or the department under Subsection (3).

9939 (b) An LEA, eligible private provider, or eligible home-based technology provider that
9940 receives a determination as a high quality school readiness program under Section 53F-5-303
9941 or 53F-5-305 may enroll an IGP scholarship recipient.

9942 Section 270. Section 53F-5-307 is amended to read:

9943 **53F-5-307. Evaluation -- Reporting requirements.**

9944 (1) In accordance with this section, the state board, in coordination with the
9945 department, shall oversee the ongoing review and evaluation by an independent evaluator for
9946 each school year of:

9947 (a) the Student Access to High Quality School Readiness Programs Grant Program
9948 described in Section 53F-5-303;

9949 (b) the home-based technology high quality school readiness program described in
9950 Section 53F-5-304;

9951 (c) the Intergenerational Poverty School Readiness Scholarship Program described in
9952 Section 53F-5-305; and

9953 (d) early childhood teacher training described in Section 53F-5-306.

9954 (2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
9955 board shall enter into a contract with an independent evaluator to assist the state board in the
9956 evaluation process.

9957 (b) In selecting an independent evaluator, the state board shall select an evaluator that:

9958 (i) has the capacity to meet the requirements described in Subsection (3);

9959 (ii) has a background in designing and conducting rigorous evaluations;

9960 (iii) has a demonstrated ability to monitor and evaluate a program over an extended
9961 period of time;

9962 (iv) is independent from agencies or providers implementing high quality school
9963 readiness programs funded under this part; and

9964 (v) has experience in early childhood education or early childhood education
9965 evaluation.

9966 (c) The state board may not enter into a contract with an independent evaluator without
9967 obtaining approval from the department.

9968 (3) Under the direction of the state board, with input from the department, the
9969 independent evaluator selected under Subsection (2) shall:

9970 (a) design an evaluation methodology that:

9971 (i) assesses the effects of a high quality school readiness program on an eligible
9972 student's:

9973 (A) readiness for kindergarten, using a uniform assessment methodology that includes
9974 a pre- and post-test chosen in coordination with the state board;

9975 (B) ability, as determined by following the student longitudinally, to meet grade 3 core
9976 standards for Utah public schools, established by the state board under Section 53E-4-202, by
9977 the end of the student's grade 3 year; and

9978 (C) attainment of a high school diploma or other completion certificate, as determined
9979 by following the student longitudinally; and

9980 (ii) allows for comparisons between students with similar demographic characteristics
9981 who complete a high quality school readiness program and students who do not; and

9982 (b) conduct an annual evaluation of the programs described in Subsection (1).

9983 (4) To assist the independent evaluator selected under Subsection (2) in completing the
9984 evaluation required under Subsection (3):

9985 (a) an LEA that receives a grant under Section 53F-5-303, or enrolls an IGP
9986 scholarship recipient under Section 53F-5-305, shall assign a statewide unique student
9987 identifier to each student who participates in the LEA's school readiness program;

9988 (b) an eligible private provider that receives a grant described in Section 53F-5-303 or
9989 an eligible home-based technology provider that receives a contract described in Section
9990 53F-5-304 shall work in conjunction with the state board to assign a statewide unique student
9991 identifier to each student who is enrolled in the provider's school readiness program in the
9992 student's last year before kindergarten; and

9993 (c) an eligible private provider or eligible home-based technology provider that

9994 receives an IGP scholarship under Section 53F-5-305 shall work in conjunction with the state
9995 board to assign a statewide unique student identifier to each student who is funded by an IGP
9996 scholarship.

9997 (5) The state board and the department shall report annually, on or before November 1,
9998 to the Education Interim Committee on the results of an evaluation conducted under this
9999 section.

10000 Section 271. Section 53F-5-401 is amended to read:

10001 **53F-5-401. Definitions.**

10002 As used in this part:

10003 [~~(1) "Board" means the State Board of Education.~~]

10004 [~~(2)~~] (1) "Eligible elementary school" or "eligible junior high school" means a district
10005 school or charter school that has at least 50% of the school's students with a family income at
10006 or below 185% of the federal poverty level.

10007 [~~(3)~~] (2) "Eligible partnership" means a partnership that:

10008 (a) includes at least:

10009 (i) a local education agency that has designated an eligible school feeder pattern;

10010 (ii) a local nonprofit organization;

10011 (iii) a private business;

10012 (iv) a municipality or county in which the eligible school feeder pattern is located;

10013 (v) an institution of higher education within the state;

10014 (vi) a state or local government agency that provides services to students attending
10015 schools within the eligible school feeder pattern;

10016 (vii) a local philanthropic organization; and

10017 (viii) a local health care organization; and

10018 (b) has designated a local education agency or local nonprofit organization to act as
10019 lead applicant for a grant described in this part.

10020 [~~(4)~~] (3) "Eligible school feeder pattern" means the succession of schools that a student
10021 enrolls in as the student progresses from kindergarten through grade 12 that includes, as

- 10022 designated by a local education agency:
- 10023 (a) a high school;
- 10024 (b) an eligible junior high school that:
- 10025 (i) is a district school within the geographic boundary of the high school described in
- 10026 Subsection ~~[(4)]~~ (3)(a); or
- 10027 (ii) is a charter school that sends at least 50% of the charter school's students to the
- 10028 high school described in Subsection ~~[(4)]~~ (3)(a); and
- 10029 (c) an eligible elementary school that:
- 10030 (i) is a district school within the geographic boundary of the high school described in
- 10031 Subsection ~~[(4)]~~ (3)(a); or
- 10032 (ii) is a charter school that sends at least 50% of the charter school's students to the
- 10033 junior high school described in Subsection ~~[(4)]~~ (3)(b).
- 10034 ~~[(5)]~~ (4) "Local education agency" means a school district or charter school.
- 10035 Section 272. Section **53F-5-402** is amended to read:
- 10036 **53F-5-402. Partnerships for Student Success Grant Program established.**
- 10037 (1) There is created the Partnerships for Student Success Grant Program to improve
- 10038 educational outcomes for low income students through the formation of cross sector
- 10039 partnerships that use data to align and improve efforts focused on student success.
- 10040 (2) Subject to legislative appropriations, the state board shall award grants to eligible
- 10041 partnerships that enter into a memorandum of understanding between the members of the
- 10042 eligible partnership to plan or implement a partnership that:
- 10043 (a) establishes shared goals, outcomes, and measurement practices based on unique
- 10044 community needs and interests that:
- 10045 (i) are aligned with the recommendations of the five- and ten-year plan to address
- 10046 intergenerational poverty described in Section [35A-9-303](#); and
- 10047 (ii) address, for students attending a school within an eligible school feeder pattern:
- 10048 (A) kindergarten readiness;
- 10049 (B) grade 3 mathematics and reading proficiency;

- 10050 (C) grade 8 mathematics and reading proficiency;
- 10051 (D) high school graduation;
- 10052 (E) postsecondary education attainment;
- 10053 (F) physical and mental health; and
- 10054 (G) development of career skills and readiness;
- 10055 (b) coordinates and aligns services to:
 - 10056 (i) students attending schools within an eligible school feeder pattern; and
 - 10057 (ii) the families and communities of the students within an eligible school feeder
 - 10058 pattern;
- 10059 (c) implements a system for:
 - 10060 (i) sharing data to monitor and evaluate shared goals and outcomes, in accordance with
 - 10061 state and federal law; and
 - 10062 (ii) accountability for shared goals and outcomes; and
 - 10063 (d) commits to providing matching funds as described in Section 53F-5-403.
- 10064 (3) In making grant award determinations, the state board shall prioritize funding for an
- 10065 eligible partnership that:
 - 10066 (a) includes a low performing school as determined by the state board; or
 - 10067 (b) addresses parent and community engagement.
 - 10068 (4) In awarding grants under this part, the state board:
 - 10069 (a) shall distribute funds to the lead applicant designated by the eligible partnership as
 - 10070 described in Section 53F-5-401; and
 - 10071 (b) may not award more than \$500,000 per fiscal year to an eligible partnership.
- 10072 Section 273. Section **53F-5-403** is amended to read:
- 10073 **53F-5-403. Matching funds -- Grantee requirements.**
- 10074 (1) (a) The state board may not award a grant to an eligible partnership unless the
- 10075 eligible partnership provides matching funds equal to two times the amount of the grant.
- 10076 (b) The state board shall ensure that at least half of the matching funds provided under
- 10077 Subsection (1)(a) are provided by a local education agency.

