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PUBLIC EDUCATION MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to online learning and information for parents.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to adopt standards for quality online learning;
- ▶ requires a local education agency to:
 - provide parents with access to curriculum that the local education agency uses;

and

- for each grading period, provide a student a grade for each course in which the student is enrolled that reflects the student's work during the grading period;
- ▶ requires a local education agency to provide a student enrolled in an online course and the student's parent with access to certain information; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 **53G-4-402**, as last amended by Laws of Utah 2020, Chapter 347

29 **53G-5-404**, as last amended by Laws of Utah 2020, Chapters 30 and 192

30 ENACTS:

31 **53E-5-523**, Utah Code Annotated 1953

32 **53G-6-804**, Utah Code Annotated 1953



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

35 Section 1. Section **53E-5-523** is enacted to read:

36 **53E-5-523. Standards for quality online learning.**

37 (1) The state board shall adopt standards for quality online learning that:

38 (a) represent generally agreed upon best practices in online learning; and

39 (b) include standards related to:

40 (i) online programs;

41 (ii) online teaching; and

42 (iii) online courses.

43 (2) The state board:

44 (a) shall use the standards described in Subsection (1) to provide guidance to LEAs that
45 provide online learning; and

46 (b) may not require that an LEA comply with the standards as a condition for providing
47 online learning.

48 Section 2. Section **53G-4-402** is amended to read:

49 **53G-4-402. Powers and duties generally.**

50 (1) A local school board shall:

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

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

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

59 resources to implement remediation;

60 (d) for each grading period and for each course in which a student is enrolled, issue a
61 grade to the student:

62 (i) that reflects the student's work for the grading period; and

63 (ii) in accordance with the local school board's adopted grading standards and criteria;

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

65 ~~(e)~~ (f) work with the state board to establish a library of documented best practices,
66 consistent with state and federal regulations, for use by the local districts;

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

68 management training, best practices in instructional methods, budget training, staff

69 management, managing for learning results and continuous improvement, and how to help

70 every child achieve optimal learning in basic academic subjects; and

71 ~~(g)~~ (h) ensure that the local school board meets the data collection and reporting
72 standards described in Section 53E-3-501.

73 (2) Local school boards shall spend Minimum School Program funds for programs and
74 activities for which the state board has established minimum standards or rules under Section
75 53E-3-501.

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

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

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

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

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

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

86 (iii) be filed with the state board.

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

89 (6) Except as provided in Section 53E-3-905, a local school board may enroll children

90 in school who are at least five years of age before September 2 of the year in which admission
91 is sought.

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

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

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

97 (10) (a) A local school board shall administer and implement federal educational
98 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
99 Education Programs.

100 (b) Federal funds are not considered funds within the school district budget under
101 Chapter 7, Part 3, Budgets.

102 (11) (a) A local school board may organize school safety patrols and adopt policies
103 under which the patrols promote student safety.

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

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

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

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

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

115 (13) (a) A local school board may appoint and fix the compensation of a compliance
116 officer to issue citations for violations of Subsection 76-10-105(2)(b).

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

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

120 (14) A local school board shall adopt bylaws and policies for the local school board's

121 own procedures.

122 (15) (a) A local school board shall make and enforce policies necessary for the control
123 and management of the district schools.

124 (b) Local school board policies shall be in writing, filed, and referenced for public
125 access.

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

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

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

130 (i) the schools within the district;

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

132 (iii) the municipality or county;

133 (iv) state or local law enforcement; and

134 (v) state or local traffic safety engineering.

135 (c) The committee shall:

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

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

142 (iii) consult the Utah Safety Council and the Division of Family Health Services and
143 provide training to all school children in kindergarten through grade 6, within the district, on
144 school crossing safety and use; and

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

147 (d) The committee may establish subcommittees as needed to assist in accomplishing
148 [its] the committee's duties under Subsection (17)(c).

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

152 events.

153 (b) The plan shall:

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

155 (ii) be consistent with the student conduct and discipline policies required for school

156 districts under Chapter 11, Part 2, Miscellaneous Requirements;

157 (iii) require professional learning for all district and school building staff on what their
158 roles are in the emergency response plan;

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

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

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

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

167 (c) The state board, through the state superintendent, shall develop comprehensive
168 emergency response plan models that local school boards may use, where appropriate, to
169 comply with Subsection (18)(a).

