

Trevor Lee proposes the following substitute bill:

Prohibition Against Student Character Tracking and Grading Systems

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor:

LONG TITLE

General Description:

This bill defines character education and creates restraints on certain entities regarding the use of character education.

Highlighted Provisions:

This bill:

- defines terms;
- repeals certain requirements related to:
 - civics education; and
 - character education;
- prohibits administrative and instructional personnel from:
 - implementing character education;
 - measuring, quantifying, tracking, or grading a student's character education; and
 - collecting and distributing character education data about a student;
- outlines constitutional protections for a parent and the parent's children;
- requires the state auditor to:
 - receive certain reports;
 - conduct certain investigations; and
 - enforce the provisions of the section;
- creates a private right of action;
- prohibits a public entity from creating certain rules related to character education;
- enacts certain legislative findings;
- enacts provisions related to required instructional topics for a student; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

29 **Other Special Clauses:**

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53E-2-301**, as last amended by Laws of Utah 2019, Chapter 18634 **53E-4-204.1**, as last amended by Laws of Utah 2025, Chapter 14235 **53E-9-203**, as last amended by Laws of Utah 2024, Chapter 2336 **53F-4-207**, as last amended by Laws of Utah 2024, Chapter 2337 **53G-10-402**, as last amended by Laws of Utah 2025, Chapter 38038 **67-3-1**, as last amended by Laws of Utah 2025, First Special Session, Chapter 17

39 ENACTS:

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

41 REPEALS AND REENACTS:

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

43

44 *Be it enacted by the Legislature of the state of Utah:*45 Section 1. Section **53E-2-301** is amended to read:46 **53E-2-301 . Public education's vision and mission.**47 (1) The Legislature envisions an educated citizenry that encompasses the following
48 foundational principles:

49 (a) citizen participation in civic and political affairs;

50 (b) economic prosperity for the state by graduating students who are college and career
51 ready;

52 (c) strong moral and social values; and

53 (d) loyalty and commitment to constitutional government.

54 (2) The Legislature recognizes that public education's mission is to assure Utah the best
55 educated citizenry in the world and each individual the training to succeed in a global
56 society by providing students with:

57 (a) learning and occupational skills;

58 (b) [echaracter-] academic development;

59 (c) literacy and numeracy;

60 (d) high quality instruction;

61 (e) curriculum based on high standards and relevance; and

62 (f) effective assessment to inform high quality instruction and accountability.

- 63 (3) The Legislature:
- 64 (a) recognizes that parents are a child's first teachers and are responsible for the
- 65 education of their children;
- 66 (b) encourages family engagement and adequate preparation so that students enter the
- 67 public education system ready to learn; and
- 68 (c) intends that the mission detailed in Subsection (2) be carried out through a
- 69 responsive educational system that guarantees local school communities autonomy,
- 70 flexibility, and client choice, while holding them accountable for results.
- 71 (4) This section will be applied consistent with Section 53G-10-204.
- 72 Section 2. Section **53E-4-204.1** is amended to read:
- 73 **53E-4-204.1 . Ethnic studies core standards and curriculum requirements.**
- 74 (1) As used in this section:
- 75 (a) "Core standards for Utah public schools" or "core standards" means the standards the
- 76 state board establishes as described in Section 53E-4-202.
- 77 (b) "Ethnic studies" means the interdisciplinary social and historical study of how
- 78 different populations have experienced and participated in building the United States
- 79 of America, including the study of the culture, history, and contributions of Utahns of
- 80 diverse ethnicities.
- 81 (c) "Ethnic Studies Commission" means the Ethnic Studies Commission created in
- 82 Section 63C-28-201.
- 83 (d) "Utahns of diverse ethnicities" means individuals who are residents of Utah and:
- 84 (i) Native American;
- 85 (ii) Alaska Native;
- 86 (iii) Native Hawaiian;
- 87 (iv) Pacific Islander;
- 88 (v) Hispanic or Latino;
- 89 (vi) Black or African American;
- 90 (vii) Asian or Asian American; or
- 91 (viii) from diverse backgrounds and experiences.
- 92 (2)(a) The state board shall incorporate ethnic studies into the core standards for Utah
- 93 public schools.
- 94 (b) Before the state board takes formal action to incorporate ethnic studies into the core
- 95 standards, the state board shall:
- 96 (i) consult with the Ethnic Studies Commission; and

- 97 (ii) submit the proposed core standards incorporating ethnic studies to the Ethnic
 98 Studies Commission for review and recommendations.
- 99 (3) In incorporating ethnic studies into the core standards, the state board shall [~~consider, at~~
 100 ~~a minimum:~~] comply with the provisions of Section 53G-10-204.
- 101 (4) The state board may consider:
- 102 [~~(a) existing core standards that increase cultural awareness of, and focus on the~~
 103 ~~character traits described in Section 53G-10-204 for, all Utah communities;]~~
- 104 [~~(b)~~] (a) opportunities to recognize and incorporate into the ethnic studies core standards
 105 the histories, contributions, and perspectives of Utahns of diverse ethnicities; and
- 106 [~~(c)~~] (b) recommendations of the Ethnic Studies Commission.
- 107 [~~(4)~~] (5) Subject to legislative appropriations, the state board shall provide funding for
 108 professional learning in ethnic studies for teachers.
- 109 [~~(5)~~] (6)(a) By December 31, 2027, an LEA shall select curriculum and instructional
 110 materials for teaching ethnic studies to students in kindergarten through grade 12 that:
- 111 (i) align with the core standards incorporating ethnic studies described in this section;
 112 and
- 113 (ii) are integrated with regular school work.
- 114 (b) An LEA shall implement an ethnic studies curriculum that, at a minimum:
- 115 (i) focuses on shared identity and honoring unique cultural differences, including:
 116 (A) that each individual student has unique characteristics; and
 117 (B) the common elements that unite Utahns; and
 118 [~~(C) respect for distinct socio-cultural identities; and]~~
- 119 (ii) includes themes including cultural histories within the context of United States
 120 history and global history.
- 121 (c) An LEA shall:
- 122 (i) modify or revise as needed the ethnic studies instructional materials and
 123 curriculum the LEA selects as described in [~~Subsection (5)(a)~~] Subsection (6)(a),
 124 to ensure alignment with core standards incorporating ethnic studies; and
- 125 (ii) submit a report to the state board that provides evidence that the LEA is
 126 complying with the requirements of [~~Subsections (5)(a) and (b)~~] Subsections (6)(a)
 127 and (b).
- 128 (d) In fulfilling the requirements of this section, an LEA may offer a course on ethnic
 129 studies.
- 130 [~~(6)~~] (7) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative

131 Rulemaking Act, make rules:

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

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

135 [~~(7)~~] (8) The guidelines and methods described in [~~Subsection (6)(a)~~] Subsection (7)(a) may
136 not change:

137 (a) the number of instructional hours required for elementary and secondary students; or

138 (b) the number of instructional hours dedicated to the existing curriculum.

