

HB0399S02 compared with HB0399

~~{Omitted text}~~ shows text that was in HB0399 but was omitted in HB0399S02

inserted text shows text that was not in HB0399 but was inserted into HB0399S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1 **{Primary} Prohibition Against Student Character Tracking**
 and {Secondary Education Amendments} Grading Systems

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:



2
3 **LONG TITLE**

4 **General Description:**

5 This bill defines character education and creates restraints on ~~{a local education agency}~~ certain
 entities regarding the use of character education.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ repeals certain requirements related to:
 - 11 • civics education; and
 - 12 • character education;
 - 13 ▶ **prohibits administrative and instructional personnel from:**
 - 14 • **implementing character education;**
 - 15 • **measuring, quantifying, tracking, or grading a student's character education; and**
 - 13 ▶ ~~{prohibits certain local education agency personnel from providing}~~ collecting and distributing
character education ~~{to}~~ data about a student ~~{in most instances}~~ ;

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- 15 ▶ {~~provides that this bill does not affect certain individual rights;~~}
- 17 ▶ outlines constitutional protections for a parent and the parent's children;
- 16 ▶ requires the state auditor to:
- 17 • receive certain reports;
- 18 • conduct certain investigations; and
- 19 • enforce the provisions of the section;
- 20 ▶ creates a private right of action;
- 21 ▶ prohibits {~~the State Board of Education~~} a public entity from creating certain rules related to character education; {and}
- 24 ▶ enacts certain legislative findings;
- 25 ▶ enacts provisions related to required instructional topics for a student; and
- 23 ▶ makes technical and conforming changes.

27 Money Appropriated in this Bill:

28 None

29 Other Special Clauses:

30 This bill provides a special effective date.

31 Utah Code Sections Affected:

32 AMENDS:

33 53E-2-301 , as last amended by Laws of Utah 2019, Chapter 186

34 53E-4-204.1 , as last amended by Laws of Utah 2025, Chapter 142

35 53E-9-203 , as last amended by Laws of Utah 2024, Chapter 23

36 53F-4-207 , as last amended by Laws of Utah 2024, Chapter 23

37 53G-10-402 , as last amended by Laws of Utah 2025, Chapter 380

38 67-3-1 , as last amended by Laws of Utah 2025, First Special Session, Chapter 17

39 ENACTS:

40 53G-10-204.5 , Utah Code Annotated 1953

41 REPEALS AND REENACTS:

42 53G-10-204 , as last amended by Laws of Utah 2022, Chapter 229

44

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

45 Section 1. Section 53E-2-301 is amended to read:

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46 **53E-2-301. Public education's vision and mission.**

- 47 (1) The Legislature envisions an educated citizenry that encompasses the following foundational
principles:
- 49 (a) citizen participation in civic and political affairs;
- 50 (b) economic prosperity for the state by graduating students who are college and career ready;
- 52 (c) strong moral and social values; and
- 53 (d) loyalty and commitment to constitutional government.
- 54 (2) The Legislature recognizes that public education's mission is to assure Utah the best educated
citizenry in the world and each individual the training to succeed in a global society by providing
students with:
- 57 (a) learning and occupational skills;
- 58 (b) ~~character~~ academic development;
- 59 (c) literacy and numeracy;
- 60 (d) high quality instruction;
- 61 (e) curriculum based on high standards and relevance; and
- 62 (f) effective assessment to inform high quality instruction and accountability.
- 63 (3) The Legislature:
- 64 (a) recognizes that parents are a child's first teachers and are responsible for the education of their
children;
- 66 (b) encourages family engagement and adequate preparation so that students enter the public education
system ready to learn; and
- 68 (c) intends that the mission detailed in Subsection (2) be carried out through a responsive educational
system that guarantees local school communities autonomy, flexibility, and client choice, while
holding them accountable for results.
- 71 (4) This section will be applied consistent with Section 53G-10-204.

72 Section 2. Section 53E-4-204.1 is amended to read:

73 **53E-4-204.1. Ethnic studies core standards and curriculum requirements.**

- 74 (1) As used in this section:
- 75 (a) "Core standards for Utah public schools" or "core standards" means the standards the state board
establishes as described in Section 53E-4-202.

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(b) "Ethnic studies" means the interdisciplinary social and historical study of how different populations have experienced and participated in building the United States of America, including the study of the culture, history, and contributions of Utahns of diverse ethnicities.

81 (c) "Ethnic Studies Commission" means the Ethnic Studies Commission created in Section 63C-28-201.

83 (d) "Utahns of diverse ethnicities" means individuals who are residents of Utah and:

84 (i) Native American;

85 (ii) Alaska Native;

86 (iii) Native Hawaiian;

87 (iv) Pacific Islander;

88 (v) Hispanic or Latino;

89 (vi) Black or African American;

90 (vii) Asian or Asian American; or

91 (viii) from diverse backgrounds and experiences.

92 (2)

(a) The state board shall incorporate ethnic studies into the core standards for Utah public schools.

94 (b) Before the state board takes formal action to incorporate ethnic studies into the core standards, the state board shall:

96 (i) consult with the Ethnic Studies Commission; and

97 (ii) submit the proposed core standards incorporating ethnic studies to the Ethnic Studies Commission for review and recommendations.

99 (3) In incorporating ethnic studies into the core standards, the state board shall [~~consider, at a minimum:~~] comply with the provisions of Section 53G-10-204.

101 (4) The state board may consider:

102 [~~(a) existing core standards that increase cultural awareness of, and focus on the character traits described in Section 53G-10-204 for, all Utah communities;~~]

104 [~~(b)~~] (a) opportunities to recognize and incorporate into the ethnic studies core standards the histories, contributions, and perspectives of Utahns of diverse ethnicities; and

106 [~~(c)~~] (b) recommendations of the Ethnic Studies Commission.

107 [~~(4)~~] (5) Subject to legislative appropriations, the state board shall provide funding for professional learning in ethnic studies for teachers.

109 [~~(5)~~] (6)

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(a) By December 31, 2027, an LEA shall select curriculum and instructional materials for teaching ethnic studies to students in kindergarten through grade 12 that:

- (i) align with the core standards incorporating ethnic studies described in this section; and
- (ii) are integrated with regular school work.

(b) An LEA shall implement an ethnic studies curriculum that, at a minimum:

(i) focuses on shared identity and honoring unique cultural differences, including:

- (A) that each individual student has unique characteristics; and
- (B) the common elements that unite Utahns; and

~~[(C) respect for distinct socio-cultural identities; and]~~

(ii) includes themes including cultural histories within the context of United States history and global history.

(c) An LEA shall:

(i) modify or revise as needed the ethnic studies instructional materials and curriculum the LEA selects as described in ~~[Subsection (5)(a)]~~ Subsection (6)(a), to ensure alignment with core standards incorporating ethnic studies; and

(ii) submit a report to the state board that provides evidence that the LEA is complying with the requirements of ~~[Subsections (5)(a) and (b)]~~ Subsections (6)(a) and (b).

