

SCHOOL DISTRICT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends and creates certain processes and requirements before and after changing school boundaries or closing schools.

Highlighted Provisions:

This bill:

- ▶ amends terms;
- ▶ amends and creates certain processes and requirements before and after changing school boundaries;
- ▶ requires a feasibility study before changing school boundaries or closing schools;
- ▶ requires a local school board to publish the feasibility study online and for public comment;
- ▶ amends the student population requirement for creating a new school district;
- ▶ provides that the transition teams may appoint an interim superintendent to oversee the formation of a new school district before a local school board election;
- ▶ prohibits school employees and school board members from using public resources for certain purposes;
- ▶ allows for use of a special election for the election of certain school board members;
- ▶ allows for a legislative body to resolve a disagreement regarding allocation of assets;
- ▶ increases the distribution amount of funds allowed for a new or remaining school district;
- ▶ allows for a legislative body to assist a new school district in securing funds for startup costs;
- ▶ prohibits an existing school district from terminating an employee who becomes employed by a new school district for that reason only; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53G-3-102**, as renumbered and amended by Laws of Utah 2018, Chapter 3

39 **53G-3-202**, as last amended by Laws of Utah 2023, Chapter 252

40 **53G-3-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3

41 **53G-3-301**, as last amended by Laws of Utah 2023, Chapter 116

42 **53G-3-302**, as last amended by Laws of Utah 2019, Chapter 293

43 **53G-3-306**, as last amended by Laws of Utah 2019, Chapter 293

44 **53G-3-308**, as last amended by Laws of Utah 2019, Chapter 293

45 **53G-4-402**, as last amended by Laws of Utah 2023, Chapters 16, 252, 343, 352, and

46 435

47 **67-3-1**, as last amended by Laws of Utah 2023, Chapters 16, 330, 353, and 480

48

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

50 Section 1. Section **53G-3-102** is amended to read:

51 **53G-3-102. Definitions.**

52 As used in this chapter:

53 (1) "Allocation date" means[~~:~~] the date of the creation of a new school district.

54 [~~(a) June 20 of the second calendar year after the local school board general election~~

55 ~~date described in Subsection 53G-3-302(3)(a)(i); or]~~

56 [~~(b) another date that the transition teams under Section 53G-3-302 mutually agree to.]~~

57 (2) "Canvass date" means the date of the canvass of an election under Subsection

58 53G-3-301(5) at which voters approve the creation of a new school district under Section

59 53G-3-302.

60 (3) "Consolidation" means the merger of two or more school districts into a single

61 administrative unit.

62 (4) "Creation [~~election~~] date" means the date of the election under [~~Subsection~~

63 ~~53G-3-301(9)] Section 53G-3-301 at which voters approve the creation of a new school district~~

64 under Section 53G-3-302.

65 (5) "Divided school district," "existing district," or "existing school district" means a
66 school district from which a new district is created.

67 (6) "New district" or "new school district" means a school district created by voters
68 under Section 53G-3-301 or 53G-3-302.

69 (7) "Remaining district" or "remaining school district" means an existing district ~~[after]~~
70 following the creation of a new district.

71 (8) "Restructuring" means the transfer of territory from one school district to another
72 school district.

73 Section 2. Section **53G-3-202** is amended to read:

74 **53G-3-202. School districts independent of municipal and county governments --**
75 **School district name -- Control of property.**

76 (1) (a) Each school district shall be controlled by its local school board and shall be
77 independent of municipal and county governments.

78 (b) The name of each school district created after May 1, 2000[;]:

79 (i) shall comply with ~~[Subsection 17-50-103(2)(a).]~~ Section 17-50-103; and

80 (ii) may not use the name of an existing school district.

81 (2) The local school board shall have direction and control of all school property in the
82 district and may enter into cooperative agreements with other local school boards to provide
83 educational services that best utilize resources for overall operation of the public school
84 system.

85 (3) (a) On or before 30 days after the day on which the creation of a new school district
86 occurs under Section 53G-3-301 or 53G-3-302, and in accordance with Section 67-1a-15, the
87 new school district shall be registered as a limited purpose entity by:

88 (i) the city legislative body in which the boundaries for the new district is entirely
89 located; or

90 (ii) the legislative bodies of all interlocal agreement participants in which the new
91 district is located.

92 ~~[(a)]~~ (b) Each school district shall register and maintain the school district's registration
93 as a limited purpose entity[;] in accordance with Section 67-1a-15.

94 ~~[(b)]~~ (c) A school district that fails to comply with ~~[Subsection]~~ Subsections (3)(a) and

95 (b) or Section 67-1a-15 is subject to enforcement by the state auditor[;] in accordance with
 96 Section 67-3-1.

97 Section 3. Section **53G-3-203** is amended to read:

98 **53G-3-203. Filing of notice and plat relating to school district boundary changes**
 99 **including creation, consolidation, division, or dissolution -- Recording requirements --**
 100 **Effective date.**

101 (1) The county legislative body shall[;],
 102 [(A)] within 30 days after the day on which the creation, consolidation, division, or
 103 dissolution of a school district occurs, file with the lieutenant governor:

104 [(i)] (a) a copy of a notice of an impending boundary action, as defined in Section
 105 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

106 [(ii)] (b) except in the case of a dissolution, a copy of an approved final local entity
 107 plat, as defined in Section 67-1a-6.5[; ~~and~~].

108 [(b)] (2) The county legislative body, upon the lieutenant governor's issuance of a
 109 certificate of boundary action under Section 67-1a-6.5, shall:

110 [(i)] (a) if the school district is or, in the case of dissolution, was located within the
 111 boundary of a single county, submit to the recorder of that county:

112 [(A)] (i) the original:

113 [(B)] (A) notice of an impending boundary action;

114 [(C)] (B) certificate of boundary action; and

115 [(D)] (C) except in the case of dissolution, approved final local entity plat; and

116 [(E)] (ii) if applicable, a certified copy of the resolution approving the boundary action;

117 or

118 [(F)] (b) if the school district is or, in the case of a dissolution, was located within the
 119 boundaries of more than a single county:

120 [(A)] (i) submit to the recorder of one of those counties:

121 [(B)] (A) the original of the documents listed in [~~Subsections (1)(b)(i)(A)(I), (II), and~~

122 ~~(H)] Subsection (2)(a)(i); and~~

123 [(C)] (B) if applicable, a certified copy of the resolution approving the boundary action;

124 and

125 [(D)] (ii) submit to the recorder of each other county:

126 ~~[(F)]~~ (A) a certified copy of the documents listed in ~~[Subsections (1)(b)(i)(A)(F), (H),~~
127 ~~and (H)]~~ Subsection (2)(a)(i); and

128 ~~[(H)]~~ (B) if applicable, a certified copy of the resolution approving the boundary action.

129 ~~[(2)]~~ (3) (a) Upon the lieutenant governor's issuance of the certificate under Section
130 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the
131 boundary of a new or existing school district that was the subject of the action has legal effect.

132 (b) (i) As used in this Subsection ~~[(2)(b)]~~ (3)(b), "affected area" means:

133 (A) in the case of the creation of a school district, the area within the school district's
134 boundary;

135 (B) in the case of the consolidation of multiple school districts, the area within the
136 boundary of each school district that is consolidated into another school district;

137 (C) in the case of the division of a school district, the area within the boundary of the
138 school district created by the division; and

139 (D) in the case of an addition to an existing school district, the area added to the school
140 district.

141 (ii) ~~[The]~~ For purposes of assessing property within the school district, the effective
142 date of a boundary action, as that term is defined in Section 17-23-20, [for purposes of
143 ~~assessing property within the school district]~~ is governed by Section 59-2-305.5.

144 (iii) ~~[Until the documents listed in Subsection (1)(b) are recorded in the office of the~~
145 ~~recorder of each county in which the property is located, a]~~ A school district may not levy or
146 collect a property tax on property within the affected area until the county legislative body
147 records the documents listed in Subsection (2) in the office of the recorder of each county in
148 which the property is located.

149 Section 4. Section **53G-3-301** is amended to read:

150 **53G-3-301. Creation of new school district -- Initiation of process -- Procedures to**
151 **be followed.**

152 (1) A new school district may be created from one or more existing school districts, as
153 provided in this section.

