

School Personnel Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Norman K Thurston

LONG TITLE

General Description:

This bill amends the definition of certain school employees to "education support professional."

Highlighted Provisions:

This bill:

- amends the definitions of classified school employee and classified employee to "education support professional"; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

49-11-205, as last amended by Laws of Utah 2023, Chapter 16

49-12-102, as last amended by Laws of Utah 2022, Chapter 171

49-13-102, as last amended by Laws of Utah 2022, Chapter 171

49-22-102, as last amended by Laws of Utah 2022, Chapter 171

53E-1-203, as last amended by Laws of Utah 2024, Chapter 460

53G-10-402, as last amended by Laws of Utah 2024, Chapters 20, 507

53G-11-205, as last amended by Laws of Utah 2019, Chapter 293

53G-11-519, as last amended by Laws of Utah 2024, Chapter 484

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

Section 1. Section **49-11-205** is amended to read:

49-11-205 . Membership Council established -- Members -- Chair -- Duties -- Expenses and per diem.

- (1) ~~[There is established a]~~ A Membership Council is established to perform the duties under Subsection (5).
- (2) The Membership Council shall be composed of 15 council members selected as follows:
- (a) three council members shall be school employees selected by the governing board of an association representative of a majority of school employees who are members of a system administered by the board;
 - (b) one council member shall be ~~[a classified school employee]~~ an education support professional selected by the governing board of the association representative of a majority of ~~[classified school employees]~~ education support professionals who are members of a system administered by the board;
 - (c) two council members shall be public employees selected by the governing board of the association representative of a majority of the public employees who are members of a system administered by the board;
 - (d) one council member shall be a municipal officer or employee selected by the governing board of the association representative of a majority of the municipalities who participate in a system administered by the board;
 - (e) one council member shall be a county officer or employee selected by the governing board of the association representative of a majority of counties who participate in a system administered by the board;
 - (f) one council member shall be a representative of members of the Judges' Noncontributory Retirement System selected by the Judicial Council;
 - (g) one council member shall be a representative of members of the Public Safety Retirement Systems selected by the governing board of the association representative of the majority of peace officers who are members of the Public Safety Retirement Systems;
 - (h) one council member shall be a representative of members of the Firefighters' Retirement System selected by the governing board of the association representative of the majority of paid professional firefighters who are members of the Firefighters' Retirement System;
 - (i) one council member shall be a retiree selected by the governing board of the association representing the largest number of retirees, who are not public education retirees, from the Public Employees' Contributory, Public Employees'

Noncontributory, and New Public Employees' Tier II Contributory Retirement Systems;

- (j) one council member shall be a retiree selected by the governing board of the association representing the largest number of public education retirees;
- (k) one council member shall be a school business official selected by the governing board of the association representative of a majority of the school business officials from public education employers who participate in a system administered by the board; and

- (l) one council member shall be a special district officer or employee selected by the governing board of the association representing the largest number of special service districts and special districts who participate in a system administered by the board.

(3)(a) Each entity granted authority to select council members under Subsection (2) may also revoke the selection at any time.

- (b) Each term on the council shall be for a period of four years, subject to Subsection (3)(a).

- (c) Each term begins on July 1 and expires on June 30.

- (d) When a vacancy occurs on the council for any reason, the replacement shall be selected for the remainder of the unexpired term.

(4) The council shall annually designate one council member as chair.

(5) The council shall:

- (a) recommend to the board and to the Legislature benefits and policies for members of any system or plan administered by the board;
- (b) recommend procedures and practices to improve the administration of the systems and plans and the public employee relations responsibilities of the board and office;
- (c) examine the record of all decisions affecting retirement benefits made by a hearing officer under Section 49-11-613;
- (d) submit nominations to the board for the position of executive director if that position is vacant;
- (e) advise and counsel with the board and the director on policies affecting members of the various systems administered by the office; and
- (f) perform other duties assigned to it by the board.

(6) A member of the council may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

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

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

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

Section 2. Section **49-12-102** is amended to read:

49-12-102 . Definitions.

As used in this chapter:

(1)(a) "Benefits normally provided" means a benefit offered by an employer, including:

(i) a leave benefit of any kind;

(ii) insurance coverage of any kind if the employer pays some or all of the premium for the coverage;

(iii) employer contributions to a health savings account, health reimbursement account, health reimbursement arrangement, or medical expense reimbursement plan; and

(iv) a retirement benefit of any kind if the employer pays some or all of the cost of the benefit.

