

**Public Education Compliance**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Katy Hall**

Senate Sponsor:

**LONG TITLE****General Description:**

This bill amends and enacts provisions expanding the authority of the State Board of Education (state board) to address local education agency compliance.

**Highlighted Provisions:**

This bill:

- requires the state board to use an existing compliance framework to address reports or allegations of noncompliance;
- requires the state board to develop a system to prioritize certain complaints to the Utah Professional Practices Advisory Commission;
- requires a school district or charter school to provide information to the state board that is necessary for the state board to fulfill a statutory data gathering, compliance, or reporting requirement; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

This bill appropriates \$1,000,000 in operating and capital budgets for fiscal year 2026, all of which is from the various sources as detailed in this bill.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

**53E-6-506**, as last amended by Laws of Utah 2024, Chapter 20

**53G-4-402**, as last amended by Laws of Utah 2024, Chapters 67, 476

**53G-5-404**, as last amended by Laws of Utah 2024, Chapter 63

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

Section 1. Section **53E-3-401** is amended to read:

- 31           **53E-3-401 . Powers of the state board -- Adoption of rules -- Enforcement --**  
32 **Attorney.**
- 33 (1) As used in this section:
- 34       (a) "Education entity" means:
- 35           (i) an entity that receives a distribution of state funds through a grant program  
36               managed by [-]the state board under this public education code;
- 37           (ii) an entity that enters into a contract with the state board to provide an educational  
38               good or [-]service;
- 39           (iii) a school district;
- 40           (iv) a charter school; or
- 41           (v) a regional education service agency, as that term is defined in Section 53G-4-410.
- 42       (b) "Educational good or service" means a good or service that is required or regulated  
43           under:
- 44           (i) this public education code; or
- 45           (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative  
46               Rulemaking Act, and authorized under this public education code.
- 47 (2)(a) The state board has general control and supervision of the state's public education  
48       system.
- 49       (b) "General control and supervision" as used in Utah Constitution, Article X, Section 3,  
50       means directed to the whole system.
- 51 (3) The state board may not govern, manage, or operate school districts, institutions, and  
52       programs, unless granted that authority by statute.
- 53 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
54       the state board may make rules to execute the state board's duties and responsibilities  
55       under the Utah Constitution and state law.
- 56       (b) The state board may delegate the state board's statutory duties and responsibilities to  
57       state board employees.
- 58 (5)(a) The state board may sell any interest it holds in real property upon a finding by  
59       the state board that the property interest is surplus.
- 60       (b) The state board may use the money it receives from a sale under Subsection (5)(a)  
61       for capital improvements, equipment, or materials, but not for personnel or ongoing  
62       costs.
- 63       (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency  
64       or institution administered by the state board, the money may only be used for

- 65 purposes related to the agency or institution.
- 66 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and  
67 related matters during the next following session of the Legislature.
- 68 (6) The state board shall develop policies and procedures related to federal educational  
69 programs in accordance with Part 8, Implementing Federal or National Education  
70 Programs.
- 71 (7) On or before December 31, 2010, the state board shall review mandates or requirements  
72 provided for in state board rule to determine whether certain mandates or requirements  
73 could be waived to remove funding pressures on public schools on a temporary basis.
- 74 (8)(a) [Hf] In accordance with Subsection (13), if an education entity violates this public  
75 education code or rules authorized under this public education code, the state board  
76 may, in accordance with the rules described in Subsection (8)(c):
- 77 (i) require the education entity to enter into a corrective action agreement with the  
78 state board;
- 79 (ii) temporarily or permanently withhold state funds from the education entity;
- 80 (iii) require the education entity to pay a penalty; or
- 81 (iv) require the education entity to reimburse specified state funds to the state board.
- 82 (b) Except for temporarily withheld funds, if the state board collects state funds under  
83 Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.
- 84 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
85 state board shall make rules:
- 86 (i) that require notice and an opportunity to be heard for an education entity affected  
87 by a state board action described in Subsection (8)(a); and
- 88 (ii) to administer this Subsection (8).
- 89 (d)(i) An individual may bring a violation of statute or state board rule to the  
90 attention of the state board in accordance with a process described in rule adopted  
91 by the state board.
- 92 (ii) If the state board identifies a violation of statute or state board rule as a result of  
93 the process described in Subsection (8)(d)(i), the state board may take action in  
94 accordance with this section.
- 95 (e) The state board shall report criminal conduct of an education entity to the district  
96 attorney of the county where the education entity is located.
- 97 (9) The state board may audit the use of state funds by an education entity that receives  
98 those state funds as a distribution from the state board.

