

HB0407S03 compared with HB0407S01

~~{Omitted text}~~ shows text that was in HB0407S01 but was omitted in HB0407S03
inserted text shows text that was not in HB0407S01 but was inserted into HB0407S03

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 **Public Education Information System**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Matt MacPherson
Senate Sponsor: Lincoln Fillmore



2
3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to student information systems for local education
6 agencies.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ ~~{ requires the State Board of Education to procure a statewide student information system; }~~
- 10 ▶ ~~{ allows a local education agency to maintain the agency's own student information system under certain conditions; }~~
- 12 ▶ establishes data compliance requirements for local education ~~{ agency-maintained }~~ agency student information systems;
- 11 ▶ requires local education agencies to meet state board data standards and interoperability requirements;
- 13 ▶ authorizes use of interoperable data exchange frameworks as an alternative data transmission method;

HB0407S01

HB0407S01 compared with HB0407S03

- 15 ▶ requires student information systems to capture school safety and threat assessment data;
- 16 ▶ authorizes the state board to provide technical assistance and vendor certification;
- 13 ▶ establishes enforcement provisions for noncompliance;
- 14 ▶ ~~{requires audits}~~ authorizes audit review of ~~{certain}~~ local education agencies;
- 15 ▶ establishes implementation timelines; and
- 16 ▶ makes conforming changes.

21 Money Appropriated in this Bill:

22 None

23 Other Special Clauses:

24 None

25 Utah Code Sections Affected:

26 AMENDS:

23 ~~{53E-3-301, as last amended by Laws of Utah 2025, Chapter 277}~~

24 ~~{53E-3-511, as last amended by Laws of Utah 2023, Chapters 164, 381}~~

27 **53E-3-518** , as last amended by Laws of Utah 2024, Chapters 21, 24

28 **53E-9-303** , as last amended by Laws of Utah 2019, Chapter 186

29 **53E-9-308** , as last amended by Laws of Utah 2023, Chapters 328, 381

30 **53F-2-205** , as last amended by Laws of Utah 2023, Chapter 7

31 **53F-2-311** , as last amended by Laws of Utah 2025, Chapter 165

32 **53G-4-402** , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

33 **53G-5-404** , as last amended by Laws of Utah 2025, Chapter 501

34 ENACTS:

35 **53E-3-527** , Utah Code Annotated 1953

34 ~~{53E-3-528, Utah Code Annotated 1953}~~

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

37 ~~{Section 1. Section 53E-3-301 is amended to read: }~~

38 **53E-3-301. Appointment -- Qualifications -- Duties.**

39 (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.

HB0407S01 compared with HB0407S03

- 41 (b) The state board shall appoint the state superintendent on the basis of outstanding professional
qualifications.
- 43 (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.
- 45 (2) The state board shall, with the state superintendent, develop a statewide education strategy focusing
on core academics, including the development of:
- 47 (a) core standards for Utah public schools and graduation requirements;
- 48 (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;
- 51 (c) professional development programs for teachers, superintendents, and principals;
- 52 (d) model remediation programs;
- 53 (e) a model method for creating individual student learning targets, and a method of measuring an
individual student's performance toward those targets;
- 55 (f) progress-based assessments for ongoing performance evaluations of school districts and schools;
- 57 (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;
- 59 (h) an annual report card for school and school district performance, measuring learning and reporting
progress-based assessments;
- 61 (i) a systematic method to encourage innovation in schools and school districts as each strives to
achieve improvement in performance; and
- 63 (j) a method for identifying and sharing best demonstrated practices across school [-]districts and
schools.
- 65 (3) The state superintendent shall perform duties assigned by the state board, including:
- 66 (a) investigating all matters pertaining to the public schools;
- 67 (b) adopting and keeping an official seal to authenticate the state superintendent's official acts;
- 69 (c) holding and conducting meetings, seminars, and conferences on educational topics;
- 70 (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:
- 74 (i) data that are:

HB0407S01 compared with HB0407S03

- 75 (A) comparable across schools and school districts;
76 (B) appropriate for use in longitudinal studies; and
77 (C) comprehensive with regard to the data elements required under applicable state or federal law or
state board rule;
- 79 (ii) features that enable users, most particularly school administrators, teachers, and parents, to:
81 (A) retrieve school and school district level data electronically;
82 (B) interpret the data visually; and
83 (C) draw conclusions that are statistically valid; and
84 (iii) procedures for the collection and management of education data that:
85 (A) require the state superintendent to:
86 (I) collaborate with school districts and charter schools in designing and implementing uniform data
standards and definitions;
88 (II) undertake or sponsor research to implement improved methods for analyzing education data;
90 (III) provide for data security to prevent unauthorized access to or contamination of the data; and
92 (IV) protect the confidentiality of data under state and federal privacy laws; and
93 (B) require all school districts and schools to comply with the data collection and management
procedures established under this Subsection (3)(d);
95 (e) administering and implementing federal educational programs in accordance with Part 8,
Implementing Federal or National Education Programs; and
97 (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.
- 100 (4) 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.
- 103 (5) Beginning July 1, 2031, the state board shall collect all data required under this section through the
statewide student information system established under Section 53E-3-527.

105 ~~{Section 2. Section 53E-3-511 is amended to read: }~~

106 **53E-3-511. Student Achievement Backpack -- Utah Student Record Store.**

- 107 (1) As used in this section:
108 (a) "Authorized LEA user" means a teacher or other person who is:
109 (i) employed by an LEA that provides instruction to a student; and

HB0407S01 compared with HB0407S03

- 110 (ii) authorized to access data in a Student Achievement Backpack through the Utah Student Record
Store.
- 112 (b) "Statewide assessment" means the same as that term is defined in Section 53E-4-301.
- 113 (c) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a
complete learner profile that:
- 115 (i) is in electronic format;
- 116 (ii) follows the student from grade to grade and school to school; and
- 117 (iii) is accessible by the student's parent or an authorized LEA user.
- 118 (d) "Utah Student Record Store" means a repository of student data collected from LEAs as part of the
state's longitudinal data system that is:
- 120 (i) managed by the state board;
- 121 (ii) cloud-based; and
- 122 (iii) accessible via a web browser to authorized LEA users.
- 123 (2)
- (a) The state board shall use the state board's robust, comprehensive data collection system, which
collects longitudinal student transcript data from LEAs and the unique student identifiers as
described in Section 53E-4-308, to allow the following to access a student's Student Achievement
Backpack:
- 127 (i) the student's parent; and
- 128 (ii) each LEA that provides instruction to the student.
- 129 (b) The state board shall ensure that a Student Achievement Backpack:
- 130 (i) provides a uniform, transparent reporting mechanism for individual student progress;
- 132 (ii) provides a complete learner history for postsecondary planning;
- 133 (iii) provides a teacher with visibility into a student's complete learner profile to better inform
instruction and personalize education;
- 135 (iv) assists a teacher or administrator in diagnosing a student's learning needs through the use of data
already collected by the state board;
- 137 (v) facilitates a student's parent taking an active role in the student's education by simplifying access to
the student's complete learner profile; and
- 139 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data storage and collection
system.

HB0407S01 compared with HB0407S03

- 141 (3) Using existing information collected and stored in the state board's data warehouse, the state board
shall create the Utah Student Record Store where an authorized LEA user may:
- 144 (a) access data in a Student Achievement Backpack relevant to the user's LEA or school; or
146 (b) request student records to be transferred from one LEA to another.
- 147 (4) The state board shall implement security measures to ensure that:
- 148 (a) student data stored or transmitted to or from the Utah Student Record Store is secure and
confidential pursuant to the requirements of the Family Educational Rights and Privacy Act, 20
U.S.C. Sec. 1232g;
- 151 (b) an authorized LEA user may only access student data that is relevant to the user's LEA or school;
and
- 153 (c) except as provided in Section 53E-9-308, an authorized LEA user shares only aggregate or de-
identified data.
- 155 (5) A student's parent may request the student's Student Achievement Backpack from the LEA or the
school in which the student is enrolled.
- 157 (6) An authorized LEA user may access student data in a Student Achievement Backpack, which shall
include the following data, or request that the data be transferred from one LEA to another:
- 160 (a) student demographics;
- 161 (b) course grades;
- 162 (c) course history; and
- 163 (d) results of a statewide assessment.
- 164 (7) An authorized LEA user may access student data in a Student Achievement Backpack, which shall
include the data listed in Subsections (6)(a) through (d) and the following data, or request that the
data be transferred from one LEA to another:
- 167 (a) section attendance;
- 168 (b) the name of a student's teacher for classes or courses the student takes;
- 169 (c) teacher qualifications for a student's teacher, including years of experience, degree, license, and
endorsement;
- 171 (d) results of statewide assessments;
- 172 (e) a student's writing sample that is written for a writing assessment administered pursuant to Section
53E-4-303;
- 174 (f) student growth scores on a statewide assessment, as applicable;

HB0407S01 compared with HB0407S03

- 175 (g) a school's performance as reported in accordance with Chapter 5, Part 2, School Accountability
System;
- 177 (h) results of benchmark assessments of reading administered pursuant to Section 53E-4-307; and
- 179 (i) a student's reading level at the end of grade 3.
- 180 (8) ~~[No later than July 1, 2024, the]~~ The state board shall ensure that data collected in the Utah
Student Record Store for a Student Achievement Backpack is integrated into each LEA's student
information system and is made available to a student's parent and an authorized LEA user in an
easily accessible viewing format.
- 184 (9) Beginning July 1, 2031:
- 185 (a) the state board shall maintain all Student Achievement Backpack data within the statewide student
information system established under Section 53E-3-527; and
- 187 (b) an LEA shall access Student Achievement Backpack data through the statewide student information
system established under Section 53E-3-527 or through an LEA-maintained system that meets the
requirements of Section 53E-3-528.

