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]. <u>11-36a-206.</u> 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	<u>53G-1-101.</u> 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	<u>53G-1-103.</u> 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	<u>53G-2-101.</u> Title.
822	This chapter is known as "Local Public Education System Policy."
823	Section 7. Section 53G-2-102 is enacted to read:
824	<u>53G-2-102.</u> 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	<u>53G-3-101.</u> 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]. <u>53G-3-102.</u> 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	<u>53G-3-302.</u>
842	$[\frac{1}{2}]$ "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	<u>53G-3-302.</u>
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	$[\frac{(2)}{8}]$ "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]. <u>53G-3-103.</u> 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]. <u>53G-3-201.</u> 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]. <u>53G-3-202.</u> 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 53G-3-204. Notice before preparing or amending a [53A-2-123]. 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]. <u>53G-3-205.</u> 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.

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

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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 53G-3-301. Creation of new school district -- Initiation of [53A-2-118]. 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-2-118.1] 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

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1040 four-year period.

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

- (4) A signer of a petition described in Subsection (2)(a) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing a written request for withdrawal or reinstatement with the county clerk.
- (5) Within 45 days after the day on which a petition described in Subsection (2)(a) is filed, or five business days after the day on which a request described in Subsection (2)(b) or (c) is filed, the clerk of each county with which the request or petition is filed shall:
- (a) determine whether the request or petition complies with Subsections (2) and (3), as applicable; and
- (b) (i) if the county clerk determines that the request or petition complies with the applicable requirements:
- (A) certify the request or petition and deliver the certified request or petition to the county legislative body; and
 - (B) mail or deliver written notification of the certification to the contact sponsor; or
- (ii) if the county clerk determines that the request or petition fails to comply with any of the applicable requirements, reject the request or petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.
- (6) (a) If the county clerk fails to certify or reject a request or petition within the time specified in Subsection (5), the request or petition is considered to be certified.
- (b) (i) If the county clerk rejects a request or petition, the person that submitted the request or petition may amend the request or petition to correct the deficiencies for which the request or petition was rejected, and refile the request or petition.
- (ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled after having been rejected by a county clerk.
- 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:
- (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

- activities, together with a recommendation on whether to create a new school district.
 - (8) For a request or petition submitted under Subsection (2)(a) or (b):

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- 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

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

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- (c) The proposal is approved if a majority of the members of the legislative body of each county with which a request or petition is filed votes in favor of the proposal.
- (d) If the proposal is approved, the legislative body of each county with which a request or petition is filed shall submit the proposal to the county clerk to be voted on:
 - (i) by the legal voters of each existing school district affected by the proposal;
- (ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and
- 1111 (iii) at the next regular general election or municipal general election, whichever is 1112 first.
 - (e) Creation of the new school district shall occur if a majority of the electors within both the proposed school district and each remaining school district voting on the proposal vote in favor of the creation of the new district.
 - (f) Each county legislative body shall comply with the requirements of Section [53A-2-101.5] 53G-3-203.
 - (g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is approved by the electors, the existing district's documented costs to study and implement the proposal shall be reimbursed by the new district.
 - (9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection (5) or (6)(a), the legislative body of each county in which part of the proposed new school district is located shall submit the proposal to the respective clerk of each county to be voted on:
 - (i) by the legal voters residing within the proposed new school district boundaries;
- 1125 (ii) in accordance with the procedures and requirements applicable to a regular general 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:
- (A) each county legislative body shall comply with the requirements of Section

1133	[53A-2-101.5] <u>53G-3-203</u> ; 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] <u>53G-3-301</u> .
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.

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

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

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

- (B) a municipality located in more than one county that participates in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may not be considered to cross county lines.
- (c) (i) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.
 - (ii) Boundaries of a new school district created under this section may include:
- (A) a portion of one or more existing school districts; and
- (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:
- (I) is entirely within the boundaries of a municipality that, except for that area, is entirely within a school district different than the school district in which the area is located; and
 - (II) would, because of the creation of a new school district from the existing district in which the area is located, become completely geographically isolated.
 - (B) "Municipality's school district" means the school district that includes all of the municipality in which the isolated area is located except the isolated area.
 - (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries if:
 - (A) the portion of the municipality proposed to be included in the new school district would, if not included, become an isolated area upon the creation of the new school district; or
 - (B) (I) the portion of the municipality proposed to be included in the new school district is within the boundaries of the same school district that includes the other interlocal 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

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

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- (IV) The existing district shall continue to provide educational services to the isolated area until July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i).
 - (3) (a) If a proposal under this section is approved by voters:
- (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 expiring;
 - (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-3-2<u>05</u> and [53A-2-122] <u>53G-3-308</u>;
 - (iv) (A) an individual residing within the boundaries of a new school district at the time the new school district is created may, for six school years after the creation of the new school district, elect to enroll in a secondary school located outside the boundaries of the new school district if:
 - (I) the individual resides within the boundaries of that secondary school as of the day before the new school district is created; and
 - (II) the individual would have been eligible to enroll in that secondary school had the new school district not been created; and
 - (B) the school district in which the secondary school is located shall provide educational services, including, if provided before the creation of the new school district, busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school year for which the individual makes the election; and
 - (v) within one year after the new district begins providing educational services, the superintendent of each remaining district affected and the superintendent of the new district shall meet, together with the Superintendent of Public Instruction, to determine if further 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

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

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

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participants.

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.
 - (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	<u>53G-3-301</u> .
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]. <u>53G-3-303.</u> 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	<u>53F-8-301</u> ; 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.

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- 1475 (c) "Property tax levy" means a property tax levy that a school district is authorized to 1476 impose, except:
- (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 provide educational services.
 - (e) "Remaining district" means an existing district after the creation of a new district.
 - (2) A new district and remaining district shall continue to impose property tax levies that were imposed by the divided school district in the taxable year prior to the qualifying taxable year.
 - (3) Except as provided in Subsection (6), a property tax levy that a new district and remaining district are required to impose under Subsection (2) shall be set at a rate that:
 - (a) is uniform in the new district and remaining district; and
 - (b) generates the same amount of revenue that was generated by the property tax levy within the divided school district in the taxable year prior to the qualifying taxable year.
 - (4) (a) Except as provided in Subsection (4)(b), the county treasurer of the county in which a property tax levy is imposed under Subsection (2) shall distribute revenues generated by the property tax levy to the new district and remaining district in proportion to the percentage of the divided school district's enrollment on the October 1 prior to the new district commencing educational services that were enrolled in schools currently located in the new district or remaining district.
 - (b) The county treasurer of a county of the first class shall distribute revenues generated by a capital local levy of .0006 that a school district in a county of the first class is required to impose under Section [53A-16-113] 53F-8-303 in accordance with the distribution method specified in Section 53A-16-114.
 - (5) On or before March 31, a county treasurer shall distribute revenues generated by a property tax levy imposed under Subsection (2) in the prior calendar year to a new district and remaining district as provided in Subsection (4).
 - (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] <u>53F-8-301</u> .
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]. <u>53G-3-305.</u> 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]. <u>53G-3-306.</u> 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] <u>53G-3-301</u> 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] <u>53G-3-302</u> in accordance with Section [53A-2-118.1] <u>53G-3-302</u> .

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

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]. <u>53G-3-308.</u> 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 the new district within one year of the date of the creation of the new district. 1609 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

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]. <u>53G-3-403.</u> 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] <u>Title 53F</u> , <u>Public Education System Funding</u> , 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]. <u>53G-3-404.</u> 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]. <u>53G-3-501.</u> 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;

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

- (c) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of the affected school districts within that county.
- (2) (a) If an annexation of property by a city would result in its residents being served by more than one school district, then the presidents of the affected local school boards shall meet within 60 days prior to the effective date of the annexation to determine whether it would be advisable to adjust school district boundaries to permit all residents of the expanded city to be served by a single school district.
- (b) Upon conclusion of the meeting, the local school board presidents shall prepare a recommendation for presentation to their respective boards as soon as reasonably possible.
- (c) The boards may then initiate realignment proceedings under Subsection (1)(a) or (b).
- (d) If a local board rejects realignment under Subsection (1)(a) or (b), the other board may initiate the following procedures by majority vote within 60 days of the vote rejecting realignment:
- (i) (A) within 30 days after a vote to initiate these procedures, each local board shall appoint one member to a boundary review committee; or
- (B) if the local board becomes deadlocked in selecting the appointee under Subsection (2)(d)(i)(A), the board's chair shall make the appointment or serve as the appointee to the review committee.
- (ii) The two local board-appointed members of the committee shall meet and appoint a third member of the committee.
- (iii) If the two local board-appointed members are unable to agree on the appointment of a third member within 30 days after both are appointed, the State Superintendent of Public Instruction shall appoint the third member.
- (iv) The committee shall meet as necessary to prepare recommendations concerning resolution of the realignment issue, and shall submit the recommendations to the affected local boards within six months after the appointment of the third member of the committee.

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

transferred.

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

presidents of the boards of education of each of the affected school districts shall determine the

basis for a transfer of all school property reasonably and fairly allocable to that portion being

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- (b) The transfer of a school building that is in operation at the time of determination shall be made at the close of a fiscal year.
- (c) The transfer of all other school property shall be made five days after approval of

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

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

(b) This is done by:

- (i) determining the amount of the outstanding bonded indebtedness and other indebtedness of the transferor board of education;
- (ii) determining the total taxable value of the property of the transferor district and the taxable value of the property to be transferred; and
- (iii) calculating the portion of the indebtedness of the transferor board for which the transferred portion retains liability.
- (4) (a) The agreement reflecting these determinations takes effect upon being filed with the State Board of Education.
 - (b) The transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor school board.
 - (c) The transferee school board may assume the obligation to pay the proportionate share of the transferor school board's indebtedness that has been determined under Subsection (3) to be the obligation of the transferred portion by the approval of a resolution by a majority of the qualified electors of the transferee school district at an election called and held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.
 - (5) If the transferee school district assumes the obligation to pay this proportionate share of the transferor school board's indebtedness, the transferee school board shall levy a tax in the whole of the transferee district, including the transferred portion, sufficient to pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator of the transferor board.
 - (6) If the transferee school board does not assume this obligation, the transferee school board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the transferor board.
 - (7) For the purposes of school districts affected by repealed laws governing the

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]. <u>53G-3-503.</u> 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	<u>53G-4-101.</u> Title.
1804	This chapter is known as "School Districts."
1805	Section 32. Section 53G-4-102 is enacted to read:
1806	<u>53G-4-102.</u> 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]. <u>53G-4-201.</u> 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]. <u>53G-4-202.</u> 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, w	hich is renumbered from Section 53A-3-201 is
1879	renumbered and amended to	read:	
1880	[53A-3-201].	<u>53G-4-203.</u>	Election of officers Terms Time of election
1881	Removal of officers Quo	rum requiren	nents.
1882	(1) A local school b	oard shall elec	t a president and a vice-president whose terms of
1883	office are for two years and	until their succ	cessors are elected.
1884	(2) The elections sha	all be held dur	ing the first board meeting in January following a
1885	regular school board election	n held in the d	strict.
1886	(3) An officer appoi	nted 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 sh	nall be elected	for the unexpired term.
1890	(5) Attendance of a	simple majorit	y of the board members constitutes a quorum for the
1891	transaction of official busine	ess.	
1892	Section 36. Section	53G-4-204, w	hich is renumbered from Section 53A-3-202 is
1893	renumbered and amended to	read:	
1894	[53A-3-202].	<u>53G-4-204.</u>	Compensation for services Additional per dien
1895	Approval of expenses.		
1896	(1) Each member of	a local school	board, except the student member, shall receive
1897	compensation for services as	nd for necessar	ry expenses in accordance with board compensation
1898	schedules adopted by the loc	cal school boar	rd in accordance with the provisions of this section.
1899	(2) Beginning on Ju	ly 1, 2007, if a	local school board decides to adopt or amend its
1900	board compensation schedul	es, the board s	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 tim	ne, place, and p	purpose of the meeting shall be provided at least
1903	seven days prior to the meet	ing by:	
1904	(a) (i) publication at	least once in a	a newspaper published in the county where the
1905	school district is situated and	d generally cir	culated within the school district; and
1906	(ii) publication on the	ne 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]. <u>53G-4-205.</u> 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]. <u>53G-4-301.</u> 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

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

superintendent, the local school board shall make an appointment during a public meeting for

an indefinite term not to exceed one year, which term shall end upon the appointment and

- (b) At the request of a local school board, the State Board of Education shall grant a letter of authorization permitting a person with outstanding professional qualifications to serve as superintendent without holding an administrative/supervisory license.
 - (6) A local school board shall set the superintendent's compensation for services.
- (7) A superintendent qualifies for office by taking the constitutional oath of office.
- 1953 (8) (a) As used in this Subsection (8), "interim vacancy period" means the period of time that:
 - (i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of a local school board; and
 - (ii) ends on the day on which the member-elect begins the member's term.
- (b) (i) The local school board may not appoint a superintendent during an interimvacancy period.
 - (ii) Notwithstanding Subsection (8)(b)(i):

qualification of a new superintendent.

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- 1961 (A) the local school board may appoint an interim superintendent during an interim vacancy period; and
 - (B) the interim superintendent's term shall expire once a new superintendent is appointed by the new local school board after the interim vacancy period has ended.
 - (c) Subsection (8)(b) does not apply if all the local school board members who held office on the day of the general election whose term of office was vacant for the election are re-elected to the local school board for the following term.
 - Section 39. Section **53G-4-302**, which is renumbered from Section 53A-3-302 is

1969	renumbered and amended to read:
1970	[53A-3-302]. <u>53G-4-302.</u> 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

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]. <u>53G-4-303.</u> 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]. <u>53G-4-304.</u> 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]. <u>53G-4-401.</u> Boards of education are bodies corporate Sea
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	<u>53E-3-403.</u>
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]. Solution 253G-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

submitted to the State Board of Education for approval;

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

- (d) develop early warning systems for students or classes failing to make progress;
- (e) work with the State Board of Education to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; and
- (f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects.
- (2) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section [53A-1-402] 53E-3-501.
- (3) (a) A board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.
- (b) School sites or buildings may only be conveyed or sold on board resolution affirmed by at least two-thirds of the members.
- (4) (a) A board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either within or outside the state.
 - (b) Any agreement for the joint operation or construction of a school shall:
 - (i) be signed by the president of the board of each participating district;
 - (ii) include a mutually agreed upon pro rata cost; and
- 2086 (iii) be filed with the State Board of Education.
- 2087 (5) A board may establish, locate, and maintain elementary, secondary, and applied technology schools.
- 2089 (6) Except as provided in Section [53A-1-1004] 53E-3-905, a board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.
- 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.

- (b) Board rules and policies shall be in writing, filed, and referenced for public access.
- (16) A board may hold school on legal holidays other than Sundays.

management of the district schools.

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(15) (a) A board shall make and enforce rules necessary for the control and

2124	(17) (a) A board shall establish for each school year a school traffic safety committee t
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 junion
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, or
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 boards may use, where appropriate, to comply with Subsection (18)(a). 2166 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.

review the plan each year and make revisions when required to improve or enhance the plan.

(d) The board, in collaboration with the schools referred to in Subsection (19)(b), may

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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] <u>53G-8-211</u> .
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]. <u>53G-4-403.</u> 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

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

indebtedness on behalf of the district without the approval and order of the board.

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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]. <u>53G-4-406.</u> 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]. <u>53G-4-407.</u> 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]. <u>53G-4-409.</u> 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 tim
2277	or takes place outside regular school time.
2278	(2) The activity disclosure statements shall be disseminated to the students desiring

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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 indication of the status, required, expected, suggested, or optional, with the dates, times, and 2290 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

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

described in Subsection (5) if the Legislature appropriates money for eligible regional service

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centers.

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	<u>53G-4-501.</u> 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]. <u>53G-4-502.</u> 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]. <u>53G-4-503.</u> 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]. <u>53G-4-504.</u> 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	<u>53G-4-601.</u> 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]. 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]. <u>53G-4-603.</u> 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]. <u>53G-4-604.</u> 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.

(2) The notice shall require any person objecting to the legality, regularity, or validity of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before the board at a specified place within the district on a specified day and time.

- (3) The time may not be less than 14 nor more than 60 days after the first publication or posting of the notice.
- (4) The notice shall require the person to appear at the meeting with his objections in writing, duly verified.
- (5) The board shall convene at the time and place specified in the notice and receive all objections as prescribed in Subsection (4).
 - (6) The objections shall be filed with and preserved by the board.
- (7) If no written objections are presented at the time and place specified in the notice, the board shall so certify.
 - (8) All persons are then prohibited from questioning in any manner or proceeding the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds, and the board may then refund the bonds.
 - (9) Any person filing a written objection under Subsection (4) shall, within 20 days after the filing, commence appropriate legal proceedings against the board and others as may be proper parties, in the district court for the county in which the school district is situated, to challenge and determine the legality, regularity, and validity of the bond or bonds, their issue and sale, or the indebtedness represented by them.
 - (10) Failure to commence the proceedings within 20 days bars the person filing objections from questioning, in any manner or proceeding, the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.
 - (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the court, the board may refund the bonds.
- Section 62. Section **53G-4-606**, which is renumbered from Section 53A-18-105 is 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 bonds issued by a local school board shall be immediately credited to a special fund.
 - (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]. <u>53G-4-607.</u> 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]. <u>53G-4-608.</u> 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	<u>53G-4-701.</u> Definitions.
2542	Reserved
2543	Section 66. Section 53G-4-702 , which is renumbered from Section 53A-23-101 is
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	renumbered and amended to read:
2545	renumbered and amended to read: [53A-23-101]. 53G-4-702. School board reserve fund.
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	[53A-23-101]. <u>53G-4-702.</u> School board reserve fund.
2546	[53A-23-101]. 53G-4-702. School board reserve fund. Each local school board may establish and maintain a reserve fund to accumulate funds
2546 2547	[53A-23-101]. 53G-4-702. School board reserve fund. Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing,
2546 2547 2548	[53A-23-101]. 53G-4-702. School board reserve fund. Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing, replacing, improving, equipping, and furnishing school buildings and purchasing school sites.
2546 2547 2548 2549	[53A-23-101]. 53G-4-702. School board reserve fund. Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing, replacing, improving, equipping, and furnishing school buildings and purchasing school sites. Section 67. Section 53G-4-703, which is renumbered from Section 53A-23-102 is
2546 2547 2548 2549 2550	[53A-23-101]. 53G-4-702. School board reserve fund. Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing, replacing, improving, equipping, and furnishing school buildings and purchasing school sites. Section 67. Section 53G-4-703, which is renumbered from Section 53A-23-102 is renumbered and amended to read:
2546 2547 2548 2549 2550 2551	[53A-23-101]. 53G-4-702. School board reserve fund. Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing, replacing, improving, equipping, and furnishing school buildings and purchasing school sites. Section 67. Section 53G-4-703, which is renumbered from Section 53A-23-102 is renumbered and amended to read: [53A-23-102]. 53G-4-703. Revenues to be allocated to fund.
2546 2547 2548 2549 2550 2551 2552	[53A-23-101]. School board reserve fund. Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing, replacing, improving, equipping, and furnishing school buildings and purchasing school sites. Section 67. Section 53G-4-703, which is renumbered from Section 53A-23-102 is renumbered and amended to read: [53A-23-102]. 53G-4-703. Revenues to be allocated to fund. A local school board may annually allocate to the fund any revenues from the state

2556	renumbered and amended to read:
2557	[53A-23-103]. <u>53G-4-704.</u> 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]. <u>53G-4-705.</u> 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	<u>53G-7-303</u> .
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]. <u>53G-4-801.</u> 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

from ad valorem taxes and that constitutes an indebtedness within the meaning of any 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

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- 2592 (b) acceptable to the state treasurer.
- 2593 (6) "Permanent school fund" means the state school fund described in the Utah Constitution, Article X, Section 5(1).
- 2595 (7) "Refunding bond" means any general obligation bond issued by a board for the purpose of refunding its outstanding general obligation bonds.
- 2597 (8) "School district" means any school district existing now or later under the laws of the state.
- Section 71. Section **53G-4-802**, which is renumbered from Section 53A-28-201 is renumbered and amended to read:
 - [53A-28-201]. 53G-4-802. Contract with bondholders -- Full faith and credit of state is pledged -- Limitation as to certain refunded bonds.
 - (1) (a) The state of Utah pledges to and agrees with the holders of any bonds that the state will not alter, impair, or limit the rights vested by the default avoidance program with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged.
 - (b) Notwithstanding Subsection (1)(a), nothing contained in this [chapter] part precludes an alteration, impairment, or limitation if adequate provision is made by law for the protection of the holders of the bonds.
 - (c) Each board may refer to this pledge and undertaking by the state in its bonds.
 - (2) (a) The full faith and credit and unlimited taxing power of the state is pledged to guarantee full and timely payment of the principal of (either at the stated maturity or by any advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds as such payments shall become due (except that in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments guaranteed shall be made in such amounts and at such times as

2618 such payments of principal would have been due had there not been any such acceleration). 2619

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- (b) This guaranty does not extend to the payment of any redemption premium.
- (c) Reference to this [chapter] part by its title on the face of any bond conclusively establishes the guaranty provided to that bond under provisions of this [chapter] part.
- 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.
 - (b) Any refunding bond issued by a board that is itself secured by government obligations until the proceeds are applied to pay refunded bonds, as provided in Title 11, Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this [chapter] part, until the refunding bonds cease to be secured by government obligations as provided in Title 11, Chapter 27, Utah Refunding Bond Act.
- 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.
 - (b) After reviewing the request, if the state treasurer determines that the board is eligible, the state treasurer shall promptly issue the certificate and provide it to the requesting board.
 - (c) (i) The board receiving the certificate and all other persons may rely on the certificate as evidencing eligibility for the guaranty for one year from and after the date of the certificate, without making further inquiry of the state treasurer during that year.
 - (ii) The certificate of eligibility is valid for one year even if the state treasurer later determines that the school board is ineligible.
- 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]. <u>53G-4-804.</u> 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]. <u>53G-4-805.</u> 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] <u>part</u> .
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]. <u>53G-4-806.</u> 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-28-301] <u>53G-4-805</u> , 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

penalty of not more than 5% of the amount paid by the state pursuant to its guaranty for each instance in which a payment by the state is made.

- (4) (a) (i) If the state treasurer determines that amounts obtained under this section will not reimburse the state in full within one year from the state's payment of a board's scheduled debt service payment, the state treasurer shall pursue any legal action, including mandamus, against the board to compel it to:
- (A) levy and provide property tax revenues to pay debt service on its bonds when due as required by Title 11, Chapter 14, Local Government Bonding Act; and
 - (B) meet its repayment obligations to the state.

- (ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act, as would a holder of the bonds of a board.
 - (b) The attorney general shall assist the state treasurer in these duties.
- (c) The board shall pay the attorney's fees, expenses, and costs of the state treasurer and the attorney general.
 - (5) (a) Except as provided in Subsection (5)(c), any board whose operating funds were intercepted under this section may replace those funds from other board money or from ad valorem property taxes, subject to the limitations provided in this Subsection (5).
 - (b) A board may use ad valorem property taxes or other money to replace intercepted funds only if the ad valorem property taxes or other money was derived from:
 - (i) taxes originally levied to make the payment but which were not timely received by the board;
- (ii) taxes from a special levy made to make the missed payment or to replace the 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
 - (iv) any other source of money on hand and legally available.
 - (c) Notwithstanding the provisions of Subsections (5)(a) and (b), a board may not replace operating funds intercepted by the state with money collected and held to make payments on bonds if that replacement would divert money from the payment of future debt 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]. <u>53G-4-807.</u> 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. (ii) These general obligation notes do not constitute debt of the state for the purposes of 2834

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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.

(2) To the extent that other legally available revenues and funds of the state are

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2866	sufficient to meet the certif	ied 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 t	o 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 w	vith 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 va	lue of the surplus property, based on the predominant zone in the
2878	surrounding area, as indica	ted in an appraisal obtained by the eligible entity; and
2879	(ii) the appraised v	alue of the surplus property, based on the predominant zone in the
2880	surrounding area, as indica	ted 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 pla	nning advisory area" means a planning advisory area under Section
2883	17-27a-306 that has a popu	lation density of 3,000 or more people per square mile within the
2884	boundaries of the planning	advisory area.
2885	(4) "Surplus proper	ty" means land owned by a school district that:
2886	(a) was purchased	with taxpayer money;
2887	(b) is located withi	n 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 declar	ed 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 t	o read:
2893	[53A-2-403].	53G-4-902. Purchase of surplus property.
2894	(1) An eligible enti	ty may purchase, and each school district shall sell, surplus property
2895	as provided in this section.	
2896	(2) (a) Upon declar	ring land to be surplus property, each school district shall give

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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

or private facilities, or other improvements that benefit the state or a county, city, or town; or

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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]. <u>53G-4-903.</u> 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	<u>53G-4-1001.</u> 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]. <u>53G-4-1001.5.</u> 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 additions to existing buildings are required shall make the following efforts to raise funds to 2967 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. (1) Funds raised by the school district in accordance with this [chapter] part shall be 2978 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

builders to furnish the minimal facilities required by the district and approved by the State

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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]. <u>53G-4-1004.</u> 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]. <u>53G-4-1005.</u> 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
8010	local school board of the district in which the plant will be located has certified to the state
8011	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
8014	renumbered and amended to read:
3015	[53A-22-106]. Sules and regulations authorized.
8016	The State Board of Education shall adopt all standards and rules necessary for the
8017	administration and enforcement of this [chapter] part.
3018	Section 88. Section 53G-5-101 is enacted to read:
8019	CHAPTER 5. CHARTER SCHOOLS
3020	Part 1. General Provisions

3021	<u>53G-5-101.</u> 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]. <u>53G-5-102.</u> 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] <u>53G-5-303</u> 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	<u>Unless otherwise specified, the provisions of Title 53F, Public Education System</u>	
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]. <u>53G-5-104.</u> 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]. <u>53G-5-204.</u> 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] <u>53G-5-104</u> , 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]. <u>53G-5-301.</u> 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] <u>53G-6-504</u> .
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]. <u>53G-5-302.</u> 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] <u>53G-5-408</u> ;
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	<u>53E-4-301;</u>	
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]. <u>53G-5-303.</u> Charter agreement Content Modification.	
3273	(1) A charter agreement:	
3274	(a) is a contract between the charter school applicant and the charter school authorize	r;
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	l
3294	in Section [53A-1a-507] <u>53G-5-404</u> ; 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 charte	r

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] <u>53G-6-502</u> (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]. <u>53G-5-304.</u> 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 is
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

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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] <u>53G-5-302</u> ;
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]. <u>53G-5-305.</u> 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.

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(B) If only a portion of the school is applying for charter status, the percentage is reduced to a simple majority.

- (ii) The local school board may not approve an application submitted under Subsection (1)(b)(i) unless the local school board determines that:
- (A) students opting not to attend the proposed converted school would have access to a comparable public education alternative; and
- (B) current teachers who choose not to teach at the converted charter school or who are not retained by the school at the time of its conversion would receive a first preference for transfer to open teaching positions for which they qualify within the school district, and, if no positions are open, contract provisions or board policy regarding reduction in staff would apply.
- (2) (a) An existing public school that converts to charter status under a charter granted by a local school board may:
- (i) continue to receive the same services from the school district that it received prior to its conversion; or
 - (ii) contract out for some or all of those services with other public or private providers.
- (b) Any other charter school authorized by a local school board may contract with the board to receive some or all of the services referred to in Subsection (3)(a).
- (c) Except as specified in a charter agreement, local school board assets do not transfer to an existing public school that converts to charter status under a charter granted by a local school board under this section.
- (3) (a) (i) A public school that converts to a charter school under a charter granted by a local school board shall receive funding:
 - (A) through the school district; and
- (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 any federal program.
 - (b) (i) A local school board-authorized charter school operating in a facility owned by 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] <u>53G-5-501</u> and [53A-1a-510] <u>53G-5-503</u> .
3427	(9) In addition to the exemptions described in Sections [53A-1a-511] 53G-5-405,
3428	$\underline{53G-7-202}$, and $\underline{[53A-1a-512]}$ $\underline{53G-5-407}$, 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	<u>public education code</u> 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] <u>53G-5-302</u> ;
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.

(b) The State Charter School Board and the local school board may review the application and offer suggestions or recommendations to the applicant or the board of trustees before acting on the application.

- (c) The board of trustees shall give due consideration to suggestions or recommendations made by the State Charter School Board or the local school board under Subsection (2)(b).
- (3) (a) If a board of trustees approves an application to establish and operate a charter school, the board of trustees shall submit the application to the State Board of Education.
- (b) The State Board of Education shall, by majority vote, within 60 days of receipt of the application, approve or deny an application approved by a board of trustees.
- (c) The State Board of Education's action under Subsection (3)(b) is final action subject to judicial review.
- (4) The State Board of Education shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by a board of trustees.
- (5) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
- (6) (a) The school's charter may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Subsection (7).
- (b) In the first two years that a charter school is in operation, an annual fee described in Subsection (6)(a) may not exceed the product of 3% of the revenue the charter school receives from the state in the current fiscal year.
- (c) Beginning with the third year that a charter school is in operation, an annual fee described in Subsection (6)(a) may not exceed the product of 1% of the revenue a charter school receives from the state in the current fiscal year.
 - (d) An annual fee described in Subsection (6)(a) shall be:
- (i) paid to the board of trustees' higher education institution; and
- 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]. <u>53G-5-401.</u> 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] <u>53E-3-401</u> (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]. <u>53G-5-403.</u> 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			

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(b) Unless a donor or grantor specifically provides otherwise in writing, all assets described in Subsection (1) shall be presumed to be made to the charter school and shall be included in the charter school's assets.

- (2) It is unlawful for any person affiliated with a charter school to demand or request any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or enrollment at the school or continued attendance at the school.
- (3) All assets purchased with charter school funds shall be included in the charter school's assets.
- (4) A charter school may not dispose of its assets in violation of the provisions of this [part] chapter or other related provisions, state board rules, policies of its charter school authorizer, or its charter, including the provisions governing the closure of a charter school under Section [53A-1a-510.5] 53G-5-504.
- Section 105. Section **53G-5-404**, which is renumbered from Section 53A-1a-507 is renumbered and amended to read:

3564 [53A-1a-507]. <u>53G-5-404.</u> 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 by other public schools.
- 3569 (3) A charter school shall meet all applicable federal, state, and local health, safety, and civil rights requirements.
- 3571 (4) (a) A charter school shall make the same annual reports required of other public schools under this [title] public education code, including an annual financial audit report.
- 3573 (b) A charter school shall file its annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.
- 3575 (5) (a) A charter school shall be accountable to the charter school's authorizer for 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-6-501] <u>53E-6-604</u> .
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.]

[(b) The state board may grant the waiver, unless:]

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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 [$\frac{53A-19-103}{9}$] $\frac{53G-7-304}{9}$ and [$\frac{53A-19-105}{9}$] $\frac{53G-7-306}{9}$ pertaining to fiscal
3633	procedures of school districts and local school boards; and
3634	(f) Section [53A-14-107] <u>53E-4-408</u> , 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] 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] <u>53G-5-404</u> .
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]. <u>53G-5-406.</u> 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]. 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]. <u>53G-5-409.</u> 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]. <u>53G-5-410.</u> 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] <u>53F-2-404</u> :
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]. <u>53G-5-501.</u> Noncompliance Rulemaking.
3833	(1) If a charter school is found to be out of compliance with the requirements of
3834	Section [53A-1a-507] <u>53G-5-404</u> 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]. <u>53G-5-502.</u> 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] <u>53G-5-503</u> ; 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	<u>53G-5-503;</u>
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)]. <u>53G-5-503 (Effective</u>
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] <u>Title 53E, Chapter 5, Part 3</u> , 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.

(b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after receiving a written request under Subsection (2)(a).

- (c) If the authorizer, by majority vote, approves a motion to terminate a charter school, the governing board of the charter school may appeal the decision to the State Board of Education.
- (d) (i) The State Board of Education shall hear an appeal of a termination made pursuant to Subsection (2)(c).
 - (ii) The State Board of Education's action is final action subject to judicial review.
- (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with [Chapter 20b, Part 2] Part 6, Charter School Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b) 120 days or more after notifying the following of the proposed termination:
 - (A) the governing board of the qualifying charter school; and
 - (B) the Utah Charter School Finance Authority.

- (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School Finance Authority shall meet with the authorizer to determine whether the deficiency may be remedied in lieu of termination of the qualifying charter school's charter.
- (3) An authorizer may not terminate the charter of a qualifying charter school with outstanding bonds issued in accordance with [Chapter 20b, Part 2] Part 6, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.
- (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that require a charter school to report any threats to the health, safety, or welfare of its students to the State Charter School Board in a timely manner.
- (b) The rules under Subsection (4)(a) shall also require the charter school report to include what steps the charter school has taken to remedy the threat.
- (5) Subject to the requirements of Subsection (3), the authorizer may terminate a charter immediately if good cause has been shown or if the health, safety, or welfare of the 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]. <u>53G-5-504.</u> 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] <u>53G-5-503(2)(c)</u> ;
4003	(b) when the State Board of Education takes final action described in Subsection
4004	[53A-1a-510] <u>53G-5-503(</u> 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;
10/13	(e) inventory all assets of the charter school: and

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2018FL-0399/008 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 complete, the authorizer shall ensure that a final audit of the charter school is completed.
- (10) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall, after considering suggestions from charter school authorizers, make rules that:
 - (a) provide additional closure procedures for charter schools; and
- 4067 (b) establish a charter school closure process.

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4068 Section 119. Section **53G-5-505**, which is renumbered from Section 53A-1a-514 is 4069 renumbered and amended to read:

4070 53G-5-505. Tort liability. [53A-1a-514].

- 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.
 - (2) The governing board of a charter school, the nonprofit corporation under which the charter school is organized and managed, and the school are solely liable for any damages

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 53G-5-601. Definitions. [53A-20b-102]. 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] <u>53F-9-303</u> .
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]. <u>53G-5-602.</u> 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]. Since $53G-5-603$. 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] <u>53G-5-606</u> , 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]. <u>53G-5-604.</u> 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]. <u>53G-5-606.</u> 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 consider: 4207 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]. <u>53G-5-607.</u> 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

charter school, the qualifying charter school shall contribute money to the reserve account in

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the amount determined as provided in Subsection (2).

The authority shall determine the up-front

(2) The authority shall determine the up-front and ongoing requirements for contributions of money to the reserve account for each qualifying charter school.

Section 127. Section **53G-5-608**, which is renumbered from Section 53A-20b-203 is renumbered and amended to read:

[53A-20b-203]. <u>53G-5-608.</u> Bond issuance.

- (1) (a) The state may not alter, impair, or limit the rights of bondholders or persons contracting with a qualifying charter school until the bonds, including interest and other contractual obligations, are fully met and discharged.
- (b) Nothing in this [chapter] part precludes an alteration, impairment, or limitation if provision is made by law for the protection of bondholders or persons entering into contracts with a qualifying charter school.
- (2) The authority may require a qualifying charter school to vest in the authority the right to enforce any covenant made to secure bonds issued under the credit enhancement program by making appropriate provisions in the indenture related to the qualifying charter school's bonds.
- (3) The authority may require a qualifying charter school to make covenants and agreements in indentures or in a reimbursement agreement to protect the interests of the state and to secure repayment to the state of any money received by the qualifying charter school from an appropriation to restore amounts deposited in the qualifying charter school's debt service reserve fund to the debt service reserve fund requirement.
- (4) The authority may charge a fee to administer the issuance of bonds for a qualifying charter school.
- Section 128. Section **53G-5-609**, which is renumbered from Section 53A-20b-204 is renumbered and amended to read:

4286 [53A-20b-204]. 53G-5-609. Limitation on participation in Charter School 4287 Credit Enhancement Program.

- (1) In accordance with Subsection (2), on or before January 1 of each year, the authority shall determine the credit enhancement program's bond issuance limitation.
- (2) The authority may not issue bonds for a qualifying charter school under the credit 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	<u>53G-6-101.</u> Title.
4304	This chapter is known as "Participation in Public Schools."
4305	Section 130. Section 53G-6-102 is enacted to read:
4306	<u>53G-6-102.</u> 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]. <u>53G-6-201.</u> 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] <u>53G-6-203</u> ; 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	[33A-11-101.3]. <u>53G-6-202.</u> 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] <u>53G-6-204</u> 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 with a notice of compulsory education violation in accordance with Subsections (3) and (4), 4390 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. (7) A local school board, local charter board, or school district shall report violations of 4396 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 53G-6-203. Truancy -- Notice of truancy -- Failure to [53A-11-101.7]. 4401 cooperate with school authorities. 4402 (1) Except as provided in Section [53A-11-102] <u>53G-6-204</u> 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):
 - (a) may not be issued until the school-age minor has been truant at least five times

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1416	during the school year;
1417	(b) may not be issued to a school-age minor who is less than 12 years old;
1418	(c) may not be issued to a minor exempt from school attendance as provided in Section
1419	[53A-11-102] <u>53G-6-204</u> or [53A-11-102.5] <u>53G-6-702</u> ;
1420	(d) shall direct the school-age minor and the parent of the school-age minor to:
1421	(i) meet with school authorities to discuss the school-age minor's truancies; and
1422	(ii) cooperate with the school board, local charter board, or school district in securing
1423	regular attendance by the school-age minor; and
1424	(e) shall be mailed to, or served on, the school-age minor's parent.
1425	(5) Nothing in this part prohibits a local school board, charter school governing board,
1426	or school district from taking action to resolve a truancy problem with a school-age minor who
1427	has been truant less than five times, provided that the action does not conflict with the
1428	requirements of this part.
1429	Section 134. Section 53G-6-204, which is renumbered from Section 53A-11-102 is
1430	renumbered and amended to read:
1431	[53A-11-102]. <u>53G-6-204.</u> Minors exempt from school attendance.
1432	(1) (a) A local school board or charter school governing board may excuse a school-age
1433	minor from attendance for any of the following reasons:
1434	(i) a school-age minor over age 16 may receive a partial release from school to enter
1435	employment, or attend a trade school, if the school-age minor has completed the eighth grade;
1436	or
1437	(ii) on an annual basis, a school-age minor may receive a full release from attending a
1438	public, regularly established private, or part-time school or class if:
1439	(A) the school-age minor has already completed the work required for graduation from
1440	high school, or has demonstrated mastery of required skills and competencies in accordance
4441	with Subsection [53A-15-102] <u>53F-2-501(1);</u>
1442	(B) the school-age minor is in a physical or mental condition, certified by a competent
1443	physician if required by the local school board or charter school governing board, which
1444	renders attendance inexpedient and impracticable;
1445	(C) proper influences and adequate opportunities for education are provided in
1446	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] <u>53G-6-702</u> .
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]. <u>53G-6-205.</u> 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] <u>53G-6-204</u> 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] <u>53G-6-203</u> ;	
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] <u>53G-6-202</u> ;	
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	<u>53G-8-211</u> .	
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]. <u>53G-6-207.</u> 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 truan	
4570	minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and	

direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.

- (b) If the parents cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to insure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services. A minor taken into custody under this section may not be placed in a detention center or other secure 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.
 - (7) The Utah Governmental Immunity Act applies to all actions taken under this section.
 - (8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.
 - Section 139. Section **53G-6-209**, which is renumbered from Section 53A-11-106 is renumbered and amended to read:
- 4589 [53A-11-106]. <u>53G-6-209.</u> Truancy support centers.
 - (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] <u>53G-6-208</u>; or
- (b) students suspended or expelled from school.

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- 4593 (2) A truancy support center shall provide services to the truant minor and the truant 4594 minor's family, including:
 - (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 educational setting, staffed with certified teachers and aides, to provide the student with 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
1604	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
1606	suspension or expulsion unless the parent or guardian demonstrates that alternative
1607	arrangements have been made for the education or supervision of the student during the time of
4608	suspension or expulsion.
1609	(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	<u>53G-6-301.</u> 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]. <u>53G-6-302.</u> 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
1624	guardian resides within Utah is:
1625	(a) the school district in which the custodial parent or legal guardian resides; or
1626	(b) the school district in which the child resides:
1627	(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
1629	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
1632	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] <u>53G-6-402</u> ; 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] <u>53G-6-402</u> ; 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	<u>53G-6-303;</u> 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

considering the child to be a resident for school purposes; and

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(iv) the child is prepared to abide by the rules and policies of the school and school district in which attendance is sought.

- (4) (a) If admission is sought under Subsection (2)(b)(iii), or (3)(c), then the district may require the person with whom the child lives to be designated as the child's custodian in a durable power of attorney, issued by the party who has legal custody of the child, granting the custodian full authority to take any appropriate action, including authorization for educational or medical services, in the interests of the child.
- (b) Both the party granting and the party empowered by the power of attorney shall agree to:
- (i) assume responsibility for any fees or other charges relating to the child's education in the district; and
- (ii) if eligibility for fee waivers is claimed under Section [53A-12-103] 53G-7-504, provide the school district with all financial information requested by the district for purposes of determining eligibility for fee waivers.
- (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of this section and accepted by the school district shall remain in force until the earliest of the following occurs:
 - (i) the child reaches the age of 18, marries, or becomes emancipated;
- 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 children of school age who are residents of the district.
- Section 142. Section **53G-6-303**, which is renumbered from Section 53A-2-202 is renumbered and amended to read:
- 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 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.

(2) A local board of education may adopt a policy permitting it to designate a responsible adult residing in the school district as legal guardian of a child whose custodial parent or legal guardian does not reside within the state upon compliance with the following requirements:

- (a) submission to the school district of a signed and notarized affidavit by the child's custodial parent or legal guardian stating that:
- (i) the child's presence in the district is not for the primary purpose of attending the public schools;
- (ii) the child's physical, mental, moral, or emotional health would best be served by a transfer of guardianship to the Utah resident;
- (iii) the affiant is aware that designation of a guardian under this section is equivalent to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any existing parental or guardianship rights in the same manner as would occur under a court-ordered guardianship;
- (iv) the affiant consents and submits to any such suspension or termination of parental or guardianship rights;
- (v) the affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;
- (vi) the affiant designates a named responsible adult as agent, authorized to accept service on behalf of the affiant of any process, notice, or demand required or permitted to be served in connection with any action under Subsection (2)(a)(v); and
- (vii) it is the affiant's intent that the child become a permanent resident of the state and reside with and be under the supervision of the named responsible adult;
- (b) submission to the school district of a signed and notarized affidavit by the responsible adult stating that:
- 4722 (i) the affiant is a resident of the school district and desires to become the guardian of 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;

(iii) the affiant will accept the responsibilities of guardianship for the duration, including the responsibility to provide adequate supervision, discipline, food, shelter, educational and emotional support, and medical care for the child if designated as the child's guardian; and

- (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);
- (c) submission to the school district of a signed and notarized affidavit by the child stating that:
 - (i) the child desires to become a permanent resident of Utah and reside with and be responsible to the named responsible adult; and
 - (ii) the child will abide by all applicable rules of any public school which the child may attend after guardianship is awarded; and
 - (d) if the child's custodial parent or legal guardian cannot be found in order to execute the statement required under Subsection (2)(a), the responsible adult must submit an affidavit to that effect to the district. The district shall also submit a copy of the statement to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
 - (3) The district may require the responsible adult, in addition to the documents set forth in Subsection (2), to also submit any other documents which are relevant to the appointment of a guardian of a minor or which the district reasonably believes to be necessary in connection with a given application to substantiate any claim or assertion made in connection with the application for guardianship.
 - (4) Upon receipt of the information and documentation required under Subsections (2) and (3), and a determination by the board that the information is accurate, that the requirements of this section have been met, and that the interests of the child would best be served by granting the requested guardianship, the school board or its authorized representative may designate the applicant as guardian of the child by issuing a designation of guardianship letter to the applicant.
 - (5) (a) If a local school board has adopted a policy permitting the board to designate a guardian under this section, a denial of an application for appointment of a guardian may be 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 convincing evidence, that the board's decision was arbitrary and capricious.

- (c) An applicant may, rather than appealing the board's decision under Subsection (5)(b), file an original Petition for Appointment of Guardian with the district court, which action shall proceed as if no decision had been made by the school board.
- (6) A responsible adult obtaining guardianship under this section has the same rights, authority, and responsibilities as a guardian appointed under Section 75-5-201.
 - (7) (a) The school district shall deliver the original documents filed with the school district, together with a copy of the designation of guardianship issued by the district, in person or by any form of mail requiring a signed receipt, to the clerk of the state district court in which the school district is located.
 - (b) The court may not charge the school district a fee for filing guardianship papers under this section.
 - (8) (a) The authority and responsibility of a custodial parent or legal guardian submitting an affidavit under this section may be restored by the district, and the guardianship obtained under this section terminated by the district:
 - (i) upon submission to the school district in which the guardianship was obtained of a signed and notarized statement by the person who consented to guardianship under Subsection (2)(a) requesting termination of the guardianship; or
 - (ii) by the person accepting guardianship under Subsection (2)(b) requesting the termination of the guardianship.
 - (b) If the school district determines that it would not be in the best interests of the child to terminate the guardianship, the district may refer the request for termination to the state district court in which the documents were filed under Subsection (5) for further action consistent with the interests of the child.
 - (9) The school district shall retain copies of all documents required by this section until the child in question has reached the age of 18 unless directed to surrender the documents by a court of competent jurisdiction.
 - (10) (a) Intentional submission to a school district of fraudulent or misleading information under this part is punishable under Section 76-8-504.
 - (b) A school district which has reason to believe that a party has intentionally

submitted false or misleading information under this part may, after notice and opportunity for the party to respond to the allegation:

- (i) void any guardianship, authorization, or action which was based upon the false or misleading information; and
- (ii) recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, and other unpaid school charges, together with any related costs of recovery.
- (c) A student whose guardianship or enrollment has been terminated under this section may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.
- Section 143. Section **53G-6-304**, which is renumbered from Section 53A-2-203.5 is renumbered and amended to read:

[53A-2-203.5]. <u>53G-6-304.</u> Recognition of guardianship.

