

1

Education Board Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Norman K Thurston
Senate Sponsor:

2

3 LONG TITLE

4

General Description:

5 This bill amends provisions regarding governance of the public education system.

6

Highlighted Provisions:

7 This bill:

8 ▶ defines terms;

9 ▶ amends provisions regarding the appointment, authority, and duties of the state
10 superintendent of public instruction;

11 ▶ amends provisions regarding the scope of authority and duties of employees of the State
12 Board of Education (state board);

13 ▶ amends provisions to describe the level of autonomy of local education agencies relative
14 to the state superintendent and state board employees;

15 ▶ requires the superintendent of the Utah Schools for the Deaf and the Blind to be
16 appointed as an assistant superintendent who reports to the state superintendent; and
17 ▶ makes technical and conforming changes.

18

Money Appropriated in this Bill:

19 None

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Other Special Clauses:

21 None

22

Utah Code Sections Affected:

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AMENDS:

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

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

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

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

28 **53E-3-401**, as last amended by Laws of Utah 2025, Chapter 501

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

30

REPEALS:

31 **53E-1-204**, as enacted by Laws of Utah 2020, Third Special Session, Chapter 10

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

33 Section 1. Section **53E-1-102** is amended to read:

34 **53E-1-102 . Public education code definitions.**

35 Unless otherwise indicated, as used in this title, Title 53F, Public Education System --

36 Funding, and Title 53G, Public Education System -- Local Administration:

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

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

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

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

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

45 [6] (6) "Individualized education program" or "IEP" means a written statement for a
46 student with a disability that is developed, reviewed, and revised in accordance with the
47 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

48 [6] (7) "LEA governing board" means:

49 (a) for a school district, the local school board;
50 (b) for a charter school, the charter school governing board; or
51 (c) for the Utah Schools for the Deaf and the Blind, the state board.

52 [6] (8) "Local education agency" or "LEA" means:

53 (a) a school district;
54 (b) a charter school; or
55 (c) the Utah Schools for the Deaf and the Blind.

56 [6] (9) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
57 Election of Members of Local Boards of Education.

58 [6] (10) "Minimum School Program" means the same as that term is defined in Section
59 53F-2-102.

60 [6] (11) "Parent" means a parent or legal guardian.

61 [6] (12) "Public education code" means:

62 (a) this title;
63 (b) Title 53F, Public Education System -- Funding; and

65 (c) Title 53G, Public Education System -- Local Administration.

66 [(12) "Section 504 accommodation plan" means a plan developed in accordance with
67 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student
68 with a disability, to meet the student's educational needs and ensure equitable access to a
69 free appropriate public education.]

70 (13) "School nurse" means a registered nurse:

71 (a) who holds:

72 (i) a license under Title 58, Chapter 31b, Nurse Practice Act; or

73 (ii) a multistate license as that term is defined in Section 58-31e-102; and

74 (b) whose primary role is the care of a defined group of students enrolled in the public
75 school system.

76 (14) "Section 504 accommodation plan" means a plan developed in accordance with
77 Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student
78 with a disability, to meet the student's educational needs and ensure equitable access to a
79 free appropriate public education.

80 [(14)] (15) "State board" means the State Board of Education.

81 [(15)] (16) "State superintendent" means the state superintendent of public instruction
82 appointed under Section 53E-3-301.

83 Section 2. Section **53E-3-301** is amended to read:

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

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

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

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

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

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

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

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

evaluation, termination, and resignation.

- (c) The state board may not enter into an employment contract that contains an automatic renewal provision with the state superintendent.
- (d) The state board may remove the state superintendent at any time during the state superintendent's initial term, with or without cause, subject to any contractual obligations in the employment contract.
- (e) Nothing in this section requires the state board to renew a state superintendent's term or establishes requirements or prohibitions on a subsequent term after the state superintendent's initial term.

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

(4) The state board shall set the state superintendent's compensation for services.

(5) A state superintendent qualifies for office by taking the constitutional oath of office.

(6)(a) As used in this Subsection (6), "interim vacancy period" means the period of time that:

- (i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of the state board; and
- (ii) ends on the day on which the member-elect begins the member's term.

(b)(i) The state board may not appoint a state superintendent during an interim vacancy period

(ii) Notwithstanding Subsection (6)(b)(i):

(A) the state board may appoint an acting state superintendent during an interim vacancy period; and

(B) the acting state superintendent's term shall expire once a new state

superintendent is appointed by the state board after the interim vacancy period has ended.

(c) Subsection (6)(b) does not apply if all the state board members who held office on the day of the general election whose term of office was vacant for the election are re-elected to the state board for the following term.