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

140 **53E-9-203 . Activities prohibited without prior written consent -- Validity of**
141 **consent -- Qualifications -- Training on implementation.**

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

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

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

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

152 (B) mental or psychological problems;

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

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

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

157 (F) religious affiliations or beliefs;

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

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

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

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

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

- 165 [(iii)] (ii) the school climate survey described in Section 53G-8-802.
- 166 (c) Notwithstanding Subsections (1)(a) and (b), an LEA shall comply with the
- 167 prohibitions on character education described in Section 53G-10-204.
- 168 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten
- 169 through grade 12.
- 170 (3) Except as provided in Subsection (8), Section 53G-9-604, and Section 53G-9-702, the
- 171 requirements under Subsection (1) shall also apply within the curriculum and other
- 172 school activities unless prior written consent of the student's parent has been obtained.
- 173 (4) An LEA may not:
- 174 (a) use the prior written consent described in Subsection (1) that a different LEA
- 175 obtained for a student who transfers to the LEA after the beginning of the school
- 176 year; or
- 177 (b) provide:
- 178 (i) a reward to a student for a student's participation in any psychological or
- 179 psychiatric examination, test, treatment, survey, analysis, or evaluation; or
- 180 (ii) a consequence to a student for a student's lack of participation in any
- 181 psychological or psychiatric examination, test, treatment, survey, analysis, or
- 182 evaluation.
- 183 (5)(a) Written parental consent is valid only if a parent has been first given written
- 184 notice, including notice that a copy of the educational or student survey questions to
- 185 be asked of the student in obtaining the desired information is made available at the
- 186 school, and a reasonable opportunity to obtain written information concerning:
- 187 (i) records or information, including information about relationships, that may be
- 188 examined or requested;
- 189 (ii) the means by which the records or information shall be examined or reviewed;
- 190 (iii) the means by which the information is to be obtained;
- 191 (iv) the purposes for which the records or information are needed;
- 192 (v) the entities or persons, regardless of affiliation, who will have access to the
- 193 personally identifiable information; and
- 194 (vi) a method by which a parent of a student can grant permission to access or
- 195 examine the personally identifiable information.
- 196 (b) For a survey described in Subsection (1), the LEA shall ensure that the written notice
- 197 described in Subsection (5)(a) includes:
- 198 (i) the survey the LEA will administer to the parent's student;

- 199 (ii) the intended purposes and uses of the data collected;
- 200 (iii) the types of persons or governmental entities that:
- 201 (A) share the collected data, including a list of recipients who will receive the
- 202 student-level data; or
- 203 (B) receive the data collected from a governmental entity on a regular or
- 204 contractual basis; and
- 205 (iv) the record series as defined in Section 63G-2-103 in which the data is or will be
- 206 included, if applicable.
- 207 (6)(a) Except in response to a situation which a school employee reasonably believes to
- 208 be an emergency, as authorized under Title 80, Chapter 2, Part 6, Child Abuse and
- 209 Neglect Reports, by order of a court, or as described in Subsection (1)(b), disclosure
- 210 to a parent must be given at least two weeks before information protected under this
- 211 section is sought.
- 212 (b) Following disclosure, a parent may waive the two week minimum notification period.
- 213 (c) Unless otherwise agreed to by a student's parent and the person requesting written
- 214 consent, the authorization is valid only for the activity for which it was granted.
- 215 (d) A written withdrawal of authorization submitted to the school principal by the
- 216 authorizing parent terminates the authorization.
- 217 (e) A general consent used to approve admission to school or involvement in special
- 218 education, remedial education, or a school activity does not constitute written consent
- 219 under this section.
- 220 (7)(a) This section does not limit the ability of a student under Section 53G-10-203 to
- 221 spontaneously express sentiments or opinions otherwise protected against disclosure
- 222 under this section.
- 223 (b)(i) If a school employee or agent believes that a situation exists which presents a
- 224 serious threat to the well-being of a student, that employee or agent shall notify
- 225 the student's parent without delay.
- 226 (ii) If, however, the matter has been reported to the Division of Child and Family
- 227 Services within the Department of Human Services, it is the responsibility of the
- 228 division to notify the student's parent of any possible investigation, prior to the
- 229 student's return home from school.
- 230 (iii) The division may be exempted from the notification requirements described in
- 231 this Subsection (7)(b)(ii) only if it determines that the student would be
- 232 endangered by notification of the student's parent, or if that notification is

- 233 otherwise prohibited by state or federal law.
- 234 (8)(a) If a school employee, agent, or school resource officer believes a student is at-risk
 235 of attempting suicide, physical self-harm, or harming others, the school employee,
 236 agent, or school resource officer may intervene and ask a student questions regarding
 237 the student's suicidal thoughts, physically self-harming behavior, or thoughts of
 238 harming others for the purposes of:
- 239 (i) referring the student to appropriate prevention services; and
 - 240 (ii) informing the student's parent.
- 241 (b) An LEA shall develop and adopt a policy regarding intervention measures consistent
 242 with Subsection (8)(a) while requiring the minimum degree of intervention to
 243 accomplish the goals of this section.
- 244 (9) An LEA governing board shall provide inservice for teachers and administrators on the
 245 implementation of this section.
- 246 (10) The state board shall provide procedures for disciplinary action for violations of this
 247 section.
- 248 (11) Data collected from a survey described in Subsection (1):
- 249 (a) is a private record as provided in Section 63G-2-302;
 - 250 (b) may not be shared except in accordance with the Family Educational Rights and
 251 Privacy Act, 20 U.S.C. Sec. 1232g;
 - 252 (c) may only be used by an individual, organization, or governmental entity, including
 253 the state board, for the purposes identified in the notice described in Subsection (5);
 254 and
 - 255 (d) may not be included in a student's Student Achievement Backpack, as that term is
 256 defined in Section 53E-3-511.
- 257 Section 4. Section **53F-4-207** is amended to read:
- 258 **53F-4-207 . Student intervention early warning program.**
- 259 (1) As used in this section:
- 260 (a) "Digital program" means a program that provides information for student early
 261 intervention as described in this section.
 - 262 (b) "Online data reporting tool" means a system described in Section 53E-4-311.
- 263 (2)(a) The state board shall, subject to legislative appropriations:
- 264 (i) subject to Subsection (2)(c), enhance the online data reporting tool and provide
 265 additional formative actionable data on student outcomes; and
 - 266 (ii) select through a competitive contract process a provider to provide to an LEA a