(d) In fulfilling the requirements of this section, an LEA may offer a course on ethnic studies.

~~[(6)]~~ (7) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules:

(a) to develop guidelines and methods for LEAs to more fully incorporate ethnic studies into other core standards for Utah public schools courses; and

(b) for the report described in ~~[Subsection (5)(e)]~~ Subsection (6)(c).

~~[(7)]~~ (8) The guidelines and methods described in ~~[Subsection (6)(a)]~~ Subsection (7)(a) may not change:

- (a) the number of instructional hours required for elementary and secondary students; or
- (b) the number of instructional hours dedicated to the existing curriculum.

Section 3. Section **53E-9-203** is amended to read:

53E-9-203. Activities prohibited without prior written consent -- Validity of consent -- Qualifications -- Training on implementation.

(1)

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(a) Except as provided in Subsection (8), Section 53G-9-604, and Section 53G-9-702, an LEA shall include in policies the LEA adopts under Section 53E-9-202 a requirement for obtaining prior written consent from the student's parent when administering to a student:

44 (i) any psychological or psychiatric examination, test, or treatment; and

45 (ii) any survey, analysis, or evaluation in which the purpose or effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:

48 (A) political affiliations or, except as provided under Section 53G-10-202 or rules of the state board, political philosophies;

50 (B) mental or psychological problems;

51 (C) sexual behavior, orientation, gender identity, or attitudes;

52 (D) illegal, anti-social, self-incriminating, or demeaning behavior;

53 (E) critical appraisals of individuals with whom the student or family member has close family relationships;

55 (F) religious affiliations or beliefs;

56 (G) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and

58 (H) income, except as required by law.

59 (b) An LEA shall annually obtain prior written consent for the following at the time a student registers with the LEA:

61 (i) surveys related to an early warning system described in Section 53F-4-207; and

62 [~~(ii) surveys that include social-emotional learning questions; and~~]

63 [~~(iii)~~] (ii) the school climate survey described in Section 53G-8-802.

64 (c) ~~{An}~~ Notwithstanding Subsections (1)(a) and (b), an LEA shall comply with the prohibitions on character education described in Section 53G-10-204.

66 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten through grade 12.

68 (3) Except as provided in Subsection (8), Section 53G-9-604, and Section 53G-9-702, the requirements under Subsection (1) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent has been obtained.

71 (4) An LEA may not:

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- (a) use the prior written consent described in Subsection (1) that a different LEA obtained for a student who transfers to the LEA after the beginning of the school year; or
- 75 (b) provide:
- 76 (i) a reward to a student for a student's participation in any psychological or psychiatric examination, test, treatment, survey, analysis, or evaluation; or
- 78 (ii) a consequence to a student for a student's lack of participation in any psychological or psychiatric examination, test, treatment, survey, analysis, or evaluation.
- 81 (5)
- (a) Written parental consent is valid only if a parent has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:
- 85 (i) records or information, including information about relationships, that may be examined or requested;
- 87 (ii) the means by which the records or information shall be examined or reviewed;
- 88 (iii) the means by which the information is to be obtained;
- 89 (iv) the purposes for which the records or information are needed;
- 90 (v) the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and
- 92 (vi) a method by which a parent of a student can grant permission to access or examine the personally identifiable information.
- 94 (b) For a survey described in Subsection (1), the LEA shall ensure that the written notice described in Subsection (5)(a) includes:
- 96 (i) the survey the LEA will administer to the parent's student;
- 97 (ii) the intended purposes and uses of the data collected;
- 98 (iii) the types of persons or governmental entities that:
- 99 (A) share the collected data, including a list of recipients who will receive the student-level data; or
- 101 (B) receive the data collected from a governmental entity on a regular or contractual basis; and
- 103 (iv) the record series as defined in Section 63G-2-103 in which the data is or will be included, if applicable.
- 105 (6)

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- (a) Except in response to a situation which a school employee reasonably believes to be an emergency, as authorized under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports, by order of a court, or as described in Subsection (1)(b), disclosure to a parent must be given at least two weeks before information protected under this section is sought.
- 110 (b) Following disclosure, a parent may waive the two week minimum notification period.
- 111 (c) Unless otherwise agreed to by a student's parent and the person requesting written consent, the authorization is valid only for the activity for which it was granted.
- 113 (d) A written withdrawal of authorization submitted to the school principal by the authorizing parent terminates the authorization.
- 115 (e) A general consent used to approve admission to school or involvement in special education, remedial education, or a school activity does not constitute written consent under this section.
- 118 (7)
- (a) This section does not limit the ability of a student under Section 53G-10-203 to spontaneously express sentiments or opinions otherwise protected against disclosure under this section.
- 121 (b)
- (i) If a school employee or agent believes that a situation exists which presents a serious threat to the well-being of a student, that employee or agent shall notify the student's parent without delay.
- 124 (ii) If, however, the matter has been reported to the Division of Child and Family Services within the Department of Human Services, it is the responsibility of the division to notify the student's parent of any possible investigation, prior to the student's return home from school.
- 128 (iii) The division may be exempted from the notification requirements described in this Subsection (7) (b)(ii) only if it determines that the student would be endangered by notification of the student's parent, or if that notification is otherwise prohibited by state or federal law.
- 132 (8)
- (a) If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for the purposes of:
- 137 (i) referring the student to appropriate prevention services; and
- 138 (ii) informing the student's parent.
- 139

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- (b) An LEA shall develop and adopt a policy regarding intervention measures consistent with Subsection (8)(a) while requiring the minimum degree of intervention to accomplish the goals of this section.
- 142 (9) An LEA governing board shall provide inservice for teachers and administrators on the
implementation of this section.
- 144 (10) The state board shall provide procedures for disciplinary action for violations of this section.
- 146 (11) Data collected from a survey described in Subsection (1):
- 147 (a) is a private record as provided in Section 63G-2-302;
- 148 (b) may not be shared except in accordance with the Family Educational Rights and Privacy Act, 20
U.S.C. Sec. 1232g;
- 150 (c) may only be used by an individual, organization, or governmental entity, including the state board,
for the purposes identified in the notice described in Subsection (5); and
- 153 (d) may not be included in a student's Student Achievement Backpack, as that term is defined in Section
53E-3-511.
- 257 Section 4. Section **53F-4-207** is amended to read:
- 258 **53F-4-207. Student intervention early warning program.**
- 157 (1) As used in this section:
- 158 (a) "Digital program" means a program that provides information for student early intervention as
described in this section.
- 160 (b) "Online data reporting tool" means a system described in Section 53E-4-311.
- 161 (2)
- (a) The state board shall, subject to legislative appropriations:
- 162 (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide additional
formative actionable data on student outcomes; and
- 164 (ii) select through a competitive contract process a provider to provide to an LEA a digital program
as described in this section.
- 166 (b) Information collected or used by the state board for purposes of enhancing the online data reporting
tool in accordance with this section may not identify a student individually.
- 169 (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to define the primary exceptionalities described in Subsection (3)(e)(ii).
- 172 (3) The enhancement to the online data reporting tool and the digital program shall:

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- 173 (a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;
175 (b) provide reports on a student's results at the student level on:
176 (i) a national assessment;
177 (ii) a local assessment; and
178 (iii) a standards assessment described in Section 53E-4-303;
179 (c) have the ability to provide data from aggregate student reports based on a student's:
180 (i) teacher;
181 (ii) school;
182 (iii) school district, if applicable; or
183 (iv) ethnicity;
184 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single
computer screen;
186 (e) have the ability to compare the performance of students, for each teacher, based on a student's:
188 (i) gender;
189 (ii) special needs, including primary exceptionality as defined by state board rule;
190 (iii) English proficiency;
191 (iv) economic status;
192 (v) migrant status;
193 (vi) ethnicity;
194 (vii) response to tiered intervention;
195 (viii) response to tiered intervention enrollment date;
196 (ix) absence rate;
197 (x) feeder school;
198 (xi) type of school, including primary or secondary, public or private, Title I, or other general school-
type category;
200 (xii) course failures; and
201 (xiii) other criteria, as determined by the state board; and
202 (f) have the ability to load data from a local, national, or other assessment in the data's original format
within a reasonable time.
204 (4) Subject to legislative appropriations, the online data reporting tool and digital program shall, in
compliance with Section 53G-10-204:

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- 206 (a) integrate criteria for early warning indicators, including the following criteria:
- 207 (i) discipline, including school safety violations;
- 208 (ii) attendance;
- 209 (iii) behavior;
- 210 (iv) course failures; and
- 211 (v) other criteria as determined by a local school board or charter school governing board~~{, which may~~
not include character education as that term is defined in Section 53G-10-204};
- 214 (b) provide a teacher or administrator the ability to view the early warning indicators described in
Subsection (4)(a) with a student's assessment results described in Subsection (3)(b);
- 217 (c) provide data on response to intervention using existing assessments or measures that are manually
added, including assessment and nonacademic measures;
- 219 (d) provide a user the ability to share interventions within a reporting environment and add comments to
inform other teachers, administrators, and parents;
- 221 (e) save and share reports among different teachers and school administrators, subject to the student
population information a teacher or administrator has the rights to access;
- 223 (f) automatically flag a student profile when early warning thresholds, that the state board defines, are
met so that a teacher can easily identify a student who may be in need of intervention;
- 226 (g) incorporate a variety of algorithms to support student learning outcomes and provide student growth
reporting by teacher;
- 228 (h) integrate response to intervention tiers and activities as filters for the reporting of individual student
data and aggregated data, including by ethnicity, school, or teacher;
- 230 (i) have the ability to generate parent communication to alert the parent of plans or interventions; and
- 232 (j) configure alerts based upon student academic results, including a student's performance on the
previous year's standards assessment described in Section 53E-4-303 or results to appropriate
behavior interventions.
- 235 (5)
- (a) The state board shall ensure that each LEA receives access to a digital program through a provider
described in Subsection (2)(a)(ii).
- 237 (b) An LEA shall:
- 238 (i) pay for 50% of the cost of providing access to the digital program to the LEA; and
- 239

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(ii) no later than one school year after accessing a digital program, report to the state board in a format required by the state board on:

241 (A) the effectiveness of the digital program;

242 (B) positive and negative attributes of the digital program;

243 (C) recommendations for improving the online data reporting tool; and

244 (D) any other information regarding a digital program requested by the state board.

245 (c) The state board shall consider recommendations from an LEA for changes to the online data reporting tool.

247 (6) A person shall provide or use information described in this section [-]in accordance with[-]:

248 (a) Title 53E, Chapter 9, Student Privacy and Data Protection;

249 (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g;[-and]

250 (c) the parental consent requirements in Section 53E-9-203[-] ; and

251 (d) the prohibitions on character education described in Section 53G-10-204.

252 (7)

(a) A parent or guardian may opt the parent's or guardian's student into participating in a survey prepared by an LEA's online data reporting tool described in this section.

254 (b) An LEA shall provide notice to a parent of:

255 (i) the administration of a survey described in Subsection (7)(a);

256 (ii) if applicable, that the survey may request information from students that is non- academic in nature;

258 (iii) where the parent may access the survey described in Subsection (7)(a) to be administered; and

260 (iv) the opportunity to opt a student out of participating in a survey as described in Subsection (7)(a).

262 (c) An LEA shall annually provide notice to parents and guardians on how the LEA uses student data through the online data reporting tool to provide instruction and intervention to students.

265 (8) An LEA may use a different platform from the platform described in Subsection (2)(a)(ii) if the different platform accomplishes the requirements of this section.

368 Section 5. Section **53G-10-204** is repealed and reenacted to read:

369 **53G-10-204. Character education restrictions -- Constitutional protections -- Private right of action.**

270 (1) As used in this section:

271 (a) "Administrative personnel" means the same as ~~{that term}~~ defined in Section 53G-10-206.

273 ~~{(b)}~~ }

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- {(i) {"Character education" means social emotional learning developed by any public or private source which is aligned or related to current or historical frameworks or models, including those from the Collaborative for Academic Social and Emotional Learning [CASEL], the Harvard University EASEL Lab, or civil society organizations and: } }
- 278 (A){(b)} {includes a wide array of } "Character education" means interpersonal or intrapersonal competencies {or } , skills {organized into cognitive, emotional, metacognitive} , {psychosocial, social, } or {spiritual domains} traits related to {shape} attitudes, beliefs, existential meaning or purpose, mindsets {or to develop character} , dispositions, identity, or values{:} that are inherently subjective or open to interpretation.
- 282 {(B) {is referred to by an array of terms, including 21st century skills, competencies, civic or family engagement, durable skills, lifelong learning skills, interventions, non-academic skills, social skills, soft skills, subjective skills, personalized learning, or wellbeing; } }
- 286 {(C) {establishes practices or rituals related to existential meaning or purpose; or } }
- 287 {(D) {uses speech-ranking indexes or tools to establish or measure the social or emotional value or effect of communication. } }
- 289 {(ii) {"Character education" does not include specific provisions a parent designates for the parent's student's IEP or 504 accommodation plan which are consistent with the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 as amended in the area of public elementary and secondary education. } }
- 294 (c) "Instructional personnel" means the same as {that term is} defined in Section 53G-10-206.
- 377 (d) "Public entity" means the same as defined in Section 76-1-101.5.
- 296 (d){(e)} {Student} "Student" means a student in pre-kindergarten through grade 12 who is:
- 297 (i) enrolled in a public school; or
- 298 (ii) a participant in a public school program.
- 299 (2) The provisions of this Subsection (2) are non-severable from this section:
- 300 (a) the public education system shall be free from sectarian control, in accordance with Utah Constitution, Article X, Section 1;
- 302 (b) no religious or partisan test or qualification shall be required as a condition of admission or attendance in the state's education system, in accordance with Utah Constitution, Article X, Section 8;
- 305 (c) sectarian control and partisan tests can be either religious or secular in nature;