- (1) A document issued by other than a court of law which purports to award guardianship to a person who is not a legal resident of the jurisdiction in which the guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah court.
- (2) The procedure for obtaining approval under Subsection (1) is the procedure required under Title 75, Chapter 5, Part 2, Guardians of Minors, for obtaining a court appointment of a guardian.
- Section 144. Section **53G-6-305**, which is renumbered from Section 53A-2-204 is renumbered and amended to read:

4810 [53A-2-204]. 53G-6-305. District paying tuition -- Effect on state aid.

- (1) A local school board may by written agreement pay the tuition of a child attending school in a district outside the state. Both districts shall approve the agreement and file it with the State Board of Education.
 - (2) The average daily membership of the child may be added to that of other eligible children attending schools within the district of residence for the purpose of apportionment of state funds.
 - (3) (a) The district of residence shall bear any excess tuition costs over the state's 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] <u>53F-2-304</u> .
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]. <u>53G-6-401.</u> Definitions.
4842	As used in Sections [53A-2-207] <u>53G-6-402</u> through [53A-2-213] <u>53G-6-407</u> :
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 next school year.
- 4853 (2) (a) "Early enrollment school capacity" or "maximum capacity" means the total number of students who could be served in a school building if each of the building's instructional stations were to have the enrollment specified in Subsection (2)(b).
 - (b) (i) Except as provided in Subsection (2)(b)(ii):

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- (A) for an elementary school, an instructional station shall have an enrollment at least equal to the school district's average class size for the corresponding grade; and
- (B) for a middle, junior, or senior high school, an instructional station shall have an enrollment at least equal to the district's average class size for similar classes.
- (ii) (A) A local school board shall determine the instructional station capacity for laboratories, physical education facilities, shops, study halls, self-contained special education classrooms, facilities jointly financed by the school district and another community agency for joint use, and similar rooms.
- (B) Capacity for self-contained special education classrooms shall be based upon students per class as defined by State Board of Education and federal special education standards.
- (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or physical education facility to which a local board of education could reasonably assign a class, teacher, or program during a given class period.
- (b) More than one instructional station may be assigned to a classroom, laboratory, shop, study hall, or physical education facility during a class period.
 - (4) "Late enrollment" means application:
- 4874 (a) after the third Friday in February for admission for the next school year to a school 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 residence.
- 4878 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number of students who could be served in a school if each teacher were to have the class size specified 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

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

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 which the school's students feed until the student graduates from high school.

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- (12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Section 675.
- Section 148. Section **53G-6-403**, which is renumbered from Section 53A-2-208 is renumbered and amended to read:

5005	[53A-2-208].	53G-6-403. Rules for acceptance and rejection of
5006	applications.	
5007	(1) (a) A local scho	ool board shall adopt rules governing acceptance and rejection of
5008	applications required under	r Section [53A-2-207] <u>53G-6-402</u> .
5009	(b) The rules adopt	ted under Subsection (1)(a) shall include policies and procedures to
5010	assure that decisions regard	ding enrollment requests are administered fairly without prejudice to
5011	any student or class of stud	ent, except as provided in Subsection (2).
5012	(2) Standards for a	ccepting or rejecting an application for enrollment may include:
5013	(a) for an elementa	ry school, the capacity of the grade level;
5014	(b) maintenance of	heterogeneous student populations if necessary to avoid violation of
5015	constitutional or statutory r	rights of students;
5016	(c) not offering, or	having capacity in, an elementary or secondary special education or
5017	other special program the s	tudent requires;
5018	(d) maintenance of	reduced class sizes:
5019	(i) in a Title I scho	ol that uses federal, state, and local money to reduce class sizes for
5020	the purpose of improving s	tudent achievement; or
5021	(ii) in a school that	uses school trust money to reduce class size;
5022	(e) willingness of p	prospective students to comply with district policies; and
5023	(f) giving priority t	o intradistrict transfers over interdistrict transfers.
5024	(3) (a) Standards for	or accepting or rejecting applications for enrollment may not
5025	include:	
5026	(i) previous acader	nic achievement;
5027	(ii) athletic or othe	r extracurricular ability;
5028	(iii) the fact that th	e student requires special education services for which space is
5029	available;	
5030	(iv) proficiency in	the English language; or
5031	(v) previous discip	linary proceedings, except as provided in Subsection (3)(b).
5032	(b) A board may pr	rovide 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 enrollmen	t is sought; or
5035	(ii) have been guilt	by 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]. <u>53G-6-404.</u> 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]. <u>53G-6-405.</u> 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
080	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
8808	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]. <u>53G-6-406.</u> 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]. <u>53G-6-407.</u> 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	$\underline{53F-2-402}$ and $\underline{[53A-17a-127]}$ $\underline{53F-2-403}$ 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	<u>53G-6-501.</u> 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	<u>53G-5-102.</u>
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]. <u>53G-6-502.</u> 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] <u>53G-6-401</u> .
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] <u>53G-6-401</u> .
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] <u>53G-6-503</u> .
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] <u>53G-6-504(7)(b)</u> .
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]. <u>53G-6-503.</u> 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] <u>53G-6-302</u> .
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 charter school may immediately enroll a new student from its list of applicants.

- (6) Unless provisions have previously been made for enrollment in another school, a charter school releasing a student from enrollment during a school year shall immediately notify the school district of residence, which shall enroll the student in the school district of residence and take additional steps as may be necessary to ensure compliance with laws governing school attendance.
- (7) (a) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in the student's school of residence in the following school year if an application of admission is submitted to the school district of residence by June 30.
- (b) If the parent of a student enrolled in a charter school submits an application of admission to the student's school district of residence after June 30 for the student's enrollment in the school district of residence in the following school year, or an application of admission is submitted for enrollment during the current school year, the student may enroll in a school of the school district of residence that has adequate capacity in:
 - (i) the student's grade level, if the student is an elementary school student; or
- (ii) the core classes that the student needs to take, if the student is a secondary school student.
- (c) State Board of Education rules made under Subsection (2)(a) shall specify how adequate capacity in a grade level or core classes is determined for the purposes of Subsection (7)(b).
- (8) Notwithstanding Subsection (7), a school district may enroll a student at any time to protect the health and safety of the student.
- (9) A school district or charter school may charge secondary students a one-time \$5 processing fee, to be paid at the time of application.
- Section 156. Section **53G-6-504**, which is renumbered from Section 53A-1a-502.5 is renumbered and amended to read:
- 5281 [53A-1a-502.5]. 53G-6-504. Approval of increase in charter school enrollment capacity -- Expansion.
- 5283 (1) For the purposes of this section:

(a) "High growth area" means an area of the state where school enrollment is significantly increasing or projected to significantly increase.

- (b) "Next school year" means the school year that begins on or after the July 1 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
 - (b) authorizing an increase in charter school enrollment capacity in the school year immediately following the next school year.
 - (3) In appropriating funds for, or authorizing, an increase in charter school enrollment capacity, the Legislature shall provide a separate appropriation or authorization of enrollment capacity for a charter school proposed and approved in response to a request for applications issued under Section [53A-1a-501.9] 53G-5-301.
 - (4) (a) A charter school may annually submit a request to the State Board of Education for an increase in enrollment capacity in the amount of .25 times the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program.
 - (b) A charter school shall submit a request for an increase in enrollment capacity pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase in enrollment capacity is requested.
 - (c) The State Board of Education shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under [Section 53A-1a-513] Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.
 - (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a permanent increase in the charter school's enrollment capacity.
 - (5) (a) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall, after considering suggestions from charter school authorizers, make rules establishing requirements, procedures,

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]. <u>53G-6-601.</u> 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]. <u>53G-6-602.</u> 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.
3355	(3) Upon notification by the division that a missing child has been recovered, the
356	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:
359	[53A-11-503]. <u>53G-6-603.</u> Requirement of birth certificate for enrollment
360	of students Procedures.
361	(1) Upon enrollment of a student for the first time in a particular school, that school
362	shall notify in writing the person enrolling the student that within 30 days he must provide
363	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
365	birth certificate.
366	(2) (a) Upon the failure of a person enrolling a student to comply with Subsection (1),
367	the school shall notify that person in writing that unless he complies within 10 days the case
368	shall be referred to the local law enforcement authority for investigation.
369	(b) If compliance is not obtained within that 10 day period, the school shall refer the
5370	case to the division.
371	(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:
375	[53A-11-504]. <u>53G-6-604.</u> Requirement of school record for transfer of
376	student Procedures.

5377	(1) Except as provided in Section [53A-1-1004] <u>53E-3-905</u> , 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] <u>53G-6-602</u> , 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	<u>53G-6-701.</u> 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]. <u>53G-6-702.</u> 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.

(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

(i) be considered to meet academic eligibility requirements; and

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student shall:

- (ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
 - (A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or
 - (B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.
 - (7) (a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.
 - (b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).
 - (8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:
- (a) asserting the home school student does not meet academic eligibility requirements; 5492 and
 - (b) providing information indicating that the home school student does not meet the academic eligibility requirements.
 - (9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.
 - (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]. <u>53G-6-704.</u> 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

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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] <u>53G-7-504</u> ;
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. (b) "Online student" means a student who: 5609 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 in an online education program. 5618 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

sponsored and supported by a public school.

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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] <u>53G-7-504</u> ;	
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]. <u>53G-6-706.</u> 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] <u>53G-6-204</u> .
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] <u>53G-6-702</u> .
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]. <u>53G-6-707.</u> 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	$\left[\frac{3}{2}\right]$ (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	$[\frac{5}{2}]$ (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)] <u>(6)</u> (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]. <u>53G-6-801.</u> 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
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5811	[53A-15-1402]. <u>5</u>	3G-6-802. Annual notice of parental rights.
5812	(1) An LEA shall annu	ally notify a parent or guardian of a student enrolled in the LEA
5813	of the parent's or guardian's rig	hts as specified in this part.
5814	(2) An LEA satisfies th	ne 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 53	3G-6-803 , which is renumbered from Section 53A-15-1403 is
5818	renumbered and amended to re-	ad:
5819	[53A-15-1403]. <u>5</u>	3G-6-803. Parental right to academic accommodations.
5820	(1) (a) A student's pare	nt or guardian is the primary person responsible for the
5821	education of the student, and the	e 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 stud-	ent's LEA as specified in this section.
5824	(b) Each accommodation	on 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 a	vailable 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 fede	ral law; and
5832	(ii) consistent with a st	udent's IEP if the student already has an IEP.
5833	(2) An LEA shall reason	onably 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, en	motional, or physical maturity.
5836	(3) An LEA shall reason	onably 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 reason	onably accommodate the request of a student's parent or guardian
5839	to visit and observe any class th	ne student attends.
5840	(5) Notwithstanding [E	Chapter 11, Part 1, Compulsory Education Requirements] Part 2,

Compulsory Education, an LEA shall record an excused absence for a scheduled family event

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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] <u>53G-8-204</u> ; 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	<u>53G-7-101.</u> Title.	
5899	This chapter is known as "Public School General Requirements."	
5900	Section 173. Section 53G-7-102 is enacted to read:	
5901	<u>53G-7-102.</u> Definitions.	
5902	Reserved	
5903	Section 174. Section 53G-7-201 is enacted to read:	

5904	Part 2. Powers and Miscellaneous Duties
5905	<u>53G-7-201.</u> 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]. <u>53G-7-203.</u> 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]. Since $53G-7-204$. Access to student records by custodial and
5932	noncustodial parents.
5933	(1) Except as provided in Subsection (2), a public school shall allow a custodial parent
5934	and a noncustodial parent of a child the same access to their child's education records

5935	(2) A school may not allow a noncustodial parent access to the child's education	
5936	records if:	
5937	(a) a court has issued an order that limits the noncustodial parent's access to the child's	
5938	education records; and	
5939	(b) the school has received a copy of the court order or has actual knowledge of the	
5940	court order.	
5941	Section 178. Section 53G-7-205 , which is renumbered from Section 53A-3-402.9 is	
5942	renumbered and amended to read:	
5943	[53A-3-402.9]. 53G-7-205. Assessment of emerging and early reading skills	
5944	Resources provided by school districts.	
5945	(1) The Legislature recognizes that well-developed reading skills help:	
5946	(a) children to succeed in school, develop self esteem, and build positive relationships	
5947	with others;	
5948	(b) young adults to become independent learners; and	
5949	(c) adults to become and remain productive members of a rapidly changing	
5950	technology-based society.	
5951	(2) (a) Each potential kindergarten student, the student's parent or guardian, and	
5952	kindergarten personnel at the student's school may participate in an assessment of the student's	
5953	reading and numeric skills.	
5954	(b) The State Board of Education, in cooperation with the state's school districts, may	
5955	develop the assessment instrument and any additional materials needed to implement and	
5956	supplement the assessment program.	
5957	(3) The potential kindergarten student's teacher may use the assessment in planning and	
5958	developing an instructional program to meet the student's identified needs.	
5959	(4) (a) Each school is encouraged to schedule the assessment early enough before the	
5960	kindergarten starting date so that a potential kindergarten student's parent or guardian has time	
5961	to develop the child's needed skills as identified by the assessment.	
5962	(b) Based on the assessment under Subsection (2), the school shall provide the	
5963	potential student's parent or guardian with appropriate resource materials to assist the parent or	
5964	guardian at home in the student's literacy development.	
5965	Section 179 Section 53G-7-206 which is renumbered from Section 53A-13-108 5 is	

3900	renumbered and amended to read:
5967	[53A-13-108.5]. 53G-7-206. Acceptance of credits and grades awarded by
5968	accredited schools.
5969	(1) (a) A public school shall accept credits and grades awarded to a student by a school
5970	accredited or approved by the State Board of Education or accredited or recognized by the
5971	Northwest Association of Accredited Schools as issued by the school, without alterations.
5972	(b) Credits awarded for a core standards for Utah public schools course shall be applied
5973	to fulfilling core standards for Utah public schools requirements.
5974	(2) Subsection (1) applies to credits awarded to a student who:
5975	(a) transfers to a public school; or
5976	(b) while enrolled in the public school, takes courses offered by another public or
5977	private school.
5978	(3) Subsection (1) applies to:
5979	(a) traditional classes in which an instructor is present in the classroom and the student
5980	is required to attend the class for a particular length of time;
5981	(b) open entry/open exit classes in which the student has the flexibility to begin or end
5982	study at any time, progress through course material at his own pace, and demonstrate
5983	competency when knowledge and skills have been mastered;
5984	(c) courses offered over the Internet; or
5985	(d) distance learning courses.
5986	Section 180. Section 53G-7-207 , which is renumbered from Section 53A-11-901.5 is
5987	renumbered and amended to read:
5988	[53A-11-901.5]. <u>53G-7-207.</u> Period of silence.
5989	A teacher may provide for the observance of a period of silence each school day in a
5990	public school.
5991	Section 181. Section 53G-7-208 , which is renumbered from Section 53A-3-409 is
5992	renumbered and amended to read:
5993	[53A-3-409]. <u>53G-7-208.</u> Local governmental entities and school districts
5994	Contracts and cooperation Disbursement of funds Municipal and county
5995	representative participation in school district board meetings Notice required.
5996	(1) Local governmental entities and school districts may contract and cooperate with

one another in matters affecting the health, welfare, education, and convenience of the inhabitants within their respective territorial limits.

(2) A local governmental entity may disburse public funds in aid of a school district located wholly or partially within the limits of its jurisdiction.

- (3) (a) As used in this Subsection (3):
- (i) "Interested county executive" means the county executive or county manager of a county with unincorporated area within the boundary of a school district, or the designee of the county executive or county manager.
 - (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely within the boundary of a school district, or the mayor's designee.
 - (b) A school district board shall allow an interested mayor and interested county executive to attend and participate in the board discussions at a school district board meeting that is open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
 - (c) An interested county executive and interested mayor may attend and participate in board discussions at a school district board meeting that is closed to the public under Title 52, Chapter 4, Open and Public Meetings Act, if:
 - (i) the school district board invites the interested county executive or interested mayor to attend and participate; and
 - (ii) for a closed meeting held for the purpose of discussing the board's disposition or acquisition of real property, the interested county executive or interested mayor does not have a conflict of interest with respect to the real estate disposition or acquisition.
 - (d) (i) A county or municipality may enter into an agreement with a school district under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an interested county executive or interested mayor at a school district board meeting.
- (ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the provisions of this Subsection (3).
- 6023 (e) Each local school board shall give notice of board meetings to each interested 6024 mayor and interested county executive.
- (f) The notice required under Subsection (3)(c) shall be provided by:
- 6026 (i) mail;

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6027 (ii) e-mail; or

5028	(iii) other effective means agreed to by the person to whom notice is given.
5029	Section 182. Section 53G-7-209, which is renumbered from Section 53A-3-413 is
6030	renumbered and amended to read:
6031	[53A-3-413]. <u>53G-7-209.</u> Use of public school buildings and grounds as
5032	civic centers.
5033	(1) As used in this section, "civic center" means a public school building or ground,
5034	including a charter school building or ground, that is established and maintained as a limited
5035	public forum for supervised recreational activities and meetings.
6036	(2) Except as provided in Subsection (3), all public school buildings and grounds shall
5037	be civic centers.
5038	(3) The use of school property as a civic center:
5039	(a) may not interfere with a school function or purpose; and
5040	(b) is considered a permit for governmental immunity purposes for a governmental
5041	entity under Subsection 63G-7-201(4)(c).
5042	(4) The organizer of an event may not use a civic center unless the organizer resides
5043	within the geographic boundaries of the school district in which the civic center is located.
5044	Section 183. Section 53G-7-210 , which is renumbered from Section 53A-3-414 is
5045	renumbered and amended to read:
6046	[53A-3-414]. <u>53G-7-210.</u> Local school boards' and charter school
5047	governing boards' responsibility for school buildings and grounds when used as civic
5048	centers.
5049	(1) As used in this section, "civic center" means the same as that term is defined in
5050	Section [53A-3-413] <u>53G-7-209</u> .
5051	(2) A local school board or charter school governing board:
5052	(a) shall manage, direct, and control civic centers [under this chapter];
5053	(b) shall adopt policies for the use of civic centers;
5054	(c) may charge a reasonable fee for the use of a civic center so that the school district
5055	or charter school incurs no expense for that use;
5056	(d) may appoint a special functions officer under Section 53-13-105 to have charge of
5057	the grounds and protect school property when used for civic center purposes;
5058	(e) shall allow the use of a civic center, for other than school purposes, unless it

6059	determines that the use interferes with a school function or purpose; and
6060	(f) shall ensure that school administrators are trained about and properly implement the
6061	provisions of this section and Section [53A-3-413] <u>53G-7-209</u> .
6062	Section 184. Section 53G-7-211, which is renumbered from Section 53A-3-407 is
6063	renumbered and amended to read:
6064	[53A-3-407]. <u>53G-7-211.</u> Display of American flag.
6065	(1) Each local school board shall provide each school within the district with a suitable
6066	flagpole.
6067	(2) The American flag shall be displayed on every school day and on every state and
6068	national holiday.
6069	(3) The flag shall be maintained in a respectable condition.
6070	Section 185. Section 53G-7-212 , which is renumbered from Section 53A-3-402.5 is
6071	renumbered and amended to read:
6072	[53A-3-402.5]. <u>53G-7-212.</u> Voter registration forms for high school
6073	students.
6074	Each public school district and each accredited nonpublic school shall provide voter
6075	registration forms to students as required by Section 20A-2-302.
6076	Section 186. Section 53G-7-213, which is renumbered from Section 53A-3-417 is
6077	renumbered and amended to read:
6078	[53A-3-417]. <u>53G-7-213.</u> Child care centers in public schools
6079	Requirements Availability Compliance with state and local laws.
6080	(1) (a) Upon receiving a request from a community group such as a community
6081	council, local PTA, or parent/student organization, a local school board may authorize the use
6082	of a part of any school building in the district to provide child care services for school aged
6083	children.
6084	(b) (i) The school board shall provide written public notice of its intent to authorize a
6085	child care center.
6086	(ii) The board shall file a copy of the notice with the Office of Child Care within the
6087	Department of Workforce Services and the Department of Health.
6088	(2) (a) Establishment of a child care center in a public school building is contingent

upon the local school board determining that the center will not interfere with the building's use

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6090 for regular school purposes.

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- (b) The decision shall be made at the sole discretion of the school board.
- 6092 (c) A school board may withdraw its approval to operate a child care center at any time 6093 if it determines that such use interferes with the operation or interest of the school.
 - (d) The school district and its employees and agents are immune from any liability that might otherwise result from a withdrawal of approval if the withdrawal was made in good faith.
 - (3) (a) The board shall charge a commercially reasonable fee for the use of a school building as a child care center so that the district does not incur an expense.
 - (b) The fee shall include but not be limited to costs for utility, building maintenance, and administrative services supplied by the school that are related to the operation of the child care center.
 - (4) (a) Child care service may be provided by governmental agencies other than school districts, nonprofit community service groups, or private providers.
 - (b) If competitive proposals to provide child care services are submitted by the entities listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit community service groups so long as their proposals are judged to be at least equal to the proposal of the governmental agency.
 - (c) It is intended that these programs function at the local community level with minimal state and district involvement.
 - (5) It is the intent of the Legislature that providers not be required to go through a complex procedure in order to obtain approval for providing the service.
 - (6) (a) Child care centers within a public school building shall make their services available to all children regardless of where the children reside.
 - (b) If space and resources are limited, first priority shall be given to those who reside within the school boundaries where the center is located, and to the children of teachers and other employees of the school where the child care center is located.
 - (c) Second priority shall be given to those who reside within the school district boundaries where the center is located.
- 6119 (7) (a) The school board shall require proof of liability insurance which is adequate in 6120 the opinion of the school board for use of school property as a child care center.

6121	(b) A school district participating in the state Risk Management Fund shall require the
6122	provider of child care services to comply with the applicable provisions of Title 63A, Chapter
6123	4, Risk Management.
6124	(8) Child care centers established under this section shall operate in compliance with
6125	state and local laws and regulations, including zoning and licensing requirements, and
6126	applicable school rules.
6127	(9) Except for Subsection (8), this section does not apply to child care centers
6128	established by a school district within a public school building if the center offers child care
6129	services primarily to children of employees or children of students of the school district.
6130	Section 187. Section 53G-7-214 , which is renumbered from Section 53A-3-427 is
6131	renumbered and amended to read:
6132	[53A-3-427]. <u>53G-7-214.</u> Honorary high school diploma for certain
6133	veterans.
6134	(1) A board of education of a school district may award an honorary high school
6135	diploma to a veteran, if the veteran:
6136	(a) left high school before graduating in order to serve in the armed forces of the
6137	United States;
6138	(b) served in the armed forces of the United States during the period of World War II,
6139	the Korean War, or the Vietnam War;
6140	(c) (i) was honorably discharged; or
6141	(ii) was released from active duty because of a service-related disability; and
6142	(d) (i) resides within the school district; or
6143	(ii) resided within the school district at the time of leaving high school to serve in the
6144	armed forces of the United States.
6145	(2) To receive an honorary high school diploma, a veteran or immediate family
6146	member or guardian of a veteran shall submit to a local school board:
6147	(a) a request for an honorary high school diploma; and
6148	(b) information required by the local school board to verify the veteran's eligibility for
6149	an honorary high school diploma under Subsection (1).
6150	(3) At the request of a veteran, a veteran's immediate family member or guardian, or a
6151	local school board, the Department of Veterans' and Military Affairs shall certify whether the

6152	veteran meets the requirements of Subsections (1)(b) and (c).
6153	Section 188. Section 53G-7-215, which is renumbered from Section 53A-1-409 is
6154	renumbered and amended to read:
6155	[53A-1-409]. <u>53G-7-215.</u> Competency-based education
6156	Recommendations Coordination.
6157	(1) As used in this section, "competency-based education" means the same as that term
6158	is defined in Section [53A-15-1802] <u>53F-5-501</u> .
6159	(2) A local school board or a charter school governing board may establish a
6160	competency-based education program.
6161	(3) A local school board or charter school governing board that establishes a
6162	competency-based education program shall:
6163	(a) establish assessments to accurately measure competency;
6164	(b) provide the assessments to an enrolled student at no cost to the student;
6165	(c) award credit to a student who demonstrates competency and subject mastery;
6166	(d) submit the competency-based standards to the State Board of Education for review;
6167	and
6168	(e) publish the competency-based standards on its website or by other electronic means
6169	readily accessible to the public.
6170	(4) A local school board or charter school governing board may:
6171	(a) on a random lottery-based basis, limit enrollment to courses that have been
6172	designated as competency-based courses;
6173	(b) waive or adapt traditional attendance requirements;
6174	(c) adjust class sizes to maximize the value of course instructors or course mentors;
6175	(d) enroll students from any geographic location within the state; and
6176	(e) provide proctored online competency-based assessments.
6177	Section 189. Section 53G-7-216, which is renumbered from Section 53A-1-706 is
6178	renumbered and amended to read:
6179	[53A-1-706]. <u>53G-7-216.</u> Purchases of educational technology.
6180	(1) (a) A school district[;] or charter school[, or college of education] shall comply
6181	with Title 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as
6182	otherwise provided in Subsection (1)(b).

6183	(b) A school district or charter school may purchase computers from, and contract for
6184	the repair or refurbishing of computers with, the Utah Correctional Industries without going
6185	through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah
6186	Procurement Code.
6187	(2) A school district[;] or charter school[, or college of education] may purchase
6188	technology through cooperative purchasing contracts administered by the state Division of
6189	Purchasing or through its own established purchasing program.
6190	(3) Consistent with policies adopted by a local school board or charter school
6191	governing board, a school district or charter school that purchases technology under this section
6192	shall ensure that adequate on and off campus Internet filtering is installed and consistently
6193	configured to prevent viewing of harmful content by students and school personnel.
6194	Section 190. Section 53G-7-301 is enacted to read:
6195	Part 3. Budgets
6196	<u>53G-7-301.</u> Definitions.
6197	Reserved
6198	Section 191. Section 53G-7-302 , which is renumbered from Section 53A-19-101 is
6199	renumbered and amended to read:
6200	[53A-19-101]. <u>53G-7-302.</u> School district and charter school budgets.
6201	(1) As used in this section:
6202	(a) "Budget officer" means:
6203	(i) for a school district, the school district's superintendent; or
6204	(ii) for a charter school, an individual selected by the charter school governing board.
6205	(b) "Governing board" means:
6206	(i) for a school district, the local school board; or
6207	(ii) for a charter school, the charter school governing board.
6208	(2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with
6209	supporting documentation, to be submitted to the budget officer's governing board.
6210	(3) The tentative budget and supporting documents shall include the following items:
6211	(a) the revenues and expenditures of the preceding fiscal year;
6212	(b) the estimated revenues and expenditures of the current fiscal year;
6213	(c) for a school district, an estimate of the revenues for the succeeding fiscal year based

6214 upon the lowest tax levy that will raise the required revenue, using the current year's taxable 6215 value as the basis for this calculation; 6216 (d) a detailed estimate of the essential expenditures for all purposes for the next 6217 succeeding fiscal year; and 6218 (e) the estimated financial condition of the school district or charter school by funds at 6219 the close of the current fiscal year. 6220 (4) The tentative budget shall be filed with the district business administrator or charter 6221 school executive director for public inspection at least 15 days before the date of the tentative 6222 budget's proposed adoption by the governing board. 6223 Section 192. Section 53G-7-303, which is renumbered from Section 53A-19-102 is 6224 renumbered and amended to read: 6225 [53A-19-102]. 53G-7-303. Local governing board budget procedures. 6226 (1) As used in this section: 6227 (a) "Budget officer" means: 6228 (i) for a school district, the school district's superintendent; or 6229 (ii) for a charter school, an individual selected by the charter school governing board. 6230 (b) "Governing board" means: 6231 (i) for a school district, the local school board; or 6232 (ii) for a charter school, the charter school governing board. 6233 (2) (a) For a school district, before June 22 of each year, a local school board shall 6234 adopt a budget and make appropriations for the next fiscal year. 6235 (b) For a school district, if the tax rate in the school district's proposed budget exceeds 6236 the certified tax rate defined in Section 59-2-924, the local school board shall comply with 6237 Section 59-2-919 in adopting the budget, except as provided by Section [53A-17a-133] 6238 53F-8-301. 6239 (3) (a) For a school district, before the adoption or amendment of a budget, a local 6240 school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed 6241 budget or budget amendment. 6242 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, 6243 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the public hearing, a local school board shall: 6244

6245	(i) publish a notice of the public hearing in a newspaper or combination of newspapers
6246	of general circulation in the school district, except as provided in Section 45-1-101;
6247	(ii) publish a notice of the public hearing electronically in accordance with Section
6248	45-1-101;
6249	(iii) file a copy of the proposed budget with the local school board's business
6250	administrator for public inspection; and
6251	(iv) post the proposed budget on the school district's Internet website.
6252	(c) A notice of a public hearing on a school district's proposed budget shall include
6253	information on how the public may access the proposed budget as provided in Subsections
6254	(3)(b)(iii) and (iv).
6255	(4) For a charter school, before June 22 of each year, a charter school governing board
6256	shall adopt a budget for the next fiscal year.
6257	(5) Within 30 days of adopting a budget, a governing board shall file a copy of the
6258	adopted budget with the state auditor and the State Board of Education.
6259	Section 193. Section 53G-7-304 , which is renumbered from Section 53A-19-103 is
6260	renumbered and amended to read:
6261	[53A-19-103]. <u>53G-7-304.</u> Undistributed reserve in school board budget.
6262	(1) A local school board may adopt a budget with an undistributed reserve. The reserve
6263	may not exceed 5% of the maintenance and operation budget adopted by the board in
6264	accordance with a scale developed by the State Board of Education. The scale is based on the
6265	size of the school district's budget.
6266	(2) The board may appropriate all or a part of the undistributed reserve made to any
6267	expenditure classification in the maintenance and operation budget by written resolution
6268	adopted by a majority vote of the board setting forth the reasons for the appropriation. The
6269	board shall file a copy of the resolution with the State Board of Education and the state auditor
6270	(3) The board may not use undistributed reserves in the negotiation or settlement of
6271	contract salaries for school district employees.
6272	Section 194. Section 53G-7-305, which is renumbered from Section 53A-19-104 is
6273	renumbered and amended to read:
6274	[53A-19-104]. <u>53G-7-305.</u> Limits on appropriations Estimated
6275	expendable revenue.

6276	(1) As used in this section:
6277	(a) "Budget officer" means:
6278	(i) for a school district, the school district's superintendent; or
6279	(ii) for a charter school, an individual selected by the charter school governing board.
6280	(b) "Governing board" means:
6281	(i) for a school district, the local school board; or
6282	(ii) for a charter school, the charter school governing board.
6283	(2) A governing board may not make an appropriation in excess of its estimated
6284	expendable revenue, including undistributed reserves, for the following fiscal year.
6285	(3) A governing board may reduce a budget appropriation at the governing board's
6286	regular meeting if notice of the proposed action is given to all governing board members and to
6287	the district superintendent or charter school executive director, as applicable, at least one week
6288	before the meeting.
6289	(4) For a school district, in determining the estimated expendable revenue, any existing
6290	deficits arising through excessive expenditures from former years are deducted from the
6291	estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of
6292	the district for the previous year.
6293	(5) For a school district, in the event of financial hardships, the local school board may
6294	deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of
6295	the deficit amount.
6296	(6) For a school district, all estimated balances available for appropriations at the end
6297	of the fiscal year shall revert to the funds from which they were appropriated and shall be fund
6298	balances available for appropriation in the budget of the following year.
6299	(7) For a school district, an increase in an appropriation may not be made by the local
6300	school board unless the following steps are taken:
6301	(a) the local school board receives a written request from the district superintendent
6302	that sets forth the reasons for the proposed increase;
6303	(b) notice of the request is published:
6304	(i) in a newspaper of general circulation within the school district at least one week
6305	before the local school board meeting at which the request will be considered; and
6306	(ii) in accordance with Section 45-1-101, at least one week before the local school

5307	board meeting at which the request will be considered; and
6308	(c) the local school board holds a public hearing on the request before the local school
5309	board's acting on the request.
6310	Section 195. Section 53G-7-306 , which is renumbered from Section 53A-19-105 is
5311	renumbered and amended to read:
6312	[53A-19-105]. <u>53G-7-306.</u> School district interfund transfers.
5313	(1) A school district shall spend revenues only within the fund for which they were
6314	originally authorized, levied, collected, or appropriated.
6315	(2) Except as otherwise provided in this section, school district interfund transfers of
6316	residual equity are prohibited.
6317	(3) The State Board of Education may authorize school district interfund transfers of
6318	residual equity when a district states its intent to create a new fund or expand, contract, or
5319	liquidate an existing fund.
6320	(4) The State Board of Education may also authorize school district interfund transfers
5321	of residual equity for a financially distressed district if the board determines the following:
5322	(a) the district has a significant deficit in its maintenance and operations fund caused
6323	by circumstances not subject to the administrative decisions of the district;
5324	(b) the deficit cannot be reasonably reduced under Section [53A-19-104] 53G-7-305;
5325	and
5326	(c) without the transfer, the school district will not be capable of meeting statewide
5327	educational standards adopted by the State Board of Education.
5328	(5) The board shall develop standards for defining and aiding financially distressed
5329	school districts under this section in accordance with Title 63G, Chapter 3, Utah
6330	Administrative Rulemaking Act.
6331	(6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
5332	and reported in the debt service fund.
6333	(b) Debt service levies under Subsection 59-2-924 (5)(c) that are not subject to the
5334	public hearing provisions of Section 59-2-919 may not be used for any purpose other than
6335	retiring general obligation debt.
5336	(c) Amounts from these levies remaining in the debt service fund at the end of a fiscal

year shall be used in subsequent years for general obligation debt retirement.

6337

6338	(d) Any amounts left in the debt service fund after all general obligation debt has been
6339	retired may be transferred to the capital projects fund upon completion of the budgetary hearing
6340	process required under Section [53A-19-102] <u>53G-7-303</u> .
6341	Section 196. Section 53G-7-307, which is renumbered from Section 53A-19-106 is
6342	renumbered and amended to read:
6343	[53A-19-106]. <u>53G-7-307.</u> Warrants drawn by budget officer.
6344	(1) As used in this section:
6345	(a) "Budget officer" means:
6346	(i) for a school district, the school district's superintendent; or
6347	(ii) for a charter school, an individual selected by the charter school governing board.
6348	(b) "Governing board" means:
6349	(i) for a school district, the local school board; or
6350	(ii) for a charter school, the charter school governing board.
6351	(2) The budget officer of a governing board may not draw warrants on school district
6352	or charter school funds except in accordance with and within the limits of the budget passed by
6353	the governing board.
6354	Section 197. Section 53G-7-308, which is renumbered from Section 53A-19-107 is
6355	renumbered and amended to read:
6356	[53A-19-107]. <u>53G-7-308.</u> Emergency expenditures.
6357	This [chapter] part does not apply to appropriations required because of emergencies
6358	involving loss of life or great loss of property.
6359	Section 198. Section 53G-7-309 , which is renumbered from Section 53A-19-108 is
6360	renumbered and amended to read:
6361	[53A-19-108]. <u>53G-7-309.</u> Monthly budget reports.
6362	(1) As used in this section:
6363	(a) "Budget officer" means:
6364	(i) for a school district, the school district's superintendent; or
6365	(ii) for a charter school, an individual selected by the charter school governing board.
6366	(b) "Governing board" means:
6367	(i) for a school district, the local school board; or
6368	(ii) for a charter school, the charter school governing board.

6369	(2) The business administrator or budget officer of a governing board shall provide
6370	each board member with a report, on a monthly basis, that includes the following information:
6371	(a) the amounts of all budget appropriations;
6372	(b) the disbursements from the appropriations as of the date of the report; and
6373	(c) the percentage of the disbursements as of the date of the report.
6374	(3) Within five days of providing the monthly report described in Subsection (2) to a
6375	governing board, the business administrator or budget officer shall make a copy of the report
6376	available for public review.
6377	Section 199. Section 53G-7-401, which is renumbered from Section 53A-30-102 is
6378	renumbered and amended to read:
6379	Part 4. Internal Audits
6380	[53A-30-102]. <u>53G-7-401.</u> Definitions.
6381	As used in this part:
6382	(1) "Audit committee" means a standing committee:
6383	(a) appointed by the local school board or charter school governing board with the
6384	following number of members as applicable to the local school board or charter school
6385	governing board:
6386	(i) for a board of a local education agency that consists of seven or more members,
6387	three members of that board; or
6388	(ii) for a board of a local education agency that consists of six or fewer members, two
6389	members of that board; and
6390	(b) composed of people who are not administrators or employees of the local education
6391	agency.
6392	(2) "Audit director" means the person who directs the internal audit program.
6393	(3) "Audit plan" means a prioritized list of audits to be performed by an internal audit
6394	program within a specified period of time.
6395	(4) "Internal audit" means an independent appraisal activity established within a local
6396	education agency as a control system to examine and evaluate the adequacy and effectiveness
6397	of other internal control systems within the local education agency.
6398	(5) "Internal audit program" means an audit function that:
6399	(a) is conducted by a local school board or charter school governing board independent

6400	of the local education agency offices or other operations;
6401	(b) objectively evaluates the effectiveness of the local education agency governance,
6402	risk management, internal controls, and the efficiency of operations; and
6403	(c) is conducted in accordance with the current:
6404	(i) International Standards for the Professional Practice of Internal Auditing; or
6405	(ii) The Government Auditing Standards, issued by the Comptroller General of the
6406	United States.
6407	(6) "Local education agency" means a school district or charter school.
6408	Section 200. Section 53G-7-402 , which is renumbered from Section 53A-30-103 is
6409	renumbered and amended to read:
6410	[53A-30-103]. <u>53G-7-402.</u> Internal auditing program Audit committee
6411	Powers and duties.
6412	(1) A local school board or charter school governing board shall establish an audit
6413	committee.
6414	(2) (a) The audit committee shall establish an internal audit program that provides
6415	internal audit services for the programs administered by the local education agency.
6416	(b) A local education agency that has fewer than 10,000 students is not subject to
6417	Subsection (2)(a).
6418	(3) (a) A local school board or charter school governing board shall appoint the audit
6419	director, with the advisement of the audit committee, if the local school board or charter school
6420	governing board hires an audit director.
6421	(b) If the local school board or charter school governing board has not appointed an
6422	audit director and the school board or governing board contracts directly for internal audit
6423	services, the local school board or charter school governing board shall approve a contract for
6424	internal audit services, with the advisement of the audit committee.
6425	(4) The audit committee shall ensure that copies of all reports of audit findings issued
6426	by the internal auditors are available, upon request, to the audit director of the State Board of
6427	Education, the Office of the State Auditor, and the Office of Legislative Auditor General.
6428	(5) The audit committee shall ensure that significant audit matters that cannot be
6429	appropriately addressed by the local education agency internal auditors are referred to either the
6430	audit director of the State Board of Education, the Office of the State Auditor, or the Office of

6431	Legislative Auditor General.
6432	(6) The audit director may contract with a consultant to assist with an audit.
6433	(7) The audit director of the State Board of Education and the Office of the State
6434	Auditor may contract to provide internal audit services.
6435	Section 201. Section 53G-7-501 is enacted to read:
6436	Part 5. Student Fees
6437	<u>53G-7-501.</u> Definitions.
6438	Reserved
6439	Section 202. Section 53G-7-502 , which is renumbered from Section 53A-12-101 is
6440	renumbered and amended to read:
6441	[53A-12-101]. Schools to be free Age limitations.
6442	(1) Except as otherwise provided in [Title 53A, State System of Public Education] this
6443	<u>public education code</u> , in each school district the public schools shall be free to all children
6444	between five and 18 years of age who are residents of the district, and also to persons over 18
6445	who are domiciled in the state of Utah and have not completed high school.
6446	(2) A person over the age of 18 taking courses under this section must declare an intent
6447	to complete requirements for a high school diploma. All courses taken must lead toward that
6448	diploma and must be approved by those directly responsible for administering the program.
6449	(3) A person required to pay tuition under this section may have the tuition waived
6450	under Section [53A-15-404] <u>53E-10-205</u> .
6451	Section 203. Section 53G-7-503 , which is renumbered from Section 53A-12-102 is
6452	renumbered and amended to read:
6453	[53A-12-102]. <u>53G-7-503.</u> State policy on student fees, deposits, or other
6454	charges.
6455	(1) For purposes of this part:
6456	(a) "Board" means the State Board of Education.
6457	(b) "Secondary school" means a school that provides instruction to students in grades
6458	7, 8, 9, 10, 11, or 12.
6459	(c) "Secondary school student":
6460	(i) means a student enrolled in a secondary school; and
6461	(ii) includes a student in grade 6 if the student attends a secondary school.

6462 (2) (a) A secondary school may impose fees on secondary school students.

(b) The board shall adopt rules regarding the imposition of fees in secondary schools in accordance with the requirements of this part.

- (3) A fee, deposit, or other charge may not be made, or any expenditure required of a student or the student's parent or guardian, as a condition for student participation in an activity, class, or program provided, sponsored, or supported by or through a public school or school district, unless authorized by the local school board or charter school governing board under rules adopted by the board.
- (4) (a) A fee, deposit, charge, or expenditure may not be required for elementary school activities which are part of the regular school day or for supplies used during the regular school day.
- (b) An elementary school or elementary school teacher may compile and provide to a student's parent or guardian a suggested list of supplies for use during the regular school day so that a parent or guardian may furnish on a voluntary basis those supplies for student use.
- 6476 (c) A list provided to a student's parent or guardian pursuant to Subsection (4)(b) shall include and be preceded by the following language:
- "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR
 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,
 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."
- Section 204. Section **53G-7-504**, which is renumbered from Section 53A-12-103 is renumbered and amended to read:

6483 [53A-12-103]. 53G-7-504. Waiver of fees.

- (1) (a) A local school board shall require, as part of an authorization granted under Section [53A-12-102] 53G-7-503, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.
- (b) (i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.
- (ii) If the student or the student's parent or guardian is financially unable to pay the fee, the board shall provide for alternatives to waiving the fee, which may include installment

payments and school or community service or work projects for the student.

(iii) In cases of extreme financial hardship or where the student has suffered a long-term illness, or death in the family, or other major emergency and where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

- (iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and charges made in the secondary schools.
- (2) (a) The board shall require each school in the district that charges a fee under this [chapter] part and Part 6, Textbook Fees, to provide a variety of alternatives for satisfying the fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the fee.
- (b) The board shall develop and provide a list of alternatives for the schools, including such options as allowing the student to provide:
 - (i) tutorial assistance to other students;
- (ii) assistance before or after school to teachers and other school personnel on school related matters; and
 - (iii) general community or home service.
- (c) Each school may add to the list of alternatives provided by the board, subject to approval by the board.
- (3) A local school board may establish policies providing for partial fee waivers or other alternatives for those students who, because of extenuating circumstances, are not in a financial position to pay the entire fee.
- (4) With regard to children who are in the custody of the Division of Child and Family Services who are also eligible under Title IV-E of the federal Social Security Act, local school boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:
- (a) requiring a parent or guardian of a student applying for a fee waiver to provide documentation and certification to the school verifying:
- (i) the student's eligibility to receive the waiver; and
- (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have

6524	been complied with to the fullest extent reasonably possible according to the individual
6525	circumstances of both the fee waiver applicant and the school; and
6526	(b) specifying the acceptable forms of documentation for the requirement under
6527	Subsection (5)(a), which shall include verification based on income tax returns or current pay
6528	stubs.
6529	(6) Notwithstanding the requirements under Subsection (5), a school is not required to
6530	keep documentation on file after the verification is completed.
6531	Section 205. Section 53G-7-505 , which is renumbered from Section 53A-12-104 is
6532	renumbered and amended to read:
6533	[53A-12-104]. Solution of student fees and waivers.
6534	A local school board shall annually give written notice of its student fee schedules and
6535	fee waiver policies to the parent or guardian of a child who attends a public school within the
6536	district.
6537	Section 206. Section 53G-7-601, which is renumbered from Section 53A-12-202 is
6538	renumbered and amended to read:
6539	Part 6. Textbook Fees
6540	[53A-12-202]. <u>53G-7-601.</u> "Textbooks" defined.
6541	For the purposes of Sections [53A-12-201] <u>53G-7-602</u> through [53A-12-206]
6542	53G-7-605, "textbooks" includes textbooks and workbooks necessary for participation in any
6543	instructional course. Textbooks shall not include personal or consumable items, such as
6544	pencils, papers, pens, erasers, notebooks, other items of personal use, or products which a
6545	student may purchase at his option, such as school publications, class rings, annuals, and
6546	similar items.
6547	Section 207. Section 53G-7-602 , which is renumbered from Section 53A-12-201 is
6548	renumbered and amended to read:
6549	[53A-12-201]. <u>53G-7-602.</u> State policy on providing textbooks.
6550	(1) It is the public policy of this state that public education shall be free.
6551	(2) A student may not be denied an education because of economic inability to
6552	purchase textbooks necessary for advancement in or graduation from the public school system.
6553	(3) A school board may not sell textbooks or otherwise charge textbook fees or
6554	deposits except as provided in [Title 53A, State System of Public Education] this public

6555	education code.
6556	Section 208. Section 53G-7-603, which is renumbered from Section 53A-12-204 is
6557	renumbered and amended to read:
6558	[53A-12-204]. <u>53G-7-603.</u> Purchase of textbooks by local school board
6559	Sales to pupils Free textbooks Textbooks provided to teachers Payment of costs
6560	Rental of textbooks.
6561	(1) A local school board, under rules adopted by the State Board of Education, may
6562	purchase textbooks for use in the public schools directly from the publisher at prices and terms
6563	approved by the state board and may sell those books to pupils in grades nine through 12 at a
6564	cost not to exceed the actual cost of the book plus costs of transportation and handling.
6565	(2) Each local school board, however, shall provide, free of charge, textbooks and
6566	workbooks required for courses of instruction for each child attending public schools whose
6567	parent or guardian is financially unable to purchase them.
6568	(3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3,
6569	Family Employment Program, supplemental security income, or who are in the custody of the
6570	Division of Child and Family Services within the Department of Human Services are eligible
6571	for free textbooks and workbooks under this section.
6572	(4) The local school board shall also purchase all books necessary for teachers to
6573	conduct their classes.
6574	(5) The cost of furnishing textbooks and workbooks may be paid from school operating
6575	funds, the textbook fund, or from other available funds.
6576	(6) Books provided to teachers and pupils without charge or at less than full cost are
6577	paid for out of funds of the district and remain the property of the district.
6578	(7) In school districts that require pupils to rent books instead of purchasing them or
6579	providing them free of charge, the local school board shall waive rental fees for a child whose
6580	parent or guardian is financially unable to pay the rental fee. The children considered eligible
6581	under Subsection (3) are also eligible for the purposes of this Subsection (7).
6582	Section 209. Section 53G-7-604 , which is renumbered from Section 53A-12-205 is
6583	renumbered and amended to read:
6584	[53A-12-205]. <u>53G-7-604.</u> Free textbook system.
6585	(1) If a local school board considers it desirable or necessary, or if the board is

petitioned by two-thirds of those voting in the district, it shall provide free textbooks to all pupils in the schools under its charge.