38 Section 1. Section **53E-3-518** is amended to read:

39 **53E-3-518. Utah school information management system -- Local education agency
requirements.**

- 193 (1) As used in this section:
- 194 (a) "LEA data system" or "LEA's data system" means a data system that:
- 195 (i) is developed, selected, or relied upon by an LEA; and
- 196 (ii) the LEA uses to collect data or submit data to the state board related to:
- 197 (A) student information;
- 198 (B) educator information;
- 199 (C) financial information; or
- 200 (D) other information requested by the state board.
- 201 (b) "LEA financial information system" or "LEA's financial information system" means an LEA data
system used for financial information.
- 203 (c) "Parent" means the same as that term is defined in Section 53G-6-201.
- 204 (d) "Utah school information management system" or "information management system" means the
state board's data collection and reporting system described in this section.
- 207 (e) "User" means an individual who has authorized access to the information management system.

HB0407S01 compared with HB0407S03

- 209 (2) [~~On or before July 1, 2024, the~~] The state board shall have in place an information management
system that meets the requirements described in this section.
- 211 (3) The state board shall ensure that the information management system:
- 212 (a) interfaces with:
- 213 (i) an LEA's data systems that meet the requirements described in Subsection (7), including an
authorized interoperable data exchange framework described in Section 53E-3-527;
- 214 (ii) where appropriate, the systems described in Subsections 53-10-302(7) and (8); and
- 216 (iii) the public safety portal described in Section 63A-16-1002; [~~and~~]
- 217 (b) serves as the mechanism for the state board to collect and report on all data that LEAs submit to the
state board [~~related~~], including data transmitted through the student information system, through an
authorized interoperable data exchange framework, or through both, related to:
- 219 (i) student information;
- 220 (ii) educator information;
- 221 (iii) financial information; and
- 222 (iv) other information requested by the state board;
- 223 (c) includes a web-based user interface through which a user may:
- 224 (i) enter data;
- 225 (ii) view data; and
- 226 (iii) generate customizable reports;
- 227 (d) includes a data warehouse and other hardware or software necessary to store or process data
submitted by an LEA;
- 229 (e) provides for data privacy, including by complying with Chapter 9, Student Privacy and Data
Protection;
- 231 (f) restricts user access based on each user's role; [~~and~~]
- 232 (g) meets requirements related to a student achievement backpack described in Section 53E-3-511[~~;~~],
and
- 86 (h) provides statewide access to the student achievement backpack described in Section 53E-3-511
though state board systems and may not require an LEA to procure, license, or maintain a separate
platform for the student achievement backpack.
- 234 (4) [~~On or before January 31, 2026, the~~] The state board shall:
- 235

HB0407S01 compared with HB0407S03

- (a) ensure the information management system described in this section allows for the transfer of a student's transcript, current IEP, or Section 504 accommodation plan, including the tracking of necessary accommodations and services between:
- 238 (i) different LEA student information systems; and
239 (ii) an authorized online course provider and a primary LEA; and
240 (b) ensure the transfer capability described in Subsection (4)(a) is available for the same use within the operating system the state board uses for the Statewide Online Education Program described in Title 53F, Chapter 4, Part 5, Statewide Online Education Program.
- 244 (5) The state board shall establish the restrictions on user access described in Subsection (3)(f).
246 (6)
- (a) The state board shall make rules that establish the required capabilities for an LEA financial information system.
- 248 (b) In establishing the required capabilities for an LEA financial information system, the state board shall consider metrics and capabilities requested by the state treasurer or state auditor.
- 251 (7)
- (a) ~~[On or before July 1, 2024, an]~~ An LEA shall ensure that:
- 252 (i) all of the LEA's data systems:
253 (A) meet the data standards established by the state board in accordance with Section 53E-3-501;
255 (B) are fully compatible with the state board's information management system, including through the student information system, through an authorized interoperable data exchange framework described in Section 53E-3-527, or though both; and
- 257 (C) meet specification standards determined by the state board; and
258 (ii) the LEA's financial information system meets the requirements described in Subsection (6).
- 260 (b) An LEA shall ensure that an LEA data system purchased or developed on or after May 14, 2019, will be compatible with the information management system when the information management system is fully operational, including through the student information system, through an authorized interoperable data exchange framework described in Section 53E-3-527, or though both.
- 263 (8)
- (a) Subject to appropriations and Subsection (8)(b), the state board may use an appropriation under this section to help an LEA meet the requirements in the rules described in Subsection (6) by:
- 266

HB0407S01 compared with HB0407S03

- (i) providing to the LEA funding for implementation and sustainment of the LEA financial information system, either through:
- 268 (A) awarding a grant to the LEA; or
- 269 (B) providing a reimbursement to the LEA; or
- 270 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a financial information system on behalf of an LEA for the LEA to use as the LEA's financial information system.
- 273 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules describing:
- 275 (i) how an LEA may apply to the state board for the assistance described in Subsection (8)(a); and
- 277 (ii) criteria for the state board to provide the assistance to an LEA.
- 278 (9)
- (a) [~~Beginning July 1, 2024, the~~] The state board may take action against an LEA that is out of compliance with a requirement described in Subsection (7) until the LEA complies with the requirement.
- 281 (b) An action described in Subsection (9)(a) may include the state board withholding funds from the LEA.
- 283 (10)
- (a) For purposes of this Subsection (10), "education record" means the same as that term is defined in 20 U.S.C. Sec. 1232g.
- 285 (b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish a procedure under which:
- 287 (i) a parent may submit information as part of the education records for the parent's student;
- 289 (ii) the information submitted by the parent is maintained as part of the education records for the parent's student;
- 291 (iii) information submitted by the parent and maintained as part of the education records for the parent's student may be removed at the request of the parent; and
- 293 (iv) a parent has access only to the education records of the parent's student in accordance with Subsection (10)(d).
- 295 (c) The rules made under this Subsection (10) shall allow a parent to submit or remove information submitted by the parent under this Subsection (10) at least annually, including at the time of:

HB0407S01 compared with HB0407S03

- 298 (i) registering a student in a school; or
299 (ii) changing the school in which a student attends.
- 300 (d) Subject to the federal Family [Education] Educational Rights and Privacy Act, 20 U.S.C. Sec.
1232g, and related regulations, the state board shall provide a parent access to an education record
concerning the parent's student.
- 303 (e) The state board shall create in the information management system a record tracking interoperability
of education records described in this Subsection (10) when a student is transitioning between
schools or between LEAs.
- 306 ~~{(11) {Beginning July 1, 2031:}}~~
165 (11)
- 307 (a) ~~{t}~~ Beginning July 1, 2031, an LEA requirement to submit data under this section is satisfied
through the LEA's use of a student information system that meets the compliance requirements
established under Section 53E-3-527. he state board shall integrate the system described in this
section with the statewide student information system established under Section 53E-3-527; and
- 309 (b) An LEA may transmit required data through the ~~{state board shall ensure that the statewide }~~
student information system ~~{maintains all functionality }~~, through an authorized interoperable data
exchange framework described in ~~{this section:}~~ Section 53E-3-527, or though both
- 311 (12)
(a) {An LEA requirement to submit data under this section is satisfied through the LEA's use of the
statewide } Beginning July 1, 2026, the state board may phase out direct provision of student
information system ~~{established under Section 53E-3-527 or through an LEA-maintained system~~
~~that meets the requirements of Section 53E-3-528}~~ services to LEAs.
- 173 (b) The state board shall establish by rule a transition timeline that:
174 (i) provides LEAs adequate notice of service discontinuation; and
175 (ii) ensures LEAs have time to procure or develop compliant student information systems under Section
53E-3-527.
- 177 Section 2. Section 2 is enacted to read:
178 53E-3-527. {Statewide student } Student information system {-- Requirements } compliance
requirements -- {Implementation -- Transition} Vendor certification -- Enforcement --
{Severability} Audits.
- 317 (1) As used in this section:

HB0407S01 compared with HB0407S03

- 181 (a) "Authorized interoperable data exchange framework" means an interoperable data exchange framework that meets the standards established by the state board in rule under Subsection (17) and is authorized in writing by an LEA under Subsection (2)(d).
- 185 (b) "Certified vendor" means a vendor of student information systems that the state board certifies as meeting the compliance requirements described in this section.
- 187 (c) "Compliance requirements" means the technical, functional, and data standards that the state board establishes under this section for student information systems.
- 318 (a){(d)} "Integration standards" means the technical requirements that the state board establishes to allow ~~{an LEA-maintained system to connect }~~ student information systems and an authorized interoperable data exchange network to interface with ~~{the statewide student information system }~~ state board systems.
- 192 (e) "Interoperable data exchange framework" means a standards-based, vendor-neutral method for secure, governed data exchange between authoritative education data systems that:
- 195 (i) does not require centralized storage or duplication of student records; and
- 196 (ii) does not require creation of an additional statewide data warehouse.
- 197 (f) "LEA head" means:
- 198 (i) for a school district, the superintendent of the school district; or
- 199 (ii) for a charter school, the director of the charter school.
- 321 (b){(g)} ~~{"Legacy system"}~~ "School safety data" means {a-} data related to school safety incidents, threat assessments, and student {information system that an LEA uses on the effective date of this section} behavioral concerns as described in Subsection (5).
- 323 {(e) ~~{"Statewide student information system" or "statewide SIS" means the single student information system that the board selects and maintains under this section.}~~}
- 325 (d){(h)} "Student data" means the same as that term is defined in Section 53E-9-301.
- 326 (e){(i)} "USIMS compliant" means meeting all data transmission requirements that the Utah Student Information Management System establishes.
- 328 (2)
- {(a) ~~{The state board shall procure a single statewide student information system in accordance with Title 63G, Chapter 6a, Utah Procurement Code.}~~}
- 330 {(b) }

