

1 **PUBLIC EDUCATION RECODIFICATION -**
2 **LOCAL ADMINISTRATION**
3 2018 GENERAL SESSION
4 STATE OF UTAH

5
6 **LONG TITLE**

7 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

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

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 This bill provides revisor instructions.

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **53B-1-115**, Utah Code Annotated 1953

27 **53G-1-101**, Utah Code Annotated 1953

28 **53G-1-102**, Utah Code Annotated 1953

29 **53G-1-103**, Utah Code Annotated 1953

30 **53G-2-101**, Utah Code Annotated 1953

31 **53G-2-102**, Utah Code Annotated 1953

32 **53G-3-101**, Utah Code Annotated 1953
33 **53G-4-101**, Utah Code Annotated 1953
34 **53G-4-102**, Utah Code Annotated 1953
35 **53G-4-501**, Utah Code Annotated 1953
36 **53G-4-601**, Utah Code Annotated 1953
37 **53G-4-701**, Utah Code Annotated 1953
38 **53G-4-1001**, Utah Code Annotated 1953
39 **53G-5-101**, Utah Code Annotated 1953
40 **53G-5-103**, Utah Code Annotated 1953
41 **53G-5-411**, Utah Code Annotated 1953
42 **53G-5-412**, Utah Code Annotated 1953
43 **53G-5-413**, Utah Code Annotated 1953
44 **53G-6-101**, Utah Code Annotated 1953
45 **53G-6-102**, Utah Code Annotated 1953
46 **53G-6-301**, Utah Code Annotated 1953
47 **53G-6-501**, Utah Code Annotated 1953
48 **53G-6-701**, Utah Code Annotated 1953
49 **53G-7-101**, Utah Code Annotated 1953
50 **53G-7-102**, Utah Code Annotated 1953
51 **53G-7-201**, Utah Code Annotated 1953
52 **53G-7-202**, Utah Code Annotated 1953
53 **53G-7-301**, Utah Code Annotated 1953
54 **53G-7-501**, Utah Code Annotated 1953
55 **53G-7-1001**, Utah Code Annotated 1953
56 **53G-7-1201**, Utah Code Annotated 1953
57 **53G-8-101**, Utah Code Annotated 1953
58 **53G-8-102**, Utah Code Annotated 1953
59 **53G-8-201**, Utah Code Annotated 1953
60 **53G-8-401**, Utah Code Annotated 1953
61 **53G-8-601**, Utah Code Annotated 1953
62 **53G-9-101**, Utah Code Annotated 1953

63 **53G-9-102**, Utah Code Annotated 1953
64 **53G-9-201**, Utah Code Annotated 1953
65 **53G-9-401**, Utah Code Annotated 1953
66 **53G-9-501**, Utah Code Annotated 1953
67 **53G-9-701**, Utah Code Annotated 1953
68 **53G-10-101**, Utah Code Annotated 1953
69 **53G-10-102**, Utah Code Annotated 1953
70 **53G-10-201**, Utah Code Annotated 1953
71 **53G-10-301**, Utah Code Annotated 1953
72 **53G-10-305**, Utah Code Annotated 1953
73 **53G-10-401**, Utah Code Annotated 1953
74 **53G-10-403**, Utah Code Annotated 1953
75 **53G-10-501**, Utah Code Annotated 1953
76 **53G-11-101**, Utah Code Annotated 1953
77 **53G-11-102**, Utah Code Annotated 1953
78 **53G-11-201**, Utah Code Annotated 1953
79 **53G-11-301**, Utah Code Annotated 1953
80 **53G-11-502**, Utah Code Annotated 1953

81 RENUMBERS AND AMENDS:

82 **11-36a-206**, (Renumbered from 53A-20-100.5, as enacted by Laws of Utah 1995,
83 Chapter 283)
84 **53G-3-102**, (Renumbered from 53A-2-112, as enacted by Laws of Utah 1988, Chapter
85 49)
86 **53G-3-103**, (Renumbered from 53A-2-111, as enacted by Laws of Utah 1988, Chapter
87 49)
88 **53G-3-201**, (Renumbered from 53A-2-101, as enacted by Laws of Utah 1988, Chapter
89 2)
90 **53G-3-202**, (Renumbered from 53A-2-108, as last amended by Laws of Utah 2000,
91 Chapter 185)
92 **53G-3-203**, (Renumbered from 53A-2-101.5, as last amended by Laws of Utah 2009,

93 Chapter 350)
94 **53G-3-204**, (Renumbered from 53A-2-123, as last amended by Laws of Utah 2013,
95 Chapter 445)
96 **53G-3-205**, (Renumbered from 53A-2-116, as enacted by Laws of Utah 1988, Chapter
97 49)
98 **53G-3-301**, (Renumbered from 53A-2-118, as last amended by Laws of Utah 2017,
99 Chapter 91)
100 **53G-3-302**, (Renumbered from 53A-2-118.1, as last amended by Laws of Utah 2017,
101 Chapter 91)
102 **53G-3-303**, (Renumbered from 53A-2-118.2, as last amended by Laws of Utah 2011,
103 Chapter 371)
104 **53G-3-304**, (Renumbered from 53A-2-118.4, as last amended by Laws of Utah 2015,
105 Chapter 428)
106 **53G-3-305**, (Renumbered from 53A-2-119, as last amended by Laws of Utah 2010,
107 Chapter 230)
108 **53G-3-306**, (Renumbered from 53A-2-120, as last amended by Laws of Utah 2011,
109 Chapter 295)
110 **53G-3-307**, (Renumbered from 53A-2-121, as last amended by Laws of Utah 2011,
111 Chapter 295)
112 **53G-3-308**, (Renumbered from 53A-2-122, as last amended by Laws of Utah 2006,
113 Chapter 183)
114 **53G-3-401**, (Renumbered from 53A-2-102, as last amended by Laws of Utah 1993,
115 Chapter 227)
116 **53G-3-402**, (Renumbered from 53A-2-103, as last amended by Laws of Utah 2008,
117 Chapter 236)
118 **53G-3-403**, (Renumbered from 53A-2-113, as last amended by Laws of Utah 1993,
119 Chapter 4)
120 **53G-3-404**, (Renumbered from 53A-2-114, as last amended by Laws of Utah 2011,
121 Chapter 371)
122 **53G-3-501**, (Renumbered from 53A-2-104, as last amended by Laws of Utah 2007,
123 Chapter 215)

124 **53G-3-502**, (Renumbered from 53A-2-105, as last amended by Laws of Utah 2007,
125 Chapter 215)
126 **53G-3-503**, (Renumbered from 53A-2-115, as last amended by Laws of Utah 2011,
127 Chapter 371)
128 **53G-4-201**, (Renumbered from 53A-3-101, as repealed and reenacted by Laws of Utah
129 1995, Chapter 1)
130 **53G-4-202**, (Renumbered from 53A-3-106, as last amended by Laws of Utah 2015,
131 Chapters 60 and 196)
132 **53G-4-203**, (Renumbered from 53A-3-201, as last amended by Laws of Utah 2005,
133 Chapter 172)
134 **53G-4-204**, (Renumbered from 53A-3-202, as last amended by Laws of Utah 2010,
135 Chapter 90)
136 **53G-4-205**, (Renumbered from 53A-3-204, as last amended by Laws of Utah 2011,
137 Chapter 366)
138 **53G-4-301**, (Renumbered from 53A-3-301, as last amended by Laws of Utah 2011,
139 Chapters 209 and 322)
140 **53G-4-302**, (Renumbered from 53A-3-302, as last amended by Laws of Utah 2012,
141 Chapter 46)
142 **53G-4-303**, (Renumbered from 53A-3-303, as last amended by Laws of Utah 2008,
143 Chapter 382)
144 **53G-4-304**, (Renumbered from 53A-3-304, as last amended by Laws of Utah 2011,
145 Chapter 336)
146 **53G-4-401**, (Renumbered from 53A-3-401, as last amended by Laws of Utah 2014,
147 Chapter 336)
148 **53G-4-402**, (Renumbered from 53A-3-402, as last amended by Laws of Utah 2017,
149 Chapters 278 and 330)
150 **53G-4-403**, (Renumbered from 53A-3-403, as last amended by Laws of Utah 2017,
151 Chapter 372)
152 **53G-4-404**, (Renumbered from 53A-3-404, as last amended by Laws of Utah 2004,
153 Chapter 206)

- 154 **53G-4-405**, (Renumbered from 53A-3-405, as enacted by Laws of Utah 1988, Chapter
155 2)
- 156 **53G-4-406**, (Renumbered from 53A-3-406, as enacted by Laws of Utah 1988, Chapter
157 2)
- 158 **53G-4-407**, (Renumbered from 53A-3-408, as enacted by Laws of Utah 1988, Chapter
159 2)
- 160 **53G-4-408**, (Renumbered from 53A-3-412, as enacted by Laws of Utah 1988, Chapter
161 2)
- 162 **53G-4-409**, (Renumbered from 53A-3-420, as last amended by Laws of Utah 2010,
163 Chapter 305)
- 164 **53G-4-410**, (Renumbered from 53A-3-429, as last amended by Laws of Utah 2014,
165 Chapter 63)
- 166 **53G-4-411**, (Renumbered from 53A-3-432, as enacted by Laws of Utah 2015, Chapter
167 300 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 300)
- 168 **53G-4-502**, (Renumbered from 53A-5-101, as last amended by Laws of Utah 1990,
169 Chapter 78)
- 170 **53G-4-503**, (Renumbered from 53A-5-102, as enacted by Laws of Utah 1988, Chapter
171 2)
- 172 **53G-4-504**, (Renumbered from 53A-5-103, as enacted by Laws of Utah 1988, Chapter
173 2)
- 174 **53G-4-602**, (Renumbered from 53A-18-101, as last amended by Laws of Utah 2005,
175 Chapter 105)
- 176 **53G-4-603**, (Renumbered from 53A-18-102, as last amended by Laws of Utah 2014,
177 Chapter 325)
- 178 **53G-4-604**, (Renumbered from 53A-18-103, as enacted by Laws of Utah 1988, Chapter
179 2)
- 180 **53G-4-605**, (Renumbered from 53A-18-104, as last amended by Laws of Utah 2009,
181 Chapter 388)
- 182 **53G-4-606**, (Renumbered from 53A-18-105, as enacted by Laws of Utah 1988, Chapter
183 2)
- 184 **53G-4-607**, (Renumbered from 53A-18-106, as last amended by Laws of Utah 1993,

185 Chapter 227)

186 **53G-4-608**, (Renumbered from 53A-18-107, as enacted by Laws of Utah 2013, Chapter

187 356)

188 **53G-4-702**, (Renumbered from 53A-23-101, as enacted by Laws of Utah 1988, Chapter

189 2)

190 **53G-4-703**, (Renumbered from 53A-23-102, as enacted by Laws of Utah 1988, Chapter

191 2)

192 **53G-4-704**, (Renumbered from 53A-23-103, as enacted by Laws of Utah 1988, Chapter

193 2)

194 **53G-4-705**, (Renumbered from 53A-23-104, as enacted by Laws of Utah 1988, Chapter

195 2)

196 **53G-4-801**, (Renumbered from 53A-28-102, as enacted by Laws of Utah 1996, Chapter

197 62)

198 **53G-4-802**, (Renumbered from 53A-28-201, as enacted by Laws of Utah 1996, Chapter

199 62)

200 **53G-4-803**, (Renumbered from 53A-28-202, as enacted by Laws of Utah 1996, Chapter

201 62)

202 **53G-4-804**, (Renumbered from 53A-28-203, as last amended by Laws of Utah 2003,

203 Chapter 221)

204 **53G-4-805**, (Renumbered from 53A-28-301, as last amended by Laws of Utah 2011,

205 Chapter 342)

206 **53G-4-806**, (Renumbered from 53A-28-302, as last amended by Laws of Utah 2011,

207 Chapter 342)

208 **53G-4-807**, (Renumbered from 53A-28-401, as last amended by Laws of Utah 2011,

209 Chapter 342)

210 **53G-4-808**, (Renumbered from 53A-28-402, as last amended by Laws of Utah 2011,

211 Chapter 342)

212 **53G-4-901**, (Renumbered from 53A-2-402, as last amended by Laws of Utah 2015,

213 Chapter 352)

214 **53G-4-902**, (Renumbered from 53A-2-403, as last amended by Laws of Utah 2012,

215 Chapter 104)
216 **53G-4-903**, (Renumbered from 53A-2-404, as enacted by Laws of Utah 2006, Chapter
217 339)
218 **53G-4-1001.5**, (Renumbered from 53A-22-101, as enacted by Laws of Utah 1988,
219 Chapter 2)
220 **53G-4-1002**, (Renumbered from 53A-22-102, as enacted by Laws of Utah 1988,
221 Chapter 2)
222 **53G-4-1003**, (Renumbered from 53A-22-103, as enacted by Laws of Utah 1988,
223 Chapter 2)
224 **53G-4-1004**, (Renumbered from 53A-22-104, as enacted by Laws of Utah 1988,
225 Chapter 2)
226 **53G-4-1005**, (Renumbered from 53A-22-105, as enacted by Laws of Utah 1988,
227 Chapter 2)
228 **53G-4-1006**, (Renumbered from 53A-22-106, as enacted by Laws of Utah 1988,
229 Chapter 2)
230 **53G-5-102**, (Renumbered from 53A-1a-501.3, as last amended by Laws of Utah 2017,
231 Chapter 382)
232 **53G-5-104**, (Renumbered from 53A-1a-503, as last amended by Laws of Utah 2008,
233 Chapter 319)
234 **53G-5-201**, (Renumbered from 53A-1a-501.5, as last amended by Laws of Utah 2011,
235 Chapter 429)
236 **53G-5-202**, (Renumbered from 53A-1a-501.6, as last amended by Laws of Utah 2014,
237 Chapter 363)
238 **53G-5-203**, (Renumbered from 53A-1a-501.7, as last amended by Laws of Utah 2016,
239 Chapters 144 and 271)
240 **53G-5-204**, (Renumbered from 53A-1a-507.1, as enacted by Laws of Utah 2005,
241 Chapter 74)
242 **53G-5-301**, (Renumbered from 53A-1a-501.9, as enacted by Laws of Utah 2013,
243 Chapter 376)
244 **53G-5-302**, (Renumbered from 53A-1a-504, as last amended by Laws of Utah 2017,
245 Chapters 325 and 378)

246 **53G-5-303**, (Renumbered from 53A-1a-508, as last amended by Laws of Utah 2017,
247 Chapter 212)
248 **53G-5-304**, (Renumbered from 53A-1a-505, as last amended by Laws of Utah 2014,
249 Chapter 363)
250 **53G-5-305**, (Renumbered from 53A-1a-515, as last amended by Laws of Utah 2014,
251 Chapter 363)
252 **53G-5-306**, (Renumbered from 53A-1a-521, as last amended by Laws of Utah 2017,
253 Chapter 382)
254 **53G-5-401**, (Renumbered from 53A-1a-503.5, as last amended by Laws of Utah 2016,
255 Chapter 232)
256 **53G-5-402**, (Renumbered from 53A-1a-523, as enacted by Laws of Utah 2011, Chapter
257 436)
258 **53G-5-403**, (Renumbered from 53A-1a-517, as last amended by Laws of Utah 2014,
259 Chapter 363)
260 **53G-5-404**, (Renumbered from 53A-1a-507, as last amended by Laws of Utah 2014,
261 Chapter 363)
262 **53G-5-405**, (Renumbered from 53A-1a-511, as last amended by Laws of Utah 2016,
263 Chapters 355 and 363)
264 **53G-5-406**, (Renumbered from 53A-1a-520, as last amended by Laws of Utah 2014,
265 Chapter 363)
266 **53G-5-407**, (Renumbered from 53A-1a-512, as last amended by Laws of Utah 2014,
267 Chapter 363)
268 **53G-5-408**, (Renumbered from 53A-1a-512.5, as last amended by Laws of Utah 2015,
269 Chapter 389)
270 **53G-5-409**, (Renumbered from 53A-1a-518, as last amended by Laws of Utah 2010,
271 Chapter 162)
272 **53G-5-410**, (Renumbered from 53A-1a-524, as last amended by Laws of Utah 2016,
273 Chapter 220)
274 **53G-5-501**, (Renumbered from 53A-1a-509, as last amended by Laws of Utah 2014,
275 Chapter 363)

276 **53G-5-502**, (Renumbered from 53A-1a-509.5, as last amended by Laws of Utah 2016,
277 Chapter 363)

278 **53G-5-503 (Effective 11/01/17)**, (Renumbered from 53A-1a-510 (Effective 11/01/17),
279 as last amended by Laws of Utah 2017, Chapter 378)

280 **53G-5-504**, (Renumbered from 53A-1a-510.5, as last amended by Laws of Utah 2016,
281 Chapter 213)

282 **53G-5-505**, (Renumbered from 53A-1a-514, as last amended by Laws of Utah 2014,
283 Chapter 363)

284 **53G-5-601**, (Renumbered from 53A-20b-102, as last amended by Laws of Utah 2012,
285 Chapter 201)

286 **53G-5-602**, (Renumbered from 53A-20b-103, as last amended by Laws of Utah 2012,
287 Chapter 201)

288 **53G-5-603**, (Renumbered from 53A-20b-104, as last amended by Laws of Utah 2012,
289 Chapter 201)

290 **53G-5-604**, (Renumbered from 53A-20b-105, as last amended by Laws of Utah 2012,
291 Chapter 201)

292 **53G-5-605**, (Renumbered from 53A-20b-106, as enacted by Laws of Utah 2007,
293 Chapter 167)

294 **53G-5-606**, (Renumbered from 53A-20b-201, as last amended by Laws of Utah 2014,
295 Chapter 363)

296 **53G-5-607**, (Renumbered from 53A-20b-202, as enacted by Laws of Utah 2012,
297 Chapter 201)

298 **53G-5-608**, (Renumbered from 53A-20b-203, as enacted by Laws of Utah 2012,
299 Chapter 201)

300 **53G-5-609**, (Renumbered from 53A-20b-204, as enacted by Laws of Utah 2012,
301 Chapter 201)

302 **53G-6-201**, (Renumbered from 53A-11-101, as last amended by Laws of Utah 2007,
303 Chapter 81)

304 **53G-6-202**, (Renumbered from 53A-11-101.5, as last amended by Laws of Utah 2012,
305 Chapter 203)

306 **53G-6-203**, (Renumbered from 53A-11-101.7, as last amended by Laws of Utah 2017,

307 Chapter 330)

308 **53G-6-204**, (Renumbered from 53A-11-102, as last amended by Laws of Utah 2014,

309 Chapter 374)

310 **53G-6-205**, (Renumbered from 53A-11-101.3, as enacted by Laws of Utah 2007,

311 Chapter 81)

312 **53G-6-206**, (Renumbered from 53A-11-103, as last amended by Laws of Utah 2017,

313 Chapter 330)

314 **53G-6-207**, (Renumbered from 53A-11-104, as last amended by Laws of Utah 2007,

315 Chapter 81)

316 **53G-6-208**, (Renumbered from 53A-11-105, as last amended by Laws of Utah 2017,

317 Chapter 330)

318 **53G-6-209**, (Renumbered from 53A-11-106, as last amended by Laws of Utah 2007,

319 Chapter 81)

320 **53G-6-302**, (Renumbered from 53A-2-201, as last amended by Laws of Utah 2017,

321 Chapter 175)

322 **53G-6-303**, (Renumbered from 53A-2-202, as last amended by Laws of Utah 1998,

323 Chapter 263)

324 **53G-6-304**, (Renumbered from 53A-2-203.5, as enacted by Laws of Utah 1998,

325 Chapter 124)

326 **53G-6-305**, (Renumbered from 53A-2-204, as last amended by Laws of Utah 2017,

327 Chapter 316)

328 **53G-6-306**, (Renumbered from 53A-2-205, as enacted by Laws of Utah 1988, Chapter

329 2)

330 **53G-6-401**, (Renumbered from 53A-2-206.5, as last amended by Laws of Utah 2012,

331 Chapter 67)

332 **53G-6-402**, (Renumbered from 53A-2-207, as last amended by Laws of Utah 2012,

333 Chapter 67)

334 **53G-6-403**, (Renumbered from 53A-2-208, as last amended by Laws of Utah 2008,

335 Chapter 346)

336 **53G-6-404**, (Renumbered from 53A-2-209, as repealed and reenacted by Laws of Utah

337 1993, Chapter 119)
338 **53G-6-405**, (Renumbered from 53A-2-210, as last amended by Laws of Utah 2008,
339 Chapter 346)
340 **53G-6-406**, (Renumbered from 53A-2-211, as last amended by Laws of Utah 1993,
341 Chapter 119)
342 **53G-6-407**, (Renumbered from 53A-2-213, as last amended by Laws of Utah 2008,
343 Chapter 346)
344 **53G-6-502**, (Renumbered from 53A-1a-506, as last amended by Laws of Utah 2017,
345 Chapters 87 and 212)
346 **53G-6-503**, (Renumbered from 53A-1a-506.5, as last amended by Laws of Utah 2014,
347 Chapter 363)
348 **53G-6-504**, (Renumbered from 53A-1a-502.5, as last amended by Laws of Utah 2016,
349 Chapter 213)
350 **53G-6-601**, (Renumbered from 53A-11-501, as last amended by Laws of Utah 1998,
351 Chapter 263)
352 **53G-6-602**, (Renumbered from 53A-11-502, as last amended by Laws of Utah 1998,
353 Chapter 263)
354 **53G-6-603**, (Renumbered from 53A-11-503, as last amended by Laws of Utah 1993,
355 Chapter 234)
356 **53G-6-604**, (Renumbered from 53A-11-504, as last amended by Laws of Utah 2017,
357 Chapter 278)
358 **53G-6-702**, (Renumbered from 53A-11-102.5, as last amended by Laws of Utah 2010,
359 Chapter 210)
360 **53G-6-703**, (Renumbered from 53A-11-102.6, as last amended by Laws of Utah 2011,
361 Chapter 340)
362 **53G-6-704**, (Renumbered from 53A-1a-519, as last amended by Laws of Utah 2011,
363 Chapter 433)
364 **53G-6-705**, (Renumbered from 53A-2-214, as last amended by Laws of Utah 2017,
365 Chapter 173)
366 **53G-6-706**, (Renumbered from 53A-11-102.7, as enacted by Laws of Utah 2014,
367 Chapter 374)

368 **53G-6-707**, (Renumbered from 53A-2-206, as last amended by Laws of Utah 2012,
369 Chapter 398)
370 **53G-6-708**, (Renumbered from 53A-17a-114, as last amended by Laws of Utah 2017,
371 Chapter 382)
372 **53G-6-801**, (Renumbered from 53A-15-1401, as last amended by Laws of Utah 2015,
373 Chapter 444)
374 **53G-6-802**, (Renumbered from 53A-15-1402, as last amended by Laws of Utah 2015,
375 Chapter 444)
376 **53G-6-803**, (Renumbered from 53A-15-1403, as last amended by Laws of Utah 2015,
377 Chapter 444)
378 **53G-7-203**, (Renumbered from 53A-3-402.7, as enacted by Laws of Utah 1993,
379 Chapter 122)
380 **53G-7-204**, (Renumbered from 53A-3-402.1, as enacted by Laws of Utah 1999,
381 Chapter 268)
382 **53G-7-205**, (Renumbered from 53A-3-402.9, as last amended by Laws of Utah 2016,
383 Chapter 144)
384 **53G-7-206**, (Renumbered from 53A-13-108.5, as last amended by Laws of Utah 2015,
385 Chapter 415)
386 **53G-7-207**, (Renumbered from 53A-11-901.5, as renumbered and amended by Laws of
387 Utah 1997, Chapter 10)
388 **53G-7-208**, (Renumbered from 53A-3-409, as last amended by Laws of Utah 2015,
389 Chapter 286)
390 **53G-7-209**, (Renumbered from 53A-3-413, as last amended by Laws of Utah 2015,
391 Chapters 232 and 342)
392 **53G-7-210**, (Renumbered from 53A-3-414, as last amended by Laws of Utah 2015,
393 Chapter 232)
394 **53G-7-211**, (Renumbered from 53A-3-407, as enacted by Laws of Utah 1988, Chapter
395 2)
396 **53G-7-212**, (Renumbered from 53A-3-402.5, as repealed and reenacted by Laws of
397 Utah 1993, Chapter 1)

398 **53G-7-213**, (Renumbered from 53A-3-417, as last amended by Laws of Utah 2004,
399 Chapter 171)
400 **53G-7-214**, (Renumbered from 53A-3-427, as last amended by Laws of Utah 2013,
401 Chapter 214)
402 **53G-7-215**, (Renumbered from 53A-1-409, as last amended by Laws of Utah 2016,
403 Chapter 347)
404 **53G-7-216**, (Renumbered from 53A-1-706, as last amended by Laws of Utah 2016,
405 Chapter 220)
406 **53G-7-302**, (Renumbered from 53A-19-101, as last amended by Laws of Utah 2016,
407 Chapter 363)
408 **53G-7-303**, (Renumbered from 53A-19-102, as last amended by Laws of Utah 2016,
409 Chapter 363)
410 **53G-7-304**, (Renumbered from 53A-19-103, as enacted by Laws of Utah 1988, Chapter
411 2)
412 **53G-7-305**, (Renumbered from 53A-19-104, as last amended by Laws of Utah 2016,
413 Chapter 363)
414 **53G-7-306**, (Renumbered from 53A-19-105, as last amended by Laws of Utah 2016,
415 Chapters 350 and 367)
416 **53G-7-307**, (Renumbered from 53A-19-106, as last amended by Laws of Utah 2016,
417 Chapter 363)
418 **53G-7-308**, (Renumbered from 53A-19-107, as enacted by Laws of Utah 1988, Chapter
419 2)
420 **53G-7-309**, (Renumbered from 53A-19-108, as last amended by Laws of Utah 2016,
421 Chapter 363)
422 **53G-7-401**, (Renumbered from 53A-30-102, as enacted by Laws of Utah 2014, Chapter
423 433)
424 **53G-7-402**, (Renumbered from 53A-30-103, as enacted by Laws of Utah 2014, Chapter
425 433)
426 **53G-7-502**, (Renumbered from 53A-12-101, as enacted by Laws of Utah 1988, Chapter
427 2)
428 **53G-7-503**, (Renumbered from 53A-12-102, as last amended by Laws of Utah 2015,

429 Chapter 258)
430 **53G-7-504**, (Renumbered from 53A-12-103, as last amended by Laws of Utah 2008,
431 Chapter 382)
432 **53G-7-505**, (Renumbered from 53A-12-104, as enacted by Laws of Utah 1988, Chapter
433 2)
434 **53G-7-601**, (Renumbered from 53A-12-202, as enacted by Laws of Utah 1988, Chapter
435 2)
436 **53G-7-602**, (Renumbered from 53A-12-201, as enacted by Laws of Utah 1988, Chapter
437 2)
438 **53G-7-603**, (Renumbered from 53A-12-204, as last amended by Laws of Utah 2002,
439 Chapter 299)
440 **53G-7-604**, (Renumbered from 53A-12-205, as enacted by Laws of Utah 1988, Chapter
441 2)
442 **53G-7-605**, (Renumbered from 53A-12-206, as enacted by Laws of Utah 1988, Chapter
443 2)
444 **53G-7-606**, (Renumbered from 53A-12-207, as last amended by Laws of Utah 2010,
445 Chapter 305)
446 **53G-7-701**, (Renumbered from 53A-11-1202, as last amended by Laws of Utah 2011,
447 Chapter 403)
448 **53G-7-702**, (Renumbered from 53A-11-1203, as last amended by Laws of Utah 2011,
449 Chapter 403)
450 **53G-7-703**, (Renumbered from 53A-11-1204, as enacted by Laws of Utah 2007,
451 Chapter 114)
452 **53G-7-704**, (Renumbered from 53A-11-1205, as enacted by Laws of Utah 2007,
453 Chapter 114)
454 **53G-7-705**, (Renumbered from 53A-11-1206, as last amended by Laws of Utah 2011,
455 Chapter 403)
456 **53G-7-706**, (Renumbered from 53A-11-1207, as enacted by Laws of Utah 2007,
457 Chapter 114)
458 **53G-7-707**, (Renumbered from 53A-11-1208, as last amended by Laws of Utah 2011,

459 Chapter 403)
460 **53G-7-708**, (Renumbered from 53A-11-1209, as enacted by Laws of Utah 2007,
461 Chapter 114)
462 **53G-7-709**, (Renumbered from 53A-11-1210, as enacted by Laws of Utah 2007,
463 Chapter 114)
464 **53G-7-710**, (Renumbered from 53A-11-1211, as last amended by Laws of Utah 2011,
465 Chapter 403)
466 **53G-7-711**, (Renumbered from 53A-11-1212, as last amended by Laws of Utah 2011,
467 Chapter 403)
468 **53G-7-712**, (Renumbered from 53A-11-1213, as enacted by Laws of Utah 2007,
469 Chapter 114)
470 **53G-7-713**, (Renumbered from 53A-11-1214, as enacted by Laws of Utah 2007,
471 Chapter 114)
472 **53G-7-801**, (Renumbered from 53A-15-1101, as enacted by Laws of Utah 2006,
473 Chapter 190)
474 **53G-7-802**, (Renumbered from 53A-15-1102, as enacted by Laws of Utah 2006,
475 Chapter 190)
476 **53G-7-803**, (Renumbered from 53A-15-1103, as enacted by Laws of Utah 2006,
477 Chapter 190)
478 **53G-7-901**, (Renumbered from 53A-29-101, as enacted by Laws of Utah 1996, Chapter
479 73)
480 **53G-7-902**, (Renumbered from 53A-29-102, as enacted by Laws of Utah 1996, Chapter
481 73)
482 **53G-7-903**, (Renumbered from 53A-29-103, as last amended by Laws of Utah 2008,
483 Chapter 250)
484 **53G-7-904**, (Renumbered from 53A-29-104, as last amended by Laws of Utah 2015,
485 Chapter 389)
486 **53G-7-905**, (Renumbered from 53A-29-105, as enacted by Laws of Utah 1996, Chapter
487 73)
488 **53G-7-1002**, (Renumbered from 53A-3-422, as last amended by Laws of Utah 2002,
489 Chapter 301)

490 **53G-7-1003**, (Renumbered from 53A-3-423, as enacted by Laws of Utah 2001, Chapter
491 172)
492 **53G-7-1004**, (Renumbered from 53A-3-424, as last amended by Laws of Utah 2016,
493 Chapter 144)
494 **53G-7-1101**, (Renumbered from 53A-1-1601, as enacted by Laws of Utah 2017,
495 Chapter 196)
496 **53G-7-1102**, (Renumbered from 53A-1-1602, as enacted by Laws of Utah 2017,
497 Chapter 196)
498 **53G-7-1103**, (Renumbered from 53A-1-1603, as enacted by Laws of Utah 2017,
499 Chapter 196)
500 **53G-7-1104**, (Renumbered from 53A-1-1604, as enacted by Laws of Utah 2017,
501 Chapter 196)
502 **53G-7-1105**, (Renumbered from 53A-1-1605, as enacted by Laws of Utah 2017,
503 Chapter 196)
504 **53G-7-1106**, (Renumbered from 53A-1-1606, as enacted by Laws of Utah 2017,
505 Chapter 196)
506 **53G-7-1202**, (Renumbered from 53A-1a-108, as last amended by Laws of Utah 2016,
507 Chapter 220)
508 **53G-7-1203**, (Renumbered from 53A-1a-108.1, as last amended by Laws of Utah 2015,
509 Chapter 276)
510 **53G-7-1204**, (Renumbered from 53A-1a-108.5, as last amended by Laws of Utah 2016,
511 Chapter 220)
512 **53G-8-202**, (Renumbered from 53A-11-901, as last amended by Laws of Utah 2017,
513 Chapter 330)
514 **53G-8-203**, (Renumbered from 53A-11-902, as last amended by Laws of Utah 2017,
515 Chapter 55)
516 **53G-8-204**, (Renumbered from 53A-11-903, as last amended by Laws of Utah 2007,
517 Chapter 161)
518 **53G-8-205**, (Renumbered from 53A-11-904, as last amended by Laws of Utah 2010,
519 Chapter 276)

- 520 **53G-8-206**, (Renumbered from 53A-11-905, as last amended by Laws of Utah 2007,
521 Chapter 161)
- 522 **53G-8-207**, (Renumbered from 53A-11-906, as last amended by Laws of Utah 2007,
523 Chapters 82 and 161)
- 524 **53G-8-208**, (Renumbered from 53A-11-907, as last amended by Laws of Utah 2007,
525 Chapter 161)
- 526 **53G-8-209**, (Renumbered from 53A-11-908, as last amended by Laws of Utah 2017,
527 Chapter 330)
- 528 **53G-8-210**, (Renumbered from 53A-11-910, as last amended by Laws of Utah 2017,
529 Chapter 330)
- 530 **53G-8-211**, (Renumbered from 53A-11-911, as enacted by Laws of Utah 2017, Chapter
531 330)
- 532 **53G-8-212**, (Renumbered from 53A-11-806, as last amended by Laws of Utah 2017,
533 Chapter 55)
- 534 **53G-8-301**, (Renumbered from 53A-11-801, as last amended by Laws of Utah 2017,
535 Chapter 55)
- 536 **53G-8-302**, (Renumbered from 53A-11-802, as last amended by Laws of Utah 2017,
537 Chapter 55)
- 538 **53G-8-303**, (Renumbered from 53A-11-803, as last amended by Laws of Utah 1994,
539 Chapter 260)
- 540 **53G-8-304**, (Renumbered from 53A-11-804, as enacted by Laws of Utah 1992, Chapter
541 251)
- 542 **53G-8-305**, (Renumbered from 53A-11-805, as enacted by Laws of Utah 1992, Chapter
543 251)
- 544 **53G-8-402**, (Renumbered from 53A-11-1001, as last amended by Laws of Utah 2008,
545 Chapter 3)
- 546 **53G-8-403**, (Renumbered from 53A-11-1002, as last amended by Laws of Utah 2004,
547 Chapter 102)
- 548 **53G-8-404**, (Renumbered from 53A-11-1003, as enacted by Laws of Utah 1994,
549 Chapter 256)
- 550 **53G-8-405**, (Renumbered from 53A-11-1004, as last amended by Laws of Utah 2008,

551 Chapter 3)
552 **53G-8-501**, (Renumbered from 53A-11-401, as last amended by Laws of Utah 1989,
553 Chapter 22)
554 **53G-8-502**, (Renumbered from 53A-11-402, as enacted by Laws of Utah 1988, Chapter
555 2)
556 **53G-8-503**, (Renumbered from 53A-11-403, as last amended by Laws of Utah 2017,
557 Chapter 330)
558 **53G-8-504**, (Renumbered from 53A-11-404, as enacted by Laws of Utah 1988, Chapter
559 2)
560 **53G-8-505**, (Renumbered from 53A-11-1301, as renumbered and amended by Laws of
561 Utah 2008, Chapter 3)
562 **53G-8-506**, (Renumbered from 53A-11-1302, as last amended by Laws of Utah 2017,
563 Chapter 330)
564 **53G-8-507**, (Renumbered from 53A-11-1303, as renumbered and amended by Laws of
565 Utah 2008, Chapter 3)
566 **53G-8-508**, (Renumbered from 53A-11-1304, as renumbered and amended by Laws of
567 Utah 2008, Chapter 3)
568 **53G-8-509**, (Renumbered from 53A-11-1305, as renumbered and amended by Laws of
569 Utah 2008, Chapter 3)
570 **53G-8-510**, (Renumbered from 53A-11-1101, as enacted by Laws of Utah 1994,
571 Chapter 256)
572 **53G-8-602**, (Renumbered from 53A-3-501, as last amended by Laws of Utah 1998,
573 Chapter 10)
574 **53G-8-603**, (Renumbered from 53A-3-503, as last amended by Laws of Utah 1990,
575 Chapter 78)
576 **53G-8-604**, (Renumbered from 53A-3-504, as enacted by Laws of Utah 1988, Chapter
577 140)
578 **53G-8-701**, (Renumbered from 53A-11-1602, as enacted by Laws of Utah 2016,
579 Chapter 165)
580 **53G-8-702**, (Renumbered from 53A-11-1603, as enacted by Laws of Utah 2016,

581 Chapter 165)
582 **53G-8-703**, (Renumbered from 53A-11-1604, as last amended by Laws of Utah 2017,
583 Chapter 330)
584 **53G-9-202**, (Renumbered from 53A-11-205, as enacted by Laws of Utah 2001, First
585 Special Session, Chapter 3)
586 **53G-9-203**, (Renumbered from 53A-11-605, as last amended by Laws of Utah 2013,
587 Chapter 335)
588 **53G-9-204**, (Renumbered from 53A-11-204, as last amended by Laws of Utah 2002,
589 Chapter 301)
590 **53G-9-205**, (Renumbered from 53A-19-301, as enacted by Laws of Utah 1996, Chapter
591 268)
592 **53G-9-206**, (Renumbered from 53A-13-103, as enacted by Laws of Utah 1988, Chapter
593 2)
594 **53G-9-207**, (Renumbered from 53A-13-112, as enacted by Laws of Utah 2014, Chapter
595 342)
596 **53G-9-208**, (Renumbered from 53A-11-606, as enacted by Laws of Utah 2017, Chapter
597 191)
598 **53G-9-301 (Effective 07/01/18)**, (Renumbered from 53A-11-300.5 (Effective
599 07/01/18), as enacted by Laws of Utah 2017, Chapter 344)
600 **53G-9-302 (Effective 07/01/18)**, (Renumbered from 53A-11-301 (Effective 07/01/18),
601 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
602 **53G-9-302 (Superseded 07/01/18)**, (Renumbered from 53A-11-301 (Superseded
603 07/01/18), as last amended by Laws of Utah 1992, Chapter 53)
604 **53G-9-303 (Effective 07/01/18)**, (Renumbered from 53A-11-302 (Effective 07/01/18),
605 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
606 **53G-9-303 (Superseded 07/01/18)**, (Renumbered from 53A-11-302 (Superseded
607 07/01/18), as last amended by Laws of Utah 2017, Chapter 278)
608 **53G-9-304 (Effective 07/01/18)**, (Renumbered from 53A-11-302.5 (Effective
609 07/01/18), as repealed and reenacted by Laws of Utah 2017, Chapter 344)
610 **53G-9-304 (Superseded 07/01/18)**, (Renumbered from 53A-11-302.5 (Superseded
611 07/01/18), as enacted by Laws of Utah 1992, Chapter 129)

612 **53G-9-305 (Effective 07/01/18)**, (Renumbered from 53A-11-303 (Effective 07/01/18),
613 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
614 **53G-9-305 (Superseded 07/01/18)**, (Renumbered from 53A-11-303 (Superseded
615 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)
616 **53G-9-306 (Effective 07/01/18)**, (Renumbered from 53A-11-304 (Effective 07/01/18),
617 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
618 **53G-9-306 (Superseded 07/01/18)**, (Renumbered from 53A-11-304 (Superseded
619 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)
620 **53G-9-307 (Repealed 07/01/18)**, (Renumbered from 53A-11-305 (Repealed 07/01/18),
621 as repealed by Laws of Utah 2017, Chapter 344)
622 **53G-9-308 (Effective 07/01/18)**, (Renumbered from 53A-11-306 (Effective 07/01/18),
623 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
624 **53G-9-308 (Superseded 07/01/18)**, (Renumbered from 53A-11-306 (Superseded
625 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)
626 **53G-9-309 (Effective 07/01/18)**, (Renumbered from 53A-11-307 (Effective 07/01/18),
627 as enacted by Laws of Utah 2017, Chapter 344)
628 **53G-9-402**, (Renumbered from 53A-11-201, as last amended by Laws of Utah 1996,
629 Chapter 4)
630 **53G-9-403**, (Renumbered from 53A-11-202, as enacted by Laws of Utah 1988, Chapter
631 2)
632 **53G-9-404**, (Renumbered from 53A-11-203, as last amended by Laws of Utah 2016,
633 Chapter 271)
634 **53G-9-502**, (Renumbered from 53A-11-601, as last amended by Laws of Utah 2017,
635 Chapter 183)
636 **53G-9-503**, (Renumbered from 53A-11-602, as enacted by Laws of Utah 2004, Chapter
637 4)
638 **53G-9-504**, (Renumbered from 53A-11-603, as enacted by Laws of Utah 2006, Chapter
639 215)
640 **53G-9-505**, (Renumbered from 53A-11-603.5, as enacted by Laws of Utah 2016,
641 Chapter 423)

642 **53G-9-506**, (Renumbered from 53A-11-604, as enacted by Laws of Utah 2006, Chapter
643 215)
644 **53G-9-601**, (Renumbered from 53A-11a-102, as last amended by Laws of Utah 2017,
645 Chapters 170 and 213)
646 **53G-9-602**, (Renumbered from 53A-11a-201, as last amended by Laws of Utah 2017,
647 Chapter 213)
648 **53G-9-603**, (Renumbered from 53A-11a-202, as last amended by Laws of Utah 2017,
649 Chapter 213)
650 **53G-9-604**, (Renumbered from 53A-11a-203, as last amended by Laws of Utah 2017,
651 Chapters 30, 170, and 213)
652 **53G-9-605**, (Renumbered from 53A-11a-301, as last amended by Laws of Utah 2017,
653 Chapters 170 and 213)
654 **53G-9-606**, (Renumbered from 53A-11a-302, as last amended by Laws of Utah 2017,
655 Chapters 170 and 213)
656 **53G-9-607**, (Renumbered from 53A-11a-401, as last amended by Laws of Utah 2017,
657 Chapters 170, 213 and last amended by Coordination Clause, Laws of Utah 2017,
658 Chapter 213)
659 **53G-9-608**, (Renumbered from 53A-11a-402, as last amended by Laws of Utah 2017,
660 Chapters 170 and 213)
661 **53G-9-702**, (Renumbered from 53A-15-1301, as last amended by Laws of Utah 2016,
662 Chapter 144)
663 **53G-9-703**, (Renumbered from 53A-15-1302, as last amended by Laws of Utah 2015,
664 Chapters 85 and 442)
665 **53G-9-704**, (Renumbered from 53A-15-1304, as enacted by Laws of Utah 2017,
666 Chapter 378)
667 **53G-9-801**, (Renumbered from 53A-15-1902, as enacted by Laws of Utah 2016,
668 Chapter 320)
669 **53G-9-802**, (Renumbered from 53A-15-1903, as enacted by Laws of Utah 2016,
670 Chapter 320)
671 **53G-9-803**, (Renumbered from 53A-13-104, as last amended by Laws of Utah 2013,
672 Chapter 377)

673 **53G-10-202**, (Renumbered from 53A-13-101.1, as enacted by Laws of Utah 1993,
674 Chapter 95)
675 **53G-10-203**, (Renumbered from 53A-13-101.3, as enacted by Laws of Utah 1993,
676 Chapter 95)
677 **53G-10-204**, (Renumbered from 53A-13-109, as last amended by Laws of Utah 2014,
678 Chapter 387)
679 **53G-10-205**, (Renumbered from 53A-13-101.2, as last amended by Laws of Utah 2015,
680 Chapter 91)
681 **53G-10-302**, (Renumbered from 53A-13-101.4, as last amended by Laws of Utah 2011,
682 Chapter 298)
683 **53G-10-303**, (Renumbered from 53A-13-101.5, as last amended by Laws of Utah 2017,
684 Chapter 382)
685 **53G-10-304**, (Renumbered from 53A-13-101.6, as last amended by Laws of Utah 2012,
686 Chapter 426)
687 **53G-10-402**, (Renumbered from 53A-13-101, as last amended by Laws of Utah 2017,
688 Chapter 162)
689 **53G-10-404**, (Renumbered from 53A-13-107, as last amended by Laws of Utah 2010,
690 Chapter 305)
691 **53G-10-405**, (Renumbered from 53A-13-102, as last amended by Laws of Utah 2002,
692 Fifth Special Session, Chapter 8)
693 **53G-10-406**, (Renumbered from 53A-13-113, as enacted by Laws of Utah 2017,
694 Chapter 455)
695 **53G-10-502**, (Renumbered from 53A-13-201, as last amended by Laws of Utah 2008,
696 Chapter 382)
697 **53G-10-503**, (Renumbered from 53A-13-202, as last amended by Laws of Utah 2003,
698 Chapter 23)
699 **53G-10-504**, (Renumbered from 53A-13-203, as enacted by Laws of Utah 1988,
700 Chapter 2)
701 **53G-10-505**, (Renumbered from 53A-13-204, as last amended by Laws of Utah 2003,
702 Chapter 23)

703 **53G-10-506**, (Renumbered from 53A-13-205, as enacted by Laws of Utah 1988,
704 Chapter 2)
705 **53G-10-507**, (Renumbered from 53A-13-208, as last amended by Laws of Utah 2016,
706 Chapter 144)
707 **53G-10-508**, (Renumbered from 53A-13-209, as last amended by Laws of Utah 2008,
708 Chapter 382)
709 **53G-11-202**, (Renumbered from 53A-3-411, as last amended by Laws of Utah 2005,
710 Chapter 285)
711 **53G-11-203**, (Renumbered from 53A-3-431, as enacted by Laws of Utah 2012, Chapter
712 127)
713 **53G-11-204**, (Renumbered from 53A-19-401, as enacted by Laws of Utah 2015,
714 Chapter 399)
715 **53G-11-205**, (Renumbered from 53A-3-426, as enacted by Laws of Utah 2007, Chapter
716 88)
717 **53G-11-206**, (Renumbered from 53A-3-425, as last amended by Laws of Utah 2013,
718 Chapter 278)
719 **53G-11-207**, (Renumbered from 53A-3-428, as enacted by Laws of Utah 2009, Chapter
720 392)
721 **53G-11-302**, (Renumbered from 53A-17a-140, as last amended by Laws of Utah 2017,
722 Chapter 173)
723 **53G-11-303**, (Renumbered from 53A-3-701, as last amended by Laws of Utah 2015,
724 Chapter 415)
725 **53G-11-401**, (Renumbered from 53A-15-1502, as last amended by Laws of Utah 2016,
726 Chapter 44)
727 **53G-11-402**, (Renumbered from 53A-15-1503, as last amended by Laws of Utah 2016,
728 Chapter 44)
729 **53G-11-403**, (Renumbered from 53A-15-1504, as last amended by Laws of Utah 2016,
730 Chapters 44 and 348)
731 **53G-11-404**, (Renumbered from 53A-15-1505, as enacted by Laws of Utah 2015,
732 Chapter 389)
733 **53G-11-405**, (Renumbered from 53A-15-1506, as enacted by Laws of Utah 2015,

734 Chapter 389)
735 **53G-11-406**, (Renumbered from 53A-15-1507, as enacted by Laws of Utah 2015,
736 Chapter 389)
737 **53G-11-407**, (Renumbered from 53A-15-1508, as last amended by Laws of Utah 2016,
738 Chapter 348)
739 **53G-11-408**, (Renumbered from 53A-15-1509, as last amended by Laws of Utah 2016,
740 Chapter 348)
741 **53G-11-409**, (Renumbered from 53A-15-1510, as enacted by Laws of Utah 2015,
742 Chapter 389)
743 **53G-11-410**, (Renumbered from 53A-15-1511, as enacted by Laws of Utah 2016,
744 Chapter 199)
745 **53G-11-501**, (Renumbered from 53A-8a-102, as last amended by Laws of Utah 2017,
746 Chapter 328)
747 **53G-11-501.5**, (Renumbered from 53A-8a-401, as last amended by Laws of Utah 2017,
748 Chapter 328)
749 **53G-11-503**, (Renumbered from 53A-8a-201, as renumbered and amended by Laws of
750 Utah 2012, Chapter 425)
751 **53G-11-504**, (Renumbered from 53A-8a-301, as last amended by Laws of Utah 2017,
752 Chapter 328)
753 **53G-11-505**, (Renumbered from 53A-8a-302, as last amended by Laws of Utah 2017,
754 Chapter 328)
755 **53G-11-506**, (Renumbered from 53A-8a-403, as last amended by Laws of Utah 2017,
756 Chapter 328)
757 **53G-11-507**, (Renumbered from 53A-8a-405, as last amended by Laws of Utah 2017,
758 Chapter 328)
759 **53G-11-508**, (Renumbered from 53A-8a-406, as last amended by Laws of Utah 2017,
760 Chapter 328)
761 **53G-11-509**, (Renumbered from 53A-8a-408, as renumbered and amended by Laws of
762 Utah 2012, Chapter 425)
763 **53G-11-510**, (Renumbered from 53A-8a-409, as last amended by Laws of Utah 2017,

764 Chapter 328)
 765 **53G-11-511**, (Renumbered from 53A-8a-410, as last amended by Laws of Utah 2017,
 766 Chapter 328)
 767 **53G-11-512**, (Renumbered from 53A-8a-501, as last amended by Laws of Utah 2015,
 768 Chapter 203)
 769 **53G-11-513**, (Renumbered from 53A-8a-502, as renumbered and amended by Laws of
 770 Utah 2012, Chapter 425)
 771 **53G-11-514**, (Renumbered from 53A-8a-503, as enacted by Laws of Utah 2012,
 772 Chapter 425)
 773 **53G-11-515**, (Renumbered from 53A-8a-504, as renumbered and amended by Laws of
 774 Utah 2012, Chapter 425)
 775 **53G-11-516**, (Renumbered from 53A-8a-505, as renumbered and amended by Laws of
 776 Utah 2012, Chapter 425)
 777 **53G-11-517**, (Renumbered from 53A-8a-506, as enacted by Laws of Utah 2012,
 778 Chapter 425)
 779 **53G-11-518**, (Renumbered from 53A-8a-601, as last amended by Laws of Utah 2016,
 780 Chapter 204)

781 REPEALS:

782 **53A-2-117**, as last amended by Laws of Utah 2017, Chapter 91
 783 **53A-3-415**, as last amended by Laws of Utah 1991, Chapter 72
 784 **53A-8a-402**, as last amended by Laws of Utah 2017, Chapter 328

785

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

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

789 ~~[53A-20-100.5]~~. **11-36a-206. Prohibition of school impact fees.**

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

793 (2) Beginning March 21, 1995, there is a moratorium prohibiting a county, city, town,
 794 local school board, or any other political subdivision from imposing or collecting a school

795 impact fee unless hereafter authorized by the Legislature by statute.

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

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

800 **53B-1-115. Purchases of educational technology.**

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

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

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

807 **TITLE 53G. PUBLIC EDUCATION SYSTEM -- LOCAL ADMINISTRATION**

808 **CHAPTER 1. TITLE PROVISIONS**

809 **53G-1-101. Title.**

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

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

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

813 **53G-1-102. Public education code definitions.**

814 The terms defined in Section 53E-1-102 apply to this title.

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

816 **53G-1-103. Title 53G definitions.**

817 Reserved

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

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

820 **Part 1. General Provisions**

821 **53G-2-101. Title.**

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

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

824 **53G-2-102. Definitions.**

825 Reserved

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

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

828 **Part 1. General Provisions**

829 **53G-3-101. Title.**

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

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

833 ~~[53A-2-112].~~ **53G-3-102. Definitions.**

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

835 (1) "Allocation date" means:

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

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

839 (2) "Canvass date" means the date of the canvass of an election under Subsection
840 53G-3-301(5) at which voters approve the creation of a new school district under Section
841 53G-3-302.

842 ~~[(1)]~~ (3) "Consolidation" means the merger of two or more school districts into a single
843 administrative unit.

844 (4) "Creation election date" means the date of the election under Subsection
845 53G-3-301(9) at which voters approve the creation of a new school district under Section
846 53G-3-302.

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

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

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

853 ~~[(2)]~~ (8) "Restructuring" means the transfer of territory from one school district to
854 another school district.

855 Section 10. Section **53G-3-103**, which is renumbered from Section 53A-2-111 is

856 renumbered and amended to read:

857 ~~[53A-2-111]~~. 53G-3-103. ~~53A-2-111~~. **Legislative findings.**

858 The Legislature finds that restructuring and consolidation of school districts may
859 provide long-term educational and financial benefits, but that short-term costs and other
860 problems may make it difficult for school officials to move forward with such plans. The
861 Legislature therefore adopts Sections ~~[53A-2-111 through 53A-2-116]~~ 53G-3-102, 53G-3-103,
862 53G-3-205, 53G-3-403, 53G-3-404, and 53G-3-503 to assist the public school system to create
863 more efficient and effective administrative units.

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

866 ~~[53A-2-101]~~. 53G-3-201. **School districts.**

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

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

871 ~~[53A-2-108]~~. 53G-3-202. **School districts independent of municipal and**
872 **county governments -- School district name -- Control of property.**

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

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

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

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

881 ~~[53A-2-101.5]~~. 53G-3-203. **Filing of notice and plat relating to school**
882 **district boundary changes including creation, consolidation, division, or dissolution --**
883 **Recording requirements -- Effective date.**

884 (1) The county legislative body shall:

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

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

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

891 (b) upon the lieutenant governor's issuance of a certificate of boundary action under
892 Section 67-1a-6.5:

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

895 (A) the original:

896 (I) notice of an impending boundary action;

897 (II) certificate of boundary action; and

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

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

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

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

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

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

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

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

907 and

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

909 (2) (a) Upon the lieutenant governor's issuance of the certificate under Section
910 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the
911 boundary of a new or existing school district that was the subject of the action has legal effect.

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

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

915 (B) in the case of the consolidation of multiple school districts, the area within the

916 boundary of each school district that is consolidated into another school district;

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

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

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

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

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

928 ~~**53A-2-123**~~. **53G-3-204. Notice before preparing or amending a**
929 **long-range plan or acquiring certain property.**

930 (1) As used in this section:

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

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

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

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

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

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

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

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

952 (iii) be:

953 (A) sent to each county in whose unincorporated area and each municipality in whose
954 boundaries is located the land on which the proposed long-range plan or amendments to a
955 long-range plan are expected to indicate that the proposed facilities will be located;

956 (B) sent to each affected entity;

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

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

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

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

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

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

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

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

978 contrary to:

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

980 or

981 (ii) the property's current zoning designation.

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

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

984 (ii) identify the real property; and

985 (iii) be sent to:

986 (A) each county in whose unincorporated area and each municipality in whose

987 boundaries the property is located; and

988 (B) each affected entity.

989 (c) A notice under this Subsection (3) is a protected record as provided in Subsection

990 63G-2-305(8).

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

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

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

1000 **~~[53A-2-116]~~. 53G-3-205. Rights of transferred employees -- Salary during**
1001 **first year -- Leave and tenure benefits.**

1002 (1) If a school employee is transferred from one district to another because of district
1003 consolidation or restructuring, the employee's salary may not be less, during the first year after
1004 the transfer, than it would have been had the transfer not taken place.

1005 (2) The district to which an employee is transferred under Subsection (1) shall credit
1006 the employee with all accumulated leave and tenure recognized by the district from which the
1007 employee was transferred.

1008 (3) If the district to which an employee is transferred does not have a leave benefit

1009 which reasonably corresponds to one the employee seeks to transfer, that district shall
1010 compensate the employee for the benefit on the same basis as would have been done had the
1011 employee retired.

1012 Section 16. Section **53G-3-301**, which is renumbered from Section 53A-2-118 is
1013 renumbered and amended to read:

1014 **Part 3. Creating a New School District**

1015 ~~[53A-2-118].~~ **53G-3-301. Creation of new school district -- Initiation of**
1016 **process -- Procedures to be followed.**

1017 (1) A new school district may be created from one or more existing school districts, as
1018 provided in this section.

1019 (2) The process to create a new school district may be initiated:

1020 (a) through a citizens' initiative petition;

1021 (b) at the request of the board of the existing district or districts to be affected by the
1022 creation of the new district; or

1023 (c) at the request of a city within the boundaries of the school district or at the request
1024 of interlocal agreement participants, pursuant to Section ~~[53A-2-118.]~~ 53G-3-302.

1025 (3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by
1026 qualified electors residing within the geographical boundaries of the proposed new school
1027 district in an amount equal to at least 15% of all votes cast within the geographic boundaries of
1028 the proposed new school district for all candidates for president of the United States at the last
1029 regular general election at which a president of the United States was elected.

1030 (b) Each request or petition submitted under Subsection (2) shall:

1031 (i) be filed with the clerk of each county in which any part of the proposed new school
1032 district is located;

1033 (ii) indicate the typed or printed name and current residence address of each governing
1034 board member making a request, or registered voter signing a petition, as the case may be;

1035 (iii) describe the proposed new school district boundaries; and

1036 (iv) designate up to five signers of the petition or request as sponsors, one of whom
1037 shall be designated as the contact sponsor, with the mailing address and telephone number of
1038 each.

1039 (c) The process described in Subsection (2)(a) may only be initiated once during any

1040 four-year period.

1041 (d) A new district may not be formed under Subsection (2) if the student population of
1042 the proposed new district is less than 3,000 or the existing district's student population would
1043 be less than 3,000 because of the creation of the new school district.

1044 (4) A signer of a petition described in Subsection (2)(a) may withdraw or, once
1045 withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing
1046 a written request for withdrawal or reinstatement with the county clerk.

1047 (5) Within 45 days after the day on which a petition described in Subsection (2)(a) is
1048 filed, or five business days after the day on which a request described in Subsection (2)(b) or
1049 (c) is filed, the clerk of each county with which the request or petition is filed shall:

1050 (a) determine whether the request or petition complies with Subsections (2) and (3), as
1051 applicable; and

1052 (b) (i) if the county clerk determines that the request or petition complies with the
1053 applicable requirements:

1054 (A) certify the request or petition and deliver the certified request or petition to the
1055 county legislative body; and

1056 (B) mail or deliver written notification of the certification to the contact sponsor; or

1057 (ii) if the county clerk determines that the request or petition fails to comply with any
1058 of the applicable requirements, reject the request or petition and notify the contact sponsor in
1059 writing of the rejection and reasons for the rejection.

1060 (6) (a) If the county clerk fails to certify or reject a request or petition within the time
1061 specified in Subsection (5), the request or petition is considered to be certified.

1062 (b) (i) If the county clerk rejects a request or petition, the person that submitted the
1063 request or petition may amend the request or petition to correct the deficiencies for which the
1064 request or petition was rejected, and refile the request or petition.

1065 (ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled
1066 after having been rejected by a county clerk.

1067 (c) If, on or before December 1, a county legislative body receives a request from a
1068 school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified by
1069 the county clerk:

1070 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided

1071 in Subsection (7), on or before January 1;

1072 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
1073 county legislative body, as provided in Subsection (7), on or before July 1; and

1074 (iii) if the legislative body of each county with which a request or petition is filed
1075 approves a proposal to create a new district, each legislative body shall submit the proposal to
1076 the respective county clerk to be voted on by the electors of each existing district at the regular
1077 general or municipal general election held in November.

1078 (7) (a) The legislative body of each county with which a request or petition is filed
1079 shall appoint an ad hoc advisory committee to review and make recommendations on a request
1080 for the creation of a new school district submitted under Subsection (2)(a) or (b).

1081 (b) The advisory committee shall:

1082 (i) seek input from:

1083 (A) those requesting the creation of the new school district;

1084 (B) the school board and school personnel of each existing school district;

1085 (C) those citizens residing within the geographical boundaries of each existing school
1086 district;

1087 (D) the State Board of Education; and

1088 (E) other interested parties;

1089 (ii) review data and gather information on at least:

1090 (A) the financial viability of the proposed new school district;

1091 (B) the proposal's financial impact on each existing school district;

1092 (C) the exact placement of school district boundaries; and

1093 (D) the positive and negative effects of creating a new school district and whether the
1094 positive effects outweigh the negative if a new school district were to be created; and

1095 (iii) make a report to the county legislative body in a public meeting on the committee's
1096 activities, together with a recommendation on whether to create a new school district.

1097 (8) For a request or petition submitted under Subsection (2)(a) or (b):

1098 (a) The county legislative body shall provide for a 45-day public comment period on
1099 the report and recommendation to begin on the day the report is given under Subsection
1100 (7)(b)(iii).

1101 (b) Within 14 days after the end of the comment period, the legislative body of each

1102 county with which a request or petition is filed shall vote on the creation of the proposed new
1103 school district.

1104 (c) The proposal is approved if a majority of the members of the legislative body of
1105 each county with which a request or petition is filed votes in favor of the proposal.

1106 (d) If the proposal is approved, the legislative body of each county with which a
1107 request or petition is filed shall submit the proposal to the county clerk to be voted on:

1108 (i) by the legal voters of each existing school district affected by the proposal;

1109 (ii) in accordance with the procedures and requirements applicable to a regular general
1110 election under Title 20A, Election Code; and

1111 (iii) at the next regular general election or municipal general election, whichever is
1112 first.

1113 (e) Creation of the new school district shall occur if a majority of the electors within
1114 both the proposed school district and each remaining school district voting on the proposal vote
1115 in favor of the creation of the new district.

1116 (f) Each county legislative body shall comply with the requirements of Section
1117 ~~53A-2-101.5~~ 53G-3-203.

1118 (g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is
1119 approved by the electors, the existing district's documented costs to study and implement the
1120 proposal shall be reimbursed by the new district.

1121 (9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection (5)
1122 or (6)(a), the legislative body of each county in which part of the proposed new school district
1123 is located shall submit the proposal to the respective clerk of each county to be voted on:

1124 (i) by the legal voters residing within the proposed new school district boundaries;

1125 (ii) in accordance with the procedures and requirements applicable to a regular general
1126 election under Title 20A, Election Code; and

1127 (iii) at the next regular general election or municipal general election, whichever is
1128 first.

1129 (b) (i) If a majority of the legal voters within the proposed new school district
1130 boundaries voting on the proposal at an election under Subsection (9)(a) vote in favor of the
1131 creation of the new district:

1132 (A) each county legislative body shall comply with the requirements of Section

1133 [~~53A-2-101.5~~] 53G-3-203; and

1134 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
1135 the new district is created.

1136 (ii) Notwithstanding the creation of a new district as provided in Subsection
1137 (9)(b)(i)(B):

1138 (A) a new school district may not begin to provide educational services to the area
1139 within the new district until July 1 of the second calendar year following the school board
1140 general election date described in Subsection [~~53A-2-118.1~~] 53G-3-302(3)(a)(i);

1141 (B) a remaining district may not begin to provide educational services to the area
1142 within the remaining district until the time specified in Subsection (9)(b)(ii)(A); and

1143 (C) each existing district shall continue, until the time specified in Subsection
1144 (9)(b)(ii)(A), to provide educational services within the entire area covered by the existing
1145 district.

1146 Section 17. Section **53G-3-302**, which is renumbered from Section 53A-2-118.1 is
1147 renumbered and amended to read:

1148 [~~53A-2-118.1~~]. **53G-3-302. Proposal initiated by a city or by interlocal**
1149 **agreement participants to create a school district -- Boundaries -- Election of local school**
1150 **board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

1151 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
1152 as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3),
1153 may by majority vote of the legislative body, submit for voter approval a measure to create a
1154 new school district with boundaries contiguous with that city's boundaries, in accordance with
1155 Section [~~53A-2-118~~] 53G-3-301.

1156 (b) (i) The determination of all matters relating to the scope, adequacy, and other
1157 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
1158 city's legislative body.

1159 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
1160 a legal action or other challenge to:

1161 (A) an election for voter approval of the creation of a new school district; or

1162 (B) the creation of the new school district.

1163 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,

1164 may, together with one or more other cities, towns, or the county enter into an interlocal
1165 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
1166 of submitting for voter approval a measure to create a new school district.

1167 (b) (i) In accordance with Section [~~53A-2-118~~] 53G-3-301, interlocal agreement
1168 participants under Subsection (2)(a) may submit a proposal for voter approval if:

1169 (A) the interlocal agreement participants conduct a feasibility study prior to submitting
1170 the proposal to the county;

1171 (B) the combined population within the proposed new school district boundaries is at
1172 least 50,000;

1173 (C) the new school district boundaries:

1174 (I) are contiguous;

1175 (II) do not completely surround or otherwise completely geographically isolate a
1176 portion of an existing school district that is not part of the proposed new school district from
1177 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

1178 (III) include the entire boundaries of each participant city or town, except as provided
1179 in Subsection (2)(d)(ii); and

1180 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

1181 (D) the combined population within the proposed new school district of interlocal
1182 agreement participants that have entered into an interlocal agreement proposing to create a new
1183 school district is at least 80% of the total population of the proposed new school district.

1184 (ii) The determination of all matters relating to the scope, adequacy, and other aspects
1185 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new
1186 feasibility study or revise a previous feasibility study due to a change in the proposed new
1187 school district boundaries, is within the exclusive discretion of the legislative bodies of the
1188 interlocal agreement participants that enter into an interlocal agreement to submit for voter
1189 approval a measure to create a new school district.

1190 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the
1191 basis of a legal action or other challenge to:

1192 (A) an election for voter approval of the creation of a new school district; or

1193 (B) the creation of the new school district.

1194 (iv) For purposes of determining whether the boundaries of a proposed new school

1195 district cross county lines under Subsection (2)(b)(i)(C)(IV):

1196 (A) a municipality located in more than one county and entirely within the boundaries
1197 of a single school district is considered to be entirely within the same county as other
1198 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's
1199 land area and population is located in that same county than outside the county; and

1200 (B) a municipality located in more than one county that participates in an interlocal
1201 agreement under Subsection (2)(a) with respect to some but not all of the area within the
1202 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may
1203 not be considered to cross county lines.

1204 (c) (i) A county may only participate in an interlocal agreement under this Subsection
1205 (2) for the unincorporated areas of the county.

1206 (ii) Boundaries of a new school district created under this section may include:

1207 (A) a portion of one or more existing school districts; and

1208 (B) a portion of the unincorporated area of a county, including a portion of a township.

1209 (d) (i) As used in this Subsection (2)(d):

1210 (A) "Isolated area" means an area that:

1211 (I) is entirely within the boundaries of a municipality that, except for that area, is
1212 entirely within a school district different than the school district in which the area is located;
1213 and

1214 (II) would, because of the creation of a new school district from the existing district in
1215 which the area is located, become completely geographically isolated.

1216 (B) "Municipality's school district" means the school district that includes all of the
1217 municipality in which the isolated area is located except the isolated area.

1218 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
1219 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
1220 within the municipality's boundaries if:

1221 (A) the portion of the municipality proposed to be included in the new school district
1222 would, if not included, become an isolated area upon the creation of the new school district; or

1223 (B) (I) the portion of the municipality proposed to be included in the new school
1224 district is within the boundaries of the same school district that includes the other interlocal
1225 agreement participants; and

1226 (II) the portion of the municipality proposed to be excluded from the new school
1227 district is within the boundaries of a school district other than the school district that includes
1228 the other interlocal agreement participants.

1229 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
1230 district may be submitted for voter approval pursuant to an interlocal agreement under
1231 Subsection (2)(a), even though the new school district boundaries would create an isolated
1232 area, if:

1233 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
1234 participants;

1235 (II) the interlocal participants submit a written request to the municipality in which the
1236 potential isolated area is located, requesting the municipality to enter into an interlocal
1237 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
1238 create a new school district that includes the potential isolated area; and

1239 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
1240 municipality has not entered into an interlocal agreement as requested in the request.

1241 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
1242 one or more public hearings to allow input from the public and affected school districts
1243 regarding whether or not the municipality should enter into an interlocal agreement with
1244 respect to the potential isolated area.

1245 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

1246 (Aa) a new school district is created under this section after a measure is submitted to
1247 voters based on the authority of Subsection (2)(d)(iii)(A); and

1248 (Bb) the creation of the new school district results in an isolated area.

1249 (II) The isolated area shall, on July 1 of the second calendar year following the local
1250 school board general election date described in Subsection (3)(a)(i), become part of the
1251 municipality's school district.

1252 (III) Unless the isolated area is the only remaining part of the existing district, the
1253 process described in Subsection (4) shall be modified to:

1254 (Aa) include a third transition team, appointed by the local school board of the
1255 municipality's school district, to represent that school district; and

1256 (Bb) require allocation of the existing district's assets and liabilities among the new

1257 district, the remaining district, and the municipality's school district.

1258 (IV) The existing district shall continue to provide educational services to the isolated
1259 area until July 1 of the second calendar year following the local school board general election
1260 date described in Subsection (3)(a)(i).

1261 (3) (a) If a proposal under this section is approved by voters:

1262 (i) an election shall be held at the next regular general election to elect:

1263 (A) members to the local school board of the existing school district whose terms are
1264 expiring;

1265 (B) all members to the local school board of the new school district; and

1266 (C) all members to the local school board of the remaining district;

1267 (ii) the assets and liabilities of the existing school district shall be divided between the
1268 remaining school district and the new school district as provided in Subsection (5) and Section
1269 ~~[53A-2-121]~~ 53G-3-307;

1270 (iii) transferred employees shall be treated in accordance with Sections ~~[53A-2-116]~~
1271 53G-3-205 and ~~[53A-2-122]~~ 53G-3-308;

1272 (iv) (A) an individual residing within the boundaries of a new school district at the
1273 time the new school district is created may, for six school years after the creation of the new
1274 school district, elect to enroll in a secondary school located outside the boundaries of the new
1275 school district if:

1276 (I) the individual resides within the boundaries of that secondary school as of the day
1277 before the new school district is created; and

1278 (II) the individual would have been eligible to enroll in that secondary school had the
1279 new school district not been created; and

1280 (B) the school district in which the secondary school is located shall provide
1281 educational services, including, if provided before the creation of the new school district,
1282 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
1283 year for which the individual makes the election; and

1284 (v) within one year after the new district begins providing educational services, the
1285 superintendent of each remaining district affected and the superintendent of the new district
1286 shall meet, together with the Superintendent of Public Instruction, to determine if further
1287 boundary changes should be proposed in accordance with Section ~~[53A-2-104]~~ 53G-3-501.

1288 (b) (i) The terms of the initial members of the local school board of the new district and
1289 remaining district shall be staggered and adjusted by the county legislative body so that
1290 approximately half of the local school board is elected every two years.

1291 (ii) The term of a member of the existing local school board, including a member
1292 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local
1293 school board general election date described in Subsection (3)(a)(i), regardless of when the
1294 term would otherwise have terminated.

1295 (iii) Notwithstanding the existence of a local school board for the new district and a
1296 local school board for the remaining district under Subsection (3)(a)(i), the local school board
1297 of the existing district shall continue, until the time specified in Subsection [~~53A-2-118~~]
1298 53G-3-301(9)(b)(ii)(A), to function and exercise authority as a local school board to the extent
1299 necessary to continue to provide educational services to the entire existing district.

1300 (iv) An individual may simultaneously serve as or be elected to be a member of the
1301 local school board of an existing district and a member of the local school board of:

1302 (A) a new district; or

1303 (B) a remaining district.

1304 (4) (a) Within 45 days after the canvass date for the election at which voters approve
1305 the creation of a new district:

1306 (i) a transition team to represent the remaining district shall be appointed by the
1307 members of the existing local school board who reside within the area of the remaining district,
1308 in consultation with:

1309 (A) the legislative bodies of all municipalities in the area of the remaining district; and

1310 (B) the legislative body of the county in which the remaining district is located, if the
1311 remaining district includes one or more unincorporated areas of the county; and

1312 (ii) another transition team to represent the new district shall be appointed by:

1313 (A) for a new district located entirely within the boundaries of a single city, the
1314 legislative body of that city; or

1315 (B) for each other new district, the legislative bodies of all interlocal agreement
1316 participants.

1317 (b) The local school board of the existing school district shall, within 60 days after the
1318 canvass date for the election at which voters approve the creation of a new district:

- 1319 (i) prepare an inventory of the existing district's:
- 1320 (A) assets, both tangible and intangible, real and personal; and
- 1321 (B) liabilities; and
- 1322 (ii) deliver a copy of the inventory to each of the transition teams.
- 1323 (c) The transition teams appointed under Subsection (4)(a) shall:
- 1324 (i) determine the allocation of the existing district's assets and, except for indebtedness
- 1325 under Section [~~53A-2-121~~] 53G-3-307, liabilities between the remaining district and the new
- 1326 district in accordance with Subsection (5);
- 1327 (ii) prepare a written report detailing how the existing district's assets and, except for
- 1328 indebtedness under Section [~~53A-2-121~~] 53G-3-307, liabilities are to be allocated; and
- 1329 (iii) deliver a copy of the written report to:
- 1330 (A) the local school board of the existing district;
- 1331 (B) the local school board of the remaining district; and
- 1332 (C) the local school board of the new district.
- 1333 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and
- 1334 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
- 1335 election at which voters approve the creation of a new district, unless that deadline is extended
- 1336 by the mutual agreement of:
- 1337 (i) the local school board of the existing district; and
- 1338 (ii) (A) the legislative body of the city in which the new district is located, for a new
- 1339 district located entirely within a single city; or
- 1340 (B) the legislative bodies of all interlocal agreement participants, for each other new
- 1341 district.
- 1342 (e) (i) All costs and expenses of the transition team that represents a remaining district
- 1343 shall be borne by the remaining district.
- 1344 (ii) All costs and expenses of the transition team that represents a new district shall
- 1345 initially be borne by:
- 1346 (A) the city whose legislative body appoints the transition team, if the transition team
- 1347 is appointed by the legislative body of a single city; or
- 1348 (B) the interlocal agreement participants, if the transition team is appointed by the
- 1349 legislative bodies of interlocal agreement participants.

1350 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
1351 agreement participants for:

1352 (A) transition team costs and expenses; and

1353 (B) startup costs and expenses incurred by the city or interlocal agreement participants
1354 on behalf of the new district.

1355 (5) (a) As used in this Subsection (5):

1356 (i) "Associated property" means furniture, equipment, or supplies located in or
1357 specifically associated with a physical asset.

1358 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
1359 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
1360 employee by law or school district accounting practice.

1361 (B) "Discretionary asset or liability" does not include a physical asset, associated
1362 property, a vehicle, or bonded indebtedness.

1363 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection
1364 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee
1365 by law or school district accounting practice.

1366 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated
1367 property, a vehicle, or bonded indebtedness.

1368 (iv) "Physical asset" means a building, land, or water right together with revenue
1369 derived from the lease or use of the building, land, or water right.

1370 (b) Except as provided in Subsection (5)(c), the transition teams appointed under
1371 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the
1372 allocation date, both tangible and intangible, real and personal, to the new district and
1373 remaining district as follows:

1374 (i) a physical asset and associated property shall be allocated to the school district in
1375 which the physical asset is located;

1376 (ii) a discretionary asset or liability shall be allocated between the new district and
1377 remaining district in proportion to the student populations of the school districts;

1378 (iii) a nondiscretionary asset shall be allocated to the school district where the project,
1379 school, student, or employee to which the nondiscretionary asset is tied will be located;

1380 (iv) vehicles used for pupil transportation shall be allocated:

1381 (A) according to the transportation needs of schools, as measured by the number and
1382 assortment of vehicles used to serve transportation routes serving schools within the new
1383 district and remaining district; and

1384 (B) in a manner that gives each school district a fleet of vehicles for pupil
1385 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;
1386 and

1387 (v) other vehicles shall be allocated:

1388 (A) in proportion to the student populations of the school districts; and

1389 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
1390 condition, and carrying capacities.

1391 (c) By mutual agreement, the transition teams may allocate an asset or liability in a
1392 manner different than the allocation method specified in Subsection (5)(b).

1393 (6) (a) As used in this Subsection (6):

1394 (i) "New district startup costs" means:

1395 (A) costs and expenses incurred by a new district in order to prepare to begin providing
1396 educational services on July 1 of the second calendar year following the local school board
1397 general election date described in Subsection (3)(a)(i); and

1398 (B) the costs and expenses of the transition team that represents the new district.

1399 (ii) "Remaining district startup costs" means:

1400 (A) costs and expenses incurred by a remaining district in order to:

1401 (I) make necessary adjustments to deal with the impacts resulting from the creation of
1402 the new district; and

1403 (II) prepare to provide educational services within the remaining district once the new
1404 district begins providing educational services within the new district; and

1405 (B) the costs and expenses of the transition team that represents the remaining district.

1406 (b) (i) By January 1 of the year following the local school board general election date
1407 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed
1408 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the
1409 remaining district and the new district, as provided in this Subsection (6).

1410 (ii) The existing district may make additional funds available for the use of the
1411 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)

1412 through an interlocal agreement.

1413 (c) The existing district shall make the money under Subsection (6)(b) available to the
1414 remaining district and the new district proportionately based on student population.

1415 (d) The money made available under Subsection (6)(b) may be accessed and spent by:

1416 (i) for the remaining district, the local school board of the remaining district; and

1417 (ii) for the new district, the local school board of the new district.

1418 (e) (i) The remaining district may use its portion of the money made available under
1419 Subsection (6)(b) to pay for remaining district startup costs.

1420 (ii) The new district may use its portion of the money made available under Subsection
1421 (6)(b) to pay for new district startup costs.

1422 (7) (a) The existing district shall transfer title or, if applicable, partial title of property
1423 to the new school district in accordance with the allocation of property by the transition teams,
1424 as stated in the report under Subsection (4)(c)(ii).

1425 (b) The existing district shall complete each transfer of title or, if applicable, partial
1426 title to real property and vehicles by July 1 of the second calendar year following the local
1427 school board general election date described in Subsection (3)(a)(i), except as that date is
1428 changed by the mutual agreement of:

1429 (i) the local school board of the existing district;

1430 (ii) the local school board of the remaining district; and

1431 (iii) the local school board of the new district.

1432 (c) The existing district shall complete the transfer of all property not included in
1433 Subsection (7)(b) by November 1 of the second calendar year after the local school board
1434 general election date described in Subsection (3)(a)(i).

1435 (8) Except as provided in Subsections (6) and (7), after the creation election date an
1436 existing school district may not transfer or agree to transfer title to district property without the
1437 prior consent of:

1438 (a) the legislative body of the city in which the new district is located, for a new district
1439 located entirely within a single city; or

1440 (b) the legislative bodies of all interlocal agreement participants, for each other new
1441 district.

1442 (9) This section does not apply to the creation of a new district initiated through a

1443 citizens' initiative petition or at the request of a local school board under Section [~~53A-2-118~~]
1444 53G-3-301.

1445 Section 18. Section **53G-3-303**, which is renumbered from Section 53A-2-118.2 is
1446 renumbered and amended to read:

1447 ~~[53A-2-118.2]~~. **53G-3-303**. **New school district property tax -- Limitations.**

1448 (1) (a) A new school district created under Section [~~53A-2-118.1~~] 53G-3-302 may not
1449 impose a property tax prior to the fiscal year in which the new school district assumes
1450 responsibility for providing student instruction.

1451 (b) The remaining school district retains authority to impose property taxes on the
1452 existing school district, including the territory of the new school district, until the fiscal year in
1453 which the new school district assumes responsibility for providing student instruction.

1454 (2) (a) If at the time a new school district created pursuant to Section [~~53A-2-118.1~~]
1455 53G-3-302 assumes responsibility for student instruction any portion of the territory within the
1456 new school district was subject to a levy pursuant to Section [~~53A-17a-133~~] 53F-8-301, the
1457 new school district's board may:

1458 (i) discontinue the levy for the new school district;

1459 (ii) impose a levy on the new school district as provided in Section [~~53A-17a-133~~]
1460 53F-8-301; or

1461 (iii) impose the levy on the new school district, subject to Subsection (2)(b).

1462 (b) If the new school district's board applies a levy to the new school district pursuant
1463 to Subsection (2)(a)(iii), the levy may not exceed the maximum duration or rate authorized by
1464 the voters of the existing district or districts at the time of the vote to create the new school
1465 district.

1466 Section 19. Section **53G-3-304**, which is renumbered from Section 53A-2-118.4 is
1467 renumbered and amended to read:

1468 ~~[53A-2-118.4]~~. **53G-3-304**. **Property tax levies in new district and remaining**
1469 **district -- Distribution of property tax revenue.**

1470 (1) [~~As~~] Notwithstanding terms defined in Section 53G-3-102, as used in this section:

1471 (a) "Divided school district" or "existing district" means a school district from which a
1472 new district is created.

1473 (b) "New district" means a school district created under Section [~~53A-2-118.1~~]

1474 53G-3-302 after May 10, 2011.

1475 (c) "Property tax levy" means a property tax levy that a school district is authorized to
1476 impose, except:

1477 (i) the minimum basic rate imposed under Section [~~53A-17a-135~~] 53F-2-301;

1478 (ii) a debt service levy imposed under Section 11-14-310; or

1479 (iii) a judgment levy imposed under Section 59-2-1330.

1480 (d) "Qualifying taxable year" means the calendar year in which a new district begins to
1481 provide educational services.

1482 (e) "Remaining district" means an existing district after the creation of a new district.

1483 (2) A new district and remaining district shall continue to impose property tax levies
1484 that were imposed by the divided school district in the taxable year prior to the qualifying
1485 taxable year.

1486 (3) Except as provided in Subsection (6), a property tax levy that a new district and
1487 remaining district are required to impose under Subsection (2) shall be set at a rate that:

1488 (a) is uniform in the new district and remaining district; and

1489 (b) generates the same amount of revenue that was generated by the property tax levy
1490 within the divided school district in the taxable year prior to the qualifying taxable year.

1491 (4) (a) Except as provided in Subsection (4)(b), the county treasurer of the county in
1492 which a property tax levy is imposed under Subsection (2) shall distribute revenues generated
1493 by the property tax levy to the new district and remaining district in proportion to the
1494 percentage of the divided school district's enrollment on the October 1 prior to the new district
1495 commencing educational services that were enrolled in schools currently located in the new
1496 district or remaining district.

1497 (b) The county treasurer of a county of the first class shall distribute revenues
1498 generated by a capital local levy of .0006 that a school district in a county of the first class is
1499 required to impose under Section [~~53A-16-113~~] 53F-8-303 in accordance with the distribution
1500 method specified in Section 53A-16-114.

1501 (5) On or before March 31, a county treasurer shall distribute revenues generated by a
1502 property tax levy imposed under Subsection (2) in the prior calendar year to a new district and
1503 remaining district as provided in Subsection (4).

1504 (6) (a) Subject to the notice and public hearing requirements of Section 59-2-919, a

1505 new district or remaining district may set a property tax rate higher than the rate required by
1506 Subsection (3), up to:

1507 (i) the maximum rate, if any, allowed by law; or

1508 (ii) the maximum rate authorized by voters for a voted local levy under Section
1509 ~~[53A-17a-133]~~ 53F-8-301.

1510 (b) The revenues generated by the portion of a property tax rate in excess of the rate
1511 required by Subsection (3) shall be retained by the district that imposes the higher rate.

1512 Section 20. Section **53G-3-305**, which is renumbered from Section 53A-2-119 is
1513 renumbered and amended to read:

1514 ~~[53A-2-119]~~. **53G-3-305. Reapportionment -- Local school board**
1515 **membership.**

1516 (1) Upon the creation of a new school district, the county legislative body shall
1517 reapportion the affected school districts pursuant to Section 20A-14-201.

1518 (2) Except as provided in Section ~~[53A-2-118.1]~~ 53G-3-302, school board membership
1519 in the affected school districts shall be determined under Title 20A, Chapter 14, Part 2,
1520 Election of Members of Local Boards of Education.