- 267 digital program as described in this section.
- 268 (b) Information collected or used by the state board for purposes of enhancing the online
269 data reporting tool in accordance with this section may not identify a student
270 individually.
- 271 (c) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
272 Administrative Rulemaking Act, to define the primary exceptionalities described in
273 Subsection (3)(e)(ii).
- 274 (3) The enhancement to the online data reporting tool and the digital program shall:
- 275 (a) be designed with a user-appropriate interface for use by teachers, school
276 administrators, and parents;
- 277 (b) provide reports on a student's results at the student level on:
- 278 (i) a national assessment;
- 279 (ii) a local assessment; and
- 280 (iii) a standards assessment described in Section 53E-4-303;
- 281 (c) have the ability to provide data from aggregate student reports based on a student's:
- 282 (i) teacher;
- 283 (ii) school;
- 284 (iii) school district, if applicable; or
- 285 (iv) ethnicity;
- 286 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a
287 single computer screen;
- 288 (e) have the ability to compare the performance of students, for each teacher, based on a
289 student's:
- 290 (i) gender;
- 291 (ii) special needs, including primary exceptionality as defined by state board rule;
- 292 (iii) English proficiency;
- 293 (iv) economic status;
- 294 (v) migrant status;
- 295 (vi) ethnicity;
- 296 (vii) response to tiered intervention;
- 297 (viii) response to tiered intervention enrollment date;
- 298 (ix) absence rate;
- 299 (x) feeder school;
- 300 (xi) type of school, including primary or secondary, public or private, Title I, or other

- 301 general school-type category;
- 302 (xii) course failures; and
- 303 (xiii) other criteria, as determined by the state board; and
- 304 (f) have the ability to load data from a local, national, or other assessment in the data's
- 305 original format within a reasonable time.
- 306 (4) Subject to legislative appropriations, the online data reporting tool and digital program
- 307 shall, in compliance with Section 53G-10-204:
- 308 (a) integrate criteria for early warning indicators, including the following criteria:
- 309 (i) discipline, including school safety violations;
- 310 (ii) attendance;
- 311 (iii) behavior;
- 312 (iv) course failures; and
- 313 (v) other criteria as determined by a local school board or charter school governing
- 314 board;
- 315 (b) provide a teacher or administrator the ability to view the early warning indicators
- 316 described in Subsection (4)(a) with a student's assessment results described in
- 317 Subsection (3)(b);
- 318 (c) provide data on response to intervention using existing assessments or measures that
- 319 are manually added, including assessment and nonacademic measures;
- 320 (d) provide a user the ability to share interventions within a reporting environment and
- 321 add comments to inform other teachers, administrators, and parents;
- 322 (e) save and share reports among different teachers and school administrators, subject to
- 323 the student population information a teacher or administrator has the rights to access;
- 324 (f) automatically flag a student profile when early warning thresholds, that the state
- 325 board defines, are met so that a teacher can easily identify a student who may be in
- 326 need of intervention;
- 327 (g) incorporate a variety of algorithms to support student learning outcomes and provide
- 328 student growth reporting by teacher;
- 329 (h) integrate response to intervention tiers and activities as filters for the reporting of
- 330 individual student data and aggregated data, including by ethnicity, school, or teacher;
- 331 (i) have the ability to generate parent communication to alert the parent of plans or
- 332 interventions; and
- 333 (j) configure alerts based upon student academic results, including a student's
- 334 performance on the previous year's standards assessment described in Section

- 335 53E-4-303 or results to appropriate behavior interventions.
- 336 (5)(a) The state board shall ensure that each LEA receives access to a digital program
337 through a provider described in Subsection (2)(a)(ii).
- 338 (b) An LEA shall:
- 339 (i) pay for 50% of the cost of providing access to the digital program to the LEA; and
340 (ii) no later than one school year after accessing a digital program, report to the state
341 board in a format required by the state board on:
- 342 (A) the effectiveness of the digital program;
343 (B) positive and negative attributes of the digital program;
344 (C) recommendations for improving the online data reporting tool; and
345 (D) any other information regarding a digital program requested by the state board.
- 346 (c) The state board shall consider recommendations from an LEA for changes to the
347 online data reporting tool.
- 348 (6) A person shall provide or use information described in this section [-]in accordance with[-]:
349 (a) Title 53E, Chapter 9, Student Privacy and Data Protection;
350 (b) Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g;[-and]
351 (c) the parental consent requirements in Section 53E-9-203[-] ; and
352 (d) the prohibitions on character education described in Section 53G-10-204.
- 353 (7)(a) A parent or guardian may opt the parent's or guardian's student into participating
354 in a survey prepared by an LEA's online data reporting tool described in this section.
- 355 (b) An LEA shall provide notice to a parent of:
- 356 (i) the administration of a survey described in Subsection (7)(a);
357 (ii) if applicable, that the survey may request information from students that is non-
358 academic in nature;
359 (iii) where the parent may access the survey described in Subsection (7)(a) to be
360 administered; and
361 (iv) the opportunity to opt a student out of participating in a survey as described in
362 Subsection (7)(a).
- 363 (c) An LEA shall annually provide notice to parents and guardians on how the LEA
364 uses student data through the online data reporting tool to provide instruction and
365 intervention to students.
- 366 (8) An LEA may use a different platform from the platform described in Subsection
367 (2)(a)(ii) if the different platform accomplishes the requirements of this section.
- 368 Section 5. Section **53G-10-204** is repealed and reenacted to read:

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

371 (1) As used in this section:

372 (a) "Administrative personnel" means the same as defined is in Section 53G-10-206.

373 (b) "Character education" means interpersonal or intrapersonal competencies, skills, or
374 traits related to attitudes, beliefs, existential meaning or purpose, mindsets,
375 dispositions, identity, or values that are inherently subjective or open to interpretation.

376 (c) "Instructional personnel" means the same as defined in Section 53G-10-206.