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- 306 (d) the Free Exercise Clause protects against state education institutions establishing imposing sectarian
or partisan tests, qualifications, or systems of thought and belief on students, regardless of the extent
to which these align or conflict with those taught at home; and
- 310 (e) the privilege and purview to determine or provide for the character education or formation of a child
solely resides with a parent, and cannot be assumed by or ceded to the state.
- 312 (3) To serve the profound liberty interests of children and parents, and to protect against state arrogation
of individual rights guaranteed by the Utah Constitution and the 1st, 4th, 9th, and 14th amendments
to the United States Constitution, administrative personnel and instructional personnel may not:
- 316 (a) categorize, grade, ~~{implement, inform,}~~ measure, monitor, standardize, or track the character
education of a student or students using current or historical social emotional learning frameworks,
models, policy guides, practices, programs, rituals, rubrics, systems, taxonomies, or tools developed
by any public or private source, or using speech-ranking tools indexed to the social or emotional
value or effect of communication;
- 318 ~~{(b) {coordinate or scale character education;}}~~
- 319 (c){(b)} collect data or produce information, including biometric and psychometric, on the character
education of a student or students, including for distribution or use in any repository, dashboard,
database, digital interface, or networked or interoperable system; ~~{or}~~
- 322 (d){(c)} distribute, produce, or use student profiles, portfolios, passports, transcripts, credentials, social
credit, or other records which include character education components~~{.}~~; or
- 411 (d) take any of the prohibited actions in Subsections (3)(a), (b), and (c) in regard to children who are
homeschooled.
- 324 (4) Nothing in this section prohibits:
- 325 (a) administrative or instructional personnel from using basic methods of maintaining classroom order
not described in Subsection ~~{(1)(b)}~~ (3);
- 327 (b) administrative or instructional personnel from communicating an objective observation of student
~~{behavior}~~ attendance, behavior, or ~~{activity}~~ coursework to a ~~{parent}~~ student, a parent, the
appropriate personnel, or the proper authorities;
- 419 (c) administrative or instructional personnel from:
- 420 (i) crisis response to protect an individual's immediate physical safety; or
- 329 (c){(ii)} ~~{administrative or instructional personnel from acting to protect an individual's immediate~~
physical safety, or from notifying parents} notifying a parent, the appropriate personnel, or the

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proper authorities ~~{ as specified in state statute }~~ of personal knowledge of student behavior that is criminal, delinquent, ~~{ or discipline-related student behavior; or }~~ related to self-harm or discipline, or of serious concern;

333 (d) an LEA from ~~{ keeping }~~ maintaining and sharing records and communications compliant with Subsection (3) specific to the student behavior described in ~~{ Subsection (4)(b) }~~ Subsections (4)(b) and (c) with:

335 (i) the appropriate personnel at the school or LEA at which a student is enrolled;

336 (ii) the parent of a student; or

337 (iii) the ~~{ criminal justice system. }~~ proper authorities; or

430 (e) specific records or provisions of a student's IEP or 504 Accommodation plan as designated by a parent and allowed under IDEA or Section 504 of the Rehabilitation Act of 1973 as amended in the area of public elementary and secondary education.

338 (5) The state auditor shall:

339 (a) establish a process to receive reports ~~from individuals~~ alleging a violation of Subsection (3){:},
which includes:

436 (i) publishing on a publicly-accessible dashboard on the state auditor's website the number of complaints received monthly and yearly; and

438 (ii) providing a method of tracking the status of an allegation from receipt to resolution to the individual reporting the allegation;

340 (b) investigate alleged violations of Subsection (3);

341 (c) provide written notice of the alleged violation to the ~~{ LEA }~~ public entity responsible for employing or engaging the services of the administrative or instructional personnel;

343 (d) have unrestricted access to any ~~{ LEA }~~ public entity records, systems, or properties it ~~{ deems- }~~ may deem additionally necessary to ~~{ obtain verification of }~~ verify an alleged violation or confirm a remedy of a violation of Subsection (3); ~~{ and }~~

345 (e) determine violations of Subsection (3) on a prima facie basis{:} ; and

447 (f) require compliance from public entities for initial or repeat violations of Subsection (3).

346 (6) Upon determining a violation of Subsection (3), the state auditor shall:

347 (a) provide a ~~{ LEA }~~ public entity a written notice of the determined violation, which:

348 ~~{ (i) { assesses the LEA an immediate fine of \$2,500; and } }~~

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- (i) informs the public entity that the violation requires the state auditor to withhold funds in accordance with Section 67-3-1 until the state auditor can confirm the public entity's compliance with this section; and
- 349 (ii) informs the {LEA} public entity that the public entity has {14} 60 calendar days to provide a
written assurance of compliancewhich:
- 351 (A) {confirming} confirms that the {LEA} public entity has remedied the violation;
- 352 (B) {listing} lists the actions the {LEA} public entity has taken to remedy the violation; and
- 353 (C) {committing to the LEA} commits the public entity to preventing a recurrence of the violation;
- 354 (b) publish the determined violation on a publicly-accessible dashboard of the state auditor's website,
including the following information:
- 356 (i) the name of the {LEA} public entity in violation of Subsection (3);
- 357 (ii) the date on which the state auditor received the report alleging a violation of Subsection (3);
- 359 (iii) the nature of the violation;
- 360 (iv) the nature of the remedy;
- 361 (v) upon receipt from the {LEA} public entity, a link to a copy of the written assurance of compliance
required under Subsection (6)(a)(ii); and
- 363 (vi) the compliance status of the {LEA} public entity, including that described in Subsection {(6)(e)
(i); (6)(b)(vi); and
- 364 {(e) {assess an LEA a fine of \$10,000 for;} }
- 365 {(f) {each day for which the state auditor has not received a written assurance of compliance from the
LEA in excess of the 14 calendar days described in Subsection (6)(a)(ii); and} }
- 368 {(g) {a violation of Subsection (3) similar in nature to one that the state auditor previously determined
to be a violation of Subsection (3);} }
- 370 {(d) {deposit fines received under Subsections (6)(a)(i) and (6)(e) into the General Fund; and} }
- 372 (e) {(c) for {an LEA} a public entity with three or more determined violations of this section in a
rolling five-year period, whether distinct or repeat violations:
- 374 (i) designate, on the state auditor's website, the {LEA} public entity as a non-compliant actor; and
- 375 (ii) recommend the {LEA} public entity to the United States Department of Justice for a possible
violation of 18 U.S.C. Sec. 241.
- 377 (7)

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- (a) A parent of a student affected by a violation of Subsection (3) may bring a private right of action against { ~~an LEA~~ } a public entity for a violation of Subsection (3).
- 379 (b) A parent who brings an action described in Subsection (7)(a) is entitled to the rebuttable presumption of Subsections (2)(d) and (2)(e).
- 381 (c) If a parent prevails in an action under Subsection (7)(a):
- 382 (i) the court shall:
- 383 (A) award reasonable costs to the parent; and
- 384 (B) require the defendant to pay the parent's attorney fees; and
- 385 (ii) the parent may recover:
- 386 (A) actual damages; and
- 387 (B) other damages the court deems reasonable.
- 388 (d) Notwithstanding Subsection (7)(a), a parent may not bring a civil action against an employee acting in the employee's individual capacity.
- 390 (8) Notwithstanding any rulemaking authority of { ~~the state board~~ } a public entity, { ~~the state board~~ } a public entity may not make rules regarding this section.
- 392 (9)
- (a) { ~~An LEA~~ } A public entity may train administrative and instructional personnel consistent with the provisions of this section.
- 394 (b) { ~~An LEA~~ } A public entity may not use the training described in Subsection (9)(a) as an affirmative defense in action taken under Subsection (7)(a).