1521 Section 21. Section **53G-3-306**, which is renumbered from Section 53A-2-120 is
1522 renumbered and amended to read:

1523 ~~[53A-2-120]~~. **53G-3-306. Transfer of school property to new school**
1524 **district.**

1525 (1) (a) (i) On July 1 of the year following the school board elections for a new district
1526 created pursuant to a citizens' initiative petition or school board request under Section
1527 ~~[53A-2-118]~~ 53G-3-301 and an existing district as provided in Section ~~[53A-2-119]~~
1528 53G-3-305, the board of the existing district shall convey and deliver to the board of the new
1529 district all school property which the new district is entitled to receive.

1530 (ii) Any disagreements as to the disposition of school property shall be resolved by the
1531 county legislative body.

1532 (iii) Subsection (1)(a)(ii) does not apply to disagreements between transition teams
1533 about the proper allocation of property under Subsection ~~[53A-2-118.1]~~ 53G-3-302(4).

1534 (b) An existing district shall transfer property to a new district created under Section
1535 ~~[53A-2-118.1]~~ 53G-3-302 in accordance with Section ~~[53A-2-118.1]~~ 53G-3-302.

1536 (2) Title vests in the new school board, including all rights, claims, and causes of
1537 action to or for the property, for the use or the income from the property, for conversion,
1538 disposition, or withholding of the property, or for any damage or injury to the property.

1539 (3) The new school board may bring and maintain actions to recover, protect, and
1540 preserve the property and rights of the district's schools and to enforce contracts.

1541 Section 22. Section **53G-3-307**, which is renumbered from Section 53A-2-121 is
1542 renumbered and amended to read:

1543 ~~[53A-2-121]~~. **53G-3-307. Tax to pay for indebtedness of divided school**
1544 **district.**

1545 (1) (a) For a new district created prior to May 10, 2011, the local school boards of the
1546 remaining and new districts shall determine the portion of the divided school district's bonded
1547 indebtedness and other indebtedness for which the property within the new district remains
1548 subject to the levy of taxes to pay a proportionate share of the divided school district's
1549 outstanding indebtedness.

1550 (b) The proportionate share of the divided school district's outstanding indebtedness for
1551 which property within the new district remains subject to the levy of taxes shall be calculated
1552 by determining the proportion that the total assessed valuation of the property within the new
1553 district bears to the total assessed valuation of the divided school district:

1554 (i) in the year immediately preceding the date the new district was created; or

1555 (ii) at a time mutually agreed upon by the local school boards of the new district and
1556 the remaining district.

1557 (c) The agreement reflecting the determinations made under this Subsection (1) shall
1558 take effect upon being filed with the county legislative body and the State Board of Education.

1559 (2) (a) Except as provided in Subsection (2)(b), the local school board of a new district
1560 created prior to May 10, 2011 shall levy a tax on property within the new district sufficient to
1561 pay the new district's proportionate share of the indebtedness determined under Subsection (1).

1562 (b) If a new district has money available to pay the new district's proportionate share of
1563 the indebtedness determined under Subsection (1), the new district may abate a property tax to
1564 the extent of money available.

1565 (3) As used in Subsections (4) and (5), "outstanding bonded indebtedness" means debt
1566 owed for a general obligation bond issued by the divided school district:

1567 (a) prior to the creation of the new district; or
1568 (b) in accordance with a mutual agreement of the local school boards of the remaining
1569 and new districts under Subsection (6).

1570 (4) If a new district is created on or after May 10, 2011, property within the new
1571 district and the remaining district is subject to the levy of a tax to pay the divided school
1572 district's outstanding bonded indebtedness as provided in Subsection (5).

1573 (5) (a) Except as provided in Subsection (5)(b), the local school board of the new
1574 district and the local school board of the remaining district shall impose a tax levy at a rate that:

1575 (i) generates from the combined districts the amount of revenue required each year to
1576 meet the outstanding bonded indebtedness of the divided school district; and

1577 (ii) is uniform within the new district and remaining district.

1578 (b) A local school board of a new district may abate a property tax required to be
1579 imposed under Subsection (5)(a) to the extent the new district has money available to pay to
1580 the remaining district the amount of revenue that would be generated within the new district
1581 from the tax rate specified in Subsection (5)(a).

1582 (6) (a) The local school boards of the remaining and new districts shall determine by
1583 mutual agreement the disposition of bonds approved but not issued by the divided school
1584 district before the creation of the new district based primarily on the representation made to the
1585 voters at the time of the bond election.

1586 (b) Before a determination is made under Subsection (6)(a), a remaining district may
1587 not issue bonds approved but not issued before the creation of the new district if property in the
1588 new district would be subject to the levy of a tax to pay the bonds.

1589 Section 23. Section **53G-3-308**, which is renumbered from Section 53A-2-122 is
1590 renumbered and amended to read:

1591 ~~[53A-2-122]~~. **53G-3-308. Employees of a new district.**

1592 (1) Upon the creation of a new district:

1593 (a) an employee of an existing district who is employed at a school that is transferred to
1594 the new district shall become an employee of the new district; and

1595 (b) the school board of the new district shall:

1596 (i) have discretion in the hiring of all other staff;

1597 (ii) adopt the personnel policies and practices of the existing district, including salary

1598 schedules and benefits; and

1599 (iii) enter into agreements with employees of the new district, or their representatives,
1600 that have the same terms as those in the negotiated agreements between the existing district and
1601 its employees.

1602 (2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new
1603 district is created who becomes an employee of the new district shall retain the same status as a
1604 career or provisional employee with accrued seniority and accrued benefits.

1605 (b) Subsection (2)(a) applies to:

1606 (i) employees of an existing district who are transferred to a new district pursuant to
1607 Subsection (1)(a); and

1608 (ii) employees of a school district from which a new district is created who are hired by
1609 the new district within one year of the date of the creation of the new district.

1610 (3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and
1611 is rehired by the existing district within one year of the date of the creation of the new district
1612 shall, when rehired by the existing district, retain the same status as a career or provisional
1613 employee with accrued seniority and accrued benefits.

1614 Section 24. Section **53G-3-401**, which is renumbered from Section 53A-2-102 is
1615 renumbered and amended to read:

1616 **Part 4. Consolidating School Districts**

1617 **~~[53A-2-102].~~ 53G-3-401. Consolidation of school districts -- Resolution by**
1618 **school board members -- Petition by electors -- Election.**

1619 (1) Two or more school districts may unite and form a single school district in one of
1620 the following ways:

1621 (a) a majority of the members of each of the boards of education of the affected
1622 districts shall approve and present to the county legislative body of the affected counties a
1623 resolution to consolidate the districts. Once this is done, consolidation shall be established
1624 under this chapter; or

1625 (b) a majority of the members of the board of education of each affected district, or
1626 15% of the qualified electors in each of the affected districts, shall sign and present a petition to
1627 the county legislative body of each affected county. The question shall be voted upon at an
1628 election called for that purpose, which shall be the next general or municipal election.

1629 Consolidation shall occur if a majority of those voting on the question in each district favor
1630 consolidation.

1631 (2) The elections required under Subsection (1)(b) shall be conducted and the returns
1632 canvassed as provided by election laws.

1633 Section 25. Section **53G-3-402**, which is renumbered from Section 53A-2-103 is
1634 renumbered and amended to read:

1635 ~~[53A-2-103]~~. **53G-3-402. Transfer of property to new school district --**
1636 **Rights and obligations of new school board -- Outstanding indebtedness -- Special tax.**

1637 (1) On July 1 following the approval of the creation of a new school district under
1638 Section [~~53A-2-102~~] 53G-3-401, the local school boards of the former districts shall convey
1639 and deliver all school property to the local school board of the new district. Title vests in the
1640 new board. All rights, claims, and causes of action to or for the property, for the use or the
1641 income from the property, for conversion, disposition, or withholding of the property, or for
1642 any damage or injury to the property vest at once in the new board.

1643 (2) The new board may bring and maintain actions to recover, protect, and preserve the
1644 property and rights of the district schools and to enforce contracts.

1645 (3) The new board shall assume and be liable for all outstanding debts and obligations
1646 of each of the former school districts.

1647 (4) All of the bonded indebtedness, outstanding debts, and obligations of a former
1648 district, which cannot be reasonably paid from the assets of the former district, shall be paid by
1649 a special tax levied by the new board as needed. The tax shall be levied upon the property
1650 within the former district which was liable for the indebtedness at the time of consolidation. If
1651 bonds are approved in the new district under Section [~~53A-18-102~~] 53G-4-603, the special tax
1652 shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of
1653 the new district.

1654 (5) Bonded indebtedness of a former district which has been refunded shall be paid in
1655 the same manner as that which the new district assumes under Section [~~53A-18-101~~]
1656 53G-4-602.

1657 (6) State funds received by the new district under Section [~~53A-21-202~~] 53F-3-202
1658 may be applied toward the payment of outstanding bonded indebtedness of a former district in
1659 the same proportion as the bonded indebtedness of the territory within the former district bears

1660 to the total bonded indebtedness of the districts combined.

1661 Section 26. Section **53G-3-403**, which is renumbered from Section 53A-2-113 is
1662 renumbered and amended to read:

1663 ~~[53A-2-113].~~ **53G-3-403. School district consolidation -- State funding of**
1664 **consolidated districts.**

1665 When districts consolidate, payments made by the state under [~~Title 53A, Chapter 17a,~~
1666 ~~Minimum School Program Act~~] Title 53F, Public Education System -- Funding, shall continue
1667 for a period of five years from the date of consolidation on the same basis as if no
1668 consolidation had occurred. At the end of the five-year period, the consolidated district shall
1669 receive funding as a single district.

1670 Section 27. Section **53G-3-404**, which is renumbered from Section 53A-2-114 is
1671 renumbered and amended to read:

1672 ~~[53A-2-114].~~ **53G-3-404. Additional levies -- School board options to**
1673 **abolish or continue after consolidation.**

1674 (1) If a school district that has approved an additional levy under Section
1675 [~~53A-17a-133~~] 53F-8-301 is consolidated with a district which does not have such a levy, the
1676 board of education of the consolidated district may choose to abolish the levy, or apply it in
1677 whole or in part to the entire consolidated district.

1678 (2) If the board chooses to apply any part of the levy to the entire district, the levy may
1679 continue in force for no more than three years, unless approved by the electors of the
1680 consolidated district in the manner set forth in Section [~~53A-17a-133~~] 53F-8-301.

1681 Section 28. Section **53G-3-501**, which is renumbered from Section 53A-2-104 is
1682 renumbered and amended to read:

1683 **Part 5. Restructuring a School District**

1684 ~~[53A-2-104].~~ **53G-3-501. Transfer of a portion of a school district -- Board**
1685 **resolution -- Board petition -- Elector petition -- Transfer election.**

1686 (1) Part of a school district may be transferred to another district in one of the
1687 following ways:

1688 (a) presentation to the county legislative body of each of the affected counties of a
1689 resolution requesting the transfer, approved by at least four-fifths of the members of the local
1690 board of education of each affected school district;

1691 (b) presentation to the county legislative body of each affected county of a petition
1692 requesting that the electors vote on the transfer, signed by a majority of the members of the
1693 local school board of each affected school district; or

1694 (c) presentation to the county legislative body of each affected county of a petition
1695 requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each
1696 of the affected school districts within that county.

1697 (2) (a) If an annexation of property by a city would result in its residents being served
1698 by more than one school district, then the presidents of the affected local school boards shall
1699 meet within 60 days prior to the effective date of the annexation to determine whether it would
1700 be advisable to adjust school district boundaries to permit all residents of the expanded city to
1701 be served by a single school district.

1702 (b) Upon conclusion of the meeting, the local school board presidents shall prepare a
1703 recommendation for presentation to their respective boards as soon as reasonably possible.

1704 (c) The boards may then initiate realignment proceedings under Subsection (1)(a) or
1705 (b).

1706 (d) If a local board rejects realignment under Subsection (1)(a) or (b), the other board
1707 may initiate the following procedures by majority vote within 60 days of the vote rejecting
1708 realignment:

1709 (i) (A) within 30 days after a vote to initiate these procedures, each local board shall
1710 appoint one member to a boundary review committee; or

1711 (B) if the local board becomes deadlocked in selecting the appointee under Subsection
1712 (2)(d)(i)(A), the board's chair shall make the appointment or serve as the appointee to the
1713 review committee.

1714 (ii) The two local board-appointed members of the committee shall meet and appoint a
1715 third member of the committee.

1716 (iii) If the two local board-appointed members are unable to agree on the appointment
1717 of a third member within 30 days after both are appointed, the State Superintendent of Public
1718 Instruction shall appoint the third member.

1719 (iv) The committee shall meet as necessary to prepare recommendations concerning
1720 resolution of the realignment issue, and shall submit the recommendations to the affected local
1721 boards within six months after the appointment of the third member of the committee.

1722 (v) If a majority of the members of each local board accepts the recommendation of the
1723 committee, or accepts the recommendation after amendment by the boards, then the accepted
1724 recommendation shall be implemented.

1725 (vi) If the committee fails to submit its recommendation within the time allotted, or if
1726 one local board rejects the recommendation, the affected boards may agree to extend the time
1727 for the committee to prepare an acceptable recommendation or either board may request the
1728 State Board of Education to resolve the question.

1729 (vii) If the committee has submitted a recommendation which the state board finds to
1730 be reasonably supported by the evidence, the state board shall adopt the committee's
1731 recommendation.

1732 (viii) The decision of the state board is final.

1733 (3) (a) The electors of each affected district shall vote on the transfer requested under
1734 Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general
1735 election.

1736 (b) The election shall be conducted and the returns canvassed as provided by election
1737 law.

1738 (c) A transfer is effected only if a majority of votes cast by the electors in both the
1739 proposed transferor district and in the proposed transferee district are in favor of the transfer.

1740 Section 29. Section **53G-3-502**, which is renumbered from Section 53A-2-105 is
1741 renumbered and amended to read:

1742 ~~[53A-2-105].~~ **53G-3-502. Transfer of school property -- Indebtedness on**
1743 **transferred property.**

1744 (1) If a transfer of a portion of one school district to another school district is approved
1745 under Section ~~[53A-2-104]~~ 53G-3-501, the state superintendent and the superintendents and
1746 presidents of the boards of education of each of the affected school districts shall determine the
1747 basis for a transfer of all school property reasonably and fairly allocable to that portion being
1748 transferred.

1749 (2) (a) Title to property transferred vests in the transferee board of education.

1750 (b) The transfer of a school building that is in operation at the time of determination
1751 shall be made at the close of a fiscal year.

1752 (c) The transfer of all other school property shall be made five days after approval of

1753 the transfer of territory under Section [~~53A-2-104~~] 53G-3-501.

1754 (3) (a) The individuals referred to in Subsection (1) shall determine the portion of
1755 bonded indebtedness and other indebtedness of the transferor board for which the transferred
1756 property remains subject to the levy of taxes to pay a proportionate share of the outstanding
1757 indebtedness of the transferor board.

1758 (b) This is done by:

1759 (i) determining the amount of the outstanding bonded indebtedness and other
1760 indebtedness of the transferor board of education;

1761 (ii) determining the total taxable value of the property of the transferor district and the
1762 taxable value of the property to be transferred; and

1763 (iii) calculating the portion of the indebtedness of the transferor board for which the
1764 transferred portion retains liability.

1765 (4) (a) The agreement reflecting these determinations takes effect upon being filed with
1766 the State Board of Education.

1767 (b) The transferred property remains subject to the levy of taxes to pay a proportionate
1768 share of the outstanding indebtedness of the transferor school board.

1769 (c) The transferee school board may assume the obligation to pay the proportionate
1770 share of the transferor school board's indebtedness that has been determined under Subsection
1771 (3) to be the obligation of the transferred portion by the approval of a resolution by a majority
1772 of the qualified electors of the transferee school district at an election called and held for that
1773 purpose under Title 11, Chapter 14, Local Government Bonding Act.

1774 (5) If the transferee school district assumes the obligation to pay this proportionate
1775 share of the transferor school board's indebtedness, the transferee school board shall levy a tax
1776 in the whole of the transferee district, including the transferred portion, sufficient to pay the
1777 assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator
1778 of the transferor board.

1779 (6) If the transferee school board does not assume this obligation, the transferee school
1780 board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the
1781 indebtedness determined under this section, and shall turn over the proceeds of the tax to the
1782 business administrator of the transferor board.

1783 (7) For the purposes of school districts affected by repealed laws governing the

1784 annexation of an unincorporated area of a school district by a city which included what was
 1785 formerly known as a city school district, transitions of unincorporated areas and property from
 1786 the transferor district to the transferee district in progress on the effective date of this act shall
 1787 revert to the boundaries and ownership prior to the initiation of annexation and may then
 1788 proceed under this section and Section ~~[53A-2-104]~~ 53G-3-501.

1789 Section 30. Section **53G-3-503**, which is renumbered from Section 53A-2-115 is
 1790 renumbered and amended to read:

1791 ~~[53A-2-115]~~. **53G-3-503**. **Additional levies in transferred territory --**
 1792 **Transferee board option to abolish or continue.**

1793 If two or more districts undergo restructuring that results in a district receiving territory
 1794 that increases the population of the district by at least 25%, and if the transferred territory was,
 1795 at the time of transfer, subject to an additional levy under Section ~~[53A-17a-133]~~ 53F-8-301,
 1796 the board of education of the transferee district may abolish the levy or apply the levy in whole
 1797 or in part to the entire restructured district. Any such levy made applicable to the entire district
 1798 may continue in force for no more than five years, unless approved by the electors of the
 1799 restructured district in the manner set forth in Section ~~[53A-17a-133]~~ 53F-8-301.

1800 Section 31. Section **53G-4-101** is enacted to read:

1801 **CHAPTER 4. SCHOOL DISTRICTS**

1802 **Part 1. General Provisions**

1803 **53G-4-101**. **Title.**

1804 This chapter is known as "School Districts."

1805 Section 32. Section **53G-4-102** is enacted to read:

1806 **53G-4-102**. **Definitions.**

1807 Reserved

1808 Section 33. Section **53G-4-201**, which is renumbered from Section 53A-3-101 is
 1809 renumbered and amended to read:

1810 **Part 2. Local School Board Organization and Meetings**

1811 ~~[53A-3-101]~~. **53G-4-201**. **Selection and election of members to local boards**
 1812 **of education.**

1813 Members of local boards of education shall be elected as provided in Title 20A,

1814 Chapter 14, Nomination and Election of State and Local School Boards.

1815 Section 34. Section **53G-4-202**, which is renumbered from Section 53A-3-106 is
1816 renumbered and amended to read:

1817 ~~[53A-3-106]~~. **53G-4-202. Local school board meetings -- Rules of order**
1818 **and procedure -- Location requirements -- Expulsion of members prohibited --**
1819 **Exceptions.**

1820 (1) As used in this section:

1821 (a) "Disaster" means an event that:

1822 (i) causes, or threatens to cause, loss of life, human suffering, public or private property
1823 damage, or economic or social disruption resulting from attack, internal disturbance, natural
1824 phenomenon, or technological hazard; and

1825 (ii) requires resources that are beyond the scope of local agencies in routine responses
1826 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that
1827 require a response by a governmental, not-for-profit, or private entity.

1828 (b) "Local emergency" means a condition in any municipality or county of the state that
1829 requires that emergency assistance be provided by the affected municipality or county or
1830 another political subdivision to save lives and protect property within its jurisdiction in
1831 response to a disaster or to avoid or reduce the threat of a disaster.

1832 (c) "Rules of order and procedure" means a set of rules that governs and prescribes in a
1833 public meeting:

1834 (i) parliamentary order and procedure;

1835 (ii) ethical behavior; and

1836 (iii) civil discourse.

1837 (2) Subject to Subsection (4), a local school board [~~or charter school governing board~~]
1838 shall:

1839 (a) adopt rules of order and procedure to govern a public meeting of the local school
1840 board;

1841 (b) conduct a public meeting in accordance with the rules of order and procedure
1842 described in Subsection (2)(a); and

1843 (c) make the rules of order and procedure described in Subsection (2)(a) available to
1844 the public:

1845 (i) at each public meeting of the local school board; and

1846 (ii) on the local school board's public website, if available.

1847 (3) (a) Except as provided in Subsections (3)(b) and (c), a local school board may not
1848 hold a public meeting outside of the geographic boundary of the local school board's school
1849 district.

1850 (b) A local school board may hold a public meeting outside of the geographic boundary
1851 of the local school board's school district if it is necessary for the local school board to hold a
1852 meeting during a disaster or local emergency.

1853 (c) A local school board may hold a public meeting outside of the geographic boundary
1854 of the local school board's school district to conduct a site visit if:

1855 (i) the location of the site visit provides the local school board members the
1856 opportunity to see or experience an activity that:

1857 (A) relates to the local school board's responsibilities; and

1858 (B) does not exist within the geographic boundaries of the local school board's school
1859 district; and

1860 (ii) the local school board does not vote or take other action during the public meeting
1861 held at the site visit location.

1862 (d) This Subsection (3) does not apply to a charter school governing board.

1863 (4) The requirements of this section do not affect a local school [~~board or charter~~
1864 ~~school governing~~] board's duty to comply with Title 52, Chapter 4, Open and Public Meetings
1865 Act.

1866 (5) (a) Except as provided in Subsection (5)(b), a local school board may not expel a
1867 member of the school board from an open public meeting or prohibit the member from
1868 attending an open public meeting.

1869 (b) Except as provided in Subsection (5)(c), following a two-thirds vote of the
1870 members of the local school board, the local school board may fine or expel a member of the
1871 local school board for:

1872 (i) disorderly conduct at the open public meeting;

1873 (ii) a member's direct or indirect financial conflict of interest regarding an issue
1874 discussed at or action proposed to be taken at the open public meeting; or

1875 (iii) a commission of a crime during the open public meeting.

1876 (c) A local school board may adopt rules or ordinances that expand the reasons or
1877 establish more restrictive procedures for the expulsion of a member from a public meeting.

1878 Section 35. Section **53G-4-203**, which is renumbered from Section 53A-3-201 is
1879 renumbered and amended to read:

1880 ~~[53A-3-201]~~. **53G-4-203. Election of officers -- Terms -- Time of election --**
1881 **Removal of officers -- Quorum requirements.**

1882 (1) A local school board shall elect a president and a vice-president whose terms of
1883 office are for two years and until their successors are elected.

1884 (2) The elections shall be held during the first board meeting in January following a
1885 regular school board election held in the district.

1886 (3) An officer appointed or elected by a local school board may be removed from
1887 office for cause by a vote of two-thirds of the board.

1888 (4) When a vacancy occurs in the office of president or vice president of the board for
1889 any reason, a replacement shall be elected for the unexpired term.

1890 (5) Attendance of a simple majority of the board members constitutes a quorum for the
1891 transaction of official business.

1892 Section 36. Section **53G-4-204**, which is renumbered from Section 53A-3-202 is
1893 renumbered and amended to read:

1894 ~~[53A-3-202]~~. **53G-4-204. Compensation for services -- Additional per diem**
1895 **-- Approval of expenses.**

1896 (1) Each member of a local school board, except the student member, shall receive
1897 compensation for services and for necessary expenses in accordance with board compensation
1898 schedules adopted by the local school board in accordance with the provisions of this section.

1899 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
1900 board compensation schedules, the board shall set a time and place for a public hearing at
1901 which all interested persons shall be given an opportunity to be heard.

1902 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
1903 seven days prior to the meeting by:

1904 (a) (i) publication at least once in a newspaper published in the county where the
1905 school district is situated and generally circulated within the school district; and

1906 (ii) publication on the Utah Public Notice Website created in Section 63F-1-701; and

1907 (b) posting a notice:
 1908 (i) at each school within the school district;
 1909 (ii) in at least three other public places within the school district; and
 1910 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.
 1911 (4) After the conclusion of the public hearing, the local school board may adopt or
 1912 amend its board compensation schedules.

1913 (5) Each member shall submit an itemized account of necessary travel expenses for
 1914 board approval.

1915 (6) A local school board may, without following the procedures described in
 1916 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
 1917 July 1, 2007 until, at the discretion of the board, the compensation schedule is amended or a
 1918 new compensation schedule is adopted.

1919 Section 37. Section **53G-4-205**, which is renumbered from Section 53A-3-204 is
 1920 renumbered and amended to read:

1921 ~~[53A-3-204].~~ **53G-4-205. Duties of president.**

1922 (1) The president of each local school board shall preside at all meetings of the board,
 1923 appoint all committees, and sign all warrants ordered by the board to be drawn upon the
 1924 business administrator for school money.

1925 (2) If the president is absent or acquires a disability, these duties are performed by the
 1926 vice president.

1927 Section 38. Section **53G-4-301**, which is renumbered from Section 53A-3-301 is
 1928 renumbered and amended to read:

1929 **Part 3. Local School Board Administrative Officers**

1930 ~~[53A-3-301].~~ **53G-4-301. Superintendent of schools -- Appointment --**
 1931 **Qualifications -- Term -- Compensation.**

1932 (1) Subject to Subsection (8), a local school board shall appoint a district
 1933 superintendent of schools who serves as the local school board's chief executive officer.

1934 (2) A local school board shall appoint the superintendent on the basis of outstanding
 1935 professional qualifications.

1936 (3) (a) A superintendent's term of office is for two years and until, subject to
 1937 Subsection (8), a successor is appointed and qualified.

1938 (b) A local school board that appoints a superintendent in accordance with this section
1939 may not, on or after May 10, 2011, enter into an employment contract that contains an
1940 automatic renewal provision with the superintendent.

1941 (4) Unless a vacancy occurs during an interim vacancy period subject to Subsection (8),
1942 if it becomes necessary to appoint an interim superintendent due to a vacancy in the office of
1943 superintendent, the local school board shall make an appointment during a public meeting for
1944 an indefinite term not to exceed one year, which term shall end upon the appointment and
1945 qualification of a new superintendent.

1946 (5) (a) The superintendent shall hold an administrative/supervisory license issued by
1947 the State Board of Education, except as otherwise provided in Subsection (5)(b).

1948 (b) At the request of a local school board, the State Board of Education shall grant a
1949 letter of authorization permitting a person with outstanding professional qualifications to serve
1950 as superintendent without holding an administrative/supervisory license.

1951 (6) A local school board shall set the superintendent's compensation for services.

1952 (7) A superintendent qualifies for office by taking the constitutional oath of office.

1953 (8) (a) As used in this Subsection (8), "interim vacancy period" means the period of
1954 time that:

1955 (i) begins on the day on which a general election described in Section 20A-1-202 is
1956 held to elect a member of a local school board; and

1957 (ii) ends on the day on which the member-elect begins the member's term.

1958 (b) (i) The local school board may not appoint a superintendent during an interim
1959 vacancy period.

1960 (ii) Notwithstanding Subsection (8)(b)(i):

1961 (A) the local school board may appoint an interim superintendent during an interim
1962 vacancy period; and

1963 (B) the interim superintendent's term shall expire once a new superintendent is
1964 appointed by the new local school board after the interim vacancy period has ended.

1965 (c) Subsection (8)(b) does not apply if all the local school board members who held
1966 office on the day of the general election whose term of office was vacant for the election are
1967 re-elected to the local school board for the following term.

1968 Section 39. Section **53G-4-302**, which is renumbered from Section 53A-3-302 is

1969 renumbered and amended to read:

1970 ~~[53A-3-302]~~. **53G-4-302. Business administrator -- Term -- Oath.**

1971 (1) Subject to Subsection (5), a local school board shall appoint a business
1972 administrator.

1973 (2) (a) The business administrator's term of office is for two years and until, subject to
1974 Subsection (5), a successor is appointed and qualified.

1975 (b) A local school board that appoints a business administrator in accordance with this
1976 section may not, on or after May 8, 2012, enter into an employment contract that contains an
1977 automatic renewal provision with the business administrator.

1978 (3) Unless a vacancy occurs during an interim vacancy period subject to Subsection
1979 (5), if it becomes necessary to appoint an interim business manager due to a vacancy in the
1980 office of business administrator, then the local school board shall make an appointment during
1981 a public meeting for an indefinite term not to exceed one year, which term shall end upon the
1982 appointment and qualification of a new business manager.

1983 (4) The business administrator qualifies for office by taking the constitutional oath of
1984 office.

1985 (5) (a) As used in this Subsection (5), "interim vacancy period" means the period of
1986 time that:

1987 (i) begins on the day on which a general election described in Section 20A-1-202 is
1988 held to elect a member of a local school board; and

1989 (ii) ends on the day on which the member-elect begins the member's term.

1990 (b) (i) A local school board may not appoint a business administrator during an interim
1991 vacancy period.

1992 (ii) Notwithstanding Subsection (5)(b)(i):

1993 (A) the local school board may appoint an interim business administrator during an
1994 interim vacancy period; and

1995 (B) the interim business administrator's term shall expire once a new business
1996 administrator is appointed by the new local school board after the interim vacancy period has
1997 ended.

1998 (c) Subsection (5)(b) does not apply if all the local school board members who held
1999 office on the day of the general election whose term of office was vacant for the election are

2000 reelected to the local school board for the following term.

2001 Section 40. Section **53G-4-303**, which is renumbered from Section 53A-3-303 is
2002 renumbered and amended to read:

2003 ~~[53A-3-303]~~. **53G-4-303. Duties of business administrator.**

2004 Subject to the direction of the district superintendent of schools, the district's business
2005 administrator shall:

2006 (1) attend all meetings of the board, keep an accurate record of its proceedings, and
2007 have custody of the seal and records;

2008 (2) be custodian of all district funds, be responsible and accountable for all money
2009 received and disbursed, and keep accurate records of all revenues received and their sources;

2010 (3) countersign with the president of the board all warrants and claims against the
2011 district as well as other legal documents approved by the board;

2012 (4) prepare and submit to the board each month a written report of the district's receipts
2013 and expenditures;

2014 (5) use uniform budgeting, accounting, and auditing procedures and forms approved by
2015 the State Board of Education, which shall be in accordance with generally accepted accounting
2016 principles or auditing standards and Title 63J, Chapter 1, Budgetary Procedures Act;

2017 (6) prepare and submit to the board a detailed annual statement for the period ending
2018 June 30, of the revenue and expenditures, including beginning and ending fund balances;

2019 (7) assist the superintendent in the preparation and submission of budget documents
2020 and statistical and fiscal reports required by law or the State Board of Education;

2021 (8) insure that adequate internal controls are in place to safeguard the district's funds;
2022 and

2023 (9) perform other duties as the superintendent may require.

2024 Section 41. Section **53G-4-304**, which is renumbered from Section 53A-3-304 is
2025 renumbered and amended to read:

2026 ~~[53A-3-304]~~. **53G-4-304. Other board officers.**

2027 (1) A board may appoint other necessary officers who serve at the pleasure of the
2028 board.

2029 (2) These officers shall qualify by taking the constitutional oath of office before
2030 assuming office.

2031 Section 42. Section **53G-4-401**, which is renumbered from Section 53A-3-401 is
 2032 renumbered and amended to read:

2033 **Part 4. Local School Board Powers and Miscellaneous Duties**

2034 ~~[53A-3-401].~~ **53G-4-401. Boards of education are bodies corporate -- Seal**
 2035 **-- Authority to sue -- Conveyance of property -- Duty to residents of the local school**
 2036 **board member's district -- Establishment of public education foundation.**

2037 (1) As used in this section, "body corporate" means a public corporation and legal
 2038 subdivision of the state, vested with the powers and duties of a government entity as specified
 2039 in this chapter.

2040 (2) The board of education of a school district is a body corporate under the name of
 2041 the "Board of Education of School District" (inserting the proper name), and shall have
 2042 an official seal conformable to its name.

2043 (3) The seal is used by its business administrator in the authentication of all required
 2044 matters.

2045 (4) A local school board may sue and be sued, and may take, hold, lease, sell, and
 2046 convey real and personal property as the interests of the schools may require.

2047 (5) Notwithstanding a local school board's status as a body corporate, an elected
 2048 member of a local school board serves and represents the residents of the local school board
 2049 member's district, and that service and representation may not be restricted or impaired by the
 2050 local school board member's membership on, or obligations to, the local school board.

2051 (6) A local school board may establish a foundation in accordance with Section
 2052 53E-3-403.

2053 Section 43. Section **53G-4-402**, which is renumbered from Section 53A-3-402 is
 2054 renumbered and amended to read:

2055 ~~[53A-3-402].~~ **53G-4-402. Powers and duties generally.**

2056 (1) A local school board shall:

2057 (a) implement the core standards for Utah public schools using instructional materials
 2058 that best correlate to the core standards for Utah public schools and graduation requirements;

2059 (b) administer tests, required by the State Board of Education, which measure the
 2060 progress of each student, and coordinate with the state superintendent and State Board of
 2061 Education to assess results and create plans to improve the student's progress, which shall be

2062 submitted to the State Board of Education for approval;

2063 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
2064 students that need remediation and determine the type and amount of federal, state, and local
2065 resources to implement remediation;

2066 (d) develop early warning systems for students or classes failing to make progress;

2067 (e) work with the State Board of Education to establish a library of documented best
2068 practices, consistent with state and federal regulations, for use by the local districts; and

2069 (f) implement training programs for school administrators, including basic
2070 management training, best practices in instructional methods, budget training, staff
2071 management, managing for learning results and continuous improvement, and how to help
2072 every child achieve optimal learning in basic academic subjects.

2073 (2) Local school boards shall spend minimum school program funds for programs and
2074 activities for which the State Board of Education has established minimum standards or rules
2075 under Section [~~53A-1-402~~] 53E-3-501.

2076 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
2077 and equipment and construct, erect, and furnish school buildings.

2078 (b) School sites or buildings may only be conveyed or sold on board resolution
2079 affirmed by at least two-thirds of the members.

2080 (4) (a) A board may participate in the joint construction or operation of a school
2081 attended by children residing within the district and children residing in other districts either
2082 within or outside the state.

2083 (b) Any agreement for the joint operation or construction of a school shall:

2084 (i) be signed by the president of the board of each participating district;

2085 (ii) include a mutually agreed upon pro rata cost; and

2086 (iii) be filed with the State Board of Education.

2087 (5) A board may establish, locate, and maintain elementary, secondary, and applied
2088 technology schools.

2089 (6) Except as provided in Section [~~53A-1-1004~~] 53E-3-905, a board may enroll
2090 children in school who are at least five years of age before September 2 of the year in which
2091 admission is sought.

2092 (7) A board may establish and support school libraries.

2093 (8) A board may collect damages for the loss, injury, or destruction of school property.

2094 (9) A board may authorize guidance and counseling services for children and their
2095 parents or guardians before, during, or following enrollment of the children in schools.

2096 (10) (a) A board shall administer and implement federal educational programs in
2097 accordance with Title [~~53A, Chapter 1, Part 9~~] 53E, Chapter 3, Part 8, Implementing Federal or
2098 National Education Programs [~~Act~~].

2099 (b) Federal funds are not considered funds within the school district budget under
2100 [~~Title 53A, Chapter 19, Public School~~] Chapter 7, Part 3, Budgets.

2101 (11) (a) A board may organize school safety patrols and adopt rules under which the
2102 patrols promote student safety.

2103 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
2104 parental consent for the appointment.

2105 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
2106 of a highway intended for vehicular traffic use.

2107 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
2108 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
2109 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

2110 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
2111 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
2112 devises, or bequests that are made for educational purposes.

2113 (b) These contributions are not subject to appropriation by the Legislature.

2114 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
2115 citations for violations of Subsection 76-10-105(2).

2116 (b) A person may not be appointed to serve as a compliance officer without the
2117 person's consent.

2118 (c) A teacher or student may not be appointed as a compliance officer.

2119 (14) A board shall adopt bylaws and rules for the board's own procedures.

2120 (15) (a) A board shall make and enforce rules necessary for the control and
2121 management of the district schools.

2122 (b) Board rules and policies shall be in writing, filed, and referenced for public access.

2123 (16) A board may hold school on legal holidays other than Sundays.

2124 (17) (a) A board shall establish for each school year a school traffic safety committee to
2125 implement this Subsection (17).

2126 (b) The committee shall be composed of one representative of:

2127 (i) the schools within the district;

2128 (ii) the Parent Teachers' Association of the schools within the district;

2129 (iii) the municipality or county;

2130 (iv) state or local law enforcement; and

2131 (v) state or local traffic safety engineering.

2132 (c) The committee shall:

2133 (i) receive suggestions from school community councils, parents, teachers, and others
2134 and recommend school traffic safety improvements, boundary changes to enhance safety, and
2135 school traffic safety program measures;

2136 (ii) review and submit annually to the Department of Transportation and affected
2137 municipalities and counties a child access routing plan for each elementary, middle, and junior
2138 high school within the district;

2139 (iii) consult the Utah Safety Council and the Division of Family Health Services and
2140 provide training to all school children in kindergarten through grade six, within the district, on
2141 school crossing safety and use; and

2142 (iv) help ensure the district's compliance with rules made by the Department of
2143 Transportation under Section 41-6a-303.

2144 (d) The committee may establish subcommittees as needed to assist in accomplishing
2145 its duties under Subsection (17)(c).

2146 (18) (a) A school board shall adopt and implement a comprehensive emergency
2147 response plan to prevent and combat violence in the school board's public schools, on school
2148 grounds, on its school vehicles, and in connection with school-related activities or events.

2149 (b) The plan shall:

2150 (i) include prevention, intervention, and response components;

2151 (ii) be consistent with the student conduct and discipline policies required for school
2152 districts under [~~Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans~~] Chapter
2153 11, Part 2, Miscellaneous Requirements;

2154 (iii) require inservice training for all district and school building staff on what their

2155 roles are in the emergency response plan;

2156 (iv) provide for coordination with local law enforcement and other public safety
2157 representatives in preventing, intervening, and responding to violence in the areas and activities
2158 referred to in Subsection (18)(a); and

2159 (v) include procedures to notify a student, to the extent practicable, who is off campus
2160 at the time of a school violence emergency because the student is:

2161 (A) participating in a school-related activity; or

2162 (B) excused from school for a period of time during the regular school day to
2163 participate in religious instruction at the request of the student's parent or guardian.

2164 (c) The State Board of Education, through the state superintendent of public
2165 instruction, shall develop comprehensive emergency response plan models that local school
2166 boards may use, where appropriate, to comply with Subsection (18)(a).

2167 (d) A local school board shall, by July 1 of each year, certify to the State Board of
2168 Education that its plan has been practiced at the school level and presented to and reviewed by
2169 its teachers, administrators, students, and their parents and local law enforcement and public
2170 safety representatives.

2171 (19) (a) A local school board may adopt an emergency response plan for the treatment
2172 of sports-related injuries that occur during school sports practices and events.

2173 (b) The plan may be implemented by each secondary school in the district that has a
2174 sports program for students.

2175 (c) The plan may:

2176 (i) include emergency personnel, emergency communication, and emergency
2177 equipment components;

2178 (ii) require inservice training on the emergency response plan for school personnel who
2179 are involved in sports programs in the district's secondary schools; and

2180 (iii) provide for coordination with individuals and agency representatives who:

2181 (A) are not employees of the school district; and

2182 (B) would be involved in providing emergency services to students injured while
2183 participating in sports events.

2184 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
2185 review the plan each year and make revisions when required to improve or enhance the plan.

2186 (e) The State Board of Education, through the state superintendent of public
 2187 instruction, shall provide local school boards with an emergency plan response model that local
 2188 boards may use to comply with the requirements of this Subsection (19).

2189 (20) A board shall do all other things necessary for the maintenance, prosperity, and
 2190 success of the schools and the promotion of education.

2191 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

2192 (i) hold a public hearing, as defined in Section 10-9a-103; and

2193 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

2194 (b) The notice of a public hearing required under Subsection (21)(a) shall:

2195 (i) indicate the:

2196 (A) school or schools under consideration for closure or boundary change; and

2197 (B) date, time, and location of the public hearing; and

2198 (ii) at least 10 days before the public hearing, be:

2199 (A) published:

2200 (I) in a newspaper of general circulation in the area; and

2201 (II) on the Utah Public Notice Website created in Section 63F-1-701; and

2202 (B) posted in at least three public locations within the municipality or on the district's
 2203 official website.

2204 (22) A board may implement a facility energy efficiency program established under
 2205 Title 11, Chapter 44, Performance Efficiency Act.

2206 (23) A board may establish or partner with a certified youth court program, in
 2207 accordance with Section 78A-6-1203, or establish or partner with a comparable restorative
 2208 justice program, in coordination with schools in that district. A school may refer a student to
 2209 youth court or a comparable restorative justice program in accordance with Section
 2210 ~~[53A-11-911]~~ 53G-8-211.

2211 Section 44. Section **53G-4-403**, which is renumbered from Section 53A-3-403 is
 2212 renumbered and amended to read:

2213 ~~[53A-3-403]~~. **53G-4-403. School district fiscal year -- Statistical reports.**

2214 (1) A school district's ~~[or charter school's]~~ fiscal year begins on July 1 and ends on June
 2215 30.

2216 (2) (a) A school district ~~[or charter school]~~ shall forward statistical reports for the

2217 preceding school year, containing items required by law or by the State Board of Education, to
2218 the state superintendent on or before November 1 of each year.

2219 (b) The reports shall include information to enable the state superintendent to complete
2220 the statement required under Subsection [~~53A-1-301~~] 53E-3-301(3)(d)(v).

2221 (3) A school district [~~or charter school~~] shall forward the accounting report required
2222 under Section 51-2a-201 to the state superintendent on or before October 15 of each year.

2223 Section 45. Section **53G-4-404**, which is renumbered from Section 53A-3-404 is
2224 renumbered and amended to read:

2225 ~~[53A-3-404]~~. **53G-4-404. Annual financial report -- Audit report.**

2226 (1) The annual financial report of each school district, containing items required by law
2227 or by the State Board of Education and attested to by independent auditors, shall be prepared as
2228 required by Section 51-2a-201.

2229 (2) If auditors are employed under Section 51-2a-201, the auditors shall complete their
2230 field work in sufficient time to allow them to verify necessary audit adjustments included in the
2231 annual financial report to the state superintendent.

2232 (3) (a) (i) The district shall forward the annual financial report to the state
2233 superintendent not later than October 1.

2234 (ii) The report shall include information to enable the state superintendent to complete
2235 the statement required under Subsection [~~53A-1-301~~] 53E-3-301(3)(d)(v).

2236 (b) The State Board of Education shall publish electronically a copy of the report on
2237 the Internet not later than December 15.

2238 (4) The completed audit report shall be delivered to the school district board of
2239 education and the state superintendent of public instruction not later than November 30 of each
2240 year.

2241 Section 46. Section **53G-4-405**, which is renumbered from Section 53A-3-405 is
2242 renumbered and amended to read:

2243 ~~[53A-3-405]~~. **53G-4-405. Approval of purchases or indebtedness -- Board**
2244 **approval of identified purchases.**

2245 (1) An officer or employee of a school district may not make a purchase or incur
2246 indebtedness on behalf of the district without the approval and order of the board.

2247 (2) The board shall adopt one of the following approval methods, or a combination of

2248 the two:

2249 (a) The board shall approve an appropriation for identified purchases in the district
2250 budget. Each purchase made under an identified purchase does not require additional board
2251 approval.

2252 (b) The board shall approve individual purchases when made throughout the fiscal
2253 year.

2254 Section 47. Section **53G-4-406**, which is renumbered from Section 53A-3-406 is
2255 renumbered and amended to read:

2256 ~~[53A-3-406].~~ **53G-4-406. Claims against the board -- Itemized.**

2257 Except for salary which is regularly authorized by the board, the board may not hear or
2258 consider any claim against the board which is not itemized.

2259 Section 48. Section **53G-4-407**, which is renumbered from Section 53A-3-408 is
2260 renumbered and amended to read:

2261 ~~[53A-3-408].~~ **53G-4-407. Tax exemption of school board property.**

2262 (1) Real and personal property held by a local school board is exempt from general and
2263 special taxation and from local assessments.

2264 (2) This property may not be taken in any manner for debt.

2265 Section 49. Section **53G-4-408**, which is renumbered from Section 53A-3-412 is
2266 renumbered and amended to read:

2267 ~~[53A-3-412].~~ **53G-4-408. Residence not condition of employment.**

2268 A local school board may not require an employee to reside within its school district as
2269 a condition of employment.

2270 Section 50. Section **53G-4-409**, which is renumbered from Section 53A-3-420 is
2271 renumbered and amended to read:

2272 ~~[53A-3-420].~~ **53G-4-409. Activity disclosure statements.**

2273 (1) ~~[For a school year beginning with or after the 2012-13 school year, a]~~ A local
2274 school board shall require the development of activity disclosure statements for each
2275 school-sponsored group or program which involves students and faculty in grades 9 through 12
2276 in contests, performances, events, or other activities that require them to miss normal class time
2277 or takes place outside regular school time.

2278 (2) The activity disclosure statements shall be disseminated to the students desiring

2279 involvement in the specific activity or to the students' parents or legal guardians or to both
2280 students and their parents.

2281 (3) An activity disclosure statement shall contain the following information:

2282 (a) the specific name of the team, group, or activity;

2283 (b) the maximum number of students involved;

2284 (c) whether or not tryouts are used to select students, specifying date and time
2285 requirements for tryouts, if applicable;

2286 (d) beginning and ending dates of the activity;

2287 (e) a tentative schedule of the events, performances, games, or other activities with
2288 dates, times, and places specified if available;

2289 (f) if applicable, designation of any nonseason events or activities, including an
2290 indication of the status, required, expected, suggested, or optional, with the dates, times, and
2291 places specified;

2292 (g) personal costs associated with the activity;

2293 (h) the name of the school employee responsible for the activity; and

2294 (i) any additional information considered important for the students and parents to
2295 know.

2296 Section 51. Section **53G-4-410**, which is renumbered from Section 53A-3-429 is
2297 renumbered and amended to read:

2298 ~~[53A-3-429]~~. **53G-4-410. Regional service centers.**

2299 (1) For purposes of this section, "eligible regional service center" means a regional
2300 service center formed by two or more school districts as an interlocal entity, in accordance with
2301 Title 11, Chapter 13, Interlocal Cooperation Act.

2302 (2) The Legislature strongly encourages school districts to collaborate and cooperate to
2303 provide educational services in a manner that will best utilize resources for the overall
2304 operation of the public education system.

2305 (3) An eligible regional service center formed by an interlocal agreement, in
2306 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution
2307 described in Subsection (5) if the Legislature appropriates money for eligible regional service
2308 centers.

2309 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize

2310 a regional service center in operation before July 1, 2011, the interlocal agreement may not
2311 eliminate any rights or obligations of the regional service center in effect before entering into
2312 the interlocal agreement.

2313 (b) An interlocal agreement entered into to confirm or formalize an existing regional
2314 service center shall have the effect of confirming and ratifying in the regional service center,
2315 the title to any property held in the name, or for the benefit of the regional service center as of
2316 the effective date of the interlocal agreement.

2317 (5) (a) The State Board of Education shall distribute any funding appropriated to
2318 eligible regional service centers as provided by the Legislature.

2319 (b) The State Board of Education may provide funding to an eligible regional service
2320 center in addition to legislative appropriations.

2321 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2322 State Board of Education shall make rules regarding eligible regional service centers including:

2323 (a) the distribution of legislative appropriations to eligible regional service centers;

2324 (b) the designation of eligible regional service centers as agents to distribute Utah
2325 Education and Telehealth Network services; and

2326 (c) the designation of eligible regional service centers as agents for regional
2327 coordination of public education and higher education services.

2328 ~~[(7) A public school that is a charter school may enter into a contract with an eligible
2329 regional service center to receive education related services from the eligible regional service
2330 center.]~~

2331 Section 52. Section **53G-4-411**, which is renumbered from Section 53A-3-432 is
2332 renumbered and amended to read:

2333 ~~[53A-3-432].~~ **53G-4-411. Interlocal agreement for public education**
2334 **transportation services.**

2335 (1) In accordance with Title 11, Chapter 13, Interlocal Cooperation Act, at least two
2336 school districts may, for the purpose of coordinating public education transportation services:

2337 (a) create an interlocal entity as defined in Section 11-13-103 if the school districts
2338 establish an interlocal entity governing board as described in Subsection (2); or

2339 (b) enter into a joint or cooperative undertaking as described in Section 11-13-207 if
2340 the school districts establish a joint board as described in Subsection (2).

2341 (2) A governing board described in Subsection (1)(a) or a joint board described in
2342 Subsection (1)(b) shall consist of:

2343 (a) at least one elected member of a local school board from each school district that
2344 creates the interlocal entity or enters into the joint or cooperative undertaking; and

2345 (b) only elected members of the local school boards of the school districts that create
2346 the interlocal entity or enter into the joint or cooperative undertaking.

2347 Section 53. Section **53G-4-501** is enacted to read:

2348 **Part 5. Utah School Boards Association**

2349 **53G-4-501. Definitions.**

2350 Reserved

2351 Section 54. Section **53G-4-502**, which is renumbered from Section 53A-5-101 is
2352 renumbered and amended to read:

2353 ~~[53A-5-101].~~ **53G-4-502. Utah School Boards Association.**

2354 The Utah School Boards Association is recognized as an organization and agency of the
2355 school boards of Utah and is representative of those boards.

2356 Section 55. Section **53G-4-503**, which is renumbered from Section 53A-5-102 is
2357 renumbered and amended to read:

2358 ~~[53A-5-102].~~ **53G-4-503. Boards of education authorized to become**
2359 **members of association.**

2360 The State Board of Education, local school boards, and their agencies may become
2361 members of the Utah School Boards Association and cooperate with the association and its
2362 members on activities and problems relating to the state's educational system.

2363 Section 56. Section **53G-4-504**, which is renumbered from Section 53A-5-103 is
2364 renumbered and amended to read:

2365 ~~[53A-5-103].~~ **53G-4-504. Payment of dues -- Expenses in attending**
2366 **meetings -- Contributions.**

2367 (1) Member boards may pay dues and make other contributions to the association for
2368 its educational activities.

2369 (2) They may also incur reasonable travel and subsistence expenses for the purpose of
2370 attending meetings and conferences of the association.

2371 (3) Dues and contributions expenses shall be paid in the same manner as are other
2372 expenses of the member boards.

2373 Section 57. Section **53G-4-601** is enacted to read:

2374 **Part 6. School District Indebtedness**

2375 **53G-4-601. Definitions.**

2376 Reserved

2377 Section 58. Section **53G-4-602**, which is renumbered from Section 53A-18-101 is
2378 renumbered and amended to read:

2379 ~~[53A-18-101].~~ **53G-4-602. School district tax anticipation notes.**

2380 (1) A local school board may borrow money in anticipation of the collection of taxes or
2381 other revenue of the school district so long as it complies with Title 11, Chapter 14, Local
2382 Government Bonding Act.

2383 (2) The board may incur indebtedness under this section for any purpose for which
2384 district funds may be expended, but not in excess of the estimated district revenues for the
2385 current school year.

2386 (3) Revenues include all revenues of the district from the state or any other source.

2387 (4) The district may incur the indebtedness prior to imposing or collecting the taxes or
2388 receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates.

2389 Section 59. Section **53G-4-603**, which is renumbered from Section 53A-18-102 is
2390 renumbered and amended to read:

2391 ~~[53A-18-102].~~ **53G-4-603. Additional indebtedness -- Election -- Voter**
2392 **information pamphlet.**

2393 (1) As used in this section:

2394 (a) "Qualifying general obligation bond" means a bond:

2395 (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and

2396 (ii) authorized by an election held on or after July 1, 2014.

2397 (b) "Voter information pamphlet" means the notification required by Section
2398 11-14-202.

2399 (2) A local school board may require the qualified electors of the district to vote on a
2400 proposition as to whether to incur indebtedness, subject to conditions provided in Title 11,
2401 Chapter 14, Local Government Bonding Act, if:

2402 (a) the debts of the district are equal to school taxes and other estimated revenues for
2403 the school year, and it is necessary to create and incur additional indebtedness in order to
2404 maintain and support schools within the district; or

2405 (b) the local school board determines it advisable to issue school district bonds to
2406 purchase school sites, buildings, or furnishings or to improve existing school property.

2407 (3) A local school board shall specify, in the voter information pamphlet for a bond
2408 election, a plan of finance, including:

2409 (a) the specific project or projects for which a bond is to be issued; and

2410 (b) a priority designation for each project.

2411 (4) Except as provided in Subsection (5), a local school board shall ensure that
2412 qualifying general obligation bond proceeds are used to complete projects in accordance with
2413 the plan of finance described in Subsection (3).

2414 (5) (a) After distribution to the public of the voter information pamphlet, with
2415 two-thirds majority approval of the local school board, a local school board may upon a
2416 determination of compelling circumstances adjust the plan of finance described in Subsection
2417 (3) by:

2418 (i) changing the priority designation of a project;

2419 (ii) adding a project that was not listed in the voter information pamphlet; or

2420 (iii) removing a project that was listed in the voter information pamphlet.

2421 (b) A local school board may not vote on more than one adjustment described in
2422 Subsection (5)(a) per meeting.

2423 (6) For a qualifying general obligation bond, a local school board shall post on the
2424 local school board's website:

2425 (a) the plan of finance as described in the voter information pamphlet; and

2426 (b) a progress report detailing the status of the projects listed in the plan of finance,
2427 including:

2428 (i) the status of any construction contracts related to a project;

2429 (ii) the bid amount;

2430 (iii) the estimated and actual construction start date;

2431 (iv) the estimated and actual construction end date; and

2432 (v) the final cost.

2433 (7) (a) If a local school board violates Subsection (4), a registered voter in the school
2434 district may file an action for an extraordinary writ to prohibit the local school board from
2435 adjusting the plan of finance without obtaining the necessary local school board approval.

2436 (b) If a registered voter prevails in an action under Subsection (7)(a), the court shall
2437 award reasonable costs and attorney fees to the registered voter.

2438 (c) The action described in Subsection (7)(a) may not be used to challenge the validity
2439 of a bond.

2440 Section 60. Section **53G-4-604**, which is renumbered from Section 53A-18-103 is
2441 renumbered and amended to read:

2442 ~~[53A-18-103]~~. **53G-4-604**. **Consolidated school district bonds.**

2443 (1) A consolidated county school district may issue bonds, without an election, to fund,
2444 purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to
2445 consolidation and assumed by the consolidated school district.

2446 (2) The legality, regularity, and validity of the outstanding indebtedness shall be
2447 determined in the same manner used to determine the validity of other bonds to be refunded by
2448 the board.

2449 Section 61. Section **53G-4-605**, which is renumbered from Section 53A-18-104 is
2450 renumbered and amended to read:

2451 ~~[53A-18-104]~~. **53G-4-605**. **Testing validity of bonds to be refunded --**

2452 **Procedure.**

2453 If considered advisable by the local school board, the validity of any bonds intended to
2454 be refunded may be determined in the following manner:

2455 (1) The board shall:

2456 (a) publish a notice describing with sufficient particularity for identification the bond
2457 or bonds intended to be refunded:

2458 (i) once a week for two successive weeks in a newspaper published in the school
2459 district; and

2460 (ii) as required in Section 45-1-101; and

2461 (b) post a notice for two successive weeks in three public and conspicuous places
2462 describing with sufficient particularity for identification the bond or bonds intended to be
2463 refunded.

2464 (2) The notice shall require any person objecting to the legality, regularity, or validity
2465 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before
2466 the board at a specified place within the district on a specified day and time.

2467 (3) The time may not be less than 14 nor more than 60 days after the first publication
2468 or posting of the notice.

2469 (4) The notice shall require the person to appear at the meeting with his objections in
2470 writing, duly verified.

2471 (5) The board shall convene at the time and place specified in the notice and receive all
2472 objections as prescribed in Subsection (4).

2473 (6) The objections shall be filed with and preserved by the board.

2474 (7) If no written objections are presented at the time and place specified in the notice,
2475 the board shall so certify.

2476 (8) All persons are then prohibited from questioning in any manner or proceeding the
2477 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness
2478 represented by the bonds, and the board may then refund the bonds.

2479 (9) Any person filing a written objection under Subsection (4) shall, within 20 days
2480 after the filing, commence appropriate legal proceedings against the board and others as may be
2481 proper parties, in the district court for the county in which the school district is situated, to
2482 challenge and determine the legality, regularity, and validity of the bond or bonds, their issue
2483 and sale, or the indebtedness represented by them.

2484 (10) Failure to commence the proceedings within 20 days bars the person filing
2485 objections from questioning, in any manner or proceeding, the legality, regularity, or validity of
2486 the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

2487 (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the
2488 court, the board may refund the bonds.

2489 Section 62. Section **53G-4-606**, which is renumbered from Section 53A-18-105 is
2490 renumbered and amended to read:

2491 ~~[53A-18-105]~~. **53G-4-606. Sinking fund -- Investment.**

2492 (1) The money levied and collected to create a sinking fund for the redemption of
2493 bonds issued by a local school board shall be immediately credited to a special fund.

2494 (2) After retaining an amount sufficient to pay the principal of the bonds maturing

2495 during the year, the board shall invest the fund and any surplus as provided under Title 51,
 2496 Chapter 7, State Money Management Act.

2497 Section 63. Section **53G-4-607**, which is renumbered from Section 53A-18-106 is
 2498 renumbered and amended to read:

2499 ~~[53A-18-106]~~. **53G-4-607**. **Bonds a lien on property -- Levy of tax to pay**
 2500 **bonds.**

2501 (1) Bonds issued under this [chapter] part are a lien upon the taxable property of the
 2502 school district issuing them.

2503 (2) If the local school board neglects or refuses to cause a tax to be levied in
 2504 accordance with law to meet the outstanding bonds or the interest on the bonds, the county
 2505 legislative body of the county in which the district is located shall levy the tax and apply the
 2506 money collected to the payment of the bonds and the interest.

2507 Section 64. Section **53G-4-608**, which is renumbered from Section 53A-18-107 is
 2508 renumbered and amended to read:

2509 ~~[53A-18-107]~~. **53G-4-608**. **Requirement to conduct seismic safety**
 2510 **evaluations when issuing a bond.**

2511 (1) As used in this section:

2512 (a) "Federal guidelines" means guidelines and procedures specified in "Rapid Visual
 2513 Screening of Buildings for Potential Seismic Hazards: A Handbook, 2nd Edition" published by
 2514 the United States Federal Emergency Management Agency.

2515 (b) "Qualifying general obligation bond" means a bond:

2516 (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and

2517 (ii) authorized by an election held on or after July 1, 2013.

2518 (c) "Seismic safety evaluation" means a seismic safety rapid visual screening evaluated
 2519 in accordance with federal guidelines or a more detailed seismic structural evaluation.

2520 (2) If a school district issues a qualifying general obligation bond, the school district
 2521 shall:

2522 (a) except as provided in Subsection (4), conduct or update a seismic safety evaluation
 2523 of each school district building:

2524 (i) constructed before 1975; and

2525 (ii) used by the school district as a school; and

2526 (b) provide a copy of a seismic safety evaluation prepared under Subsection (2)(a) to
2527 the Utah Seismic Safety Commission created in Section 63C-6-101.

2528 (3) A seismic safety evaluation conducted under Subsection (2) shall be conducted by a
2529 licensed structural engineer familiar with seismic codes.

2530 (4) A school district is not required to conduct or update a seismic safety evaluation of
2531 a building as required in Subsection (2)(a) if:

2532 (a) a seismic safety evaluation was performed on the building within the 25-year period
2533 before the school district issues the qualifying general obligation bond; and

2534 (b) the school district provides a copy of the school district's seismic safety evaluation
2535 described in Subsection (4)(a) to the Utah Seismic Safety Commission.

2536 (5) Creation of a seismic safety evaluation of a school, or a list of schools needing
2537 seismic upgrades, shall not be construed as expanding or changing the state's or a school
2538 district's common law duty of care for liability purposes.

2539 Section 65. Section **53G-4-701** is enacted to read:

2540 **Part 7. Local School Board Building Reserve Fund**

2541 **53G-4-701. Definitions.**

2542 Reserved

2543 Section 66. Section **53G-4-702**, which is renumbered from Section 53A-23-101 is
2544 renumbered and amended to read:

2545 ~~[53A-23-101].~~ **53G-4-702. School board reserve fund.**

2546 Each local school board may establish and maintain a reserve fund to accumulate funds
2547 to meet the capital outlay costs of the school district, including costs for planning, constructing,
2548 replacing, improving, equipping, and furnishing school buildings and purchasing school sites.

2549 Section 67. Section **53G-4-703**, which is renumbered from Section 53A-23-102 is
2550 renumbered and amended to read:

2551 ~~[53A-23-102].~~ **53G-4-703. Revenues to be allocated to fund.**

2552 A local school board may annually allocate to the fund any revenues from the state
2553 which are made available for capital outlay purposes, and not otherwise earmarked, and such
2554 other revenues as the school district may raise locally for this purpose.

2555 Section 68. Section **53G-4-704**, which is renumbered from Section 53A-23-103 is

2556 renumbered and amended to read:

2557 ~~[53A-23-103]~~. **53G-4-704. Building Reserve Fund -- Investment of fund.**

2558 (1) The fund shall be known as the Building Reserve Fund of _____ (name of
2559 school district) School District.

2560 (2) Any interest or capital gains accrue to the benefit of the fund.

2561 (3) The fund may only be invested as provided in Title 51, Chapter 7, State Money
2562 Management Act of 1974.

2563 Section 69. Section **53G-4-705**, which is renumbered from Section 53A-23-104 is
2564 renumbered and amended to read:

2565 ~~[53A-23-104]~~. **53G-4-705. Accumulations -- Expenditures from fund --**
2566 **Public notice -- Transfer to other funds.**

2567 (1) The money in the fund shall accumulate from year to year.

2568 (2) However, the local school board may make expenditures from the fund if public
2569 notice is given stating the purpose for which the expenditures are to be made.

2570 (3) The procedure for giving public notice is set forth in Section ~~[53A-19-102]~~
2571 53G-7-303.

2572 (4) Expenditures shall be made for capital outlay costs only.

2573 (5) Money in the fund at the end of the year shall remain intact and may not be
2574 transferred to any other fund or used for any other purpose.

2575 Section 70. Section **53G-4-801**, which is renumbered from Section 53A-28-102 is
2576 renumbered and amended to read:

2577 **Part 8. School District Bond Guaranty**

2578 ~~[53A-28-102]~~. **53G-4-801. Definitions.**

2579 (1) "Board" means the board of education of a school district existing now or later
2580 under the laws of the state.

2581 (2) "Bond" means any general obligation bond or refunding bond issued after the
2582 effective date of this ~~[chapter]~~ part.

2583 (3) "Default avoidance program" means the school bond guaranty program established
2584 by this ~~[chapter]~~ part.

2585 (4) "General obligation bond" means any bond, note, warrant, certificate of
2586 indebtedness, or other obligation of a board payable in whole or in part from revenues derived

2587 from ad valorem taxes and that constitutes an indebtedness within the meaning of any
2588 applicable constitutional or statutory debt limitation.

2589 (5) "Paying agent" means the corporate paying agent selected by the board for a bond
2590 issue who is:

2591 (a) duly qualified; and

2592 (b) acceptable to the state treasurer.

2593 (6) "Permanent school fund" means the state school fund described in the Utah
2594 Constitution, Article X, Section 5(1).

2595 (7) "Refunding bond" means any general obligation bond issued by a board for the
2596 purpose of refunding its outstanding general obligation bonds.

2597 (8) "School district" means any school district existing now or later under the laws of
2598 the state.

2599 Section 71. Section **53G-4-802**, which is renumbered from Section 53A-28-201 is
2600 renumbered and amended to read:

2601 ~~[53A-28-201]~~. **53G-4-802. Contract with bondholders -- Full faith and**
2602 **credit of state is pledged -- Limitation as to certain refunded bonds.**

2603 (1) (a) The state of Utah pledges to and agrees with the holders of any bonds that the
2604 state will not alter, impair, or limit the rights vested by the default avoidance program with
2605 respect to the bonds until the bonds, together with applicable interest, are fully paid and
2606 discharged.

2607 (b) Notwithstanding Subsection (1)(a), nothing contained in this ~~[chapter]~~ part
2608 precludes an alteration, impairment, or limitation if adequate provision is made by law for the
2609 protection of the holders of the bonds.

2610 (c) Each board may refer to this pledge and undertaking by the state in its bonds.

2611 (2) (a) The full faith and credit and unlimited taxing power of the state is pledged to
2612 guarantee full and timely payment of the principal of (either at the stated maturity or by any
2613 advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds
2614 as such payments shall become due (except that in the event of any acceleration of the due date
2615 of such principal by reason of mandatory or optional redemption or acceleration resulting from
2616 default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking
2617 fund payment, the payments guaranteed shall be made in such amounts and at such times as

2618 such payments of principal would have been due had there not been any such acceleration).

2619 (b) This guaranty does not extend to the payment of any redemption premium.

2620 (c) Reference to this ~~[chapter]~~ part by its title on the face of any bond conclusively
2621 establishes the guaranty provided to that bond under provisions of this ~~[chapter]~~ part.

2622 (3) (a) Any bond guaranteed under this ~~[chapter]~~ part that is refunded and considered
2623 paid for the purposes of and within the meaning of Subsection 11-27-3(6), no longer has the
2624 benefit of the guaranty provided by this ~~[chapter]~~ part from and after the date on which that
2625 bond was considered to be paid.

2626 (b) Any refunding bond issued by a board that is itself secured by government
2627 obligations until the proceeds are applied to pay refunded bonds, as provided in Title 11,
2628 Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this ~~[chapter]~~
2629 part, until the refunding bonds cease to be secured by government obligations as provided in
2630 Title 11, Chapter 27, Utah Refunding Bond Act.

2631 (4) Only validly issued bonds issued after the effective date of this ~~[chapter]~~ part are
2632 guaranteed under this ~~[chapter]~~ part.

2633 Section 72. Section **53G-4-803**, which is renumbered from Section 53A-28-202 is
2634 renumbered and amended to read:

2635 ~~[53A-28-202]~~. **53G-4-803. Program eligibility -- Option to forego guaranty.**

2636 (1) (a) Any board may request that the state treasurer issue a certificate evidencing
2637 eligibility for the state's guaranty under this ~~[chapter]~~ part.

2638 (b) After reviewing the request, if the state treasurer determines that the board is
2639 eligible, the state treasurer shall promptly issue the certificate and provide it to the requesting
2640 board.

2641 (c) (i) The board receiving the certificate and all other persons may rely on the
2642 certificate as evidencing eligibility for the guaranty for one year from and after the date of the
2643 certificate, without making further inquiry of the state treasurer during that year.

2644 (ii) The certificate of eligibility is valid for one year even if the state treasurer later
2645 determines that the school board is ineligible.

2646 (2) Any board that chooses to forego the benefits of the guaranty provided by this
2647 ~~[chapter]~~ part for a particular issue of bonds may do so by not referring to this ~~[chapter]~~ part on
2648 the face of its bonds.

2649 (3) Any board that has bonds, the principal of or interest on which has been paid, in
2650 whole or in part, by the state under this [~~chapter~~] part may not issue any additional bonds
2651 guaranteed by this act until:

2652 (a) all payment obligations of the board to the state under the default avoidance
2653 program are satisfied; and

2654 (b) the state treasurer and the state superintendent of public instruction each certify in
2655 writing, to be kept on file by the state treasurer and the state superintendent, that the board is
2656 fiscally solvent.

2657 (4) Bonds not guaranteed by this [~~chapter~~] part are not included in the definition of
2658 "bonds" in Section [~~53A-28-201~~] 53G-4-802 as used generally in this [~~chapter~~] part and are not
2659 subject to the requirements of and do not receive the benefits of this [~~chapter~~] part.

2660 Section 73. Section **53G-4-804**, which is renumbered from Section 53A-28-203 is
2661 renumbered and amended to read:

2662 [~~53A-28-203~~]. **53G-4-804. Fiscal solvency of school districts -- Duties of**
2663 **state treasurer and attorney general.**

2664 (1) The state superintendent of public instruction shall:

2665 (a) monitor the financial affairs and condition of each board in the state to evaluate
2666 each school board's financial solvency; and

2667 (b) report immediately to the governor and state treasurer any circumstances suggesting
2668 that a school district will be unable to timely meet its debt service obligations and recommend
2669 a course of remedial action.

2670 (2) (a) The state treasurer shall determine whether or not the financial affairs and
2671 condition of a board are such that it would be imprudent for the state to guarantee the bonds of
2672 that board.

2673 (b) If the state treasurer determines that the state should not guarantee the bonds of that
2674 board, the state treasurer shall:

2675 (i) prepare a determination of ineligibility; and

2676 (ii) keep it on file in the office of the state treasurer.

2677 (c) The state treasurer may remove a board from the status of ineligibility when a
2678 subsequent report or other information made available to the state treasurer evidences that it is
2679 no longer imprudent for the state to guarantee the bonds of that board.

2680 (3) Nothing in this section affects the state's guaranty of bonds of a board issued:
 2681 (a) before determination of ineligibility;
 2682 (b) after the eligibility of the board is restored; or
 2683 (c) under a certificate of eligibility issued under Section [~~53A-28-202~~] 53G-4-803.

2684 Section 74. Section **53G-4-805**, which is renumbered from Section 53A-28-301 is
 2685 renumbered and amended to read:

2686 ~~[53A-28-301]~~. **53G-4-805. Business administrator duties -- Paying agent to**
 2687 **provide notice -- State treasurer to execute transfer to paying agents -- Effect of transfer.**

2688 (1) (a) The business administrator of each board with outstanding, unpaid bonds shall
 2689 transfer money sufficient for the scheduled debt service payment to its paying agent at least 15
 2690 days before any principal or interest payment date for the bonds.

2691 (b) The paying agent may, if instructed to do so by the business administrator, invest
 2692 the money at the risk and for the benefit of the board until the payment date.

2693 (c) A business administrator who is unable to transfer the scheduled debt service
 2694 payment to the paying agent 15 days before the payment date shall immediately notify the
 2695 paying agent and the state treasurer by:

2696 (i) telephone;

2697 (ii) a writing sent by facsimile transmission; and

2698 (iii) a writing sent by first-class United States mail.

2699 (2) If sufficient funds are not transferred to the paying agent as required by Subsection
 2700 (1), the paying agent shall notify the state treasurer of that failure in writing at least 10 days
 2701 before the scheduled debt service payment date by:

2702 (a) telephone;

2703 (b) a writing sent by facsimile transmission; and

2704 (c) a writing sent by first-class United States mail.

2705 (3) (a) If sufficient money to pay the scheduled debt service payment has not been
 2706 transferred to the paying agent, the state treasurer shall, on or before the scheduled payment
 2707 date, transfer sufficient money to the paying agent to make the scheduled debt service payment.

2708 (b) The payment by the treasurer:

2709 (i) discharges the obligation of the issuing board to its bondholders for the payment;

2710 and

2711 (ii) transfers the rights represented by the general obligation of the board from the
2712 bondholders to the state.

2713 (c) The board shall pay the transferred obligation to the state as provided in this
2714 ~~[chapter]~~ part.

2715 Section 75. Section ~~53G-4-806~~, which is renumbered from Section 53A-28-302 is
2716 renumbered and amended to read:

2717 ~~[53A-28-302]~~. 53G-4-806. State financial assistance intercept mechanism --
2718 State treasurer duties -- Interest and penalty provisions.

2719 (1) (a) If one or more payments on bonds are made by the state treasurer as provided in
2720 Section ~~[53A-28-302]~~ 53G-4-805, the state treasurer shall:

2721 (i) immediately intercept any payments from the Uniform School Fund or from any
2722 other source of operating money provided by the state to the board that issued the bonds that
2723 would otherwise be paid to the board by the state; and

2724 (ii) apply the intercepted payments to reimburse the state for payments made pursuant
2725 to the state's guaranty until all obligations of the board to the state arising from those payments,
2726 including interest and penalties, are paid in full.

2727 (b) The state has no obligation to the board or to any person or entity to replace any
2728 money intercepted under authority of Subsection (1)(a).

2729 (2) The board that issued bonds for which the state has made all or part of a debt
2730 service payment shall:

2731 (a) reimburse all money drawn by the state treasurer on its behalf;

2732 (b) pay interest to the state on all money paid by the state from the date the money was
2733 drawn to the date they are repaid at a rate not less than the average prime rate for national
2734 money center banks plus 1%; and

2735 (c) pay all penalties required by this ~~[chapter]~~ part.

2736 (3) (a) The state treasurer shall establish the reimbursement interest rate after
2737 considering the circumstances of any prior draws by the board on the state, market interest and
2738 penalty rates, and the cost of funds, if any, that were required to be borrowed by the state to
2739 make payment on the bonds.

2740 (b) The state treasurer may, after considering the circumstances giving rise to the
2741 failure of the board to make payment on its bonds in a timely manner, impose on the board a

2742 penalty of not more than 5% of the amount paid by the state pursuant to its guaranty for each
2743 instance in which a payment by the state is made.

2744 (4) (a) (i) If the state treasurer determines that amounts obtained under this section will
2745 not reimburse the state in full within one year from the state's payment of a board's scheduled
2746 debt service payment, the state treasurer shall pursue any legal action, including mandamus,
2747 against the board to compel it to:

2748 (A) levy and provide property tax revenues to pay debt service on its bonds when due
2749 as required by Title 11, Chapter 14, Local Government Bonding Act; and

2750 (B) meet its repayment obligations to the state.

2751 (ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same
2752 substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act,
2753 as would a holder of the bonds of a board.

2754 (b) The attorney general shall assist the state treasurer in these duties.

2755 (c) The board shall pay the attorney's fees, expenses, and costs of the state treasurer and
2756 the attorney general.

2757 (5) (a) Except as provided in Subsection (5)(c), any board whose operating funds were
2758 intercepted under this section may replace those funds from other board money or from ad
2759 valorem property taxes, subject to the limitations provided in this Subsection (5).

2760 (b) A board may use ad valorem property taxes or other money to replace intercepted
2761 funds only if the ad valorem property taxes or other money was derived from:

2762 (i) taxes originally levied to make the payment but which were not timely received by
2763 the board;

2764 (ii) taxes from a special levy made to make the missed payment or to replace the
2765 intercepted money;

2766 (iii) money transferred from the capital outlay fund of the board or the undistributed
2767 reserve, if any, of the board; or

2768 (iv) any other source of money on hand and legally available.

2769 (c) Notwithstanding the provisions of Subsections (5)(a) and (b), a board may not
2770 replace operating funds intercepted by the state with money collected and held to make
2771 payments on bonds if that replacement would divert money from the payment of future debt
2772 service on the bonds and increase the risk that the state's guaranty would be called upon a

2773 second time.

2774 Section 76. Section **53G-4-807**, which is renumbered from Section 53A-28-401 is
2775 renumbered and amended to read:

2776 ~~[53A-28-401]~~. **53G-4-807. Backup liquidity arrangements -- Issuance of**
2777 **notes.**

2778 (1) (a) If, at the time the state is required to make a debt service payment under its
2779 guaranty on behalf of a board, sufficient money of the state is not on hand and available for that
2780 purpose, the state treasurer may:

2781 (i) seek a loan from the Permanent School Fund sufficient to make the required
2782 payment; or

2783 (ii) issue state debt as provided in Subsection (2).

2784 (b) Nothing in this Subsection (1) requires the Permanent School Fund to lend money
2785 to the state treasurer.

2786 (2) (a) The state treasurer may issue state debt in the form of general obligation notes
2787 to meet its obligations under this ~~[chapter]~~ part.

2788 (b) The amount of notes issued may not exceed the amount necessary to make payment
2789 on all bonds with respect to which the notes are issued plus all costs of issuance, sale, and
2790 delivery of the notes, rounded up to the nearest natural multiple of \$5,000.

2791 (c) Each series of notes issued may not mature later than 18 months from the date the
2792 notes are issued.

2793 (d) Notes issued may be refunded using the procedures set forth in this ~~[chapter]~~ part
2794 for the issuance of notes, in an amount not more than the amount necessary to pay principal of
2795 and accrued but unpaid interest on any refunded notes plus all costs of issuance, sale, and
2796 delivery of the refunding notes, rounded up to the nearest natural multiple of \$5,000.

2797 (e) Each series of refunding notes may not mature later than 18 months from the date
2798 the refunding notes are issued.

2799 (3) (a) Before issuing or selling any general obligation note to other than a state fund or
2800 account, the state treasurer shall:

2801 (i) prepare a written plan of financing; and

2802 (ii) file it with the governor.

2803 (b) The plan of financing shall provide for:

- 2804 (i) the terms and conditions under which the notes will be issued, sold, and delivered;
2805 (ii) the taxes or revenues to be anticipated;
2806 (iii) the maximum amount of notes that may be outstanding at any one time under the
2807 plan of financing;
2808 (iv) the sources of payment of the notes;
2809 (v) the rate or rates of interest, if any, on the notes or a method, formula, or index under
2810 which the interest rate or rates on the notes may be determined during the time the notes are
2811 outstanding; and
2812 (vi) all other details relating to the issuance, sale, and delivery of the notes.
- 2813 (c) In identifying the taxes or revenues to be anticipated and the sources of payment of
2814 the notes in the financing plan, the state treasurer may include:
- 2815 (i) the taxes authorized by Section [~~53A-28-402~~] 53G-4-808;
2816 (ii) the intercepted revenues authorized by Section [~~53A-28-302~~] 53G-4-806;
2817 (iii) the proceeds of refunding notes; or
2818 (iv) any combination of Subsections (3)(c)(i), (ii), and (iii).
- 2819 (d) The state treasurer may include in the plan of financing the terms and conditions of
2820 arrangements entered into by the state treasurer on behalf of the state with financial and other
2821 institutions for letters of credit, standby letters of credit, reimbursement agreements, and
2822 remarketing, indexing, and tender agent agreements to secure the notes, including payment
2823 from any legally available source of fees, charges, or other amounts coming due under the
2824 agreements entered into by the state treasurer.
- 2825 (e) When issuing the notes, the state treasurer shall issue an order setting forth the
2826 interest, form, manner of execution, payment, manner of sale, prices at, above, or below face
2827 value, and all details of issuance of the notes.
- 2828 (f) The order and the details set forth in the order shall conform with any applicable
2829 plan of financing and with this [~~chapter~~] part.
- 2830 (g) (i) Each note shall recite that it is a valid obligation of the state and that the full
2831 faith, credit, and resources of the state are pledged for the payment of the principal of and
2832 interest on the note from the taxes or revenues identified in accordance with its terms and the
2833 constitution and laws of Utah.
- 2834 (ii) These general obligation notes do not constitute debt of the state for the purposes of

2835 the 1.5% debt limitation of the Utah Constitution, Article XIV, Section 1.

2836 (h) Immediately upon the completion of any sale of notes, the state treasurer shall:

2837 (i) make a verified return of the sale to the state auditor, specifying the amount of notes
2838 sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale;
2839 and

2840 (ii) credit the proceeds of sale, other than accrued interest and amounts required to pay
2841 costs of issuance of the notes, to the General Fund to be applied to the purpose for which the
2842 notes were issued.

2843 Section 77. Section **53G-4-808**, which is renumbered from Section 53A-28-402 is
2844 renumbered and amended to read:

2845 ~~[53A-28-402]~~. **53G-4-808. Unlimited ad valorem tax as pledge of full faith**
2846 **and credit -- State Tax Commission duties -- Property tax abated.**

2847 (1) (a) In each year after the issuance of general obligation notes under this ~~chapter~~
2848 part and until all outstanding notes are retired, there is levied a direct annual tax on all real and
2849 personal property within the state subject to state taxation, sufficient to pay all principal of and
2850 interest on the general obligation notes as they become due.

2851 (b) If money expected to be intercepted under Section ~~[53A-28-302]~~ 53G-4-806 is
2852 expected to be insufficient to reimburse the state for its payments of school districts' scheduled
2853 debt service payments or if it is necessary for the state treasurer to borrow as provided in
2854 Section ~~[53A-28-401]~~ 53G-4-807 and amounts to be intercepted under Section ~~[53A-28-302]~~
2855 53G-4-806 are expected to be insufficient to timely pay the general obligation notes issued or
2856 other borrowing undertaken under that section, the state treasurer shall certify to and give
2857 notice to the state tax commission of the amount of the deficiency.

2858 (c) After receipt of that certified notice from the state treasurer, the state tax
2859 commission shall:

2860 (i) immediately fix the tax rate necessary and levy direct ad valorem property tax on all
2861 real and personal property in the state subject to state taxation sufficient to provide money in
2862 the amount of the deficiency stated in the notice; and

2863 (ii) require that the tax be collected and remitted as soon as may be in the ordinary
2864 course of ad valorem tax levy and collection.

2865 (2) To the extent that other legally available revenues and funds of the state are

2866 sufficient to meet the certified deficiency, the property tax for this purpose is abated.

2867 Section 78. Section **53G-4-901**, which is renumbered from Section 53A-2-402 is

2868 renumbered and amended to read:

2869 **Part 9. Surplus School District Land**

2870 ~~[53A-2-402].~~ **53G-4-901. Definitions.**

2871 As used in this part:

2872 (1) "Eligible entity" means:

2873 (a) a city or town with a population density of 3,000 or more people per square mile; or

2874 (b) a county whose unincorporated area includes a qualifying planning advisory area.

2875 (2) "Purchase price" means the greater of:

2876 (a) an amount that is the average of:

2877 (i) the appraised value of the surplus property, based on the predominant zone in the

2878 surrounding area, as indicated in an appraisal obtained by the eligible entity; and

2879 (ii) the appraised value of the surplus property, based on the predominant zone in the

2880 surrounding area, as indicated in an appraisal obtained by the school district; and

2881 (b) the amount the school district paid to acquire the surplus property.

2882 (3) "Qualifying planning advisory area" means a planning advisory area under Section

2883 17-27a-306 that has a population density of 3,000 or more people per square mile within the

2884 boundaries of the planning advisory area.

2885 (4) "Surplus property" means land owned by a school district that:

2886 (a) was purchased with taxpayer money;

2887 (b) is located within a city or town that is an eligible entity or within a qualifying

2888 planning advisory area;

2889 (c) consists of one contiguous tract at least three acres in size; and

2890 (d) has been declared by the school district to be surplus.

2891 Section 79. Section **53G-4-902**, which is renumbered from Section 53A-2-403 is

2892 renumbered and amended to read:

2893 ~~[53A-2-403].~~ **53G-4-902. Purchase of surplus property.**

2894 (1) An eligible entity may purchase, and each school district shall sell, surplus property

2895 as provided in this section.

2896 (2) (a) Upon declaring land to be surplus property, each school district shall give

2897 written notice to each eligible entity in which the surplus property is located.

2898 (b) Each notice under Subsection (2)(a) shall:

2899 (i) state that the school district has declared the land to be surplus property; and

2900 (ii) describe the surplus property.

2901 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by
2902 paying the school district the purchase price.