- 10078 (c) Matching funds may include cash or an in-kind contribution.
- 10079 (2) A partnership that receives a grant under this part shall:
- 10080 (a) select and contract with a technical assistance provider identified by the state board
- 10081 as described in Section 53F-5-404;
- 10082 (b) continually assess progress toward reaching shared goals and outcomes;
- 10083 (c) publish results of the continual assessment described in Subsection (2)(b) on an
- 10084 annual basis;
- 10085 (d) regularly report to the state board in accordance with rules established by the state
- 10086 board under Section 53F-5-406; and
- 10087 (e) as requested, share information and data with the third party evaluator described in
- 10088 Section 53F-5-405, in accordance with state and federal law.
- 10089 (3) A partnership that receives a grant under this part may use grant funds only for the
- 10090 following purposes:
- 10091 (a) to contract with a technical assistance provider identified by the state board as
- 10092 described in Section 53F-5-404; and
- 10093 (b) to plan or implement a partnership, including:
- 10094 (i) for project management;
- 10095 (ii) for planning and adaptation of services and strategies;
- 10096 (iii) to coordinate services;
- 10097 (iv) to establish and implement shared measurement practices;
- 10098 (v) to produce communication materials and conduct outreach activities to build public
- 10099 support;
- 10100 (vi) to establish data privacy and sharing agreements, in accordance with state and
- 10101 federal law;
- 10102 (vii) to purchase infrastructure, hardware, and software to collect and store data; or
- 10103 (viii) to analyze data.
- 10104 (4) (a) The state board shall establish interventions for a partnership that:
- 10105 (i) fails to comply with the requirements described in this section; or

10106 (ii) is not making progress toward reaching the shared goals and outcomes established
10107 by the partnership as described in Section 53F-5-402.

10108 (b) An intervention under Subsection (4)(a) may include discontinuing or reducing
10109 funding.

10110 Section 274. Section 53F-5-404 is amended to read:

10111 **53F-5-404. Technical assistance.**

10112 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
10113 shall identify two or more technical assistance providers that a partnership may select from to
10114 assist the partnership in:

10115 (a) establishing shared goals, outcomes, and measurement practices;

10116 (b) creating the capabilities to achieve shared goals and outcomes that may include
10117 providing leadership development training to members of the partnership; and

10118 (c) using data to align and improve efforts focused on student success.

10119 (2) In identifying technical assistance providers under this section the state board shall
10120 identify providers that have a credible track record of providing technical assistance as
10121 described in Subsection (1).

10122 Section 275. Section 53F-5-405 is amended to read:

10123 **53F-5-405. Independent evaluation -- Reporting.**

10124 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
10125 shall contract with an independent evaluator to annually evaluate a partnership that receives a
10126 grant under this part.

10127 (2) The evaluation described in Subsection (1) shall:

10128 (a) assess implementation of a partnership, including the extent to which members of a
10129 partnership:

10130 (i) share data to align and improve efforts focused on student success; and

10131 (ii) meet regularly and communicate authentically; and

10132 (b) assess the impact of a partnership on student outcomes using appropriate statistical
10133 evaluation methods.

10134 (3) In identifying an independent evaluator under Subsection (1), the state board shall
10135 identify an evaluator that:

10136 (a) has a credible track record of conducting evaluations as described in Subsection (2);
10137 and

10138 (b) is independent of any member of the partnership and does not otherwise have a
10139 vested interest in the outcome of the evaluation.

10140 (4) Beginning in the 2017-18 school year, the state board shall ensure that the
10141 independent evaluator:

10142 (a) prepares an annual written report of an evaluation conducted under this section; and

10143 (b) annually submits the report to the Education Interim Committee.

10144 Section 276. Section **53F-5-406** is amended to read:

10145 **53F-5-406. Rules.**

10146 [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~]

10147 The state board shall make rules to administer the Partnerships for Student Success Grant
10148 Program in accordance with this part.

10149 Section 277. Section **53F-5-501** is amended to read:

10150 **53F-5-501. Definitions.**

10151 As used in this part:

10152 (1) "Blended learning" means a formal education program in which a student learns:

10153 (a) at least in part, through online learning with some element of student control over
10154 time, place, path, and pace;

10155 (b) at least in part, in a supervised brick-and-mortar location away from home; and

10156 (c) in a program in which the modalities along each student's learning path within a
10157 course or subject are connected to provide an integrated learning experience.

10158 [~~(2) "Board" means the State Board of Education.~~]

10159 [(3)] (2) "Competency-Based education" means a system where a student advances to
10160 higher levels of learning when the student demonstrates competency of concepts and skills
10161 regardless of time, place, or pace.

10162 [~~(4)~~] (3) "Extended learning" means learning opportunities outside of a traditional
10163 school structure, including:

- 10164 (a) online learning available anywhere, anytime;
- 10165 (b) career-based experiences, including internships and job shadowing;
- 10166 (c) community-based projects; and
- 10167 (d) off-site postsecondary learning.

10168 [~~(5)~~] (4) "Grant program" means the Competency-Based Education Grants Program
10169 created in this part.

10170 [~~(6)~~] (5) "Institution of higher education" means an institution listed in Section
10171 [53B-1-102](#).

10172 [~~(7)~~] "Local education agency" or "LEA" means:

- 10173 [~~(a)~~] a school district;
- 10174 [~~(b)~~] a charter school; or
- 10175 [~~(c)~~] the Utah Schools for the Deaf and the Blind;

10176 [~~(8)~~] (6) "Review committee" means the committee established under Section
10177 [53F-5-502](#).

10178 [~~(9)~~] (7) "STEM" means science, technology, engineering, and mathematics.
10179 Section 278. Section **53F-5-502** is amended to read:

10180 **53F-5-502. Competency-Based Education Grants Program -- State board duties**
10181 **-- Review committee -- Technical assistance training.**

10182 (1) There is created the Competency-Based Education Grants Program consisting of
10183 the grants created in this part to improve educational outcomes in public schools by advancing
10184 student mastery of concepts and skills through the following core principles:

- 10185 (a) student advancement upon mastery of a concept or skill;
- 10186 (b) competencies that include explicit, measurable, and transferable learning objectives
10187 that empower a student;
- 10188 (c) assessment that is meaningful and provides a positive learning experience for a
10189 student;

10190 (d) timely, differentiated support based on a student's individual learning needs; and

10191 (e) learning outcomes that emphasize competencies that include application and
10192 creation of knowledge along with the development of important skills and dispositions.

10193 (2) The grant program shall incentivize an LEA to establish competency-based
10194 education within the LEA through the use of:

10195 (a) personalized learning;

10196 (b) blended learning;

10197 (c) extended learning;

10198 (d) educator professional learning in competency-based education; or

10199 (e) any other method that emphasizes the core principles described in Subsection (1).

10200 (3) The state board shall:

10201 [~~(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]

10202 (a) adopt rules:

10203 (i) for the administration of the grant program and awarding of grants; and

10204 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that
10205 is awarded a grant under this part to use to measure the performance of the LEA's plan or
10206 program;

10207 (b) establish a grant application process;

10208 (c) in accordance with Subsection (4), establish a review committee to make
10209 recommendations to the state board for:

10210 (i) metrics to analyze the quality of a grant application; and

10211 (ii) approval of a grant application; and

10212 (d) with input from the review committee, adopt metrics to analyze the quality of a
10213 grant application.

10214 (4) (a) The review committee shall consist of STEM and blended learning experts,
10215 current and former school administrators, current and former teachers, and at least one former
10216 school district superintendent, in addition to other staff designated by the state board.