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- (2) Books purchased under this section shall be paid for out of the funds of the district.
- (3) The board shall assure that sufficient funds are raised and set aside for this purpose.
- (4) A board that has adopted the free textbook system shall terminate the system if petitioned by two-thirds of those voting in an election conducted for that purpose vote to terminate the system.
 - (5) The board may not act upon a petition to terminate the free textbook system during a period of four years after the system is adopted.
- 6595 (6) The board may not reinstitute a free textbook system until four years after its termination.
- Section 210. Section **53G-7-605**, which is renumbered from Section 53A-12-206 is renumbered and amended to read:

6599 [53A-12-206]. <u>53G-7-605.</u> Repurchase and resale of textbooks.

- (1) If a student moves from a district in which free textbooks were not provided, the school board of that district may purchase the books used by the student at a reasonable price, based upon the original cost and the condition of the book upon return.
- 6603 (2) The books purchased by the district under this section may be resold to other students in the district.
- Section 211. Section **53G-7-606**, which is renumbered from Section 53A-12-207 is renumbered and amended to read:

6607 [53A-12-207]. 53G-7-606. Disposal of textbooks.

- (1) For a school year beginning with or after the 2012-13 school year, a local school district may not dispose of textbooks used in its public schools without first notifying all other school districts in the state of its intent to dispose of the textbooks.
- 6611 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or worn out.
- (3) The State Board of Education shall develop rules and procedures directing the disposal of textbooks.
- Section 212. Section **53G-7-701**, which is renumbered from Section 53A-11-1202 is renumbered and amended to read:

5617	Part 7. Student Clubs
6618	[53A-11-1202]. <u>53G-7-701.</u> Definitions.
6619	As used in this part:
6620	(1) "Bigotry" means action or advocacy of imminent action involving:
6621	(a) the harassment or denigration of a person or entity; or
6622	(b) any intent to cause a person not to freely enjoy or exercise any right secured by the
6623	constitution or laws of the United States or the state, except that an evaluation or prohibition
6624	may not be made of the truth or falsity of any religious belief or expression of conscience
6625	unless the means of expression or conduct arising therefrom violates the standards of conduct
6626	outlined in this section, Section [53A-13-101.3] 53G-10-203, or 20 U.S.C. [Section] Sec.
6627	4071(f).
6628	(2) "Club" means any student organization that meets during noninstructional time.
6629	(3) "Conscience" means a standard based upon learned experiences, a personal
6630	philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of
6631	right and wrong which is felt on an individual basis, a belief in an external absolute, or any
5632	combination of the foregoing.
5633	(4) "Curricular club" means a club that is school sponsored and that may receive
6634	leadership, direction, and support from the school or school district beyond providing a
6635	meeting place during noninstructional time. An elementary school curricular club means a club
6636	that is organized and directed by school sponsors at the elementary school. A secondary school
6637	curricular club means a club:
6638	(a) whose subject matter is taught or will soon be taught in a regular course;
6639	(b) whose subject matter concerns the body of courses as a whole;
6640	(c) in which participation is required for a particular course; or
6641	(d) in which participation results in academic credit.
6642	(5) (a) "Discretionary time" means school-related time for students that is not
5643	instructional time.
5644	(b) "Discretionary time" includes free time before and after school, during lunch and
6645	between classes or on buses, and private time before athletic and other events or activities.
6646	(6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of
5647	imminent action that violates any law or administrative rule.

(b) "Encourage criminal or delinquent conduct" does not include discussions 6649 concerning changing of laws or rules, or actions taken through lawfully established channels to 6650 effectuate such change.

- (7) (a) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity.
- (b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.
 - (8) "Involve human sexuality" means:

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- (a) presenting information in violation of laws governing sex education, including Sections [53A-13-101] 53G-10-402 and [53A-13-302] 53E-9-203:
- 6660 (b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
 - (c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.
 - (9) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection [53A-13-101.3] 53G-10-203(2)(b).
 - (10) "Noncurricular club" is a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and school governing board in accordance with the provisions of this part. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by a school governing board, the school, or by school or school district employees.
 - (11) "Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.
 - (12) "Religious club" means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
 - (13) "School" means a public school, including a charter school.
- 6676 (14) (a) "School facilities use" means access to a school facility, premises, or playing 6677 field.
- 6678 (b) "School facilities use" includes access to a limited open forum.

6679	(15) "School governing board" means a local school board or charter school board.
6680	Section 213. Section 53G-7-702, which is renumbered from Section 53A-11-1203 is
6681	renumbered and amended to read:
6682	[53A-11-1203]. <u>53G-7-702.</u> Student clubs Limited open forum
6683	Authorization.
6684	(1) (a) A school may establish and maintain a limited open forum for student clubs
6685	pursuant to the provisions of this part, State Board of Education rules, and school governing
6686	board policies.
6687	(b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to
6688	create a closed forum at any time by allowing curricular clubs only.
6689	(2) (a) A school shall review applications for authorization of clubs on a case-by-case
6690	basis.
6691	(b) Before granting an authorization, the school shall find:
6692	(i) that the proposed club meets this part's respective requirements of a curricular club
6693	or a noncurricular club; and
6694	(ii) that the proposed club's purpose and activities comply with this part.
6695	(c) Before granting an authorization, a school may request additional information from
6696	the faculty sponsor, from students proposing the club, or from its school governing board, if
6697	desired.
6698	(3) A school shall grant authorization and school facilities use to curricular and
6699	noncurricular clubs whose applications are found to meet the requirements of this part, rules of
6700	the State Board of Education, and policies of the school governing board and shall limit or
6701	deny authorization or school facilities use to proposed clubs that do not meet the requirements
6702	of this part, rules of the State Board of Education, and policies of the school governing board.
6703	Section 214. Section 53G-7-703, which is renumbered from Section 53A-11-1204 is
6704	renumbered and amended to read:
6705	[53A-11-1204]. <u>53G-7-703.</u> Curricular clubs Authorization.
6706	(1) Faculty members or students proposing a curricular club shall submit written
6707	application for authorization on a form approved by the school governing board.
6708	(2) A school governing board may exempt a club whose membership is determined by
6709	student body election or a club that is governed by an association that regulates interscholastic

6/10	activities from the authorization requirements under this section.
6711	(3) An application for authorization of a curricular club shall include:
6712	(a) the recommended club name;
6713	(b) a statement of the club's purpose, goals, and activities;
6714	(c) a statement of the club's categorization, which shall be included in the parental
6715	consent required under Section [53A-11-1210] 53G-7-709, indicating all of the following that
6716	may apply:
6717	(i) athletic;
6718	(ii) business/economic;
6719	(iii) agriculture;
6720	(iv) art/music/performance;
6721	(v) science;
6722	(vi) gaming;
6723	(vii) religious;
6724	(viii) community service/social justice; and
6725	(ix) other;
6726	(d) the recommended meeting times, dates, and places;
6727	(e) a statement that the club will comply with the provisions of this part and all other
6728	applicable laws, rules, or policies; and
6729	(f) a budget showing the amount and source of any funding provided or to be provided
6730	to the club and its proposed use.
6731	(4) The application may be as brief as a single page so long as it contains the items
6732	required under this section.
6733	(5) A school shall approve the name of a curricular club consistent with the club's
6734	purposes and its school sponsorship.
6735	(6) (a) A school shall determine curriculum relatedness by strictly applying this part's
6736	definition of curricular club to the club application.
6737	(b) If the school finds that the proposed club is a curricular club, the school shall
6738	continue to review the application as an application for authorization of a curricular club.
6739	(c) If the school finds that the proposed club is a noncurricular club, the school may:
6740	(i) return the application to the faculty member or students proposing the club for

6741	amendment; or
6742	(ii) review the application as an application for authorization of a noncurricular club.
6743	(7) (a) Only curricular clubs may be authorized for elementary schools.
6744	(b) A school governing body may limit, or permit a secondary school to limit, the
6745	authorization of clubs at the secondary school to only curricular clubs.
6746	Section 215. Section 53G-7-704 , which is renumbered from Section 53A-11-1205 is
6747	renumbered and amended to read:
6748	[53A-11-1205]. <u>53G-7-704.</u> Noncurricular clubs Annual authorization.
6749	(1) A noncurricular club shall have a minimum of three members.
6750	(2) Students proposing a noncurricular club shall submit a written application for
6751	authorization on a form approved by the school governing board.
6752	(3) An application for authorization of a noncurricular club shall include:
6753	(a) the recommended club name;
6754	(b) a statement of the club's purpose, goals, and activities;
6755	(c) a statement of the club's categorization, which shall be included in the parental
6756	consent required under Section [53A-11-1210] 53G-7-709, indicating all of the following that
6757	may apply:
6758	(i) athletic;
6759	(ii) business/economic;
6760	(iii) agriculture;
6761	(iv) art/music/performance;
6762	(v) science;
6763	(vi) gaming;
6764	(vii) religious;
6765	(viii) community service/social justice; and
6766	(ix) other;
6767	(d) the recommended meeting times, dates, and places;
6768	(e) a statement that the club will comply with the provisions of this part and all other
6769	applicable laws, rules, or policies; and
6770	(f) a budget showing the amount and source of any funding provided or to be provided
6771	to the club and its proposed use.

6772	(4) The application may be as brief as a single page so long as it contains the items
6773	required under this section.
6774	(5) (a) A school governing board may provide for approval of a noncurricular club
6775	name in an action separate from that relating to authorization of the club itself.
6776	(b) A school governing board shall require:
6777	(i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and
6778	activities; and
6779	(ii) that the noncurricular club name shall be a name that would not result in or imply a
6780	violation of this part.
6781	Section 216. Section 53G-7-705 , which is renumbered from Section 53A-11-1206 is
6782	renumbered and amended to read:
6783	[53A-11-1206]. <u>53G-7-705.</u> Clubs Limitations and denials.
6784	(1) A school shall limit or deny authorization or school facilities use to a club, or
6785	require changes prior to granting authorization or school facilities use:
6786	(a) as the school determines it to be necessary to:
6787	(i) protect the physical, emotional, psychological, or moral well-being of students and
6788	faculty;
6789	(ii) maintain order and discipline on school premises;
6790	(iii) prevent a material and substantial interference with the orderly conduct of a
6791	school's educational activities;
6792	(iv) protect the rights of parents or guardians and students;
6793	(v) maintain the boundaries of socially appropriate behavior; or
6794	(vi) ensure compliance with all applicable laws, rules, regulations, and policies; or
6795	(b) if a club's proposed charter and proposed activities indicate students or advisors in
6796	club related activities would as a substantial, material, or significant part of their conduct or
6797	means of expression:
6798	(i) encourage criminal or delinquent conduct;
6799	(ii) promote bigotry;
6800	(iii) involve human sexuality; or
6801	(iv) involve any effort to engage in or conduct mental health therapy, counseling, or
6802	psychological services for which a license would be required under state law.

6803 (2) A school governing board has the authority to determine whether any club meets 6804 the criteria of Subsection (1). 6805 (3) If a school or school governing board limits or denies authorization to a club, the 6806 school or school governing board shall provide, in writing, to the applicant the factual and legal 6807 basis for the limitation or denial. 6808 (4) A student's spontaneous expression of sentiments or opinions otherwise identified 6809 in Subsection [53A-13-302] 53E-9-203(1) is not prohibited. 6810 Section 217. Section 53G-7-706, which is renumbered from Section 53A-11-1207 is 6811 renumbered and amended to read: 6812 [53A-11-1207]. 53G-7-706. Faculty oversight of authorized clubs. 6813 (1) A school shall approve the faculty sponsor, supervisor, or monitor for each 6814 authorized curricular, noncurricular, and religious club to provide oversight consistent with this 6815 part and the needs of the school to ensure that the methods of expression, religious practices, or 6816 other conduct of the students or advisors involved do not: 6817 (a) unreasonably interfere with the ability of school officials to maintain order and 6818 discipline; 6819 (b) unreasonably endanger or threaten the well-being of persons or property; 6820 (c) violate concepts of civility or propriety appropriate to a school setting; or 6821 (d) violate applicable laws, rules, regulations, and policies. 6822 (2) (a) A school shall annually approve faculty members as sponsors of curricular 6823 clubs. 6824 (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular 6825 club. (3) (a) A school shall approve faculty members to serve as supervisors for authorized 6826 6827 noncurricular clubs. 6828 (b) A faculty supervisor shall provide oversight to ensure compliance with the 6829 approved club purposes, goals, and activities and with the provisions of this part and other 6830 applicable laws, rules, and policies. 6831 (c) The approval of a faculty supervisor or monitor does not constitute school 6832 sponsorship of the club. 6833 (d) A faculty monitor approved for a religious club may not participate in the activities

834	of the religious club, except to perform the supervisory role required by this section.
6835	(4) Without the prior approval by the school, a person who is not a school faculty
6836	member or a club member may not:
5837	(a) make a presentation to a noncurricular club; or
5838	(b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.
6839	Section 218. Section 53G-7-707 , which is renumbered from Section 53A-11-1208 is
6840	renumbered and amended to read:
6841	[53A-11-1208]. See of school facilities by clubs.
6842	(1) A school shall determine and assign school facilities use for curricular and
6843	noncurricular clubs consistent with the needs of the school.
6844	(2) The following rules apply to curricular clubs:
6845	(a) in assigning school facilities use, the administrator may give priority to curricular
6846	clubs over noncurricular clubs; and
6847	(b) the school may provide financial or other support to curricular clubs.
6848	(3) The following rules apply to noncurricular clubs:
6849	(a) a preference or priority may not be given among noncurricular clubs;
6850	(b) (i) a school shall only provide the space for noncurricular club meetings; and
6851	(ii) a school may not spend public funds for noncurricular clubs, except as required to
5852	implement the provisions of this part, including providing space and faculty oversight for
6853	noncurricular clubs;
6854	(c) a school shall establish the noninstructional times during which noncurricular clubs
6855	may meet;
6856	(d) a school may establish the places that noncurricular clubs may meet;
6857	(e) a school may set the number of hours noncurricular clubs may use the school's
6858	facilities per month, provided that all noncurricular clubs shall be treated equally; and
6859	(f) a school shall determine what access noncurricular clubs shall be given to the
6860	school newspaper, yearbook, bulletin boards, or public address system, provided that all
6861	noncurricular clubs shall be treated equally.
5862	Section 219. Section 53G-7-708 , which is renumbered from Section 53A-11-1209 is
5863	renumbered and amended to read:
6864	[53A-11-1209]. <u>53G-7-708.</u> Club membership.

6865	(1) A school shall require written parental or guardian consent for student participation
6866	in all curricular and noncurricular clubs at the school.
6867	(2) Membership in curricular clubs is governed by the following rules:
6868	(a) (i) membership may be limited to students who are currently attending the
6869	sponsoring school or school district; and
6870	(ii) members who attend a school other than the sponsoring school shall have, in
6871	addition to the consent required under Section [53A-11-1210] 53G-7-709, specific parental or
6872	guardian permission for membership in a curricular club at another school;
6873	(b) (i) curricular clubs may require that prospective members try out based on objective
6874	criteria outlined in the application materials; and
6875	(ii) try-outs may not require activities that violate the provisions of this part and other
6876	applicable laws, rules, and policies; and
6877	(c) other rules as determined by the State Board of Education, school district, or
6878	school.
6879	(3) Membership in noncurricular clubs is governed by the following rules:
6880	(a) student membership in a noncurricular club is voluntary;
6881	(b) membership shall be limited to students who are currently attending the school;
6882	(c) (i) noncurricular clubs may require that prospective members try out based on
6883	objective criteria outlined in the application materials; and
6884	(ii) try-outs may not require activities that violate the provisions of this part and other
6885	applicable laws, rules, and policies;
6886	(d) a copy of any written or other media materials that were presented at a
6887	noncurricular club meeting by a nonschool person shall be delivered to a school administrator
6888	no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent
6889	or legal guardian shall have an opportunity to review those materials; and
6890	(e) other rules as determined by the State Board of Education, school district, or
6891	school.
6892	Section 220. Section 53G-7-709, which is renumbered from Section 53A-11-1210 is
6893	renumbered and amended to read:
6894	[53A-11-1210]. <u>53G-7-709.</u> Parental consent.
6895	(1) A school shall require written parental or guardian consent for student participation

6896	in all curricular and noncurricular clubs at the school.
6897	(2) The consent described in Subsection (1) shall include an activity disclosure
6898	statement containing the following information:
6899	(a) the specific name of the club;
6900	(b) a statement of the club's purpose, goals, and activities;
6901	(c) a statement of the club's categorization, which shall be obtained from the
6902	application for authorization of a club in accordance with the provisions of Section
6903	[53A-11-1204] $53G-7-703$ or $[53A-11-1205]$ $53G-7-704$, indicating all of the following that
6904	may apply:
6905	(i) athletic;
6906	(ii) business/economic;
6907	(iii) agriculture;
6908	(iv) art/music/performance;
6909	(v) science;
6910	(vi) gaming;
6911	(vii) religious;
6912	(viii) community service/social justice; and
6913	(ix) other;
6914	(d) beginning and ending dates;
6915	(e) a tentative schedule of the club activities with dates, times, and places specified;
6916	(f) personal costs associated with the club, if any;
6917	(g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
6918	(h) any additional information considered important for the students and parents to
6919	know.
6920	(3) All completed parental consent forms shall be filed by the parent or the club's
6921	sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a
6922	charter school, or their designee.
6923	Section 221. Section 53G-7-710 , which is renumbered from Section 53A-11-1211 is
6924	renumbered and amended to read:
6925	[53A-11-1211]. <u>53G-7-710.</u> Violations Investigations School responses.
6926	(1) A school shall investigate any report or allegation that an authorized curricular or

6927	noncurricular club is:
6928	(a) participating in activities beyond the scope of its purpose; or
6929	(b) in violation of a provision of this part or another applicable law, rule, regulation, or
6930	policy.
6931	(2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the
6932	students involved, and the person making the report or allegation, if a violation is substantiated
6933	the school may do any of the following:
6934	(a) allow the club's original statement of its purpose, goals, and activities to be
6935	modified to include the activities if they are in compliance with the provisions of this part and
6936	other applicable laws, rules, regulations, or policies;
6937	(b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in
6938	the future;
6939	(c) limit or suspend the club's authorization or school facilities use pending further
6940	corrective action as determined by the school; or
6941	(d) terminate the club's authorization and dissolve the club.
6942	(3) Any limitation on expression, practice, or conduct of any student, advisor, or guest
6943	in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be
6944	by the least restrictive means necessary to satisfy the school's interests as identified in this part.
6945	(4) A club that has been terminated in accordance with Subsection (2)(d) may not
6946	reapply for authorization until the following school year.
6947	(5) A student who makes a false allegation or report under this section shall be subject
6948	to school discipline.
6949	Section 222. Section 53G-7-711, which is renumbered from Section 53A-11-1212 is
6950	renumbered and amended to read:
6951	[53A-11-1212]. <u>53G-7-711.</u> Appeals Procedures.
6952	(1) (a) A completed application or complaint shall be approved, denied, or investigated
6953	by the school within a reasonable amount of time.

remedy the deficiency.

the investigation shall be stated and, if appropriate, suggested corrections shall be made to

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(b) If an application or complaint is denied, written reasons for the denial or results of

6958	of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial
6959	could be corrected.
6960	(2) (a) If denied, suspended, or terminated, a club, student desirous of participating or
6961	speaking, or a complaining parent or guardian, has 10 school days from the date of the denial,
6962	suspension, or termination to file a written appeal from the denial, suspension, or termination
6963	to a designee authorized by the school governing board.
6964	(b) The designee shall issue a determination within a reasonable amount of time from
6965	receipt of the appeal, which decision is final and constitutes satisfaction of all administrative
6966	remedies unless the time for evaluation is extended by agreement of all parties.
6967	(3) A person directly affected by a decision made in accordance with the provisions of
6968	this part may appeal the decision by writing to a person designated by the school governing
6969	board.
6970	Section 223. Section 53G-7-712 , which is renumbered from Section 53A-11-1213 is
6971	renumbered and amended to read:
6972	[53A-11-1213]. <u>53G-7-712.</u> Rulemaking State Board of Education
6973	School governing boards.
6974	The State Board of Education may adopt additional rules and school governing boards
6975	may adopt additional rules or policies governing clubs that do not conflict with the provisions
6976	of this part.
6977	Section 224. Section 53G-7-713 , which is renumbered from Section 53A-11-1214 is
6978	renumbered and amended to read:
6979	[53A-11-1214]. <u>53G-7-713.</u> Severability.
6980	If any provision of this part or the application of any provision to any person or
6981	circumstance, is held invalid, the remainder of this part shall be given effect without the invalid
6982	provision or application.
6983	Section 225. Section 53G-7-801, which is renumbered from Section 53A-15-1101 is
6984	renumbered and amended to read:
6985	Part 8. School Uniforms
6986	[53A-15-1101]. <u>53G-7-801.</u> Definitions.

(1) "Principal" includes the chief administrator of a school that does not have a

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As used in this part:

6989	principal.
6990	(2) "School" means a public school, including a charter school.
6991	(3) "School official" means the principal of a school or the local school board for a
6992	school district.
6993	(4) "School uniform" means student clothing conforming to a school uniform policy
6994	under this part, which may include a dress code, dress of designated colors, or a reasonable
6995	designated uniform of a particular style. A school uniform policy may not include very
6996	expensive or prescriptive clothing requirements.
6997	Section 226. Section 53G-7-802 , which is renumbered from Section 53A-15-1102 is
6998	renumbered and amended to read:
6999	[53A-15-1102]. <u>53G-7-802.</u> Uniforms in schools Legislative finding
7000	Policies.
7001	(1) The Legislature finds that:
7002	(a) each student should be allowed to learn in a safe environment which fosters the
7003	learning process and is free from unnecessary disruptions;
7004	(b) the wearing of certain types of clothing may identify students as members of youth
7005	gangs and contribute to disruptive behavior and violence in the schools;
7006	(c) school uniform policies may be part of an overall program to:
7007	(i) improve school safety and discipline; and
7008	(ii) help avoid the disruption of the classroom atmosphere and decorum and prevent
7009	disturbances among students; and
7010	(d) school uniforms may:
7011	(i) decrease violence and theft among students; and
7012	(ii) foster and promote desirable school operating conditions and a positive educational
7013	environment in accordance with this part.
7014	(2) In accordance with Section [53A-15-1103] 53G-7-803, a school may adopt a school
7015	uniform policy that requires students enrolled at that school to wear a designated school
7016	uniform during the school day.
7017	(3) A school uniform policy shall:
7018	(a) protect students' free exercise of religious beliefs;
7019	(b) specify whether the uniform policy is voluntary or mandatory for students;

7020 (c) specify whether or not the uniform policy has an opt-out provision in addition to the 7021 provisions under Subsection (5); and 7022 (d) include a provision for financial assistance to families who cannot afford to 7023 purchase a required uniform, which may include: 7024 (i) the school providing school uniforms to students; 7025 (ii) the school making used school uniforms available to students; or 7026 (iii) other programs to make school uniforms available to economically disadvantaged 7027 students. 7028 (4) A school uniform policy under this part is not considered a fee for either an 7029 elementary or a secondary school. 7030 (5) A school uniform policy shall include a provision allowing a principal at any time 7031 during the school year to grant an exemption from wearing a school uniform to a student 7032 because of extenuating circumstances. 7033 (6) (a) If a school adopts a school uniform policy under this part, that school's 7034 governing body or local school board shall adopt local appellate procedures for school actions 7035 under this part, including a denial of an exemption requested under Subsection (5). 7036 (b) A person may seek judicial review of an action under this part only after exhausting 7037 the remedies provided under this Subsection (6). Section 227. Section 53G-7-803, which is renumbered from Section 53A-15-1103 is 7038 7039 renumbered and amended to read: 7040 53G-7-803. Uniforms in schools -- Policy approval. [53A-15-1103]. 7041 (1) The school uniform policy authorized in Section [53A-15-1102] 53G-7-802 may be 7042 adopted: 7043 (a) for a charter school: 7044 (i) by the governing body or administrator of the charter school in accordance with 7045 Subsection (2); or 7046 (ii) by including the school uniform policy in the school's charter approved in 7047 accordance with [Title 53A, Chapter 1a, Part 5, The] Chapter 5, Utah Charter Schools [Act]; 7048 (b) for more than one school at the district level by a local school board in accordance 7049 with Subsection (2); or

(c) for a single school at the school level by the principal of the school in accordance

7051	with Subsection (2).
7052	(2) A school uniform policy adopted by an election is subject to the following
7053	requirements:
7054	(a) the adopting authority shall hold a public hearing on the matter prior to formal
7055	adoption of the school uniform policy;
7056	(b) (i) the adopting authority shall hold an election for approval of a school uniform
7057	policy prior to its adoption and shall receive an affirmative vote from a majority of those voting
7058	at the election; and
7059	(ii) only parents and guardians of students subject to the proposed school uniform
7060	policy may vote at the election, limited to one vote per family.
7061	(3) (a) A local school board or principal is required to hold an election to consider
7062	adoption of a school uniform policy for an entire school district or an individual school if
7063	initiative petitions are presented as follows:
7064	(i) for a school district, a petition signed by a parent or guardian of 20% of the district's
7065	students presented to the local school board; and
7066	(ii) for an individual school, a petition signed by a parent or guardian of 20% of the
7067	school's students presented to the principal.
7068	(b) The public hearing and election procedures required in Subsection (2) apply to
7069	Subsection (3).
7070	(4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the
7071	discontinuance or modification of a school uniform policy adopted under this section.
7072	(b) A vote to discontinue an adopted school uniform policy may not take place during
7073	the first year of its operation.
7074	(5) The adopting authority shall establish the manner and time of an election required
7075	under this section.
7076	Section 228. Section 53G-7-901, which is renumbered from Section 53A-29-101 is
7077	renumbered and amended to read:
7078	Part 9. Internships
7079	[53A-29-101]. <u>53G-7-901.</u> Definitions.
7080	As used in this [chapter] part:

(1) "Cooperating employer" means a public or private entity which, as part of a work

experience and career exploration program offered through a school, provides interns with training and work experience in activities related to the entity's ongoing business activities.

- (2) "Intern" means a student enrolled in a school-sponsored work experience and career exploration program under Section [53A-29-102] 53G-7-902 involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.
- 7088 (3) "Internship" means the work experience segment of an intern's school-sponsored work experience and career exploration program, performed under the direct supervision of a cooperating employer.
- 7091 (4) "Private school" means a school serving any of grades 7 through 12 which is not part of the public education system.
- 7093 (5) "Public school" means:

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- 7094 (a) a public school district;
- 7095 (b) an applied technology center or applied technology service region;
- 7096 (c) the Schools for the Deaf and the Blind; or
- 7097 (d) other components of the public education system authorized by the State Board of 7098 Education to offer internships.
- Section 229. Section **53G-7-902**, which is renumbered from Section 53A-29-102 is renumbered and amended to read:
- 7101 [53A-29-102]. 53G-7-902. Public or private school internships.
- A public or private school may offer internships in connection with work experience and career exploration programs operated in accordance with the rules of the State Board of Education.
- Section 230. Section **53G-7-903**, which is renumbered from Section 53A-29-103 is renumbered and amended to read:
- 7107 [53A-29-103]. 53G-7-903. Interns -- Workers' compensation medical benefits.
- 7109 (1) An intern participating in an internship under Section [53A-29-102] 53G-7-902 is 7110 considered to be a volunteer government worker of the sponsoring public school, or an 7111 employee of the sponsoring private school, solely for purposes of receiving workers' 7112 compensation medical benefits.

7113	(2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy
7114	against the school and the cooperating employer for all injuries and occupational diseases as
7115	provided under Title 34A, Chapters 2, Workers' Compensation Act, and Chapter 3, Utah
7116	Occupational Disease Act.
7117	Section 231. Section 53G-7-904 , which is renumbered from Section 53A-29-104 is
7118	renumbered and amended to read:
7119	[53A-29-104]. <u>53G-7-904.</u> Internship programs Criminal background
7120	checks.
7121	Officers and employees of a cooperating employer who will be given significant
7122	unsupervised access to a student in connection with the student's activities as an intern shall be
7123	considered to be a volunteer for purposes of criminal background checks under Section
7124	[53A-15-1503] <u>53G-11-402</u> .
7125	Section 232. Section 53G-7-905 , which is renumbered from Section 53A-29-105 is
7126	renumbered and amended to read:
7127	[53A-29-105]. <u>53G-7-905.</u> Recognition of participation in internship
7128	program.
7129	A cooperating employer may be given appropriate recognition by a school, including
7130	the posting of the employer's name and a short description of the employer's business in an
7131	appropriate location on school property, or publication of that information in official
7132	publications of the school or school district.
7133	Section 233. Section 53G-7-1001 is enacted to read:
7134	Part 10. Internet Policy
7135	<u>53G-7-1001.</u> Definitions.
7136	Reserved
7137	Section 234. Section 53G-7-1002 , which is renumbered from Section 53A-3-422 is
7138	renumbered and amended to read:
7139	[53A-3-422]. <u>53G-7-1002.</u> Internet and online access policy required.
7140	State funds may not be provided to any local school board that provides access to the
7141	Internet or an online service unless the local school board adopts and enforces a policy to
7142	restrict access to Internet or online sites that contain obscene material.

7143	Section 235. Section 53G-7-1003 , which is renumbered from Section 53A-3-423 is
7144	renumbered and amended to read:
7145	[53A-3-423]. <u>53G-7-1003.</u> Process and content standards for policy.
7146	(1) "Policy" as used in this section means the elementary and secondary school online
7147	access policy adopted by a local school board to meet the requirements of Section [53A-3-422]
7148	<u>53G-7-1002</u> .
7149	(2) (a) Each policy shall be developed under the direction of the local school board,
7150	adopted in an open meeting, and have an effective date. The local school board shall review
7151	the policy at least every three years, and a footnote shall be added to the policy indicating the
7152	effective date of the last review.
7153	(b) Notice of the availability of the policy shall be posted in a conspicuous place within
7154	each school. The local school board may issue any other public notice it considers appropriate.
7155	(3) The policy shall:
7156	(a) state that it restricts access to Internet or online sites that contain obscene material
7157	and shall state how the local school board intends to meet the requirements of Section
7158	[53A-3-422] <u>53G-7-1002</u> ;
7159	(b) inform the public that administrative procedures and guidelines for the staff to
7160	follow in enforcing the policy have been adopted and are available for review at the school; and
7161	(c) inform the public that procedures to handle complaints about the policy, its
7162	enforcement, or about observed behavior have been adopted and are available for review at the
7163	school.
7164	Section 236. Section 53G-7-1004, which is renumbered from Section 53A-3-424 is
7165	renumbered and amended to read:
7166	[53A-3-424]. <u>53G-7-1004.</u> Rulemaking Reporting.
7167	The State Board of Education may make rules in accordance with Title 63G, Chapter 3,
7168	Utah Administrative Rulemaking Act, regarding compliance standards and reporting
7169	requirements for local school boards with respect to the policy required by Section
7170	[53A-3-422] <u>53G-7-1002</u> .
7171	Section 237. Section 53G-7-1101 , which is renumbered from Section 53A-1-1601 is
7172	renumbered and amended to read:
7173	Part 11. Public School Membership in Associations

7174	[53A-1-1601]. <u>53G-7-1101.</u> Definitions.
7175	As used in this part:
7176	(1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of
7177	assigning a public school a classification or region.
7178	(2) "Appeals panel" means the appeals panel created in Section [53A-1-1606]
7179	<u>53G-7-1106</u> .
7180	(3) (a) "Association" means an organization that governs or regulates a student's
7181	participation in an athletic interscholastic activity.
7182	(b) "Association" does not include an institution of higher education described in
7183	Section 53B-1-102.
7184	(4) "Classification" means the designation of a school based on the size of the school's
7185	student enrollment population for purposes of interscholastic activities.
7186	(5) "Eligibility" means eligibility to participate in an interscholastic activity regulated
7187	or governed by an association.
7188	(6) "Governing body" means a body within an association that:
7189	(a) is responsible for:
7190	(i) adopting rules or policies that govern interscholastic activities or the administration
7191	of the association;
7192	(ii) adopting or amending the association's governing document or bylaws;
7193	(iii) enforcing the rules and policies of the association; and
7194	(iv) adopting the association's budget; and
7195	(b) has oversight of other boards, committees, councils, or bodies within the
7196	association.
7197	(7) "Interscholastic activity" means an activity within the state in which:
7198	(a) a student that participates represents the student's school in the activity; and
7199	(b) the participating student is enrolled in grade 9, 10, 11, or 12.
7200	(8) "Public hearing" means a hearing at which members of the public are provided a
7201	reasonable opportunity to comment on the subject of the hearing.
7202	(9) "Region" means a grouping of schools of the same classification for purposes of
7203	interscholastic activities.
7204	Section 238. Section 53G-7-1102 , which is renumbered from Section 53A-1-1602 is

7205	renumbered and amended to read:
7206	[53A-1-1602]. <u>53G-7-1102.</u> Public schools prohibited from membership.
7207	(1) A public school may not be a member of or pay dues to an association that is not in
7208	compliance on or after July 1, 2017, with:
7209	(a) this part;
7210	(b) Title 52, Chapter 4, Open and Public Meetings Act;
7211	(c) Title 63G, Chapter 2, Government Records Access and Management Act; and
7212	(d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
7213	(2) Unless otherwise specified, an association's compliance with or an association
7214	employee or officer's compliance with the provisions described in Subsection (1) does not alter:
7215	(a) the association's public or private status; or
7216	(b) the public or private employment status of the employee or officer.
7217	Section 239. Section 53G-7-1103, which is renumbered from Section 53A-1-1603 is
7218	renumbered and amended to read:
7219	[53A-1-1603]. <u>53G-7-1103.</u> Governing body membership.
7220	(1) (a) A governing body shall have 15 members as follows:
7221	(i) six members who:
7222	(A) are each an elected member of a local school board; and
7223	(B) each represent a different classification;
7224	(ii) (A) one school superintendent representing the two largest classifications;
7225	(B) one school superintendent representing the two classifications that are next in
7226	diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A);
7227	and
7228	(C) one school superintendent representing the two classifications that are next in
7229	diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);
7230	(iii) (A) one school principal representing the two largest classifications;
7231	(B) one school principal representing the two classifications that are next in
7232	diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A);
7233	and
7234	(C) one school principal representing the two classifications that are next in
7235	diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);

7236	(iv) one representative of charter schools;
7237	(v) one representative of private schools, if private schools are members of or regulated
7238	by the association; and
7239	(vi) one member representing the State Board of Education.
7240	(b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be
7241	elected or appointed by or represent charter or private schools on the governing body.
7242	(2) (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected,
7243	appointed, or otherwise selected in accordance with association rule or policy to the extent the
7244	selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).
7245	(b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of
7246	the State Board of Education or the chair's designee if the designee is an elected member of the
7247	State Board of Education.
7248	Section 240. Section 53G-7-1104, which is renumbered from Section 53A-1-1604 is
7249	renumbered and amended to read:
7250	[53A-1-1604]. <u>53G-7-1104.</u> Reporting requirements.
7251	An association shall provide a verbal report, accompanied by a written report, annually
7252	to the State Board of Education, including:
7253	(1) the association's annual budget in accordance with Section [53A-1-1605]
7254	<u>53G-7-1105;</u>
7255	(2) a schedule of events scheduled or facilitated by the association;
7256	(3) procedures for alignment or realignment;
7257	(4) any amendments or changes to the association's governing document or bylaws; and
7258	(5) any other information requested by the State Board of Education.
7259	Section 241. Section 53G-7-1105 , which is renumbered from Section 53A-1-1605 is
7260	renumbered and amended to read:
7261	[53A-1-1605]. <u>53G-7-1105.</u> Association budgets.
7262	(1) An association shall:
7263	(a) adopt a budget in accordance with this section; and
7264	(b) use uniform budgeting, accounting, and auditing procedures and forms, which shall
7265	be in accordance with generally accepted accounting principles or auditing standards.
7266	(2) An association budget officer or executive director shall annually prepare a

- tentative budget, with supporting documentation, to be submitted to the governing body.
- 7268 (3) The tentative budget and supporting documents shall include the following items:
- 7269 (a) the revenues and expenditures of the preceding fiscal year;
- 7270 (b) the estimated revenues and expenditures of the current fiscal year;
- 7271 (c) a detailed estimate of the essential expenditures for all purposes for the next
- 7272 succeeding fiscal year; and
- 7273 (d) the estimated financial condition of the association by funds at the close of the current fiscal year.
- 7275 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,
- before the date of the tentative budget's proposed adoption by the governing body.
- 7277 (5) The governing body shall adopt a budget.
- 7278 (6) Before the adoption or amendment of a budget, the governing body shall hold a public hearing on the proposed budget or budget amendment.
- 7280 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings 7281 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the
- 7282 public hearing, a governing body shall:
- 7283 (i) publish a notice of the public hearing electronically in accordance with Section
- 7284 63F-1-701; and
- 7285 (ii) post the proposed budget on the association's Internet website.
- 7286 (b) A notice of a public hearing on an association's proposed budget shall include
- information on how the public may access the proposed budget as provided in Subsection
- 7288 (7)(a).
- 7289 (8) No later than September 30 of each year, the governing body shall file a copy of the
- adopted budget with the state auditor and the State Board of Education.
- Section 242. Section **53G-7-1106**, which is renumbered from Section 53A-1-1606 is
- 7292 renumbered and amended to read:
- 7293 [53A-1-1606]. 53G-7-1106. Procedures for disputes -- Appeals -- Appeals
- 7294 panel -- Compensation.
- 7295 (1) (a) An association shall establish a uniform procedure for hearing and deciding:
- 7296 (i) disputes;
- 7297 (ii) allegations of violations of the association's rules or policies;

7298	(iii) requests to establish eligibility after a student transfers schools; and
7299	(iv) disputes related to alignment or realignment.
7300	(b) An individual may appeal to an appeals panel established in this section an
7301	association decision regarding a request to establish eligibility after a student transfers schools.
7302	(2) (a) There is established an appeals panel for an association decision described in
7303	Subsection (1)(b).
7304	(b) The appeals panel shall consist of the following three members:
7305	(i) a judge or attorney who is not employed by, or contracts with, a school;
7306	(ii) a retired educator, principal, or superintendent; and
7307	(iii) a retired athletic director or coach.
7308	(c) A review and decision by the appeals panel is limited to whether the association
7309	properly followed the association's rules and procedures in regard to a decision described in
7310	Subsection (1)(b).
7311	(d) (i) An association shall adopt policies for filing an appeal with the appeals panel.
7312	(ii) The appeals panel shall review an appeal and issue a written decision explaining
7313	the appeals panel's decision no later than 10 business days after an appeal is filed.
7314	(e) The appeals panel's decision is final.
7315	(3) (a) The State Board of Education shall appoint the members of the appeals panel
7316	described in Subsection (2):
7317	(i) from the association's nominations described in Subsection (3)(b); and
7318	(ii) in accordance with the State Board of Education's appointment process.
7319	(b) (i) The association shall nominate up to three individuals for each position
7320	described in Subsection (2) for the State Board of Education's consideration.
7321	(ii) If the State Board of Education refuses to appoint members to the panel who were
7322	nominated by the association as described in Subsection (3)(b)(i), the State Board of Education
7323	shall request additional nominations from the association.
7324	(iii) No later than 45 days after the association provides the nominations, the State
7325	Board of Education shall appoint to the appeals panel an individual from the names provided
7326	by the association.
7327	(c) For the initial membership, the State Board of Education shall appoint two of the
7328	positions having an initial term of three years and one position having an initial term of two

- 7329 years. 7330 (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire, 7331 the State Board of Education shall appoint each new member or reappointed member to a 7332 two-year term. 7333 (e) When a vacancy occurs in the membership for any reason, the replacement shall be 7334 appointed for the unexpired term. 7335 (4) The State Board of Education shall reimburse an association for per diem and travel 7336 expenses of members of the appeals panel. 7337 Section 243. Section **53G-7-1201** is enacted to read: 7338 Part 12. School Community Councils and Charter Trust Land Councils 7339 **53G-7-1201.** Definitions. 7340 Reserved 7341 Section 244. Section 53G-7-1202, which is renumbered from Section 53A-1a-108 is 7342 renumbered and amended to read: 7343 [53A-1a-108]. 53G-7-1202. School community councils -- Duties --7344 **Composition** -- **Election procedures and selection of members.** 7345 (1) As used in this section: 7346 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy 7347 behavior related to technology use, including digital literacy, ethics, etiquette, and security. 7348 (b) "District school" means a public school under the control of a local school board 7349 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School 7350 Boards. 7351 (c) "Educator" means the same as that term is defined in Section [53A-6-103] 7352 53E-6-102. 7353 (d) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who: 7354 7355 (A) is attending the school; or 7356 (B) will be enrolled at the school during the parent's or guardian's term of office. 7357 (ii) "Parent or guardian member" may not include an educator who is employed at the
 - (e) "School community council" means a council established at a district school in

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school.

7360 accordance with this section. 7361 (f) "School employee member" means a member of a school community council who is 7362 a person employed at the school by the school or school district, including the principal. 7363 (g) "School LAND Trust Program money" means money allocated to a school pursuant 7364 to Section [53A-16-101.5] 53F-2-404. 7365 (2) A district school, in consultation with the district school's local school board, shall 7366 establish a school community council at the school building level for the purpose of: 7367 (a) involving parents or guardians of students in decision making at the school level; 7368 (b) improving the education of students; 7369 (c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents and guardians, school employees, and 7370 7371 the local school board: and 7372 (d) increasing public awareness of: 7373 (i) school trust lands and related land policies; 7374 (ii) management of the State School Fund established in Utah Constitution Article X, 7375 Section V; and 7376 (iii) educational excellence. 7377 (3) (a) Except as provided in Subsection (3)(b), a school community council shall: (i) create a school improvement plan in accordance with Section [53A-1a-108.5] 7378 7379 53G-7-1204; 7380 (ii) create the School LAND Trust Program in accordance with Section [53A-16-101.5] 7381 53F-2-404; 7382 (iii) advise and make recommendations to school and school district administrators and 7383 the local school board regarding: 7384 (A) the school and its programs; 7385 (B) school district programs; 7386 (C) a child access routing plan in accordance with Section [53A-3-402] 53G-4-402; 7387 (D) safe technology utilization and digital citizenship; and 7388 (E) other issues relating to the community environment for students; 7389 (iv) provide for education and awareness on safe technology utilization and digital

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citizenship that empowers:

7391	(A) a student to make smart media and online choices; and
7392	(B) a parent or guardian to know how to discuss safe technology use with the parent's
7393	or guardian's child; and
7394	(v) partner with the school's principal and other administrators to ensure that adequate
7395	on and off campus Internet filtering is installed and consistently configured to prevent viewing
7396	of harmful content by students and school personnel, in accordance with local school board
7397	policy and Subsection [53A-1-706] <u>53G-7-216</u> (3).
7398	(b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
7399	and (v), a school community council may:
7400	(i) partner with one or more non-profit organizations; or
7401	(ii) create a subcommittee.
7402	(c) A school or school district administrator may not prohibit or discourage a school
7403	community council from discussing issues, or offering advice or recommendations, regarding
7404	the school and its programs, school district programs, the curriculum, or the community
7405	environment for students.
7406	(4) (a) Each school community council shall consist of school employee members and
7407	parent or guardian members in accordance with this section.
7408	(b) Except as provided in Subsection (4)(c) or (d):
7409	(i) each school community council for a high school shall have six parent or guardian
7410	members and four school employee members, including the principal; and
7411	(ii) each school community council for a school other than a high school shall have
7412	four parent or guardian members and two school employee members, including the principal.
7413	(c) A school community council may determine the size of the school community
7414	council by a majority vote of a quorum of the school community council provided that:
7415	(i) the membership includes two or more parent or guardian members than the number
7416	of school employee members; and
7417	(ii) there are at least two school employee members on the school community council.
7418	(d) (i) The number of parent or guardian members of a school community council who
7419	are not educators employed by the school district shall exceed the number of parent or guardian
7420	members who are educators employed by the school district.
7421	(ii) If, after an election, the number of parent or guardian members who are not

educators employed by the school district does not exceed the number of parent or guardian members who are educators employed by the school district, the parent or guardian members of the school community council shall appoint one or more parent or guardian members to the school community council so that the number of parent or guardian members who are not educators employed by the school district exceeds the number of parent or guardian members who are educators employed by the school district.

- (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.
- (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.
- (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a student attending the school may vote in, or run as a candidate in, the election under Subsection (5)(b)(i).
- (B) If an election is held in the spring, a parent or guardian of a student who will be attending the school the following school year may vote in, and run as a candidate in, the election under Subsection (5)(b)(i).
- (iii) Any parent or guardian of a student who meets the qualifications of this section may file or declare the parent's or guardian's candidacy for election to a school community council.
- (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the election of parent or guardian members of a school community council shall be established by a local school board for the schools within the school district.
- (B) An election for the parent or guardian members of a school community council shall be held near the beginning of the school year or held in the spring and completed before the last week of school.
- (C) Each school shall establish a time period for the election of parent or guardian members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at least a four-year period.

(c) (i) At least 10 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee, shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in, and run as a candidate in, an election under this Subsection (5).