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

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

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

178 (c) The plan may:

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

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

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

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

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

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

190 (e) The state board, through the state superintendent, shall provide local school boards
191 with an emergency plan response model that local school boards may use to comply with the
192 requirements of this Subsection (19).

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

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

197 (i) at least 120 days before approving the school closure or school boundary change,
198 provide notice to the following that the local school board is considering the closure or
199 boundary change:

200 (A) parents of students enrolled in the school, using the same form of communication
201 the local school board regularly uses to communicate with parents;

202 (B) parents of students enrolled in other schools within the school district that may be
203 affected by the closure or boundary change, using the same form of communication the local
204 school board regularly uses to communicate with parents; and

205 (C) the governing council and the mayor of the municipality in which the school is
206 located;

207 (ii) provide an opportunity for public comment on the proposed school closure or
208 school boundary change during at least two public local school board meetings; and

209 (iii) hold a public hearing as defined in Section [10-9a-103](#) and provide public notice of
210 the public hearing as described in Subsection (21)(b).

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

212 (i) indicate the:

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

214 (B) the date, time, and location of the public hearing;
215 (ii) at least 10 days before the public hearing, be:
216 (A) published:
217 (I) in a newspaper of general circulation in the area; and
218 (II) on the Utah Public Notice Website created in Section 63F-1-701; and
219 (B) posted in at least three public locations within the municipality in which the school
220 is located on the school district's official website, and prominently at the school; and

221 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
222 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

223 (22) A local school board may implement a facility energy efficiency program
224 established under Title 11, Chapter 44, Performance Efficiency Act.

225 (23) A local school board may establish or partner with a certified youth court
226 program, in accordance with Section 78A-6-1203, or establish or partner with a comparable
227 restorative justice program, in coordination with schools in that district. A school may refer a
228 student to youth court or a comparable restorative justice program in accordance with Section
229 53G-8-211.

230 (24) A local school board shall:

231 (a) make curriculum that the school district uses readily accessible and available for a
232 parent to view;

233 (b) annually notify a parent of a student enrolled in the school district of how to access
234 the information described in Subsection (24)(a); and

235 (c) include on the school district's website information about how to access the
236 information described in Subsection (24)(a).

237 Section 3. Section 53G-5-404 is amended to read:

238 **53G-5-404. Requirements for charter schools.**

239 (1) A charter school shall be nonsectarian in its programs, admission policies,
240 employment practices, and operations.

241 (2) A charter school may not charge tuition or fees, except those fees normally charged
242 by other public schools.

243 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
244 civil rights requirements.

245 (4) (a) A charter school shall:

246 (i) make the same annual reports required of other public schools under this public

247 education code, including an annual financial audit report described in Section 53G-4-404;

248 (ii) ensure that the charter school meets the data and reporting standards described in

249 Section 53E-3-501; and

250 (iii) use fund and program accounting methods and standardized account codes capable

251 of producing financial reports that comply with:

252 (A) generally accepted accounting principles;

253 (B) the financial reporting requirements applicable to LEAs established by the state

254 board under Section 53E-3-501; and

255 (C) accounting report standards established by the state auditor as described in Section

256 51-2a-301.

257 (b) Before, and as a condition for opening a charter school:

258 (i) a charter school shall:

259 (A) certify to the authorizer that the charter school's accounting methods meet the

260 requirements described in Subsection (4)(a)(iii); or

261 (B) if the authorizer requires, conduct a performance demonstration to verify that the

262 charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii);

263 and

264 (ii) the authorizer shall certify to the state board that the charter school's accounting

265 methods meet the requirements described in Subsection (4)(a)(iii).

266 (c) A charter school shall file the charter school's annual financial audit report with the

267 Office of the State Auditor within six months of the end of the fiscal year.

268 (d) For the limited purpose of compliance with federal and state law governing use of

269 public education funds, including restricted funds, and making annual financial audit reports

270 under this section, a charter school is a government entity governed by the public education

271 code.

272 (5) (a) A charter school shall be accountable to the charter school's authorizer for

273 performance as provided in the school's charter agreement.

274 (b) To measure the performance of a charter school, an authorizer may use data

275 contained in:

276 (i) the charter school's annual financial audit report;
277 (ii) a report submitted by the charter school as required by statute; or
278 (iii) a report submitted by the charter school as required by its charter agreement.
279 (c) A charter school authorizer may not impose performance standards, except as
280 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully
281 accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise
282 provided in law.

283 (6) A charter school may not advocate unlawful behavior.