377 (d) "Public entity" means the same as defined in Section 76-1-101.5.

378 (e) "Student" means a student in pre-kindergarten through grade 12 who is:

379 (i) enrolled in a public school; or

380 (ii) a participant in a public school program.

381 (2) The provisions of this Subsection (2) are non-severable from this section:

382 (a) the public education system shall be free from sectarian control, in accordance with
383 Utah Constitution, Article X, Section 1;

384 (b) no religious or partisan test or qualification shall be required as a condition of
385 admission or attendance in the state's education system, in accordance with Utah
386 Constitution, Article X, Section 8;

387 (c) sectarian control and partisan tests can be either religious or secular in nature;

388 (d) the Free Exercise Clause protects against state education institutions establishing
389 imposing sectarian or partisan tests, qualifications, or systems of thought and belief
390 on students, regardless of the extent to which these align or conflict with those taught
391 at home; and

392 (e) the privilege and purview to determine or provide for the character education or
393 formation of a child solely resides with a parent, and cannot be assumed by or ceded
394 to the state.

395 (3) To serve the profound liberty interests of children and parents, and to protect against
396 state arrogation of individual rights guaranteed by the Utah Constitution and the 1st, 4th,
397 9th, and 14th amendments to the United States Constitution, administrative personnel
398 and instructional personnel may not:

399 (a) categorize, grade, measure, monitor, standardize, or track the character education of a
400 student or students using current or historical social emotional learning frameworks,
401 models, policy guides, practices, programs, rituals, rubrics, systems, taxonomies, or
402 tools developed by any public or private source, or using speech-ranking tools

- 403 indexed to the social or emotional value or effect of communication;
- 404 (b) collect data or produce information, including biometric and psychometric, on the
- 405 character education of a student or students, including for distribution or use in any
- 406 repository, dashboard, database, digital interface, or networked or interoperable
- 407 system;
- 408 (c) distribute, produce, or use student profiles, portfolios, passports, transcripts,
- 409 credentials, social credit, or other records which include character education
- 410 components; or
- 411 (d) take any of the prohibited actions in Subsections (3)(a), (b), and (c) in regard to
- 412 children who are homeschooled.
- 413 (4) Nothing in this section prohibits:
- 414 (a) administrative or instructional personnel from using basic methods of maintaining
- 415 classroom order not described in Subsection (3);
- 416 (b) administrative or instructional personnel from communicating an objective
- 417 observation of student attendance, behavior, or coursework to a student, a parent, the
- 418 appropriate personnel, or the proper authorities;
- 419 (c) administrative or instructional personnel from:
- 420 (i) crisis response to protect an individual's immediate physical safety; or
- 421 (ii) notifying a parent, the appropriate personnel, or the proper authorities of personal
- 422 knowledge of student behavior that is criminal, delinquent, related to self-harm or
- 423 discipline, or of serious concern;
- 424 (d) an LEA from maintaining and sharing records and communications compliant with
- 425 Subsection (3) specific to the student behavior described in Subsections (4)(b) and (c)
- 426 with:
- 427 (i) the appropriate personnel at the school or LEA at which a student is enrolled;
- 428 (ii) the parent of a student; or
- 429 (iii) the proper authorities; or
- 430 (e) specific records or provisions of a student's IEP or 504 Accommodation plan as
- 431 designated by a parent and allowed under IDEA or Section 504 of the Rehabilitation
- 432 Act of 1973 as amended in the area of public elementary and secondary education.
- 433 (5) The state auditor shall:
- 434 (a) establish a process to receive reports from individuals alleging a violation of
- 435 Subsection (3), which includes:
- 436 (i) publishing on a publicly-accessible dashboard on the state auditor's website the

- 437 number of complaints received monthly and yearly; and
438 (ii) providing a method of tracking the status of an allegation from receipt to
439 resolution to the individual reporting the allegation;
- 440 (b) investigate alleged violations of Subsection (3);
441 (c) provide written notice of the alleged violation to the public entity responsible for
442 employing or engaging the services of the administrative or instructional personnel;
443 (d) have unrestricted access to any public entity records, systems, or properties it may
444 deem additionally necessary to verify an alleged violation or confirm a remedy of a
445 violation of Subsection (3);
446 (e) determine violations of Subsection (3) on a prima facie basis; and
447 (f) require compliance from public entities for initial or repeat violations of Subsection
448 (3).
- 449 (6) Upon determining a violation of Subsection (3), the state auditor shall:
- 450 (a) provide a public entity a written notice of the determined violation, which:
- 451 (i) informs the public entity that the violation requires the state auditor to withhold
452 funds in accordance with Section 67-3-1 until the state auditor can confirm the
453 public entity's compliance with this section; and
454 (ii) informs the public entity that the public entity has 60 calendar days to provide a
455 written assurance of compliance which:
- 456 (A) confirms that the public entity has remedied the violation;
457 (B) lists the actions the public entity has taken to remedy the violation; and
458 (C) commits the public entity to preventing a recurrence of the violation;
- 459 (b) publish the determined violation on a publicly-accessible dashboard of the state
460 auditor's website, including the following information:
- 461 (i) the name of the public entity in violation of Subsection (3);
462 (ii) the date on which the state auditor received the report alleging a violation of
463 Subsection (3);
464 (iii) the nature of the violation;
465 (iv) the nature of the remedy;
466 (v) upon receipt from the public entity, a link to a copy of the written assurance of
467 compliance required under Subsection (6)(a)(ii); and
468 (vi) the compliance status of the public entity, including that described in Subsection
469 (6)(b)(vi); and
- 470 (c) for a public entity with three or more determined violations of this section in a rolling