154 (2) ~~[The]~~ Subject to Subsection (3)(d), the process to create a new school district may
155 be initiated:

156 (a) through a citizens' initiative petition;

(b) at the request of the local school board of the existing district or districts to be affected by the creation of the new district; or

(c) at the request of a city within the boundaries of the school district or at the request of interlocal agreement participants~~[, pursuant to]~~ in accordance with Section 53G-3-302.

(3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by registered voters residing within the geographical boundaries of the proposed new school district in an amount equal to at least 15% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.

(b) Each request or petition submitted under Subsection (2) shall:

(i) be filed with the clerk of each county in which any part of the proposed new school district is located;

(ii) indicate the typed or printed name and current residence address of each governing board member making a request, or registered voter signing a petition, as the case may be;

(iii) describe the proposed new school district boundaries; and

(iv) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each.

(c) The process described in Subsection (2)(a) may only be initiated once during any four-year period.

(d) A new district may not be formed under Subsection (2) ~~[if the student population of the proposed new district is less than 3,000 or the existing district's student population would be less than 3,000 because of the creation of the new school district.]~~ if, because of the creation of the new school district:

(i) the proposed new district's combined student population is less than 5,000 students and more than 40,000 students; and

(ii) the existing district's combined student population would be less than 5,000 students.

(4) (a) (i) A signer of a petition described in Subsection (2)(a) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing a written statement requesting for withdrawal or reinstatement with the county clerk no later

than three business days after the day on which the petition is filed with the county clerk.

(ii) A statement described in Subsection (4)(a)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).

(iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove or reinstate an individual's signature from a petition after receiving a timely, valid statement.

(b) For a petition described in Subsection (2)(a), the county clerk shall use the procedures described in Section 20A-1-1002 to determine whether the petition has been signed by the required number of registered voters residing within the geographical boundaries of the proposed new school district.

(5) Within 45 days after the day on which a petition described in Subsection (2)(a) is filed, or five business days after the day on which a request described in Subsection (2)(b) or (c) is filed, the clerk of each county with which the request or petition is filed shall:

(a) determine whether the request or petition complies with Subsections (2) and (3), as applicable; and

(b) (i) if the county clerk determines that the request or petition complies with the applicable requirements:

(A) certify the request or petition and deliver the certified request or petition to the county legislative body; and

(B) mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the county clerk determines that the request or petition fails to comply with any of the applicable requirements, reject the request or petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.

(6) (a) If the county clerk fails to certify or reject a request or petition within the time specified in Subsection (5), the request or petition is considered to be certified.

(b) (i) If the county clerk rejects a request or petition, the person that submitted the request or petition may amend the request or petition to correct the deficiencies for which the request or petition was rejected, and refile the request or petition.

(ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled after having been rejected by a county clerk.

(c) (i) ~~[If, on or before December 1,]~~ Within 10 days after the day on which a county

legislative body receives a request from a local school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified by the county clerk[:], the county legislative body shall request that the state auditor conduct a feasibility study to determine:

(A) the financial viability of the proposed new school district;

(B) the financial impact on each existing school district within the boundaries of the proposed new school district; and

(C) the impact of the tax burden upon taxpayers within the proposed new school district boundaries.

~~[(i) the county legislative body shall appoint an ad hoc advisory committee, as provided in Subsection (7), on or before January 1;]~~

~~[(ii) the ad hoc advisory committee shall submit its report and recommendations to the county legislative body, as provided in Subsection (7), on or before July 1; and]~~

~~[(iii) if the legislative body of each county with which a request or petition is filed approves a proposal to create a new district, each legislative body shall submit the proposal to the respective county clerk to be voted on by the electors of each existing district at the regular general or municipal general election held in November.]~~

(ii) The state auditor shall provide the feasibility study to the county legislative body on or before 60 days after the day on which the county legislative body requests the feasibility study.

(iii) A school district, district employee, or local school board member shall, within five business days after the day on which the state auditor submits a written request for information, provide the state auditor with the requested information at no cost.

~~[(7)(a) The legislative body of each county with which a request or petition is filed shall appoint an ad hoc advisory committee to review and make recommendations on a request for the creation of a new school district submitted under Subsection (2)(a) or (b).]~~

~~[(b) The advisory committee shall:]~~

~~[(i) seek input from:]~~

~~[(A) those requesting the creation of the new school district;]~~

~~[(B) the local school board and school personnel of each existing school district;]~~

~~[(C) those citizens residing within the geographical boundaries of each existing school district;]~~

~~[(D) the state board; and]~~

~~[(E) other interested parties;]~~

~~[(ii) review data and gather information on at least:]~~

~~[(A) the financial viability of the proposed new school district;]~~

~~[(B) the proposal's financial impact on each existing school district;]~~

~~[(C) the exact placement of school district boundaries; and]~~

~~[(D) the positive and negative effects of creating a new school district and whether the positive effects outweigh the negative if a new school district were to be created; and]~~

~~[(iii) make a report to the county legislative body in a public meeting on the committee's activities, together with a recommendation on whether to create a new school district.]~~

~~[(8)]~~ (7) (a) For a request or petition submitted under Subsection ~~[(2)(a) or (b)]~~ (3)(a) or (b)~~[-(a) The]~~, the county legislative body shall provide for a ~~[45]~~ 20-day public comment period on the ~~[report and recommendation to begin on the day the report is given under Subsection (7)(b)(iii)]~~ feasibility study described in Subsection (6)(c) to begin on the day the county legislative body receives the study.

(b) Within 14 days after the end of the comment period, the legislative body of each county with which a request or petition is filed shall ~~[vote on the creation of the proposed new school district.]~~

~~[(c) The proposal is approved if a majority of the members of the legislative body of each county with which a request or petition is filed votes in favor of the proposal.]~~

~~[(d) If the proposal is approved, the legislative body of each county with which a request or petition is filed shall]~~ submit the proposal to the county clerk to be voted on:

(i) by the legal voters of each existing school district affected by the proposal;

(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

~~[(e)]~~ (c) Creation of the new school district shall occur if a majority of the electors within both the proposed school district and each remaining school district voting on the proposal vote in favor of the creation of the new district.

281 ~~[(f)]~~ (d) Each county legislative body shall comply with the requirements of Section
 282 53G-3-203.

283 ~~[(g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is~~
 284 ~~approved by the electors, the existing district's documented costs to study and implement the~~
 285 ~~proposal shall be reimbursed by the new district.]~~

286 ~~[(9)]~~ (8) (a) If a proposal submitted under Subsection (2)(c) is certified under
 287 Subsection (5) or (6)(a), the legislative body of each county in which part of the proposed new
 288 school district is located shall submit the proposal to the respective clerk of each county to be
 289 voted on:

290 (i) by the legal voters residing within the proposed new school district boundaries;

291 (ii) in accordance with the procedures and requirements applicable to a regular general
 292 election under Title 20A, Election Code; and

293 (iii) at the next regular general election or municipal general election, whichever is
 294 first.

295 (b) (i) If a majority of the legal voters within the proposed new school district
 296 boundaries voting on the proposal at an election under Subsection ~~[(9)(a)]~~ (8)(a) vote in favor
 297 of the creation of the new district~~[-]~~, a new school district is created.

298 ~~[(A) each county legislative body shall comply with the requirements of Section~~
 299 ~~53G-3-203; and]~~

300 ~~[(B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,~~
 301 ~~the new district is created.]~~

302 (ii) Notwithstanding the creation of a new district as provided in Subsection
 303 ~~[(9)(b)(i)(B)]~~ (8)(b)(i):

304 (A) a new school district may not begin to provide educational services to the area
 305 within the new district until July 1 of the ~~[second calendar]~~ year following the local school
 306 board ~~[general]~~ election date ~~[described]~~ in accordance with Subsection 53G-3-302(3)(a)(i);

307 (B) a remaining district may not begin to provide educational services to the area
 308 within the remaining district until the time specified in Subsection ~~[(9)(b)(ii)(A)]~~ (8)(b)(ii)(A);
 309 and

310 (C) each existing district shall continue, until the time specified in Subsection
 311 ~~[(9)(b)(ii)(A)]~~ (8)(b)(ii)(A), to provide educational services within the entire area covered by

the existing district.

(9) A remaining school district and a new school district shall enter into a shared services agreement that permits students residing in each district access to attend a school that serves students with disabilities within or without the school district:

(a) with an equal per student assessment; and

(b) without affecting services provided to other students.

(10) A school district employee or local school board member may not use public resources to:

(a) advocate for or against a school district split;

(b) create a public issues committee; or

(c) conduct a survey.