284 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and
285 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its
286 authorization.

287 (8) A charter school shall provide adequate liability and other appropriate insurance,
288 including:

289 (a) general liability, errors and omissions, and directors and officers liability coverage
290 through completion of the closure of a charter school under Section 53G-5-504; and

291 (b) tail coverage or closeout insurance covering at least one year after closure of the
292 charter school.

293 (9) Beginning on July 1, 2014, a charter school, including a charter school that has not
294 yet opened, shall submit any lease, lease-purchase agreement, or other contract or agreement
295 relating to the charter school's facilities or financing of the charter school's facilities to the
296 school's authorizer and an attorney for review and advice before the charter school enters the
297 lease, agreement, or contract.

298 (10) A charter school may not employ an educator whose license is suspended or
299 revoked by the state board under Section 53E-6-604.

300 (11) (a) Each charter school shall register and maintain the charter school's registration
301 as a limited purpose entity, in accordance with Section 67-1a-15.

302 (b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is
303 subject to enforcement by the state auditor, in accordance with Section 67-3-1.

304 (c) If a charter school is an operating charter school with affiliated satellite charter
305 schools, as defined in Section 53G-5-303:

306 (i) the operating charter school shall register as a limited purpose entity as defined in

307 Section 67-1a-15;

308 (ii) each affiliated satellite charter school is not required to register separately from the
309 operating charter school; and

310 (iii) the operating charter school shall:

311 (A) register on behalf of each affiliated satellite charter school; and

312 (B) when submitting entity registry information under Section 67-1a-15 on behalf of
313 each affiliated satellite charter school, identify and distinguish registry information for each
314 affiliated satellite, including the address of each affiliated satellite charter school and the name
315 and contact information of a primary contact for each affiliated satellite charter school.

316 (12) (a) As used in this Subsection (12), "contracting entity" means a person with
317 which a charter school contracts.

318 (b) A charter school shall provide to the charter school's authorizer any information or
319 documents requested by the authorizer, including documents held by a subsidiary of the charter
320 school or a contracting entity:

321 (i) to confirm the charter school's compliance with state or federal law governing the
322 charter school's finances or governance; or

323 (ii) to carry out the authorizer's statutory obligations, including liquidation and
324 assignment of assets, and payment of debt in accordance with state board rule, as described in
325 Section 53G-5-504.

326 (c) A charter school shall comply with a request described in Subsection (12)(b),
327 including after an authorizer recommends closure of the charter school or terminates the charter
328 school's contract.

329 (d) Documents held by a contracting entity or subsidiary of a charter school that are
330 necessary to demonstrate the charter school's compliance with state or federal law are the
331 property of the charter school.

332 (e) A charter school shall include in an agreement with a subsidiary of the charter
333 school or a contracting entity a provision that stipulates that documents held by the subsidiary
334 or a contracting entity, that are necessary to demonstrate the charter school's financial
335 compliance with federal or state law, are the property of the charter school.

336 (13) For each grading period and for each course in which a student is enrolled, a
337 charter school shall issue a grade to the student:

- 338 (a) that reflects the student's work for the grading period; and
- 339 (b) in accordance with the charter school's adopted grading standards and criteria.
- 340 (14) A charter school shall:
- 341 (a) make curriculum that the charter school uses readily accessible and available for a
- 342 parent to view;
- 343 (b) annually notify a parent of a student enrolled in the charter school of how to access
- 344 the information described in Subsection (14)(a); and
- 345 (c) include on the charter school's website information about how to access the
- 346 information described in Subsection (14)(a).

347 Section 4. Section **53G-6-804** is enacted to read:

348 **53G-6-804. Parent access to learning management system for online courses --**

349 **Training.**

350 (1) As used in this section:

351 (a) "Learning Management System" means a software application for the
352 administration, documentation, tracking, reporting, automation, or delivery of an online course.

353 (b) "Online course" means a course that an LEA provides to a student over the Internet.

354 (2) An LEA that uses a learning management system for an online course shall
355 provide:

356 (a) to the parent of a student enrolled in the online course, access to the learning
357 management system, including, at a minimum:

358 (i) the curriculum used for the course; and

359 (ii) information about the progress and learning of the parent's student, including
360 assessment results; and

361 (b) to a student enrolled in the course and the student's parent, training or orientation to
362 help the student and student's parent understand how to access:

363 (i) the learning management system;

364 (ii) the online course; and

365 (iii) any online tools used to deliver the online course or instruction.