(b) "Benefits normally provided" does not include:

(i) a payment for social security;

(ii) workers' compensation insurance;

(iii) unemployment insurance;

(iv) a payment for Medicare;

(v) a payment or insurance required by federal or state law that is similar to a payment or insurance listed in Subsection (1)(b)(i), (ii), (iii), or (iv);

(vi) any other benefit that state or federal law requires an employer to provide an employee who would not otherwise be eligible to receive the benefit; or

(vii) any benefit that an employer provides an employee in order to avoid a penalty or tax under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148 and the Health Care Education Reconciliation Act of 2010, Pub. L. No. 111-152, and related federal regulations, including a penalty imposed by Internal Revenue Code, Section 4980H.

(2)(a) "Compensation" means the total amount of payments made by a participating employer to a member of this system for services rendered to the participating employer, including:

(i) bonuses;

(ii) cost-of-living adjustments;

- 131 (iii) other payments currently includable in gross income and that are subject to social
132 security deductions, including any payments in excess of the maximum amount
133 subject to deduction under social security law;
- 134 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
135 or other benefits authorized by federal law; and
136 (v) member contributions.
- 137 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed
138 under Internal Revenue Code, Section 401(a)(17).
- 139 (c) "Compensation" does not include:
- 140 (i) the monetary value of remuneration paid in kind, including a residence or use of
141 equipment;
- 142 (ii) the cost of any employment benefits paid for by the participating employer;
- 143 (iii) compensation paid to a temporary employee, an exempt employee, or an
144 employee otherwise ineligible for service credit;
- 145 (iv) any payments upon termination, including accumulated vacation, sick leave
146 payments, severance payments, compensatory time payments, or any other special
147 payments;
- 148 (v) any allowances or payments to a member for costs or expenses paid by the
149 participating employer, including automobile costs, uniform costs, travel costs,
150 tuition costs, housing costs, insurance costs, equipment costs, and dependent care
151 costs; or
- 152 (vi) a teacher salary bonus described in Section 53F-2-513.
- 153 (d) The executive director may determine if a payment not listed under this Subsection
154 (2) falls within the definition of compensation.
- 155 (3)(a) "Final average salary" means the amount calculated by averaging the highest five
156 years of annual compensation preceding retirement subject to Subsections (3)(b), (c),
157 (d), (e), and (f).
- 158 (b) Except as provided in Subsection (3)(c), the percentage increase in annual
159 compensation in any one of the years used may not exceed the previous year's
160 compensation by more than 10% plus a cost-of-living adjustment equal to the
161 decrease in the purchasing power of the dollar during the previous year, as measured
162 by a United States Bureau of Labor Statistics Consumer Price Index average as
163 determined by the board.
- 164 (c) In cases where the participating employer provides acceptable documentation to the

office, the limitation in Subsection (3)(b) may be exceeded if:

(i) the member has transferred from another agency; or

(ii) the member has been promoted to a new position.

(d) If the member retires more than six months from the date of termination of employment, the member is considered to have been in service at the member's last rate of pay from the date of the termination of employment to the effective date of retirement for purposes of computing the member's final average salary only.

(e) If the member has less than five years of service credit in this system, final average salary means the average annual compensation paid to the member during the full period of service credit.

(f) The annual compensation used to calculate final average salary shall be based on a period, as determined by the board, consistent with the period used to determine years of service credit in accordance with Subsection (7).

(4) "Participating employer" means an employer that meets the participation requirements of Sections 49-12-201 and 49-12-202.

(5)(a) "Regular full-time employee" means an employee:

(i) whose term of employment for a participating employer contemplates continued employment during a fiscal or calendar year;

(ii) whose employment normally requires an average of 20 hours or more per week, except as modified by the board; and

(iii) who receives benefits normally provided by the participating employer.

(b) "Regular full-time employee" includes:

(i) a teacher whose term of employment for a participating employer contemplates continued employment during a school year and who teaches half-time or more;

(ii) ~~[a classified school employee]~~ an education support professional:

(A) who is hired before July 1, 2013; and

(B) whose employment normally requires an average of 20 hours per week or more for a participating employer, regardless of benefits provided;

(iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as of January 1, 1990, as provided in Section 49-12-407;

(iv) a faculty member or employee of an institution of higher education who is considered full-time by that institution of higher education; and

(v) an individual who otherwise meets the definition of this Subsection (5) who performs services for a participating employer through a professional employer