495 Section 6. Section 6 is enacted to read:

496 **53G-10-204.5. Constitutional government education -- Definitions -- Legislative findings --**
Elements -- Enactment.

- 498 (1) As used in this section, "Constitutional government education" means, in relation to Utah and the United States, direct instruction informing students of the purpose, function, and structure of a Constitutional republic.
- 501 (2) The Legislature recognizes that:
- 502 (a) Constitutional government education shall be a continuing focus and emphasis in public schools and is necessary for the preservation of the state, the nation, the general welfare and liberty of its citizenry;

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- (b) strong religious and moral values cultivated within the family are essential to the preservation of the liberties guaranteed through constitutional government and for the welfare of succeeding generations;
- 508 (c) the sole privilege and purview for character formation and religious and moral education of children resides with their parents;
- 510 (d) state and local governments are to respect the boundaries between the home and the state regarding character formation and the religious and moral education of children as established in Section 53G-10-204; and
- 513 (e) public schools assist in preserving our Constitutional republic by preparing succeeding generations through instruction in its foundational principles.
- 515 (3) Students shall be taught Constitutional government education as a discreet subject area, which shall include the following:
- 517 (a) the Declaration of Independence;
- 518 (b) the constitutions of the United States and of the state of Utah;
- 519 (c) the history of Utah's statehood;
- 520 (d) the essentials and benefits of the free enterprise system;
- 521 (e) other seminal historical documents related to the founding of the United States of America;
- 523 (f) the branches of government;
- 524 (g) the checks and balances on the branches of government;
- 525 (h) the government deriving its just powers from the consent of the governed;
- 526 (i) the limited and enumerated powers of the state and federal governments; and
- 527 (j) the government's obligation to represent and protect the fundamental liberties of its citizenry.
- 529 (4) Local school boards and school administrators may provide training, direction, and encouragement, as needed, to accomplish the intent and requirements of this section and to effectively emphasize Constitutional government education in the public schools, consistent with the provisions of Section 53G-10-204.
- 533 Section 7. Section 53G-10-402 is amended to read:
- 534 **53G-10-402. Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.**
- 537 (1) As used in this section:
- 538 (a) "LEA governing board" means a local school board or charter school governing board.

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- 540 (b) "Refusal skills" means instruction:
- 541 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or adult;
- 543 (ii) in a student's obligation to stop the student's sexual advances if refused by another individual;
- 545 (iii) informing a student of the student's right to report and seek counseling for unwanted sexual
advances; and
- 547 (iv) informing a student that a student may not consent to criminally prohibited activities or activities
for which the student is legally prohibited from giving consent, including the electronic transmission
of sexually explicit images by an individual, regardless of whether the image is of the individual
who transmits the image or of another individual.
- 552 (c) "Situational awareness" means instruction in a student's ability to:
- 553 (i) observe the student's environment, including:
- 554 (A) increasing awareness; and
- 555 (B) noticing details and changes in the environment; and
- 556 (ii) respond in unsafe situations, including how to seek help.
- 557 (d) "Success sequence" means a three-prong framework for youth and young adults that encourages:
- 559 (i) completing at least a high school education and pursuing further educational opportunities;
- 561 (ii) obtaining full-time employment; and
- 562 (iii) having children within a healthy and stable family and marriage.
- 563 (2)
- (a) In accordance with Section 53E-3-501 and in compliance with Section 53G-10-204, the state board
shall establish health curriculum requirements:
- 565 (i) for the purpose of:
- 566 (A) equipping students with practical safety skills regarding sexual abuse, trafficking, and harassment;
- 568 (B) promoting respect for humankind and individual responsibility;
- 569 (C) fostering [~~character development and~~]decision-[-]making through the success sequence; and
- 571 (D) encouraging healthy personal and family relationships; and
- 572 (ii) that include instruction in:
- 573 (A) the success sequence;
- 574 (B) community and personal health, including personal hygiene and the prevention of communicable
disease;
- 576 (C) physiology;

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- 577 (D) human development;
- 578 (E) marriage and safe dating practices;
- 579 (F) refusal skills;
- 580 (G) resilience;
- 581 (H) situational awareness;
- 582 (I) the harmful effects of pornography; and
- 583 (J) the consequences of behaviors that pose a risk to individual health or of failure under the success sequence.
- 585 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
- 587 (i) ensure that instruction stresses the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for:
- 589 (A) maintaining mental, physical, and social health, including reducing stress;
- 590 (B) eliminating risks associated with sexual activity, including preventing pregnancy and certain communicable diseases; and
- 592 (C) achieving the success sequence;
- 593 (ii) ensure that instruction stresses personal skills that encourage abstinence, the return to abstinence, and fidelity;
- 595 (iii) prohibit instruction or discussion, regardless of parental consent or intent to receive the prohibited instruction, in or regarding:
- 597 (A) the intricacies of sexual stimulation or erotic behavior;
- 598 (B) the advocacy of premarital or extramarital sexual activity;
- 599 (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
- 601 (D) any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult, including as a response to a spontaneous question from a student; and
- 604 (iv) subject to Subsection (2)(c), allow instruction to include information about contraceptive methods or devices, not including abortion or any abortive methods, that stresses effectiveness, failure rates for youth, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.
- 609 (c)

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- (i) As used in this Subsection (2), "contraceptive methods or devices" does not include abortion or any abortive methods.
- 611 (ii) Notwithstanding the allowance for instruction about contraceptive methods or devices in Subsection (2)(b):
- 613 (A) the state board may not require an LEA to teach or adopt instructional materials that include information on contraceptive methods or devices; and
- 615 (B) the instruction may not demonstrate or otherwise depict the use of a contraceptive method or device.
- 617 (d) The state board shall:
- 618 (i) recommend instructional materials for use in the curricula required under Subsection (2)(a); and
- 620 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for an LEA governing board that adopts alternative instructional materials under Subsection (2)(e) to:
- 623 (A) require the LEA governing board to report on the materials the governing board selects and the governing board's compliance with Subsection (2)(e); and
- 625 (B) provide for an appeal and review process of the LEA governing board's adoption of instructional materials.
- 627 (e)
- (i) An LEA governing board may choose to adopt:
- 628 (A) the instructional materials recommended under Subsection (2)(d); or
- 629 (B) alternative instructional materials in accordance with Subsection (2)(e)(ii).
- 630 (ii) An LEA governing board that adopts instructional materials under Subsection (2)(e)(i) shall:
- 632 (A) ensure that the materials comply with state law and state board rules;
- 633 (B) base the adoption of the materials on the recommendations of the LEA governing board's Curriculum Materials Review Committee;
- 635 (C) adopt the instructional materials in an open and regular meeting of the LEA governing board for which parents of students who attend the respective schools receive prior notice; and
- 638 (D) give parents an opportunity to express the parents' views and opinions on the materials at the meeting described in Subsection (2)(e)(ii)(C).
- 640 (f) At the request of the state board, the Department of Health and Human Services shall provide recommendations to the state board as the state board develops the curriculum, rules, or programs described in this Subsection (2).