10217 (b) The review committee shall:

- 10218 (i) review a grant application submitted by an LEA;
- 10219 (ii) make recommendations to the LEA to modify the application, if necessary; and
- 10220 (iii) make recommendations to the state board regarding the final disposition of an
- 10221 application.
- 10222 (5) (a) The state board shall provide technical assistance training to assist an LEA with
- 10223 a grant application under this part.
- 10224 (b) An LEA may not apply for a grant under this part unless:
- 10225 (i) a representative of the LEA attends the technical assistance training before the LEA
- 10226 submits a grant application; and
- 10227 (ii) the representative is a superintendent, principal, or a person in a leadership position
- 10228 within the LEA.
- 10229 (c) The technical assistance training shall include:
- 10230 (i) instructions on completing a grant application, including grant application
- 10231 requirements;
- 10232 (ii) information on the scoring metrics used to review a grant application; and
- 10233 (iii) information on competency-based education.
- 10234 (6) The state board may use up to 5% of an appropriation provided to fund this part for
- 10235 administration of the grant program.
- 10236 Section 279. Section **53F-5-503** is amended to read:
- 10237 **53F-5-503. Planning grants -- Requirements.**
- 10238 (1) (a) The state board shall, subject to legislative appropriations, award a planning
- 10239 grant to an LEA:
- 10240 (i) that submits a planning grant application that meets the requirements established by
- 10241 the state board, subject to Subsection (2);
- 10242 (ii) if an LEA designee has attended the technical assistance training described in
- 10243 Section **53F-5-502**; and
- 10244 (iii) if the LEA planning grant application has been recommended by the review
- 10245 committee.

10246 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
10247 no later than one calendar year after receiving the funds.

10248 (2) (a) A planning grant application shall include evidence that the LEA:

10249 (i) can provide a general description of the program the LEA would like to plan;

10250 (ii) is intending to plan for:

10251 (A) schoolwide implementation; or

10252 (B) if the LEA intends to implement initially with a population smaller than
10253 schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;

10254 (iii) can describe the types of partners that will help with the plan and, eventually,
10255 implement the program;

10256 (iv) planning activities and program will focus on:

10257 (A) implementation of the core principles described in Section 53F-5-502;

10258 (B) use of the methods, as applicable, described in Section 53F-5-502; and

10259 (C) the outcome-based measures adopted by the state board under Section 53F-5-502;

10260 (v) has:

10261 (A) the capacity, qualifications, local governing body support, and time to successfully
10262 plan the program; and

10263 (B) an intentional and feasible planning process;

10264 (vi) will align the LEA's budget as necessary with the planning process; and

10265 (vii) will communicate and promote the plan with parents, teachers, and members of
10266 the community.

10267 (b) The state board may adopt other requirements in addition to the requirements in
10268 Subsection (2)(a).

10269 Section 280. Section 53F-5-504 is amended to read:

10270 **53F-5-504. Implementation grants -- Requirements.**

10271 (1) (a) The state board shall, subject to legislative appropriations, award an
10272 implementation grant to, subject to Subsection (1)(c), an LEA:

10273 (i) that submits an implementation grant application that meets the requirements

10274 established by the state board, subject to Subsection (2);

10275 (ii) if an LEA designee has attended the technical assistance training described in

10276 Section 53F-5-502; and

10277 (iii) if the LEA implementation grant application has been recommended by the review

10278 committee.

10279 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds

10280 no later than two calendar years after receiving the funds.

10281 (c) An LEA is not eligible to receive an implementation grant under this section unless

10282 the state board has previously awarded the LEA a planning grant under Section 53F-5-503.

10283 (2) (a) An implementation grant application shall include evidence that the LEA:

10284 (i) can logically articulate the proposed program's mission, theory of change, and the

10285 program's intended goals and outcomes;

10286 (ii) (A) program will have schoolwide implementation; or

10287 (B) if the LEA intends to implement initially with a population smaller than

10288 schoolwide, program includes steps to phase the program in schoolwide or districtwide over a

10289 specified period of time;

10290 (iii) has an understanding of similar programs and can use this knowledge to strengthen

10291 the LEA's program implementation;

10292 (iv) program will focus on:

10293 (A) direct alignment with the core principles described in Section 53F-5-502;

10294 (B) use of the methods, as applicable, described in Section 53F-5-502; and

10295 (C) the outcome based measures adopted by the state board under Section 53F-5-502;

10296 (v) program will address a need, determined by data, in the LEA or community;

10297 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's

10298 program against the stated goals and objectives;

10299 (vii) has a list of signatures of key stakeholders and partners who are committed to

10300 implementing the program;

10301 (viii) has the capacity, qualifications, local governing body support, and time to

10302 successfully implement this program;

10303 (ix) has an intentional and feasible scope of work to implement the program;

10304 (x) will align the LEA's budget as necessary with the planning process; and

10305 (xi) will communicate and promote the plan with parents, teachers, and members of the

10306 community.

10307 (b) The state board may adopt other requirements in addition to the requirements in

10308 Subsection (2)(a).

10309 (3) A program under this section may include:

10310 (a) a waiver, subject to Section 53F-5-506, of required school hours attended or

10311 traditional school calendar scheduling; and

10312 (b) an adjustment of educator compensation to reflect the implementation of a waiver

10313 under Subsection (3)(a).

10314 Section 281. Section **53F-5-505** is amended to read:

10315 **53F-5-505. Expansion grants -- Requirements.**

10316 (1) (a) The state board shall, subject to legislative appropriations and to expand an

10317 existing LEA program schoolwide or districtwide, award a grant to, subject to Subsection

10318 (1)(c), an LEA:

10319 (i) that submits an expansion grant application that meets the requirements established

10320 by the state board, subject to Subsection (2);

10321 (ii) if an LEA designee has attended the technical assistance training described in

10322 Section 53F-5-502; and

10323 (iii) if the LEA expansion grant application has been recommended by the review

10324 committee.

10325 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds

10326 no later than two calendar years after receiving the funds.

10327 (c) An LEA is not eligible to receive an expansion grant under this section unless the

10328 state board has previously awarded the LEA an implementation grant under Section 53F-5-504.

10329 (2) (a) An expansion grant application shall include evidence that the LEA:

- 10330 (i) has an established program that:
- 10331 (A) has successfully met previous goals;
- 10332 (B) has shown outcomes that are in alignment with the core principles described in
- 10333 Section [53F-5-502](#) and used methods, as applicable, described in Section [53F-5-502](#);
- 10334 (C) is supported by LEA management and leadership;
- 10335 (D) is suitable for expansion schoolwide or districtwide; and
- 10336 (E) is the program, with any necessary modifications, that the LEA plans to expand if
- 10337 awarded the expansion grant;
- 10338 (ii) can logically articulate the LEA's program mission, theory of change, and the
- 10339 program's intended goals and outcomes;
- 10340 (iii) program as proposed for expansion is focused on:
- 10341 (A) direct alignment with the core principles identified in Section [53F-5-502](#);
- 10342 (B) use of the methods, as applicable, described in Section [53F-5-502](#); and
- 10343 (C) the outcome based measures adopted by the state board under Section [53F-5-502](#);
- 10344 (iv) that the program will directly address a need, determined by data, in the LEA or
- 10345 community;
- 10346 (v) has clearly articulated core components that ensure, when expanded, the program
- 10347 will yield positive outcomes;
- 10348 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
- 10349 program against the stated goals and objectives;
- 10350 (vii) has a list of signatures of key stakeholders and partners who are committed to
- 10351 expanding the program;
- 10352 (viii) has the capacity, qualifications, local governing body support, and time to
- 10353 successfully expand the program;
- 10354 (ix) has an intentional and feasible scope of work to expand the program;
- 10355 (x) has a strategic budget that is aligned with the LEA's scope of work; and
- 10356 (xi) will communicate and promote the plan with parents, teachers, and members of the
- 10357 community.

10358 (b) The state board may adopt other requirements in addition to the requirements in
10359 Subsection (2)(a).

10360 (3) A program under this section may include:

10361 (a) a waiver, subject to Section 53F-5-506, of required school hours attended or
10362 traditional school calendar scheduling; and

10363 (b) an adjustment of educator compensation to reflect the implementation of a waiver
10364 under Subsection (3)(a).

10365 Section 282. Section 53F-5-506 is amended to read:

10366 **53F-5-506. Waiver from state board rule -- State board recommended statutory**
10367 **changes.**

10368 (1) An LEA may apply to the state board in a grant application submitted under this
10369 part for a waiver of a state board rule that inhibits or hinders the LEA from accomplishing its
10370 goals set out in its grant application.

10371 (2) The state board may grant the waiver, unless:

10372 (a) the waiver would cause the LEA to be in violation of state or federal law; or

10373 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

10374 (3) If the state board denies the waiver, the state board shall provide in writing the
10375 reason for the denial to the waiver applicant.

10376 (4) (a) The state board shall request from each LEA that receives a grant under this part
10377 for each year the LEA receives funds:

10378 (i) information on a state statute that hinders an LEA from fully implementing the
10379 LEA's program; and

10380 (ii) suggested changes to the statute.