HB0407S01 compared with HB0407S03

- {(i) ~~{The state board may charge an LEA for use of the statewide student information system based on the LEA's student enrollment.}~~}
- 332 {(ii) ~~{The state board shall fully subsidize the cost of the statewide student information system for the first 500 enrolled students of each LEA.}~~}
- 334 {(iii) ~~{An LEA that begins using the statewide student information system within 12 months after the beginning of the phased implementation schedule established under Subsection (5)(a) shall receive a permanent subsidy for up to 15,000 enrolled students.}~~}
- 338 {(e) ~~{In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules establishing a tiered cost-sharing structure for enrolled students exceeding the subsidized amount under Subsection (2)(b) that:}~~}
- 341 {(i) ~~{charges LEAs based on student enrollment;}~~}
- 342 {(ii) ~~{provides financial incentives for LEAs to use the statewide student information system;}~~}
- 344 {(iii) ~~{considers LEA size, student enrollment, and financial capacity; and}~~}
- 345 {(iv) ~~{ensures that the cost-sharing arrangement does not create an unreasonable financial burden on LEAs.}~~}
- 347 (3){(a)} Beginning July 1, 2031, each LEA shall use ~~{the statewide}~~ a student information system that meets all compliance requirements established under this section for all student data collection, management, and reporting functions that state or federal law requires~~{, unless the LEA maintains an LEA-maintained system under Section 53E-3-528}~~.
- 208 (b) An LEA that uses a student information system that meets the compliance requirements under this section:
- 210 (i) shall ensure that all student data in the system reconciles with and matches the data standards established by the state board in accordance with Section 53E-3-501;
- 212 (ii) is responsible for all costs associated with maintaining, integrating, and ensuring compliance of the system;
- 214 (iii) is responsible for ensuring that the system interfaces properly with state board systems, through an authorized interoperable data exchange framework, or through both; and
- 217 (iv) is responsible for all data reconciliation and data quality assurance for the system.
- 218 (c) The state board is not responsible for cleaning, reconciling, or correcting data from an LEA's student information system.
- 220 (d) An LEA may permit an authorized interoperable data exchange framework to:

HB0407S01 compared with HB0407S03

- 221 (i) interface with state board systems, the Utah Student Information Management System;
223 (ii) transmit student data, validate, and submit reports required by state or federal law on behalf of the
LEA;
225 (iii) transmit school safety data to the public safety portal described in Section 63A-16-1002, in
accordance with the requirements described in Subsection (5) and rules made under Subsection (5)
(b); and
228 (iv) provide student data to support the student achievement backpack described in Section 53E-3-511.
230 (e) An authorization described in Subsection (2)(d) does not relieve an LEA of the responsibilities
described in Subsection (2)(b), including data reconciliation and data quality assurance.
233 (3) The state board shall establish and maintain compliance requirements that define:
234 (a) required data elements and formats consistent with Section 53E-3-501;
235 (b) integration standards for interfacing with state board systems, including integration standards for
transmission through the student information system through an authorized interoperable data
exchange framework, or through both;
238 (c) synchronization frequency and methods;
239 (d) error handling procedures;
240 (e) data consistency and integrity requirements;
241 (f) privacy and security requirements consistent with Chapter 9, Student Privacy and Data Protection;
243 (g) school safety data collection and reporting requirements as described in Subsection (5); and
245 (h) interoperability standards for data exchange between LEAs and with authorized entities, including
an authorized interoperable data exchange framework.
351 (4) ~~{In procuring the statewide}~~ A student information system that meets compliance requirements
under ~~{Subsection (2)(a), the state board}~~ this section shall:
249 (a) maintain all student demographic, enrollment, and academic records;
250 (b) track attendance, grades, and course completion;
251 (c) generate all reports that state and federal law requires and transmit the reports to the state board
through an authorized interoperable data exchange framework, or through both;
254 (d) support scheduling and course management;
255 (e) provide transcript generation and electronic transfer capabilities;
256 (f) enable seamless student transfers between LEAs without manual data entry;
257 (g) maintain historical data for longitudinal analysis;

HB0407S01 compared with HB0407S03

- 258 (h) be fully USIMS compliant including by meeting data transmission requirements through the student
information system, through an authorized interoperable data exchange framework, or through both;
- 261 (i) provide real-time data synchronization with state board systems through the student information
system, through an authorized interoperable data exchange framework, or through both;
- 264 (j) support automated data validation and error checking;
- 265 (k) enable role-based access controls;
- 266 (l) maintain an audit log of all data changes;
- 267 (m) support data exports in standard formats;
- 268 (n) provide application programming interfaces for approved third-party integrations;
- 269 (o) include online student registration capabilities;
- 270 (p) provide parent and guardian portal access;
- 271 (q) include digital consent form management;
- 272 (r) ensure mobile device compatibility;
- 273 (s) provide multi-language support;
- 274 (t) capture and maintain school safety data as described in Subsection (5); and
- 275 (u) integrate through the student information system, through an authorized interoperable data exchange
framework, or through both, with:
- 277 (i) special education IEP management systems;
- 278 (ii) student health information systems;
- 279 (iii) school safety and student behavior tracking systems;
- 280 (iv) learning management systems;
- 281 (v) assessment platforms;
- 282 (vi) early warning and intervention systems;
- 283 (vii) transportation management systems;
- 284 (viii) food service systems;
- 285 (ix) financial management systems; and
- 286 (x) eliminate the need for manual data transmission for state and federal reporting, including by
transmitting required data through the student information system, through an authorized
interoperable data exchange framework, or through both.
- 289 (5)

HB0407S01 compared with HB0407S03

- 291 (a) Beginning July 1, 2031, each LEA's student information system shall capture and maintain school
292 safety data, including:
- 293 (i) school safety incident reports, including:
- 294 (A) the date, time, and location of incidents;
- 295 (B) the nature and severity of incidents;
- 296 (C) individuals involved in incidents;
- 297 (D) interventions provided; and
- 298 (E) outcomes and resolutions;
- 299 (ii) student behavioral threat assessments, including:
- 300 (A) threat assessment referrals and screening results;
- 301 (B) comprehensive threat assessment findings;
- 302 (C) risk levels and classifications;
- 303 (D) safety planning and interventions implemented; and
- 304 (E) monitoring and follow-up documentation; and
- 305 (iii) threat assessment team documentation, including:
- 306 (A) threat assessment team composition and member qualifications;
- 307 (B) threat assessment protocols and procedures followed;
- 308 (C) case management and disposition records; and
- 309 (D) coordination with law enforcement and other agencies.
- 310 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
311 Rulemaking Act, establishing:
- 312 (i) standardized definitions and classifications for school safety data;
- 313 (ii) data collection and reporting requirements;
- 314 (iii) privacy protections and access controls for school safety data;
- 315 (iv) data sharing protocols with law enforcement and other authorized entities; and
- 316 (v) integration requirements with the public safety portal described in Section 63A-16-1002, including
317 requirements for transmission through an authorized interoperable data exchange framework when
318 authorized by an LEA under Subsection (2)(d).
- 319 (c) School safety data collected under this Subsection (5) shall:
- 320 (i) comply with all applicable privacy laws and regulations;
- 321 (ii) be accessible only to authorized personnel with legitimate educational or safety interests;

HB0407S01 compared with HB0407S03

- 322 (iii) be maintained securely with appropriate access controls and audit logging; and
323 (iv) be used only for purposes of maintaining school safety, providing appropriate interventions and
support to students, and meeting legal reporting requirements.
- 325 (6)
(a) The state board shall establish a voluntary vendor certification program for student information
system vendors.
- 327 (b) To become a certified vendor, a vendor shall:
- 353 (a){ (i) {include input from a stakeholder advisory committee} submit an application to the state board
demonstrating that the vendor's student information system meets all compliance requirements
established under {Section 53E-3-528} this section;
- 355 {(b) {evaluate vendor proposals based on criteria that the stakeholder advisory committee establishes;}
}
- 357 {(c) {consider the total cost of ownership over a 10-year period;}
}
- 331 (ii) undergo technical review and testing by the state board or the state board's designee;
333 (iii) demonstrate successful integration with state board systems;
334 (iv) provide documentation of data security measures and privacy protections;
335 (v) agree to maintain compliance with all requirements and to notify the state board of any material
changes to the system that may affect compliance; and
- 337 (vi) pay any applicable certification fees established by the state board.
- 338 (c) The state board shall:
- 339 (i) maintain and publish a list of certified vendors on the state board's website;
340 (ii) establish procedures for annual recertification of vendors;
341 (iii) establish procedures for revoking certification if a vendor fails to maintain compliance; and
343 (iv) provide technical specifications and testing protocols to assist vendors in achieving certification.
- 345 (d) The state board may charge reasonable fees to vendors seeking certification to cover the costs of the
certification program.
- 347 (e) Vendor certification under this Subsection (6) does not constitute an endorsement by the state board
of any particular vendor or product, and LEAs retain full discretion in selecting student information
systems.
- 350 (7)
(a) The state board may provide technical assistance to LEAs, including:

