

HB0156S01 compared with HB0156

~~{Omitted text}~~ shows text that was in HB0156 but was omitted in HB0156S01

inserted text shows text that was not in HB0156 but was inserted into HB0156S01

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Education Board Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor:

LONG TITLE

General Description:

This bill ~~{modifies}~~ amends provisions ~~{relating to state school board powers}~~ regarding governance of the public education system.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions regarding the appointment, authority, and duties of the state superintendent of public instruction;
- ▶ amends provisions regarding the scope of authority and duties of employees of the State Board of Education (state board);
- ▶ ~~{modifies}~~ amends provisions ~~{relating}~~ to describe the level of autonomy of local education agencies relative to the state ~~{school}~~ superintendent and state board ~~{powers}~~ employees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

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18 **Other Special Clauses:**

19 None

21 **AMENDS:**

22 **53E-1-102** , as last amended by Laws of Utah 2022, Chapter 214 , as last amended by Laws
of Utah 2022, Chapter 214

23 **53E-3-301** , as last amended by Laws of Utah 2019, Chapters 186, 324 , as last amended by
Laws of Utah 2019, Chapters 186, 324

24 **53E-3-302** , as last amended by Laws of Utah 2019, Chapter 186 , as last amended by Laws
of Utah 2019, Chapter 186

25 **53E-3-303** , as last amended by Laws of Utah 2019, Chapter 186 , as last amended by Laws
of Utah 2019, Chapter 186

26 **53E-3-401** , as last amended by Laws of Utah 2020, Chapters 253, 408 , as last amended by Laws of
Utah 2020, Chapters 253, 408

27 **REPEALS:**

28 **53E-1-204** , as enacted by Laws of Utah 2020, Third Special Session, Chapter 10 , as enacted
by Laws of Utah 2020, Third Special Session, Chapter 10

29

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

31 Section 1. Section 53E-1-102 is amended to read:

32 **53E-1-102. Public education code definitions.**

Unless otherwise indicated, as used in this title, Title 53F, Public Education System --
34 Funding, and Title 53G, Public Education System -- Local Administration:

35 (1) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that
authorizes the operation of a charter school.

37 (2) "Charter school governing board" means the board that governs a charter school.

38 (3) "District school" means a public school under the control of a local school board.

39 (4) "Individualized education program" or "IEP" means a written statement for a student with a
disability that is developed, reviewed, and revised in accordance with the Individuals with
Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

42 (5)

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- (a) "General control and supervision" means, including as used in Utah Constitution, Article X, Section 3, that the state board shall direct, supervise, regulate, and provide for the management of all aspects of the public education system:
- 45 (i) as the Legislature designates the components of the public education system;
46 (ii) except as provided in Section 53E-8-204, in relation to the statewide system as a whole; and
48 (iii) in accordance with laws the Legislature makes.
- 49 (b) "General control and supervision" does not include, except as provided in statute, exercising a duty or authority legally pertaining to an LEA governing board or district superintendent, as described in Subsection 53E-3-401(3).
- 52 [~~5~~] (6) "LEA governing board" means:
- 53 (a) for a school district, the local school board;
54 (b) for a charter school, the charter school governing board; or
55 (c) for the Utah Schools for the Deaf and the Blind, the state board.
- 56 [~~6~~] (7) "Local education agency" or "LEA" means:
- 57 (a) a school district;
58 (b) a charter school; or
59 (c) the Utah Schools for the Deaf and the Blind.
- 60 [~~7~~] (8) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- 62 [~~8~~] (9) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.
- 64 [~~9~~] (10) "Parent" means a parent or legal guardian.
- 65 [~~10~~] (11) "Public education code" means:
- 66 (a) this title;
67 (b) Title 53F, Public Education System -- Funding; and
68 (c) Title 53G, Public Education System -- Local Administration.
- 69 [~~11~~] (12) "Section 504 accommodation plan" means a plan developed in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet the student's educational needs and ensure equitable access to a free appropriate public education.
- 73 [~~12~~] (13) "School nurse" means a registered nurse:
- 74 (a) who holds:
75 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or

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- 76 (ii) a multistate license as that term is defined in Section 58-31e-102; and
77 (b) whose primary role is the care of a defined group of students enrolled in the public school system.
79 [(13)] (14) "State board" means the State Board of Education.
80 [(14)] (15) "State superintendent" means the state superintendent of public instruction appointed under
Section 53E-3-301.

