

1 **School Personnel Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Norman K Thurston

3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

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

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **49-11-205**, as last amended by Laws of Utah 2023, Chapter 16

19 **49-12-102**, as last amended by Laws of Utah 2022, Chapter 171

20 **49-13-102**, as last amended by Laws of Utah 2022, Chapter 171

21 **49-22-102**, as last amended by Laws of Utah 2022, Chapter 171

22 **53E-1-203**, as last amended by Laws of Utah 2024, Chapter 460

23 **53G-10-402**, as last amended by Laws of Utah 2024, Chapters 20, 507

24 **53G-11-205**, as last amended by Laws of Utah 2019, Chapter 293

25 **53G-11-519**, as last amended by Laws of Utah 2024, Chapter 484

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

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

29 **49-11-205 . Membership Council established -- Members -- Chair -- Duties --**

30 **Expenses and per diem.**

- 31 (1) [~~There is established a~~] A Membership Council is established to perform the duties
32 under Subsection (5).
- 33 (2) The Membership Council shall be composed of 15 council members selected as follows:
- 34 (a) three council members shall be school employees selected by the governing board of
35 an association representative of a majority of school employees who are members of
36 a system administered by the board;
- 37 (b) one council member shall be [~~a classified school employee~~] an education support
38 professional selected by the governing board of the association representative of a
39 majority of [~~classified school employees~~] education support professionals who are
40 members of a system administered by the board;
- 41 (c) two council members shall be public employees selected by the governing board of
42 the association representative of a majority of the public employees who are
43 members of a system administered by the board;
- 44 (d) one council member shall be a municipal officer or employee selected by the
45 governing board of the association representative of a majority of the municipalities
46 who participate in a system administered by the board;
- 47 (e) one council member shall be a county officer or employee selected by the governing
48 board of the association representative of a majority of counties who participate in a
49 system administered by the board;
- 50 (f) one council member shall be a representative of members of the Judges'
51 Noncontributory Retirement System selected by the Judicial Council;
- 52 (g) one council member shall be a representative of members of the Public Safety
53 Retirement Systems selected by the governing board of the association representative
54 of the majority of peace officers who are members of the Public Safety Retirement
55 Systems;
- 56 (h) one council member shall be a representative of members of the Firefighters'
57 Retirement System selected by the governing board of the association representative
58 of the majority of paid professional firefighters who are members of the Firefighters'
59 Retirement System;
- 60 (i) one council member shall be a retiree selected by the governing board of the
61 association representing the largest number of retirees, who are not public education
62 retirees, from the Public Employees' Contributory, Public Employees'
63 Noncontributory, and New Public Employees' Tier II Contributory Retirement
64 Systems;

- 65 (j) one council member shall be a retiree selected by the governing board of the
66 association representing the largest number of public education retirees;
- 67 (k) one council member shall be a school business official selected by the governing
68 board of the association representative of a majority of the school business officials
69 from public education employers who participate in a system administered by the
70 board; and
- 71 (l) one council member shall be a special district officer or employee selected by the
72 governing board of the association representing the largest number of special service
73 districts and special districts who participate in a system administered by the board.
- 74 (3)(a) Each entity granted authority to select council members under Subsection (2)
75 may also revoke the selection at any time.
- 76 (b) Each term on the council shall be for a period of four years, subject to Subsection
77 (3)(a).
- 78 (c) Each term begins on July 1 and expires on June 30.
- 79 (d) When a vacancy occurs on the council for any reason, the replacement shall be
80 selected for the remainder of the unexpired term.
- 81 (4) The council shall annually designate one council member as chair.
- 82 (5) The council shall:
- 83 (a) recommend to the board and to the Legislature benefits and policies for members of
84 any system or plan administered by the board;
- 85 (b) recommend procedures and practices to improve the administration of the systems
86 and plans and the public employee relations responsibilities of the board and office;
- 87 (c) examine the record of all decisions affecting retirement benefits made by a hearing
88 officer under Section 49-11-613;
- 89 (d) submit nominations to the board for the position of executive director if that position
90 is vacant;
- 91 (e) advise and counsel with the board and the director on policies affecting members of
92 the various systems administered by the office; and
- 93 (f) perform other duties assigned to it by the board.
- 94 (6) A member of the council may not receive compensation or benefits for the member's
95 service, but may receive per diem and travel expenses in accordance with:
- 96 (a) Section 63A-3-106;
- 97 (b) Section 63A-3-107; and
- 98 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

99 63A-3-107.