- 99 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3,  
100 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party  
101 contractor for an educational good or service, the LEA shall require in the contract that  
102 the third party contractor shall provide, upon request of the LEA, information necessary  
103 for the LEA to verify that the educational good or service complies with:
- 104 (a) this public education code; and
  - 105 (b) state board rule authorized under this public education code.
- 106 (11)(a) The state board may appoint an attorney to provide legal advice to the state  
107 board and coordinate legal affairs for the state board and the state board's employees.
- 108 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the  
109 Attorney General.
  - 110 (c) An attorney described in Subsection (11)(a) may not:
    - 111 (i) conduct litigation;
    - 112 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;
    - 113 or
    - 114 (iii) issue formal legal opinions.
- 115 (12) The state board shall ensure that any training or certification that an employee of the  
116 public education system is required to complete under this title or by rule complies with  
117 Title 63G, Chapter 22, State Training and Certification Requirements.
- 118 (13)(a) The state board shall use a framework for ensuring LEA compliance in  
119 accordance with this Subsection (13) that:
- 120 (i) categorizes alleged compliance issues based on:
    - 121 (A) the type of compliance issue; and
    - 122 (B) the level of support the employees of the state board provide to the LEA;
  - 123 (ii) requires the state superintendent to:
    - 124 (A) refer certain reports and allegations of compliance issues regarding a program  
125 or set of requirements back to the LEA for resolution; and
    - 126 (B) pursue formal corrective action in accordance with state law, state board rule,  
127 or a contract regarding the program or set of requirements; and
  - 128 (iii) provides a mechanism for the state board, or a committee of the state board, to  
129 determine an appropriate method to investigate an alleged compliance issue that is  
130 not categorized within the framework, which may include requesting the state  
131 board's internal audit function to investigate the alleged issue after notification to  
132 the LEA.

- 133        (b) The state superintendent may work informally with an LEA to resolve an alleged  
 134        compliance issue, including discussing whether:  
 135        (i) the LEA had adequate time to comply; or  
 136        (ii) the LEA needs additional training.
- 137        (c)(i) In response to an alleged compliance issue regarding a program, or a set of  
 138        requirements, the leadership of the state board may work informally with the LEA  
 139        to resolve the issue, including through:  
 140            (A) for an issue regarding an LEA, meeting with the chair of the LEA's governing  
 141            board, the LEA's superintendent, or charter director; or  
 142            (B) considering whether training or additional time will allow the LEA to resolve  
 143            the issue.
- 144        (ii) Before the leadership of the state board works informally with an LEA in  
 145        accordance with this Subsection (13)(c), the members of leadership shall notify  
 146        the state board member or state board members who represent the area where the  
 147        LEA is located.
- 148        (d) Based on the results of an informal action described in Subsection (13)(b) or (c) or  
 149        an uncategorized investigation described in Subsection (13)(a)(iii), the state board  
 150        may:  
 151            (i) take no further action;  
 152            (ii) resolve the issue informally;  
 153            (iii) direct the state superintendent to pursue corrective action; or  
 154            (iv) take other action as the state board determines.

155        Section 2. Section **53E-6-506** is amended to read:

156        **53E-6-506 . UPPAC duties and procedures.**

- 157        (1) The state board may direct UPPAC to review a complaint about an educator and  
 158        recommend that the state board:  
 159            (a) dismiss the complaint; or  
 160            (b) investigate the complaint in accordance with this section.
- 161        (2)(a) The state board may direct UPPAC to:  
 162            (i) in accordance with this section, investigate a complaint's allegation or decision; or  
 163            (ii) hold a hearing.
- 164        (b) UPPAC may initiate a hearing as part of an investigation.
- 165        (c) Upon completion of an investigation or hearing, UPPAC shall:  
 166            (i) provide findings to the state board; and

- 167 (ii) make a recommendation for state board action.
- 168 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to  
169 adversely affect an educator's license unless UPPAC gives the educator an  
170 opportunity for a hearing.
- 171 (3)(a) The state board may:
- 172 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC  
173 oversight; or
- 174 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an  
175 investigation.
- 176 (b) In conducting an investigation, UPPAC or an independent investigator shall conduct  
177 the investigation independent of and separate from a related criminal investigation.
- 178 (c) In conducting an investigation, UPPAC or an independent investigator may:
- 179 (i) in accordance with Section 53E-6-606, administer oaths and issue subpoenas; or  
180 (ii) receive evidence related to an alleged offense, including sealed or expunged  
181 records released to the state board under Section 77-40a-403.
- 182 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may  
183 recommend that the state board initiate a background check on an educator as  
184 described in Section 53G-11-403.
- 185 (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense  
186 against a minor child if the educator voluntarily surrendered a license or certificate or  
187 allowed a license or certificate to lapse in the face of a charge of having committed a  
188 sexual offense against a minor child.
- 189 (4) The state board may direct UPPAC to:
- 190 (a) recommend to the state board procedures for:
- 191 (i) receiving and processing complaints;
- 192 (ii) investigating a complaint's allegation or decision;
- 193 (iii) conducting hearings; or
- 194 (iv) reporting findings and making recommendations to the state board for state board  
195 action;
- 196 (b) recommend to the state board or a professional organization of educators:
- 197 (i) standards of professional performance, competence, and ethical conduct for  
198 educators; or
- 199 (ii) suggestions for improvement of the education profession; or
- 200 (c) fulfill other duties the state board finds appropriate.