(ii) The notice shall include:

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- 7458 (A) the dates and times of the elections;
- 7459 (B) a list of council positions that are up for election; and
- 7460 (C) instructions for becoming a candidate for a community council position.
- 7461 (iii) The principal of the school, or the principal's designee, shall oversee the elections 7462 held under Subsections (5)(a) and (5)(b).
 - (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box.
 - (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.
 - (e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.
 - (ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.
 - (iii) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a two-year term.
 - (f) (i) If the number of candidates who file for a parent or guardian position or school employee position on a school community council is less than or equal to the number of open positions, an election is not required.
 - (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian position remains unfilled, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.
 - (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains unfilled, the other school employee members of the council shall appoint a school employee who meets the qualifications of this section to fill the position.

7484	(g) The principal shall enter the names of the council members on the School LAND
7485	Trust website on or before October 20 of each year, pursuant to Section [53A-1a-108.1]
7486	<u>53G-7-1203</u> .
7487	(h) Terms shall be staggered so that approximately half of the council members stand
7488	for election each year.
7489	(i) A school community council member may serve successive terms provided the
7490	member continues to meet the definition of a parent or guardian member or school employee
7491	member as specified in Subsection (1).
7492	(j) Each school community council shall elect:
7493	(i) a chair from its parent or guardian members; and
7494	(ii) a vice chair from either its parent or guardian members or school employee
7495	members, excluding the principal.
7496	(6) (a) A school community council may create subcommittees or task forces to:
7497	(i) advise or make recommendations to the council; or
7498	(ii) develop all or part of a plan listed in Subsection (3).
7499	(b) Any plan or part of a plan developed by a subcommittee or task force shall be
7500	subject to the approval of the school community council.
7501	(c) A school community council may appoint individuals who are not council members
7502	to serve on a subcommittee or task force, including parents or guardians, school employees, or
7503	other community members.
7504	(7) (a) A majority of the members of a school community council is a quorum for the
7505	transaction of business.
7506	(b) The action of a majority of the members of a quorum is the action of the school
7507	community council.
7508	(8) A local school board shall provide training for a school community council each
7509	year, including training:
7510	(a) for the chair and vice chair about their responsibilities;
7511	(b) on resources available on the School LAND Trust website; and
7512	(c) on the following statutes governing school community councils:
7513	(i) Section [53A-1a-108] <u>53G-7-1202</u> ;
7514	(ii) Section [53A-1a-108.1] <u>53G-7-1203</u> ;

7515	(iii) Section [53A-1a-108.5] <u>53G-7-1204</u> ; and
7516	(iv) Section [53A-16-101.5] <u>53F-2-404</u> .
7517	Section 245. Section 53G-7-1203, which is renumbered from Section 53A-1a-108.1 is
7518	renumbered and amended to read:
7519	[53A-1a-108.1]. <u>53G-7-1203.</u> School community councils Open and public
7520	meeting requirements.
7521	(1) As used in this section:
7522	(a) (i) "Charter trust land council" means a council established by a charter school
7523	governing board under Section [53A-16-101.5] <u>53F-2-404</u> .
7524	(ii) "Charter trust land council" does not include a charter school governing board
7525	acting as a charter trust land council.
7526	(b) "School community council" means a council established at a school within a
7527	school district under Section [53A-1a-108] <u>53G-7-1202</u> .
7528	(c) "Council" means a school community council or a charter trust land council.
7529	(2) A school community council or a charter trust land council:
7530	(a) shall conduct deliberations and take action openly as provided in this section; and
7531	(b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.
7532	(3) (a) As required by Section [53A-1a-108] 53G-7-1202, a local school board shall
7533	provide training for the members of a school community council on this section.
7534	(b) A charter school governing board shall provide training for the members of a
7535	charter trust land council on this section.
7536	(4) (a) A meeting of a council is open to the public.
7537	(b) A council may not close any portion of a meeting.
7538	(5) A council shall, at least one week prior to a meeting, post the following information
7539	on the school's website:
7540	(a) a notice of the meeting, time, and place;
7541	(b) an agenda for the meeting; and
7542	(c) the minutes of the previous meeting.
7543	(6) (a) On or before October 20, a principal shall post the following information on the
7544	school website and in the school office:
7545	(i) the proposed council meeting schedule for the year;

7546	(ii) a telephone number or email address, or both, where each council member can be
7547	reached directly; and
7548	(iii) a summary of the annual report required under Section [53A-16-101.5] 53F-2-404
7549	on how the school's School LAND Trust Program money was used to enhance or improve
7550	academic excellence at the school and implement a component of the school's improvement
7551	plan.
7552	(b) (i) A council shall identify and use methods of providing the information listed in
7553	Subsection (6)(a) to a parent or guardian who does not have Internet access.
7554	(ii) Money allocated to a school under the School LAND Trust Program created in
7555	Section [53A-16-101.5] 53F-2-404 may not be used to provide information as required by
7556	Subsection (6)(b)(i).
7557	(7) (a) The notice requirement of Subsection (5) may be disregarded if:
7558	(i) because of unforeseen circumstances it is necessary for a council to hold an
7559	emergency meeting to consider matters of an emergency or urgent nature; and
7560	(ii) the council gives the best notice practicable of:
7561	(A) the time and place of the emergency meeting; and
7562	(B) the topics to be considered at the emergency meeting.
7563	(b) An emergency meeting of a council may not be held unless:
7564	(i) an attempt has been made to notify all the members of the council; and
7565	(ii) a majority of the members of the council approve the meeting.
7566	(8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
7567	to notify the public as to the topics to be considered at the meeting.
7568	(b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
7569	the meeting agenda.
7570	(c) A council may not take final action on a topic in a meeting unless the topic is:
7571	(i) listed under an agenda item as required by Subsection (8)(b); and
7572	(ii) included with the advance public notice required by Subsection (5).
7573	(9) (a) Written minutes shall be kept of a council meeting.
7574	(b) Written minutes of a council meeting shall include:
7575	(i) the date, time, and place of the meeting;
7576	(ii) the names of members present and absent;

7577	(iii) a brief statement of the matters proposed, discussed, or decided;
7578	(iv) a record, by individual member, of each vote taken;
7579	(v) the name of each person who:
7580	(A) is not a member of the council; and
7581	(B) after being recognized by the chair, provided testimony or comments to the
7582	council;
7583	(vi) the substance, in brief, of the testimony or comments provided by the public under
7584	Subsection (9)(b)(v); and
7585	(vii) any other information that is a record of the proceedings of the meeting that any
7586	member requests be entered in the minutes.
7587	(c) The written minutes of a council meeting:
7588	(i) are a public record under Title 63G, Chapter 2, Government Records Access and
7589	Management Act; and
7590	(ii) shall be retained for three years.
7591	(10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of
7592	rules that govern and prescribe in a public meeting:
7593	(i) parliamentary order and procedure;
7594	(ii) ethical behavior; and
7595	(iii) civil discourse.
7596	(b) A council shall:
7597	(i) adopt rules of order and procedure to govern a public meeting of the council;
7598	(ii) conduct a public meeting in accordance with the rules of order and procedure
7599	described in Subsection (10)(b)(i); and
7600	(iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
7601	to the public:
7602	(A) at each public meeting of the council; and
7603	(B) on the school's website.
7604	Section 246. Section 53G-7-1204, which is renumbered from Section 53A-1a-108.5 is
7605	renumbered and amended to read:
7606	[53A-1a-108.5]. <u>53G-7-1204.</u> School improvement plan.
7607	(1) (a) A school community council established under Section [53A-1a-108]

53G-7-1202 shall annually evaluate, with the school's principal, the school's statewide achievement test results, reading achievement plan, class size reduction needs, and technology needs, and use the evaluations in developing a school improvement plan to improve teaching and learning conditions.

- (b) In evaluating statewide achievement test results and developing a school improvement plan, a school community council may not have access to data that reveal the identity of students.
 - (2) A school community council shall develop a school improvement plan that:
- 7616 (a) identifies the school's most critical academic needs;

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- (b) recommends a course of action to meet the identified needs;
- 7618 (c) lists any programs, practices, materials, or equipment that the school will need to 7619 implement its action plan to have a direct impact on the instruction of students and result in 7620 measurable increased student performance;
 - (d) describes how the school intends to enhance or improve academic achievement, including how financial resources available to the school, such as School LAND Trust Program money received under Section [53A-16-101.5] 53F-2-404 and state and federal grants, will be used to enhance or improve academic achievement; and
 - (e) if the school community council represents a school that educates students in kindergarten, grade 1, grade 2, or grade 3, includes a reading achievement plan as described in Section [53A-1-606.5] 53E-4-306.
 - (3) Although a school improvement plan focuses on the school's most critical academic needs, the school improvement plan may include other actions to enhance or improve academic achievement and the community environment for students.
 - (4) The school principal shall make available to the school community council the school budget and other data needed to develop the school improvement plan.
 - (5) The school improvement plan is subject to the approval of the local school board of the school district in which the school is located.
- 7635 (6) A school community council may develop a multiyear school improvement plan, 7636 but the multiyear school improvement plan must be presented to and approved annually by the 7637 local school board.
- 7638 (7) Each school shall:

7639	(a) implement the school improvement plan as developed by the school community
7640	council and approved by the local school board;
7641	(b) provide ongoing support for the council's school improvement plan; and
7642	(c) meet local school board reporting requirements regarding performance and
7643	accountability.
7644	(8) The school community council of a low performing school, as defined in Section
7645	[53A-1-1202] 53E-5-301, shall develop a school improvement plan that is consistent with the
7646	school turnaround plan developed by the school turnaround committee under [Chapter 1, Part
7647	12] Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [Act].
7648	Section 247. Section 53G-8-101 is enacted to read:
7649	CHAPTER 8. DISCIPLINE AND SAFETY
7650	Part 1. General Provisions
7651	<u>53G-8-101.</u> Title.
7652	This chapter is known as "Discipline and Safety."
7653	Section 248. Section 53G-8-102 is enacted to read:
7654	<u>53G-8-102.</u> Definitions.
7655	Reserved
7656	Section 249. Section 53G-8-201 is enacted to read:
7657	Part 2. School Discipline and Conduct Plans
7658	<u>53G-8-201.</u> Definitions.
7659	Reserved
7660	Section 250. Section 53G-8-202, which is renumbered from Section 53A-11-901 is
7661	renumbered and amended to read:
7662	[53A-11-901]. <u>53G-8-202.</u> Public school discipline policies Basis of the
7663	policies Enforcement.
7664	(1) The Legislature recognizes that every student in the public schools should have the
7665	opportunity to learn in an environment which is safe, conducive to the learning process, and
7666	free from unnecessary disruption.
7667	(2) (a) To foster such an environment, each local school board or governing board of a
7668	charter school, with input from school employees, parents and guardians of students, students,
7669	and the community at large, shall adopt conduct and discipline policies for the public schools

- 7670 in accordance with Section [53A-11-911] 53G-8-211.
- 7671 (b) A district or charter school shall base its policies on the principle that every student respected:
- 7673 (i) to follow accepted rules of conduct; and

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- 7674 (ii) to show respect for other people and to obey persons in authority at the school.
- 7675 (c) (i) On or before September 1, 2015, the State Board of Education shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the School Safety and Crisis Line under Subsection [53A-11-1503] 53E-10-502(3).
- 7679 (ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.
 - (d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.
- 7683 (3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents or guardians understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.
- Section 251. Section **53G-8-203**, which is renumbered from Section 53A-11-902 is renumbered and amended to read:
- 7689 [53A-11-902]. 53G-8-203. Conduct and discipline policies and procedures.
- 7690 (1) The conduct and discipline policies required under Section [53A-11-901]
 7691 53G-8-202 shall include:
- 7692 [(1)] (a) provisions governing student conduct, safety, and welfare;
- [(2)] (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
- 7696 [(3)] (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection [(2)] (1)(b);
- [(4)] (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section [53A-11-802] 53G-8-302;

7731	parents Distribution of policies.
7730	[53A-11-903]. <u>53G-8-204.</u> Suspension and expulsion procedures Notice to
7729	renumbered and amended to read:
7728	Section 252. Section 53G-8-204 , which is renumbered from Section 53A-11-903 is
7727	<u>or safety.</u>
7726	(ii) exceptions to the notice provision if detention is necessary for the student's health
7725	on a particular day; and
7724	(i) notice to the parent or guardian of a student prior to holding the student after school
7723	(c) The policy described in Subsection (2)(a) shall provide for:
7722	guardians of the affected students before adopting the policy.
7721	(ii) The board shall receive input from teachers, school administrators, and parents and
7720	students, grades kindergarten through six.
7719	(b) (i) The policy described in Subsection (2)(a) shall apply to elementary school
7718	<u>53G-8-202.</u>
7717	regular school hours as a part of the districtwide discipline plan required under Section
7716	(2) (a) Each local school board shall establish a policy on detaining students after
7715	Crisis Line under Subsection [53A-11-1503] <u>53E-10-502</u> (3).
7714	[(9)] (i) procedures for responding to reports received through the School Safety and
7713	student behavior in accordance with the provisions of this part; and
7712	[(8)] (h) standards and procedures for dealing with habitual disruptive or unsafe
7711	school vehicles, or in connection with school-related activities or events;
7710	preventing and responding to gang-related activities in the school, on school grounds, on
7709	$[\frac{7}{2}]$ (g) specific provisions, consistent with Section [$\frac{53A-15-603}{2}$] $\frac{53E-3-509}{2}$, for
7708	and expulsion;
7707	[(6)] (f) procedures for the imposition of disciplinary sanctions, including suspension
7706	[(d)] (iv) property associated with a person described in Subsection $[(5)(e)]$ (1)(e)(iii);
7705	[(c)] (iii) a person associated with the school; or
7704	[(b)] (ii) school property;
7703	[(a)] (i) the school;
7701	than those referred to in Subsection [$\frac{(2)}{(1)(b)}$, if the conduct threatens harm or does harm to:
7701	[(5)] (e) standards and procedures for dealing with student conduct in locations other

7732	(1) (a) Policies required under this part shall include written procedures for the
7733	suspension and expulsion of, or denial of admission to, a student, consistent with due process
7734	and other provisions of law.
7735	(b) (i) The policies required in Subsection (1)(a) shall include a procedure directing
7736	public schools to notify the custodial parent and, if requested in writing by a noncustodial
7737	parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a
7738	student.
7739	(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would
7740	disclose any information protected under a court order.
7741	(iii) The custodial parent is responsible for providing to the school a certified copy of
7742	the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school
7743	board or the governing board of a charter school.
7744	(2) (a) Each local school board or governing board of a charter school shall provide for
7745	the distribution of a copy of a school's discipline and conduct policy to each student upon
7746	enrollment in the school.
7747	(b) A copy of the policy shall be posted in a prominent location in each school.
7748	(c) Any significant change in a school's conduct and discipline policy shall be
7749	distributed to students in the school and posted in the school in a prominent location.
7750	Section 253. Section 53G-8-205, which is renumbered from Section 53A-11-904 is
7751	renumbered and amended to read:
7752	[53A-11-904]. <u>53G-8-205.</u> Grounds for suspension or expulsion from a
7753	public school.
7754	(1) A student may be suspended or expelled from a public school for any of the
7755	following reasons:
7756	(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive

- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
 - (b) willful destruction or defacing of school property;

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- 7759 (c) behavior or threatened behavior which poses an immediate and significant threat to 7760 the welfare, safety, or morals of other students or school personnel or to the operation of the 7761 school;
 - (d) possession, control, or use of an alcoholic beverage as defined in Section

7763 32B-1-102;

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- (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
 - (f) possession or use of pornographic material on school property.
- 7768 (2) (a) A student shall be suspended or expelled from a public school for any of the following reasons:
- 7770 (i) any serious violation affecting another student or a staff member, or any serious 7771 violation occurring in a school building, in or on school property, or in conjunction with any 7772 school activity, including:
 - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - (B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
- 7777 (C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or
 - (ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.
 - (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
 - (i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent or legal guardian; and
 - (ii) the superintendent, chief administrator, or designee shall determine:
- 7790 (A) what conditions must be met by the student and the student's parent for the student 7791 to return to school;
- 7792 (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section [53A-11-907] 53G-8-208, and what conditions must be met by

the student in order to ensure the safety of students and faculty at the school the student is placed in; and

- (C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or governing board of a charter school and giving highest priority to providing a safe school environment for all students.
- 7800 (3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.
- 7802 (4) A suspension or expulsion under this section is not subject to the age limitations under Subsection [53A-11-102] <u>53G-6-204(1)</u>.
 - (5) Each local school board and governing board of a charter school shall prepare an annual report for the State Board of Education on:
 - (a) each violation committed under this section; and

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- 7807 (b) each action taken by the school district against a student who committed the violation.
- 7809 Section 254. Section **53G-8-206**, which is renumbered from Section 53A-11-905 is renumbered and amended to read:
- 7811 [53A-11-905]. 53G-8-206. Delegation of authority to suspend or expel a student -- Procedure for suspension -- Readmission.
 - (1) (a) A local board of education may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days.
- 7816 (b) A governing board of a charter school may delegate to the chief administrative
 7817 officer of the charter school the power to suspend a student in the charter school for up to 10
 7818 school days.
- 7819 (2) The board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.
- 7822 (3) The board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the board, at least once each year.

7825 (4) If a student is suspended, a designated school official shall notify the parent or 7826 guardian of the student of the following without delay: 7827 (a) that the student has been suspended; 7828 (b) the grounds for the suspension; 7829 (c) the period of time for which the student is suspended; and 7830 (d) the time and place for the parent or guardian to meet with a designated school 7831 official to review the suspension. 7832 (5) (a) A suspended student shall immediately leave the school building and the school 7833 grounds following a determination by the school of the best way to transfer custody of the 7834 student to the parent or guardian or other person authorized by the parent or applicable law to 7835 accept custody of the student. 7836 (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be 7837 readmitted to a public school until: 7838 (i) the student and the parent or guardian have met with a designated school official to 7839 review the suspension and agreed upon a plan to avoid recurrence of the problem; or 7840 (ii) in the discretion of the principal or chief administrative officer of a charter school, 7841 the parent or guardian of the suspended student and the student have agreed to participate in 7842 such a meeting. 7843 (c) A suspension may not extend beyond 10 school days unless the student and the 7844 student's parent or guardian have been given a reasonable opportunity to meet with a 7845 designated school official and respond to the allegations and proposed disciplinary action. 7846 Section 255. Section 53G-8-207, which is renumbered from Section 53A-11-906 is 7847 renumbered and amended to read: 7848 [53A-11-906]. 53G-8-207. Alternatives to suspension or expulsion. 7849 (1) Each local school board or governing board of a charter school shall establish: 7850 (a) policies providing that prior to suspending or expelling a student for repeated acts 7851 of willful disobedience, defiance of authority, or disruptive behavior which are not of such a 7852 violent or extreme nature that immediate removal is required, good faith efforts shall be made 7853 to implement a remedial discipline plan that would allow the student to remain in school; and 7854 (b) alternatives to suspension, including policies that allow a student to remain in 7855 school under an in-school suspension program or under a program allowing the parent or

guardian, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

- (2) If the parent or guardian does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.
- (3) The parent or guardian of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.
- (4) The state superintendent of public instruction, in cooperation with school districts and charter schools, shall:
 - (a) research methods of motivating and providing incentives to students that:
- 7867 (i) directly and regularly reward or recognize appropriate behavior;

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- 7868 (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
 - (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
 - (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel;
- 7879 (e) submit the report described in Subsection (4)(d) to the Education Interim 7880 Committee; and
- 7881 (f) maintain data for purposes of accountability, later reporting, and future analysis.
- Section 256. Section **53G-8-208**, which is renumbered from Section 53A-11-907 is renumbered and amended to read:
- 7884 [53A-11-907]. 53G-8-208. Student suspended or expelled -- Responsibility 7885 of parent or guardian -- Application for students with disabilities.
- 7886 (1) If a student is suspended or expelled from a public school under this part for more

than 10 school days, the parent or guardian is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.

- (2) (a) The parent or guardian shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student.
- (b) The parent or guardian and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.
- (3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent or guardian.
- (4) (a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's transcript.
- (b) The district or charter school shall contact the parent or guardian of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.
- (5) (a) This part applies to students with disabilities to the extent permissible under applicable law or regulation.
- (b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.
- Section 257. Section **53G-8-209**, which is renumbered from Section 53A-11-908 is renumbered and amended to read:
- 7913 [53A-11-908]. 53G-8-209. Extracurricular activities -- Prohibited conduct 7914 -- Reporting of violations -- Limitation of liability.
 - (1) The Legislature recognizes that:
- 7916 (a) participation in student government and extracurricular activities may confer 7917 important educational and lifetime benefits upon students, and encourages school districts and

charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;

- (b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;
 - (c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;
 - (d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and
 - (e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and rules of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.
 - (2) (a) The State Board of Education may, and local boards of education and governing boards of charter schools shall, adopt rules implementing this section that apply to both students and staff.
 - (b) The rules described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section [53A-11-911] 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections [53A-11-902 (5)(a) through (d)] 53G-8-203(1)(e)(i) through (iv):
 - (i) use of foul, abusive, or profane language while engaged in school related activities;
 - (ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and
 - (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.
 - (3) (a) School employees who reasonably believe that a violation of this section may

7949 have occurred shall immediately report that belief to the school principal, district 7950 superintendent, or chief administrative officer of a charter school. 7951 (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the 7952 alleged incident, and actions taken in response, to the district superintendent or the 7953 superintendent's designee within 10 working days after receipt of the report. 7954 (c) Failure of a person holding a professional certificate to report as required under this 7955 Subsection (3) constitutes an unprofessional practice. 7956 (4) Limitations of liability set forth under Section [53A-11-1004] 53G-8-405 apply to 7957 this section. 7958 Section 258. Section 53G-8-210, which is renumbered from Section 53A-11-910 is 7959 renumbered and amended to read: 7960 [53A-11-910]. 53G-8-210. Disruptive student behavior. 7961 (1) As used in this section: 7962 (a) "Disruptive student behavior" includes: 7963 (i) the grounds for suspension or expulsion described in Section [53A-11-904] 7964 53G-8-205; and 7965 (ii) the conduct described in Subsection [53A-11-908] 53G-8-209(2)(b). 7966 (b) "Parent" includes: 7967 (i) a custodial parent of a school-age minor; 7968 (ii) a legally appointed guardian of a school-age minor; or 7969 (iii) any other person purporting to exercise any authority over the minor which could 7970 be exercised by a person described in Subsection (1)(b)(i) or (ii). 7971 (c) "Qualifying minor" means a school-age minor who: 7972 (i) is at least nine years old; or 7973 (ii) turns nine years old at any time during the school year. 7974 (d) "School year" means the period of time designated by a local school board or local

- 7975 charter board as the school year for the school where the school-age minor is enrolled.
- 7976 (2) A local school board, school district, governing board of a charter school, or charter 7977 school may impose administrative penalties in accordance with Section [53A-11-911] 7978 53G-8-211 on a school-age minor who violates this part.
- 7979 (3) (a) A local school board or governing board of a charter school shall:

7980 (i) authorize a school administrator or a designee of a school administrator to issue 7981 notices of disruptive student behavior to qualifying minors; and 7982 (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to 7983 contest a notice of disruptive student behavior. 7984 (b) A school representative shall provide to a parent of a school-age minor, a list of 7985 resources available to assist the parent in resolving the school-age minor's disruptive student 7986 behavior problem. 7987 (c) A local school board or governing board of a charter school shall establish 7988 procedures for a school counselor or other designated school representative to work with a 7989 qualifying minor who engages in disruptive student behavior in order to attempt to resolve the 7990 minor's disruptive student behavior problems. 7991 (4) The notice of disruptive student behavior described in Subsection (3)(a): 7992 (a) shall be issued to a qualifying minor who: 7993 (i) engages in disruptive student behavior, that does not result in suspension or 7994 expulsion, three times during the school year; or 7995 (ii) engages in disruptive student behavior, that results in suspension or expulsion, once 7996 during the school year; 7997 (b) shall require that the qualifying minor and a parent of the qualifying minor: 7998 (i) meet with school authorities to discuss the qualifying minor's disruptive student 7999 behavior; and 8000 (ii) cooperate with the local school board or governing board of a charter school in 8001 correcting the school-age minor's disruptive student behavior; and 8002 (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor. 8003 (5) A habitual disruptive student behavior notice: 8004 (a) may only be issued to a qualifying minor who: 8005 (i) engages in disruptive student behavior, that does not result in suspension or 8006 expulsion, at least six times during the school year; 8007 (ii) (A) engages in disruptive student behavior, that does not result in suspension or 8008 expulsion, at least three times during the school year; and

(B) engages in disruptive student behavior, that results in suspension or expulsion, at

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least once during the school year; or

8011	(iii) engages in disruptive student behavior, that results in suspension or expulsion, at		
8012	least twice during the school year; and		
8013	(b) may only be issued by a school administrator, a designee of a school administrator,		
8014	or a truancy specialist, who is authorized by a local school board or governing board of a local		
8015	charter school to issue a habitual disruptive student behavior notice.		
8016	(6) (a) A qualifying minor to whom a habitual disruptive student behavior notice is		
8017	issued under Subsection (5) may not be referred to the juvenile court.		
8018	(b) Within five days after the day on which a habitual disruptive student behavior		
8019	notice is issued, a representative of the school district or charter school shall provide		
8020	documentation, to a parent of the qualifying minor who receives the notice, of the efforts made		
8021	by a school counselor or representative under Subsection (3)(c).		
8022	Section 259. Section 53G-8-211, which is renumbered from Section 53A-11-911 is		
8023	renumbered and amended to read:		
8024	[53A-11-911]. 53G-8-211. Responses to school-based behavior.		
8025	(1) As used in this section:		
8026	(a) "Class A misdemeanor person offense" means a class A misdemeanor described in		
8027	Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 5b, Sexual Exploitation		
8028	Act.		
8029	(b) "Mobile crisis outreach team" means the same as that term is defined in Section		
8030	78A-6-105.		
8031	(c) "Nonperson class A misdemeanor" means a class A misdemeanor that is not a class		
8032	A misdemeanor person offense.		
8033	(d) "Restorative justice program" means a school-based program that is designed to		
8034	enhance school safety, reduce school suspensions, and limit referrals to court, and is designed		
8035	to help minors take responsibility for and repair the harm of behavior that occurs in school.		
8036	(2) This section applies to a minor enrolled in school who is alleged to have committed		
8037	an offense:		
8038	(a) on school property; or		
8039	(b) that is truancy.		
8040	(3) If the alleged offense is a class C misdemeanor, an infraction, a status offense on		
8041	school property, or truancy, the minor may not be referred to law enforcement or court but may		

8042 be referred to alternative school-related interventions, including: 8043 (a) a mobile crisis outreach team, as defined in Section 78A-6-105; 8044 (b) a receiving center operated by the Division of Juvenile Justice Services in 8045 accordance with Section 62A-7-104; and 8046 (c) a youth court or comparable restorative justice program. 8047 (4) If the alleged offense is a class B misdemeanor or a nonperson class A 8048 misdemeanor, the minor may be referred directly to the juvenile court by the school 8049 administrator or the school administrator's designee, or the minor may be referred to the 8050 alternative interventions in Subsection (3). 8051 Section 260. Section 53G-8-212, which is renumbered from Section 53A-11-806 is 8052 renumbered and amended to read: 8053 53G-8-212. Defacing or damaging school property --[53A-11-806]. 8054 Student's liability -- Work program alternative. 8055 (1) A student who willfully defaces or otherwise damages any school property may be 8056 suspended or otherwise disciplined. 8057 (2) (a) If a school's property has been lost or willfully cut, defaced, or otherwise 8058 damaged, the school may withhold the issuance of an official written grade report, diploma, or 8059 transcript of the student responsible for the damage or loss until the student or the student's 8060 parent or guardian has paid for the damages. 8061 (b) The student's parent or guardian is liable for damages as otherwise provided in 8062 Section 78A-6-1113. 8063 (3) (a) If the student and the student's parent or guardian are unable to pay for the 8064 damages or if it is determined by the school in consultation with the student's parent or 8065 guardian that the student's interests would not be served if the parent or guardian were to pay 8066 for the damages, the school shall provide for a program of work the student may complete in 8067 lieu of the payment. 8068 (b) The school shall release the official grades, diploma, and transcripts of the student 8069 upon completion of the work.

(5) No penalty may be assessed for damages which may be reasonably attributed to

(4) Before any penalties are assessed under this section, the school shall adopt

procedures to ensure that the student's right to due process is protected.

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8073	normal wear and tear.
8074	(6) If the Department of Human Services or a licensed child-placing agency has been
8075	granted custody of the student, the student's records, if requested by the department or agency,
8076	may not be withheld from the department or agency for nonpayment of damages under this
8077	section.
8078	Section 261. Section 53G-8-301 , which is renumbered from Section 53A-11-801 is
8079	renumbered and amended to read:
8080	Part 3. Physical Restraint of Students
8081	[53A-11-801]. <u>53G-8-301.</u> Definitions.
8082	As used in this part:
8083	(1) "Corporal punishment" means the intentional infliction of physical pain upon the
8084	body of a student as a disciplinary measure.
8085	(2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,
8086	shoulder, or back for the purpose of guiding a student to another location.
8087	(3) "Physical restraint" means a personal restriction that immobilizes or significantly
8088	reduces the ability of a student to move the student's arms, legs, body, or head freely.
8089	(4) "School" means a public or private elementary school, secondary school, or
8090	preschool.
8091	(5) "Student" means an individual who is:
8092	(a) under the age of 19 and receiving educational services; or
8093	(b) under the age of 23 and receiving educational services as an individual with a
8094	disability.
8095	Section 262. Section 53G-8-302, which is renumbered from Section 53A-11-802 is
8096	renumbered and amended to read:
8097	[53A-11-802]. <u>53G-8-302.</u> Prohibition of corporal punishment Use of
8098	reasonable and necessary physical restraint.
8099	(1) A school employee may not inflict or cause the infliction of corporal punishment
8100	upon a student.
8101	(2) A school employee may use reasonable and necessary physical restraint in self
8102	defense or when otherwise appropriate to the circumstances to:

(a) obtain possession of a weapon or other dangerous object in the possession or under

8104	the control of a student;
8105	(b) protect a student or another individual from physical injury;
8106	(c) remove from a situation a student who is violent; or
8107	(d) protect property from being damaged, when physical safety is at risk.
8108	(3) Nothing in this section prohibits a school employee from using less intrusive
8109	means, including a physical escort, to address circumstances described in Subsection (2).
8110	(4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or
8111	permit the commission of an act prohibited by this part is void and unenforceable.
8112	(b) An employee may not be subjected to any sanction for failure or refusal to commit
8113	an act prohibited under this part.
8114	(5) A parochial or private school that does not receive state funds to provide for the
8115	education of a student may exempt itself from the provisions of this section by adopting a
8116	policy to that effect and notifying the parents or guardians of students in the school of the
8117	exemption.
8118	(6) This section does not apply to a law enforcement officer as defined in Section
8119	53-13-103.
8120	Section 263. Section 53G-8-303 , which is renumbered from Section 53A-11-803 is
8121	renumbered and amended to read:
8122	[53A-11-803]. <u>53G-8-303.</u> Investigation of complaint Confidentiality
8123	Immunity.
8124	(1) (a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4,
8125	Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.
8126	(b) If a violation is confirmed, school authorities shall take prompt and appropriate
8127	action, including in-service training and other administrative action, to ensure against a
8128	repetition of the violation.
8129	(2) Reports made on violations of this part are subject to the same requirements of
8130	confidentiality as provided under Section 62A-4a-412.
8131	(3) Any school or individual who in good faith makes a report or cooperates in an
8132	investigation by a school or authorized public agency concerning a violation of this part is
8133	immune from any civil or criminal liability that might otherwise result by reason of those
8134	actions.

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8135	Section 264. Section 53G-8-304 , which is renumbered from Section 53A-11-804 is		
8136	renumbered and amended to read:		
8137	[53A-11-804]. <u>53G-8-304.</u> Liability.		
8138	(1) (a) Corporal punishment which would, but for this part, be considered to be		
8139	reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any		
8140	civil or criminal action.		
8141	(b) A court of competent jurisdiction may take appropriate action against any		
8142	employing entity if the court finds that the employing entity has not taken reasonable steps to		
8143	enforce the provisions of this part.		
8144	(2) Civil or criminal action may proceed without hindrance in the case of corporal		
8145	punishment which would not be reasonable discipline under Sections 76-2-401 and		
8146	[53A-11-805] <u>53G-8-305</u> .		
8147	Section 265. Section 53G-8-305 , which is renumbered from Section 53A-11-805 is		
8148	renumbered and amended to read:		
8149	[53A-11-805]. <u>53G-8-305.</u> Exception.		
8150	Behavior reduction intervention which is in compliance with Section 76-2-401 and with		
8151	state and local rules adopted under Section [$\frac{53A-15-301}{2}$] $\frac{53E-7-202}{2}$ is excepted from this part.		
8152	Section 266. Section 53G-8-401 is enacted to read:		
8153	Part 4. Juvenile Court and Law Enforcement Notification to Public Schools		
8154	<u>53G-8-401.</u> Definitions.		
8155	Reserved		
8156	Section 267. Section 53G-8-402, which is renumbered from Section 53A-11-1001 is		
8157	renumbered and amended to read:		
8158	[53A-11-1001]. Solution by juvenile court and law		
8159	enforcement agencies.		
8160	(1) Notifications received from the juvenile court or law enforcement agencies by the		
8161	school district pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(b) are governed by		
8162	this part.		
8163	(2) School districts may enter into agreements with law enforcement agencies for		
8164	notification under Subsection (1).		
8165	Section 268. Section 53G-8-403, which is renumbered from Section 53A-11-1002 is		

8166	renumbered and amended to read:
8167	[53A-11-1002]. 53G-8-403. Superintendent required to notify school.
8168	(1) Within three days of receiving the information from the juvenile court or a law
8169	enforcement agency, the district superintendent shall notify the principal of the school the
8170	juvenile attends or last attended.
8171	(2) Upon receipt of the information, the principal shall:
8172	(a) make a notation in a secure file other than the student's permanent file; and
8173	(b) if the student is still enrolled in the school, notify staff members who, in his
8174	opinion, should know of the adjudication.
8175	(3) A person receiving information pursuant to this part may only disclose the
8176	information to other persons having both a right and a current need to know.
8177	(4) Access to secure files shall be limited to persons authorized to receive information
8178	under this part.
8179	Section 269. Section 53G-8-404, which is renumbered from Section 53A-11-1003 is
8180	renumbered and amended to read:
8181	[53A-11-1003]. <u>53G-8-404.</u> Board to set procedures.
8182	The State Board of Education shall make rules governing the dissemination of the
8183	information.
8184	Section 270. Section 53G-8-405 , which is renumbered from Section 53A-11-1004 is
8185	renumbered and amended to read:
8186	[53A-11-1004]. <u>53G-8-405.</u> Liability for release of information.
8187	(1) The district superintendent, principal, and any staff member notified by the
8188	principal may not be held liable for information which may become public knowledge unless it
8189	can be shown by clear and convincing evidence that the information became public knowledge
8190	through an intentional act of the superintendent, principal, or a staff member.
8191	(2) A person receiving information under Subsection 78A-6-112(3)(b)[- 7] or
8192	78A-6-117(1)(b), or Section [53A-11-1002] <u>53G-8-403</u> is immune from any liability, civil or
8193	criminal, for acting or failing to act in response to the information unless the person acts or
8194	fails to act due to malice, gross negligence, or deliberate indifference to the consequences.
8195	Section 271. Section 53G-8-501 , which is renumbered from Section 53A-11-401 is
8196	renumbered and amended to read:

8197	Part 5. Substance Abuse Reporting and Weapons Notification
8198	[53A-11-401]. <u>53G-8-501.</u> Definitions.
8199	For purposes of Sections [53A-11-402] <u>53G-8-502</u> through [53A-11-404] <u>53G-8-504</u> :
8200	(1) "Educator" means a person employed by a public school, but excludes those
8201	employed by institutions of higher education.
8202	(2) "Prohibited act" means an act prohibited by Section [53A-3-501] 53G-8-602,
8203	relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5,
8204	relating to drug paraphernalia.
8205	Section 272. Section 53G-8-502 , which is renumbered from Section 53A-11-402 is
8206	renumbered and amended to read:
8207	[53A-11-402]. <u>53G-8-502.</u> Mandatory reporting of prohibited acts.
8208	If an educator has reasonable cause to believe that a student at the public school where
8209	the educator is employed has committed a prohibited act, he shall immediately report that to
8210	the school's designated educator.
8211	Section 273. Section 53G-8-503 , which is renumbered from Section 53A-11-403 is
8212	renumbered and amended to read:
8213	[53A-11-403]. <u>53G-8-503.</u> Reporting procedure.
8214	(1) The principal of a public school affected by this chapter shall appoint one educator
8215	as the "designated educator" to make all reports required under Sections [53A-11-401]
8216	<u>53G-8-501</u> through [53A-11-404] <u>53G-8-504</u> .
8217	(2) The designated educator, upon receiving a report of a prohibited act from an
8218	educator under Section [53A-11-402] 53G-8-502, shall immediately report the violation to the
8219	student's parent or legal guardian, and may report the violation to an appropriate law
8220	enforcement agency or official, in accordance with Section [53A-11-911] 53G-8-211.
8221	(3) The designated educator may not disclose to the student or to the student's parent or
8222	legal guardian the identity of the educator who made the initial report.
8223	Section 274. Section 53G-8-504 , which is renumbered from Section 53A-11-404 is
8224	renumbered and amended to read:
8225	[53A-11-404]. <u>53G-8-504.</u> Immunity from civil or criminal liability.
8226	An educator who in good faith makes a report under Sections [53A-11-402] 53G-8-502
8227	and [53A-11-403] <u>53G-8-503</u> is immune from any liability, civil or criminal, that might

8228	otherwise result from that action.		
8229	Section 275. Section 53G-8-505 , which is renumbered from Section 53A-11-1301 is		
8230	renumbered and amended to read:		
8231	[53A-11-1301]. <u>53G-8-505.</u> Definitions.		
8232	For purposes of Sections 53G-8-506 through 53G-8-509:		
8233	(1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply [to this part] to		
8234	Sections 53G-8-506 through 53G-8-509.		
8235	[(2) As used in this part:]		
8236	$[\frac{(a)}{2}]$ "Prohibited act" means an act punishable under Section [53A-3-501]		
8237	53G-8-602, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled		
8238	Substances Act.		
8239	[(b)] (3) "School" means a public or private elementary or secondary school.		
8240	Section 276. Section 53G-8-506 , which is renumbered from Section 53A-11-1302 is		
8241	renumbered and amended to read:		
8242	[53A-11-1302]. <u>53G-8-506.</u> Reporting of prohibited acts affecting a school		
8243	Confidentiality.		
8244	(1) A person who has reasonable cause to believe that an individual has committed a		
8245	prohibited act shall, in accordance with Section [53A-11-911] 53G-8-211, immediately notify:		
8246	(a) the principal;		
8247	(b) an administrator of the affected school;		
8248	(c) the superintendent of the affected school district; or		
8249	(d) an administrator of the affected school district.		
8250	(2) If notice is given to a school official, the official may authorize an investigation		
8251	into allegations involving school property, students, or school district employees.		
8252	(3) A school official may only refer a complaint of an alleged prohibited act reported as		
8253	occurring on school grounds or in connection with school-sponsored activities to an		
8254	appropriate law enforcement agency in accordance with Section [53A-11-911] 53G-8-211.		
8255	(4) The identity of persons making reports pursuant to this section shall be kept		
8256	confidential.		
8257	Section 277. Section 53G-8-507 , which is renumbered from Section 53A-11-1303 is		
8258	renumbered and amended to read:		

8259	[53A-11-1303].	<u>53G-8-507.</u>	Immunity from civil or criminal liability.
8260	Any person, official,	or institution,	other than a law enforcement officer or law
8261	enforcement agency, partici	pating in good	faith in making a report or conducting an
8262	investigation under the direct	ction of school	or law enforcement authorities under [this part]
8263	Section 53G-8-505, 53G-8-	506, 53G-8-50	8, or 53G-8-509, is immune from any liability, civil
8264	or criminal, that otherwise r	night result by	reason of that action.
8265	Section 278. Section	n 53G-8-508 , v	which is renumbered from Section 53A-11-1304 is
8266	renumbered and amended to	read:	
8267	[53A-11-1304].	<u>53G-8-508.</u>	Admissibility of evidence in civil and criminal
8268	actions.		
8269	(1) Evidence relatin	g to [violation	s of this part] a violation of Section 53G-8-505,
8270	53G-8-506, 53G-8-509, or 5	<u>53G-9-507,</u> wh	ich is seized by school authorities acting alone, on
8271	their own authority, and not	in conjunction	n with or at the behest of law enforcement authorities
8272	is admissible in civil and cri	minal actions.	
8273	(2) A search under t	his section mu	ast be based on at least a reasonable belief that the
8274	search will turn up evidence	of a violation	of this part. The measures adopted for the search
8275	must be reasonably related t	o the objective	es of the search and not excessively intrusive in light
8276	of the circumstances, including the age and sex of the person involved and the nature of the		
8277	infraction.		
8278	Section 279. Section	n 53G-8-509 , v	which is renumbered from Section 53A-11-1305 is
8279	renumbered and amended to	read:	
8280	[53A-11-1305].	<u>53G-8-509.</u>	Board rules to ensure protection of individual
8281	rights.		
8282	The State Board of I	Education and I	local boards of education shall adopt rules to
8283	implement [this part] Section	ns 53G-8-505	through 53G-8-508. The rules shall establish
8284	procedures to ensure protect	tion of individu	ual rights against excessive and unreasonable
8285	intrusion.		
8286	Section 280. Section	n 53G-8-510 , v	which is renumbered from Section 53A-11-1101 is
8287	renumbered and amended to	read:	
8288	[53A-11-1101].	<u>53G-8-510.</u>	Notification of teachers of weapons on school
8289	property Immunity from	n civil and cri	minal liability.

