

PUBLIC EDUCATION PROGRAM MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends and makes technical and conforming changes to certain provisions of the Utah Code regarding public education.

Highlighted Provisions:

This bill:

- ▶ amends certain provisions of the education code, including:
 - defining terms;
 - amending certain reporting requirements;
 - amending certain school fee requirements;
 - consolidating student data advisory groups;
 - providing for parent seminars to be held on Saturday and virtually;
 - providing rulemaking authority for educator licensing complaints; and
 - clarifying existing code; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53D-2-203, as enacted by Laws of Utah 2018, Chapter 448

53E-1-203, as last amended by Laws of Utah 2022, Chapters 36, 218

53E-3-503, as last amended by Laws of Utah 2023, Chapter 328

53E-3-516, as last amended by Laws of Utah 2023, Chapters 115, 161

53E-4-314, as last amended by Laws of Utah 2022, Chapter 316

53E-6-102, as last amended by Laws of Utah 2019, Chapter 186

53E-6-506, as last amended by Laws of Utah 2022, Chapter 250

- 33 **53E-6-604**, as last amended by Laws of Utah 2020, Chapter 327
 34 **53E-9-302**, as last amended by Laws of Utah 2023, Chapter 381
 35 **53F-2-208**, as last amended by Laws of Utah 2023, Chapters 129, 161 and 356
 36 **53F-2-410**, as repealed and reenacted by Laws of Utah 2023, Chapter 161 and last
 37 amended by Coordination Clause, Laws of Utah 2023, Chapter 98
 38 **53F-4-304**, as last amended by Laws of Utah 2020, Chapter 408
 39 **53G-6-210**, as renumbered and amended by Laws of Utah 2021, Chapter 261
 40 **53G-7-501**, as last amended by Laws of Utah 2020, Chapter 51
 41 **53G-7-1206**, as last amended by Laws of Utah 2021, Chapter 144
 42 **53G-8-403**, as last amended by Laws of Utah 2023, Chapter 161
 43 **53G-8-405**, as last amended by Laws of Utah 2021, Chapter 262
 44 **53G-9-703**, as last amended by Laws of Utah 2019, Chapters 293, 324 and 446
 45 **53G-10-402**, as last amended by Laws of Utah 2020, Chapters 354, 408
 46 **53G-10-403**, as last amended by Laws of Utah 2019, Chapter 293
 47 **63I-1-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 30,
 48 52, 133, 161, 367, and 494
 49 **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25)**, as last amended by Laws of Utah 2023,
 50 Chapters 30, 52, 133, 161, 310, 367, and 494
 51 **63I-1-253 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,
 52 Chapters 30, 52, 133, 161, 187, 310, 367, and 494
 53 **80-6-103**, as last amended by Laws of Utah 2023, Chapter 161
 54 **80-6-104**, as enacted by Laws of Utah 2023, Chapter 161

55 RENUMBERS AND AMENDS:

- 56 **53G-6-808**, (Renumbered from 53G-10-205, as last amended by Laws of Utah 2023,
 57 Chapter 412)

58

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

60 Section 1. Section **53D-2-203** is amended to read:

61 **53D-2-203. Land Trusts Protection and Advocacy Office director -- Appointment**
 62 **-- Removal -- Power and duties.**

63 (1) (a) The advocacy committee shall:

64 (i) discuss candidates who may qualify for appointment as the advocacy director, as
65 described in Subsection (1)(b);

66 (ii) determine the two most qualified candidates; and

67 (iii) submit the names of those two candidates to the state treasurer as potential
68 appointees for the advocacy director.

69 (b) A potential appointee for advocacy director shall have significant expertise and
70 qualifications relating to generating revenue to the school and institutional trust and the duties
71 of the advocacy office and the advocacy director, which may include expertise in:

72 (i) business;

73 (ii) finance;

74 (iii) economics;

75 (iv) natural resources; or

76 (v) advocacy.

77 (c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint
78 one as the advocacy director.

79 (2) (a) An advocacy director shall serve a four-year term.