- 201 (5) UPPAC may not participate as a party in a dispute relating to negotiations between:  
 202 (a) a school district and the school district's educators; or  
 203 (b) a charter school and the charter school's educators.
- 204 (6) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
 205 Administrative Rulemaking Act, to establish UPPAC duties and procedures[-] , including  
 206 a system to prioritize complaints to ensure that UPPAC addresses the most egregious  
 207 and time sensitive complaints before other complaints.

208 Section 3. Section **53G-4-402** is amended to read:

209 **53G-4-402 . Powers and duties generally.**

- 210 (1) A local school board shall:
- 211 (a) implement the core standards for Utah public schools using instructional materials  
 212 that best correlate to the core standards for Utah public schools and graduation  
 213 requirements;
- 214 (b) administer tests, required by the state board, which measure the progress of each  
 215 student, and coordinate with the state superintendent and state board to assess results  
 216 and create plans to improve the student's progress, which shall be submitted to the  
 217 state board for approval;
- 218 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
 219 students that need remediation and determine the type and amount of federal, state,  
 220 and local resources to implement remediation;
- 221 (d) for each grading period and for each course in which a student is enrolled, issue a  
 222 grade or performance report to the student:
- 223 (i) that reflects the student's work, including the student's progress based on mastery,  
 224 for the grading period; and
- 225 (ii) in accordance with the local school board's adopted grading or performance  
 226 standards and criteria;
- 227 (e) develop early warning systems for students or classes failing to make progress;
- 228 (f) work with the state board to establish a library of documented best practices,  
 229 consistent with state and federal regulations, for use by the special districts;
- 230 (g) implement training programs for school administrators, including basic management  
 231 training, best practices in instructional methods, budget training, staff management,  
 232 managing for learning results and continuous improvement, and how to help every  
 233 student achieve optimal learning in basic academic subjects; and
- 234 (h) ensure that the local school board meets the data collection and reporting standards

- 235 described in Section 53E-3-501.
- 236 (2) Local school boards shall spend Minimum School Program funds for programs and  
237 activities for which the state board has established minimum standards or rules under  
238 Section 53E-3-501.
- 239 (3)(a) A local school board may purchase, sell, and make improvements on school sites,  
240 buildings, and equipment, and construct, erect, and furnish school buildings.
- 241 (b) School sites or buildings may only be conveyed or sold on local school board  
242 resolution affirmed by at least two-thirds of the school board members.
- 243 (4)(a) A local school board may participate in the joint construction or operation of a  
244 school attended by students residing within the district and students residing in other  
245 districts either within or outside the state.
- 246 (b) Any agreement for the joint operation or construction of a school shall:
- 247 (i) be signed by the president of the local school board of each participating district;  
248 (ii) include a mutually agreed upon pro rata cost; and  
249 (iii) be filed with the state board.
- 250 (5) A local school board may establish, locate, and maintain elementary, secondary, and  
251 applied technology schools.
- 252 (6) A local school board may enter into cooperative agreements with other local school  
253 boards to provide educational services that best utilize resources for the overall  
254 operation of the school districts, including shared transportation services.
- 255 (7) A local school board shall ensure that an agreement under Subsection (6):
- 256 (a) is signed by the president of the local school board of each participating district;  
257 (b) specifies the resource being shared;  
258 (c) includes a mutually agreed upon pro rata cost;  
259 (d) includes the duration of the agreement; and  
260 (e) is filed with the state board.
- 261 (8) Except as provided in Section 53E-3-905, a local school board may enroll children in  
262 school who are at least five years old before September 2 of the year in which admission  
263 is sought.
- 264 (9) A local school board:
- 265 (a) may establish and support school libraries; and  
266 (b) shall provide an online platform:
- 267 (i) through which a parent is able to view the title, author, and a description of any  
268 material the parent's child borrows from the school library, including a history of