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- 643 (3) A student shall receive the instruction described in Subsection (2) on at least two occasions between
the beginning of grade 7 and the end of grade 12.
- 645 (4)
- (a) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act, make rules that:
- 647 (i) provide for the compliance with the parental consent requirements of Sections 76-7-322; and
649 (ii) require advance notice to a student's parent that provides an opportunity to review the
information for which parental consent is required under Sections 76-7-322 and 76-7-323.
- 652 (b) The state board shall provide procedures for disciplinary action for violation of Section 76-7-322 or
76-7-323.
- 654 (5)
- (a) In accordance with [~~Section 53G-10-204 and~~] Subsection (2)(b)(iii), [~~and~~] because school
employees and volunteers serve as examples to students, school employees or volunteers acting
in an official capacity may not support or encourage criminal conduct by students, teachers, or
volunteers.
- 658 (b) To ensure the effective performance of school personnel, the limitations described in Subsection
(5)(a) also apply to a school employee or volunteer acting outside of the school employee's or
volunteer's official capacity if:
- 661 (i) the employee or volunteer knew or should have known that the employee's or volunteer's action
could result in a material and substantial interference or disruption in the normal activities of the
school; and
- 664 (ii) the employee's or volunteer's action results in a material and substantial interference or disruption in
the normal activities of the school.
- 666 (c) The state board or an LEA governing board may not allow training of school employees or
volunteers that supports or encourages criminal conduct.
- 668 (d) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act, make rules implementing this Subsection (5).
- 670 (e) Nothing in this section limits the ability or authority of the state board or an LEA governing board to
enact and enforce rules or take actions that are otherwise lawful regarding an educator's, employee's,
or volunteer's qualifications or behavior evidencing unfitness for duty.

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- 677 (6) Except as provided in Section 53G-10-202, an individual may not teach or provide instruction on political, atheistic, sectarian, religious, or denominational doctrine in the public schools.
- 677 (7)
- 679 (a) An LEA governing board and an LEA governing board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.
- 680 (b) An LEA governing board shall:
- 680 (i)
- 686 [~~(A)~~] provide appropriate professional development for the LEA governing board's teachers, counselors, and school administrators to enable the teachers, counselors, and school administrators to understand~~[-, protect, and properly instruct students in the values and character traits referred to in]~~ and comply with the provisions of this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205; and
- 686 [~~(B) distribute appropriate written materials on the values, character traits, and conduct described in Subsection (7)(b)(i) to each individual receiving the professional development; and]~~
- 689 (ii) [~~make the written materials described in-~~] distribute a complete copy of each code section listed in Subsection (7)(b) [available-]to education support professionals, students, and students' parents.
- 692 (c) To assist an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas described in Subsection (7)(b) to develop and disseminate model teacher professional development programs that an LEA governing board may use to train the individuals described in Subsection (7)(b) to effectively [~~teach the values and qualities of character described]~~ comply with the sections of code referenced in Subsection (7)(b).
- 699 (d) In accordance with Subsection (5)(c), professional development may not support or encourage criminal conduct.
- 701 (8) An LEA governing board shall review every two years:
- 702 (a) LEA governing board policies on instruction described in this section;
- 703 (b) for a local school board, data for each county in which the school district is located, or, for a charter school governing board, data for the county in which the charter school is located, on the following:
- 706 (i) teen pregnancy;
- 707 (ii) child sexual abuse; and
- 708 (iii) sexually transmitted diseases and sexually transmitted infections; and

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- 709 (c) the number of pornography complaints or other instances reported within the jurisdiction of the LEA
governing board.
- 711 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the
application thereof to any person or circumstance, is found to be unconstitutional, the balance of this
section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or
word.
- 715 Section 8. Section **67-3-1** is amended to read:
- 716 **67-3-1. Functions and duties.**
- 398 (1)
- (a) The state auditor is the auditor of public accounts and is independent of any executive or
administrative officers of the state.
- 400 (b) The state auditor is not limited in the selection of personnel or in the determination of the reasonable
and necessary expenses of the state auditor's office.
- 402 (2) The state auditor shall examine and certify annually in respect to each fiscal year, financial
statements showing:
- 404 (a) the condition of the state's finances;
- 405 (b) the revenues received or accrued;
- 406 (c) expenditures paid or accrued;
- 407 (d) the amount of unexpended or unencumbered balances of the appropriations to the agencies,
departments, divisions, commissions, and institutions; and
- 409 (e) the cash balances of the funds in the custody of the state treasurer.
- 410 (3)
- (a) The state auditor shall:
- 411 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of any
department of state government or any independent agency or public corporation as the
law requires, as the auditor determines is necessary, or upon request of the governor or the
Legislature;
- 415 (ii) perform the audits in accordance with generally accepted auditing standards and other auditing
procedures as promulgated by recognized authoritative bodies; and
- 417 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 418 (A) honesty and integrity in fiscal affairs;

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- 419 (B) accuracy and reliability of financial statements;
420 (C) effectiveness and adequacy of financial controls; and
421 (D) compliance with the law.
- 422 (b) If any state entity receives federal funding, the state auditor shall ensure that the audit is performed
in accordance with federal audit requirements.
- 424 (c)
- 426 (i) The costs of the federal compliance portion of the audit may be paid from an appropriation to the
state auditor from the General Fund.
- (ii) If an appropriation is not provided, or if the federal government does not specifically provide for
payment of audit costs, the costs of the federal compliance portions of the audit shall be allocated
on the basis of the percentage that each state entity's federal funding bears to the total federal funds
received by the state.
- 430 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit funds passed
through the state to local governments and to reflect any reduction in audit time obtained through
the use of internal auditors working under the direction of the state auditor.
- 434 (4)
- (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to financial audits, and as
the auditor determines is necessary, conduct performance and special purpose audits, examinations,
and reviews of any entity that receives public funds, including a determination of any or all of the
following:
- 438 (i) the honesty and integrity of all the entity's fiscal affairs;
439 (ii) whether the entity's administrators have faithfully complied with legislative intent;
440 (iii) whether the entity's operations have been conducted in an efficient, effective, and cost-efficient
manner;
- 442 (iv) whether the entity's programs have been effective in accomplishing the intended objectives;
and
- 444 (v) whether the entity's management, control, and information systems are adequate, effective, and
secure.
- 446 (b) The auditor may not conduct performance and special purpose audits, examinations, and reviews of
any entity that receives public funds if the entity:
- 448 (i) has an elected auditor; and