- 471 five-year period, whether distinct or repeat violations:
- 472 (i) designate, on the state auditor's website, the public entity as a non-compliant actor;
- 473 and
- 474 (ii) recommend the public entity to the United States Department of Justice for a
- 475 possible violation of 18 U.S.C. Sec. 241.
- 476 (7)(a) A parent of a student affected by a violation of Subsection (3) may bring a private
- 477 right of action against a public entity for a violation of Subsection (3).
- 478 (b) A parent who brings an action described in Subsection (7)(a) is entitled to the
- 479 rebuttable presumption of Subsections (2)(d) and (2)(e).
- 480 (c) If a parent prevails in an action under Subsection (7)(a):
- 481 (i) the court shall:
- 482 (A) award reasonable costs to the parent; and
- 483 (B) require the defendant to pay the parent's attorney fees; and
- 484 (ii) the parent may recover:
- 485 (A) actual damages; and
- 486 (B) other damages the court deems reasonable.
- 487 (d) Notwithstanding Subsection (7)(a), a parent may not bring a civil action against an
- 488 employee acting in the employee's individual capacity.
- 489 (8) Notwithstanding any rulemaking authority of a public entity, a public entity may not
- 490 make rules regarding this section.
- 491 (9)(a) A public entity may train administrative and instructional personnel consistent
- 492 with the provisions of this section.
- 493 (b) A public entity may not use the training described in Subsection (9)(a) as an
- 494 affirmative defense in action taken under Subsection (7)(a).
- 495 Section 6. Section **53G-10-204.5** is enacted to read:
- 496 **53G-10-204.5 . Constitutional government education -- Definitions -- Legislative**
- 497 **findings -- Elements -- Enactment.**
- 498 (1) As used in this section, "Constitutional government education" means, in relation to
- 499 Utah and the United States, direct instruction informing students of the purpose,
- 500 function, and structure of a Constitutional republic.
- 501 (2) The Legislature recognizes that:
- 502 (a) Constitutional government education shall be a continuing focus and emphasis in
- 503 public schools and is necessary for the preservation of the state, the nation, the
- 504 general welfare and liberty of its citizenry;

- 505 (b) strong religious and moral values cultivated within the family are essential to the
 506 preservation of the liberties guaranteed through constitutional government and for the
 507 welfare of succeeding generations;
- 508 (c) the sole privilege and purview for character formation and religious and moral
 509 education of children resides with their parents;
- 510 (d) state and local governments are to respect the boundaries between the home and the
 511 state regarding character formation and the religious and moral education of children
 512 as established in Section 53G-10-204; and
- 513 (e) public schools assist in preserving our Constitutional republic by preparing
 514 succeeding generations through instruction in its foundational principles.
- 515 (3) Students shall be taught Constitutional government education as a discreet subject area,
 516 which shall include the following:
- 517 (a) the Declaration of Independence;
- 518 (b) the constitutions of the United States and of the state of Utah;
- 519 (c) the history of Utah's statehood;
- 520 (d) the essentials and benefits of the free enterprise system;
- 521 (e) other seminal historical documents related to the founding of the United States of
 522 America;
- 523 (f) the branches of government;
- 524 (g) the checks and balances on the branches of government;
- 525 (h) the government deriving its just powers from the consent of the governed;
- 526 (i) the limited and enumerated powers of the state and federal governments; and
- 527 (j) the government's obligation to represent and protect the fundamental liberties of its
 528 citizenry.
- 529 (4) Local school boards and school administrators may provide training, direction, and
 530 encouragement, as needed, to accomplish the intent and requirements of this section and
 531 to effectively emphasize Constitutional government education in the public schools,
 532 consistent with the provisions of Section 53G-10-204.

533 Section 7. Section **53G-10-402** is amended to read:

534 **53G-10-402 . Instruction in health -- Parental consent requirements -- Conduct**
 535 **and speech of school employees and volunteers -- Political and religious doctrine**
 536 **prohibited.**

537 (1) As used in this section:

- 538 (a) "LEA governing board" means a local school board or charter school governing

- 539 board.
- 540 (b) "Refusal skills" means instruction:
- 541 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
- 542 adult;
- 543 (ii) in a student's obligation to stop the student's sexual advances if refused by another
- 544 individual;
- 545 (iii) informing a student of the student's right to report and seek counseling for
- 546 unwanted sexual advances; and
- 547 (iv) informing a student that a student may not consent to criminally prohibited
- 548 activities or activities for which the student is legally prohibited from giving
- 549 consent, including the electronic transmission of sexually explicit images by an
- 550 individual, regardless of whether the image is of the individual who transmits the
- 551 image or of another individual.
- 552 (c) "Situational awareness" means instruction in a student's ability to:
- 553 (i) observe the student's environment, including:
- 554 (A) increasing awareness; and
- 555 (B) noticing details and changes in the environment; and
- 556 (ii) respond in unsafe situations, including how to seek help.
- 557 (d) "Success sequence" means a three-prong framework for youth and young adults that
- 558 encourages:
- 559 (i) completing at least a high school education and pursuing further educational
- 560 opportunities;
- 561 (ii) obtaining full-time employment; and
- 562 (iii) having children within a healthy and stable family and marriage.
- 563 (2)(a) In accordance with Section 53E-3-501 and in compliance with Section
- 564 53G-10-204, the state board shall establish health curriculum requirements:
- 565 (i) for the purpose of:
- 566 (A) equipping students with practical safety skills regarding sexual abuse,
- 567 trafficking, and harassment;
- 568 (B) promoting respect for humankind and individual responsibility;
- 569 (C) fostering [~~character development and~~]decision-[-]making through the success
- 570 sequence; and
- 571 (D) encouraging healthy personal and family relationships; and
- 572 (ii) that include instruction in:

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

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

- 641 provide recommendations to the state board as the state board develops the
642 curriculum, rules, or programs described in this Subsection (2).
- 643 (3) A student shall receive the instruction described in Subsection (2) on at least two
644 occasions between the beginning of grade 7 and the end of grade 12.
- 645 (4)(a) The state board shall, in accordance with Title 63G, Chapter 3, Utah
646 Administrative Rulemaking Act, make rules that:
- 647 (i) provide for the compliance with the parental consent requirements of Sections
648 76-7-322; and
- 649 (ii) require advance notice to a student's parent that provides an opportunity to review
650 the information for which parental consent is required under Sections 76-7-322
651 and 76-7-323.
- 652 (b) The state board shall provide procedures for disciplinary action for violation of
653 Section 76-7-322 or 76-7-323.
- 654 (5)(a) In accordance with [~~Section 53G-10-204 and~~] Subsection (2)(b)(iii), [~~and~~]
655 because school employees and volunteers serve as examples to students, school
656 employees or volunteers acting in an official capacity may not support or encourage
657 criminal conduct by students, teachers, or volunteers.
- 658 (b) To ensure the effective performance of school personnel, the limitations described in
659 Subsection (5)(a) also apply to a school employee or volunteer acting outside of the
660 school employee's or volunteer's official capacity if:
- 661 (i) the employee or volunteer knew or should have known that the employee's or
662 volunteer's action could result in a material and substantial interference or
663 disruption in the normal activities of the school; and
- 664 (ii) the employee's or volunteer's action results in a material and substantial
665 interference or disruption in the normal activities of the school.
- 666 (c) The state board or an LEA governing board may not allow training of school
667 employees or volunteers that supports or encourages criminal conduct.
- 668 (d) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
669 Rulemaking Act, make rules implementing this Subsection (5).
- 670 (e) Nothing in this section limits the ability or authority of the state board or an LEA
671 governing board to enact and enforce rules or take actions that are otherwise lawful
672 regarding an educator's, employee's, or volunteer's qualifications or behavior
673 evidencing unfitness for duty.
- 674 (6) Except as provided in Section 53G-10-202, an individual may not teach or provide