2903 (4) (a) The legislative body of each eligible entity desiring to purchase surplus property
2904 under this section shall:

2905 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt a
2906 resolution declaring the intent to purchase the surplus property and deliver a copy of the
2907 resolution to the school district; and

2908 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)
2909 to the school district, deliver to the school district an earnest money offer to purchase the
2910 surplus property at the purchase price.

2911 (b) If an eligible entity fails to comply with either of the requirements under Subsection
2912 (4)(a) within the applicable time period, the eligible entity forfeits the right to purchase the
2913 surplus property.

2914 (5) (a) An eligible entity may waive its right to purchase surplus property under this
2915 part by submitting a written waiver to the school district.

2916 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has
2917 no further obligation under this part to sell the surplus property to the eligible entity.

2918 (6) Surplus property acquired by an eligible entity may not be used for any purpose
2919 other than:

2920 (a) a county, city, or town hall;

2921 (b) a park or other open space;

2922 (c) a cultural center or community center;

2923 (d) a facility for the promotion, creation, or retention of public or private jobs within
2924 the state through planning, design, development, construction, rehabilitation, business
2925 relocation, or any combination of these, within a county, city, or town;

2926 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public
2927 or private facilities, or other improvements that benefit the state or a county, city, or town; or

2928 (f) a facility for a charter school under Chapter [~~1a, Part 5, The Utah Charter Schools~~
2929 ~~Act~~] 5, Charter Schools.

2930 (7) (a) A school district that sells surplus property under this part may use proceeds
2931 from the sale only for bond debt reduction or school district capital facilities.

2932 (b) Each school district that sells surplus property under this part shall place all
2933 proceeds from the sale that are not used for bond debt reduction in a capital facilities fund of
2934 the school district for use for school district capital facilities.

2935 Section 80. Section **53G-4-903**, which is renumbered from Section 53A-2-404 is
2936 renumbered and amended to read:

2937 ~~[53A-2-404]~~. **53G-4-903**. **Resale of surplus property.**

2938 (1) If an eligible entity that has acquired surplus property under Section [~~53A-2-403~~]
2939 53G-4-902 afterwards declares that property to be surplus, the school district from which the
2940 eligible entity acquired the property may purchase, and the eligible entity shall sell, the property
2941 as provided in Section [~~53A-2-403~~] 53G-4-902, except that the price at which the school
2942 district shall be entitled to reacquire the property shall be the price that the eligible entity paid
2943 for the property, plus the cost of any existing improvements that the eligible entity made to the
2944 property after it purchased the property.

2945 (2) If the school district does not reacquire the surplus property under Subsection (1)
2946 and the eligible entity sells the surplus property to another buyer, the eligible entity and the
2947 school district shall equally share any proceeds of that sale that exceed the amount the eligible
2948 entity paid for the property plus the cost of any existing improvements the eligible entity made
2949 to the property after it purchased the property.

2950 Section 81. Section **53G-4-1001** is enacted to read:

2951 **Part 10. School Construction Due to New Industrial Plants**

2952 **53G-4-1001**. **Definitions.**

2953 Reserved

2954 Section 82. Section **53G-4-1001.5**, which is renumbered from Section 53A-22-101 is
2955 renumbered and amended to read:

2956 ~~[53A-22-101]~~. **53G-4-1001.5**. **53A-22-101. Purpose of part.**

2957 It is the purpose of this [~~chapter~~] part to provide school districts with the ability to raise
2958 funds for necessary new school construction, including additions to existing school buildings

2959 caused by the development of industrial plants that require large numbers of workers for their
2960 construction and operation.

2961 Section 83. Section **53G-4-1002**, which is renumbered from Section 53A-22-102 is
2962 renumbered and amended to read:

2963 ~~[53A-22-102]~~. **53G-4-1002**. **New industrial plants in school district -- Duty**
2964 **of school district.**

2965 A school district confronted with actual or anticipated large increases in enrollment
2966 because of the construction of a new industrial plant or plants to a degree that new buildings or
2967 additions to existing buildings are required shall make the following efforts to raise funds to
2968 meet those building needs:

2969 (1) bond to its maximum capacity and maintain maximum bonding by rebonding at
2970 least once every other year until building needs are met;

2971 (2) maintain an annual property tax levy for capital outlay and debt service combined
2972 of not less than .0036 per dollar of taxable value; and

2973 (3) initiate any action necessary to qualify for any state, federal, or other funds for
2974 capital outlay for which the district may be eligible.

2975 Section 84. Section **53G-4-1003**, which is renumbered from Section 53A-22-103 is
2976 renumbered and amended to read:

2977 ~~[53A-22-103]~~. **53G-4-1003**. **Funds raised -- Highest priority projects.**

2978 (1) Funds raised by the school district in accordance with this [~~chapter~~] part shall be
2979 used on the highest priority projects established by the district's five-year comprehensive
2980 capital outlay plan, which shall be approved by the State Board of Education.

2981 (2) The plan must include appropriate priorities for the construction of minimal
2982 facilities for new students.

2983 (3) If priority use of the funds raised by the district in accordance with this [~~chapter~~]
2984 part does not provide minimal facilities as defined by the State Board of Education for students
2985 in any new and remote community established in the district, or for students in existing
2986 communities because of the location of new or expanded industries in the area, the district may
2987 enter into lease-purchase agreements or lease with option to purchase agreements with private
2988 builders to furnish the minimal facilities required by the district and approved by the State
2989 Board of Education.

2990 (4) The district may make payments on these agreements from any of its otherwise
2991 uncommitted capital outlay funds.

2992 Section 85. Section **53G-4-1004**, which is renumbered from Section 53A-22-104 is
2993 renumbered and amended to read:

2994 ~~[53A-22-104]~~. **53G-4-1004. Minimal school facilities -- Lease-purchase or**
2995 **lease with option to purchase agreement authorized.**

2996 (1) If a school district is unable to find any private builder who is capable of furnishing
2997 minimal school facilities in new or existing communities, on terms acceptable to the district
2998 and to the State Board of Education, the developers of the industrial plant, or plants, may agree
2999 to provide minimal school facilities under a lease-purchase agreement or lease with option to
3000 purchase agreement with the district.

3001 (2) The district shall pay the developers according to the terms of the agreement from
3002 sources listed for such payments in this ~~[chapter]~~ part.

3003 Section 86. Section **53G-4-1005**, which is renumbered from Section 53A-22-105 is
3004 renumbered and amended to read:

3005 ~~[53A-22-105]~~. **53G-4-1005. Remote industrial plant requiring new school**
3006 **building -- Construction permit requirements.**

3007 A state officer or local governmental official may not issue a construction permit or
3008 other authorization for the construction of a remote industrial plant requiring the provision of a
3009 new community, including new public elementary and secondary school buildings, until the
3010 local school board of the district in which the plant will be located has certified to the state
3011 office or local official, in writing, that the district has obtained the funds, or a firm commitment
3012 that funds will be made available as necessary, to build the required minimal school facilities.

3013 Section 87. Section **53G-4-1006**, which is renumbered from Section 53A-22-106 is
3014 renumbered and amended to read:

3015 ~~[53A-22-106]~~. **53G-4-1006. Rules and regulations authorized.**

3016 The State Board of Education shall adopt all standards and rules necessary for the
3017 administration and enforcement of this ~~[chapter]~~ part.

3018 Section 88. Section **53G-5-101** is enacted to read:

3019 **CHAPTER 5. CHARTER SCHOOLS**

3020 **Part 1. General Provisions**

3021 **53G-5-101. Title.**

3022 This chapter is known as "Charter Schools."

3023 Section 89. Section **53G-5-102**, which is renumbered from Section 53A-1a-501.3 is
3024 renumbered and amended to read:

3025 **[53A-1a-501.3]. 53G-5-102. Definitions.**

3026 As used in this [part] chapter:

3027 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and
3028 includes:

3029 (a) cash;

3030 (b) stock or other investments;

3031 (c) real property;

3032 (d) equipment and supplies;

3033 (e) an ownership interest;

3034 (f) a license;

3035 (g) a cause of action; and

3036 (h) any similar property.

3037 (2) "Board of trustees of a higher education institution" or "board of trustees" means:

3038 (a) the board of trustees of:

3039 (i) the University of Utah;

3040 (ii) Utah State University;

3041 (iii) Weber State University;

3042 (iv) Southern Utah University;

3043 (v) Snow College;

3044 (vi) Dixie State University;

3045 (vii) Utah Valley University; or

3046 (viii) Salt Lake Community College; or

3047 (b) the board of directors of a technical college described in Section 53B-2a-108.

3048 (3) "Charter agreement" or "charter" means an agreement made in accordance with
3049 Section ~~[53A-1a-508]~~ 53G-5-303 that authorizes the operation of a charter school.

3050 (4) "Charter school authorizer" or "authorizer" means the State Charter School Board, a
3051 local school board, or a board of trustees of a higher education institution that authorizes the

3052 establishment of a charter school.

3053 (5) "Governing board" means the board that operates a charter school.

3054 Section 90. Section **53G-5-103** is enacted to read:

3055 **53G-5-103. Charter school funding.**

3056 Unless otherwise specified, the provisions of Title 53F, Public Education System --

3057 Funding, govern charter school funding, including Title 53F, Chapter 2, Part 7, Charter School

3058 Funding, which governs levies imposed for charter school funding.

3059 Section 91. Section **53G-5-104**, which is renumbered from Section 53A-1a-503 is

3060 renumbered and amended to read:

3061 ~~[53A-1a-503].~~ **53G-5-104. Purpose of charter schools.**

3062 The purposes of the state's charter schools as a whole are to:

3063 (1) continue to improve student learning;

3064 (2) encourage the use of different and innovative teaching methods;

3065 (3) create new professional opportunities for educators that will allow them to actively
3066 participate in designing and implementing the learning program at the school;

3067 (4) increase choice of learning opportunities for students;

3068 (5) establish new models of public schools and a new form of accountability for

3069 schools that emphasizes the measurement of learning outcomes and the creation of innovative
3070 measurement tools;

3071 (6) provide opportunities for greater parental involvement in management decisions at
3072 the school level; and

3073 (7) expand public school choice in areas where schools have been identified for school
3074 improvement, corrective action, or restructuring under the No Child Left Behind Act of 2001,
3075 20 U.S.C. Sec. 6301 et seq.

3076 Section 92. Section **53G-5-201**, which is renumbered from Section 53A-1a-501.5 is
3077 renumbered and amended to read:

3078 **Part 2. State Charter School Board**

3079 ~~[53A-1a-501.5].~~ **53G-5-201. State Charter School Board created.**

3080 (1) As used in this section, "organization that represents Utah's charter schools" means
3081 an organization, except a governmental entity, that advocates for charter schools, charter school
3082 parents, or charter school students.

3083 (2) (a) The State Charter School Board is created consisting of the following members
3084 appointed by the governor:

3085 (i) two members who have expertise in finance or small business management;

3086 (ii) three members who:

3087 (A) are nominated by an organization that represents Utah's charter schools; and

3088 (B) have expertise or experience in developing or administering a charter school; and

3089 (iii) two members who are nominated by the State Board of Education.

3090 (b) Each appointee shall have demonstrated dedication to the purposes of charter
3091 schools as outlined in Section [~~53A-1a-503~~] 53G-5-104.

3092 (c) At least two candidates shall be nominated for each appointment made under
3093 Subsection (2)(a)(ii) or (iii).

3094 (d) The governor may seek nominations for a prospective appointment under
3095 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

3096 (3) (a) State Charter School Board members shall serve four-year terms.

3097 (b) If a vacancy occurs, the governor shall appoint a replacement for the unexpired
3098 term.

3099 (4) The governor may remove a member at any time for official misconduct, habitual
3100 or willful neglect of duty, or for other good and sufficient cause.

3101 (5) (a) The State Charter School Board shall annually elect a chair from its
3102 membership.

3103 (b) Four members of the board shall constitute a quorum.

3104 (c) Meetings may be called by the chair or upon request of three members of the board.

3105 (6) A member may not receive compensation or benefits for the member's service, but
3106 may receive per diem and travel expenses in accordance with:

3107 (a) Section 63A-3-106;

3108 (b) Section 63A-3-107; and

3109 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3110 63A-3-107.

3111 Section 93. Section **53G-5-202**, which is renumbered from Section 53A-1a-501.6 is
3112 renumbered and amended to read:

3113 ~~[53A-1a-501.6]~~. **53G-5-202. Power and duties of State Charter School Board.**

- 3114 (1) The State Charter School Board shall:
- 3115 (a) authorize and promote the establishment of charter schools, subject to the
- 3116 provisions in this [part] chapter and other related provisions;
- 3117 (b) annually review and evaluate the performance of charter schools authorized by the
- 3118 State Charter School Board and hold the schools accountable for their performance;
- 3119 (c) monitor charter schools authorized by the State Charter School Board for
- 3120 compliance with federal and state laws, rules, and regulations;
- 3121 (d) provide technical support to charter schools and persons seeking to establish charter
- 3122 schools by:
- 3123 (i) identifying and promoting successful charter school models;
- 3124 (ii) facilitating the application and approval process for charter school authorization;
- 3125 (iii) directing charter schools and persons seeking to establish charter schools to
- 3126 sources of private funding and support;
- 3127 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of
- 3128 supporting and strengthening proposals before an application for charter school authorization is
- 3129 submitted to a charter school authorizer; and
- 3130 (v) assisting charter schools to understand and carry out their charter obligations;
- 3131 (e) provide technical support, as requested, to a charter school authorizer relating to
- 3132 charter schools;
- 3133 (f) make recommendations on legislation and rules pertaining to charter schools to the
- 3134 Legislature and State Board of Education, respectively; and
- 3135 (g) make recommendations to the State Board of Education on the funding of charter
- 3136 schools.
- 3137 (2) The State Charter School Board may:
- 3138 (a) contract;
- 3139 (b) sue and be sued; and
- 3140 (c) (i) at the discretion of the charter school, provide administrative services to, or
- 3141 perform other school functions for, charter schools authorized by the State Charter School
- 3142 Board; and
- 3143 (ii) charge fees for the provision of services or functions.
- 3144 Section 94. Section **53G-5-203**, which is renumbered from Section 53A-1a-501.7 is

3145 renumbered and amended to read:

3146 ~~[53A-1a-501.7]~~. **53G-5-203**. **State Charter School Board -- Staff director --**
3147 **Facilities.**

3148 (1) (a) The State Charter School Board, with the consent of the superintendent of
3149 public instruction, shall appoint a staff director for the State Charter School Board.

3150 (b) The State Charter School Board shall have authority to remove the staff director
3151 with the consent of the superintendent of public instruction.

3152 (c) The position of staff director is exempt from the career service provisions of Title
3153 67, Chapter 19, Utah State Personnel Management Act.

3154 (2) The superintendent of public instruction shall provide space for staff of the State
3155 Charter School Board in facilities occupied by the State Board of Education or the State Board
3156 of Education's employees, with costs charged for the facilities equal to those charged other
3157 sections and divisions under the State Board of Education.

3158 Section 95. Section **53G-5-204**, which is renumbered from Section 53A-1a-507.1 is
3159 renumbered and amended to read:

3160 ~~[53A-1a-507.1]~~. **53G-5-204**. **Charter school innovative practices -- Report to**
3161 **State Charter School Board.**

3162 Prior to July 31 of each year, a charter school may identify and report to the State
3163 Charter School Board its innovative practices which fulfill the purposes of charter schools as
3164 outlined in Section ~~[53A-1a-503]~~ **53G-5-104**, including:

3165 (1) unique learning opportunities providing increased choice in education;

3166 (2) new public school models;

3167 (3) innovative teaching practices;

3168 (4) opportunities for educators to actively participate in the design and implementation
3169 of the learning program;

3170 (5) new forms of accountability emphasizing the measurement of learning outcomes
3171 and the creation of new measurement tools;

3172 (6) opportunities for greater parental involvement, including involvement in
3173 management decisions; and

3174 (7) the impact of the innovative practices on student achievement.

3175 Section 96. Section **53G-5-301**, which is renumbered from Section 53A-1a-501.9 is

3176 renumbered and amended to read:

3177 **Part 3. Charter School Authorization**

3178 ~~[53A-1a-501.9]~~. **53G-5-301. State Charter School Board to request**
3179 **applications for certain types of charter schools.**

3180 (1) To meet the unique learning styles and needs of students, the State Charter School
3181 Board shall seek to expand the types of instructional methods and programs offered by schools,
3182 as provided in this section.

3183 (2) (a) The State Charter School Board shall request individuals, groups of individuals,
3184 or not-for-profit legal entities to submit an application to the State Charter School Board to
3185 establish a charter school that employs new and creative methods to meet the unique learning
3186 styles and needs of students, such as:

3187 (i) a military charter school;

3188 (ii) a charter school whose mission is to enhance learning opportunities for students at
3189 risk of academic failure;

3190 (iii) a charter school whose focus is career and technical education;

3191 (iv) a single gender charter school; or

3192 (v) a charter school with an international focus that provides opportunities for the
3193 exchange of students or teachers.

3194 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter
3195 School Board shall request applications for other types of charter schools that meet the unique
3196 learning styles and needs of students.

3197 (3) The State Charter School Board shall publicize a request for applications to
3198 establish a charter school specified in Subsection (2).

3199 (4) A charter school application submitted pursuant to Subsection (2) shall be subject
3200 to the application and approval procedures specified in Section ~~[53A-1a-505]~~ 53G-5-304.

3201 (5) The State Charter School Board and the State Board of Education may approve one
3202 or more applications for each charter school specified in Subsection (2), subject to the
3203 Legislature appropriating funds for, or authorizing, an increase in charter school enrollment
3204 capacity as provided in Section ~~[53A-1a-502.5]~~ 53G-6-504.

3205 (6) The State Board of Education shall submit a request to the Legislature to
3206 appropriate funds for, or authorize, the enrollment of students in charter schools tentatively

3207 approved under this section.

3208 Section 97. Section **53G-5-302**, which is renumbered from Section 53A-1a-504 is
3209 renumbered and amended to read:

3210 ~~[53A-1a-504]~~. **53G-5-302. Charter school application -- Applicants --**

3211 **Contents.**

3212 (1) (a) An application to establish a charter school may be submitted by:

3213 (i) an individual;

3214 (ii) a group of individuals; or

3215 (iii) a nonprofit legal entity organized under Utah law.

3216 (b) An authorized charter school may apply under this chapter for a charter from
3217 another charter school authorizer.

3218 (2) A charter school application shall include:

3219 (a) the purpose and mission of the school;

3220 (b) except for a charter school authorized by a local school board, a statement that,
3221 after entering into a charter agreement, the charter school will be organized and managed under
3222 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;

3223 (c) a description of the governance structure of the school, including:

3224 (i) a list of the governing board members that describes the qualifications of each
3225 member; and

3226 (ii) an assurance that the applicant shall, within 30 days of authorization, provide the
3227 authorizer with the results of a background check for each member;

3228 (d) a description of the target population of the school that includes:

3229 (i) the projected maximum number of students the school proposes to enroll;

3230 (ii) the projected school enrollment for each of the first three years of school operation;

3231 and

3232 (iii) the ages or grade levels the school proposes to serve;

3233 (e) academic goals;

3234 (f) qualifications and policies for school employees, including policies that:

3235 (i) comply with the criminal background check requirements described in Section

3236 ~~[53A-1a-512.5]~~ **53G-5-408**;

3237 (ii) require employee evaluations; and

- 3238 (iii) address employment of relatives within the charter school;
- 3239 (g) a description of how the charter school will provide, as required by state and federal
- 3240 law, special education and related services;
- 3241 (h) for a public school converting to charter status, arrangements for:
- 3242 (i) students who choose not to continue attending the charter school; and
- 3243 (ii) teachers who choose not to continue teaching at the charter school;
- 3244 (i) a statement that describes the charter school's plan for establishing the charter
- 3245 school's facilities, including:
- 3246 (i) whether the charter school intends to lease or purchase the charter school's facilities;
- 3247 and
- 3248 (ii) financing arrangements;
- 3249 (j) a market analysis of the community the school plans to serve;
- 3250 (k) a capital facility plan;
- 3251 (l) a business plan;
- 3252 (m) other major issues involving the establishment and operation of the charter school;
- 3253 and
- 3254 (n) the signatures of the governing board members of the charter school.
- 3255 (3) A charter school authorizer may require a charter school application to include:
- 3256 (a) the charter school's proposed:
- 3257 (i) curriculum;
- 3258 (ii) instructional program; or
- 3259 (iii) delivery methods;
- 3260 (b) a method for assessing whether students are reaching academic goals, including, at
- 3261 a minimum, administering the statewide assessments described in Section [~~53A-1-602~~
- 3262 53E-4-301;
- 3263 (c) a proposed calendar;
- 3264 (d) sample policies;
- 3265 (e) a description of opportunities for parental involvement;
- 3266 (f) a description of the school's administrative, supervisory, or other proposed services
- 3267 that may be obtained through service providers; or
- 3268 (g) other information that demonstrates an applicant's ability to establish and operate a

3269 charter school.

3270 Section 98. Section **53G-5-303**, which is renumbered from Section 53A-1a-508 is
3271 renumbered and amended to read:

3272 ~~[53A-1a-508]~~. **53G-5-303. Charter agreement -- Content -- Modification.**

3273 (1) A charter agreement:

3274 (a) is a contract between the charter school applicant and the charter school authorizer;

3275 (b) shall describe the rights and responsibilities of each party; and

3276 (c) shall allow for the operation of the applicant's proposed charter school.

3277 (2) A charter agreement shall include:

3278 (a) the name of:

3279 (i) the charter school; and

3280 (ii) the charter school applicant;

3281 (b) the mission statement and purpose of the charter school;

3282 (c) the charter school's opening date;

3283 (d) the grade levels and number of students the charter school will serve;

3284 (e) a description of the structure of the charter school governing board, including:

3285 (i) the number of board members;

3286 (ii) how members of the board are appointed; and

3287 (iii) board members' terms of office;

3288 (f) assurances that:

3289 (i) the charter school governing board will comply with:

3290 (A) the charter school's bylaws;

3291 (B) the charter school's articles of incorporation; and

3292 (C) applicable federal law, state law, and State Board of Education rules;

3293 (ii) the charter school governing board will meet all reporting requirements described

3294 in Section ~~[53A-1a-507]~~ 53G-5-404; and

3295 (iii) except as provided in ~~[Title 53A, Chapter 20b, Part 2]~~ Part 6, Charter School

3296 Credit Enhancement Program, neither the authorizer nor the state, including an agency of the

3297 state, is liable for the debts or financial obligations of the charter school or a person who

3298 operates the charter school;

3299 (g) which administrative rules the State Board of Education will waive for the charter

3300 school;

3301 (h) minimum financial standards for operating the charter school;

3302 (i) minimum standards for student achievement; and

3303 (j) signatures of the charter school authorizer and the charter school governing board

3304 members.

3305 (3) (a) Except as provided in Subsection (3)(b), a charter agreement may not be
3306 modified except by mutual agreement between the charter school authorizer and the charter
3307 school governing board.

3308 (b) A charter school governing board may modify the charter school's charter
3309 agreement without the mutual agreement described in Subsection (3)(a) to include an
3310 enrollment preference described in Subsection [~~53A-1a-506~~] 53G-6-502(4)(g).

3311 Section 99. Section **53G-5-304**, which is renumbered from Section 53A-1a-505 is
3312 renumbered and amended to read:

3313 ~~[53A-1a-505]~~. **53G-5-304**. **Charter schools authorized by the State Charter**
3314 **School Board -- Application process -- Prohibited bases of application denial.**

3315 (1) (a) An applicant seeking authorization of a charter school from the State Charter
3316 School Board shall provide a copy of the application to the local school board of the school
3317 district in which the proposed charter school shall be located either before or at the same time it
3318 files its application with the State Charter School Board.

3319 (b) The local board may review the application and may offer suggestions or
3320 recommendations to the applicant or the State Charter School Board prior to its acting on the
3321 application.

3322 (c) The State Charter School Board shall give due consideration to suggestions or
3323 recommendations made by the local school board under Subsection (1)(b).

3324 (d) The State Charter School Board shall review and, by majority vote, either approve
3325 or deny the application.

3326 (e) The State Board of Education shall, by majority vote, within 60 days after action by
3327 the State Charter School Board under Subsection (1)(d):

3328 (i) approve or deny an application approved by the State Charter School Board; or

3329 (ii) hear an appeal, if any, of an application denied by the State Charter School Board.

3330 (f) The State Board of Education's action under Subsection (1)(d) is final action subject

3331 to judicial review.

3332 (g) A charter school application may not be denied on the basis that the establishment
3333 of the charter school will have any or all of the following impacts on a public school, including
3334 another charter school:

- 3335 (i) an enrollment decline;
3336 (ii) a decrease in funding; or
3337 (iii) a modification of programs or services.

3338 (2) The State Board of Education shall make a rule providing a timeline for the
3339 opening of a charter school following the approval of a charter school application by the State
3340 Charter School Board.

3341 (3) After approval of a charter school application and in accordance with Section
3342 [~~53A-1a-508~~] 53G-5-303, the applicant and the State Charter School Board shall set forth the
3343 terms and conditions for the operation of the charter school in a written charter agreement.

3344 (4) The State Charter School Board shall, in accordance with State Board of Education
3345 rules, establish and make public the State Charter School Board's:

- 3346 (a) application requirements, in accordance with Section [~~53A-1a-504~~] 53G-5-302;
3347 (b) application process, including timelines, in accordance with this section; and
3348 (c) minimum academic, financial, and enrollment standards.

3349 Section 100. Section **53G-5-305**, which is renumbered from Section 53A-1a-515 is
3350 renumbered and amended to read:

3351 ~~[53A-1a-515]~~. **53G-5-305. Charters authorized by local school boards --**
3352 **Application process -- Local school board responsibilities.**

3353 (1) (a) An applicant identified in Section [~~53A-1a-504~~] 53G-5-302 may submit an
3354 application to a local school board to establish and operate a charter school within the
3355 geographical boundaries of the school district administered by the local school board.

3356 (b) (i) The principal, teachers, or parents of students at an existing public school may
3357 submit an application to the local school board to convert the school or a portion of the school
3358 to charter status.

3359 (A) If the entire school is applying for charter status, at least two-thirds of the licensed
3360 educators employed at the school and at least two-thirds of the parents or guardians of students
3361 enrolled at the school must have signed a petition approving the application prior to its

3362 submission to the charter school authorizer.

3363 (B) If only a portion of the school is applying for charter status, the percentage is
3364 reduced to a simple majority.

3365 (ii) The local school board may not approve an application submitted under Subsection
3366 (1)(b)(i) unless the local school board determines that:

3367 (A) students opting not to attend the proposed converted school would have access to a
3368 comparable public education alternative; and

3369 (B) current teachers who choose not to teach at the converted charter school or who are
3370 not retained by the school at the time of its conversion would receive a first preference for
3371 transfer to open teaching positions for which they qualify within the school district, and, if no
3372 positions are open, contract provisions or board policy regarding reduction in staff would
3373 apply.

3374 (2) (a) An existing public school that converts to charter status under a charter granted
3375 by a local school board may:

3376 (i) continue to receive the same services from the school district that it received prior to
3377 its conversion; or

3378 (ii) contract out for some or all of those services with other public or private providers.

3379 (b) Any other charter school authorized by a local school board may contract with the
3380 board to receive some or all of the services referred to in Subsection (3)(a).

3381 (c) Except as specified in a charter agreement, local school board assets do not transfer
3382 to an existing public school that converts to charter status under a charter granted by a local
3383 school board under this section.

3384 (3) (a) (i) A public school that converts to a charter school under a charter granted by a
3385 local school board shall receive funding:

3386 (A) through the school district; and

3387 (B) on the same basis as it did prior to its conversion to a charter school.

3388 (ii) The school may also receive federal money designated for charter schools under
3389 any federal program.

3390 (b) (i) A local school board-authorized charter school operating in a facility owned by
3391 the school district and not paying reasonable rent to the school district shall receive funding:

3392 (A) through the school district; and

- 3393 (B) on the same basis that other district schools receive funding.
- 3394 (ii) The school may also receive federal money designated for charter schools under
3395 any federal program.
- 3396 (c) Subject to the provisions in Section [~~53A-1a-502.5~~] 53G-6-504, a charter school
3397 authorized by a local school board shall receive funding as provided in [~~Section 53A-1a-513~~]
3398 Title 53F, Chapter 2, Part 7, Charter School Funding.
- 3399 (d) (i) A charter school authorized by a local school board, but not described in
3400 Subsection (3)(a), (b), or (c) shall receive funding:
- 3401 (A) through the school district; and
- 3402 (B) on the same basis that other district schools receive funding.
- 3403 (ii) The school may also receive federal money designated for charter schools under
3404 any federal program.
- 3405 (4) (a) A local school board that receives an application for a charter school under this
3406 section shall, within 45 days, either accept or reject the application.
- 3407 (b) If the board rejects the application, it shall notify the applicant in writing of the
3408 reason for the rejection.
- 3409 (c) The applicant may submit a revised application for reconsideration by the board.
- 3410 (d) If the local school board refuses to authorize the applicant, the applicant may seek a
3411 charter from the State Charter School Board under Section [~~53A-1a-505~~] 53G-5-304.
- 3412 (5) The State Board of Education shall make a rule providing for a timeline for the
3413 opening of a charter school following the approval of a charter school application by a local
3414 school board.
- 3415 (6) After approval of a charter school application and in accordance with Section
3416 [~~53A-1a-508~~] 53G-5-303, the applicant and the local school board shall set forth the terms and
3417 conditions for the operation of the charter school in a written charter agreement.
- 3418 (7) A local school board shall:
- 3419 (a) annually review and evaluate the performance of charter schools authorized by the
3420 local school board and hold the schools accountable for their performance;
- 3421 (b) monitor charter schools authorized by the local school board for compliance with
3422 federal and state laws, rules, and regulations; and
- 3423 (c) provide technical support to charter schools authorized by the local school board to

3424 assist them in understanding and performing their charter obligations.

3425 (8) A local school board may terminate a charter school it authorizes as provided in
3426 Sections [~~53A-1a-509~~] 53G-5-501 and [~~53A-1a-510~~] 53G-5-503.

3427 (9) In addition to the exemptions described in Sections [~~53A-1a-511~~] 53G-5-405,
3428 53G-7-202, and [~~53A-1a-512~~] 53G-5-407, a charter school authorized by a local school board
3429 is:

3430 (a) not required to separately submit a report or information required under this [~~title~~]
3431 public education code to the State Board of Education if the information is included in a report
3432 or information that is submitted by the local school board or school district; and

3433 (b) exempt from the requirement under Section [~~53A-1a-507~~] 53G-5-404 that a charter
3434 school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit
3435 Corporation Act.

3436 (10) Before a local school board accepts a charter school application, the local school
3437 board shall, in accordance with State Board of Education rules, establish and make public the
3438 local school board's:

- 3439 (a) application requirements, in accordance with Section [~~53A-1a-504~~] 53G-5-302;
- 3440 (b) application process, including timelines, in accordance with this section; and
- 3441 (c) minimum academic, financial, and enrollment standards.

3442 Section 101. Section **53G-5-306**, which is renumbered from Section 53A-1a-521 is
3443 renumbered and amended to read:

3444 [~~53A-1a-521~~]. **53G-5-306. Charter schools authorized by a board of**
3445 **trustees of a higher education institution -- Application process -- Board of trustees**
3446 **responsibilities.**

3447 (1) Subject to the approval of the State Board of Education and except as provided in
3448 Subsection (8), an applicant identified in Section [~~53A-1a-504~~] 53G-5-302 may enter into an
3449 agreement with a board of trustees of a higher education institution authorizing the applicant to
3450 establish and operate a charter school.

3451 (2) (a) An applicant applying for authorization from a board of trustees to establish and
3452 operate a charter school shall provide a copy of the application to the State Charter School
3453 Board and the local school board of the school district in which the proposed charter school
3454 will be located either before or at the same time the applicant files the application with the

3455 board of trustees.

3456 (b) The State Charter School Board and the local school board may review the
3457 application and offer suggestions or recommendations to the applicant or the board of trustees
3458 before acting on the application.

3459 (c) The board of trustees shall give due consideration to suggestions or
3460 recommendations made by the State Charter School Board or the local school board under
3461 Subsection (2)(b).

3462 (3) (a) If a board of trustees approves an application to establish and operate a charter
3463 school, the board of trustees shall submit the application to the State Board of Education.

3464 (b) The State Board of Education shall, by majority vote, within 60 days of receipt of
3465 the application, approve or deny an application approved by a board of trustees.

3466 (c) The State Board of Education's action under Subsection (3)(b) is final action subject
3467 to judicial review.

3468 (4) The State Board of Education shall make a rule providing a timeline for the
3469 opening of a charter school following the approval of a charter school application by a board of
3470 trustees.

3471 (5) After approval of a charter school application, the applicant and the board of
3472 trustees shall set forth the terms and conditions for the operation of the charter school in a
3473 written charter agreement.

3474 (6) (a) The school's charter may include a provision that the charter school pay an
3475 annual fee for the board of trustees' costs in providing oversight of, and technical support to,
3476 the charter school in accordance with Subsection (7).

3477 (b) In the first two years that a charter school is in operation, an annual fee described in
3478 Subsection (6)(a) may not exceed the product of 3% of the revenue the charter school receives
3479 from the state in the current fiscal year.

3480 (c) Beginning with the third year that a charter school is in operation, an annual fee
3481 described in Subsection (6)(a) may not exceed the product of 1% of the revenue a charter
3482 school receives from the state in the current fiscal year.

3483 (d) An annual fee described in Subsection (6)(a) shall be:

3484 (i) paid to the board of trustees' higher education institution; and

3485 (ii) expended as directed by the board of trustees.

3486 (7) A board of trustees shall:

3487 (a) annually review and evaluate the performance of charter schools authorized by the
3488 board of trustees and hold the schools accountable for their performance;

3489 (b) monitor charter schools authorized by the board of trustees for compliance with
3490 federal and state laws, rules, and regulations; and

3491 (c) provide technical support to charter schools authorized by the board of trustees to
3492 assist them in understanding and performing their charter obligations.

3493 (8) (a) In addition to complying with the requirements of this section, a technical
3494 college board of directors described in Section 53B-2a-108 shall obtain the approval of the
3495 Utah System of Technical Colleges Board of Trustees before entering into an agreement to
3496 establish and operate a charter school.

3497 (b) If a technical college board of directors approves an application to establish and
3498 operate a charter school, the technical college board of directors shall submit the application to
3499 the Utah System of Technical Colleges Board of Trustees.

3500 (c) The Utah System of Technical Colleges Board of Trustees shall, by majority vote,
3501 within 60 days of receipt of an application described in Subsection (8)(b), approve or deny the
3502 application.

3503 (d) The Utah System of Technical Colleges Board of Trustees may deny an application
3504 approved by a technical college board of directors if the proposed charter school does not
3505 accomplish a purpose of charter schools as provided in Section ~~[53A-1a-503]~~ 53G-5-104.

3506 (e) A charter school application may not be denied on the basis that the establishment
3507 of the charter school will have any or all of the following impacts on a public school, including
3508 another charter school:

3509 (i) an enrollment decline;

3510 (ii) a decrease in funding; or

3511 (iii) a modification of programs or services.

3512 (9) (a) Subject to the requirements of this ~~[part]~~ chapter and other related provisions, a
3513 technical college board of directors may establish:

3514 (i) procedures for submitting applications to establish and operate a charter school; or

3515 (ii) criteria for approval of an application to establish and operate a charter school.

3516 (b) The Utah System of Technical Colleges Board of Trustees may not establish policy

3517 governing the procedures or criteria described in Subsection (9)(a).

3518 (10) Before a technical college board of directors accepts a charter school application,
3519 the technical college board of directors shall, in accordance with State Board of Education
3520 rules, establish and make public:

3521 (a) application requirements, in accordance with Section [~~53A-1a-504~~] 53G-5-302;

3522 (b) the application process, including timelines, in accordance with this section; and

3523 (c) minimum academic, financial, and enrollment standards.

3524 Section 102. Section **53G-5-401**, which is renumbered from Section 53A-1a-503.5 is
3525 renumbered and amended to read:

3526 **Part 4. Powers and Duties**

3527 [~~53A-1a-503.5~~]. **53G-5-401. Status of charter schools.**

3528 (1) Charter schools are:

3529 (a) considered to be public schools within the state's public education system;

3530 (b) subject to Subsection [~~53A-1-401~~] 53E-3-401(8); and

3531 (c) governed by independent boards and held accountable to a legally binding written
3532 contractual agreement.

3533 (2) A charter school may be established by:

3534 (a) creating a new school; or

3535 (b) converting an existing public school to charter status.

3536 (3) A parochial school or home school is not eligible for charter school status.

3537 Section 103. Section **53G-5-402**, which is renumbered from Section 53A-1a-523 is
3538 renumbered and amended to read:

3539 [~~53A-1a-523~~]. **53G-5-402. Property tax exemption for property owned by a**
3540 **charter school.**

3541 For purposes of a property tax exemption for property of school districts under
3542 Subsection 59-2-1101(3)(a)(ii)(B), a charter school is considered to be a school district.

3543 Section 104. Section **53G-5-403**, which is renumbered from Section 53A-1a-517 is
3544 renumbered and amended to read:

3545 [~~53A-1a-517~~]. **53G-5-403. Charter school assets.**

3546 (1) (a) A charter school may receive, hold, manage, and use any devise, bequest, grant,
3547 endowment, gift, or donation of any asset made to the school for any of the purposes of this

3548 ~~[part]~~ chapter and other related provisions.

3549 (b) Unless a donor or grantor specifically provides otherwise in writing, all assets
3550 described in Subsection (1) shall be presumed to be made to the charter school and shall be
3551 included in the charter school's assets.

3552 (2) It is unlawful for any person affiliated with a charter school to demand or request
3553 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
3554 with the charter school as a condition for employment or enrollment at the school or continued
3555 attendance at the school.

3556 (3) All assets purchased with charter school funds shall be included in the charter
3557 school's assets.

3558 (4) A charter school may not dispose of its assets in violation of the provisions of this
3559 ~~[part]~~ chapter or other related provisions, state board rules, policies of its charter school
3560 authorizer, or its charter, including the provisions governing the closure of a charter school
3561 under Section ~~[53A-1a-510.5]~~ 53G-5-504.

3562 Section 105. Section **53G-5-404**, which is renumbered from Section 53A-1a-507 is
3563 renumbered and amended to read:

3564 ~~[53A-1a-507]~~. **53G-5-404. Requirements for charter schools.**

3565 (1) A charter school shall be nonsectarian in its programs, admission policies,
3566 employment practices, and operations.

3567 (2) A charter school may not charge tuition or fees, except those fees normally charged
3568 by other public schools.

3569 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
3570 civil rights requirements.

3571 (4) (a) A charter school shall make the same annual reports required of other public
3572 schools under this ~~[title]~~ public education code, including an annual financial audit report.

3573 (b) A charter school shall file its annual financial audit report with the Office of the
3574 State Auditor within six months of the end of the fiscal year.

3575 (5) (a) A charter school shall be accountable to the charter school's authorizer for
3576 performance as provided in the school's charter.

3577 (b) To measure the performance of a charter school, an authorizer may use data
3578 contained in:

3579 (i) the charter school's annual financial audit report;
 3580 (ii) a report submitted by the charter school as required by statute; or
 3581 (iii) a report submitted by the charter school as required by its charter.
 3582 (c) A charter school authorizer may not impose performance standards, except as
 3583 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully
 3584 accomplish the purposes of charter schools as provided in Section ~~[53A-1a-503]~~ 53G-5-104 or
 3585 as otherwise provided in law.

3586 (6) A charter school may not advocate unlawful behavior.

3587 (7) Except as provided in Section ~~[53A-1a-515]~~ 53G-5-305, a charter school shall be
 3588 organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act,
 3589 after its authorization.

3590 (8) A charter school shall provide adequate liability and other appropriate insurance.

3591 (9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase
 3592 agreement, or other contract or agreement relating to the charter school's facilities or financing
 3593 of the charter school's facilities to the school's authorizer and an attorney for review and advice
 3594 prior to the charter school entering into the lease, agreement, or contract.

3595 (10) A charter school may not employ an educator whose license has been suspended
 3596 or revoked by the State Board of Education under Section ~~[53A-6-504]~~ 53E-6-604.

3597 Section 106. Section **53G-5-405**, which is renumbered from Section 53A-1a-511 is
 3598 renumbered and amended to read:

3599 ~~[53A-1a-511].~~ **53G-5-405. Waivers from state board rules -- Application of**
 3600 **statutes and rules to charter schools.**

3601 (1) A charter school shall operate in accordance with its charter and is subject to ~~[Title~~
 3602 ~~53A, State System of Public Education,]~~ this public education code and other state laws
 3603 applicable to public schools, except as otherwise provided in this ~~[part]~~ chapter and other
 3604 related provisions.

3605 ~~[(2)(a) A charter school or any other public school or school district may apply to the~~
 3606 ~~State Board of Education for a waiver of any state board rule that inhibits or hinders the school~~
 3607 ~~or the school district from accomplishing its mission or educational goals set out in its strategic~~
 3608 ~~plan or charter.]~~

3609 ~~[(b) The state board may grant the waiver, unless:]~~

3610 ~~[(i) the waiver would cause the school district or the school to be in violation of state~~
 3611 ~~or federal law; or]~~

3612 ~~[(ii) the waiver would threaten the health, safety, or welfare of students in the district~~
 3613 ~~or at the school.]~~

3614 ~~[(c) If the State Board of Education denies the waiver, the reason for the denial shall be~~
 3615 ~~provided in writing to the waiver applicant.]~~

3616 ~~[(3)]~~ (2) (a) Except as provided in Subsection ~~[(3)]~~ (2)(b), State Board of Education
 3617 rules governing the following do not apply to a charter school:

3618 (i) school libraries;

3619 (ii) required school administrative and supervisory services; and

3620 (iii) required expenditures for instructional supplies.

3621 (b) A charter school shall comply with rules implementing statutes that prescribe how
 3622 state appropriations may be spent.

3623 ~~[(4)]~~ (3) The following provisions of ~~[Title 53A, State System of Public Education]~~
 3624 this public education code, and rules adopted under those provisions, do not apply to a charter
 3625 school:

3626 (a) Sections ~~[53A-1a-108]~~ 53G-7-1202 and ~~[53A-1a-108.5]~~ 53G-7-1204, requiring the
 3627 establishment of a school community council and school improvement plan;

3628 (b) Section ~~[53A-3-420]~~ 53G-4-409, requiring the use of activity disclosure statements;

3629 (c) Section ~~[53A-12-207]~~ 53G-7-606, requiring notification of intent to dispose of
 3630 textbooks;

3631 (d) Section ~~[53A-13-107]~~ 53G-10-404, requiring annual presentations on adoption;

3632 (e) Sections ~~[53A-19-103]~~ 53G-7-304 and ~~[53A-19-105]~~ 53G-7-306 pertaining to fiscal
 3633 procedures of school districts and local school boards; and

3634 (f) Section ~~[53A-14-107]~~ 53E-4-408, requiring an independent evaluation of
 3635 instructional materials.

3636 ~~[(5)]~~ (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter
 3637 school is considered an educational procurement unit as defined in Section 63G-6a-103.

3638 ~~[(6)]~~ (5) Each charter school shall be subject to:

3639 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

3640 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

3641 ~~[(7)]~~ (6) A charter school is exempt from Section 51-2a-201.5, requiring accounting
 3642 reports of certain nonprofit corporations. A charter school is subject to the requirements of
 3643 Section ~~[53A-1a-507]~~ 53G-5-404.

3644 ~~[(8)]~~ (7) (a) The State Charter School Board shall, in concert with the charter schools,
 3645 study existing state law and administrative rules for the purpose of determining from which
 3646 laws and rules charter schools should be exempt.

3647 (b) (i) The State Charter School Board shall present recommendations for exemption to
 3648 the State Board of Education for consideration.

3649 (ii) The State Board of Education shall consider the recommendations of the State
 3650 Charter School Board and respond within 60 days.

3651 Section 107. Section **53G-5-406**, which is renumbered from Section 53A-1a-520 is
 3652 renumbered and amended to read:

3653 ~~[53A-1a-520]~~. **53G-5-406. Accountability -- Rules.**

3654 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
 3655 after consultation with chartering entities, the State Board of Education shall make rules that:

3656 (1) require a charter school to develop an accountability plan, approved by its charter
 3657 school authorizer, during its first year of operation;

3658 (2) require an authorizer to:

3659 (a) visit a charter school at least once during:

3660 (i) its first year of operation; and

3661 (ii) the review period described under Subsection (3); and

3662 (b) provide written reports to its charter schools after the visits; and

3663 (3) establish a review process that is required of a charter school once every five years
 3664 by its authorizer.

3665 Section 108. Section **53G-5-407**, which is renumbered from Section 53A-1a-512 is
 3666 renumbered and amended to read:

3667 ~~[53A-1a-512]~~. **53G-5-407. Employees of charter schools.**

3668 (1) A charter school shall select its own employees.

3669 (2) The school's governing board shall determine the level of compensation and all
 3670 terms and conditions of employment, except as otherwise provided in Subsections (7) and (8)
 3671 and under this ~~[part]~~ chapter and other related provisions.

3672 (3) The following statutes governing public employees and officers do not apply to a
3673 charter school:

3674 (a) Chapter [~~8a, Public Education Human Resource Management Act~~] 11, Part 5,
3675 School District and USDB Employee Requirements; and

3676 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.

3677 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter
3678 school, under rules adopted by the State Board of Education, shall employ teachers who:

3679 (i) are licensed; or

3680 (ii) on the basis of demonstrated competency, would qualify to teach under alternative
3681 certification or authorization programs.

3682 (b) The school's governing board shall disclose the qualifications of its teachers to the
3683 parents of its students.

3684 (5) State Board of Education rules governing the licensing or certification of
3685 administrative and supervisory personnel do not apply to charter schools.

3686 (6) (a) An employee of a school district may request a leave of absence in order to
3687 work in a charter school upon approval of the local school board.

3688 (b) While on leave, the employee may retain seniority accrued in the school district and
3689 may continue to be covered by the benefit program of the district if the charter school and the
3690 locally elected school board mutually agree.

3691 (7) (a) A proposed or authorized charter school may elect to participate as an employer
3692 for retirement programs under:

3693 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;

3694 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

3695 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

3696 (b) An election under this Subsection (7):

3697 (i) shall be documented by a resolution adopted by the governing board of the charter
3698 school; and

3699 (ii) applies to the charter school as the employer and to all employees of the charter
3700 school.

3701 (c) The governing board of a charter school may offer employee benefit plans for its
3702 employees:

3703 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;

3704 or

3705 (ii) under any other program.

3706 (8) A charter school may not revoke an election to participate made under Subsection

3707 (7).

3708 (9) The governing board of a charter school shall ensure that, prior to the beginning of
3709 each school year, each of its employees signs a document acknowledging that the employee:

3710 (a) has received:

3711 (i) the disclosure required under Section 63A-4-204.5 if the charter school participates
3712 in the Risk Management Fund; or

3713 (ii) written disclosure similar to the disclosure required under Section 63A-4-204.5 if
3714 the charter school does not participate in the Risk Management Fund; and

3715 (b) understands the legal liability protection provided to the employee and what is not
3716 covered, as explained in the disclosure.

3717 Section 109. Section **53G-5-408**, which is renumbered from Section 53A-1a-512.5 is
3718 renumbered and amended to read:

3719 ~~[53A-1a-512.5]~~. **53G-5-408. Criminal background checks on school**
3720 **personnel.**

3721 The following individuals are required to submit to a criminal background check and
3722 ongoing monitoring as provided in Section ~~[53A-15-1503]~~ 53G-11-402:

3723 (1) an employee of a charter school who does not hold a current Utah educator license
3724 issued by the State Board of Education under Title ~~[53A, Chapter 6, Educator Licensing and~~
3725 ~~Professional Practices Act]~~ 53E, Chapter 6, Education Professional Licensure;

3726 (2) a volunteer for a charter school who is given significant unsupervised access to a
3727 student in connection with the volunteer's assignment;

3728 (3) a contract employee, as defined in Section ~~[53A-15-1502]~~ 53G-11-401, who works
3729 at a charter school; and

3730 (4) a charter school governing board member.

3731 Section 110. Section **53G-5-409**, which is renumbered from Section 53A-1a-518 is
3732 renumbered and amended to read:

3733 ~~[53A-1a-518]~~. **53G-5-409. Regulated transactions and relationships --**

3734 **Definitions -- Rulemaking.**

3735 (1) As used in this section:

3736 (a) "Charter school officer" means:

3737 (i) a member of a charter school's governing board;

3738 (ii) a member of a board or an officer of a nonprofit corporation under which a charter
3739 school is organized and managed; or

3740 (iii) the chief administrative officer of a charter school.

3741 (b) (i) "Employment" means a position in which a person's salary, wages, pay, or
3742 compensation, whether as an employee or contractor, is paid from charter school funds.

3743 (ii) "Employment" does not include a charter school volunteer.

3744 (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
3745 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
3746 sister-in-law, son-in-law, or daughter-in-law.3747 (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer
3748 may not be employed at a charter school.3749 (b) If a relative of a charter school officer is to be considered for employment in a
3750 charter school, the charter school officer shall:

3751 (i) disclose the relationship, in writing, to the other charter school officers;

3752 (ii) submit the employment decision to the charter school's governing board for the
3753 approval, by majority vote, of the charter school's governing board;

3754 (iii) abstain from voting on the issue; and

3755 (iv) be absent from any meeting when the employment is being considered and
3756 determined.3757 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a
3758 relative of a charter school officer may not have a financial interest in a contract or other
3759 transaction involving a charter school in which the charter school officer serves as a charter
3760 school officer.3761 (b) If a charter school's governing board considers entering into a contract or executing
3762 a transaction in which a charter school officer or a relative of a charter school officer has a
3763 financial interest, the charter school officer shall:

3764 (i) disclose the financial interest, in writing, to the other charter school officers;

3765 (ii) submit the contract or transaction decision to the charter school's governing board
3766 for the approval, by majority vote, of the charter school's governing board;

3767 (iii) abstain from voting on the issue; and

3768 (iv) be absent from any meeting when the contract or transaction is being considered
3769 and determined.

3770 (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of
3771 employment for:

3772 (i) the chief administrative officer of a charter school; or

3773 (ii) a relative of the chief administrative officer of a charter school whose employment
3774 is approved in accordance with the provisions in Subsection (2).

3775 (4) The State Board of Education or State Charter School Board may not operate a
3776 charter school.

3777 Section 111. Section **53G-5-410**, which is renumbered from Section 53A-1a-524 is
3778 renumbered and amended to read:

3779 ~~[53A-1a-524]~~. **53G-5-410. Safe technology utilization and digital**
3780 **citizenship.**

3781 A charter school governing board, or a council formed by a charter school governing
3782 board to prepare a plan for the use of School LAND Trust Program money under Section
3783 ~~[53A-16-101.5]~~ 53F-2-404:

3784 (1) shall provide for education and awareness on safe technology utilization and digital
3785 citizenship that empowers:

3786 (a) a student to make smart media and online choices; and

3787 (b) a parent or guardian to know how to discuss safe technology use with the parent's
3788 or guardian's child;

3789 (2) shall partner with the school's principal and other administrators to ensure that
3790 adequate on and off campus Internet filtering is installed and consistently configured to prevent
3791 viewing of harmful content by students and school personnel, in accordance with charter school
3792 governing board policy and Subsection ~~[53A-1-706]~~ 53G-7-216(3); and

3793 (3) may partner with one or more non-profit organizations to fulfill the duties described
3794 in Subsections (1) and (2).

3795 Section 112. Section **53G-5-411** is enacted to read:

3796 **53G-5-411. Charter school fiscal year -- Statistical reports.**

3797 (1) A charter school's fiscal year begins on July 1 and ends on June 30.

3798 (2) (a) A charter school shall forward statistical reports for the preceding school year,
3799 containing items required by law or by the State Board of Education, to the state superintendent
3800 on or before November 1 of each year.

3801 (b) The reports shall include information to enable the state superintendent to complete
3802 the statement required under Subsection 53E-3-301(3)(d)(v).

3803 (3) A charter school shall forward the accounting report required under Section
3804 51-2a-201 to the state superintendent on or before October 15 of each year.

3805 Section 113. Section **53G-5-412** is enacted to read:

3806 **53G-5-412. Contract with regional service centers.**

3807 A public school that is a charter school may enter into a contract with an eligible
3808 regional service center, as defined in Section 53G-4-410, to receive education related services
3809 from the eligible regional service center.

3810 Section 114. Section **53G-5-413** is enacted to read:

3811 **53G-5-413. Charter school governing board meetings -- Rules of order and**
3812 **procedure.**

3813 (1) As used in this section, "rules of order and procedure" means a set of rules that
3814 governs and prescribes in a public meeting:

3815 (a) parliamentary order and procedure;

3816 (b) ethical behavior; and

3817 (c) civil discourse.

3818 (2) Subject to Subsection (4), a charter school governing board shall:

3819 (a) adopt rules of order and procedure to govern a public meeting of the charter school
3820 governing board;

3821 (b) conduct a public meeting in accordance with the rules of order and procedure
3822 described in Subsection (2)(a); and

3823 (c) make the rules of order and procedure described in Subsection (2)(a) available to
3824 the public:

3825 (i) at each public meeting of the charter school governing board; and

3826 (ii) on the charter school governing board's public website, if available.

3827 (3) The requirements of this section do not affect a charter school governing board's
3828 duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

3829 Section 115. Section **53G-5-501**, which is renumbered from Section 53A-1a-509 is
3830 renumbered and amended to read:

3831 **Part 5. Noncompliance, Charter Termination, and Liability**

3832 ~~[53A-1a-509].~~ **53G-5-501. Noncompliance -- Rulemaking.**

3833 (1) If a charter school is found to be out of compliance with the requirements of
3834 Section ~~[53A-1a-507]~~ 53G-5-404 or the school's charter, the charter school authorizer shall
3835 notify the following in writing that the charter school has a reasonable time to remedy the
3836 deficiency, except as otherwise provided in Subsection ~~[53A-1a-510]~~ 53G-5-503(4):

3837 (a) the governing board of the charter school; and

3838 (b) if the charter school is a qualifying charter school with outstanding bonds issued in
3839 accordance with ~~[Chapter 20b, Part 2]~~ Part 6, Charter School Credit Enhancement Program, the
3840 Utah Charter School Finance Authority.

3841 (2) If the charter school does not remedy the deficiency within the established timeline,
3842 the authorizer may:

3843 (a) subject to the requirements of Subsection (4), take one or more of the following
3844 actions:

3845 (i) remove a charter school director or finance officer;

3846 (ii) remove a governing board member; or

3847 (iii) appoint an interim director or mentor to work with the charter school; or

3848 (b) subject to the requirements of Section ~~[53A-1a-510]~~ 53G-5-503, terminate the
3849 school's charter.

3850 (3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a)
3851 shall be paid from the funds of the charter school for which the interim director or mentor is
3852 working.

3853 (4) The authorizer shall notify the Utah Charter School Finance Authority before the
3854 authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is
3855 a qualifying charter school with outstanding bonds issued in accordance with ~~[Chapter 20b,~~
3856 ~~Part 2]~~ Part 6, Charter School Credit Enhancement Program.

3857 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

3858 State Board of Education shall make rules:

3859 (a) specifying the timeline for remedying deficiencies under Subsection (1); and

3860 (b) ensuring the compliance of a charter school with its approved charter.

3861 Section 116. Section **53G-5-502**, which is renumbered from Section 53A-1a-509.5 is

3862 renumbered and amended to read:

3863 ~~[53A-1a-509.5]~~. **53G-5-502. Voluntary school improvement process.**

3864 (1) As used in this section, "high performing charter school" means a charter school

3865 that:

3866 (a) satisfies all requirements of state law and State Board of Education rules;

3867 (b) has operated for at least three years meeting the terms of the school's charter

3868 agreement; and

3869 (c) has students performing at or above the academic performance standard in the

3870 school's charter agreement.

3871 (2) (a) Subject to Subsection (2)(b), a governing board may voluntarily request the

3872 charter school's authorizer to place the school in a school improvement process.

3873 (b) A governing board shall provide notice and a hearing on the governing board's

3874 intent to make a request under Subsection (2)(a) to parents and guardians of students enrolled

3875 in the charter school.

3876 (3) An authorizer may grant a governing board's request to be placed in a school

3877 improvement process if the governing board has provided notice and a hearing under

3878 Subsection (2)(b).

3879 (4) An authorizer that has entered into a school improvement process with a governing

3880 board shall:

3881 (a) enter into a contract with the governing board on the terms of the school

3882 improvement process;

3883 (b) notify the State Board of Education that the authorizer has entered into a school

3884 improvement process with the governing board;

3885 (c) make a report to a committee of the State Board of Education regarding the school

3886 improvement process; and

3887 (d) notify the Utah Charter School Finance Authority that the authorizer has entered

3888 into a school improvement process with the governing board if the charter school is a

3889 qualifying charter school with outstanding bonds issued in accordance with [~~Chapter 20b, Part~~
3890 2] Part 6, Charter School Credit Enhancement Program.

3891 (5) Upon notification under Subsection (4)(b), and after the report described in
3892 Subsection (4)(c), the State Board of Education shall notify charter schools and the school
3893 district in which the charter school is located that the governing board has entered into a school
3894 improvement process with the charter school's authorizer.

3895 (6) A high performing charter school or the school district in which the charter school
3896 is located may apply to the governing board to assume operation and control of the charter
3897 school that has been placed in a school improvement process.

3898 (7) A governing board that has entered into a school improvement process shall review
3899 applications submitted under Subsection (6) and submit a proposal to the charter school's
3900 authorizer to:

3901 (a) terminate the school's charter, notwithstanding the requirements of Section
3902 [~~53A-1a-510] 53G-5-503; and~~

3903 (b) transfer operation and control of the charter school to:

3904 (i) the school district in which the charter school is located; or

3905 (ii) a high performing charter school.

3906 (8) Except as provided in Subsection (9) and subject to Subsection (10), an authorizer
3907 may:

3908 (a) approve a governing board's proposal under Subsection (7); or

3909 (b) (i) deny a governing board's proposal under Subsection (7); and

3910 (ii) (A) terminate the school's charter in accordance with Section [~~53A-1a-510]~~
3911 53G-5-503;

3912 (B) allow the governing board to submit a revised proposal; or

3913 (C) take no action.

3914 (9) An authorizer may not take an action under Subsection (8) for a qualifying charter
3915 school with outstanding bonds issued in accordance with [~~Chapter 20b, Part 2] Part 6, Charter~~
3916 School Credit Enhancement Program, without mutual agreement of the Utah Charter School
3917 Finance Authority and the authorizer.

3918 (10) (a) An authorizer that intends to transfer operation and control of a charter school
3919 as described in Subsection (7)(b) shall request approval from the State Board of Education.

3920 (b) (i) The State Board of Education shall consider an authorizer's request under
3921 Subsection (10)(a) within 30 days of receiving the request.

3922 (ii) If the State Board of Education denies an authorizer's request under Subsection
3923 (10)(a), the authorizer may not transfer operation and control of the charter school as described
3924 in Subsection (7)(b).

3925 (iii) If the State Board of Education does not take action on an authorizer's request
3926 under Subsection (10)(a) within 30 days of receiving the request, an authorizer may proceed to
3927 transfer operation and control of the charter school as described in Subsection (7)(b).

3928 Section 117. Section **53G-5-503 (Effective 11/01/17)**, which is renumbered from
3929 Section 53A-1a-510 (Effective 11/01/17) is renumbered and amended to read:

3930 ~~53A-1a-510 (Effective 11/01/17)].~~ **53G-5-503 (Effective**
3931 **11/01/17). Termination of a charter.**

3932 (1) Subject to the requirements of Subsection (3), a charter school authorizer may
3933 terminate a school's charter for any of the following reasons:

3934 (a) failure of the charter school to meet the requirements stated in the charter;

3935 (b) failure to meet generally accepted standards of fiscal management;

3936 (c) subject to Subsection (8), failure to make adequate yearly progress under the No
3937 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;

3938 (d) (i) designation as a low performing school under [~~Chapter 1, Part 12]~~ Title 53E,
3939 Chapter 5, Part 3, School Turnaround and Leadership Development [Act]; and

3940 (ii) failure to improve the school's grade under the conditions described in [~~Chapter 1,~~
3941 ~~Part 12]~~ Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [Act];

3942 (e) violation of requirements under this [~~part]~~ chapter or another law; or

3943 (f) other good cause shown.

3944 (2) (a) The authorizer shall notify the following of the proposed termination in writing,
3945 state the grounds for the termination, and stipulate that the governing board may request an
3946 informal hearing before the authorizer:

3947 (i) the governing board of the charter school; and

3948 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in
3949 accordance with [~~Chapter 20b, Part 2]~~ Part 6, Charter School Credit Enhancement Program, the
3950 Utah Charter School Finance Authority.

3951 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in
3952 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
3953 receiving a written request under Subsection (2)(a).

3954 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
3955 the governing board of the charter school may appeal the decision to the State Board of
3956 Education.

3957 (d) (i) The State Board of Education shall hear an appeal of a termination made
3958 pursuant to Subsection (2)(c).

3959 (ii) The State Board of Education's action is final action subject to judicial review.

3960 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
3961 with outstanding bonds issued in accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School
3962 Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection
3963 (2)(b) 120 days or more after notifying the following of the proposed termination:

3964 (A) the governing board of the qualifying charter school; and

3965 (B) the Utah Charter School Finance Authority.

3966 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
3967 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
3968 remedied in lieu of termination of the qualifying charter school's charter.

3969 (3) An authorizer may not terminate the charter of a qualifying charter school with
3970 outstanding bonds issued in accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School
3971 Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance
3972 Authority and the authorizer.

3973 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3974 the State Board of Education shall make rules that require a charter school to report any threats
3975 to the health, safety, or welfare of its students to the State Charter School Board in a timely
3976 manner.

3977 (b) The rules under Subsection (4)(a) shall also require the charter school report to
3978 include what steps the charter school has taken to remedy the threat.

3979 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
3980 charter immediately if good cause has been shown or if the health, safety, or welfare of the
3981 students at the school is threatened.

3982 (6) If a charter is terminated during a school year, the following entities may apply to
3983 the charter school's authorizer to assume operation of the school:

- 3984 (a) the school district where the charter school is located;
- 3985 (b) the governing board of another charter school; or
- 3986 (c) a private management company.

3987 (7) (a) If a charter is terminated, a student who attended the school may apply to and
3988 shall be enrolled in another public school under the enrollment provisions of [~~Chapter 2, Part~~
3989 ~~2;~~ Chapter 6, Part 3, School District ~~[of]~~ Residency, subject to space availability.

3990 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

3991 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter
3992 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are
3993 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.

3994 Section 118. Section **53G-5-504**, which is renumbered from Section 53A-1a-510.5 is
3995 renumbered and amended to read:

3996 ~~[53A-1a-510.5].~~ **53G-5-504. Charter school closure.**

3997 (1) If a charter school is closed for any reason, including the termination of a charter in
3998 accordance with Section ~~[53A-1a-510]~~ 53G-5-503 or the conversion of a charter school to a
3999 private school, the provisions of this section apply.

4000 (2) A decision to close a charter school is made:

4001 (a) when a charter school authorizer approves a motion to terminate described in
4002 Subsection ~~[53A-1a-510]~~ 53G-5-503(2)(c);

4003 (b) when the State Board of Education takes final action described in Subsection
4004 ~~[53A-1a-510]~~ 53G-5-503(2)(d)(ii); or

4005 (c) when a charter school provides notice to the charter school's authorizer that the
4006 charter school is relinquishing the charter school's charter.

4007 (3) (a) No later than 10 days after the day on which a decision to close a charter school
4008 is made, the charter school shall:

4009 (i) provide notice to the following, in writing, of the decision:

4010 (A) if the charter school made the decision to close, the charter school's authorizer;

4011 (B) the State Charter School Board;

4012 (C) if the State Board of Education did not make the decision to close, the State Board

- 4013 of Education;
- 4014 (D) parents of students enrolled at the charter school;
- 4015 (E) the charter school's creditors;
- 4016 (F) the charter school's lease holders;
- 4017 (G) the charter school's bond issuers;
- 4018 (H) other entities that may have a claim to the charter school's assets;
- 4019 (I) the school district in which the charter school is located and other charter schools
- 4020 located in that school district; and
- 4021 (J) any other person that the charter school determines to be appropriate; and
- 4022 (ii) post notice of the decision on the Utah Public Notice Website, created in Section
- 4023 63F-1-701.
- 4024 (b) The notice described in Subsection (3)(a) shall include:
- 4025 (i) the proposed date of the charter school closure;
- 4026 (ii) the charter school's plans to help students identify and transition into a new school;
- 4027 and
- 4028 (iii) contact information for the charter school during the transition.
- 4029 (4) After a decision to close a charter school is made, the closing charter school shall:
- 4030 (a) designate a custodian for the protection of student files and school business records;
- 4031 (b) maintain a base of operation throughout the charter school closing, including:
- 4032 (i) an office;
- 4033 (ii) hours of operation;
- 4034 (iii) operational telephone service with voice messaging stating the hours of operation;
- 4035 and
- 4036 (iv) a designated individual to respond to questions or requests during the hours of
- 4037 operation;
- 4038 (c) maintain insurance coverage and risk management coverage throughout the
- 4039 transition to closure and for a period following closure of the charter school as specified by the
- 4040 charter school's authorizer;
- 4041 (d) complete a financial audit or other procedure required by board rule immediately
- 4042 after the decision to close is made;
- 4043 (e) inventory all assets of the charter school; and

4044 (f) list all creditors of the charter school and specifically identify secured creditors and
4045 assets that are security interests.

4046 (5) The closing charter school's authorizer shall oversee the closing charter school's
4047 compliance with Subsection (4).

4048 (6) (a) A closing charter school shall return any assets remaining, after all liabilities
4049 and obligations of the closing charter school are paid or discharged, to the closing charter
4050 school's authorizer.

4051 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
4052 assign the assets to another public school.

4053 (7) The closing charter school's authorizer shall oversee liquidation of assets and
4054 payment of debt in accordance with board rule.

4055 (8) The closing charter school shall:

4056 (a) comply with all state and federal reporting requirements; and

4057 (b) submit all documentation and complete all state and federal reports required by the
4058 closing charter school's authorizer or the State Board of Education, including documents to
4059 verify the closing charter school's compliance with procedural requirements and satisfaction of
4060 all financial issues.

4061 (9) When the closing charter school's financial affairs are closed out and dissolution is
4062 complete, the authorizer shall ensure that a final audit of the charter school is completed.

4063 (10) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah
4064 Administrative Rulemaking Act, the State Board of Education shall, after considering
4065 suggestions from charter school authorizers, make rules that:

4066 (a) provide additional closure procedures for charter schools; and

4067 (b) establish a charter school closure process.

4068 Section 119. Section **53G-5-505**, which is renumbered from Section 53A-1a-514 is
4069 renumbered and amended to read:

4070 ~~[53A-1a-514]~~. **53G-5-505. Tort liability.**

4071 (1) An employee of a charter school is a public employee and the governing board is a
4072 public employer in the same manner as a local school board for purposes of tort liability.

4073 (2) The governing board of a charter school, the nonprofit corporation under which the
4074 charter school is organized and managed, and the school are solely liable for any damages

4075 resulting from a legal challenge involving the operation of the school.

4076 Section 120. Section **53G-5-601**, which is renumbered from Section 53A-20b-102 is
4077 renumbered and amended to read:

4078 **Part 6. Charter School Credit Enhancement Program**

4079 ~~[53A-20b-102]~~. **53G-5-601. Definitions.**

4080 As used in this ~~[chapter]~~ part:

4081 (1) "Annual charter school enrollment" means the total enrollment of all students in the
4082 state enrolled in a charter school in grades kindergarten through grade 12, based on October 1
4083 enrollment counts.

4084 (2) "Annual state enrollment" means the total enrollment of all students in the state
4085 enrolled in a public school in grades kindergarten through grade 12, based on October 1
4086 enrollment counts.

4087 (3) "Authority" means the Utah Charter School Finance Authority created by this part.

4088 (4) "Board" means the governing board of the authority described in Section
4089 ~~[53A-20b-103]~~ 53G-5-602.

4090 (5) "Charter school" means a school created under ~~[Title 53A, Chapter 1a, Part 5, The~~
4091 ~~Utah Charter Schools Act]~~ this chapter.

4092 (6) "Credit enhancement program" means the Charter School Credit Enhancement
4093 Program established in ~~[Part 2, Charter School Credit Enhancement Program]~~ Section
4094 53G-5-606.

4095 (7) "Debt service reserve fund" means the reserve fund created or established by, or for
4096 the benefit of, a qualifying charter school for the purpose of paying principal of and interest on
4097 bonds issued under the credit enhancement program as the payments become due and other
4098 money of the qualifying charter school is not available to make the payments.

4099 (8) "Debt service reserve fund requirement" means, as of a particular date of
4100 computation, and with respect to a particular issue of bonds, the amount required to be on
4101 deposit in the debt service reserve fund, which amount:

4102 (a) may be a sum certain or as set forth in a formula; and

4103 (b) may not be less than the maximum annual debt service requirement for the related
4104 bonds.

4105 (9) (a) "Obligations" mean any notes, debentures, revenue bonds, or other evidences of

4106 financial indebtedness, except as provided in Subsection (9)(b).

4107 (b) "Obligations" do not include general obligation bonds.

4108 (10) "Project" means:

4109 (a) any building, structure, or property owned, to be acquired, or used by a charter
4110 school for any of its educational purposes and the related appurtenances, easements,

4111 rights-of-way, improvements, paving, utilities, landscaping, parking facilities, and lands; or

4112 (b) any capital equipment owned, to be acquired, or used by a charter school for any of
4113 its educational purposes, interests in land, and grounds, together with the personal property
4114 necessary, convenient, or appurtenant to them.

4115 (11) "Qualifying charter school" means a charter school that:

4116 (a) meets standards adopted by the authority for participation in the credit enhancement
4117 program; and

4118 (b) is designated by the authority as a qualifying charter school for purposes of
4119 participation in the credit enhancement program.

4120 (12) "Reserve account" means the Charter School Reserve Account created in Section
4121 ~~[53A-20b-301]~~ 53F-9-303.

4122 Section 121. Section **53G-5-602**, which is renumbered from Section 53A-20b-103 is
4123 renumbered and amended to read:

4124 ~~[53A-20b-103]~~. **53G-5-602. Utah Charter School Finance Authority created**
4125 **-- Members -- Compensation -- Services.**

4126 (1) There is created a body politic and corporate known as the Utah Charter School
4127 Finance Authority. The authority is created to provide an efficient and cost-effective method of
4128 financing charter school facilities.

4129 (2) The governing board of the authority shall be composed of:

4130 (a) the governor or the governor's designee;

4131 (b) the state treasurer; and

4132 (c) the state superintendent of public instruction or the state superintendent's designee.

4133 (3) A member may not receive compensation or benefits for the member's service, but
4134 may receive per diem and travel expenses in accordance with:

4135 (a) Section 63A-3-106;

4136 (b) Section 63A-3-107; and

4137 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4138 63A-3-107.

4139 (4) Upon request, the State Board of Education shall provide staff support to the
4140 authority.

4141 Section 122. Section **53G-5-603**, which is renumbered from Section 53A-20b-104 is
4142 renumbered and amended to read:

4143 ~~[53A-20b-104]~~. **53G-5-603. Powers and duties of authority.**

4144 (1) The authority shall have perpetual succession as a body politic and corporate.

4145 (2) The authority may:

4146 (a) sue and be sued in its own name;

4147 (b) have, and alter at will, an official seal;

4148 (c) contract with experts, advisers, consultants, and agents for needed services;

4149 (d) receive and accept aid or contributions from any source, including the United States
4150 or this state, in the form of money, property, labor, or other things of value to be held, used,
4151 and applied to carry out the purposes of this part, subject to the conditions upon which the aid
4152 and contributions are made, for any purpose consistent with this part;

4153 (e) exercise the powers granted to municipalities and counties pursuant to Title 11,
4154 Chapter 17, Utah Industrial Facilities and Development Act, including the power to borrow
4155 money and issue obligations, including refunding obligations, subject to the same limitations as
4156 that imposed on a municipality or county under the act, except:

4157 (i) the authority may only exercise powers under the act to finance or refinance a
4158 project as defined in Section ~~[53A-20b-102]~~ 53G-5-601; and

4159 (ii) the authority's area of operation shall include all areas of the state;

4160 (f) employ advisers, consultants, and agents, including financial experts, independent
4161 legal counsel, and any advisers, consultants, and agents as may be necessary in its judgment
4162 and fix their compensation;

4163 (g) make and execute contracts and other instruments necessary or convenient for the
4164 performance of its duties and the exercise of its powers and functions;

4165 (h) in accordance with Section ~~[53A-20b-201]~~ 53G-5-606, designate a charter school
4166 as a qualifying charter school for purposes of participation in the credit enhancement program;
4167 and

4168 (i) have and exercise any other powers or duties that are necessary or appropriate to
4169 carry out and effectuate the purposes of this [~~chapter~~] part.

4170 (3) Except as provided in [~~Part 2, Charter School Credit Enhancement Program~~]
4171 Section 53G-5-607, 53G-5-608, or 53G-5-609, the Utah Charter School Finance Authority may
4172 not exercise power in any manner which would create general or moral obligations of the state
4173 or of any agency, department, or political subdivision of the state.

4174 Section 123. Section **53G-5-604**, which is renumbered from Section 53A-20b-105 is
4175 renumbered and amended to read:

4176 ~~[53A-20b-105]~~. **53G-5-604. Limited obligations.**

4177 Except as provided in [~~Part 2, Charter School Credit Enhancement Program~~] Section
4178 53G-5-607, 53G-5-608, or 53G-5-609, bonds, notes, and other obligations issued by the
4179 authority:

4180 (1) do not constitute a debt, moral obligation, or liability of the state, or of any county,
4181 city, town, school district, or any other political subdivision of the state;

4182 (2) do not constitute the loan of credit of the state or of any county, city, town, school
4183 district, or any other political subdivision of the state; and

4184 (3) may not be paid from funds other than loan payments or lease revenues received
4185 from a charter school or other funds pledged by a charter school.

4186 Section 124. Section **53G-5-605**, which is renumbered from Section 53A-20b-106 is
4187 renumbered and amended to read:

4188 ~~[53A-20b-106]~~. **53G-5-605. State to succeed to property of authority when**
4189 **encumbrances paid or authority dissolved.**

4190 (1) If the authority is dissolved at any time, for any reason, all funds, property, rights,
4191 and interests of the authority, following the satisfaction of the authority's obligations, shall
4192 immediately vest in and become the property of the state, which shall succeed to all rights of
4193 the authority subject to any encumbrances which may then exist on any particular properties.

4194 (2) None of the net earnings of the authority shall inure to the benefit of any private
4195 person.

4196 Section 125. Section **53G-5-606**, which is renumbered from Section 53A-20b-201 is
4197 renumbered and amended to read:

4198 ~~[53A-20b-201]~~. **53G-5-606. Charter School Credit Enhancement Program --**

4199 **Standards for the designation of qualifying charter schools -- Debt service reserve fund**
4200 **requirements.**

4201 (1) There is created the Charter School Credit Enhancement Program to assist
4202 qualifying charter schools in obtaining favorable financing by providing a means of
4203 replenishing a qualifying charter school's debt service reserve fund.

4204 (2) The authority shall establish standards for a charter school to be designated as a
4205 qualifying charter school.

4206 (3) In establishing the standards described in Subsection (2) the authority shall
4207 consider:

4208 (a) whether a charter school has received an investment grade rating, independent of
4209 any rating enhancement resulting from the issuance of bonds pursuant to the credit
4210 enhancement program;

4211 (b) the location of the charter school's project;

4212 (c) the operating history of the charter school;

4213 (d) the financial strength of the charter school; and

4214 (e) any other criteria the authority determines are relevant.

4215 (4) The bonds issued by the authority for a qualifying charter school are not an
4216 indebtedness of the state or of the authority but are special obligations payable solely from:

4217 (a) the revenues or other funds pledged by the qualifying charter school; and

4218 (b) amounts appropriated by the Legislature pursuant to Subsection (9).

4219 (5) The authority shall notify the authorizer of a charter school that the charter school is
4220 participating in the credit enhancement program if the authority:

4221 (a) designates the charter school as a qualifying charter school; and

4222 (b) issues bonds for the qualifying charter school under the credit enhancement
4223 program.

4224 (6) One or more debt service reserve funds shall be established for a qualifying charter
4225 school with respect to bonds issued pursuant to the credit enhancement program.

4226 (7) (a) Except as provided in Subsection (7)(b), money in a debt service reserve fund
4227 may not be withdrawn from the debt service reserve fund if the amount withdrawn would
4228 reduce the level of money in the debt service reserve fund to less than the debt service reserve
4229 fund requirement.

4230 (b) So long as the applicable bonds issued under the credit enhancement program
4231 remain outstanding, money in a debt service reserve fund may be withdrawn in an amount that
4232 would reduce the level of money in the debt service reserve fund to less than the debt service
4233 reserve fund requirement if the money is withdrawn for the purpose of:

4234 (i) paying the principal of, redemption price of, or interest on a bond when due and if
4235 no other money of the qualifying charter school is available to make the payment, as
4236 determined by the authority; or

4237 (ii) paying any redemption premium required to be paid when the bonds are redeemed
4238 prior to maturity if no bonds will remain outstanding upon payment from the funds in the
4239 qualifying charter school's debt service reserve fund.

4240 (8) Money in a qualifying charter school's debt service reserve fund that exceeds the
4241 debt service reserve fund requirement may be withdrawn by the qualifying charter school.

4242 (9) (a) The authority shall annually, on or before December 1, certify to the governor
4243 the amount, if any, required to restore amounts on deposit in the debt service reserve funds of
4244 qualifying charter schools to the respective debt service reserve fund requirements.

4245 (b) The governor shall request from the Legislature an appropriation of the certified
4246 amount to restore amounts on deposit in the debt service reserve funds of qualifying charter
4247 schools to the respective debt service reserve fund requirements.

4248 (c) The Legislature may appropriate money to the authority to restore amounts on
4249 deposit in the debt service reserve funds of qualifying charter schools to the respective debt
4250 service reserve fund requirements.

4251 (d) A qualifying charter school that receives money from an appropriation to restore
4252 amounts on deposit in a debt service reserve fund to the debt service reserve fund requirement,
4253 shall repay the state at the time and in the manner as the authority shall require.

4254 (10) The authority may create and establish other funds for its purposes.

4255 Section 126. Section **53G-5-607**, which is renumbered from Section 53A-20b-202 is
4256 renumbered and amended to read:

4257 **~~53A-20b-202~~. 53G-5-607. Charter School Reserve Account contribution**
4258 **requirements for qualifying charter schools.**

4259 (1) When bonds are issued under the credit enhancement program for a qualifying
4260 charter school, the qualifying charter school shall contribute money to the reserve account in

4261 the amount determined as provided in Subsection (2).

4262 (2) The authority shall determine the up-front and ongoing requirements for
4263 contributions of money to the reserve account for each qualifying charter school.

4264 Section 127. Section **53G-5-608**, which is renumbered from Section 53A-20b-203 is
4265 renumbered and amended to read:

4266 ~~[53A-20b-203]~~. **53G-5-608. Bond issuance.**

4267 (1) (a) The state may not alter, impair, or limit the rights of bondholders or persons
4268 contracting with a qualifying charter school until the bonds, including interest and other
4269 contractual obligations, are fully met and discharged.

4270 (b) Nothing in this ~~[chapter]~~ part precludes an alteration, impairment, or limitation if
4271 provision is made by law for the protection of bondholders or persons entering into contracts
4272 with a qualifying charter school.

4273 (2) The authority may require a qualifying charter school to vest in the authority the
4274 right to enforce any covenant made to secure bonds issued under the credit enhancement
4275 program by making appropriate provisions in the indenture related to the qualifying charter
4276 school's bonds.

4277 (3) The authority may require a qualifying charter school to make covenants and
4278 agreements in indentures or in a reimbursement agreement to protect the interests of the state
4279 and to secure repayment to the state of any money received by the qualifying charter school
4280 from an appropriation to restore amounts deposited in the qualifying charter school's debt
4281 service reserve fund to the debt service reserve fund requirement.

4282 (4) The authority may charge a fee to administer the issuance of bonds for a qualifying
4283 charter school.

4284 Section 128. Section **53G-5-609**, which is renumbered from Section 53A-20b-204 is
4285 renumbered and amended to read:

4286 ~~[53A-20b-204]~~. **53G-5-609. Limitation on participation in Charter School**
4287 **Credit Enhancement Program.**

4288 (1) In accordance with Subsection (2), on or before January 1 of each year, the
4289 authority shall determine the credit enhancement program's bond issuance limitation.

4290 (2) The authority may not issue bonds for a qualifying charter school under the credit
4291 enhancement program if the total par amount outstanding under the program would exceed an

4292 amount equal to the product of:

4293 (a) 1.3;

4294 (b) an amount equal to the quotient of:

4295 (i) annual charter school enrollment; divided by

4296 (ii) annual state enrollment; and

4297 (c) the total par amount then outstanding under the school bond guarantee program

4298 established in [~~Chapter 28, Utah School Bond Guaranty Act~~] Chapter 4, Part 8, School District

4299 Bond Guaranty.

4300 Section 129. Section **53G-6-101** is enacted to read:

4301 **CHAPTER 6. PARTICIPATION IN PUBLIC SCHOOLS**

4302 **Part 1. General Provisions**

4303 **53G-6-101. Title.**

4304 This chapter is known as "Participation in Public Schools."

4305 Section 130. Section **53G-6-102** is enacted to read:

4306 **53G-6-102. Definitions.**

4307 Reserved

4308 Section 131. Section **53G-6-201**, which is renumbered from Section 53A-11-101 is

4309 renumbered and amended to read:

4310 **Part 2. Compulsory Education**

4311 ~~[53A-11-101].~~ **53G-6-201. Definitions.**

4312 For purposes of this part:

4313 (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a
4314 school-age minor assigned to a class or class period to attend the entire class or class period.

4315 (b) A school-age minor may not be considered absent under this part more than one
4316 time during one day.

4317 (2) "Habitual truant" means a school-age minor who:

4318 (a) is at least 12 years old;

4319 (b) is subject to the requirements of Section [~~53A-11-101.5~~] 53G-6-202; and

4320 (c) (i) is truant at least 10 times during one school year; or

4321 (ii) fails to cooperate with efforts on the part of school authorities to resolve the

4322 minor's attendance problem as required under Section [~~53A-11-103~~] 53G-6-206.

