

HB0129 compared with HB0129S01

10 **Money Appropriated in this Bill:**

11 None

12 **Other Special Clauses:**

13 None

14 **Utah Code Sections Affected:**

15 AMENDS:

24 ~~{53E-1-102 , as last amended by Laws of Utah 2025, Chapter 343}~~

25 ~~{53E-3-301 , as last amended by Laws of Utah 2025, Chapter 277}~~

26 ~~{53E-3-302 , as last amended by Laws of Utah 2019, Chapter 186}~~

27 ~~{53E-3-303 , as last amended by Laws of Utah 2019, Chapter 186}~~

16 **53E-3-401** , as last amended by Laws of Utah 2025, Chapter 501

29 ~~{53E-8-204 , as last amended by Laws of Utah 2025, Chapter 509}~~

17 REPEALS:

18 **53E-1-204** , as enacted by Laws of Utah 2020, Third Special Session, Chapter 10

19

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

34 ~~{Section 1. Section 53E-1-102 is amended to read: }~~

35 **53E-1-102. Public education code definitions.**

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

38 (1) "Bullying" means the same as that term is defined in Section 53G-9-601.

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

41 (3) "Charter school governing board" means the board that governs a charter school.

42 (4) "District school" means a public school under the control of a local school board.

43 (5) "General control and supervision" means, including as used in Utah Constitution, Article X,
Section 3, that the state board shall direct and manage all aspects of the public education system in
accordance with laws the Legislature makes.

46 [(5)] (6) "Individualized education program" or "IEP" means a written statement for a student with
a disability that is developed, reviewed, and revised in accordance with the Individuals with
Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

HB0129 compared with HB0129S01

- 49 [(6)] (7) "LEA governing board" means:
- 50 (a) for a school district, the local school board;
- 51 (b) for a charter school, the charter school governing board; or
- 52 (c) for the Utah Schools for the Deaf and the Blind, the state board.
- 53 [(7)] (8) "Local education agency" or "LEA" means:
- 54 (a) a school district;
- 55 (b) a charter school; or
- 56 (c) the Utah Schools for the Deaf and the Blind.
- 57 [(8)] (9) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of
Members of Local Boards of Education.
- 59 [(9)] (10) "Minimum School Program" means the same as that term is defined in Section 53F-2-102.
- 61 [(10)] (11) "Parent" means a parent or legal guardian.
- 62 [(11)] (12) "Public education code" means:
- 63 (a) this title;
- 64 (b) Title 53F, Public Education System -- Funding; and
- 65 (c) Title 53G, Public Education System -- Local Administration.
- 66 [(12) "Section 504 accommodation plan" means a plan developed in accordance with Section 504 of the
Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet the
student's educational needs and ensure equitable access to a free appropriate public education.]
- 70 (13) "School nurse" means a registered nurse:
- 71 (a) who holds:
- 72 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or
- 73 (ii) a multistate license as that term is defined in Section 58-31e-102; and
- 74 (b) whose primary role is the care of a defined group of students enrolled in the public school system.
- 76 (14) "Section 504 accommodation plan" means a plan developed in accordance with Section 504 of the
Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet the
student's educational needs and ensure equitable access to a free appropriate public education.
- 80 [(14)] (15) "State board" means the State Board of Education.
- 81 [(15)] (16) "State superintendent" means the state superintendent of public instruction appointed under
Section 53E-3-301.
- 83 {Section 2. ~~Section 53E-3-301 is amended to read:~~}

HB0129 compared with HB0129S01

84 **53E-3-301. State superintendent appointment -- Qualifications -- Duties.**

85 [~~(1)~~

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

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

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

91 (1)

(a) Subject to Subsection (6), the state board shall appoint a state superintendent of public instruction who serves as the board's chief executive officer.

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

95 (2)

(a) The state superintendent's initial term of office is for a time period the state board establishes and until, subject to Subsection (6), a successor is appointed and qualified.

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

100 (c) The state board may not enter into an employment contract that contains an automatic renewal provision with the state superintendent.

102 (d) The state board may remove the state superintendent at any time during the state superintendent's initial term, with or without cause, subject to any contractual obligations in the employment contract.

105 (e) Nothing in this section requires the state board to renew a state superintendent's term or establishes requirements or prohibitions on a subsequent term after the state superintendent's initial term.

108 (3) Unless a vacancy occurs during an interim vacancy period subject to Subsection (6), if it becomes necessary to appoint an acting state superintendent due to a vacancy in the office of state superintendent, the state board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new state superintendent.

