

**Effective 5/3/2023**

**53E-3-501 State board to establish miscellaneous minimum standards for public schools.**

- (1) The state board shall establish rules and minimum standards for the public schools that are consistent with this public education code, including rules and minimum standards governing the following:
  - (a)
    - (i) the qualification and certification of educators and ancillary personnel who provide direct student services;
    - (ii) required school administrative and supervisory services; and
    - (iii) the evaluation of instructional personnel;
  - (b)
    - (i) access to programs;
    - (ii) attendance;
    - (iii) competency levels;
    - (iv) graduation requirements; and
    - (v) discipline and control;
  - (c)
    - (i) school accreditation;
    - (ii) the academic year;
    - (iii) alternative and pilot programs;
    - (iv) curriculum and instruction requirements; and
    - (v) school libraries;
  - (d) services to:
    - (i) persons with a disability as defined by and covered under:
      - (A) the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102;
      - (B) the Rehabilitation Act of 1973, 29 U.S.C. Sec. 705(20)(A); and
      - (C) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1401(3); and
    - (ii) other special groups;
  - (e)
    - (i) state reimbursed bus routes;
    - (ii) bus safety and operational requirements; and
    - (iii) other transportation needs;
  - (f)
    - (i) school productivity and cost effectiveness measures;
    - (ii) federal programs;
    - (iii) school budget formats; and
    - (iv) financial, statistical, and student accounting requirements; and
  - (g) data collection and reporting by LEAs.
- (2) Except as provided in Subsection (3), the state board shall determine if:
  - (a) the minimum standards have been met; and
  - (b) required reports are properly submitted.
- (3) When the state board makes a request of an LEA under Subsection (1)(f) or (g), the state board shall include:
  - (a) the justification for the requested information;
  - (b) a statement confirming that the information is not available elsewhere;
  - (c) a deadline by which the LEA must provide the information in accordance with state board rule; and

- (d) penalties, including withholding of funds, for non-compliance in accordance with state and federal law.
- (4) The state board may apply for, receive, administer, and distribute to eligible applicants funds made available through programs of the federal government.
- (5)
  - (a) A technical college listed in Section 53B-2a-105 shall provide competency-based career and technical education courses that fulfill high school graduation requirements, as requested and authorized by the state board.
  - (b) A school district may grant a high school diploma to a student participating in a course described in Subsection (5)(a) that is provided by a technical college listed in Section 53B-2a-105.
- (6)
  - (a) As used in this Subsection (6), "generally accepted accounting principles" means a common framework of accounting rules and standards for financial reporting promulgated by the Governmental Accounting Standards Board.
  - (b) Subject to Subsections (6)(c) and (d), the state board shall ensure the rules and standards described in Subsections (1)(f) and (g) allow for an LEA to make adjustments to the LEA's general entry ledger, in accordance with generally accepted accounting principles, to accurately reflect the LEA's use of funds for allowable costs and activities:
    - (i) during a fiscal year; and
    - (ii) at the close of a fiscal year.
  - (c) If the state board determines under Subsection (2) that an LEA has not met the minimum standards described in Subsection (1)(f) or (g) or has not properly submitted a required report, the state board shall allow the LEA an opportunity to cure the relevant defect through an adjustment described in Subsection (6)(b).
  - (d) An LEA may not, in an adjustment described in Subsection (6)(b), reflect the use of restricted federal or state funds for a cost or activity that is not an allowable cost or activity for the restricted funds.

Amended by Chapter 527, 2023 General Session