- 199 organization or similar arrangement.
- 200 (c) "Regular full-time employee" does not include [~~a classified school employee~~] an
- 201 education support professional:
- 202 (i)(A) who is hired on or after July 1, 2013; and
- 203 (B) who does not receive benefits normally provided by the participating
- 204 employer even if the employment normally requires an average of 20 hours per
- 205 week or more for a participating employer;
- 206 (ii)(A) who is hired before July 1, 2013;
- 207 (B) who did not qualify as a regular full-time employee before July 1, 2013;
- 208 (C) who does not receive benefits normally provided by the participating
- 209 employer; and
- 210 (D) whose employment hours are increased on or after July 1, 2013, to require an
- 211 average of 20 hours per week or more for a participating employer; or
- 212 (iii) who is a person working on a contract:
- 213 (A) for the purposes of vocational rehabilitation and the employment and training
- 214 of people with significant disabilities; and
- 215 (B) that has been set aside from procurement requirements by the state pursuant to
- 216 Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501
- 217 et seq.
- 218 (6) "System" means the Public Employees' Contributory Retirement System created under
- 219 this chapter.
- 220 (7) "Years of service credit" means:
- 221 (a) a period consisting of 12 full months as determined by the board;
- 222 (b) a period determined by the board, whether consecutive or not, during which a regular
- 223 full-time employee performed services for a participating employer, including any
- 224 time the regular full-time employee was absent on a paid leave of absence granted by
- 225 a participating employer or was absent in the service of the United States government
- 226 on military duty as provided by this chapter; or
- 227 (c) the regular school year consisting of not less than eight months of full-time service
- 228 for a regular full-time employee of an educational institution.

229 Section 3. Section **49-13-102** is amended to read:

230 **49-13-102 . Definitions.**

231 As used in this chapter:

- 232 (1) "Benefits normally provided" means the same as that term is defined in Section

233 49-12-102.

234 (2)(a) "Compensation" means the total amount of payments made by a participating
235 employer to a member of this system for services rendered to the participating
236 employer, including:

237 (i) bonuses;

238 (ii) cost-of-living adjustments;

239 (iii) other payments currently includable in gross income and that are subject to social
240 security deductions, including any payments in excess of the maximum amount
241 subject to deduction under social security law; and

242 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
243 or other benefits authorized by federal law.

244 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed
245 under Internal Revenue Code, Section 401(a)(17).

246 (c) "Compensation" does not include:

247 (i) the monetary value of remuneration paid in kind, including a residence or use of
248 equipment;

249 (ii) the cost of any employment benefits paid for by the participating employer;

250 (iii) compensation paid to a temporary employee, an exempt employee, or an
251 employee otherwise ineligible for service credit;

252 (iv) any payments upon termination, including accumulated vacation, sick leave
253 payments, severance payments, compensatory time payments, or any other special
254 payments;

255 (v) any allowances or payments to a member for costs or expenses paid by the
256 participating employer, including automobile costs, uniform costs, travel costs,
257 tuition costs, housing costs, insurance costs, equipment costs, and dependent care
258 costs; or

259 (vi) a teacher salary bonus described in Section 53F-2-513.

260 (d) The executive director may determine if a payment not listed under this Subsection
261 (2) falls within the definition of compensation.

262 (3)(a) "Final average salary" means the amount calculated by averaging the highest three
263 years of annual compensation preceding retirement subject to Subsections (3)(b), (c),
264 (d), and (e).

265 (b) Except as provided in Subsection (3)(c), the percentage increase in annual
266 compensation in any one of the years used may not exceed the previous year's

267 compensation by more than 10% plus a cost-of-living adjustment equal to the
268 decrease in the purchasing power of the dollar during the previous year, as measured
269 by a United States Bureau of Labor Statistics Consumer Price Index average as
270 determined by the board.

271 (c) In cases where the participating employer provides acceptable documentation to the
272 office, the limitation in Subsection (3)(b) may be exceeded if:

- 273 (i) the member has transferred from another agency; or
- 274 (ii) the member has been promoted to a new position.

275 (d) If the member retires more than six months from the date of termination of
276 employment and for purposes of computing the member's final average salary only,
277 the member is considered to have been in service at the member's last rate of pay
278 from the date of the termination of employment to the effective date of retirement.

279 (e) The annual compensation used to calculate final average salary shall be based on a
280 period, as determined by the board, consistent with the period used to determine
281 years of service credit in accordance with Subsection (7).

282 (4) "Participating employer" means an employer that meets the participation requirements
283 of Sections 49-13-201 and 49-13-202.

284 (5)(a) "Regular full-time employee" means an employee:

- 285 (i) whose term of employment for a participating employer contemplates continued
286 employment during a fiscal or calendar year;
- 287 (ii) whose employment normally requires an average of 20 hours or more per week,
288 except as modified by the board; and
- 289 (iii) who receives benefits normally provided by the participating employer.