HB0129 compared with HB0129S01

- 113 (4) The state board shall set the state superintendent's compensation for services.
- 114 (5) A state superintendent qualifies for office by taking the constitutional oath of office.
- 115 (6)
- (a) As used in this Subsection (6), "interim vacancy period" means the period of time that:
- 117 (i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a
member of the state board; and
- 119 (ii) ends on the day on which the member-elect begins the member's term.
- 120 (b)
- (i) The state board may not appoint a state superintendent during an interim vacancy period.
- 122 (ii) Notwithstanding Subsection (6)(b)(i):
- 123 (A) the state board may appoint an acting state superintendent during an interim vacancy period; and
- 125 (B) the acting state superintendent's term shall expire once a new state superintendent is appointed by
the state board after the interim vacancy period has ended.
- 128 (c) Subsection (6)(b) does not apply if all the state board members who held office on the day of the
general election whose term of office was vacant for the election are re-elected to the state board for
the following term.
- 131 [(2)] (7) The state board shall, with the state superintendent, develop a statewide education strategy
focusing on core academics, including the development of:
- 133 (a) core standards for Utah public schools and graduation requirements, in accordance with Section
53E-4-204;
- 135 (b) a process to select model instructional materials that best correlate with the core standards for Utah
public schools and graduation requirements that are supported by generally accepted scientific
standards of evidence;
- 138 (c) professional development programs for teachers, superintendents, and principals;
- 139 (d) model remediation programs;
- 140 (e) a model method for creating individual student learning targets, and a method of measuring an
individual student's performance toward those targets;
- 142 (f) progress-based assessments for ongoing performance evaluations of school districts and schools;
- 144 (g) incentives to achieve the desired outcome of individual student progress in core academics that do
not create disincentives for setting high goals for the students;

146

HB0129 compared with HB0129S01

- (h) an annual report card for school and school district performance, measuring learning and reporting progress-based assessments;
- 148 (i) a systematic method to encourage innovation in schools and school districts as each strives to achieve improvement in performance; and
- 150 (j) a method for identifying and sharing best demonstrated practices across school districts and schools.
- 152 ~~[(3)]~~ (8) The state superintendent shall perform duties~~[-assigned-by]~~ the state board assigns, including:
- 154 (a) investigating all matters pertaining to the public schools;
- 155 (b) adopting and keeping an official seal to authenticate the state superintendent's official acts;
- 157 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 158 (d) collecting and organizing education data into an automated decision support system to facilitate school district and school improvement planning, accountability reporting, performance recognition, and the evaluation of educational policy and program effectiveness to include:
- 162 (i) data that are:
- 163 (A) comparable across schools and school districts;
- 164 (B) appropriate for use in longitudinal studies; and
- 165 (C) comprehensive with regard to the data elements required under applicable state or federal law or state board rule;
- 167 (ii) features that enable users, most particularly school administrators, teachers, and parents, to:
- 169 (A) retrieve school and school district level data electronically;
- 170 (B) interpret the data visually; and
- 171 (C) draw conclusions that are statistically valid; and
- 172 (iii) procedures for the collection and management of education data that~~[:]~~ require all school districts and schools to comply with the data collection and management procedures established under state law and that
- 175 ~~[(A)]~~ require the state superintendent to:
- 176 ~~[(H)]~~ (A) collaborate with school districts and charter schools in designing and implementing uniform data standards and definitions;
- 178 ~~[(H)]~~ (B) undertake or sponsor research to implement improved methods for analyzing education data;
- 180 ~~[(H)]~~ (C) provide for data security to prevent unauthorized access to or contamination of the data; and
- 182 ~~[(H)]~~ (D) protect the confidentiality of data under state and federal privacy laws; ~~[and]~~
- 184

HB0129 compared with HB0129S01

186 [(B) require all school districts and schools to comply with the data collection and management
procedures established under this Subsection (3)(d);]

188 (e) administering and implementing federal educational programs in accordance with Part 8,
Implementing Federal or National Education Programs; and

(f) with the approval of the state board, preparing and submitting to the governor a budget for the state
board to be included in the budget that the governor submits to the Legislature.

191 [(4)] (9) Upon leaving office, the state superintendent shall deliver to the state superintendent's
successor all books, records, documents, maps, reports, papers, and other articles pertaining to the
state superintendent's office.

194 {Section 3. ~~Section 53E-3-302 is amended to read:~~}

195 **53E-3-302. Compensation of state superintendent -- Other state board employees.**

197 (1) The state board shall establish the compensation of the state superintendent.

198 (2) The state board may, as necessary for the proper administration and supervision of the public school
system:

200 (a) appoint other employees; and

201 (b) delegate appropriate duties and responsibilities, through the state superintendent, to state board
employees.

203 (3) [The] Subject to legislative appropriations, the state board shall establish the compensation and
duties of state board employees [~~shall be established by the state board and paid from money~~
~~appropriated for that purpose~~].

206 (4)

(a) Regarding personnel matters:

207 (i) the state board may only assign duties directly to the state superintendent and other direct
appointees of the state board through formal state board action; and

209 (ii) absent specific state board direction to the state superintendent, the state superintendent
shall assign and supervise agency employee duties consistent with state board rules, policies,
directives, and standards.