(11) A school district employee or local school board member who violates Subsection (6)(c)(iii) or (10) is subject to:

(a) enforcement by the state auditor in accordance with Section 67-3-1;

(b) disciplinary action in accordance with Section 53G-3-401; or

(c) disciplinary action as provided in school district or local school board rule.

Section 5. Section **53G-3-302** is amended to read:

53G-3-302. Proposal initiated by a city or by interlocal agreement participants to create a school district -- Boundaries -- Election of local school board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.

(1) (a) After ~~conducting~~ receiving a feasibility study, as described in Subsection (1)(b), a city with a population of at least 50,000, as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3), may by majority vote of the legislative body, submit for voter approval a measure to create a new school district with boundaries contiguous with that city's boundaries[;] and in accordance with Section 53G-3-301.

(b) ~~[(i) The determination of all matters relating to the scope, adequacy, and other aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the city's legislative body.]~~

(i) The city legislative body proposing to create a new school district under Subsection (1)(a) shall request that the state auditor conduct a feasibility study to determine:

(A) the financial viability of the proposed new school district;

(B) the financial impact on each existing school district within the boundaries of the proposed new school district; and

(C) the impact of the tax burden on taxpayers within the proposed new school district boundaries.

(ii) The state auditor shall provide the feasibility study to the city legislative body on or before 60 days after the date on which the city legislative body requests the feasibility study.

(iii) An existing school district, district employee, or local school board member shall, within five business days after the day on which the state auditor submits a written request for information, provide the state auditor with all requested information at no cost.

(c) An inadequacy of a feasibility study under Subsection [(1)(a)] (1)(b)(i) may not be the basis of a legal action or other challenge to:

~~[(A)]~~ (i) an election for voter approval of the creation of a new school district; or

~~[(B)]~~ (ii) the creation of the new school district.

(2) (a) By majority vote of the legislative body, a city of any class, a town, or a county, may, together with one or more other cities, towns, or the county enter into an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter approval to the legal voters residing within the proposed new school district boundary a measure to create a new school district.

(b) ~~[(1)]~~ In accordance with Section 53G-3-301, interlocal agreement participants under Subsection (2)(a) may submit a proposal for voter approval if:

~~[(A)]~~ (i) ~~[the interlocal agreement participants conduct]~~ the state auditor conducts a feasibility study [prior to] as described in Subsection (2)(c) before submitting the proposal to the county;

~~[(B)]~~ (ii) the combined population within the proposed new school district boundaries is at least 50,000;

(iii) the combined student population is no less than 5,000 students and no more than 40,000 students;

~~[(C)]~~ (iv) the new school district boundaries:

~~[(1)]~~ (A) are contiguous;

~~[(2)]~~ (B) do not completely surround or otherwise completely geographically isolate a portion of an existing school district that is not part of the proposed new school district from

the remaining part of that existing school district, except as provided in Subsection ~~[(2)(d)(iii);~~
(2)(m);

~~[(HH)]~~ (C) include the entire boundaries of each participant city or town, except as
provided in Subsection ~~[(2)(d)(ii);~~ (2)(l); and

~~[(IV)]~~ (D) subject to Subsection ~~[(2)(b)(ii);~~ (2)(f), do not cross county lines; and

~~[(D)]~~ (v) the combined population within the proposed new school district of interlocal
agreement participants that have entered into an interlocal agreement proposing to create a new
school district is at least 80% of the total population of the proposed new school district.

(c) The legislative bodies of the interlocal agreement participants seeking to create a
new school district under Subsection (2)(a) shall request that the state auditor conduct a
feasibility study to determine:

(i) the financial viability of the proposed new school district;

(ii) the financial impact on each existing school district within the proposed new
school district boundaries; and

(iii) the impact of the tax burden on taxpayers within the proposed new school district
boundaries.

(d) The state auditor shall provide the feasibility study to the legislative bodies of the
interlocal agreement participants on or before 60 days after the date on which the legislative
bodies of the interlocal agreement participants request the feasibility study.

(e) An existing school district, district employee, or local school board member shall,
within five business days after the day on which the state auditor submits a written request for
information, provide the state auditor with all requested information at no cost.

~~[(ii)]~~ (f) The determination of ~~[all matters relating to the scope, adequacy, and other
aspects of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct]
whether to request the state auditor to conduct~~ a new feasibility study or revise a previous
feasibility study due to a change in the proposed new school district boundaries, is within the
exclusive discretion of the legislative bodies of the interlocal agreement participants that enter
into an interlocal agreement to submit for voter approval a measure to create a new school
district.

~~[(iii)]~~ (g) An inadequacy of a feasibility study under Subsection ~~[(2)(b)(i)(A)]~~ (2)(c)
may not be the basis of a legal action or other challenge to:

405 ~~[(A)]~~ (i) an election for voter approval of the creation of a new school district; or
 406 ~~[(B)]~~ (ii) the creation of the new school district.

407 ~~[(iv)]~~ (h) For purposes of determining whether the boundaries of a proposed new
 408 school district cross county lines under Subsection ~~[(2)(b)(i)(C)(IV)]~~ (2)(b)(iv)(D):

409 ~~[(A)]~~ (i) a municipality located in more than one county and entirely within the
 410 boundaries of a single school district is considered to be entirely within the same county as
 411 other participants in an interlocal agreement under Subsection (2)(a) if more of the
 412 municipality's land area and population is located in that same county than outside the county;
 413 and

414 ~~[(B)]~~ (ii) a municipality located in more than one county that participates in an
 415 interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within
 416 the municipality's boundaries on the basis of the exception stated in Subsection ~~[(2)(d)(ii)(B)]~~
 417 (2)(l)(ii) may not be considered to cross county lines.

418 ~~[(c)]~~ (i) ~~[(i)]~~ A county may only participate in an interlocal agreement under this
 419 Subsection (2) for the unincorporated areas of the county.

420 ~~[(ii)]~~ (j) Boundaries of a new school district created under this section may include:

421 ~~[(A)]~~ (i) a portion of one or more existing school districts; and

422 ~~[(B)]~~ (ii) a portion of the unincorporated area of a county, including a portion of a
 423 township.

424 ~~[(d)(i)]~~ (k) As used in ~~[this Subsection (2)(d)]~~ Subsections (2)(k) through (n):

425 ~~[(A)]~~ (i) "Isolated area" means an area with a combined student population of less than
 426 5,000 students that~~;~~

427 ~~[(B)]~~ (i) is entirely within the boundaries of a municipality that, except for that area~~;~~;

428 ~~(A)~~ (ii) is entirely within a school district different than the school district in which the
 429 area is located; and

430 ~~[(B)]~~ (B) would, because of the creation of a new school district from the existing
 431 district in which the area is located, become completely geographically isolated.

432 ~~[(B)]~~ (ii) "Municipality's school district" means the school district that includes all of
 433 the municipality in which the isolated area is located except the isolated area.

434 ~~[(ii)]~~ (l) Notwithstanding Subsection ~~[(2)(b)(i)(C)(H)]~~ (2)(b)(iv)(C), a municipality
 435 may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some

436 but not all of the area within the municipality's boundaries if:

437 ~~[(A)]~~ (i) the portion of the municipality proposed to be included in the new school
438 district would, if not included, become an isolated area upon the creation of the new school
439 district; or

440 ~~[(B)]~~ (ii) ~~[(H)]~~ (A) the portion of the municipality proposed to be included in the new
441 school district is within the boundaries of the same school district that includes the other
442 interlocal agreement participants; and

443 ~~[(H)]~~ (B) the portion of the municipality proposed to be excluded from the new school
444 district is within the boundaries of a school district other than the school district that includes
445 the other interlocal agreement participants.

446 ~~[(iii)(A)]~~ (m) Notwithstanding Subsection ~~[(2)(b)(i)(C)(H)]~~ (2)(b)(iv)(B), interlocal
447 agreement participants may submit a proposal to the legal voters residing within the proposed
448 new school district boundaries to create a new school district ~~[may be submitted for voter~~
449 ~~approval pursuant to]~~ in accordance with an interlocal agreement under Subsection (2)(a), even
450 though the new school district boundaries would create an isolated area, if:

451 ~~[(H)]~~ (i) the potential isolated area is contiguous to one or more of the interlocal
452 agreement participants;

453 ~~[(H)]~~ (ii) the interlocal participants submit a written request to the municipality in
454 which the potential isolated area is located, requesting the municipality to enter into an
455 interlocal agreement under Subsection (2)(a) that proposes to submit for voter approval a
456 measure to create a new school district that includes the potential isolated area; and

457 ~~[(H)]~~ (iii) ~~[90]~~ 60 days after the interlocal agreement participants submit a request
458 under Subsection ~~[(2)(d)(iii)(A)(H) is submitted]~~ (2)(m)(ii), the municipality has not entered
459 into an interlocal agreement as requested in the request.

