

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.