212 (b) Except as expressly provided in statute, an employee of the state board:

213 (i) may not exercise a duty or authority legally pertaining to an LEA governing board or district
superintendent; and

215

HB0129 compared with HB0129S01

(ii) may only receive duties or authority from the board or state superintendent as provided in this Subsection (4).

217 (c) If allowed by and in accordance with state board rules, policies, directives, or standards, nothing in this Subsection (4) prohibits:

219 (i) individual state board members from requesting information, data, research, or briefings from state board employees;

221 (ii) state board members from collaborating with staff in developing policy recommendations; or

223 (iii) state board committees from working with assigned staff to fulfill committee duties.

225 ~~{Section 4. Section 53E-3-303 is amended to read: }~~

226 **53E-3-303. Advice by state superintendent -- Written opinions.**

227 [~~(1) The state superintendent shall advise superintendents, LEA governing boards, and other school officers upon all matters involving the welfare of the schools.]~~

229 (1) The state superintendent shall advise superintendents, local education agency governing boards, and other school officers on all matters involving the welfare of the schools.

231 (2) If requested by a superintendent or a local education agency governing board member, the state superintendent shall provide written opinions on questions of public education, administrative policy, and procedures.

234 (3) The state superintendent shall communicate with superintendents, local education agency governing board members, and other school officers to enforce compliance with state board rules, policies, directives, or standards.

237 (4) The state superintendent may only provide opinions on questions of law that are issued by the attorney general.

239 [~~(2) The state superintendent shall, when requested by district superintendents or other school officers, provide written opinions on questions of public education, administrative policy, and procedure, but not upon questions of law.]~~

242 (5) This section does not limit the state superintendent's authority to impose penalties, require corrective action agreements, or withhold state funds as authorized by state law, including Sections 53E-3-301, 53E-3-401, and 53F-1-104.

245 [~~(3)~~] (6) Upon request by the state superintendent, the attorney general shall issue written opinions on questions of law.

247

HB0129 compared with HB0129S01

~~[(4) Opinions issued under this section shall be considered to be correct and final unless set aside by a court of competent jurisdiction or by subsequent legislation.]~~

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

22 **53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement -- Attorney.**

252 (1) As used in this section:

253 (a) "Education entity" means:

254 (i) an entity that receives a distribution of state funds through a grant program managed by the state board under this public education code;

256 (ii) an entity that enters into a contract with the state board to provide an educational good or service;

258 (iii) a school district;

259 (iv) a charter school; or

260 (v) a regional education service agency, as that term is defined in Section 53G-4-410.

261 (b) "Educational good or service" means a good or service that is required or regulated under:

263 (i) this public education code; or

264 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and authorized under this public education code.

266 (2)

~~[(a)] The state board has general control and supervision of the state's public education system.~~

268 ~~[(b) "General control and supervision" as used in Utah Constitution, Article X, Section 3, means directed to the whole system.]~~

270 (3) The state board may not govern, manage, or operate school districts, institutions, and programs, unless granted that authority by statute.

272 (4)

(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules to execute the state board's duties and responsibilities under the Utah Constitution and state law~~[-]~~ :

275 (i) as required by statute; or

276 (ii) absent express statutory rulemaking direction, as necessary to implement the requirements of a statute.

278 (b) The state board may delegate the state board's statutory duties and responsibilities to state board employees.

HB0129 compared with HB0129S01

- 280 (5)
- (a) The state board may sell any interest it holds in real property upon a finding by the state board that the property interest is surplus.
- 282 (b) The state board may use the money it receives from a sale under Subsection (5)(a) for capital improvements, equipment, or materials, but not for personnel or ongoing costs.
- 285 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency or institution administered by the state board, the money may only be used for purposes related to the agency or institution.
- 288 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and related matters during the next following session of the Legislature.
- 290 (6) The state board shall develop policies and procedures related to federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs.
- 293 (7) On or before December 31, 2010, the state board shall review mandates or requirements provided for in state board rule to determine whether certain mandates or requirements could be waived to remove funding pressures on public schools on a temporary basis.
- 296 (8)
- (a) The state board shall provide procedures for addressing and resolving compliance and monitoring issues related to this public education code, federal law, or rules, including:
- 299 (i) creating methods to review and investigate alleged compliance issues;
- 300 (ii) creating clear procedures for corrective action plans;
- 301 (iii) allowing for an appeals process; and
- 302 (iv) addressing contractual and non-contractual issues.
- 303 (b) If an education entity violates this public education code or rules authorized under this public education code, the state board may, in accordance with the rules described in Subsection (8)(d):
- 306 (i) require the education entity to enter into a corrective action agreement with the state board;
- 308 (ii) temporarily or permanently withhold state funds from the education entity;
- 309 (iii) require the education entity to pay a penalty;
- 310 (iv) require the education entity to reimburse specified state funds to the state board;
- 311 (v) require additional reporting or monitoring;
- 312 (vi) refer the complaint, evidence, and findings to the attorney general's office or the relevant district attorney's office;