- 675 instruction on political, atheistic, sectarian, religious, or denominational doctrine in the
676 public schools.
- 677 (7)(a) An LEA governing board and an LEA governing board's employees shall
678 cooperate and share responsibility in carrying out the purposes of this chapter.
- 679 (b) An LEA governing board shall:
- 680 (i) ~~[(A)]~~ provide appropriate professional development for the LEA governing
681 board's teachers, counselors, and school administrators to enable the teachers,
682 counselors, and school administrators to understand ~~[, protect, and properly~~
683 ~~instruct students in the values and character traits referred to in]~~ and comply
684 with the provisions of this section and Sections 53E-9-202, 53E-9-203,
685 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205; and
- 686 ~~[(B) distribute appropriate written materials on the values, character traits, and~~
687 ~~conduct described in Subsection (7)(b)(i) to each individual receiving the~~
688 ~~professional development; and]~~
- 689 (ii) ~~[make the written materials described in]~~ distribute a complete copy of each code
690 section listed in Subsection (7)(b) [available] to education support professionals,
691 students, and students' parents.
- 692 (c) To assist an LEA governing board in providing the professional development
693 required under Subsection (7)(b), the state board shall, as appropriate, contract with a
694 qualified individual or entity possessing expertise in the areas described in
695 Subsection (7)(b) to develop and disseminate model teacher professional
696 development programs that an LEA governing board may use to train the individuals
697 described in Subsection (7)(b) to effectively ~~[teach the values and qualities of~~
698 ~~character described]~~ comply with the sections of code referenced in Subsection (7)(b).
- 699 (d) In accordance with Subsection (5)(c), professional development may not support or
700 encourage criminal conduct.
- 701 (8) An LEA governing board shall review every two years:
- 702 (a) LEA governing board policies on instruction described in this section;
- 703 (b) for a local school board, data for each county in which the school district is located,
704 or, for a charter school governing board, data for the county in which the charter
705 school is located, on the following:
- 706 (i) teen pregnancy;
- 707 (ii) child sexual abuse; and
- 708 (iii) sexually transmitted diseases and sexually transmitted infections; and

- 709 (c) the number of pornography complaints or other instances reported within the
710 jurisdiction of the LEA governing board.
- 711 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this
712 section, or the application thereof to any person or circumstance, is found to be
713 unconstitutional, the balance of this section shall be given effect without the invalid
714 provision, subsection, sentence, clause, phrase, or word.

715 Section 8. Section **67-3-1** is amended to read:

716 **67-3-1 . Functions and duties.**

- 717 (1)(a) The state auditor is the auditor of public accounts and is independent of any
718 executive or administrative officers of the state.
- 719 (b) The state auditor is not limited in the selection of personnel or in the determination
720 of the reasonable and necessary expenses of the state auditor's office.
- 721 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
722 financial statements showing:
- 723 (a) the condition of the state's finances;
- 724 (b) the revenues received or accrued;
- 725 (c) expenditures paid or accrued;
- 726 (d) the amount of unexpended or unencumbered balances of the appropriations to the
727 agencies, departments, divisions, commissions, and institutions; and
- 728 (e) the cash balances of the funds in the custody of the state treasurer.
- 729 (3)(a) The state auditor shall:
- 730 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
731 of any department of state government or any independent agency or public
732 corporation as the law requires, as the auditor determines is necessary, or upon
733 request of the governor or the Legislature;
- 734 (ii) perform the audits in accordance with generally accepted auditing standards and
735 other auditing procedures as promulgated by recognized authoritative bodies; and
- 736 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 737 (A) honesty and integrity in fiscal affairs;
- 738 (B) accuracy and reliability of financial statements;
- 739 (C) effectiveness and adequacy of financial controls; and
- 740 (D) compliance with the law.
- 741 (b) If any state entity receives federal funding, the state auditor shall ensure that the
742 audit is performed in accordance with federal audit requirements.

- 743 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
744 appropriation to the state auditor from the General Fund.
- 745 (ii) If an appropriation is not provided, or if the federal government does not
746 specifically provide for payment of audit costs, the costs of the federal compliance
747 portions of the audit shall be allocated on the basis of the percentage that each
748 state entity's federal funding bears to the total federal funds received by the state.
- 749 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
750 audit funds passed through the state to local governments and to reflect any
751 reduction in audit time obtained through the use of internal auditors working
752 under the direction of the state auditor.
- 753 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
754 financial audits, and as the auditor determines is necessary, conduct performance and
755 special purpose audits, examinations, and reviews of any entity that receives public
756 funds, including a determination of any or all of the following:
- 757 (i) the honesty and integrity of all the entity's fiscal affairs;
- 758 (ii) whether the entity's administrators have faithfully complied with legislative intent;
- 759 (iii) whether the entity's operations have been conducted in an efficient, effective, and
760 cost-efficient manner;
- 761 (iv) whether the entity's programs have been effective in accomplishing the intended
762 objectives; and
- 763 (v) whether the entity's management, control, and information systems are adequate,
764 effective, and secure.
- 765 (b) The auditor may not conduct performance and special purpose audits, examinations,
766 and reviews of any entity that receives public funds if the entity:
- 767 (i) has an elected auditor; and
- 768 (ii) has, within the entity's last budget year, had the entity's financial statements or
769 performance formally reviewed by another outside auditor.
- 770 (5) The state auditor:
- 771 (a) shall administer any oath or affirmation necessary to the performance of the duties of
772 the auditor's office; and
- 773 (b) may:
- 774 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 775 (ii) examine into any matter that the auditor considers necessary.
- 776 (6) The state auditor may require all persons who have had the disposition or management