- 4323 (3) "Minor" means a person under the age of 18 years.
- 4324 (4) "Parent" includes:
- 4325 (a) a custodial parent of the minor;
- 4326 (b) a legally appointed guardian of a minor; or
- 4327 (c) any other person purporting to exercise any authority over the minor which could be
- 4328 exercised by a person described in Subsection (4)(a) or (b).
- 4329 (5) "School-age minor" means a minor who:
- 4330 (a) is at least six years old, but younger than 18 years old; and
- 4331 (b) is not emancipated.
- 4332 (6) "School year" means the period of time designated by a local school board or local
- 4333 charter board as the school year for the school where the school-age minor:
- 4334 (a) is enrolled; or
- 4335 (b) should be enrolled, if the school-age minor is not enrolled in school.
- 4336 (7) "Truant" means absent without a valid excuse.
- 4337 (8) "Truant minor" means a school-age minor who:
- 4338 (a) is subject to the requirements of Section [~~53A-11-101.5~~] 53G-6-202 or
- 4339 [~~53A-11-101.7~~] 53G-6-203; and
- 4340 (b) is truant.
- 4341 (9) "Valid excuse" means:
- 4342 (a) an illness;
- 4343 (b) a family death;
- 4344 (c) an approved school activity;
- 4345 (d) an absence permitted by a school-age minor's:
- 4346 (i) individualized education program, developed pursuant to the Individuals with
- 4347 Disabilities Education Improvement Act of 2004, as amended; or
- 4348 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act
- 4349 of 1973, as amended; or
- 4350 (e) any other excuse established as valid by a local school board, local charter board, or
- 4351 school district.
- 4352 Section 132. Section **53G-6-202**, which is renumbered from Section 53A-11-101.5 is
- 4353 renumbered and amended to read:

4354 ~~[53A-11-101.5]~~. **53G-6-202**. **Compulsory education.**

4355 (1) For purposes of this section:

4356 (a) "Intentionally" is as defined in Section 76-2-103.

4357 (b) "Recklessly" is as defined in Section 76-2-103.

4358 (c) "Remainder of the school year" means the portion of the school year beginning on

4359 the day after the day on which the notice of compulsory education violation described in

4360 Subsection (3) is served and ending on the last day of the school year.

4361 (d) "School-age child" means a school-age minor under the age of 14.

4362 (2) Except as provided in Section ~~[53A-11-102]~~ 53G-6-204 or ~~[53A-11-102.5]~~

4363 53G-6-702, the parent of a school-age minor shall enroll and send the school-age minor to a

4364 public or regularly established private school.

4365 (3) A school administrator, a designee of a school administrator, a law enforcement

4366 officer acting as a school resource officer, or a truancy specialist may issue a notice of

4367 compulsory education violation to a parent of a school-age child if the school-age child is

4368 absent without a valid excuse at least five times during the school year.

4369 (4) The notice of compulsory education violation, described in Subsection (3):

4370 (a) shall direct the parent of the school-age child to:

4371 (i) meet with school authorities to discuss the school-age child's school attendance

4372 problems; and

4373 (ii) cooperate with the school board, local charter board, or school district in securing

4374 regular attendance by the school-age child;

4375 (b) shall designate the school authorities with whom the parent is required to meet;

4376 (c) shall state that it is a class B misdemeanor for the parent of the school-age child to

4377 intentionally or recklessly:

4378 (i) fail to meet with the designated school authorities to discuss the school-age child's

4379 school attendance problems; or

4380 (ii) fail to prevent the school-age child from being absent without a valid excuse five or

4381 more times during the remainder of the school year;

4382 (d) shall be served on the school-age child's parent by personal service or certified

4383 mail; and

4384 (e) may not be issued unless the school-age child has been truant at least five times

4385 during the school year.

4386 (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or
4387 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt
4388 from enrollment under Section [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~] 53G-6-702.

4389 (6) It is a class B misdemeanor for a parent of a school-age child to, after being served
4390 with a notice of compulsory education violation in accordance with Subsections (3) and (4),
4391 intentionally or recklessly:

4392 (a) fail to meet with the school authorities designated in the notice of compulsory
4393 education violation to discuss the school-age child's school attendance problems; or

4394 (b) fail to prevent the school-age child from being absent without a valid excuse five or
4395 more times during the remainder of the school year.

4396 (7) A local school board, local charter board, or school district shall report violations of
4397 this section to the appropriate county or district attorney.

4398 Section 133. Section **53G-6-203**, which is renumbered from Section 53A-11-101.7 is
4399 renumbered and amended to read:

4400 [~~53A-11-101.7~~]. **53G-6-203**. **Truancy -- Notice of truancy -- Failure to**
4401 **cooperate with school authorities.**

4402 (1) Except as provided in Section [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~]
4403 53G-6-702, a school-age minor who is enrolled in a public school shall attend the public school
4404 in which the school-age minor is enrolled.

4405 (2) A local school board, charter school governing board, or school district may impose
4406 administrative penalties on a school-age minor in accordance with Section [~~53A-11-911~~]
4407 53G-8-211 who is truant.

4408 (3) A local school board or charter school governing board:

4409 (a) may authorize a school administrator, a designee of a school administrator, a law
4410 enforcement officer acting as a school resource officer, or a truancy specialist to issue notices
4411 of truancy to school-age minors who are at least 12 years old; and

4412 (b) shall establish a procedure for a school-age minor, or the school-age minor's
4413 parents, to contest a notice of truancy.

4414 (4) The notice of truancy described in Subsection (3):

4415 (a) may not be issued until the school-age minor has been truant at least five times

4416 during the school year;

4417 (b) may not be issued to a school-age minor who is less than 12 years old;

4418 (c) may not be issued to a minor exempt from school attendance as provided in Section

4419 ~~[53A-11-102]~~ 53G-6-204 or ~~[53A-11-102.5]~~ 53G-6-702;

4420 (d) shall direct the school-age minor and the parent of the school-age minor to:

4421 (i) meet with school authorities to discuss the school-age minor's truancies; and

4422 (ii) cooperate with the school board, local charter board, or school district in securing
4423 regular attendance by the school-age minor; and

4424 (e) shall be mailed to, or served on, the school-age minor's parent.

4425 (5) Nothing in this part prohibits a local school board, charter school governing board,
4426 or school district from taking action to resolve a truancy problem with a school-age minor who
4427 has been truant less than five times, provided that the action does not conflict with the
4428 requirements of this part.

4429 Section 134. Section **53G-6-204**, which is renumbered from Section 53A-11-102 is
4430 renumbered and amended to read:

4431 ~~[53A-11-102]~~. **53G-6-204. Minors exempt from school attendance.**

4432 (1) (a) A local school board or charter school governing board may excuse a school-age
4433 minor from attendance for any of the following reasons:

4434 (i) a school-age minor over age 16 may receive a partial release from school to enter
4435 employment, or attend a trade school, if the school-age minor has completed the eighth grade;
4436 or

4437 (ii) on an annual basis, a school-age minor may receive a full release from attending a
4438 public, regularly established private, or part-time school or class if:

4439 (A) the school-age minor has already completed the work required for graduation from
4440 high school, or has demonstrated mastery of required skills and competencies in accordance
4441 with Subsection ~~[53A-15-102]~~ 53F-2-501(1);

4442 (B) the school-age minor is in a physical or mental condition, certified by a competent
4443 physician if required by the local school board or charter school governing board, which
4444 renders attendance inexpedient and impracticable;

4445 (C) proper influences and adequate opportunities for education are provided in
4446 connection with the school-age minor's employment; or

4447 (D) the district superintendent or charter school governing board has determined that a
4448 school-age minor over the age of 16 is unable to profit from attendance at school because of
4449 inability or a continuing negative attitude toward school regulations and discipline.

4450 (b) A school-age minor receiving a partial release from school under Subsection
4451 (1)(a)(i) is required to attend:

4452 (i) school part time as prescribed by the local school board or charter school governing
4453 board; or

4454 (ii) a home school part time.

4455 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
4456 must be sufficient to satisfy the local school board or charter school governing board.

4457 (d) A local school board or charter school governing board that excuses a school-age
4458 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor
4459 is excused from attendance during the time specified on the certificate.

4460 (2) (a) A local school board shall excuse a school-age minor from attendance, if the
4461 school-age minor's parent files a signed and notarized affidavit with the school-age minor's
4462 school district of residence, as defined in Section [~~53A-2-201~~] 53G-6-302, that:

4463 (i) the school-age minor will attend a home school; and

4464 (ii) the parent assumes sole responsibility for the education of the school-age minor,
4465 except to the extent the school-age minor is dual enrolled in a public school as provided in
4466 Section [~~53A-11-102.5~~] 53G-6-702.

4467 (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall
4468 remain in effect as long as:

4469 (i) the school-age minor attends a home school; and

4470 (ii) the school district where the affidavit was filed remains the school-age minor's
4471 district of residence.

4472 (c) A parent of a school-age minor who attends a home school is solely responsible for:

4473 (i) the selection of instructional materials and textbooks;

4474 (ii) the time, place, and method of instruction; and

4475 (iii) the evaluation of the home school instruction.

4476 (d) A local school board may not:

4477 (i) require a parent of a school-age minor who attends a home school to maintain

4478 records of instruction or attendance;

4479 (ii) require credentials for individuals providing home school instruction;

4480 (iii) inspect home school facilities; or

4481 (iv) require standardized or other testing of home school students.

4482 (e) Upon the request of a parent, a local school board shall identify the knowledge,
4483 skills, and competencies a student is recommended to attain by grade level and subject area to
4484 assist the parent in achieving college and career readiness through home schooling.

4485 (f) A local school board that excuses a school-age minor from attendance as provided
4486 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is
4487 excused from attendance for the specified school year.

4488 (g) A local school board shall issue a certificate excusing a school-age minor from
4489 attendance:

4490 (i) within 30 days after receipt of a signed and notarized affidavit filed by the
4491 school-age minor's parent pursuant to Subsection (2); and

4492 (ii) on or before August 1 each year thereafter unless:

4493 (A) the school-age minor enrolls in a school within the school district;

4494 (B) the school-age minor's parent or guardian notifies the school district that the
4495 school-age minor no longer attends a home school; or

4496 (C) the school-age minor's parent or guardian notifies the school district that the
4497 school-age minor's school district of residence has changed.

4498 (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a)
4499 is exempt from the application of Subsections [~~53A-11-101.5~~] 53G-6-202(2), (5), and (6).

4500 (4) Nothing in this section may be construed to prohibit or discourage voluntary
4501 cooperation, resource sharing, or testing opportunities between a school or school district and a
4502 parent or guardian of a minor attending a home school.

4503 Section 135. Section **53G-6-205**, which is renumbered from Section 53A-11-101.3 is
4504 renumbered and amended to read:

4505 ~~[53A-11-101.3]~~. **53G-6-205. Preapproval of extended absence.**

4506 In determining whether to preapprove an extended absence of a school-age minor as a
4507 valid excuse under Subsection [~~53A-11-101~~] 53G-6-201(9)(e), a local school board, local
4508 charter board, or school district shall approve the absence if the local school board, local

4509 charter board, or school district determines that the extended absence will not adversely impact
4510 the school-age minor's education.

4511 Section 136. Section **53G-6-206**, which is renumbered from Section 53A-11-103 is
4512 renumbered and amended to read:

4513 ~~[53A-11-103]~~. **53G-6-206**. **Duties of a school board, local charter board, or**
4514 **school district in resolving attendance problems -- Parental involvement -- Liability not**
4515 **imposed.**

4516 (1) (a) Except as provided in Subsection (1)(b), a local school board, local charter
4517 board, or school district shall make efforts to resolve the school attendance problems of each
4518 school-age minor who is, or should be, enrolled in the school district.

4519 (b) A minor exempt from school attendance under Section ~~[53A-11-102]~~ 53G-6-204 or
4520 ~~[53A-11-102.5]~~ 53G-6-702 is not considered to be a minor who is or should be enrolled in a
4521 school district or charter school under Subsection (1)(a).

4522 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:

4523 (a) counseling of the minor by school authorities;

4524 (b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in
4525 accordance with Section ~~[53A-11-101.7]~~ 53G-6-203;

4526 (c) issuing a notice of compulsory education violation to a parent of a school-age child,
4527 in accordance with Section ~~[53A-11-101.5]~~ 53G-6-202;

4528 (d) making any necessary adjustment to the curriculum and schedule to meet special
4529 needs of the minor;

4530 (e) considering alternatives proposed by a parent;

4531 (f) monitoring school attendance of the minor;

4532 (g) voluntary participation in truancy mediation, if available; and

4533 (h) providing a school-age minor's parent, upon request, with a list of resources
4534 available to assist the parent in resolving the school-age minor's attendance problems.

4535 (3) In addition to the efforts described in Subsection (2), the local school board, local
4536 charter board, or school district may enlist the assistance of community and law enforcement
4537 agencies as appropriate and reasonably feasible in accordance with Section ~~[53A-11-911]~~
4538 53G-8-211.

4539 (4) This section does not impose civil liability on boards of education, local school

4540 boards, local charter boards, school districts, or their employees.

4541 (5) Proceedings initiated under this part do not obligate or preclude action by the
4542 Division of Child and Family Services under Section 78A-6-319.

4543 Section 137. Section **53G-6-207**, which is renumbered from Section 53A-11-104 is
4544 renumbered and amended to read:

4545 ~~**53A-11-104**~~. **53G-6-207. Truancy specialists.**

4546 A local school board or local charter board may appoint and fix the compensation of a
4547 truancy specialist to assist in enforcing laws related to school attendance and to perform other
4548 duties prescribed by law or the board.

4549 Section 138. Section **53G-6-208**, which is renumbered from Section 53A-11-105 is
4550 renumbered and amended to read:

4551 ~~**53A-11-105**~~. **53G-6-208. Taking custody of a person believed to be a**
4552 **truant minor -- Disposition -- Reports -- Immunity from liability.**

4553 (1) A peace officer or public school administrator may take a minor into temporary
4554 custody if there is reason to believe the minor is a truant minor.

4555 (2) An individual taking a school-age minor into custody under Subsection (1) shall,
4556 without unnecessary delay, release the minor to:

4557 (a) the principal of the minor's school;

4558 (b) a person who has been designated by the local school board or local charter board
4559 to receive and return the minor to school; or

4560 (c) a truancy center established under Subsection (5).

4561 (3) If the minor refuses to return to school or go to the truancy center, the officer or
4562 administrator shall, without unnecessary delay, notify the minor's parents and release the minor
4563 to their custody.

4564 (4) If the parents cannot be reached or are unable or unwilling to accept custody and
4565 none of the options in Subsection (2) are available, the minor shall be referred to the Division
4566 of Child and Family Services.

4567 (5) (a) A local school board or local charter board, singly or jointly with another school
4568 board, may establish or designate truancy centers within existing school buildings and staff the
4569 centers with existing teachers or staff to provide educational guidance and counseling for truant
4570 minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and

4571 direct the minor's parents to come to the center, pick up the minor, and return the minor to the
4572 school in which the minor is enrolled.

4573 (b) If the parents cannot be reached or are unable or unwilling to comply with the
4574 request within a reasonable time, the center shall take such steps as are reasonably necessary to
4575 insure the safety and well being of the minor, including, when appropriate, returning the minor
4576 to school or referring the minor to the Division of Child and Family Services. A minor taken
4577 into custody under this section may not be placed in a detention center or other secure
4578 confinement facility.

4579 (6) Action taken under this section shall be reported to the appropriate school district.
4580 The district shall promptly notify the minor's parents of the action taken.

4581 (7) The Utah Governmental Immunity Act applies to all actions taken under this
4582 section.

4583 (8) Nothing in this section may be construed to grant authority to a public school
4584 administrator to place a minor in the custody of the Division of Child and Family Services,
4585 without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A,
4586 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

4587 Section 139. Section **53G-6-209**, which is renumbered from Section 53A-11-106 is
4588 renumbered and amended to read:

4589 ~~[53A-11-106]~~. **53G-6-209**. **Truancy support centers.**

4590 (1) A school district may establish one or more truancy support centers for:

- 4591 (a) truant minors taken into custody under Section ~~[53A-11-105]~~ 53G-6-208; or
4592 (b) students suspended or expelled from school.

4593 (2) A truancy support center shall provide services to the truant minor and the truant
4594 minor's family, including:

- 4595 (a) assessments of the truant minor's needs and abilities;
4596 (b) support for the parents and truant minor through counseling and community
4597 programs; and
4598 (c) tutoring for the truant minor during the time spent at the center.

4599 (3) For the suspended or expelled student, the truancy support center shall provide an
4600 educational setting, staffed with certified teachers and aides, to provide the student with
4601 ongoing educational programming appropriate to the student's grade level.

4602 (4) In a district with a truancy support center, all students suspended or expelled from
 4603 school shall be referred to the center. A parent or guardian shall appear with the student at the
 4604 center within 48 hours of the suspension or expulsion, not including weekends or holidays.
 4605 The student shall register and attend classes at the truancy support center for the duration of the
 4606 suspension or expulsion unless the parent or guardian demonstrates that alternative
 4607 arrangements have been made for the education or supervision of the student during the time of
 4608 suspension or expulsion.

4609 (5) The truancy support center may provide counseling and other support programming
 4610 for students suspended or expelled from school and their parents or guardian.

4611 Section 140. Section **53G-6-301** is enacted to read:

4612 **Part 3. School District Residency**

4613 **53G-6-301. Definitions.**

4614 Reserved

4615 Section 141. Section **53G-6-302**, which is renumbered from Section 53A-2-201 is
 4616 renumbered and amended to read:

4617 ~~[53A-2-201].~~ **53G-6-302. Child's school district of residence --**

4618 **Determination -- Responsibility for providing educational services.**

4619 (1) As used in this section:

4620 (a) "Health care facility" means the same as that term is defined in Section 26-21-2.

4621 (b) "Human services program" means the same as that term is defined in Section
 4622 62A-2-101.

4623 (2) The school district of residence of a minor child whose custodial parent or legal
 4624 guardian resides within Utah is:

4625 (a) the school district in which the custodial parent or legal guardian resides; or

4626 (b) the school district in which the child resides:

4627 (i) while in the custody or under the supervision of a Utah state agency;

4628 (ii) while under the supervision of a private or public agency which is in compliance
 4629 with Section 62A-4a-606 and is authorized to provide child placement services by the state;

4630 (iii) while living with a responsible adult resident of the district, if a determination has
 4631 been made in accordance with rules made by the State Board of Education in accordance with
 4632 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

4633 (A) the child's physical, mental, moral, or emotional health will best be served by
4634 considering the child to be a resident for school purposes;

4635 (B) exigent circumstances exist that do not permit the case to be appropriately
4636 addressed under Section [~~53A-2-207~~] 53G-6-402; and

4637 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii)
4638 does not violate any other law or rule of the State Board of Education;

4639 (iv) while the child is receiving services from a health care facility or human services
4640 program, if a determination has been made in accordance with rules made by the State Board of
4641 Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

4642 (A) the child's physical, mental, moral, or emotional health will best be served by
4643 considering the child to be a resident for school purposes;

4644 (B) exigent circumstances exist that do not permit the case to be appropriately
4645 addressed under Section [~~53A-2-207~~] 53G-6-402; and

4646 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)
4647 does not violate any other law or rule of the State Board of Education; or

4648 (v) if the child is married or has been determined to be an emancipated minor by a
4649 court of law or by a state administrative agency authorized to make that determination.

4650 (3) A minor child whose custodial parent or legal guardian does not reside in the state
4651 is considered to be a resident of the district in which the child lives, unless that designation
4652 violates any other law or rule of the State Board of Education, if:

4653 (a) the child is married or an emancipated minor under Subsection (2)(b)(v);

4654 (b) the child lives with a resident of the district who is a responsible adult and whom
4655 the district agrees to designate as the child's legal guardian under Section [~~53A-2-202~~]
4656 53G-6-303; or

4657 (c) if permissible under policies adopted by a local school board, it is established to the
4658 satisfaction of the local school board that:

4659 (i) the child lives with a responsible adult who is a resident of the district and is the
4660 child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

4661 (ii) the child's presence in the district is not for the primary purpose of attending the
4662 public schools;

4663 (iii) the child's physical, mental, moral, or emotional health will best be served by

4664 considering the child to be a resident for school purposes; and

4665 (iv) the child is prepared to abide by the rules and policies of the school and school
4666 district in which attendance is sought.

4667 (4) (a) If admission is sought under Subsection (2)(b)(iii), or (3)(c), then the district
4668 may require the person with whom the child lives to be designated as the child's custodian in a
4669 durable power of attorney, issued by the party who has legal custody of the child, granting the
4670 custodian full authority to take any appropriate action, including authorization for educational
4671 or medical services, in the interests of the child.

4672 (b) Both the party granting and the party empowered by the power of attorney shall
4673 agree to:

4674 (i) assume responsibility for any fees or other charges relating to the child's education
4675 in the district; and

4676 (ii) if eligibility for fee waivers is claimed under Section [~~53A-12-103~~] 53G-7-504,
4677 provide the school district with all financial information requested by the district for purposes
4678 of determining eligibility for fee waivers.

4679 (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of
4680 this section and accepted by the school district shall remain in force until the earliest of the
4681 following occurs:

4682 (i) the child reaches the age of 18, marries, or becomes emancipated;

4683 (ii) the expiration date stated in the document; or

4684 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
4685 or by order of a court of competent jurisdiction.

4686 (5) A power of attorney does not confer legal guardianship.

4687 (6) Each school district is responsible for providing educational services for all
4688 children of school age who are residents of the district.

4689 Section 142. Section **53G-6-303**, which is renumbered from Section 53A-2-202 is
4690 renumbered and amended to read:

4691 ~~[53A-2-202]~~. **53G-6-303. Guardianship for residency purposes by**
4692 **responsible adult -- Procedure to obtain -- Termination.**

4693 (1) For purposes of this part, "responsible adult" means a person 21 years of age or
4694 older who is a resident of this state and is willing and able to provide reasonably adequate food,

4695 clothing, shelter, and supervision for a minor child.

4696 (2) A local board of education may adopt a policy permitting it to designate a
4697 responsible adult residing in the school district as legal guardian of a child whose custodial
4698 parent or legal guardian does not reside within the state upon compliance with the following
4699 requirements:

4700 (a) submission to the school district of a signed and notarized affidavit by the child's
4701 custodial parent or legal guardian stating that:

4702 (i) the child's presence in the district is not for the primary purpose of attending the
4703 public schools;

4704 (ii) the child's physical, mental, moral, or emotional health would best be served by a
4705 transfer of guardianship to the Utah resident;

4706 (iii) the affiant is aware that designation of a guardian under this section is equivalent
4707 to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any
4708 existing parental or guardianship rights in the same manner as would occur under a
4709 court-ordered guardianship;

4710 (iv) the affiant consents and submits to any such suspension or termination of parental
4711 or guardianship rights;

4712 (v) the affiant consents and submits to the jurisdiction of the state district court in
4713 which the school district is located in any action relating to the guardianship or custody of the
4714 child in question;

4715 (vi) the affiant designates a named responsible adult as agent, authorized to accept
4716 service on behalf of the affiant of any process, notice, or demand required or permitted to be
4717 served in connection with any action under Subsection (2)(a)(v); and

4718 (vii) it is the affiant's intent that the child become a permanent resident of the state and
4719 reside with and be under the supervision of the named responsible adult;

4720 (b) submission to the school district of a signed and notarized affidavit by the
4721 responsible adult stating that:

4722 (i) the affiant is a resident of the school district and desires to become the guardian of
4723 the child;

4724 (ii) the affiant consents and submits to the jurisdiction of the state district court in
4725 which the school district is located in any action relating to the guardianship or custody of the

4726 child in question;

4727 (iii) the affiant will accept the responsibilities of guardianship for the duration,
4728 including the responsibility to provide adequate supervision, discipline, food, shelter,
4729 educational and emotional support, and medical care for the child if designated as the child's
4730 guardian; and

4731 (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);

4732 (c) submission to the school district of a signed and notarized affidavit by the child
4733 stating that:

4734 (i) the child desires to become a permanent resident of Utah and reside with and be
4735 responsible to the named responsible adult; and

4736 (ii) the child will abide by all applicable rules of any public school which the child may
4737 attend after guardianship is awarded; and

4738 (d) if the child's custodial parent or legal guardian cannot be found in order to execute
4739 the statement required under Subsection (2)(a), the responsible adult must submit an affidavit
4740 to that effect to the district. The district shall also submit a copy of the statement to the
4741 Criminal Investigations and Technical Services Division of the Department of Public Safety,
4742 established in Section 53-10-103.

4743 (3) The district may require the responsible adult, in addition to the documents set forth
4744 in Subsection (2), to also submit any other documents which are relevant to the appointment of
4745 a guardian of a minor or which the district reasonably believes to be necessary in connection
4746 with a given application to substantiate any claim or assertion made in connection with the
4747 application for guardianship.

4748 (4) Upon receipt of the information and documentation required under Subsections (2)
4749 and (3), and a determination by the board that the information is accurate, that the requirements
4750 of this section have been met, and that the interests of the child would best be served by
4751 granting the requested guardianship, the school board or its authorized representative may
4752 designate the applicant as guardian of the child by issuing a designation of guardianship letter
4753 to the applicant.

4754 (5) (a) If a local school board has adopted a policy permitting the board to designate a
4755 guardian under this section, a denial of an application for appointment of a guardian may be
4756 appealed to the district court in which the school district is located.

4757 (b) The court shall uphold the decision of the board unless it finds, by clear and
4758 convincing evidence, that the board's decision was arbitrary and capricious.

4759 (c) An applicant may, rather than appealing the board's decision under Subsection
4760 (5)(b), file an original Petition for Appointment of Guardian with the district court, which
4761 action shall proceed as if no decision had been made by the school board.

4762 (6) A responsible adult obtaining guardianship under this section has the same rights,
4763 authority, and responsibilities as a guardian appointed under Section 75-5-201.

4764 (7) (a) The school district shall deliver the original documents filed with the school
4765 district, together with a copy of the designation of guardianship issued by the district, in person
4766 or by any form of mail requiring a signed receipt, to the clerk of the state district court in which
4767 the school district is located.

4768 (b) The court may not charge the school district a fee for filing guardianship papers
4769 under this section.

4770 (8) (a) The authority and responsibility of a custodial parent or legal guardian
4771 submitting an affidavit under this section may be restored by the district, and the guardianship
4772 obtained under this section terminated by the district:

4773 (i) upon submission to the school district in which the guardianship was obtained of a
4774 signed and notarized statement by the person who consented to guardianship under Subsection
4775 (2)(a) requesting termination of the guardianship; or

4776 (ii) by the person accepting guardianship under Subsection (2)(b) requesting the
4777 termination of the guardianship.

4778 (b) If the school district determines that it would not be in the best interests of the child
4779 to terminate the guardianship, the district may refer the request for termination to the state
4780 district court in which the documents were filed under Subsection (5) for further action
4781 consistent with the interests of the child.

4782 (9) The school district shall retain copies of all documents required by this section
4783 until the child in question has reached the age of 18 unless directed to surrender the documents
4784 by a court of competent jurisdiction.

4785 (10) (a) Intentional submission to a school district of fraudulent or misleading
4786 information under this part is punishable under Section 76-8-504.

4787 (b) A school district which has reason to believe that a party has intentionally

4788 submitted false or misleading information under this part may, after notice and opportunity for
4789 the party to respond to the allegation:

4790 (i) void any guardianship, authorization, or action which was based upon the false or
4791 misleading information; and

4792 (ii) recover, from the party submitting the information, the full cost of any benefits
4793 received by the child on the basis of the false or misleading information, including tuition, fees,
4794 and other unpaid school charges, together with any related costs of recovery.

4795 (c) A student whose guardianship or enrollment has been terminated under this section
4796 may, upon payment of all applicable tuition and fees, continue in enrollment until the end of
4797 the school year unless excluded from attendance for cause.

4798 Section 143. Section **53G-6-304**, which is renumbered from Section 53A-2-203.5 is
4799 renumbered and amended to read:

4800 ~~[53A-2-203.5]~~. **53G-6-304. Recognition of guardianship.**

4801 (1) A document issued by other than a court of law which purports to award
4802 guardianship to a person who is not a legal resident of the jurisdiction in which the
4803 guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah
4804 court.

4805 (2) The procedure for obtaining approval under Subsection (1) is the procedure
4806 required under Title 75, Chapter 5, Part 2, Guardians of Minors, for obtaining a court
4807 appointment of a guardian.

4808 Section 144. Section **53G-6-305**, which is renumbered from Section 53A-2-204 is
4809 renumbered and amended to read:

4810 ~~[53A-2-204]~~. **53G-6-305. District paying tuition -- Effect on state aid.**

4811 (1) A local school board may by written agreement pay the tuition of a child attending
4812 school in a district outside the state. Both districts shall approve the agreement and file it with
4813 the State Board of Education.

4814 (2) The average daily membership of the child may be added to that of other eligible
4815 children attending schools within the district of residence for the purpose of apportionment of
4816 state funds.

4817 (3) (a) The district of residence shall bear any excess tuition costs over the state's
4818 contribution for attendance in the district of residence unless otherwise approved in advance by

4819 the State Board of Education.

4820 (b) (i) If a child who resides in a Utah school district's boundaries attends school in a
4821 neighboring state under this section, the State Board of Education may make an out-of-state
4822 tuition payment to the Utah school district of residence.

4823 (ii) If the State Board of Education approves the use of state funds for an out-of-state
4824 tuition payment described in Subsection (3)(b)(i), the State Board of Education shall use funds
4825 appropriated by the Legislature for necessarily existent small schools as described in Section
4826 [~~53A-17a-109~~] 53F-2-304.

4827 Section 145. Section **53G-6-306**, which is renumbered from Section 53A-2-205 is
4828 renumbered and amended to read:

4829 ~~[53A-2-205]~~. **53G-6-306. Permitting attendance by nonresident of the state**
4830 **-- Tuition.**

4831 (1) A local school board may permit a child residing outside the state to attend school
4832 within the district. With the exception of a child enrolled under Section [~~53A-2-206~~]
4833 53G-6-707, the child is not included for the purpose of apportionment of state funds.

4834 (2) The board shall charge the nonresident child tuition at least equal to the per capita
4835 cost of the school program in which the child enrolls unless the board, in open meeting,
4836 determines to waive the charge for that child in whole or in part. The official minutes of the
4837 meeting shall reflect the determination.

4838 Section 146. Section **53G-6-401**, which is renumbered from Section 53A-2-206.5 is
4839 renumbered and amended to read:

4840 **Part 4. School District Enrollment**

4841 ~~[53A-2-206.5]~~. **53G-6-401. Definitions.**

4842 As used in Sections [~~53A-2-207~~] 53G-6-402 through [~~53A-2-213~~] 53G-6-407:

4843 (1) "Early enrollment" means:

4844 (a) except as provided in Subsection (1)(b), application prior to the third Friday in
4845 February for admission for the next school year to a school that is not a student's school of
4846 residence; and

4847 (b) application prior to November 1 for admission for the next school year to a school
4848 that is not a student's school of residence if:

4849 (i) the school district is doing a district wide grade reconfiguration of its elementary,

4850 middle, junior, and senior high schools; and

4851 (ii) the grade reconfiguration described in Subsection (1)(b) will be implemented in the
4852 next school year.

4853 (2) (a) "Early enrollment school capacity" or "maximum capacity" means the total
4854 number of students who could be served in a school building if each of the building's
4855 instructional stations were to have the enrollment specified in Subsection (2)(b).

4856 (b) (i) Except as provided in Subsection (2)(b)(ii):

4857 (A) for an elementary school, an instructional station shall have an enrollment at least
4858 equal to the school district's average class size for the corresponding grade; and

4859 (B) for a middle, junior, or senior high school, an instructional station shall have an
4860 enrollment at least equal to the district's average class size for similar classes.

4861 (ii) (A) A local school board shall determine the instructional station capacity for
4862 laboratories, physical education facilities, shops, study halls, self-contained special education
4863 classrooms, facilities jointly financed by the school district and another community agency for
4864 joint use, and similar rooms.

4865 (B) Capacity for self-contained special education classrooms shall be based upon
4866 students per class as defined by State Board of Education and federal special education
4867 standards.

4868 (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or
4869 physical education facility to which a local board of education could reasonably assign a class,
4870 teacher, or program during a given class period.

4871 (b) More than one instructional station may be assigned to a classroom, laboratory,
4872 shop, study hall, or physical education facility during a class period.

4873 (4) "Late enrollment" means application:

4874 (a) after the third Friday in February for admission for the next school year to a school
4875 that is not the student's school of residence; or

4876 (b) for admission for the current year to a school that is not the student's school of
4877 residence.

4878 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number
4879 of students who could be served in a school if each teacher were to have the class size specified
4880 in Subsection (5)(b).

4881 (b) (i) An elementary school teacher shall have a class size at least equal to the district's
4882 average class size for the corresponding grade.

4883 (ii) A middle, junior, or senior high school teacher shall have a class size at least equal
4884 to the district's average class size for similar classes.

4885 (6) "Nonresident student" means a student who lives outside the boundaries of the
4886 school attendance area.

4887 (7) "Open enrollment threshold" means:

4888 (a) for early enrollment, a projected school enrollment level that is the greater of:

4889 (i) 90% of the maximum capacity; or

4890 (ii) maximum capacity minus 40 students; and

4891 (b) for late enrollment, actual school enrollment that is the greater of:

4892 (i) 90% of adjusted capacity; or

4893 (ii) adjusted capacity minus 40 students.

4894 (8) "Projected school enrollment" means the current year enrollment of a school as of
4895 October 1, adjusted for projected growth for the next school year.

4896 (9) "School attendance area" means an area established by a local school board from
4897 which students are assigned to attend a certain school.

4898 (10) "School of residence" means the school to which a student is assigned to attend
4899 based on the student's place of residence.

4900 Section 147. Section **53G-6-402**, which is renumbered from Section 53A-2-207 is
4901 renumbered and amended to read:

4902 ~~**53A-2-207**~~. **53G-6-402. Open enrollment options -- Procedures --**
4903 **Processing fee -- Continuing enrollment.**

4904 (1) Each local school board is responsible for providing educational services consistent
4905 with Utah state law and rules of the State Board of Education for each student who resides in
4906 the district and, as provided in this section through Section ~~[53A-2-213]~~ 53G-6-407 and to the
4907 extent reasonably feasible, for any student who resides in another district in the state and
4908 desires to attend a school in the district.

4909 (2) (a) A school is open for enrollment of nonresident students if the enrollment level
4910 is at or below the open enrollment threshold.

4911 (b) If a school's enrollment falls below the open enrollment threshold, the local school

4912 board shall allow a nonresident student to enroll in the school.

4913 (3) A local school board may allow enrollment of nonresident students in a school that
4914 is operating above the open enrollment threshold.

4915 (4) (a) A local school board shall adopt policies describing procedures for nonresident
4916 students to follow in applying for entry into the district's schools.

4917 (b) Those procedures shall provide, as a minimum, for:

4918 (i) distribution to interested parties of information about the school or school district
4919 and how to apply for admission;

4920 (ii) use of standard application forms prescribed by the State Board of Education;

4921 (iii) (A) submission of applications from December 1 through the third Friday in
4922 February by those seeking admission during the early enrollment period for the following year;

4923 or

4924 (B) submission of applications from August 1 through November 1 by those seeking
4925 admission during the early enrollment period for the following year in a school district

4926 described in Subsection [~~53A-2-206.5~~] 53G-6-401(1)(b);

4927 (iv) submission of applications by those seeking admission during the late enrollment
4928 period;

4929 (v) written notification to the student's parent or legal guardian of acceptance or
4930 rejection of an application:

4931 (A) within six weeks after receipt of the application by the district or by March 31,
4932 whichever is later, for applications submitted during the early enrollment period;

4933 (B) within two weeks after receipt of the application by the district or by the Friday
4934 before the new school year begins, whichever is later, for applications submitted during the late
4935 enrollment period for admission in the next school year; and

4936 (C) within two weeks after receipt of the application by the district, for applications
4937 submitted during the late enrollment period for admission in the current year;

4938 (vi) written notification to the resident school for intradistrict transfers or the resident
4939 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

4940 (vii) written notification to the parents or legal guardians of each student that resides
4941 within the school district and other interested parties of the revised early enrollment period

4942 described in Subsection [~~53A-2-206.5~~] 53G-6-401(1)(b) if:

4943 (A) the school district is doing a district wide grade reconfiguration of its elementary,
4944 middle, junior, and senior high schools; and

4945 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be
4946 implemented in the next school year.

4947 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting
4948 applications and notifying parents of acceptance or rejection of an application, a local school
4949 board may delay the dates if a local school board is not able to make a reasonably accurate
4950 projection of the early enrollment school capacity or late enrollment school capacity of a school
4951 due to:

4952 (A) school construction or remodeling;

4953 (B) drawing or revision of school boundaries; or

4954 (C) other circumstances beyond the control of the local school board.

4955 (ii) The delay may extend no later than four weeks beyond the date the local school
4956 board is able to make a reasonably accurate projection of the early enrollment school capacity
4957 or late enrollment school capacity of a school.

4958 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
4959 application.

4960 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
4961 subject to the same rules and standards as resident students, without renewed applications in
4962 subsequent years unless one of the following occurs:

4963 (a) the student graduates;

4964 (b) the student is no longer a Utah resident;

4965 (c) the student is suspended or expelled from school; or

4966 (d) the district determines that enrollment within the school will exceed the school's
4967 open enrollment threshold.

4968 (7) (a) Determination of which nonresident students will be excluded from continued
4969 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in
4970 the school, with those most recently enrolled being excluded first and the use of a lottery
4971 system when multiple nonresident students have the same number of school days in the school.

4972 (b) Nonresident students who will not be permitted to continue their enrollment shall
4973 be notified no later than March 15 of the current school year.

4974 (8) The parent or guardian of a student enrolled in a school that is not the student's
4975 school of residence may withdraw the student from that school for enrollment in another public
4976 school by submitting notice of intent to enroll the student in:

4977 (a) the district of residence; or

4978 (b) another nonresident district.

4979 (9) Unless provisions have previously been made for enrollment in another school, a
4980 nonresident district releasing a student from enrollment shall immediately notify the district of
4981 residence, which shall enroll the student in the resident district and take such additional steps
4982 as may be necessary to ensure compliance with laws governing school attendance.

4983 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between
4984 schools, whether effective on the first day of the school year or after the school year has begun,
4985 by exercising an open enrollment option under this section may not transfer to a different
4986 school during the same school year by exercising an open enrollment option under this section.

4987 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
4988 student transfer made for health or safety reasons.

4989 (c) A local school board may adopt a policy allowing a student to exercise an open
4990 enrollment option more than once in a school year.

4991 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school
4992 that is not the student's school of residence, because school bus service is not provided between
4993 the student's neighborhood and school of residence for safety reasons:

4994 (a) shall be allowed to continue to attend the school until the student finishes the
4995 highest grade level offered; and

4996 (b) shall be allowed to attend the middle school, junior high school, or high school into
4997 which the school's students feed until the student graduates from high school.

4998 (12) Notwithstanding any other provision of this part or Part 3, School District
4999 Residency, a student shall be allowed to enroll in any charter school or other public school in
5000 any district, including a district where the student does not reside, if the enrollment is
5001 necessary, as determined by the Division of Child and Family Services, to comply with the
5002 provisions of 42 U.S.C. Section 675.

5003 Section 148. Section **53G-6-403**, which is renumbered from Section 53A-2-208 is
5004 renumbered and amended to read:

5005 ~~[53A-2-208]~~. 53G-6-403. **Rules for acceptance and rejection of**
5006 **applications.**

5007 (1) (a) A local school board shall adopt rules governing acceptance and rejection of
5008 applications required under Section ~~[53A-2-207]~~ 53G-6-402.

5009 (b) The rules adopted under Subsection (1)(a) shall include policies and procedures to
5010 assure that decisions regarding enrollment requests are administered fairly without prejudice to
5011 any student or class of student, except as provided in Subsection (2).

5012 (2) Standards for accepting or rejecting an application for enrollment may include:

5013 (a) for an elementary school, the capacity of the grade level;

5014 (b) maintenance of heterogeneous student populations if necessary to avoid violation of
5015 constitutional or statutory rights of students;

5016 (c) not offering, or having capacity in, an elementary or secondary special education or
5017 other special program the student requires;

5018 (d) maintenance of reduced class sizes:

5019 (i) in a Title I school that uses federal, state, and local money to reduce class sizes for
5020 the purpose of improving student achievement; or

5021 (ii) in a school that uses school trust money to reduce class size;

5022 (e) willingness of prospective students to comply with district policies; and

5023 (f) giving priority to intradistrict transfers over interdistrict transfers.

5024 (3) (a) Standards for accepting or rejecting applications for enrollment may not
5025 include:

5026 (i) previous academic achievement;

5027 (ii) athletic or other extracurricular ability;

5028 (iii) the fact that the student requires special education services for which space is
5029 available;

5030 (iv) proficiency in the English language; or

5031 (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).

5032 (b) A board may provide for the denial of applications from students who:

5033 (i) have committed serious infractions of the law or school rules, including rules of the
5034 district in which enrollment is sought; or

5035 (ii) have been guilty of chronic misbehavior which would, if it were to continue after

5036 the student was admitted:

5037 (A) endanger persons or property;

5038 (B) cause serious disruptions in the school; or

5039 (C) place unreasonable burdens on school staff.

5040 (c) A board may also provide for provisional enrollment of students with prior

5041 behavior problems, establishing conditions under which enrollment of a nonresident student

5042 would be permitted or continued.

5043 (4) (a) The State Board of Education, in consultation with the Utah High School

5044 Activities Association, shall establish policies regarding nonresident student participation in

5045 interscholastic competition.

5046 (b) Nonresident students shall be eligible for extracurricular activities at a public

5047 school consistent with eligibility standards as applied to students that reside within the school

5048 attendance area, except as provided by policies established under Subsection (4)(a).

5049 (5) For each school in the district, the local school board shall post on the school

5050 district's website:

5051 (a) the school's maximum capacity;

5052 (b) the school's adjusted capacity;

5053 (c) the school's projected enrollment used in the calculation of the open enrollment

5054 threshold;

5055 (d) actual enrollment on October 1, January 2, and April 1;

5056 (e) the number of nonresident student enrollment requests;

5057 (f) the number of nonresident student enrollment requests accepted; and

5058 (g) the number of resident students transferring to another school.

5059 Section 149. Section **53G-6-404**, which is renumbered from Section 53A-2-209 is

5060 renumbered and amended to read:

5061 ~~[53A-2-209]~~. **53G-6-404. Denial of enrollment -- Appeal.**

5062 (1) Denial of initial or continuing enrollment in a nonresident school may be appealed

5063 to the board of education of the nonresident district.

5064 (2) The decision of the board shall be upheld in any subsequent proceedings unless the

5065 board's decision is found, by clear and convincing evidence, to be in violation of applicable law

5066 or regulation, or to be arbitrary and capricious.

5067 Section 150. Section **53G-6-405**, which is renumbered from Section 53A-2-210 is
5068 renumbered and amended to read:

5069 ~~[53A-2-210]~~. **53G-6-405. Funding.**

5070 (1) A student who enrolls in a nonresident district is considered a resident of that
5071 district for purposes of state funding.

5072 (2) The State Board of Education shall adopt rules providing that:

5073 (a) the resident district pay the nonresident district, for each of the resident district's
5074 students who enroll in the nonresident district, 1/2 of the amount by which the resident
5075 district's per student expenditure exceeds the value of the state's contribution; and

5076 (b) if a student is enrolled in a nonresident district for less than a full year, the resident
5077 district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage
5078 of school days the student is enrolled in the nonresident district.

5079 (3) (a) Except as provided in this Subsection (3), the parent or guardian of a
5080 nonresident student shall arrange for the student's own transportation to and from school.

5081 (b) The State Board of Education may adopt rules under which nonresident students
5082 may be transported to their schools of attendance if:

5083 (i) the transportation of students to schools in other districts would relieve
5084 overcrowding or other serious problems in the district of residence and the costs of
5085 transportation are not excessive; or

5086 (ii) the Legislature has granted an adequate specific appropriation for that purpose.

5087 (c) A receiving district shall provide transportation for a nonresident student on the
5088 basis of available space on an approved route within the district to the school of attendance if
5089 district students would be eligible for transportation to the same school from that point on the
5090 bus route and the student's presence does not increase the cost of the bus route.

5091 (d) Nothing in this section shall be construed as prohibiting the resident district or the
5092 receiving district from providing bus transportation on any approved route.

5093 (e) Except as provided in Subsection (3)(b), the district of residence may not claim any
5094 state transportation costs for students enrolled in other school districts.

5095 Section 151. Section **53G-6-406**, which is renumbered from Section 53A-2-211 is
5096 renumbered and amended to read:

5097 ~~[53A-2-211]~~. **53G-6-406. Graduation credits.**

5098 (1) A nonresident district shall accept credits toward graduation that were awarded by a
5099 school accredited or approved by the State Board of Education or a regional accrediting body
5100 recognized by the U.S. Department of Education.

5101 (2) A nonresident district shall award a diploma to a nonresident student attending
5102 school within the district during the semester immediately preceding graduation if the student
5103 meets graduation requirements generally applicable to students in the school.

5104 (3) A district may not require that a student attend school within the district for more
5105 than one semester prior to graduation in order to receive a diploma.

5106 Section 152. Section **53G-6-407**, which is renumbered from Section 53A-2-213 is
5107 renumbered and amended to read:

5108 **[53A-2-213]. 53G-6-407. Intradistrict transfers for students impacted by**
5109 **boundary changes -- Transportation of students who transfer within a district.**

5110 (1) (a) In adjusting school boundaries, a local school board shall strive to avoid
5111 requiring current students to change schools and shall, to the extent reasonably feasible,
5112 accommodate parents who wish to avoid having their children attend different schools of the
5113 same level because of boundary changes which occur after one or more children in the family
5114 begin attending one of the affected schools.

5115 (b) In granting interdistrict and intradistrict transfers to a particular school, the local
5116 school board shall take into consideration the fact that an applicant's brother or sister is
5117 attending the school or another school within the district.

5118 (2) (a) A district shall receive transportation money under Sections [~~53A-17a-126~~]
5119 53F-2-402 and [~~53A-17a-127~~] 53F-2-403 for resident students who enroll in schools other than
5120 the regularly assigned school on the basis of the distance from the student's residence to the
5121 school the student would have attended had the intradistrict attendance option not been used.

5122 (b) The parent or guardian of the student shall arrange for the student's transportation to
5123 and from school, except that the district shall provide transportation on the basis of available
5124 space on an approved route within the district to the school of the student's attendance if the
5125 student would be otherwise eligible for transportation to the same school from that point on the
5126 bus route and the student's presence does not increase the cost of the bus route.

5127 Section 153. Section **53G-6-501** is enacted to read:

5128 **Part 5. Charter School Enrollment**

5129 **53G-6-501. Definitions.**5130 As used in this part:5131 (1) "Asset" means the same as that term is defined in Section 53G-5-102.5132 (2) "Board of trustees of a higher education institution" or "board of trustees" means
5133 the same as that term is defined in Section 53G-5-102.5134 (3) "Charter agreement" or "charter" means the same as that term is defined in Section
5135 53G-5-102.5136 (4) "Charter school authorizer" or "authorizer" means the same as that term is defined
5137 in Section 53G-5-102.5138 (5) "Governing board" means the same as that term is defined in Section 53G-5-102.5139 Section 154. Section **53G-6-502**, which is renumbered from Section 53A-1a-506 is
5140 renumbered and amended to read:5141 ~~[53A-1a-506].~~ **53G-6-502. Eligible students.**

5142 (1) As used in this section:

5143 (a) "At capacity" means operating above the school's open enrollment threshold.

5144 (b) "District school" means a public school under the control of a local school board
5145 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
5146 Boards.5147 (c) "Open enrollment threshold" means the same as that term is defined in Section
5148 ~~[53A-2-206.5]~~ 53G-6-401.5149 (d) "Refugee" means a person who is eligible to receive benefits and services from the
5150 federal Office of Refugee Resettlement.5151 (e) "School of residence" means the same as that term is defined in Section
5152 ~~[53A-2-206.5]~~ 53G-6-401.5153 (2) All resident students of the state qualify for admission to a charter school, subject
5154 to the limitations set forth in this section and Section ~~[53A-1a-506.5]~~ 53G-6-503.5155 (3) (a) A charter school shall enroll an eligible student who submits a timely
5156 application, unless the number of applications exceeds the capacity of a program, class, grade
5157 level, or the charter school.5158 (b) If the number of applications exceeds the capacity of a program, class, grade level,
5159 or the charter school, the charter school shall select students on a random basis, except as

5160 provided in Subsections (4) through (8).

5161 (4) A charter school may give an enrollment preference to:

5162 (a) a child or grandchild of an individual who has actively participated in the
5163 development of the charter school;

5164 (b) a child or grandchild of a member of the charter school governing board;

5165 (c) a sibling of an individual who was previously or is presently enrolled in the charter
5166 school;

5167 (d) a child of an employee of the charter school;

5168 (e) a student articulating between charter schools offering similar programs that are
5169 governed by the same charter school governing board;

5170 (f) a student articulating from one charter school to another pursuant to an articulation
5171 agreement between the charter schools that is approved by the State Charter School Board; or

5172 (g) a student who resides within a two-mile radius of the charter school and whose
5173 school of residence is at capacity.

5174 (5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g),
5175 a charter school that is approved by the State Board of Education after May 13, 2014, and is
5176 located in a high growth area as defined in Section [~~53A-1a-502.5~~] 53G-6-504 shall give an
5177 enrollment preference to a student who resides within a two-mile radius of the charter school.

5178 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
5179 apply to a charter school that was approved without a high priority status pursuant to
5180 Subsection [~~53A-1a-502.5~~] 53G-6-504(7)(b).

5181 (6) If a district school converts to charter status, the charter school shall give an
5182 enrollment preference to students who would have otherwise attended it as a district school.

5183 (7) (a) A charter school whose mission is to enhance learning opportunities for
5184 refugees or children of refugee families may give an enrollment preference to refugees or
5185 children of refugee families.

5186 (b) A charter school whose mission is to enhance learning opportunities for English
5187 language learners may give an enrollment preference to English language learners.

5188 (8) A charter school may weight the charter school's lottery to give a slightly better
5189 chance of admission to educationally disadvantaged students, including:

5190 (a) low-income students;

- 5191 (b) students with disabilities;
 5192 (c) English language learners;
 5193 (d) migrant students;
 5194 (e) neglected or delinquent students; and
 5195 (f) homeless students.

5196 (9) A charter school may not discriminate in the charter school's admission policies or
 5197 practices on the same basis as other public schools may not discriminate in admission policies
 5198 and practices.

5199 Section 155. Section **53G-6-503**, which is renumbered from Section 53A-1a-506.5 is
 5200 renumbered and amended to read:

5201 ~~[53A-1a-506.5]~~. **53G-6-503. Charter school students -- Admissions**
 5202 **procedures -- Transfers.**

5203 (1) As used in this section:

5204 (a) "District school" means a public school under the control of a local school board
 5205 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
 5206 Boards.

5207 (b) "Nonresident school district" means a school district other than a student's school
 5208 district of residence.

5209 (c) "School district of residence" means a student's school district of residence as
 5210 determined under Section ~~[53A-2-201]~~ 53G-6-302.

5211 (d) "School of residence" means the school to which a student is assigned to attend
 5212 based on the student's place of residence.

5213 (2) (a) The State School Board, in consultation with the State Charter School Board,
 5214 shall make rules describing procedures for students to follow in applying for entry into, or
 5215 exiting, a charter school.

5216 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

5217 (i) posting on a charter school's Internet website, beginning no later than 60 days before
 5218 the school's initial period of applications:

5219 (A) procedures for applying for admission to the charter school;

5220 (B) the school's opening date, if the school has not yet opened, or the school calendar;

5221 and

5222 (C) information on how a student may transfer from a charter school to another charter
5223 school or a district school;

5224 (ii) written notification to a student's parent or legal guardian of an offer of admission;

5225 (iii) written acceptance of an offer of admission by a student's parent or legal guardian;

5226 (iv) written notification to a student's current charter school or school district of

5227 residence upon acceptance of the student for enrollment in a charter school; and

5228 (v) the admission of students at:

5229 (A) any time to protect the health or safety of a student; or

5230 (B) times other than those permitted under standard policies if there are other

5231 conditions of special need that warrant consideration.

5232 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is

5233 enrolled in a charter school or who has accepted an offer of admission to a charter school from

5234 duplicating enrollment for the student in another charter school or a school district without

5235 following the withdrawal procedures described in Subsection (3).

5236 (3) The parent of a student enrolled in a charter school may withdraw the student from

5237 the charter school for enrollment in another charter school or a school district by submitting to

5238 the charter school:

5239 (a) on or before June 30, a notice of intent to enroll the student in the student's school

5240 of residence for the following school year;

5241 (b) after June 30, a letter of acceptance for enrollment in the student's school district of

5242 residence for the following year;

5243 (c) a letter of acceptance for enrollment in the student's school district of residence in

5244 the current school year;

5245 (d) a letter of acceptance for enrollment in a nonresident school district; or

5246 (e) a letter of acceptance for enrollment in a charter school.

5247 (4) (a) A charter school shall report to a school district, by the last business day of each

5248 month the aggregate number of new students, sorted by their school of residence and grade

5249 level, who have accepted enrollment in the charter school for the following school year.

5250 (b) A school district shall report to a charter school, by the last business day of each

5251 month, the aggregate number of students enrolled in the charter school who have accepted

5252 enrollment in the school district in the following school year, sorted by grade level.

5253 (5) When a vacancy occurs because a student has withdrawn from a charter school, the
5254 charter school may immediately enroll a new student from its list of applicants.

5255 (6) Unless provisions have previously been made for enrollment in another school, a
5256 charter school releasing a student from enrollment during a school year shall immediately
5257 notify the school district of residence, which shall enroll the student in the school district of
5258 residence and take additional steps as may be necessary to ensure compliance with laws
5259 governing school attendance.

5260 (7) (a) The parent of a student enrolled in a charter school may withdraw the student
5261 from the charter school for enrollment in the student's school of residence in the following
5262 school year if an application of admission is submitted to the school district of residence by
5263 June 30.

5264 (b) If the parent of a student enrolled in a charter school submits an application of
5265 admission to the student's school district of residence after June 30 for the student's enrollment
5266 in the school district of residence in the following school year, or an application of admission is
5267 submitted for enrollment during the current school year, the student may enroll in a school of
5268 the school district of residence that has adequate capacity in:

5269 (i) the student's grade level, if the student is an elementary school student; or

5270 (ii) the core classes that the student needs to take, if the student is a secondary school
5271 student.

5272 (c) State Board of Education rules made under Subsection (2)(a) shall specify how
5273 adequate capacity in a grade level or core classes is determined for the purposes of Subsection
5274 (7)(b).

5275 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time
5276 to protect the health and safety of the student.

5277 (9) A school district or charter school may charge secondary students a one-time \$5
5278 processing fee, to be paid at the time of application.

5279 Section 156. Section **53G-6-504**, which is renumbered from Section 53A-1a-502.5 is
5280 renumbered and amended to read:

5281 ~~[53A-1a-502.5]~~. **53G-6-504. Approval of increase in charter school**
5282 **enrollment capacity -- Expansion.**

5283 (1) For the purposes of this section:

5284 (a) "High growth area" means an area of the state where school enrollment is
5285 significantly increasing or projected to significantly increase.

5286 (b) "Next school year" means the school year that begins on or after the July 1
5287 immediately following the end of a general session of the Legislature.

5288 (2) The State Board of Education may approve an increase in charter school enrollment
5289 capacity subject to the Legislature:

5290 (a) appropriating funds for an increase in charter school enrollment capacity in the next
5291 school year; or

5292 (b) authorizing an increase in charter school enrollment capacity in the school year
5293 immediately following the next school year.

5294 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment
5295 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment
5296 capacity for a charter school proposed and approved in response to a request for applications
5297 issued under Section [~~53A-1a-501.9~~] 53G-5-301.

5298 (4) (a) A charter school may annually submit a request to the State Board of Education
5299 for an increase in enrollment capacity in the amount of .25 times the number of students in
5300 grades 9 through 12 enrolled in an online course in the previous school year through the
5301 Statewide Online Education Program.

5302 (b) A charter school shall submit a request for an increase in enrollment capacity
5303 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase
5304 in enrollment capacity is requested.

5305 (c) The State Board of Education shall approve a request for an increase in enrollment
5306 capacity made under Subsection (4)(a) subject to the availability of sufficient funds
5307 appropriated under [~~Section 53A-1a-513~~] Title 53F, Chapter 2, Part 7, Charter School Funding,
5308 to provide the full amount of the per student allocation for each charter school student in the
5309 state to supplement school district property tax revenues.

5310 (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a
5311 permanent increase in the charter school's enrollment capacity.

5312 (5) (a) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah
5313 Administrative Rulemaking Act, the State Board of Education shall, after considering
5314 suggestions from charter school authorizers, make rules establishing requirements, procedures,

5315 and deadlines for an expansion of a charter school.

5316 (b) The rules described in Subsection (5)(a) shall include rules related to:

5317 (i) an expansion of a charter school when another charter school issues a notice of
5318 closure; and

5319 (ii) the establishment of a satellite campus.

5320 (6) (a) If the Legislature does not appropriate funds for an increase in charter school
5321 enrollment capacity that is tentatively approved by the State Board of Education, the State
5322 Board of Education shall prioritize the tentatively approved schools and expansions based on
5323 approved funds.

5324 (b) A charter school or expansion that is tentatively approved, but not funded, shall be
5325 considered to be tentatively approved for the next application year and receive priority status
5326 for available funding.

5327 (7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in
5328 charter school enrollment capacity for new charter schools and expanding charter schools, the
5329 State Board of Education shall give:

5330 (i) high priority to approving a new charter school or a charter school expansion in a
5331 high growth area; and

5332 (ii) low priority to approving a new charter school or a charter school expansion in an
5333 area where student enrollment is stable or declining.

5334 (b) An applicant seeking to establish a charter school in a high growth area may elect
5335 to not receive high priority status as provided in Subsection (7)(a)(i).

5336 Section 157. Section **53G-6-601**, which is renumbered from Section 53A-11-501 is
5337 renumbered and amended to read:

5338 **Part 6. Preventing Enrollment or Transfer of Missing Children**

5339 **~~[53A-11-501].~~ 53G-6-601. Definitions.**

5340 As used in this ~~[chapter]~~ part:

5341 (1) "Division" means the Criminal Investigations and Technical Services Division of
5342 the Department of Public Safety, established in Section 53-10-103.

5343 (2) "Missing child" has the same meaning as provided in Section 26-2-27.

5344 (3) "State registrar" means the State Registrar of Vital Statistics within the Department
5345 of Health.

5346 Section 158. Section **53G-6-602**, which is renumbered from Section 53A-11-502 is
5347 renumbered and amended to read:

5348 **~~[53A-11-502]~~. 53G-6-602. Identifying records -- Reporting requirements.**

5349 (1) Upon notification by the division of a missing child in accordance with Section
5350 53-10-203, a school in which that child is currently or was previously enrolled shall flag the
5351 record of that child in a manner that whenever a copy of or information regarding the record is
5352 requested, the school is alerted to the fact that the record is that of a missing child.

5353 (2) The school shall immediately report any request concerning flagged records or
5354 knowledge as to the whereabouts of any missing child to the division.

5355 (3) Upon notification by the division that a missing child has been recovered, the
5356 school shall remove the flag from that child's record.

5357 Section 159. Section **53G-6-603**, which is renumbered from Section 53A-11-503 is
5358 renumbered and amended to read:

5359 **~~[53A-11-503]~~. 53G-6-603. Requirement of birth certificate for enrollment
5360 of students -- Procedures.**

5361 (1) Upon enrollment of a student for the first time in a particular school, that school
5362 shall notify in writing the person enrolling the student that within 30 days he must provide
5363 either a certified copy of the student's birth certificate, or other reliable proof of the student's
5364 identity and age, together with an affidavit explaining the inability to produce a copy of the
5365 birth certificate.

5366 (2) (a) Upon the failure of a person enrolling a student to comply with Subsection (1),
5367 the school shall notify that person in writing that unless he complies within 10 days the case
5368 shall be referred to the local law enforcement authority for investigation.

5369 (b) If compliance is not obtained within that 10 day period, the school shall refer the
5370 case to the division.

5371 (3) The school shall immediately report to the division any affidavit received pursuant
5372 to this subsection which appears inaccurate or suspicious.

5373 Section 160. Section **53G-6-604**, which is renumbered from Section 53A-11-504 is
5374 renumbered and amended to read:

5375 **~~[53A-11-504]~~. 53G-6-604. Requirement of school record for transfer of
5376 student -- Procedures.**

5377 (1) Except as provided in Section [~~53A-1-1004~~] 53E-3-905, a school shall request a
5378 certified copy of a transfer student's record, directly from the transfer student's previous school,
5379 within 14 days after enrolling the transfer student.

5380 (2) (a) Except as provided in Subsection (2)(b) and Section [~~53A-1-1004~~] 53E-3-905, a
5381 school requested to forward a certified copy of a transferring student's record to the new school
5382 shall comply within 30 school days of the request.

5383 (b) If the record has been flagged pursuant to Section [~~53A-11-502~~] 53G-6-602, a
5384 school may not forward the record to the new school and the requested school shall notify the
5385 division of the request.

5386 Section 161. Section **53G-6-701** is enacted to read:

5387 **Part 7. Other Public School Participation**

5388 **53G-6-701. Definitions.**

5389 Reserved

5390 Section 162. Section **53G-6-702**, which is renumbered from Section 53A-11-102.5 is
5391 renumbered and amended to read:

5392 [~~53A-11-102.5~~]. **53G-6-702. Dual enrollment.**

5393 (1) (a) "District school" means a public school under the control of a local school board
5394 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
5395 Boards.

5396 (b) "Minor" means the same as that term is defined in Section 53G-6-201.

5397 (2) A person having control of a minor who is enrolled in a regularly established
5398 private school or a home school may also enroll the minor in a public school for dual
5399 enrollment purposes.

5400 (3) The minor may participate in any academic activity in the public school available to
5401 students in the minor's grade or age group, subject to compliance with the same rules and
5402 requirements that apply to a full-time student's participation in the activity.

5403 (4) (a) A student enrolled in a dual enrollment program in a district school is
5404 considered a student of the district in which the district school of attendance is located for
5405 purposes of state funding to the extent of the student's participation in the district school
5406 programs.

5407 (b) A student enrolled in a dual enrollment program in a charter school is considered a

5408 student of the charter school for purposes of state funding to the extent of the student's
5409 participation in the charter school programs.

5410 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5411 State Board of Education shall make rules for purposes of dual enrollment to govern and
5412 regulate the transferability of credits toward graduation that are earned in a private or home
5413 school.

5414 Section 163. Section **53G-6-703**, which is renumbered from Section 53A-11-102.6 is
5415 renumbered and amended to read:

5416 **[53A-11-102.6]. 53G-6-703. Private school and home school students'**
5417 **participation in extracurricular activities in a public school.**

5418 (1) As used in this section:

5419 (a) "Academic eligibility requirements" means the academic eligibility requirements
5420 that a home school student is required to meet to participate in an extracurricular activity in a
5421 public school.

5422 (b) "Minor" means the same as that term is defined in Section 53G-6-201.

5423 (c) "Parent" means the same as that term is defined in Section 53G-6-201.

5424 ~~(b)~~ (d) "Principal" means the principal of the school in which a home school student
5425 participates or intends to participate in an extracurricular activity.

5426 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to
5427 participate in an extracurricular activity at a public school as provided in this section.

5428 (b) A private school student may only participate in an extracurricular activity at a
5429 public school that is not offered by the student's private school.

5430 (c) Except as provided in Subsection (2)(d), a private school student or a home school
5431 student may only participate in an extracurricular activity at:

5432 (i) the school within whose attendance boundaries the student's custodial parent or
5433 legal guardian resides; or

5434 (ii) the school from which the student withdrew for the purpose of attending a private
5435 or home school.

5436 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a
5437 private school student or a home school student to participate in an extracurricular activity
5438 other than:

5439 (i) an interscholastic competition of athletic teams sponsored and supported by a public
5440 school; or

5441 (ii) an interscholastic contest or competition for music, drama, or forensic groups or
5442 teams sponsored and supported by a public school.

5443 (3) (a) Except as provided in Subsections (4) through (13), a private school or home
5444 school student shall be eligible to participate in an extracurricular activity at a public school
5445 consistent with eligibility standards:

5446 (i) applied to a fully enrolled public school student;

5447 (ii) of the public school where the private school or home school student participates in
5448 an extracurricular activity; and

5449 (iii) for the extracurricular activity in which the private school or home school student
5450 participates.

5451 (b) A school district or public school may not impose additional requirements on a
5452 private school or home school student to participate in an extracurricular activity that are not
5453 imposed on a fully enrolled public school student.

5454 (c) (i) A private school or home school student who participates in an extracurricular
5455 activity at a public school shall pay the same fees as required of a fully enrolled public school
5456 student to participate in an extracurricular activity.

5457 (ii) If a local school board or charter school governing board imposes a mandatory
5458 student activity fee for a student enrolled in a public school, the fee may be imposed on a
5459 private school or home school student who participates in an extracurricular activity at the
5460 public school if the same benefits of paying the mandatory student activity fee that are
5461 available to a fully enrolled public school student are available to a private school or home
5462 school student who participates in an extracurricular activity at the public school.

5463 (4) Eligibility requirements based on school attendance are not applicable to a home
5464 school student.

5465 (5) A home school student meets academic eligibility requirements to participate in an
5466 extracurricular activity if:

5467 (a) the student is mastering the material in each course or subject being taught; and

5468 (b) the student is maintaining satisfactory progress towards achievement or promotion.

5469 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or

5470 organization providing instruction to the student shall submit an affidavit to the principal
5471 indicating the student meets academic eligibility requirements.

5472 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school
5473 student shall:

5474 (i) be considered to meet academic eligibility requirements; and

5475 (ii) retain academic eligibility for all extracurricular activities during the activity season
5476 for which the affidavit is submitted, until:

5477 (A) a panel established under Subsection (10) determines the home school student does
5478 not meet academic eligibility requirements; or

5479 (B) the person who submitted the affidavit under Subsection (6)(a) provides written
5480 notice to the school principal that the student no longer meets academic eligibility
5481 requirements.

5482 (7) (a) A home school student who loses academic eligibility pursuant to Subsection
5483 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted
5484 the affidavit under Subsection (6)(a) provides written notice to the school principal that the
5485 home school student has reestablished academic eligibility.

5486 (b) If a home school student reestablishes academic eligibility pursuant to Subsection
5487 (7)(a), the home school student may participate in extracurricular activities for the remainder of
5488 the activity season for which an affidavit was submitted under Subsection (6)(a).

5489 (8) A person who has probable cause to believe a home school student does not meet
5490 academic eligibility requirements may submit an affidavit to the principal:

5491 (a) asserting the home school student does not meet academic eligibility requirements;
5492 and

5493 (b) providing information indicating that the home school student does not meet the
5494 academic eligibility requirements.

5495 (9) A principal shall review the affidavit submitted under Subsection (8), and if the
5496 principal determines it contains information which constitutes probable cause to believe a
5497 home school student may not meet academic eligibility requirements, the principal shall
5498 request a panel established pursuant to Subsection (10) to verify the student's compliance with
5499 academic eligibility requirements.

5500 (10) (a) A school district superintendent shall:

5501 (i) appoint a panel of three individuals to verify a home school student's compliance
5502 with academic eligibility requirements when requested by a principal pursuant to Subsection
5503 (9); and

5504 (ii) select the panel members from nominees submitted by national, state, or regional
5505 organizations whose members are home school students and parents.

5506 (b) Of the members appointed to a panel under Subsection (10)(a):

5507 (i) one member shall have experience teaching in a public school as a licensed teacher
5508 and in home schooling high school-age students;

5509 (ii) one member shall have experience teaching in a higher education institution and in
5510 home schooling; and

5511 (iii) one member shall have experience in home schooling high school-age students.

5512 (11) A panel appointed under Subsection (10):

5513 (a) shall review the affidavit submitted under Subsection (8);

5514 (b) may confer with the person who submitted the affidavit under Subsection (8);

5515 (c) shall request the home school student to submit test scores or a portfolio of work
5516 documenting the student's academic achievement to the panel;

5517 (d) shall review the test scores or portfolio of work; and

5518 (e) shall determine whether the home school student meets academic eligibility
5519 requirements.

5520 (12) A home school student who meets academic eligibility requirements pursuant to
5521 Subsection (11), retains academic eligibility for all extracurricular activities during the activity
5522 season for which an affidavit is submitted pursuant to Subsection (6).

5523 (13) (a) A panel's determination that a home school student does not comply with
5524 academic eligibility requirements is effective for an activity season and all extracurricular
5525 activities that have academic eligibility requirements.

5526 (b) A home school student who is not in compliance with academic eligibility
5527 requirements as determined by a panel appointed under Subsection (11) may seek to establish
5528 academic eligibility under this section for the next activity season.

5529 (14) (a) A public school student who has been declared to be academically ineligible to
5530 participate in an extracurricular activity and who subsequently enrolls in a home school shall
5531 lose eligibility for participation in the extracurricular activity until the student:

5532 (i) demonstrates academic eligibility by providing test results or a portfolio of the
5533 student's work to the school principal, provided that a student may not reestablish academic
5534 eligibility under this Subsection (14)(a) during the same activity season in which the student
5535 was declared to be academically ineligible;

5536 (ii) returns to public school and reestablishes academic eligibility; or

5537 (iii) enrolls in a private school and establishes academic eligibility.

5538 (b) A public school student who has been declared to be behaviorally ineligible to
5539 participate in an extracurricular activity and who subsequently enrolls in a home school shall
5540 lose eligibility for participation in the extracurricular activity until the student meets eligibility
5541 standards as provided in Subsection (3).

5542 (15) When selection to participate in an extracurricular activity at a public school is
5543 made on a competitive basis, a private school student and a home school student shall be
5544 eligible to try out for and participate in the activity as provided in this section.

5545 (16) (a) If a student exits a public school to enroll in a private or home school
5546 mid-semester or during an activity season, and the student desires to participate in an
5547 extracurricular activity at the public school, the public school shall issue an interim academic
5548 assessment based on the student's work in each class.

5549 (b) A student's academic eligibility to participate in an extracurricular activity under
5550 the circumstances described in Subsection (16)(a) shall be based on the student meeting public
5551 school academic eligibility standards at the time of exiting public school.

5552 (c) A student may appeal an academic eligibility determination made under Subsection
5553 (16)(b) in accordance with procedures for appealing a public school student's academic
5554 eligibility.

5555 Section 164. Section **53G-6-704**, which is renumbered from Section 53A-1a-519 is
5556 renumbered and amended to read:

5557 ~~[53A-1a-519]~~. **53G-6-704. Charter school students' participation in**
5558 **extracurricular activities at other public schools.**

5559 (1) A charter school student is eligible to participate in an extracurricular activity not
5560 offered by the student's charter school at:

5561 (a) the school within whose attendance boundaries the student's custodial parent or
5562 legal guardian resides;

5563 (b) the public school from which the student withdrew for the purpose of attending a
5564 charter school; or

5565 (c) a public school that is not a charter school if the student's charter school is located
5566 on the campus of the public school or has local school board approval to locate on the campus
5567 of the public school.

5568 (2) In addition to the public schools listed in Subsection (1), the State Board of
5569 Education may establish rules to allow a charter school student to participate in an
5570 extracurricular activity at a public school other than a public school listed in Subsection (1).

5571 (3) A school other than a school described in Subsection (1)(a), (b), or (c) may allow a
5572 charter school student to participate in extracurricular activities other than:

5573 (a) interschool competitions of athletic teams sponsored and supported by a public
5574 school; or

5575 (b) interschool contests or competitions for music, drama, or forensic groups or teams
5576 sponsored and supported by a public school.

5577 (4) A charter school student is eligible for extracurricular activities at a public school
5578 consistent with eligibility standards as applied to full-time students of the public school.

5579 (5) A school district or public school may not impose additional requirements on a
5580 charter school student to participate in extracurricular activities that are not imposed on
5581 full-time students of the public school.

5582 (6) (a) The State Board of Education shall make rules establishing fees for charter
5583 school students' participation in extracurricular activities at school district schools.

5584 (b) The rules shall provide that:

5585 (i) charter school students pay the same fees as other students to participate in
5586 extracurricular activities;

5587 (ii) charter school students are eligible for fee waivers pursuant to Section
5588 ~~[53A-12-103]~~ 53G-7-504;

5589 (iii) for each charter school student who participates in an extracurricular activity at a
5590 school district school, the charter school shall pay a share of the school district's costs for the
5591 extracurricular activity; and

5592 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state
5593 and local tax revenues expended, except capital facilities expenditures, for an extracurricular

5594 activity in a school district or school divided by total student enrollment of the school district
5595 or school.

5596 (c) In determining a charter school's share of the costs of an extracurricular activity
5597 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees
5598 statewide based on average costs statewide or average costs within a sample of school districts.

5599 (7) When selection to participate in an extracurricular activity at a public school is
5600 made on a competitive basis, a charter school student is eligible to try out for and participate in
5601 the activity as provided in this section.

5602 Section 165. Section **53G-6-705**, which is renumbered from Section 53A-2-214 is
5603 renumbered and amended to read:

5604 ~~[53A-2-214]~~. **53G-6-705**. **Online students' participation in extracurricular**
5605 **activities.**

5606 (1) As used in this section:

5607 (a) "Online education" means the use of information and communication technologies
5608 to deliver educational opportunities to a student in a location other than a school.

5609 (b) "Online student" means a student who:

5610 (i) participates in an online education program sponsored or supported by the State
5611 Board of Education, a school district, or charter school; and

5612 (ii) generates funding for the school district or school pursuant to Subsection
5613 ~~[53A-17a-103]~~ 53F-2-102(7) and rules of the State Board of Education.

5614 (2) An online student is eligible to participate in extracurricular activities at:

5615 (a) the school within whose attendance boundaries the student's custodial parent or
5616 legal guardian resides; or

5617 (b) the public school from which the student withdrew for the purpose of participating
5618 in an online education program.

5619 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an
5620 online student to participate in extracurricular activities other than:

5621 (a) interschool competitions of athletic teams sponsored and supported by a public
5622 school; or

5623 (b) interschool contests or competitions for music, drama, or forensic groups or teams
5624 sponsored and supported by a public school.

5625 (4) An online student is eligible for extracurricular activities at a public school
5626 consistent with eligibility standards as applied to full-time students of the public school.

5627 (5) A school district or public school may not impose additional requirements on an
5628 online school student to participate in extracurricular activities that are not imposed on
5629 full-time students of the public school.

5630 (6) (a) The State Board of Education shall make rules establishing fees for an online
5631 school student's participation in extracurricular activities at school district schools.

5632 (b) The rules shall provide that:

5633 (i) online school students pay the same fees as other students to participate in
5634 extracurricular activities;

5635 (ii) online school students are eligible for fee waivers pursuant to Section
5636 [~~53A-12-103~~] 53G-7-504;

5637 (iii) for each online school student who participates in an extracurricular activity at a
5638 school district school, the online school shall pay a share of the school district's costs for the
5639 extracurricular activity; and

5640 (iv) an online school's share of the costs of an extracurricular activity shall reflect state
5641 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
5642 activity in a school district or school divided by total student enrollment of the school district
5643 or school.

5644 (c) In determining an online school's share of the costs of an extracurricular activity
5645 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees
5646 statewide based on average costs statewide or average costs within a sample of school districts.

5647 (7) When selection to participate in an extracurricular activity at a public school is
5648 made on a competitive basis, an online student is eligible to try out for and participate in the
5649 activity as provided in this section.

5650 Section 166. Section **53G-6-706**, which is renumbered from Section 53A-11-102.7 is
5651 renumbered and amended to read:

5652 [~~53A-11-102.7~~]. **53G-6-706. Placement of a home school student who**
5653 **transfers to a public school.**

5654 (1) For the purposes of this section[, "home]:

5655 (a) "Home school student" means a student who attends a home school pursuant to

5656 Section [~~53A-11-102~~] 53G-6-204.

5657 (b) "Parent" means the same as that term is defined in Section 53G-6-201.

5658 (2) When a home school student transfers from a home school to a public school, the
5659 public school shall place the student in the grade levels, classes, or courses that the student's
5660 parent or guardian and in consultation with the school administrator determine are appropriate
5661 based on the parent's or guardian's assessment of the student's academic performance.

5662 (3) (a) Within 30 days of a home school student's placement in a public school grade
5663 level, class, or course, either the student's teacher or the student's parent or guardian may
5664 request a conference to consider changing the student's placement.

5665 (b) If the student's teacher and the student's parent or guardian agree on a placement
5666 change, the public school shall place the student in the agreed upon grade level, class, or
5667 course.

5668 (c) If the student's teacher and the student's parent or guardian do not agree on a
5669 placement change, the public school shall evaluate the student's subject matter mastery in
5670 accordance with Subsection (3)(d).

5671 (d) The student's parent or guardian has the option of:

5672 (i) allowing the public school to administer, to the student, assessments that are:

5673 (A) regularly administered to public school students; and

5674 (B) used to measure public school students' subject matter mastery and determine
5675 placement; or

5676 (ii) having a private entity or individual administer assessments of subject matter
5677 mastery to the student at the parent's or guardian's expense.

5678 (e) After an evaluation of a student's subject matter mastery, a public school may
5679 change a student's placement in a grade level, class, or course.

5680 (4) This section does not apply to a student who is dual enrolled in a public school and
5681 a home school pursuant to Section [~~53A-11-102.5~~] 53G-6-702.

5682 Section 167. Section **53G-6-707**, which is renumbered from Section 53A-2-206 is
5683 renumbered and amended to read:

5684 **[~~53A-2-206~~]. 53G-6-707. Interstate compact students -- Inclusion in**
5685 **attendance count -- Funding for foreign exchange students -- Annual report --**
5686 **Requirements for exchange student agencies.**

5687 (1) A school district or charter school may include the following students in the
5688 district's or school's membership and attendance count for the purpose of apportionment of
5689 state money:

5690 (a) a student enrolled under an interstate compact, established between the State Board
5691 of Education and the state education authority of another state, under which a student from one
5692 compact state would be permitted to enroll in a public school in the other compact state on the
5693 same basis as a resident student of the receiving state; or

5694 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact
5695 on Placement of Children.

5696 ~~[(2)(a) A school district or charter school may include foreign exchange students in the~~
5697 ~~district's or school's membership and attendance count for the purpose of apportionment of~~
5698 ~~state money, except as provided in Subsections (2)(b) through (d).]~~

5699 ~~[(b)(i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be~~
5700 ~~included in average daily membership for the purpose of determining the number of weighted~~
5701 ~~pupil units in the grades 1-12 basic program.]~~

5702 ~~[(ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units~~
5703 ~~in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the~~
5704 ~~number of foreign exchange students who were:]~~

5705 ~~[(A) enrolled in a school district or charter school on October 1 of the previous fiscal~~
5706 ~~year; and]~~

5707 ~~[(B) sponsored by an agency approved by the district's local school board or charter~~
5708 ~~school's governing board.]~~

5709 ~~[(c)(i) The total number of foreign exchange students in the state that may be counted~~
5710 ~~for the purpose of apportioning state money under Subsection (2)(b) shall be the lesser of:]~~

5711 ~~[(A) the number of foreign exchange students enrolled in public schools in the state on~~
5712 ~~October 1 of the previous fiscal year; or]~~

5713 ~~[(B) 328 foreign exchange students.]~~

5714 ~~[(ii) The State Board of Education shall make rules in accordance with Title 63G,~~
5715 ~~Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of~~
5716 ~~foreign exchange students that may be counted for the purpose of apportioning state money~~
5717 ~~under Subsection (2)(b).]~~

5718 ~~[(d) Notwithstanding Sections 53A-17a-133 and 53A-17a-164, weighted pupil units in~~
5719 ~~the grades 1 through 12 basic program for foreign exchange students, as determined by~~
5720 ~~Subsections (2)(b) and (c), may not be included for the purposes of determining a school~~
5721 ~~district's state guarantee money under the voted or board local levies.]~~

5722 ~~[(3)]~~ (2) A school district or charter school may:

5723 (a) enroll foreign exchange students that do not qualify for state money; and

5724 (b) pay for the costs of those students with other funds available to the school district
5725 or charter school.

5726 ~~[(4)]~~ (3) Due to the benefits to all students of having the opportunity to become
5727 familiar with individuals from diverse backgrounds and cultures, school districts are
5728 encouraged to enroll foreign exchange students, as provided in Subsection ~~[(3)]~~ (2), particularly
5729 in schools with declining or stable enrollments where the incremental cost of enrolling the
5730 foreign exchange student may be minimal.

5731 ~~[(5)]~~ (4) The board shall make an annual report to the Legislature on the number of
5732 exchange students and the number of interstate compact students sent to or received from
5733 public schools outside the state.

5734 ~~[(6)]~~ (5) (a) A local school board or charter school governing board shall require each
5735 approved exchange student agency to provide it with a sworn affidavit of compliance prior to
5736 the beginning of each school year.

5737 (b) The affidavit shall include the following assurances:

5738 (i) that the agency has complied with all applicable policies of the board;

5739 (ii) that a household study, including a background check of all adult residents, has
5740 been made of each household where an exchange student is to reside, and that the study was of
5741 sufficient scope to provide reasonable assurance that the exchange student will receive proper
5742 care and supervision in a safe environment;

5743 (iii) that host parents have received training appropriate to their positions, including
5744 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who
5745 are in a position of special trust;

5746 (iv) that a representative of the exchange student agency shall visit each student's place
5747 of residence at least once each month during the student's stay in Utah;

5748 (v) that the agency will cooperate with school and other public authorities to ensure

5749 that no exchange student becomes an unreasonable burden upon the public schools or other
5750 public agencies;

5751 (vi) that each exchange student will be given in the exchange student's native language
5752 names and telephone numbers of agency representatives and others who could be called at any
5753 time if a serious problem occurs; and

5754 (vii) that alternate placements are readily available so that no student is required to
5755 remain in a household if conditions appear to exist which unreasonably endanger the student's
5756 welfare.

5757 ~~[(7)]~~ (6) (a) A local school board or charter school governing board shall provide each
5758 approved exchange student agency with a list of names and telephone numbers of individuals
5759 not associated with the agency who could be called by an exchange student in the event of a
5760 serious problem.

5761 (b) The agency shall make a copy of the list available to each of its exchange students
5762 in the exchange student's native language.

5763 ~~[(8)]~~ (7) Notwithstanding Subsection ~~[(2)(c)(i)]~~ 53F-2-303(3)(a), a school district or
5764 charter school shall enroll a foreign exchange student if the foreign exchange student:

5765 (a) is sponsored by an agency approved by the State Board of Education;

5766 (b) attends the same school during the same time period that another student from the
5767 school is:

5768 (i) sponsored by the same agency; and

5769 (ii) enrolled in a school in a foreign country; and

5770 (c) is enrolled in the school for one year or less.