[(2)] (7) The state board shall, with the state superintendent, develop a statewide education strategy focusing on core academics, including the development of:

133 (a) core standards for Utah public schools and graduation requirements, in accordance
134 with Section 53E-4-204;

135 (b) a process to select model instructional materials that best correlate with the core
136 standards for Utah public schools and graduation requirements that are supported by
137 generally accepted scientific standards of evidence;

138 (c) professional development programs for teachers, superintendents, and principals;

139 (d) model remediation programs;

140 (e) a model method for creating individual student learning targets, and a method of
141 measuring an individual student's performance toward those targets;

142 (f) progress-based assessments for ongoing performance evaluations of school districts
143 and schools;

144 (g) incentives to achieve the desired outcome of individual student progress in core
145 academics that do not create disincentives for setting high goals for the students;

146 (h) an annual report card for school and school district performance, measuring learning
147 and reporting progress-based assessments;

148 (i) a systematic method to encourage innovation in schools and school districts as each
149 strives to achieve improvement in performance; and

150 (j) a method for identifying and sharing best demonstrated practices across school
151 districts and schools.

152 [(3)] (8) The state superintendent shall perform duties ~~[assigned by]~~ the state board assigns,

153 including:

154 (a) investigating all matters pertaining to the public schools;

155 (b) adopting and keeping an official seal to authenticate the state superintendent's
156 official acts;

157 (c) holding and conducting meetings, seminars, and conferences on educational topics;

158 (d) collecting and organizing education data into an automated decision support system
159 to facilitate school district and school improvement planning, accountability
160 reporting, performance recognition, and the evaluation of educational policy and
161 program effectiveness to include:

162 (i) data that are:

163 (A) comparable across schools and school districts;

164 (B) appropriate for use in longitudinal studies; and

165 (C) comprehensive with regard to the data elements required under applicable
166 state or federal law or state board rule;

167 (ii) features that enable users, most particularly school administrators, teachers, and
168 parents, to:
169 (A) retrieve school and school district level data electronically;
170 (B) interpret the data visually; and
171 (C) draw conclusions that are statistically valid; and
172 (iii) procedures for the collection and management of education data that[:]require
173 all school districts and schools to comply with the data collection and
174 management procedures established under state law and that
175 [(A)] require the state superintendent to:
176 [(I)] (A) collaborate with school districts and charter schools in designing and
177 implementing uniform data standards and definitions;
178 [(II)] (B) undertake or sponsor research to implement improved methods for
179 analyzing education data;
180 [(III)] (C) provide for data security to prevent unauthorized access to or
181 contamination of the data; and
182 [(IV)] (D) protect the confidentiality of data under state and federal privacy laws; [
183 and]
184 [(B)] require all school districts and schools to comply with the data collection and
185 management procedures established under this Subsection (3)(d);
186 (e) administering and implementing federal educational programs in accordance with
187 Part 8, Implementing Federal or National Education Programs; and
188 (f) with the approval of the state board, preparing and submitting to the governor a
189 budget for the state board to be included in the budget that the governor submits to
190 the Legislature.
191 [(4)] (9) Upon leaving office, the state superintendent shall deliver to the state
192 superintendent's successor all books, records, documents, maps, reports, papers, and
193 other articles pertaining to the state superintendent's office.
194 Section 3. Section **53E-3-302** is amended to read:
195 **53E-3-302 . Compensation of state superintendent -- Other state board**
196 **employees.**
197 (1) The state board shall establish the compensation of the state superintendent.
198 (2) The state board may, as necessary for the proper administration and supervision of the
199 public school system:
200 (a) appoint other employees; and

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

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

206 (4)(a) Regarding personnel matters:

207 (i) the state board may only assign duties directly to the state superintendent and
208 other direct appointees of the state board through formal state board action; and
209 (ii) absent specific state board direction to the state superintendent, the state
210 superintendent shall assign and supervise agency employee duties consistent with
211 state board rules, policies, directives, and standards.

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

213 (i) may not exercise a duty or authority legally pertaining to an LEA governing board
214 or district superintendent; and
215 (ii) may only receive duties or authority from the board or state superintendent as
216 provided in this Subsection (4).

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

219 (i) individual state board members from requesting information, data, research, or
220 briefings from state board employees;
221 (ii) state board members from collaborating with staff in developing policy
222 recommendations; or
223 (iii) state board committees from working with assigned staff to fulfill committee
224 duties.

225 Section 4. Section **53E-3-303** is amended to read:

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

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

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

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

234 (3) The state superintendent shall communicate with superintendents, local education

235 agency governing board members, and other school officers to enforce compliance with
236 state board rules, policies, directives, or standards.

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

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

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

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

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

249 Section 5. Section **53E-3-401** is amended to read:

250 **53E-3-401 . Powers of the state board -- Adoption of rules -- Enforcement --**

251 **Attorney.**

252 (1) As used in this section:

253 (a) "Education entity" means:

254 (i) an entity that receives a distribution of state funds through a grant program
255 managed by the state board under this public education code;
256 (ii) an entity that enters into a contract with the state board to provide an educational
257 good or service;
258 (iii) a school district;
259 (iv) a charter school; or
260 (v) a regional education service agency, as that term is defined in Section 53G-4-410.