460 ~~[(B)]~~ (n) (i) Each municipality receiving a request under Subsection ~~[(2)(d)(iii)(A)(H)]~~
461 (2)(m)(ii) shall hold one or more public hearings to allow input from the public and affected
462 school districts regarding whether or not the municipality should enter into an interlocal
463 agreement with respect to the potential isolated area.

464 ~~[(C)(F)]~~ (ii) This ~~[Subsection (2)(d)(iii)(C)]~~ subsection applies if:

465 ~~[(Aa)]~~ (A) a new school district is created under this section after a measure is
466 submitted to voters ~~[based on the authority of Subsection (2)(d)(iii)(A)]~~ in accordance with

467 Subsection (2)(m); and

468 ~~[(Bb)]~~ (B) the creation of the new school district results in an isolated area.

469 ~~[(H)]~~ (iii) The isolated area shall, on July 1 of the ~~[second calendar]~~ year following the
470 local school board ~~[general]~~ election date described in Subsection (3)(a)(i), become part of the
471 municipality's school district.

472 ~~[(HH)]~~ (iv) Unless the isolated area is the only remaining part of the existing district, the
473 process described in Subsection (4) shall be modified to:

474 ~~[(Aa)]~~ (A) include a third transition team, appointed by the local school board of the
475 municipality's school district, to represent that school district; and

476 ~~[(Bb)]~~ (B) require allocation of the existing district's assets and liabilities among the
477 new district, the remaining district, and the municipality's school district.

478 ~~[(IV)]~~ (C) The existing district shall continue to provide educational services to the
479 isolated area until July 1 of the ~~[second calendar]~~ year following the local school board general
480 election date described in Subsection (3)(a)(i).

481 (3) (a) If voters approve a proposal under this section ~~[is approved by voters]~~:

482 (i) the legislative body shall hold an election ~~[shall be held]~~ at the next regular general
483 election, or at a special election in accordance with Section 20A-1-203, to elect:

484 (A) members to the local school board of the existing school district whose terms are
485 expiring;

486 (B) all members to the local school board of the new school district; and

487 (C) all members to the local school board of the remaining district;

488 (ii) the assets and liabilities of the existing school district shall be divided between the
489 remaining school district and the new school district as provided in Subsection (5) and Section
490 53G-3-307;

491 (iii) transferred employees shall be treated in accordance with Sections 53G-3-205 and
492 53G-3-308;

493 (iv) ~~[(A)]~~ an individual residing within the boundaries of a new school district at the
494 time the new school district is created may, for six school years after the creation of the new
495 school district, elect to enroll in a secondary school located outside the boundaries of the new
496 school district if:

497 ~~[(H)]~~ (A) the individual resides within the boundaries of that secondary school as of the

498 day before the new school district is created; ~~[and]~~

499 ~~[(H)]~~ (B) the individual would have been eligible to enroll in that secondary school had

500 the new school district not been created; and

501 ~~[(B)]~~ (C) the school district in which the secondary school is located shall provide

502 educational services, including, if provided before the creation of the new school district,

503 busing, to each individual making an election under Subsection ~~[(3)(a)(iv)(A)]~~ (3)(a)(iv) for

504 each school year for which the individual makes the election; and

505 (v) within one year ~~[after]~~ following the new district begins providing educational

506 services, the superintendent of each remaining district affected and the superintendent of the

507 new district shall meet, together with the state superintendent, to determine if further boundary

508 changes should be proposed in accordance with Section 53G-3-501.

509 (b) (i) The terms of the initial members of the local school board of the new district and

510 remaining district shall be staggered and adjusted by the county legislative body so that

511 approximately half of the local school board is elected every two years.

512 (ii) The term of a member of the existing local school board, including a member

513 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the ~~[second year after]~~ year

514 following the local school board ~~[general]~~ election date described in Subsection (3)(a)(i),

515 regardless of when the term would otherwise have terminated.

516 (iii) Notwithstanding the existence of a local school board for the new district and a

517 local school board for the remaining district under Subsection (3)(a)(i), the local school board

518 of the existing district shall continue, until the time specified in ~~[Subsection~~

519 ~~53G-3-301(9)(b)(ii)(A)]~~ Subsection 53G-3-301(8)(b)(ii)(A), to function and exercise authority

520 as a local school board to the extent necessary to continue to provide educational services to

521 the entire existing district.

522 (iv) An individual may not simultaneously serve as or be elected to be a member of the

523 local school board of an existing district and a member of the local school board of:

524 (A) a new district; or

525 (B) a remaining district.

526 (4) (a) Within 45 days ~~[after]~~ following the canvass date for the election at which

527 voters approve the creation of a new district:

528 (i) members of the existing local school board who reside within the area of the

529 remaining district shall appoint a transition team to represent the remaining district [~~shall be~~
530 ~~appointed by the members of the existing local school board who reside within the area of the~~
531 ~~remaining district,~~] in consultation with:

532 (A) the legislative bodies of all municipalities in the area of the remaining district; and

533 (B) the legislative body of the county in which the remaining district is located, if the
534 remaining district includes one or more unincorporated areas of the county; and

535 (ii) another transition team to represent the new district shall be appointed by:

536 (A) [~~for~~] the city legislative body in which the boundaries for a new district are entirely
537 ~~located [entirely within the boundaries of a single city, the legislative body of that city]; or~~

538 (B) [~~for each other new district,~~] the legislative bodies of all interlocal agreement
539 participants in which the boundaries of the new district are located.

540 (iii) Any disagreements as to the disposition of school property shall be resolved by the
541 city legislative body or legislative bodies of interlocal agreement participants.

542 (b) The local school board of the existing school district shall, within 60 days [~~after~~]
543 following the canvass date for the election at which voters approve the creation of a new
544 district:

545 (i) prepare an inventory of the existing district's:

546 (A) assets, both tangible and intangible, real and personal; and

547 (B) liabilities; and

548 (ii) deliver a copy of the inventory to each of the transition teams.

549 (c) The transition teams appointed under Subsection (4)(a) shall:

550 (i) determine the allocation of the existing district's assets and, except for indebtedness
551 under Section 53G-3-307, liabilities between the remaining district and the new district in
552 accordance with Subsection (5);

553 (ii) prepare a written report detailing how the existing district's assets and, except for
554 indebtedness under Section 53G-3-307, liabilities are to be allocated; and

555 (iii) deliver a copy of the written report to:

556 (A) the local school board of the existing district;

557 (B) the local school board of the remaining district; and

558 (C) the local school board of the new district.

559 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and

560 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
561 election at which voters approve the creation of a new district, unless that deadline is extended
562 by the mutual agreement of:

563 (i) the local school board of the existing district; and

564 (ii) (A) the city legislative body [~~of the city~~] in which the new district is located, for a
565 new district located entirely within a single city; or

566 (B) the legislative bodies of all interlocal agreement participants, for each other new
567 district.

568 (e) (i) All costs and expenses of the transition team that represents a remaining district
569 shall be borne by the remaining district.

570 (ii) All costs and expenses of the transition team that represents a new district shall
571 initially be borne by:

572 (A) the city whose legislative body appoints the transition team, if the transition team
573 is appointed by the legislative body of a single city; or

574 (B) the interlocal agreement participants, if the transition team is appointed by the
575 legislative bodies of interlocal agreement participants.

576 (iii) The new district may, to a maximum of [~~\$500,000~~] \$2,500,000, reimburse the city
577 or interlocal agreement participants for:

578 (A) transition team costs and expenses; and

579 (B) startup costs and expenses incurred by the city or interlocal agreement participants
580 on behalf of the new district.

581 (f) The transition teams appointed under Subsection (4)(a) or (2)(n)(iv) may:

582 (i) appoint an interim superintendent to oversee the formation and operation of the new
583 school district until a local school board is elected in accordance with Section 53G-3-302; and

584 (ii) assist the existing school board with an inventory as described in Subsection (4)(b).