HB0407S01 compared with HB0407S03

- 358 (d){(i)} ~~{ensure vendor}~~ guidance on selecting student information systems that meet compliance
359 ~~{with all state and federal data privacy}~~ requirements; ~~{and}~~
360 ~~{(5)}~~
- 353 (ii) assistance with system implementation and integration;
354 (iii) training on data standards and reporting requirements;
355 (iv) support for data migration and system transitions; and
356 (v) resources and best practices for maintaining compliance.
- 357 (b) Subject to available appropriations, the state board may provide financial assistance to LEAs for
costs associated with achieving and maintaining compliance with this section, including:
- 360 (i) system implementation costs;
361 (ii) data migration services;
362 (iii) training and technical support;
363 (iv) integration development; and
364 (v) ongoing compliance maintenance.
- 365 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may
make rules establishing:
- 367 (i) eligibility criteria for financial assistance;
368 (ii) application procedures;
369 (iii) funding priorities based on LEA need and capacity; and
370 (iv) accountability requirements for LEAs receiving assistance.
- 371 (d) The state board may provide transitional support during phase-out of direct student information
system services, as established by state board rule under Section 53E-3-518.
- 374 (8)
- (a) The state board shall establish a phased implementation schedule that:
- 361 (i) begins no earlier than July 1, 2028;
362 (ii) provides each LEA at least 24 months to ~~{complete the transition to the statewide student~~
~~information system or to establish an LEA-maintained system under Section 53E-3-528}~~
achieve compliance with this section;
365 (iii) prioritizes voluntary early adopters;
366 (iv) considers LEA size and technical capacity; and

HB0407S01 compared with HB0407S03

- 367 (v) ensures full statewide ~~{implementation}~~ compliance by July 1, 2031.
- 368 (b) An LEA contract for a student information system in effect on May 7, 2026, remains valid until the
earlier of:
- 370 (i) the contract's expiration date;
- 371 (ii) July 1, 2031; or
- 372 (iii) the day on which the LEA voluntarily transitions to ~~{the statewide SIS}~~ a compliant system.
- 373 (c) An LEA may renew an existing contract for a student information system one time after May 7,
2026, if:
- 375 (i) the renewal term does not extend beyond June 30, 2031;
- 376 (ii) the LEA notifies the state board of the renewal within 30 days after the day on which the LEA
renews the contract; and
- 378 (iii) the renewal is necessary to avoid disruption of operations.
- 379 (d) An LEA may request an implementation extension of up to 12 months if the LEA demonstrates:
- 381 (i) extraordinary circumstances beyond the LEA's control;
- 382 (ii) a detailed transition plan with specific milestones;
- 383 (iii) commitment of necessary resources to meet the extended deadline; and
- 384 (iv) that denial of the extension would cause substantial disruption to the LEA's educational programs.
- 386 ~~{(e) {The state board shall provide:}}~~
- 387 ~~{(i) {data migration services at no cost to an LEA transitioning from a legacy system to the statewide~~
~~student information system;}}~~
- 389 ~~{(ii) {training resources available to LEA staff at least 12 months before the day on which the LEA is~~
~~required to implement the statewide student information system or establish an LEA-maintained~~
~~system under Section 53E-3-528;}}~~
- 392 ~~{(iii) {parallel run capabilities allowing an LEA to operate both the LEA's existing system and the~~
~~statewide student information system simultaneously for at least 90 days; and}}~~
- 395 ~~{(iv) {data validation services to ensure accurate migration of all student records.}}~~
- 398 (9)
- 396 (6) {(a) ~~{The statewide student information system that}~~ Beginning August 1, 2031, if an LEA fails to
comply with a requirement of this section, the state board ~~{procures}~~ shall:
- 397 ~~{(a) {maintain all student demographic, enrollment, and academic records;}}~~
- 398 ~~{(b) {track attendance, grades, and course completion;}}~~

HB0407S01 compared with HB0407S03

- 399 {~~(e) {generate all reports that state and federal law requires;}~~}
- 400 {~~(d) {support scheduling and course management;}~~}
- 401 (e){(i) provide {transcript generation} written notice to the LEA describing the noncompliance; and
{electronic transfer capabilities;}
- 402 {~~(f) {enable seamless student transfers between an LEA and another LEA without manual data entry;}~~
~~}~~
- 404 {~~(g) {maintain historical data for longitudinal analysis;}~~}
- 405 {~~(h) {be fully USIMS compliant;}~~}
- 401 (ii) allow the LEA 90 days after the day on which the state board provides the notice described in
Subsection (9)(a)(i) to cure the noncompliance.
- 403 (b) If the LEA fails to cure the noncompliance within the time period described in Subsection (9)(a)(ii),
the state board shall:
- 405 (i) provide written notice to the LEA and the LEA head that the LEA head's compensation shall be
reduced by 10% until the noncompliance is cured; and
- 407 (ii) allow the LEA an additional 90 days after the day on which the state board provides the notice
described in Subsection (9)(b)(i) to cure the noncompliance.
- 409 (c) If the LEA fails to cure the noncompliance within the time period described in Subsection (9)(b)(ii),
the state board may:
- 411 (i) withhold state funding from the LEA in accordance with Section 53E-3-401 until the LEA achieves
compliance; and
- 413 (ii) require the LEA to develop and implement a corrective action plan within a specified timeframe.
- 415 (d) The state board shall establish an appeals process for an LEA subject to an enforcement action under
this Subsection (9).
- 417 (10)
- (a) When conducting a risk assessment for an audit of an LEA, the Office of the Legislative Auditor
General may consider an LEA's compliance with this section as a risk factor, including the LEA's
compliance with:
- 406 (i) {~~provide real-time~~} the data {synchronization with} standards established by the state board
{systems} in accordance with Section 53E-3-501;
- 407 {~~(j) {support automated data validation and error checking;}~~}
- 408 {~~(k) {enable role-based access controls;}~~}

HB0407S01 compared with HB0407S03

- 409 ~~{(l) {maintain an audit log of all data changes;}}~~
- 410 ~~{(m) {support data exports in standard formats;}}~~
- 411 ~~{(n) {provide application programming interfaces for approved third-party integrations;}}~~
- 412 ~~{(o) {include online student registration;}}~~
- 413 ~~{(p) {provide parent and guardian portal access;}}~~
- 414 ~~{(q) {include digital consent form management;}}~~
- 415 ~~{(r) {ensure mobile device compatibility;}}~~
- 416 ~~{(s) {provide multi-language support;}}~~
- 417 ~~{(t) {integrate with;}}~~
- 418 ~~{(i) {special education IEP management systems;}}~~
- 419 ~~{(ii) {student health information systems;}}~~
- 420 ~~{(iii) {school safety and student behavior tracking systems;}}~~
- 421 ~~{(iv) {learning management systems;}}~~
- 422 ~~{(v) {assessment platforms;}}~~
- 423 ~~{(vi) {early warning and intervention systems;}}~~
- 424 ~~{(vii) {transportation management systems;}}~~
- 425 ~~{(viii) {food service systems; and}}~~
- 426 ~~{(ix) {financial management systems; and}}~~
- 427 ~~{(u) {eliminate the need for manual data transmission for state and federal reporting;}}~~
- 428 ~~{(7) }~~
- ~~{(a) {The state board shall use money appropriated by the Legislature for:}}~~
- 429 ~~{(i) {initial system procurement and implementation;}}~~
- 430 ~~{(ii) {ongoing licensing and maintenance costs;}}~~
- 431 ~~{(iii) {technical support and training;}}~~
- 432 ~~{(iv) {system updates and enhancements; and}}~~
- 422 {(ii) the compliance requirements established under Subsection (3);
- 433 ~~(v){(iii) the integration {support for a qualifying LEA-maintained system} standards established~~
 under {Section 53E-3-528;} Subsection (3)(b); and
- 435 ~~{(b) {Beginning in fiscal year 2029, the Legislature shall appropriate sufficient ongoing funds to~~
 ~~maintain the statewide student information system.}}~~
- 437 ~~{(8) }~~

HB0407S01 compared with HB0407S03

- 424 (iv) all other requirements of this section.
- 425 (b) If the Office of the Legislative Auditor General includes a review of an LEA's compliance with this section as part of an audit, the Office of the Legislative Auditor General may report the results to the Education Interim Committee.
- 428 (11) A local school board or charter school governing board shall include in an employment contract with an LEA head a provision that allows for the reduction of the LEA head's compensation as required under Subsection (9)(b)(i).
- (a){(12)} All data in {~~the statewide~~} an LEA's student information system remains the property of the respective LEA.
- 439 (b){(13)} The state board may access LEA data only to:
- 440 (i){(a)} generate reports that state and federal law requires;
- 441 (ii){(b)} provide technical support;
- 442 (iii){(c)} ensure data quality and compliance;
- 443 (iv){(d)} conduct authorized research and analysis;
- 444 (v){(e)} facilitate student transfers between {~~an LEA and another LEA~~} LEAs; or
- 445 (vi){(f)} perform functions specifically authorized by law.
- 446 (c){(14)} {~~The statewide SIS~~} Student information systems that meet compliance requirements under this section shall comply with all requirements of:
- 447 (i){(a)} the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
- 448 (ii){(b)} Title 53E, Chapter 9, Student Privacy and Data Protection;
- 449 (iii){(c)} Title 63G, Chapter 2, Government Records Access and Management Act; and
- 450 (iv){(d)} all other applicable privacy laws and regulations.
- 451 (9){(15)} Upon request, the state board shall report to the Education Interim Committee on:
- 452 (a) {~~system~~} implementation progress and LEA compliance status;
- 448 (b) effectiveness of the vendor certification program;
- 453 (b){(c)} costs and {~~savings realized~~} financial assistance provided to LEAs;
- 454 (c){(d)} improvements in data quality and {~~timelines~~} timeliness;
- 455 (d){(e)} reduction in administrative burden at {~~each LEA~~} LEAs;
- 456 {(e) {~~user satisfaction metrics~~};-}
- 457 (f) system performance and {~~reliability~~} interoperability; {and}
- 453 (g) school safety data collection and utilization; and

HB0407S01 compared with HB0407S03

- 458 (g){(h)} recommendations for {system} improvements or statutory changes.
459 (10){(16)} In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state
board may make rules to implement this section, including rules that:
- 461 (a) establish technical specifications for {the statewide SIS} compliance requirements;
 - 462 (b) define integration standards {for LEA-maintained systems under Section 53E-3-528} and testing protocols;
 - 463 (c) create implementation timelines and procedures; {and}
 - 460 (d) establish vendor certification requirements and procedures;
 - 461 (e) define school safety data elements and reporting requirements;
 - 464 (d){(f)} establish data governance policies{-}; and
 - 463 (g) improve coordination and accessibility among state student data systems to enable local education agencies to access relevant data through a unified and secure platform.