8290	(1) Whenever a student is found on school property during school hours or at a		
8291	school-sponsored activity in possession of a dangerous weapon and that information is reported		
8292	to or known by the principal, the principal shall notify law enforcement personnel and school		
8293	or district personnel who, in the opinion of the principal, should be informed.		
8294	(2) A person who in good faith reports information under Subsection (1) and any		
8295	person who receives the information is immune from any liability, civil or criminal, that might		
8296	otherwise result from the reporting or receipt of the information.		
8297	Section 281. Section 53G-8-601 is enacted to read:		
8298	Part 6. Criminal Offenses and Traffic Ordinances		
8299	<u>53G-8-601.</u> Definitions.		
8300	Reserved		
8301	Section 282. Section 53G-8-602, which is renumbered from Section 53A-3-501 is		
8302	renumbered and amended to read:		
8303	[53A-3-501]. <u>53G-8-602.</u> Possession or consumption of alcoholic beverages		
8304	at school or school-sponsored activities Penalty.		
8305	(1) Except as approved by a local school board as part of the curriculum, a person may		
8306	not possess or drink an alcoholic beverage:		
8307	(a) inside or on the grounds of any building owned or operated by a part of the public		
8308	education system; or		
8309	(b) in those portions of any building, park, or stadium which are being used for an		
8310	activity sponsored by or through any part of the public education system.		
8311	(2) (a) Subsection (1)(a) does not apply to property owned by a school district in		
8312	contemplation of future use for school purposes while the property is under lease to another		
8313	party.		
8314	(b) (i) For purposes of Subsection (2)(a), a lease must be full time for a period of not		
8315	less than two years.		
8316	(ii) The property may not be used for school purposes at any time during the lease		
8317	period.		
8318	(3) Violation of this section is a class B misdemeanor.		
8319	Section 283. Section 53G-8-603 , which is renumbered from Section 53A-3-503 is		
8320	renumbered and amended to read:		

8321	[53A-3-503].	53G-8-603. Criminal trespass upon school property		
8322	Penalty.			
8323	(1) A person is guilty of criminal trespass upon school property if the person does the			
8324	following:			
8325	(a) enters or remains	unlawfully upon school property, and:		
8326	(i) intends to cause a	innoyance or injury to a person or damage to property on the		
8327	school property;			
8328	(ii) intends to comm	it a crime; or		
8329	(iii) is reckless as to	whether the person's presence will cause fear for the safety of		
8330	another; or			
8331	(b) enters or remains	s without authorization upon school property if notice against entry		
8332	or remaining has been given	by:		
8333	(i) personal commun	nication to the person by a school official or an individual with		
8334	apparent authority to act for	a school official;		
8335	(ii) the posting of sig	gns reasonably likely to come to the attention of trespassers;		
8336	(iii) fencing or other	enclosure obviously designed to exclude trespassers; or		
8337	(iv) a current order of	of suspension or expulsion.		
8338	(2) As used in this se	ection:		
8339	(a) "Enter" means in	trusion of the entire body.		
8340	(b) "School official"	means a public or private school administrator or person in charge		
8341	of a school program or activi	ity.		
8342	(c) "School property	" means real property owned or occupied by a public or private		
8343	school, including real proper	ty temporarily occupied for a school activity or program.		
8344	(3) Violation of this	section is a class B misdemeanor.		
8345	Section 284. Section	53G-8-604 , which is renumbered from Section 53A-3-504 is		
8346	renumbered and amended to	read:		
8347	[53A-3-504].	53G-8-604. Traffic ordinances on school property		
8348	Enforcement.			
8349	(1) A local political	subdivision in which real property is located that belongs to, or is		
8350	controlled by, the State Boar	d of Education, a local board of education, an area vocational		
8351	center, or the Schools for the	Deaf and the Blind may, at the request of the responsible board of		

8352	education or institutional council, adopt ordinances for the control of vehicular traffic on that		
8353	property.		
8354	(2) A law enforcement officer whose jurisdiction includes the property in question may		
8355	enforce an ordinance adopted under Subsection (1).		
8356	Section 285. Section 53G-8-701, which is renumbered from Section 53A-11-1602 is		
8357	renumbered and amended to read:		
8358	Part 7. School Resource Officers		
8359	[53A-11-1602]. <u>53G-8-701.</u> Definitions.		
8360	As used in this section:		
8361	(1) "Governing authority" means:		
8362	(a) for a school district, the local school board;		
8363	(b) for a charter school, the governing board; or		
8364	(c) for the Utah Schools for the Deaf and the Blind, the State Board of Education.		
8365	(2) "Law enforcement agency" means the same as that term is defined in Section		
8366	53-1-102.		
8367	(3) "Local education agency" or "LEA" means:		
8368	(a) a school district;		
8369	(b) a charter school; or		
8370	(c) the Utah Schools for the Deaf and the Blind.		
8371	(4) "School resource officer" or "SRO" means a law enforcement officer, as defined in		
8372	Section 53-13-103, who contracts with or whose law enforcement agency contracts with an		
8373	LEA to provide law enforcement services for the LEA.		
8374	Section 286. Section 53G-8-702, which is renumbered from Section 53A-11-1603 is		
8375	renumbered and amended to read:		
8376	[53A-11-1603]. <u>53G-8-702.</u> School resource officer training Curriculum.		
8377	(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the		
8378	State Board of Education shall make rules that prepare and make available a training program		
8379	for school principals and school resource officers to attend.		
8380	(2) To create the curriculum and materials for the training program described in		
8381	Subsection (1), the State Board of Education shall:		
8382	(a) work in conjunction with the State Commission on Criminal and Juvenile Justice		

8383	created in Section 63M-7-201;
8384	(b) solicit input from local school boards, charter school governing boards, and the
8385	Utah Schools for the Deaf and the Blind;
8386	(c) solicit input from local law enforcement and other interested community
8387	stakeholders; and
8388	(d) consider the current United States Department of Education recommendations on
8389	school discipline and the role of a school resource officer.
8390	(3) The training program described in Subsection (1) may include training on the
8391	following:
8392	(a) childhood and adolescent development;
8393	(b) responding age-appropriately to students;
8394	(c) working with disabled students;
8395	(d) techniques to de-escalate and resolve conflict;
8396	(e) cultural awareness;
8397	(f) restorative justice practices;
8398	(g) identifying a student exposed to violence or trauma and referring the student to
8399	appropriate resources;
8400	(h) student privacy rights;
8401	(i) negative consequences associated with youth involvement in the juvenile and
8402	criminal justice systems;
8403	(j) strategies to reduce juvenile justice involvement; and
8404	(k) roles of and distinctions between a school resource officer and other school staff
8405	who help keep a school secure.
8406	Section 287. Section 53G-8-703, which is renumbered from Section 53A-11-1604 is
8407	renumbered and amended to read:
8408	[53A-11-1604]. 53G-8-703. Contracts between an LEA and law enforcement
8409	for school resource officer services Requirements.
8410	(1) An LEA may contract with a law enforcement agency or an individual to provide
8411	school resource officer services at the LEA if the LEA's governing authority reviews and
8412	approves the contract.
8413	(2) If an LEA contracts with a law enforcement agency or an individual to provide

8414	SRO services at the LEA, the LEA's governing authority shall require in the contract:
8415	(a) an acknowledgment by the law enforcement agency or the individual that an SRO
8416	hired under the contract shall:
8417	(i) provide for and maintain a safe, healthy, and productive learning environment in a
8418	school;
8419	(ii) act as a positive role model to students;
8420	(iii) work to create a cooperative, proactive, and problem-solving partnership between
8421	law enforcement and the LEA;
8422	(iv) emphasize the use of restorative approaches to address negative behavior; and
8423	(v) at the request of the LEA, teach a vocational law enforcement class;
8424	(b) a description of the shared understanding of the LEA and the law enforcement
8425	agency or individual regarding the roles and responsibilities of law enforcement and the LEA
8426	to:
8427	(i) maintain safe schools;
8428	(ii) improve school climate; and
8429	(iii) support educational opportunities for students;
8430	(c) a designation of student offenses that the SRO shall confer with the LEA to resolve
8431	including an offense that:
8432	(i) is a minor violation of the law; and
8433	(ii) would not violate the law if the offense was committed by an adult;
8434	(d) a designation of student offenses that are administrative issues that an SRO shall
8435	refer to a school administrator for resolution in accordance with Section [53A-11-911]
8436	<u>53G-8-211;</u>
8437	(e) a detailed description of the rights of a student under state and federal law with
8438	regard to:
8439	(i) searches;
8440	(ii) questioning; and
8441	(iii) information privacy;
8442	(f) a detailed description of:
8443	(i) job duties;
8444	(ii) training requirements: and

8445	(iii) other expectations of the SRO and school administration in relation to law
8446	enforcement at the LEA;
8447	(g) that an SRO who is hired under the contract and the principal at the school where
8448	an SRO will be working, or the principal's designee, will jointly complete the SRO training
8449	described in Section [53A-11-1603] <u>53G-8-702</u> ; and
8450	(h) if the contract is between an LEA and a law enforcement agency, that:
8451	(i) both parties agree to jointly discuss SRO applicants; and
8452	(ii) the law enforcement agency will accept feedback from an LEA about an SRO's
8453	performance.
8454	Section 288. Section 53G-9-101 is enacted to read:
8455	CHAPTER 9. HEALTH AND WELFARE
8456	Part 1. General Provisions
8457	<u>53G-9-101.</u> Title.
8458	This chapter is known as "Health and Welfare."
8459	Section 289. Section 53G-9-102 is enacted to read:
8460	<u>53G-9-102.</u> Definitions.
8461	Reserved
8462	Section 290. Section 53G-9-201 is enacted to read:
8463	Part 2. Miscellaneous Requirements
8464	<u>53G-9-201.</u> Definitions.
8465	Reserved
8466	Section 291. Section 53G-9-202 , which is renumbered from Section 53A-11-205 is
8467	renumbered and amended to read:
8468	[53A-11-205]. 53G-9-202. Notification to the parent of an injured or sick
8469	child.
8470	(1) A public school shall notify the custodial parent and, if requested in writing by a
8471	noncustodial parent, make reasonable efforts to notify the noncustodial parent of a student who
8472	is injured or becomes ill at the school during the regular school day if:
8473	(a) the injury or illness requires treatment at a hospital, doctor's office, or other medical
8474	facility not located on the school premises; and
8475	(b) the school has received a current telephone number for the party it is required to

8476	notify or make reasonable efforts to notify.
8477	(2) (a) Subsection (1) does not apply to a noncustodial parent forbidden to have contact
8478	with the student under a court order or similar procedure.
8479	(b) The custodial parent is responsible for providing the school with the noncustodial
8480	parent's status under Subsection (2)(a) through a procedure adopted by the local school board.
8481	Section 292. Section 53G-9-203, which is renumbered from Section 53A-11-605 is
8482	renumbered and amended to read:
8483	[53A-11-605]. <u>53G-9-203.</u> Definitions School personnel Medical
8484	recommendations Exceptions Penalties.
8485	(1) As used in this section:
8486	(a) "Health care professional" means a physician, physician assistant, nurse, dentist, or
8487	mental health therapist.
8488	(b) "School personnel" means a school district or charter school employee, including a
8489	licensed, part-time, contract, or nonlicensed employee.
8490	(2) School personnel may:
8491	(a) provide information and observations to a student's parent or guardian about that
8492	student, including observations and concerns in the following areas:
8493	(i) progress;
8494	(ii) health and wellness;
8495	(iii) social interactions;
8496	(iv) behavior; or
8497	(v) topics consistent with Subsection [53A-13-302] <u>53E-9-203(6)</u> ;
8498	(b) communicate information and observations between school personnel regarding a
8499	child;
8500	(c) refer students to other appropriate school personnel and agents, consistent with
8501	local school board or charter school policy, including referrals and communication with a
8502	school counselor or other mental health professionals working within the school system;
8503	(d) consult or use appropriate health care professionals in the event of an emergency
8504	while the student is at school, consistent with the student emergency information provided at
8505	student enrollment;
8506	(e) exercise their authority relating to the placement within the school or readmission

8507	of a child who may be or has been suspended or expelled for a violation of Section
3508	[53A-11-904] <u>53G-8-205</u> ; and
3509	(f) complete a behavioral health evaluation form if requested by a student's parent or
3510	guardian to provide information to a licensed physician.
3511	(3) School personnel shall:
3512	(a) report suspected child abuse consistent with Section 62A-4a-403;
3513	(b) comply with applicable state and local health department laws, rules, and policies;
3514	and
3515	(c) conduct evaluations and assessments consistent with the Individuals with
3516	Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.
3517	(4) Except as provided in Subsection (2), Subsection (6), and Section [53A-11a-203]
3518	53G-9-604, school personnel may not:
3519	(a) recommend to a parent or guardian that a child take or continue to take a
3520	psychotropic medication;
3521	(b) require that a student take or continue to take a psychotropic medication as a
3522	condition for attending school;
3523	(c) recommend that a parent or guardian seek or use a type of psychiatric or
3524	psychological treatment for a child;
3525	(d) conduct a psychiatric or behavioral health evaluation or mental health screening,
3526	test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the
3527	Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent
3528	amendments; or
3529	(e) make a child abuse or neglect report to authorities, including the Division of Child
3530	and Family Services, solely or primarily on the basis that a parent or guardian refuses to
3531	consent to:
3532	(i) a psychiatric, psychological, or behavioral treatment for a child, including the
3533	administration of a psychotropic medication to a child; or
3534	(ii) a psychiatric or behavioral health evaluation of a child.
3535	(5) Notwithstanding Subsection (4)(e), school personnel may make a report that would
3536	otherwise be prohibited under Subsection (4)(e) if failure to take the action described under
3537	Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of

8538	others.
8539	(6) Notwithstanding Subsection (4), a school counselor or other mental health
8540	professional acting in accordance with Title 58, Chapter 60, Mental Health Professional
8541	Practice Act, or licensed through the State Board of Education, working within the school
8542	system may:
8543	(a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;
8544	(b) recommend, but not require, psychiatric, psychological, or behavioral treatment for
8545	a child;
8546	(c) conduct a psychiatric or behavioral health evaluation or mental health screening,
8547	test, evaluation, or assessment of a child in accordance with Section [53A-13-302] 53E-9-203;
8548	and
8549	(d) provide to a parent or guardian, upon the specific request of the parent or guardian,
8550	a list of three or more health care professionals or providers, including licensed physicians,
8551	psychologists, or other health specialists.
8552	(7) Local school boards or charter schools shall adopt a policy:
8553	(a) providing for training of appropriate school personnel on the provisions of this
8554	section; and
8555	(b) indicating that an intentional violation of this section is cause for disciplinary action
8556	consistent with local school board or charter school policy and under Section [53A-8a-502]
8557	<u>53G-11-513</u> .
8558	(8) Nothing in this section shall be interpreted as discouraging general communication
8559	not prohibited by this section between school personnel and a student's parent or guardian.
8560	Section 293. Section 53G-9-204, which is renumbered from Section 53A-11-204 is
8561	renumbered and amended to read:
8562	[53A-11-204]. <u>53G-9-204.</u> Nursing services in the public schools
8563	Collaborative efforts.
8564	(1) (a) Students in the state's public schools may be better protected against risks to
8565	health and safety if schools were to have registered nurses readily available to assist in
8566	providing educational and nursing services in the public schools.
8567	(b) Those services would be further enhanced if they could be offered with the active
8568	support and participation of local public health departments and private medical providers,

8569 most particularly in those areas of the state without currently functioning collaborative 8570 programs. 8571 (c) (i) School districts, local health departments, private medical providers, and parents 8572 of students are therefore encouraged to work together in determining needs and risks to student 8573 health in the state's public schools and in developing and implementing plans to meet those needs and minimize risks to students. 8574 8575 (ii) School community councils or school directors of affected schools shall review the 8576 plans prior to their implementation. 8577 (2) School districts are encouraged to provide nursing services equivalent to the 8578 services of one registered nurse for every 5,000 students or, in districts with fewer than 5,000 8579 students, the level of services recommended by the Department of Health. 8580 Section 294. Section **53G-9-205**, which is renumbered from Section 53A-19-301 is 8581 renumbered and amended to read: 8582 53G-9-205. School Breakfast Program -- Review of [53A-19-301]. 8583 nonparticipants. 8584 (1) (a) Each local school board shall, at least once every three years, review each 8585 elementary school in its district that does not participate in the School Breakfast Program as to 8586 the school's reasons for nonparticipation. 8587 (b) (i) If the school board determines that there are valid reasons for the school's 8588 nonparticipation, no further action is needed. 8589 (ii) Reasons for nonparticipation may include a recommendation from the school 8590 community council authorized under Section [53A-1a-108] 53G-7-1202 or a similar group of 8591 parents and school employees that the school should not participate in the program. 8592 (2) (a) After two nonparticipation reviews, a local school board may, by majority vote, 8593 waive any further reviews of the nonparticipatory school. 8594 (b) A waiver of the review process under Subsection (2)(a) does not prohibit 8595 subsequent consideration by the local school board of an individual school's nonparticipation in 8596 the School Breakfast Program. 8597 (3) The requirements of this section shall be nullified by the termination of the 8598 entitlement status of the School Breakfast Program by the federal government.

Section 295. Section 53G-9-206, which is renumbered from Section 53A-13-103 is

8600	renumbered and amended to read:
8601	[53A-13-103]. <u>53G-9-206.</u> Eye protective devices for industrial education,
8602	physics laboratory, and chemistry laboratory activities.
8603	(1) Any individual who participates in any of the following activities in public or
8604	private schools that may endanger his vision shall wear quality eye protective devices:
8605	(a) industrial education activities that involve:
8606	(i) hot molten metals;
8607	(ii) the operation of equipment that could throw particles of foreign matter into the
8608	eyes;
8609	(iii) heat treating, tempering, or kiln firing of any industrial materials;
8610	(iv) gas or electric arc welding; or
8611	(v) caustic or explosive material;
8612	(b) chemistry or physics laboratories when using caustic or explosive chemicals, and
8613	hot liquids and solids.
8614	(2) "Quality eye protective devices" means devices that meet the standards of the
8615	American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by
8616	the American Standards Association, Inc.
8617	(3) (a) The local school board shall furnish these protective devices to individuals
8618	involved in these activities.
8619	(b) The board may sell these protective devices at cost or rent or loan them to
8620	individuals involved in these activities.
8621	Section 296. Section 53G-9-207 , which is renumbered from Section 53A-13-112 is
8622	renumbered and amended to read:
8623	[53A-13-112]. <u>53G-9-207.</u> Child sexual abuse prevention.
8624	(1) As used in this section, "school personnel" is as defined in Section [53A-11-605]
8625	<u>53G-9-203</u> .
8626	(2) On or before July 1, 2015, the State Board of Education shall approve, in
8627	partnership with the Department of Human Services, age-appropriate instructional materials for
8628	the training and instruction described in Subsections (3)(a) and (4).
8629	(3) (a) Beginning in the 2016-17 school year, a school district or charter school shall

provide training and instruction on child sexual abuse prevention and awareness to:

8631	(i) school personnel in elementary and secondary schools on:
8632	(A) responding to a disclosure of child sexual abuse in a supportive, appropriate
8633	manner; and
8634	(B) the mandatory reporting requirements described in Sections [53A-6-502]
8635	53E-6-701 and 62A-4a-403; and
8636	(ii) parents or guardians of elementary school students on:
8637	(A) recognizing warning signs of a child who is being sexually abused; and
8638	(B) effective, age-appropriate methods for discussing the topic of child sexual abuse
8639	with a child.
8640	(b) A school district or charter school shall use the instructional materials approved by
8641	the State Board of Education under Subsection (2) to provide the training and instruction to
8642	school personnel and parents or guardians under Subsection (3)(a).
8643	(4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school
8644	may provide instruction on child sexual abuse prevention and awareness to elementary school
8645	students using age-appropriate curriculum.
8646	(b) Beginning in the 2016-17 school year, a school district or charter school that
8647	provides the instruction described in Subsection (4)(a) shall use the instructional materials
8648	approved by the board under Subsection (2) to provide the instruction.
8649	(5) (a) An elementary school student may not be given the instruction described in
8650	Subsection (4) unless the parent or guardian of the student is:
8651	(i) notified in advance of the:
8652	(A) instruction and the content of the instruction; and
8653	(B) parent or guardian's right to have the student excused from the instruction;
8654	(ii) given an opportunity to review the instructional materials before the instruction
8655	occurs; and
8656	(iii) allowed to be present when the instruction is delivered.
8657	(b) Upon the written request of the parent or guardian of an elementary school student,
8658	the student shall be excused from the instruction described in Subsection (4).
8659	(c) Participation of a student requires compliance with Sections [53A-13-301]
8660	53E-9-202 and [53A-13-302] <u>53E-9-203</u> .
8661	(6) A school district or charter school may determine the mode of delivery for the

8662	training and instruction described in Subsections (3) and (4).
8663	(7) (a) The State Board of Education shall report to the Education Interim Committee
8664	on the progress of the provisions of this section by the committee's November 2017 meeting.
8665	(b) Upon request of the State Board of Education, a school district or charter school
8666	shall provide to the State Board of Education information that is necessary for the report
8667	required under Subsection (7)(a).
8668	Section 297. Section 53G-9-208, which is renumbered from Section 53A-11-606 is
8669	renumbered and amended to read:
8670	[53A-11-606]. <u>53G-9-208.</u> Sunscreen Possession Administration
8671	Immunity.
8672	(1) As used in this section, "sunscreen" means a compound topically applied to prevent
8673	sunburn.
8674	(2) A public school shall permit a student, without a parent or physician's
8675	authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug
8676	Administration.
8677	(3) If a student is unable to self-apply sunscreen, a volunteer school employee may
8678	apply the sunscreen on the student if the student's parent or legal guardian provides written
8679	consent for the assistance.
8680	(4) A volunteer school employee who applies sunscreen on a student in compliance
8681	with Subsection (3) and the volunteer school employee's employer are not liable for:
8682	(a) an adverse reaction suffered by the student as a result of having the sunscreen
8683	applied; or
8684	(b) discontinuing the application of the sunscreen at any time.
8685	Section 298. Section 53G-9-301 (Effective 07/01/18), which is renumbered from
8686	Section 53A-11-300.5 (Effective 07/01/18) is renumbered and amended to read:
8687	Part 3. Immunization Requirements
8688	[53A-11-300.5 (Effective 07/01/18)]. <u>53G-9-301 (Effective</u>
8689	<u>07/01/18).</u> Definitions.
8690	As used in this part:
8691	(1) "Department" means the Department of Health, created in Section 26-1-4.
8692	(2) "Health official" means an individual designated by a local health department from

8693	within the local health department to consult and counsel parents and licensed health care
8694	providers, in accordance with Subsection [53A-11-302.5] 53G-9-304(2)(a).
8695	(3) "Health official designee" means a licensed health care provider designated by a
8696	local health department, in accordance with Subsection [53A-11-302.5] 53G-9-304(2)(b), to
8697	consult with parents, licensed health care professionals, and school officials.
8698	(4) "Immunization" or "immunize" means a process through which an individual
8699	develops an immunity to a disease, through vaccination or natural exposure to the disease.
8700	(5) "Immunization record" means a record relating to a student that includes:
8701	(a) information regarding each required vaccination that the student has received,
8702	including the date each vaccine was administered, verified by:
8703	(i) a licensed health care provider;
8704	(ii) an authorized representative of a local health department;
8705	(iii) an authorized representative of the department;
8706	(iv) a registered nurse; or
8707	(v) a pharmacist;
8708	(b) information regarding each disease against which the student has been immunized
8709	by previously contracting the disease; and
8710	(c) an exemption form identifying each required vaccination from which the student is
8711	exempt, including all required supporting documentation described in Section [53A-11-302]
8712	<u>53G-9-303</u> .
8713	(6) "Legally responsible individual" means:
8714	(a) a student's parent;
8715	(b) the student's legal guardian;
8716	(c) an adult brother or sister of a student who has no legal guardian; or
8717	(d) the student, if the student:
8718	(i) is an adult; or
8719	(ii) is a minor who may consent to treatment under Section 26-10-9.
8720	(7) "Licensed health care provider" means a health care provider who is licensed under
8721	Title 58, Occupations and Professions, as:
8722	(a) a medical doctor;
8723	(b) an osteopathic doctor;

8724	(c) a physician assistant; or
8725	(d) an advanced practice registered nurse.
8726	(8) "Local education agency" or "LEA" means:
8727	(a) a school district;
8728	(b) a charter school; or
8729	(c) the Utah Schools for the Deaf and the Blind.
8730	(9) "Local health department" means the same as that term is defined in Section
8731	26A-1-102.
8732	(10) "Required vaccines" means vaccines required by department rule described in
8733	Section [53A-11-303] <u>53G-9-305</u> .
8734	(11) "School" means any public or private:
8735	(a) elementary or secondary school through grade 12;
8736	(b) preschool;
8737	(c) child care program, as that term is defined in Section 26-39-102;
8738	(d) nursery school; or
8739	(e) kindergarten.
8740	(12) "Student" means an individual who attends a school.
8741	(13) "Vaccinating" or "vaccination" means the administration of a vaccine.
8742	(14) "Vaccination exemption form" means a form, described in Section
8743	[53A-11-302.5] 53G-9-304, that documents and verifies that a student is exempt from the
8744	requirement to receive one or more required vaccines.
8745	(15) "Vaccine" means the substance licensed for use by the United States Food and
8746	Drug Administration that is injected into or otherwise administered to an individual to
8747	immunize the individual against a communicable disease.
8748	Section 299. Section 53G-9-302 (Superseded 07/01/18), which is renumbered from
8749	Section 53A-11-301 (Superseded 07/01/18) is renumbered and amended to read:
8750	[53A-11-301 (Superseded 07/01/18)]. <u>53G-9-302 (Superseded</u>
8751	07/01/18). Certificate of immunization required.
8752	(1) Unless exempted for personal, medical, or religious objections as provided in
8753	Section [53A-11-302] <u>53G-9-303</u> , a student may not attend a public, private, or parochial
8754	kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day

8755	care center, child care facility, family care home, or headstart program in this state unless there
8756	is presented to the appropriate official of the school a certificate of immunization from a
8757	licensed physician or authorized representative of the state or local health department stating
8758	that the student has received immunization against communicable diseases as required by rules
8759	adopted under Section [53A-11-303] <u>53G-9-305</u> .
8760	(2) School districts may not receive weighted pupil unit money for a student unless the
8761	student has obtained a certificate of immunization under this section or qualifies for conditional
8762	enrollment or an exemption from immunization under Section [53A-11-302] 53G-9-303.
8763	Section 300. Section 53G-9-302 (Effective 07/01/18), which is renumbered from
8764	Section 53A-11-301 (Effective 07/01/18) is renumbered and amended to read:
8765	[53A-11-301 (Effective 07/01/18)]. <u>53G-9-302 (Effective</u>
8766	<u>07/01/18).</u> Immunization required Exception Weighted pupil unit funding.
8767	(1) A student may not attend a school unless:
8768	(a) the school receives an immunization record from the legally responsible individual
8769	of the student, the student's former school, or a statewide registry that shows:
8770	(i) that the student has received each vaccination required by the department under
8771	Section [53A-11-303] <u>53G-9-305</u> ; or
8772	(ii) for any required vaccination that the student has not received, that the student:
8773	(A) has immunity against the disease for which the vaccination is required, because the
8774	student previously contracted the disease as documented by a health care provider, as that term
8775	is defined in Section 78B-3-103; or
8776	(B) is exempt from receiving the vaccination under Section [53A-11-302] 53G-9-303;
8777	(b) the student qualifies for conditional enrollment under Section [53A-11-306]
8778	<u>53G-9-308</u> ; or
8779	(c) the student:
8780	(i) is a student, as defined in Section [53A-1-1002] <u>53E-3-903</u> ; and
8781	(ii) complies with the immunization requirements for military children under Section
8782	[53A-1-1004] <u>53E-3-905</u> .
8783	(2) An LEA may not receive weighted pupil unit money for a student who is not
8784	permitted to attend school under Subsection (1).
8785	Section 301. Section 53G-9-303 (Superseded 07/01/18), which is renumbered from

3786	Section 53A-11-302 (Superseded 07/01/18) is renumbered and amended to read:
3787	[53A-11-302 (Superseded 07/01/18)]. <u>53G-9-303 (Superseded</u>
8788	<u>07/01/18).</u> Immunizations required Exceptions Grounds for exemption from
8789	required immunizations.
3790	(1) A student may not enter school without a certificate of immunization, except as
8791	provided in this section.
3792	(2) Except as provided in Section [53A-1-1004] 53E-3-905, a student who at the time
3793	of school enrollment has not been completely immunized against each specified disease may
3794	attend school under a conditional enrollment if the student has received one dose of each
3795	specified vaccine prior to enrollment.
3796	(3) A student is exempt from receiving the required immunizations if there is presented
3797	to the appropriate official of the school one or more of the following:
3798	(a) a certificate from a licensed physician stating that due to the physical condition of
8799	the student one or more specified immunizations would endanger the student's life or health;
8800	(b) A completed form obtained at the local health department where the student
8801	resides, providing:
8802	(i) the information required under Subsection [53A-11-302.5] 53G-9-304(1); and
8803	(ii) a statement that the person has a personal belief opposed to immunizations, which
3804	is signed by one of the individuals listed in Subsection [53A-11-302] 53G-9-303(3)(c) and
8805	witnessed by the local health officer or his designee; or
8806	(c) a statement that the person is a bona fide member of a specified, recognized
8807	religious organization whose teachings are contrary to immunizations, signed by one of the
808	following persons:
8809	(i) one of the student's parents;
8810	(ii) the student's guardian;
8811	(iii) a legal age brother or sister of a student who has no parent or guardian; or
8812	(iv) the student, if of legal age.
8813	Section 302. Section 53G-9-303 (Effective 07/01/18), which is renumbered from
3814	Section 53A-11-302 (Effective 07/01/18) is renumbered and amended to read:
3815	[53A-11-302 (Effective 07/01/18)]. <u>53G-9-303 (Effective</u>
3816	07/01/18). Grounds for exemption from required vaccines Renewal.

8817	(1) A student is exempt from the requirement to receive a vaccine required under
8818	Section [53A-11-303] <u>53G-9-305</u> if the student qualifies for a medical or personal exemption
8819	from the vaccination under Subsection (2) or (3).
8820	(2) A student qualifies for a medical exemption from a vaccination required under
8821	Section [53A-11-303] 53G-9-305 if the student's legally responsible individual provides to the
8822	student's school:
8823	(a) a completed vaccination exemption form; and
8824	(b) a written notice signed by a licensed health care provider stating that, due to the
8825	physical condition of the student, administration of the vaccine would endanger the student's
8826	life or health.
8827	(3) A student qualifies for a personal exemption from a vaccination required under
8828	Section [53A-11-303] 53G-9-305 if the student's legally responsible individual provides to the
8829	student's school a completed vaccination exemption form, stating that the student is exempt
8830	from the vaccination because of a personal or religious belief.
8831	(4) (a) A vaccination exemption form submitted under this section is valid for as long
8832	as the student remains at the school to which the form first is presented.
8833	(b) If the student changes schools before the student is old enough to enroll in
8834	kindergarten, the vaccination exemption form accepted as valid at the student's previous school
8835	is valid until the earlier of the day on which:
8836	(i) the student enrolls in kindergarten; or
8837	(ii) the student turns six years old.
8838	(c) If the student changes schools after the student is old enough to enroll in
8839	kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption
8840	form accepted as valid at the student's previous school is valid until the earlier of the day on
8841	which:
8842	(i) the student enrolls in grade 7; or
8843	(ii) the student turns 12 years old.
8844	(d) If the student changes schools after the student is old enough to enroll in grade 7,
8845	the vaccination exemption form accepted as valid at the student's previous school is valid until
8846	the student completes grade 12.
8847	(e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained

8848	through completion of the online education module created in Section 26-7-9 is valid for at
8849	least two years.
8850	Section 303. Section 53G-9-304 (Superseded 07/01/18), which is renumbered from
8851	Section 53A-11-302.5 (Superseded 07/01/18) is renumbered and amended to read:
8852	[53A-11-302.5 (Superseded 07/01/18)]. <u>53G-9-304 (Superseded</u>
8853	<u>07/01/18).</u> Personal belief immunization exemption.
8854	(1) The Department of Health shall provide to all local health departments a form to be
8855	used by persons claiming an exemption from immunization requirements based on a personal
8856	belief opposed to immunization. The form shall include a statement printed on the form and
8857	drafted by the Department of Health stating the department's position regarding the benefits of
8858	immunization. The form shall require, at a minimum:
8859	(a) a statement claiming exemption from immunizations required under Section
8860	[53A-11-302] <u>53G-9-303</u> , signed by a person listed under Subsection [53A-11-302]
8861	<u>53G-9-303(</u> 3)(c);
8862	(b) the name and address of the person who signs the form;
8863	(c) the name of the student exempted from immunizations; and
8864	(d) the school at which the student is enrolling.
8865	(2) (a) The Department of Health shall provide these forms to the local health
8866	departments.
8867	(b) Local health departments shall make the forms available to the public upon request.
8868	(3) (a) A student enrolling in a school and who claims exemption from immunizations
8869	based on a personal belief shall complete the form described in Subsection (1) and provide it to
8870	the school officials at the school in which the student is enrolling.
8871	(b) Students who prior to July 1, 1992, claimed an exemption from immunizations
8872	based on personal beliefs shall prior to December 1, 1992, complete the form described in
8873	Subsection (1) and provide it to the appropriate official of the school the student attends.
8874	Section 304. Section 53G-9-304 (Effective 07/01/18), which is renumbered from
8875	Section 53A-11-302.5 (Effective 07/01/18) is renumbered and amended to read:
8876	[53A-11-302.5 (Effective 07/01/18)]. <u>53G-9-304 (Effective</u>
8877	07/01/18). Vaccination exemption form.
8878	(1) The department shall:

88/9	(a) develop a vaccination exemption form that includes only the following information
8880	(i) identifying information regarding:
3881	(A) the student to whom an exemption applies; and
3882	(B) the legally responsible individual who claims the exemption for the student and
3883	signs the vaccination exemption form;
3884	(ii) an indication regarding the vaccines to which the exemption relates;
8885	(iii) a statement that the claimed exemption is for:
8886	(A) a medical reason; or
8887	(B) a personal or religious belief; and
8888	(iv) an explanation of the requirements, in the event of an outbreak of a disease for
8889	which a required vaccine exists, for a student who:
3890	(A) has not received the required vaccine; and
8891	(B) is not otherwise immune from the disease; and
8892	(b) provide the vaccination exemption form created in this Subsection (1) to local
3893	health departments.
3894	(2) (a) Each local health department shall designate one or more individuals from
3895	within the local health department as a health official to consult, regarding the requirements of
8896	this part, with:
3897	(i) parents, upon the request of parents;
3898	(ii) school principals and administrators; and
3899	(iii) licensed health care providers.
3900	(b) A local health department may designate a licensed health care provider as a health
3901	official designee to provide the services described in Subsection (2)(a).
3902	(3) (a) To receive a vaccination exemption form described in Subsection (1), a legally
3903	responsible individual shall complete the online education module described in Section 26-7-9
3904	permitting an individual to:
3905	(i) complete any requirements online; and
3906	(ii) download and print the vaccine exemption form immediately upon completion of
3907	the requirements.
3908	(b) A legally responsible individual may decline to take the online education module
RONO	and obtain a vaccination exemption form from a local health department if the individual:

8910	(i) requests and receives an in-person consultation at a local health department from a
8911	health official or a health official designee regarding the requirements of this part; and
8912	(ii) pays any fees established under Subsection (4)(b).
8913	(4) (a) Neither the department nor any other person may charge a fee for the exemption
8914	form offered through the online education module in Subsection (3)(a).
8915	(b) A local health department may establish a fee of up to \$25 to cover the costs of
8916	providing an in-person consultation.
8917	Section 305. Section 53G-9-305 (Superseded 07/01/18), which is renumbered from
8918	Section 53A-11-303 (Superseded 07/01/18) is renumbered and amended to read:
8919	[53A-11-303 (Superseded 07/01/18)]. <u>53G-9-305 (Superseded</u>
8920	07/01/18). Regulations of department.
8921	(1) The Department of Health shall adopt rules to establish which immunizations are
8922	required and the manner and frequency of their administration.
8923	(2) The rules adopted shall conform to recognized standard medical practices.
8924	(3) The rules shall require the reporting of statistical information and names of
8925	noncompliers by the schools.
8926	Section 306. Section 53G-9-305 (Effective 07/01/18), which is renumbered from
8927	Section 53A-11-303 (Effective 07/01/18) is renumbered and amended to read:
8928	[53A-11-303 (Effective 07/01/18)]. <u>53G-9-305 (Effective</u>
8929	07/01/18). Regulations of department.
8930	(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8931	department shall make rules regarding:
8932	(a) which vaccines are required as a condition of attending school;
8933	(b) the manner and frequency of the vaccinations; and
8934	(c) the vaccination exemption form described in Section [53A-11-302.5] 53G-9-304.
8935	(2) The department shall ensure that the rules described in Subsection (1):
8936	(a) conform to recognized standard medical practices; and
8937	(b) require schools to report to the department statistical information and names of
8938	students who are not in compliance with Section [53A-11-301] 53G-9-302.
8939	Section 307. Section 53G-9-306 (Superseded 07/01/18), which is renumbered from

8940	Section 53A-11-304 (Superseded 07/01/18) is renumbered and amended to read:
8941	[53A-11-304 (Superseded 07/01/18)]. <u>53G-9-306 (Superseded</u>
8942	<u>07/01/18).</u> Certificate part of student's record Forms for certificates Transfer of
8943	immunization record to official certificate.
8944	(1) Each school shall retain official certificates of immunization for every enrolled
8945	student. The certificate becomes a part of the individual student's permanent school record and
8946	follows the student through his or her public or private school career.
8947	(2) The Department of Health shall provide official certificate of immunization forms
8948	to public and private schools, physicians, and local health departments. The forms referred to in
8949	this subsection shall include a clear statement of the student's rights under Section
8950	[53A-11-302] <u>53G-9-303</u> .
8951	(3) Any immunization record provided by a licensed physician, registered nurse, or
8952	public health official may be accepted by a school official as a certificate of immunization if
8953	the type of immunization given and the dates given are specified and the information is
8954	transferred to an official certificate of immunization and verified by the school district in which
8955	the public or private school is located.
8956	Section 308. Section 53G-9-306 (Effective 07/01/18), which is renumbered from
8957	Section 53A-11-304 (Effective 07/01/18) is renumbered and amended to read:
8958	[53A-11-304 (Effective 07/01/18)]. <u>53G-9-306 (Effective 07/01/18).</u>
8959	Immunization record part of student's record School review process at enrollment
8960	Transfer.
8961	(1) Each school:
8962	(a) shall request an immunization record for each student at the time the student enrolls
8963	in the school;
8964	(b) may not charge a fee related to receiving or reviewing an immunization record or a
8965	vaccination exemption form; and
8966	(c) shall retain an immunization record for each enrolled student as part of the student's
8967	permanent school record.
8968	(2) (a) Within five business days after the day on which a student enrolls in a school,
8969	an individual designated by the school principal or administrator shall:
8970	(i) determine whether the school has received an immunization record for the student:

8971	(ii) review the student's immunization record to determine whether the record complies
8972	with Subsection [53A-11-301] <u>53G-9-302(1)</u> ; and
8973	(iii) identify any deficiencies in the student's immunization record.
8974	(b) If the school has not received a student's immunization record or there are
8975	deficiencies in the immunization record, the school shall:
8976	(i) place the student on conditional enrollment, in accordance with Section
8977	[53A-11-306] <u>53G-9-308</u> ; and
8978	(ii) within five days after the day on which the school places the student on conditional
8979	enrollment, provide the written notice described in Subsection [53A-11-306] <u>53G-9-308(2)</u> .
8980	(3) A school from which a student transfers shall provide the student's immunization
8981	record to the student's new school upon request of the student's legally responsible individual.
8982	Section 309. Section 53G-9-307 (Repealed 07/01/18), which is renumbered from
8983	Section 53A-11-305 (Repealed 07/01/18) is renumbered and amended to read:
8984	[53A-11-305 (Repealed 07/01/18)]. <u>53G-9-307 (Repealed</u>
8985	07/01/18). Immunization by local health departments Fees.
8986	(1) If a student has not been immunized against a disease specified by the Department
8987	of Health, he may be immunized by the local health department upon the request of his parent
8988	or guardian, or upon the student's request if he is of legal age. The local health department may
8989	charge a fee to cover the cost of administration of the vaccine.
8990	(2) The vaccine necessary for immunizations required under Sections [53A-11-301]
8991	$\underline{53G-9-302}$ and $\underline{[53A-11-303]}$ $\underline{53G-9-305}$ shall be furnished to local departments of health by
8992	the Department of Health. The Department of Health may recover all or part of the cost of
8993	vaccines purchased with state funds by charging local health departments a fee for those
8994	vaccines. Local health departments may pass the cost of the vaccine on to the student, his
8995	parent or guardian, or other responsible party. However, a child may not be refused
8996	immunizations by the local health department in his area of residence because of inability to
8997	pay.
8998	(3) The Department of Health shall establish the fee for administration of vaccines, as
8999	provided by Subsection (1), and shall establish fees for vaccines.
9000	Section 310. Section 53G-9-308 (Superseded 07/01/18), which is renumbered from
9001	Section 53A-11-306 (Superseded 07/01/18) is renumbered and amended to read:

9002	[53A-11-306 (Superseded 07/01/18)]. <u>53G-9-308 (Superseded 07/01/18).</u>
9003	53A-11-306 (Superseded 07/01/18). Conditional enrollment Suspension for
9004	noncompliance Procedure.
9005	(1) Conditional enrollment time periods may be modified by the department by legally
9006	adopted rules.
9007	(2) The requirements for conditional enrollment shall apply to each student unless that
9008	student is exempted under Section 53A-11-302.
9009	(3) After five days written notice of a pending suspension and of the student's rights
9010	under Section [53A-11-302] 53G-9-303 shall be mailed to the last-known address of a parent,
9011	guardian, or legal age brother or sister of a student who is without parent or guardian, the
9012	governing authority of any school shall prohibit further attendance by a student under a
9013	conditional enrollment who has failed to obtain the immunization required within time period
9014	set forth in Section [53A-11-302] 53G-9-303 or otherwise established by rule.
9015	(4) Parents or guardians of children who are prohibited from attending school for
9016	failure to comply with the provisions of this part shall be referred to the juvenile court.
9017	Section 311. Section 53G-9-308 (Effective 07/01/18), which is renumbered from
9018	Section 53A-11-306 (Effective 07/01/18) is renumbered and amended to read:
9019	[53A-11-306 (Effective 07/01/18)]. <u>53G-9-308 (Effective 07/01/18).</u>
9020	53A-11-306 (Effective 07/01/18). Conditional enrollment Suspension for
9021	noncompliance Procedure.
9022	(1) A student for whom a school has not received a complete immunization record may
9023	attend the school on a conditional enrollment:
9024	(a) during the period in which the student's immunization record is under review by the
9025	school; or
9026	(b) for 21 calendar days after the day on which the school provides the notice described
9027	in Subsection (2).
9028	(2) (a) Within five days after the day on which a school places a student on conditional
9029	enrollment, the school shall provide written notice to the student's legally responsible
9030	individual, in person or by mail, that:
9031	(i) the school has placed the student on conditional enrollment for failure to comply
9032	with the requirements of Subsection [53A-11-301] <u>53G-9-302</u> (1);

9033	(ii) describes the identified deficiencies in the student's immunization record or states
9034	that the school has not received an immunization record for the student;
9035	(iii) gives notice that the student will not be allowed to attend school unless the legally
9036	responsible individual cures the deficiencies, or provides an immunization record that complies
9037	with Subsection [53A-11-301] 53G-9-302(1), within the conditional enrollment period
9038	described in Subsection (1)(b); and
9039	(iv) describes the process for obtaining a required vaccination.
9040	(b) A school shall remove the conditional enrollment status from a student after the
9041	school receives an immunization record for the student that complies with Subsection
9042	[53A-11-301] <u>53G-9-302</u> (1).
9043	(c) Except as provided in Subsection (2)(d), at the end of the conditional enrollment
9044	period, a school shall prohibit a student who does not comply with Subsection [53A-11-301]
9045	53G-9-302(1) from attending the school until the student complies with Subsection
9046	[53A-11-301] <u>53G-9-302</u> (1).
9047	(d) A school principal or administrator:
9048	(i) shall grant an additional extension of the conditional enrollment period, if the
9049	extension is necessary to complete all required vaccination dosages, for a time period medically
9050	recommended to complete all required vaccination dosages; and
9051	(ii) may grant an additional extension of the conditional enrollment period in cases of
9052	extenuating circumstances, if the school principal or administrator and a school nurse, a health
9053	official, or a health official designee agree that an additional extension will likely lead to
9054	compliance with Subsection [53A-11-301] 53G-9-302(1) during the additional extension
9055	period.
9056	Section 312. Section 53G-9-309 (Effective 07/01/18), which is renumbered from
9057	Section 53A-11-307 (Effective 07/01/18) is renumbered and amended to read:
9058	[53A-11-307 (Effective 07/01/18)]. <u>53G-9-309 (Effective 07/01/18).</u> School
9059	record of students' immunization status Confidentiality.
9060	(1) Each school shall maintain a current list of all enrolled students, noting each
9061	student:
9062	(a) for whom the school has received a valid and complete immunization record;
9063	(b) who is exempt from receiving a required vaccine; and

9064	(c) who is allowed to attend school under Section [53A-11-306] <u>53G-9-308</u> .
9065	(2) Each school shall ensure that the list described in Subsection (1) specifically
9066	identifies each disease against which a student is not immunized.
9067	(3) Upon the request of an official from a local health department in the case of a
9068	disease outbreak, a school principal or administrator shall:
9069	(a) notify the legally responsible individual of any student who is not immune to the
9070	outbreak disease, providing information regarding steps the legally responsible individual may
9071	take to protect students;
9072	(b) identify each student who is not immune to the outbreak disease; and
9073	(c) for a period determined by the local health department not to exceed the duration of
9074	the disease outbreak, do one of the following at the discretion of the school principal or
9075	administrator after obtaining approval from the local health department:
9076	(i) provide a separate educational environment for the students described in Subsection
9077	(3)(b) that ensures the protection of the students described in Subsection (3)(b) as well as the
9078	protection of the remainder of the student body; or
9079	(ii) prevent each student described in Subsection (3)(b) from attending school.
9080	(4) A name appearing on the list described in Subsection (1) is subject to
9081	confidentiality requirements described in Section 26-1-17.5 and Section [53A-13-301]
9082	<u>53E-9-202</u> .
9083	Section 313. Section 53G-9-401 is enacted to read:
9084	Part 4. Health Examinations
9085	<u>53G-9-401.</u> Definitions.
9086	Reserved
9087	Section 314. Section 53G-9-402 , which is renumbered from Section 53A-11-201 is
9088	renumbered and amended to read:
9089	[53A-11-201]. <u>53G-9-402.</u> Rules for examinations prescribed by
9090	Department of Health Notification of impairment.
9091	(1) (a) Each local school board shall implement rules as prescribed by the Department
9092	of Health for vision, dental, abnormal spinal curvature, and hearing examinations of students
9093	attending the district's schools.
9094	(b) Under guidelines of the Department of Health, qualified health professionals shall

9095	provide instructions, equipment, and materials for conducting the examinations.
9096	(c) The rules shall include exemption provisions for students whose parents or
9097	guardians contend the examinations violate their personal beliefs.
9098	(2) The school shall notify, in writing, a student's parent or guardian of any impairment
9099	disclosed by the examinations.
9100	Section 315. Section 53G-9-403, which is renumbered from Section 53A-11-202 is
9101	renumbered and amended to read:
9102	[53A-11-202]. <u>53G-9-403.</u> Personnel to perform health examination.
9103	A local school board may use teachers or licensed registered nurses to conduct
9104	examinations required under this [chapter] part and licensed physicians as needed for medical
9105	consultation related to those examinations.
9106	Section 316. Section 53G-9-404 , which is renumbered from Section 53A-11-203 is
9107	renumbered and amended to read:
9108	[53A-11-203]. <u>53G-9-404.</u> Vision screening.
9109	(1) As used in this section:
9110	(a) "Office" means the Utah State Office of Rehabilitation created in Section
9111	35A-1-202.
9112	(b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than
9113	nine years old.
9114	(2) A child under nine years old entering school for the first time in this state must
9115	present the following to the school:
9116	(a) a certificate signed by a licensed physician, optometrist, or other licensed health
9117	professional approved by the office, stating that the child has received vision screening to
9118	determine the presence of amblyopia or other visual defects; or
9119	(b) a written statement signed by at least one parent or legal guardian of the child that
9120	the screening violates the personal beliefs of the parent or legal guardian.
9121	(3) (a) The office:
9122	(i) shall provide vision screening report forms to a person approved by the office to
9123	conduct a free vision screening for a qualifying child;
9124	(ii) may work with health care professionals, teachers, and vision screeners to develop

protocols that may be used by a parent, teacher, or vision screener to help identify a child who

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9126 may have conditions that are not detected in a vision screening, such as problems with eye 9127 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence 9128 insufficiency; and 9129 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language 9130 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice 9131 required by Subsection (3)(b). 9132 (b) The report forms shall include the following information for a parent or guardian: 9133 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye 9134 doctor." 9135 (4) A school district or charter school may conduct free vision screening clinics for a 9136 qualifying child. 9137 (5) (a) The office shall maintain a central register of qualifying children who fail vision screening and who are referred for follow-up treatment. 9138 9139 (b) The register described in Subsection (5)(a) shall include the name of the child, age 9140 or birthdate, address, cause for referral, and follow-up results. 9141 (c) A school district or charter school shall report to the office referral follow-up results 9142 for a qualifying child. 9143 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a 9144 vision screener for a free vision screening clinic for a qualifying child: 9145 (i) is a school nurse; 9146 (ii) holds a certificate issued by the office under Subsection (6)(b)(ii); or 9147 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii). 9148 (b) The office shall: 9149 (i) provide vision screening training to a volunteer seeking a certificate described in 9150 Subsection (6)(b)(ii), using curriculum established by the office; and 9151 (ii) issue a certificate to a volunteer who successfully completes the vision screening 9152 training described in Subsection (6)(b)(i). 9153 (c) An individual described in Subsection (6)(a) is not liable for damages that result 9154 from acts or omissions related to the vision screening, unless the acts or omissions are willful 9155 or grossly negligent.