- 269 borrowed materials, either using an existing online platform that the LEA uses or  
270 through a separate platform; and
- 271 (ii)(A) for a school district with 1,000 or more enrolled students, no later than  
272 August 1, 2024; and
- 273 (B) for a school district with fewer than 1,000 enrolled students, no later than  
274 August 1, 2026.
- 275 (10) A local school board may collect damages for the loss, injury, or destruction of school  
276 property.
- 277 (11) A local school board may authorize guidance and counseling services for students and  
278 the student's parents before, during, or following school enrollment.
- 279 (12)(a) A local school board shall administer and implement federal educational  
280 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or  
281 National Education Programs.
- 282 (b) Federal funds are not considered funds within the school district budget under  
283 Chapter 7, Part 3, Budgets.
- 284 (13)(a) A local school board may organize school safety patrols and adopt policies under  
285 which the patrols promote student safety.
- 286 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
287 parental consent for the appointment.
- 288 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of  
289 a highway intended for vehicular traffic use.
- 290 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a  
291 safety patrol member, a parent of a safety patrol member, or an authorized volunteer  
292 assisting the program by virtue of the organization, maintenance, or operation of a  
293 school safety patrol.
- 294 (14)(a) A local school board may on its own behalf, or on behalf of an educational  
295 institution for which the local school board is the direct governing body, accept  
296 private grants, loans, gifts, endowments, devises, or bequests that are made for  
297 educational purposes.
- 298 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by  
299 the Legislature.
- 300 (15)(a) A local school board may appoint and fix the compensation of a compliance  
301 officer to issue citations for violations of Subsection 76-10-105(2)(b).
- 302 (b) A person may not be appointed to serve as a compliance officer without the person's

- 303 consent.
- 304 (c) A teacher or student may not be appointed as a compliance officer.
- 305 (16) A local school board shall adopt bylaws and policies for the local school board's own  
306 procedures.
- 307 (17)(a) A local school board shall make and enforce policies necessary for the control  
308 and management of the district schools.
- 309 (b) Local school board policies shall be in writing, filed, and referenced for public  
310 access.
- 311 (18) A local school board may hold school on legal holidays other than Sundays.
- 312 (19)(a) A local school board shall establish for each school year a school traffic safety  
313 committee to implement this Subsection (19).
- 314 (b) The committee shall be composed of one representative of:
- 315 (i) the schools within the district;
- 316 (ii) the Parent Teachers' Association of the schools within the district;
- 317 (iii) the municipality or county;
- 318 (iv) state or local law enforcement; and
- 319 (v) state or local traffic safety engineering.
- 320 (c) The committee shall:
- 321 (i) receive suggestions from school community councils, parents, teachers, and  
322 others, and recommend school traffic safety improvements, boundary changes to  
323 enhance safety, and school traffic safety program measures;
- 324 (ii) review and submit annually to the Department of Transportation and affected  
325 municipalities and counties a child access routing plan for each elementary,  
326 middle, and junior high school within the district;
- 327 (iii) in consultation with the Utah Safety Council and the Division of Family Health[  
328 Services], provide training to all students in kindergarten through grade 6, within  
329 the district, on school crossing safety and use; and
- 330 (iv) help ensure the district's compliance with rules made by the Department of  
331 Transportation under Section 41-6a-303.
- 332 (d) The committee may establish subcommittees as needed to assist in accomplishing the  
333 committee's duties under Subsection (19)(c).
- 334 (20)(a) A local school board shall adopt and implement a comprehensive emergency  
335 response plan to prevent and combat violence in the local school board's public  
336 schools, on school grounds, on school vehicles, and in connection with

- 337 school-related activities or events.
- 338 (b) The local school board shall ensure that the plan:
- 339 (i) includes prevention, intervention, and response components;
- 340 (ii) is consistent with the school discipline and conduct policies required for school
- 341 districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
- 342 (iii) requires professional learning for all district and school building staff on the
- 343 staff's roles in the emergency response plan;
- 344 (iv) provides for coordination with local law enforcement and other public safety
- 345 representatives in preventing, intervening, and responding to violence in the areas
- 346 and activities referred to in Subsection (20)(a); and
- 347 (v) includes procedures to notify a student who is off campus at the time of a school
- 348 violence emergency because the student is:
- 349 (A) participating in a school-related activity; or
- 350 (B) excused from school for a period of time during the regular school day to
- 351 participate in religious instruction at the request of the student's parent.
- 352 (c) The state board, through the state superintendent, shall develop comprehensive
- 353 emergency response plan models that local school boards may use, where
- 354 appropriate, to comply with Subsection (20)(a).
- 355 (d) A local school board shall, by July 1 of each year, certify to the state board that its
- 356 plan has been practiced at the school level and presented to and reviewed by its
- 357 teachers, administrators, students, and the student's parents and local law enforcement
- 358 and public safety representatives.
- 359 (21)(a) A local school board may adopt an emergency response plan for the treatment of
- 360 sports-related injuries that occur during school sports practices and events.
- 361 (b) The plan may be implemented by each secondary school in the district that has a
- 362 sports program for students.
- 363 (c) The plan may:
- 364 (i) include emergency personnel, emergency communication, and emergency
- 365 equipment components;
- 366 (ii) require professional learning on the emergency response plan for school
- 367 personnel who are involved in sports programs in the district's secondary schools;
- 368 and
- 369 (iii) provide for coordination with individuals and agency representatives who:
- 370 (A) are not employees of the school district; and