585 (5) (a) As used in this Subsection (5):

586 (i) "Associated property" means furniture, equipment, or supplies located in or
587 specifically associated with a physical asset.

588 (ii) (A) "Discretionary asset or liability" means [~~except as provided in Subsection~~
589 ~~(5)(a)(ii)(B),~~] an asset or liability that is not tied to a specific project, school, student, or
590 employee by law or school district accounting practice.

(B) "Discretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

(iii) (A) "Nondiscretionary asset or liability" means~~[, except as provided in Subsection (5)(a)(iii)(B),]~~ an asset or liability that is tied to a specific project, school, student, or employee by law or school district accounting practice.

(B) "Nondiscretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

(iv) "Physical asset" means a building, land, or water right together with revenue derived from the lease or use of the building, land, or water right.

(b) Except as provided in Subsection (5)(c), the transition teams appointed under Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the allocation date, both tangible and intangible, real and personal, to the new district and remaining district as follows:

(i) a physical asset and associated property shall be allocated to the school district in which the physical asset is located;

(ii) a discretionary asset or liability shall be allocated between the new district and remaining district in proportion to the student populations of the school districts;

(iii) a nondiscretionary asset shall be allocated to the school district where the project, school, student, or employee to which the nondiscretionary asset is tied will be located;

(iv) vehicles used for pupil transportation shall be allocated:

(A) according to the transportation needs of schools, as measured by the number and assortment of vehicles used to serve transportation routes serving schools within the new district and remaining district; and

(B) in a manner that gives each school district a fleet of vehicles for pupil transportation that is equivalent in terms of age, condition, and variety of carrying capacities; and

(v) other vehicles shall be allocated:

(A) in proportion to the student populations of the school districts; and

(B) in a manner that gives each district a fleet of vehicles that is similar in terms of age, condition, and carrying capacities.

(c) By mutual agreement, the transition teams may allocate an asset or liability in a

manner different than the allocation method specified in Subsection (5)(b).

(6) (a) As used in this Subsection (6):

(i) "New district startup costs" means:

(A) costs and expenses incurred by a new district in order to prepare to begin providing educational services on July 1 of the ~~[second calendar]~~ year following the local school board general election date described in Subsection (3)(a)(i); and

(B) the costs and expenses of the transition team that represents the new district.

(ii) "Remaining district startup costs" means:

(A) costs and expenses ~~[incurred by a remaining district in order to:]~~ that a district incurs to

~~[(H)]~~ make necessary adjustments to deal with the impacts resulting from the creation of the new district[;] and to

~~[(H)]~~ prepare to provide educational services within the remaining district once the new district begins providing educational services within the new district; and

(B) the costs and expenses of the transition team that represents the remaining district.

(b) (i) ~~[By]~~ On or before January 1 of the year following ~~[the local school board general election date described in Subsection (3)(a)(i)]~~ the creation of a new school district, the existing district shall make half of the undistributed reserve from ~~[its]~~ the existing district's General Fund, to a maximum of ~~[\$9,000,000]~~ \$30,000,000, available for the use of the remaining district and the new district, as provided in this Subsection (6).

(ii) The existing district may make additional funds available for the use of the remaining district and the new district beyond the amount specified in Subsection (6)(b)(i) through an interlocal agreement.

(c) The existing district shall make the money under Subsection (6)(b) available to the remaining district and the new district proportionately based on student population.

(d) The money made available under Subsection (6)(b) may be accessed and spent by:

(i) ~~[for the remaining district,]~~ the local school board of the remaining district; and

(ii) ~~[for the new district,]~~ the local school board of the new district, or the interim superintendent if the local school board has not been elected.

(e) (i) The remaining district may use its portion of the money made available under Subsection (6)(b) to pay for remaining district startup costs.

(ii) The new district may use its portion of the money made available under Subsection (6)(b) to pay for new district startup costs.

(f) Nothing in this Subsection (6) prevents interlocal agreement participants or a municipality from assisting the new district by:

(i) entering into a loan agreement with the new district; or

(ii) assisting the new district in securing a line of credit.

(7) (a) The existing district shall transfer title or, if applicable, partial title of property to the new school district in accordance with the allocation of property by the transition teams, as stated in the report under Subsection (4)(c)(ii).

(b) The existing district shall complete each transfer of title or, if applicable, partial title to real property and vehicles by July 1 of the ~~[second calendar]~~ year following the local school board ~~[general]~~ election date described in Subsection (3)(a)(i), except as that date is changed by the mutual agreement of:

(i) the local school board of the existing district;

(ii) the local school board of the remaining district; and

(iii) the local school board of the new district.

(c) The existing district shall complete the transfer of all property not included in Subsection (7)(b) ~~[by November 1 of the second calendar year after the local school board general election date]~~ within 60 days after the day on which the local school board election date, as described in Subsection (3)(a)(i), occurs.

(8) Except as provided in Subsections (6) and (7), ~~[after the creation election date]~~ an existing school district may not transfer or agree to transfer title to district property beginning on the day the new school district is created without the prior consent of:

(a) the legislative body of the city in which the boundaries for the new district [is] are entirely located~~[- for a new district located entirely within a single city];~~ or

(b) the legislative bodies of all interlocal agreement participants~~[- for each other new district]~~ in which the boundaries of the new district are located.

(9) A school district employee or local school board member may not use public resources to:

(a) advocate for or against a school district split;

(b) create a public issues committee; or

(c) conduct a survey.

(10) A school district employee or local school board member who violates Subsection (1)(b)(iii), (2)(e), or (9) is subject to:

(a) enforcement by the state auditor, in accordance with Section 67-3-1;

(b) disciplinary action, in accordance with Section 53E-3-401; or

(c) disciplinary action, as provided in school district or local school board rule.

~~[(9)]~~ (11) This section does not apply to the creation of a new district initiated through a citizens' initiative petition or at the request of a local school board under Section 53G-3-301.

Section 6. Section **53G-3-306** is amended to read:

53G-3-306. Transfer of school property to new school district.

(1) (a) (i) On July 1 of the year following the local school board elections ~~[for a new district created pursuant to a citizens' initiative petition or local school board request under Section 53G-3-301 and an existing district as provided in Section 53G-3-305]~~ as described in Section 53G-3-302, the local school board of the existing district shall convey and deliver to the local school board of the new district all school property which the new district is entitled to receive as of the allocation date, as that term is defined in Section 53G-3-102.

(ii) Any disagreements as to the disposition of school property shall be resolved by the county legislative body.

(iii) Subsection (1)(a)(ii) does not apply to disagreements between transition teams about the proper allocation of property under Subsection 53G-3-302(4).

(b) An existing district shall transfer property to a new district created under Section 53G-3-302 in accordance with Section 53G-3-302.

(2) Title vests in the new local school board, including all rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property~~[-]~~ on the day the new school district is created.

(3) ~~[The]~~ The interim school superintendent, appointed in accordance with Section 53G-3-302, or the new local school board may bring and maintain actions to recover, protect, and preserve the property and rights of the district's schools and to enforce contracts.

Section 7. Section **53G-3-308** is amended to read:

53G-3-308. Employees of a new district.

(1) Upon the creation of a new district:

(a) an employee of an existing district who is employed at a school that is transferred to the new district shall become an employee of the new district; and

(b) the local school board of the new district shall:

(i) have discretion in the hiring of all other staff;

(ii) adopt the personnel policies and practices of the existing district, including salary schedules and benefits; and

(iii) enter into agreements with employees of the new district, or their representatives, that have the same terms as those in the negotiated agreements between the existing district and its employees.

(2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new district is created who becomes an employee of the new district shall retain the same status as a career or provisional employee with accrued seniority and accrued benefits.

(b) Subsection (2)(a) applies to:

(i) employees of an existing district who are transferred to a new district ~~[pursuant to]~~ as described in Subsection (1)(a); and

(ii) employees of a school district from which a new district is created who are hired by the new district within one year of the date of the creation of the new district.

(3) An employee who is transferred to a new district ~~[pursuant to]~~ in accordance with Subsection (1)(a) and is rehired by the existing district within one year of the date of the creation of the new district shall, when rehired by the existing district, retain the same status as a career or provisional employee with accrued seniority and accrued benefits.

(4) The local school board of the existing district may not dismiss an employee of the existing district who is transferred to the new district for the sole reason that the employee becomes an employee of the new district.