290 (b) "Regular full-time employee" includes:

- 291 (i) a teacher whose term of employment for a participating employer contemplates
292 continued employment during a school year and who teaches half time or more;
- 293 (ii) ~~[a classified school employee]~~ an education support professional:
 - 294 (A) who is hired before July 1, 2013; and
 - 295 (B) whose employment normally requires an average of 20 hours per week or
296 more for a participating employer, regardless of benefits provided;
- 297 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as
298 of January 1, 1990, as provided in Section 49-13-407;
- 299 (iv) a faculty member or employee of an institution of higher education who is
300 considered full time by that institution of higher education; and

- (v) an individual who otherwise meets the definition of this Subsection (5) who performs services for a participating employer through a professional employer organization or similar arrangement.
- (c) "Regular full-time employee" does not include ~~[a-classified-school-employee]~~ an education support professional:
- (i)(A) who is hired on or after July 1, 2013; and
- (B) who does not receive benefits normally provided by the participating employer even if the employment normally requires an average of 20 hours per week or more for a participating employer;
- (ii)(A) who is hired before July 1, 2013;
- (B) who did not qualify as a regular full-time employee before July 1, 2013;
- (C) who does not receive benefits normally provided by the participating employer; and
- (D) whose employment hours are increased on or after July 1, 2013, to require an average of 20 hours per week or more for a participating employer; or
- (iii) who is a person working on a contract:
- (A) for the purposes of vocational rehabilitation and the employment and training of people with significant disabilities; and
- (B) that has been set aside from procurement requirements by the state pursuant to Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.
- (6) "System" means the Public Employees' Noncontributory Retirement System.
- (7) "Years of service credit" means:
- (a) a period consisting of 12 full months as determined by the board;
- (b) a period determined by the board, whether consecutive or not, during which a regular full-time employee performed services for a participating employer, including any time the regular full-time employee was absent on a paid leave of absence granted by a participating employer or was absent in the service of the United States government on military duty as provided by this chapter; or
- (c) the regular school year consisting of not less than eight months of full-time service for a regular full-time employee of an educational institution.

Section 4. Section **49-22-102** is amended to read:

49-22-102 . Definitions.

As used in this chapter:

- 335 (1) "Benefits normally provided" means the same as that term is defined in Section
336 49-12-102.
- 337 (2)(a) "Compensation" means the total amount of payments made by a participating
338 employer to a member of this system for services rendered to the participating
339 employer, including:
- 340 (i) bonuses;
 - 341 (ii) cost-of-living adjustments;
 - 342 (iii) other payments currently includable in gross income and that are subject to social
343 security deductions, including any payments in excess of the maximum amount
344 subject to deduction under social security law;
 - 345 (iv) amounts that the member authorizes to be deducted or reduced for salary deferral
346 or other benefits authorized by federal law; and
 - 347 (v) member contributions.
- 348 (b) "Compensation" for purposes of this chapter may not exceed the amount allowed
349 under Internal Revenue Code, Section 401(a)(17).
- 350 (c) "Compensation" does not include:
- 351 (i) the monetary value of remuneration paid in kind, including a residence or use of
352 equipment;
 - 353 (ii) the cost of any employment benefits paid for by the participating employer;
 - 354 (iii) compensation paid to a temporary employee or an employee otherwise ineligible
355 for service credit;
 - 356 (iv) any payments upon termination, including accumulated vacation, sick leave
357 payments, severance payments, compensatory time payments, or any other special
358 payments;
 - 359 (v) any allowances or payments to a member for costs or expenses paid by the
360 participating employer, including automobile costs, uniform costs, travel costs,
361 tuition costs, housing costs, insurance costs, equipment costs, and dependent care
362 costs; or
 - 363 (vi) a teacher salary bonus described in Section 53F-2-513.
- 364 (d) The executive director may determine if a payment not listed under this Subsection
365 (2) falls within the definition of compensation.
- 366 (3) "Corresponding Tier I system" means the system or plan that would have covered the
367 member if the member had initially entered employment before July 1, 2011.
- 368 (4)(a) "Final average salary" means the amount calculated by averaging the highest five

years of annual compensation preceding retirement subject to Subsections (4)(b), (c), (d), (e), and (f).