5771 Section 168. Section **53G-6-708**, which is renumbered from Section 53A-17a-114 is
5772 renumbered and amended to read:

5773 ~~[53A-17a-114]~~. **53G-6-708. Career and technical education program**
5774 **alternatives.**

5775 (1) A secondary student may attend a technical college described in Section
5776 53B-2a-105 if the secondary student's career and technical education goals are better achieved
5777 by attending a technical college as determined by:

5778 (a) the secondary student; and

5779 (b) if the secondary student is a minor, the secondary student's parent or legal guardian.

5780 (2) A secondary student served under this section by a technical college described in
5781 Section 53B-2a-105 shall be counted in the average daily membership of the sending school
5782 district or charter school.

5783 Section 169. Section **53G-6-801**, which is renumbered from Section 53A-15-1401 is
5784 renumbered and amended to read:

5785 **Part 8. Parental Rights**

5786 **~~[53A-15-1401]~~. 53G-6-801. Definitions.**

5787 As used in this part:

5788 (1) "Federal law" means:

5789 (a) a statute passed by the Congress of the United States; or

5790 (b) a final regulation:

5791 (i) adopted by an administrative agency of the United States government; and

5792 (ii) published in the code of federal regulations or the federal register.

5793 (2) "Individualized Education Program" or "IEP" means a written statement, for a
5794 student with a disability, that is developed, reviewed, and revised in accordance with the
5795 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

5796 (3) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and
5797 the Blind.

5798 (4) "Reasonably accommodate" means an LEA shall make its best effort to enable a
5799 parent or guardian to exercise a parental right specified in Section ~~[53A-15-1403]~~ 53G-6-803:

5800 (a) without substantial impact to staff and resources, including employee working
5801 conditions, safety and supervision on school premises and for school activities, and the
5802 efficient allocation of expenditures; and

5803 (b) while balancing:

5804 (i) the parental rights of parents or guardians;

5805 (ii) the educational needs of other students;

5806 (iii) the academic and behavioral impacts to a classroom;

5807 (iv) a teacher's workload; and

5808 (v) the assurance of the safe and efficient operation of a school.

5809 Section 170. Section **53G-6-802**, which is renumbered from Section 53A-15-1402 is
5810 renumbered and amended to read:

5811 ~~[53A-15-1402]~~. **53G-6-802. Annual notice of parental rights.**

5812 (1) An LEA shall annually notify a parent or guardian of a student enrolled in the LEA
5813 of the parent's or guardian's rights as specified in this part.

5814 (2) An LEA satisfies the notification requirement described in Subsection (1) by
5815 posting the information on the LEA's website or through other means of electronic
5816 communication.

5817 Section 171. Section **53G-6-803**, which is renumbered from Section 53A-15-1403 is
5818 renumbered and amended to read:

5819 ~~[53A-15-1403]~~. **53G-6-803. Parental right to academic accommodations.**

5820 (1) (a) A student's parent or guardian is the primary person responsible for the
5821 education of the student, and the state is in a secondary and supportive role to the parent or
5822 guardian. As such, a student's parent or guardian has the right to reasonable academic
5823 accommodations from the student's LEA as specified in this section.

5824 (b) Each accommodation shall be considered on an individual basis and no student
5825 shall be considered to a greater or lesser degree than any other student.

5826 (c) The parental rights specified in this section do not include all the rights or
5827 accommodations that may be available to a student's parent or guardian as a user of the public
5828 education system.

5829 (d) An accommodation under this section may only be provided if the accommodation
5830 is:

5831 (i) consistent with federal law; and

5832 (ii) consistent with a student's IEP if the student already has an IEP.

5833 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to
5834 retain a student in kindergarten through grade 8 on grade level based on the student's academic
5835 ability or the student's social, emotional, or physical maturity.

5836 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a
5837 teacher or request for a change of teacher.

5838 (4) An LEA shall reasonably accommodate the request of a student's parent or guardian
5839 to visit and observe any class the student attends.

5840 (5) Notwithstanding [~~Chapter 11, Part 1, Compulsory Education Requirements~~] Part 2,
5841 Compulsory Education, an LEA shall record an excused absence for a scheduled family event

5842 or a scheduled proactive visit to a health care provider if:

5843 (a) the parent or guardian submits a written statement at least one school day before the
5844 scheduled absence; and

5845 (b) the student agrees to make up course work for school days missed for the scheduled
5846 absence in accordance with LEA policy.

5847 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request
5848 to place a student in a specialized class, a specialized program, or an advanced course.

5849 (b) An LEA shall consider multiple academic data points when determining an
5850 accommodation under Subsection (6)(a).

5851 (7) Consistent with Section [~~53A-13-108~~] 53E-4-204, which requires the State Board
5852 of Education to establish graduation requirements that use competency-based standards and
5853 assessments, an LEA shall allow a student to earn course credit towards high school graduation
5854 without completing a course in school by:

5855 (a) testing out of the course; or

5856 (b) demonstrating competency in course standards.

5857 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet
5858 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a
5859 regularly scheduled parent teacher conference.

5860 (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student
5861 from taking an assessment that:

5862 (i) is federally mandated;

5863 (ii) is mandated by the state under this [title] public education code; or

5864 (iii) requires the use of:

5865 (A) a state assessment system; or

5866 (B) software that is provided or paid for by the state.

5867 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5868 State Board of Education shall make rules:

5869 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
5870 that:

5871 (A) does not place an undue burden on a parent or guardian; and

5872 (B) may be completed online; and

5873 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
 5874 an LEA's employees through school grading or employee evaluations due to a student not
 5875 taking a test under Subsection (9)(a).

5876 (c) An LEA:

5877 (i) shall follow the procedures outlined in rules made by the State Board of Education
 5878 under Subsection (9)(b) to excuse a student under Subsection (9)(a);

5879 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
 5880 to the procedures outlined in rules made by the State Board of Education under Subsection
 5881 (9)(b); and

5882 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).

5883 (d) The State Board of Education shall:

5884 (i) maintain and publish a list of state assessments, state assessment systems, and
 5885 software that qualify under Subsection (9)(a); and

5886 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

5887 (10) (a) An LEA shall provide for:

5888 (i) the distribution of a copy of a school's discipline and conduct policy to each student
 5889 in accordance with Section [~~53A-11-903~~] 53G-8-204; and

5890 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
 5891 and conduct policy.

5892 (b) An LEA shall notify a parent or guardian of a student's violation of a school's
 5893 discipline and conduct policy and allow a parent or guardian to respond to the notice in
 5894 accordance with [~~Chapter 11, Part 9~~] Chapter 8, Part 2, School Discipline and Conduct Plans.

5895 Section 172. Section **53G-7-101** is enacted to read:

5896 **CHAPTER 7. PUBLIC SCHOOL GENERAL REQUIREMENTS**

5897 **Part 1. General Provisions**

5898 **53G-7-101. Title.**

5899 This chapter is known as "Public School General Requirements."

5900 Section 173. Section **53G-7-102** is enacted to read:

5901 **53G-7-102. Definitions.**

5902 Reserved

5903 Section 174. Section **53G-7-201** is enacted to read:

5904 **Part 2. Powers and Miscellaneous Duties**

5905 **53G-7-201. Definitions.**

5906 Reserved

5907 Section 175. Section **53G-7-202** is enacted to read:

5908 **53G-7-202. Waivers from state board rules.**

5909 (1) A charter school or any other public school or school district may apply to the State
 5910 Board of Education for a waiver of any state board rule that inhibits or hinders the school or the
 5911 school district from accomplishing its mission or educational goals set out in its strategic plan
 5912 or charter.

5913 (2) The state board may grant the waiver, unless:

5914 (a) the waiver would cause the school district or the school to be in violation of state or
 5915 federal law; or

5916 (b) the waiver would threaten the health, safety, or welfare of students in the district or
 5917 at the school.

5918 (3) If the State Board of Education denies the waiver, the reason for the denial shall be
 5919 provided in writing to the waiver applicant.

5920 Section 176. Section **53G-7-203**, which is renumbered from Section 53A-3-402.7 is
 5921 renumbered and amended to read:

5922 ~~[53A-3-402.7].~~ **53G-7-203. Kindergartens -- Establishment -- Funding.**

5923 (1) Kindergartens are an integral part of the state's public education system.

5924 (2) ~~[By July 1, 1994, each]~~ Each local board of education shall provide kindergarten
 5925 classes free of charge for kindergarten children residing within the district.

5926 (3) Kindergartens established under Subsection (2) shall receive state money under
 5927 ~~[Title 53A, Chapter 17a, Minimum School Program Act]~~ Title 53F, Public Education System --
 5928 Funding.

5929 Section 177. Section **53G-7-204**, which is renumbered from Section 53A-3-402.1 is
 5930 renumbered and amended to read:

5931 ~~[53A-3-402.1].~~ **53G-7-204. Access to student records by custodial and**
 5932 **noncustodial parents.**

5933 (1) Except as provided in Subsection (2), a public school shall allow a custodial parent
 5934 and a noncustodial parent of a child the same access to their child's education records.

5935 (2) A school may not allow a noncustodial parent access to the child's education
5936 records if:

5937 (a) a court has issued an order that limits the noncustodial parent's access to the child's
5938 education records; and

5939 (b) the school has received a copy of the court order or has actual knowledge of the
5940 court order.

5941 Section 178. Section **53G-7-205**, which is renumbered from Section 53A-3-402.9 is
5942 renumbered and amended to read:

5943 ~~[53A-3-402.9]~~. **53G-7-205. Assessment of emerging and early reading skills**
5944 **-- Resources provided by school districts.**

5945 (1) The Legislature recognizes that well-developed reading skills help:

5946 (a) children to succeed in school, develop self esteem, and build positive relationships
5947 with others;

5948 (b) young adults to become independent learners; and

5949 (c) adults to become and remain productive members of a rapidly changing
5950 technology-based society.

5951 (2) (a) Each potential kindergarten student, the student's parent or guardian, and
5952 kindergarten personnel at the student's school may participate in an assessment of the student's
5953 reading and numeric skills.

5954 (b) The State Board of Education, in cooperation with the state's school districts, may
5955 develop the assessment instrument and any additional materials needed to implement and
5956 supplement the assessment program.

5957 (3) The potential kindergarten student's teacher may use the assessment in planning and
5958 developing an instructional program to meet the student's identified needs.

5959 (4) (a) Each school is encouraged to schedule the assessment early enough before the
5960 kindergarten starting date so that a potential kindergarten student's parent or guardian has time
5961 to develop the child's needed skills as identified by the assessment.

5962 (b) Based on the assessment under Subsection (2), the school shall provide the
5963 potential student's parent or guardian with appropriate resource materials to assist the parent or
5964 guardian at home in the student's literacy development.

5965 Section 179. Section **53G-7-206**, which is renumbered from Section 53A-13-108.5 is

5966 renumbered and amended to read:

5967 ~~[53A-13-108.5]~~. 53G-7-206. **Acceptance of credits and grades awarded by**
5968 **accredited schools.**

5969 (1) (a) A public school shall accept credits and grades awarded to a student by a school
5970 accredited or approved by the State Board of Education or accredited or recognized by the
5971 Northwest Association of Accredited Schools as issued by the school, without alterations.

5972 (b) Credits awarded for a core standards for Utah public schools course shall be applied
5973 to fulfilling core standards for Utah public schools requirements.

5974 (2) Subsection (1) applies to credits awarded to a student who:

5975 (a) transfers to a public school; or

5976 (b) while enrolled in the public school, takes courses offered by another public or
5977 private school.

5978 (3) Subsection (1) applies to:

5979 (a) traditional classes in which an instructor is present in the classroom and the student
5980 is required to attend the class for a particular length of time;

5981 (b) open entry/open exit classes in which the student has the flexibility to begin or end
5982 study at any time, progress through course material at his own pace, and demonstrate
5983 competency when knowledge and skills have been mastered;

5984 (c) courses offered over the Internet; or

5985 (d) distance learning courses.

5986 Section 180. Section 53G-7-207, which is renumbered from Section 53A-11-901.5 is
5987 renumbered and amended to read:

5988 ~~[53A-11-901.5]~~. 53G-7-207. **Period of silence.**

5989 A teacher may provide for the observance of a period of silence each school day in a
5990 public school.

5991 Section 181. Section 53G-7-208, which is renumbered from Section 53A-3-409 is
5992 renumbered and amended to read:

5993 ~~[53A-3-409]~~. 53G-7-208. **Local governmental entities and school districts**
5994 **-- Contracts and cooperation -- Disbursement of funds -- Municipal and county**
5995 **representative participation in school district board meetings -- Notice required.**

5996 (1) Local governmental entities and school districts may contract and cooperate with

5997 one another in matters affecting the health, welfare, education, and convenience of the
5998 inhabitants within their respective territorial limits.

5999 (2) A local governmental entity may disburse public funds in aid of a school district
6000 located wholly or partially within the limits of its jurisdiction.

6001 (3) (a) As used in this Subsection (3):

6002 (i) "Interested county executive" means the county executive or county manager of a
6003 county with unincorporated area within the boundary of a school district, or the designee of the
6004 county executive or county manager.

6005 (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely
6006 within the boundary of a school district, or the mayor's designee.

6007 (b) A school district board shall allow an interested mayor and interested county
6008 executive to attend and participate in the board discussions at a school district board meeting
6009 that is open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

6010 (c) An interested county executive and interested mayor may attend and participate in
6011 board discussions at a school district board meeting that is closed to the public under Title 52,
6012 Chapter 4, Open and Public Meetings Act, if:

6013 (i) the school district board invites the interested county executive or interested mayor
6014 to attend and participate; and

6015 (ii) for a closed meeting held for the purpose of discussing the board's disposition or
6016 acquisition of real property, the interested county executive or interested mayor does not have a
6017 conflict of interest with respect to the real estate disposition or acquisition.

6018 (d) (i) A county or municipality may enter into an agreement with a school district
6019 under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an
6020 interested county executive or interested mayor at a school district board meeting.

6021 (ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the
6022 provisions of this Subsection (3).

6023 (e) Each local school board shall give notice of board meetings to each interested
6024 mayor and interested county executive.

6025 (f) The notice required under Subsection (3)(c) shall be provided by:

6026 (i) mail;

6027 (ii) e-mail; or

6028 (iii) other effective means agreed to by the person to whom notice is given.

6029 Section 182. Section **53G-7-209**, which is renumbered from Section 53A-3-413 is
6030 renumbered and amended to read:

6031 ~~[53A-3-413]~~. **53G-7-209**. **Use of public school buildings and grounds as**
6032 **civic centers.**

6033 (1) As used in this section, "civic center" means a public school building or ground,
6034 including a charter school building or ground, that is established and maintained as a limited
6035 public forum for supervised recreational activities and meetings.

6036 (2) Except as provided in Subsection (3), all public school buildings and grounds shall
6037 be civic centers.

6038 (3) The use of school property as a civic center:

6039 (a) may not interfere with a school function or purpose; and

6040 (b) is considered a permit for governmental immunity purposes for a governmental
6041 entity under Subsection 63G-7-201(4)(c).

6042 (4) The organizer of an event may not use a civic center unless the organizer resides
6043 within the geographic boundaries of the school district in which the civic center is located.

6044 Section 183. Section **53G-7-210**, which is renumbered from Section 53A-3-414 is
6045 renumbered and amended to read:

6046 ~~[53A-3-414]~~. **53G-7-210**. **Local school boards' and charter school**
6047 **governing boards' responsibility for school buildings and grounds when used as civic**
6048 **centers.**

6049 (1) As used in this section, "civic center" means the same as that term is defined in
6050 Section ~~[53A-3-413]~~ 53G-7-209.

6051 (2) A local school board or charter school governing board:

6052 (a) shall manage, direct, and control civic centers ~~[under this chapter]~~;

6053 (b) shall adopt policies for the use of civic centers;

6054 (c) may charge a reasonable fee for the use of a civic center so that the school district
6055 or charter school incurs no expense for that use;

6056 (d) may appoint a special functions officer under Section 53-13-105 to have charge of
6057 the grounds and protect school property when used for civic center purposes;

6058 (e) shall allow the use of a civic center, for other than school purposes, unless it

6059 determines that the use interferes with a school function or purpose; and

6060 (f) shall ensure that school administrators are trained about and properly implement the
6061 provisions of this section and Section ~~[53A-3-413]~~ 53G-7-209.

6062 Section 184. Section **53G-7-211**, which is renumbered from Section 53A-3-407 is
6063 renumbered and amended to read:

6064 ~~[53A-3-407]~~. **53G-7-211. Display of American flag.**

6065 (1) Each local school board shall provide each school within the district with a suitable
6066 flagpole.

6067 (2) The American flag shall be displayed on every school day and on every state and
6068 national holiday.

6069 (3) The flag shall be maintained in a respectable condition.

6070 Section 185. Section **53G-7-212**, which is renumbered from Section 53A-3-402.5 is
6071 renumbered and amended to read:

6072 ~~[53A-3-402.5]~~. **53G-7-212. Voter registration forms for high school**
6073 **students.**

6074 Each public school district and each accredited nonpublic school shall provide voter
6075 registration forms to students as required by Section 20A-2-302.

6076 Section 186. Section **53G-7-213**, which is renumbered from Section 53A-3-417 is
6077 renumbered and amended to read:

6078 ~~[53A-3-417]~~. **53G-7-213. Child care centers in public schools --**
6079 **Requirements -- Availability -- Compliance with state and local laws.**

6080 (1) (a) Upon receiving a request from a community group such as a community
6081 council, local PTA, or parent/student organization, a local school board may authorize the use
6082 of a part of any school building in the district to provide child care services for school aged
6083 children.

6084 (b) (i) The school board shall provide written public notice of its intent to authorize a
6085 child care center.

6086 (ii) The board shall file a copy of the notice with the Office of Child Care within the
6087 Department of Workforce Services and the Department of Health.

6088 (2) (a) Establishment of a child care center in a public school building is contingent
6089 upon the local school board determining that the center will not interfere with the building's use

6090 for regular school purposes.

6091 (b) The decision shall be made at the sole discretion of the school board.

6092 (c) A school board may withdraw its approval to operate a child care center at any time
6093 if it determines that such use interferes with the operation or interest of the school.

6094 (d) The school district and its employees and agents are immune from any liability that
6095 might otherwise result from a withdrawal of approval if the withdrawal was made in good
6096 faith.

6097 (3) (a) The board shall charge a commercially reasonable fee for the use of a school
6098 building as a child care center so that the district does not incur an expense.

6099 (b) The fee shall include but not be limited to costs for utility, building maintenance,
6100 and administrative services supplied by the school that are related to the operation of the child
6101 care center.

6102 (4) (a) Child care service may be provided by governmental agencies other than school
6103 districts, nonprofit community service groups, or private providers.

6104 (b) If competitive proposals to provide child care services are submitted by the entities
6105 listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit
6106 community service groups so long as their proposals are judged to be at least equal to the
6107 proposal of the governmental agency.

6108 (c) It is intended that these programs function at the local community level with
6109 minimal state and district involvement.

6110 (5) It is the intent of the Legislature that providers not be required to go through a
6111 complex procedure in order to obtain approval for providing the service.

6112 (6) (a) Child care centers within a public school building shall make their services
6113 available to all children regardless of where the children reside.

6114 (b) If space and resources are limited, first priority shall be given to those who reside
6115 within the school boundaries where the center is located, and to the children of teachers and
6116 other employees of the school where the child care center is located.

6117 (c) Second priority shall be given to those who reside within the school district
6118 boundaries where the center is located.

6119 (7) (a) The school board shall require proof of liability insurance which is adequate in
6120 the opinion of the school board for use of school property as a child care center.

6121 (b) A school district participating in the state Risk Management Fund shall require the
6122 provider of child care services to comply with the applicable provisions of Title 63A, Chapter
6123 4, Risk Management.

6124 (8) Child care centers established under this section shall operate in compliance with
6125 state and local laws and regulations, including zoning and licensing requirements, and
6126 applicable school rules.

6127 (9) Except for Subsection (8), this section does not apply to child care centers
6128 established by a school district within a public school building if the center offers child care
6129 services primarily to children of employees or children of students of the school district.

6130 Section 187. Section **53G-7-214**, which is renumbered from Section 53A-3-427 is
6131 renumbered and amended to read:

6132 ~~[53A-3-427].~~ **53G-7-214. Honorary high school diploma for certain**
6133 **veterans.**

6134 (1) A board of education of a school district may award an honorary high school
6135 diploma to a veteran, if the veteran:

6136 (a) left high school before graduating in order to serve in the armed forces of the
6137 United States;

6138 (b) served in the armed forces of the United States during the period of World War II,
6139 the Korean War, or the Vietnam War;

6140 (c) (i) was honorably discharged; or

6141 (ii) was released from active duty because of a service-related disability; and

6142 (d) (i) resides within the school district; or

6143 (ii) resided within the school district at the time of leaving high school to serve in the
6144 armed forces of the United States.

6145 (2) To receive an honorary high school diploma, a veteran or immediate family
6146 member or guardian of a veteran shall submit to a local school board:

6147 (a) a request for an honorary high school diploma; and

6148 (b) information required by the local school board to verify the veteran's eligibility for
6149 an honorary high school diploma under Subsection (1).

6150 (3) At the request of a veteran, a veteran's immediate family member or guardian, or a
6151 local school board, the Department of Veterans' and Military Affairs shall certify whether the

6152 veteran meets the requirements of Subsections (1)(b) and (c).

6153 Section 188. Section **53G-7-215**, which is renumbered from Section 53A-1-409 is
6154 renumbered and amended to read:

6155 ~~[53A-1-409]~~. **53G-7-215. Competency-based education --**
6156 **Recommendations -- Coordination.**

6157 (1) As used in this section, "competency-based education" means the same as that term
6158 is defined in Section ~~[53A-15-1802]~~ 53F-5-501.

6159 (2) A local school board or a charter school governing board may establish a
6160 competency-based education program.

6161 (3) A local school board or charter school governing board that establishes a
6162 competency-based education program shall:

- 6163 (a) establish assessments to accurately measure competency;
- 6164 (b) provide the assessments to an enrolled student at no cost to the student;
- 6165 (c) award credit to a student who demonstrates competency and subject mastery;
- 6166 (d) submit the competency-based standards to the State Board of Education for review;
- 6167 and
- 6168 (e) publish the competency-based standards on its website or by other electronic means
6169 readily accessible to the public.

6170 (4) A local school board or charter school governing board may:

- 6171 (a) on a random lottery-based basis, limit enrollment to courses that have been
6172 designated as competency-based courses;
- 6173 (b) waive or adapt traditional attendance requirements;
- 6174 (c) adjust class sizes to maximize the value of course instructors or course mentors;
- 6175 (d) enroll students from any geographic location within the state; and
- 6176 (e) provide proctored online competency-based assessments.

6177 Section 189. Section **53G-7-216**, which is renumbered from Section 53A-1-706 is
6178 renumbered and amended to read:

6179 ~~[53A-1-706]~~. **53G-7-216. Purchases of educational technology.**

6180 (1) (a) A school district[;] or charter school[~~, or college of education~~] shall comply
6181 with Title 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as
6182 otherwise provided in Subsection (1)(b).

6183 (b) A school district or charter school may purchase computers from, and contract for
 6184 the repair or refurbishing of computers with, the Utah Correctional Industries without going
 6185 through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah
 6186 Procurement Code.

6187 (2) A school district[;] or charter school[; ~~or college of education~~] may purchase
 6188 technology through cooperative purchasing contracts administered by the state Division of
 6189 Purchasing or through its own established purchasing program.

6190 (3) Consistent with policies adopted by a local school board or charter school
 6191 governing board, a school district or charter school that purchases technology under this section
 6192 shall ensure that adequate on and off campus Internet filtering is installed and consistently
 6193 configured to prevent viewing of harmful content by students and school personnel.

6194 Section 190. Section **53G-7-301** is enacted to read:

6195 **Part 3. Budgets**

6196 **53G-7-301. Definitions.**

6197 Reserved

6198 Section 191. Section **53G-7-302**, which is renumbered from Section 53A-19-101 is
 6199 renumbered and amended to read:

6200 ~~[53A-19-101].~~ **53G-7-302. School district and charter school budgets.**

6201 (1) As used in this section:

6202 (a) "Budget officer" means:

6203 (i) for a school district, the school district's superintendent; or

6204 (ii) for a charter school, an individual selected by the charter school governing board.

6205 (b) "Governing board" means:

6206 (i) for a school district, the local school board; or

6207 (ii) for a charter school, the charter school governing board.

6208 (2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with
 6209 supporting documentation, to be submitted to the budget officer's governing board.

6210 (3) The tentative budget and supporting documents shall include the following items:

6211 (a) the revenues and expenditures of the preceding fiscal year;

6212 (b) the estimated revenues and expenditures of the current fiscal year;

6213 (c) for a school district, an estimate of the revenues for the succeeding fiscal year based

6214 upon the lowest tax levy that will raise the required revenue, using the current year's taxable
6215 value as the basis for this calculation;

6216 (d) a detailed estimate of the essential expenditures for all purposes for the next
6217 succeeding fiscal year; and

6218 (e) the estimated financial condition of the school district or charter school by funds at
6219 the close of the current fiscal year.

6220 (4) The tentative budget shall be filed with the district business administrator or charter
6221 school executive director for public inspection at least 15 days before the date of the tentative
6222 budget's proposed adoption by the governing board.

6223 Section 192. Section **53G-7-303**, which is renumbered from Section 53A-19-102 is
6224 renumbered and amended to read:

6225 ~~[53A-19-102]~~. **53G-7-303. Local governing board budget procedures.**

6226 (1) As used in this section:

6227 (a) "Budget officer" means:

6228 (i) for a school district, the school district's superintendent; or

6229 (ii) for a charter school, an individual selected by the charter school governing board.

6230 (b) "Governing board" means:

6231 (i) for a school district, the local school board; or

6232 (ii) for a charter school, the charter school governing board.

6233 (2) (a) For a school district, before June 22 of each year, a local school board shall
6234 adopt a budget and make appropriations for the next fiscal year.

6235 (b) For a school district, if the tax rate in the school district's proposed budget exceeds
6236 the certified tax rate defined in Section 59-2-924, the local school board shall comply with
6237 Section 59-2-919 in adopting the budget, except as provided by Section ~~[53A-17a-133]~~
6238 53F-8-301.

6239 (3) (a) For a school district, before the adoption or amendment of a budget, a local
6240 school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed
6241 budget or budget amendment.

6242 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
6243 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the
6244 public hearing, a local school board shall:

6245 (i) publish a notice of the public hearing in a newspaper or combination of newspapers
6246 of general circulation in the school district, except as provided in Section 45-1-101;

6247 (ii) publish a notice of the public hearing electronically in accordance with Section
6248 45-1-101;

6249 (iii) file a copy of the proposed budget with the local school board's business
6250 administrator for public inspection; and

6251 (iv) post the proposed budget on the school district's Internet website.

6252 (c) A notice of a public hearing on a school district's proposed budget shall include
6253 information on how the public may access the proposed budget as provided in Subsections
6254 (3)(b)(iii) and (iv).

6255 (4) For a charter school, before June 22 of each year, a charter school governing board
6256 shall adopt a budget for the next fiscal year.

6257 (5) Within 30 days of adopting a budget, a governing board shall file a copy of the
6258 adopted budget with the state auditor and the State Board of Education.

6259 Section 193. Section **53G-7-304**, which is renumbered from Section 53A-19-103 is
6260 renumbered and amended to read:

6261 ~~[53A-19-103]~~. **53G-7-304. Undistributed reserve in school board budget.**

6262 (1) A local school board may adopt a budget with an undistributed reserve. The reserve
6263 may not exceed 5% of the maintenance and operation budget adopted by the board in
6264 accordance with a scale developed by the State Board of Education. The scale is based on the
6265 size of the school district's budget.

6266 (2) The board may appropriate all or a part of the undistributed reserve made to any
6267 expenditure classification in the maintenance and operation budget by written resolution
6268 adopted by a majority vote of the board setting forth the reasons for the appropriation. The
6269 board shall file a copy of the resolution with the State Board of Education and the state auditor.

6270 (3) The board may not use undistributed reserves in the negotiation or settlement of
6271 contract salaries for school district employees.

6272 Section 194. Section **53G-7-305**, which is renumbered from Section 53A-19-104 is
6273 renumbered and amended to read:

6274 ~~[53A-19-104]~~. **53G-7-305. Limits on appropriations -- Estimated**
6275 **expendable revenue.**

- 6276 (1) As used in this section:
- 6277 (a) "Budget officer" means:
- 6278 (i) for a school district, the school district's superintendent; or
- 6279 (ii) for a charter school, an individual selected by the charter school governing board.
- 6280 (b) "Governing board" means:
- 6281 (i) for a school district, the local school board; or
- 6282 (ii) for a charter school, the charter school governing board.
- 6283 (2) A governing board may not make an appropriation in excess of its estimated
- 6284 expendable revenue, including undistributed reserves, for the following fiscal year.
- 6285 (3) A governing board may reduce a budget appropriation at the governing board's
- 6286 regular meeting if notice of the proposed action is given to all governing board members and to
- 6287 the district superintendent or charter school executive director, as applicable, at least one week
- 6288 before the meeting.
- 6289 (4) For a school district, in determining the estimated expendable revenue, any existing
- 6290 deficits arising through excessive expenditures from former years are deducted from the
- 6291 estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of
- 6292 the district for the previous year.
- 6293 (5) For a school district, in the event of financial hardships, the local school board may
- 6294 deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of
- 6295 the deficit amount.
- 6296 (6) For a school district, all estimated balances available for appropriations at the end
- 6297 of the fiscal year shall revert to the funds from which they were appropriated and shall be fund
- 6298 balances available for appropriation in the budget of the following year.
- 6299 (7) For a school district, an increase in an appropriation may not be made by the local
- 6300 school board unless the following steps are taken:
- 6301 (a) the local school board receives a written request from the district superintendent
- 6302 that sets forth the reasons for the proposed increase;
- 6303 (b) notice of the request is published:
- 6304 (i) in a newspaper of general circulation within the school district at least one week
- 6305 before the local school board meeting at which the request will be considered; and
- 6306 (ii) in accordance with Section 45-1-101, at least one week before the local school

6307 board meeting at which the request will be considered; and

6308 (c) the local school board holds a public hearing on the request before the local school
6309 board's acting on the request.

6310 Section 195. Section **53G-7-306**, which is renumbered from Section 53A-19-105 is
6311 renumbered and amended to read:

6312 ~~[53A-19-105]~~. **53G-7-306. School district interfund transfers.**

6313 (1) A school district shall spend revenues only within the fund for which they were
6314 originally authorized, levied, collected, or appropriated.

6315 (2) Except as otherwise provided in this section, school district interfund transfers of
6316 residual equity are prohibited.

6317 (3) The State Board of Education may authorize school district interfund transfers of
6318 residual equity when a district states its intent to create a new fund or expand, contract, or
6319 liquidate an existing fund.

6320 (4) The State Board of Education may also authorize school district interfund transfers
6321 of residual equity for a financially distressed district if the board determines the following:

6322 (a) the district has a significant deficit in its maintenance and operations fund caused
6323 by circumstances not subject to the administrative decisions of the district;

6324 (b) the deficit cannot be reasonably reduced under Section ~~[53A-19-104]~~ 53G-7-305;
6325 and

6326 (c) without the transfer, the school district will not be capable of meeting statewide
6327 educational standards adopted by the State Board of Education.

6328 (5) The board shall develop standards for defining and aiding financially distressed
6329 school districts under this section in accordance with Title 63G, Chapter 3, Utah
6330 Administrative Rulemaking Act.

6331 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
6332 and reported in the debt service fund.

6333 (b) Debt service levies under Subsection 59-2-924 (5)(c) that are not subject to the
6334 public hearing provisions of Section 59-2-919 may not be used for any purpose other than
6335 retiring general obligation debt.

6336 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal
6337 year shall be used in subsequent years for general obligation debt retirement.

6338 (d) Any amounts left in the debt service fund after all general obligation debt has been
6339 retired may be transferred to the capital projects fund upon completion of the budgetary hearing
6340 process required under Section [~~53A-19-102~~] 53G-7-303.

6341 Section 196. Section **53G-7-307**, which is renumbered from Section 53A-19-106 is
6342 renumbered and amended to read:

6343 ~~[53A-19-106]~~. **53G-7-307**. **Warrants drawn by budget officer.**

6344 (1) As used in this section:

6345 (a) "Budget officer" means:

6346 (i) for a school district, the school district's superintendent; or

6347 (ii) for a charter school, an individual selected by the charter school governing board.

6348 (b) "Governing board" means:

6349 (i) for a school district, the local school board; or

6350 (ii) for a charter school, the charter school governing board.

6351 (2) The budget officer of a governing board may not draw warrants on school district
6352 or charter school funds except in accordance with and within the limits of the budget passed by
6353 the governing board.

6354 Section 197. Section **53G-7-308**, which is renumbered from Section 53A-19-107 is
6355 renumbered and amended to read:

6356 ~~[53A-19-107]~~. **53G-7-308**. **Emergency expenditures.**

6357 This [~~chapter~~] part does not apply to appropriations required because of emergencies
6358 involving loss of life or great loss of property.

6359 Section 198. Section **53G-7-309**, which is renumbered from Section 53A-19-108 is
6360 renumbered and amended to read:

6361 ~~[53A-19-108]~~. **53G-7-309**. **Monthly budget reports.**

6362 (1) As used in this section:

6363 (a) "Budget officer" means:

6364 (i) for a school district, the school district's superintendent; or

6365 (ii) for a charter school, an individual selected by the charter school governing board.

6366 (b) "Governing board" means:

6367 (i) for a school district, the local school board; or

6368 (ii) for a charter school, the charter school governing board.

6369 (2) The business administrator or budget officer of a governing board shall provide
6370 each board member with a report, on a monthly basis, that includes the following information:

- 6371 (a) the amounts of all budget appropriations;
6372 (b) the disbursements from the appropriations as of the date of the report; and
6373 (c) the percentage of the disbursements as of the date of the report.

6374 (3) Within five days of providing the monthly report described in Subsection (2) to a
6375 governing board, the business administrator or budget officer shall make a copy of the report
6376 available for public review.

6377 Section 199. Section **53G-7-401**, which is renumbered from Section 53A-30-102 is
6378 renumbered and amended to read:

6379 **Part 4. Internal Audits**

6380 ~~[53A-30-102]~~. **53G-7-401. Definitions.**

6381 As used in this part:

6382 (1) "Audit committee" means a standing committee:

6383 (a) appointed by the local school board or charter school governing board with the
6384 following number of members as applicable to the local school board or charter school
6385 governing board:

6386 (i) for a board of a local education agency that consists of seven or more members,
6387 three members of that board; or

6388 (ii) for a board of a local education agency that consists of six or fewer members, two
6389 members of that board; and

6390 (b) composed of people who are not administrators or employees of the local education
6391 agency.

6392 (2) "Audit director" means the person who directs the internal audit program.

6393 (3) "Audit plan" means a prioritized list of audits to be performed by an internal audit
6394 program within a specified period of time.

6395 (4) "Internal audit" means an independent appraisal activity established within a local
6396 education agency as a control system to examine and evaluate the adequacy and effectiveness
6397 of other internal control systems within the local education agency.

6398 (5) "Internal audit program" means an audit function that:

6399 (a) is conducted by a local school board or charter school governing board independent

6400 of the local education agency offices or other operations;

6401 (b) objectively evaluates the effectiveness of the local education agency governance,
6402 risk management, internal controls, and the efficiency of operations; and

6403 (c) is conducted in accordance with the current:

6404 (i) International Standards for the Professional Practice of Internal Auditing; or

6405 (ii) The Government Auditing Standards, issued by the Comptroller General of the
6406 United States.

6407 (6) "Local education agency" means a school district or charter school.

6408 Section 200. Section **53G-7-402**, which is renumbered from Section 53A-30-103 is
6409 renumbered and amended to read:

6410 ~~[53A-30-103]~~. **53G-7-402. Internal auditing program -- Audit committee --**

6411 **Powers and duties.**

6412 (1) A local school board or charter school governing board shall establish an audit
6413 committee.

6414 (2) (a) The audit committee shall establish an internal audit program that provides
6415 internal audit services for the programs administered by the local education agency.

6416 (b) A local education agency that has fewer than 10,000 students is not subject to
6417 Subsection (2)(a).

6418 (3) (a) A local school board or charter school governing board shall appoint the audit
6419 director, with the advisement of the audit committee, if the local school board or charter school
6420 governing board hires an audit director.

6421 (b) If the local school board or charter school governing board has not appointed an
6422 audit director and the school board or governing board contracts directly for internal audit
6423 services, the local school board or charter school governing board shall approve a contract for
6424 internal audit services, with the advisement of the audit committee.

6425 (4) The audit committee shall ensure that copies of all reports of audit findings issued
6426 by the internal auditors are available, upon request, to the audit director of the State Board of
6427 Education, the Office of the State Auditor, and the Office of Legislative Auditor General.

6428 (5) The audit committee shall ensure that significant audit matters that cannot be
6429 appropriately addressed by the local education agency internal auditors are referred to either the
6430 audit director of the State Board of Education, the Office of the State Auditor, or the Office of

6431 Legislative Auditor General.

6432 (6) The audit director may contract with a consultant to assist with an audit.

6433 (7) The audit director of the State Board of Education and the Office of the State
6434 Auditor may contract to provide internal audit services.

6435 Section 201. Section **53G-7-501** is enacted to read:

6436 **Part 5. Student Fees**

6437 **53G-7-501. Definitions.**

6438 Reserved

6439 Section 202. Section **53G-7-502**, which is renumbered from Section 53A-12-101 is
6440 renumbered and amended to read:

6441 ~~[53A-12-101].~~ **53G-7-502. Schools to be free -- Age limitations.**

6442 (1) Except as otherwise provided in [Title 53A, State System of Public Education] this
6443 public education code, in each school district the public schools shall be free to all children
6444 between five and 18 years of age who are residents of the district, and also to persons over 18
6445 who are domiciled in the state of Utah and have not completed high school.

6446 (2) A person over the age of 18 taking courses under this section must declare an intent
6447 to complete requirements for a high school diploma. All courses taken must lead toward that
6448 diploma and must be approved by those directly responsible for administering the program.

6449 (3) A person required to pay tuition under this section may have the tuition waived
6450 under Section ~~[53A-15-404]~~ 53E-10-205.

6451 Section 203. Section **53G-7-503**, which is renumbered from Section 53A-12-102 is
6452 renumbered and amended to read:

6453 ~~[53A-12-102].~~ **53G-7-503. State policy on student fees, deposits, or other**
6454 **charges.**

6455 (1) For purposes of this part:

6456 (a) "Board" means the State Board of Education.

6457 (b) "Secondary school" means a school that provides instruction to students in grades
6458 7, 8, 9, 10, 11, or 12.

6459 (c) "Secondary school student":

6460 (i) means a student enrolled in a secondary school; and

6461 (ii) includes a student in grade 6 if the student attends a secondary school.

6462 (2) (a) A secondary school may impose fees on secondary school students.

6463 (b) The board shall adopt rules regarding the imposition of fees in secondary schools in
6464 accordance with the requirements of this part.

6465 (3) A fee, deposit, or other charge may not be made, or any expenditure required of a
6466 student or the student's parent or guardian, as a condition for student participation in an
6467 activity, class, or program provided, sponsored, or supported by or through a public school or
6468 school district, unless authorized by the local school board or charter school governing board
6469 under rules adopted by the board.

6470 (4) (a) A fee, deposit, charge, or expenditure may not be required for elementary school
6471 activities which are part of the regular school day or for supplies used during the regular school
6472 day.

6473 (b) An elementary school or elementary school teacher may compile and provide to a
6474 student's parent or guardian a suggested list of supplies for use during the regular school day so
6475 that a parent or guardian may furnish on a voluntary basis those supplies for student use.

6476 (c) A list provided to a student's parent or guardian pursuant to Subsection (4)(b) shall
6477 include and be preceded by the following language:

6478 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR
6479 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,
6480 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

6481 Section 204. Section **53G-7-504**, which is renumbered from Section 53A-12-103 is
6482 renumbered and amended to read:

6483 ~~[53A-12-103]~~. **53G-7-504**. **Waiver of fees.**

6484 (1) (a) A local school board shall require, as part of an authorization granted under
6485 Section [~~53A-12-102~~] 53G-7-503, that adequate waivers or other provisions are available to
6486 ensure that no student is denied the opportunity to participate because of an inability to pay the
6487 required fee, deposit, or charge.

6488 (b) (i) If, however, a student must repeat a course or requires remediation to advance or
6489 graduate and a fee is associated with the course or the remediation program, it is presumed that
6490 the student will pay the fee.

6491 (ii) If the student or the student's parent or guardian is financially unable to pay the fee,
6492 the board shall provide for alternatives to waiving the fee, which may include installment

6493 payments and school or community service or work projects for the student.

6494 (iii) In cases of extreme financial hardship or where the student has suffered a
6495 long-term illness, or death in the family, or other major emergency and where installment
6496 payments and the imposition of a service or work requirement would not be reasonable, the
6497 student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

6498 (iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits,
6499 and charges made in the secondary schools.

6500 (2) (a) The board shall require each school in the district that charges a fee under this
6501 [~~chapter~~] part and Part 6, Textbook Fees, to provide a variety of alternatives for satisfying the
6502 fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the
6503 fee.

6504 (b) The board shall develop and provide a list of alternatives for the schools, including
6505 such options as allowing the student to provide:

6506 (i) tutorial assistance to other students;

6507 (ii) assistance before or after school to teachers and other school personnel on school
6508 related matters; and

6509 (iii) general community or home service.

6510 (c) Each school may add to the list of alternatives provided by the board, subject to
6511 approval by the board.

6512 (3) A local school board may establish policies providing for partial fee waivers or
6513 other alternatives for those students who, because of extenuating circumstances, are not in a
6514 financial position to pay the entire fee.

6515 (4) With regard to children who are in the custody of the Division of Child and Family
6516 Services who are also eligible under Title IV-E of the federal Social Security Act, local school
6517 boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

6518 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6519 State Board of Education shall make rules:

6520 (a) requiring a parent or guardian of a student applying for a fee waiver to provide
6521 documentation and certification to the school verifying:

6522 (i) the student's eligibility to receive the waiver; and

6523 (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have

6524 been complied with to the fullest extent reasonably possible according to the individual
6525 circumstances of both the fee waiver applicant and the school; and

6526 (b) specifying the acceptable forms of documentation for the requirement under
6527 Subsection (5)(a), which shall include verification based on income tax returns or current pay
6528 stubs.

6529 (6) Notwithstanding the requirements under Subsection (5), a school is not required to
6530 keep documentation on file after the verification is completed.

6531 Section 205. Section **53G-7-505**, which is renumbered from Section 53A-12-104 is
6532 renumbered and amended to read:

6533 ~~[53A-12-104]~~. **53G-7-505. Notice of student fees and waivers.**

6534 A local school board shall annually give written notice of its student fee schedules and
6535 fee waiver policies to the parent or guardian of a child who attends a public school within the
6536 district.

6537 Section 206. Section **53G-7-601**, which is renumbered from Section 53A-12-202 is
6538 renumbered and amended to read:

6539 **Part 6. Textbook Fees**

6540 ~~[53A-12-202]~~. **53G-7-601. "Textbooks" defined.**

6541 For the purposes of Sections ~~[53A-12-201]~~ 53G-7-602 through ~~[53A-12-206]~~
6542 53G-7-605, "textbooks" includes textbooks and workbooks necessary for participation in any
6543 instructional course. Textbooks shall not include personal or consumable items, such as
6544 pencils, papers, pens, erasers, notebooks, other items of personal use, or products which a
6545 student may purchase at his option, such as school publications, class rings, annuals, and
6546 similar items.

6547 Section 207. Section **53G-7-602**, which is renumbered from Section 53A-12-201 is
6548 renumbered and amended to read:

6549 ~~[53A-12-201]~~. **53G-7-602. State policy on providing textbooks.**

6550 (1) It is the public policy of this state that public education shall be free.

6551 (2) A student may not be denied an education because of economic inability to
6552 purchase textbooks necessary for advancement in or graduation from the public school system.

6553 (3) A school board may not sell textbooks or otherwise charge textbook fees or
6554 deposits except as provided in ~~[Title 53A, State System of Public Education]~~ this public

6555 education code.

6556 Section 208. Section **53G-7-603**, which is renumbered from Section 53A-12-204 is
6557 renumbered and amended to read:

6558 ~~[53A-12-204].~~ **53G-7-603. Purchase of textbooks by local school board --**
6559 **Sales to pupils -- Free textbooks -- Textbooks provided to teachers -- Payment of costs --**
6560 **Rental of textbooks.**

6561 (1) A local school board, under rules adopted by the State Board of Education, may
6562 purchase textbooks for use in the public schools directly from the publisher at prices and terms
6563 approved by the state board and may sell those books to pupils in grades nine through 12 at a
6564 cost not to exceed the actual cost of the book plus costs of transportation and handling.

6565 (2) Each local school board, however, shall provide, free of charge, textbooks and
6566 workbooks required for courses of instruction for each child attending public schools whose
6567 parent or guardian is financially unable to purchase them.

6568 (3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3,
6569 Family Employment Program, supplemental security income, or who are in the custody of the
6570 Division of Child and Family Services within the Department of Human Services are eligible
6571 for free textbooks and workbooks under this section.

6572 (4) The local school board shall also purchase all books necessary for teachers to
6573 conduct their classes.

6574 (5) The cost of furnishing textbooks and workbooks may be paid from school operating
6575 funds, the textbook fund, or from other available funds.

6576 (6) Books provided to teachers and pupils without charge or at less than full cost are
6577 paid for out of funds of the district and remain the property of the district.

6578 (7) In school districts that require pupils to rent books instead of purchasing them or
6579 providing them free of charge, the local school board shall waive rental fees for a child whose
6580 parent or guardian is financially unable to pay the rental fee. The children considered eligible
6581 under Subsection (3) are also eligible for the purposes of this Subsection (7).

6582 Section 209. Section **53G-7-604**, which is renumbered from Section 53A-12-205 is
6583 renumbered and amended to read:

6584 ~~[53A-12-205].~~ **53G-7-604. Free textbook system.**

6585 (1) If a local school board considers it desirable or necessary, or if the board is

6586 petitioned by two-thirds of those voting in the district, it shall provide free textbooks to all
6587 pupils in the schools under its charge.

6588 (2) Books purchased under this section shall be paid for out of the funds of the district.

6589 (3) The board shall assure that sufficient funds are raised and set aside for this purpose.

6590 (4) A board that has adopted the free textbook system shall terminate the system if
6591 petitioned by two-thirds of those voting in an election conducted for that purpose vote to
6592 terminate the system.

6593 (5) The board may not act upon a petition to terminate the free textbook system during
6594 a period of four years after the system is adopted.

6595 (6) The board may not reinstitute a free textbook system until four years after its
6596 termination.

6597 Section 210. Section **53G-7-605**, which is renumbered from Section 53A-12-206 is
6598 renumbered and amended to read:

6599 ~~[53A-12-206]~~. **53G-7-605. Repurchase and resale of textbooks.**

6600 (1) If a student moves from a district in which free textbooks were not provided, the
6601 school board of that district may purchase the books used by the student at a reasonable price,
6602 based upon the original cost and the condition of the book upon return.

6603 (2) The books purchased by the district under this section may be resold to other
6604 students in the district.

6605 Section 211. Section **53G-7-606**, which is renumbered from Section 53A-12-207 is
6606 renumbered and amended to read:

6607 ~~[53A-12-207]~~. **53G-7-606. Disposal of textbooks.**

6608 (1) For a school year beginning with or after the 2012-13 school year, a local school
6609 district may not dispose of textbooks used in its public schools without first notifying all other
6610 school districts in the state of its intent to dispose of the textbooks.

6611 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or
6612 worn out.

6613 (3) The State Board of Education shall develop rules and procedures directing the
6614 disposal of textbooks.

6615 Section 212. Section **53G-7-701**, which is renumbered from Section 53A-11-1202 is
6616 renumbered and amended to read:

6617

Part 7. Student Clubs

6618

[~~53A-11-1202~~]. 53G-7-701. Definitions.

6619

As used in this part:

6620

(1) "Bigotry" means action or advocacy of imminent action involving:

6621

(a) the harassment or denigration of a person or entity; or

6622

(b) any intent to cause a person not to freely enjoy or exercise any right secured by the

6623

constitution or laws of the United States or the state, except that an evaluation or prohibition

6624

may not be made of the truth or falsity of any religious belief or expression of conscience

6625

unless the means of expression or conduct arising therefrom violates the standards of conduct

6626

outlined in this section, Section [~~53A-13-101.3~~] 53G-10-203, or 20 U.S.C. [~~Section~~] Sec.

6627

4071(f).

6628

(2) "Club" means any student organization that meets during noninstructional time.

6629

(3) "Conscience" means a standard based upon learned experiences, a personal

6630

philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of

6631

right and wrong which is felt on an individual basis, a belief in an external absolute, or any

6632

combination of the foregoing.

6633

(4) "Curricular club" means a club that is school sponsored and that may receive

6634

leadership, direction, and support from the school or school district beyond providing a

6635

meeting place during noninstructional time. An elementary school curricular club means a club

6636

that is organized and directed by school sponsors at the elementary school. A secondary school

6637

curricular club means a club:

6638

(a) whose subject matter is taught or will soon be taught in a regular course;

6639

(b) whose subject matter concerns the body of courses as a whole;

6640

(c) in which participation is required for a particular course; or

6641

(d) in which participation results in academic credit.

6642

(5) (a) "Discretionary time" means school-related time for students that is not

6643

instructional time.

6644

(b) "Discretionary time" includes free time before and after school, during lunch and

6645

between classes or on buses, and private time before athletic and other events or activities.

6646

(6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of

6647

imminent action that violates any law or administrative rule.

6648 (b) "Encourage criminal or delinquent conduct" does not include discussions
6649 concerning changing of laws or rules, or actions taken through lawfully established channels to
6650 effectuate such change.

6651 (7) (a) "Instructional time" means time during which a school is responsible for a
6652 student and the student is required or expected to be actively engaged in a learning activity.

6653 (b) "Instructional time" includes instructional activities in the classroom or study hall
6654 during regularly scheduled hours, required activities outside the classroom, and counseling,
6655 private conferences, or tutoring provided by school employees or volunteers acting in their
6656 official capacities during or outside of regular school hours.

6657 (8) "Involve human sexuality" means:

6658 (a) presenting information in violation of laws governing sex education, including
6659 Sections [~~53A-13-101~~] 53G-10-402 and [~~53A-13-302~~] 53E-9-203;

6660 (b) advocating or engaging in sexual activity outside of legally recognized marriage or
6661 forbidden by state law; or

6662 (c) presenting or discussing information relating to the use of contraceptive devices or
6663 substances, regardless of whether the use is for purposes of contraception or personal health.

6664 (9) "Limited open forum" means a forum created by a school district or charter school
6665 for student expression within the constraints of Subsection [~~53A-13-101.3~~] 53G-10-203(2)(b).

6666 (10) "Noncurricular club" is a student initiated group that may be authorized and
6667 allowed school facilities use during noninstructional time in secondary schools by a school and
6668 school governing board in accordance with the provisions of this part. A noncurricular club's
6669 meetings, ideas, and activities are not sponsored or endorsed in any way by a school governing
6670 board, the school, or by school or school district employees.

6671 (11) "Noninstructional time" means time set aside by a school before instructional time
6672 begins or after instructional time ends, including discretionary time.

6673 (12) "Religious club" means a noncurricular club designated in its application as either
6674 being religiously based or based on expression or conduct mandated by conscience.

6675 (13) "School" means a public school, including a charter school.

6676 (14) (a) "School facilities use" means access to a school facility, premises, or playing
6677 field.

6678 (b) "School facilities use" includes access to a limited open forum.

6679 (15) "School governing board" means a local school board or charter school board.

6680 Section 213. Section **53G-7-702**, which is renumbered from Section 53A-11-1203 is
6681 renumbered and amended to read:

6682 ~~[53A-11-1203]~~. **53G-7-702. Student clubs -- Limited open forum --**
6683 **Authorization.**

6684 (1) (a) A school may establish and maintain a limited open forum for student clubs
6685 pursuant to the provisions of this part, State Board of Education rules, and school governing
6686 board policies.

6687 (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to
6688 create a closed forum at any time by allowing curricular clubs only.

6689 (2) (a) A school shall review applications for authorization of clubs on a case-by-case
6690 basis.

6691 (b) Before granting an authorization, the school shall find:

6692 (i) that the proposed club meets this part's respective requirements of a curricular club
6693 or a noncurricular club; and

6694 (ii) that the proposed club's purpose and activities comply with this part.

6695 (c) Before granting an authorization, a school may request additional information from
6696 the faculty sponsor, from students proposing the club, or from its school governing board, if
6697 desired.

6698 (3) A school shall grant authorization and school facilities use to curricular and
6699 noncurricular clubs whose applications are found to meet the requirements of this part, rules of
6700 the State Board of Education, and policies of the school governing board and shall limit or
6701 deny authorization or school facilities use to proposed clubs that do not meet the requirements
6702 of this part, rules of the State Board of Education, and policies of the school governing board.

6703 Section 214. Section **53G-7-703**, which is renumbered from Section 53A-11-1204 is
6704 renumbered and amended to read:

6705 ~~[53A-11-1204]~~. **53G-7-703. Curricular clubs -- Authorization.**

6706 (1) Faculty members or students proposing a curricular club shall submit written
6707 application for authorization on a form approved by the school governing board.

6708 (2) A school governing board may exempt a club whose membership is determined by
6709 student body election or a club that is governed by an association that regulates interscholastic

6710 activities from the authorization requirements under this section.

6711 (3) An application for authorization of a curricular club shall include:

6712 (a) the recommended club name;

6713 (b) a statement of the club's purpose, goals, and activities;

6714 (c) a statement of the club's categorization, which shall be included in the parental

6715 consent required under Section [~~53A-11-1210~~] 53G-7-709, indicating all of the following that

6716 may apply:

6717 (i) athletic;

6718 (ii) business/economic;

6719 (iii) agriculture;

6720 (iv) art/music/performance;

6721 (v) science;

6722 (vi) gaming;

6723 (vii) religious;

6724 (viii) community service/social justice; and

6725 (ix) other;

6726 (d) the recommended meeting times, dates, and places;

6727 (e) a statement that the club will comply with the provisions of this part and all other

6728 applicable laws, rules, or policies; and

6729 (f) a budget showing the amount and source of any funding provided or to be provided

6730 to the club and its proposed use.

6731 (4) The application may be as brief as a single page so long as it contains the items

6732 required under this section.

6733 (5) A school shall approve the name of a curricular club consistent with the club's

6734 purposes and its school sponsorship.

6735 (6) (a) A school shall determine curriculum relatedness by strictly applying this part's

6736 definition of curricular club to the club application.

6737 (b) If the school finds that the proposed club is a curricular club, the school shall

6738 continue to review the application as an application for authorization of a curricular club.

6739 (c) If the school finds that the proposed club is a noncurricular club, the school may:

6740 (i) return the application to the faculty member or students proposing the club for

6741 amendment; or

6742 (ii) review the application as an application for authorization of a noncurricular club.

6743 (7) (a) Only curricular clubs may be authorized for elementary schools.

6744 (b) A school governing body may limit, or permit a secondary school to limit, the
6745 authorization of clubs at the secondary school to only curricular clubs.

6746 Section 215. Section **53G-7-704**, which is renumbered from Section 53A-11-1205 is
6747 renumbered and amended to read:

6748 ~~[53A-11-1205]~~. **53G-7-704. Noncurricular clubs -- Annual authorization.**

6749 (1) A noncurricular club shall have a minimum of three members.

6750 (2) Students proposing a noncurricular club shall submit a written application for
6751 authorization on a form approved by the school governing board.

6752 (3) An application for authorization of a noncurricular club shall include:

6753 (a) the recommended club name;

6754 (b) a statement of the club's purpose, goals, and activities;

6755 (c) a statement of the club's categorization, which shall be included in the parental

6756 consent required under Section ~~[53A-11-1210]~~ 53G-7-709, indicating all of the following that
6757 may apply:

6758 (i) athletic;

6759 (ii) business/economic;

6760 (iii) agriculture;

6761 (iv) art/music/performance;

6762 (v) science;

6763 (vi) gaming;

6764 (vii) religious;

6765 (viii) community service/social justice; and

6766 (ix) other;

6767 (d) the recommended meeting times, dates, and places;

6768 (e) a statement that the club will comply with the provisions of this part and all other
6769 applicable laws, rules, or policies; and

6770 (f) a budget showing the amount and source of any funding provided or to be provided
6771 to the club and its proposed use.

6772 (4) The application may be as brief as a single page so long as it contains the items
6773 required under this section.

6774 (5) (a) A school governing board may provide for approval of a noncurricular club
6775 name in an action separate from that relating to authorization of the club itself.

6776 (b) A school governing board shall require:

6777 (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and
6778 activities; and

6779 (ii) that the noncurricular club name shall be a name that would not result in or imply a
6780 violation of this part.

6781 Section 216. Section **53G-7-705**, which is renumbered from Section 53A-11-1206 is
6782 renumbered and amended to read:

6783 ~~[53A-11-1206]~~. **53G-7-705. Clubs -- Limitations and denials.**

6784 (1) A school shall limit or deny authorization or school facilities use to a club, or
6785 require changes prior to granting authorization or school facilities use:

6786 (a) as the school determines it to be necessary to:

6787 (i) protect the physical, emotional, psychological, or moral well-being of students and
6788 faculty;

6789 (ii) maintain order and discipline on school premises;

6790 (iii) prevent a material and substantial interference with the orderly conduct of a
6791 school's educational activities;

6792 (iv) protect the rights of parents or guardians and students;

6793 (v) maintain the boundaries of socially appropriate behavior; or

6794 (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or

6795 (b) if a club's proposed charter and proposed activities indicate students or advisors in
6796 club related activities would as a substantial, material, or significant part of their conduct or
6797 means of expression:

6798 (i) encourage criminal or delinquent conduct;

6799 (ii) promote bigotry;

6800 (iii) involve human sexuality; or

6801 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or
6802 psychological services for which a license would be required under state law.

6803 (2) A school governing board has the authority to determine whether any club meets
6804 the criteria of Subsection (1).

6805 (3) If a school or school governing board limits or denies authorization to a club, the
6806 school or school governing board shall provide, in writing, to the applicant the factual and legal
6807 basis for the limitation or denial.

6808 (4) A student's spontaneous expression of sentiments or opinions otherwise identified
6809 in Subsection [~~53A-13-302~~] 53E-9-203(1) is not prohibited.

6810 Section 217. Section **53G-7-706**, which is renumbered from Section 53A-11-1207 is
6811 renumbered and amended to read:

6812 ~~[53A-11-1207]~~. **53G-7-706. Faculty oversight of authorized clubs.**

6813 (1) A school shall approve the faculty sponsor, supervisor, or monitor for each
6814 authorized curricular, noncurricular, and religious club to provide oversight consistent with this
6815 part and the needs of the school to ensure that the methods of expression, religious practices, or
6816 other conduct of the students or advisors involved do not:

6817 (a) unreasonably interfere with the ability of school officials to maintain order and
6818 discipline;

6819 (b) unreasonably endanger or threaten the well-being of persons or property;

6820 (c) violate concepts of civility or propriety appropriate to a school setting; or

6821 (d) violate applicable laws, rules, regulations, and policies.

6822 (2) (a) A school shall annually approve faculty members as sponsors of curricular
6823 clubs.

6824 (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular
6825 club.

6826 (3) (a) A school shall approve faculty members to serve as supervisors for authorized
6827 noncurricular clubs.

6828 (b) A faculty supervisor shall provide oversight to ensure compliance with the
6829 approved club purposes, goals, and activities and with the provisions of this part and other
6830 applicable laws, rules, and policies.

6831 (c) The approval of a faculty supervisor or monitor does not constitute school
6832 sponsorship of the club.

6833 (d) A faculty monitor approved for a religious club may not participate in the activities

6834 of the religious club, except to perform the supervisory role required by this section.

6835 (4) Without the prior approval by the school, a person who is not a school faculty
6836 member or a club member may not:

6837 (a) make a presentation to a noncurricular club; or

6838 (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

6839 Section 218. Section **53G-7-707**, which is renumbered from Section 53A-11-1208 is
6840 renumbered and amended to read:

6841 **~~[53A-11-1208]~~. 53G-7-707. Use of school facilities by clubs.**

6842 (1) A school shall determine and assign school facilities use for curricular and
6843 noncurricular clubs consistent with the needs of the school.

6844 (2) The following rules apply to curricular clubs:

6845 (a) in assigning school facilities use, the administrator may give priority to curricular
6846 clubs over noncurricular clubs; and

6847 (b) the school may provide financial or other support to curricular clubs.

6848 (3) The following rules apply to noncurricular clubs:

6849 (a) a preference or priority may not be given among noncurricular clubs;

6850 (b) (i) a school shall only provide the space for noncurricular club meetings; and

6851 (ii) a school may not spend public funds for noncurricular clubs, except as required to
6852 implement the provisions of this part, including providing space and faculty oversight for
6853 noncurricular clubs;

6854 (c) a school shall establish the noninstructional times during which noncurricular clubs
6855 may meet;

6856 (d) a school may establish the places that noncurricular clubs may meet;

6857 (e) a school may set the number of hours noncurricular clubs may use the school's
6858 facilities per month, provided that all noncurricular clubs shall be treated equally; and

6859 (f) a school shall determine what access noncurricular clubs shall be given to the
6860 school newspaper, yearbook, bulletin boards, or public address system, provided that all
6861 noncurricular clubs shall be treated equally.

6862 Section 219. Section **53G-7-708**, which is renumbered from Section 53A-11-1209 is
6863 renumbered and amended to read:

6864 **~~[53A-11-1209]~~. 53G-7-708. Club membership.**

6865 (1) A school shall require written parental or guardian consent for student participation
6866 in all curricular and noncurricular clubs at the school.

6867 (2) Membership in curricular clubs is governed by the following rules:

6868 (a) (i) membership may be limited to students who are currently attending the
6869 sponsoring school or school district; and

6870 (ii) members who attend a school other than the sponsoring school shall have, in
6871 addition to the consent required under Section [~~53A-11-1210~~] 53G-7-709, specific parental or
6872 guardian permission for membership in a curricular club at another school;

6873 (b) (i) curricular clubs may require that prospective members try out based on objective
6874 criteria outlined in the application materials; and

6875 (ii) try-outs may not require activities that violate the provisions of this part and other
6876 applicable laws, rules, and policies; and

6877 (c) other rules as determined by the State Board of Education, school district, or
6878 school.

6879 (3) Membership in noncurricular clubs is governed by the following rules:

6880 (a) student membership in a noncurricular club is voluntary;

6881 (b) membership shall be limited to students who are currently attending the school;

6882 (c) (i) noncurricular clubs may require that prospective members try out based on
6883 objective criteria outlined in the application materials; and

6884 (ii) try-outs may not require activities that violate the provisions of this part and other
6885 applicable laws, rules, and policies;

6886 (d) a copy of any written or other media materials that were presented at a
6887 noncurricular club meeting by a nonschool person shall be delivered to a school administrator
6888 no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent
6889 or legal guardian shall have an opportunity to review those materials; and

6890 (e) other rules as determined by the State Board of Education, school district, or
6891 school.

6892 Section 220. Section **53G-7-709**, which is renumbered from Section 53A-11-1210 is
6893 renumbered and amended to read:

6894 [~~53A-11-1210~~]. **53G-7-709**. **Parental consent.**

6895 (1) A school shall require written parental or guardian consent for student participation

6896 in all curricular and noncurricular clubs at the school.

6897 (2) The consent described in Subsection (1) shall include an activity disclosure
6898 statement containing the following information:

6899 (a) the specific name of the club;

6900 (b) a statement of the club's purpose, goals, and activities;

6901 (c) a statement of the club's categorization, which shall be obtained from the
6902 application for authorization of a club in accordance with the provisions of Section

6903 [~~53A-11-1204~~] 53G-7-703 or [~~53A-11-1205~~] 53G-7-704, indicating all of the following that
6904 may apply:

6905 (i) athletic;

6906 (ii) business/economic;

6907 (iii) agriculture;

6908 (iv) art/music/performance;

6909 (v) science;

6910 (vi) gaming;

6911 (vii) religious;

6912 (viii) community service/social justice; and

6913 (ix) other;

6914 (d) beginning and ending dates;

6915 (e) a tentative schedule of the club activities with dates, times, and places specified;

6916 (f) personal costs associated with the club, if any;

6917 (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and

6918 (h) any additional information considered important for the students and parents to

6919 know.

6920 (3) All completed parental consent forms shall be filed by the parent or the club's
6921 sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a
6922 charter school, or their designee.

6923 Section 221. Section **53G-7-710**, which is renumbered from Section 53A-11-1211 is
6924 renumbered and amended to read:

6925 ~~[53A-11-1211]~~. **53G-7-710. Violations -- Investigations -- School responses.**

6926 (1) A school shall investigate any report or allegation that an authorized curricular or

6927 noncurricular club is:

6928 (a) participating in activities beyond the scope of its purpose; or

6929 (b) in violation of a provision of this part or another applicable law, rule, regulation, or
6930 policy.

6931 (2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the
6932 students involved, and the person making the report or allegation, if a violation is substantiated,
6933 the school may do any of the following:

6934 (a) allow the club's original statement of its purpose, goals, and activities to be
6935 modified to include the activities if they are in compliance with the provisions of this part and
6936 other applicable laws, rules, regulations, or policies;

6937 (b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in
6938 the future;

6939 (c) limit or suspend the club's authorization or school facilities use pending further
6940 corrective action as determined by the school; or

6941 (d) terminate the club's authorization and dissolve the club.

6942 (3) Any limitation on expression, practice, or conduct of any student, advisor, or guest
6943 in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be
6944 by the least restrictive means necessary to satisfy the school's interests as identified in this part.

6945 (4) A club that has been terminated in accordance with Subsection (2)(d) may not
6946 reapply for authorization until the following school year.

6947 (5) A student who makes a false allegation or report under this section shall be subject
6948 to school discipline.

6949 Section 222. Section **53G-7-711**, which is renumbered from Section 53A-11-1212 is
6950 renumbered and amended to read:

6951 ~~[53A-11-1212]~~. **53G-7-711. Appeals -- Procedures.**

6952 (1) (a) A completed application or complaint shall be approved, denied, or investigated
6953 by the school within a reasonable amount of time.

6954 (b) If an application or complaint is denied, written reasons for the denial or results of
6955 the investigation shall be stated and, if appropriate, suggested corrections shall be made to
6956 remedy the deficiency.

6957 (c) A club that is denied school facilities use shall be informed at the time of the denial

6958 of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial
6959 could be corrected.

6960 (2) (a) If denied, suspended, or terminated, a club, student desirous of participating or
6961 speaking, or a complaining parent or guardian, has 10 school days from the date of the denial,
6962 suspension, or termination to file a written appeal from the denial, suspension, or termination
6963 to a designee authorized by the school governing board.

6964 (b) The designee shall issue a determination within a reasonable amount of time from
6965 receipt of the appeal, which decision is final and constitutes satisfaction of all administrative
6966 remedies unless the time for evaluation is extended by agreement of all parties.

6967 (3) A person directly affected by a decision made in accordance with the provisions of
6968 this part may appeal the decision by writing to a person designated by the school governing
6969 board.

6970 Section 223. Section **53G-7-712**, which is renumbered from Section 53A-11-1213 is
6971 renumbered and amended to read:

6972 ~~[53A-11-1213]~~. **53G-7-712**. **Rulemaking -- State Board of Education --**
6973 **School governing boards.**

6974 The State Board of Education may adopt additional rules and school governing boards
6975 may adopt additional rules or policies governing clubs that do not conflict with the provisions
6976 of this part.

6977 Section 224. Section **53G-7-713**, which is renumbered from Section 53A-11-1214 is
6978 renumbered and amended to read:

6979 ~~[53A-11-1214]~~. **53G-7-713**. **Severability.**

6980 If any provision of this part or the application of any provision to any person or
6981 circumstance, is held invalid, the remainder of this part shall be given effect without the invalid
6982 provision or application.

6983 Section 225. Section **53G-7-801**, which is renumbered from Section 53A-15-1101 is
6984 renumbered and amended to read:

6985 **Part 8. School Uniforms**

6986 ~~[53A-15-1101]~~. **53G-7-801**. **Definitions.**

6987 As used in this part:

6988 (1) "Principal" includes the chief administrator of a school that does not have a

6989 principal.

6990 (2) "School" means a public school, including a charter school.

6991 (3) "School official" means the principal of a school or the local school board for a
6992 school district.

6993 (4) "School uniform" means student clothing conforming to a school uniform policy
6994 under this part, which may include a dress code, dress of designated colors, or a reasonable
6995 designated uniform of a particular style. A school uniform policy may not include very
6996 expensive or prescriptive clothing requirements.

6997 Section 226. Section **53G-7-802**, which is renumbered from Section 53A-15-1102 is
6998 renumbered and amended to read:

6999 ~~[53A-15-1102]~~. **53G-7-802. Uniforms in schools -- Legislative finding --**
7000 **Policies.**

7001 (1) The Legislature finds that:

7002 (a) each student should be allowed to learn in a safe environment which fosters the
7003 learning process and is free from unnecessary disruptions;

7004 (b) the wearing of certain types of clothing may identify students as members of youth
7005 gangs and contribute to disruptive behavior and violence in the schools;

7006 (c) school uniform policies may be part of an overall program to:

7007 (i) improve school safety and discipline; and

7008 (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent
7009 disturbances among students; and

7010 (d) school uniforms may:

7011 (i) decrease violence and theft among students; and

7012 (ii) foster and promote desirable school operating conditions and a positive educational
7013 environment in accordance with this part.

7014 (2) In accordance with Section ~~[53A-15-1103]~~ **53G-7-803**, a school may adopt a school
7015 uniform policy that requires students enrolled at that school to wear a designated school
7016 uniform during the school day.

7017 (3) A school uniform policy shall:

7018 (a) protect students' free exercise of religious beliefs;

7019 (b) specify whether the uniform policy is voluntary or mandatory for students;

7020 (c) specify whether or not the uniform policy has an opt-out provision in addition to the
7021 provisions under Subsection (5); and

7022 (d) include a provision for financial assistance to families who cannot afford to
7023 purchase a required uniform, which may include:

7024 (i) the school providing school uniforms to students;

7025 (ii) the school making used school uniforms available to students; or

7026 (iii) other programs to make school uniforms available to economically disadvantaged
7027 students.

7028 (4) A school uniform policy under this part is not considered a fee for either an
7029 elementary or a secondary school.

7030 (5) A school uniform policy shall include a provision allowing a principal at any time
7031 during the school year to grant an exemption from wearing a school uniform to a student
7032 because of extenuating circumstances.

7033 (6) (a) If a school adopts a school uniform policy under this part, that school's
7034 governing body or local school board shall adopt local appellate procedures for school actions
7035 under this part, including a denial of an exemption requested under Subsection (5).

7036 (b) A person may seek judicial review of an action under this part only after exhausting
7037 the remedies provided under this Subsection (6).

7038 Section 227. Section **53G-7-803**, which is renumbered from Section 53A-15-1103 is
7039 renumbered and amended to read:

7040 ~~[53A-15-1103]~~. **53G-7-803. Uniforms in schools -- Policy approval.**

7041 (1) The school uniform policy authorized in Section ~~[53A-15-1102]~~ 53G-7-802 may be
7042 adopted:

7043 (a) for a charter school:

7044 (i) by the governing body or administrator of the charter school in accordance with
7045 Subsection (2); or

7046 (ii) by including the school uniform policy in the school's charter approved in
7047 accordance with ~~[Title 53A, Chapter 1a, Part 5, The]~~ Chapter 5, Utah Charter Schools [Act];

7048 (b) for more than one school at the district level by a local school board in accordance
7049 with Subsection (2); or

7050 (c) for a single school at the school level by the principal of the school in accordance

7051 with Subsection (2).

7052 (2) A school uniform policy adopted by an election is subject to the following
7053 requirements:

7054 (a) the adopting authority shall hold a public hearing on the matter prior to formal
7055 adoption of the school uniform policy;

7056 (b) (i) the adopting authority shall hold an election for approval of a school uniform
7057 policy prior to its adoption and shall receive an affirmative vote from a majority of those voting
7058 at the election; and

7059 (ii) only parents and guardians of students subject to the proposed school uniform
7060 policy may vote at the election, limited to one vote per family.

7061 (3) (a) A local school board or principal is required to hold an election to consider
7062 adoption of a school uniform policy for an entire school district or an individual school if
7063 initiative petitions are presented as follows:

7064 (i) for a school district, a petition signed by a parent or guardian of 20% of the district's
7065 students presented to the local school board; and

7066 (ii) for an individual school, a petition signed by a parent or guardian of 20% of the
7067 school's students presented to the principal.

7068 (b) The public hearing and election procedures required in Subsection (2) apply to
7069 Subsection (3).

7070 (4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the
7071 discontinuance or modification of a school uniform policy adopted under this section.

7072 (b) A vote to discontinue an adopted school uniform policy may not take place during
7073 the first year of its operation.

7074 (5) The adopting authority shall establish the manner and time of an election required
7075 under this section.

7076 Section 228. Section **53G-7-901**, which is renumbered from Section 53A-29-101 is
7077 renumbered and amended to read:

7078 **Part 9. Internships**

7079 ~~53A-29-101~~. **53G-7-901. Definitions.**

7080 As used in this ~~chapter~~ part:

7081 (1) "Cooperating employer" means a public or private entity which, as part of a work

7082 experience and career exploration program offered through a school, provides interns with
7083 training and work experience in activities related to the entity's ongoing business activities.

7084 (2) "Intern" means a student enrolled in a school-sponsored work experience and career
7085 exploration program under Section [~~53A-29-102~~] 53G-7-902 involving both classroom
7086 instruction and work experience with a cooperating employer, for which the student receives no
7087 compensation.

7088 (3) "Internship" means the work experience segment of an intern's school-sponsored
7089 work experience and career exploration program, performed under the direct supervision of a
7090 cooperating employer.

7091 (4) "Private school" means a school serving any of grades 7 through 12 which is not
7092 part of the public education system.

7093 (5) "Public school" means:

7094 (a) a public school district;

7095 (b) an applied technology center or applied technology service region;

7096 (c) the Schools for the Deaf and the Blind; or

7097 (d) other components of the public education system authorized by the State Board of
7098 Education to offer internships.

7099 Section 229. Section **53G-7-902**, which is renumbered from Section 53A-29-102 is
7100 renumbered and amended to read:

7101 ~~[53A-29-102]~~. **53G-7-902. Public or private school internships.**

7102 A public or private school may offer internships in connection with work experience
7103 and career exploration programs operated in accordance with the rules of the State Board of
7104 Education.

7105 Section 230. Section **53G-7-903**, which is renumbered from Section 53A-29-103 is
7106 renumbered and amended to read:

7107 ~~[53A-29-103]~~. **53G-7-903. Interns -- Workers' compensation medical
7108 benefits.**

7109 (1) An intern participating in an internship under Section [~~53A-29-102~~] 53G-7-902 is
7110 considered to be a volunteer government worker of the sponsoring public school, or an
7111 employee of the sponsoring private school, solely for purposes of receiving workers'
7112 compensation medical benefits.

7113 (2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy
7114 against the school and the cooperating employer for all injuries and occupational diseases as
7115 provided under Title 34A, Chapters 2, Workers' Compensation Act, and Chapter 3, Utah
7116 Occupational Disease Act.

7117 Section 231. Section **53G-7-904**, which is renumbered from Section 53A-29-104 is
7118 renumbered and amended to read:

7119 ~~[53A-29-104]~~. **53G-7-904. Internship programs -- Criminal background**
7120 **checks.**

7121 Officers and employees of a cooperating employer who will be given significant
7122 unsupervised access to a student in connection with the student's activities as an intern shall be
7123 considered to be a volunteer for purposes of criminal background checks under Section
7124 ~~[53A-15-1503]~~ 53G-11-402.

7125 Section 232. Section **53G-7-905**, which is renumbered from Section 53A-29-105 is
7126 renumbered and amended to read:

7127 ~~[53A-29-105]~~. **53G-7-905. Recognition of participation in internship**
7128 **program.**

7129 A cooperating employer may be given appropriate recognition by a school, including
7130 the posting of the employer's name and a short description of the employer's business in an
7131 appropriate location on school property, or publication of that information in official
7132 publications of the school or school district.

7133 Section 233. Section **53G-7-1001** is enacted to read:

7134 **Part 10. Internet Policy**

7135 **53G-7-1001. Definitions.**

7136 Reserved

7137 Section 234. Section **53G-7-1002**, which is renumbered from Section 53A-3-422 is
7138 renumbered and amended to read:

7139 ~~[53A-3-422]~~. **53G-7-1002. Internet and online access policy required.**

7140 State funds may not be provided to any local school board that provides access to the
7141 Internet or an online service unless the local school board adopts and enforces a policy to
7142 restrict access to Internet or online sites that contain obscene material.

7143 Section 235. Section **53G-7-1003**, which is renumbered from Section 53A-3-423 is
7144 renumbered and amended to read:

7145 ~~[53A-3-423]~~. **53G-7-1003. Process and content standards for policy.**

7146 (1) "Policy" as used in this section means the elementary and secondary school online
7147 access policy adopted by a local school board to meet the requirements of Section ~~[53A-3-422]~~
7148 53G-7-1002.

7149 (2) (a) Each policy shall be developed under the direction of the local school board,
7150 adopted in an open meeting, and have an effective date. The local school board shall review
7151 the policy at least every three years, and a footnote shall be added to the policy indicating the
7152 effective date of the last review.

7153 (b) Notice of the availability of the policy shall be posted in a conspicuous place within
7154 each school. The local school board may issue any other public notice it considers appropriate.

7155 (3) The policy shall:

7156 (a) state that it restricts access to Internet or online sites that contain obscene material
7157 and shall state how the local school board intends to meet the requirements of Section
7158 ~~[53A-3-422]~~ 53G-7-1002;

7159 (b) inform the public that administrative procedures and guidelines for the staff to
7160 follow in enforcing the policy have been adopted and are available for review at the school; and

7161 (c) inform the public that procedures to handle complaints about the policy, its
7162 enforcement, or about observed behavior have been adopted and are available for review at the
7163 school.

7164 Section 236. Section **53G-7-1004**, which is renumbered from Section 53A-3-424 is
7165 renumbered and amended to read:

7166 ~~[53A-3-424]~~. **53G-7-1004. Rulemaking -- Reporting.**

7167 The State Board of Education may make rules in accordance with Title 63G, Chapter 3,
7168 Utah Administrative Rulemaking Act, regarding compliance standards and reporting
7169 requirements for local school boards with respect to the policy required by Section
7170 ~~[53A-3-422]~~ 53G-7-1002.

7171 Section 237. Section **53G-7-1101**, which is renumbered from Section 53A-1-1601 is
7172 renumbered and amended to read:

7173 **Part 11. Public School Membership in Associations**

7174 ~~[53A-1-1601]~~. 53G-7-1101. Definitions.

7175 As used in this part:

7176 (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of
7177 assigning a public school a classification or region.

7178 (2) "Appeals panel" means the appeals panel created in Section ~~[53A-1-1606]~~
7179 53G-7-1106.

7180 (3) (a) "Association" means an organization that governs or regulates a student's
7181 participation in an athletic interscholastic activity.

7182 (b) "Association" does not include an institution of higher education described in
7183 Section 53B-1-102.

7184 (4) "Classification" means the designation of a school based on the size of the school's
7185 student enrollment population for purposes of interscholastic activities.

7186 (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated
7187 or governed by an association.

7188 (6) "Governing body" means a body within an association that:

7189 (a) is responsible for:

7190 (i) adopting rules or policies that govern interscholastic activities or the administration
7191 of the association;

7192 (ii) adopting or amending the association's governing document or bylaws;

7193 (iii) enforcing the rules and policies of the association; and

7194 (iv) adopting the association's budget; and

7195 (b) has oversight of other boards, committees, councils, or bodies within the
7196 association.

7197 (7) "Interscholastic activity" means an activity within the state in which:

7198 (a) a student that participates represents the student's school in the activity; and

7199 (b) the participating student is enrolled in grade 9, 10, 11, or 12.

7200 (8) "Public hearing" means a hearing at which members of the public are provided a
7201 reasonable opportunity to comment on the subject of the hearing.

7202 (9) "Region" means a grouping of schools of the same classification for purposes of
7203 interscholastic activities.

7204 Section 238. Section **53G-7-1102**, which is renumbered from Section 53A-1-1602 is

7205 renumbered and amended to read:

7206 ~~[53A-1-1602]~~. 53G-7-1102. **Public schools prohibited from membership.**

7207 (1) A public school may not be a member of or pay dues to an association that is not in
7208 compliance on or after July 1, 2017, with:

7209 (a) this part;

7210 (b) Title 52, Chapter 4, Open and Public Meetings Act;

7211 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

7212 (d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

7213 (2) Unless otherwise specified, an association's compliance with or an association
7214 employee or officer's compliance with the provisions described in Subsection (1) does not alter:

7215 (a) the association's public or private status; or

7216 (b) the public or private employment status of the employee or officer.

7217 Section 239. Section 53G-7-1103, which is renumbered from Section 53A-1-1603 is
7218 renumbered and amended to read:

7219 ~~[53A-1-1603]~~. 53G-7-1103. **Governing body membership.**

7220 (1) (a) A governing body shall have 15 members as follows:

7221 (i) six members who:

7222 (A) are each an elected member of a local school board; and

7223 (B) each represent a different classification;

7224 (ii) (A) one school superintendent representing the two largest classifications;

7225 (B) one school superintendent representing the two classifications that are next in
7226 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A);
7227 and

7228 (C) one school superintendent representing the two classifications that are next in
7229 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);

7230 (iii) (A) one school principal representing the two largest classifications;

7231 (B) one school principal representing the two classifications that are next in
7232 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A);
7233 and

7234 (C) one school principal representing the two classifications that are next in
7235 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);

- 7236 (iv) one representative of charter schools;
 7237 (v) one representative of private schools, if private schools are members of or regulated
 7238 by the association; and
 7239 (vi) one member representing the State Board of Education.

7240 (b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be
 7241 elected or appointed by or represent charter or private schools on the governing body.

7242 (2) (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected,
 7243 appointed, or otherwise selected in accordance with association rule or policy to the extent the
 7244 selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).

7245 (b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of
 7246 the State Board of Education or the chair's designee if the designee is an elected member of the
 7247 State Board of Education.

7248 Section 240. Section **53G-7-1104**, which is renumbered from Section 53A-1-1604 is
 7249 renumbered and amended to read:

7250 ~~[53A-1-1604]~~. **53G-7-1104. Reporting requirements.**

7251 An association shall provide a verbal report, accompanied by a written report, annually
 7252 to the State Board of Education, including:

7253 (1) the association's annual budget in accordance with Section ~~[53A-1-1605]~~
 7254 53G-7-1105;

7255 (2) a schedule of events scheduled or facilitated by the association;

7256 (3) procedures for alignment or realignment;

7257 (4) any amendments or changes to the association's governing document or bylaws; and

7258 (5) any other information requested by the State Board of Education.