10381 (b) The state board shall, in a written report, provide any information received from an
10382 LEA under Subsection (4)(a) and the state board's recommendations to the Legislature no later
10383 than November 30 of each year.

10384 Section 283. Section 53F-5-601 is amended to read:

10385 **53F-5-601. Definitions.**

10386 (1) The terms defined in Section 53E-10-401 apply to this ~~[section]~~ part.

10387 (2) As used in this part:

10388 (a) "American Indian and Alaskan Native concentrated school" means a school where
10389 at least 29% of its students are American Indian or Alaskan Native.

10390 ~~[(b) "Board" means the State Board of Education.]~~

10391 ~~[(c)]~~ (b) "Teacher" means an individual employed by a school district or charter school
10392 who is required to hold an educator license issued by the state board and who has an
10393 assignment to teach in a classroom.

10394 Section 284. Section 53F-5-602 is amended to read:

10395 **53F-5-602. Pilot programs created.**

10396 (1) (a) In addition to the state plan described in Title 53E, Chapter 10, Part 4, American
10397 Indian-Alaskan Native Education State Plan, beginning with fiscal year 2016-2017, there is
10398 created a five-year pilot program administered by the state board to provide grants targeted to
10399 address the needs of American Indian and Alaskan Native students.

10400 (b) The pilot program shall consist of a grant program to school districts and charter
10401 schools to be used to fund stipends, recruitment, retention, and professional development of
10402 teachers who teach in American Indian and Alaskan Native concentrated schools.

10403 (2) (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot program
10404 administered by the state board to provide grants targeted to address the needs of American
10405 Indian and Alaskan Native students.

10406 (b) The pilot program shall consist of a grant program to school districts and charter
10407 schools to be used to fund stipends, recruitment, retention, and professional development of
10408 teachers who teach in American Indian and Alaskan Native concentrated schools.

10409 (c) In determining grant recipients under this Subsection (2), the state board shall give
10410 priority to American Indian and Alaskan Native concentrated schools located in a county of the
10411 fourth, fifth, or sixth class with significant populations of American Indians and Alaskan
10412 Natives.

10413 (3) Up to 3% of the money appropriated to a grant program under this part may be used

10414 by the state board for costs in implementing the pilot program.

10415 Section 285. Section **53F-5-603** is amended to read:

10416 **53F-5-603. Grant program to school districts and charter schools.**

10417 (1) From money appropriated to the grant program, the state board shall distribute
10418 grant money on a competitive basis to a school district or charter school that applies for a grant
10419 and:

10420 (a) (i) has within the school district one or more American Indian and Alaskan Native
10421 concentrated schools; or

10422 (ii) is an American Indian and Alaskan Native concentrated school; and

10423 (b) has a program to fund stipends, recruitment, retention, and professional
10424 development of teachers who teach at American Indian and Alaskan Native concentrated
10425 schools.

10426 (2) The grant money distributed under this section may only be expended to fund a
10427 program described in Subsection (1)(b).

10428 (3) (a) If a school district or charter school obtains a grant under this section, by no
10429 later than two years from the date the school district or charter school obtains the grant, the
10430 state board shall review the implementation of the program described in Subsection (1)(b) to
10431 determine whether:

10432 (i) the program is effective in addressing the need to retain teachers at American Indian
10433 and Alaskan Native concentrated schools; and

10434 (ii) the money is being spent for a purpose not covered by the program described in
10435 Subsection (1)(b).

10436 (b) If the state board determines that the program is not effective or that the money is
10437 being spent for a purpose not covered by the program described in Subsection (1)(b), the state
10438 board may terminate the grant money being distributed to the school district or charter school.

10439 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
10440 ~~the]~~

10441 (4) The state board may make rules providing:

- 10442 (a) criteria for evaluating grant applications; and
- 10443 (b) procedures for:
- 10444 (i) a school district to apply to the state board to receive grant money under this
- 10445 section; and
- 10446 (ii) the review of the use of grant money described in Subsection (3).
- 10447 (5) The grant money is intended to supplement and not replace existing money
- 10448 supporting American Indian and Alaskan Native concentrated schools.
- 10449 Section 286. Section **53F-6-201** is amended to read:
- 10450 **53F-6-201. Firearm Safety and Violence Prevention Pilot Program.**
- 10451 (1) As used in this section:
- 10452 [~~(a) "District school" means a public school under the control of a local school board~~
- 10453 ~~elected under Title 20A, Chapter 14, Nomination and Election of State and Local School~~
- 10454 ~~Boards.~~]
- 10455 [~~(b)~~] (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or
- 10456 short barreled rifle, or a device that could be used as a dangerous weapon from which is
- 10457 expelled a projectile by action of an explosive.
- 10458 [~~(c)~~] (b) "Pilot program" means the Firearm Safety and Violence Prevention Pilot
- 10459 Program created under Subsection (2).
- 10460 (2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide
- 10461 instruction that a public school may offer to a student in any of grades 5 through 12 on:
- 10462 (a) firearm safety, including:
- 10463 (i) developing the knowledge, habits, skills, and attitudes necessary for the safe
- 10464 handling of firearms; and
- 10465 (ii) teaching a student that to avoid injury when the student finds a firearm the student
- 10466 should:
- 10467 (A) not touch the firearm;
- 10468 (B) tell an adult about finding the firearm and the location of the firearm; and
- 10469 (C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other

- 10470 minors who are with the student when the student finds the firearm; and
- 10471 (b) what to do if the student becomes aware of a threat against the school.
- 10472 (3) The instruction described in Subsection (2):
- 10473 (a) may be delivered:
- 10474 (i) in a public school using live instruction or a video or online materials; or
- 10475 (ii) at home using a video or online materials; and
- 10476 (b) shall be neutral of political statements on guns.
- 10477 (4) The Office of the Attorney General, in collaboration with the [~~State Board of~~
- 10478 ~~Education~~] state board, shall select one or more providers, through the standard procurement
- 10479 process or an exception to the standard procurement process as described in Title 63G, Chapter
- 10480 6a, Utah Procurement Code, to supply materials and curriculum for the pilot program.
- 10481 (5) (a) A district school or charter school may participate in the pilot program, subject
- 10482 to approval by the district school's local school board or charter school's charter school
- 10483 governing board.
- 10484 (b) A district school or charter school that chooses to participate in the pilot program:
- 10485 (i) shall use the materials and curriculum supplied by the provider selected under
- 10486 Subsection (4);
- 10487 (ii) may permit the following to provide instruction on a voluntary basis:
- 10488 (A) the Division of Wildlife Resources;
- 10489 (B) a local law enforcement agency;
- 10490 (C) a peace officer, as defined in Section [53-13-102](#); or
- 10491 (D) another certified firearms safety instructor, as defined in rules made by the [~~State~~
- 10492 ~~Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
- 10493 ~~Act~~] state board; and
- 10494 (iii) shall ensure that a firearm is not used in providing the instruction.
- 10495 (c) A student may not be given the instruction described in Subsection (2) unless the
- 10496 student's parent [~~or legal guardian~~] has given prior written consent.
- 10497 (6) The Office of the Attorney General, in collaboration with the [~~State Board of~~

10498 ~~Education~~ state board, shall evaluate the pilot program and report to the Law Enforcement and
10499 Criminal Justice Interim Committee on or before December 1, 2018.

10500 Section 287. Section **53F-6-202** is amended to read:

10501 **53F-6-202. Smart School Technology Program.**

10502 (1) As used in this section, "program" means the Smart School Technology Program.

10503 (2) The Smart School Technology Program is created to encourage the deployment of
10504 whole-school one-to-one mobile device technology in public schools.

10505 (3) The Board of Business and Economic Development with input from an
10506 independent evaluating committee, shall issue a request for proposals for the development and
10507 implementation of a whole-school one-to-one mobile device technology deployment plan for
10508 schools.

10509 (4) From recommendations submitted by an independent evaluating committee, the
10510 Board of Business and Economic Development shall select a single education technology
10511 provider with integrated whole-school technology deployment experience through the request
10512 for proposals process.

10513 (5) (a) An independent evaluating committee shall be established to:

10514 (i) advise the Board of Business and Economic Development in issuing a request for
10515 proposals under Subsection (3);

10516 (ii) evaluate proposals submitted through a request for proposals issued under
10517 Subsection (3); and

10518 (iii) advise the ~~[State Board of Education]~~ state board on selecting schools to
10519 participate in the program.

