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# Administrative Rules Review and General Oversight Committee

Office of Legislative Research and General Counsel

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# Alpine School District Operating Procedures

# Background

## 2022

- November 8 – Voters rejected a \$595 million bond to build and renovate schools
- November 29 – ASD Board voted to study potential boundary changes, consolidations, and closures
- December 8 and 12 – ASD notified parents and local officials

## 2023

- February 28 – Board votes to 'formalize' study of closures for 5 schools
- March 1 – Parents notified of specific proposed closures
- April 18 – Board voted to proceed with proposed closures of 2/5 schools in 2023-24 school year



# Background

## Statutory Requirements

- School closure process is governed by statute ([53G-4-402](#))
- Requires 120-day notice that the school board is considering a school closure or boundary change
  - Amended to 90-day notice by SB143 (2023)
- Requires opportunities for public comment at two board meetings and a public hearing





# Equal Opportunity in High School Athletics

# Title IX

## Federal Law

- Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1688)

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."*

(20 U.S.C. §§ 1681(a))

- Schools that receive federal funding are prohibited from discriminating on the basis of sex in the school's programs
  - Athletic and non-athletic programs must provide equitable opportunity based on sex
  - Public posting of Title IX Coordinator contact information (34 C.F.R. § 106.8(b)(2))



# Title IX

## Evaluation

- Athletics in particular

*"No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis."*

(34 C.F.R. § 106.41(a))

- Complaints are investigated by the United States Department of Education's Office of Civil Rights
- Equal Opportunity is measured by evaluating:
  - the benefits, opportunities, and treatment given to boys, girls, and coeducational activities; and
  - how a school is meeting its students' interests and abilities

(34 C.F.R. § 106.41(c))



- Factors typically considered include:
  - Quality, quantity, suitability, and condition of equipment and supplies
  - Schedule for games and practice
    - Reasonable opportunity to compete before an audience
    - Adequate number of regular season games for division level
    - Convenience of scheduled times
    - Number and length of practice sessions
  - Travel and daily allowances
  - Coaching qualifications, coach teaching requirements
  - Locker rooms, fields, courts, classrooms, other facilities
  - Access to, and quality of, training and medical assistance
  - Publicity
  - Differences between unique aspects of a particular sport or program







# Department of Transportation Procurement Rules

# Background

## Statutory Provisions

- Currently, procurement units are granted the authority to award multiple contracts for a single product if it is in the unit's best interest.

*"A procurement unit that enters into multiple award contracts under this section shall exercise care to protect and promote competition among bidders or offerors when seeking to enter into multiple award contracts."*

(UCA § 63G-6a-1204.5(3)(a))

- Rulemaking authority granted under the statute allows agencies to define the criteria for determining the "unit's best interest"



# Background

- If a procurement unit anticipates in advance that they will award multiple contracts, they must state their intention in the request for proposals

(UCA § 63G-6a-1204.5(3)(c))

- When an agency submits a request for vendor proposals, they are required to provide, “the objective criteria, including, if applicable, cost, and subjective criteria that the procurement unit will use to evaluate proposals”

(UCA § 63G-6a-703(2)(c))



# Background

## Administrative Rule

- R907-33 is UDOT's implementation of their rulemaking authority for procurement
- Employees administering the procurement process must maximize competition as practicable (R907-33-5(1))
- Multiple award contracts are given for an **indefinite** quantity of product (R907-33-6(1))
  - Multiple contracts may be awarded for a number of reasons, some of which include technological change, compatibility with existing systems, or to prevent a threat to public safety





# Insurance Department Licensee Oversight

# Background

## Self-Reporting Requirements

- March 2023 – *Utah Insurance Department vs. Ryan K. Goodrich and Synergy Title Insurance Agency*
  - History of fraudulent business practices
- Statute requires licensees to report to the commissioner:
  - Revocations, suspensions, or limitations of their license
  - Disciplinary sanctions imposed by any state
  - Judgments or injunctions entered on the basis of fraud, deceit, misrepresentation, or violations of insurance laws

(UCA § 31A-23a-111(7))



# Thank you



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