7259 Section 241. Section **53G-7-1105**, which is renumbered from Section 53A-1-1605 is
 7260 renumbered and amended to read:

7261 ~~[53A-1-1605]~~. **53G-7-1105. Association budgets.**

7262 (1) An association shall:

7263 (a) adopt a budget in accordance with this section; and

7264 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall
 7265 be in accordance with generally accepted accounting principles or auditing standards.

7266 (2) An association budget officer or executive director shall annually prepare a

7267 tentative budget, with supporting documentation, to be submitted to the governing body.

7268 (3) The tentative budget and supporting documents shall include the following items:

7269 (a) the revenues and expenditures of the preceding fiscal year;

7270 (b) the estimated revenues and expenditures of the current fiscal year;

7271 (c) a detailed estimate of the essential expenditures for all purposes for the next

7272 succeeding fiscal year; and

7273 (d) the estimated financial condition of the association by funds at the close of the

7274 current fiscal year.

7275 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,

7276 before the date of the tentative budget's proposed adoption by the governing body.

7277 (5) The governing body shall adopt a budget.

7278 (6) Before the adoption or amendment of a budget, the governing body shall hold a

7279 public hearing on the proposed budget or budget amendment.

7280 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings

7281 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the

7282 public hearing, a governing body shall:

7283 (i) publish a notice of the public hearing electronically in accordance with Section

7284 63F-1-701; and

7285 (ii) post the proposed budget on the association's Internet website.

7286 (b) A notice of a public hearing on an association's proposed budget shall include

7287 information on how the public may access the proposed budget as provided in Subsection

7288 (7)(a).

7289 (8) No later than September 30 of each year, the governing body shall file a copy of the

7290 adopted budget with the state auditor and the State Board of Education.

7291 Section 242. Section **53G-7-1106**, which is renumbered from Section 53A-1-1606 is

7292 renumbered and amended to read:

7293 **~~[53A-1-1606].~~ 53G-7-1106. Procedures for disputes -- Appeals -- Appeals**

7294 **panel -- Compensation.**

7295 (1) (a) An association shall establish a uniform procedure for hearing and deciding:

7296 (i) disputes;

7297 (ii) allegations of violations of the association's rules or policies;

- 7298 (iii) requests to establish eligibility after a student transfers schools; and
7299 (iv) disputes related to alignment or realignment.
- 7300 (b) An individual may appeal to an appeals panel established in this section an
7301 association decision regarding a request to establish eligibility after a student transfers schools.
- 7302 (2) (a) There is established an appeals panel for an association decision described in
7303 Subsection (1)(b).
- 7304 (b) The appeals panel shall consist of the following three members:
- 7305 (i) a judge or attorney who is not employed by, or contracts with, a school;
7306 (ii) a retired educator, principal, or superintendent; and
7307 (iii) a retired athletic director or coach.
- 7308 (c) A review and decision by the appeals panel is limited to whether the association
7309 properly followed the association's rules and procedures in regard to a decision described in
7310 Subsection (1)(b).
- 7311 (d) (i) An association shall adopt policies for filing an appeal with the appeals panel.
7312 (ii) The appeals panel shall review an appeal and issue a written decision explaining
7313 the appeals panel's decision no later than 10 business days after an appeal is filed.
- 7314 (e) The appeals panel's decision is final.
- 7315 (3) (a) The State Board of Education shall appoint the members of the appeals panel
7316 described in Subsection (2):
- 7317 (i) from the association's nominations described in Subsection (3)(b); and
7318 (ii) in accordance with the State Board of Education's appointment process.
- 7319 (b) (i) The association shall nominate up to three individuals for each position
7320 described in Subsection (2) for the State Board of Education's consideration.
7321 (ii) If the State Board of Education refuses to appoint members to the panel who were
7322 nominated by the association as described in Subsection (3)(b)(i), the State Board of Education
7323 shall request additional nominations from the association.
- 7324 (iii) No later than 45 days after the association provides the nominations, the State
7325 Board of Education shall appoint to the appeals panel an individual from the names provided
7326 by the association.
- 7327 (c) For the initial membership, the State Board of Education shall appoint two of the
7328 positions having an initial term of three years and one position having an initial term of two

7329 years.

7330 (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire,
7331 the State Board of Education shall appoint each new member or reappointed member to a
7332 two-year term.

7333 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
7334 appointed for the unexpired term.

7335 (4) The State Board of Education shall reimburse an association for per diem and travel
7336 expenses of members of the appeals panel.

7337 Section 243. Section **53G-7-1201** is enacted to read:

7338 **Part 12. School Community Councils and Charter Trust Land Councils**

7339 **53G-7-1201. Definitions.**

7340 Reserved

7341 Section 244. Section **53G-7-1202**, which is renumbered from Section 53A-1a-108 is
7342 renumbered and amended to read:

7343 ~~[53A-1a-108].~~ **53G-7-1202. School community councils -- Duties --**

7344 **Composition -- Election procedures and selection of members.**

7345 (1) As used in this section:

7346 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy
7347 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

7348 (b) "District school" means a public school under the control of a local school board
7349 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
7350 Boards.

7351 (c) "Educator" means the same as that term is defined in Section ~~[53A-6-103]~~
7352 53E-6-102.

7353 (d) (i) "Parent or guardian member" means a member of a school community council
7354 who is a parent or guardian of a student who:

7355 (A) is attending the school; or

7356 (B) will be enrolled at the school during the parent's or guardian's term of office.

7357 (ii) "Parent or guardian member" may not include an educator who is employed at the
7358 school.

7359 (e) "School community council" means a council established at a district school in

7360 accordance with this section.

7361 (f) "School employee member" means a member of a school community council who is
7362 a person employed at the school by the school or school district, including the principal.

7363 (g) "School LAND Trust Program money" means money allocated to a school pursuant
7364 to Section [~~53A-16-101.5~~] 53F-2-404.

7365 (2) A district school, in consultation with the district school's local school board, shall
7366 establish a school community council at the school building level for the purpose of:

7367 (a) involving parents or guardians of students in decision making at the school level;

7368 (b) improving the education of students;

7369 (c) prudently expending School LAND Trust Program money for the improvement of
7370 students' education through collaboration among parents and guardians, school employees, and
7371 the local school board; and

7372 (d) increasing public awareness of:

7373 (i) school trust lands and related land policies;

7374 (ii) management of the State School Fund established in Utah Constitution Article X,
7375 Section V; and

7376 (iii) educational excellence.

7377 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:

7378 (i) create a school improvement plan in accordance with Section [~~53A-1a-108.5~~]
7379 53G-7-1204;

7380 (ii) create the School LAND Trust Program in accordance with Section [~~53A-16-101.5~~]
7381 53F-2-404;

7382 (iii) advise and make recommendations to school and school district administrators and
7383 the local school board regarding:

7384 (A) the school and its programs;

7385 (B) school district programs;

7386 (C) a child access routing plan in accordance with Section [~~53A-3-402~~] 53G-4-402;

7387 (D) safe technology utilization and digital citizenship; and

7388 (E) other issues relating to the community environment for students;

7389 (iv) provide for education and awareness on safe technology utilization and digital
7390 citizenship that empowers:

- 7391 (A) a student to make smart media and online choices; and
- 7392 (B) a parent or guardian to know how to discuss safe technology use with the parent's
7393 or guardian's child; and
- 7394 (v) partner with the school's principal and other administrators to ensure that adequate
7395 on and off campus Internet filtering is installed and consistently configured to prevent viewing
7396 of harmful content by students and school personnel, in accordance with local school board
7397 policy and Subsection [~~53A-1-706~~] 53G-7-216(3).
- 7398 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
7399 and (v), a school community council may:
- 7400 (i) partner with one or more non-profit organizations; or
- 7401 (ii) create a subcommittee.
- 7402 (c) A school or school district administrator may not prohibit or discourage a school
7403 community council from discussing issues, or offering advice or recommendations, regarding
7404 the school and its programs, school district programs, the curriculum, or the community
7405 environment for students.
- 7406 (4) (a) Each school community council shall consist of school employee members and
7407 parent or guardian members in accordance with this section.
- 7408 (b) Except as provided in Subsection (4)(c) or (d):
- 7409 (i) each school community council for a high school shall have six parent or guardian
7410 members and four school employee members, including the principal; and
- 7411 (ii) each school community council for a school other than a high school shall have
7412 four parent or guardian members and two school employee members, including the principal.
- 7413 (c) A school community council may determine the size of the school community
7414 council by a majority vote of a quorum of the school community council provided that:
- 7415 (i) the membership includes two or more parent or guardian members than the number
7416 of school employee members; and
- 7417 (ii) there are at least two school employee members on the school community council.
- 7418 (d) (i) The number of parent or guardian members of a school community council who
7419 are not educators employed by the school district shall exceed the number of parent or guardian
7420 members who are educators employed by the school district.
- 7421 (ii) If, after an election, the number of parent or guardian members who are not

7422 educators employed by the school district does not exceed the number of parent or guardian
7423 members who are educators employed by the school district, the parent or guardian members of
7424 the school community council shall appoint one or more parent or guardian members to the
7425 school community council so that the number of parent or guardian members who are not
7426 educators employed by the school district exceeds the number of parent or guardian members
7427 who are educators employed by the school district.

7428 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than
7429 the principal, shall be elected by secret ballot by a majority vote of the school employees and
7430 serve a two-year term. The principal shall serve as an ex officio member with full voting
7431 privileges.

7432 (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be
7433 elected by secret ballot at an election held at the school by a majority vote of those voting at the
7434 election and serve a two-year term.

7435 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a
7436 student attending the school may vote in, or run as a candidate in, the election under Subsection
7437 (5)(b)(i).

7438 (B) If an election is held in the spring, a parent or guardian of a student who will be
7439 attending the school the following school year may vote in, and run as a candidate in, the
7440 election under Subsection (5)(b)(i).

7441 (iii) Any parent or guardian of a student who meets the qualifications of this section
7442 may file or declare the parent's or guardian's candidacy for election to a school community
7443 council.

7444 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
7445 election of parent or guardian members of a school community council shall be established by
7446 a local school board for the schools within the school district.

7447 (B) An election for the parent or guardian members of a school community council
7448 shall be held near the beginning of the school year or held in the spring and completed before
7449 the last week of school.

7450 (C) Each school shall establish a time period for the election of parent or guardian
7451 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
7452 least a four-year period.

7453 (c) (i) At least 10 days before the date that voting commences for the elections held
7454 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,
7455 shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,
7456 and run as a candidate in, an election under this Subsection (5).

7457 (ii) The notice shall include:

7458 (A) the dates and times of the elections;

7459 (B) a list of council positions that are up for election; and

7460 (C) instructions for becoming a candidate for a community council position.

7461 (iii) The principal of the school, or the principal's designee, shall oversee the elections
7462 held under Subsections (5)(a) and (5)(b).

7463 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
7464 secure ballot box.

7465 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
7466 available to the public upon request.

7467 (e) (i) If a parent or guardian position on a school community council remains unfilled
7468 after an election is held, the other parent or guardian members of the council shall appoint a
7469 parent or guardian who meets the qualifications of this section to fill the position.

7470 (ii) If a school employee position on a school community council remains unfilled after
7471 an election is held, the other school employee members of the council shall appoint a school
7472 employee to fill the position.

7473 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
7474 (ii) shall serve a two-year term.

7475 (f) (i) If the number of candidates who file for a parent or guardian position or school
7476 employee position on a school community council is less than or equal to the number of open
7477 positions, an election is not required.

7478 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
7479 position remains unfilled, the other parent or guardian members of the council shall appoint a
7480 parent or guardian who meets the qualifications of this section to fill the position.

7481 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
7482 position remains unfilled, the other school employee members of the council shall appoint a
7483 school employee who meets the qualifications of this section to fill the position.

7484 (g) The principal shall enter the names of the council members on the School LAND
7485 Trust website on or before October 20 of each year, pursuant to Section [~~53A-1a-108.1~~]
7486 53G-7-1203.

7487 (h) Terms shall be staggered so that approximately half of the council members stand
7488 for election each year.

7489 (i) A school community council member may serve successive terms provided the
7490 member continues to meet the definition of a parent or guardian member or school employee
7491 member as specified in Subsection (1).

7492 (j) Each school community council shall elect:

7493 (i) a chair from its parent or guardian members; and

7494 (ii) a vice chair from either its parent or guardian members or school employee
7495 members, excluding the principal.

7496 (6) (a) A school community council may create subcommittees or task forces to:

7497 (i) advise or make recommendations to the council; or

7498 (ii) develop all or part of a plan listed in Subsection (3).

7499 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
7500 subject to the approval of the school community council.

7501 (c) A school community council may appoint individuals who are not council members
7502 to serve on a subcommittee or task force, including parents or guardians, school employees, or
7503 other community members.

7504 (7) (a) A majority of the members of a school community council is a quorum for the
7505 transaction of business.

7506 (b) The action of a majority of the members of a quorum is the action of the school
7507 community council.

7508 (8) A local school board shall provide training for a school community council each
7509 year, including training:

7510 (a) for the chair and vice chair about their responsibilities;

7511 (b) on resources available on the School LAND Trust website; and

7512 (c) on the following statutes governing school community councils:

7513 (i) Section [~~53A-1a-108~~] 53G-7-1202;

7514 (ii) Section [~~53A-1a-108.1~~] 53G-7-1203;

7515 (iii) Section [~~53A-1a-108.5~~] 53G-7-1204; and

7516 (iv) Section [~~53A-16-101.5~~] 53F-2-404.

7517 Section 245. Section **53G-7-1203**, which is renumbered from Section 53A-1a-108.1 is
7518 renumbered and amended to read:

7519 **~~[53A-1a-108.1]~~. 53G-7-1203. School community councils -- Open and public**
7520 **meeting requirements.**

7521 (1) As used in this section:

7522 (a) (i) "Charter trust land council" means a council established by a charter school
7523 governing board under Section [~~53A-16-101.5~~] 53F-2-404.

7524 (ii) "Charter trust land council" does not include a charter school governing board
7525 acting as a charter trust land council.

7526 (b) "School community council" means a council established at a school within a
7527 school district under Section [~~53A-1a-108~~] 53G-7-1202.

7528 (c) "Council" means a school community council or a charter trust land council.

7529 (2) A school community council or a charter trust land council:

7530 (a) shall conduct deliberations and take action openly as provided in this section; and

7531 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

7532 (3) (a) As required by Section [~~53A-1a-108~~] 53G-7-1202, a local school board shall
7533 provide training for the members of a school community council on this section.

7534 (b) A charter school governing board shall provide training for the members of a
7535 charter trust land council on this section.

7536 (4) (a) A meeting of a council is open to the public.

7537 (b) A council may not close any portion of a meeting.

7538 (5) A council shall, at least one week prior to a meeting, post the following information
7539 on the school's website:

7540 (a) a notice of the meeting, time, and place;

7541 (b) an agenda for the meeting; and

7542 (c) the minutes of the previous meeting.

7543 (6) (a) On or before October 20, a principal shall post the following information on the
7544 school website and in the school office:

7545 (i) the proposed council meeting schedule for the year;

7546 (ii) a telephone number or email address, or both, where each council member can be
7547 reached directly; and

7548 (iii) a summary of the annual report required under Section [~~53A-16-101.5~~] 53F-2-404
7549 on how the school's School LAND Trust Program money was used to enhance or improve
7550 academic excellence at the school and implement a component of the school's improvement
7551 plan.

7552 (b) (i) A council shall identify and use methods of providing the information listed in
7553 Subsection (6)(a) to a parent or guardian who does not have Internet access.

7554 (ii) Money allocated to a school under the School LAND Trust Program created in
7555 Section [~~53A-16-101.5~~] 53F-2-404 may not be used to provide information as required by
7556 Subsection (6)(b)(i).

7557 (7) (a) The notice requirement of Subsection (5) may be disregarded if:

7558 (i) because of unforeseen circumstances it is necessary for a council to hold an
7559 emergency meeting to consider matters of an emergency or urgent nature; and

7560 (ii) the council gives the best notice practicable of:

7561 (A) the time and place of the emergency meeting; and

7562 (B) the topics to be considered at the emergency meeting.

7563 (b) An emergency meeting of a council may not be held unless:

7564 (i) an attempt has been made to notify all the members of the council; and

7565 (ii) a majority of the members of the council approve the meeting.

7566 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
7567 to notify the public as to the topics to be considered at the meeting.

7568 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
7569 the meeting agenda.

7570 (c) A council may not take final action on a topic in a meeting unless the topic is:

7571 (i) listed under an agenda item as required by Subsection (8)(b); and

7572 (ii) included with the advance public notice required by Subsection (5).

7573 (9) (a) Written minutes shall be kept of a council meeting.

7574 (b) Written minutes of a council meeting shall include:

7575 (i) the date, time, and place of the meeting;

7576 (ii) the names of members present and absent;

- 7577 (iii) a brief statement of the matters proposed, discussed, or decided;
- 7578 (iv) a record, by individual member, of each vote taken;
- 7579 (v) the name of each person who:
- 7580 (A) is not a member of the council; and
- 7581 (B) after being recognized by the chair, provided testimony or comments to the
- 7582 council;
- 7583 (vi) the substance, in brief, of the testimony or comments provided by the public under
- 7584 Subsection (9)(b)(v); and
- 7585 (vii) any other information that is a record of the proceedings of the meeting that any
- 7586 member requests be entered in the minutes.
- 7587 (c) The written minutes of a council meeting:
- 7588 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
- 7589 Management Act; and
- 7590 (ii) shall be retained for three years.
- 7591 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of
- 7592 rules that govern and prescribe in a public meeting:
- 7593 (i) parliamentary order and procedure;
- 7594 (ii) ethical behavior; and
- 7595 (iii) civil discourse.
- 7596 (b) A council shall:
- 7597 (i) adopt rules of order and procedure to govern a public meeting of the council;
- 7598 (ii) conduct a public meeting in accordance with the rules of order and procedure
- 7599 described in Subsection (10)(b)(i); and
- 7600 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
- 7601 to the public:
- 7602 (A) at each public meeting of the council; and
- 7603 (B) on the school's website.
- 7604 Section 246. Section **53G-7-1204**, which is renumbered from Section 53A-1a-108.5 is
- 7605 renumbered and amended to read:
- 7606 **~~53A-1a-108.5~~. 53G-7-1204. School improvement plan.**
- 7607 (1) (a) A school community council established under Section ~~[53A-1a-108]~~

7608 53G-7-1202 shall annually evaluate, with the school's principal, the school's statewide
7609 achievement test results, reading achievement plan, class size reduction needs, and technology
7610 needs, and use the evaluations in developing a school improvement plan to improve teaching
7611 and learning conditions.

7612 (b) In evaluating statewide achievement test results and developing a school
7613 improvement plan, a school community council may not have access to data that reveal the
7614 identity of students.

7615 (2) A school community council shall develop a school improvement plan that:

7616 (a) identifies the school's most critical academic needs;

7617 (b) recommends a course of action to meet the identified needs;

7618 (c) lists any programs, practices, materials, or equipment that the school will need to
7619 implement its action plan to have a direct impact on the instruction of students and result in
7620 measurable increased student performance;

7621 (d) describes how the school intends to enhance or improve academic achievement,
7622 including how financial resources available to the school, such as School LAND Trust Program
7623 money received under Section [~~53A-16-101.5~~] 53F-2-404 and state and federal grants, will be
7624 used to enhance or improve academic achievement; and

7625 (e) if the school community council represents a school that educates students in
7626 kindergarten, grade 1, grade 2, or grade 3, includes a reading achievement plan as described in
7627 Section [~~53A-1-606.5~~] 53E-4-306.

7628 (3) Although a school improvement plan focuses on the school's most critical academic
7629 needs, the school improvement plan may include other actions to enhance or improve academic
7630 achievement and the community environment for students.

7631 (4) The school principal shall make available to the school community council the
7632 school budget and other data needed to develop the school improvement plan.

7633 (5) The school improvement plan is subject to the approval of the local school board of
7634 the school district in which the school is located.

7635 (6) A school community council may develop a multiyear school improvement plan,
7636 but the multiyear school improvement plan must be presented to and approved annually by the
7637 local school board.

7638 (7) Each school shall:

7639 (a) implement the school improvement plan as developed by the school community
7640 council and approved by the local school board;

7641 (b) provide ongoing support for the council's school improvement plan; and

7642 (c) meet local school board reporting requirements regarding performance and
7643 accountability.

7644 (8) The school community council of a low performing school, as defined in Section
7645 [~~53A-1-1202~~] 53E-5-301, shall develop a school improvement plan that is consistent with the
7646 school turnaround plan developed by the school turnaround committee under [~~Chapter 1, Part~~
7647 ~~12~~] Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [~~Act~~].

7648 Section 247. Section **53G-8-101** is enacted to read:

CHAPTER 8. DISCIPLINE AND SAFETY

Part 1. General Provisions

7651 **53G-8-101. Title.**

7652 This chapter is known as "Discipline and Safety."

7653 Section 248. Section **53G-8-102** is enacted to read:

7654 **53G-8-102. Definitions.**

7655 Reserved

7656 Section 249. Section **53G-8-201** is enacted to read:

Part 2. School Discipline and Conduct Plans

7658 **53G-8-201. Definitions.**

7659 Reserved

7660 Section 250. Section **53G-8-202**, which is renumbered from Section 53A-11-901 is
7661 renumbered and amended to read:

7662 [~~53A-11-901~~]. **53G-8-202. Public school discipline policies -- Basis of the**
7663 **policies -- Enforcement.**

7664 (1) The Legislature recognizes that every student in the public schools should have the
7665 opportunity to learn in an environment which is safe, conducive to the learning process, and
7666 free from unnecessary disruption.

7667 (2) (a) To foster such an environment, each local school board or governing board of a
7668 charter school, with input from school employees, parents and guardians of students, students,
7669 and the community at large, shall adopt conduct and discipline policies for the public schools

7670 in accordance with Section ~~[53A-11-911]~~ 53G-8-211.

7671 (b) A district or charter school shall base its policies on the principle that every student
7672 is expected:

7673 (i) to follow accepted rules of conduct; and

7674 (ii) to show respect for other people and to obey persons in authority at the school.

7675 (c) (i) On or before September 1, 2015, the State Board of Education shall revise the
7676 conduct and discipline policy models for elementary and secondary public schools to include
7677 procedures for responding to reports received through the School Safety and Crisis Line under
7678 Subsection ~~[53A-11-1503]~~ 53E-10-502(3).

7679 (ii) Each district or charter school shall use the models, where appropriate, in
7680 developing its conduct and discipline policies under this chapter.

7681 (d) The policies shall emphasize that certain behavior, most particularly behavior
7682 which disrupts, is unacceptable and may result in disciplinary action.

7683 (3) The local superintendent and designated employees of the district or charter school
7684 shall enforce the policies so that students demonstrating unacceptable behavior and their
7685 parents or guardians understand that such behavior will not be tolerated and will be dealt with
7686 in accordance with the district's conduct and discipline policies.

7687 Section 251. Section **53G-8-203**, which is renumbered from Section 53A-11-902 is
7688 renumbered and amended to read:

7689 ~~[53A-11-902]~~. **53G-8-203. Conduct and discipline policies and procedures.**

7690 (1) The conduct and discipline policies required under Section ~~[53A-11-901]~~
7691 53G-8-202 shall include:

7692 ~~[(1)]~~ (a) provisions governing student conduct, safety, and welfare;

7693 ~~[(2)]~~ (b) standards and procedures for dealing with students who cause disruption in the
7694 classroom, on school grounds, on school vehicles, or in connection with school-related
7695 activities or events;

7696 ~~[(3)]~~ (c) procedures for the development of remedial discipline plans for students who
7697 cause a disruption at any of the places referred to in Subsection ~~[(2)]~~ (1)(b);

7698 ~~[(4)]~~ (d) procedures for the use of reasonable and necessary physical restraint in
7699 dealing with students posing a danger to themselves or others, consistent with Section
7700 ~~[53A-11-802]~~ 53G-8-302;

7701 ~~[(5)]~~ (e) standards and procedures for dealing with student conduct in locations other
 7702 than those referred to in Subsection ~~[(2)]~~ (1)(b), if the conduct threatens harm or does harm to:
 7703 ~~[(a)]~~ (i) the school;
 7704 ~~[(b)]~~ (ii) school property;
 7705 ~~[(c)]~~ (iii) a person associated with the school; or
 7706 ~~[(d)]~~ (iv) property associated with a person described in Subsection ~~[(5)(c)]~~ (1)(e)(iii);
 7707 ~~[(f)]~~ (f) procedures for the imposition of disciplinary sanctions, including suspension
 7708 and expulsion;

7709 ~~[(7)]~~ (g) specific provisions, consistent with Section ~~[53A-15-603]~~ 53E-3-509, for
 7710 preventing and responding to gang-related activities in the school, on school grounds, on
 7711 school vehicles, or in connection with school-related activities or events;

7712 ~~[(8)]~~ (h) standards and procedures for dealing with habitual disruptive or unsafe
 7713 student behavior in accordance with the provisions of this part; and

7714 ~~[(9)]~~ (i) procedures for responding to reports received through the School Safety and
 7715 Crisis Line under Subsection ~~[53A-11-1503]~~ 53E-10-502(3).

7716 (2) (a) Each local school board shall establish a policy on detaining students after
 7717 regular school hours as a part of the districtwide discipline plan required under Section
 7718 53G-8-202.

7719 (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school
 7720 students, grades kindergarten through six.

7721 (ii) The board shall receive input from teachers, school administrators, and parents and
 7722 guardians of the affected students before adopting the policy.

7723 (c) The policy described in Subsection (2)(a) shall provide for:

7724 (i) notice to the parent or guardian of a student prior to holding the student after school
 7725 on a particular day; and

7726 (ii) exceptions to the notice provision if detention is necessary for the student's health
 7727 or safety.

7728 Section 252. Section **53G-8-204**, which is renumbered from Section 53A-11-903 is
 7729 renumbered and amended to read:

7730 ~~[53A-11-903]~~. **53G-8-204. Suspension and expulsion procedures -- Notice to**
 7731 **parents -- Distribution of policies.**

7732 (1) (a) Policies required under this part shall include written procedures for the
7733 suspension and expulsion of, or denial of admission to, a student, consistent with due process
7734 and other provisions of law.

7735 (b) (i) The policies required in Subsection (1)(a) shall include a procedure directing
7736 public schools to notify the custodial parent and, if requested in writing by a noncustodial
7737 parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a
7738 student.

7739 (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would
7740 disclose any information protected under a court order.

7741 (iii) The custodial parent is responsible for providing to the school a certified copy of
7742 the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school
7743 board or the governing board of a charter school.

7744 (2) (a) Each local school board or governing board of a charter school shall provide for
7745 the distribution of a copy of a school's discipline and conduct policy to each student upon
7746 enrollment in the school.

7747 (b) A copy of the policy shall be posted in a prominent location in each school.

7748 (c) Any significant change in a school's conduct and discipline policy shall be
7749 distributed to students in the school and posted in the school in a prominent location.

7750 Section 253. Section **53G-8-205**, which is renumbered from Section 53A-11-904 is
7751 renumbered and amended to read:

7752 ~~[53A-11-904].~~ **53G-8-205. Grounds for suspension or expulsion from a**
7753 **public school.**

7754 (1) A student may be suspended or expelled from a public school for any of the
7755 following reasons:

7756 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive
7757 behavior, including the use of foul, profane, vulgar, or abusive language;

7758 (b) willful destruction or defacing of school property;

7759 (c) behavior or threatened behavior which poses an immediate and significant threat to
7760 the welfare, safety, or morals of other students or school personnel or to the operation of the
7761 school;

7762 (d) possession, control, or use of an alcoholic beverage as defined in Section

7763 32B-1-102;

7764 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
7765 school or school property, to a person associated with the school, or property associated with
7766 that person, regardless of where it occurs; or

7767 (f) possession or use of pornographic material on school property.

7768 (2) (a) A student shall be suspended or expelled from a public school for any of the
7769 following reasons:

7770 (i) any serious violation affecting another student or a staff member, or any serious
7771 violation occurring in a school building, in or on school property, or in conjunction with any
7772 school activity, including:

7773 (A) the possession, control, or actual or threatened use of a real weapon, explosive, or
7774 noxious or flammable material;

7775 (B) the actual or threatened use of a look alike weapon with intent to intimidate another
7776 person or to disrupt normal school activities; or

7777 (C) the sale, control, or distribution of a drug or controlled substance as defined in
7778 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug
7779 paraphernalia as defined in Section 58-37a-3; or

7780 (ii) the commission of an act involving the use of force or the threatened use of force
7781 which if committed by an adult would be a felony or class A misdemeanor.

7782 (b) A student who commits a violation of Subsection (2)(a) involving a real or look
7783 alike weapon, explosive, or flammable material shall be expelled from school for a period of
7784 not less than one year subject to the following:

7785 (i) within 45 days after the expulsion the student shall appear before the student's local
7786 school board superintendent, the superintendent's designee, chief administrative officer of a
7787 charter school, or the chief administrative officer's designee, accompanied by a parent or legal
7788 guardian; and

7789 (ii) the superintendent, chief administrator, or designee shall determine:

7790 (A) what conditions must be met by the student and the student's parent for the student
7791 to return to school;

7792 (B) if the student should be placed on probation in a regular or alternative school
7793 setting consistent with Section [~~53A-11-907~~] 53G-8-208, and what conditions must be met by

7794 the student in order to ensure the safety of students and faculty at the school the student is
7795 placed in; and

7796 (C) if it would be in the best interest of both the school district or charter school, and
7797 the student, to modify the expulsion term to less than a year, conditioned on approval by the
7798 local school board or governing board of a charter school and giving highest priority to
7799 providing a safe school environment for all students.

7800 (3) A student may be denied admission to a public school on the basis of having been
7801 expelled from that or any other school during the preceding 12 months.

7802 (4) A suspension or expulsion under this section is not subject to the age limitations
7803 under Subsection [~~53A-11-102~~] 53G-6-204(1).

7804 (5) Each local school board and governing board of a charter school shall prepare an
7805 annual report for the State Board of Education on:

7806 (a) each violation committed under this section; and

7807 (b) each action taken by the school district against a student who committed the
7808 violation.

7809 Section 254. Section **53G-8-206**, which is renumbered from Section 53A-11-905 is
7810 renumbered and amended to read:

7811 ~~[53A-11-905]~~. **53G-8-206**. **Delegation of authority to suspend or expel a**
7812 **student -- Procedure for suspension -- Readmission.**

7813 (1) (a) A local board of education may delegate to any school principal or assistant
7814 principal within the school district the power to suspend a student in the principal's school for
7815 up to 10 school days.

7816 (b) A governing board of a charter school may delegate to the chief administrative
7817 officer of the charter school the power to suspend a student in the charter school for up to 10
7818 school days.

7819 (2) The board may suspend a student for up to one school year or delegate that power
7820 to the district superintendent, the superintendent's designee, or chief administrative officer of a
7821 charter school.

7822 (3) The board may expel a student for a fixed or indefinite period, provided that the
7823 expulsion shall be reviewed by the district superintendent or the superintendent's designee and
7824 the conclusions reported to the board, at least once each year.

7825 (4) If a student is suspended, a designated school official shall notify the parent or
7826 guardian of the student of the following without delay:

7827 (a) that the student has been suspended;

7828 (b) the grounds for the suspension;

7829 (c) the period of time for which the student is suspended; and

7830 (d) the time and place for the parent or guardian to meet with a designated school
7831 official to review the suspension.

7832 (5) (a) A suspended student shall immediately leave the school building and the school
7833 grounds following a determination by the school of the best way to transfer custody of the
7834 student to the parent or guardian or other person authorized by the parent or applicable law to
7835 accept custody of the student.

7836 (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be
7837 readmitted to a public school until:

7838 (i) the student and the parent or guardian have met with a designated school official to
7839 review the suspension and agreed upon a plan to avoid recurrence of the problem; or

7840 (ii) in the discretion of the principal or chief administrative officer of a charter school,
7841 the parent or guardian of the suspended student and the student have agreed to participate in
7842 such a meeting.

7843 (c) A suspension may not extend beyond 10 school days unless the student and the
7844 student's parent or guardian have been given a reasonable opportunity to meet with a
7845 designated school official and respond to the allegations and proposed disciplinary action.

7846 Section 255. Section **53G-8-207**, which is renumbered from Section 53A-11-906 is
7847 renumbered and amended to read:

7848 ~~[53A-11-906]~~. **53G-8-207**. **Alternatives to suspension or expulsion.**

7849 (1) Each local school board or governing board of a charter school shall establish:

7850 (a) policies providing that prior to suspending or expelling a student for repeated acts
7851 of willful disobedience, defiance of authority, or disruptive behavior which are not of such a
7852 violent or extreme nature that immediate removal is required, good faith efforts shall be made
7853 to implement a remedial discipline plan that would allow the student to remain in school; and

7854 (b) alternatives to suspension, including policies that allow a student to remain in
7855 school under an in-school suspension program or under a program allowing the parent or

7856 guardian, with the consent of the student's teacher or teachers, to attend class with the student
7857 for a period of time specified by a designated school official.

7858 (2) If the parent or guardian does not agree or fails to attend class with the student, the
7859 student shall be suspended in accordance with the conduct and discipline policies of the district
7860 or the school.

7861 (3) The parent or guardian of a suspended student and the designated school official
7862 may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or
7863 other appropriate state agencies, if necessary, in dealing with the student's suspension.

7864 (4) The state superintendent of public instruction, in cooperation with school districts
7865 and charter schools, shall:

7866 (a) research methods of motivating and providing incentives to students that:

7867 (i) directly and regularly reward or recognize appropriate behavior;

7868 (ii) impose immediate and direct consequences on students who fail to comply with
7869 district or school standards of conduct; and

7870 (iii) keep the students in school, or otherwise continue student learning with
7871 appropriate supervision or accountability;

7872 (b) explore funding resources to implement methods of motivating and providing
7873 incentives to students that meet the criteria specified in Subsection (4)(a);

7874 (c) evaluate the benefits and costs of methods of motivating and providing incentives
7875 to students that meet the criteria specified in Subsection (4)(a);

7876 (d) publish a report that incorporates the research findings, provides model plans with
7877 suggested resource pools, and makes recommendations for local school boards and school
7878 personnel;

7879 (e) submit the report described in Subsection (4)(d) to the Education Interim
7880 Committee; and

7881 (f) maintain data for purposes of accountability, later reporting, and future analysis.

7882 Section 256. Section **53G-8-208**, which is renumbered from Section 53A-11-907 is
7883 renumbered and amended to read:

7884 ~~[53A-11-907]~~. **53G-8-208. Student suspended or expelled -- Responsibility**
7885 **of parent or guardian -- Application for students with disabilities.**

7886 (1) If a student is suspended or expelled from a public school under this part for more

7887 than 10 school days, the parent or guardian is responsible for undertaking an alternative
7888 education plan which will ensure that the student's education continues during the period of
7889 suspension or expulsion.

7890 (2) (a) The parent or guardian shall work with designated school officials to determine
7891 how that responsibility might best be met through private education, an alternative program
7892 offered by or through the district or charter school, or other alternative which will reasonably
7893 meet the educational needs of the student.

7894 (b) The parent or guardian and designated school official may enlist the cooperation of
7895 the Division of Child and Family Services, the juvenile court, or other appropriate state
7896 agencies to meet the student's educational needs.

7897 (3) Costs for educational services which are not provided by the school district or
7898 charter school are the responsibility of the student's parent or guardian.

7899 (4) (a) Each school district or charter school shall maintain a record of all suspended or
7900 expelled students and a notation of the recorded suspension or expulsion shall be attached to
7901 the individual student's transcript.

7902 (b) The district or charter school shall contact the parent or guardian of each suspended
7903 or expelled student under the age of 16 at least once each month to determine the student's
7904 progress.

7905 (5) (a) This part applies to students with disabilities to the extent permissible under
7906 applicable law or regulation.

7907 (b) If application of any requirement of this part to a student with a disability is not
7908 permissible under applicable law or regulation, the responsible school authority shall
7909 implement other actions consistent with the conflicting law or regulation which shall most
7910 closely correspond to the requirements of this part.

7911 Section 257. Section **53G-8-209**, which is renumbered from Section 53A-11-908 is
7912 renumbered and amended to read:

7913 **~~[53A-11-908].~~ 53G-8-209. Extracurricular activities -- Prohibited conduct**
7914 **-- Reporting of violations -- Limitation of liability.**

7915 (1) The Legislature recognizes that:

7916 (a) participation in student government and extracurricular activities may confer
7917 important educational and lifetime benefits upon students, and encourages school districts and

7918 charter schools to provide a variety of opportunities for all students to participate in such
7919 activities in meaningful ways;

7920 (b) there is no constitutional right to participate in these types of activities, and does
7921 not through this section or any other provision of law create such a right;

7922 (c) students who participate in student government and extracurricular activities,
7923 particularly competitive athletics, and the adult coaches, advisors, and assistants who direct
7924 those activities, become role models for others in the school and community;

7925 (d) these individuals often play major roles in establishing standards of acceptable
7926 behavior in the school and community, and establishing and maintaining the reputation of the
7927 school and the level of community confidence and support afforded the school; and

7928 (e) it is of the utmost importance that those involved in student government, whether as
7929 officers or advisors, and those involved in competitive athletics and related activities, whether
7930 students or staff, comply with all applicable laws and rules of behavior and conduct themselves
7931 at all times in a manner befitting their positions and responsibilities.

7932 (2) (a) The State Board of Education may, and local boards of education and governing
7933 boards of charter schools shall, adopt rules implementing this section that apply to both
7934 students and staff.

7935 (b) The rules described in Subsection (2)(a) shall include prohibitions against the
7936 following types of conduct in accordance with Section [~~53A-11-911~~] 53G-8-211, while in the
7937 classroom, on school property, during school sponsored activities, or regardless of the location
7938 or circumstance, affecting a person or property described in Subsections [~~53A-11-902 (5)(a)~~
7939 ~~through (d)~~] 53G-8-203(1)(e)(i) through (iv):

7940 (i) use of foul, abusive, or profane language while engaged in school related activities;

7941 (ii) illicit use, possession, or distribution of controlled substances or drug
7942 paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in
7943 Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and

7944 (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including
7945 behavior involving physical violence, restraint, improper touching, or inappropriate exposure
7946 of body parts not normally exposed in public settings, forced ingestion of any substance, or any
7947 act which would constitute a crime against a person or public order under Utah law.

7948 (3) (a) School employees who reasonably believe that a violation of this section may

7949 have occurred shall immediately report that belief to the school principal, district
7950 superintendent, or chief administrative officer of a charter school.

7951 (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the
7952 alleged incident, and actions taken in response, to the district superintendent or the
7953 superintendent's designee within 10 working days after receipt of the report.

7954 (c) Failure of a person holding a professional certificate to report as required under this
7955 Subsection (3) constitutes an unprofessional practice.

7956 (4) Limitations of liability set forth under Section [~~53A-11-1004~~] 53G-8-405 apply to
7957 this section.

7958 Section 258. Section **53G-8-210**, which is renumbered from Section 53A-11-910 is
7959 renumbered and amended to read:

7960 [~~53A-11-910~~]. **53G-8-210. Disruptive student behavior.**

7961 (1) As used in this section:

7962 (a) "Disruptive student behavior" includes:

7963 (i) the grounds for suspension or expulsion described in Section [~~53A-11-904~~]

7964 53G-8-205; and

7965 (ii) the conduct described in Subsection [~~53A-11-908~~] 53G-8-209(2)(b).

7966 (b) "Parent" includes:

7967 (i) a custodial parent of a school-age minor;

7968 (ii) a legally appointed guardian of a school-age minor; or

7969 (iii) any other person purporting to exercise any authority over the minor which could

7970 be exercised by a person described in Subsection (1)(b)(i) or (ii).

7971 (c) "Qualifying minor" means a school-age minor who:

7972 (i) is at least nine years old; or

7973 (ii) turns nine years old at any time during the school year.

7974 (d) "School year" means the period of time designated by a local school board or local
7975 charter board as the school year for the school where the school-age minor is enrolled.

7976 (2) A local school board, school district, governing board of a charter school, or charter
7977 school may impose administrative penalties in accordance with Section [~~53A-11-911~~]

7978 53G-8-211 on a school-age minor who violates this part.

7979 (3) (a) A local school board or governing board of a charter school shall:

7980 (i) authorize a school administrator or a designee of a school administrator to issue
7981 notices of disruptive student behavior to qualifying minors; and

7982 (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to
7983 contest a notice of disruptive student behavior.

7984 (b) A school representative shall provide to a parent of a school-age minor, a list of
7985 resources available to assist the parent in resolving the school-age minor's disruptive student
7986 behavior problem.

7987 (c) A local school board or governing board of a charter school shall establish
7988 procedures for a school counselor or other designated school representative to work with a
7989 qualifying minor who engages in disruptive student behavior in order to attempt to resolve the
7990 minor's disruptive student behavior problems.

7991 (4) The notice of disruptive student behavior described in Subsection (3)(a):

7992 (a) shall be issued to a qualifying minor who:

7993 (i) engages in disruptive student behavior, that does not result in suspension or
7994 expulsion, three times during the school year; or

7995 (ii) engages in disruptive student behavior, that results in suspension or expulsion, once
7996 during the school year;

7997 (b) shall require that the qualifying minor and a parent of the qualifying minor:

7998 (i) meet with school authorities to discuss the qualifying minor's disruptive student
7999 behavior; and

8000 (ii) cooperate with the local school board or governing board of a charter school in
8001 correcting the school-age minor's disruptive student behavior; and

8002 (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

8003 (5) A habitual disruptive student behavior notice:

8004 (a) may only be issued to a qualifying minor who:

8005 (i) engages in disruptive student behavior, that does not result in suspension or
8006 expulsion, at least six times during the school year;

8007 (ii) (A) engages in disruptive student behavior, that does not result in suspension or
8008 expulsion, at least three times during the school year; and

8009 (B) engages in disruptive student behavior, that results in suspension or expulsion, at
8010 least once during the school year; or

8011 (iii) engages in disruptive student behavior, that results in suspension or expulsion, at
8012 least twice during the school year; and

8013 (b) may only be issued by a school administrator, a designee of a school administrator,
8014 or a truancy specialist, who is authorized by a local school board or governing board of a local
8015 charter school to issue a habitual disruptive student behavior notice.

8016 (6) (a) A qualifying minor to whom a habitual disruptive student behavior notice is
8017 issued under Subsection (5) may not be referred to the juvenile court.

8018 (b) Within five days after the day on which a habitual disruptive student behavior
8019 notice is issued, a representative of the school district or charter school shall provide
8020 documentation, to a parent of the qualifying minor who receives the notice, of the efforts made
8021 by a school counselor or representative under Subsection (3)(c).

8022 Section 259. Section **53G-8-211**, which is renumbered from Section 53A-11-911 is
8023 renumbered and amended to read:

8024 ~~[53A-11-911]~~. **53G-8-211**. **Responses to school-based behavior.**

8025 (1) As used in this section:

8026 (a) "Class A misdemeanor person offense" means a class A misdemeanor described in
8027 Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 5b, Sexual Exploitation
8028 Act.

8029 (b) "Mobile crisis outreach team" means the same as that term is defined in Section
8030 78A-6-105.

8031 (c) "Nonperson class A misdemeanor" means a class A misdemeanor that is not a class
8032 A misdemeanor person offense.

8033 (d) "Restorative justice program" means a school-based program that is designed to
8034 enhance school safety, reduce school suspensions, and limit referrals to court, and is designed
8035 to help minors take responsibility for and repair the harm of behavior that occurs in school.

8036 (2) This section applies to a minor enrolled in school who is alleged to have committed
8037 an offense:

8038 (a) on school property; or

8039 (b) that is truancy.

8040 (3) If the alleged offense is a class C misdemeanor, an infraction, a status offense on
8041 school property, or truancy, the minor may not be referred to law enforcement or court but may

8042 be referred to alternative school-related interventions, including:

8043 (a) a mobile crisis outreach team, as defined in Section 78A-6-105;

8044 (b) a receiving center operated by the Division of Juvenile Justice Services in
8045 accordance with Section 62A-7-104; and

8046 (c) a youth court or comparable restorative justice program.

8047 (4) If the alleged offense is a class B misdemeanor or a nonperson class A
8048 misdemeanor, the minor may be referred directly to the juvenile court by the school
8049 administrator or the school administrator's designee, or the minor may be referred to the
8050 alternative interventions in Subsection (3).

8051 Section 260. Section **53G-8-212**, which is renumbered from Section 53A-11-806 is
8052 renumbered and amended to read:

8053 ~~[53A-11-806]~~. **53G-8-212. Defacing or damaging school property --**
8054 **Student's liability -- Work program alternative.**

8055 (1) A student who willfully defaces or otherwise damages any school property may be
8056 suspended or otherwise disciplined.

8057 (2) (a) If a school's property has been lost or willfully cut, defaced, or otherwise
8058 damaged, the school may withhold the issuance of an official written grade report, diploma, or
8059 transcript of the student responsible for the damage or loss until the student or the student's
8060 parent or guardian has paid for the damages.

8061 (b) The student's parent or guardian is liable for damages as otherwise provided in
8062 Section 78A-6-1113.

8063 (3) (a) If the student and the student's parent or guardian are unable to pay for the
8064 damages or if it is determined by the school in consultation with the student's parent or
8065 guardian that the student's interests would not be served if the parent or guardian were to pay
8066 for the damages, the school shall provide for a program of work the student may complete in
8067 lieu of the payment.

8068 (b) The school shall release the official grades, diploma, and transcripts of the student
8069 upon completion of the work.

8070 (4) Before any penalties are assessed under this section, the school shall adopt
8071 procedures to ensure that the student's right to due process is protected.

8072 (5) No penalty may be assessed for damages which may be reasonably attributed to

8073 normal wear and tear.

8074 (6) If the Department of Human Services or a licensed child-placing agency has been
8075 granted custody of the student, the student's records, if requested by the department or agency,
8076 may not be withheld from the department or agency for nonpayment of damages under this
8077 section.

8078 Section 261. Section **53G-8-301**, which is renumbered from Section 53A-11-801 is
8079 renumbered and amended to read:

8080 **Part 3. Physical Restraint of Students**

8081 ~~[53A-11-801].~~ **53G-8-301. Definitions.**

8082 As used in this part:

8083 (1) "Corporal punishment" means the intentional infliction of physical pain upon the
8084 body of a student as a disciplinary measure.

8085 (2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,
8086 shoulder, or back for the purpose of guiding a student to another location.

8087 (3) "Physical restraint" means a personal restriction that immobilizes or significantly
8088 reduces the ability of a student to move the student's arms, legs, body, or head freely.

8089 (4) "School" means a public or private elementary school, secondary school, or
8090 preschool.

8091 (5) "Student" means an individual who is:

8092 (a) under the age of 19 and receiving educational services; or

8093 (b) under the age of 23 and receiving educational services as an individual with a
8094 disability.

8095 Section 262. Section **53G-8-302**, which is renumbered from Section 53A-11-802 is
8096 renumbered and amended to read:

8097 ~~[53A-11-802].~~ **53G-8-302. Prohibition of corporal punishment -- Use of**
8098 **reasonable and necessary physical restraint.**

8099 (1) A school employee may not inflict or cause the infliction of corporal punishment
8100 upon a student.

8101 (2) A school employee may use reasonable and necessary physical restraint in self
8102 defense or when otherwise appropriate to the circumstances to:

8103 (a) obtain possession of a weapon or other dangerous object in the possession or under

8104 the control of a student;

8105 (b) protect a student or another individual from physical injury;

8106 (c) remove from a situation a student who is violent; or

8107 (d) protect property from being damaged, when physical safety is at risk.

8108 (3) Nothing in this section prohibits a school employee from using less intrusive
8109 means, including a physical escort, to address circumstances described in Subsection (2).

8110 (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or
8111 permit the commission of an act prohibited by this part is void and unenforceable.

8112 (b) An employee may not be subjected to any sanction for failure or refusal to commit
8113 an act prohibited under this part.

8114 (5) A parochial or private school that does not receive state funds to provide for the
8115 education of a student may exempt itself from the provisions of this section by adopting a
8116 policy to that effect and notifying the parents or guardians of students in the school of the
8117 exemption.

8118 (6) This section does not apply to a law enforcement officer as defined in Section
8119 53-13-103.

8120 Section 263. Section **53G-8-303**, which is renumbered from Section 53A-11-803 is
8121 renumbered and amended to read:

8122 ~~[53A-11-803]~~. **53G-8-303. Investigation of complaint -- Confidentiality --**
8123 **Immunity.**

8124 (1) (a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4,
8125 Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.

8126 (b) If a violation is confirmed, school authorities shall take prompt and appropriate
8127 action, including in-service training and other administrative action, to ensure against a
8128 repetition of the violation.

8129 (2) Reports made on violations of this part are subject to the same requirements of
8130 confidentiality as provided under Section 62A-4a-412.

8131 (3) Any school or individual who in good faith makes a report or cooperates in an
8132 investigation by a school or authorized public agency concerning a violation of this part is
8133 immune from any civil or criminal liability that might otherwise result by reason of those
8134 actions.

8135 Section 264. Section **53G-8-304**, which is renumbered from Section 53A-11-804 is
8136 renumbered and amended to read:

8137 ~~[53A-11-804]~~. **53G-8-304. Liability.**

8138 (1) (a) Corporal punishment which would, but for this part, be considered to be
8139 reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any
8140 civil or criminal action.

8141 (b) A court of competent jurisdiction may take appropriate action against any
8142 employing entity if the court finds that the employing entity has not taken reasonable steps to
8143 enforce the provisions of this part.

8144 (2) Civil or criminal action may proceed without hindrance in the case of corporal
8145 punishment which would not be reasonable discipline under Sections 76-2-401 and
8146 ~~[53A-11-805]~~ 53G-8-305.

8147 Section 265. Section **53G-8-305**, which is renumbered from Section 53A-11-805 is
8148 renumbered and amended to read:

8149 ~~[53A-11-805]~~. **53G-8-305. Exception.**

8150 Behavior reduction intervention which is in compliance with Section 76-2-401 and with
8151 state and local rules adopted under Section ~~[53A-15-301]~~ 53E-7-202 is excepted from this part.

8152 Section 266. Section **53G-8-401** is enacted to read:

8153 **Part 4. Juvenile Court and Law Enforcement Notification to Public Schools**

8154 **53G-8-401. Definitions.**

8155 Reserved

8156 Section 267. Section **53G-8-402**, which is renumbered from Section 53A-11-1001 is
8157 renumbered and amended to read:

8158 ~~[53A-11-1001]~~. **53G-8-402. Notification by juvenile court and law**
8159 **enforcement agencies.**

8160 (1) Notifications received from the juvenile court or law enforcement agencies by the
8161 school district pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(b) are governed by
8162 this part.

8163 (2) School districts may enter into agreements with law enforcement agencies for
8164 notification under Subsection (1).

8165 Section 268. Section **53G-8-403**, which is renumbered from Section 53A-11-1002 is

8166 renumbered and amended to read:

8167 ~~[53A-11-1002]~~. **53G-8-403. Superintendent required to notify school.**

8168 (1) Within three days of receiving the information from the juvenile court or a law
8169 enforcement agency, the district superintendent shall notify the principal of the school the
8170 juvenile attends or last attended.

8171 (2) Upon receipt of the information, the principal shall:

8172 (a) make a notation in a secure file other than the student's permanent file; and

8173 (b) if the student is still enrolled in the school, notify staff members who, in his
8174 opinion, should know of the adjudication.

8175 (3) A person receiving information pursuant to this part may only disclose the
8176 information to other persons having both a right and a current need to know.

8177 (4) Access to secure files shall be limited to persons authorized to receive information
8178 under this part.

8179 Section 269. Section **53G-8-404**, which is renumbered from Section 53A-11-1003 is
8180 renumbered and amended to read:

8181 ~~[53A-11-1003]~~. **53G-8-404. Board to set procedures.**

8182 The State Board of Education shall make rules governing the dissemination of the
8183 information.

8184 Section 270. Section **53G-8-405**, which is renumbered from Section 53A-11-1004 is
8185 renumbered and amended to read:

8186 ~~[53A-11-1004]~~. **53G-8-405. Liability for release of information.**

8187 (1) The district superintendent, principal, and any staff member notified by the
8188 principal may not be held liable for information which may become public knowledge unless it
8189 can be shown by clear and convincing evidence that the information became public knowledge
8190 through an intentional act of the superintendent, principal, or a staff member.

8191 (2) A person receiving information under Subsection 78A-6-112(3)(b)[;] or
8192 78A-6-117(1)(b), or Section ~~[53A-11-1002]~~ 53G-8-403 is immune from any liability, civil or
8193 criminal, for acting or failing to act in response to the information unless the person acts or
8194 fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

8195 Section 271. Section **53G-8-501**, which is renumbered from Section 53A-11-401 is
8196 renumbered and amended to read:

8197 **Part 5. Substance Abuse Reporting and Weapons Notification**

8198 ~~[53A-11-401]~~. **53G-8-501. Definitions.**

8199 For purposes of Sections ~~[53A-11-402]~~ 53G-8-502 through ~~[53A-11-404]~~ 53G-8-504:

8200 (1) "Educator" means a person employed by a public school, but excludes those
8201 employed by institutions of higher education.

8202 (2) "Prohibited act" means an act prohibited by Section ~~[53A-3-501]~~ 53G-8-602,
8203 relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5,
8204 relating to drug paraphernalia.

8205 Section 272. Section **53G-8-502**, which is renumbered from Section 53A-11-402 is
8206 renumbered and amended to read:

8207 ~~[53A-11-402]~~. **53G-8-502. Mandatory reporting of prohibited acts.**

8208 If an educator has reasonable cause to believe that a student at the public school where
8209 the educator is employed has committed a prohibited act, he shall immediately report that to
8210 the school's designated educator.

8211 Section 273. Section **53G-8-503**, which is renumbered from Section 53A-11-403 is
8212 renumbered and amended to read:

8213 ~~[53A-11-403]~~. **53G-8-503. Reporting procedure.**

8214 (1) The principal of a public school affected by this chapter shall appoint one educator
8215 as the "designated educator" to make all reports required under Sections ~~[53A-11-401]~~
8216 53G-8-501 through ~~[53A-11-404]~~ 53G-8-504.

8217 (2) The designated educator, upon receiving a report of a prohibited act from an
8218 educator under Section ~~[53A-11-402]~~ 53G-8-502, shall immediately report the violation to the
8219 student's parent or legal guardian, and may report the violation to an appropriate law
8220 enforcement agency or official, in accordance with Section ~~[53A-11-911]~~ 53G-8-211.

8221 (3) The designated educator may not disclose to the student or to the student's parent or
8222 legal guardian the identity of the educator who made the initial report.

8223 Section 274. Section **53G-8-504**, which is renumbered from Section 53A-11-404 is
8224 renumbered and amended to read:

8225 ~~[53A-11-404]~~. **53G-8-504. Immunity from civil or criminal liability.**

8226 An educator who in good faith makes a report under Sections ~~[53A-11-402]~~ 53G-8-502
8227 and ~~[53A-11-403]~~ 53G-8-503 is immune from any liability, civil or criminal, that might

8228 otherwise result from that action.

8229 Section 275. Section **53G-8-505**, which is renumbered from Section 53A-11-1301 is
8230 renumbered and amended to read:

8231 ~~[53A-11-1301].~~ **53G-8-505. Definitions.**

8232 For purposes of Sections 53G-8-506 through 53G-8-509:

8233 (1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply ~~[to this part]~~ to
8234 Sections 53G-8-506 through 53G-8-509.

8235 ~~[(2) As used in this part:]~~

8236 ~~[(a)]~~ (2) "Prohibited act" means an act punishable under Section ~~[53A-3-501]~~
8237 53G-8-602, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled
8238 Substances Act.

8239 ~~[(b)]~~ (3) "School" means a public or private elementary or secondary school.

8240 Section 276. Section **53G-8-506**, which is renumbered from Section 53A-11-1302 is
8241 renumbered and amended to read:

8242 ~~[53A-11-1302].~~ **53G-8-506. Reporting of prohibited acts affecting a school --**
8243 **Confidentiality.**

8244 (1) A person who has reasonable cause to believe that an individual has committed a
8245 prohibited act shall, in accordance with Section ~~[53A-11-911]~~ 53G-8-211, immediately notify:

8246 (a) the principal;

8247 (b) an administrator of the affected school;

8248 (c) the superintendent of the affected school district; or

8249 (d) an administrator of the affected school district.

8250 (2) If notice is given to a school official, the official may authorize an investigation
8251 into allegations involving school property, students, or school district employees.

8252 (3) A school official may only refer a complaint of an alleged prohibited act reported as
8253 occurring on school grounds or in connection with school-sponsored activities to an
8254 appropriate law enforcement agency in accordance with Section ~~[53A-11-911]~~ 53G-8-211.

8255 (4) The identity of persons making reports pursuant to this section shall be kept
8256 confidential.

8257 Section 277. Section **53G-8-507**, which is renumbered from Section 53A-11-1303 is
8258 renumbered and amended to read:

8259 ~~[53A-11-1303]~~. **53G-8-507. Immunity from civil or criminal liability.**

8260 Any person, official, or institution, other than a law enforcement officer or law
8261 enforcement agency, participating in good faith in making a report or conducting an
8262 investigation under the direction of school or law enforcement authorities under ~~[this part]~~
8263 Section 53G-8-505, 53G-8-506, 53G-8-508, or 53G-8-509, is immune from any liability, civil
8264 or criminal, that otherwise might result by reason of that action.

8265 Section 278. Section **53G-8-508**, which is renumbered from Section 53A-11-1304 is
8266 renumbered and amended to read:

8267 ~~[53A-11-1304]~~. **53G-8-508. Admissibility of evidence in civil and criminal**
8268 **actions.**

8269 (1) Evidence relating to ~~[violations of this part]~~ a violation of Section 53G-8-505,
8270 53G-8-506, 53G-8-509, or 53G-9-507, which is seized by school authorities acting alone, on
8271 their own authority, and not in conjunction with or at the behest of law enforcement authorities
8272 is admissible in civil and criminal actions.

8273 (2) A search under this section must be based on at least a reasonable belief that the
8274 search will turn up evidence of a violation of this part. The measures adopted for the search
8275 must be reasonably related to the objectives of the search and not excessively intrusive in light
8276 of the circumstances, including the age and sex of the person involved and the nature of the
8277 infraction.

8278 Section 279. Section **53G-8-509**, which is renumbered from Section 53A-11-1305 is
8279 renumbered and amended to read:

8280 ~~[53A-11-1305]~~. **53G-8-509. Board rules to ensure protection of individual**
8281 **rights.**

8282 The State Board of Education and local boards of education shall adopt rules to
8283 implement ~~[this part]~~ Sections 53G-8-505 through 53G-8-508. The rules shall establish
8284 procedures to ensure protection of individual rights against excessive and unreasonable
8285 intrusion.

8286 Section 280. Section **53G-8-510**, which is renumbered from Section 53A-11-1101 is
8287 renumbered and amended to read:

8288 ~~[53A-11-1101]~~. **53G-8-510. Notification of teachers of weapons on school**
8289 **property -- Immunity from civil and criminal liability.**

8290 (1) Whenever a student is found on school property during school hours or at a
8291 school-sponsored activity in possession of a dangerous weapon and that information is reported
8292 to or known by the principal, the principal shall notify law enforcement personnel and school
8293 or district personnel who, in the opinion of the principal, should be informed.

8294 (2) A person who in good faith reports information under Subsection (1) and any
8295 person who receives the information is immune from any liability, civil or criminal, that might
8296 otherwise result from the reporting or receipt of the information.

8297 Section 281. Section **53G-8-601** is enacted to read:

8298 **Part 6. Criminal Offenses and Traffic Ordinances**

8299 **53G-8-601. Definitions.**

8300 Reserved

8301 Section 282. Section **53G-8-602**, which is renumbered from Section 53A-3-501 is
8302 renumbered and amended to read:

8303 ~~[53A-3-501].~~ **53G-8-602. Possession or consumption of alcoholic beverages**
8304 **at school or school-sponsored activities -- Penalty.**

8305 (1) Except as approved by a local school board as part of the curriculum, a person may
8306 not possess or drink an alcoholic beverage:

8307 (a) inside or on the grounds of any building owned or operated by a part of the public
8308 education system; or

8309 (b) in those portions of any building, park, or stadium which are being used for an
8310 activity sponsored by or through any part of the public education system.

8311 (2) (a) Subsection (1)(a) does not apply to property owned by a school district in
8312 contemplation of future use for school purposes while the property is under lease to another
8313 party.

8314 (b) (i) For purposes of Subsection (2)(a), a lease must be full time for a period of not
8315 less than two years.

8316 (ii) The property may not be used for school purposes at any time during the lease
8317 period.

8318 (3) Violation of this section is a class B misdemeanor.

8319 Section 283. Section **53G-8-603**, which is renumbered from Section 53A-3-503 is
8320 renumbered and amended to read:

8321 ~~53A-3-503~~. 53G-8-603. **Criminal trespass upon school property --**

8322 **Penalty.**

8323 (1) A person is guilty of criminal trespass upon school property if the person does the
8324 following:

8325 (a) enters or remains unlawfully upon school property, and:

8326 (i) intends to cause annoyance or injury to a person or damage to property on the
8327 school property;

8328 (ii) intends to commit a crime; or

8329 (iii) is reckless as to whether the person's presence will cause fear for the safety of
8330 another; or

8331 (b) enters or remains without authorization upon school property if notice against entry
8332 or remaining has been given by:

8333 (i) personal communication to the person by a school official or an individual with
8334 apparent authority to act for a school official;

8335 (ii) the posting of signs reasonably likely to come to the attention of trespassers;

8336 (iii) fencing or other enclosure obviously designed to exclude trespassers; or

8337 (iv) a current order of suspension or expulsion.

8338 (2) As used in this section:

8339 (a) "Enter" means intrusion of the entire body.

8340 (b) "School official" means a public or private school administrator or person in charge
8341 of a school program or activity.

8342 (c) "School property" means real property owned or occupied by a public or private
8343 school, including real property temporarily occupied for a school activity or program.

8344 (3) Violation of this section is a class B misdemeanor.

8345 Section 284. Section **53G-8-604**, which is renumbered from Section 53A-3-504 is
8346 renumbered and amended to read:

8347 ~~53A-3-504~~. 53G-8-604. **Traffic ordinances on school property --**

8348 **Enforcement.**

8349 (1) A local political subdivision in which real property is located that belongs to, or is
8350 controlled by, the State Board of Education, a local board of education, an area vocational
8351 center, or the Schools for the Deaf and the Blind may, at the request of the responsible board of

8352 education or institutional council, adopt ordinances for the control of vehicular traffic on that
8353 property.

8354 (2) A law enforcement officer whose jurisdiction includes the property in question may
8355 enforce an ordinance adopted under Subsection (1).

8356 Section 285. Section **53G-8-701**, which is renumbered from Section 53A-11-1602 is
8357 renumbered and amended to read:

8358 **Part 7. School Resource Officers**

8359 **~~[53A-11-1602].~~ 53G-8-701. Definitions.**

8360 As used in this section:

8361 (1) "Governing authority" means:

8362 (a) for a school district, the local school board;

8363 (b) for a charter school, the governing board; or

8364 (c) for the Utah Schools for the Deaf and the Blind, the State Board of Education.

8365 (2) "Law enforcement agency" means the same as that term is defined in Section
8366 53-1-102.

8367 (3) "Local education agency" or "LEA" means:

8368 (a) a school district;

8369 (b) a charter school; or

8370 (c) the Utah Schools for the Deaf and the Blind.

8371 (4) "School resource officer" or "SRO" means a law enforcement officer, as defined in
8372 Section 53-13-103, who contracts with or whose law enforcement agency contracts with an
8373 LEA to provide law enforcement services for the LEA.

8374 Section 286. Section **53G-8-702**, which is renumbered from Section 53A-11-1603 is
8375 renumbered and amended to read:

8376 **~~[53A-11-1603].~~ 53G-8-702. School resource officer training -- Curriculum.**

8377 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8378 State Board of Education shall make rules that prepare and make available a training program
8379 for school principals and school resource officers to attend.

8380 (2) To create the curriculum and materials for the training program described in
8381 Subsection (1), the State Board of Education shall:

8382 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice

8383 created in Section 63M-7-201;

8384 (b) solicit input from local school boards, charter school governing boards, and the
8385 Utah Schools for the Deaf and the Blind;

8386 (c) solicit input from local law enforcement and other interested community
8387 stakeholders; and

8388 (d) consider the current United States Department of Education recommendations on
8389 school discipline and the role of a school resource officer.

8390 (3) The training program described in Subsection (1) may include training on the
8391 following:

8392 (a) childhood and adolescent development;

8393 (b) responding age-appropriately to students;

8394 (c) working with disabled students;

8395 (d) techniques to de-escalate and resolve conflict;

8396 (e) cultural awareness;

8397 (f) restorative justice practices;

8398 (g) identifying a student exposed to violence or trauma and referring the student to
8399 appropriate resources;

8400 (h) student privacy rights;

8401 (i) negative consequences associated with youth involvement in the juvenile and
8402 criminal justice systems;

8403 (j) strategies to reduce juvenile justice involvement; and

8404 (k) roles of and distinctions between a school resource officer and other school staff
8405 who help keep a school secure.

8406 Section 287. Section **53G-8-703**, which is renumbered from Section 53A-11-1604 is
8407 renumbered and amended to read:

8408 ~~[53A-11-1604]~~. **53G-8-703. Contracts between an LEA and law enforcement**
8409 **for school resource officer services -- Requirements.**

8410 (1) An LEA may contract with a law enforcement agency or an individual to provide
8411 school resource officer services at the LEA if the LEA's governing authority reviews and
8412 approves the contract.

8413 (2) If an LEA contracts with a law enforcement agency or an individual to provide

8414 SRO services at the LEA, the LEA's governing authority shall require in the contract:

8415 (a) an acknowledgment by the law enforcement agency or the individual that an SRO
8416 hired under the contract shall:

8417 (i) provide for and maintain a safe, healthy, and productive learning environment in a
8418 school;

8419 (ii) act as a positive role model to students;

8420 (iii) work to create a cooperative, proactive, and problem-solving partnership between
8421 law enforcement and the LEA;

8422 (iv) emphasize the use of restorative approaches to address negative behavior; and

8423 (v) at the request of the LEA, teach a vocational law enforcement class;

8424 (b) a description of the shared understanding of the LEA and the law enforcement
8425 agency or individual regarding the roles and responsibilities of law enforcement and the LEA
8426 to:

8427 (i) maintain safe schools;

8428 (ii) improve school climate; and

8429 (iii) support educational opportunities for students;

8430 (c) a designation of student offenses that the SRO shall confer with the LEA to resolve,
8431 including an offense that:

8432 (i) is a minor violation of the law; and

8433 (ii) would not violate the law if the offense was committed by an adult;

8434 (d) a designation of student offenses that are administrative issues that an SRO shall
8435 refer to a school administrator for resolution in accordance with Section [~~53A-11-911~~]

8436 53G-8-211;

8437 (e) a detailed description of the rights of a student under state and federal law with
8438 regard to:

8439 (i) searches;

8440 (ii) questioning; and

8441 (iii) information privacy;

8442 (f) a detailed description of:

8443 (i) job duties;

8444 (ii) training requirements; and

8445 (iii) other expectations of the SRO and school administration in relation to law
8446 enforcement at the LEA;

8447 (g) that an SRO who is hired under the contract and the principal at the school where
8448 an SRO will be working, or the principal's designee, will jointly complete the SRO training
8449 described in Section [~~53A-11-1603~~] 53G-8-702; and

8450 (h) if the contract is between an LEA and a law enforcement agency, that:

8451 (i) both parties agree to jointly discuss SRO applicants; and

8452 (ii) the law enforcement agency will accept feedback from an LEA about an SRO's
8453 performance.

8454 Section 288. Section **53G-9-101** is enacted to read:

8455 **CHAPTER 9. HEALTH AND WELFARE**

8456 **Part 1. General Provisions**

8457 **53G-9-101. Title.**

8458 This chapter is known as "Health and Welfare."

8459 Section 289. Section **53G-9-102** is enacted to read:

8460 **53G-9-102. Definitions.**

8461 Reserved

8462 Section 290. Section **53G-9-201** is enacted to read:

8463 **Part 2. Miscellaneous Requirements**

8464 **53G-9-201. Definitions.**

8465 Reserved

8466 Section 291. Section **53G-9-202**, which is renumbered from Section 53A-11-205 is
8467 renumbered and amended to read:

8468 [~~53A-11-205~~]. **53G-9-202. Notification to the parent of an injured or sick**
8469 **child.**

8470 (1) A public school shall notify the custodial parent and, if requested in writing by a
8471 noncustodial parent, make reasonable efforts to notify the noncustodial parent of a student who
8472 is injured or becomes ill at the school during the regular school day if:

8473 (a) the injury or illness requires treatment at a hospital, doctor's office, or other medical
8474 facility not located on the school premises; and

8475 (b) the school has received a current telephone number for the party it is required to

8476 notify or make reasonable efforts to notify.

8477 (2) (a) Subsection (1) does not apply to a noncustodial parent forbidden to have contact
8478 with the student under a court order or similar procedure.

8479 (b) The custodial parent is responsible for providing the school with the noncustodial
8480 parent's status under Subsection (2)(a) through a procedure adopted by the local school board.

8481 Section 292. Section **53G-9-203**, which is renumbered from Section 53A-11-605 is
8482 renumbered and amended to read:

8483 **~~[53A-11-605]~~. 53G-9-203. Definitions -- School personnel -- Medical**
8484 **recommendations -- Exceptions -- Penalties.**

8485 (1) As used in this section:

8486 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or
8487 mental health therapist.

8488 (b) "School personnel" means a school district or charter school employee, including a
8489 licensed, part-time, contract, or nonlicensed employee.

8490 (2) School personnel may:

8491 (a) provide information and observations to a student's parent or guardian about that
8492 student, including observations and concerns in the following areas:

8493 (i) progress;

8494 (ii) health and wellness;

8495 (iii) social interactions;

8496 (iv) behavior; or

8497 (v) topics consistent with Subsection ~~[53A-13-302]~~ 53E-9-203(6);

8498 (b) communicate information and observations between school personnel regarding a
8499 child;

8500 (c) refer students to other appropriate school personnel and agents, consistent with
8501 local school board or charter school policy, including referrals and communication with a
8502 school counselor or other mental health professionals working within the school system;

8503 (d) consult or use appropriate health care professionals in the event of an emergency
8504 while the student is at school, consistent with the student emergency information provided at
8505 student enrollment;

8506 (e) exercise their authority relating to the placement within the school or readmission

8507 of a child who may be or has been suspended or expelled for a violation of Section
8508 [~~53A-11-904~~] 53G-8-205; and

8509 (f) complete a behavioral health evaluation form if requested by a student's parent or
8510 guardian to provide information to a licensed physician.

8511 (3) School personnel shall:

8512 (a) report suspected child abuse consistent with Section 62A-4a-403;

8513 (b) comply with applicable state and local health department laws, rules, and policies;

8514 and

8515 (c) conduct evaluations and assessments consistent with the Individuals with
8516 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

8517 (4) Except as provided in Subsection (2), Subsection (6), and Section [~~53A-11a-203~~]
8518 53G-9-604, school personnel may not:

8519 (a) recommend to a parent or guardian that a child take or continue to take a
8520 psychotropic medication;

8521 (b) require that a student take or continue to take a psychotropic medication as a
8522 condition for attending school;

8523 (c) recommend that a parent or guardian seek or use a type of psychiatric or
8524 psychological treatment for a child;

8525 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,
8526 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the
8527 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent
8528 amendments; or

8529 (e) make a child abuse or neglect report to authorities, including the Division of Child
8530 and Family Services, solely or primarily on the basis that a parent or guardian refuses to
8531 consent to:

8532 (i) a psychiatric, psychological, or behavioral treatment for a child, including the
8533 administration of a psychotropic medication to a child; or

8534 (ii) a psychiatric or behavioral health evaluation of a child.

8535 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would
8536 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under
8537 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of

8538 others.

8539 (6) Notwithstanding Subsection (4), a school counselor or other mental health
8540 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional
8541 Practice Act, or licensed through the State Board of Education, working within the school
8542 system may:

8543 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

8544 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for
8545 a child;

8546 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,
8547 test, evaluation, or assessment of a child in accordance with Section [~~53A-13-302~~] 53E-9-203;
8548 and

8549 (d) provide to a parent or guardian, upon the specific request of the parent or guardian,
8550 a list of three or more health care professionals or providers, including licensed physicians,
8551 psychologists, or other health specialists.

8552 (7) Local school boards or charter schools shall adopt a policy:

8553 (a) providing for training of appropriate school personnel on the provisions of this
8554 section; and

8555 (b) indicating that an intentional violation of this section is cause for disciplinary action
8556 consistent with local school board or charter school policy and under Section [~~53A-8a-502~~]
8557 53G-11-513.

8558 (8) Nothing in this section shall be interpreted as discouraging general communication
8559 not prohibited by this section between school personnel and a student's parent or guardian.

8560 Section 293. Section **53G-9-204**, which is renumbered from Section 53A-11-204 is
8561 renumbered and amended to read:

8562 [~~53A-11-204~~]. **53G-9-204. Nursing services in the public schools --**

8563 **Collaborative efforts.**

8564 (1) (a) Students in the state's public schools may be better protected against risks to
8565 health and safety if schools were to have registered nurses readily available to assist in
8566 providing educational and nursing services in the public schools.

8567 (b) Those services would be further enhanced if they could be offered with the active
8568 support and participation of local public health departments and private medical providers,

8569 most particularly in those areas of the state without currently functioning collaborative
8570 programs.

8571 (c) (i) School districts, local health departments, private medical providers, and parents
8572 of students are therefore encouraged to work together in determining needs and risks to student
8573 health in the state's public schools and in developing and implementing plans to meet those
8574 needs and minimize risks to students.

8575 (ii) School community councils or school directors of affected schools shall review the
8576 plans prior to their implementation.

8577 (2) School districts are encouraged to provide nursing services equivalent to the
8578 services of one registered nurse for every 5,000 students or, in districts with fewer than 5,000
8579 students, the level of services recommended by the Department of Health.

8580 Section 294. Section **53G-9-205**, which is renumbered from Section 53A-19-301 is
8581 renumbered and amended to read:

8582 ~~[53A-19-301]~~. **53G-9-205. School Breakfast Program -- Review of**
8583 **nonparticipants.**

8584 (1) (a) Each local school board shall, at least once every three years, review each
8585 elementary school in its district that does not participate in the School Breakfast Program as to
8586 the school's reasons for nonparticipation.

8587 (b) (i) If the school board determines that there are valid reasons for the school's
8588 nonparticipation, no further action is needed.

8589 (ii) Reasons for nonparticipation may include a recommendation from the school
8590 community council authorized under Section ~~[53A-1a-108]~~ 53G-7-1202 or a similar group of
8591 parents and school employees that the school should not participate in the program.

8592 (2) (a) After two nonparticipation reviews, a local school board may, by majority vote,
8593 waive any further reviews of the nonparticipatory school.

8594 (b) A waiver of the review process under Subsection (2)(a) does not prohibit
8595 subsequent consideration by the local school board of an individual school's nonparticipation in
8596 the School Breakfast Program.

8597 (3) The requirements of this section shall be nullified by the termination of the
8598 entitlement status of the School Breakfast Program by the federal government.

8599 Section 295. Section **53G-9-206**, which is renumbered from Section 53A-13-103 is

8600 renumbered and amended to read:

8601 ~~[53A-13-103]~~. **53G-9-206**. **Eye protective devices for industrial education,**
8602 **physics laboratory, and chemistry laboratory activities.**

8603 (1) Any individual who participates in any of the following activities in public or
8604 private schools that may endanger his vision shall wear quality eye protective devices:

8605 (a) industrial education activities that involve:

8606 (i) hot molten metals;

8607 (ii) the operation of equipment that could throw particles of foreign matter into the
8608 eyes;

8609 (iii) heat treating, tempering, or kiln firing of any industrial materials;

8610 (iv) gas or electric arc welding; or

8611 (v) caustic or explosive material;

8612 (b) chemistry or physics laboratories when using caustic or explosive chemicals, and
8613 hot liquids and solids.

8614 (2) "Quality eye protective devices" means devices that meet the standards of the
8615 American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by
8616 the American Standards Association, Inc.

8617 (3) (a) The local school board shall furnish these protective devices to individuals
8618 involved in these activities.

8619 (b) The board may sell these protective devices at cost or rent or loan them to
8620 individuals involved in these activities.

8621 Section 296. Section **53G-9-207**, which is renumbered from Section 53A-13-112 is
8622 renumbered and amended to read:

8623 ~~[53A-13-112]~~. **53G-9-207**. **Child sexual abuse prevention.**

8624 (1) As used in this section, "school personnel" is as defined in Section ~~[53A-11-605]~~
8625 53G-9-203.

8626 (2) On or before July 1, 2015, the State Board of Education shall approve, in
8627 partnership with the Department of Human Services, age-appropriate instructional materials for
8628 the training and instruction described in Subsections (3)(a) and (4).

8629 (3) (a) Beginning in the 2016-17 school year, a school district or charter school shall
8630 provide training and instruction on child sexual abuse prevention and awareness to:

- 8631 (i) school personnel in elementary and secondary schools on:
8632 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate
8633 manner; and
8634 (B) the mandatory reporting requirements described in Sections [~~53A-6-502~~
8635 53E-6-701 and 62A-4a-403; and
- 8636 (ii) parents or guardians of elementary school students on:
8637 (A) recognizing warning signs of a child who is being sexually abused; and
8638 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse
8639 with a child.
- 8640 (b) A school district or charter school shall use the instructional materials approved by
8641 the State Board of Education under Subsection (2) to provide the training and instruction to
8642 school personnel and parents or guardians under Subsection (3)(a).
- 8643 (4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school
8644 may provide instruction on child sexual abuse prevention and awareness to elementary school
8645 students using age-appropriate curriculum.
- 8646 (b) Beginning in the 2016-17 school year, a school district or charter school that
8647 provides the instruction described in Subsection (4)(a) shall use the instructional materials
8648 approved by the board under Subsection (2) to provide the instruction.
- 8649 (5) (a) An elementary school student may not be given the instruction described in
8650 Subsection (4) unless the parent or guardian of the student is:
- 8651 (i) notified in advance of the:
8652 (A) instruction and the content of the instruction; and
8653 (B) parent or guardian's right to have the student excused from the instruction;
8654 (ii) given an opportunity to review the instructional materials before the instruction
8655 occurs; and
8656 (iii) allowed to be present when the instruction is delivered.
- 8657 (b) Upon the written request of the parent or guardian of an elementary school student,
8658 the student shall be excused from the instruction described in Subsection (4).
- 8659 (c) Participation of a student requires compliance with Sections [~~53A-13-301~~
8660 53E-9-202 and [~~53A-13-302~~] 53E-9-203.
- 8661 (6) A school district or charter school may determine the mode of delivery for the

8662 training and instruction described in Subsections (3) and (4).

8663 (7) (a) The State Board of Education shall report to the Education Interim Committee
8664 on the progress of the provisions of this section by the committee's November 2017 meeting.

8665 (b) Upon request of the State Board of Education, a school district or charter school
8666 shall provide to the State Board of Education information that is necessary for the report
8667 required under Subsection (7)(a).

8668 Section 297. Section **53G-9-208**, which is renumbered from Section 53A-11-606 is
8669 renumbered and amended to read:

8670 ~~[53A-11-606].~~ **53G-9-208. Sunscreen -- Possession -- Administration --**
8671 **Immunity.**

8672 (1) As used in this section, "sunscreen" means a compound topically applied to prevent
8673 sunburn.

8674 (2) A public school shall permit a student, without a parent or physician's
8675 authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug
8676 Administration.

8677 (3) If a student is unable to self-apply sunscreen, a volunteer school employee may
8678 apply the sunscreen on the student if the student's parent or legal guardian provides written
8679 consent for the assistance.

8680 (4) A volunteer school employee who applies sunscreen on a student in compliance
8681 with Subsection (3) and the volunteer school employee's employer are not liable for:

8682 (a) an adverse reaction suffered by the student as a result of having the sunscreen
8683 applied; or

8684 (b) discontinuing the application of the sunscreen at any time.

8685 Section 298. Section **53G-9-301 (Effective 07/01/18)**, which is renumbered from
8686 Section 53A-11-300.5 (Effective 07/01/18) is renumbered and amended to read:

8687 **Part 3. Immunization Requirements**

8688 ~~[53A-11-300.5 (Effective 07/01/18)].~~ **53G-9-301 (Effective**
8689 **07/01/18). Definitions.**

8690 As used in this part:

8691 (1) "Department" means the Department of Health, created in Section 26-1-4.

8692 (2) "Health official" means an individual designated by a local health department from

8693 within the local health department to consult and counsel parents and licensed health care
8694 providers, in accordance with Subsection [~~53A-11-302.5~~] 53G-9-304(2)(a).

8695 (3) "Health official designee" means a licensed health care provider designated by a
8696 local health department, in accordance with Subsection [~~53A-11-302.5~~] 53G-9-304(2)(b), to
8697 consult with parents, licensed health care professionals, and school officials.

8698 (4) "Immunization" or "immunize" means a process through which an individual
8699 develops an immunity to a disease, through vaccination or natural exposure to the disease.

8700 (5) "Immunization record" means a record relating to a student that includes:

8701 (a) information regarding each required vaccination that the student has received,
8702 including the date each vaccine was administered, verified by:

8703 (i) a licensed health care provider;

8704 (ii) an authorized representative of a local health department;

8705 (iii) an authorized representative of the department;

8706 (iv) a registered nurse; or

8707 (v) a pharmacist;

8708 (b) information regarding each disease against which the student has been immunized
8709 by previously contracting the disease; and

8710 (c) an exemption form identifying each required vaccination from which the student is
8711 exempt, including all required supporting documentation described in Section [~~53A-11-302~~]
8712 53G-9-303.

8713 (6) "Legally responsible individual" means:

8714 (a) a student's parent;

8715 (b) the student's legal guardian;

8716 (c) an adult brother or sister of a student who has no legal guardian; or

8717 (d) the student, if the student:

8718 (i) is an adult; or

8719 (ii) is a minor who may consent to treatment under Section 26-10-9.