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(7) (a) Except as provided in Subsection (7)(b), a licensed health professional

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9157	providing vision care to private patients may not participate as a screener in a free vision
9158	screening program provided by a school district.
9159	(b) A school district or charter school may:
9160	(i) allow a licensed health professional who provides vision care to private patients to
9161	participate as a screener in a free vision screening program for a child 3-1/2 years old or older;
9162	(ii) establish guidelines to administer a free vision screening program described in
9163	Subsection (7)(b)(i); and
9164	(iii) establish penalties for a violation of the requirements of Subsection (7)(c).
9165	(c) A licensed health professional or other person who participates as a screener in a
9166	free vision screening program described in Subsection (7)(b):
9167	(i) may not market, advertise, or promote the licensed health professional's business in
9168	connection with providing the free screening at the school; and
9169	(ii) shall provide the child's results of the free vision screening on a form produced by
9170	the school or school district, which:
9171	(A) may not include contact information other than the name of the licensed health
9172	professional; and
9173	(B) shall include a statement: "vision screening is not a substitute for a complete eye
9174	exam and vision evaluation by an eye doctor."
9175	(d) A school district or charter school may provide information to a parent or guardian
9176	of the availability of follow up vision services for a student.
9177	(8) The Department of Health shall:
9178	(a) by rule, set standards and procedures for vision screening required by this [chapter]
9179	part, which shall include a process for notifying the parent or guardian of a child who fails a
9180	vision screening or is identified as needing follow-up care; and
9181	(b) provide the office with copies of rules, standards, instructions, and test charts
9182	necessary for conducting vision screening.
9183	(9) The office shall supervise screening, referral, and follow-up required by this
9184	[chapter] part.
9185	Section 317. Section 53G-9-501 is enacted to read:
9186	Part 5. Administration of Medication
9187	<u>53G-9-501.</u> Definitions.

9188	Reserved
9189	Section 318. Section 53G-9-502 , which is renumbered from Section 53A-11-601 is
9190	renumbered and amended to read:
9191	[53A-11-601]. <u>53G-9-502.</u> Administration of medication to students
9192	Prerequisites Immunity from liability Applicability.
9193	(1) A public or private school that holds any classes in grades kindergarten through 12
9194	may provide for the administration of medication to any student during periods when the
9195	student is under the control of the school, subject to the following conditions:
9196	(a) the local school board, charter school governing board, or the private equivalent,
9197	after consultation with the Department of Health and school nurses shall adopt policies that
9198	provide for:
9199	(i) the designation of volunteer employees who may administer medication;
9200	(ii) proper identification and safekeeping of medication;
9201	(iii) the training of designated volunteer employees by the school nurse;
9202	(iv) maintenance of records of administration; and
9203	(v) notification to the school nurse of medication that will be administered to students;
9204	and
9205	(b) medication may only be administered to a student if:
9206	(i) the student's parent or legal guardian has provided a current written and signed
9207	request that medication be administered during regular school hours to the student; and
9208	(ii) the student's licensed health care provider has prescribed the medication and
9209	provides documentation as to the method, amount, and time schedule for administration, and a
9210	statement that administration of medication by school employees during periods when the
9211	student is under the control of the school is medically necessary.
9212	(2) Authorization for administration of medication by school personnel may be
9213	withdrawn by the school at any time following actual notice to the student's parent or guardian.
9214	(3) School personnel who provide assistance under Subsection (1) in substantial
9215	compliance with the licensed health care provider's written prescription and the employers of
9216	these school personnel are not liable, civilly or criminally, for:
9217	(a) any adverse reaction suffered by the student as a result of taking the medication;
9218	and

9219	(b) discontinuing the administration of the medication under Subsection (2).
9220	(4) Subsections (1) through (3) do not apply to:
9221	(a) the administration of glucagon in accordance with Section [53A-11-603]
9222	<u>53G-9-504;</u>
9223	(b) the administration of a seizure rescue medication in accordance with Section
9224	[53A-11-603.5] <u>53G-9-505</u> ; or
9225	(c) the administration of an opiate antagonist in accordance with Title 26, Chapter 55,
9226	Opiate Overdose Response Act.
9227	Section 319. Section 53G-9-503 , which is renumbered from Section 53A-11-602 is
9228	renumbered and amended to read:
9229	[53A-11-602]. <u>53G-9-503.</u> Self-administration of asthma medication.
9230	(1) As used in this section, "asthma medication" means prescription or nonprescription,
9231	inhaled asthma medication.
9232	(2) A public school shall permit a student to possess and self-administer asthma
9233	medication if:
9234	(a) the student's parent or guardian signs a statement:
9235	(i) authorizing the student to self-administer asthma medication; and
9236	(ii) acknowledging that the student is responsible for, and capable of,
9237	self-administering the asthma medication; and
9238	(b) the student's health care provider provides a written statement that states:
9239	(i) it is medically appropriate for the student to self-administer asthma medication and
9240	be in possession of asthma medication at all times; and
9241	(ii) the name of the asthma medication prescribed or authorized for the student's use.
9242	(3) The Utah Department of Health, in cooperation with the state superintendent of
9243	public instruction, shall design forms to be used by public schools for the parental and health
9244	care provider statements described in Subsection (2).
9245	(4) Section $[53A-11-904]$ $53G-8-205$ does not apply to the possession and
9246	self-administration of asthma medication in accordance with this section.
9247	Section 320. Section 53G-9-504 , which is renumbered from Section 53A-11-603 is
9248	renumbered and amended to read:
9249	[53A-11-603]. <u>53G-9-504.</u> Administration of glucagon Training of

9250 volunteer school personnel -- Authority to use glucagon -- Immunity from liability. 9251 (1) As used in this section, "glucagon authorization" means a signed statement from a 9252 parent or guardian of a student with diabetes: 9253 (a) certifying that glucagon has been prescribed for the student; 9254 (b) requesting that the student's public school identify and train school personnel who 9255 volunteer to be trained in the administration of glucagon in accordance with this section; and 9256 (c) authorizing the administration of glucagon in an emergency to the student in 9257 accordance with this section. 9258 (2) (a) A public school shall, within a reasonable time after receiving a glucagon 9259 authorization, train two or more school personnel who volunteer to be trained in the 9260 administration of glucagon, with training provided by the school nurse or another qualified, 9261 licensed medical professional. 9262 (b) A public school shall allow all willing school personnel to receive training in the 9263 administration of glucagon, and the school shall assist and may not obstruct the identification 9264 or training of volunteers under this Subsection (2). 9265 (c) The Utah Department of Health, in cooperation with the state superintendent of 9266 public instruction, shall design a glucagon authorization form to be used by public schools in 9267 accordance with this section. 9268 (3) (a) Training in the administration of glucagon shall include: 9269 (i) techniques for recognizing the symptoms that warrant the administration of 9270 glucagon; 9271 (ii) standards and procedures for the storage and use of glucagon; 9272 (iii) other emergency procedures, including calling the emergency 911 number and 9273 contacting, if possible, the student's parent or guardian; and 9274 (iv) written materials covering the information required under this Subsection (3). 9275 (b) A school shall retain for reference the written materials prepared in accordance with 9276 Subsection (3)(a)(iv). 9277 (4) A public school shall permit a student or school personnel to possess or store 9278 prescribed glucagon so that it will be available for administration in an emergency in 9279 accordance with this section.

(5) (a) A person who has received training in accordance with this section may

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9281	administer glucagon at a school or school activity to a student with a glucagon authorization if:
9282	(i) the student is exhibiting the symptoms that warrant the administration of glucagon;
9283	and
9284	(ii) a licensed health care professional is not immediately available.
9285	(b) A person who administers glucagon in accordance with Subsection (5)(a) shall
9286	direct a responsible person to call 911 and take other appropriate actions in accordance with the
9287	training materials retained under Subsection (3)(b).
9288	(6) School personnel who provide or receive training under this section and act in good
9289	faith are not liable in any civil or criminal action for any act taken or not taken under the
9290	authority of this section with respect to the administration of glucagon.
9291	(7) Section [53A-11-601] 53G-9-502 does not apply to the administration of glucagon
9292	in accordance with this section.
9293	(8) Section [53A-11-904] <u>53G-8-205</u> does not apply to the possession and
9294	administration of glucagon in accordance with this section.
9295	(9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
9296	Professions, do not apply to a person licensed as a health professional under Title 58,
9297	Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,
9298	trains nonlicensed volunteers to administer glucagon in accordance with this section.
9299	Section 321. Section 53G-9-505 , which is renumbered from Section 53A-11-603.5 is
9300	renumbered and amended to read:
9301	[53A-11-603.5]. <u>53G-9-505.</u> Trained school employee volunteers
9302	Administration of seizure rescue medication Exemptions from liability.
9303	(1) As used in this section:
9304	(a) "Prescribing health care professional" means:
9305	(i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice
9306	Act;
9307	(ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah
9308	Osteopathic Medical Practice Act;
9309	(iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
9310	Practice Act; or
9311	(iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

9312	(b) "Section 504 accommodation plan" means a plan developed pursuant to Section
9313	504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to
9314	an individual with a disability to ensure access to major life activities.
9315	(c) "Seizure rescue authorization" means a student's Section 504 accommodation plan
9316	that:
9317	(i) certifies that:
9318	(A) a prescribing health care professional has prescribed a seizure rescue medication
9319	for the student;
9320	(B) the student's parent or legal guardian has previously administered the student's
9321	seizure rescue medication in a nonmedically-supervised setting without a complication; and
9322	(C) the student has previously ceased having full body prolonged or convulsive seizure
9323	activity as a result of receiving the seizure rescue medication;
9324	(ii) describes the specific seizure rescue medication authorized for the student,
9325	including the indicated dose, and instructions for administration;
9326	(iii) requests that the student's public school identify and train school employees who
9327	are willing to volunteer to receive training to administer a seizure rescue medication in
9328	accordance with this section; and
9329	(iv) authorizes a trained school employee volunteer to administer a seizure rescue
9330	medication in accordance with this section.
9331	(d) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing
9332	health care professional, to be administered as described in a student's seizure rescue
9333	authorization, while the student experiences seizure activity.
9334	(ii) A seizure rescue medication does not include a medication administered
9335	intravenously or intramuscularly.
9336	(e) "Trained school employee volunteer" means an individual who:
9337	(i) is an employee of a public school where at least one student has a seizure rescue
9338	authorization;
9339	(ii) is at least 18 years old; and
9340	(iii) as described in this section:
9341	(A) volunteers to receive training in the administration of a seizure rescue medication;
9342	(B) completes a training program described in this section;

9343	(C) demonstrates competency on an assessment; and
9344	(D) completes annual refresher training each year that the individual intends to remain
9345	a trained school employee volunteer.
9346	(2) (a) The Department of Health shall, with input from the State Board of Education
9347	and a children's hospital, develop a training program for trained school employee volunteers in
9348	the administration of seizure rescue medications that includes:
9349	(i) techniques to recognize symptoms that warrant the administration of a seizure
9350	rescue medication;
9351	(ii) standards and procedures for the storage of a seizure rescue medication;
9352	(iii) procedures, in addition to administering a seizure rescue medication, in the event
9353	that a student requires administration of the seizure rescue medication, including:
9354	(A) calling 911; and
9355	(B) contacting the student's parent or legal guardian;
9356	(iv) an assessment to determine if an individual is competent to administer a seizure
9357	rescue medication;
9358	(v) an annual refresher training component; and
9359	(vi) written materials describing the information required under this Subsection (2)(a).
9360	(b) A public school shall retain for reference the written materials described in
9361	Subsection (2)(a)(vi).
9362	(c) The following individuals may provide the training described in Subsection (2)(a):
9363	(i) a school nurse; or
9364	(ii) a licensed heath care professional.
9365	(3) (a) A public school shall, after receiving a seizure rescue authorization:
9366	(i) inform school employees of the opportunity to be a school employee volunteer; and
9367	(ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
9368	volunteers, using the training program described in Subsection (2)(a).
9369	(b) A public school may not:
9370	(i) obstruct the identification or training of a trained school employee volunteer; or
9371	(ii) compel a school employee to become a trained school employee volunteer.
9372	(4) A trained school employee volunteer may possess or store a prescribed rescue
9373	seizure medication, in accordance with this section.

9374 (5) A trained school employee volunteer may administer a seizure rescue medication to 9375 a student with a seizure rescue authorization if: 9376 (a) the student is exhibiting a symptom, described on the student's seizure rescue 9377 authorization, that warrants the administration of a seizure rescue medication; and 9378 (b) a licensed health care professional is not immediately available to administer the 9379 seizure rescue medication. 9380 (6) A trained school employee volunteer who administers a seizure rescue medication 9381 shall direct an individual to call 911 and take other appropriate actions in accordance with the 9382 training described in Subsection (2). 9383 (7) A trained school employee volunteer who administers a seizure rescue medication 9384 in accordance with this section in good faith is not liable in a civil or criminal action for an act 9385 taken or not taken under this section. 9386 (8) Section [53A-11-601] 53G-9-502 does not apply to the administration of a seizure 9387 rescue medication. 9388 (9) Section [53A-11-904] 53G-8-205 does not apply to the possession of a seizure 9389 rescue medication in accordance with this section. 9390 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations 9391 and Professions, do not apply to a person licensed as a health care professional under Title 58, 9392 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith, 9393 training a nonlicensed school employee who volunteers to administer a seizure rescue 9394 medication in accordance with this section. 9395 (b) Allowing a trained school employee volunteer to administer a seizure rescue 9396 medication in accordance with this section does not constitute unlawful or inappropriate 9397 delegation under Title 58, Occupations and Professions. 9398 Section 322. Section **53G-9-506**, which is renumbered from Section 53A-11-604 is 9399 renumbered and amended to read: 9400 53G-9-506. Diabetes medication -- Possession --[53A-11-604]. 9401 **Self-administration.** 9402 (1) As used in this section, "diabetes medication" means prescription or 9403 nonprescription medication used to treat diabetes, including related medical devices, supplies,

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9404

and equipment used to treat diabetes.

9405	(2) A public school shall permit a student to possess or possess and self-administer
9406	diabetes medication if:
9407	(a) the student's parent or guardian signs a statement:
9408	(i) authorizing the student to possess or possess and self-administer diabetes
9409	medication; and
9410	(ii) acknowledging that the student is responsible for, and capable of, possessing or
9411	possessing and self-administering the diabetes medication; and
9412	(b) the student's health care provider provides a written statement that states:
9413	(i) it is medically appropriate for the student to possess or possess and self-administer
9414	diabetes medication and the student should be in possession of diabetes medication at all times
9415	and
9416	(ii) the name of the diabetes medication prescribed or authorized for the student's use.
9417	(3) The Utah Department of Health, in cooperation with the state superintendent of
9418	public instruction, shall design forms to be used by public schools for the parental and health
9419	care provider statements described in Subsection (2).
9420	(4) Section [53A-11-904] <u>53G-8-205</u> does not apply to the possession and
9421	self-administration of diabetes medication in accordance with this section.
9422	Section 323. Section 53G-9-601 , which is renumbered from Section 53A-11a-102 is
9423	renumbered and amended to read:
9424	Part 6. Bullying and Hazing
9425	[53A-11a-102]. <u>53G-9-601.</u> Definitions.
9426	As used in this [chapter] part:
9427	(1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or
9428	student directed toward a school employee that, based on its severity, nature, and frequency of
9429	occurrence, a reasonable person would determine is intended to cause intimidation,
9430	humiliation, or unwarranted distress.
9431	(b) A single act does not constitute abusive conduct.
9432	(2) "Bullying" means a school employee or student intentionally committing a written,
9433	verbal, or physical act against a school employee or student that a reasonable person under the
9434	circumstances should know or reasonably foresee will have the effect of:
9435	(a) causing physical or emotional harm to the school employee or student;

9436	(b) causing damage to the school employee's or student's property;
9437	(c) placing the school employee or student in reasonable fear of:
9438	(i) harm to the school employee's or student's physical or emotional well-being; or
9439	(ii) damage to the school employee's or student's property;
9440	(d) creating a hostile, threatening, humiliating, or abusive educational environment due
9441	to:
9442	(i) the pervasiveness, persistence, or severity of the actions; or
9443	(ii) a power differential between the bully and the target; or
9444	(e) substantially interfering with a student having a safe school environment that is
9445	necessary to facilitate educational performance, opportunities, or benefits.
9446	(3) "Communication" means the conveyance of a message, whether verbal, written, or
9447	electronic.
9448	(4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send
9449	or post text, video, or an image with the intent or knowledge, or with reckless disregard, that
9450	the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether
9451	the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the
9452	electronic communication.
9453	(5) (a) "Hazing" means a school employee or student intentionally, knowingly, or
9454	recklessly committing an act or causing another individual to commit an act toward a school
9455	employee or student that:
9456	(i) (A) endangers the mental or physical health or safety of a school employee or
9457	student;
9458	(B) involves any brutality of a physical nature, including whipping, beating, branding,
9459	calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
9460	exposure to the elements;
9461	(C) involves consumption of any food, alcoholic product, drug, or other substance or
9462	other physical activity that endangers the mental or physical health and safety of a school
9463	employee or student; or
9464	(D) involves any activity that would subject a school employee or student to extreme
9465	mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that
9466	subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

9467	(ii) (A) is committed for the purpose of initiation into, admission into, affiliation with,
9468	holding office in, or as a condition for membership in a school or school sponsored team,
9469	organization, program, club, or event; or
9470	(B) is directed toward a school employee or student whom the individual who commits
9471	the act knows, at the time the act is committed, is a member of, or candidate for membership
9472	in, a school or school sponsored team, organization, program, club, or event in which the
9473	individual who commits the act also participates.
9474	(b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of
9475	whether the school employee or student against whom the conduct is committed directed,
9476	consented to, or acquiesced in, the conduct.
9477	(6) "Policy" means a school board policy described in Section [53A-11a-301]
9478	<u>53G-9-605</u> .
9479	(7) "Retaliate" means an act or communication intended:
9480	(a) as retribution against a person for reporting bullying or hazing; or
9481	(b) to improperly influence the investigation of, or the response to, a report of bullying
9482	or hazing.
9483	(8) "School" means a public elementary or secondary school, including a charter
9484	school.
9485	(9) "School board" means:
9486	(a) a local school board; or
9487	(b) a charter school governing board.
9488	(10) "School employee" means an individual working in the individual's official
9489	capacity as:
9490	(a) a school teacher;
9491	(b) a school staff member;
9492	(c) a school administrator; or
9493	(d) an individual:
9494	(i) who is employed, directly or indirectly, by a school, school board, or school district;
9495	and
9496	(ii) who works on a school campus.
9497	Section 324. Section 53G-9-602 , which is renumbered from Section 53A-11a-201 is

9498	renumbered and amended to read:
9499	[53A-11a-201]. <u>53G-9-602.</u> Bullying, hazing, and cyber-bullying prohibited.
9500	(1) A school employee or student may not engage in bullying a school employee or
9501	student:
9502	(a) on school property;
9503	(b) at a school related or sponsored event;
9504	(c) on a school bus;
9505	(d) at a school bus stop; or
9506	(e) while the school employee or student is traveling to or from a location or event
9507	described in Subsections (1)(a) through (d).
9508	(2) A school employee or student may not engage in hazing or cyber-bullying a school
9509	employee or student at any time or in any location.
9510	Section 325. Section 53G-9-603 , which is renumbered from Section 53A-11a-202 is
9511	renumbered and amended to read:
9512	[53A-11a-202]. 53G-9-603. Retaliation and making a false allegation
9513	prohibited.
9514	(1) A school employee or student may not engage in retaliation against:
9515	(a) a school employee;
9516	(b) a student; or
9517	(c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying,
9518	hazing, or retaliation.
9519	(2) A school employee or student may not make a false allegation of bullying,
9520	cyber-bullying, hazing, or retaliation against a school employee or student.
9521	Section 326. Section 53G-9-604 , which is renumbered from Section 53A-11a-203 is
9522	renumbered and amended to read:
9523	[53A-11a-203]. 53G-9-604. Parental notification of certain incidents and
9524	threats required.
9525	(1) For purposes of this section, "parent" includes a student's guardian.
9526	(2) A school shall:
9527	(a) notify a parent if the parent's student threatens to commit suicide; or
9528	(b) notify the parents of each student involved in an incident of bullying,

9529	cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's
9530	student.
9531	(3) (a) If a school notifies a parent of an incident or threat required to be reported under
9532	Subsection (2), the school shall produce and maintain a record that verifies that the parent was
9533	notified of the incident or threat.
9534	(b) A school shall maintain a record described in Subsection (3)(a) in accordance with
9535	the requirements of:
9536	[(i) Chapter 1, Part 14, Student Data Protection Act;]
9537	[(ii) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act;]
9538	(i) Title 53E, Chapter 9, Part 2, Student Privacy;
9539	(ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
9540	(iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
9541	(iv) 34 C.F.R. Part 99.
9542	(4) A local school board or charter school governing board shall adopt a policy
9543	regarding the process for:
9544	(a) notifying a parent as required in Subsection (2); and
9545	(b) producing and retaining a record that verifies that a parent was notified of an
9546	incident or threat as required in Subsection (3).
9547	(5) At the request of a parent, a school may provide information and make
9548	recommendations related to an incident or threat described in Subsection (2).
9549	(6) A school shall:
9550	(a) provide a student a copy of a record maintained in accordance with this section that
9551	relates to the student if the student requests a copy of the record; and
9552	(b) expunge a record maintained in accordance with this section that relates to a
9553	student if the student:
9554	(i) has graduated from high school; and
9555	(ii) requests the record be expunged.
9556	Section 327. Section 53G-9-605 , which is renumbered from Section 53A-11a-301 is
9557	renumbered and amended to read:
9558	[53A-11a-301]. <u>53G-9-605.</u> Bullying, cyber-bullying, hazing, abusive
9559	conduct, and retaliation policy.

9560	(1) On or before September 1, 2018, a school board shall update the school board's
9561	bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.
9562	(2) A policy shall:
9563	(a) be developed only with input from:
9564	(i) students;
9565	(ii) parents;
9566	(iii) teachers;
9567	(iv) school administrators;
9568	(v) school staff; or
9569	(vi) local law enforcement agencies; and
9570	(b) provide protection to a student, regardless of the student's legal status.
9571	(3) A policy shall include the following components:
9572	(a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are
9573	consistent with this [chapter] part;
9574	(b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
9575	(c) language prohibiting retaliation against an individual who reports conduct that is
9576	prohibited under this [chapter] part;
9577	(d) language prohibiting making a false report of bullying, cyber-bullying, hazing,
9578	abusive conduct, or retaliation;
9579	(e) as required in Section [53A-11a-203] 53G-9-604, parental notification of:
9580	(i) a student's threat to commit suicide; and
9581	(ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation,
9582	involving the parent's student;
9583	(f) a grievance process for a school employee who has experienced abusive conduct;
9584	(g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or
9585	retaliation; and
9586	(h) a requirement for a signed statement annually, indicating that the individual signing
9587	the statement has received the school board's policy, from each:
9588	(i) school employee;
9589	(ii) student who is at least eight years old; and
9590	(iii) parent or guardian of a student enrolled in the charter school or school district.

9591	(4) A copy of a policy shall be:
9592	(a) included in student conduct handbooks;
9593	(b) included in employee handbooks;
9594	(c) provided to a parent or a guardian of a student enrolled in the charter school or
9595	school district; and
9596	(d) distributed to parents.
9597	(5) A policy may not permit formal disciplinary action that is based solely on an
9598	anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
9599	(6) Nothing in this [chapter] part is intended to infringe upon the right of a school
9600	employee, parent, or student to exercise the right of free speech.
9601	Section 328. Section 53G-9-606 , which is renumbered from Section 53A-11a-302 is
9602	renumbered and amended to read:
9603	[53A-11a-302]. <u>53G-9-606.</u> Model policy and State Board of Education
9604	duties.
9605	(1) On or before September 1, 2018, the State Board of Education shall:
9606	(a) update the State Board of Education's model policy on bullying, cyber-bullying,
9607	hazing, and retaliation to include abusive conduct; and
9608	(b) post the model policy described in Subsection (1)(a) on the State Board of
9609	Education's website.
9610	(2) The State Board of Education shall require a school board to report annually to the
9611	State Board of Education on:
9612	(a) the school board's policy, including implementation of the signed statement
9613	requirement described in Subsection [53A-11a-301] 53G-9-605(3)(g);
9614	(b) the school board's training of school employees relating to bullying, cyber-bullying
9615	hazing, and retaliation described in Section [53A-11a-401] 53G-9-607; and
9616	(c) other information related to this [chapter] part, as determined by the State Board of
9617	Education.
9618	Section 329. Section 53G-9-607 , which is renumbered from Section 53A-11a-401 is
9619	renumbered and amended to read:
9620	[53A-11a-401]. <u>53G-9-607.</u> Training, education, and prevention
9621	Standards.

9622	(1) (a) A school board shall include in the training of a school employee training
9623	regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the
9624	standards described in Subsection (4).
9625	(b) A school board may offer voluntary training to parents and students regarding
9626	abusive conduct.
9627	(2) To the extent that state or federal funding is available for this purpose, school
9628	boards are encouraged to implement programs or initiatives, in addition to the training
9629	described in Subsection (1), to provide for training and education regarding, and the prevention
9630	of, bullying, hazing, abusive conduct, and retaliation.
9631	(3) The programs or initiatives described in Subsection (2) may involve:
9632	(a) the establishment of a bullying task force; or
9633	(b) the involvement of school employees, students, or law enforcement.
9634	(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9635	State Board of Education shall make rules that establish standards for high quality training
9636	related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.
9637	Section 330. Section 53G-9-608 , which is renumbered from Section 53A-11a-402 is
9638	renumbered and amended to read:
9639	[53A-11a-402]. <u>53G-9-608.</u> Other forms of legal redress.
9640	(1) Nothing in this [chapter] part prohibits a victim of bullying, cyber-bullying, hazing,
9641	abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or
9642	criminal law.
9643	(2) This section does not create or alter tort liability.
9644	Section 331. Section 53G-9-701 is enacted to read:
9645	Part 7. Suicide Prevention
9646	<u>53G-9-701.</u> Definitions.
9647	Reserved
9648	Section 332. Section 53G-9-702 , which is renumbered from Section 53A-15-1301 is
9649	renumbered and amended to read:
9650	[53A-15-1301]. 53G-9-702. Youth suicide prevention programs required in
9651	secondary schools State Board of Education to develop model programs Reporting
9652	requirements.

9653	(1) As used in the section:
9654	(a) "Board" means the State Board of Education.
9655	(b) "Intervention" means an effort to prevent a student from attempting suicide.
9656	(c) "Postvention" means mental health intervention after a suicide attempt or death to
9657	prevent or contain contagion.
9658	(d) "Program" means a youth suicide prevention program described in Subsection (2).
9659	(e) "Public education suicide prevention coordinator" means an individual designated
9660	by the board as described in Subsection (3).
9661	(f) "Secondary grades":
9662	(i) means grades 7 through 12; and
9663	(ii) if a middle or junior high school includes grade 6, includes grade 6.
9664	(g) "State suicide prevention coordinator" means the state suicide prevention
9665	coordinator described in Section 62A-15-1101.
9666	(2) (a) In collaboration with the public education suicide prevention coordinator, a
9667	school district or charter school shall implement a youth suicide prevention program in the
9668	secondary grades of the school district or charter school.
9669	(b) A school district or charter school's program shall include the following
9670	components:
9671	(i) in collaboration with the training, programs, and initiatives described in Section
9672	[53A-11a-401] 53G-9-607, programs and training to address bullying and cyberbullying, as
9673	those terms are defined in Section [53A-11a-102] <u>53G-9-601</u> ;
9674	(ii) prevention of youth suicides;
9675	(iii) youth suicide intervention; and
9676	(iv) postvention for family, students, and faculty.
9677	(3) The board shall:
9678	(a) designate a public education suicide prevention coordinator; and
9679	(b) in collaboration with the Department of Heath and the state suicide prevention
9680	coordinator, develop model programs to provide to school districts and charter schools:
9681	(i) program training; and
9682	(ii) resources regarding the required components described in Subsection (2)(b).
9683	(4) The public education suicide prevention coordinator shall:

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2018FL-0399/008 9684 (a) oversee the youth suicide prevention programs of school districts and charter 9685 schools; [and] 9686 (b) coordinate prevention and postvention programs, services, and efforts with the state 9687 suicide prevention coordinator[-]; and 9688 (c) award grants in accordance with Section 53F-5-206. 9689 (5) A public school suicide prevention program may allow school personnel to ask a 9690 student questions related to youth suicide prevention, intervention, or postvention. 9691 (6) (a) Subject to legislative appropriation, the board may distribute money to a school 9692 district or charter school to be used to implement evidence-based practices and programs, or 9693 emerging best practices and programs, for preventing suicide in the school district or charter 9694 school. 9695 (b) The board shall distribute money under Subsection (6)(a) so that each school that 9696 enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser 9697 amount per school if the legislative appropriation is not sufficient to provide at least \$500 per 9698 school. 9699 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to 9700 implement evidence-based practices and programs, or emerging best practices and programs, 9701 for preventing suicide. 9702 (ii) Each school may select the evidence-based practices and programs, or emerging 9703 best practices and programs, for preventing suicide that the school implements. 9704 (7) (a) The board shall provide a written report, and shall orally report to the 9705 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the 9706 public education suicide prevention coordinator and the state suicide prevention coordinator, 9707 on: 9708 (i) the progress of school district and charter school youth suicide prevention programs, 9709 including rates of participation by school districts, charter schools, and students; 9710 (ii) the board's coordination efforts with the Department of Health and the state suicide

(iii) the public education suicide prevention coordinator's model program for training and resources related to youth suicide prevention, intervention, and postvention;

(iv) data measuring the effectiveness of youth suicide programs;

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prevention coordinator;

9715	(v) funds appropriated to each school district and charter school for youth suicide
9716	prevention programs; and
9717	(vi) five-year trends of youth suicides per school, school district, and charter school.
9718	(b) School districts and charter schools shall provide to the board information that is
9719	necessary for the board's report to the Legislature's Education Interim Committee as required in
9720	Subsection (7)(a).
9721	Section 333. Section 53G-9-703 , which is renumbered from Section 53A-15-1302 is
9722	renumbered and amended to read:
9723	[53A-15-1302]. <u>53G-9-703.</u> Parent education Mental health Bullying
9724	Safety.
9725	(1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for
9726	parents of students in the school district that:
9727	(i) is offered at no cost to parents;
9728	(ii) begins at or after 6 p.m.;
9729	(iii) is held in at least one school located in the school district; and
9730	(iv) covers the topics described in Subsection (2).
9731	(b) (i) A school district shall annually offer one parent seminar for each 11,000
9732	students enrolled in the school district.
9733	(ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer
9734	more than three seminars.
9735	(c) A school district may:
9736	(i) develop its own curriculum for the seminar described in Subsection (1)(a); or
9737	(ii) use the curriculum developed by the State Board of Education under Subsection
9738	(2).
9739	(d) A school district shall notify each charter school located in the attendance
9740	boundaries of the school district of the date and time of a parent seminar, so the charter school
9741	may inform parents of the seminar.
9742	(2) The State Board of Education shall:
9743	(a) develop a curriculum for the parent seminar described in Subsection (1) that
9744	includes information on:
9745	(i) substance abuse, including illegal drugs and prescription drugs and prevention;

9746	(ii) bullying;
9747	(iii) mental health, depression, suicide awareness, and suicide prevention, including
9748	education on limiting access to fatal means;
9749	(iv) Internet safety, including pornography addiction; and
9750	(v) the School Safety and Crisis Line established in Section [53A-11-1503]
9751	<u>53E-10-502</u> ; and
9752	(b) provide the curriculum, including resources and training, to school districts upon
9753	request.
9754	(3) The State Board of Education shall report to the Legislature's Education Interim
9755	Committee, by the October 2015 meeting, on:
9756	(a) the progress of implementation of the parent seminar;
9757	(b) the number of parent seminars conducted in each school district;
9758	(c) the estimated attendance reported by each school district;
9759	(d) a recommendation of whether to continue the parent seminar program; and
9760	(e) if a local school board has opted out of providing the parent seminar, as described
9761	in Subsection (4), the reasons why a local school board opted out.
9762	(4) (a) A school district is not required to offer the parent seminar if the local school
9763	board determines that the topics described in Subsection (2) are not of significant interest or
9764	value to families in the school district.
9765	(b) If a local school board chooses not to offer the parent seminar, the local school
9766	board shall notify the State Board of Education and provide the reasons why the local school
9767	board chose not to offer the parent seminar.
9768	Section 334. Section 53G-9-704 , which is renumbered from Section 53A-15-1304 is
9769	renumbered and amended to read:
9770	[53A-15-1304]. <u>53G-9-704.</u> Youth suicide prevention training for employees
9771	(1) A school district or charter school shall require a licensed employee to complete
9772	two hours of professional development training on youth suicide prevention within the
9773	employee's license cycle described in Section [53A-6-104] <u>53E-6-201</u> .
9774	(2) The board shall:
9775	(a) develop or adopt sample materials to be used by a school district or charter school
9776	for professional development training on youth suicide prevention; and

9777	(b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative			
9778	Rulemaking Act, incorporate the training described in Subsection (1) into professional			
9779	development training described in Section [53A-6-104] 53E-6-201.			
9780	Section 335. Section 53G-9-801 , which is renumbered from Section 53A-15-1902 is			
9781	renumbered and amended to read:			
9782	Part 8. Dropout Prevention and Recovery and Remediation Programs			
9783	[53A-15-1902]. <u>53G-9-801.</u> Definitions.			
9784	As used in [this part] Section 53G-9-802:			
9785	(1) "Attainment goal" means earning:			
9786	(a) a high school diploma;			
9787	(b) a Utah High School Completion Diploma, as defined in State Board of Education			
9788	rule;			
9789	(c) an Adult Education Secondary Diploma, as defined in State Board of Education			
9790	rule; or			
9791	(d) an employer-recognized, industry-based certificate that is:			
9792	(i) likely to result in job placement; and			
9793	(ii) included in the State Board of Education's approved career and technical education			
9794	industry certification list.			
9795	(2) "Cohort" means a group of students, defined by the year in which the group enters			
9796	grade 9.			
9797	(3) "Designated student" means a student:			
9798	(a) (i) who has withdrawn from an LEA before earning a diploma;			
9799	(ii) who has been dropped from average daily membership; and			
9800	(iii) whose cohort has not yet graduated; or			
9801	(b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined			
9802	by the student's LEA, using risk factors defined in rules made by the State Board of Education			
9803	in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.			
9804	(4) "Graduation rate" means:			
9805	(a) for a school district or a charter school that includes grade 12, the graduation rate			
9806	calculated by the State Board of Education for federal accountability and reporting purposes; of			
9807	(b) for a charter school that does not include grade 12, a proxy graduation rate defined			

9808	in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah			
9809	Administrative Rulemaking Act.			
9810	(5) "Local education agency" or "LEA" means a school district or charter school that			
9811	serves students in grade 9, 10, 11, or 12.			
9812	(6) "Nontraditional program" means a program, as defined in rules made by the State			
9813	Board of Education under Subsection [53A-1-402] 53E-3-501(1)(e), in which a student			
9814	receives instruction through:			
9815	(a) distance learning;			
9816	(b) online learning;			
9817	(c) blended learning; or			
9818	(d) competency-based learning.			
9819	(7) "Statewide graduation rate" means:			
9820	(a) for a school district or a charter school that includes grade 12, the statewide			
9821	graduation rate, as annually calculated by the State Board of Education; or			
9822	(b) for a charter school that does not include grade 12, the average graduation rate for			
9823	all charter schools that do not include grade 12.			
9824	(8) "Third party" means:			
9825	(a) a private provider; or			
9826	(b) an LEA that does not meet the criteria described in Subsection [53A-15-1903]			
9827	<u>53G-9-802(</u> 3).			
9828	Section 336. Section 53G-9-802, which is renumbered from Section 53A-15-1903 is			
9829	renumbered and amended to read:			
9830	[53A-15-1903]. <u>53G-9-802.</u> Dropout prevention and recovery Flexible			
9831	enrollment options Contracting Reporting.			
9832	(1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and			
9833	recovery services to a designated student, including:			
9834	(i) engaging with or attempting to recover a designated student;			
9835	(ii) developing a learning plan, in consultation with a designated student, to identify:			
9836	(A) barriers to regular school attendance and achievement;			
9837	(B) an attainment goal; and			
9838	(C) a means for achieving the attainment goal through enrollment in one or more of t			

9839	programs described in Subsection (2);			
9840	(iii) monitoring a designated student's progress toward reaching the designated			
9841	student's attainment goal; and			
9842	(iv) providing tiered interventions for a designated student who is not making progre			
9843	toward reaching the student's attainment goal.			
9844	(b) An LEA shall provide the dropout prevention and recovery services described in			
9845	Subsection (1)(a):			
9846	(i) throughout the calendar year; and			
9847	(ii) except as provided in Subsection (1)(c)(i), for each designated student who			
9848	becomes a designated student while enrolled in the LEA.			
9849	(c) (i) A designated student's school district of residence shall provide dropout recovery			
9850	services if the designated student:			
9851	(A) was enrolled in a charter school that does not include grade 12; and			
9852	(B) becomes a designated student in the summer after the student completes academic			
9853	instruction at the charter school through the maximum grade level the charter school is eligible			
9854	to serve under the charter school's charter agreement as described in Section [53A-1a-508]			
9855	<u>53G-5-303</u> .			
9856	(ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include			
9857	grade 12 shall notify each of the charter school's student's district of residence, as determined			
9858	under Section [53A-2-201] 53G-6-302, when the student completes academic instruction at the			
9859	charter school as described in Subsection (1)(c)(i)(B).			
9860	(iii) The notification described in Subsection (1)(c)(ii) shall include the student's name.			
9861	contact information, and student identification number.			
9862	(2) (a) An LEA shall provide flexible enrollment options for a designated student that:			
9863	(i) are tailored to the designated student's learning plan developed under Subsection			
9864	(1)(a)(ii); and			
9865	(ii) include two or more of the following:			
9866	(A) enrollment in the LEA in a traditional program;			
9867	(B) enrollment in the LEA in a nontraditional program;			
9868	(C) enrollment in a program offered by a private provider that has entered into a			
9869	contract with the LEA to provide educational services; or			

9870	(D) enrollment in a program offered by another LEA.			
9871	(b) A designated student may enroll in:			
9872	(i) a program offered by the LEA under Subsection (2)(a), in accordance with this			
9873	[Title 53A, State System of Public Education,] public education code, rules established by			
9874	State Board of Education, and policies established by the LEA;			
9875	(ii) the Electronic High School, in accordance with [Part 10, Electronic High School			
9876	Act] Title 53E, Chapter 10, Part 6, Electronic High School; or			
9877	[(ii)] (iii) the Statewide Online Education Program, in accordance with [Part 12] T			
9878	53F, Chapter 4, Part 5, Statewide Online Education Program [Act].			
9879	(c) An LEA shall make the LEA's best effort to accommodate a designated student's			
9880	choice of enrollment under Subsection (2)(b).			
9881	(3) Beginning with the 2017-18 school year and except as provided in Subsection (4),			
9882	an LEA shall enter into a contract with a third party to provide the dropout prevention and			
9883	recovery services described in Subsection (1)(a) for any school year in which the LEA meets			
9884	the following criteria:			
9885	(a) the LEA's graduation rate is lower than the statewide graduation rate; and			
9886	(b) (i) the LEA's graduation rate has not increased by at least 1% on average over the			
9887	previous three school years; or			
9888	(ii) during the previous calendar year, at least 10% of the LEA's designated students			
9889	have not:			
9890	(A) reached the students' attainment goals; or			
9891	(B) made a year's worth of progress toward the students' attainment goals.			
9892	(4) An LEA that is in the LEA's first three years of operation is not subject to the			
9893	requirement described in Subsection (3).			
9894	(5) An LEA described in Subsection (3) shall ensure that:			
9895	(a) a third party with whom the LEA enters into a contract under Subsection (3) has a			
9896	demonstrated record of effectiveness engaging with and recovering designated students; and			
9897	(b) a contract with a third party requires the third party to:			
9898	(i) provide the services described in Subsection (1)(a); and			
9899	(ii) regularly report progress to the LEA.			
9900	(6) An LEA shall annually submit a report to the State Board of Education on dropour			

9901	prevention and recovery services provided under this section, including:			
9902	(a) the methods the LEA or third party uses to engage with or attempt to recover			
9903	designated students under Subsection (1)(a)(i);			
9904	(b) the number of designated students who enroll in a program described in Subsection			
9905	(2) as a result of the efforts described in Subsection (6)(a);			
9906	(c) the number of designated students who reach the designated students' attainment			
9907	goals identified under Subsection (1)(a)(ii)(B); and			
9908	(d) funding allocated to provide dropout prevention and recovery services.			
9909	(7) The State Board of Education shall:			
9910	(a) ensure that an LEA described in Subsection (3) contracts with a third party to			
9911	provide dropout prevention and recovery services in accordance with Subsections (3) and (5);			
9912	and			
9913	(b) on or before October 30, 2017, and each year thereafter, report to the Education			
9914	Interim Committee on the provisions of this section, including a summary of the reports			
9915	submitted under Subsection (6).			
9916	Section 337. Section 53G-9-803 , which is renumbered from Section 53A-13-104 is			
9917	renumbered and amended to read:			
9918	[53A-13-104]. <u>53G-9-803.</u> Remediation programs for secondary students.			
9919	(1) For purposes of this section:			
9920	(a) "Secondary school" means a school that provides instruction to students in grades 7,			
9921	8, 9, 10, 11, or 12.			
9922	(b) "Secondary school student":			
9923	(i) means a student enrolled in a secondary school; and			
9924	(ii) includes a student in grade 6 if the student attends a secondary school.			
9925	(2) A school district or charter school shall implement programs for secondary school			
9926	students to attain the competency levels and graduation requirements established by the State			
9927	Board of Education.			
9928	(3) (a) A school district or charter school shall establish remediation programs for			
9929	secondary school students who do not meet competency levels in English, mathematics,			
9930	science, or social studies.			
9931	(b) Participation in the programs is mandatory for secondary school students who fail			

9932	to meet the competency levels based on classroom performance.			
9933	(4) Secondary school students who require remediation under this section may not be			
9934	advanced to the following class in subject sequences until they meet the required competency			
9935	level for the subject or complete the required remediation program, except that a school distri			
9936	or charter school may allow secondary school students requiring remediation who would			
9937	otherwise be scheduled to enter their first year of high school to complete their remediation			
9938	program during that first year.			
9939	(5) (a) Remediation programs provided under this section should not be unnecessarily			
9940	lengthy or repetitive.			
9941	(b) A secondary school student need not repeat an entire class if remediation can			
9942	reasonably be achieved through other means.			
9943	(6) A school district or charter school may charge secondary school students a fee to			
9944	participate in the remediation programs.			
9945	Section 338. Section 53G-10-101 is enacted to read:			
9946	CHAPTER 10. CURRICULUM PARTICIPATION AND REQUIREMENTS			
9947	Part 1. General Provisions			
9948	<u>53G-10-101.</u> Title.			
9949	This chapter is known as "Curriculum Participation and Requirements."			
9950	Section 339. Section 53G-10-102 is enacted to read:			
9951	<u>53G-10-102.</u> Definitions.			
9952	Reserved			
9953	Section 340. Section 53G-10-201 is enacted to read:			
9954	Part 2. General Requirements and Participation			
9955	<u>53G-10-201.</u> Definitions.			
9956	Reserved			
9957	Section 341. Section 53G-10-202 , which is renumbered from Section 53A-13-101.1 is			
9958	renumbered and amended to read:			
9959	[53A-13-101.1]. 53G-10-202. Maintaining constitutional freedom in the			

9959 [53A-13-101.1]. 53G-10-202. Maintaining constitutional freedom in the public schools.

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(1) Any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence

thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules of the state and local boards of education, may be undertaken in the public schools.

- (2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.
 - (3) Public schools may not sponsor prayer or religious devotionals.
- (4) School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.
- Section 342. Section **53G-10-203**, which is renumbered from Section 53A-13-101.3 is renumbered and amended to read:

[53A-13-101.3]. 53G-10-203. Expressions of belief -- Discretionary time.