80 (b) If a vacancy occurs in the advocacy director's position, the advocacy committee and
81 state treasurer shall, in accordance with Subsection (1), appoint a replacement director for a
82 four-year term.

83 (3) The advocacy committee may remove the advocacy director during a meeting that
84 is not closed as described in Section 52-4-204, if:

85 (a) removal of the advocacy director is scheduled on the agenda for the meeting; and

86 (b) a majority of a committee quorum votes to remove the advocacy director.

87 (4) In accordance with state and federal law, the advocacy director may attend a
88 presentation, discussion, meeting, or other gathering related to the school and institutional trust.

89 (5) In order to fulfill the duties of the advocacy office described in Section 53D-2-201,
90 the advocacy director shall:

91 (a) maintain a direct relationship with each individual who is key to fulfilling the state's
92 trustee obligations and duties related to the trust;

93 (b) facilitate open communication among key individuals described in Subsection

94 (5)(a);

- 95 (c) actively seek necessary and accurate information;
- 96 (d) review and, if necessary, recommend the state auditor audit, activities involved in:
- 97 (i) generating trust revenue;
- 98 (ii) protecting trust assets; or
- 99 (iii) distributing funds for the exclusive use of trust beneficiaries;
- 100 (e) promote accurate record keeping of all records relevant to the trust and distribution
- 101 to trust beneficiaries;
- 102 (f) report at least quarterly to the advocacy committee and the state treasurer on the
- 103 current activities of the advocacy office;
- 104 (g) annually submit a proposed advocacy office budget to the state treasurer;
- 105 (h) regarding the trust's compliance with law, and among the School and Institutional
- 106 Trust Lands System as a whole, report annually to:
- 107 (i) the advocacy committee;
- 108 (ii) the state treasurer;
- 109 (iii) the State Board of Education; and
- 110 (iv) the Executive Appropriations Committee;
- 111 (i) annually send a financial report regarding the relevant individual trust, and, upon
- 112 request, report in person to:
- 113 (i) Utah State University, on behalf of the agricultural college trust;
- 114 (ii) the University of Utah;
- 115 (iii) the Utah State Hospital, on behalf of the mental hospital trust;
- 116 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the ~~[institution]~~ schools
- 117 for the deaf and blind ~~[trust and the deaf and dumb asylum trust]~~ trusts;
- 118 (v) the youth in ~~[custody]~~ care program at the State Board of Education, on behalf of
- 119 the reform school trust;
- 120 (vi) the Division of Water Resources, created in Section 73-10-18, on behalf of the
- 121 reservoir trust;
- 122 (vii) the College of Mines and Earth Sciences created in Section 53B-17-401;
- 123 (viii) each state teachers' college, based on the college's annual number of teacher
- 124 graduates, on behalf of the normal school trust;
- 125 (ix) the Miners' Hospital described in Section 53B-17-201; and

126 (x) the State Capitol Preservation Board, created in Section 63C-9-201, on behalf of
127 the public buildings trust;

128 (j) as requested by the state treasurer, draft proposed rules and submit the proposed
129 rules to the advocacy committee for review;

130 (k) in accordance with state and federal law, respond to external requests for
131 information about the School and Institutional Trust Lands System;

132 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:

133 (i) at School and Institutional Trust Lands Administration meetings;

134 (ii) at School and Institutional Trust Fund Office meetings; and

135 (iii) with the media;

136 (m) review proposed legislation that affects the school and institutional trust and trust
137 beneficiaries and advocate for legislative change that best serves the interests of the trust
138 beneficiaries; and

139 (n) educate the public regarding the School and Institutional Trust Lands System.

140 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
141 director may have access to the financial reports and other data required for a review.