Section 8. Section **53G-4-402** is amended to read:

53G-4-402. Powers and duties generally.

(1) A local school board shall:

(a) implement the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;

(b) administer tests, required by the state board, which measure the progress of each

student, and coordinate with the state superintendent and state board to assess results and create plans to improve the student's progress, which shall be submitted to the state board for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

(d) for each grading period and for each course in which a student is enrolled, issue a grade or performance report to the student:

(i) that reflects the student's work, including the student's progress based on mastery, for the grading period; and

(ii) in accordance with the local school board's adopted grading or performance standards and criteria;

(e) develop early warning systems for students or classes failing to make progress;

(f) work with the state board to establish a library of documented best practices, consistent with state and federal regulations, for use by the special districts;

(g) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every ~~child~~ student achieve optimal learning in basic academic subjects; and

(h) ensure that the local school board meets the data collection and reporting standards described in Section 53E-3-501.

(2) Local school boards shall spend Minimum School Program funds for programs and activities for which the state board has established minimum standards or rules under Section 53E-3-501.

(3) (a) A local school board may purchase, sell, and make improvements on school sites, buildings, and equipment, and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on local school board resolution affirmed by at least two-thirds of the school board members.

(4) (a) A local school board may participate in the joint construction or operation of a school attended by students residing within the district and students residing in other districts either within or outside the state.

777 (b) Any agreement for the joint operation or construction of a school shall:
778 (i) be signed by the president of the local school board of each participating district;
779 (ii) include a mutually agreed upon pro rata cost; and
780 (iii) be filed with the state board.

781 (5) A local school board may establish, locate, and maintain elementary, secondary,
782 and applied technology schools.

783 (6) A local school board may enter into cooperative agreements with other local school
784 boards to provide educational services that best utilize resources for the overall operation of the
785 school districts, including shared transportation services.

786 (7) ~~[An]~~ Local school boards shall ensure than an agreement under Subsection (6)
787 ~~[shall]~~:

788 (a) ~~[be]~~ is signed by the president of the local school board of each participating
789 district;

790 (b) ~~[specify]~~ specifies the resource being shared;

791 (c) ~~[include]~~ includes a mutually agreed upon pro rata cost;

792 (d) ~~[include]~~ includes the duration of the agreement; and

793 (e) ~~[be]~~ is filed with the state board.

794 (8) Except as provided in Section 53E-3-905, a local school board may enroll children
795 in school who are at least five years old before September 2 of the year in which admission is
796 sought.

797 (9) A local school board:

798 (a) may establish and support school libraries; and

799 (b) shall provide an online platform:

800 (i) through which a parent is able to view the title, author, and a description of any
801 material the parent's child borrows from the school library, including a history of borrowed
802 materials, either using an existing online platform that the LEA uses or through a separate
803 platform; and

804 (ii) (A) for a school district with 1,000 or more enrolled students, no later than August
805 1, 2024; and

806 (B) for a school district with fewer than 1,000 enrolled students, no later than August
807 1, 2026.

808 (10) A local school board may collect damages for the loss, injury, or destruction of
809 school property.

810 (11) A local school board may authorize guidance and counseling services for students
811 and the student's parents before, during, or following school enrollment.

812 (12) (a) A local school board shall administer and implement federal educational
813 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
814 Education Programs.

815 (b) Federal funds are not considered funds within the school district budget under
816 Chapter 7, Part 3, Budgets.

817 (13) (a) A local school board may organize school safety patrols and adopt policies
818 under which the patrols promote student safety.

819 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
820 parental consent for the appointment.

821 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
822 of a highway intended for vehicular traffic use.

823 (d) Liability may not attach to a school district, its employees, officers, or agents, or to
824 a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
825 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

826 (14) (a) A local school board may on its own behalf, or on behalf of an educational
827 institution for which the local school board is the direct governing body, accept private grants,
828 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

829 (b) The contributions made under Subsection (14)(a) are not subject to appropriation
830 by the Legislature.

831 (15) (a) A local school board may appoint and fix the compensation of a compliance
832 officer to issue citations for violations of Subsection 76-10-105(2)(b).

833 (b) A person may not be appointed to serve as a compliance officer without the
834 person's consent.

835 (c) A teacher or student may not be appointed as a compliance officer.

836 (16) A local school board shall adopt bylaws and policies for the local school board's
837 own procedures.

838 (17) (a) A local school board shall make and enforce policies necessary for the control

839 and management of the district schools.

840 (b) Local school board policies shall be in writing, filed, and referenced for public
841 access.

842 (18) A local school board may hold school on legal holidays other than Sundays.

843 (19) (a) A local school board shall establish for each school year a school traffic safety
844 committee to implement this Subsection (19).

845 (b) The committee shall be composed of one representative of:

846 (i) the schools within the district;

847 (ii) the Parent Teachers' Association of the schools within the district;

848 (iii) the municipality or county;

849 (iv) state or local law enforcement; and

850 (v) state or local traffic safety engineering.

851 (c) The committee shall:

852 (i) receive suggestions from school community councils, parents, teachers, and others,
853 and recommend school traffic safety improvements, boundary changes to enhance safety, and
854 school traffic safety program measures;

855 (ii) review and submit annually to the Department of Transportation and affected
856 municipalities and counties a child access routing plan for each elementary, middle, and junior
857 high school within the district;

858 (iii) ~~[consult]~~ in consultation with the Utah Safety Council and the Division of Family
859 Health Services ~~[and]~~, provide training to all students in kindergarten through grade 6, within
860 the district, on school crossing safety and use; and

861 (iv) help ensure the district's compliance with rules made by the Department of
862 Transportation under Section 41-6a-303.

863 (d) The committee may establish subcommittees as needed to assist in accomplishing
864 the committee's duties under Subsection (19)(c).

865 (20) (a) A local school board shall adopt and implement a comprehensive emergency
866 response plan to prevent and combat violence in the local school board's public schools, on
867 school grounds, on ~~[its]~~ school vehicles, and in connection with school-related activities or
868 events.

869 (b) The local school board shall ensure that the plan ~~[shall]~~:

- 870 (i) ~~[include]~~ includes prevention, intervention, and response components;
- 871 (ii) ~~[be]~~ is consistent with the ~~[student conduct and discipline policies]~~ student
- 872 discipline and conduct policies required for school districts under ~~[Chapter 11, Part 2,~~
- 873 ~~Miscellaneous Requirements]~~ Chapter 8, Part 2, School Discipline and Conduct Plans;
- 874 (iii) ~~[require]~~ requires professional learning for all district and school building staff on
- 875 the staff's roles in the emergency response plan;
- 876 (iv) ~~[provide]~~ provides for coordination with local law enforcement and other public
- 877 safety representatives in preventing, intervening, and responding to violence in the areas and
- 878 activities referred to in Subsection (20)(a); and
- 879 (v) ~~[include]~~ includes procedures to notify a student who is off campus at the time of a
- 880 school violence emergency because the student is:
- 881 (A) participating in a school-related activity; or
- 882 (B) excused from school for a period of time during the regular school day to
- 883 participate in religious instruction at the request of the student's parent.
- 884 (c) The state board, through the state superintendent, shall develop comprehensive
- 885 emergency response plan models that local school boards may use, where appropriate, to
- 886 comply with Subsection (20)(a).
- 887 (d) A local school board shall, by July 1 of each year, certify to the state board that its
- 888 plan has been practiced at the school level and presented to and reviewed by its teachers,
- 889 administrators, students, and the student's parents and local law enforcement and public safety
- 890 representatives.
- 891 (21) (a) A local school board may adopt an emergency response plan for the treatment
- 892 of sports-related injuries that occur during school sports practices and events.
- 893 (b) The plan may be implemented by each secondary school in the district that has a
- 894 sports program for students.
- 895 (c) The plan may:
- 896 (i) include emergency personnel, emergency communication, and emergency
- 897 equipment components;
- 898 (ii) require professional learning on the emergency response plan for school personnel
- 899 who are involved in sports programs in the district's secondary schools; and
- 900 (iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The local school board, in collaboration with the schools referred to in Subsection (21)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The state board, through the state superintendent, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (21).