8720 (7) "Licensed health care provider" means a health care provider who is licensed under
8721 Title 58, Occupations and Professions, as:

8722 (a) a medical doctor;

8723 (b) an osteopathic doctor;

- 8724 (c) a physician assistant; or
- 8725 (d) an advanced practice registered nurse.
- 8726 (8) "Local education agency" or "LEA" means:
- 8727 (a) a school district;
- 8728 (b) a charter school; or
- 8729 (c) the Utah Schools for the Deaf and the Blind.
- 8730 (9) "Local health department" means the same as that term is defined in Section
- 8731 26A-1-102.
- 8732 (10) "Required vaccines" means vaccines required by department rule described in
- 8733 Section [~~53A-11-303~~] 53G-9-305.
- 8734 (11) "School" means any public or private:
- 8735 (a) elementary or secondary school through grade 12;
- 8736 (b) preschool;
- 8737 (c) child care program, as that term is defined in Section 26-39-102;
- 8738 (d) nursery school; or
- 8739 (e) kindergarten.
- 8740 (12) "Student" means an individual who attends a school.
- 8741 (13) "Vaccinating" or "vaccination" means the administration of a vaccine.
- 8742 (14) "Vaccination exemption form" means a form, described in Section
- 8743 [~~53A-11-302.5~~] 53G-9-304, that documents and verifies that a student is exempt from the
- 8744 requirement to receive one or more required vaccines.
- 8745 (15) "Vaccine" means the substance licensed for use by the United States Food and
- 8746 Drug Administration that is injected into or otherwise administered to an individual to
- 8747 immunize the individual against a communicable disease.
- 8748 Section 299. Section **53G-9-302 (Superseded 07/01/18)**, which is renumbered from
- 8749 Section 53A-11-301 (Superseded 07/01/18) is renumbered and amended to read:
- 8750 **[~~53A-11-301 (Superseded 07/01/18)~~]. 53G-9-302 (Superseded**
- 8751 **07/01/18). Certificate of immunization required.**
- 8752 (1) Unless exempted for personal, medical, or religious objections as provided in
- 8753 Section [~~53A-11-302~~] 53G-9-303, a student may not attend a public, private, or parochial
- 8754 kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day

8755 care center, child care facility, family care home, or headstart program in this state unless there
8756 is presented to the appropriate official of the school a certificate of immunization from a
8757 licensed physician or authorized representative of the state or local health department stating
8758 that the student has received immunization against communicable diseases as required by rules
8759 adopted under Section [~~53A-11-303~~] 53G-9-305.

8760 (2) School districts may not receive weighted pupil unit money for a student unless the
8761 student has obtained a certificate of immunization under this section or qualifies for conditional
8762 enrollment or an exemption from immunization under Section [~~53A-11-302~~] 53G-9-303.

8763 Section 300. Section **53G-9-302 (Effective 07/01/18)**, which is renumbered from
8764 Section 53A-11-301 (Effective 07/01/18) is renumbered and amended to read:

8765 [~~53A-11-301 (Effective 07/01/18)~~]. 53G-9-302 (Effective
8766 07/01/18). **Immunization required -- Exception -- Weighted pupil unit funding.**

8767 (1) A student may not attend a school unless:

8768 (a) the school receives an immunization record from the legally responsible individual
8769 of the student, the student's former school, or a statewide registry that shows:

8770 (i) that the student has received each vaccination required by the department under
8771 Section [~~53A-11-303~~] 53G-9-305; or

8772 (ii) for any required vaccination that the student has not received, that the student:

8773 (A) has immunity against the disease for which the vaccination is required, because the
8774 student previously contracted the disease as documented by a health care provider, as that term
8775 is defined in Section 78B-3-103; or

8776 (B) is exempt from receiving the vaccination under Section [~~53A-11-302~~] 53G-9-303;

8777 (b) the student qualifies for conditional enrollment under Section [~~53A-11-306~~]
8778 53G-9-308; or

8779 (c) the student:

8780 (i) is a student, as defined in Section [~~53A-1-1002~~] 53E-3-903; and

8781 (ii) complies with the immunization requirements for military children under Section
8782 [~~53A-1-1004~~] 53E-3-905.

8783 (2) An LEA may not receive weighted pupil unit money for a student who is not
8784 permitted to attend school under Subsection (1).

8785 Section 301. Section **53G-9-303 (Superseded 07/01/18)**, which is renumbered from

8786 Section 53A-11-302 (Superseded 07/01/18) is renumbered and amended to read:

8787 ~~[53A-11-302 (Superseded 07/01/18)]~~. 53G-9-303 (Superseded
8788 07/01/18). **Immunizations required -- Exceptions -- Grounds for exemption from**
8789 **required immunizations.**

8790 (1) A student may not enter school without a certificate of immunization, except as
8791 provided in this section.

8792 (2) Except as provided in Section ~~[53A-11-1004]~~ 53E-3-905, a student who at the time
8793 of school enrollment has not been completely immunized against each specified disease may
8794 attend school under a conditional enrollment if the student has received one dose of each
8795 specified vaccine prior to enrollment.

8796 (3) A student is exempt from receiving the required immunizations if there is presented
8797 to the appropriate official of the school one or more of the following:

8798 (a) a certificate from a licensed physician stating that due to the physical condition of
8799 the student one or more specified immunizations would endanger the student's life or health;

8800 (b) A completed form obtained at the local health department where the student
8801 resides, providing:

8802 (i) the information required under Subsection ~~[53A-11-302.5]~~ 53G-9-304(1); and

8803 (ii) a statement that the person has a personal belief opposed to immunizations, which
8804 is signed by one of the individuals listed in Subsection ~~[53A-11-302]~~ 53G-9-303(3)(c) and
8805 witnessed by the local health officer or his designee; or

8806 (c) a statement that the person is a bona fide member of a specified, recognized
8807 religious organization whose teachings are contrary to immunizations, signed by one of the
8808 following persons:

8809 (i) one of the student's parents;

8810 (ii) the student's guardian;

8811 (iii) a legal age brother or sister of a student who has no parent or guardian; or

8812 (iv) the student, if of legal age.

8813 Section 302. Section **53G-9-303 (Effective 07/01/18)**, which is renumbered from
8814 Section 53A-11-302 (Effective 07/01/18) is renumbered and amended to read:

8815 ~~[53A-11-302 (Effective 07/01/18)]~~. 53G-9-303 (Effective
8816 07/01/18). **Grounds for exemption from required vaccines -- Renewal.**

8817 (1) A student is exempt from the requirement to receive a vaccine required under
8818 Section [~~53A-11-303~~] 53G-9-305 if the student qualifies for a medical or personal exemption
8819 from the vaccination under Subsection (2) or (3).

8820 (2) A student qualifies for a medical exemption from a vaccination required under
8821 Section [~~53A-11-303~~] 53G-9-305 if the student's legally responsible individual provides to the
8822 student's school:

8823 (a) a completed vaccination exemption form; and

8824 (b) a written notice signed by a licensed health care provider stating that, due to the
8825 physical condition of the student, administration of the vaccine would endanger the student's
8826 life or health.

8827 (3) A student qualifies for a personal exemption from a vaccination required under
8828 Section [~~53A-11-303~~] 53G-9-305 if the student's legally responsible individual provides to the
8829 student's school a completed vaccination exemption form, stating that the student is exempt
8830 from the vaccination because of a personal or religious belief.

8831 (4) (a) A vaccination exemption form submitted under this section is valid for as long
8832 as the student remains at the school to which the form first is presented.

8833 (b) If the student changes schools before the student is old enough to enroll in
8834 kindergarten, the vaccination exemption form accepted as valid at the student's previous school
8835 is valid until the earlier of the day on which:

8836 (i) the student enrolls in kindergarten; or

8837 (ii) the student turns six years old.

8838 (c) If the student changes schools after the student is old enough to enroll in
8839 kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption
8840 form accepted as valid at the student's previous school is valid until the earlier of the day on
8841 which:

8842 (i) the student enrolls in grade 7; or

8843 (ii) the student turns 12 years old.

8844 (d) If the student changes schools after the student is old enough to enroll in grade 7,
8845 the vaccination exemption form accepted as valid at the student's previous school is valid until
8846 the student completes grade 12.

8847 (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained

8848 through completion of the online education module created in Section 26-7-9 is valid for at
8849 least two years.

8850 Section 303. Section **53G-9-304 (Superseded 07/01/18)**, which is renumbered from
8851 Section 53A-11-302.5 (Superseded 07/01/18) is renumbered and amended to read:

8852 **[53A-11-302.5 (Superseded 07/01/18)]. 53G-9-304 (Superseded**
8853 **07/01/18). Personal belief immunization exemption.**

8854 (1) The Department of Health shall provide to all local health departments a form to be
8855 used by persons claiming an exemption from immunization requirements based on a personal
8856 belief opposed to immunization. The form shall include a statement printed on the form and
8857 drafted by the Department of Health stating the department's position regarding the benefits of
8858 immunization. The form shall require, at a minimum:

8859 (a) a statement claiming exemption from immunizations required under Section
8860 [53A-11-302] 53G-9-303, signed by a person listed under Subsection [53A-11-302]
8861 53G-9-303(3)(c);

8862 (b) the name and address of the person who signs the form;

8863 (c) the name of the student exempted from immunizations; and

8864 (d) the school at which the student is enrolling.

8865 (2) (a) The Department of Health shall provide these forms to the local health
8866 departments.

8867 (b) Local health departments shall make the forms available to the public upon request.

8868 (3) (a) A student enrolling in a school and who claims exemption from immunizations
8869 based on a personal belief shall complete the form described in Subsection (1) and provide it to
8870 the school officials at the school in which the student is enrolling.

8871 (b) Students who prior to July 1, 1992, claimed an exemption from immunizations
8872 based on personal beliefs shall prior to December 1, 1992, complete the form described in
8873 Subsection (1) and provide it to the appropriate official of the school the student attends.

8874 Section 304. Section **53G-9-304 (Effective 07/01/18)**, which is renumbered from
8875 Section 53A-11-302.5 (Effective 07/01/18) is renumbered and amended to read:

8876 **[53A-11-302.5 (Effective 07/01/18)]. 53G-9-304 (Effective**
8877 **07/01/18). Vaccination exemption form.**

8878 (1) The department shall:

- 8879 (a) develop a vaccination exemption form that includes only the following information:
- 8880 (i) identifying information regarding:
- 8881 (A) the student to whom an exemption applies; and
- 8882 (B) the legally responsible individual who claims the exemption for the student and
- 8883 signs the vaccination exemption form;
- 8884 (ii) an indication regarding the vaccines to which the exemption relates;
- 8885 (iii) a statement that the claimed exemption is for:
- 8886 (A) a medical reason; or
- 8887 (B) a personal or religious belief; and
- 8888 (iv) an explanation of the requirements, in the event of an outbreak of a disease for
- 8889 which a required vaccine exists, for a student who:
- 8890 (A) has not received the required vaccine; and
- 8891 (B) is not otherwise immune from the disease; and
- 8892 (b) provide the vaccination exemption form created in this Subsection (1) to local
- 8893 health departments.
- 8894 (2) (a) Each local health department shall designate one or more individuals from
- 8895 within the local health department as a health official to consult, regarding the requirements of
- 8896 this part, with:
- 8897 (i) parents, upon the request of parents;
- 8898 (ii) school principals and administrators; and
- 8899 (iii) licensed health care providers.
- 8900 (b) A local health department may designate a licensed health care provider as a health
- 8901 official designee to provide the services described in Subsection (2)(a).
- 8902 (3) (a) To receive a vaccination exemption form described in Subsection (1), a legally
- 8903 responsible individual shall complete the online education module described in Section 26-7-9,
- 8904 permitting an individual to:
- 8905 (i) complete any requirements online; and
- 8906 (ii) download and print the vaccine exemption form immediately upon completion of
- 8907 the requirements.
- 8908 (b) A legally responsible individual may decline to take the online education module
- 8909 and obtain a vaccination exemption form from a local health department if the individual:

8910 (i) requests and receives an in-person consultation at a local health department from a
8911 health official or a health official designee regarding the requirements of this part; and

8912 (ii) pays any fees established under Subsection (4)(b).

8913 (4) (a) Neither the department nor any other person may charge a fee for the exemption
8914 form offered through the online education module in Subsection (3)(a).

8915 (b) A local health department may establish a fee of up to \$25 to cover the costs of
8916 providing an in-person consultation.

8917 Section 305. Section **53G-9-305 (Superseded 07/01/18)**, which is renumbered from
8918 Section 53A-11-303 (Superseded 07/01/18) is renumbered and amended to read:

8919 ~~[53A-11-303 (Superseded 07/01/18)].~~ **53G-9-305 (Superseded**
8920 **07/01/18). Regulations of department.**

8921 (1) The Department of Health shall adopt rules to establish which immunizations are
8922 required and the manner and frequency of their administration.

8923 (2) The rules adopted shall conform to recognized standard medical practices.

8924 (3) The rules shall require the reporting of statistical information and names of
8925 noncompliers by the schools.

8926 Section 306. Section **53G-9-305 (Effective 07/01/18)**, which is renumbered from
8927 Section 53A-11-303 (Effective 07/01/18) is renumbered and amended to read:

8928 ~~[53A-11-303 (Effective 07/01/18)].~~ **53G-9-305 (Effective**
8929 **07/01/18). Regulations of department.**

8930 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8931 department shall make rules regarding:

8932 (a) which vaccines are required as a condition of attending school;

8933 (b) the manner and frequency of the vaccinations; and

8934 (c) the vaccination exemption form described in Section ~~[53A-11-302.5]~~ 53G-9-304.

8935 (2) The department shall ensure that the rules described in Subsection (1):

8936 (a) conform to recognized standard medical practices; and

8937 (b) require schools to report to the department statistical information and names of
8938 students who are not in compliance with Section ~~[53A-11-301]~~ 53G-9-302.

8939 Section 307. Section **53G-9-306 (Superseded 07/01/18)**, which is renumbered from

8940 Section 53A-11-304 (Superseded 07/01/18) is renumbered and amended to read:

8941 ~~53A-11-304 (Superseded 07/01/18)~~. 53G-9-306 (Superseded
8942 07/01/18). **Certificate part of student's record -- Forms for certificates -- Transfer of**
8943 **immunization record to official certificate.**

8944 (1) Each school shall retain official certificates of immunization for every enrolled
8945 student. The certificate becomes a part of the individual student's permanent school record and
8946 follows the student through his or her public or private school career.

8947 (2) The Department of Health shall provide official certificate of immunization forms
8948 to public and private schools, physicians, and local health departments. The forms referred to in
8949 this subsection shall include a clear statement of the student's rights under Section
8950 ~~53A-11-302~~ 53G-9-303.

8951 (3) Any immunization record provided by a licensed physician, registered nurse, or
8952 public health official may be accepted by a school official as a certificate of immunization if
8953 the type of immunization given and the dates given are specified and the information is
8954 transferred to an official certificate of immunization and verified by the school district in which
8955 the public or private school is located.

8956 Section 308. Section **53G-9-306 (Effective 07/01/18)**, which is renumbered from
8957 Section 53A-11-304 (Effective 07/01/18) is renumbered and amended to read:

8958 ~~53A-11-304 (Effective 07/01/18)~~. 53G-9-306 (Effective 07/01/18).
8959 **Immunization record part of student's record -- School review process at enrollment --**
8960 **Transfer.**

8961 (1) Each school:

8962 (a) shall request an immunization record for each student at the time the student enrolls
8963 in the school;

8964 (b) may not charge a fee related to receiving or reviewing an immunization record or a
8965 vaccination exemption form; and

8966 (c) shall retain an immunization record for each enrolled student as part of the student's
8967 permanent school record.

8968 (2) (a) Within five business days after the day on which a student enrolls in a school,
8969 an individual designated by the school principal or administrator shall:

8970 (i) determine whether the school has received an immunization record for the student;

8971 (ii) review the student's immunization record to determine whether the record complies
8972 with Subsection [~~53A-11-301~~] 53G-9-302(1); and

8973 (iii) identify any deficiencies in the student's immunization record.

8974 (b) If the school has not received a student's immunization record or there are
8975 deficiencies in the immunization record, the school shall:

8976 (i) place the student on conditional enrollment, in accordance with Section
8977 [~~53A-11-306~~] 53G-9-308; and

8978 (ii) within five days after the day on which the school places the student on conditional
8979 enrollment, provide the written notice described in Subsection [~~53A-11-306~~] 53G-9-308(2).

8980 (3) A school from which a student transfers shall provide the student's immunization
8981 record to the student's new school upon request of the student's legally responsible individual.

8982 Section 309. Section **53G-9-307 (Repealed 07/01/18)**, which is renumbered from
8983 Section 53A-11-305 (Repealed 07/01/18) is renumbered and amended to read:

8984 [~~53A-11-305 (Repealed 07/01/18)~~]. **53G-9-307 (Repealed**

8985 **07/01/18)**. **Immunization by local health departments -- Fees.**

8986 (1) If a student has not been immunized against a disease specified by the Department
8987 of Health, he may be immunized by the local health department upon the request of his parent
8988 or guardian, or upon the student's request if he is of legal age. The local health department may
8989 charge a fee to cover the cost of administration of the vaccine.

8990 (2) The vaccine necessary for immunizations required under Sections [~~53A-11-301~~]
8991 53G-9-302 and [~~53A-11-303~~] 53G-9-305 shall be furnished to local departments of health by
8992 the Department of Health. The Department of Health may recover all or part of the cost of
8993 vaccines purchased with state funds by charging local health departments a fee for those
8994 vaccines. Local health departments may pass the cost of the vaccine on to the student, his
8995 parent or guardian, or other responsible party. However, a child may not be refused
8996 immunizations by the local health department in his area of residence because of inability to
8997 pay.

8998 (3) The Department of Health shall establish the fee for administration of vaccines, as
8999 provided by Subsection (1), and shall establish fees for vaccines.

9000 Section 310. Section **53G-9-308 (Superseded 07/01/18)**, which is renumbered from
9001 Section 53A-11-306 (Superseded 07/01/18) is renumbered and amended to read:

9002 ~~[53A-11-306 (Superseded 07/01/18)].~~ 53G-9-308 (Superseded 07/01/18).

9003 **53A-11-306 (Superseded 07/01/18). Conditional enrollment -- Suspension for**
 9004 **noncompliance -- Procedure.**

9005 (1) Conditional enrollment time periods may be modified by the department by legally
 9006 adopted rules.

9007 (2) The requirements for conditional enrollment shall apply to each student unless that
 9008 student is exempted under Section 53A-11-302.

9009 (3) After five days written notice of a pending suspension and of the student's rights
 9010 under Section ~~[53A-11-302]~~ 53G-9-303 shall be mailed to the last-known address of a parent,
 9011 guardian, or legal age brother or sister of a student who is without parent or guardian, the
 9012 governing authority of any school shall prohibit further attendance by a student under a
 9013 conditional enrollment who has failed to obtain the immunization required within time period
 9014 set forth in Section ~~[53A-11-302]~~ 53G-9-303 or otherwise established by rule.

9015 (4) Parents or guardians of children who are prohibited from attending school for
 9016 failure to comply with the provisions of this part shall be referred to the juvenile court.

9017 Section 311. Section **53G-9-308 (Effective 07/01/18)**, which is renumbered from
 9018 Section 53A-11-306 (Effective 07/01/18) is renumbered and amended to read:

9019 ~~[53A-11-306 (Effective 07/01/18)].~~ 53G-9-308 (Effective 07/01/18).

9020 **53A-11-306 (Effective 07/01/18). Conditional enrollment -- Suspension for**
 9021 **noncompliance -- Procedure.**

9022 (1) A student for whom a school has not received a complete immunization record may
 9023 attend the school on a conditional enrollment:

9024 (a) during the period in which the student's immunization record is under review by the
 9025 school; or

9026 (b) for 21 calendar days after the day on which the school provides the notice described
 9027 in Subsection (2).

9028 (2) (a) Within five days after the day on which a school places a student on conditional
 9029 enrollment, the school shall provide written notice to the student's legally responsible
 9030 individual, in person or by mail, that:

9031 (i) the school has placed the student on conditional enrollment for failure to comply
 9032 with the requirements of Subsection ~~[53A-11-301]~~ 53G-9-302(1);

- 9033 (ii) describes the identified deficiencies in the student's immunization record or states
 9034 that the school has not received an immunization record for the student;
- 9035 (iii) gives notice that the student will not be allowed to attend school unless the legally
 9036 responsible individual cures the deficiencies, or provides an immunization record that complies
 9037 with Subsection [~~53A-11-301~~] 53G-9-302(1), within the conditional enrollment period
 9038 described in Subsection (1)(b); and
- 9039 (iv) describes the process for obtaining a required vaccination.
- 9040 (b) A school shall remove the conditional enrollment status from a student after the
 9041 school receives an immunization record for the student that complies with Subsection
 9042 [~~53A-11-301~~] 53G-9-302(1).
- 9043 (c) Except as provided in Subsection (2)(d), at the end of the conditional enrollment
 9044 period, a school shall prohibit a student who does not comply with Subsection [~~53A-11-301~~]
 9045 53G-9-302(1) from attending the school until the student complies with Subsection
 9046 [~~53A-11-301~~] 53G-9-302(1).
- 9047 (d) A school principal or administrator:
- 9048 (i) shall grant an additional extension of the conditional enrollment period, if the
 9049 extension is necessary to complete all required vaccination dosages, for a time period medically
 9050 recommended to complete all required vaccination dosages; and
- 9051 (ii) may grant an additional extension of the conditional enrollment period in cases of
 9052 extenuating circumstances, if the school principal or administrator and a school nurse, a health
 9053 official, or a health official designee agree that an additional extension will likely lead to
 9054 compliance with Subsection [~~53A-11-301~~] 53G-9-302(1) during the additional extension
 9055 period.
- 9056 Section 312. Section **53G-9-309 (Effective 07/01/18)**, which is renumbered from
 9057 Section 53A-11-307 (Effective 07/01/18) is renumbered and amended to read:
- 9058 **~~[53A-11-307 (Effective 07/01/18)]~~. 53G-9-309 (Effective 07/01/18). School**
 9059 **record of students' immunization status -- Confidentiality.**
- 9060 (1) Each school shall maintain a current list of all enrolled students, noting each
 9061 student:
- 9062 (a) for whom the school has received a valid and complete immunization record;
- 9063 (b) who is exempt from receiving a required vaccine; and

9064 (c) who is allowed to attend school under Section [~~53A-11-306~~] 53G-9-308.

9065 (2) Each school shall ensure that the list described in Subsection (1) specifically
9066 identifies each disease against which a student is not immunized.

9067 (3) Upon the request of an official from a local health department in the case of a
9068 disease outbreak, a school principal or administrator shall:

9069 (a) notify the legally responsible individual of any student who is not immune to the
9070 outbreak disease, providing information regarding steps the legally responsible individual may
9071 take to protect students;

9072 (b) identify each student who is not immune to the outbreak disease; and

9073 (c) for a period determined by the local health department not to exceed the duration of
9074 the disease outbreak, do one of the following at the discretion of the school principal or
9075 administrator after obtaining approval from the local health department:

9076 (i) provide a separate educational environment for the students described in Subsection
9077 (3)(b) that ensures the protection of the students described in Subsection (3)(b) as well as the
9078 protection of the remainder of the student body; or

9079 (ii) prevent each student described in Subsection (3)(b) from attending school.

9080 (4) A name appearing on the list described in Subsection (1) is subject to
9081 confidentiality requirements described in Section 26-1-17.5 and Section [~~53A-13-301~~]
9082 53E-9-202.

9083 Section 313. Section **53G-9-401** is enacted to read:

9084 **Part 4. Health Examinations**

9085 **53G-9-401. Definitions.**

9086 Reserved

9087 Section 314. Section **53G-9-402**, which is renumbered from Section 53A-11-201 is
9088 renumbered and amended to read:

9089 [~~53A-11-201~~]. **53G-9-402. Rules for examinations prescribed by**
9090 **Department of Health -- Notification of impairment.**

9091 (1) (a) Each local school board shall implement rules as prescribed by the Department
9092 of Health for vision, dental, abnormal spinal curvature, and hearing examinations of students
9093 attending the district's schools.

9094 (b) Under guidelines of the Department of Health, qualified health professionals shall

9095 provide instructions, equipment, and materials for conducting the examinations.

9096 (c) The rules shall include exemption provisions for students whose parents or
9097 guardians contend the examinations violate their personal beliefs.

9098 (2) The school shall notify, in writing, a student's parent or guardian of any impairment
9099 disclosed by the examinations.

9100 Section 315. Section **53G-9-403**, which is renumbered from Section 53A-11-202 is
9101 renumbered and amended to read:

9102 ~~[53A-11-202]~~. **53G-9-403. Personnel to perform health examination.**

9103 A local school board may use teachers or licensed registered nurses to conduct
9104 examinations required under this ~~[chapter]~~ part and licensed physicians as needed for medical
9105 consultation related to those examinations.

9106 Section 316. Section **53G-9-404**, which is renumbered from Section 53A-11-203 is
9107 renumbered and amended to read:

9108 ~~[53A-11-203]~~. **53G-9-404. Vision screening.**

9109 (1) As used in this section:

9110 (a) "Office" means the Utah State Office of Rehabilitation created in Section
9111 35A-1-202.

9112 (b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than
9113 nine years old.

9114 (2) A child under nine years old entering school for the first time in this state must
9115 present the following to the school:

9116 (a) a certificate signed by a licensed physician, optometrist, or other licensed health
9117 professional approved by the office, stating that the child has received vision screening to
9118 determine the presence of amblyopia or other visual defects; or

9119 (b) a written statement signed by at least one parent or legal guardian of the child that
9120 the screening violates the personal beliefs of the parent or legal guardian.

9121 (3) (a) The office:

9122 (i) shall provide vision screening report forms to a person approved by the office to
9123 conduct a free vision screening for a qualifying child;

9124 (ii) may work with health care professionals, teachers, and vision screeners to develop
9125 protocols that may be used by a parent, teacher, or vision screener to help identify a child who

9126 may have conditions that are not detected in a vision screening, such as problems with eye
9127 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence
9128 insufficiency; and

9129 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language
9130 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice
9131 required by Subsection (3)(b).

9132 (b) The report forms shall include the following information for a parent or guardian:
9133 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye
9134 doctor."

9135 (4) A school district or charter school may conduct free vision screening clinics for a
9136 qualifying child.

9137 (5) (a) The office shall maintain a central register of qualifying children who fail vision
9138 screening and who are referred for follow-up treatment.

9139 (b) The register described in Subsection (5)(a) shall include the name of the child, age
9140 or birthdate, address, cause for referral, and follow-up results.

9141 (c) A school district or charter school shall report to the office referral follow-up results
9142 for a qualifying child.

9143 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a
9144 vision screener for a free vision screening clinic for a qualifying child:

9145 (i) is a school nurse;

9146 (ii) holds a certificate issued by the office under Subsection (6)(b)(ii); or

9147 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii).

9148 (b) The office shall:

9149 (i) provide vision screening training to a volunteer seeking a certificate described in
9150 Subsection (6)(b)(ii), using curriculum established by the office; and

9151 (ii) issue a certificate to a volunteer who successfully completes the vision screening
9152 training described in Subsection (6)(b)(i).

9153 (c) An individual described in Subsection (6)(a) is not liable for damages that result
9154 from acts or omissions related to the vision screening, unless the acts or omissions are willful
9155 or grossly negligent.

9156 (7) (a) Except as provided in Subsection (7)(b), a licensed health professional

9157 providing vision care to private patients may not participate as a screener in a free vision
9158 screening program provided by a school district.

9159 (b) A school district or charter school may:

9160 (i) allow a licensed health professional who provides vision care to private patients to
9161 participate as a screener in a free vision screening program for a child 3-1/2 years old or older;

9162 (ii) establish guidelines to administer a free vision screening program described in
9163 Subsection (7)(b)(i); and

9164 (iii) establish penalties for a violation of the requirements of Subsection (7)(c).

9165 (c) A licensed health professional or other person who participates as a screener in a
9166 free vision screening program described in Subsection (7)(b):

9167 (i) may not market, advertise, or promote the licensed health professional's business in
9168 connection with providing the free screening at the school; and

9169 (ii) shall provide the child's results of the free vision screening on a form produced by
9170 the school or school district, which:

9171 (A) may not include contact information other than the name of the licensed health
9172 professional; and

9173 (B) shall include a statement: "vision screening is not a substitute for a complete eye
9174 exam and vision evaluation by an eye doctor."

9175 (d) A school district or charter school may provide information to a parent or guardian
9176 of the availability of follow up vision services for a student.

9177 (8) The Department of Health shall:

9178 (a) by rule, set standards and procedures for vision screening required by this [~~chapter~~]
9179 part, which shall include a process for notifying the parent or guardian of a child who fails a
9180 vision screening or is identified as needing follow-up care; and

9181 (b) provide the office with copies of rules, standards, instructions, and test charts
9182 necessary for conducting vision screening.

9183 (9) The office shall supervise screening, referral, and follow-up required by this
9184 [~~chapter~~] part.

9185 Section 317. Section **53G-9-501** is enacted to read:

9186 **Part 5. Administration of Medication**

9187 **53G-9-501. Definitions.**

9188 Reserved

9189 Section 318. Section **53G-9-502**, which is renumbered from Section 53A-11-601 is
9190 renumbered and amended to read:

9191 ~~**53A-11-601**~~. **53G-9-502. Administration of medication to students --**
9192 **Prerequisites -- Immunity from liability -- Applicability.**

9193 (1) A public or private school that holds any classes in grades kindergarten through 12
9194 may provide for the administration of medication to any student during periods when the
9195 student is under the control of the school, subject to the following conditions:

9196 (a) the local school board, charter school governing board, or the private equivalent,
9197 after consultation with the Department of Health and school nurses shall adopt policies that
9198 provide for:

9199 (i) the designation of volunteer employees who may administer medication;
9200 (ii) proper identification and safekeeping of medication;
9201 (iii) the training of designated volunteer employees by the school nurse;
9202 (iv) maintenance of records of administration; and
9203 (v) notification to the school nurse of medication that will be administered to students;
9204 and

9205 (b) medication may only be administered to a student if:

9206 (i) the student's parent or legal guardian has provided a current written and signed
9207 request that medication be administered during regular school hours to the student; and

9208 (ii) the student's licensed health care provider has prescribed the medication and
9209 provides documentation as to the method, amount, and time schedule for administration, and a
9210 statement that administration of medication by school employees during periods when the
9211 student is under the control of the school is medically necessary.

9212 (2) Authorization for administration of medication by school personnel may be
9213 withdrawn by the school at any time following actual notice to the student's parent or guardian.

9214 (3) School personnel who provide assistance under Subsection (1) in substantial
9215 compliance with the licensed health care provider's written prescription and the employers of
9216 these school personnel are not liable, civilly or criminally, for:

9217 (a) any adverse reaction suffered by the student as a result of taking the medication;

9218 and

9219 (b) discontinuing the administration of the medication under Subsection (2).
9220 (4) Subsections (1) through (3) do not apply to:
9221 (a) the administration of glucagon in accordance with Section [~~53A-11-603~~]
9222 53G-9-504;
9223 (b) the administration of a seizure rescue medication in accordance with Section
9224 [~~53A-11-603.5~~] 53G-9-505; or
9225 (c) the administration of an opiate antagonist in accordance with Title 26, Chapter 55,
9226 Opiate Overdose Response Act.
9227 Section 319. Section **53G-9-503**, which is renumbered from Section 53A-11-602 is
9228 renumbered and amended to read:
9229 ~~[53A-11-602]~~. **53G-9-503. Self-administration of asthma medication.**
9230 (1) As used in this section, "asthma medication" means prescription or nonprescription,
9231 inhaled asthma medication.
9232 (2) A public school shall permit a student to possess and self-administer asthma
9233 medication if:
9234 (a) the student's parent or guardian signs a statement:
9235 (i) authorizing the student to self-administer asthma medication; and
9236 (ii) acknowledging that the student is responsible for, and capable of,
9237 self-administering the asthma medication; and
9238 (b) the student's health care provider provides a written statement that states:
9239 (i) it is medically appropriate for the student to self-administer asthma medication and
9240 be in possession of asthma medication at all times; and
9241 (ii) the name of the asthma medication prescribed or authorized for the student's use.
9242 (3) The Utah Department of Health, in cooperation with the state superintendent of
9243 public instruction, shall design forms to be used by public schools for the parental and health
9244 care provider statements described in Subsection (2).
9245 (4) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and
9246 self-administration of asthma medication in accordance with this section.
9247 Section 320. Section **53G-9-504**, which is renumbered from Section 53A-11-603 is
9248 renumbered and amended to read:
9249 ~~[53A-11-603]~~. **53G-9-504. Administration of glucagon -- Training of**

9250 **volunteer school personnel -- Authority to use glucagon -- Immunity from liability.**

9251 (1) As used in this section, "glucagon authorization" means a signed statement from a
9252 parent or guardian of a student with diabetes:

9253 (a) certifying that glucagon has been prescribed for the student;

9254 (b) requesting that the student's public school identify and train school personnel who
9255 volunteer to be trained in the administration of glucagon in accordance with this section; and

9256 (c) authorizing the administration of glucagon in an emergency to the student in
9257 accordance with this section.

9258 (2) (a) A public school shall, within a reasonable time after receiving a glucagon
9259 authorization, train two or more school personnel who volunteer to be trained in the
9260 administration of glucagon, with training provided by the school nurse or another qualified,
9261 licensed medical professional.

9262 (b) A public school shall allow all willing school personnel to receive training in the
9263 administration of glucagon, and the school shall assist and may not obstruct the identification
9264 or training of volunteers under this Subsection (2).

9265 (c) The Utah Department of Health, in cooperation with the state superintendent of
9266 public instruction, shall design a glucagon authorization form to be used by public schools in
9267 accordance with this section.

9268 (3) (a) Training in the administration of glucagon shall include:

9269 (i) techniques for recognizing the symptoms that warrant the administration of
9270 glucagon;

9271 (ii) standards and procedures for the storage and use of glucagon;

9272 (iii) other emergency procedures, including calling the emergency 911 number and
9273 contacting, if possible, the student's parent or guardian; and

9274 (iv) written materials covering the information required under this Subsection (3).

9275 (b) A school shall retain for reference the written materials prepared in accordance with
9276 Subsection (3)(a)(iv).

9277 (4) A public school shall permit a student or school personnel to possess or store
9278 prescribed glucagon so that it will be available for administration in an emergency in
9279 accordance with this section.

9280 (5) (a) A person who has received training in accordance with this section may

9281 administer glucagon at a school or school activity to a student with a glucagon authorization if:

9282 (i) the student is exhibiting the symptoms that warrant the administration of glucagon;

9283 and

9284 (ii) a licensed health care professional is not immediately available.

9285 (b) A person who administers glucagon in accordance with Subsection (5)(a) shall

9286 direct a responsible person to call 911 and take other appropriate actions in accordance with the
9287 training materials retained under Subsection (3)(b).

9288 (6) School personnel who provide or receive training under this section and act in good
9289 faith are not liable in any civil or criminal action for any act taken or not taken under the
9290 authority of this section with respect to the administration of glucagon.

9291 (7) Section [~~53A-11-601~~] 53G-9-502 does not apply to the administration of glucagon
9292 in accordance with this section.

9293 (8) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and
9294 administration of glucagon in accordance with this section.

9295 (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
9296 Professions, do not apply to a person licensed as a health professional under Title 58,
9297 Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,
9298 trains nonlicensed volunteers to administer glucagon in accordance with this section.

9299 Section 321. Section **53G-9-505**, which is renumbered from Section 53A-11-603.5 is
9300 renumbered and amended to read:

9301 ~~[53A-11-603.5]~~. **53G-9-505. Trained school employee volunteers --**

9302 **Administration of seizure rescue medication -- Exemptions from liability.**

9303 (1) As used in this section:

9304 (a) "Prescribing health care professional" means:

9305 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice
9306 Act;

9307 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah
9308 Osteopathic Medical Practice Act;

9309 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
9310 Practice Act; or

9311 (iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

9312 (b) "Section 504 accommodation plan" means a plan developed pursuant to Section
9313 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to
9314 an individual with a disability to ensure access to major life activities.

9315 (c) "Seizure rescue authorization" means a student's Section 504 accommodation plan
9316 that:

9317 (i) certifies that:

9318 (A) a prescribing health care professional has prescribed a seizure rescue medication
9319 for the student;

9320 (B) the student's parent or legal guardian has previously administered the student's
9321 seizure rescue medication in a nonmedically-supervised setting without a complication; and

9322 (C) the student has previously ceased having full body prolonged or convulsive seizure
9323 activity as a result of receiving the seizure rescue medication;

9324 (ii) describes the specific seizure rescue medication authorized for the student,
9325 including the indicated dose, and instructions for administration;

9326 (iii) requests that the student's public school identify and train school employees who
9327 are willing to volunteer to receive training to administer a seizure rescue medication in
9328 accordance with this section; and

9329 (iv) authorizes a trained school employee volunteer to administer a seizure rescue
9330 medication in accordance with this section.

9331 (d) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing
9332 health care professional, to be administered as described in a student's seizure rescue
9333 authorization, while the student experiences seizure activity.

9334 (ii) A seizure rescue medication does not include a medication administered
9335 intravenously or intramuscularly.

9336 (e) "Trained school employee volunteer" means an individual who:

9337 (i) is an employee of a public school where at least one student has a seizure rescue
9338 authorization;

9339 (ii) is at least 18 years old; and

9340 (iii) as described in this section:

9341 (A) volunteers to receive training in the administration of a seizure rescue medication;

9342 (B) completes a training program described in this section;

9343 (C) demonstrates competency on an assessment; and
9344 (D) completes annual refresher training each year that the individual intends to remain
9345 a trained school employee volunteer.

9346 (2) (a) The Department of Health shall, with input from the State Board of Education
9347 and a children's hospital, develop a training program for trained school employee volunteers in
9348 the administration of seizure rescue medications that includes:

9349 (i) techniques to recognize symptoms that warrant the administration of a seizure
9350 rescue medication;

9351 (ii) standards and procedures for the storage of a seizure rescue medication;

9352 (iii) procedures, in addition to administering a seizure rescue medication, in the event
9353 that a student requires administration of the seizure rescue medication, including:

9354 (A) calling 911; and
9355 (B) contacting the student's parent or legal guardian;

9356 (iv) an assessment to determine if an individual is competent to administer a seizure
9357 rescue medication;

9358 (v) an annual refresher training component; and
9359 (vi) written materials describing the information required under this Subsection (2)(a).

9360 (b) A public school shall retain for reference the written materials described in
9361 Subsection (2)(a)(vi).

9362 (c) The following individuals may provide the training described in Subsection (2)(a):
9363 (i) a school nurse; or
9364 (ii) a licensed health care professional.

9365 (3) (a) A public school shall, after receiving a seizure rescue authorization:
9366 (i) inform school employees of the opportunity to be a school employee volunteer; and
9367 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
9368 volunteers, using the training program described in Subsection (2)(a).

9369 (b) A public school may not:
9370 (i) obstruct the identification or training of a trained school employee volunteer; or
9371 (ii) compel a school employee to become a trained school employee volunteer.

9372 (4) A trained school employee volunteer may possess or store a prescribed rescue
9373 seizure medication, in accordance with this section.

9374 (5) A trained school employee volunteer may administer a seizure rescue medication to
9375 a student with a seizure rescue authorization if:

9376 (a) the student is exhibiting a symptom, described on the student's seizure rescue
9377 authorization, that warrants the administration of a seizure rescue medication; and

9378 (b) a licensed health care professional is not immediately available to administer the
9379 seizure rescue medication.

9380 (6) A trained school employee volunteer who administers a seizure rescue medication
9381 shall direct an individual to call 911 and take other appropriate actions in accordance with the
9382 training described in Subsection (2).

9383 (7) A trained school employee volunteer who administers a seizure rescue medication
9384 in accordance with this section in good faith is not liable in a civil or criminal action for an act
9385 taken or not taken under this section.

9386 (8) Section [~~53A-11-601~~] 53G-9-502 does not apply to the administration of a seizure
9387 rescue medication.

9388 (9) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession of a seizure
9389 rescue medication in accordance with this section.

9390 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations
9391 and Professions, do not apply to a person licensed as a health care professional under Title 58,
9392 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,
9393 training a nonlicensed school employee who volunteers to administer a seizure rescue
9394 medication in accordance with this section.

9395 (b) Allowing a trained school employee volunteer to administer a seizure rescue
9396 medication in accordance with this section does not constitute unlawful or inappropriate
9397 delegation under Title 58, Occupations and Professions.

9398 Section 322. Section **53G-9-506**, which is renumbered from Section 53A-11-604 is
9399 renumbered and amended to read:

9400 ~~[53A-11-604]~~. **53G-9-506. Diabetes medication -- Possession --**
9401 **Self-administration.**

9402 (1) As used in this section, "diabetes medication" means prescription or
9403 nonprescription medication used to treat diabetes, including related medical devices, supplies,
9404 and equipment used to treat diabetes.

9405 (2) A public school shall permit a student to possess or possess and self-administer
9406 diabetes medication if:

9407 (a) the student's parent or guardian signs a statement:

9408 (i) authorizing the student to possess or possess and self-administer diabetes
9409 medication; and

9410 (ii) acknowledging that the student is responsible for, and capable of, possessing or
9411 possessing and self-administering the diabetes medication; and

9412 (b) the student's health care provider provides a written statement that states:

9413 (i) it is medically appropriate for the student to possess or possess and self-administer
9414 diabetes medication and the student should be in possession of diabetes medication at all times;
9415 and

9416 (ii) the name of the diabetes medication prescribed or authorized for the student's use.

9417 (3) The Utah Department of Health, in cooperation with the state superintendent of
9418 public instruction, shall design forms to be used by public schools for the parental and health
9419 care provider statements described in Subsection (2).

9420 (4) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and
9421 self-administration of diabetes medication in accordance with this section.

9422 Section 323. Section **53G-9-601**, which is renumbered from Section 53A-11a-102 is
9423 renumbered and amended to read:

9424 **Part 6. Bullying and Hazing**

9425 **~~[53A-11a-102].~~ 53G-9-601. Definitions.**

9426 As used in this [~~chapter~~] part:

9427 (1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or
9428 student directed toward a school employee that, based on its severity, nature, and frequency of
9429 occurrence, a reasonable person would determine is intended to cause intimidation,
9430 humiliation, or unwarranted distress.

9431 (b) A single act does not constitute abusive conduct.

9432 (2) "Bullying" means a school employee or student intentionally committing a written,
9433 verbal, or physical act against a school employee or student that a reasonable person under the
9434 circumstances should know or reasonably foresee will have the effect of:

9435 (a) causing physical or emotional harm to the school employee or student;

- 9436 (b) causing damage to the school employee's or student's property;
- 9437 (c) placing the school employee or student in reasonable fear of:
- 9438 (i) harm to the school employee's or student's physical or emotional well-being; or
- 9439 (ii) damage to the school employee's or student's property;
- 9440 (d) creating a hostile, threatening, humiliating, or abusive educational environment due
- 9441 to:
- 9442 (i) the pervasiveness, persistence, or severity of the actions; or
- 9443 (ii) a power differential between the bully and the target; or
- 9444 (e) substantially interfering with a student having a safe school environment that is
- 9445 necessary to facilitate educational performance, opportunities, or benefits.
- 9446 (3) "Communication" means the conveyance of a message, whether verbal, written, or
- 9447 electronic.
- 9448 (4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send
- 9449 or post text, video, or an image with the intent or knowledge, or with reckless disregard, that
- 9450 the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether
- 9451 the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the
- 9452 electronic communication.
- 9453 (5) (a) "Hazing" means a school employee or student intentionally, knowingly, or
- 9454 recklessly committing an act or causing another individual to commit an act toward a school
- 9455 employee or student that:
- 9456 (i) (A) endangers the mental or physical health or safety of a school employee or
- 9457 student;
- 9458 (B) involves any brutality of a physical nature, including whipping, beating, branding,
- 9459 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
- 9460 exposure to the elements;
- 9461 (C) involves consumption of any food, alcoholic product, drug, or other substance or
- 9462 other physical activity that endangers the mental or physical health and safety of a school
- 9463 employee or student; or
- 9464 (D) involves any activity that would subject a school employee or student to extreme
- 9465 mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that
- 9466 subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

9467 (ii) (A) is committed for the purpose of initiation into, admission into, affiliation with,
9468 holding office in, or as a condition for membership in a school or school sponsored team,
9469 organization, program, club, or event; or

9470 (B) is directed toward a school employee or student whom the individual who commits
9471 the act knows, at the time the act is committed, is a member of, or candidate for membership
9472 in, a school or school sponsored team, organization, program, club, or event in which the
9473 individual who commits the act also participates.

9474 (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of
9475 whether the school employee or student against whom the conduct is committed directed,
9476 consented to, or acquiesced in, the conduct.

9477 (6) "Policy" means a school board policy described in Section [~~53A-11a-301~~]
9478 53G-9-605.

9479 (7) "Retaliate" means an act or communication intended:

9480 (a) as retribution against a person for reporting bullying or hazing; or

9481 (b) to improperly influence the investigation of, or the response to, a report of bullying
9482 or hazing.

9483 (8) "School" means a public elementary or secondary school, including a charter
9484 school.

9485 (9) "School board" means:

9486 (a) a local school board; or

9487 (b) a charter school governing board.

9488 (10) "School employee" means an individual working in the individual's official
9489 capacity as:

9490 (a) a school teacher;

9491 (b) a school staff member;

9492 (c) a school administrator; or

9493 (d) an individual:

9494 (i) who is employed, directly or indirectly, by a school, school board, or school district;

9495 and

9496 (ii) who works on a school campus.

9497 Section 324. Section **53G-9-602**, which is renumbered from Section 53A-11a-201 is

9498 renumbered and amended to read:

9499 ~~[53A-11a-201].~~ **53G-9-602. Bullying, hazing, and cyber-bullying prohibited.**

9500 (1) A school employee or student may not engage in bullying a school employee or
9501 student:

9502 (a) on school property;

9503 (b) at a school related or sponsored event;

9504 (c) on a school bus;

9505 (d) at a school bus stop; or

9506 (e) while the school employee or student is traveling to or from a location or event
9507 described in Subsections (1)(a) through (d).

9508 (2) A school employee or student may not engage in hazing or cyber-bullying a school
9509 employee or student at any time or in any location.

9510 Section 325. Section **53G-9-603**, which is renumbered from Section 53A-11a-202 is
9511 renumbered and amended to read:

9512 ~~[53A-11a-202].~~ **53G-9-603. Retaliation and making a false allegation**
9513 **prohibited.**

9514 (1) A school employee or student may not engage in retaliation against:

9515 (a) a school employee;

9516 (b) a student; or

9517 (c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying,
9518 hazing, or retaliation.

9519 (2) A school employee or student may not make a false allegation of bullying,
9520 cyber-bullying, hazing, or retaliation against a school employee or student.

9521 Section 326. Section **53G-9-604**, which is renumbered from Section 53A-11a-203 is
9522 renumbered and amended to read:

9523 ~~[53A-11a-203].~~ **53G-9-604. Parental notification of certain incidents and**
9524 **threats required.**

9525 (1) For purposes of this section, "parent" includes a student's guardian.

9526 (2) A school shall:

9527 (a) notify a parent if the parent's student threatens to commit suicide; or

9528 (b) notify the parents of each student involved in an incident of bullying,

9529 cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's
9530 student.

9531 (3) (a) If a school notifies a parent of an incident or threat required to be reported under
9532 Subsection (2), the school shall produce and maintain a record that verifies that the parent was
9533 notified of the incident or threat.

9534 (b) A school shall maintain a record described in Subsection (3)(a) in accordance with
9535 the requirements of:

9536 ~~[(i) Chapter 1, Part 14, Student Data Protection Act;]~~

9537 ~~[(ii) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act;]~~

9538 (i) Title 53E, Chapter 9, Part 2, Student Privacy;

9539 (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;

9540 (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

9541 (iv) 34 C.F.R. Part 99.

9542 (4) A local school board or charter school governing board shall adopt a policy
9543 regarding the process for:

9544 (a) notifying a parent as required in Subsection (2); and

9545 (b) producing and retaining a record that verifies that a parent was notified of an
9546 incident or threat as required in Subsection (3).

9547 (5) At the request of a parent, a school may provide information and make
9548 recommendations related to an incident or threat described in Subsection (2).

9549 (6) A school shall:

9550 (a) provide a student a copy of a record maintained in accordance with this section that
9551 relates to the student if the student requests a copy of the record; and

9552 (b) expunge a record maintained in accordance with this section that relates to a
9553 student if the student:

9554 (i) has graduated from high school; and

9555 (ii) requests the record be expunged.

9556 Section 327. Section **53G-9-605**, which is renumbered from Section 53A-11a-301 is
9557 renumbered and amended to read:

9558 ~~[53A-11a-301].~~ **53G-9-605. Bullying, cyber-bullying, hazing, abusive**
9559 **conduct, and retaliation policy.**

- 9560 (1) On or before September 1, 2018, a school board shall update the school board's
9561 bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.
- 9562 (2) A policy shall:
- 9563 (a) be developed only with input from:
- 9564 (i) students;
- 9565 (ii) parents;
- 9566 (iii) teachers;
- 9567 (iv) school administrators;
- 9568 (v) school staff; or
- 9569 (vi) local law enforcement agencies; and
- 9570 (b) provide protection to a student, regardless of the student's legal status.
- 9571 (3) A policy shall include the following components:
- 9572 (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are
9573 consistent with this [~~chapter~~] part;
- 9574 (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
- 9575 (c) language prohibiting retaliation against an individual who reports conduct that is
9576 prohibited under this [~~chapter~~] part;
- 9577 (d) language prohibiting making a false report of bullying, cyber-bullying, hazing,
9578 abusive conduct, or retaliation;
- 9579 (e) as required in Section [~~53A-11a-203~~] 53G-9-604, parental notification of:
- 9580 (i) a student's threat to commit suicide; and
- 9581 (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation,
9582 involving the parent's student;
- 9583 (f) a grievance process for a school employee who has experienced abusive conduct;
- 9584 (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or
9585 retaliation; and
- 9586 (h) a requirement for a signed statement annually, indicating that the individual signing
9587 the statement has received the school board's policy, from each:
- 9588 (i) school employee;
- 9589 (ii) student who is at least eight years old; and
- 9590 (iii) parent or guardian of a student enrolled in the charter school or school district.

- 9591 (4) A copy of a policy shall be:
- 9592 (a) included in student conduct handbooks;
- 9593 (b) included in employee handbooks;
- 9594 (c) provided to a parent or a guardian of a student enrolled in the charter school or
- 9595 school district; and
- 9596 (d) distributed to parents.

9597 (5) A policy may not permit formal disciplinary action that is based solely on an

9598 anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

9599 (6) Nothing in this [~~chapter~~] part is intended to infringe upon the right of a school

9600 employee, parent, or student to exercise the right of free speech.

9601 Section 328. Section **53G-9-606**, which is renumbered from Section 53A-11a-302 is

9602 renumbered and amended to read:

9603 ~~[53A-11a-302]~~. **53G-9-606. Model policy and State Board of Education**

9604 **duties.**

9605 (1) On or before September 1, 2018, the State Board of Education shall:

9606 (a) update the State Board of Education's model policy on bullying, cyber-bullying,

9607 hazing, and retaliation to include abusive conduct; and

9608 (b) post the model policy described in Subsection (1)(a) on the State Board of

9609 Education's website.

9610 (2) The State Board of Education shall require a school board to report annually to the

9611 State Board of Education on:

9612 (a) the school board's policy, including implementation of the signed statement

9613 requirement described in Subsection ~~[53A-11a-301]~~ 53G-9-605(3)(g);

9614 (b) the school board's training of school employees relating to bullying, cyber-bullying,

9615 hazing, and retaliation described in Section ~~[53A-11a-401]~~ 53G-9-607; and

9616 (c) other information related to this [~~chapter~~] part, as determined by the State Board of

9617 Education.

9618 Section 329. Section **53G-9-607**, which is renumbered from Section 53A-11a-401 is

9619 renumbered and amended to read:

9620 ~~[53A-11a-401]~~. **53G-9-607. Training, education, and prevention --**

9621 **Standards.**

9622 (1) (a) A school board shall include in the training of a school employee training
9623 regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the
9624 standards described in Subsection (4).

9625 (b) A school board may offer voluntary training to parents and students regarding
9626 abusive conduct.

9627 (2) To the extent that state or federal funding is available for this purpose, school
9628 boards are encouraged to implement programs or initiatives, in addition to the training
9629 described in Subsection (1), to provide for training and education regarding, and the prevention
9630 of, bullying, hazing, abusive conduct, and retaliation.

9631 (3) The programs or initiatives described in Subsection (2) may involve:

9632 (a) the establishment of a bullying task force; or

9633 (b) the involvement of school employees, students, or law enforcement.

9634 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9635 State Board of Education shall make rules that establish standards for high quality training
9636 related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

9637 Section 330. Section **53G-9-608**, which is renumbered from Section 53A-11a-402 is
9638 renumbered and amended to read:

9639 ~~[53A-11a-402]~~. **53G-9-608**. **Other forms of legal redress.**

9640 (1) Nothing in this [~~chapter~~] part prohibits a victim of bullying, cyber-bullying, hazing,
9641 abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or
9642 criminal law.

9643 (2) This section does not create or alter tort liability.

9644 Section 331. Section **53G-9-701** is enacted to read:

9645 **Part 7. Suicide Prevention**

9646 **53G-9-701**. **Definitions.**

9647 Reserved

9648 Section 332. Section **53G-9-702**, which is renumbered from Section 53A-15-1301 is
9649 renumbered and amended to read:

9650 ~~[53A-15-1301]~~. **53G-9-702**. **Youth suicide prevention programs required in**
9651 **secondary schools -- State Board of Education to develop model programs -- Reporting**
9652 **requirements.**

- 9653 (1) As used in the section:
- 9654 (a) "Board" means the State Board of Education.
- 9655 (b) "Intervention" means an effort to prevent a student from attempting suicide.
- 9656 (c) "Postvention" means mental health intervention after a suicide attempt or death to
9657 prevent or contain contagion.
- 9658 (d) "Program" means a youth suicide prevention program described in Subsection (2).
- 9659 (e) "Public education suicide prevention coordinator" means an individual designated
9660 by the board as described in Subsection (3).
- 9661 (f) "Secondary grades":
- 9662 (i) means grades 7 through 12; and
- 9663 (ii) if a middle or junior high school includes grade 6, includes grade 6.
- 9664 (g) "State suicide prevention coordinator" means the state suicide prevention
9665 coordinator described in Section 62A-15-1101.
- 9666 (2) (a) In collaboration with the public education suicide prevention coordinator, a
9667 school district or charter school shall implement a youth suicide prevention program in the
9668 secondary grades of the school district or charter school.
- 9669 (b) A school district or charter school's program shall include the following
9670 components:
- 9671 (i) in collaboration with the training, programs, and initiatives described in Section
9672 [~~53A-11a-401~~] 53G-9-607, programs and training to address bullying and cyberbullying, as
9673 those terms are defined in Section [~~53A-11a-102~~] 53G-9-601;
- 9674 (ii) prevention of youth suicides;
- 9675 (iii) youth suicide intervention; and
- 9676 (iv) postvention for family, students, and faculty.
- 9677 (3) The board shall:
- 9678 (a) designate a public education suicide prevention coordinator; and
- 9679 (b) in collaboration with the Department of Health and the state suicide prevention
9680 coordinator, develop model programs to provide to school districts and charter schools:
- 9681 (i) program training; and
- 9682 (ii) resources regarding the required components described in Subsection (2)(b).
- 9683 (4) The public education suicide prevention coordinator shall:

- 9684 (a) oversee the youth suicide prevention programs of school districts and charter
9685 schools; [~~and~~]
- 9686 (b) coordinate prevention and postvention programs, services, and efforts with the state
9687 suicide prevention coordinator[-]; and
- 9688 (c) award grants in accordance with Section 53F-5-206.
- 9689 (5) A public school suicide prevention program may allow school personnel to ask a
9690 student questions related to youth suicide prevention, intervention, or postvention.
- 9691 (6) (a) Subject to legislative appropriation, the board may distribute money to a school
9692 district or charter school to be used to implement evidence-based practices and programs, or
9693 emerging best practices and programs, for preventing suicide in the school district or charter
9694 school.
- 9695 (b) The board shall distribute money under Subsection (6)(a) so that each school that
9696 enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser
9697 amount per school if the legislative appropriation is not sufficient to provide at least \$500 per
9698 school.
- 9699 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to
9700 implement evidence-based practices and programs, or emerging best practices and programs,
9701 for preventing suicide.
- 9702 (ii) Each school may select the evidence-based practices and programs, or emerging
9703 best practices and programs, for preventing suicide that the school implements.
- 9704 (7) (a) The board shall provide a written report, and shall orally report to the
9705 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the
9706 public education suicide prevention coordinator and the state suicide prevention coordinator,
9707 on:
- 9708 (i) the progress of school district and charter school youth suicide prevention programs,
9709 including rates of participation by school districts, charter schools, and students;
- 9710 (ii) the board's coordination efforts with the Department of Health and the state suicide
9711 prevention coordinator;
- 9712 (iii) the public education suicide prevention coordinator's model program for training
9713 and resources related to youth suicide prevention, intervention, and postvention;
- 9714 (iv) data measuring the effectiveness of youth suicide programs;

9715 (v) funds appropriated to each school district and charter school for youth suicide
9716 prevention programs; and
9717 (vi) five-year trends of youth suicides per school, school district, and charter school.
9718 (b) School districts and charter schools shall provide to the board information that is
9719 necessary for the board's report to the Legislature's Education Interim Committee as required in
9720 Subsection (7)(a).

9721 Section 333. Section **53G-9-703**, which is renumbered from Section 53A-15-1302 is
9722 renumbered and amended to read:

9723 ~~[53A-15-1302]~~. **53G-9-703. Parent education -- Mental health -- Bullying --**
9724 **Safety.**

9725 (1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for
9726 parents of students in the school district that:

- 9727 (i) is offered at no cost to parents;
- 9728 (ii) begins at or after 6 p.m.;
- 9729 (iii) is held in at least one school located in the school district; and
- 9730 (iv) covers the topics described in Subsection (2).

9731 (b) (i) A school district shall annually offer one parent seminar for each 11,000
9732 students enrolled in the school district.

9733 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer
9734 more than three seminars.

9735 (c) A school district may:

- 9736 (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
- 9737 (ii) use the curriculum developed by the State Board of Education under Subsection
9738 (2).

9739 (d) A school district shall notify each charter school located in the attendance
9740 boundaries of the school district of the date and time of a parent seminar, so the charter school
9741 may inform parents of the seminar.

9742 (2) The State Board of Education shall:

9743 (a) develop a curriculum for the parent seminar described in Subsection (1) that
9744 includes information on:

- 9745 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

- 9746 (ii) bullying;
- 9747 (iii) mental health, depression, suicide awareness, and suicide prevention, including
9748 education on limiting access to fatal means;
- 9749 (iv) Internet safety, including pornography addiction; and
- 9750 (v) the School Safety and Crisis Line established in Section [~~53A-11-1503~~]
9751 53E-10-502; and
- 9752 (b) provide the curriculum, including resources and training, to school districts upon
9753 request.
- 9754 (3) The State Board of Education shall report to the Legislature's Education Interim
9755 Committee, by the October 2015 meeting, on:
- 9756 (a) the progress of implementation of the parent seminar;
- 9757 (b) the number of parent seminars conducted in each school district;
- 9758 (c) the estimated attendance reported by each school district;
- 9759 (d) a recommendation of whether to continue the parent seminar program; and
- 9760 (e) if a local school board has opted out of providing the parent seminar, as described
9761 in Subsection (4), the reasons why a local school board opted out.
- 9762 (4) (a) A school district is not required to offer the parent seminar if the local school
9763 board determines that the topics described in Subsection (2) are not of significant interest or
9764 value to families in the school district.
- 9765 (b) If a local school board chooses not to offer the parent seminar, the local school
9766 board shall notify the State Board of Education and provide the reasons why the local school
9767 board chose not to offer the parent seminar.
- 9768 Section 334. Section **53G-9-704**, which is renumbered from Section 53A-15-1304 is
9769 renumbered and amended to read:
- 9770 ~~[53A-15-1304]~~. **53G-9-704**. **Youth suicide prevention training for employees.**
- 9771 (1) A school district or charter school shall require a licensed employee to complete
9772 two hours of professional development training on youth suicide prevention within the
9773 employee's license cycle described in Section [~~53A-6-104~~] 53E-6-201.
- 9774 (2) The board shall:
- 9775 (a) develop or adopt sample materials to be used by a school district or charter school
9776 for professional development training on youth suicide prevention; and

9777 (b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative
9778 Rulemaking Act, incorporate the training described in Subsection (1) into professional
9779 development training described in Section [~~53A-6-104~~] 53E-6-201.

9780 Section 335. Section **53G-9-801**, which is renumbered from Section 53A-15-1902 is
9781 renumbered and amended to read:

9782 **Part 8. Dropout Prevention and Recovery and Remediation Programs**

9783 [~~53A-15-1902~~]. **53G-9-801**. **Definitions.**

9784 As used in [~~this part~~] Section 53G-9-802:

9785 (1) "Attainment goal" means earning:

9786 (a) a high school diploma;

9787 (b) a Utah High School Completion Diploma, as defined in State Board of Education
9788 rule;

9789 (c) an Adult Education Secondary Diploma, as defined in State Board of Education
9790 rule; or

9791 (d) an employer-recognized, industry-based certificate that is:

9792 (i) likely to result in job placement; and

9793 (ii) included in the State Board of Education's approved career and technical education
9794 industry certification list.

9795 (2) "Cohort" means a group of students, defined by the year in which the group enters
9796 grade 9.

9797 (3) "Designated student" means a student:

9798 (a) (i) who has withdrawn from an LEA before earning a diploma;

9799 (ii) who has been dropped from average daily membership; and

9800 (iii) whose cohort has not yet graduated; or

9801 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined
9802 by the student's LEA, using risk factors defined in rules made by the State Board of Education
9803 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

9804 (4) "Graduation rate" means:

9805 (a) for a school district or a charter school that includes grade 12, the graduation rate

9806 calculated by the State Board of Education for federal accountability and reporting purposes; or

9807 (b) for a charter school that does not include grade 12, a proxy graduation rate defined

9808 in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah
9809 Administrative Rulemaking Act.

9810 (5) "Local education agency" or "LEA" means a school district or charter school that
9811 serves students in grade 9, 10, 11, or 12.

9812 (6) "Nontraditional program" means a program, as defined in rules made by the State
9813 Board of Education under Subsection [~~53A-1-402~~] 53E-3-501(1)(e), in which a student
9814 receives instruction through:

9815 (a) distance learning;

9816 (b) online learning;

9817 (c) blended learning; or

9818 (d) competency-based learning.

9819 (7) "Statewide graduation rate" means:

9820 (a) for a school district or a charter school that includes grade 12, the statewide
9821 graduation rate, as annually calculated by the State Board of Education; or

9822 (b) for a charter school that does not include grade 12, the average graduation rate for
9823 all charter schools that do not include grade 12.

9824 (8) "Third party" means:

9825 (a) a private provider; or

9826 (b) an LEA that does not meet the criteria described in Subsection [~~53A-15-1903~~]
9827 53G-9-802(3).

9828 Section 336. Section **53G-9-802**, which is renumbered from Section 53A-15-1903 is
9829 renumbered and amended to read:

9830 [~~53A-15-1903~~]. **53G-9-802. Dropout prevention and recovery -- Flexible**
9831 **enrollment options -- Contracting -- Reporting.**

9832 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and
9833 recovery services to a designated student, including:

9834 (i) engaging with or attempting to recover a designated student;

9835 (ii) developing a learning plan, in consultation with a designated student, to identify:

9836 (A) barriers to regular school attendance and achievement;

9837 (B) an attainment goal; and

9838 (C) a means for achieving the attainment goal through enrollment in one or more of the

9839 programs described in Subsection (2);

9840 (iii) monitoring a designated student's progress toward reaching the designated
9841 student's attainment goal; and

9842 (iv) providing tiered interventions for a designated student who is not making progress
9843 toward reaching the student's attainment goal.

9844 (b) An LEA shall provide the dropout prevention and recovery services described in
9845 Subsection (1)(a):

9846 (i) throughout the calendar year; and

9847 (ii) except as provided in Subsection (1)(c)(i), for each designated student who
9848 becomes a designated student while enrolled in the LEA.

9849 (c) (i) A designated student's school district of residence shall provide dropout recovery
9850 services if the designated student:

9851 (A) was enrolled in a charter school that does not include grade 12; and

9852 (B) becomes a designated student in the summer after the student completes academic
9853 instruction at the charter school through the maximum grade level the charter school is eligible
9854 to serve under the charter school's charter agreement as described in Section [~~53A-1a-508~~]
9855 53G-5-303.

9856 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include
9857 grade 12 shall notify each of the charter school's student's district of residence, as determined
9858 under Section [~~53A-2-201~~] 53G-6-302, when the student completes academic instruction at the
9859 charter school as described in Subsection (1)(c)(i)(B).

9860 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,
9861 contact information, and student identification number.

9862 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:

9863 (i) are tailored to the designated student's learning plan developed under Subsection
9864 (1)(a)(ii); and

9865 (ii) include two or more of the following:

9866 (A) enrollment in the LEA in a traditional program;

9867 (B) enrollment in the LEA in a nontraditional program;

9868 (C) enrollment in a program offered by a private provider that has entered into a
9869 contract with the LEA to provide educational services; or

- 9870 (D) enrollment in a program offered by another LEA.
- 9871 (b) A designated student may enroll in:
- 9872 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this
- 9873 [~~Title 53A, State System of Public Education,~~] public education code, rules established by the
- 9874 State Board of Education, and policies established by the LEA;
- 9875 (ii) the Electronic High School, in accordance with [~~Part 10, Electronic High School~~
- 9876 ~~Act~~] Title 53E, Chapter 10, Part 6, Electronic High School; or
- 9877 [~~(ii)~~] (iii) the Statewide Online Education Program, in accordance with [~~Part 12~~] Title
- 9878 53F, Chapter 4, Part 5, Statewide Online Education Program [~~Act~~].
- 9879 (c) An LEA shall make the LEA's best effort to accommodate a designated student's
- 9880 choice of enrollment under Subsection (2)(b).
- 9881 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),
- 9882 an LEA shall enter into a contract with a third party to provide the dropout prevention and
- 9883 recovery services described in Subsection (1)(a) for any school year in which the LEA meets
- 9884 the following criteria:
- 9885 (a) the LEA's graduation rate is lower than the statewide graduation rate; and
- 9886 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the
- 9887 previous three school years; or
- 9888 (ii) during the previous calendar year, at least 10% of the LEA's designated students
- 9889 have not:
- 9890 (A) reached the students' attainment goals; or
- 9891 (B) made a year's worth of progress toward the students' attainment goals.
- 9892 (4) An LEA that is in the LEA's first three years of operation is not subject to the
- 9893 requirement described in Subsection (3).
- 9894 (5) An LEA described in Subsection (3) shall ensure that:
- 9895 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a
- 9896 demonstrated record of effectiveness engaging with and recovering designated students; and
- 9897 (b) a contract with a third party requires the third party to:
- 9898 (i) provide the services described in Subsection (1)(a); and
- 9899 (ii) regularly report progress to the LEA.
- 9900 (6) An LEA shall annually submit a report to the State Board of Education on dropout

9901 prevention and recovery services provided under this section, including:

9902 (a) the methods the LEA or third party uses to engage with or attempt to recover
9903 designated students under Subsection (1)(a)(i);

9904 (b) the number of designated students who enroll in a program described in Subsection
9905 (2) as a result of the efforts described in Subsection (6)(a);

9906 (c) the number of designated students who reach the designated students' attainment
9907 goals identified under Subsection (1)(a)(ii)(B); and

9908 (d) funding allocated to provide dropout prevention and recovery services.

9909 (7) The State Board of Education shall:

9910 (a) ensure that an LEA described in Subsection (3) contracts with a third party to
9911 provide dropout prevention and recovery services in accordance with Subsections (3) and (5);
9912 and

9913 (b) on or before October 30, 2017, and each year thereafter, report to the Education
9914 Interim Committee on the provisions of this section, including a summary of the reports
9915 submitted under Subsection (6).

9916 Section 337. Section **53G-9-803**, which is renumbered from Section 53A-13-104 is
9917 renumbered and amended to read:

9918 ~~[53A-13-104]~~. **53G-9-803. Remediation programs for secondary students.**

9919 (1) For purposes of this section:

9920 (a) "Secondary school" means a school that provides instruction to students in grades 7,
9921 8, 9, 10, 11, or 12.

9922 (b) "Secondary school student":

9923 (i) means a student enrolled in a secondary school; and

9924 (ii) includes a student in grade 6 if the student attends a secondary school.

9925 (2) A school district or charter school shall implement programs for secondary school
9926 students to attain the competency levels and graduation requirements established by the State
9927 Board of Education.

9928 (3) (a) A school district or charter school shall establish remediation programs for
9929 secondary school students who do not meet competency levels in English, mathematics,
9930 science, or social studies.

9931 (b) Participation in the programs is mandatory for secondary school students who fail

9932 to meet the competency levels based on classroom performance.

9933 (4) Secondary school students who require remediation under this section may not be
 9934 advanced to the following class in subject sequences until they meet the required competency
 9935 level for the subject or complete the required remediation program, except that a school district
 9936 or charter school may allow secondary school students requiring remediation who would
 9937 otherwise be scheduled to enter their first year of high school to complete their remediation
 9938 program during that first year.

9939 (5) (a) Remediation programs provided under this section should not be unnecessarily
 9940 lengthy or repetitive.

9941 (b) A secondary school student need not repeat an entire class if remediation can
 9942 reasonably be achieved through other means.

9943 (6) A school district or charter school may charge secondary school students a fee to
 9944 participate in the remediation programs.

9945 Section 338. Section **53G-10-101** is enacted to read:

9946 **CHAPTER 10. CURRICULUM PARTICIPATION AND REQUIREMENTS**

9947 **Part 1. General Provisions**

9948 **53G-10-101. Title.**

9949 This chapter is known as "Curriculum Participation and Requirements."

9950 Section 339. Section **53G-10-102** is enacted to read:

9951 **53G-10-102. Definitions.**

9952 Reserved

9953 Section 340. Section **53G-10-201** is enacted to read:

9954 **Part 2. General Requirements and Participation**

9955 **53G-10-201. Definitions.**

9956 Reserved

9957 Section 341. Section **53G-10-202**, which is renumbered from Section 53A-13-101.1 is
 9958 renumbered and amended to read:

9959 ~~[53A-13-101.1]~~. **53G-10-202. Maintaining constitutional freedom in the**
 9960 **public schools.**

9961 (1) Any instructional activity, performance, or display which includes examination of
 9962 or presentations about religion, political or religious thought or expression, or the influence

9963 thereof on music, art, literature, law, politics, history, or any other element of the curriculum,
9964 including the comparative study of religions, which is designed to achieve secular educational
9965 objectives included within the context of a course or activity and conducted in accordance with
9966 applicable rules of the state and local boards of education, may be undertaken in the public
9967 schools.

9968 (2) No aspect of cultural heritage, political theory, moral theory, or societal value shall
9969 be included within or excluded from public school curricula for the primary reason that it
9970 affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence
9971 of a spiritual realm or supreme being.

9972 (3) Public schools may not sponsor prayer or religious devotionals.

9973 (4) School officials and employees may not use their positions to endorse, promote, or
9974 disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or
9975 viewpoint.

9976 Section 342. Section **53G-10-203**, which is renumbered from Section 53A-13-101.3 is
9977 renumbered and amended to read:

9978 ~~[53A-13-101.3]~~. **53G-10-203. Expressions of belief -- Discretionary time.**

9979 (1) Expression of personal beliefs by a student participating in school-directed
9980 curricula or activities may not be prohibited or penalized unless the expression unreasonably
9981 interferes with order or discipline, threatens the well-being of persons or property, or violates
9982 concepts of civility or propriety appropriate to a school setting.

9983 (2) (a) As used in this section, "discretionary time" means noninstructional time during
9984 which a student is free to pursue personal interests.

9985 (b) Free exercise of voluntary religious practice or freedom of speech by students
9986 during discretionary time shall not be denied unless the conduct unreasonably interferes with
9987 the ability of school officials to maintain order and discipline, unreasonably endangers persons
9988 or property, or violates concepts of civility or propriety appropriate to a school setting.

9989 (3) Any limitation under Sections [~~53A-13-101.2 and 53A-13-101.3~~] **53G-10-203 and**
9990 **53G-10-205** on student expression, practice, or conduct shall be by the least restrictive means
9991 necessary to satisfy the school's interests as stated in those sections, or to satisfy another
9992 specifically identified compelling governmental interest.

9993 Section 343. Section **53G-10-204**, which is renumbered from Section 53A-13-109 is

9994 renumbered and amended to read:

9995 ~~[53A-13-109]~~. 53G-10-204. **Civic and character education -- Definitions --**

9996 **Legislative finding -- Elements -- Reporting requirements.**

9997 (1) As used in this section:

9998 (a) "Character education" means reaffirming values and qualities of character which
9999 promote an upright and desirable citizenry.

10000 (b) "Civic education" means the cultivation of informed, responsible participation in
10001 political life by competent citizens committed to the fundamental values and principles of
10002 representative democracy in Utah and the United States.

10003 (c) "Values" means time-established principles or standards of worth.

10004 (2) The Legislature recognizes that:

10005 (a) Civic and character education are fundamental elements of the public education
10006 system's core mission as originally intended and established under Article X of the Utah
10007 Constitution;

10008 (b) Civic and character education are fundamental elements of the constitutional
10009 responsibility of public education and shall be a continuing emphasis and focus in public
10010 schools;

10011 (c) the cultivation of a continuing understanding and appreciation of a constitutional
10012 republic and principles of representative democracy in Utah and the United States among
10013 succeeding generations of educated and responsible citizens is important to the nation and
10014 state;

10015 (d) the primary responsibility for the education of children within the state resides with
10016 their parents or guardians and that the role of state and local governments is to support and
10017 assist parents in fulfilling that responsibility;

10018 (e) public schools fulfill a vital purpose in the preparation of succeeding generations of
10019 informed and responsible citizens who are deeply attached to essential democratic values and
10020 institutions; and

10021 (f) the happiness and security of American society relies upon the public virtue of its
10022 citizens which requires a united commitment to a moral social order where self-interests are
10023 willingly subordinated to the greater common good.

10024 (3) Through an integrated curriculum, students shall be taught in connection with

- 10025 regular school work:
- 10026 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;
- 10027 (b) respect for and an understanding of the Declaration of Independence and the
- 10028 constitutions of the United States and of the state of Utah;
- 10029 (c) Utah history, including territorial and preterritorial development to the present;
- 10030 (d) the essentials and benefits of the free enterprise system;
- 10031 (e) respect for parents, home, and family;
- 10032 (f) the dignity and necessity of honest labor; and
- 10033 (g) other skills, habits, and qualities of character which will promote an upright and
- 10034 desirable citizenry and better prepare students to recognize and accept responsibility for
- 10035 preserving and defending the blessings of liberty inherited from prior generations and secured
- 10036 by the constitution.
- 10037 (4) Local school boards and school administrators may provide training, direction, and
- 10038 encouragement, as needed, to accomplish the intent and requirements of this section and to
- 10039 effectively emphasize civic and character education in the course of regular instruction in the
- 10040 public schools.
- 10041 (5) Civic and character education in public schools are:
- 10042 (a) not intended to be separate programs in need of special funding or added specialists
- 10043 to be accomplished; and
- 10044 (b) core principles which reflect the shared values of the citizens of Utah and the
- 10045 founding principles upon which representative democracy in the United States and the state of
- 10046 Utah are based.
- 10047 (6) To assist the Commission on Civic and Character Education in fulfilling the
- 10048 commission's duties under Section 67-1a-11, by December 30 of each year, each school district
- 10049 and the State Charter School Board shall submit to the lieutenant governor and the commission
- 10050 a report summarizing how civic and character education are achieved in the school district or
- 10051 charter schools through an integrated school curriculum and in the regular course of school
- 10052 work as provided in this section.
- 10053 (7) Each year, the State Board of Education shall report to the Education Interim
- 10054 Committee, on or before the October meeting, the methods used, and the results being
- 10055 achieved, to instruct and prepare students to become informed and responsible citizens through

10056 an integrated curriculum taught in connection with regular school work as required in this
10057 section.

10058 Section 344. Section **53G-10-205**, which is renumbered from Section 53A-13-101.2 is
10059 renumbered and amended to read:

10060 ~~[53A-13-101.2].~~ **53G-10-205. Waivers of participation.**

10061 (1) As used in this section:

10062 ~~[(a) (i) "Human sexuality instruction" means any course material, unit, class, lesson,~~
10063 ~~activity, or presentation that, as the focus of the discussion, provides instruction or information~~
10064 ~~to a student about:]~~

10065 ~~[(A) sexual abstinence;]~~

10066 ~~[(B) human sexuality;]~~

10067 ~~[(C) human reproduction;]~~

10068 ~~[(D) reproductive anatomy;]~~

10069 ~~[(E) physiology;]~~

10070 ~~[(F) pregnancy;]~~

10071 ~~[(G) marriage;]~~

10072 ~~[(H) childbirth;]~~

10073 ~~[(I) parenthood;]~~

10074 ~~[(J) contraception;]~~

10075 ~~[(K) HIV/AIDS; or]~~

10076 ~~[(L) sexually transmitted diseases;]~~

10077 ~~[(ii) "Human sexuality instruction" does not include child sexual abuse prevention~~
10078 ~~instruction described in Section 53A-13-112.]~~

10079 ~~[(b)]~~ (a) "Parent" means a parent or legal guardian.

10080 ~~[(c)]~~ (b) "School" means a public school.

10081 (2) If a parent of a student, or a secondary student, determines that the student's
10082 participation in a portion of the curriculum or in an activity would require the student to affirm
10083 or deny a religious belief or right of conscience, or engage or refrain from engaging in a
10084 practice forbidden or required in the exercise of a religious right or right of conscience, the
10085 parent or the secondary student may request:

10086 (a) a waiver of the requirement to participate; or

10087 (b) a reasonable alternative that requires reasonably equivalent performance by the
10088 student of the secular objectives of the curriculum or activity in question.

10089 (3) The school shall promptly notify a student's parent if the secondary student makes a
10090 request under Subsection (2).

10091 (4) If a request is made under Subsection (2), the school shall:

10092 (a) waive the participation requirement;

10093 (b) provide a reasonable alternative to the requirement; or

10094 (c) notify the requesting party that participation is required.

10095 (5) The school shall ensure that the provisions of Subsection [~~53A-13-101.3~~]
10096 53G-10-203(3) are met in connection with any required participation under Subsection (4)(c).

10097 [~~(6) A school shall obtain prior written consent from a student's parent before the
10098 school may provide human sexuality instruction to the student.~~]

10099 [~~(7) If a student's parent chooses not to have the student participate in human sexuality
10100 instruction, a school shall:~~]

10101 [~~(a) waive the requirement for the student to participate in the human sexuality
10102 instruction; or~~]

10103 [~~(b) provide the student with a reasonable alternative to the human sexuality instruction
10104 requirement.~~]

10105 [~~(8) In cooperation with the student's teacher or school, a parent shall take
10106 responsibility for the parent's student's human sexuality instruction if a school:~~]

10107 [~~(a) waives the student's human sexuality instruction requirement in Subsection (7)(a);
10108 or~~]

10109 [~~(b) provides the student with a reasonable alternative to the human sexuality
10110 instruction requirement described in Subsection (7)(b).~~]

10111 [~~(9)~~] (6) A student's academic or citizenship performance may not be penalized if [~~:(a)~~]
10112 the secondary student or the student's parent chooses to exercise a religious right or right of
10113 conscience in accordance with the provisions of this section [~~;~~ ~~or~~].

10114 [~~(b) the student's parent chooses not to have the student participate in human sexuality
10115 instruction as described in Subsection (7).~~]

10116 Section 345. Section **53G-10-301** is enacted to read:

10117 **Part 3. Miscellaneous Curriculum Requirements**

10118 **53G-10-301. Definitions.**

10119 Reserved

10120 Section 346. Section **53G-10-302**, which is renumbered from Section 53A-13-101.4 is
10121 renumbered and amended to read:

10122 **[53A-13-101.4]. 53G-10-302. Instruction in American history and**
10123 **government -- Study and posting of American heritage documents.**

10124 (1) The Legislature recognizes that a proper understanding of American history and
10125 government is essential to good citizenship, and that the public schools are the primary public
10126 institutions charged with responsibility for assisting children and youth in gaining that
10127 understanding.

10128 (2) (a) The State Board of Education and local school boards shall periodically review
10129 school curricula and activities to ensure that effective instruction in American history and
10130 government is taking place in the public schools.

10131 (b) The boards shall solicit public input as part of the review process.

10132 (c) Instruction in American history and government shall include a study of:

10133 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an
10134 oligarchy;

10135 (ii) political philosophies and economic systems, such as socialism, individualism, and
10136 free market capitalism; and

10137 (iii) the United States' form of government, a compound constitutional republic.

10138 (3) School curricula and activities shall include a thorough study of historical
10139 documents such as:

10140 (a) the Declaration of Independence;

10141 (b) the United States Constitution;

10142 (c) the national motto;

10143 (d) the pledge of allegiance;

10144 (e) the national anthem;

10145 (f) the Mayflower Compact;

10146 (g) the writings, speeches, documents, and proclamations of the Founders and the
10147 Presidents of the United States;

10148 (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and

10149 post Federalist eras;

10150 (i) United States Supreme Court decisions;

10151 (j) Acts of the United States Congress, including the published text of the

10152 Congressional Record; and

10153 (k) United States treaties.

10154 (4) To increase student understanding of, and familiarity with, American historical
10155 documents, public schools may display historically important excerpts from, or copies of, those
10156 documents in school classrooms and common areas as appropriate.

10157 (5) There shall be no content-based censorship of American history and heritage
10158 documents referred to in this section due to their religious or cultural nature.

10159 (6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302
10160 to be the national motto of the United States, in one or more prominent places within each
10161 school building.

10162 Section 347. Section **53G-10-303**, which is renumbered from Section 53A-13-101.5 is
10163 renumbered and amended to read:

10164 ~~[53A-13-101.5]~~. **53G-10-303. Teaching of American sign language.**

10165 (1) The Legislature recognizes that American sign language is a fully developed,
10166 autonomous, natural language with distinct grammar, syntax, and art forms.

10167 (2) American sign language shall be accorded equal status with other linguistic systems
10168 in the state's public and higher education systems.

10169 (3) The State Board of Education, in consultation with the state's school districts and
10170 members of the deaf and hard of hearing community, shall develop and implement policies and
10171 procedures for the teaching of American sign language in the state's public education system at
10172 least at the middle school or high school level.

10173 (4) A student may count credit received for completion of a course in American sign
10174 language at the middle school or high school level toward the satisfaction of a foreign language
10175 requirement in the public education system under rules made by the State Board of Education.

10176 (5) The State Board of Regents, in consultation with the state's public institutions of
10177 higher education and members of the state's deaf and hard of hearing community, shall develop
10178 and implement policies and procedures for offering instruction in American sign language in
10179 the state's system of higher education.

10180 (6) The Joint Liaison Committee, in consultation with members of the state's deaf and
10181 hard of hearing community, shall review any policies and procedures developed under this
10182 section and make recommendations to either or both boards regarding the policies.