HB0129 compared with HB0129S01

- 314 (vii) require the education entity to hire a third-party provider to provide services the state board
determines necessary;
- 316 (viii) require reimbursement from the education entity instead of future allocations from the state board;
- 318 (ix) require a follow-up investigation;
- 319 (x) refer the violation and corresponding evidence to the state auditor or the legislative auditor general,
if the violation relates to finances;
- 321 (xi) request additional evidence of compliance; or
- 322 (xii) take other action the state board deems appropriate.
- 323 (c) Except for temporarily withheld funds, if the state board collects state funds under Subsection (8)(b),
the state board shall pay the funds into the Uniform School Fund.
- 325 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall
make rules:
- 327 (i) that require notice and an opportunity to be heard for an education entity affected by a state board
action described in Subsection (8)(b); and
- 329 (ii) to administer this Subsection (8).
- 330 (e)
- (i) An individual may bring a violation of statute or state board rule to the attention of the state board in
accordance with a process described in rule adopted by the state board.
- 333 (ii) If the state board identifies a violation of statute or state board rule as a result of the process
described in Subsection (8)(e)(i), the state board may take action in accordance with this section.
- 336 (9) The state board may audit the use of state funds by an education entity that receives those state
funds as a distribution from the state board.
- 338 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, that if an LEA contracts with a third party contractor for an
educational good or service, the LEA shall require in the contract that the third party contractor shall
provide, upon request of the LEA, information necessary for the LEA to verify that the educational
good or service complies with:
- 343 (a) this public education code; and
- 344 (b) state board rule authorized under this public education code.
- 345 (11)

HB0129 compared with HB0129S01

- (a) The state board may appoint an attorney to provide legal advice to the state board and coordinate legal affairs for the state board and the state board's employees.
- 347 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the Attorney General.
- 349 (c) An attorney described in Subsection (11)(a) may not:
- 350 (i) conduct litigation;
- 351 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201; or
- 353 (iii) issue formal legal opinions.
- 354 (12) The state board shall ensure that any training or certification that an employee of the public education system is required to complete under this title or by rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.

129 Section 2. **Repealer.**

This Bill Repeals:

130 This bill repeals:

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

132 **requirements impacted by assessment waivers.**

357 ~~{Section 6. Section 53E-8-204 is amended to read: }~~

358 **53E-8-204. Authority of the state board -- Rulemaking -- Superintendent -- Advisory council.**

360 (1)

(a) The state board is the governing board of the Utah Schools for the Deaf and the Blind.

362 (b) The state board shall, as the state board determines necessary, establish committees, policies, or processes necessary to the function and oversight of the Utah Schools for the Deaf and the Blind.

365 (2)

(a) ~~[The state board shall appoint a superintendent for the Utah Schools for the Deaf and the Blind.]~~ In accordance with Subsection (2)(b) and subject to state board approval, the state superintendent shall appoint an assistant superintendent to serve as superintendent for the Utah Schools for the Deaf and the Blind.

369 (b) The superintendent of the Utah Schools for the Deaf and the Blind:

370 (i) is an assistant superintendent to the state superintendent; and

371 (ii) reports to the state superintendent.

372

HB0129 compared with HB0129S01

(c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties of the superintendent for the Utah Schools for the Deaf and the Blind.

375 (3) The superintendent shall:

376 (a) subject to the approval of the state board, appoint an associate superintendent to administer the Utah School for the Deaf based on:

378 (i) demonstrated competency as an expert educator of deaf persons; and

379 (ii) knowledge of school management and the instruction of deaf persons; and

380 (b) subject to the approval of the state board, appoint an associate superintendent to administer the Utah School for the Blind based on:

382 (i) demonstrated competency as an expert educator of blind persons; and

383 (ii) knowledge of school management and the instruction of blind persons, including an understanding of the unique needs and education of deafblind persons.

385 (4) The state board shall:

386 (a) approve the annual budget and expenditures of the Utah Schools for the Deaf and the Blind; and

388 (b) administer the financial operations of the Utah Schools for the Deaf and the Blind.

389 (5)

(a) The state board shall submit a report in accordance with Section 53E-1-201 on the Utah Schools for the Deaf and the Blind.

391 (b) The state board shall ensure that the report described in Subsection (5)(a) includes:

392 (i) a financial report;

393 (ii) a report on Utah Schools for the Deaf and the Blind programs and activities; and

394 (iii) a report of student academic performance.

133 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-10-26 3:59 PM