- 777 of any property of this state or its political subdivisions to submit statements regarding
778 the property at the time and in the form that the auditor requires.
- 779 (7) The state auditor shall:
- 780 (a) except where otherwise provided by law, institute suits in Salt Lake County in
781 relation to the assessment, collection, and payment of revenues against:
- 782 (i) persons who by any means have become entrusted with public money or property
783 and have failed to pay over or deliver the money or property; and
784 (ii) all debtors of the state;
- 785 (b) collect and pay into the state treasury all fees received by the state auditor;
- 786 (c) perform the duties of a member of all boards of which the state auditor is a member
787 by the constitution or laws of the state, and any other duties that are prescribed by the
788 constitution and by law;
- 789 (d) stop the payment of the salary of any state official or state employee who:
- 790 (i) refuses to settle accounts or provide required statements about the custody and
791 disposition of public funds or other state property;
- 792 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
793 board or department head with respect to the manner of keeping prescribed
794 accounts or funds; or
- 795 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
796 official's or employee's attention;
- 797 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
798 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 799 (f) superintend the contractual auditing of all state accounts;
- 800 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
801 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
802 ensure that officials and employees in those taxing units comply with state laws and
803 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 804 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
805 if necessary, to ensure that officials and employees in the county comply with
806 Section 59-2-303.1; and
- 807 (i) withhold state allocated funds or the disbursement of property taxes from a local
808 government entity or a limited purpose entity, as those terms are defined in Section
809 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
810 registers and maintains the entity's registration with the lieutenant governor, in

- 811 accordance with Section 67-1a-15.
- 812 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
813 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
814 formal written notice of noncompliance from the auditor and has been given 60 days
815 to make the specified corrections.
- 816 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
817 fee-assessing unit that exclusively assesses fees has not made corrections to comply
818 with state laws and procedures in the budgeting, expenditures, and financial reporting
819 of public funds, the state auditor:
- 820 (i) shall provide a recommended timeline for corrective actions;
- 821 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
822 the state; and
- 823 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
824 account of a financial institution by filing an action in a court with jurisdiction
825 under Title 78A, Judiciary and Judicial Administration, requesting an order of the
826 court to prohibit a financial institution from providing the fee-assessing unit
827 access to an account.
- 828 (c) The state auditor shall remove a limitation on accessing funds under Subsection (8)(b)
829 upon compliance with state laws and procedures in the budgeting, expenditures, and
830 financial reporting of public funds.
- 831 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
832 state law, the state auditor:
- 833 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
834 comply;
- 835 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
836 state; and
- 837 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
838 account of a financial institution by:
- 839 (A) contacting the taxing or fee-assessing unit's financial institution and
840 requesting that the institution prohibit access to the account; or
- 841 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
842 Judicial Administration, requesting an order of the court to prohibit a financial
843 institution from providing the taxing or fee-assessing unit access to an account.
- 844 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,

- 845 the state auditor shall eliminate a limitation on accessing funds described in
846 Subsection (8)(d).
- 847 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
848 received formal written notice of noncompliance from the auditor and has been given 60
849 days to make the specified corrections.
- 850 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
851 auditor receives a notice of non-registration, as that term is defined in Section
852 67-1a-15.
- 853 (b) If the state auditor receives a notice of non-registration, the state auditor may
854 prohibit the local government entity or limited purpose entity, as those terms are
855 defined in Section 67-1a-15, from accessing:
- 856 (i) money held by the state; and
857 (ii) money held in an account of a financial institution by:
- 858 (A) contacting the entity's financial institution and requesting that the institution
859 prohibit access to the account; or
860 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
861 Judicial Administration, requesting an order of the court to prohibit a financial
862 institution from providing the entity access to an account.
- 863 (c) The state auditor shall remove the prohibition on accessing funds described in
864 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
865 defined in Section 67-1a-15, from the lieutenant governor.
- 866 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
867 auditor:
- 868 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
869 as those terms are defined in Section 67-1a-15, or a state or local taxing or
870 fee-assessing unit if the disbursement is necessary to:
- 871 (i) avoid a major disruption in the operations of the local government entity, limited
872 purpose entity, or state or local taxing or fee-assessing unit; or
873 (ii) meet debt service obligations; and
- 874 (b) may authorize a disbursement by a local government entity, limited purpose entity,
875 or state or local taxing or fee-assessing unit as the state auditor determines is
876 appropriate.
- 877 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
878 temporary custody of public funds if an action is necessary to protect public funds

879 from being improperly diverted from their intended public purpose.

880 (b) If the state auditor seeks relief under Subsection (12)(a):

881 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);

882 and

883 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if

884 a court orders the public funds to be protected from improper diversion from their

885 public purpose.

886 (13) The state auditor shall:

887 (a) establish audit guidelines and procedures for audits of local mental health and

888 substance abuse authorities and their contract providers, conducted pursuant to Title

889 17, Chapter 77, Local Health and Human Services, Title 26B, Chapter 5, Health Care

890 - Substance Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports

891 from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act;

892 and

893 (b) ensure that those guidelines and procedures provide assurances to the state that:

894 (i) state and federal funds appropriated to local mental health authorities are used for
895 mental health purposes;

896 (ii) a private provider under an annual or otherwise ongoing contract to provide
897 comprehensive mental health programs or services for a local mental health
898 authority is in compliance with state and local contract requirements and state and
899 federal law;

900 (iii) state and federal funds appropriated to local substance abuse authorities are used
901 for substance abuse programs and services; and

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

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

- 913 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
914 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
915 may initiate an audit or investigation of the public entity subject to the notice to
916 determine compliance with Section 11-41-103.
- 917 (15)(a) The state auditor may not audit work that the state auditor performed before
918 becoming state auditor.
- 919 (b) If the state auditor has previously been a responsible official in state government
920 whose work has not yet been audited, the Legislature shall:
- 921 (i) designate how that work shall be audited; and
922 (ii) provide additional funding for those audits, if necessary.
- 923 (16) The state auditor shall:
- 924 (a) with the assistance, advice, and recommendations of an advisory committee
925 appointed by the state auditor from among special district boards of trustees, officers,
926 and employees and special service district boards, officers, and employees:
- 927 (i) prepare a Uniform Accounting Manual for Special Districts that:
- 928 (A) prescribes a uniform system of accounting and uniform budgeting and
929 reporting procedures for special districts under Title 17B, Limited Purpose
930 Local Government Entities - Special Districts, and special service districts
931 under Title 17D, Chapter 1, Special Service District Act;
- 932 (B) conforms with generally accepted accounting principles; and
933 (C) prescribes reasonable exceptions and modifications for smaller districts to the
934 uniform system of accounting, budgeting, and reporting;
- 935 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
936 reflect generally accepted accounting principles;
- 937 (iii) conduct a continuing review and modification of procedures in order to improve
938 them;
- 939 (iv) prepare and supply each district with suitable budget and reporting forms; and
940 (v)(A) prepare instructional materials, conduct training programs, and render other
941 services considered necessary to assist special districts and special service
942 districts in implementing the uniform accounting, budgeting, and reporting
943 procedures; and
944 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with
945 Title 63G, Chapter 22, State Training and Certification Requirements; and
946 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices

947 and experiences of specific special districts and special service districts selected by
948 the state auditor and make the information available to all districts.