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

101 **49-12-102 . Definitions.**

102 As used in this chapter:

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

104 (i) a leave benefit of any kind;

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

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

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

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

113 (i) a payment for social security;

114 (ii) workers' compensation insurance;

115 (iii) unemployment insurance;

116 (iv) a payment for Medicare;

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

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

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

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

129 (i) bonuses;

130 (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
- 165 office, the limitation in Subsection (3)(b) may be exceeded if:
- 166 (i) the member has transferred from another agency; or

- 167 (ii) the member has been promoted to a new position.
- 168 (d) If the member retires more than six months from the date of termination of
169 employment, the member is considered to have been in service at the member's last
170 rate of pay from the date of the termination of employment to the effective date of
171 retirement for purposes of computing the member's final average salary only.
- 172 (e) If the member has less than five years of service credit in this system, final average
173 salary means the average annual compensation paid to the member during the full
174 period of service credit.
- 175 (f) The annual compensation used to calculate final average salary shall be based on a
176 period, as determined by the board, consistent with the period used to determine
177 years of service credit in accordance with Subsection (7).
- 178 (4) "Participating employer" means an employer that meets the participation requirements
179 of Sections 49-12-201 and 49-12-202.
- 180 (5)(a) "Regular full-time employee" means an employee:
- 181 (i) whose term of employment for a participating employer contemplates continued
182 employment during a fiscal or calendar year;
- 183 (ii) whose employment normally requires an average of 20 hours or more per week,
184 except as modified by the board; and
- 185 (iii) who receives benefits normally provided by the participating employer.
- 186 (b) "Regular full-time employee" includes:
- 187 (i) a teacher whose term of employment for a participating employer contemplates
188 continued employment during a school year and who teaches half-time or more;
- 189 (ii) ~~[a classified school employee]~~ an education support professional:
- 190 (A) who is hired before July 1, 2013; and
- 191 (B) whose employment normally requires an average of 20 hours per week or
192 more for a participating employer, regardless of benefits provided;
- 193 (iii) an officer, elective or appointive, who earns \$500 or more per month, indexed as
194 of January 1, 1990, as provided in Section 49-12-407;
- 195 (iv) a faculty member or employee of an institution of higher education who is
196 considered full-time by that institution of higher education; and
- 197 (v) an individual who otherwise meets the definition of this Subsection (5) who
198 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
263 three years of annual compensation preceding retirement subject to Subsections (3)(b),
264 (c), (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
- 301 (v) an individual who otherwise meets the definition of this Subsection (5) who
302 performs services for a participating employer through a professional employer

- 303 organization or similar arrangement.
- 304 (c) "Regular full-time employee" does not include [~~a classified school employee~~] an
305 education support professional:
- 306 (i)(A) who is hired on or after July 1, 2013; and
307 (B) who does not receive benefits normally provided by the participating
308 employer even if the employment normally requires an average of 20 hours per
309 week or more for a participating employer;
- 310 (ii)(A) who is hired before July 1, 2013;
311 (B) who did not qualify as a regular full-time employee before July 1, 2013;
312 (C) who does not receive benefits normally provided by the participating
313 employer; and
314 (D) whose employment hours are increased on or after July 1, 2013, to require an
315 average of 20 hours per week or more for a participating employer; or
- 316 (iii) who is a person working on a contract:
317 (A) for the purposes of vocational rehabilitation and the employment and training
318 of people with significant disabilities; and
319 (B) that has been set aside from procurement requirements by the state pursuant to
320 Section 63G-6a-805 or the federal government pursuant to 41 U.S.C. Sec. 8501
321 et seq.
- 322 (6) "System" means the Public Employees' Noncontributory Retirement System.
- 323 (7) "Years of service credit" means:
324 (a) a period consisting of 12 full months as determined by the board;
325 (b) a period determined by the board, whether consecutive or not, during which a regular
326 full-time employee performed services for a participating employer, including any
327 time the regular full-time employee was absent on a paid leave of absence granted by
328 a participating employer or was absent in the service of the United States government
329 on military duty as provided by this chapter; or
- 330 (c) the regular school year consisting of not less than eight months of full-time service
331 for a regular full-time employee of an educational institution.
- 332 Section 4. Section **49-22-102** is amended to read:
333 **49-22-102 . Definitions.**
334 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
369 years of annual compensation preceding retirement subject to Subsections (4)(b), (c),
370 (d), (e), and (f).