- 371 (B) would be involved in providing emergency services to students injured while  
372 participating in sports events.
- 373 (d) The local school board, in collaboration with the schools referred to in Subsection  
374 (21)(b), may review the plan each year and make revisions when required to improve  
375 or enhance the plan.
- 376 (e) The state board, through the state superintendent, shall provide local school boards  
377 with an emergency plan response model that local school boards may use to comply  
378 with the requirements of this Subsection (21).
- 379 (22)(a) A local school board shall approve an LEA's policies and procedures that an  
380 LEA develops to ensure that students have non-electronic notification of and access  
381 to:
- 382 (i) school activities and events, including:
- 383 (A) schedule changes;
- 384 (B) extracurricular activities; and
- 385 (C) sporting events; and
- 386 (ii) the emergency response plans described in Subsections (20) and (21).
- 387 (b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of  
388 and access to school activities and events as described in Subsections (22)(a)(i) and  
389 (ii) if:
- 390 (i)(A) the school provides each student with an electronic device; and
- 391 (B) the electronic device is capable of receiving electronic notification of and  
392 access to school activities and events as described in Subsections (22)(a)(i) and  
393 (ii); or
- 394 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA  
395 cannot reasonably provide timely non-electronic notification.
- 396 (c) An LEA may not require the use of a privately owned electronic device to complete  
397 course work.
- 398 (23) A local school board shall do all other things necessary for the maintenance,  
399 prosperity, and success of the schools and the promotion of education.
- 400 (24)(a) As used in this subsection, "special enrollment program" means a full-day  
401 academic program in which a parent opts to enroll the parent's student and that is  
402 offered at a specifically designated school within an LEA, including:
- 403 (i) gifted or advanced learning programs; or
- 404 (ii) dual language immersion programs.

- 405 (b) Before closing a school, changing the boundaries of a school, or changing or closing  
406 the location of a special enrollment program, a local school board shall:
- 407 (i) at a local school board meeting, make and approve a motion to initiate the  
408 notification required under Subsections (24)(b)(ii) through (iv);
- 409 (ii) on or before 90 days before the day on which the local school board approves the  
410 school closure or at least 30 days before the day on which the local school board  
411 approves a school boundary change, provide notice that the local school board is  
412 considering the closure or boundary change to:
- 413 (A) parents of students enrolled in the school, using the same form of  
414 communication the local school board regularly uses to communicate with  
415 parents and also by mail, using the United States Postal Service, to the parents  
416 at each known address;
- 417 (B) parents of students enrolled in other schools within the school district that may  
418 be affected by the closure or boundary change, using the same form of  
419 communication the local school board regularly uses to communicate with  
420 parents and also by mail, using the United States Postal Service, to the parents  
421 at each known address; and
- 422 (C) the governing council and the mayor of the municipality in which the school is  
423 located;
- 424 (iii) provide an opportunity for public comment on the proposed school closure  
425 during at least two public local school board meetings;
- 426 (iv) provide an opportunity for public comment on the proposed school boundary  
427 change during one public local school board meeting; and
- 428 (v) hold a public hearing as defined in Section 10-9a-103 and provide public notice  
429 of the public hearing in accordance with Subsection (24)(c).
- 430 (c) A local school board shall:
- 431 (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v)  
432 indicates the:
- 433 (A) name of the school or schools under consideration for closure or boundary  
434 change; and
- 435 (B) the date, time, and location of the public hearing;
- 436 (ii) if feasible, hold the public hearing at the location of the school that is under  
437 consideration for closure;
- 438 (iii) for at least 10 days before the day on which the public hearing occurs, publish