- (1) Expression of personal beliefs by a student participating in school-directed curricula or activities may not be prohibited or penalized unless the expression unreasonably interferes with order or discipline, threatens the well-being of persons or property, or violates concepts of civility or propriety appropriate to a school setting.
- (2) (a) As used in this section, "discretionary time" means noninstructional time during which a student is free to pursue personal interests.
- (b) Free exercise of voluntary religious practice or freedom of speech by students during discretionary time shall not be denied unless the conduct unreasonably interferes with the ability of school officials to maintain order and discipline, unreasonably endangers persons or property, or violates concepts of civility or propriety appropriate to a school setting.
- (3) Any limitation under Sections [53A-13-101.2 and 53A-13-101.3] 53G-10-203 and 53G-10-205 on student expression, practice, or conduct shall be by the least restrictive means necessary to satisfy the school's interests as stated in those sections, or to satisfy another specifically identified compelling governmental interest.
 - Section 343. Section **53G-10-204**, which is renumbered from Section 53A-13-109 is

9994	renumbered and amended to read:			
9995	[53A-13-109].	53G-10-204. Civic and character education Definitions		
9996	Legislative finding Elements Reporting requirements.			
9997	(1) As used in this s	section:		
9998	(a) "Character education" means reaffirming values and qualities of character which			
9999	promote an upright and desirable citizenry.			
10000	(b) "Civic education" means the cultivation of informed, responsible participation in			
10001	political life by competent citizens committed to the fundamental values and principles of			
10002	representative democracy in Utah and the United States.			
10003	(c) "Values" means time-established principles or standards of worth.			
10004	(2) The Legislature recognizes that:			
10005	(a) Civic and character education are fundamental elements of the public education			
10006	system's core mission as originally intended and established under Article X of the Utah			
10007	Constitution;			
10008	(b) Civic and chara-	cter education are fundamental elements of the constitutional		
10009	responsibility of public education and shall be a continuing emphasis and focus in public			
10010	schools;			
10011	(c) the cultivation of	f a continuing understanding and appreciation of a constitutional		
10012	republic and principles of representative democracy in Utah and the United States among			
10013	succeeding generations of educated and responsible citizens is important to the nation and			
10014	state;			
10015	(d) the primary resp	onsibility for the education of children within the state resides with		
10016	their parents or guardians as	nd that the role of state and local governments is to support and		
10017	assist parents in fulfilling th	at responsibility;		
10018	(e) public schools f	ulfill a vital purpose in the preparation of succeeding generations of		
10019	informed and responsible citizens who are deeply attached to essential democratic values and			
10020	institutions; and			
10021	(f) the happiness an	d security of American society relies upon the public virtue of its		
10022	citizens which requires a united commitment to a moral social order where self-interests are			
10023	willingly subordinated to the greater common good.			
10024	(3) Through an inte	grated curriculum, students shall be taught in connection with		

10025 regular school work: 10026 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law; 10027 (b) respect for and an understanding of the Declaration of Independence and the 10028 constitutions of the United States and of the state of Utah; 10029 (c) Utah history, including territorial and preterritorial development to the present; 10030 (d) the essentials and benefits of the free enterprise system; 10031 (e) respect for parents, home, and family; 10032 (f) the dignity and necessity of honest labor; and 10033 (g) other skills, habits, and qualities of character which will promote an upright and 10034 desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured 10035 10036 by the constitution. 10037 (4) Local school boards and school administrators may provide training, direction, and 10038 encouragement, as needed, to accomplish the intent and requirements of this section and to 10039 effectively emphasize civic and character education in the course of regular instruction in the 10040 public schools. 10041 (5) Civic and character education in public schools are: 10042 (a) not intended to be separate programs in need of special funding or added specialists 10043 to be accomplished; and 10044 (b) core principles which reflect the shared values of the citizens of Utah and the 10045 founding principles upon which representative democracy in the United States and the state of 10046 Utah are based. 10047 (6) To assist the Commission on Civic and Character Education in fulfilling the 10048 commission's duties under Section 67-1a-11, by December 30 of each year, each school district 10049 and the State Charter School Board shall submit to the lieutenant governor and the commission 10050 a report summarizing how civic and character education are achieved in the school district or 10051 charter schools through an integrated school curriculum and in the regular course of school 10052 work as provided in this section.

Committee, on or before the October meeting, the methods used, and the results being achieved, to instruct and prepare students to become informed and responsible citizens through

(7) Each year, the State Board of Education shall report to the Education Interim

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an integrated curriculum taught in connection with regular school work as required in this 10056 10057 section. 10058 Section 344. Section 53G-10-205, which is renumbered from Section 53A-13-101.2 is 10059 renumbered and amended to read: 10060 [53A-13-101.2]. 53G-10-205. Waivers of participation. 10061 (1) As used in this section: 10062 [(a) (i) "Human sexuality instruction" means any course material, unit, class, lesson, 10063 activity, or presentation that, as the focus of the discussion, provides instruction or information 10064 to a student about: 10065 [(A) sexual abstinence;] 10066 (B) human sexuality; 10067 (C) human reproduction: 10068 [(D) reproductive anatomy;] 10069 [(E) physiology;] 10070 [(F) pregnancy;] 10071 [(G) marriage;] 10072 [(H) childbirth;] 10073 [(I) parenthood;] 10074 [(J) contraception;] 10075 [(K) HIV/AIDS; or] 10076 [(L) sexually transmitted diseases.] 10077 [(ii) "Human sexuality instruction" does not include child sexual abuse prevention 10078 instruction described in Section 53A-13-112.] 10079 [(b)] (a) "Parent" means a parent or legal guardian. 10080 [(c)] (b) "School" means a public school. 10081 (2) If a parent of a student, or a secondary student, determines that the student's 10082 participation in a portion of the curriculum or in an activity would require the student to affirm 10083 or deny a religious belief or right of conscience, or engage or refrain from engaging in a 10084 practice forbidden or required in the exercise of a religious right or right of conscience, the 10085 parent or the secondary student may request: (a) a waiver of the requirement to participate; or 10086

10087	(b) a reasonable alternative that requires reasonably equivalent performance by the			
10088	student of the secular objectives of the curriculum or activity in question.			
10089	(3) The school shall promptly notify a student's parent if the secondary student makes a			
10090	request under Subsection (2).			
10091	(4) If a request is made under Subsection (2), the school shall:			
10092	(a) waive the participation requirement;			
10093	(b) provide a reasonable alternative to the requirement; or			
10094	(c) notify the requesting party that participation is required.			
10095	(5) The school shall ensure that the provisions of Subsection [53A-13-101.3]			
10096	53G-10-203(3) are met in connection with any required participation under Subsection (4)(c).			
10097	[(6) A school shall obtain prior written consent from a student's parent before the			
10098	school may provide human sexuality instruction to the student.]			
10099	[(7) If a student's parent chooses not to have the student participate in human sexuality			
10100	instruction, a school shall:			
10101	[(a) waive the requirement for the student to participate in the human sexuality			
10102	instruction; or]			
10103	[(b) provide the student with a reasonable alternative to the human sexuality instruction			
10104	requirement.]			
10105	[(8) In cooperation with the student's teacher or school, a parent shall take			
10106	responsibility for the parent's student's human sexuality instruction if a school:]			
10107	[(a) waives the student's human sexuality instruction requirement in Subsection (7)(a);			
10108	or]			
10109	[(b) provides the student with a reasonable alternative to the human sexuality			
10110	instruction requirement described in Subsection (7)(b).]			
10111	[9] (6) A student's academic or citizenship performance may not be penalized if $[(a)]$			
10112	the secondary student or the student's parent chooses to exercise a religious right or right of			
10113	conscience in accordance with the provisions of this section[; or].			
10114	[(b) the student's parent chooses not to have the student participate in human sexuality			
10115	instruction as described in Subsection (7).]			
10116	Section 345. Section 53G-10-301 is enacted to read:			
10117	Part 3 Miscellaneous Curriculum Requirements			

10118	<u>53G-10-301.</u> Definitions.			
10119	Reserved			
10120	Section 346. Section 53G-10-302, which is renumbered from Section 53A-13-101.4 i			
10121	renumbered and amended to read:			
10122	[53A-13-101.4]. <u>53G-10-302.</u> Instruction in American history and			
10123	government Study and posting of American heritage documents.			
10124	(1) The Legislature recognizes that a proper understanding of American history and			
10125	government is essential to good citizenship, and that the public schools are the primary public			
10126	institutions charged with responsibility for assisting children and youth in gaining that			
10127	understanding.			
10128	(2) (a) The State Board of Education and local school boards shall periodically review			
10129	school curricula and activities to ensure that effective instruction in American history and			
10130	government is taking place in the public schools.			
10131	(b) The boards shall solicit public input as part of the review process.			
10132	(c) Instruction in American history and government shall include a study of:			
10133	(i) forms of government, such as a republic, a pure democracy, a monarchy, and an			
10134	oligarchy;			
10135	(ii) political philosophies and economic systems, such as socialism, individualism, an			
10136	free market capitalism; and			
10137	(iii) the United States' form of government, a compound constitutional republic.			
10138	(3) School curricula and activities shall include a thorough study of historical			
10139	documents such as:			
10140	(a) the Declaration of Independence;			
10141	(b) the United States Constitution;			
10142	(c) the national motto;			
10143	(d) the pledge of allegiance;			
10144	(e) the national anthem;			
10145	(f) the Mayflower Compact;			
10146	(g) the writings, speeches, documents, and proclamations of the Founders and the			
10147	Presidents of the United States;			
10148	(h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and			

10149	post Federalist eras;
10150	(i) United States Supreme Court decisions;
10151	(j) Acts of the United States Congress, including the published text of the
10152	Congressional Record; and
10153	(k) United States treaties.
10154	(4) To increase student understanding of, and familiarity with, American historical
10155	documents, public schools may display historically important excerpts from, or copies of, those
10156	documents in school classrooms and common areas as appropriate.
10157	(5) There shall be no content-based censorship of American history and heritage
10158	documents referred to in this section due to their religious or cultural nature.
10159	(6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302
10160	to be the national motto of the United States, in one or more prominent places within each
10161	school building.
10162	Section 347. Section 53G-10-303 , which is renumbered from Section 53A-13-101.5 is
10163	renumbered and amended to read:
10164	[53A-13-101.5]. <u>53G-10-303.</u> Teaching of American sign language.
10165	(1) The Legislature recognizes that American sign language is a fully developed,
10166	autonomous, natural language with distinct grammar, syntax, and art forms.
10167	(2) American sign language shall be accorded equal status with other linguistic systems
10168	in the state's public and higher education systems.
10169	(3) The State Board of Education, in consultation with the state's school districts and
10170	members of the deaf and hard of hearing community, shall develop and implement policies and
10171	procedures for the teaching of American sign language in the state's public education system at
10172	least at the middle school or high school level.
10173	(4) A student may count credit received for completion of a course in American sign
10174	language at the middle school or high school level toward the satisfaction of a foreign language
10175	requirement in the public education system under rules made by the State Board of Education.
10176	(5) The State Board of Regents, in consultation with the state's public institutions of
10177	higher education and members of the state's deaf and hard of hearing community, shall develop
10178	and implement policies and procedures for offering instruction in American sign language in
10179	the state's system of higher education.

10180	(6) The Joint Liaison Committee, in consultation with members of the state's deaf and				
10181	hard of hearing community, shall review any policies and procedures developed under this				
10182	section and make recommendations to either or both boards regarding the policies.				
10183	Section 348. Section 53G-10-304 , which is renumbered from Section 53A-13-101.6 is				
10184	renumbered and amended to read:				
10185	[53A-13-101.6]. <u>53G-10-304.</u> Instruction on the flag of the United States of				
10186	America.				
10187	(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the				
10188	State Board of Education shall provide by rule for a program of instruction within the public				
10189	schools relating to the flag of the United States.				
10190	(2) The instruction shall include the history of the flag, etiquette, customs pertaining to				
10191	the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to				
10192	10.				
10193	(3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of				
10194	each day in each public school classroom in the state, led by a student in the classroom, as				
10195	assigned by the classroom teacher on a rotating basis.				
10196	(b) Each student shall be informed by posting a notice in a conspicuous place that the				
10197	student has the right not to participate in reciting the pledge.				
10198	(c) A student shall be excused from reciting the pledge upon written request from the				
10199	student's parent or legal guardian.				
10200	(d) (i) At least once a year students shall be instructed that:				
10201	(A) participation in the pledge of allegiance is voluntary and not compulsory; and				
10202	(B) not only is it acceptable for someone to choose not to participate in the pledge of				
10203	allegiance for religious or other reasons, but students should show respect for any student who				
10204	chooses not to participate.				
10205	(ii) A public school teacher shall strive to maintain an atmosphere among students in				
10206	the classroom that is consistent with the principles described in Subsection (3)(d)(i).				
10207	Section 349. Section 53G-10-305 is enacted to read:				
10208	53G-10-305. Financial education information.				
10209	A public school shall provide the following to the parents or guardian of a kindergarten				
10210	student during kindergarten enrollment:				

10211	(1) a financial and economic literacy passport, as defined in Section 53E-3-505; and			
10212	(2) information about higher education savings options, including information about			
10213	opening a Utah Educational Savings Plan account.			
10214	Section 350. Section 53G-10-401 is enacted to read:			
10215	Part 4. Health Curriculum Requirements			
10216	<u>53G-10-401.</u> Definitions.			
10217	Reserved			
10218	Section 351. Section 53G-10-402 , which is renumbered from Section 53A-13-101 is			
10219	renumbered and amended to read:			
10220	[53A-13-101]. <u>53G-10-402.</u> Instruction in health Parental consent			
10221	requirements Conduct and speech of school employees and volunteers Political and			
10222	religious doctrine prohibited.			
10223	(1) (a) The State Board of Education shall establish curriculum requirements under			
10224	Section [53A-1-402,] <u>53E-3-501</u> that include instruction in:			
10225	(i) community and personal health;			
10226	(ii) physiology;			
10227	(iii) personal hygiene; and			
10228	(iv) prevention of communicable disease.			
10229	(b) (i) That instruction shall stress:			
10230	(A) the importance of abstinence from all sexual activity before marriage and fidelity			
10231	after marriage as methods for preventing certain communicable diseases; and			
10232	(B) personal skills that encourage individual choice of abstinence and fidelity.			
10233	(ii) (A) At no time may instruction be provided, including responses to spontaneous			
10234	questions raised by students, regarding any means or methods that facilitate or encourage the			
10235	violation of any state or federal criminal law by a minor or an adult.			
10236	(B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a			
10237	spontaneous question as long as the response is consistent with the provisions of this section.			
10238	(c) (i) The board shall recommend instructional materials for use in the curricula			
10239	required under Subsection (1)(a) after considering evaluations of instructional materials by the			
10240	State Instructional Materials Commission.			
10241	(ii) A local school board may choose to adopt:			

10242	(A) the instructional materials recommended under Subsection (1)(c)(i); or
10243	(B) other instructional materials as provided in state board rule.
10244	(iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a
10245	minimum:
10246	(A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)
10247	shall be based upon recommendations of the school district's Curriculum Materials Review
10248	Committee that comply with state law and state board rules emphasizing abstinence before
10249	marriage and fidelity after marriage, and prohibiting instruction in:
10250	(I) the intricacies of intercourse, sexual stimulation, or erotic behavior;
10251	(II) the advocacy of premarital or extramarital sexual activity; or
10252	(III) the advocacy or encouragement of the use of contraceptive methods or devices;
10253	(IV) the advocacy of sexual activity outside of marriage;
10254	(B) that the adoption of instructional materials shall take place in an open and regular
10255	meeting of the local school board for which prior notice is given to parents and guardians of
10256	students attending schools in the district and an opportunity for them to express their views and
10257	opinions on the materials at the meeting;
10258	(C) provision for an appeal and review process of the local school board's decision; and
10259	(D) provision for a report by the local school board to the State Board of Education of
10260	the action taken and the materials adopted by the local school board under Subsections
10261	(1)(c)(ii)(B) and $(1)(c)(iii)$.
10262	(2) (a) Instruction in the courses described in Subsection (1) shall be consistent and
10263	systematic in grades eight through 12.
10264	(b) At the request of the board, the Department of Health shall cooperate with the
10265	board in developing programs to provide instruction in those areas.
10266	(3) (a) The board shall adopt rules that:
10267	(i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
10268	are complied with; and
10269	(ii) require a student's parent or legal guardian to be notified in advance and have an
10270	opportunity to review the information for which parental consent is required under Sections
10271	76-7-322 and 76-7-323.
10272	(b) The board shall also provide procedures for disciplinary action for violation of

10273 Section 76-7-322 or 76-7-323.

(4) (a) In keeping with the requirements of Section [53A-13-109] 53G-10-204, and because school employees and volunteers serve as examples to their students, school employees or volunteers acting in their official capacities may not support or encourage criminal conduct by students, teachers, or volunteers.

- (b) To ensure the effective performance of school personnel, the limitations described in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official capacities if:
- (i) they knew or should have known that their action could result in a material and substantial interference or disruption in the normal activities of the school; and
- (ii) that action does result in a material and substantial interference or disruption in the normal activities of the school.
- (c) Neither the State Board of Education nor local school districts may allow training of school employees or volunteers that supports or encourages criminal conduct.
 - (d) The State Board of Education shall adopt rules implementing this section.
- (e) Nothing in this section limits the ability or authority of the State Board of Education and local school boards to enact and enforce rules or take actions that are otherwise lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.
- (5) Except as provided in Section [53A-13-101.1] 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.
- (6) (a) Local school boards and their employees shall cooperate and share responsibility in carrying out the purposes of this chapter.
- (b) Each school district shall provide appropriate inservice training for its teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections [53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302] 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, 53G-10-205, and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the inservice training.
 - (c) The written materials shall also be made available to classified employees, students,

and parents and guardians of students.

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(d) In order to assist school districts in providing the inservice training required under Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop and disseminate model teacher inservice programs which districts may use to train the individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of character referenced in that subsection.

- (e) In accordance with the provisions of Subsection (4)(c), inservice training may not support or encourage criminal conduct.
- 10313 (7) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.
- Section 352. Section **53G-10-403** is enacted to read:
- 10318 53G-10-403. Required parental consent for human sexuality instruction.
- 10319 (1) As used in this section:
- 10320 (a) (i) "Human sexuality instruction" means any course material, unit, class, lesson,
 10321 activity, or presentation that, as the focus of the discussion, provides instruction or information
 10322 to a student about:
- 10323 (A) sexual abstinence;
- 10324 (B) human sexuality;
- 10325 (C) human reproduction;
- 10326 (D) reproductive anatomy;
- 10327 (E) physiology;
- 10328 (F) pregnancy;
- 10329 <u>(G) marriage;</u>
- 10330 (H) childbirth;
- 10331 (I) parenthood;
- 10332 (J) contraception;
- 10333 (K) HIV/AIDS; or
- 10334 (L) sexually transmitted diseases.

10335	(ii) "Human sexuality instruction" does not include child sexual abuse prevention			
10336	instruction described in Section 53G-9-207.			
10337	(b) "Parent" means the same as that term is defined in Section 53G-10-205.			
10338	(c) "School" means the same as that term is defined in Section 53G-10-205.			
10339	(2) A school shall obtain prior written consent from a student's parent before the school			
10340	may provide human sexuality instruction to the student.			
10341	(3) If a student's parent chooses not to have the student participate in human sexuality			
10342	instruction, a school shall:			
10343	(a) waive the requirement for the student to participate in the human sexuality			
10344	instruction; or			
10345	(b) provide the student with a reasonable alternative to the human sexuality instruction			
10346	requirement.			
10347	(4) In cooperation with the student's teacher or school, a parent shall take responsibility			
10348	for the parent's student's human sexuality instruction if a school:			
10349	(a) waives the student's human sexuality instruction requirement in Subsection (3)(a);			
10350	<u>or</u>			
10351	(b) provides the student with a reasonable alternative to the human sexuality			
10352	instruction requirement described in Subsection (3)(b).			
10353	(5) A student's academic or citizenship performance may not be penalized if the			
10354	student's parent chooses not to have the student participate in human sexuality instruction as			
10355	described in Subsection (3).			
10356	Section 353. Section 53G-10-404, which is renumbered from Section 53A-13-107 is			
10357	renumbered and amended to read:			
10358	[53A-13-107]. <u>53G-10-404.</u> Adoption information.			
10359	(1) For a school year beginning with or after the 2012-13 school year, a local school			
10360	board shall ensure that an annual presentation on adoption is given to its secondary school			
10361	students in grades 7-12, so that each student receives the presentation at least once during			
10362	grades 7-9 and at least once during grades 10-12.			
10363	(2) The presentation shall be made by a licensed teacher as part of the health education			
10364	core.			
10365	Section 354. Section 53G-10-405 , which is renumbered from Section 53A-13-102 is			

10366	renumbered and amended to read:				
10367	[53A-13-102].	53G-10-405. Instruction on the harmful effects of alcohol,			
10368	tobacco, and controlled su	bstances Rulemaking authority Assistance from the			
10369	Division of Substance Abuse and Mental Health.				
10370	(1) The State Board	of Education shall adopt rules providing for instruction at each			
10371	grade level on the harmful e	ffects of alcohol, tobacco, and controlled substances upon the			
10372	human body and society. The	ne rules shall require but are not limited to instruction on the			
10373	following:				
10374	(a) teaching of skills	s needed to evaluate advertisements for, and media portrayal of,			
10375	alcohol, tobacco, and contro	lled substances;			
10376	(b) directing student	ts towards healthy and productive alternatives to the use of alcohol,			
10377	tobacco, and controlled subs	stances; and			
10378	(c) discouraging the	use of alcohol, tobacco, and controlled substances.			
10379	(2) At the request of	f the board, the Division of Substance Abuse and Mental Health			
10380	shall cooperate with the boa	rd in developing programs to provide this instruction.			
10381	(3) The board shall	participate in efforts to enhance communication among community			
10382	organizations and state agencies, and shall cooperate with those entities in efforts which are				
10383	compatible with the purpose	es of this section.			
10384	Section 355. Section	53G-10-406 , which is renumbered from Section 53A-13-113 is			
10385	renumbered and amended to	read:			
10386	[53A-13-113].	53G-10-406. Underage Drinking Prevention Program			
10387	State Board of Education	rules.			
10388	(1) As used in this s	ection:			
10389	(a) "Advisory counc	cil" means the Underage Drinking Prevention Program Advisory			
10390	Council created in this section	on.			
10391	(b) "Board" means t	he State Board of Education.			
10392	(c) "LEA" means:				
10393	(i) a school district;				
10394	(ii) a charter school;	or			
10395	(iii) the Utah Schoo	ls for the Deaf and the Blind.			
10396	(d) "Program" mean	s the Underage Drinking Prevention Program created in this			

10397	section.			
10398	(e) "School-based prevention presentation" means an evidence-based program intended			
10399	for students aged 13 and older that:			
10400	(i) is aimed at preventing underage consumption of alcohol;			
10401	(ii) is delivered by methods that engage students in storytelling and visualization;			
10402	(iii) addresses the behavioral risk factors associated with underage drinking; and			
10403	(iv) provides practical tools to address the dangers of underage drinking.			
10404	(2) There is created the Underage Drinking Prevention Program that consists of:			
10405	(a) a school-based prevention presentation for students in grade 8; and			
10406	(b) a school-based prevention presentation for students in grade 10 that increases			
10407	awareness of the dangers of driving under the influence of alcohol.			
10408	(3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each			
10409	school year to each student in grade 8 and grade 10.			
10410	(b) An LEA shall select from the providers qualified by the board under Subsection (6)			
10411	to offer the program.			
10412	(4) The board shall administer the program with input from the advisory council.			
10413	(5) There is created the Underage Drinking Prevention Program Advisory Council			
10414	comprised of the following members:			
10415	(a) the executive director of the Department of Alcoholic Beverage Control or the			
10416	executive director's designee;			
10417	(b) the executive director of the Department of Health or the executive director's			
10418	designee;			
10419	(c) the director of the Division of Substance Abuse and Mental Health or the director's			
10420	designee;			
10421	(d) the director of the Division of Child and Family Services or the director's designee;			
10422	(e) the director of the Division of Juvenile Justice Services or the director's designee;			
10423	(f) the state superintendent of public instruction or the state superintendent of public			
10424	instruction's designee; and			
10425	(g) two members of the State Board of Education, appointed by the chair of the State			
10426	Board of Education.			
10427	(6) (a) In accordance with Title 63G. Chapter 6a. Utah Procurement Code, the board			

10428	shall qualify one or more providers to provide the program to an LEA.
10429	(b) In selecting a provider described in Subsection (6)(a), the board shall consider:
10430	(i) whether the provider's program complies with the requirements described in this
10431	section;
10432	(ii) the extent to which the provider's underage drinking prevention program aligns
10433	with core standards for Utah public schools; and
10434	(iii) the provider's experience in providing a program that is effective at reducing
10435	underage drinking.
10436	(7) (a) The board shall use money from the Underage Drinking Prevention Program
10437	Restricted Account described in Section [53A-13-114] 53F-9-304 for the program.
10438	(b) The board may use money from the Underage Drinking Prevention Program
10439	Restricted Account to fund up to .5 of a full-time equivalent position to administer the
10440	program.
10441	(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10442	board shall make rules that:
10443	(a) beginning with the 2018-19 school year, require an LEA to offer the Underage
10444	Drinking Prevention Program each school year to each student in grade 8 and grade 10; and
10445	(b) establish criteria for the board to use in selecting a provider described in Subsection
10446	(6).
10447	Section 356. Section 53G-10-501 is enacted to read:
10448	Part 5. Driver Education Classes
10449	<u>53G-10-501.</u> Definitions.
10450	Reserved
10451	Section 357. Section 53G-10-502 , which is renumbered from Section 53A-13-201 is
10452	renumbered and amended to read:
10453	[53A-13-201]. 53G-10-502. Driver education established by school districts.
10454	(1) As used in this part:
10455	(a) "Driver education" includes classroom instruction and driving and observation in a
10456	dual-controlled motor vehicle.
10457	(b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor
10458	vehicle under the supervision of a certified instructor.

10459	(2) (a) Local school districts may establish and maintain driver education for pupils.				
10460	(b) A school or local school district that provides driver education shall provide an				
10461	opportunity for each pupil enrolled in that school or local school district to take the written test				
10462	when the pupil is 15 years and nine months of age.				
10463	(c) Notwithstanding the provisions of Subsection (2)(b), a school or local school				
10464	district that provides driver education may provide an opportunity for each pupil enrolled in				
10465	that school or school district to take the written test when the pupil is 15 years of age.				
10466	(3) The purpose of driver education is to help develop the knowledge, attitudes, habits,				
10467	and skills necessary for the safe operation of motor vehicles.				
10468	(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the				
10469	State Board of Education shall make rules for driver education offered in the public schools.				
10470	(5) The rules under Subsection (4) shall:				
10471	(a) require at least one hour of classroom training on the subject of railroad crossing				
10472	safety for each driver education pupil; and				
10473	(b) establish minimum standards for approved driving ranges under Section				
10474	53-3-505.5.				
10475	(6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving				
10476	training provided as part of driver education offered under this part and used to satisfy the				
10477	driver training requirement under Section 53-3-204.				
10478	Section 358. Section 53G-10-503, which is renumbered from Section 53A-13-202 is				
10479	renumbered and amended to read:				
10480	[53A-13-202]. <u>53G-10-503.</u> Driver education funding Reimbursement of				
10481	school districts for driver education class expenses Limitations Excess funds				
10482	Student fees.				
10483	(1) (a) Except as provided in Subsection (1)(b), a school district that provides driver				
10484	education shall fund the program solely through:				
10485	(i) funds provided from the Automobile Driver Education Tax Account in the Uniform				
10486	School Fund as created under Section 41-1a-1205; and				
10487	(ii) student fees collected by each school.				
10488	(b) In determining the cost of driver education, a school district may exclude:				
10489	(i) the full-time equivalent cost of a teacher for a driver education class taught during				

10490	regular	school	hours;	and
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- (ii) classroom space and classroom maintenance.
- 10492 (c) A school district may not use any additional school funds beyond those allowed 10493 under Subsection (1)(b) to subsidize driver education.
 - (2) (a) The state superintendent of public instruction shall, prior to September 2nd following the school year during which it was expended, or may at earlier intervals during that school year, reimburse each school district that applied for reimbursement in accordance with this section.
 - (b) A school district that maintains driver education classes that conform to this part and the rules prescribed by the board may apply for reimbursement for the actual cost of providing the behind-the-wheel and observation training incidental to those classes.
 - (3) Under the state board's supervision for driver education, a school district may:
- 10502 (a) employ personnel who are not licensed by the board under Section [53A-6-104] 10503 <u>53E-6-201</u>; or
- 10504 (b) contract with private parties or agencies licensed under Section 53-3-504 for the behind-the-wheel phase of the driver education program.
 - (4) The reimbursement amount shall be paid out of the Automobile Driver Education Tax Account in the Uniform School Fund and may not exceed:
 - (a) \$100 per student who has completed driver education during the school year;
 - (b) \$30 per student who has only completed the classroom portion in the school or through the electronic high school during the school year; or
 - (c) \$70 per student who has only completed the behind-the-wheel and observation portion in the school during the school year.
 - (5) If the amount of money in the account at the end of a school year is less than the total of the reimbursable costs, the state superintendent of public instruction shall allocate the money to each school district in the same proportion that its reimbursable costs bear to the total reimbursable costs of all school districts.
 - (6) If the amount of money in the account at the end of any school year is more than the total of the reimbursement costs provided under Subsection (4), the superintendent may allocate the excess funds to school districts:
 - (a) to reimburse each school district that applies for reimbursement of the cost of a fee

10521	waived under Section [53A-12-103] 53G-7-504 for driver education; and	
10522	(b) to aid in the procurement of equipment and facilities which reduce the cost of	
10523	behind-the-wheel instruction.	
10524	(7) A local school board shall establish the student fee for driver education for the	
10525	school district. Student fees shall be reasonably associated with the costs of driver education	
10526	that are not otherwise covered by reimbursements and allocations made under this section.	
10527	Section 359. Section 53G-10-504 , which is renumbered from Section 53A-13-203 is	
10528	renumbered and amended to read:	
10529	[53A-13-203]. <u>53G-10-504.</u> Enrollment of private school pupils.	
10530	(1) A school district maintaining driver education classes shall allow pupils enrolled in	
10531	grades nine to 12 of regularly established private schools located within the school district to	
10532	enroll in the most accessible public school in the school district to receive driver education.	
10533	(2) Enrollment is on the same terms and conditions as applies to students in public	
10534	schools within the district, as such terms and conditions relate to the driver education classes	
10535	only.	
10536	Section 360. Section 53G-10-505 , which is renumbered from Section 53A-13-204 is	
10537	renumbered and amended to read:	
10538	[53A-13-204]. <u>53G-10-505.</u> Reports as to costs of driver training programs.	
10539	A local school board seeking reimbursement shall, at the end of each school year and at	
10540	other times as designated by the State Board of Education, report the following to the state	
10541	superintendent of public instruction:	
10542	(1) the costs of providing driver education including a separate accounting for:	
10543	(a) course work; and	
10544	(b) behind-the-wheel and observation training to students;	
10545	(2) the costs of fees waived under Section [53A-12-103] <u>53G-7-504</u> for driver	
10546	education including a separate accounting for:	
10547	(a) course work; and	
10548	(b) behind-the-wheel and observation training to students;	
10549	(3) the number of students who completed driver education including a separate	
10550	accounting for:	
10551	(a) course work; and	

10552	(b) behind-the-wheel and observation training to students;	
10553	(4) whether or not a passing grade was received; and	
10554	(5) any other information the State Board of Education may require for the purpose of	
10555	administering this program.	
10556	Section 361. Section 53G-10-506 , which is renumbered from Section 53A-13-205 is	
10557	renumbered and amended to read:	
10558	[53A-13-205]. <u>53G-10-506.</u> Promoting the establishment and maintenance	
10559	of classes Payment of costs.	
10560	(1) The superintendent of public instruction shall promote the establishment and	
10561	maintenance of driver education classes in school districts under rules adopted by the State	
10562	Board of Education.	
10563	(2) The state board may employ personnel and sponsor experimental programs	
10564	considered necessary to give full effect to this program.	
10565	(3) The costs of implementing this section shall be paid from the legislative	
10566	appropriation to the board made from the Automobile Driver Education Tax Account in the	
10567	Uniform School Fund.	
10568	Section 362. Section 53G-10-507 , which is renumbered from Section 53A-13-208 is	
10569	renumbered and amended to read:	
10570	[53A-13-208]. <u>53G-10-507.</u> Driver education teachers certified as license	
10571	examiners.	
10572	(1) The Driver License Division of the Department of Public Safety and the State	
10573	Board of Education shall establish procedures and standards to certify teachers of driver	
10574	education classes under this part to administer written and driving tests.	
10575	(2) The division is the certifying authority.	
10576	(3) (a) A teacher certified under this section shall give written and driving tests	
10577	designed for driver education classes authorized under this part.	
10578	(b) The Driver License Division shall, in conjunction with the State Board of	
10579	Education, establish minimal standards for the driver education class tests that are at least as	
10580	difficult as those required to receive a class D operator's license under Title 53, Chapter 3,	
10581	Uniform Driver License Act.	
10582	(c) A student who passes the written test but fails the driving test given by a teacher	

10583	certified under this section may apply for a learner permit or class D operator's license under		
10584	Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver		
10585	License Division office.		
10586	(4) A student shall have a learner permit issued by the Driver License Division under		
10587	Section 53-3-210.5 in the student's immediate possession at all times when operating a motor		
10588	vehicle under this section.		
10589	(5) A student who successfully passes the tests given by a certified driver education		
10590	teacher under this section satisfies the written and driving parts of the test required for a learner		
10591	permit or class D operator's license.		
10592	(6) The Driver License Division and the State Board of Education shall establish		
10593	procedures to enable school districts to administer or process any tests for students to receive a		
10594	learner permit or class D operator's license.		
10595	(7) The division and board shall establish the standards and procedures required under		
10596	this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative		
10597	Rulemaking Act.		
10598	Section 363. Section 53G-10-508 , which is renumbered from Section 53A-13-209 is		
10599	renumbered and amended to read:		
10600	[53A-13-209]. <u>53G-10-508.</u> Programs authorized Minimum standards.		
10601	(1) Local school districts may:		
10602	(a) allow students to complete the classroom training portion of driver education		
10603	through the following programs:		
10604	(i) home study; or		
10605	(ii) the electronic high school;		
10606	(b) provide each parent with driver education instructional materials to assist in parent		
10607	involvement with driver education including behind-the-wheel driving materials;		
10608	(c) offer driver education outside of school hours in order to reduce the cost of		
10609	providing driver education;		
10610	(d) offer driver education through community education programs;		
10611	(e) offer the classroom portion of driver education in the public schools and allow the		
10612	student to complete the behind-the-wheel portion with a private provider:		
10613	(i) licensed under Section 53-3-504; and		

10614	(ii) not associated with the school or under contract with the school under Subsection	
10615	[53A-13-202] <u>53G-10-503(</u> 3); or	
10616	(f) any combination of Subsections (1)(a) through (e).	
10617	(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the	
10618	State Board of Education shall establish minimum standards for the school-related programs	
10619	under Subsection (1).	
10620	Section 364. Section 53G-11-101 is enacted to read:	
10621	CHAPTER 11. EMPLOYEES	
10622	Part 1. General Provisions	
10623	<u>53G-11-101.</u> Title.	
10624	This chapter is known as "Employees."	
10625	Section 365. Section 53G-11-102 is enacted to read:	
10626	<u>53G-11-102.</u> Definitions.	
10627	Reserved	
10628	Section 366. Section 53G-11-201 is enacted to read:	
10629	Part 2. Miscellaneous Requirements	
10630	<u>53G-11-201.</u> Definitions.	
10631	Reserved	
10632	Section 367. Section 53G-11-202, which is renumbered from Section 53A-3-411 is	
10633	renumbered and amended to read:	
10634	[53A-3-411]. <u>53G-11-202.</u> Employment of school personnel Length of	
10635	contract Termination for cause Individual contract of employment Employee	
10636	acknowledgment of liability protection.	
10637	(1) A local school board may enter into a written employment contract for a term not to	
10638	exceed five years.	
10639	(2) Nothing in the terms of the contract shall restrict the power of a local school board	
10640	to terminate the contract for cause at any time.	
10641	(3) (a) A local school board may not enter into a collective bargaining agreement that	
10642	prohibits or limits individual contracts of employment.	
10643	(b) Subsection (3)(a) does not apply to an agreement that was entered into before May	
10644	5, 2003.	

10645	(4) Each local school board shall:	
10646	(a) ensure that each employment contract complies with the requirements of Section	
10647	34-32-1.1;	
10648	(b) comply with the requirements of Section 34-32-1.1 in employing any personnel,	
10649	whether by employment contract or otherwise; and	
10650	(c) ensure that at the time an employee enters into an employment contract, the	
10651	employee shall sign a separate document acknowledging that the employee:	
10652	(i) has received:	
10653	(A) the disclosure required under Subsection 63A-4-204(4)(d) if the school district	
10654	participates in the Risk Management Fund; or	
10655	(B) written disclosure similar to the disclosure required under Section 63A-4-204 if the	
10656	school district does not participate in the Risk Management Fund; and	
10657	(ii) understands the legal liability protection provided to the employee and what is not	
10658	covered, as explained in the disclosure.	
10659	Section 368. Section 53G-11-203 , which is renumbered from Section 53A-3-431 is	
10660	renumbered and amended to read:	
10661	[53A-3-431]. <u>53G-11-203.</u> Health insurance mandates.	
10662	A local school board and the governing body of a charter school shall include in a	
10663	health plan it offers to school district employees, or charter school employees insurance	
10664	mandates in accordance with Section 31A-22-605.5.	
10665	Section 369. Section 53G-11-204, which is renumbered from Section 53A-19-401 is	
10666	renumbered and amended to read:	
10667	[53A-19-401]. <u>53G-11-204.</u> Postemployment health insurance benefits	
10668	restrictions Definitions Restrictions Exceptions.	
10669	(1) As used in this section:	
10670	(a) "Budgetary accounts" means the same as that term is defined in Section 51-5-3.	
10671	(b) "GASB" means the same as that term is defined in Section 51-5-3.	
10672	(c) "Liabilities" means the same as that term is defined in Section 51-5-3.	
10673	(d) "Postemployment" means the same as that term is defined in Section 51-5-3.	
10674	(e) "Postemployment health insurance benefits" means health insurance benefits:	
10675	(i) offered or promised to an employee for the employee's postemployment; or	

10676	(ii) continued into postemployment.
10677	(2) Except as provided under Subsection (3), a school district or charter school may not
10678	offer or provide a postemployment health insurance benefit to an employee who begins
10679	employment with the school district or charter school on or after July 1, 2015.
10680	(3) A school district or charter school may offer or provide postemployment health care
10681	insurance to employees if the school district or charter school:
10682	(a) calculates the liabilities associated with postemployment health insurance benefits
10683	by applying GASB standards;

- (b) recognizes current payments and all liabilities associated with the postemployment health insurance benefits in budgetary accounts;
- (c) fully funds the annual required contributions associated with the postemployment health insurance benefits liabilities;
- (d) establishes and implements a plan approved by the school district's local school board or charter school's governing board to catch up on any unfunded liabilities within no more than 20 years; and
- (e) provides for ongoing payments against the postemployment health insurance liabilities as employees qualify for receiving the postemployment health insurance benefits.
- (4) (a) Except as provided in Subsection (4)(b), if in a fiscal year, a school district or charter school fails to fully fund the annual required contributions described in Subsection (3)(c), the school district or charter school may not offer or provide a postemployment health insurance benefit for new employees beginning on the first day of that fiscal year.
 - (b) The provisions of Subsection (4)(a) do not apply if:

- (i) for a school district only, the school district is imposing the maximum allowed local school board levy under Section [53A-17a-164] 53F-8-302;
- (ii) the school district or charter school fully funds the annual required contributions, including any missed contributions, by the end of the fiscal year following the fiscal year of inadequate funding; or
- (iii) no increase was approved by the Legislature in the weighted pupil unit as defined in Section [53A-17a-103] 53F-2-102 for the fiscal year the annual required contributions were not fully funded.
 - Section 370. Section **53G-11-205**, which is renumbered from Section 53A-3-426 is

10707	renumbered and amended to read:	
10708	[53A-3-426]. 53G-11-205. Education employee associations Equal	
10709	participation Prohibition on endorsement or preferential treatment Naming of school	
10710	breaks.	
10711	(1) As used in this section:	
10712	(a) "Education employee association" includes teacher associations, teacher unions,	
10713	teacher organizations, and classified education employees' associations.	
10714	(b) "School" means a school district, a school in a school district, a charter school, or	
10715	the State Board of Education and its employees.	
10716	(2) A school shall allow education employee associations equal access to the following	
10717	activities:	
10718	(a) distribution of information in or access to teachers' or employees' physical or	
10719	electronic mailboxes, including email accounts that are provided by the school; and	
10720	(b) membership solicitation activities at new teacher or employee orientation training	
10721	or functions.	
10722	(3) If a school permits an education employee association to engage in any of the	
10723	activities described in Subsection (2), the school shall permit all other education employee	
10724	associations to engage in the activity on the same terms and conditions afforded to the	
10725	education employee association.	
10726	(4) It is unlawful for a school to:	
10727	(a) establish or maintain structures, procedures, or policies that favor one education	
10728	employee association over another or otherwise give preferential treatment to an education	
10729	employee association; or	
10730	(b) explicitly or implicitly endorse any education employee association.	
10731	(5) A school's calendars and publications may not include or refer to the name of any	
10732	education employee association in relation to any day or break in the school calendar.	
10733	Section 371. Section 53G-11-206 , which is renumbered from Section 53A-3-425 is	
10734	renumbered and amended to read:	
10735	[53A-3-425]. 53G-11-206. Association leave District policy.	
10736	(1) As used in this section:	
10737	(a) "Association leave" means leave from a school district employee's regular school	

10738 responsibilities granted for that employee to spend time for association, employee association, 10739 or union duties. 10740 (b) "Employee association" means an association that: 10741 (i) negotiates employee salaries, benefits, contracts, or other conditions of employment; 10742 or 10743 (ii) performs union duties. 10744 (2) Except as provided in Subsection (3), a local school board may not allow paid 10745 association leave for a school district employee to perform an employee association or union 10746 duty. 10747 (3) (a) A local school board may allow paid association leave for a school district 10748 employee to perform an employee association duty if: 10749 (i) the duty performed by the employee on paid association leave will directly benefit 10750 the school district, including representing the school district's licensed educators: 10751 (A) on a board or committee, such as the school district's foundation, a curriculum 10752 development board, insurance committee, or catastrophic leave committee; 10753 (B) at a school district leadership meeting; or 10754 (C) at a workshop or meeting conducted by the school district's local school board; 10755 (ii) the duty performed by the employee on paid association leave does not include 10756 political activity, including: 10757 (A) advocating for or against a candidate for public office in a partisan or nonpartisan 10758 election; 10759 (B) soliciting a contribution for a political action committee, a political issues 10760 committee, a registered political party, or a candidate, as defined in Section 20A-11-101; or 10761 (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot 10762 proposition, as defined in Section 20A-1-102; and 10763 (iii) the local school board ensures compliance with the requirements of Subsections 10764 (4)(a) through (g). 10765 (b) Prior to a school district employee's participation in paid or unpaid association 10766 leave, a local school board shall adopt a written policy that governs association leave.

association leave shall require reimbursement to the school district of the costs for an

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(c) Except as provided in Subsection (3)(d), a local school board policy that governs

10769	employee, including benefits, for the time that the employee is:			
10770	(i) on unpaid association leave; or			
10771	(ii) participating in a paid association leave activity that does not provide a direct			
10772	benefit to the school district.			
10773	(d) For a school district that allowed association leave described in Subsections			
10774	(3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association			
10775	leave may allow up to 10 days of association leave before requiring a reimbursement described			
10776	in Subsection (3)(c).			
10777	(e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided			
10778	by an employee, association, or union.			
10779	(4) If a local school board adopts a policy to allow paid association leave, the policy			
10780	shall include procedures and controls to:			
10781	(a) ensure that the duties performed by employees on paid association leave directly			
10782	benefit the school district;			
10783	(b) require the school district to document the use and approval of paid association			
10784	leave;			
10785	(c) require school district supervision of employees on paid association leave;			
10786	(d) require the school district to account for the costs and expenses of paid association			
10787	leave;			
10788	(e) ensure that during the hours of paid association leave a school district employee			
10789	may not engage in political activity, including:			
10790	(i) advocating for or against a candidate for public office in a partisan or nonpartisan			
10791	election;			
10792	(ii) soliciting a contribution for a political action committee, a political issues			
10793	committee, a registered political party, or a candidate, as defined in Section 20A-11-101; and			
10794	(iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot			
10795	proposition, as defined in Section 20A-1-102;			
10796	(f) ensure that association leave is only paid out of school district funds when the paid			
10797	association leave directly benefits the district; and			
10798	(g) require the reimbursement to the school district of the cost of paid association leave			
10799	activities that do not provide a direct benefit to education within the school district.			