- 371 (b) Except as provided in Subsection (4)(c), the percentage increase in annual
372 compensation in any one of the years used may not exceed the previous year's
373 compensation by more than 10% plus a cost-of-living adjustment equal to the
374 decrease in the purchasing power of the dollar during the previous year, as measured
375 by a United States Bureau of Labor Statistics Consumer Price Index average as
376 determined by the board.
- 377 (c) In cases where the participating employer provides acceptable documentation to the
378 office, the limitation in Subsection (4)(b) may be exceeded if:
- 379 (i) the member has transferred from another agency; or
380 (ii) the member has been promoted to a new position.
- 381 (d) If the member retires more than six months from the date of termination of
382 employment, the member is considered to have been in service at the member's last
383 rate of pay from the date of the termination of employment to the effective date of
384 retirement for purposes of computing the member's final average salary only.
- 385 (e) If the member has less than five years of service credit in this system, final average
386 salary means the average annual compensation paid to the member during the full
387 period of service credit.
- 388 (f) The annual compensation used to calculate final average salary shall be based on a
389 period, as determined by the board, consistent with the period used to determine
390 years of service credit in accordance with Subsection (8).
- 391 (5) "Participating employer" means an employer that meets the participation requirements
392 of:
- 393 (a) Sections 49-12-201 and 49-12-202;
394 (b) Sections 49-13-201 and 49-13-202;
395 (c) Section 49-19-201; or
396 (d) Section 49-22-201 or 49-22-202.
- 397 (6)(a) "Regular full-time employee" means an employee:
- 398 (i) whose term of employment for a participating employer contemplates continued
399 employment during a fiscal or calendar year;
400 (ii) whose employment normally requires an average of 20 hours or more per week,
401 except as modified by the board; and
402 (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:
- 437 (I) for the purposes of vocational rehabilitation and the employment and
- 438 training of people with significant disabilities; and

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

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

444 (8) "Years of service credit" means:

- 445 (a) a period consisting of 12 full months as determined by the board;
- 446 (b) a period determined by the board, whether consecutive or not, during which a regular
447 full-time employee performed services for a participating employer, including any
448 time the regular full-time employee was absent on a paid leave of absence granted by
449 a participating employer or was absent in the service of the United States government
450 on military duty as provided by this chapter; or
- 451 (c) the regular school year consisting of not less than eight months of full-time service
452 for a regular full-time employee of an educational institution.

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

454 **53E-1-203 . State Superintendent's Annual Report.**

- 455 (1) The state board shall prepare and submit to the governor, the Education Interim
456 Committee, and the Public Education Appropriations Subcommittee, by January 15 of
457 each year, an annual written report known as the State Superintendent's Annual Report
458 that includes:
 - 459 (a) the operations, activities, programs, and services of the state board;
 - 460 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and
 - 461 (c) data on the general condition of the schools with recommendations considered
462 desirable for specific programs, including:
 - 463 (i) a complete statement of fund balances;
 - 464 (ii) a complete statement of revenues by fund and source;
 - 465 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
466 indebtedness, the cost of new school plants, and school levies;
 - 467 (iv) a complete statement of state funds allocated to each school district and charter
468 school by source, including supplemental appropriations, and a complete
469 statement of expenditures by each school district and charter school, including
470 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.
- 505 (b) The report shall:
- 506 (i) include the pupil-teacher ratio for:

- 507 (A) each school district;
- 508 (B) the charter schools aggregated; and
- 509 (C) the state's public schools aggregated; and
- 510 (ii) identify a website where pupil-teacher ratios for each school in the state may be
- 511 accessed.
- 512 (3) For each operation, activity, program, or service provided by the state board, the annual
- 513 report shall include:
- 514 (a) a description of the operation, activity, program, or service;
- 515 (b) data and metrics:
- 516 (i) selected and used by the state board to measure progress, performance,
- 517 effectiveness, and scope of the operation, activity, program, or service, including
- 518 summary data; and
- 519 (ii) that are consistent and comparable for each state operation, activity, program, or
- 520 service;
- 521 (c) budget data, including the amount and source of funding, expenses, and allocation of
- 522 full-time employees for the operation, activity, program, or service;
- 523 (d) historical data from previous years for comparison with data reported under
- 524 Subsections (3)(b) and (c);
- 525 (e) goals, challenges, and achievements related to the operation, activity, program, or
- 526 service;
- 527 (f) relevant federal and state statutory references and requirements;
- 528 (g) contact information of officials knowledgeable and responsible for each operation,
- 529 activity, program, or service; and
- 530 (h) other information determined by the state board that:
- 531 (i) may be needed, useful, or of historical significance; or
- 532 (ii) promotes accountability and transparency for each operation, activity, program,
- 533 or service with the public and elected officials.
- 534 (4)(a) Except as provided in Subsection (4)(b), the annual report shall also include:
- 535 (i) the report described in Section 53E-3-507 by the state board on career and
- 536 technical education needs and program access;
- 537 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality
- 538 and Tourism Management Career and Technical Education Pilot Program;
- 539 (iii) the report described in Section 53E-3-516 by the state board on certain incidents
- 540 that occur on school grounds;