10520 (b) The membership of the independent evaluating committee shall include:

10521 (i) three members of the ~~[State Board of Education]~~ state board appointed by the chair
10522 of the ~~[State Board of Education]~~ state board;

10523 (ii) the state chief information officer;

10524 (iii) two members appointed by the executive director of the Governor's Office of
10525 Economic Development; and

- 10526 (iv) the governor's education director.
- 10527 (c) The independent evaluating committee shall evaluate a proposal on:
- 10528 (i) a provider's experience with integrated whole-school technology deployment; and
- 10529 (ii) the components of a whole-school technology deployment plan.
- 10530 (6) An educational technology provider selected under Subsection (4) shall develop a
- 10531 customized whole-school one-to-one mobile device technology deployment plan for each
- 10532 school participating in the program.
- 10533 (7) The whole-school technology deployment plan shall be based on submitted
- 10534 proposals to the committee and may include the following components:
- 10535 (a) a personal mobile learning device for each student;
- 10536 (b) desktop or laptop computers for each classroom;
- 10537 (c) peripherals and networking equipment, including a wireless network that is not
- 10538 self-interfering;
- 10539 (d) wireless audio equipment in each classroom;
- 10540 (e) digital projectors or televisions with wireless device mirroring technology;
- 10541 (f) on and off campus Internet filtering;
- 10542 (g) operating software for the technology system, including software that connects
- 10543 personal mobile learning devices among students and a teacher to facilitate classroom
- 10544 interaction;
- 10545 (h) curriculum and instructional software purchase credits per device to be used toward
- 10546 improving student outcomes with respect to the core standards for Utah public schools and
- 10547 skill building on the use of technology;
- 10548 (i) device repair and replacement criteria;
- 10549 (j) professional development for educators and technology specialists on:
- 10550 (i) the operation and use of the technology equipment; and
- 10551 (ii) accessing and using online content; and
- 10552 (k) ongoing technical support.
- 10553 (8) (a) A school within a school district, with the approval of the local school board, or

10554 a charter school, may submit an application to the [~~State Board of Education~~] state board to
10555 participate in the program.

10556 (b) With input from the independent evaluating committee established under
10557 Subsection (5), the [~~State Board of Education~~] state board shall select schools to participate in
10558 the program.

10559 (c) In selecting schools, the [~~State Board of Education~~] state board shall seek to include
10560 in the program schools:

10561 (i) from different regions of the state;

10562 (ii) from urban and rural areas;

10563 (iii) with a variety of economic and demographic characteristics; and

10564 (iv) with documented technology implementation plans, including a plan for the use of:

10565 (A) instructional software that improves student outcomes with respect to the core
10566 standards for Utah public schools; and

10567 (B) software that provides students with skill building on the use of technology.

10568 (d) The [~~State Board of Education~~] state board shall make rules:

10569 (i) specifying procedures and criteria to be used for selecting schools that may
10570 participate in the program; and

10571 (ii) requiring selected schools to provide matching funds to participate in the program.

10572 (9) (a) The [~~State Board of Education~~] state board, in collaboration with the education
10573 technology provider and the schools participating in the program, shall evaluate the program
10574 and submit a report on the evaluation to the Governor's Office of Economic Development and
10575 the Education Interim Committee by the committee's October meetings in 2013 and 2014.

10576 (b) The [~~State Board of Education~~] state board may contract with an independent
10577 evaluator to conduct the evaluation required in Subsection (9)(a).

10578 (c) The evaluation shall be based on the following criteria:

10579 (i) technology system functionality;

10580 (ii) school level outcomes;

10581 (iii) teacher instruction and outcomes; and

- 10582 (iv) student engagement and outcomes.
- 10583 Section 288. Section **53F-6-301** is amended to read:
- 10584 **53F-6-301. Definitions.**
- 10585 As used in this part:
- 10586 (1) "Board" means the School Readiness Board, created in Section **35A-3-209**.
- 10587 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price
- 10588 lunch.
- 10589 (3) "Eligible home-based educational technology provider" means a provider that
- 10590 intends to offer a home-based educational technology program.
- 10591 (4) "Eligible LEA" means an LEA that has a data system capacity to collect
- 10592 longitudinal academic outcome data, including special education use by student, by identifying
- 10593 each student with a statewide unique student identifier.
- 10594 (5) (a) "Eligible private provider" means a child care program that:
- 10595 (i) (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39,
- 10596 Utah Child Care Licensing Act; or
- 10597 (B) is exempt from licensure under Section **26-39-403**; and
- 10598 (ii) meets other criteria as established by the board, consistent with Utah Constitution,
- 10599 Article X, Section 1.
- 10600 (b) "Eligible private provider" does not include residential child care, as defined in
- 10601 Section **26-39-102**.
- 10602 (6) "Eligible student" means a student:
- 10603 (a) who is economically disadvantaged; and
- 10604 (b) whose parent [~~or legal guardian~~] reports that the student has experienced at least
- 10605 one risk factor.
- 10606 (7) "Evaluator" means an independent evaluator selected in accordance with Section
- 10607 **53F-3-309**.
- 10608 (8) "High quality school readiness program" means a preschool program that:
- 10609 (a) is provided by an eligible LEA, eligible private provider, or eligible home-based

10610 educational technology provider; and

10611 (b) meets the elements of a high quality school readiness program described in Section
10612 [53F-6-304](#).

10613 (9) "Investor" means a person that enters into a results-based contract to provide
10614 funding to a high quality school readiness program on the condition that the person will receive
10615 payment in accordance with Section [53F-6-309](#) if the high quality school readiness program
10616 meets the performance outcome measures included in the results-based contract.

10617 (10) "Local Education Agency" or "LEA" means a school district or charter school.

10618 (11) "Pay for success program" means a program funded through a model in which the
10619 program is initially funded through private funding and the entity providing the private funding
10620 receives repayment through public funding if the program achieves certain outcomes.

10621 (12) "Performance outcome measure" means a cost avoidance in special education use
10622 for a student at-risk for later special education placement in kindergarten through grade 12 who
10623 receives preschool education funded pursuant to a results-based contract.

10624 (13) "Program intermediary" means an entity selected by the board under Section
10625 [35A-3-209](#) to coordinate with the Department of Workforce Services to provide program
10626 support to the board.

10627 (14) "Results-based contract" means a contract that:

10628 (a) is entered into in accordance with Section [53F-3-309](#);

10629 (b) includes a performance outcome measure; and

10630 (c) is between:

10631 (i) the board, a provider of a high quality school readiness program, and an investor; or

10632 (ii) the board and a provider of a high quality school readiness program.

10633 (15) "Risk factor" means:

10634 (a) having a mother who was 18 years old or younger when the child was born;

10635 (b) a member of a child's household is incarcerated;

10636 (c) living in a neighborhood with high violence or crime;

10637 (d) having one or both parents with a low reading ability;

- 10638 (e) moving at least once in the past year;
- 10639 (f) having ever been in foster care;
- 10640 (g) living with multiple families in the same household;
- 10641 (h) having exposure in a child's home to:
- 10642 (i) physical abuse or domestic violence;
- 10643 (ii) substance abuse;
- 10644 (iii) the death or chronic illness of a parent or sibling; or
- 10645 (iv) mental illness;
- 10646 (i) the primary language spoken in a child's home is a language other than English; or
- 10647 (j) having at least one parent who has not completed high school.

10648 (16) "Student at-risk for later special education placement" means an eligible student
10649 who, at preschool entry, scores at least two standard deviations below the mean on the
10650 assessment selected by the board under Section [53F-6-309](#).