- 439 the notice of public hearing occurs, publish the notice of the public hearing for the  
440 school district in which the school is located, as a class A notice under Section  
441 63G-30-102; and
- 442 (iv) at least 30 days before the day on which the public hearing occurs, provide notice  
443 of the public hearing in the same manner as the notice of consideration under  
444 Subsection (24)(b)(ii).
- 445 (d) A motion made under Subsection (24)(b) shall name each school under consideration  
446 for closure in a separate motion.
- 447 (e) For a school closure, a local school board shall complete the process described in this  
448 Subsection (24) on or before December 31 of the calendar year preceding the  
449 beginning of the school year in which a school closure takes effect.
- 450 (f)(i) For a school boundary change, a local school board shall complete the process  
451 described in this Subsection (24) no more than 60 days after the day on which the  
452 local school board votes to approve a school closure.
- 453 (ii) Parents of students enrolled in a school affected by a boundary change shall have  
454 at least 30 days after the day on which the local school board votes to approve a  
455 school boundary change to request an out of area enrollment request in accordance  
456 with Chapter 6, Part 4, School District Enrollment.
- 457 (25) A local school board may implement a facility energy efficiency program established  
458 under Title 11, Chapter 44, Performance Efficiency Act.
- 459 (26) A local school board may establish or partner with a certified youth court in  
460 accordance with Section 80-6-902 or establish or partner with a comparable restorative  
461 justice program, in coordination with schools in that district. A school may refer a  
462 student to a youth court or a comparable restorative justice program in accordance with  
463 Section 53G-8-211.
- 464 (27)(a) As used in this Subsection (27):
- 465 (i) "Learning material" means any learning material or resource used to deliver or  
466 support a student's learning, including textbooks, reading materials, videos, digital  
467 materials, websites, and other online applications.
- 468 (ii)(A) "Instructional material" means learning material that a local school board  
469 adopts and approves for use within the LEA.
- 470 (B) "Instructional material" does not include learning material used in a  
471 concurrent enrollment, advanced placement, or international baccalaureate  
472 program or class or another class with required instructional material that is not

- 473 subject to selection by the local school board.
- 474 (iii) "Supplemental material" means learning material that:
- 475 (A) an educator selects for classroom use; and
- 476 (B) a local school board has not considered and adopted, approved, or prohibited
- 477 for classroom use within the LEA.
- 478 (b) A local school board shall:
- 479 (i) make instructional material that the school district uses readily accessible and
- 480 available for a parent to view;
- 481 (ii) annually notify a parent of a student enrolled in the school district of how to
- 482 access the information described in Subsection (27)(b)(i); and
- 483 (iii) include on the school district's website information about how to access the
- 484 information described in Subsection (27)(b)(i).
- 485 (c) In selecting and approving instructional materials for use in the classroom, a local
- 486 school board shall:
- 487 (i) establish an open process, involving educators and parents of students enrolled in
- 488 the LEA, to review and recommend instructional materials for board approval; and
- 489 (ii) ensure that under the process described in Subsection (27)(c)(i), the board:
- 490 (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the
- 491 recommended learning material online to allow for public review or, for
- 492 copyrighted material, makes the recommended learning material available at
- 493 the LEA for public review;
- 494 (B) before adopting or approving the recommended instructional materials, holds
- 495 at least two public meetings on the recommendation that provides an
- 496 opportunity for educators whom the LEA employs and parents of students
- 497 enrolled in the LEA to express views and opinions on the recommendation; and
- 498 (C) adopts or approves the recommended instructional materials in an open and
- 499 regular board meeting.
- 500 (d) A local school board shall adopt a supplemental materials policy that provides
- 501 flexible guidance to educators on the selection of supplemental materials or resources
- 502 that an educator reviews and selects for classroom use using the educator's
- 503 professional judgment, including whether any process or permission is required
- 504 before classroom use of the materials or resources.
- 505 (e) If an LEA contracts with another party to provide online or digital materials, the
- 506 LEA shall include in the contract a requirement that the provider give notice to the

507 LEA any time that the provider makes a material change to the content of the online  
508 or digital materials, excluding regular informational updates on current events.

509 (f) Nothing in this Subsection (27) requires a local school board to review all learning  
510 materials used within the LEA.

511 (28) If information, data, or action from a school district is necessary for the state board to  
512 fulfill a statutory data gathering, compliance, or reporting requirement, a local school  
513 board shall provide the relevant information, data, or action, subject to enforcement  
514 under Section 53E-3-401.

515 Section 4. Section **53G-5-404** is amended to read:

516 **53G-5-404 . Requirements for charter schools.**

517 (1) A charter school shall be nonsectarian in the charter school's programs, admission  
518 policies, employment practices, and operations.

519 (2) A charter school may not charge tuition or fees, except those fees normally charged by  
520 other public schools.

521 (3) A charter school shall meet all applicable federal, state, and local health, safety, and  
522 civil rights requirements.