(b) Except as provided in Subsection (4)(c), the percentage increase in annual compensation in any one of the years used may not exceed the previous year's compensation by more than 10% plus a cost-of-living adjustment equal to the decrease in the purchasing power of the dollar during the previous year, as measured by a United States Bureau of Labor Statistics Consumer Price Index average as determined by the board.

(c) In cases where the participating employer provides acceptable documentation to the office, the limitation in Subsection (4)(b) may be exceeded if:

- (i) the member has transferred from another agency; or
- (ii) the member has been promoted to a new position.

(d) If the member retires more than six months from the date of termination of employment, the member is considered to have been in service at the member's last rate of pay from the date of the termination of employment to the effective date of retirement for purposes of computing the member's final average salary only.

(e) If the member has less than five years of service credit in this system, final average salary means the average annual compensation paid to the member during the full period of service credit.

(f) The annual compensation used to calculate final average salary shall be based on a period, as determined by the board, consistent with the period used to determine years of service credit in accordance with Subsection (8).

(5) "Participating employer" means an employer that meets the participation requirements of:

- (a) Sections 49-12-201 and 49-12-202;
- (b) Sections 49-13-201 and 49-13-202;
- (c) Section 49-19-201; or
- (d) Section 49-22-201 or 49-22-202.

(6)(a) "Regular full-time employee" means an employee:

- (i) whose term of employment for a participating employer contemplates continued employment during a fiscal or calendar year;
- (ii) whose employment normally requires an average of 20 hours or more per week, except as modified by the board; and
- (iii) who receives benefits normally provided by the participating employer.

- 403 (b) "Regular full-time employee" includes:
- 404 (i) a teacher whose term of employment for a participating employer contemplates
- 405 continued employment during a school year and who teaches half time or more;
- 406 (ii) ~~[a classified school employee]~~ an education support professional:
- 407 (A) who is hired before July 1, 2013; and
- 408 (B) whose employment normally requires an average of 20 hours per week or
- 409 more for a participating employer, regardless of benefits provided;
- 410 (iii) an appointive officer whose appointed position is full time as certified by the
- 411 participating employer;
- 412 (iv) the governor, the lieutenant governor, the state auditor, the state treasurer, the
- 413 attorney general, and a state legislator;
- 414 (v) an elected official not included under Subsection (6)(b)(iv) whose elected position
- 415 is full time as certified by the participating employer;
- 416 (vi) a faculty member or employee of an institution of higher education who is
- 417 considered full time by that institution of higher education; and
- 418 (vii) an individual who otherwise meets the definition of this Subsection (6) who
- 419 performs services for a participating employer through a professional employer
- 420 organization or similar arrangement.
- 421 (c) "Regular full-time employee" does not include:
- 422 (i) a firefighter service employee as defined in Section 49-23-102;
- 423 (ii) a public safety service employee as defined in Section 49-23-102;
- 424 (iii) ~~[a classified school employee]~~ an education support professional:
- 425 (A) who is hired on or after July 1, 2013; and
- 426 (B) who does not receive benefits normally provided by the participating
- 427 employer even if the employment normally requires an average of 20 hours per
- 428 week or more for a participating employer;
- 429 (iv) ~~[a classified school employee]~~ an education support professional:
- 430 (A) who is hired before July 1, 2013;
- 431 (B) who did not qualify as a regular full-time employee before July 1, 2013;
- 432 (C) who does not receive benefits normally provided by the participating
- 433 employer; and
- 434 (D) whose employment hours are increased on or after July 1, 2013, to require an
- 435 average of 20 hours per week or more for a participating employer; or
- 436 (E) who is a person working on a contract:

(I) for the purposes of vocational rehabilitation and the employment and training of people with significant disabilities; and

(II) that has been set aside from procurement requirements by the state pursuant to Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501 et seq.

(7) "System" means the New Public Employees' Tier II Contributory Retirement System created under this chapter.

(8) "Years of service credit" means:

(a) a period consisting of 12 full months as determined by the board;

(b) a period determined by the board, whether consecutive or not, during which a regular full-time employee performed services for a participating employer, including any time the regular full-time employee was absent on a paid leave of absence granted by a participating employer or was absent in the service of the United States government on military duty as provided by this chapter; or

(c) the regular school year consisting of not less than eight months of full-time service for a regular full-time employee of an educational institution.

Section 5. Section **53E-1-203** is amended to read:

53E-1-203 . State Superintendent's Annual Report.