465 Section 5. Section 5 is enacted to read:

466 **53E-3-528. LEA-maintained student information system -- Requirements --Enforcement --**

Audits.

- 468 (1) As used in this section:
- 469 (a) "Integration standards" means the technical requirements that the state board establishes to allow an LEA-maintained system to connect with the statewide student information system.
 - 472 (b) "LEA head" means:
 - 473 (i) for a school district, the superintendent of the school district; or
 - 474 (ii) for a charter school, the director of the charter school.
 - 475 (c) "LEA-maintained system" means a student information system that an LEA develops or maintains.
 - 477 (d) "Statewide student information system" or "statewide SIS" means the same as that term is defined in Section 53E-3-527.
- 479 (2)
- (a) An LEA may maintain an LEA-maintained system for student data collection, management, and reporting if the LEA meets all requirements of this section.
 - 481 (b) An LEA that maintains an LEA-maintained system:
 - 482 (i) shall ensure that all student data in the LEA-maintained system reconciles with and matches the data standards established by the state board in accordance with Section 53E-3-501;

485

HB0407S01 compared with HB0407S03

- 487 (ii) is responsible for all costs associated with maintaining, integrating, and ensuring compliance of the
LEA-maintained system;
- 489 (iii) is responsible for ensuring that the LEA-maintained system interfaces properly with the statewide
student information system; and
- 491 (iv) is responsible for all data reconciliation and data quality assurance for the LEA-maintained system.
- 493 (c) The state board is not responsible for cleaning, reconciling, or correcting data from an LEA-
maintained system.
- 494 (3) The state board shall establish and maintain integration standards that:
- 495 (a) define required data elements and formats;
- 496 (b) specify synchronization frequency and methods;
- 497 (c) establish error handling procedures;
- 498 (d) ensure data consistency and integrity; and
- 499 (e) maintain compliance with all privacy and security requirements.
- 500 (4) An LEA-maintained system shall:
- 501 (a) meet all integration standards that the state board establishes under Subsection (3);
- 503 (b) synchronize data with the statewide SIS automatically in real-time without manual intervention;
- 505 (c) ensure that student transfers and transcript exchanges function seamlessly through the statewide SIS;
- 506 (d) ensure that all state and federal reporting occurs through the statewide SIS;
- 507 (e) undergo annual certification of integration compliance;
- 509 (f) remediate any integration issue within 30 days after the day on which the state board provides notice
of the integration issue; and
- 511 (g) ensure that the LEA-maintained system does not impair the functionality or performance of the
statewide SIS.
- 513 (5)
- 514 (a) Beginning August 1, 2031, if an LEA that maintains an LEA-maintained system fails to comply
with a requirement of this section, the state board shall:
- 516 (i) provide written notice to the LEA describing the noncompliance; and
- (ii) allow the LEA 90 days after the day on which the state board provides the notice described in
Subsection (5)(a)(i) to cure the noncompliance.
- (b) If the LEA fails to cure the noncompliance within the time period described in Subsection (5)(a)(ii),
the state board shall:

HB0407S01 compared with HB0407S03

- 518 (i) provide written notice to the LEA and the LEA head that the LEA head's compensation shall be
reduced by 10% until the noncompliance is cured; and
- 520 (ii) allow the LEA an additional 90 days after the day on which the state board provides the notice
described in Subsection (5)(b)(i) to cure the noncompliance.
- 522 (c) If the LEA fails to cure the noncompliance within the time period described in Subsection (5)(b)(ii),
the state board shall:
- 524 (i) notify the LEA that the LEA no longer qualifies to maintain an LEA-maintained system; and
- 526 (ii) require the LEA to transition fully to the statewide SIS within six months after the day on which the
state board provides the notice described in Subsection (5)(c)(i).
- 528 (d) The state board shall establish an appeals process for an LEA subject to an enforcement action under
this Subsection (5).
- 530 (6)
- (a) When conducting a risk assessment for an audit of an LEA, the Office of the Legislative Auditor
General may consider an LEA's compliance with this section as a risk factor, including the LEA's
compliance with:
- 533 (i) the data standards established by the state board in accordance with Section 53E-3-501;
- 535 (ii) the integration standards established under Subsection (3); and
- 536 (iii) all requirements of this section.
- 537 (b) If the Office of the Legislative Auditor General includes a review of an LEA's compliance with this
section as part of an audit, the Office of the Legislative Auditor General may report the results to the
Education Interim Committee.
- 540 (7) A local school board or charter school governing board shall include in an employment contract
with an LEA head a provision that allows for the reduction of the LEA head's compensation as
required under Subsection (5)(b)(i).
- 543 (8) An LEA that is unable to maintain an LEA-maintained system in compliance with this section shall
transition fully to the statewide SIS within the time period specified by the state board.
- 465 Section 3. Section **53E-9-303** is amended to read:
- 466 **53E-9-303. Local student data protection governance.**
- 548 (1) An LEA shall adopt policies to protect student data in accordance with this part and state board rule,
taking into account the specific needs and priorities of the LEA.
- 550 (2)

HB0407S01 compared with HB0407S03

(a) An LEA shall designate an individual to act as a student data manager to fulfill the responsibilities of a student data manager described in Section 53E-9-308.

552 (b) If possible, an LEA shall designate the LEA's records officer as defined in Section 63G-2-103, as the student data manager.

554 (3) An LEA shall create and maintain an LEA:

555 (a) data governance plan; and

556 (b) metadata dictionary.

557 (4) An LEA shall establish an external research review process for a request for data for the purpose of external research or evaluation.

559 (5) Beginning July 1, 2031, a student data manager designated under this section shall:

560 (a) ensure the LEA's compliance with data governance policies for {the statewide} student information {system} **systems that meet the compliance requirements** established under Section 53E-3-527 {or the LEA-maintained system established under Section 53E-3-528} ; and

563 (b) serve as the LEA's primary contact for {statewide SIS data management issues or, if applicable, LEA-maintained} **student information** system data management issues.

484 Section 4. Section **53E-9-308** is amended to read:

485 **53E-9-308. Sharing student data -- Prohibition -- Requirements for student data manager -- Authorized student data sharing.**

568 (1)

(a) Except as provided in Subsection (1)(b), an education entity, including a student data manager, may not:

570 (i) share personally identifiable student data without written consent; or

571 (ii) share student data with a federal agency.

572 (b) An education entity, including a student data manager, may share personally identifiable student data:

574 (i) in accordance with the Family Education Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h;

576 (ii) as required by federal law; and

577 (iii) as described in Subsections (3), (5), and (6).

578 (2) A student data manager shall:

579

HB0407S01 compared with HB0407S03

- (a) authorize and manage the sharing, outside of the student data manager's education entity, of personally identifiable student data for the education entity as described in this section;
- 582 (b) act as the primary local point of contact for the state student data officer described in Section 53E-9-302;~~[-and]~~
- 584 (c) fulfill other responsibilities described in the data governance plan of the student data manager's education entity~~[-]~~ ; and
- 586 (d) beginning July 1, 2031, ensure proper use of {the statewide-} student information {system-} systems that meet the compliance requirements established under Section 53E-3-527 {or the LEA-maintained system established under Section 53E-3-528-} within the LEA.
- 589 (3) A student data manager may share a student's personally identifiable student data with a caseworker or representative of the Department of Health and Human Services if:
- 591 (a) the Department of Health and Human Services is:
- 592 (i) legally responsible for the care and protection of the student, including the responsibility to investigate a report of educational neglect, as provided in Subsection 80-2-701(5); or
- 595 (ii) providing services to the student;
- 596 (b) the student's personally identifiable student data is not shared with a person who is not authorized:
- 598 (i) to address the student's education needs; or
- 599 (ii) by the Department of Health and Human Services to receive the student's personally identifiable student data; and
- 601 (c) the Department of Health and Human Services maintains and protects the student's personally identifiable student data.
- 603 (4) The Department of Health and Human Services, a school official, or the Utah Juvenile Court may share personally identifiable student data to improve education outcomes for youth:
- 606 (a) in the custody of, or under the guardianship of, the Department of Health and Human Services;
- 608 (b) receiving services from the Division of Juvenile Justice and Youth Services;
- 609 (c) in the custody of the Division of Child and Family Services;
- 610 (d) receiving services from the Division of Services for People with Disabilities; or
- 611 (e) under the jurisdiction of the Utah Juvenile Court.
- 612 (5)
- (a) A student data manager may share personally identifiable student data in response to a subpoena issued by a court.