523 (4)(a) A charter school shall:

524 (i) make the same annual reports required of other public schools under this public  
525 education code, including an annual financial audit report described in Section  
526 53G-4-404;

527 (ii) ensure that the charter school meets the data and reporting standards described in  
528 Section 53E-3-501; and

529 (iii) use fund and program accounting methods and standardized account codes  
530 capable of producing financial reports that comply with:

531 (A) generally accepted accounting principles;

532 (B) the financial reporting requirements applicable to LEAs established by the  
533 state board under Section 53E-3-501; and

534 (C) accounting report standards established by the state auditor as described in  
535 Section 51-2a-301.

536 (b) Before, and as a condition for opening a charter school:

537 (i) a charter school shall:

538 (A) certify to the authorizer that the charter school's accounting methods meet the  
539 requirements described in Subsection (4)(a)(iii); or

540 (B) if the authorizer requires, conduct a performance demonstration to verify that



- 541 the charter school's accounting methods meet the requirements described in  
542 Subsection (4)(a)(iii); and
- 543 (ii) the authorizer shall certify to the state board that the charter school's accounting  
544 methods meet the requirements described in Subsection (4)(a)(iii).
- 545 (c) A charter school shall file the charter school's annual financial audit report with the  
546 Office of the State Auditor within six months of the end of the fiscal year.
- 547 (d) For the limited purpose of compliance with federal and state law governing use of  
548 public education funds, including restricted funds, and making annual financial audit  
549 reports under this section, a charter school is a government entity governed by the  
550 public education code.
- 551 (5)(a) A charter school shall be accountable to the charter school's authorizer for  
552 performance as provided in the charter school's charter agreement.
- 553 (b) To measure the performance of a charter school, an authorizer may use data  
554 contained in:
- 555 (i) the charter school's annual financial audit report;  
556 (ii) a report submitted by the charter school as required by statute; or  
557 (iii) a report submitted by the charter school as required by the charter school's  
558 charter agreement.
- 559 (c) A charter school authorizer may not impose performance standards, except as  
560 permitted by statute, that limit, infringe, or prohibit a charter school's ability to  
561 successfully accomplish the purposes of charter schools as provided in Section  
562 53G-5-104 or as otherwise provided in law.
- 563 (6) A charter school may not advocate unlawful behavior.
- 564 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and  
565 managed in accordance with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation  
566 Act, upon the charter school's authorization.
- 567 (8) A charter school shall provide adequate liability and other appropriate insurance,  
568 including:
- 569 (a) general liability, errors and omissions, and directors and officers liability coverage  
570 through completion of the closure of a charter school in accordance with Section  
571 53G-5-504; and
- 572 (b) tail coverage or closeout insurance covering at least one year after closure of the  
573 charter school.
- 574 (9) A charter school may not employ an educator whose license is suspended or revoked by

- 575 the state board under Section 53E-6-604.
- 576 (10)(a) Each charter school shall register and maintain the charter school's registration as  
577 a limited purpose entity, in accordance with Section 67-1a-15.
- 578 (b) A charter school that fails to comply with Subsection (10)(a) or Section 67-1a-15 is  
579 subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 580 (c) If a charter school is an operating charter school with affiliated satellite charter  
581 schools, as defined in Section 53G-5-303:
- 582 (i) the operating charter school shall register as a limited purpose entity as defined in  
583 Section 67-1a-15;
- 584 (ii) each affiliated satellite charter school is not required to register separately from  
585 the operating charter school; and
- 586 (iii) the operating charter school shall:
- 587 (A) register on behalf of each affiliated satellite charter school; and
- 588 (B) when submitting entity registry information in accordance with Section  
589 67-1a-15 on behalf of each affiliated satellite charter school, identify and  
590 distinguish registry information for each affiliated satellite, including the  
591 address of each affiliated satellite charter school and the name and contact  
592 information of a primary contact for each affiliated satellite charter school.
- 593 (11)(a) As used in this Subsection (11), "contracting entity" means a person with which  
594 a charter school contracts.
- 595 (b) A charter school shall provide to the charter school's authorizer any information or  
596 documents requested by the authorizer, including documents held by a subsidiary of  
597 the charter school or a contracting entity:
- 598 (i) to confirm the charter school's compliance with state or federal law governing the  
599 charter school's finances or governance; or
- 600 (ii) to carry out the authorizer's statutory obligations, including liquidation and  
601 assignment of assets, and payment of debt in accordance with state board rule, as  
602 described in Section 53G-5-504.
- 603 (c) A charter school shall comply with a request described in Subsection (11)(b),  
604 including after an authorizer recommends closure of the charter school or terminates  
605 the charter school's contract.
- 606 (d) Documents held by a contracting entity or subsidiary of a charter school that are  
607 necessary to demonstrate the charter school's compliance with state or federal law are  
608 the property of the charter school.