10651 Section 289. Section **53F-6-304** is amended to read:

10652 **53F-6-304. Elements of a high quality school readiness program.**

10653 (1) A high quality school readiness program run by an eligible LEA or eligible private
10654 provider shall include the following components:

10655 (a) an evidence-based curriculum that is aligned with all of the developmental domains
10656 and academic content areas defined in the Utah Early Childhood Standards adopted by the
10657 [~~State Board of Education~~] state board, and incorporates intentional and differentiated
10658 instruction in whole group, small group, and child-directed learning, including the following
10659 academic content areas:

- 10660 (i) oral language and listening comprehension;
- 10661 (ii) phonological awareness and prereading;
- 10662 (iii) alphabet and word knowledge;
- 10663 (iv) prewriting;
- 10664 (v) book knowledge and print awareness;
- 10665 (vi) numeracy;

- 10666 (vii) creative arts;
- 10667 (viii) science and technology; and
- 10668 (ix) social studies, health, and safety;
- 10669 (b) ongoing, focused, and intensive professional development for staff of the school
- 10670 readiness program;
- 10671 (c) ongoing assessment of a student's educational growth and developmental progress
- 10672 to inform instruction;
- 10673 (d) a pre- and post-assessment of each student whose parent [~~or legal guardian~~]
- 10674 consents to the assessment that, for a school readiness program receiving funding under this
- 10675 part, is selected by the board in accordance with Section 53F-6-309;
- 10676 (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20
- 10677 students, with one adult for every 10 students in the class;
- 10678 (f) ongoing program evaluation and data collection to monitor program goal
- 10679 achievement and implementation of required program components;
- 10680 (g) family engagement, including ongoing communication between home and school,
- 10681 and parent education opportunities based on each family's circumstances;
- 10682 (h) for a preschool program run by an eligible LEA, each teacher having at least
- 10683 obtained:
 - 10684 (i) the minimum standard of a child development associate certification; or
 - 10685 (ii) an associate or bachelor's degree in an early childhood education related field; and
- 10686 (i) for a preschool program run by an eligible private provider, by a teacher's second
- 10687 year, each teacher having at least obtained:
 - 10688 (i) the minimum standard of a child development associate certification; or
 - 10689 (ii) an associate or bachelor's degree in an early childhood education related field.
- 10690 (2) A high quality school readiness program run by a home-based educational
- 10691 technology provider shall:
 - 10692 (a) be an evidence-based and age appropriate individualized interactive instruction
 - 10693 assessment and feedback technology program that teaches eligible students early learning skills

10694 needed to be successful upon entry into kindergarten;

10695 (b) require regular parental engagement with the student in the student's use of the
10696 home-based educational technology program;

10697 (c) be aligned with the Utah early childhood core standards;

10698 (d) require the administration of a pre- and post-assessment of each student whose
10699 parent [~~or legal guardian~~] consents to the assessment that, for a home-based technology
10700 program that receives funding under this part, is designated by the board in accordance with
10701 Section 53F-6-309; and

10702 (e) require technology providers to ensure successful implementation and utilization of
10703 the technology program.

10704 Section 290. Section 53F-6-309 is amended to read:

10705 **53F-6-309. Results-based contracts -- Assessment selection -- Independent**
10706 **evaluators.**

10707 (1) The board may enter into a results-based contract to fund participation of eligible
10708 students in a high quality school readiness program in accordance with Section 35A-3-209 and
10709 this part.

10710 (2) (a) Except as provided in Subsection (3), the board shall include an investor as a
10711 party to a results-based contract.

10712 (b) The board may provide for a repayment to an investor to include a return of
10713 investment and an additional return on investment, dependent on achievement of the
10714 performance outcome measures set in the results-based contract.

10715 (c) The additional return on investment described in Subsection (2)(b) may not exceed
10716 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10
10717 year maturity at the time of the issuance of the results-based contract.

10718 (d) Funding obtained for an early education program through a results-based contract
10719 that includes an investor is not a procurement item under Section 63G-6a-103.

10720 (e) A results-based contract that includes an investor shall include:

10721 (i) a requirement that the repayment to the investor be conditioned on achieving the

10722 performance outcome measures set in the results-based contract;

10723 (ii) a requirement for an evaluator to determine whether the performance outcome

10724 measures have been achieved;

10725 (iii) a provision that repayment to the investor is:

10726 (A) based upon available money in the School Readiness Restricted Account described

10727 in Section [35A-3-210](#); and

10728 (B) subject to legislative appropriations; and

10729 (iv) a provision that the investor is not eligible to receive or view personally

10730 identifiable student data of students funded through the results-based contract.

10731 (f) The board may not issue a results-based contract that includes an investor as a party

10732 to the contract if the total outstanding obligations of results-based contracts that include an

10733 investor as a party to the contract would exceed \$15,000,000 at any one time.

10734 (3) (a) The board may enter into a results-based contract to directly fund a high quality

10735 school readiness program that has at least four years of data for at least one cohort of students

10736 showing that the high quality school readiness program has met a performance outcome

10737 measure.

10738 (b) A results-based contract described in Subsection (3)(a):

10739 (i) does not require an investor; and

10740 (ii) shall include a provision that:

10741 (A) requires that in order to continue receiving funding, the high quality school

10742 readiness program continue to meet a performance outcome measure; and

10743 (B) provides an improvement time frame during which the high quality school

10744 readiness program may continue to receive funding if the high quality school readiness

10745 program fails to continue to meet the performance outcome measure.

10746 (4) The board shall select a uniform assessment of age-appropriate cognitive or

10747 language skills that:

10748 (a) is nationally norm-referenced;

10749 (b) has established reliability;

10750 (c) has established validity with other similar measures and with later school outcomes;
10751 and

10752 (d) has strong psychometric characteristics.

10753 (5) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
10754 shall select at least three independent evaluators with experience in:

10755 (i) evaluating school readiness programs; and

10756 (ii) administering the assessment selected under Subsection (4).

10757 (b) An eligible LEA, eligible private provider, or eligible home-based educational
10758 technology provider that has a results-based contract shall select one of the evaluators
10759 described in Subsection (5)(a) to conduct an evaluation described in Section 53F-6-306.

10760 (c) The board shall select one of the evaluators described in Subsection (5)(a) to
10761 conduct an evaluation described in Section 53F-6-305.

10762 (6) (a) At the end of each year of a results-based contract after a student funded through
10763 a results-based contract completes kindergarten, the independent evaluator described in
10764 Subsection (5)(b) shall determine whether the performance outcome measures set in the
10765 results-based contract have been met.

10766 (b) The board may not pay an investor unless the evaluation described in Subsection
10767 (6)(a) determines that the performance outcome measures in the results-based contract have
10768 been met.

10769 (7) (a) The board shall ensure that a parent [~~or guardian~~] of an eligible student
10770 participating in a program funded through a results-based contract has given permission and
10771 signed an acknowledgment that the student's data may be shared with an independent evaluator
10772 for research and evaluation purposes, subject to federal law.

10773 (b) The board shall maintain documentation of parental permission required in
10774 Subsection (7)(a).

10775 Section 291. Section 53F-7-201 is amended to read:

10776 **53F-7-201. Appropriations from Automobile Driver Education Tax Account.**

10777 There is appropriated to the [~~State Board of Education~~] state board from the

10778 Automobile Driver Education Tax Account, annually, all money in the account, in excess of
10779 the expense of administering the collection of the tax, for use and distribution in the
10780 administration and maintenance of driver education classes and programs with respect to
10781 classes offered in the school district and the establishment of experimental programs, including
10782 the purchasing of equipment, by the state board.

10783 Section 292. Section **53F-7-301** is amended to read:

10784 **53F-7-301. Annual salary adjustments for Utah Schools for the Deaf and the**
10785 **Blind educators -- Legislative appropriation.**

10786 Subject to future budget constraints, the Legislature shall annually appropriate money to
10787 the state board for the salary adjustments described in Section **53E-8-302**, including step and
10788 lane changes.

10789 Section 293. Section **53F-8-201** is amended to read:

10790 **53F-8-201. Annual certification of tax rate proposed by local school board --**
10791 **Inclusion of school district budget -- Modified filing date.**

10792 (1) Prior to June 22 of each year, each local school board shall certify to the county
10793 legislative body in which the district is located, on forms prescribed by the State Tax
10794 Commission, the proposed tax rate approved by the local school board.

10795 (2) A copy of the district's budget, including items under Section **53G-7-302**, and a
10796 certified copy of the local school board's resolution which approved the budget and set the tax
10797 rate for the subsequent school year beginning July 1 shall accompany the tax rate.

10798 (3) If the tax rate approved by the local school board is in excess of the certified tax
10799 rate, as defined in Section **59-2-924**, the date for filing the tax rate and budget adopted by the
10800 local school board shall be that established under Section **59-2-919**.

10801 Section 294. Section **53F-8-402** is amended to read:

10802 **53F-8-402. Special tax to buy school building sites, build and furnish**
10803 **schoolhouses, or improve school property.**

10804 (1) (a) Except as provided in Subsection (6), a local school board may, by following
10805 the process for special elections established in Sections **20A-1-203** and **20A-1-204**, call a

10806 special election to determine whether a special property tax should be levied for one or more
10807 years to buy building sites, build and furnish schoolhouses, or improve the school property
10808 under its control.