(1) The state board shall prepare and submit to the governor, the Education Interim Committee, and the Public Education Appropriations Subcommittee, by January 15 of each year, an annual written report known as the State Superintendent's Annual Report that includes:

(a) the operations, activities, programs, and services of the state board;

(b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and

(c) data on the general condition of the schools with recommendations considered desirable for specific programs, including:

(i) a complete statement of fund balances;

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

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

(iv) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the United

- 471 States Department of Education publication "Financial Accounting for Local and
472 State School Systems";
- 473 (v) a statement that includes data on:
- 474 (A) fall enrollments;
- 475 (B) average membership;
- 476 (C) high school graduates;
- 477 (D) ~~[licensed and classified employees]~~ all employees, including data reported by
478 school districts on educator ratings described in Section 53G-11-511;
- 479 (E) pupil-teacher ratios;
- 480 (F) average class sizes;
- 481 (G) average salaries;
- 482 (H) applicable private school data; and
- 483 (I) data from statewide assessments described in Section 53E-4-301 for each
484 school and school district;
- 485 (vi) statistical information for each school district and charter school regarding:
- 486 (A) student attendance by grade level;
- 487 (B) the percentage of students chronically absent;
- 488 (C) the percentage of student excused absences; and
- 489 (D) the percentage of student unexcused absences;
- 490 (vii) statistical information regarding incidents of delinquent activity in the schools,
491 at school-related activities, on school buses, and at school bus stops; and
- 492 (viii) other statistical and financial information about the school system that the state
493 superintendent considers pertinent.
- 494 (2)(a) For the purposes of Subsection (1)(c)(v):
- 495 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
496 students enrolled in a school by the number of full-time equivalent teachers
497 assigned to the school, including regular classroom teachers, school-based
498 specialists, and special education teachers;
- 499 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio
500 of the schools within a school district;
- 501 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
502 pupil-teacher ratio of charter schools in the state; and
- 503 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the
504 median pupil-teacher ratio of public schools in the state.

(b) The report shall:

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and

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

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

(3) For each operation, activity, program, or service provided by the state board, the annual report shall include:

(a) a description of the operation, activity, program, or service;

(b) data and metrics:

(i) selected and used by the state board to measure progress, performance, effectiveness, and scope of the operation, activity, program, or service, including summary data; and

(ii) that are consistent and comparable for each state operation, activity, program, or service;

(c) budget data, including the amount and source of funding, expenses, and allocation of full-time employees for the operation, activity, program, or service;

(d) historical data from previous years for comparison with data reported under Subsections (3)(b) and (c);

(e) goals, challenges, and achievements related to the operation, activity, program, or service;

(f) relevant federal and state statutory references and requirements;

(g) contact information of officials knowledgeable and responsible for each operation, activity, program, or service; and

(h) other information determined by the state board that:

(i) may be needed, useful, or of historical significance; or

(ii) promotes accountability and transparency for each operation, activity, program, or service with the public and elected officials.

(4)(a) Except as provided in Subsection (4)(b), the annual report shall also include:

(i) the report described in Section 53E-3-507 by the state board on career and technical education needs and program access;

(ii) the report described in Section 53E-3-515 by the state board on the Hospitality and Tourism Management Career and Technical Education Pilot Program;

- (iii) the report described in Section 53E-3-516 by the state board on certain incidents that occur on school grounds;
- (iv) the report described in Section 53E-4-202 by the state board on the development and implementation of the core standards for Utah public schools;
- (v) the report described in Section 53E-5-310 by the state board on school turnaround and leadership development;
- (vi) the report described in Section 53E-10-308 by the state board and Utah Board of Higher Education on student participation in the concurrent enrollment program;
- (vii) the report described in Section 53F-5-506 by the state board on information related to personalized, competency-based learning; and
- (viii) the report described in Section 53G-9-802 by the state board on dropout prevention and recovery services.
- (b) The Education Interim Committee or the Public Education Appropriations Subcommittee may request a report described in Subsection (4)(a) to be reported separately from the State Superintendent's Annual Report.
- (5) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.
- (6) The state board shall:
- (a) submit the annual report in accordance with Section 68-3-14; and
- (b) make the annual report, and previous annual reports, accessible to the public by placing a link to the reports on the state board's website.
- (7)(a) Upon request of the Education Interim Committee or Public Education Appropriations Subcommittee, the state board shall present the State Superintendent's Annual Report to either committee.
- (b) After submitting the State Superintendent's Annual Report in accordance with this section, the state board may supplement the report at a later time with updated data, information, or other materials as necessary or upon request by the governor, the Education Interim Committee, or the Public Education Appropriations Subcommittee.
- Section 6. Section **53G-10-402** is amended to read:
- 53G-10-402 . Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.**
- (1) As used in this section:
- (a) "LEA governing board" means a local school board or charter school governing

573 board.