10183 Section 348. Section **53G-10-304**, which is renumbered from Section 53A-13-101.6 is
10184 renumbered and amended to read:

10185 ~~[53A-13-101.6].~~ **53G-10-304. Instruction on the flag of the United States of**
10186 **America.**

10187 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10188 State Board of Education shall provide by rule for a program of instruction within the public
10189 schools relating to the flag of the United States.

10190 (2) The instruction shall include the history of the flag, etiquette, customs pertaining to
10191 the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to
10192 10.

10193 (3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of
10194 each day in each public school classroom in the state, led by a student in the classroom, as
10195 assigned by the classroom teacher on a rotating basis.

10196 (b) Each student shall be informed by posting a notice in a conspicuous place that the
10197 student has the right not to participate in reciting the pledge.

10198 (c) A student shall be excused from reciting the pledge upon written request from the
10199 student's parent or legal guardian.

10200 (d) (i) At least once a year students shall be instructed that:

10201 (A) participation in the pledge of allegiance is voluntary and not compulsory; and

10202 (B) not only is it acceptable for someone to choose not to participate in the pledge of
10203 allegiance for religious or other reasons, but students should show respect for any student who
10204 chooses not to participate.

10205 (ii) A public school teacher shall strive to maintain an atmosphere among students in
10206 the classroom that is consistent with the principles described in Subsection (3)(d)(i).

10207 Section 349. Section **53G-10-305** is enacted to read:

10208 **53G-10-305. Financial education information.**

10209 A public school shall provide the following to the parents or guardian of a kindergarten
10210 student during kindergarten enrollment:

10211 (1) a financial and economic literacy passport, as defined in Section 53E-3-505; and
 10212 (2) information about higher education savings options, including information about
 10213 opening a Utah Educational Savings Plan account.

10214 Section 350. Section **53G-10-401** is enacted to read:

10215 **Part 4. Health Curriculum Requirements**

10216 **53G-10-401. Definitions.**

10217 Reserved

10218 Section 351. Section **53G-10-402**, which is renumbered from Section 53A-13-101 is
 10219 renumbered and amended to read:

10220 **[53A-13-101]. 53G-10-402. Instruction in health -- Parental consent**
 10221 **requirements -- Conduct and speech of school employees and volunteers -- Political and**
 10222 **religious doctrine prohibited.**

10223 (1) (a) The State Board of Education shall establish curriculum requirements under
 10224 Section [~~53A-1-402,~~] 53E-3-501 that include instruction in:

10225 (i) community and personal health;

10226 (ii) physiology;

10227 (iii) personal hygiene; and

10228 (iv) prevention of communicable disease.

10229 (b) (i) That instruction shall stress:

10230 (A) the importance of abstinence from all sexual activity before marriage and fidelity
 10231 after marriage as methods for preventing certain communicable diseases; and

10232 (B) personal skills that encourage individual choice of abstinence and fidelity.

10233 (ii) (A) At no time may instruction be provided, including responses to spontaneous
 10234 questions raised by students, regarding any means or methods that facilitate or encourage the
 10235 violation of any state or federal criminal law by a minor or an adult.

10236 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a
 10237 spontaneous question as long as the response is consistent with the provisions of this section.

10238 (c) (i) The board shall recommend instructional materials for use in the curricula
 10239 required under Subsection (1)(a) after considering evaluations of instructional materials by the
 10240 State Instructional Materials Commission.

10241 (ii) A local school board may choose to adopt:

- 10242 (A) the instructional materials recommended under Subsection (1)(c)(i); or
10243 (B) other instructional materials as provided in state board rule.
10244 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a
10245 minimum:
- 10246 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)
10247 shall be based upon recommendations of the school district's Curriculum Materials Review
10248 Committee that comply with state law and state board rules emphasizing abstinence before
10249 marriage and fidelity after marriage, and prohibiting instruction in:
- 10250 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;
10251 (II) the advocacy of premarital or extramarital sexual activity; or
10252 (III) the advocacy or encouragement of the use of contraceptive methods or devices;
10253 (IV) the advocacy of sexual activity outside of marriage;
- 10254 (B) that the adoption of instructional materials shall take place in an open and regular
10255 meeting of the local school board for which prior notice is given to parents and guardians of
10256 students attending schools in the district and an opportunity for them to express their views and
10257 opinions on the materials at the meeting;
- 10258 (C) provision for an appeal and review process of the local school board's decision; and
10259 (D) provision for a report by the local school board to the State Board of Education of
10260 the action taken and the materials adopted by the local school board under Subsections
10261 (1)(c)(ii)(B) and (1)(c)(iii).
- 10262 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and
10263 systematic in grades eight through 12.
- 10264 (b) At the request of the board, the Department of Health shall cooperate with the
10265 board in developing programs to provide instruction in those areas.
- 10266 (3) (a) The board shall adopt rules that:
- 10267 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
10268 are complied with; and
10269 (ii) require a student's parent or legal guardian to be notified in advance and have an
10270 opportunity to review the information for which parental consent is required under Sections
10271 76-7-322 and 76-7-323.
- 10272 (b) The board shall also provide procedures for disciplinary action for violation of

10273 Section 76-7-322 or 76-7-323.

10274 (4) (a) In keeping with the requirements of Section [~~53A-13-109~~] 53G-10-204, and
10275 because school employees and volunteers serve as examples to their students, school
10276 employees or volunteers acting in their official capacities may not support or encourage
10277 criminal conduct by students, teachers, or volunteers.

10278 (b) To ensure the effective performance of school personnel, the limitations described
10279 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official
10280 capacities if:

10281 (i) they knew or should have known that their action could result in a material and
10282 substantial interference or disruption in the normal activities of the school; and

10283 (ii) that action does result in a material and substantial interference or disruption in the
10284 normal activities of the school.

10285 (c) Neither the State Board of Education nor local school districts may allow training
10286 of school employees or volunteers that supports or encourages criminal conduct.

10287 (d) The State Board of Education shall adopt rules implementing this section.

10288 (e) Nothing in this section limits the ability or authority of the State Board of
10289 Education and local school boards to enact and enforce rules or take actions that are otherwise
10290 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing
10291 unfitness for duty.

10292 (5) Except as provided in Section [~~53A-13-101.1~~] 53G-10-202, political, atheistic,
10293 sectarian, religious, or denominational doctrine may not be taught in the public schools.

10294 (6) (a) Local school boards and their employees shall cooperate and share
10295 responsibility in carrying out the purposes of this chapter.

10296 (b) Each school district shall provide appropriate inservice training for its teachers,
10297 counselors, and school administrators to enable them to understand, protect, and properly
10298 instruct students in the values and character traits referred to in this section and Sections
10299 [~~53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302~~]
10300 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, 53G-10-205, and distribute
10301 appropriate written materials on the values, character traits, and conduct to each individual
10302 receiving the inservice training.

10303 (c) The written materials shall also be made available to classified employees, students,

10304 and parents and guardians of students.

10305 (d) In order to assist school districts in providing the inservice training required under
10306 Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified
10307 individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop
10308 and disseminate model teacher inservice programs which districts may use to train the
10309 individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of
10310 character referenced in that subsection.

10311 (e) In accordance with the provisions of Subsection (4)(c), inservice training may not
10312 support or encourage criminal conduct.

10313 (7) If any one or more provision, subsection, sentence, clause, phrase, or word of this
10314 section, or the application thereof to any person or circumstance, is found to be
10315 unconstitutional, the balance of this section shall be given effect without the invalid provision,
10316 subsection, sentence, clause, phrase, or word.

10317 Section 352. Section **53G-10-403** is enacted to read:

10318 **53G-10-403. Required parental consent for human sexuality instruction.**

10319 (1) As used in this section:

10320 (a) (i) "Human sexuality instruction" means any course material, unit, class, lesson,
10321 activity, or presentation that, as the focus of the discussion, provides instruction or information
10322 to a student about:

10323 (A) sexual abstinence;

10324 (B) human sexuality;

10325 (C) human reproduction;

10326 (D) reproductive anatomy;

10327 (E) physiology;

10328 (F) pregnancy;

10329 (G) marriage;

10330 (H) childbirth;

10331 (I) parenthood;

10332 (J) contraception;

10333 (K) HIV/AIDS; or

10334 (L) sexually transmitted diseases.

- 10335 (ii) "Human sexuality instruction" does not include child sexual abuse prevention
10336 instruction described in Section 53G-9-207.
- 10337 (b) "Parent" means the same as that term is defined in Section 53G-10-205.
- 10338 (c) "School" means the same as that term is defined in Section 53G-10-205.
- 10339 (2) A school shall obtain prior written consent from a student's parent before the school
10340 may provide human sexuality instruction to the student.
- 10341 (3) If a student's parent chooses not to have the student participate in human sexuality
10342 instruction, a school shall:
- 10343 (a) waive the requirement for the student to participate in the human sexuality
10344 instruction; or
- 10345 (b) provide the student with a reasonable alternative to the human sexuality instruction
10346 requirement.
- 10347 (4) In cooperation with the student's teacher or school, a parent shall take responsibility
10348 for the parent's student's human sexuality instruction if a school:
- 10349 (a) waives the student's human sexuality instruction requirement in Subsection (3)(a);
10350 or
- 10351 (b) provides the student with a reasonable alternative to the human sexuality
10352 instruction requirement described in Subsection (3)(b).
- 10353 (5) A student's academic or citizenship performance may not be penalized if the
10354 student's parent chooses not to have the student participate in human sexuality instruction as
10355 described in Subsection (3).

10356 Section 353. Section **53G-10-404**, which is renumbered from Section 53A-13-107 is
10357 renumbered and amended to read:

10358 **~~53A-13-107~~**. **53G-10-404. Adoption information.**

10359 (1) For a school year beginning with or after the 2012-13 school year, a local school
10360 board shall ensure that an annual presentation on adoption is given to its secondary school
10361 students in grades 7-12, so that each student receives the presentation at least once during
10362 grades 7-9 and at least once during grades 10-12.

10363 (2) The presentation shall be made by a licensed teacher as part of the health education
10364 core.

10365 Section 354. Section **53G-10-405**, which is renumbered from Section 53A-13-102 is

10366 renumbered and amended to read:

10367 ~~[53A-13-102]~~. 53G-10-405. **Instruction on the harmful effects of alcohol,**
10368 **tobacco, and controlled substances -- Rulemaking authority -- Assistance from the**
10369 **Division of Substance Abuse and Mental Health.**

10370 (1) The State Board of Education shall adopt rules providing for instruction at each
10371 grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the
10372 human body and society. The rules shall require but are not limited to instruction on the
10373 following:

10374 (a) teaching of skills needed to evaluate advertisements for, and media portrayal of,
10375 alcohol, tobacco, and controlled substances;

10376 (b) directing students towards healthy and productive alternatives to the use of alcohol,
10377 tobacco, and controlled substances; and

10378 (c) discouraging the use of alcohol, tobacco, and controlled substances.

10379 (2) At the request of the board, the Division of Substance Abuse and Mental Health
10380 shall cooperate with the board in developing programs to provide this instruction.

10381 (3) The board shall participate in efforts to enhance communication among community
10382 organizations and state agencies, and shall cooperate with those entities in efforts which are
10383 compatible with the purposes of this section.

10384 Section 355. Section 53G-10-406, which is renumbered from Section 53A-13-113 is
10385 renumbered and amended to read:

10386 ~~[53A-13-113]~~. 53G-10-406. **Underage Drinking Prevention Program --**
10387 **State Board of Education rules.**

10388 (1) As used in this section:

10389 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory
10390 Council created in this section.

10391 (b) "Board" means the State Board of Education.

10392 (c) "LEA" means:

10393 (i) a school district;

10394 (ii) a charter school; or

10395 (iii) the Utah Schools for the Deaf and the Blind.

10396 (d) "Program" means the Underage Drinking Prevention Program created in this

10397 section.

10398 (e) "School-based prevention presentation" means an evidence-based program intended
10399 for students aged 13 and older that:

10400 (i) is aimed at preventing underage consumption of alcohol;

10401 (ii) is delivered by methods that engage students in storytelling and visualization;

10402 (iii) addresses the behavioral risk factors associated with underage drinking; and

10403 (iv) provides practical tools to address the dangers of underage drinking.

10404 (2) There is created the Underage Drinking Prevention Program that consists of:

10405 (a) a school-based prevention presentation for students in grade 8; and

10406 (b) a school-based prevention presentation for students in grade 10 that increases
10407 awareness of the dangers of driving under the influence of alcohol.

10408 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
10409 school year to each student in grade 8 and grade 10.

10410 (b) An LEA shall select from the providers qualified by the board under Subsection (6)
10411 to offer the program.

10412 (4) The board shall administer the program with input from the advisory council.

10413 (5) There is created the Underage Drinking Prevention Program Advisory Council
10414 comprised of the following members:

10415 (a) the executive director of the Department of Alcoholic Beverage Control or the
10416 executive director's designee;

10417 (b) the executive director of the Department of Health or the executive director's
10418 designee;

10419 (c) the director of the Division of Substance Abuse and Mental Health or the director's
10420 designee;

10421 (d) the director of the Division of Child and Family Services or the director's designee;

10422 (e) the director of the Division of Juvenile Justice Services or the director's designee;

10423 (f) the state superintendent of public instruction or the state superintendent of public
10424 instruction's designee; and

10425 (g) two members of the State Board of Education, appointed by the chair of the State
10426 Board of Education.

10427 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board

10428 shall qualify one or more providers to provide the program to an LEA.

10429 (b) In selecting a provider described in Subsection (6)(a), the board shall consider:

10430 (i) whether the provider's program complies with the requirements described in this
10431 section;

10432 (ii) the extent to which the provider's underage drinking prevention program aligns
10433 with core standards for Utah public schools; and

10434 (iii) the provider's experience in providing a program that is effective at reducing
10435 underage drinking.

10436 (7) (a) The board shall use money from the Underage Drinking Prevention Program
10437 Restricted Account described in Section [~~53A-13-114~~] 53F-9-304 for the program.

10438 (b) The board may use money from the Underage Drinking Prevention Program
10439 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
10440 program.

10441 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10442 board shall make rules that:

10443 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage
10444 Drinking Prevention Program each school year to each student in grade 8 and grade 10; and

10445 (b) establish criteria for the board to use in selecting a provider described in Subsection
10446 (6).

10447 Section 356. Section **53G-10-501** is enacted to read:

10448 **Part 5. Driver Education Classes**

10449 **53G-10-501. Definitions.**

10450 Reserved

10451 Section 357. Section **53G-10-502**, which is renumbered from Section 53A-13-201 is
10452 renumbered and amended to read:

10453 [~~53A-13-201~~]. **53G-10-502. Driver education established by school districts.**

10454 (1) As used in this part:

10455 (a) "Driver education" includes classroom instruction and driving and observation in a
10456 dual-controlled motor vehicle.

10457 (b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor
10458 vehicle under the supervision of a certified instructor.

10459 (2) (a) Local school districts may establish and maintain driver education for pupils.

10460 (b) A school or local school district that provides driver education shall provide an
10461 opportunity for each pupil enrolled in that school or local school district to take the written test
10462 when the pupil is 15 years and nine months of age.

10463 (c) Notwithstanding the provisions of Subsection (2)(b), a school or local school
10464 district that provides driver education may provide an opportunity for each pupil enrolled in
10465 that school or school district to take the written test when the pupil is 15 years of age.

10466 (3) The purpose of driver education is to help develop the knowledge, attitudes, habits,
10467 and skills necessary for the safe operation of motor vehicles.

10468 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10469 State Board of Education shall make rules for driver education offered in the public schools.

10470 (5) The rules under Subsection (4) shall:

10471 (a) require at least one hour of classroom training on the subject of railroad crossing
10472 safety for each driver education pupil; and

10473 (b) establish minimum standards for approved driving ranges under Section
10474 53-3-505.5.

10475 (6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving
10476 training provided as part of driver education offered under this part and used to satisfy the
10477 driver training requirement under Section 53-3-204.

10478 Section 358. Section **53G-10-503**, which is renumbered from Section 53A-13-202 is
10479 renumbered and amended to read:

10480 **~~53A-13-202~~. 53G-10-503. Driver education funding -- Reimbursement of**
10481 **school districts for driver education class expenses -- Limitations -- Excess funds --**
10482 **Student fees.**

10483 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver
10484 education shall fund the program solely through:

10485 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform
10486 School Fund as created under Section 41-1a-1205; and

10487 (ii) student fees collected by each school.

10488 (b) In determining the cost of driver education, a school district may exclude:

10489 (i) the full-time equivalent cost of a teacher for a driver education class taught during

10490 regular school hours; and

10491 (ii) classroom space and classroom maintenance.

10492 (c) A school district may not use any additional school funds beyond those allowed
10493 under Subsection (1)(b) to subsidize driver education.

10494 (2) (a) The state superintendent of public instruction shall, prior to September 2nd
10495 following the school year during which it was expended, or may at earlier intervals during that
10496 school year, reimburse each school district that applied for reimbursement in accordance with
10497 this section.

10498 (b) A school district that maintains driver education classes that conform to this part
10499 and the rules prescribed by the board may apply for reimbursement for the actual cost of
10500 providing the behind-the-wheel and observation training incidental to those classes.

10501 (3) Under the state board's supervision for driver education, a school district may:

10502 (a) employ personnel who are not licensed by the board under Section [~~53A-6-104~~]
10503 53E-6-201; or

10504 (b) contract with private parties or agencies licensed under Section 53-3-504 for the
10505 behind-the-wheel phase of the driver education program.

10506 (4) The reimbursement amount shall be paid out of the Automobile Driver Education
10507 Tax Account in the Uniform School Fund and may not exceed:

10508 (a) \$100 per student who has completed driver education during the school year;

10509 (b) \$30 per student who has only completed the classroom portion in the school or
10510 through the electronic high school during the school year; or

10511 (c) \$70 per student who has only completed the behind-the-wheel and observation
10512 portion in the school during the school year.

10513 (5) If the amount of money in the account at the end of a school year is less than the
10514 total of the reimbursable costs, the state superintendent of public instruction shall allocate the
10515 money to each school district in the same proportion that its reimbursable costs bear to the total
10516 reimbursable costs of all school districts.

10517 (6) If the amount of money in the account at the end of any school year is more than the
10518 total of the reimbursement costs provided under Subsection (4), the superintendent may
10519 allocate the excess funds to school districts:

10520 (a) to reimburse each school district that applies for reimbursement of the cost of a fee

10521 waived under Section [~~53A-12-103~~] 53G-7-504 for driver education; and

10522 (b) to aid in the procurement of equipment and facilities which reduce the cost of
10523 behind-the-wheel instruction.

10524 (7) A local school board shall establish the student fee for driver education for the
10525 school district. Student fees shall be reasonably associated with the costs of driver education
10526 that are not otherwise covered by reimbursements and allocations made under this section.

10527 Section 359. Section **53G-10-504**, which is renumbered from Section 53A-13-203 is
10528 renumbered and amended to read:

10529 ~~[53A-13-203]~~. **53G-10-504. Enrollment of private school pupils.**

10530 (1) A school district maintaining driver education classes shall allow pupils enrolled in
10531 grades nine to 12 of regularly established private schools located within the school district to
10532 enroll in the most accessible public school in the school district to receive driver education.

10533 (2) Enrollment is on the same terms and conditions as applies to students in public
10534 schools within the district, as such terms and conditions relate to the driver education classes
10535 only.

10536 Section 360. Section **53G-10-505**, which is renumbered from Section 53A-13-204 is
10537 renumbered and amended to read:

10538 ~~[53A-13-204]~~. **53G-10-505. Reports as to costs of driver training programs.**

10539 A local school board seeking reimbursement shall, at the end of each school year and at
10540 other times as designated by the State Board of Education, report the following to the state
10541 superintendent of public instruction:

10542 (1) the costs of providing driver education including a separate accounting for:

10543 (a) course work; and

10544 (b) behind-the-wheel and observation training to students;

10545 (2) the costs of fees waived under Section [~~53A-12-103~~] 53G-7-504 for driver
10546 education including a separate accounting for:

10547 (a) course work; and

10548 (b) behind-the-wheel and observation training to students;

10549 (3) the number of students who completed driver education including a separate
10550 accounting for:

10551 (a) course work; and

10552 (b) behind-the-wheel and observation training to students;
10553 (4) whether or not a passing grade was received; and
10554 (5) any other information the State Board of Education may require for the purpose of
10555 administering this program.

10556 Section 361. Section **53G-10-506**, which is renumbered from Section 53A-13-205 is
10557 renumbered and amended to read:

10558 ~~[53A-13-205]~~. **53G-10-506. Promoting the establishment and maintenance**
10559 **of classes -- Payment of costs.**

10560 (1) The superintendent of public instruction shall promote the establishment and
10561 maintenance of driver education classes in school districts under rules adopted by the State
10562 Board of Education.

10563 (2) The state board may employ personnel and sponsor experimental programs
10564 considered necessary to give full effect to this program.

10565 (3) The costs of implementing this section shall be paid from the legislative
10566 appropriation to the board made from the Automobile Driver Education Tax Account in the
10567 Uniform School Fund.

10568 Section 362. Section **53G-10-507**, which is renumbered from Section 53A-13-208 is
10569 renumbered and amended to read:

10570 ~~[53A-13-208]~~. **53G-10-507. Driver education teachers certified as license**
10571 **examiners.**

10572 (1) The Driver License Division of the Department of Public Safety and the State
10573 Board of Education shall establish procedures and standards to certify teachers of driver
10574 education classes under this part to administer written and driving tests.

10575 (2) The division is the certifying authority.

10576 (3) (a) A teacher certified under this section shall give written and driving tests
10577 designed for driver education classes authorized under this part.

10578 (b) The Driver License Division shall, in conjunction with the State Board of
10579 Education, establish minimal standards for the driver education class tests that are at least as
10580 difficult as those required to receive a class D operator's license under Title 53, Chapter 3,
10581 Uniform Driver License Act.

10582 (c) A student who passes the written test but fails the driving test given by a teacher

10583 certified under this section may apply for a learner permit or class D operator's license under
10584 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver
10585 License Division office.

10586 (4) A student shall have a learner permit issued by the Driver License Division under
10587 Section 53-3-210.5 in the student's immediate possession at all times when operating a motor
10588 vehicle under this section.

10589 (5) A student who successfully passes the tests given by a certified driver education
10590 teacher under this section satisfies the written and driving parts of the test required for a learner
10591 permit or class D operator's license.

10592 (6) The Driver License Division and the State Board of Education shall establish
10593 procedures to enable school districts to administer or process any tests for students to receive a
10594 learner permit or class D operator's license.

10595 (7) The division and board shall establish the standards and procedures required under
10596 this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative
10597 Rulemaking Act.

10598 Section 363. Section **53G-10-508**, which is renumbered from Section 53A-13-209 is
10599 renumbered and amended to read:

10600 ~~**53A-13-209**~~. **53G-10-508. Programs authorized -- Minimum standards.**

10601 (1) Local school districts may:

10602 (a) allow students to complete the classroom training portion of driver education
10603 through the following programs:

10604 (i) home study; or

10605 (ii) the electronic high school;

10606 (b) provide each parent with driver education instructional materials to assist in parent
10607 involvement with driver education including behind-the-wheel driving materials;

10608 (c) offer driver education outside of school hours in order to reduce the cost of
10609 providing driver education;

10610 (d) offer driver education through community education programs;

10611 (e) offer the classroom portion of driver education in the public schools and allow the
10612 student to complete the behind-the-wheel portion with a private provider:

10613 (i) licensed under Section 53-3-504; and

10614 (ii) not associated with the school or under contract with the school under Subsection
10615 [~~53A-13-202~~] 53G-10-503(3); or

10616 (f) any combination of Subsections (1)(a) through (e).

10617 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10618 State Board of Education shall establish minimum standards for the school-related programs
10619 under Subsection (1).

10620 Section 364. Section **53G-11-101** is enacted to read:

10621 **CHAPTER 11. EMPLOYEES**

10622 **Part 1. General Provisions**

10623 **53G-11-101. Title.**

10624 This chapter is known as "Employees."

10625 Section 365. Section **53G-11-102** is enacted to read:

10626 **53G-11-102. Definitions.**

10627 Reserved

10628 Section 366. Section **53G-11-201** is enacted to read:

10629 **Part 2. Miscellaneous Requirements**

10630 **53G-11-201. Definitions.**

10631 Reserved

10632 Section 367. Section **53G-11-202**, which is renumbered from Section 53A-3-411 is
10633 renumbered and amended to read:

10634 ~~[53A-3-411].~~ **53G-11-202. Employment of school personnel -- Length of**
10635 **contract -- Termination for cause -- Individual contract of employment -- Employee**
10636 **acknowledgment of liability protection.**

10637 (1) A local school board may enter into a written employment contract for a term not to
10638 exceed five years.

10639 (2) Nothing in the terms of the contract shall restrict the power of a local school board
10640 to terminate the contract for cause at any time.

10641 (3) (a) A local school board may not enter into a collective bargaining agreement that
10642 prohibits or limits individual contracts of employment.

10643 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May
10644 5, 2003.

10645 (4) Each local school board shall:

10646 (a) ensure that each employment contract complies with the requirements of Section
10647 34-32-1.1;

10648 (b) comply with the requirements of Section 34-32-1.1 in employing any personnel,
10649 whether by employment contract or otherwise; and

10650 (c) ensure that at the time an employee enters into an employment contract, the
10651 employee shall sign a separate document acknowledging that the employee:

10652 (i) has received:

10653 (A) the disclosure required under Subsection 63A-4-204(4)(d) if the school district
10654 participates in the Risk Management Fund; or

10655 (B) written disclosure similar to the disclosure required under Section 63A-4-204 if the
10656 school district does not participate in the Risk Management Fund; and

10657 (ii) understands the legal liability protection provided to the employee and what is not
10658 covered, as explained in the disclosure.

10659 Section 368. Section **53G-11-203**, which is renumbered from Section 53A-3-431 is
10660 renumbered and amended to read:

10661 ~~[53A-3-431].~~ **53G-11-203. Health insurance mandates.**

10662 A local school board and the governing body of a charter school shall include in a
10663 health plan it offers to school district employees, or charter school employees insurance
10664 mandates in accordance with Section 31A-22-605.5.

10665 Section 369. Section **53G-11-204**, which is renumbered from Section 53A-19-401 is
10666 renumbered and amended to read:

10667 ~~[53A-19-401].~~ **53G-11-204. Postemployment health insurance benefits**
10668 **restrictions -- Definitions -- Restrictions -- Exceptions.**

10669 (1) As used in this section:

10670 (a) "Budgetary accounts" means the same as that term is defined in Section 51-5-3.

10671 (b) "GASB" means the same as that term is defined in Section 51-5-3.

10672 (c) "Liabilities" means the same as that term is defined in Section 51-5-3.

10673 (d) "Postemployment" means the same as that term is defined in Section 51-5-3.

10674 (e) "Postemployment health insurance benefits" means health insurance benefits:

10675 (i) offered or promised to an employee for the employee's postemployment; or

10676 (ii) continued into postemployment.

10677 (2) Except as provided under Subsection (3), a school district or charter school may not
10678 offer or provide a postemployment health insurance benefit to an employee who begins
10679 employment with the school district or charter school on or after July 1, 2015.

10680 (3) A school district or charter school may offer or provide postemployment health care
10681 insurance to employees if the school district or charter school:

10682 (a) calculates the liabilities associated with postemployment health insurance benefits
10683 by applying GASB standards;

10684 (b) recognizes current payments and all liabilities associated with the postemployment
10685 health insurance benefits in budgetary accounts;

10686 (c) fully funds the annual required contributions associated with the postemployment
10687 health insurance benefits liabilities;

10688 (d) establishes and implements a plan approved by the school district's local school
10689 board or charter school's governing board to catch up on any unfunded liabilities within no
10690 more than 20 years; and

10691 (e) provides for ongoing payments against the postemployment health insurance
10692 liabilities as employees qualify for receiving the postemployment health insurance benefits.

10693 (4) (a) Except as provided in Subsection (4)(b), if in a fiscal year, a school district or
10694 charter school fails to fully fund the annual required contributions described in Subsection
10695 (3)(c), the school district or charter school may not offer or provide a postemployment health
10696 insurance benefit for new employees beginning on the first day of that fiscal year.

10697 (b) The provisions of Subsection (4)(a) do not apply if:

10698 (i) for a school district only, the school district is imposing the maximum allowed local
10699 school board levy under Section [~~53A-17a-164~~] 53F-8-302;

10700 (ii) the school district or charter school fully funds the annual required contributions,
10701 including any missed contributions, by the end of the fiscal year following the fiscal year of
10702 inadequate funding; or

10703 (iii) no increase was approved by the Legislature in the weighted pupil unit as defined
10704 in Section [~~53A-17a-103~~] 53F-2-102 for the fiscal year the annual required contributions were
10705 not fully funded.

10706 Section 370. Section **53G-11-205**, which is renumbered from Section 53A-3-426 is

10707 renumbered and amended to read:

10708 ~~[53A-3-426]~~. **53G-11-205. Education employee associations -- Equal**
10709 **participation -- Prohibition on endorsement or preferential treatment -- Naming of school**
10710 **breaks.**

10711 (1) As used in this section:

10712 (a) "Education employee association" includes teacher associations, teacher unions,
10713 teacher organizations, and classified education employees' associations.

10714 (b) "School" means a school district, a school in a school district, a charter school, or
10715 the State Board of Education and its employees.

10716 (2) A school shall allow education employee associations equal access to the following
10717 activities:

10718 (a) distribution of information in or access to teachers' or employees' physical or
10719 electronic mailboxes, including email accounts that are provided by the school; and

10720 (b) membership solicitation activities at new teacher or employee orientation training
10721 or functions.

10722 (3) If a school permits an education employee association to engage in any of the
10723 activities described in Subsection (2), the school shall permit all other education employee
10724 associations to engage in the activity on the same terms and conditions afforded to the
10725 education employee association.

10726 (4) It is unlawful for a school to:

10727 (a) establish or maintain structures, procedures, or policies that favor one education
10728 employee association over another or otherwise give preferential treatment to an education
10729 employee association; or

10730 (b) explicitly or implicitly endorse any education employee association.

10731 (5) A school's calendars and publications may not include or refer to the name of any
10732 education employee association in relation to any day or break in the school calendar.

10733 Section 371. Section **53G-11-206**, which is renumbered from Section 53A-3-425 is
10734 renumbered and amended to read:

10735 ~~[53A-3-425]~~. **53G-11-206. Association leave -- District policy.**

10736 (1) As used in this section:

10737 (a) "Association leave" means leave from a school district employee's regular school

10738 responsibilities granted for that employee to spend time for association, employee association,
10739 or union duties.

10740 (b) "Employee association" means an association that:

10741 (i) negotiates employee salaries, benefits, contracts, or other conditions of employment;

10742 or

10743 (ii) performs union duties.

10744 (2) Except as provided in Subsection (3), a local school board may not allow paid
10745 association leave for a school district employee to perform an employee association or union
10746 duty.

10747 (3) (a) A local school board may allow paid association leave for a school district
10748 employee to perform an employee association duty if:

10749 (i) the duty performed by the employee on paid association leave will directly benefit
10750 the school district, including representing the school district's licensed educators:

10751 (A) on a board or committee, such as the school district's foundation, a curriculum
10752 development board, insurance committee, or catastrophic leave committee;

10753 (B) at a school district leadership meeting; or

10754 (C) at a workshop or meeting conducted by the school district's local school board;

10755 (ii) the duty performed by the employee on paid association leave does not include
10756 political activity, including:

10757 (A) advocating for or against a candidate for public office in a partisan or nonpartisan
10758 election;

10759 (B) soliciting a contribution for a political action committee, a political issues
10760 committee, a registered political party, or a candidate, as defined in Section 20A-11-101; or

10761 (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
10762 proposition, as defined in Section 20A-1-102; and

10763 (iii) the local school board ensures compliance with the requirements of Subsections
10764 (4)(a) through (g).

10765 (b) Prior to a school district employee's participation in paid or unpaid association
10766 leave, a local school board shall adopt a written policy that governs association leave.

10767 (c) Except as provided in Subsection (3)(d), a local school board policy that governs
10768 association leave shall require reimbursement to the school district of the costs for an

10769 employee, including benefits, for the time that the employee is:

10770 (i) on unpaid association leave; or

10771 (ii) participating in a paid association leave activity that does not provide a direct
10772 benefit to the school district.

10773 (d) For a school district that allowed association leave described in Subsections
10774 (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association
10775 leave may allow up to 10 days of association leave before requiring a reimbursement described
10776 in Subsection (3)(c).

10777 (e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided
10778 by an employee, association, or union.

10779 (4) If a local school board adopts a policy to allow paid association leave, the policy
10780 shall include procedures and controls to:

10781 (a) ensure that the duties performed by employees on paid association leave directly
10782 benefit the school district;

10783 (b) require the school district to document the use and approval of paid association
10784 leave;

10785 (c) require school district supervision of employees on paid association leave;

10786 (d) require the school district to account for the costs and expenses of paid association
10787 leave;

10788 (e) ensure that during the hours of paid association leave a school district employee
10789 may not engage in political activity, including:

10790 (i) advocating for or against a candidate for public office in a partisan or nonpartisan
10791 election;

10792 (ii) soliciting a contribution for a political action committee, a political issues
10793 committee, a registered political party, or a candidate, as defined in Section 20A-11-101; and

10794 (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
10795 proposition, as defined in Section 20A-1-102;

10796 (f) ensure that association leave is only paid out of school district funds when the paid
10797 association leave directly benefits the district; and

10798 (g) require the reimbursement to the school district of the cost of paid association leave
10799 activities that do not provide a direct benefit to education within the school district.

10800 (5) If a local school board adopts a policy to allow paid association leave, that policy
 10801 shall indicate that a willful violation of this section or of a policy adopted in accordance with
 10802 Subsection (3) or (4) may be used for disciplinary action under Section [~~53A-8a-502~~]
 10803 53G-11-513.

10804 Section 372. Section **53G-11-207**, which is renumbered from Section 53A-3-428 is
 10805 renumbered and amended to read:

10806 [~~53A-3-428~~]. **53G-11-207. Collective bargaining agreement -- Website**
 10807 **posting.**

10808 (1) As used in this section, "collective bargaining agreement" includes:

10809 (a) a master agreement; and

10810 (b) an amendment, addendum, memorandum, or other document modifying the master
 10811 agreement.

10812 (2) The board of education of a school district:

10813 (a) shall post on the school district's website a collective bargaining agreement entered
 10814 into by the board of education within 10 days of the ratification of the agreement; and

10815 (b) may remove from the school district's website a collective bargaining agreement
 10816 that is no longer in effect.

10817 (3) The governing board of a charter school:

10818 (a) shall post on the charter school's website a collective bargaining agreement entered
 10819 into by the governing board of the charter school within 10 days of the ratification of the
 10820 agreement; and

10821 (b) may remove from the charter school's website a collective bargaining agreement
 10822 that is no longer in effect.

10823 Section 373. Section **53G-11-301** is enacted to read:

10824 **Part 3. Licensed Employee Requirements**

10825 **53G-11-301. Definitions.**

10826 Reserved

10827 Section 374. Section **53G-11-302**, which is renumbered from Section 53A-17a-140 is
 10828 renumbered and amended to read:

10829 [~~53A-17a-140~~]. **53G-11-302. Contracts with teachers.**

10830 A school district may not enter into contracts with teachers that would prevent the

10831 school district from paying differential salaries or putting limitations on an individual salary
10832 paid in order to fill a shortage in specific teaching areas.

10833 Section 375. Section **53G-11-303**, which is renumbered from Section 53A-3-701 is
10834 renumbered and amended to read:

10835 ~~[53A-3-701]~~. **53G-11-303. Professional learning standards.**

10836 (1) As used in this section, "professional learning" means a comprehensive, sustained,
10837 and evidence-based approach to improving teachers' and principals' effectiveness in raising
10838 student achievement.

10839 (2) A school district or charter school shall implement high quality professional
10840 learning that meets the following standards:

10841 (a) professional learning occurs within learning communities committed to continuous
10842 improvement, individual and collective responsibility, and goal alignment;

10843 (b) professional learning requires skillful leaders who develop capacity, advocate, and
10844 create support systems, for professional learning;

10845 (c) professional learning requires prioritizing, monitoring, and coordinating resources
10846 for educator learning;

10847 (d) professional learning uses a variety of sources and types of student, educator, and
10848 system data to plan, assess, and evaluate professional learning;

10849 (e) professional learning integrates theories, research, and models of human learning to
10850 achieve its intended outcomes;

10851 (f) professional learning applies research on change and sustains support for
10852 implementation of professional learning for long-term change;

10853 (g) professional learning aligns its outcomes with:

10854 (i) performance standards for teachers and school administrators as described in rules
10855 of the State Board of Education; and

10856 (ii) performance standards for students as described in the core standards for Utah
10857 public schools adopted by the State Board of Education pursuant to Section [~~53A-1-402.6~~]
10858 53E-4-202; and

10859 (h) professional learning:

10860 (i) incorporates the use of technology in the design, implementation, and evaluation of
10861 high quality professional learning practices; and

10862 (ii) includes targeted professional learning on the use of technology devices to enhance
10863 the teaching and learning environment and the integration of technology in content delivery.

10864 (3) School districts and charter schools shall use money appropriated by the Legislature
10865 for professional learning or federal grant money awarded for professional learning to
10866 implement professional learning that meets the standards specified in Subsection (2).

10867 (4) (a) In the fall of 2014, the State Board of Education, through the state
10868 superintendent of public instruction, and in collaboration with an independent consultant
10869 acquired through a competitive bid process, shall conduct a statewide survey of school districts
10870 and charter schools to:

10871 (i) determine the current state of professional learning for educators as aligned with the
10872 standards specified in Subsection (2);

10873 (ii) determine the effectiveness of current professional learning practices; and

10874 (iii) identify resources to implement professional learning as described in Subsection
10875 (2).

10876 (b) The State Board of Education shall select a consultant from bidders who have
10877 demonstrated successful experience in conducting a statewide analysis of professional learning.

10878 (c) (i) Annually in the fall, beginning in 2015 through 2020, the State Board of
10879 Education, through the state superintendent of public instruction, in conjunction with school
10880 districts and charter schools, shall gather and use data to determine the impact of professional
10881 learning efforts and resources.

10882 (ii) Data used to determine the impact of professional learning efforts and resources
10883 under Subsection (4)(c)(i) shall include:

10884 (A) student achievement data;

10885 (B) educator evaluation data; and

10886 (C) survey data.

10887 Section 376. Section **53G-11-401**, which is renumbered from Section 53A-15-1502 is
10888 renumbered and amended to read:

10889 **Part 4. Background Checks**

10890 **~~[53A-15-1502]~~. 53G-11-401. Definitions.**

10891 As used in this part:

10892 (1) "Authorized entity" means an LEA, qualifying private school, or the State Board of

10893 Education that is authorized to request a background check and ongoing monitoring under this
10894 part.

10895 (2) "Bureau" means the Bureau of Criminal Identification within the Department of
10896 Public Safety created in Section 53-10-201.

10897 (3) "Contract employee" means an employee of a staffing service or other entity who
10898 works at a public or private school under a contract.

10899 (4) "FBI" means the Federal Bureau of Investigation.

10900 ~~[(6)]~~ (5) (a) "License applicant" means an applicant for a license issued by the State
10901 Board of Education under Title ~~[53A, Chapter 6, Educator Licensing and Professional Practices~~
10902 ~~Act]~~ 53E, Chapter 6, Education Professional Licensure.

10903 ~~[(5)]~~ (6) "Local education agency" or "LEA" means a school district, charter school,
10904 or the Utah Schools for the Deaf and the Blind.

10905 (b) "License applicant" includes an applicant for reinstatement of an expired, lapsed,
10906 suspended, or revoked license.

10907 (7) "Non-licensed employee" means an employee of an LEA or qualifying private
10908 school that does not hold a current Utah educator license issued by the State Board of
10909 Education under Title ~~[53A, Chapter 6, Educator Licensing and Professional Practices Act]~~
10910 53E, Chapter 6, Education Professional Licensure.

10911 (8) "Personal identifying information" means:

10912 (a) current name, former names, nicknames, and aliases;

10913 (b) date of birth;

10914 (c) address;

10915 (d) telephone number;

10916 (e) driver license number or other government-issued identification number;

10917 (f) social security number; and

10918 (g) fingerprints.

10919 (9) "Qualifying private school" means a private school that:

10920 (a) enrolls students under Title ~~[53A, Chapter 1a, Part 7, Carson Smith Scholarships~~
10921 ~~for Students with Special Needs Act]~~ 53F, Chapter 4, Part 3, Carson Smith Scholarship
10922 Program; and

10923 (b) is authorized to conduct fingerprint-based background checks of national crime

10924 information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L.
10925 No. 109-248.

10926 (10) "Rap back system" means a system that enables authorized entities to receive
10927 ongoing status notifications of any criminal history reported on individuals whose fingerprints
10928 are registered in the system.

10929 (11) "WIN Database" means the Western Identification Network Database that consists
10930 of eight western states sharing one electronic fingerprint database.

10931 Section 377. Section **53G-11-402**, which is renumbered from Section 53A-15-1503 is
10932 renumbered and amended to read:

10933 ~~[53A-15-1503]~~. **53G-11-402. Background checks for non-licensed employees,**
10934 **contract employees, volunteers, and charter school governing board members.**

10935 (1) An LEA or qualifying private school shall:

10936 (a) require the following individuals to submit to a nationwide criminal background
10937 check and ongoing monitoring as a condition for employment or appointment:

10938 (i) a non-licensed employee;

10939 (ii) a contract employee;

10940 (iii) a volunteer who will be given significant unsupervised access to a student in
10941 connection with the volunteer's assignment; and

10942 (iv) a charter school governing board member;

10943 (b) collect the following from an individual required to submit to a background check
10944 under Subsection (1)(a):

10945 (i) personal identifying information;

10946 (ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and

10947 (iii) consent, on a form specified by the LEA or qualifying private school, for:

10948 (A) an initial fingerprint-based background check by the FBI and the bureau upon
10949 submission of the application; and

10950 (B) retention of personal identifying information for ongoing monitoring through
10951 registration with the systems described in Section ~~[53A-15-1505]~~ 53G-11-404;

10952 (c) submit the individual's personal identifying information to the bureau for:

10953 (i) an initial fingerprint-based background check by the FBI and the bureau; and

10954 (ii) ongoing monitoring through registration with the systems described in Section

10955 ~~[53A-15-1505]~~ 53G-11-404 if the results of the initial background check do not contain
10956 disqualifying criminal history information as determined by the LEA or qualifying private
10957 school in accordance with Section ~~[53A-15-1506]~~ 53G-11-405; and

10958 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure
10959 that the LEA or qualifying private school only receives notifications for individuals with whom
10960 the LEA or qualifying private school maintains an authorizing relationship.

10961 (2) An LEA or qualifying private school may not require an individual to pay the fee
10962 described in Subsection (1)(b)(ii) unless the individual:

10963 (a) has passed an initial review; and

10964 (b) is one of a pool of no more than five candidates for the position.

10965 (3) By September 1, 2018, an LEA or qualifying private school shall:

10966 (a) collect the information described in Subsection (1)(b) from individuals:

10967 (i) who were employed or appointed prior to July 1, 2015; and

10968 (ii) with whom the LEA or qualifying private school currently maintains an authorizing
10969 relationship; and

10970 (b) submit the information to the bureau for ongoing monitoring through registration
10971 with the systems described in Section ~~[53A-15-1505]~~ 53G-11-404.

10972 (4) An LEA or qualifying private school that receives criminal history information
10973 about a licensed educator under Subsection ~~[53A-15-1504]~~ 53G-11-403(5) shall assess the
10974 employment status of the licensed educator as provided in Section ~~[53A-15-1506]~~ 53G-11-405.

10975 (5) An LEA or qualifying private school may establish a policy to exempt an individual
10976 described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if
10977 the individual is being temporarily employed or appointed.

10978 Section 378. Section **53G-11-403**, which is renumbered from Section 53A-15-1504 is
10979 renumbered and amended to read:

10980 ~~[53A-15-1504]~~. **53G-11-403. Background checks for licensed educators.**

10981 The State Board of Education shall:

10982 (1) require a license applicant to submit to a nationwide criminal background check
10983 and ongoing monitoring as a condition for licensing;

10984 (2) collect the following from an applicant:

10985 (a) personal identifying information;

- 10986 (b) a fee described in Subsection 53-10-108(15); and
- 10987 (c) consent, on a form specified by the State Board of Education, for:
- 10988 (i) an initial fingerprint-based background check by the FBI and bureau upon
- 10989 submission of the application;
- 10990 (ii) retention of personal identifying information for ongoing monitoring through
- 10991 registration with the systems described in Section [~~53A-15-1505~~] 53G-11-404; and
- 10992 (iii) disclosure of any criminal history information to the individual's employing LEA
- 10993 or qualifying private school;
- 10994 (3) submit an applicant's personal identifying information to the bureau for:
- 10995 (a) an initial fingerprint-based background check by the FBI and bureau; and
- 10996 (b) ongoing monitoring through registration with the systems described in Section
- 10997 [~~53A-15-1505~~] 53G-11-404 if the results of the initial background check do not contain
- 10998 disqualifying criminal history information as determined by the State Board of Education in
- 10999 accordance with Section [~~53A-15-1506~~] 53G-11-405;
- 11000 (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure
- 11001 that the State Board of Education only receives notifications for individuals with whom the
- 11002 State Board of Education maintains an authorizing relationship;
- 11003 (5) notify the employing LEA or qualifying private school upon receipt of any criminal
- 11004 history information reported on a licensed educator employed by the LEA or qualifying private
- 11005 school; and
- 11006 (6) (a) collect the information described in Subsection (2) from individuals who were
- 11007 licensed prior to July 1, 2015, by the individual's next license renewal date; and
- 11008 (b) submit the information to the bureau for ongoing monitoring through registration
- 11009 with the systems described in Section [~~53A-15-1505~~] 53G-11-404.
- 11010 Section 379. Section **53G-11-404**, which is renumbered from Section 53A-15-1505 is
- 11011 renumbered and amended to read:
- 11012 [~~53A-15-1505~~]. **53G-11-404. Bureau responsibilities.**
- 11013 The bureau shall:
- 11014 (1) upon request from an authorized entity, register the fingerprints submitted by the
- 11015 authorized entity as part of a background check with:
- 11016 (a) the WIN Database rap back system, or any successor system; and

- 11017 (b) the rap back system maintained by the Federal Bureau of Investigation;
- 11018 (2) notify an authorized entity when a new entry is made against an individual whose
- 11019 fingerprints are registered with the rap back systems described in Subsection (1) regarding:
- 11020 (a) an alleged offense; or
- 11021 (b) a conviction, including a plea in abeyance;
- 11022 (3) assist authorized entities to identify the appropriate privacy risk mitigation strategy
- 11023 that is to be used to ensure that the authorized entity only receives notifications for individuals
- 11024 with whom the authorized entity maintains an authorizing relationship; and
- 11025 (4) collaborate with the State Board of Education to provide training to authorized
- 11026 entities on the notification procedures and privacy risk mitigation strategies described in this
- 11027 part.

11028 Section 380. Section **53G-11-405**, which is renumbered from Section 53A-15-1506 is

11029 renumbered and amended to read:

11030 ~~[53A-15-1506]~~. **53G-11-405**. **Due process for individuals--Review of criminal**

11031 **history information.**

11032 (1) (a) In accordance with Section 53-10-108, an authorized entity shall provide an

11033 individual an opportunity to review and respond to any criminal history information received

11034 under this part.

11035 (b) If an authorized entity decides to disqualify an individual as a result of criminal

11036 history information received under this part, an individual may request a review of:

- 11037 (i) information received; and
- 11038 (ii) the reasons for the disqualification.

11039 (c) An authorized entity shall provide an individual described in Subsection (1)(b) with

11040 written notice of:

- 11041 (i) the reasons for the disqualification; and
- 11042 (ii) the individual's right to request a review of the disqualification.

11043 (2) (a) An LEA or qualifying private school shall make decisions regarding criminal

11044 history information for the individuals subject to the background check requirements under

11045 Section ~~[53A-15-1503]~~ 53G-11-402 in accordance with:

- 11046 (i) Subsection (3);
- 11047 (ii) administrative procedures established by the LEA or qualifying private school; and

- 11048 (iii) rules established by the State Board of Education.
- 11049 (b) The State Board of Education shall make decisions regarding criminal history
- 11050 information for licensed educators in accordance with:
- 11051 (i) Subsection (3);
- 11052 (ii) Title [~~53A, Chapter 6, Educator Licensing and Professional Practices Act~~] 53E,
- 11053 Chapter 6, Education Professional Licensure; and
- 11054 (iii) rules established by the State Board of Education.
- 11055 (3) When making decisions regarding initial employment, initial licensing, or initial
- 11056 appointment for the individuals subject to background checks under this part, an authorized
- 11057 entity shall consider:
- 11058 (a) any convictions, including pleas in abeyance;
- 11059 (b) any matters involving a felony; and
- 11060 (c) any matters involving an alleged:
- 11061 (i) sexual offense;
- 11062 (ii) class A misdemeanor drug offense;
- 11063 (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;
- 11064 (iv) class A misdemeanor property offense that is alleged to have occurred within the
- 11065 previous three years; and
- 11066 (v) any other type of criminal offense, if more than one occurrence of the same type of
- 11067 offense is alleged to have occurred within the previous eight years.
- 11068 Section 381. Section **53G-11-406**, which is renumbered from Section 53A-15-1507 is
- 11069 renumbered and amended to read:
- 11070 ~~[53A-15-1507]~~. **53G-11-406. Self-reporting requirement.**
- 11071 (1) Individuals subject to the background check requirements under this part shall
- 11072 self-report conviction, arrest, or offense information in accordance with rules established by the
- 11073 State Board of Education.
- 11074 (2) An LEA shall report conviction, arrest, or offense information received from
- 11075 licensed educators under Subsection (1) to the State Board of Education in accordance with
- 11076 rules established by the State Board of Education.
- 11077 Section 382. Section **53G-11-407**, which is renumbered from Section 53A-15-1508 is
- 11078 renumbered and amended to read:

11079 ~~[53A-15-1508]~~. 53G-11-407. Update criminal background check rules and
11080 **policies.**

11081 On or before September 1, 2015:

11082 (1) the State Board of Education shall update the State Board of Education's criminal
11083 background check rules consistent with this part; and

11084 (2) an LEA shall update the LEA's criminal background check policies consistent with
11085 this part.

11086 Section 383. Section **53G-11-408**, which is renumbered from Section 53A-15-1509 is
11087 renumbered and amended to read:

11088 ~~[53A-15-1509]~~. 53G-11-408. **Training provided to authorized entities.**

11089 The State Board of Education shall collaborate with the bureau to provide training to
11090 authorized entities on the provisions of this part.

11091 Section 384. Section **53G-11-409**, which is renumbered from Section 53A-15-1510 is
11092 renumbered and amended to read:

11093 ~~[53A-15-1510]~~. 53G-11-409. **Legislative audit.**

11094 After the conclusion of the 2018-2019 school year, subject to the prioritization of the
11095 Legislative Audit Subcommittee, the legislative auditor general shall conduct a review and
11096 issue a report on the extent to which the criminal background check procedures and ongoing
11097 monitoring described in this part adequately detect and identify the criminal histories of
11098 individuals who are employed by or volunteering in public schools.

11099 Section 385. Section **53G-11-410**, which is renumbered from Section 53A-15-1511 is
11100 renumbered and amended to read:

11101 ~~[53A-15-1511]~~. 53G-11-410. **Reference check requirements for LEA**
11102 **applicants and volunteers.**

11103 (1) As used in this section:

11104 (a) "Child" means an individual who is younger than 18 years old.

11105 (b) "LEA applicant" means an applicant for employment by an LEA.

11106 (c) "Physical abuse" means the same as that term is defined in Section 78A-6-105.

11107 (d) "Potential volunteer" means an individual who:

11108 (i) has volunteered for but not yet fulfilled an unsupervised volunteer assignment; and

- 11109 (ii) during the last three years, has worked in a qualifying position.
- 11110 (e) "Qualifying position" means paid employment that requires the employee to
- 11111 directly care for, supervise, control, or have custody of a child.
- 11112 (f) "Sexual abuse" means the same as that term is defined in Section 78A-6-105.
- 11113 (g) "Student" means an individual who:
- 11114 (i) is enrolled in an LEA in any grade from preschool through grade 12; or
- 11115 (ii) receives special education services from an LEA under the Individuals with
- 11116 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- 11117 (h) "Unsupervised volunteer assignment" means a volunteer assignment at an LEA that
- 11118 allows the volunteer significant unsupervised access to a student.
- 11119 (2) (a) Before hiring an LEA applicant or giving an unsupervised volunteer assignment
- 11120 to a potential volunteer, an LEA shall:
- 11121 (i) require the LEA applicant or potential volunteer to sign a release authorizing the
- 11122 LEA applicant or potential volunteer's previous qualifying position employers to disclose
- 11123 information regarding any employment action taken or discipline imposed for the physical
- 11124 abuse or sexual abuse of a child or student by the LEA applicant or potential volunteer;
- 11125 (ii) for an LEA applicant, request that the LEA applicant's most recent qualifying
- 11126 position employer disclose information regarding any employment action taken or discipline
- 11127 imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant;
- 11128 (iii) for a potential volunteer, request that the potential volunteer's most recent
- 11129 qualifying position employer disclose information regarding any employment action taken or
- 11130 discipline imposed for the physical abuse or sexual abuse of a child or student by the potential
- 11131 volunteer; and
- 11132 (iv) document the efforts taken to make a request described in Subsection (2)(a)(ii) or
- 11133 (iii).
- 11134 (b) An LEA may not hire an LEA applicant who does not sign a release described in
- 11135 Subsection (2)(a)(i).
- 11136 (c) An LEA may not give an unsupervised volunteer assignment to a potential
- 11137 volunteer who does not sign a release described in Subsection (2)(a)(i).
- 11138 (d) An LEA shall use the LEA's best efforts to request information under Subsection
- 11139 (2)(a)(ii) or (iii) before:

- 11140 (i) hiring an LEA applicant; or
 11141 (ii) giving an unsupervised volunteer assignment to a potential volunteer.
 11142 (e) In accordance with state and federal law, an LEA may request from an LEA
 11143 applicant or potential volunteer other information the LEA determines is relevant.
 11144 (3) (a) An LEA that receives a request described in Subsection (2)(a)(ii) or (iii) shall
 11145 use the LEA's best efforts to respond to the request within 20 business days after the day on
 11146 which the LEA received the request.
 11147 (b) If an LEA or other employer in good faith discloses information that is within the
 11148 scope of a request described in Subsection (2)(a)(ii) or (iii), the LEA or other employer is
 11149 immune from civil and criminal liability for the disclosure.

11150 Section 386. Section **53G-11-501**, which is renumbered from Section 53A-8a-102 is
 11151 renumbered and amended to read:

11152 **Part 5. School District and USDB Employee Requirements**

11153 ~~[53A-8a-102]~~. **53G-11-501. Definitions.**

11154 As used in this ~~[chapter]~~ part:

11155 (1) "Administrator" means an individual who:

11156 (a) serves in a position that requires:

11157 (i) an educator license with an administrative area of concentration; or

11158 (ii) a letter of authorization described in Section ~~[53A-3-301]~~ 53G-4-301 or
 11159 ~~[53A-6-110]~~ 53E-6-304; and

11160 (b) supervises school administrators or teachers.

11161 (2) "Career educator" means a licensed employee who has a reasonable expectation of
 11162 continued employment under the policies of a local school board.

11163 ~~[(2)]~~ (3) "Career employee" means an employee of a school district who has obtained a
 11164 reasonable expectation of continued employment based upon Section ~~[53A-8a-201]~~
 11165 53G-11-503 and an agreement with the employee or the employee's association, district
 11166 practice, or policy.

11167 ~~[(3)]~~ (4) "Contract term" or "term of employment" means the period of time during
 11168 which an employee is engaged by the school district under a contract of employment, whether
 11169 oral or written.

11170 ~~[(4)]~~ (5) "Dismissal" or "termination" means:

- 11171 (a) termination of the status of employment of an employee;
 11172 (b) failure to renew or continue the employment contract of a career employee beyond
 11173 the then-current school year;
 11174 (c) reduction in salary of an employee not generally applied to all employees of the
 11175 same category employed by the school district during the employee's contract term; or
 11176 (d) change of assignment of an employee with an accompanying reduction in pay,
 11177 unless the assignment change and salary reduction are agreed to in writing.

11178 (6) "Educator" means an individual employed by a school district who is required to
 11179 hold a professional license issued by the State Board of Education, except:

- 11180 (a) a superintendent; or
 11181 (b) an individual who works less than three hours per day or is hired for less than half
 11182 of a school year.

11183 ~~[(5)]~~ (7) (a) "Employee" means a career or provisional employee of a school district,
 11184 except as provided in Subsection ~~[(5)]~~ (7)(b).

11185 (b) ~~[For] Excluding Section 53G-11-518, for purposes of [Part 2, Status of~~
 11186 ~~Employment, Part 4, Educator Evaluations, and Part 5, Orderly School Termination~~
 11187 ~~Procedures] this part, "employee" does not include:~~

- 11188 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
 11189 Blind;
 11190 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
 11191 and the Blind; or
 11192 (iii) a temporary employee.

11193 ~~[(6)]~~ (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that
 11194 mandates the termination of an employee who started to work for a district most recently
 11195 before terminating a more senior employee.

11196 (9) "Probationary educator" means an educator employed by a school district who,
 11197 under local school board policy, has been advised by the school district that the educator's
 11198 performance is inadequate.

11199 (10) "Provisional educator" means an educator employed by a school district who has
 11200 not achieved status as a career educator within the school district.

11201 ~~[(7)]~~ (11) "Provisional employee" means an individual, other than a career employee or

11202 a temporary employee, who is employed by a school district.

11203 ~~[(8)]~~ (12) "School board" or "board" means a district school board or, for the Utah

11204 Schools for the Deaf and the Blind, the State Board of Education.

11205 ~~[(9)]~~ (13) "School district" or "district" means:

11206 (a) a public school district; or

11207 (b) the Utah Schools for the Deaf and the Blind.

11208 (14) "Summative evaluation" means the annual evaluation that summarizes an

11209 educator's performance during a school year and that is used to make decisions related to the

11210 educator's employment.

11211 ~~[(10)]~~ (15) "Temporary employee" means an individual who is employed on a

11212 temporary basis as defined by policies adopted by the local board of education. If the class of

11213 employees in question is represented by an employee organization recognized by the local

11214 board, the board shall adopt the board's policies based upon an agreement with that

11215 organization. Temporary employees serve at will and have no expectation of continued

11216 employment.

11217 ~~[(11)]~~ (16) (a) "Unsatisfactory performance" means a deficiency in performing work

11218 tasks that may be:

11219 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and

11220 (ii) remediated through training, study, mentoring, or practice.

11221 (b) "Unsatisfactory performance" does not include the following conduct that is

11222 designated as a cause for termination under Section ~~[53A-8a-501]~~ 53G-11-512 or a reason for

11223 license discipline by the State Board of Education or Utah Professional Practices Advisory

11224 Commission:

11225 (i) a violation of work rules;

11226 (ii) a violation of local school board policies, State Board of Education rules, or law;

11227 (iii) a violation of standards of ethical, moral, or professional conduct; or

11228 (iv) insubordination.

11229 Section 387. Section **53G-11-501.5**, which is renumbered from Section 53A-8a-401 is

11230 renumbered and amended to read:

11231 ~~[53A-8a-401]~~. **53G-11-501.5. Legislative findings.**

11232 (1) The Legislature finds that the effectiveness of public educators can be improved

11233 and enhanced by providing specific feedback and support for improvement through a
 11234 systematic, fair, and competent annual evaluation and remediation of public educators whose
 11235 performance is inadequate.

11236 (2) The State Board of Education and each local school board shall implement [~~this~~
 11237 ~~part,~~] Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510,
 11238 and 53G-11-511 in accordance with Subsections [~~53A-1a-104~~] 53E-2-302(7) and [~~53A-6-102~~]
 11239 53E-6-103(2)(a) and (b), to:

11240 (a) allow the educator and the school district to promote the professional growth of the
 11241 educator; and

11242 (b) identify and encourage quality instruction in order to improve student academic
 11243 growth.

11244 Section 388. Section **53G-11-502** is enacted to read:

11245 **53G-11-502. Applicability.**

11246 Reserved

11247 Section 389. Section **53G-11-503**, which is renumbered from Section 53A-8a-201 is
 11248 renumbered and amended to read:

11249 [~~53A-8a-201~~]. **53G-11-503. Career employee status for provisional**
 11250 **employees -- Career status in the event of change of position -- Continuation of**
 11251 **probationary status when position changes -- Temporary status for extra duty**
 11252 **assignments -- Employees not eligible for career status.**

11253 (1) (a) A provisional employee must work for a school district on at least a half-time
 11254 basis for three consecutive years to obtain career employee status.

11255 (b) A school district may extend the provisional status of an employee up to an
 11256 additional two consecutive years in accordance with a written policy adopted by the district's
 11257 school board that specifies the circumstances under which an employee's provisional status
 11258 may be extended.

11259 (2) Policies of an employing school district shall determine the status of a career
 11260 employee in the event of the following:

11261 (a) the employee accepts a position which is substantially different from the position in
 11262 which career status was achieved; or

- 11263 (b) the employee accepts employment in another school district.
- 11264 (3) If an employee who is under an order of probation or remediation in one
 11265 assignment in a school district is transferred or given a new assignment in the district, the order
 11266 shall stand until its provisions are satisfied.
- 11267 (4) An employee who is given extra duty assignments in addition to a primary
 11268 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
 11269 employee in those extra duty assignments and may not acquire career status beyond the primary
 11270 assignment.
- 11271 (5) A person is an at-will employee and is not eligible for career employee status if the
 11272 person:
- 11273 (a) is a teacher who holds a competency-based license pursuant to Section
 11274 [~~53A-6-104.5~~] 53E-6-306 and does not hold a level 1, 2, or 3 license as defined in Section
 11275 [~~53A-6-103~~] 53E-6-102; or
- 11276 (b) holds an administrative/supervisory letter of authorization pursuant to Section
 11277 [~~53A-6-110~~] 53E-6-304.
- 11278 Section 390. Section **53G-11-504**, which is renumbered from Section 53A-8a-301 is
 11279 renumbered and amended to read:
- 11280 ~~[53A-8a-301]~~. **53G-11-504. Evaluation of employee performance.**
- 11281 (1) Except as provided in Subsection (2), a local school board shall require that the
 11282 performance of each school district employee be evaluated annually in accordance with rules of
 11283 the State Board of Education adopted in accordance with this ~~[chapter]~~ part and Title 63G,
 11284 Chapter 3, Utah Administrative Rulemaking Act.
- 11285 (2) Rules adopted by the State Board of Education under Subsection (1) may include
 11286 an exemption from annual performance evaluations for a temporary employee or a part-time
 11287 employee.
- 11288 Section 391. Section **53G-11-505**, which is renumbered from Section 53A-8a-302 is
 11289 renumbered and amended to read:
- 11290 ~~[53A-8a-302]~~. **53G-11-505. State Board of Education rules -- Reporting to**
 11291 **Legislature.**
- 11292 (1) Subject to ~~[Part 4, Educator Evaluations]~~ Sections 53G-11-506, 53G-11-507,
 11293 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511, rules adopted by the State Board of

11294 Education under Section [~~53A-8a-301~~] 53G-11-504 shall:

11295 (a) provide general guidelines, requirements, and procedures for the development and
11296 implementation of employee evaluations;

11297 (b) establish required components and allow for optional components of employee
11298 evaluations;

11299 (c) require school districts to choose valid and reliable methods and tools to implement
11300 the evaluations; and

11301 (d) establish a timeline for school districts to implement employee evaluations.

11302 (2) The State Board of Education shall report to the Education Interim Committee, as
11303 requested, on progress in implementing employee evaluations in accordance with [~~this part and~~
11304 ~~Part 4, Educator Evaluations~~] this section and Sections 53G-11-504, 53G-11-506, 53G-11-507,
11305 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511.

11306 Section 392. Section **53G-11-506**, which is renumbered from Section 53A-8a-403 is
11307 renumbered and amended to read:

11308 [~~53A-8a-403~~]. **53G-11-506. Establishment of educator evaluation program**
11309 **-- Joint committee.**

11310 (1) A local school board shall develop an educator evaluation program in consultation
11311 with its joint committee.

11312 (2) The joint committee described in Subsection (1) shall consist of an equal number of
11313 classroom teachers, parents, and administrators appointed by the local school board.

11314 (3) A local school board may appoint members of the joint committee from a list of
11315 nominees:

11316 (a) voted on by classroom teachers in a nomination election;

11317 (b) voted on by the administrators in a nomination election; and

11318 (c) of parents submitted by school community councils within the district.

11319 (4) Subject to Subsection (5), the joint committee may:

11320 (a) adopt or adapt an evaluation program for educators based on a model developed by
11321 the State Board of Education; or

11322 (b) create the local school board's own evaluation program for educators.

11323 (5) The evaluation program developed by the joint committee shall comply with the
11324 requirements of [~~this part~~] Sections 53G-11-507 through 53G-11-511 and rules adopted by the

11325 State Board of Education under Section [~~53A-8a-409~~] 53G-11-510.

11326 Section 393. Section **53G-11-507**, which is renumbered from Section 53A-8a-405 is
11327 renumbered and amended to read:

11328 [~~53A-8a-405~~]. **53G-11-507. Components of educator evaluation program.**

11329 (1) A local school board in consultation with a joint committee established in Section
11330 [~~53A-8a-403~~] 53G-11-506 shall adopt a reliable and valid educator evaluation program that
11331 evaluates educators based on educator professional standards established by the State Board of
11332 Education and includes:

11333 (a) a systematic annual evaluation of all provisional, probationary, and career
11334 educators;

11335 (b) use of multiple lines of evidence, including:

11336 (i) self-evaluation;

11337 (ii) student and parent input;

11338 (iii) for an administrator, employee input;

11339 (iv) a reasonable number of supervisor observations to ensure adequate reliability;

11340 (v) evidence of professional growth and other indicators of instructional improvement

11341 based on educator professional standards established by the State Board of Education; and

11342 (vi) student academic growth data;

11343 (c) a summative evaluation that differentiates among four levels of performance; and

11344 (d) for an administrator, the effectiveness of evaluating employee performance in a
11345 school or school district for which the administrator has responsibility.

11346 (2) (a) An educator evaluation program described in Subsection (1) may include a
11347 reasonable number of peer observations.

11348 (b) An educator evaluation program described in Subsection (1) may not use
11349 end-of-level assessment scores in educator evaluation.

11350 Section 394. Section **53G-11-508**, which is renumbered from Section 53A-8a-406 is
11351 renumbered and amended to read:

11352 [~~53A-8a-406~~]. **53G-11-508. Summative evaluation timelines -- Review of**
11353 **summative evaluations.**

11354 (1) The person responsible for administering an educator's summative evaluation shall:

11355 (a) at least 15 days before an educator's first evaluation:

- 11356 (i) notify the educator of the evaluation process; and
11357 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
11358 (b) allow the educator to respond to any part of the evaluation;
11359 (c) attach the educator's response to the evaluation if the educator's response is
11360 provided in writing;
11361 (d) within 15 days after the evaluation process is completed, discuss the written
11362 evaluation with the educator; and
11363 (e) based upon the educator's performance, assign to the educator one of the four levels
11364 of performance described in Section ~~[53A-8a-405]~~ 53G-11-507.

11365 (2) An educator who is not satisfied with a summative evaluation may request a review
11366 of the evaluation within 15 days after receiving the written evaluation.

11367 (3) (a) If a review is requested in accordance with Subsection (2), the school district
11368 superintendent or the superintendent's designee shall appoint a person not employed by the
11369 school district who has expertise in teacher or personnel evaluation to review the evaluation
11370 procedures and make recommendations to the superintendent regarding the educator's
11371 summative evaluation.

11372 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11373 State Board of Education shall make rules prescribing standards for an independent review of
11374 an educator's summative evaluation.

11375 (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be
11376 conducted in accordance with State Board of Education rules made under Subsection (3)(b).

11377 Section 395. Section **53G-11-509**, which is renumbered from Section 53A-8a-408 is
11378 renumbered and amended to read:

11379 ~~[53A-8a-408]~~. **53G-11-509. Mentor for provisional educator.**

11380 (1) In accordance with Subsections ~~[53A-1a-104]~~ 53E-2-302(7) and ~~[53A-6-102]~~
11381 53F-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall
11382 assign a person who has received training or will receive training in mentoring educators as a
11383 mentor to the provisional educator.

11384 (2) Where possible, the mentor shall be a career educator who performs substantially
11385 the same duties as the provisional educator and has at least three years of educational
11386 experience.

11387 (3) The mentor shall assist the provisional educator to become effective and competent
11388 in the teaching profession and school system, but may not serve as an evaluator of the
11389 provisional educator.

11390 (4) An educator who is assigned as a mentor may receive compensation for those
11391 services in addition to the educator's regular salary.

11392 Section 396. Section **53G-11-510**, which is renumbered from Section 53A-8a-409 is
11393 renumbered and amended to read:

11394 ~~[53A-8a-409]~~. **53G-11-510. State Board of Education to describe a**
11395 **framework for the evaluation of educators.**

11396 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11397 State Board of Education shall make rules:

11398 (a) describing a framework for the evaluation of educators that is consistent with the
11399 requirements of Part 3, Employee Evaluations, and ~~[this part]~~ Sections 53G-11-506,
11400 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; and

11401 (b) requiring an educator's summative evaluation to be based on:

11402 (i) educator professional standards established by the State Board of Education; and

11403 (ii) the requirements described in Subsection ~~[53A-8a-405]~~ 53G-11-507(1).

11404 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level
11405 assessment scores in educator evaluation.

11406 Section 397. Section **53G-11-511**, which is renumbered from Section 53A-8a-410 is
11407 renumbered and amended to read:

11408 ~~[53A-8a-410]~~. **53G-11-511. Report of performance levels.**

11409 (1) A school district shall report to the State Board of Education the number and
11410 percent of educators in each of the four levels of performance assigned under Section
11411 ~~[53A-8a-406]~~ 53G-11-508.

11412 (2) The data reported under Subsection (1) shall be separately reported for the
11413 following educator classifications:

11414 (a) administrators;

11415 (b) teachers, including separately reported data for provisional teachers and career
11416 teachers; and

11417 (c) other classifications or demographics of educators as determined by the State Board

11418 of Education.

11419 (3) The state superintendent shall include the data reported by school districts under
11420 this section in the state superintendent's annual report of the public school system required by
11421 Section [~~53A-1-301~~] 53E-3-301.

11422 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11423 State Board of Education shall make rules to ensure the privacy and protection of individual
11424 evaluation data.

11425 Section 398. Section **53G-11-512**, which is renumbered from Section 53A-8a-501 is
11426 renumbered and amended to read:

11427 ~~[53A-8a-501]~~. **53G-11-512. Local school board to establish dismissal**
11428 **procedures.**

11429 (1) A local school board shall, by contract with its employees or their associations, or
11430 by resolution of the board, establish procedures for dismissal of employees in an orderly
11431 manner without discrimination.

11432 (2) The procedures shall include:

11433 (a) standards of due process;

11434 (b) causes for dismissal; and

11435 (c) procedures and standards related to developing and implementing a plan of
11436 assistance for a career employee whose performance is unsatisfactory.

11437 (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c)
11438 shall require a plan of assistance to identify:

11439 (a) specific, measurable, and actionable deficiencies;

11440 (b) the available resources provided for improvement; and

11441 (c) a course of action to improve employee performance.

11442 (4) If a career employee exhibits both unsatisfactory performance as described in
11443 Subsection [~~53A-8a-102(10)(a)~~] 53G-11-501(16)(a) and conduct described in Subsection
11444 [~~53A-8a-102(10)(b)~~] 53G-11-501(16)(b), an employer:

11445 (a) may:

11446 (i) attempt to remediate the conduct of the career employee; or

11447 (ii) terminate the career employee for cause if the conduct merits dismissal consistent
11448 with procedures established by the local school board; and

11449 (b) is not required to develop and implement a plan of assistance for the career
11450 employee, as provided in Section [~~53A-8a-503~~] 53G-11-514.

11451 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
11452 remediated, and unsatisfactory performance issues remain, an employer shall develop and
11453 implement a plan of assistance for the career employee, as provided in Section [~~53A-8a-503~~]
11454 53G-11-514.

11455 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
11456 remediated, an employer:

11457 (a) may dismiss the career employee for cause in accordance with procedures
11458 established by the local school board that include standards of due process and causes for
11459 dismissal; and

11460 (b) is not required to develop and implement a plan of assistance for the career
11461 employee, as provided in Section [~~53A-8a-503~~] 53G-11-514.

11462 Section 399. Section **53G-11-513**, which is renumbered from Section 53A-8a-502 is
11463 renumbered and amended to read:

11464 [~~53A-8a-502~~]. **53G-11-513. Dismissal procedures.**

11465 (1) A district shall provide employees with a written statement specifying:

11466 (a) the causes under which a career employee's contract may not be renewed or
11467 continued beyond the current school year;

11468 (b) the causes under which a career or provisional employee's contract may be
11469 terminated during the contract term; and

11470 (c) the orderly dismissal procedures that are used by the district in cases of contract
11471 termination, discontinuance, or nonrenewal.

11472 (2) A career employee's contract may be terminated during its term for reasons of
11473 unsatisfactory performance or discontinued beyond the current school year for reasons of
11474 unsatisfactory performance as provided in Section [~~53A-8a-503~~] 53G-11-514.

11475 (3) (a) A district is not required to provide a cause for not offering a contract to a
11476 provisional employee.

11477 (b) If a district intends to not offer a contract for a subsequent term of employment to a
11478 provisional employee, the district shall give notice of that intention to the employee at least 60
11479 days before the end of the provisional employee's contract term.

11480 (4) In the absence of a notice, an employee is considered employed for the next
11481 contract term with a salary based upon the salary schedule applicable to the class of employee
11482 into which the individual falls.

11483 (5) If a district intends to not renew or discontinue the contract of a career employee or
11484 to terminate a career or provisional employee's contract during the contract term:

11485 (a) the district shall give written notice of the intent to the employee;

11486 (b) the notice shall be served by personal delivery or by certified mail addressed to the
11487 employee's last-known address as shown on the records of the district;

11488 (c) the district shall give notice at least 30 days prior to the proposed date of
11489 termination;

11490 (d) the notice shall state the date of termination and the detailed reasons for
11491 termination;

11492 (e) the notice shall advise the employee that the employee has a right to a fair hearing
11493 and that the hearing is waived if it is not requested within 15 days after the notice of
11494 termination was either personally delivered or mailed to the employee's most recent address
11495 shown on the district's personnel records; and

11496 (f) the notice shall state that failure of the employee to request a hearing in accordance
11497 with procedures set forth in the notice constitutes a waiver of that right and that the district may
11498 then proceed with termination without further notice.

11499 (6) (a) The procedure under which a contract is terminated during its term may include
11500 a provision under which the active service of the employee is suspended pending a hearing if it
11501 appears that the continued employment of the individual may be harmful to students or to the
11502 district.

11503 (b) Suspension pending a hearing may be without pay if an authorized representative of
11504 the district determines, after providing the employee with an opportunity for an informal
11505 conference to discuss the allegations, that it is more likely than not that the allegations against
11506 the employee are true.

11507 (c) If termination is not subsequently ordered, the employee shall receive back pay for
11508 the period of suspension without pay.

11509 (7) The procedure under which an employee's contract is terminated during its term
11510 shall provide for a written notice of suspension or final termination including findings of fact

11511 upon which the action is based.

11512 Section 400. Section **53G-11-514**, which is renumbered from Section 53A-8a-503 is
11513 renumbered and amended to read:

11514 ~~[53A-8a-503]~~. **53G-11-514. Nonrenewal or termination of a career**
11515 **employee's contract for unsatisfactory performance.**

11516 (1) If a district intends to not renew a career employee's contract for unsatisfactory
11517 performance or terminate a career employee's contract during the contract term for
11518 unsatisfactory performance, the district shall:

11519 (a) provide and discuss with the career employee written documentation clearly
11520 identifying the deficiencies in performance;

11521 (b) provide written notice that the career employee's contract is subject to nonrenewal
11522 or termination if, upon a reevaluation of the career employee's performance, the career
11523 employee's performance is determined to be unsatisfactory;

11524 (c) develop and implement a plan of assistance, in accordance with procedures and
11525 standards established by the local school board under Section ~~[53A-8a-501]~~ 53G-11-512, to
11526 allow the career employee an opportunity to improve performance;

11527 (d) reevaluate the career employee's performance; and

11528 (e) if the career employee's performance remains unsatisfactory, give notice of intent to
11529 not renew or terminate the career employee's contract in accordance with Subsection
11530 ~~[53A-8a-502]~~ 53G-11-513(5).

11531 (2) (a) The period of time for implementing a plan of assistance:

11532 (i) may not exceed 120 school days, except as provided under Subsection (2)(b);

11533 (ii) may continue into the next school year;

11534 (iii) should be sufficient to successfully complete the plan of assistance; and

11535 (iv) shall begin when the career employee receives the written notice provided under
11536 Subsection (1)(b) and end when the determination is made that the career employee has
11537 successfully remediated the deficiency or notice of intent to not renew or terminate the career
11538 employee's contract is given in accordance with Subsection ~~[53A-8a-502]~~ 53G-11-513(5).

11539 (b) In accordance with local school board policy, the period of time for implementing a
11540 plan of assistance may extend beyond 120 school days if:

11541 (i) a career employee is on leave from work during the time period the plan of

11542 assistance is scheduled to be implemented; and

11543 (ii) (A) the leave was approved and scheduled before the written notice was provided
11544 under Subsection (1)(b); or

11545 (B) the leave is specifically approved by the local school board.

11546 (3) (a) If upon a reevaluation of the career employee's performance, the district
11547 determines the career employee's performance is satisfactory, and within a three-year period
11548 after the initial documentation of unsatisfactory performance for the same deficiency pursuant
11549 to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the
11550 district may elect to not renew or terminate the career employee's contract.

11551 (b) If a district intends to not renew or terminate a career employee's contract as
11552 provided in Subsection (3)(a), the district shall:

11553 (i) provide written documentation of the career employee's deficiencies in
11554 performance; and

11555 (ii) give notice of intent to not renew or terminate the career employee's contract in
11556 accordance with Subsection [~~53A-8a-502~~] 53G-11-513(5).

11557 Section 401. Section **53G-11-515**, which is renumbered from Section 53A-8a-504 is
11558 renumbered and amended to read:

11559 ~~[53A-8a-504]~~. **53G-11-515. Hearings before district board or hearing**
11560 **officers -- Rights of the board and the employee -- Subpoenas -- Appeals.**

11561 (1) (a) Hearings are held under this [~~chapter~~] part before the board or before hearing
11562 officers selected by the board to conduct the hearings and make recommendations concerning
11563 findings.

11564 (b) The board shall establish procedures to appoint hearing officers.

11565 (c) The board may delegate its authority to a hearing officer to make decisions relating
11566 to the employment of an employee which are binding upon both the employee and the board.

11567 (d) This Subsection (1) does not limit the right of the board or the employee to appeal
11568 to an appropriate court of law.

11569 (2) At the hearings, an employee has the right to counsel, to produce witnesses, to hear
11570 testimony against the employee, to cross-examine witnesses, and to examine documentary
11571 evidence.

11572 (3) Subpoenas may be issued and oaths administered as provided under Section

11573 [~~53A-6-603~~] 53E-6-606.

11574 Section 402. Section **53G-11-516**, which is renumbered from Section 53A-8a-505 is
11575 renumbered and amended to read:

11576 [~~53A-8a-505~~]. **53G-11-516. Necessary staff reduction not precluded --**
11577 **Last-hired, first-fired layoffs prohibited.**

11578 (1) Nothing in this [~~chapter~~] part prevents staff reduction if necessary to reduce the
11579 number of employees because of the following:

- 11580 (a) declining student enrollments in the district;
11581 (b) the discontinuance or substantial reduction of a particular service or program;
11582 (c) the shortage of anticipated revenue after the budget has been adopted; or
11583 (d) school consolidation.

11584 (2) A school district may not utilize a last-hired, first-fired layoff policy when
11585 terminating school district employees.

11586 (3) A school district may consider the following factors when terminating a school
11587 district employee:

- 11588 (a) the results of an employee's performance evaluation; and
11589 (b) a school's personnel needs.

11590 Section 403. Section **53G-11-517**, which is renumbered from Section 53A-8a-506 is
11591 renumbered and amended to read:

11592 [~~53A-8a-506~~]. **53G-11-517. Restriction on transfer of employee with**
11593 **unsatisfactory performance.**

11594 An employee whose performance is unsatisfactory may not be transferred to another
11595 school unless the local school board specifically approves the transfer of the employee.

11596 Section 404. Section **53G-11-518**, which is renumbered from Section 53A-8a-601 is
11597 renumbered and amended to read:

11598 [~~53A-8a-601~~]. **53G-11-518. State Board of Education to make rules on**
11599 **performance compensation.**

11600 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11601 State Board of Education shall make rules requiring a school district's employee compensation
11602 system to be aligned with the district's annual evaluation system described in Section

11603 [~~53A-8a-405~~] 53G-11-507.

11604 (2) Rules adopted under Subsection (1) shall:
 11605 (a) establish a timeline for developing and implementing an employee compensation
 11606 system that is aligned with an annual evaluation system; and
 11607 (b) provide that beginning no later than the 2016-17 school year:
 11608 (i) any advancement on an adopted wage or salary schedule:
 11609 (A) shall be based primarily on an evaluation; and
 11610 (B) may not be based on end-of-level assessment scores; and
 11611 (ii) an employee may not advance on an adopted wage or salary schedule if the
 11612 employee's rating on the most recent evaluation is at the lowest level of an evaluation
 11613 instrument.

11614 Section 405. **Repealer.**

11615 This bill repeals:

11616 Section **53A-2-117, Definitions.**

11617 Section **53A-3-415, School board policy on detaining students after school.**

11618 Section **53A-8a-402, Definitions.**

11619 Section 406. **Effective date.**

11620 If approved by two-thirds of all the members elected to each house, this bill takes effect
 11621 upon approval by the governor, or the day following the constitutional time limit of Utah
 11622 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
 11623 the date of veto override.

11624 Section 407. **Revisor instructions.**

11625 The Legislature intends that the Office of Legislative Research and General Counsel, in
 11626 preparing the Utah Code database for publication, not enroll this bill if any of the following
 11627 bills does not pass:

11628 (1) H.B. __, Public Education Recodification - Funding;

11629 (2) H.B. __, Public Education Recodification - State Administration; or

11630 (3) S.B. __, Public Education Recodification - Cross References and Repeals.