949 (17)(a) The following records in the custody or control of the state auditor are protected
950 records under Title 63G, Chapter 2, Government Records Access and Management
951 Act:

952 (i) records that would disclose information relating to allegations of personal
953 misconduct, gross mismanagement, or illegal activity of a past or present
954 governmental employee if the information or allegation cannot be corroborated by
955 the state auditor through other documents or evidence, and the records relating to
956 the allegation are not relied upon by the state auditor in preparing a final audit
957 report;

958 (ii) records and audit workpapers to the extent the workpapers would disclose the
959 identity of an individual who during the course of an audit, communicated the
960 existence of any waste of public funds, property, or manpower, or a violation or
961 suspected violation of a law, rule, or regulation adopted under the laws of this
962 state, a political subdivision of the state, or any recognized entity of the United
963 States, if the information was disclosed on the condition that the identity of the
964 individual be protected;

965 (iii) before an audit is completed and the final audit report is released, records or
966 drafts circulated to an individual who is not an employee or head of a
967 governmental entity for the individual's response or information;

968 (iv) records that would disclose an outline or part of any audit survey plans or audit
969 program; and

970 (v) requests for audits, if disclosure would risk circumvention of an audit.

971 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
972 of records or information that relate to a violation of the law by a governmental entity
973 or employee to a government prosecutor or peace officer.

974 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
975 the state auditor to classify a document as public, private, controlled, or protected
976 under Title 63G, Chapter 2, Government Records Access and Management Act.

977 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
978 the state auditor and the subject of an audit performed by the state auditor as to
979 whether the state auditor may release a record, as defined in Section 63G-2-103,
980 to the public that the state auditor gained access to in the course of the state

981 auditor's audit but which the subject of the audit claims is not subject to disclosure
982 under Title 63G, Chapter 2, Government Records Access and Management Act.

983 (ii) The state auditor may submit a record dispute to the director of the Government
984 Records Office, created in Section 63A-12-202, for a determination of whether the
985 state auditor may, in conjunction with the state auditor's release of an audit report,
986 release to the public the record that is the subject of the record dispute.

987 (iii) The state auditor or the subject of the audit may seek judicial review of the
988 director's determination, described in Subsection (17)(d)(ii), as provided in
989 Section 63G-2-404.

990 (18) If the state auditor conducts an audit of an entity that the state auditor has previously
991 audited and finds that the entity has not implemented a recommendation made by the
992 state auditor in a previous audit, the state auditor shall notify the Legislative
993 Management Committee through the Legislative Management Committee's Audit
994 Subcommittee that the entity has not implemented that recommendation.

995 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state
996 privacy auditor described in Section 67-3-13.

997 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that
998 another government entity reports, on the financial, operational, and performance
999 metrics for the state system of higher education and the state system of public education,
1000 including metrics in relation to students, programs, and schools within those systems.

1001 (21)(a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits of:

1002 (i) the scholarship granting organization for the Carson Smith Opportunity
1003 Scholarship Program, created in Section 53E-7-402;

1004 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
1005 in Section 53F-4-302; and

1006 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
1007 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
1008 program, taking into consideration the amount of the scholarship and the amount
1009 of state and local funds dedicated on a per-student basis within the traditional
1010 public education system.

1011 (b) Nothing in this subsection limits or impairs the authority of the State Board of
1012 Education to administer the programs described in Subsection (21)(a).

1013 (22) The state auditor shall, based on the information posted by the Office of Legislative
1014 Research and General Counsel under Subsection 36-12-12.1(2), for each policy, track

- 1015 and post the following information on the state auditor's website:
- 1016 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
- 1017 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
- 1018 adopted;
- 1019 (c) an indication regarding whether the policy complies with the requirements
- 1020 established by law for the policy; and
- 1021 (d) a link to the policy.
- 1022 (23)(a) A legislator may request that the state auditor conduct an inquiry to determine
- 1023 whether a government entity, government official, or government employee has
- 1024 complied with a legal obligation directly imposed, by statute, on the government
- 1025 entity, government official, or government employee.
- 1026 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
- 1027 the inquiry requested.
- 1028 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
- 1029 auditor shall post the results of the inquiry on the state auditor's website.
- 1030 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
- 1031 determination, without conducting an audit, regarding whether the obligation was
- 1032 fulfilled.
- 1033 (24) The state auditor shall:
- 1034 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
- 1035 accordance with Section 63G-31-401; and
- 1036 (b) report to the Legislative Management Committee, upon request, regarding the state
- 1037 auditor's actions under this Subsection (24).
- 1038 (25) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and
- 1039 67-27-109 by:
- 1040 (a) establishing a process to receive and audit each alleged violation; and
- 1041 (b) reporting to the Legislative Management Committee, upon request, regarding the
- 1042 state auditor's findings and recommendations under this Subsection (25).
- 1043 (26) The state auditor shall ensure compliance with Section 63G-1-704 regarding the
- 1044 display of flags in or on government property.
- 1045 (27) The state auditor shall ensure compliance with Section 53G-10-204 regarding the use
- 1046 of character education.
- 1047 [~~27~~] (28)(a) On or before January 31 each year, the state auditor shall prepare a report
- 1048 that states, for each entity that holds public funds as defined in Section 51-7-3, the

1049 entity's total balance, as of the last day of the immediately preceding fiscal year, of
1050 cash, cash equivalents, and investments, as those terms are defined under the
1051 standards established by the Governmental Accounting Standards Board.

1052 (b) The state auditor shall make the report described in Subsection [~~(27)(a)~~] (28)(a)
1053 publicly available on a website that the state auditor maintains.

1054 Section 9. **Effective Date.**

1055 This bill takes effect on July 1, 2026.