10800	(5) If a local school board adopts a policy to allow paid association leave, that policy	
10801	shall indicate that a willful violation of this section or of a policy adopted in accordance with	
10802	Subsection (3) or (4) may be used for disciplinary action under Section [53A-8a-502]	
10803	<u>53G-11-513</u> .	
10804	Section 372. Section 53G-11-207 , which is renumbered from Section 53A-3-428 is	
10805	renumbered and amended to read:	
10806	[53A-3-428]. <u>53G-11-207.</u> Collective bargaining agreement Website	
10807	posting.	
10808	(1) As used in this section, "collective bargaining agreement" includes:	
10809	(a) a master agreement; and	
10810	(b) an amendment, addendum, memorandum, or other document modifying the master	
10811	agreement.	
10812	(2) The board of education of a school district:	
10813	(a) shall post on the school district's website a collective bargaining agreement entered	
10814	into by the board of education within 10 days of the ratification of the agreement; and	
10815	(b) may remove from the school district's website a collective bargaining agreement	
10816	that is no longer in effect.	
10817	(3) The governing board of a charter school:	
10818	(a) shall post on the charter school's website a collective bargaining agreement entered	
10819	into by the governing board of the charter school within 10 days of the ratification of the	
10820	agreement; and	
10821	(b) may remove from the charter school's website a collective bargaining agreement	
10822	that is no longer in effect.	
10823	Section 373. Section 53G-11-301 is enacted to read:	
10824	Part 3. Licensed Employee Requirements	
10825	<u>53G-11-301.</u> Definitions.	
10826	Reserved	
10827	Section 374. Section 53G-11-302 , which is renumbered from Section 53A-17a-140 is	
10828	renumbered and amended to read:	
10829	[53A-17a-140]. <u>53G-11-302.</u> Contracts with teachers.	
10830	A school district may not enter into contracts with teachers that would prevent the	

10831	school district from paying differential salaries or putting limitations on an individual salary	
10832	paid in order to fill a shortage in specific teaching areas.	
10833	Section 375. Section	53G-11-303 , which is renumbered from Section 53A-3-701 is
10834	renumbered and amended to	read:
10835	[53A-3-701].	53G-11-303. Professional learning standards.
10836	(1) As used in this s	ection, "professional learning" means a comprehensive, sustained,
10837	and evidence-based approach	h to improving teachers' and principals' effectiveness in raising
10838	student achievement.	
10839	(2) A school district	or charter school shall implement high quality professional
10840	learning that meets the follo	wing standards:
10841	(a) professional lear	ning occurs within learning communities committed to continuous
10842	improvement, individual and collective responsibility, and goal alignment;	
10843	(b) professional lear	rning requires skillful leaders who develop capacity, advocate, and
10844	create support systems, for J	professional learning;
10845	(c) professional lear	ning requires prioritizing, monitoring, and coordinating resources
10846	for educator learning;	
10847	(d) professional lear	rning uses a variety of sources and types of student, educator, and
10848	system data to plan, assess,	and evaluate professional learning;
10849	(e) professional lear	ning integrates theories, research, and models of human learning to
10850	achieve its intended outcom	es;
10851	(f) professional lear	ning applies research on change and sustains support for
10852	implementation of profession	anal learning for long-term change;
10853	(g) professional lear	rning aligns its outcomes with:
10854	(i) performance star	dards for teachers and school administrators as described in rules
10855	of the State Board of Educa	tion; and
10856	(ii) performance sta	ndards for students as described in the core standards for Utah
10857	public schools adopted by the	ne State Board of Education pursuant to Section [53A-1-402.6]
10858	<u>53E-4-202</u> ; and	
10859	(h) professional lear	rning:
10860	(i) incorporates the	use of technology in the design, implementation, and evaluation of
10861	high quality professional lea	rning practices; and

10862	(ii) includes targeted professional learning on the use of technology devices to enhance	
10863	the teaching and learning environment and the integration of technology in content delivery.	
10864	(3) School districts and charter schools shall use money appropriated by the Legislature	
10865	for professional learning or federal grant money awarded for professional learning to	
10866	implement professional learning that meets the standards specified in Subsection (2).	
10867	(4) (a) In the fall of 2014, the State Board of Education, through the state	
10868	superintendent of public instruction, and in collaboration with an independent consultant	
10869	acquired through a competitive bid process, shall conduct a statewide survey of school districts	
10870	and charter schools to:	
10871	(i) determine the current state of professional learning for educators as aligned with the	
10872	standards specified in Subsection (2);	
10873	(ii) determine the effectiveness of current professional learning practices; and	
10874	(iii) identify resources to implement professional learning as described in Subsection	
10875	(2).	
10876	(b) The State Board of Education shall select a consultant from bidders who have	
10877	demonstrated successful experience in conducting a statewide analysis of professional learning.	
10878	(c) (i) Annually in the fall, beginning in 2015 through 2020, the State Board of	
10879	Education, through the state superintendent of public instruction, in conjunction with school	
10880	districts and charter schools, shall gather and use data to determine the impact of professional	
10881	learning efforts and resources.	
10882	(ii) Data used to determine the impact of professional learning efforts and resources	
10883	under Subsection (4)(c)(i) shall include:	
10884	(A) student achievement data;	
10885	(B) educator evaluation data; and	
10886	(C) survey data.	
10887	Section 376. Section 53G-11-401 , which is renumbered from Section 53A-15-1502 is	
10888	renumbered and amended to read:	
10889	Part 4. Background Checks	
10890	[53A-15-1502]. <u>53G-11-401.</u> Definitions.	
10891	As used in this part:	
10892	(1) "Authorized entity" means an LEA, qualifying private school, or the State Board of	

10893	Education that is authorized to request a background check and ongoing monitoring under this		
10894	part.		
10895	(2) "Bureau" means the Bureau of Criminal Identification within the Department of		
10896	Public Safety created in Section 53-10-201.		
10897	(3) "Contract employee" means an employee of a staffing service or other entity who		
10898	works at a public or private school under a contract.		
10899	(4) "FBI" means the Federal Bureau of Investigation.		
10900	[6] (a) "License applicant" means an applicant for a license issued by the State		
10901	Board of Education under Title [53A, Chapter 6, Educator Licensing and Professional Practices		
10902	Act] 53E, Chapter 6, Education Professional Licensure.		
10903	[(5)] (6) "Local education agency" or "LEA" means a school district, charter school,		
10904	or the Utah Schools for the Deaf and the Blind.		
10905	(b) "License applicant" includes an applicant for reinstatement of an expired, lapsed,		
10906	suspended, or revoked license.		
10907	(7) "Non-licensed employee" means an employee of an LEA or qualifying private		
10908	school that does not hold a current Utah educator license issued by the State Board of		
10909	Education under Title [53A, Chapter 6, Educator Licensing and Professional Practices Act]		
10910	53E, Chapter 6, Education Professional Licensure.		
10911	(8) "Personal identifying information" means:		
10912	(a) current name, former names, nicknames, and aliases;		
10913	(b) date of birth;		
10914	(c) address;		
10915	(d) telephone number;		
10916	(e) driver license number or other government-issued identification number;		
10917	(f) social security number; and		
10918	(g) fingerprints.		
10919	(9) "Qualifying private school" means a private school that:		
10920	(a) enrolls students under Title [53A, Chapter 1a, Part 7, Carson Smith Scholarships		
10921	for Students with Special Needs Act] 53F, Chapter 4, Part 3, Carson Smith Scholarship		
10922	Program; and		
10923	(b) is authorized to conduct fingerprint-based background checks of national crime		

10924	information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L	
10925	No. 109-248.	
10926	(10) "Rap back system" means a system that enables authorized entities to receive	
10927	ongoing status notifications of any criminal history reported on individuals whose fingerprint	
10928	are registered in the system.	
10929	(11) "WIN Database" means the Western Identification Network Database that consist	
10930	of eight western states sharing one electronic fingerprint database.	
10931	Section 377. Section 53G-11-402 , which is renumbered from Section 53A-15-1503 is	
10932	renumbered and amended to read:	
10933	[53A-15-1503]. 53G-11-402. Background checks for non-licensed employees	
10934	contract employees, volunteers, and charter school governing board members.	
10935	(1) An LEA or qualifying private school shall:	
10936	(a) require the following individuals to submit to a nationwide criminal background	
10937	check and ongoing monitoring as a condition for employment or appointment:	
10938	(i) a non-licensed employee;	
10939	(ii) a contract employee;	
10940	(iii) a volunteer who will be given significant unsupervised access to a student in	
10941	connection with the volunteer's assignment; and	
10942	(iv) a charter school governing board member;	
10943	(b) collect the following from an individual required to submit to a background check	
10944	under Subsection (1)(a):	
10945	(i) personal identifying information;	
10946	(ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and	
10947	(iii) consent, on a form specified by the LEA or qualifying private school, for:	
10948	(A) an initial fingerprint-based background check by the FBI and the bureau upon	
10949	submission of the application; and	
10950	(B) retention of personal identifying information for ongoing monitoring through	
10951	registration with the systems described in Section [53A-15-1505] 53G-11-404;	
10952	(c) submit the individual's personal identifying information to the bureau for:	
10953	(i) an initial fingerprint-based background check by the FBI and the bureau; and	
10954	(ii) ongoing monitoring through registration with the systems described in Section	

10955	[53A-15-1505] 53G-11-404 if the results of the initial background check do not contain			
10956	disqualifying criminal history information as determined by the LEA or qualifying private			
10957	school in accordance with Section [53A-15-1506] 53G-11-405; and			
10958	(d) identify the appropriate privacy risk mitigation strategy that will be used to ensure			
10959	that the LEA or qualifying private school only receives notifications for individuals with who			
10960	the LEA or qualifying private school maintains an authorizing relationship.			
10961	(2) An LEA or qualifying private school may not require an individual to pay the fee			
10962	described in Subsection (1)(b)(ii) unless the individual:			
10963	(a) has passed an initial review; and			
10964	(b) is one of a pool of no more than five candidates for the position.			
10965	(3) By September 1, 2018, an LEA or qualifying private school shall:			
10966	(a) collect the information described in Subsection (1)(b) from individuals:			
10967	(i) who were employed or appointed prior to July 1, 2015; and			
10968	(ii) with whom the LEA or qualifying private school currently maintains an authorizing			
10969	relationship; and			
10970	(b) submit the information to the bureau for ongoing monitoring through registration			
10971	with the systems described in Section [53A-15-1505] 53G-11-404.			
10972	(4) An LEA or qualifying private school that receives criminal history information			
10973	about a licensed educator under Subsection [53A-15-1504] 53G-11-403(5) shall assess the			
10974	employment status of the licensed educator as provided in Section [53A-15-1506] 53G-11-405.			
10975	(5) An LEA or qualifying private school may establish a policy to exempt an individual			
10976	described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) i			
10977	the individual is being temporarily employed or appointed.			
10978	Section 378. Section 53G-11-403, which is renumbered from Section 53A-15-1504 is			
10979	renumbered and amended to read:			
10980	[53A-15-1504]. 53G-11-403. Background checks for licensed educators.			
10981	The State Board of Education shall:			
10982	(1) require a license applicant to submit to a nationwide criminal background check			
10983	and ongoing monitoring as a condition for licensing;			
10984	(2) collect the following from an applicant:			
10985	(a) personal identifying information;			

10986	(b) a fee described in Subsection 53-10-108(15); and		
10987	(c) consent, on a form specified by the State Board of Education, for:		
10988	(i) an initial fingerprint-based background check by the FBI and bureau upon		
10989	submission of the application;		
10990	(ii) retention of personal identifying information for ongoing monitoring through		
10991	registration with the systems described in Section [53A-15-1505] 53G-11-404; and		
10992	(iii) disclosure of any criminal history information to the individual's employing LEA		
10993	or qualifying private school;		
10994	(3) submit an applicant's personal identifying information to the bureau for:		
10995	(a) an initial fingerprint-based background check by the FBI and bureau; and		
10996	(b) ongoing monitoring through registration with the systems described in Section		
10997	[53A-15-1505] <u>53G-11-404</u> if the results of the initial background check do not contain		
10998	disqualifying criminal history information as determined by the State Board of Education in		
10999	accordance with Section [53A-15-1506] <u>53G-11-405</u> ;		
11000	(4) identify the appropriate privacy risk mitigation strategy that will be used to ensure		
11001	that the State Board of Education only receives notifications for individuals with whom the		
11002	State Board of Education maintains an authorizing relationship;		
11003	(5) notify the employing LEA or qualifying private school upon receipt of any criminal		
11004	history information reported on a licensed educator employed by the LEA or qualifying private		
11005	school; and		
11006	(6) (a) collect the information described in Subsection (2) from individuals who were		
11007	licensed prior to July 1, 2015, by the individual's next license renewal date; and		
11008	(b) submit the information to the bureau for ongoing monitoring through registration		
11009	with the systems described in Section [53A-15-1505] 53G-11-404.		
11010	Section 379. Section 53G-11-404 , which is renumbered from Section 53A-15-1505 is		
11011	renumbered and amended to read:		
11012	[53A-15-1505]. <u>53G-11-404.</u> Bureau responsibilities.		
11013	The bureau shall:		
11014	(1) upon request from an authorized entity, register the fingerprints submitted by the		
11015	authorized entity as part of a background check with:		
11016	(a) the WIN Database rap back system, or any successor system; and		

11017	(b) the rap back system maintained by the Federal Bureau of Investigation;	
11018	(2) notify an authorized entity when a new entry is made against an individual whose	
11019	fingerprints are registered with the rap back systems described in Subsection (1) regarding:	
11020	(a) an alleged offense; or	
11021	(b) a conviction, including a plea in abeyance;	
11022	(3) assist authorized entities to identify the appropriate privacy risk mitigation strategy	
11023	that is to be used to ensure that the authorized entity only receives notifications for individuals	
11024	with whom the authorized entity maintains an authorizing relationship; and	
11025	(4) collaborate with the State Board of Education to provide training to authorized	
11026	entities on the notification procedures and privacy risk mitigation strategies described in this	
11027	part.	
11028	Section 380. Section 53G-11-405 , which is renumbered from Section 53A-15-1506 is	
11029	renumbered and amended to read:	
11030	[53A-15-1506]. <u>53G-11-405.</u> Due process for individualsReview of criminal	
11031	history information.	
11032	(1) (a) In accordance with Section 53-10-108, an authorized entity shall provide an	
11033	individual an opportunity to review and respond to any criminal history information received	
11034	under this part.	
11035	(b) If an authorized entity decides to disqualify an individual as a result of criminal	
11036	history information received under this part, an individual may request a review of:	
11037	(i) information received; and	
11038	(ii) the reasons for the disqualification.	
11039	(c) An authorized entity shall provide an individual described in Subsection (1)(b) with	
11040	written notice of:	
11041	(i) the reasons for the disqualification; and	
11042	(ii) the individual's right to request a review of the disqualification.	
11043	(2) (a) An LEA or qualifying private school shall make decisions regarding criminal	
11044	history information for the individuals subject to the background check requirements under	
11045	Section [53A-15-1503] <u>53G-11-402</u> in accordance with:	
11046	(i) Subsection (3);	
11047	(ii) administrative procedures established by the LEA or qualifying private school; and	

11048	(iii) rules established by the State Board of Education.		
11049	(b) The State Board of Education shall make decisions regarding criminal history		
11050	information for licensed educators in accordance with:		
11051	(i) Subsection (3);		
11052	(ii) Title [53A, Chapter 6, Educator Licensing and Professional Practices Act] 53E,		
11053	Chapter 6, Education Professional Licensure; and		
11054	(iii) rules established by the State Board of Education.		
11055	(3) When making decisions regarding initial employment, initial licensing, or initial		
11056	appointment for the individuals subject to background checks under this part, an authorized		
11057	entity shall consider:		
11058	(a) any convictions, including pleas in abeyance;		
11059	(b) any matters involving a felony; and		
11060	(c) any matters involving an alleged:		
11061	(i) sexual offense;		
11062	(ii) class A misdemeanor drug offense;		
11063	(iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person		
11064	(iv) class A misdemeanor property offense that is alleged to have occurred within the		
11065	previous three years; and		
11066	(v) any other type of criminal offense, if more than one occurrence of the same type of		
11067	offense is alleged to have occurred within the previous eight years.		
11068	Section 381. Section 53G-11-406 , which is renumbered from Section 53A-15-1507 is		
11069	renumbered and amended to read:		
11070	[53A-15-1507]. <u>53G-11-406.</u> Self-reporting requirement.		
11071	(1) Individuals subject to the background check requirements under this part shall		
11072	self-report conviction, arrest, or offense information in accordance with rules established by the		
11073	State Board of Education.		
11074	(2) An LEA shall report conviction, arrest, or offense information received from		
11075	licensed educators under Subsection (1) to the State Board of Education in accordance with		
11076	rules established by the State Board of Education.		
11077	Section 382. Section 53G-11-407 , which is renumbered from Section 53A-15-1508 is		
11078	renumbered and amended to read:		

11079	[53A-15-1508].	53G-11-407. Update criminal background check rules and	
11080	policies.		
11081	On or before September 1, 2015:		
11082	(1) the State Board of Education shall update the State Board of Education's crim		
11083	background check rules consistent with this part; and		
11084	(2) an LEA shall update the LEA's criminal background check policies consistent		
11085	this part.		
11086	Section 383. Section 53G-11-408 , which is renumbered from Section 53A-15-1509		
11087	renumbered and amended to read:		
11088	[53A-15-1509].	53G-11-408. Training provided to authorized entities.	
11089	The State Board of	Education shall collaborate with the bureau to provide training to	
11090	authorized entities on the provisions of this part.		
11091	Section 384. Section	on 53G-11-409 , which is renumbered from Section 53A-15-1510 is	
11092	renumbered and amended to read:		
11093	[53A-15-1510].	53G-11-409. Legislative audit.	
11094	After the conclusion	n of the 2018-2019 school year, subject to the prioritization of the	
11095	Legislative Audit Subcommittee, the legislative auditor general shall conduct a review and		
11096	issue a report on the extent	to which the criminal background check procedures and ongoing	
11097	monitoring described in thi	s part adequately detect and identify the criminal histories of	
11098	individuals who are employ	yed by or volunteering in public schools.	
11099	Section 385. Section	on 53G-11-410 , which is renumbered from Section 53A-15-1511 is	
11100	renumbered and amended t	o read:	
11101	[53A-15-1511].	53G-11-410. Reference check requirements for LEA	
11102	applicants and volunteers	S .	
11103	(1) As used in this	section:	
11104	(a) "Child" means	an individual who is younger than 18 years old.	
11105	(b) "LEA applicant	" means an applicant for employment by an LEA.	
11106	(c) "Physical abuse	" means the same as that term is defined in Section 78A-6-105.	
11107	(d) "Potential volum	nteer" means an individual who:	
11108	(i) has volunteered	for but not yet fulfilled an unsupervised volunteer assignment; and	

11109	(ii) during the last three years, has worked in a qualifying position.			
11110	(e) "Qualifying position" means paid employment that requires the employee to			
11111	directly care for, supervise, control, or have custody of a child.			
11112	(f) "Sexual abuse" means the same as that term is defined in Section 78A-6-105.			
11113	(g) "Student" means an individual who:			
11114	(i) is enrolled in an LEA in any grade from preschool through grade 12; or			
11115	(ii) receives special education services from an LEA under the Individuals with			
11116	Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.			
11117	(h) "Unsupervised volunteer assignment" means a volunteer assignment at an LEA that			
11118	allows the volunteer significant unsupervised access to a student.			
11119	(2) (a) Before hiring an LEA applicant or giving an unsupervised volunteer assignment			
11120	to a potential volunteer, an LEA shall:			
11121	(i) require the LEA applicant or potential volunteer to sign a release authorizing the			
11122	LEA applicant or potential volunteer's previous qualifying position employers to disclose			
11123	information regarding any employment action taken or discipline imposed for the physical			
11124	abuse or sexual abuse of a child or student by the LEA applicant or potential volunteer;			
11125	(ii) for an LEA applicant, request that the LEA applicant's most recent qualifying			
11126	position employer disclose information regarding any employment action taken or discipline			
11127	imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant;			
11128	(iii) for a potential volunteer, request that the potential volunteer's most recent			
11129	qualifying position employer disclose information regarding any employment action taken or			
11130	discipline imposed for the physical abuse or sexual abuse of a child or student by the potential			
11131	volunteer; and			
11132	(iv) document the efforts taken to make a request described in Subsection (2)(a)(ii) or			
11133	(iii).			
11134	(b) An LEA may not hire an LEA applicant who does not sign a release described in			
11135	Subsection (2)(a)(i).			
11136	(c) An LEA may not give an unsupervised volunteer assignment to a potential			
11137	volunteer who does not sign a release described in Subsection (2)(a)(i).			
11138	(d) An LEA shall use the LEA's best efforts to request information under Subsection			
11139	(2)(a)(ii) or (iii) before:			

11140	(i) hiring an LEA applicant; or
11141	(ii) giving an unsupervised volunteer assignment to a potential volunteer.
11142	(e) In accordance with state and federal law, an LEA may request from an LEA
11143	applicant or potential volunteer other information the LEA determines is relevant.
11144	(3) (a) An LEA that receives a request described in Subsection (2)(a)(ii) or (iii) shall
11145	use the LEA's best efforts to respond to the request within 20 business days after the day on
11146	which the LEA received the request.
11147	(b) If an LEA or other employer in good faith discloses information that is within the
11148	scope of a request described in Subsection (2)(a)(ii) or (iii), the LEA or other employer is
11149	immune from civil and criminal liability for the disclosure.
11150	Section 386. Section 53G-11-501 , which is renumbered from Section 53A-8a-102 is
11151	renumbered and amended to read:
11152	Part 5. School District and USDB Employee Requirements
11153	[53A-8a-102]. <u>53G-11-501.</u> Definitions.
11154	As used in this [chapter] part:
11155	(1) "Administrator" means an individual who:
11156	(a) serves in a position that requires:
11157	(i) an educator license with an administrative area of concentration; or
11158	(ii) a letter of authorization described in Section [53A-3-301] 53G-4-301 or
11159	[53A-6-110] <u>53E-6-304</u> ; and
11160	(b) supervises school administrators or teachers.
11161	(2) "Career educator" means a licensed employee who has a reasonable expectation of
11162	continued employment under the policies of a local school board.
11163	$[\frac{(2)}{2}]$ "Career employee" means an employee of a school district who has obtained a
11164	reasonable expectation of continued employment based upon Section [53A-8a-201]
11165	53G-11-503 and an agreement with the employee or the employee's association, district
11166	practice, or policy.
11167	[(3)] (4) "Contract term" or "term of employment" means the period of time during
11168	which an employee is engaged by the school district under a contract of employment, whether
11169	oral or written.
11170	[(4)] (5) "Dismissal" or "termination" means:

11171	(a) termination of the status of employment of an employee;
11172	(b) failure to renew or continue the employment contract of a career employee beyond
11173	the then-current school year;
11174	(c) reduction in salary of an employee not generally applied to all employees of the
11175	same category employed by the school district during the employee's contract term; or
11176	(d) change of assignment of an employee with an accompanying reduction in pay,
11177	unless the assignment change and salary reduction are agreed to in writing.
11178	(6) "Educator" means an individual employed by a school district who is required to
11179	hold a professional license issued by the State Board of Education, except:
11180	(a) a superintendent; or
11181	(b) an individual who works less than three hours per day or is hired for less than half
11182	of a school year.
11183	[(5)] (7) (a) "Employee" means a career or provisional employee of a school district,
11184	except as provided in Subsection $[(5)]$ (7) (b).
11185	(b) [For] Excluding Section 53G-11-518, for purposes of [Part 2, Status of
11186	Employment, Part 4, Educator Evaluations, and Part 5, Orderly School Termination
11187	Procedures] this part, "employee" does not include:
11188	(i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
11189	Blind;
11190	(ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
11191	and the Blind; or
11192	(iii) a temporary employee.
11193	[(6)] (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that
11194	mandates the termination of an employee who started to work for a district most recently
11195	before terminating a more senior employee.
11196	(9) "Probationary educator" means an educator employed by a school district who,
11197	under local school board policy, has been advised by the school district that the educator's
11198	performance is inadequate.
11199	(10) "Provisional educator" means an educator employed by a school district who has
11200	not achieved status as a career educator within the school district.
11201	[(7)] (11) "Provisional employee" means an individual, other than a career employee or

11202	a temporary employee, who is employed by a school district.
11203	[(8)] (12) "School board" or "board" means a district school board or, for the Utah
11204	Schools for the Deaf and the Blind, the State Board of Education.
11205	[(9)] (13) "School district" or "district" means:
11206	(a) a public school district; or
11207	(b) the Utah Schools for the Deaf and the Blind.
11208	(14) "Summative evaluation" means the annual evaluation that summarizes an
11209	educator's performance during a school year and that is used to make decisions related to the
11210	educator's employment.
11211	[(10)] (15) "Temporary employee" means an individual who is employed on a
11212	temporary basis as defined by policies adopted by the local board of education. If the class of
11213	employees in question is represented by an employee organization recognized by the local
11214	board, the board shall adopt the board's policies based upon an agreement with that
11215	organization. Temporary employees serve at will and have no expectation of continued
11216	employment.
11217	[(11)] (16) (a) "Unsatisfactory performance" means a deficiency in performing work
11218	tasks that may be:
11219	(i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
11220	(ii) remediated through training, study, mentoring, or practice.
11221	(b) "Unsatisfactory performance" does not include the following conduct that is
11222	designated as a cause for termination under Section [53A-8a-501] 53G-11-512 or a reason for
11223	license discipline by the State Board of Education or Utah Professional Practices Advisory
11224	Commission:
11225	(i) a violation of work rules;
11226	(ii) a violation of local school board policies, State Board of Education rules, or law;
11227	(iii) a violation of standards of ethical, moral, or professional conduct; or
11228	(iv) insubordination.
11229	Section 387. Section 53G-11-501.5 , which is renumbered from Section 53A-8a-401 is
11230	renumbered and amended to read:
11231	[53A-8a-401]. <u>53G-11-501.5.</u> Legislative findings.
11232	(1) The Legislature finds that the effectiveness of public educators can be improved

11233	and enhanced by providing specific feedback and support for improvement through a
11234	systematic, fair, and competent annual evaluation and remediation of public educators whose
11235	performance is inadequate.
11236	(2) The State Board of Education and each local school board shall implement [this
11237	part,] Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510.
11238	and 53G-11-511 in accordance with Subsections [53A-1a-104] 53E-2-302(7) and [53A-6-102]
11239	53E-6-103(2)(a) and (b), to:
11240	(a) allow the educator and the school district to promote the professional growth of the
11241	educator; and
11242	(b) identify and encourage quality instruction in order to improve student academic
11243	growth.
11244	Section 388. Section 53G-11-502 is enacted to read:
11245	<u>53G-11-502.</u> Applicability.
11246	Reserved
11247	Section 389. Section 53G-11-503 , which is renumbered from Section 53A-8a-201 is
11248	renumbered and amended to read:
11249	[53A-8a-201]. 53G-11-503. Career employee status for provisional
11250	employees Career status in the event of change of position Continuation of
11251	probationary status when position changes Temporary status for extra duty
11252	assignments Employees not eligible for career status.
11253	(1) (a) A provisional employee must work for a school district on at least a half-time
11254	basis for three consecutive years to obtain career employee status.
11255	(b) A school district may extend the provisional status of an employee up to an
11256	additional two consecutive years in accordance with a written policy adopted by the district's
11257	school board that specifies the circumstances under which an employee's provisional status
11258	may be extended.
11259	(2) Policies of an employing school district shall determine the status of a career
11260	employee in the event of the following:
11261	(a) the employee accepts a position which is substantially different from the position in
11262	which career status was achieved; or

11263	(b) the employee accepts employment in another school district.
11264	(3) If an employee who is under an order of probation or remediation in one
11265	assignment in a school district is transferred or given a new assignment in the district, the order
11266	shall stand until its provisions are satisfied.
11267	(4) An employee who is given extra duty assignments in addition to a primary
11268	assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
11269	employee in those extra duty assignments and may not acquire career status beyond the primary
11270	assignment.
11271	(5) A person is an at-will employee and is not eligible for career employee status if the
11272	person:
11273	(a) is a teacher who holds a competency-based license pursuant to Section
11274	[53A-6-104.5] 53E-6-306 and does not hold a level 1, 2, or 3 license as defined in Section
11275	[53A-6-103] <u>53E-6-102</u> ; or
11276	(b) holds an administrative/supervisory letter of authorization pursuant to Section
11277	[53A-6-110] <u>53E-6-304</u> .
11278	Section 390. Section 53G-11-504, which is renumbered from Section 53A-8a-301 is
11279	renumbered and amended to read:
11280	[53A-8a-301]. 53G-11-504. Evaluation of employee performance.
11281	(1) Except as provided in Subsection (2), a local school board shall require that the
11282	performance of each school district employee be evaluated annually in accordance with rules of
11283	the State Board of Education adopted in accordance with this [chapter] part and Title 63G,
11284	Chapter 3, Utah Administrative Rulemaking Act.
11285	(2) Rules adopted by the State Board of Education under Subsection (1) may include
11286	an exemption from annual performance evaluations for a temporary employee or a part-time
11287	employee.
11288	Section 391. Section 53G-11-505 , which is renumbered from Section 53A-8a-302 is
11289	renumbered and amended to read:
11290	[53A-8a-302]. <u>53G-11-505.</u> State Board of Education rules Reporting to
11291	Legislature.
11292	(1) Subject to [Part 4, Educator Evaluations] Sections 53G-11-506, 53G-11-507,
11203	53G-11-508 53G-11-500 53G-11-510 and 53G-11-511 rules adopted by the State Board of

11294	Education under Section [53A-8a-301] <u>53G-11-504</u> shall:
11295	(a) provide general guidelines, requirements, and procedures for the development and
11296	implementation of employee evaluations;
11297	(b) establish required components and allow for optional components of employee
11298	evaluations;
11299	(c) require school districts to choose valid and reliable methods and tools to implement
11300	the evaluations; and
11301	(d) establish a timeline for school districts to implement employee evaluations.
11302	(2) The State Board of Education shall report to the Education Interim Committee, as
11303	requested, on progress in implementing employee evaluations in accordance with [this part and
11304	Part 4, Educator Evaluations] this section and Sections 53G-11-504, 53G-11-506, 53G-11-507,
11305	53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511.
11306	Section 392. Section 53G-11-506 , which is renumbered from Section 53A-8a-403 is
11307	renumbered and amended to read:
11308	[53A-8a-403]. <u>53G-11-506.</u> Establishment of educator evaluation program
11309	Joint committee.
11310	(1) A local school board shall develop an educator evaluation program in consultation
11311	with its joint committee.
11312	(2) The joint committee described in Subsection (1) shall consist of an equal number of
11313	classroom teachers, parents, and administrators appointed by the local school board.
11314	(3) A local school board may appoint members of the joint committee from a list of
11315	nominees:
11316	(a) voted on by classroom teachers in a nomination election;
11317	(b) voted on by the administrators in a nomination election; and
11318	(c) of parents submitted by school community councils within the district.
11319	(4) Subject to Subsection (5), the joint committee may:
11320	(a) adopt or adapt an evaluation program for educators based on a model developed by
11321	the State Board of Education; or
11322	(b) create the local school board's own evaluation program for educators.
11323	(5) The evaluation program developed by the joint committee shall comply with the
11324	requirements of [this part] Sections 53G-11-507 through 53G-11-511 and rules adopted by the

11325	State Board of Education under Section [53A-8a-409] <u>53G-11-510</u> .
11326	Section 393. Section 53G-11-507 , which is renumbered from Section 53A-8a-405 is
11327	renumbered and amended to read:
11328	[53A-8a-405]. 53G-11-507. Components of educator evaluation program.
11329	(1) A local school board in consultation with a joint committee established in Section
11330	[53A-8a-403] 53G-11-506 shall adopt a reliable and valid educator evaluation program that
11331	evaluates educators based on educator professional standards established by the State Board of
11332	Education and includes:
11333	(a) a systematic annual evaluation of all provisional, probationary, and career
11334	educators;
11335	(b) use of multiple lines of evidence, including:
11336	(i) self-evaluation;
11337	(ii) student and parent input;
11338	(iii) for an administrator, employee input;
11339	(iv) a reasonable number of supervisor observations to ensure adequate reliability;
11340	(v) evidence of professional growth and other indicators of instructional improvement
11341	based on educator professional standards established by the State Board of Education; and
11342	(vi) student academic growth data;
11343	(c) a summative evaluation that differentiates among four levels of performance; and
11344	(d) for an administrator, the effectiveness of evaluating employee performance in a
11345	school or school district for which the administrator has responsibility.
11346	(2) (a) An educator evaluation program described in Subsection (1) may include a
11347	reasonable number of peer observations.
11348	(b) An educator evaluation program described in Subsection (1) may not use
11349	end-of-level assessment scores in educator evaluation.
11350	Section 394. Section 53G-11-508, which is renumbered from Section 53A-8a-406 is
11351	renumbered and amended to read:
11352	[53A-8a-406]. 53G-11-508. Summative evaluation timelines Review of
11353	summative evaluations.
11354	(1) The person responsible for administering an educator's summative evaluation shall:
11355	(a) at least 15 days before an educator's first evaluation:

11356	(i) notify the educator of the evaluation process; and
11357	(ii) give the educator a copy of the evaluation instrument, if an instrument is used;
11358	(b) allow the educator to respond to any part of the evaluation;
11359	(c) attach the educator's response to the evaluation if the educator's response is
11360	provided in writing;
11361	(d) within 15 days after the evaluation process is completed, discuss the written
11362	evaluation with the educator; and
11363	(e) based upon the educator's performance, assign to the educator one of the four levels
11364	of performance described in Section [53A-8a-405] 53G-11-507.
11365	(2) An educator who is not satisfied with a summative evaluation may request a review
11366	of the evaluation within 15 days after receiving the written evaluation.
11367	(3) (a) If a review is requested in accordance with Subsection (2), the school district
11368	superintendent or the superintendent's designee shall appoint a person not employed by the
11369	school district who has expertise in teacher or personnel evaluation to review the evaluation
11370	procedures and make recommendations to the superintendent regarding the educator's
11371	summative evaluation.
11372	(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11373	State Board of Education shall make rules prescribing standards for an independent review of
11374	an educator's summative evaluation.
11375	(c) A review of an educator's summative evaluation under Subsection (3)(a) shall be
11376	conducted in accordance with State Board of Education rules made under Subsection (3)(b).
11377	Section 395. Section 53G-11-509 , which is renumbered from Section 53A-8a-408 is
11378	renumbered and amended to read:
11379	[53A-8a-408]. Since $53G-11-509$. Mentor for provisional educator.
11380	(1) In accordance with Subsections [$\frac{53A-1a-104}{2}$] $\frac{53E-2-302}{2}$ (7) and [$\frac{53A-6-102}{2}$]
11381	53F-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall
11382	assign a person who has received training or will receive training in mentoring educators as a
11383	mentor to the provisional educator.
11384	(2) Where possible, the mentor shall be a career educator who performs substantially
11385	the same duties as the provisional educator and has at least three years of educational
11386	experience.

11387	(3) The mentor shall assist the provisional educator to become effective and competent
11388	in the teaching profession and school system, but may not serve as an evaluator of the
11389	provisional educator.
11390	(4) An educator who is assigned as a mentor may receive compensation for those
11391	services in addition to the educator's regular salary.
11392	Section 396. Section 53G-11-510 , which is renumbered from Section 53A-8a-409 is
11393	renumbered and amended to read:
11394	[53A-8a-409]. 53G-11-510. State Board of Education to describe a
11395	framework for the evaluation of educators.
11396	(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11397	State Board of Education shall make rules:
11398	(a) describing a framework for the evaluation of educators that is consistent with the
11399	requirements of Part 3, Employee Evaluations, and [this part] Sections 53G-11-506,
11400	53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; and
11401	(b) requiring an educator's summative evaluation to be based on:
11402	(i) educator professional standards established by the State Board of Education; and
11403	(ii) the requirements described in Subsection [53A-8a-405] 53G-11-507(1).
11404	(2) The rules described in Subsection (1) shall prohibit the use of end-of-level
11405	assessment scores in educator evaluation.
11406	Section 397. Section 53G-11-511 , which is renumbered from Section 53A-8a-410 is
11407	renumbered and amended to read:
11408	[53A-8a-410]. <u>53G-11-511.</u> Report of performance levels.
11409	(1) A school district shall report to the State Board of Education the number and
11410	percent of educators in each of the four levels of performance assigned under Section
11411	[53A-8a-406] <u>53G-11-508</u> .
11412	(2) The data reported under Subsection (1) shall be separately reported for the
11413	following educator classifications:
11414	(a) administrators;
11415	(b) teachers, including separately reported data for provisional teachers and career
11416	teachers; and
11417	(c) other classifications or demographics of educators as determined by the State Board

11418	of Education.
11419	(3) The state superintendent shall include the data reported by school districts under
11420	this section in the state superintendent's annual report of the public school system required by
11421	Section [53A-1-301] <u>53E-3-301</u> .
11422	(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11423	State Board of Education shall make rules to ensure the privacy and protection of individual
11424	evaluation data.
11425	Section 398. Section 53G-11-512 , which is renumbered from Section 53A-8a-501 is
11426	renumbered and amended to read:
11427	[53A-8a-501]. <u>53G-11-512.</u> Local school board to establish dismissal
11428	procedures.
11429	(1) A local school board shall, by contract with its employees or their associations, or
11430	by resolution of the board, establish procedures for dismissal of employees in an orderly
11431	manner without discrimination.
11432	(2) The procedures shall include:
11433	(a) standards of due process;
11434	(b) causes for dismissal; and
11435	(c) procedures and standards related to developing and implementing a plan of
11436	assistance for a career employee whose performance is unsatisfactory.
11437	(3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c)
11438	shall require a plan of assistance to identify:
11439	(a) specific, measurable, and actionable deficiencies;
11440	(b) the available resources provided for improvement; and
11441	(c) a course of action to improve employee performance.
11442	(4) If a career employee exhibits both unsatisfactory performance as described in
11443	Subsection $[53A-8a-102(10)(a)]$ $53G-11-501(16)(a)$ and conduct described in Subsection
11444	[53A-8a-102(10)(b)] $53G-11-501(16)(b)$, an employer:
11445	(a) may:
11446	(i) attempt to remediate the conduct of the career employee; or
11447	(ii) terminate the career employee for cause if the conduct merits dismissal consistent
11448	with procedures established by the local school board; and

11449	(b) is not required to develop and implement a plan of assistance for the career
11450	employee, as provided in Section [53A-8a-503] <u>53G-11-514</u> .
11451	(5) If the conduct of a career employee described in Subsection (4) is satisfactorily
11452	remediated, and unsatisfactory performance issues remain, an employer shall develop and
11453	implement a plan of assistance for the career employee, as provided in Section [53A-8a-503]
11454	<u>53G-11-514</u> .
11455	(6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
11456	remediated, an employer:
11457	(a) may dismiss the career employee for cause in accordance with procedures
11458	established by the local school board that include standards of due process and causes for
11459	dismissal; and
11460	(b) is not required to develop and implement a plan of assistance for the career
11461	employee, as provided in Section [53A-8a-503] <u>53G-11-514</u> .
11462	Section 399. Section 53G-11-513 , which is renumbered from Section 53A-8a-502 is
11463	renumbered and amended to read:
11464	[53A-8a-502]. <u>53G-11-513.</u> Dismissal procedures.
11465	(1) A district shall provide employees with a written statement specifying:
11466	(a) the causes under which a career employee's contract may not be renewed or
11467	continued beyond the current school year;
11468	(b) the causes under which a career or provisional employee's contract may be
11469	terminated during the contract term; and
11470	(c) the orderly dismissal procedures that are used by the district in cases of contract
11471	termination, discontinuance, or nonrenewal.
11472	(2) A career employee's contract may be terminated during its term for reasons of
11473	unsatisfactory performance or discontinued beyond the current school year for reasons of
11474	unsatisfactory performance as provided in Section [53A-8a-503] 53G-11-514.
11475	(3) (a) A district is not required to provide a cause for not offering a contract to a
11476	provisional employee.
11477	(b) If a district intends to not offer a contract for a subsequent term of employment to a
11478	provisional employee, the district shall give notice of that intention to the employee at least 60
11479	days before the end of the provisional employee's contract term.

(4) In the absence of a notice, an employee is considered employed for the next contract term with a salary based upon the salary schedule applicable to the class of employee into which the individual falls.

- (5) If a district intends to not renew or discontinue the contract of a career employee or to terminate a career or provisional employee's contract during the contract term:
 - (a) the district shall give written notice of the intent to the employee;

- (b) the notice shall be served by personal delivery or by certified mail addressed to the employee's last-known address as shown on the records of the district;
- (c) the district shall give notice at least 30 days prior to the proposed date of termination:
 - (d) the notice shall state the date of termination and the detailed reasons for termination;
 - (e) the notice shall advise the employee that the employee has a right to a fair hearing and that the hearing is waived if it is not requested within 15 days after the notice of termination was either personally delivered or mailed to the employee's most recent address shown on the district's personnel records; and
 - (f) the notice shall state that failure of the employee to request a hearing in accordance with procedures set forth in the notice constitutes a waiver of that right and that the district may then proceed with termination without further notice.
 - (6) (a) The procedure under which a contract is terminated during its term may include a provision under which the active service of the employee is suspended pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the district.
 - (b) Suspension pending a hearing may be without pay if an authorized representative of the district determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true.
 - (c) If termination is not subsequently ordered, the employee shall receive back pay for the period of suspension without pay.
 - (7) The procedure under which an employee's contract is terminated during its term shall provide for a written notice of suspension or final termination including findings of fact

11511	upon which the action is based.
11512	Section 400. Section 53G-11-514 , which is renumbered from Section 53A-8a-503 is
11513	renumbered and amended to read:
11514	[53A-8a-503]. 53G-11-514. Nonrenewal or termination of a career
11515	employee's contract for unsatisfactory performance.
11516	(1) If a district intends to not renew a career employee's contract for unsatisfactory
11517	performance or terminate a career employee's contract during the contract term for
11518	unsatisfactory performance, the district shall:
11519	(a) provide and discuss with the career employee written documentation clearly
11520	identifying the deficiencies in performance;
11521	(b) provide written notice that the career employee's contract is subject to nonrenewal
11522	or termination if, upon a reevaluation of the career employee's performance, the career
11523	employee's performance is determined to be unsatisfactory;
11524	(c) develop and implement a plan of assistance, in accordance with procedures and
11525	standards established by the local school board under Section [53A-8a-501] 53G-11-512, to
11526	allow the career employee an opportunity to improve performance;
11527	(d) reevaluate the career employee's performance; and
11528	(e) if the career employee's performance remains unsatisfactory, give notice of intent to
11529	not renew or terminate the career employee's contract in accordance with Subsection
11530	[53A-8a-502] <u>53G-11-513(</u> 5).
11531	(2) (a) The period of time for implementing a plan of assistance:
11532	(i) may not exceed 120 school days, except as provided under Subsection (2)(b);
11533	(ii) may continue into the next school year;
11534	(iii) should be sufficient to successfully complete the plan of assistance; and
11535	(iv) shall begin when the career employee receives the written notice provided under
11536	Subsection (1)(b) and end when the determination is made that the career employee has
11537	successfully remediated the deficiency or notice of intent to not renew or terminate the career
11538	employee's contract is given in accordance with Subsection [53A-8a-502] 53G-11-513(5).
11539	(b) In accordance with local school board policy, the period of time for implementing a
11540	plan of assistance may extend beyond 120 school days if:
11541	(i) a career employee is on leave from work during the time period the plan of

11542	assistance is scheduled to be implemented; and
11543	(ii) (A) the leave was approved and scheduled before the written notice was provided
11544	under Subsection (1)(b); or
11545	(B) the leave is specifically approved by the local school board.
11546	(3) (a) If upon a reevaluation of the career employee's performance, the district
11547	determines the career employee's performance is satisfactory, and within a three-year period
11548	after the initial documentation of unsatisfactory performance for the same deficiency pursuant
11549	to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the
11550	district may elect to not renew or terminate the career employee's contract.
11551	(b) If a district intends to not renew or terminate a career employee's contract as
11552	provided in Subsection (3)(a), the district shall:
11553	(i) provide written documentation of the career employee's deficiencies in
11554	performance; and
11555	(ii) give notice of intent to not renew or terminate the career employee's contract in
11556	accordance with Subsection [53A-8a-502] <u>53G-11-513(5)</u> .
11557	Section 401. Section 53G-11-515 , which is renumbered from Section 53A-8a-504 is
11558	renumbered and amended to read:
11559	[53A-8a-504]. 53G-11-515. Hearings before district board or hearing
11560	officers Rights of the board and the employee Subpoenas Appeals.
11561	(1) (a) Hearings are held under this [chapter] part before the board or before hearing
11562	officers selected by the board to conduct the hearings and make recommendations concerning
11563	findings.
11564	(b) The board shall establish procedures to appoint hearing officers.
11565	(c) The board may delegate its authority to a hearing officer to make decisions relating
11566	to the employment of an employee which are binding upon both the employee and the board.
11567	(d) This Subsection (1) does not limit the right of the board or the employee to appeal
11568	to an appropriate court of law.
11569	(2) At the hearings, an employee has the right to counsel, to produce witnesses, to hear
11570	testimony against the employee, to cross-examine witnesses, and to examine documentary
11571	evidence.
11572	(3) Subpoenas may be issued and oaths administered as provided under Section

11573	[53A-6-603] <u>53E-6-606</u> .
11574	Section 402. Section 53G-11-516 , which is renumbered from Section 53A-8a-505 is
11575	renumbered and amended to read:
11576	[53A-8a-505]. 53G-11-516. Necessary staff reduction not precluded
11577	Last-hired, first-fired layoffs prohibited.
11578	(1) Nothing in this [chapter] part prevents staff reduction if necessary to reduce the
11579	number of employees because of the following:
11580	(a) declining student enrollments in the district;
11581	(b) the discontinuance or substantial reduction of a particular service or program;
11582	(c) the shortage of anticipated revenue after the budget has been adopted; or
11583	(d) school consolidation.
11584	(2) A school district may not utilize a last-hired, first-fired layoff policy when
11585	terminating school district employees.
11586	(3) A school district may consider the following factors when terminating a school
11587	district employee:
11588	(a) the results of an employee's performance evaluation; and
11589	(b) a school's personnel needs.
11590	Section 403. Section 53G-11-517 , which is renumbered from Section 53A-8a-506 is
11591	renumbered and amended to read:
11592	[53A-8a-506]. 53G-11-517. Restriction on transfer of employee with
11593	unsatisfactory performance.
11594	An employee whose performance is unsatisfactory may not be transferred to another
11595	school unless the local school board specifically approves the transfer of the employee.
11596	Section 404. Section 53G-11-518 , which is renumbered from Section 53A-8a-601 is
11597	renumbered and amended to read:
11598	[53A-8a-601]. 53G-11-518. State Board of Education to make rules on
11599	performance compensation.
11600	(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11601	State Board of Education shall make rules requiring a school district's employee compensation
11602	system to be aligned with the district's annual evaluation system described in Section
11603	[53A-8a-405] 53G-11-507.

11604	(2) Rules adopted under Subsection (1) shall:
11605	(a) establish a timeline for developing and implementing an employee compensation
11606	system that is aligned with an annual evaluation system; and
11607	(b) provide that beginning no later than the 2016-17 school year:
11608	(i) any advancement on an adopted wage or salary schedule:
11609	(A) shall be based primarily on an evaluation; and
11610	(B) may not be based on end-of-level assessment scores; and
11611	(ii) an employee may not advance on an adopted wage or salary schedule if the
11612	employee's rating on the most recent evaluation is at the lowest level of an evaluation
11613	instrument.
11614	Section 405. Repealer.
11615	This bill repeals:
11616	Section 53A-2-117, Definitions.
11617	Section 53A-3-415, School board policy on detaining students after school.
11618	Section 53A-8a-402, Definitions.
11619	Section 406. Effective date.
11620	If approved by two-thirds of all the members elected to each house, this bill takes effect
11621	upon approval by the governor, or the day following the constitutional time limit of Utah
11622	Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
11623	the date of veto override.
11624	Section 407. Revisor instructions.
11625	The Legislature intends that the Office of Legislative Research and General Counsel, in
11626	preparing the Utah Code database for publication, not enroll this bill if any of the following
11627	bills does not pass:
11628	(1) H.B, Public Education Recodification - Funding;
11629	(2) H.B. , Public Education Recodification - State Administration; or
11630	(3) S.B. Public Education Recodification - Cross References and Repeals