574 (b) "Refusal skills" means instruction:

- 575 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
- 576 adult;
- 577 (ii) in a student's obligation to stop the student's sexual advances if refused by another
- 578 individual;
- 579 (iii) informing a student of the student's right to report and seek counseling for
- 580 unwanted sexual advances;
- 581 (iv) in sexual harassment; and
- 582 (v) informing a student that a student may not consent to criminally prohibited
- 583 activities or activities for which the student is legally prohibited from giving
- 584 consent, including the electronic transmission of sexually explicit images by an
- 585 individual of the individual or another.

586 (2)(a) The state board shall establish curriculum requirements under Section 53E-3-501
587 that include instruction in:

- 588 (i) community and personal health;
- 589 (ii) physiology;
- 590 (iii) personal hygiene;
- 591 (iv) prevention of communicable disease;
- 592 (v) refusal skills; and
- 593 (vi) the harmful effects of pornography.

594 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
595 state board shall make rules that, and instruction shall:

- 596 (i) stress the importance of abstinence from all sexual activity before marriage and
- 597 fidelity after marriage as methods for preventing certain communicable diseases;
- 598 (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
- 599 (iii) prohibit instruction in:
 - 600 (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
 - 601 (B) the advocacy of premarital or extramarital sexual activity; or
 - 602 (C) the advocacy or encouragement of the use of contraceptive methods or
 - 603 devices; and
- 604 (iv) except as provided in Subsection (2)(d), allow instruction to include information
- 605 about contraceptive methods or devices that stresses effectiveness, limitations,
- 606 risks, and information on state law applicable to minors obtaining contraceptive

- 607 methods or devices.
- 608 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
609 state board shall make rules for an LEA governing board that adopts instructional
610 materials under Subsection (2)(g)(ii) that:
- 611 (i) require the LEA governing board to report on the materials selected and the LEA
612 governing board's compliance with Subsection (2)(h); and
- 613 (ii) provide for an appeal and review process of the LEA governing board's adoption
614 of instructional materials.
- 615 (d) The state board may not require an LEA to teach or adopt instructional materials that
616 include information on contraceptive methods or devices.
- 617 (e)(i) At no time may instruction be provided, including responses to spontaneous
618 questions raised by students, regarding any means or methods that facilitate or
619 encourage the violation of any state or federal criminal law by a minor or an adult.
- 620 (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a
621 spontaneous question as long as the response is consistent with the provisions of
622 this section.
- 623 (f) The state board shall recommend instructional materials for use in the curricula
624 required under Subsection (2)(a).
- 625 (g) An LEA governing board may choose to adopt:
- 626 (i) the instructional materials recommended under Subsection (2)(f); or
- 627 (ii) other instructional materials in accordance with Subsection (2)(h).
- 628 (h) An LEA governing board that adopts instructional materials under Subsection
629 (2)(g)(ii) shall:
- 630 (i) ensure that the materials comply with state law and board rules;
- 631 (ii) base the adoption of the materials on the recommendations of the LEA governing
632 board's Curriculum Materials Review Committee;
- 633 (iii) adopt the instructional materials in an open and regular meeting of the LEA
634 governing board for which prior notice is given to parents of students who attend
635 the respective schools; and
- 636 (iv) give parents an opportunity to express the parents' views and opinions on the
637 materials at the meeting described in Subsection (2)(h)(iii).
- 638 (3)(a) A student shall receive instruction in the courses described in Subsection (2) on at
639 least two occasions during the period that begins with the beginning of grade 8 and
640 the end of grade 12.

(b) At the request of the state board, the Department of Health and Human Services shall cooperate with the state board in developing programs to provide instruction in those areas.

(4)(a) The state board shall adopt rules that:

(i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are complied with; and

(ii) require a student's parent to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.

(b) The state board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.

(5)(a) In keeping with the requirements of Section 53G-10-204, and because school employees and volunteers serve as examples to students, school employees or volunteers acting in an official capacity 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 (5)(a) also apply to a school employee or volunteer acting outside of the school employee's or volunteer's official capacity if:

(i) the employee or volunteer knew or should have known that the employee's or volunteer's 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) The state board or an LEA governing board may not allow training of school employees or volunteers that support or encourage criminal conduct.

(d) The state board shall adopt, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules implementing this section.

(e) Nothing in this section limits the ability or authority of the state board or an LEA governing board to enact and enforce rules or take actions that are otherwise lawful, regarding an educator's, employee's, or volunteer's qualifications or behavior evidencing unfitness for duty.