Section 2. Section 53E-3-301 is amended to read:

53E-3-301. State superintendent appointment -- Qualifications -- Duties.

84 [(1)

(a) ~~The state board shall appoint a state superintendent of public instruction, who is the executive officer of the state board and serves at the pleasure of the state board.]~~

86 [(b) ~~The state board shall appoint the state superintendent on the basis of outstanding professional qualifications.]~~

88 [(c) ~~The state superintendent shall administer all programs assigned to the state board in accordance with the policies and the standards established by the state board.]~~

90 (1)

(a) Subject to Subsection (7), the state board shall appoint a state superintendent of public instruction who serves as the board's chief executive officer.

92 (b) The superintendent shall administer all programs assigned to the state board in accordance with the state board's rules, policies, directives, and standards.

94 (2)

(a) The state board shall appoint the superintendent on the basis of outstanding professional qualifications.

96 (b) When deciding whom to appoint under Subsection (1), the state board shall establish and consult with an advisory committee of individuals that represent the interests of public education, including members of the Legislature, and other elected officials and stakeholders.

100 (3)

(a) The superintendent's term of office is for three years and until, subject to Subsection (7), a successor is appointed and qualified.

102 (b) The state board shall enter into an employment contract with the superintendent that, at a minimum, includes terms related to job duties, compensation, performance evaluation, termination, and resignation.

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- 105 (c) The state board may not enter into an employment contract that contains an automatic renewal provision with the superintendent.
- 107 (d) The state board may remove the state superintendent during the superintendent's three-year term according to the terms of the employment contract.
- 109 (e) Nothing in this section requires the state board to renew a superintendent's term or establishes requirements or prohibitions on a subsequent term after the state superintendent's initial three-year term.
- 112 (4) Unless a vacancy occurs during an interim vacancy period subject to Subsection (7), if it becomes necessary to appoint an interim superintendent due to a vacancy in the office of superintendent, the state 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 qualification of a new superintendent.
- 117 (5) The state board shall set the superintendent's compensation for services.
- 118 (6) A superintendent qualifies for office by taking the constitutional oath of office.
- 119 (7)
- (a) As used in this Subsection (7), "interim vacancy period" means the period of time that:
- 121 (i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of the state board; and
- 123 (ii) ends on the day on which the member-elect begins the member's term.
- 124 (b)
- (i) The state board may not appoint a superintendent during an interim vacancy period.
- 126 (ii) Notwithstanding Subsection (7)(b)(i):
- 127 (A) the state board may appoint an interim superintendent during an interim vacancy period; and
- 129 (B) the interim superintendent's term shall expire once a new superintendent is appointed by the new state board after the interim vacancy period has ended.
- 131 (c) Subsection (7)(b) does not apply if all the state 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 state board for the following term.
- 134 [(2)] (8) The state board shall, with the state superintendent, develop a statewide education strategy focusing on core academics, including the development of:
- 136 (a) core standards for Utah public schools and graduation requirements, in accordance with Section 53E-4-204;

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- 138 (b) a process to select model instructional materials that best correlate with the core standards for Utah
public schools and graduation requirements that are supported by generally accepted scientific
standards of evidence;
- 141 (c) professional development programs for teachers, superintendents, and principals;
- 142 (d) model remediation programs;
- 143 (e) a model method for creating individual student learning targets, and a method of measuring an
individual student's performance toward those targets;
- 145 (f) progress-based assessments for ongoing performance evaluations of school districts and schools;
- 147 (g) incentives to achieve the desired outcome of individual student progress in core academics that do
not create disincentives for setting high goals for the students;
- 149 (h) an annual report card for school and school district performance, measuring learning and reporting
progress-based assessments;
- 151 (i) a systematic method to encourage innovation in schools and school districts as each strives to
achieve improvement in performance; and
- 153 (j) a method for identifying and sharing best demonstrated practices across school districts and schools.
- 155 ~~[(3)]~~ (9) The state superintendent shall perform duties ~~[assigned by]~~ the state board assigns, including:
- 157 (a) investigating all matters pertaining to the public schools;
- 158 (b) adopting and keeping an official seal to authenticate the state superintendent's official acts;
- 160 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 161 (d) collecting and organizing education data into an automated decision support system to facilitate
school district and school improvement planning, accountability reporting, performance recognition,
and the evaluation of educational policy and program effectiveness to include:
- 165 (i) data that are:
- 166 (A) comparable across schools and school districts;
- 167 (B) appropriate for use in longitudinal studies; and
- 168 (C) comprehensive with regard to the data elements required under applicable state or federal law or
state board rule;
- 170 (ii) features that enable users, most particularly school administrators, teachers, and parents, to:
- 172 (A) retrieve school and school district level data electronically;
- 173 (B) interpret the data visually; and
- 174 (C) draw conclusions that are statistically valid; and