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

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

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

268 [(b) "General control and supervision" as used in Utah Constitution, Article X, Section 3,

269 means directed to the whole system.]

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

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

275 (i) as required by statute; or

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

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

280 (5)(a) The state board may sell any interest it holds in real property upon a finding by
281 the state board that the property interest is surplus.

282 (b) The state board may use the money it receives from a sale under Subsection (5)(a)
283 for capital improvements, equipment, or materials, but not for personnel or ongoing
284 costs.

285 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
286 or institution administered by the state board, the money may only be used for
287 purposes related to the agency or institution.

288 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and
289 related matters during the next following session of the Legislature.

290 (6) The state board shall develop policies and procedures related to federal educational
291 programs in accordance with Part 8, Implementing Federal or National Education
292 Programs.

293 (7) On or before December 31, 2010, the state board shall review mandates or requirements
294 provided for in state board rule to determine whether certain mandates or requirements
295 could be waived to remove funding pressures on public schools on a temporary basis.

296 (8)(a) The state board shall provide procedures for addressing and resolving compliance
297 and monitoring issues related to this public education code, federal law, or rules,
298 including:

299 (i) creating methods to review and investigate alleged compliance issues;

300 (ii) creating clear procedures for corrective action plans;

301 (iii) allowing for an appeals process; and

302 (iv) addressing contractual and non-contractual issues.

303 (b) If an education entity violates this public education code or rules authorized under
304 this public education code, the state board may, in accordance with the rules
305 described in Subsection (8)(d):
306 (i) require the education entity to enter into a corrective action agreement with the
307 state board;
308 (ii) temporarily or permanently withhold state funds from the education entity;
309 (iii) require the education entity to pay a penalty;
310 (iv) require the education entity to reimburse specified state funds to the state board;
311 (v) require additional reporting or monitoring;
312 (vi) refer the complaint, evidence, and findings to the attorney general's office or the
313 relevant district attorney's office;
314 (vii) require the education entity to hire a third-party provider to provide services the
315 state board determines necessary;
316 (viii) require reimbursement from the education entity instead of future allocations
317 from the state board;
318 (ix) require a follow-up investigation;
319 (x) refer the violation and corresponding evidence to the state auditor or the
320 legislative auditor general, if the violation relates to finances;
321 (xi) request additional evidence of compliance; or
322 (xii) take other action the state board deems appropriate.

323 (c) Except for temporarily withheld funds, if the state board collects state funds under
324 Subsection (8)(b), the state board shall pay the funds into the Uniform School Fund.

325 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
326 state board shall make rules:
327 (i) that require notice and an opportunity to be heard for an education entity affected
328 by a state board action described in Subsection (8)(b); and
329 (ii) to administer this Subsection (8).

330 (e)(i) An individual may bring a violation of statute or state board rule to the attention
331 of the state board in accordance with a process described in rule adopted by the
332 state board.
333 (ii) If the state board identifies a violation of statute or state board rule as a result of
334 the process described in Subsection (8)(e)(i), the state board may take action in
335 accordance with this section.

336 (9) The state board may audit the use of state funds by an education entity that receives

337 those state funds as a distribution from the state board.

338 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3,
339 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party
340 contractor for an educational good or service, the LEA shall require in the contract that
341 the third party contractor shall provide, upon request of the LEA, information necessary
342 for the LEA to verify that the educational good or service complies with:
343 (a) this public education code; and
344 (b) state board rule authorized under this public education code.

345 (11)(a) The state board may appoint an attorney to provide legal advice to the state
346 board and coordinate legal affairs for the state board and the state board's employees.
347 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
348 Attorney General.
349 (c) An attorney described in Subsection (11)(a) may not:
350 (i) conduct litigation;
351 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;
352 or
353 (iii) issue formal legal opinions.

354 (12) The state board shall ensure that any training or certification that an employee of the
355 public education system is required to complete under this title or by rule complies with
356 Title 63G, Chapter 22, State Training and Certification Requirements.

357 Section 6. Section **53E-8-204** is amended to read:

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

359 **Advisory council.**

360 (1)(a) The state board is the governing board of the Utah Schools for the Deaf and the
361 Blind.
362 (b) The state board shall, as the state board determines necessary, establish committees,
363 policies, or processes necessary to the function and oversight of the Utah Schools for
364 the Deaf and the Blind.

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

369 (b) The superintendent of the Utah Schools for the Deaf and the Blind:
370 (i) is an assistant superintendent to the state superintendent; and

(ii) reports to the state superintendent.

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

(3) The superintendent shall:

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

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

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

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

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

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

(4) The state board shall:

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

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

(a) The state board shall submit a report in

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

- (i) a financial report;
- (ii) a report on Utah Schools for the Deaf and the Blind programs and activities; and
- (iii) a report of student academic performance.

Section 7. Repealer.

This bill repeals:

Section 53E-1-204, State board report to Education Interim Committee on statutory requirements impacted by assessment waivers.

Section 8. Effective Date.

This bill takes effect on May 6, 2026.