- 541 (iv) the report described in Section 53E-4-202 by the state board on the development
542 and implementation of the core standards for Utah public schools;
- 543 (v) the report described in Section 53E-5-310 by the state board on school turnaround
544 and leadership development;
- 545 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of
546 Higher Education on student participation in the concurrent enrollment program;
- 547 (vii) the report described in Section 53F-5-506 by the state board on information
548 related to personalized, competency-based learning; and
- 549 (viii) the report described in Section 53G-9-802 by the state board on dropout
550 prevention and recovery services.
- 551 (b) The Education Interim Committee or the Public Education Appropriations
552 Subcommittee may request a report described in Subsection (4)(a) to be reported
553 separately from the State Superintendent's Annual Report.
- 554 (5) The annual report shall be designed to provide clear, accurate, and accessible
555 information to the public, the governor, and the Legislature.
- 556 (6) The state board shall:
- 557 (a) submit the annual report in accordance with Section 68-3-14; and
- 558 (b) make the annual report, and previous annual reports, accessible to the public by
559 placing a link to the reports on the state board's website.
- 560 (7)(a) Upon request of the Education Interim Committee or Public Education
561 Appropriations Subcommittee, the state board shall present the State Superintendent's
562 Annual Report to either committee.
- 563 (b) After submitting the State Superintendent's Annual Report in accordance with this
564 section, the state board may supplement the report at a later time with updated data,
565 information, or other materials as necessary or upon request by the governor, the
566 Education Interim Committee, or the Public Education Appropriations Subcommittee.
- 567 Section 6. Section **53G-10-402** is amended to read:
- 568 **53G-10-402 . Instruction in health -- Parental consent requirements -- Conduct**
569 **and speech of school employees and volunteers -- Political and religious doctrine**
570 **prohibited.**
- 571 (1) As used in this section:
- 572 (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.
- 641 (b) At the request of the state board, the Department of Health and Human Services shall
642 cooperate with the state board in developing programs to provide instruction in those

643 areas.

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

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

647 (ii) require a student's parent to be notified in advance and have an opportunity to
648 review the information for which parental consent is required under Sections
649 76-7-322 and 76-7-323.

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

652 (5)(a) In keeping with the requirements of Section 53G-10-204, and because school
653 employees and volunteers serve as examples to students, school employees or
654 volunteers acting in an official capacity may not support or encourage criminal
655 conduct by students, teachers, or volunteers.

656 (b) To ensure the effective performance of school personnel, the limitations described in
657 Subsection (5)(a) also apply to a school employee or volunteer acting outside of the
658 school employee's or volunteer's official capacity if:

659 (i) the employee or volunteer knew or should have known that the employee's or
660 volunteer's action could result in a material and substantial interference or
661 disruption in the normal activities of the school; and

662 (ii) that action does result in a material and substantial interference or disruption in
663 the normal activities of the school.

664 (c) The state board or an LEA governing board may not allow training of school
665 employees or volunteers that support or encourage criminal conduct.

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

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

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

674 (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.
- 709 Section 7. Section **53G-11-205** is amended to read:
- 710 **53G-11-205 . Education employee associations -- Equal participation --**

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

712 (1) As used in this section:

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

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

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

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

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

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

728 (4) It is unlawful for a school to:

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

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

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

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

736 **53G-11-519 . Utah Recognizing Inspiring School Employees Award.**

737 (1) As used in this section:

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

741 (b) [~~"Classified school employee"~~] "Education support professional" means [~~the same as~~
742 ~~that term is~~] a classified employee defined in the Recognizing Achievement in
743 Classified School Employees Act, 20 U.S.C. Sec. 6682.

744 (c) "Eligible individual" means [~~a classified school employee~~] an education support

745 professional who meets the eligibility requirements to be a nominee for the
746 Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681
747 et seq.

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

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

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

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

759 (b) The Utah Recognizing Inspiring School Employees Award shall be awarded to the
760 governor's nominee for the federal Recognizing Inspiring School Employees Award
761 Program under the Recognizing Achievement in Classified School Employees Act,
762 20 U.S.C. Sec. 6681 et seq.

763 Section 9. **Effective date.**

764 This bill takes effect on May 7, 2025.