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- 175 (iii) procedures for the collection and management of education data that~~[:]~~ require all school districts
and schools to comply with the data collection and management procedures established under
Subsection (9)(d) and that
- 178 ~~[(A)]~~ require the state superintendent to:
- 179 ~~[(H)]~~ (A) collaborate with school districts and charter schools in designing and implementing uniform
data standards and definitions;
- 181 ~~[(H)]~~ (B) undertake or sponsor research to implement improved methods for analyzing education data;
- 183 ~~[(H)]~~ (C) provide for data security to prevent unauthorized access to or contamination of the data; and
- 185 ~~[(IV)]~~ (D) protect the confidentiality of data under state and federal privacy laws~~[:and]~~ ;
- 187 ~~[(B)]~~ ~~require all school districts and schools to comply with the data collection and management~~
~~procedures established under Subsection (3)(d);]~~
- 189 (e) administering and implementing federal educational programs in accordance with Part 8,
Implementing Federal or National Education Programs; and
- 191 (f) with the approval of the state board, preparing and submitting to the governor a budget for the state
board to be included in the budget that the governor submits to the Legislature.
- 194 ~~[(4)]~~ (10) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted
Account created in Section 53F-9-401 in accordance with the requirements of Section 53F-9-401.
- 197 ~~[(5)]~~ (11) Upon leaving office, the state superintendent shall deliver to the state superintendent's
successor all books, records, documents, maps, reports, papers, and other articles pertaining to the
state superintendent's office.

200 Section 3. Section 53E-3-302 is amended to read:

201 **53E-3-302. Compensation of state superintendent -- Other state board employees.**

- 203 (1) The state board shall establish the compensation of the state superintendent.
- 204 (2) The state board may, as necessary for the proper administration and supervision of the public school
system:
- 206 (a) appoint other employees; and
- 207 (b) delegate appropriate duties and responsibilities, through the state superintendent, to state board
employees.
- 209 (3) ~~[The]~~ Subject to legislative appropriations, the state board shall establish the compensation and
duties of state board employees~~[shall be established by the state board and paid from money~~
~~appropriated for that purpose].~~

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- 212 (4)
- (a) Regarding personnel matters:
- 213 (i) the state board may only assign duties directly to state board employees through formal state
board action; and
- 215 (ii) absent specific state board direction, the state superintendent shall assign and supervise
employee duties subject to state board rules, policies, directives, and standards.
- 218 (b) Except as expressly provided in statute, an employee of the state board:
- 219 (i) may not exercise a duty or authority legally pertaining to an LEA governing board or district
superintendent; and
- 221 (ii) may only receive duties or authority from the board or superintendent as allowed in Subsections (4)
(a) and (b).

223 Section 4. Section 53E-3-303 is amended to read:

224 **53E-3-303. Advice by state superintendent -- Written opinions.**

- 225 (1) The state superintendent shall:
- 226 (a) advise superintendents, LEA governing boards, and other school officers upon all matters involving
the welfare of the schools[-] ;
- 228 ~~[(2)]~~ (b) ~~[The state superintendent shall,]~~when requested by district superintendents or other school
officers, provide written opinions on questions of public education, administrative policy, and
procedure~~[-, but not upon questions of law.] ; and~~
- 231 (c) communicate with superintendents, LEA governing boards, and other school officers to enforce
compliance with state board rules, policies, or directives.
- 233 (2) When providing advice to an LEA or other entities the state superintendent's advice described in
Subsections (1)(a) and (b) may not:
- 235 (a) relate to a question of law; or
- 236 (b) constitute an order or directive that mandates action by the recipient of the advice.
- 237 (3) Upon request by the state superintendent, the attorney general shall issue written opinions on
questions of law.
- 239 ~~[(4) Opinions issued under this section shall be considered to be correct and final unless set aside by a
court of competent jurisdiction or by subsequent legislation.]~~

241 Section 5. Section 53E-3-401 is amended to read:

242 **53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement -- Attorney.**