HB0407S01 compared with HB0407S03

- 614 (b) A person who receives personally identifiable student data under Subsection (5)(a) may not use the
personally identifiable student data outside of the use described in the subpoena.
- 617 (6)
- (a) A student data manager may share student data, including personally identifiable student data, in
response to a request to share student data for the purpose of research or evaluation, if the student
data manager:
- 620 (i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a)(6);
- 621 (ii) submits the request to the education entity's research review process; and
- 622 (iii) fulfills the instructions that result from the review process.
- 623 (b)
- (i) In accordance with state and federal law, and subject to Subsection (6)(b)(ii), the state board shall
share student data, including personally identifiable student data, as requested by the Utah Registry
of Autism and Developmental Disabilities described in Section 26B-7-115.
- 627 (ii)
- (A) At least 30 days before the state board shares student data in accordance with Subsection (6)(b)(i),
the education entity from which the state board received the student data shall provide notice to the
parent of each student for which the state board intends to share student data.
- 631 (B) The state board may not, for a particular student, share student data as described in Subsection (6)
(b)(i) if the student's parent requests that the state board not share the student data.
- 634 (iii) A person who receives student data under Subsection (6)(b)(i):
- 635 (A) shall maintain and protect the student data in accordance with state board rule described in Section
53E-9-307;
- 637 (B) may not use the student data for a purpose not described in Section 26B-7-115; and
- 639 (C) is subject to audit by the state student data officer described in Section 53E-9-302.
- 559 Section 5. Section **53F-2-205** is amended to read:
- 560 **53F-2-205. Powers and duties of state board to adjust Minimum School Program allocations**
-- Use of remaining funds at the end of a fiscal year.
- 644 (1) As used in this section:
- 645 (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
- 647 (b) "Program" means a program or allocation funded by a line item appropriation or other appropriation
designated as:

HB0407S01 compared with HB0407S03

- 649 (i) Basic Program;
- 650 (ii) Related to Basic Programs;
- 651 (iii) Voted and Board Levy Programs; or
- 652 (iv) Minimum School Program.
- 653 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a program is underestimated, the state board shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.
- 657 (3) If the number of weighted pupil units in a program is overestimated, the state board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (3)(a):
- 660 (a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;
- 663 (b) to support the state guaranteed local levy increments as defined in Section 53F-2-601, if:
- 665 (i) local contributions to the voted local levy program or board local levy program are overestimated; or
- 667 (ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;
- 669 (c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Section 53F-2-704;
- 671 (d) to fund the cost of the salary supplements described in Section 53F-2-504; or
- 672 (e) to support a school district with a loss in student enrollment as provided in Section 53F-2-207.
- 674 (4) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 are overestimated, the state board shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.
- 679 (5) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 are underestimated, the state board shall:
- 681 (a) spend the excess local contributions for the purposes specified in Subsection (3), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and
- 685 (b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local funds appropriated to

HB0407S01 compared with HB0407S03

the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.

- 691 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state guarantee per
weighted pupil unit provided under the local levy state guarantee program described in Section
53F-2-601, if:
- 694 (a) local contributions to the voted local levy program or board local levy program are overestimated; or
696 (b) the number of weighted pupil units within school districts qualifying for a guarantee is
underestimated.
- 698 (7) Money appropriated to the state board is nonlapsing, including appropriations to the Minimum
School Program and all agencies, line items, and programs under the jurisdiction of the state board.
- 701 (8) The state board shall report actions taken by the state board under this section to the Office of the
Legislative Fiscal Analyst and the Governor's Office of Planning and Budget.
- 704 (9) Beginning with the 2031-32 school year:
- 705 (a) the state board shall calculate all distribution amounts under this section using data from {the
statewide-} student information {system established under Section 53E-3-527 or an LEA-
maintained system-} systems that {meets-} meet the compliance requirements {of-} established
under Section {53E-3-528} 53E-3-527; and
- 708 (b) an LEA's failure to properly maintain data in {the statewide SIS or an LEA-maintained-} a
compliant student information system may result in adjustment of the LEA's funding allocation.
- 628 Section 6. Section **53F-2-311** is amended to read:
- 629 **53F-2-311. Weighted pupil units for career and technical education programs -- Funding of
approved programs -- Performance measures -- Qualifying criteria.**
- 713 (1)
- (a) Money appropriated to the state board for approved career and technical education programs and the
comprehensive guidance program:
- 715 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4); and
717 (ii) may not be used to fund programs below grade 9.
- 718 (b) Subsection (1)(a)(ii) does not apply to the following programs:
- 719 (i) comprehensive guidance; and
720 (ii) work-based learning programs.

HB0407S01 compared with HB0407S03

- 721 (2)
- (a) Weighted pupil units are computed for pupils in approved programs.
- 722 (b)
- (i) The state board shall fund approved programs based upon hours of membership of grades 9 through 12 students.
- 724 (ii) Subsection (2)(b)(i) does not apply to the following programs:
- 725 (A) comprehensive guidance; and
- 726 (B) work-based learning programs.
- 727 (c) The state board shall use an amount not to exceed 20% of the total appropriation under this section to fund approved programs based on performance measures such as placement and competency attainment defined in standards set by the state board.
- 730 (d) The state board shall make the necessary calculations for distribution of the appropriation to a school district and charter school and may revise and recommend changes necessary for achieving equity and ease of administration.
- 733 (3)
- (a) Twenty weighted pupil units shall be computed for career and technical education administrative costs for each school district, except 25 weighted pupil units may be computed for each school district that consolidates career and technical education administrative services with one or more other school districts.
- 737 (b) Between 10 and 25 weighted pupil units shall be computed for each high school conducting approved career and technical education programs in a school district according to standards established by the state board.
- 740 (c) Forty weighted pupil units shall be computed for each school district that operates an approved career and technical education center.
- 742 (d) Between five and seven weighted pupil units shall be computed for each summer career and technical education agriculture program according to standards established by the state board.
- 745 (e) The state board shall, by rule, establish qualifying criteria for a school district or charter school to receive weighted pupil units under this Subsection (3).
- 747 (4)
- (a) Money remaining after the allocations made under Subsections (2) and (3) shall be allocated using average daily membership in approved programs for the previous year.

HB0407S01 compared with HB0407S03

- 750 (b) A school district or charter school that has experienced student growth in grades 9 through 12 for
the previous year shall have the growth factor applied to the previous year's weighted pupil units
when calculating the allocation of money under this Subsection (4).
- 754 (c) An LEA may use funds received through the general allocation described in this Subsection (4) for
Technology-Life-Careers and student leadership organizations.
- 756 (5)
- (a) The state board shall establish rules for upgrading high school career and technical education
programs.
- 758 (b) The rules shall reflect career and technical training and actual marketable job skills in society.
- 760 (c) The rules shall include procedures to assist school districts and charter schools to convert existing
programs that are not preparing students for the job market into programs that will accomplish that
purpose.
- 763 (6) Programs that do not meet state board standards may not be funded under this section.
- 764 (7) Beginning July 1, 2031, the state board shall:
- 765 (a) track career and technical education enrollment through {the statewide} student information
{system established under Section 53E-3-527 or an LEA-maintained system} systems that {meets}
meet the compliance requirements {of} established under Section {53E-3-528} 53E-3-527; and
- 768 (b) calculate weighted pupil units under this section using data from {the statewide SIS or an LEA-
maintained system that meets} student information systems that meet the {requirements of}
compliance requirements established under Section {53E-3-528} 53E-3-527.
- 687 Section 7. Section **53G-4-402** is amended to read:
- 688 **53G-4-402. Powers and duties generally.**
- 772 (1) A local school board shall:
- 773 (a) implement the core standards for Utah public schools using instructional materials that best correlate
to the core standards for Utah public schools and graduation requirements;
- 776 (b) administer tests, required by the state board, which measure the progress of each student, and
coordinate with the state superintendent and state board to assess results and create plans to improve
the student's progress, which shall be submitted to the state board for approval;
- 780 (c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need
remediation and determine the type and amount of federal, state, and local resources to implement
remediation;

HB0407S01 compared with HB0407S03

- 783 (d) for each grading period and for each course in which a student is enrolled, issue a grade or
performance report to the student:
- 785 (i) that reflects the student's work, including the student's progress based on mastery, for the grading
period; and
- 787 (ii) in accordance with the local school board's adopted grading or performance standards and criteria;
- 789 (e) develop early warning systems for students or classes failing to make progress;
- 790 (f) work with the state board to establish a library of documented best practices, consistent with state
and federal regulations, for use by the special districts;
- 792 (g) implement training programs for school administrators, including basic management training, best
practices in instructional methods, budget training, staff management, managing for learning results
and continuous improvement, and how to help every student achieve optimal learning in basic
academic subjects;[~~and~~]
- 796 (h) ensure that the local school board meets the data collection and reporting standards described in
Section 53E-3-501[~~;~~] ;
- 798 (i) beginning July 1, 2031, ensure that all schools within the school district { ~~properly use the statewide~~
} use student information { ~~system~~ } systems that meet the compliance requirements established
under Section 53E-3-527 { ~~or an LEA-maintained system that meets the requirements of Section~~
53E-3-528 } ; and
- 801 (j) ensure that any employment contract with a school district superintendent includes the provision
required under Section { ~~53E-3-528~~ } 53E-3-527.
- 803 (2) Local school boards shall spend Minimum School Program funds for programs and activities for
which the state board has established minimum standards or rules under Section 53E-3-501.
- 806 (3)
- (a) A local school board may purchase, sell, and make improvements on school sites, buildings, and
equipment, and construct, erect, and furnish school buildings.
- 808 (b) School sites or buildings may only be conveyed or sold on local school board resolution affirmed by
at least two-thirds of the school board members.
- 810 (4)
- (a) A local school board may participate in the joint construction or operation of a school attended by
students residing within the district and students residing in other districts either within or outside
the state.