(6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

(7)(a) An LEA governing board and an LEA governing board's employees shall

675 cooperate and share responsibility in carrying out the purposes of this chapter.

676 (b) An LEA governing board shall provide appropriate professional development for the
677 LEA governing board's teachers, counselors, and school administrators to enable the
678 teachers, counselors, and school administrators to understand, protect, and properly
679 instruct students in the values and character traits referred to in this section and
680 Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and
681 53G-10-205, and distribute appropriate written materials on the values, character
682 traits, and conduct to each individual receiving the professional development.

683 (c) An LEA governing board shall make the written materials described in Subsection
684 (7)(b) available to ~~[classified employees]~~ education support professionals, students,
685 and students' parents.

686 (d) In order to assist an LEA governing board in providing the professional development
687 required under Subsection (7)(b), the state board shall, as appropriate, contract with a
688 qualified individual or entity possessing expertise in the areas referred to in
689 Subsection (7)(b) to develop and disseminate model teacher professional
690 development programs that an LEA governing board may use to train the individuals
691 referred to in Subsection (7)(b) to effectively teach the values and qualities of
692 character referenced in Subsection (7)(b).

693 (e) In accordance with the provisions of Subsection (5)(c), professional development
694 may not support or encourage criminal conduct.

695 (8) An LEA governing board shall review every two years:

696 (a) LEA governing board policies on instruction described in this section;

697 (b) for a local school board, data for each county that the school district is located in, or,
698 for a charter school governing board, data for the county in which the charter school
699 is located, on the following:

700 (i) teen pregnancy;

701 (ii) child sexual abuse; and

702 (iii) sexually transmitted diseases and sexually transmitted infections; and

703 (c) the number of pornography complaints or other instances reported within the
704 jurisdiction of the LEA governing board.

705 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this
706 section, or the application thereof to any person or circumstance, is found to be
707 unconstitutional, the balance of this section shall be given effect without the invalid
708 provision, subsection, sentence, clause, phrase, or word.

Section 7. Section **53G-11-205** is amended to read:

53G-11-205 . Education employee associations -- Equal participation --

Prohibition on endorsement or preferential treatment -- Naming of school breaks.

(1) As used in this section:

(a) "Education employee association" includes teacher associations, teacher unions, teacher organizations, and [~~classified education employees'~~ education support professionals' associations.

(b) "School" means a school district, a school in a school district, a charter school, or the state board and its employees.

(2) A school shall allow education employee associations equal access to the following activities:

(a) distribution of information in or access to teachers' or employees' physical or electronic mailboxes, including email accounts that are provided by the school; and

(b) membership solicitation activities at new teacher or employee orientation training or functions.

(3) If a school permits an education employee association to engage in any of the activities described in Subsection (2), the school shall permit all other education employee associations to engage in the activity on the same terms and conditions afforded to the education employee association.

(4) It is unlawful for a school to:

(a) establish or maintain structures, procedures, or policies that favor one education employee association over another or otherwise give preferential treatment to an education employee association; or

(b) explicitly or implicitly endorse any education employee association.

(5) A school's calendars and publications may not include or refer to the name of any education employee association in relation to any day or break in the school calendar.

Section 8. Section **53G-11-519** is amended to read:

53G-11-519 . Utah Recognizing Inspiring School Employees Award.

(1) As used in this section:

(a) "Association" means the governing board of the association that represents a majority of [~~classified school employees~~ education support professionals employed in the state.

(b) [~~"Classified school employee"~~ "Education support professional" means [~~the same as that term is~~ a classified employee defined in the Recognizing Achievement in

Classified School Employees Act, 20 U.S.C. Sec. 6682.

(c) "Eligible individual" means [~~a classified school employee~~] an education support professional who meets the eligibility requirements to be a nominee for the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq.

(2)(a) In accordance with the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq., the governor shall annually nominate [~~a classified school employee~~] an education support professional for the Recognizing Inspiring School Employees Award Program.

(b) The governor shall consider submissions from the association in making the nomination described in Subsection (2)(a).

(c) The association shall submit a list of eligible individuals to the governor no later than September 1 each year.

(3)(a) There is created the Utah Recognizing Inspiring School Employees Award Program to recognize excellence exhibited by public school system employees providing services to students in pre-kindergarten through grade 12.

(b) The Utah Recognizing Inspiring School Employees Award shall be awarded to the governor's nominee for the federal Recognizing Inspiring School Employees Award Program under the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq.

Section 9. Effective date.

This bill takes effect on May 7, 2025.