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- 449 (ii) has, within the entity's last budget year, had the entity's financial statements or performance
formally reviewed by another outside auditor.
- 451 (5) The state auditor:
- 452 (a) shall administer any oath or affirmation necessary to the performance of the duties of the auditor's
office; and
- 454 (b) may:
- 455 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 456 (ii) examine into any matter that the auditor considers necessary.
- 457 (6) The state auditor may require all persons who have had the disposition or management of any
property of this state or its political subdivisions to submit statements regarding the property at the
time and in the form that the auditor requires.
- 460 (7) The state auditor shall:
- 461 (a) except where otherwise provided by law, institute suits in Salt Lake County in relation to the
assessment, collection, and payment of revenues against:
- 463 (i) persons who by any means have become entrusted with public money or property and have failed to
pay over or deliver the money or property; and
- 465 (ii) all debtors of the state;
- 466 (b) collect and pay into the state treasury all fees received by the state auditor;
- 467 (c) perform the duties of a member of all boards of which the state auditor is a member by the
constitution or laws of the state, and any other duties that are prescribed by the constitution and by
law;
- 470 (d) stop the payment of the salary of any state official or state employee who:
- 471 (i) refuses to settle accounts or provide required statements about the custody and disposition of public
funds or other state property;
- 473 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling board or
department head with respect to the manner of keeping prescribed accounts or funds; or
- 476 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the official's or
employee's attention;
- 478 (e) establish accounting systems, methods, and forms for public accounts in all taxing or fee-assessing
units of the state in the interest of uniformity, efficiency, and economy;
- 480 (f) superintend the contractual auditing of all state accounts;

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- 481 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of property taxes
from a state or local taxing or fee-assessing unit, if necessary, to ensure that officials and employees
in those taxing units comply with state laws and procedures in the budgeting, expenditures, and
financial reporting of public funds;
- 485 (h) subject to Subsection (9), withhold the disbursement of tax money from any county, if necessary, to
ensure that officials and employees in the county comply with Section 59-2-303.1; and
- 488 (i) withhold state allocated funds or the disbursement of property taxes from a local government entity
or a limited purpose entity, as those terms are defined in Section 67-1a-15 if the state auditor finds
the withholding necessary to ensure that the entity registers and maintains the entity's registration
with the lieutenant governor, in accordance with Section 67-1a-15.
- 493 (8)
- (a) Except as otherwise provided by law, the state auditor may not withhold funds under Subsection
(7)(g) until a state or local taxing or fee-assessing unit has received formal written notice of
noncompliance from the auditor and has been given 60 days to make the specified corrections.
- 497 (b) If, after receiving notice under Subsection (8)(a), a state or independent local fee-assessing unit that
exclusively assesses fees has not made corrections to comply with state laws and procedures in the
budgeting, expenditures, and financial reporting of public funds, the state auditor:
- 501 (i) shall provide a recommended timeline for corrective actions;
- 502 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the state; and
- 504 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an account of a
financial institution by filing an action in a court with jurisdiction under Title 78A, Judiciary and
Judicial Administration, requesting an order of the court to prohibit a financial institution from
providing the fee-assessing unit access to an account.
- 509 (c) The state auditor shall remove a limitation on accessing funds under Subsection (8)(b) upon
compliance with state laws and procedures in the budgeting, expenditures, and financial reporting of
public funds.
- 512 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with state law, the
state auditor:
- 514 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to comply;
- 516 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the state; and
- 518

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- (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an account of a financial institution by:
- 520 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that the institution prohibit access to the account; or
- 522 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, requesting an order of the court to prohibit a financial institution from providing the taxing or fee-assessing unit access to an account.
- 525 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law, the state auditor shall eliminate a limitation on accessing funds described in Subsection (8)(d).
- 528 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has received formal written notice of noncompliance from the auditor and has been given 60 days to make the specified corrections.
- 531 (10)
- (a) The state auditor may not withhold funds under Subsection (7)(i) until the state auditor receives a notice of non-registration, as that term is defined in Section 67-1a-15.
- 534 (b) If the state auditor receives a notice of non-registration, the state auditor may prohibit the local government entity or limited purpose entity, as those terms are defined in Section 67-1a-15, from accessing:
- 537 (i) money held by the state; and
- 538 (ii) money held in an account of a financial institution by:
- 539 (A) contacting the entity's financial institution and requesting that the institution prohibit access to the account; or
- 541 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, requesting an order of the court to prohibit a financial institution from providing the entity access to an account.
- 544 (c) The state auditor shall remove the prohibition on accessing funds described in Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in Section 67-1a-15, from the lieutenant governor.
- 547 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state auditor:
- 549

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- (a) shall authorize a disbursement by a local government entity or limited purpose entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing unit if the disbursement is necessary to:
- 552 (i) avoid a major disruption in the operations of the local government entity, limited purpose entity, or
state or local taxing or fee-assessing unit; or
- 554 (ii) meet debt service obligations; and
- 555 (b) may authorize a disbursement by a local government entity, limited purpose entity, or state or local
taxing or fee-assessing unit as the state auditor determines is appropriate.
- 558 (12)
- (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take temporary custody
of public funds if an action is necessary to protect public funds from being improperly diverted from
their intended public purpose.
- 561 (b) If the state auditor seeks relief under Subsection (12)(a):
- 562 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8); and
- 564 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a court orders the
public funds to be protected from improper diversion from their public purpose.
- 567 (13) The state auditor shall:
- 568 (a) establish audit guidelines and procedures for audits of local mental health and substance abuse
authorities and their contract providers, conducted pursuant to Title 17, Chapter 77, Local Health
and Human Services, Title 26B, Chapter 5, Health Care - Substance Use and Mental Health, and
Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
Other Local Entities Act; and
- 574 (b) ensure that those guidelines and procedures provide assurances to the state that:
- 575 (i) state and federal funds appropriated to local mental health authorities are used for mental health
purposes;
- 577 (ii) a private provider under an annual or otherwise ongoing contract to provide comprehensive mental
health programs or services for a local mental health authority is in compliance with state and local
contract requirements and state and federal law;
- 581 (iii) state and federal funds appropriated to local substance abuse authorities are used for substance
abuse programs and services; and

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(iv) a private provider under an annual or otherwise ongoing contract to provide comprehensive substance abuse programs or services for a local substance abuse authority is in compliance with state and local contract requirements, and state and federal law.

587 (14)

(a) The state auditor may, in accordance with the auditor's responsibilities for political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or investigations of any political subdivision that are necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of financial controls and compliance with the law.

594 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor may initiate an audit or investigation of the public entity subject to the notice to determine compliance with Section 11-41-103.