10809 (b) The tax may not exceed .2% of the taxable value of all taxable property in the
10810 district in any one year.

10811 (2) The local school board shall give reasonable notice of the election and follow the
10812 same procedure used in elections for the issuance of bonds.

10813 (3) If a majority of those voting on the proposition vote in favor of the tax, it is
10814 computed on the valuation of the county assessment roll for that year.

10815 (4) (a) Within 20 days after the election, the local school board shall certify the amount
10816 of the approved tax to the governing body of the county in which the school district is located.

10817 (b) The governing body shall acknowledge receipt of the certification and levy and
10818 collect the special tax.

10819 (c) It shall then distribute the collected taxes to the business administrator of the school
10820 district at the end of each calendar month.

10821 (5) The special tax becomes due and delinquent and attaches to and becomes a lien on
10822 real and personal property at the same time as state and county taxes.

10823 (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school
10824 board may not levy a tax in accordance with this section.

10825 Section 295. Section **53F-8-403** is amended to read:

10826 **53F-8-403. School transportation levy.**

10827 (1) Except as provided in Subsection (5), a local school board may provide for the
10828 transportation of students regardless of the distance from school, from a tax rate not to exceed
10829 .0003 per dollar of taxable value levied by the local school board.

10830 (2) A local school board may use revenue from the tax described in Subsection (1) to
10831 pay for transporting students and for the replacement of school buses.

10832 (3) (a) If a local school board levies a tax under Subsection (1) of at least .0002, the
10833 state may contribute an amount not to exceed 85% of the state average cost per mile,

10834 contingent upon the Legislature appropriating funds for a state contribution.

10835 (b) The [~~State Board of Education~~] state board's employees shall distribute the state
10836 contribution according to rules enacted by the [~~State Board of Education~~] state board.

10837 (4) (a) The amount of state guarantee money that a school district would otherwise be
10838 entitled to receive under Subsection (3) may not be reduced for the sole reason that the school
10839 district's levy is reduced as a consequence of changes in the certified tax rate under Section
10840 59-2-924 due to changes in property valuation.

10841 (b) Subsection (4)(a) applies for a period of two years following the change in the
10842 certified tax rate.

10843 (5) Beginning January 1, 2012, a local school board may not impose a tax in
10844 accordance with this section.

10845 (6) The terms defined in Section 53F-2-102 apply to this section.

10846 Section 296. Section 53F-9-202 is amended to read:

10847 **53F-9-202. Duty of Division of Finance -- Apportionment of fund by state board**
10848 **-- Certification of apportionments.**

10849 (1) The Division of Finance shall give the state superintendent, upon request, a written
10850 accounting of the current balance in the Uniform School Fund.

10851 (2) The [~~State Board of Education~~] state board shall apportion the fund among the
10852 several school districts.

10853 (3) The state superintendent shall certify the apportionments to the Division of Finance
10854 and draws warrants on the state treasurer in favor of the school districts.

10855 Section 297. Section 53F-9-203 is amended to read:

10856 **53F-9-203. Charter School Revolving Account.**

10857 (1) (a) The terms defined in Section 53G-5-102 apply to this section.

10858 (b) As used in this section, "account" means the Charter School Revolving Account.

10859 (2) (a) There is created within the Uniform School Fund a restricted account known as
10860 the "Charter School Revolving Account" to provide assistance to charter schools to:

10861 (i) meet school building construction and renovation needs; and

10862 (ii) pay for expenses related to the start up of a new charter school or the expansion of
10863 an existing charter school.

10864 (b) The [~~State Board of Education~~] state board, in consultation with the State Charter
10865 School Board, shall administer the Charter School Revolving Account in accordance with rules
10866 adopted by the [~~State Board of Education~~] state board.

10867 (3) The Charter School Revolving Account shall consist of:

10868 (a) money appropriated to the account by the Legislature;

10869 (b) money received from the repayment of loans made from the account; and

10870 (c) interest earned on money in the account.

10871 (4) The state superintendent [~~of public instruction~~] shall make loans to charter schools
10872 from the account to pay for the costs of:

10873 (a) planning expenses;

10874 (b) constructing or renovating charter school buildings;

10875 (c) equipment and supplies; or

10876 (d) other start-up or expansion expenses.

10877 (5) Loans to new charter schools or charter schools with urgent facility needs may be
10878 given priority.

10879 (6) (a) The [~~State Board of Education~~] state board shall establish a committee to:

10880 (i) review requests by charter schools for loans under this section; and

10881 (ii) make recommendations regarding approval or disapproval of the loan applications
10882 to the State Charter School Board and the [~~State Board of Education~~] state board.

10883 (b) (i) A committee established under Subsection (6)(a) shall include individuals who
10884 have expertise or experience in finance, real estate, or charter school administration.

10885 (ii) Of the members appointed to a committee established under Subsection (6)(a):

10886 (A) one member shall be nominated by the governor; and

10887 (B) the remaining members shall be selected from a list of nominees submitted by the
10888 State Charter School Board.

10889 (c) If the committee recommends approval of a loan application under Subsection

10890 (6)(a)(ii), the committee's recommendation shall include:

10891 (i) the recommended amount of the loan;

10892 (ii) the payback schedule; and

10893 (iii) the interest rate to be charged.

10894 (d) A committee member may not:

10895 (i) be a relative, as defined in Section 53G-5-409, of a loan applicant; or

10896 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person

10897 or entity that contracts with a loan applicant.

10898 (7) A loan under this section may not be made unless the [~~State Board of Education~~]

10899 state board, in consultation with the State Charter School Board, approves the loan.

10900 (8) The term of a loan to a charter school under this section may not exceed five years.

10901 (9) The [~~State Board of Education~~] state board may not approve loans to charter

10902 schools under this section that exceed a total of \$2,000,000 in any fiscal year.

10903 (10) (a) On March 16, 2011, the assets of the Charter School Building Subaccount

10904 administered by the [~~State Board of Education~~] state board shall be deposited into the Charter

10905 School Revolving Account.

10906 (b) Beginning on March 16, 2011, loan payments for loans made from the Charter

10907 School Building Subaccount shall be deposited into the Charter School Revolving Account.

10908 Section 298. Section 53F-9-206 is amended to read:

10909 **53F-9-206. School Building Revolving Account -- Access to the account.**

10910 (1) (a) There is created within the Uniform School Fund a restricted account known as

10911 the "School Building Revolving Account" to provide short-term help to school districts to meet

10912 district needs for school building construction and renovation.

10913 (b) The state superintendent [~~of public instruction~~] shall administer the School Building

10914 Revolving Account in accordance with Chapter 3, State Funding -- Capital Outlay Programs,

10915 and rules adopted by the [~~State Board of Education~~] state board.

10916 (2) The [~~State Board of Education~~] state board may not allocate funds from the School

10917 Building Revolving Account that exceed a school district's bonding limit minus its outstanding

10918 bonds.

10919 (3) In order to receive money from the School Building Revolving Account, a school
10920 district shall:

10921 (a) levy a combined capital levy rate of at least .0024;

10922 (b) contract with the state superintendent [~~of public instruction~~] to repay the money,
10923 with interest at a rate established by the state superintendent, within five years of receipt, using
10924 future state capital outlay allocations, local revenues, or both;

10925 (c) levy sufficient ad valorem taxes under Section 11-14-310 to guarantee annual loan
10926 repayments, unless the state superintendent [~~of public instruction~~] alters the payment schedule
10927 to improve a hardship situation; and

10928 (d) meet any other condition established by the [~~State Board of Education~~] state board
10929 pertinent to the loan.

10930 (4) (a) The state superintendent shall establish a committee, including representatives
10931 from state and local education entities, to:

10932 (i) review requests by school districts for loans under this section; and

10933 (ii) make recommendations regarding approval or disapproval of the loan applications
10934 to the state superintendent.

10935 (b) If the committee recommends approval of a loan application under Subsection
10936 (4)(a)(ii), the committee's recommendation shall include:

10937 (i) the recommended amount of the loan;

10938 (ii) the payback schedule; and

10939 (iii) the interest rate to be charged.

10940 Section 299. Section 53F-9-301 is amended to read:

10941 **53F-9-301. Charter School Levy Account.**

10942 (1) (a) The terms defined in Section 53G-5-102 apply to this section.