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- 22 (1) As used in this section:
- 23 (a) "Education entity" means:
- 24 (i) an entity that receives a distribution of state funds through a grant program managed by ~~[-]~~the state
board under this public education code;
- 26 (ii) an entity that enters into a contract with the state board to provide an educational good or ~~[-]~~service;
- 28 (iii) a school district;
- 29 (iv) a charter school; or
- 30 (v) a regional education service agency, as that term is defined in Section 53G-4-410.
- 31 (b) "Educational good or service" means a good or service that is required or regulated under:
- 33 (i) this public education code; or
- 34 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
authorized under this public education code.
- 36 (2)
- ~~[(a)]~~ The state board has general control and supervision of the state's public education system.
- 38 ~~[(b) "General control and supervision" as used in Utah Constitution, Article X, Section 3, means {f}~~
directed to the whole system { } the State Board of Education shall direct and manage the public
education system:
- 41 ~~{(i) {as the Legislature designates; and}~~
- 42 ~~{(ii) {in accordance with the laws the Legislature makes}:-}~~
- 43 (3) The state board may not govern, manage, or operate school districts, institutions, and programs,
unless granted that authority by statute.
- 45 (4)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may
make rules to ~~{execute the state board's duties and responsibilities under the Utah Constitution and
state law}~~ :
- 48 (i) ~~{direct and manage the public education system in accordance with the laws the Legislature
makes}~~ as required by statute; or
- 50 (ii) ~~{interrupt disbursements of state aid to an LEA that fails}~~ absent express statutory rulemaking
direction, as necessary to ~~{comply with state laws or rules}~~ implement the ~~{state board makes}~~
intent of a statute.

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- (b) The state board may delegate the state board's statutory duties and responsibilities to state board employees.
- 54 (5)
- (a) The state board may sell any interest it holds in real property upon a finding by the state board that the property interest is surplus.
- 56 (b) The state board may use the money it receives from a sale under Subsection (5)(a) for capital improvements, equipment, or materials, but not for personnel or ongoing costs.
- 59 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency or institution administered by the state board, the money may only be used for purposes related to the agency or institution.
- 62 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and related matters during the next following session of the Legislature.
- 64 (6) The state board shall develop policies and procedures related to federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs.
- 67 (7) On or before December 31, 2010, the state board shall review mandates or requirements provided for in state board rule to determine whether certain mandates or requirements could be waived to remove funding pressures on public schools on a temporary basis.
- 70 (8)
- (a) If an education entity violates this public education code or rules authorized under this public education code, the state board may, in accordance with the rules described in Subsection (8)(c):
- 73 (i) require the education entity to enter into a corrective action agreement with the state board;
- 75 (ii) temporarily or permanently withhold state funds from the education entity;
- 76 (iii) require the education entity to pay a penalty; or
- 77 (iv) require the education entity to reimburse specified state funds to the state board.
- 78 (b) Except for temporarily withheld funds, if the state board collects state funds under Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.
- 80 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
- 82 (i) that require notice and an opportunity to be heard for an education entity affected by a state board action described in Subsection (8)(a); and
- 84 (ii) to administer this Subsection (8).

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85 (d)

(i) An individual may bring a violation of statute or state board rule to the attention of the state board in accordance with a process described in rule adopted by the state board.

88 (ii) If the state board identifies a violation of statute or state board rule as a result of the process described in Subsection (8)(d)(i), the state board may take action in accordance with this section.

91 (e) The state board shall report criminal conduct of an education entity to the district attorney of the county where the education entity is located.

93 (9) The state board may audit the use of state funds by an education entity that receives those state funds as a distribution from the state board.

95 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that if an LEA contracts with a third party contractor for an educational good or service, the LEA shall require in the contract that the third party contractor shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with:

100 (a) this public education code; and

101 (b) state board rule authorized under this public education code.

102 (11)

(a) The state board may appoint an attorney to provide legal advice to the state board and coordinate legal affairs for the state board and the state board's employees.

104 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the Attorney General.

106 (c) An attorney described in Subsection (11)(a) may not:

107 (i) conduct litigation;

108 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201; or

110 (iii) issue formal legal opinions.

111 (12) The state board shall ensure that any training or certification that an employee of the public education system is required to complete under this title or by rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.

332 **Section 6. Repealer.**

This Bill Repeals:

333 This bill repeals:

334 Section **53E-1-204, State board report to Education Interim Committee on statutory**

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335 **requirements impacted by assessment waivers.**

336 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

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