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

(23) (a) Before closing a school or changing the boundaries of a school, a local school board shall:

(i) perform a feasibility study to determine:

(A) options to avoid closing a school or changing the boundaries of a school;

(B) the projected impact of affected students' test scores;

(C) the number of affected Title I students;

(D) the likelihood of parental and teacher support; and

(E) the projected class sizes for the affected districts;

(ii) [at least 90] after conducting a feasibility study, and on or before 180 days before [approving] the day on which the local school board approves the school closure or school boundary change, provide notice that the local school board is considering the closure or boundary change to:

(A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents;

(B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents; and

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

~~[(ii) provide an opportunity for public comment on the proposed school closure or~~

932 ~~school boundary change during at least two public local school board meetings; and]~~

933 (iii) publish the feasibility study described in Subsection (23)(a)(i) on the school
934 district website;

935 (iv) provide a copy of the feasibility study described in Subsection (23)(a)(i) to the
936 governing council and the mayor of the municipality in which the proposed school closure or
937 school boundary changes is located; and

938 ~~[(iii)]~~ (v) hold [a public hearing] at least two public hearings, as defined in Section
939 10-9a-103, and provide;

940 (A) public notice of the public [hearing as described in] hearings, in accordance with
941 Subsection (23)(b)[-]; and

942 (B) an opportunity for public comment on the feasibility study and the proposed school
943 closure or school boundary change.

944 (b) ~~[The]~~ A local school board shall:

945 (i) ensure that the notice of [a public hearing] public hearings required under
946 Subsection [(23)(a)(iii) shall: (i) indicate] (23)(a)(v) indicates the:

947 (A) school or schools under consideration for closure or boundary change; and

948 (B) the date, time, and location of the public [hearing] hearings;

949 (ii) [for] at least 10 days before the day [of the public hearing, be published] on which
950 each public hearing occurs, publish the notice of the public hearing for the school district in
951 which the school is located, as a class A notice under Section 63G-30-102; and

952 (iii) at least 30 days before the [public hearing described in Subsection (23)(a)(iii), be
953 provided as described in Subsections (23)(a)(i)] day on which the public hearings occur,
954 provide notice of the hearings in the same manner as the notice of consideration under
955 Subsections (23)(a)(ii) and (v).

956 (c) An inadequacy of a feasibility study under Subsection (23)(a)(i) may not be the
957 basis of a legal action or other challenge to:

958 (i) an election for voter approval of the creation of a new school district; or

959 (ii) the creation of the new school district.

960 (24) A local school board may implement a facility energy efficiency program
961 established under Title 11, Chapter 44, Performance Efficiency Act.

962 (25) A local school board may establish or partner with a certified youth court in

963 accordance with Section 80-6-902 or establish or partner with a comparable restorative justice
964 program, in coordination with schools in that district. A school may refer a student to a youth
965 court or a comparable restorative justice program in accordance with Section 53G-8-211.

966 (26) (a) As used in this Subsection (26):

967 (i) "Learning material" means any learning material or resource used to deliver or
968 support a student's learning, including textbooks, reading materials, videos, digital materials,
969 websites, and other online applications.

970 (ii) (A) "Instructional material" means learning material that a local school board
971 adopts and approves for use within the LEA.

972 (B) "Instructional material" does not include learning material used in a concurrent
973 enrollment, advanced placement, or international baccalaureate program or class or another
974 class with required instructional material that is not subject to selection by the local school
975 board.

976 (iii) "Supplemental material" means learning material that:

977 (A) an educator selects for classroom use; and

978 (B) a local school board has not considered and adopted, approved, or prohibited for
979 classroom use within the LEA.

980 (b) A local school board shall:

981 (i) make instructional material that the school district uses readily accessible and
982 available for a parent to view;

983 (ii) annually notify a parent of a student enrolled in the school district of how to access
984 the information described in Subsection (26)(b)(i); and

985 (iii) include on the school district's website information about how to access the
986 information described in Subsection (26)(b)(i).

987 (c) In selecting and approving instructional materials for use in the classroom, a local
988 school board shall:

989 (i) establish an open process, involving educators and parents of students enrolled in
990 the LEA, to review and recommend instructional materials for board approval; and

991 (ii) ensure that under the process described in Subsection (26)(c)(i), the board:

992 (A) before the meetings described in Subsection (26)(c)(ii)(B), posts the recommended
993 learning material online to allow for public review or, for copyrighted material, makes the

recommended learning material available at the LEA for public review;

(B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provides an opportunity for educators whom the LEA employs and parents of students enrolled in the LEA to express views and opinions on the recommendation; and

(C) adopts or approves the recommended instructional materials in an open and regular board meeting.

(d) A local school board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.

(e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.

(f) Nothing in this Subsection (26) requires a local school board to review all learning materials used within the LEA.

Section 9. Section **67-3-1** is amended to read:

67-3-1. Functions and duties.

(1) (a) The state auditor is the auditor of public accounts and is independent of any executive or administrative officers of the state.

(b) The state auditor is not limited in the selection of personnel or in the determination of the reasonable and necessary expenses of the state auditor's office.

(2) The state auditor shall examine and certify annually in respect to each fiscal year, financial statements showing:

(a) the condition of the state's finances;

(b) the revenues received or accrued;

(c) expenditures paid or accrued;

(d) the amount of unexpended or unencumbered balances of the appropriations to the agencies, departments, divisions, commissions, and institutions; and

- 1025 (e) the cash balances of the funds in the custody of the state treasurer.
- 1026 (3) (a) The state auditor shall:
- 1027 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of
- 1028 any department of state government or any independent agency or public corporation as the law
- 1029 requires, as the auditor determines is necessary, or upon request of the governor or the
- 1030 Legislature;
- 1031 (ii) perform the audits in accordance with generally accepted auditing standards and
- 1032 other auditing procedures as promulgated by recognized authoritative bodies; and
- 1033 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1034 (A) honesty and integrity in fiscal affairs;
- 1035 (B) accuracy and reliability of financial statements;
- 1036 (C) effectiveness and adequacy of financial controls; and
- 1037 (D) compliance with the law.
- 1038 (b) If any state entity receives federal funding, the state auditor shall ensure that the
- 1039 audit is performed in accordance with federal audit requirements.
- 1040 (c) (i) The costs of the federal compliance portion of the audit may be paid from an
- 1041 appropriation to the state auditor from the General Fund.
- 1042 (ii) If an appropriation is not provided, or if the federal government does not
- 1043 specifically provide for payment of audit costs, the costs of the federal compliance portions of
- 1044 the audit shall be allocated on the basis of the percentage that each state entity's federal funding
- 1045 bears to the total federal funds received by the state.
- 1046 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit
- 1047 funds passed through the state to local governments and to reflect any reduction in audit time
- 1048 obtained through the use of internal auditors working under the direction of the state auditor.
- 1049 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
- 1050 financial audits, and as the auditor determines is necessary, conduct performance and special
- 1051 purpose audits, examinations, and reviews of any entity that receives public funds, including a
- 1052 determination of any or all of the following:
- 1053 (i) the honesty and integrity of all the entity's fiscal affairs;
- 1054 (ii) whether the entity's administrators have faithfully complied with legislative intent;
- 1055 (iii) whether the entity's operations have been conducted in an efficient, effective, and

1056 cost-efficient manner;

1057 (iv) whether the entity's programs have been effective in accomplishing the intended
1058 objectives; and

1059 (v) whether the entity's management, control, and information systems are adequate,
1060 effective, and secure.

1061 (b) ~~[The]~~ Except as provided in Subsection (14)(c), the auditor may not conduct
1062 performance and special purpose audits, examinations, and reviews of any entity that receives
1063 public funds if the entity:

1064 (i) has an elected auditor; and

1065 (ii) has, within the entity's last budget year, had the entity's financial statements or
1066 performance formally reviewed by another outside auditor.

1067 (5) The state auditor:

1068 (a) shall administer any oath or affirmation necessary to the performance of the duties
1069 of the auditor's office; and

1070 (b) may:

1071 (i) subpoena witnesses and documents, whether electronic or otherwise; and

1072 (ii) examine into any matter that the auditor considers necessary.

1073 (6) The state auditor may require all persons who have had the disposition or
1074 management of any property of this state or its political subdivisions to submit statements
1075 regarding the property at the time and in the form that the auditor requires.