142 Section 2. Section **53E-1-203** is amended to read:

143 **53E-1-203. State Superintendent's Annual Report.**

144 (1) The state board shall prepare and submit to the governor, the Education Interim
145 Committee, and the Public Education Appropriations Subcommittee, by January 15 of each
146 year, an annual written report known as the State Superintendent's Annual Report that includes:

147 (a) the operations, activities, programs, and services of the state board;

148 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and

149 (c) data on the general condition of the schools with recommendations considered
150 desirable for specific programs, including:

151 (i) a complete statement of fund balances;

152 (ii) a complete statement of revenues by fund and source;

153 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
154 indebtedness, the cost of new school plants, and school levies;

155 (iv) a complete statement of state funds allocated to each school district and charter
156 school by source, including supplemental appropriations, and a complete statement of

157 expenditures by each school district and charter school, including supplemental appropriations,
 158 by function and object as outlined in the United States Department of Education publication
 159 "Financial Accounting for Local and State School Systems";

160 (v) a statement that includes data on:

161 (A) fall enrollments;

162 (B) average membership;

163 (C) high school graduates;

164 (D) licensed and classified employees, including data reported by school districts on
 165 educator ratings described in Section 53G-11-511;

166 (E) pupil-teacher ratios;

167 (F) average class sizes;

168 (G) average salaries;

169 (H) applicable private school data; and

170 (I) data from statewide assessments described in Section 53E-4-301 for each school
 171 and school district;

172 (vi) statistical information for each school district and charter school regarding:

173 (A) student attendance by grade level;

174 (B) the percentage of students chronically absent;

175 (C) the percentage of student excused absences; and

176 (D) the percentage of student unexcused absences;

177 [~~(vi)~~] (vii) statistical information regarding incidents of delinquent activity in the
 178 schools, [or] at school-related activities, on school buses, and at school bus stops; and

179 [~~(vii)~~] (viii) other statistical and financial information about the school system that the
 180 state superintendent considers pertinent.

181 (2) (a) For the purposes of Subsection (1)(c)(v):

182 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
 183 students enrolled in a school by the number of full-time equivalent teachers assigned to the
 184 school, including regular classroom teachers, school-based specialists, and special education
 185 teachers;

186 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
 187 the schools within a school district;

- 188 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
189 pupil-teacher ratio of charter schools in the state; and
- 190 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
191 pupil-teacher ratio of public schools in the state.
- 192 (b) The report shall:
- 193 (i) include the pupil-teacher ratio for:
- 194 (A) each school district;
- 195 (B) the charter schools aggregated; and
- 196 (C) the state's public schools aggregated; and
- 197 (ii) identify a website where pupil-teacher ratios for each school in the state may be
198 accessed.
- 199 (3) For each operation, activity, program, or service provided by the state board, the
200 annual report shall include:
- 201 (a) a description of the operation, activity, program, or service;
- 202 (b) data and metrics:
- 203 (i) selected and used by the state board to measure progress, performance,
204 effectiveness, and scope of the operation, activity, program, or service, including summary
205 data; and
- 206 (ii) that are consistent and comparable for each state operation, activity, program, or
207 service;
- 208 (c) budget data, including the amount and source of funding, expenses, and allocation
209 of full-time employees for the operation, activity, program, or service;
- 210 (d) historical data from previous years for comparison with data reported under
211 Subsections (3)(b) and (c);
- 212 (e) goals, challenges, and achievements related to the operation, activity, program, or
213 service;
- 214 (f) relevant federal and state statutory references and requirements;
- 215 (g) contact information of officials knowledgeable and responsible for each operation,
216 activity, program, or service; and
- 217 (h) other information determined by the state board that:
- 218 (i) may be needed, useful, or of historical significance; or

219 (ii) promotes accountability and transparency for each operation, activity, program, or
220 service with the public and elected officials.

221 (4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:

222 (i) the report described in Section 53E-3-507 by the state board on career and technical
223 education needs and program access;

224 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality and
225 Tourism Management Career and Technical Education Pilot Program;

226 (iii) [~~beginning on July 1, 2023;~~] the report described in Section 53E-3-516 by the state
227 board on certain incidents that occur on school grounds;

228 (iv) the report described in Section 53E-4-202 by the state board on the development
229 and implementation of the core standards for Utah public schools;

230 (v) the report described in Section 53E-5-310 by the state board on school turnaround
231 and leadership development;

232 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of
233 Higher Education on student participation in the concurrent enrollment program;

234 (vii) the report described in Section 53F-5-207 by the state board on the
235 Intergenerational Poverty Interventions Grant Program;

236 (viii) the report described in Section 53F-5-506 by the state board on information
237 related to personalized, competency-based learning; and

238 (ix) the report described in Section 53G-9-802 by the state board on dropout prevention
239 and recovery services.