HB0407S01 compared with HB0407S03

- 813 (b) Any agreement for the joint operation or construction of a school shall:
- 814 (i) be signed by the president of the local school board of each participating district;
- 815 (ii) include a mutually agreed upon pro rata cost; and
- 816 (iii) be filed with the state board.
- 817 (5) A local school board may establish, locate, and maintain elementary, secondary, and applied
technology schools.
- 819 (6) A local school board may enter into cooperative agreements with other local school boards to
provide educational services that best utilize resources for the overall operation of the school
districts, including shared transportation services.
- 822 (7) A local school board shall ensure that an agreement under Subsection (6):
- 823 (a) is signed by the president of the local school board of each participating district;
- 824 (b) specifies the resource being shared;
- 825 (c) includes a mutually agreed upon pro rata cost;
- 826 (d) includes the duration of the agreement; and
- 827 (e) is filed with the state board.
- 828 (8)
- (a) Except as provided in Section 53E-3-905 and Subsection (8)(b), a local school board may enroll
children in school who are at least five years old before September 2 of the year in which admission
is sought.
- 831 (b) A local school board may enroll a child in kindergarten who does not meet the age requirement
described in Subsection (8)(a) if the child:
- 833 (i) moves to Utah from a different state in which the child, during the relevant school year:
- 835 (A) was a resident; and
- 836 (B) was enrolled in kindergarten in accordance with the previous state's age requirements for
kindergarten enrollment; and
- 838 (ii) transfers to the enrolling school after the beginning of the same school year.
- 839 (9) A local school board:
- 840 (a) may establish and support school libraries; and
- 841 (b) shall provide an online platform:
- 842

HB0407S01 compared with HB0407S03

- (i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the LEA uses or through a separate platform; and
- 846 (ii)
- (A) for a school district with 1,000 or more enrolled students, no later than August 1, 2024; and
- 848 (B) for a school district with fewer than 1,000 enrolled students, no later than August 1, 2026.
- 850 (10) A local school board may collect damages for the loss, injury, or destruction of school property.
- 852 (11) A local school board may authorize guidance and counseling services for students and the student's parents before, during, or following school enrollment.
- 854 (12)
- (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.
- 857 (b) Federal funds are not considered funds within the school district budget under Chapter 7, Part 3, Budgets.
- 859 (13)
- (a) A local school board may organize school safety patrols and adopt policies under which the patrols promote student safety.
- 861 (b) A student appointed to a safety patrol shall be at least 10 years old and have written parental consent for the appointment.
- 863 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.
- 865 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.
- 869 (14)
- (a) A local school board may on its own behalf, or on behalf of an educational institution for which the local school board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.
- 873 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.
- 875 (15)

HB0407S01 compared with HB0407S03

- (a) A local school board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-9-1106(3)(c).
- 877 (b) A person may not be appointed to serve as a compliance officer without the person's consent.
- 879 (c) A teacher or student may not be appointed as a compliance officer.
- 880 (16) A local school board shall adopt bylaws and policies for the local school board's own procedures.
- 882 (17)
- (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.
- 884 (b) Local school board policies shall be in writing, filed, and referenced for public access.
- 886 (18) A local school board may hold school on legal holidays other than Sundays.
- 887 (19)
- (a) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection (19).
- 889 (b) The committee shall be composed of one representative of:
- 890 (i) the schools within the district;
- 891 (ii) the Parent Teachers' Association of the schools within the district;
- 892 (iii) the municipality or county;
- 893 (iv) state or local law enforcement; and
- 894 (v) state or local traffic safety engineering.
- 895 (c) The committee shall:
- 896 (i) receive suggestions from school community councils, parents, teachers, and others, and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;
- 899 (ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;
- 902 (iii) in consultation with the Utah Safety Council and the Division of Family Health, provide training to all students in kindergarten through grade 6, within the district, on school crossing safety and use; and
- 905 (iv) help ensure the district's compliance with rules made by the Department of Transportation under Section 41-6a-303.

HB0407S01 compared with HB0407S03

- 907 (d) The committee may establish subcommittees as needed to assist in accomplishing the committee's
duties under Subsection (19)(c).
- 909 (20)
- (a) A local school board shall adopt and implement a comprehensive emergency response plan to
prevent and combat violence in the local school board's public schools, on school grounds, on
school vehicles, and in connection with school-related activities or events.
- 913 (b) The local school board shall ensure that the plan:
- 914 (i) includes prevention, intervention, and response components;
- 915 (ii) is consistent with the school discipline and conduct policies required for school districts under
Chapter 8, Part 2, School Discipline and Conduct Plans;
- 917 (iii) requires professional learning for all district and school building staff on the staff's roles in the
emergency response plan;
- 919 (iv) provides for coordination with local law enforcement and other public safety representatives
in preventing, intervening, and responding to violence in the areas and activities referred to in
Subsection (20)(a); and
- 922 (v) includes procedures to notify a student who is off campus at the time of a school violence
emergency because the student is:
- 924 (A) participating in a school-related activity; or
- 925 (B) excused from school for a period of time during the regular school day to participate in religious
instruction at the request of the student's parent.
- 927 (c) The state board, through the state superintendent, shall develop comprehensive emergency response
plan models that local school boards may use, where appropriate, to comply with Subsection (20)
(a).
- 930 (d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been
practiced at the school level and presented to and reviewed by its teachers, administrators, students,
and the student's parents and local law enforcement and public safety representatives.
- 934 (21)
- (a) A local school board may adopt an emergency response plan for the treatment of sports-related
injuries that occur during school sports practices and events.
- 936 (b) The plan may be implemented by each secondary school in the district that has a sports program for
students.

HB0407S01 compared with HB0407S03

- 938 (c) The plan may:
- 939 (i) include emergency personnel, emergency communication, and emergency equipment components;
- 941 (ii) require professional learning on the emergency response plan for school personnel who are involved
in sports programs in the district's secondary schools; and
- 944 (iii) provide for coordination with individuals and agency representatives who:
- 945 (A) are not employees of the school district; and
- 946 (B) would be involved in providing emergency services to students injured while participating in sports
events.
- 948 (d) The local school board, in collaboration with the schools referred to in Subsection (21)(b), may
review the plan each year and make revisions when required to improve or enhance the plan.
- 951 (e) The state board, through the state superintendent, shall provide local school boards with an
emergency plan response model that local school boards may use to comply with the requirements
of this Subsection (21).
- 954 (22)
- (a) A local school board shall approve an LEA's policies and procedures that an LEA develops to
ensure that students have non-electronic notification of and access to:
- 957 (i) school activities and events, including:
- 958 (A) schedule changes;
- 959 (B) extracurricular activities; and
- 960 (C) sporting events; and
- 961 (ii) the emergency response plans described in Subsections (20) and (21).
- 962 (b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of and access to
school activities and events as described in Subsections (22)(a)(i) and (ii) if:
- 965 (i)
- (A) the school provides each student with an electronic device; and
- 966 (B) the electronic device is capable of receiving electronic notification of and access to school activities
and events as described in Subsections (22)(a)(i) and (ii); or
- 969 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA cannot reasonably
provide timely non-electronic notification.
- 971 (c) An LEA may not require the use of a privately owned electronic device to complete course work.
- 973

HB0407S01 compared with HB0407S03

(23) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

975 (24)

(a) As used in this subsection, "special enrollment program" means a full-day academic program in which a parent opts to enroll the parent's student and that is offered at a specifically designated school within an LEA, including:

978 (i) gifted or advanced learning programs; or

979 (ii) dual language immersion programs.

980 (b) Before closing a school, changing the boundaries of a school, or changing or closing the location of a special enrollment program, a local school board shall:

982 (i) at a local school board meeting, make and approve a motion to initiate the notification required under Subsections (24)(b)(ii) through (iv);

984 (ii) on or before 90 days before the day on which the local school board approves the school closure or at least 30 days before the day on which the local school board approves a school boundary change, provide notice that the local school board is considering the closure or boundary change to:

988 (A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents and also by mail, using the United States Postal Service, to the parents at each known address;

992 (B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents and also by mail, using the United States Postal Service, to the parents at each known address; and

997 (C) the governing council and the mayor of the municipality in which the school is located;

999 (iii) provide an opportunity for public comment on the proposed school closure during at least two public local school board meetings;

1001 (iv) provide an opportunity for public comment on the proposed school boundary change during one public local school board meeting; and

1003 (v) hold a public hearing as defined in Section 10-20-102 and provide public notice of the public hearing in accordance with Subsection (24)(c).

1005 (c) A local school board shall:

1006 (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v) indicates the:

HB0407S01 compared with HB0407S03

- 1008 (A) name of the school or schools under consideration for closure or boundary change; and
- 1010 (B) ~~[the]~~date, time, and location of the public hearing;
- 1011 (ii) if feasible, hold the public hearing at the location of the school that is under consideration for closure;
- 1013 (iii) for at least 10 days before the day on which the public hearing occurs, ~~[publish the notice of public hearing occurs,]~~publish the notice of the public hearing for the school district in which the school is located, as a class A notice under Section 63G-30-102; and
- 1017 (iv) at least 30 days before the day on which the public hearing occurs, provide notice of the public hearing in the same manner as the notice of consideration under Subsection (24)(b)(ii).
- 1020 (d) A motion made under Subsection (24)(b) shall name each school under consideration for closure in a separate motion.
- 1022 (e) For a school closure, a local school board shall complete the process described in this Subsection (24) on or before December 31 of the calendar year preceding the beginning of the school year in which a school closure takes effect.
- 1025 (f)
- (i) For a school boundary change, a local school board shall complete the process described in this Subsection (24) no more than 60 days after the day on which the local school board votes to approve a school closure.
- 1028 (ii) Parents of students enrolled in a school affected by a boundary change shall have at least 30 days after the day on which the local school board votes to approve a school boundary change to request an out of area enrollment request in accordance with Chapter 6, Part 4, School District Enrollment.
- 1032 (25) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.
- 1034 (26) A local school board may establish or partner with a certified youth court in accordance with Section 80-6-902 or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to a youth court or a comparable restorative justice program in accordance with Section 53G-8-211.
- 1039 (27)
- (a) As used in this Subsection (27):
- 1040

HB0407S01 compared with HB0407S03

- (i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.
- 1043 (ii)
- (A) "Instructional material" means learning material that a local school board adopts and approves for use within the LEA.
- 1045 (B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the local school board.
- 1049 (iii) "Supplemental material" means learning material that:
- 1050 (A) an educator selects for classroom use; and
- 1051 (B) a local school board has not considered and adopted, approved, or prohibited for classroom use within the LEA.
- 1053 (b) A local school board shall:
- 1054 (i) make instructional material that the school district uses readily accessible and available for a parent to view;
- 1056 (ii) annually notify a parent of a student enrolled in the school district of how to access the information described in Subsection (27)(b)(i); and
- 1058 (iii) include on the school district's website information about how to access the information described in Subsection (27)(b)(i).
- 1060 (c) In selecting and approving instructional materials for use in the classroom, a local school board shall:
- 1062 (i) establish an open process, involving educators and parents of students enrolled in the LEA, to review and recommend instructional materials for board approval; and
- 1064 (ii) ensure that under the process described in Subsection (27)(c)(i), the board:
- 1065 (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the recommended learning material online to allow for public review or, for copyrighted material, makes the recommended learning material available at the LEA for public review;
- 1069 (B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provides an opportunity for educators whom the LEA

HB0407S01 compared with HB0407S03

employs and parents of students enrolled in the LEA to express views and opinions on the recommendation; and

- 1073 (C) adopts or approves the recommended instructional materials in an open and regular board meeting.
1075 (d) A local school board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.
- 1080 (e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.
- 1084 (f) Nothing in this Subsection (27) requires a local school board to review all learning materials used within the LEA.
- 1086 (28) If information, data, or action from a school district is necessary for the state board to fulfill a statutory data gathering, compliance, or reporting requirement, a local school board shall provide the relevant information, data, or action, subject to enforcement under Section 53E-3-401.