598 (15)

(a) The state auditor may not audit work that the state auditor performed before becoming state auditor.

600 (b) If the state auditor has previously been a responsible official in state government whose work has not yet been audited, the Legislature shall:

602 (i) designate how that work shall be audited; and

603 (ii) provide additional funding for those audits, if necessary.

604 (16) The state auditor shall:

605 (a) with the assistance, advice, and recommendations of an advisory committee appointed by the state auditor from among special district boards of trustees, officers, and employees and special service district boards, officers, and employees:

608 (i) prepare a Uniform Accounting Manual for Special Districts that:

609 (A) prescribes a uniform system of accounting and uniform budgeting and reporting procedures for special districts under Title 17B, Limited Purpose Local Government Entities - Special Districts, and special service districts under Title 17D, Chapter 1, Special Service District Act;

613 (B) conforms with generally accepted accounting principles; and

614 (C) prescribes reasonable exceptions and modifications for smaller districts to the uniform system of accounting, budgeting, and reporting;

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- 616 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to reflect generally
accepted accounting principles;
- 618 (iii) conduct a continuing review and modification of procedures in order to improve them;
- 620 (iv) prepare and supply each district with suitable budget and reporting forms; and
- 621 (v)
- (A) prepare instructional materials, conduct training programs, and render other services considered
necessary to assist special districts and special service districts in implementing the uniform
accounting, budgeting, and reporting procedures; and
- 625 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title 63G, Chapter 22,
State Training and Certification Requirements; and
- 627 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices and experiences
of specific special districts and special service districts selected by the state auditor and make the
information available to all districts.
- 630 (17)
- (a) The following records in the custody or control of the state auditor are protected records under Title
63G, Chapter 2, Government Records Access and Management Act:
- 633 (i) records that would disclose information relating to allegations of personal misconduct,
gross mismanagement, or illegal activity of a past or present governmental employee if the
information or allegation cannot be corroborated by the state auditor through other documents
or evidence, and the records relating to the allegation are not relied upon by the state auditor in
preparing a final audit report;
- 639 (ii) records and audit workpapers to the extent the workpapers would disclose the identity of
an individual who during the course of an audit, communicated the existence of any waste
of public funds, property, or manpower, or a violation or suspected violation of a law, rule,
or regulation adopted under the laws of this state, a political subdivision of the state, or any
recognized entity of the United States, if the information was disclosed on the condition that the
identity of the individual be protected;
- 646 (iii) before an audit is completed and the final audit report is released, records or drafts circulated
to an individual who is not an employee or head of a governmental entity for the individual's
response or information;
- 649 (iv) records that would disclose an outline or part of any audit survey plans or audit program; and

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- 651 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 652 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure of records
or information that relate to a violation of the law by a governmental entity or employee to a
government prosecutor or peace officer.
- 655 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to the state auditor
to classify a document as public, private, controlled, or protected under Title 63G, Chapter 2,
Government Records Access and Management Act.
- 658 (d)
- (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the state auditor and
the subject of an audit performed by the state auditor as to whether the state auditor may release
a record, as defined in Section 63G-2-103, to the public that the state auditor gained access to in
the course of the state auditor's audit but which the subject of the audit claims is not subject to
disclosure under Title 63G, Chapter 2, Government Records Access and Management Act.
- 664 (ii) The state auditor may submit a record dispute to the director of the Government Records Office,
created in Section 63A-12-202, for a determination of whether the state auditor may, in conjunction
with the state auditor's release of an audit report, release to the public the record that is the subject of
the record dispute.
- 668 (iii) The state auditor or the subject of the audit may seek judicial review of the director's determination,
described in Subsection (17)(d)(ii), as provided in Section 63G-2-404.
- 671 (18) If the state auditor conducts an audit of an entity that the state auditor has previously audited
and finds that the entity has not implemented a recommendation made by the state auditor in a
previous audit, the state auditor shall notify the Legislative Management Committee through the
Legislative Management Committee's Audit Subcommittee that the entity has not implemented that
recommendation.
- 676 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state privacy auditor
described in Section 67-3-13.
- 678 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that another
government entity reports, on the financial, operational, and performance metrics for the state
system of higher education and the state system of public education, including metrics in relation to
students, programs, and schools within those systems.
- 682 (21)

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- 683 (a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits of:
- 685 (i) the scholarship granting organization for the Carson Smith Opportunity Scholarship Program,
created in Section 53E-7-402;
- 687 (ii) the State Board of Education for the Carson Smith Scholarship Program, created in Section
53F-4-302; and
- (iii) the scholarship program manager for the Utah Fits All Scholarship Program, created in
Section 53F-6-402, including an analysis of the cost effectiveness of the program, taking into
consideration the amount of the scholarship and the amount of state and local funds dedicated
on a per-student basis within the traditional public education system.
- 692 (b) Nothing in this subsection limits or impairs the authority of the State Board of Education to
administer the programs described in Subsection (21)(a).
- 694 (22) The state auditor shall, based on the information posted by the Office of Legislative Research and
General Counsel under Subsection 36-12-12.1(2), for each policy, track and post the following
information on the state auditor's website:
- 697 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
- 698 (b) an indication regarding whether the policy is timely adopted, adopted late, or not adopted;
- 700 (c) an indication regarding whether the policy complies with the requirements established by law for the
policy; and
- 702 (d) a link to the policy.
- 703 (23)
- (a) A legislator may request that the state auditor conduct an inquiry to determine whether a
government entity, government official, or government employee has complied with a legal
obligation directly imposed, by statute, on the government entity, government official, or
government employee.
- 707 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct the inquiry
requested.
- 709 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state auditor shall post
the results of the inquiry on the state auditor's website.
- 711 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple determination,
without conducting an audit, regarding whether the obligation was fulfilled.
- 714 (24) The state auditor shall:

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- 715 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in accordance with
Section 63G-31-401; and
- 717 (b) report to the Legislative Management Committee, upon request, regarding the state auditor's actions
under this Subsection (24).
- 719 (25) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and 67-27-109 by:
- 721 (a) establishing a process to receive and audit each alleged violation; and
- 722 (b) reporting to the Legislative Management Committee, upon request, regarding the state auditor's
findings and recommendations under this Subsection (25).
- 724 (26) The state auditor shall ensure compliance with Section 63G-1-704 regarding the display of flags in
or on government property.
- 726 (27) The state auditor shall ensure compliance with Section 53G-10-204 regarding { a public entity's }
the use of character education.
- 728 [~~(27)~~] (28)
- (a) On or before January 31 each year, the state auditor shall prepare a report that states, for each entity
that holds public funds as defined in Section 51-7-3, the entity's total balance, as of the last day of
the immediately preceding fiscal year, of cash, cash equivalents, and investments, as those terms are
defined under the standards established by the Governmental Accounting Standards Board.
- 733 (b) The state auditor shall make the report described in Subsection [~~(27)~~](a) (28)(a) publicly available
on a website that the state auditor maintains.

1054 Section 9. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

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