1076 (7) The state auditor shall:

1077 (a) except where otherwise provided by law, institute suits in Salt Lake County in
1078 relation to the assessment, collection, and payment of revenues against:

1079 (i) persons who by any means have become entrusted with public money or property
1080 and have failed to pay over or deliver the money or property; and

1081 (ii) all debtors of the state;

1082 (b) collect and pay into the state treasury all fees received by the state auditor;

1083 (c) perform the duties of a member of all boards of which the state auditor is a member
1084 by the constitution or laws of the state, and any other duties that are prescribed by the
1085 constitution and by law;

1086 (d) stop the payment of the salary of any state official or state employee who:

- 1087 (i) refuses to settle accounts or provide required statements about the custody and
1088 disposition of public funds or other state property;
- 1089 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
1090 board or department head with respect to the manner of keeping prescribed accounts or funds;
1091 or
- 1092 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
1093 official's or employee's attention;
- 1094 (e) establish accounting systems, methods, and forms for public accounts in all taxing
1095 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 1096 (f) superintend the contractual auditing of all state accounts;
- 1097 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
1098 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that
1099 officials and employees in those taxing units comply with state laws and procedures in the
1100 budgeting, expenditures, and financial reporting of public funds;
- 1101 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
1102 if necessary, to ensure that officials and employees in the county comply with Section
1103 59-2-303.1; and
- 1104 (i) withhold state allocated funds or the disbursement of property taxes from a local
1105 government entity or a limited purpose entity, as those terms are defined in Section 67-1a-15 if
1106 the state auditor finds the withholding necessary to ensure that the entity registers and
1107 maintains the entity's registration with the lieutenant governor, in accordance with Section
1108 67-1a-15.
- 1109 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds
1110 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal
1111 written notice of noncompliance from the auditor and has been given 60 days to make the
1112 specified corrections.
- 1113 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
1114 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state
1115 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the
1116 state auditor:
- 1117 (i) shall provide a recommended timeline for corrective actions;

1118 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the
1119 state; and

1120 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
1121 account of a financial institution by filing an action in district court requesting an order of the
1122 court to prohibit a financial institution from providing the fee-assessing unit access to an
1123 account.

1124 (c) The state auditor shall remove a limitation on accessing funds under Subsection
1125 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and
1126 financial reporting of public funds.

1127 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
1128 state law, the state auditor:

1129 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
1130 comply;

1131 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
1132 state; and

1133 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1134 account of a financial institution by:

1135 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that
1136 the institution prohibit access to the account; or

1137 (B) filing an action in district court requesting an order of the court to prohibit a
1138 financial institution from providing the taxing or fee-assessing unit access to an account.

1139 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state
1140 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection
1141 (8)(d).

1142 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1143 received formal written notice of noncompliance from the auditor and has been given 60 days
1144 to make the specified corrections.

1145 (10) (a) The state auditor may not withhold funds under Subsection (7)(i) until the state
1146 auditor receives a notice of non-registration, as that term is defined in Section 67-1a-15.

1147 (b) If the state auditor receives a notice of non-registration, the state auditor may
1148 prohibit the local government entity or limited purpose entity, as those terms are defined in

1149 Section 67-1a-15, from accessing:
1150 (i) money held by the state; and
1151 (ii) money held in an account of a financial institution by:
1152 (A) contacting the entity's financial institution and requesting that the institution
1153 prohibit access to the account; or
1154 (B) filing an action in district court requesting an order of the court to prohibit a
1155 financial institution from providing the entity access to an account.
1156 (c) The state auditor shall remove the prohibition on accessing funds described in
1157 Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in
1158 Section 67-1a-15, from the lieutenant governor.
1159 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the
1160 state auditor:
1161 (a) shall authorize a disbursement by a local government entity or limited purpose
1162 entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing
1163 unit if the disbursement is necessary to:
1164 (i) avoid a major disruption in the operations of the local government entity, limited
1165 purpose entity, or state or local taxing or fee-assessing unit; or
1166 (ii) meet debt service obligations; and
1167 (b) may authorize a disbursement by a local government entity, limited purpose entity,
1168 or state or local taxing or fee-assessing unit as the state auditor determines is appropriate.
1169 (12) (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to
1170 take temporary custody of public funds if an action is necessary to protect public funds from
1171 being improperly diverted from their intended public purpose.
1172 (b) If the state auditor seeks relief under Subsection (12)(a):
1173 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
1174 and
1175 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a
1176 court orders the public funds to be protected from improper diversion from their public
1177 purpose.
1178 (13) The state auditor shall:
1179 (a) establish audit guidelines and procedures for audits of local mental health and

substance abuse authorities and their contract providers, conducted pursuant to Title 17, Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part 3, Local Mental Health Authorities, Title 26B, Chapter 5, Health Care - Substance Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act; and

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

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

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

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

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

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

(b) If the state auditor receives notice under Subsection 11-41-104(7) from the Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor may initiate an audit or investigation of the public entity subject to the notice to determine compliance with Section 11-41-103.

(c) If the state auditor receives a request from a county legislative body, city legislative body, or legislative bodies of interlocal agreement participants to conduct a feasibility study under Section 53G-3-301 or 53G-3-302, the state auditor shall conduct the feasibility study in accordance with Subsection (1)(b) or Subsections (2)(c) and (d).

(15) (a) The state auditor may not audit work that the state auditor performed before

1211 becoming state auditor.

1212 (b) If the state auditor has previously been a responsible official in state government
1213 whose work has not yet been audited, the Legislature shall:

1214 (i) designate how that work shall be audited; and

1215 (ii) provide additional funding for those audits, if necessary.

1216 (16) The state auditor shall:

1217 (a) with the assistance, advice, and recommendations of an advisory committee
1218 appointed by the state auditor from among special district boards of trustees, officers, and
1219 employees and special service district boards, officers, and employees:

1220 (i) prepare a Uniform Accounting Manual for Special Districts that:

1221 (A) prescribes a uniform system of accounting and uniform budgeting and reporting
1222 procedures for special districts under Title 17B, Limited Purpose Local Government Entities -
1223 Special Districts, and special service districts under Title 17D, Chapter 1, Special Service
1224 District Act;

1225 (B) conforms with generally accepted accounting principles; and

1226 (C) prescribes reasonable exceptions and modifications for smaller districts to the
1227 uniform system of accounting, budgeting, and reporting;

1228 (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to
1229 reflect generally accepted accounting principles;

1230 (iii) conduct a continuing review and modification of procedures in order to improve
1231 them;

1232 (iv) prepare and supply each district with suitable budget and reporting forms; and

1233 (v) (A) prepare instructional materials, conduct training programs, and render other
1234 services considered necessary to assist special districts and special service districts in
1235 implementing the uniform accounting, budgeting, and reporting procedures; and

1236 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title
1237 63G, Chapter 22, State Training and Certification Requirements; and

1238 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices
1239 and experiences of specific special districts and special service districts selected by the state
1240 auditor and make the information available to all districts.

1241 (17) (a) The following records in the custody or control of the state auditor are

protected records under Title 63G, Chapter 2, Government Records Access and Management Act:

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

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

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

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

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

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

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

(d) (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the state auditor and the subject of an audit performed by the state auditor as to whether the state auditor may release a record, as defined in Section 63G-2-103, to the public that the state auditor gained access to in the course of the state auditor's audit but which the subject of the audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records Access and Management Act.

(ii) The state auditor may submit a record dispute to the State Records Committee, created in Section 63G-2-501, for a determination of whether the state auditor may, in conjunction with the state auditor's release of an audit report, release to the public the record that is the subject of the record dispute.

(iii) The state auditor or the subject of the audit may seek judicial review of a State Records Committee determination under Subsection (17)(d)(ii), as provided in Section 63G-2-404.

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

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

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

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

(i) the scholarship granting organization for the Special Needs Opportunity Scholarship Program, created in Section 53E-7-402;

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

(iii) the scholarship program manager for the Utah Fits All Scholarship Program, created in Section 53F-6-402.

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

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

1304 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);
1305 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
1306 adopted;
1307 (c) an indication regarding whether the policy complies with the requirements
1308 established by law for the policy; and
1309 (d) a link to the policy.

1310 (23) (a) A legislator may request that the state auditor conduct an inquiry to determine
1311 whether a government entity, government official, or government employee has complied with
1312 a legal obligation directly imposed, by statute, on the government entity, government official,
1313 or government employee.

1314 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
1315 the inquiry requested.

1316 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
1317 auditor shall post the results of the inquiry on the state auditor's website.

1318 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
1319 determination, without conducting an audit, regarding whether the obligation was fulfilled.

1320 **Section 10. Effective date.**
1321 This bill takes effect on May 1, 2024.