- 609 (e) A charter school shall include in an agreement with a subsidiary of the charter school  
610 or a contracting entity a provision that stipulates that documents held by the  
611 subsidiary or a contracting entity, that are necessary to demonstrate the charter  
612 school's financial compliance with federal or state law, are the property of the charter  
613 school.
- 614 (12) For each grading period and for each course in which a student is enrolled, a charter  
615 school shall issue a grade or performance report to the student:
- 616 (a) that reflects the student's work, including the student's progress based on mastery, for  
617 the grading period; and
- 618 (b) in accordance with the charter school's adopted grading or performance standards  
619 and criteria.
- 620 (13)(a) As used in this Subsection (13):
- 621 (i) "Learning material" means any learning material or resource used to deliver or  
622 support a student's learning, including textbooks, reading materials, videos, digital  
623 materials, websites, and other online applications.
- 624 (ii)(A) "Instructional material" means learning material that a charter school  
625 governing board adopts and approves for use within the charter school.
- 626 (B) "Instructional material" does not include learning material used in a  
627 concurrent enrollment, advanced placement, or international baccalaureate  
628 program or class, or another class with required instructional material that is  
629 not subject to selection by the charter school governing board.
- 630 (iii) "Supplemental material" means learning material that:
- 631 (A) an educator selects for classroom use; and
- 632 (B) a charter school governing board has not considered and adopted, approved, or  
633 prohibited for classroom use within the charter school.
- 634 (b) A charter school shall:
- 635 (i) make instructional material that the charter school uses readily accessible and  
636 available for a parent to view;
- 637 (ii) annually notify a parent of a student enrolled in the charter school of how to  
638 access the information described in Subsection (13)(b)(i); and
- 639 (iii) include on the charter school's website information about how to access the  
640 information described in Subsection (13)(b)(i).
- 641 (c) In selecting and approving instructional materials for use in the classroom, a charter  
642 school governing board shall:

- 643 (i) establish an open process, involving educators and parents of students enrolled in  
644 the charter school, to review and recommend instructional materials for board  
645 approval; and
- 646 (ii) ensure that under the process described in Subsection (13)(c)(i), the charter  
647 school governing board:
- 648 (A) before the public meetings described in Subsection (13)(c)(ii)(B), posts the  
649 recommended learning materials online to allow for public review or, for  
650 copyrighted material, makes the recommended learning material available at  
651 the charter school for public review;
- 652 (B) before adopting or approving the recommended instructional materials, holds  
653 at least two public meetings on the recommendation that provide an  
654 opportunity for educators whom the charter school employs and parents of  
655 students enrolled in the charter school to express views and opinions on the  
656 recommendation; and
- 657 (C) adopts or approves the recommended instructional materials in an open and  
658 regular board meeting.
- 659 (d) A charter school governing board shall adopt a supplemental materials policy that  
660 provides flexible guidance to educators on the selection of supplemental materials or  
661 resources that an educator reviews and selects for classroom use using the educator's  
662 professional judgment, including whether any process or permission is required  
663 before classroom use of the materials or resources.
- 664 (e) If a charter school contracts with another party to provide online or digital materials,  
665 the charter school shall include in the contract a requirement that the provider give  
666 notice to the charter school any time that the provider makes a material change to the  
667 content of the online or digital materials, excluding regular informational updates on  
668 current events.
- 669 (f) Nothing in this Subsection (13) requires a charter school governing board to review  
670 all learning materials used within the charter school.

671 (14) If information, data, or action from a charter school is necessary for the state board to  
672 fulfill a statutory data gathering, compliance, or reporting requirement, a local school  
673 board shall provide the relevant information, data, or action, subject to enforcement  
674 under Section 53E-3-401.

675 **Section 5. FY 2026 Appropriations.**

676 The following sums of money are appropriated for the fiscal year beginning July 1,

677 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for  
 678 fiscal year 2026.

679 Subsection 5(a). **Operating and Capital Budgets**

680 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the  
 681 Legislature appropriates the following sums of money from the funds or accounts indicated for  
 682 the use and support of the government of the state of Utah.

683 ITEM 1 To State Board of Education - Educator Licensing

684 From Public Education Economic Stabilization

685 Restricted Account, One-time 1,000,000

686 Schedule of Programs:

687 Educator Licensing 1,000,000

688 The Legislature intends the Utah State Board of  
 689 Education to use funds under this section to provide  
 690 additional resources to the Utah Professional Practices  
 691 Advisory Commission to address the backlog in  
 692 complaints.

693 Section 6. **Effective Date.**

694 This bill takes effect on May 7, 2025.