10943 (b) As used in this section, "account" means the Charter School Levy Account created
10944 in this section.

10945 (2) There is created within the Education Fund a restricted account known as the

10946 "Charter School Levy Account."

10947 (3) The account shall be funded by amounts deposited into the account in accordance
10948 with Section [53F-2-703](#).

10949 (4) Upon appropriation from the Legislature, the [~~State Board of Education~~] state board
10950 shall distribute funds from the account as described in Section [53F-2-703](#).

10951 (5) The account shall earn interest.

10952 (6) Interest earned on the account shall be deposited into the account.

10953 (7) Funds in the account are nonlapsing.

10954 Section 300. Section **53F-9-302** is amended to read:

10955 **53F-9-302. Minimum Basic Growth Account.**

10956 (1) As used in this section, "account" means the Minimum Basic Growth Account
10957 created in this section.

10958 (2) There is created within the Education Fund a restricted account known as the
10959 "Minimum Basic Growth Account."

10960 (3) The account shall be funded by amounts deposited into the account in accordance
10961 with Section [53F-2-301](#) or [53F-2-301.5](#), as applicable.

10962 (4) The account shall earn interest.

10963 (5) Interest earned on the account shall be deposited into the account.

10964 (6) Upon appropriation by the Legislature:

10965 (a) 75% of the money from the account shall be used to fund the state's contribution to
10966 the voted local levy guarantee described in Section [53F-2-601](#);

10967 (b) 20% of the money from the account shall be used to fund the Capital Outlay
10968 Foundation Program as provided in Section [~~53F-3-203~~] [53F-3-202](#); and

10969 (c) 5% of the money from the account shall be used to fund the Capital Outlay
10970 Enrollment Growth Program as provided in Section [53F-3-203](#).

10971 Section 301. Section **53F-9-304** is amended to read:

10972 **53F-9-304. Underage Drinking Prevention Program Restricted Account.**

10973 (1) As used in this section, "account" means the Underage Drinking Prevention

10974 Program Restricted Account created in this section.

10975 (2) There is created within the Education Fund a restricted account known as the
10976 "Underage Drinking Prevention Program Restricted Account."

10977 (3) (a) Before the Department of Alcoholic Beverage Control deposits any portion of
10978 the markup collected under Section 32B-2-304 into the Liquor Control Fund in accordance
10979 with Section 32B-2-301, the Department of Alcoholic Beverage Control shall deposit into the
10980 account:

10981 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or

10982 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the
10983 amount that the Department of Alcoholic Beverage Control deposited into the account during
10984 the preceding fiscal year increased or decreased by a percentage equal to the percentage
10985 difference between the Consumer Price Index for the second preceding calendar year and the
10986 Consumer Price Index for the preceding calendar year.

10987 (b) For purposes of this Subsection (3), the Department of Alcoholic Beverage Control
10988 shall calculate the Consumer Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and
10989 1(f)(5).

10990 (4) The account shall be funded:

10991 (a) in accordance with Subsection (3);

10992 (b) by appropriations made to the account by the Legislature; and

10993 (c) by interest earned on money in the account.

10994 (5) The [~~State Board of Education~~] state board shall use money in the account for the
10995 Underage Drinking Prevention Program described in Section 53G-10-406.

10996 Section 302. Section 53F-9-305 is amended to read:

10997 **53F-9-305. Local Levy Growth Account.**

10998 (1) As used in this section, "account" means the Local Levy Growth Account created in
10999 this section.

11000 (2) There is created within the Education Fund a restricted account known as the
11001 "Local Levy Growth Account."

- 11002 (3) The account shall be funded by:
- 11003 (a) amounts deposited into the account in accordance with Section 53F-2-301 or
- 11004 53F-2-301.5, as applicable; and
- 11005 (b) other legislative appropriations.
- 11006 (4) The account shall earn interest.
- 11007 (5) Interest earned on the account shall be deposited into the account.
- 11008 (6) The Legislature shall appropriate money in the account to the [~~State Board of~~
- 11009 ~~Education~~] state board.
- 11010 Section 303. Section 53F-9-306 is amended to read:
- 11011 **53F-9-306. Teacher and Student Success Account.**
- 11012 (1) As used in this section, "account" means the Teacher and Student Success Account
- 11013 created in this section.
- 11014 (2) There is created within the Education Fund a restricted account known as the
- 11015 "Teacher and Student Success Account."
- 11016 (3) The account shall be funded by:
- 11017 (a) amounts deposited into the account in accordance with Section 53F-2-301 or
- 11018 53F-2-301.5, as applicable; and
- 11019 (b) other legislative appropriations.
- 11020 (4) The account shall earn interest.
- 11021 (5) Interest earned on the account shall be deposited into the account.
- 11022 (6) The Legislature shall appropriate money in the account to the [~~State Board of~~
- 11023 ~~Education~~] state board.
- 11024 Section 304. Section 53F-9-401 is amended to read:
- 11025 **53F-9-401. Autism Awareness Restricted Account.**
- 11026 (1) There is created in the General Fund a restricted account known as the "Autism
- 11027 Awareness Restricted Account."
- 11028 (2) The account shall be funded by:
- 11029 (a) contributions deposited into the account in accordance with Section 41-1a-422;

- 11030 (b) private contributions; and
- 11031 (c) donations or grants from public or private entities.
- 11032 (3) Upon appropriation by the Legislature, the state superintendent shall:
- 11033 (a) (i) ensure the inventory of Autism Awareness Support special group license plate
- 11034 decals are in stock; and
- 11035 (ii) transfer money to the Tax Commission to pay for the group license plate as needed;
- 11036 (b) distribute funds in the account to one or more charitable organizations that:
- 11037 (i) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;
- 11038 (ii) has as the organization's sole mission to promote access to resources and
- 11039 responsible information for individuals of all ages who have, or are affected by, autism or
- 11040 autism spectrum related conditions;
- 11041 (iii) is an independent organization that has representation from state agencies and
- 11042 private providers serving individuals with autism spectrum disorder and their families in the
- 11043 state;
- 11044 (iv) includes representation of:
- 11045 (A) national and local autism advocacy groups, as available; and
- 11046 (B) interested parents and professionals; and
- 11047 (v) does not endorse any specific treatment, therapy, or intervention used for autism.
- 11048 (4) (a) An organization described in Subsection (3) may apply to the state
- 11049 superintendent to receive a distribution in accordance with Subsection (3).
- 11050 (b) An organization that receives a distribution from the state superintendent in
- 11051 accordance with Subsection (3) shall expend the distribution only to:
- 11052 (i) pay for autism education and public awareness of programs and related services in
- 11053 the state;
- 11054 (ii) enhance programs designed to serve individuals with autism;
- 11055 (iii) provide support to caregivers providing services for individuals with autism;
- 11056 (iv) pay administrative costs of the organization; and
- 11057 (v) pay for academic scholarships and research efforts in the area of autism spectrum

11058 disorder.

11059 ~~[(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
11060 ~~the State Board of Education]~~

11061 (c) The state board may make rules providing procedures for an organization to apply
11062 to the state superintendent to receive a distribution under Subsection (3).

11063 Section 305. Section **53F-9-501** is amended to read:

11064 **53F-9-501. Hospitality and Tourism Management Education Account -- Uses --**
11065 **Costs.**

11066 (1) There is created an expendable special revenue fund known as the "Hospitality and
11067 Tourism Management Education Account," which the ~~[State Board of Education]~~ state board
11068 shall use to fund the Hospitality and Tourism Management Career and Technical Education
11069 Pilot Program created in Section 53E-3-515.

11070 (2) The account consists of:

11071 (a) distributions to the account under Section 59-28-103;

11072 (b) interest earned on the account;

11073 (c) appropriations made by the Legislature; and

11074 (d) private donations, grants, gifts, bequests, or money made available from any other
11075 source to implement Section 53E-3-507 or 53E-3-515.

11076 (3) The ~~[State Board of Education]~~ state board shall administer the account.

11077 (4) The cost of administering the account shall be paid from money in the account.

11078 (5) Interest accrued from investment of money in the account shall remain in the
11079 account.

11080 Section 306. **Revisor instructions.**

11081 The Legislature intends that the Office of Legislative Research and General Counsel, in
11082 preparing the Utah Code database for publication, not enroll this bill if H.B. 28, Public
11083 Education Definitions Coordination, does not pass.