1007 Section 8. Section **53G-5-404** is amended to read:

1008 **53G-5-404. Requirements for charter schools.**

- 1092 (1) A charter school shall be nonsectarian in the charter school's programs, admission policies, employment practices, and operations.
- 1094 (2) A charter school may not charge tuition or fees, except those fees normally charged by other public schools.
- 1096 (3) A charter school shall meet all applicable federal, state, and local health, safety, and civil rights requirements.
- 1098 (4)
- (a) A charter school shall:
- 1099 (i) make the same annual reports required of other public schools under this public education code, including an annual financial audit report described in Section 53G-4-404;
- 1102 (ii) ensure that the charter school meets the data and reporting standards described in Section 53E-3-501;[-and]
- 1104

HB0407S01 compared with HB0407S03

- (iii) beginning July 1, 2031, ensure the charter school {properly} uses {the statewide} a student information system {established under Section 53E-3-527 or an LEA-maintained system} that meets the {requirements of} compliance requirements established under Section {53E-3-528} 53E-3-527;
- 1107 (iv) ensure that any employment contract with a charter school director includes the provision
required under Section {53E-3-528} 53E-3-527; and
- 1109 [(iii)] (v) use fund and program accounting methods and standardized account codes capable of
producing financial reports that comply with:
- 1111 (A) generally accepted accounting principles;
- 1112 (B) the financial reporting requirements applicable to LEAs established by the state board under Section
53E-3-501; and
- 1114 (C) accounting report standards established by the state auditor as described in Section 51-2a-301.
- 1116 (b) Before, and as a condition for opening a charter school:
- 1117 (i) a charter school shall:
- 1118 (A) certify to the authorizer that the charter school's accounting methods meet the requirements
described in Subsection [(4)(a)(iii)] {(4)(a)(iv)} (4)(a)(v); or
- 1120 (B) if the authorizer requires, conduct a performance demonstration to verify that the charter school's
accounting methods meet the requirements described in Subsection [(4)(a)(iii)] {(4)(a)(iv)} (4)(a)
(v); and
- 1123 (ii) the authorizer shall certify to the state board that the charter school's accounting methods meet the
requirements described in Subsection [(4)(a)(iii)] {(4)(a)(iv)} (4)(a)(v).
- 1125 (c) A charter school shall file the charter school's annual financial audit report with the Office of the
State Auditor within six months of the end of the fiscal year.
- 1127 (d) For the limited purpose of compliance with federal and state law governing use of public education
funds, including restricted funds, and making annual financial audit reports under this section, a
charter school is a government entity governed by the public education code.
- 1131 (5)
- (a) A charter school shall be accountable to the charter school's authorizer for performance as provided
in the charter school's charter agreement.
- 1133 (b) To measure the performance of a charter school, an authorizer may use data contained in:
- 1135 (i) the charter school's annual financial audit report;

HB0407S01 compared with HB0407S03

- 1136 (ii) a report submitted by the charter school as required by statute; or
1137 (iii) a report submitted by the charter school as required by the charter school's charter agreement.
- 1139 (c) A charter school authorizer may not impose performance standards, except as permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise provided in law.
- 1143 (6) A charter school may not advocate unlawful behavior.
- 1144 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and managed in accordance with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, upon the charter school's authorization.
- 1147 (8) A charter school shall provide adequate liability and other appropriate insurance, including:
1149 (a) general liability, errors and omissions, and directors and officers liability coverage through completion of the closure of a charter school in accordance with Section 53G-5-504; and
1152 (b) tail coverage or closeout insurance covering at least one year after closure of the charter school.
- 1154 (9) A charter school may not employ an educator whose license is suspended or revoked by the state board under Section 53E-6-604.
- 1156 (10)
(a) Each charter school shall register and maintain the charter school's registration as a limited purpose entity, in accordance with Section 67-1a-15.
- 1158 (b) A charter school that fails to comply with Subsection (10)(a) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.
- 1160 (c) If a charter school is an operating charter school with affiliated satellite charter schools, as defined in Section 53G-5-303:
1162 (i) the operating charter school shall register as a limited purpose entity as defined in Section 67-1a-15;
1164 (ii) each affiliated satellite charter school is not required to register separately from the operating charter school; and
1166 (iii) the operating charter school shall:
1167 (A) register on behalf of each affiliated satellite charter school; and
1168 (B) when submitting entity registry information in accordance with Section 67-1a-15 on behalf of each affiliated satellite charter school, identify and distinguish registry information for each affiliated satellite, including the address of each affiliated satellite charter school and the name and contact information of a primary contact for each affiliated satellite charter school.

HB0407S01 compared with HB0407S03

- 1173 (11)
- (a) As used in this Subsection (11), "contracting entity" means a person with which a charter school contracts.
- 1175 (b) A charter school shall provide to the charter school's authorizer any information or documents requested by the authorizer, including documents held by a subsidiary of the charter school or a contracting entity:
- 1178 (i) to confirm the charter school's compliance with state or federal law governing the charter school's finances or governance; or
- 1180 (ii) to carry out the authorizer's statutory obligations, including liquidation and assignment of assets, and payment of debt in accordance with state board rule, as described in Section 53G-5-504.
- 1183 (c) A charter school shall comply with a request described in Subsection (11)(b), including after an authorizer recommends closure of the charter school or terminates the charter school's contract.
- 1186 (d) Documents held by a contracting entity or subsidiary of a charter school that are necessary to demonstrate the charter school's compliance with state or federal law are the property of the charter school.
- 1189 (e) A charter school shall include in an agreement with a subsidiary of the charter school or a contracting entity a provision that stipulates that documents held by the subsidiary or a contracting entity, that are necessary to demonstrate the charter school's financial compliance with federal or state law, are the property of the charter school.
- 1194 (12) For each grading period and for each course in which a student is enrolled, a charter school shall issue a grade or performance report to the student:
- 1196 (a) that reflects the student's work, including the student's progress based on mastery, for the grading period; and
- 1198 (b) in accordance with the charter school's adopted grading or performance standards and criteria.
- 1200 (13)
- (a) As used in this Subsection (13):
- 1201 (i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.
- 1204 (ii)

HB0407S01 compared with HB0407S03

- (A) "Instructional material" means learning material that a charter school governing board adopts and approves for use within the charter school.
- 1206 (B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class, or another class with required instructional material that is not subject to selection by the charter school governing board.
- 1210 (iii) "Supplemental material" means learning material that:
- 1211 (A) an educator selects for classroom use; and
- 1212 (B) a charter school governing board has not considered and adopted, approved, or prohibited for classroom use within the charter school.
- 1214 (b) A charter school shall:
- 1215 (i) make instructional material that the charter school uses readily accessible and available for a parent to view;
- 1217 (ii) annually notify a parent of a student enrolled in the charter school of how to access the information described in Subsection (13)(b)(i); and
- 1219 (iii) include on the charter school's website information about how to access the information described in Subsection (13)(b)(i).
- 1221 (c) In selecting and approving instructional materials for use in the classroom, a charter school governing board shall:
- 1223 (i) establish an open process, involving educators and parents of students enrolled in the charter school, to review and recommend instructional materials for board approval; and
- 1226 (ii) ensure that under the process described in Subsection (13)(c)(i), the charter school governing board:
- 1228 (A) before the public meetings described in Subsection (13)(c)(ii)(B), posts the recommended learning materials online to allow for public review or, for copyrighted material, makes the recommended learning material available at the charter school for public review;
- 1232 (B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provide an opportunity for educators whom the charter school employs and parents of students enrolled in the charter school to express views and opinions on the recommendation; and
- 1237 (C) adopts or approves the recommended instructional materials in an open and regular board meeting.
- 1239 (d) A charter school governing board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator

HB0407S01 compared with HB0407S03

reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.

- 1244 (e) If a charter school contracts with another party to provide online or digital materials, the charter
school shall include in the contract a requirement that the provider give notice to the charter school
any time that the provider makes a material change to the content of the online or digital materials,
excluding regular informational updates on current events.
- 1249 (f) Nothing in this Subsection (13) requires a charter school governing board to review all learning
materials used within the charter school.
- 1251 (14) If information, data, or action from a charter school is necessary for the state board to fulfill a
statutory data gathering, compliance, or reporting requirement, a local school board shall provide the
relevant information, data, or action, subject to enforcement under Section 53E-3-401.

1172 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

3-6-26 4:19 PM