240 (b) The Education Interim Committee or the Public Education Appropriations
241 Subcommittee may request a report described in Subsection (4)(a) to be reported separately
242 from the State Superintendent's Annual Report.

243 (5) The annual report shall be designed to provide clear, accurate, and accessible
244 information to the public, the governor, and the Legislature.

245 (6) The state board shall:

246 (a) submit the annual report in accordance with Section 68-3-14; and

247 (b) make the annual report, and previous annual reports, accessible to the public by
248 placing a link to the reports on the state board's website.

249 (7) (a) Upon request of the Education Interim Committee or Public Education

250 Appropriations Subcommittee, the state board shall present the State Superintendent's Annual
251 Report to either committee.

252 (b) After submitting the State Superintendent's Annual Report in accordance with this
253 section, the state board may supplement the report at a later time with updated data,
254 information, or other materials as necessary or upon request by the governor, the Education
255 Interim Committee, or the Public Education Appropriations Subcommittee.

256 Section 3. Section **53E-3-503** is amended to read:

257 **53E-3-503. Education of individuals in custody of or receiving services from**
258 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

259 (1) (a) The state board is directly responsible for the education of all individuals who
260 are:

261 (i) (A) younger than 21 years old; or

262 (B) eligible for special education services as described in Chapter 7, Part 2, Special
263 Education Program; and

264 (ii) (A) receiving services from the Department of Health and Human Services;

265 (B) in the custody of an equivalent agency of a Native American tribe recognized by
266 the United States Bureau of Indian Affairs and whose custodial parent resides within the state;

267 or

268 (C) being held in a juvenile detention facility.

269 (b) The state board shall:

270 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
271 Rulemaking Act, to provide for the distribution of funds for the education of individuals
272 described in Subsection (1)(a); and

273 (ii) expend funds appropriated for the education of youth in [~~custody~~] care in the
274 following order of priority:

275 (A) for students in a facility described in Subsection (1)(a)(ii) who are not included in
276 an LEA's average daily membership; and

277 (B) for students in a facility described in Subsection (1)(a)(ii) who are included in an
278 LEA's average daily membership and who may benefit from additional educational support
279 services.

280 (c) Subject to future budget constraints, the amount appropriated for the education of

281 youth in [~~custody~~] care under this section shall increase annually based on the following:

282 (i) the percentage of enrollment growth of students in kindergarten through grade 12;

283 and

284 (ii) changes to the value of the weighted pupil unit as defined in Section 53F-4-301.

285 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into custody for the

286 primary purpose of obtaining access to education programs provided for youth in [~~custody~~]

287 care.

288 (3) The state board shall, where feasible, contract with school districts or other

289 appropriate agencies to provide educational, administrative, and supportive services, but the

290 state board shall retain responsibility for the programs.

291 (4) The Legislature shall establish and maintain separate education budget categories

292 for youth in [~~custody~~] care or who are under the jurisdiction of the following state agencies:

293 (a) detention centers and the Divisions of Juvenile Justice and Youth Services and

294 Child and Family Services;

295 (b) the Office of Substance Use and Mental Health; and

296 (c) the Division of Services for People with Disabilities.

297 (5) (a) The Department of Health and Human Services and the state board shall appoint

298 a coordinating council to plan, coordinate, and recommend budget, policy, and program

299 guidelines for the education and treatment of persons in the custody of the Division of Juvenile

300 Justice and Youth Services and the Division of Child and Family Services.

301 (b) The Department of Health and Human Services and the state board may appoint

302 similar councils for those in the custody of the Office of Substance Use and Mental Health or

303 the Division of Services for People with Disabilities.

304 (6) A school district contracting to provide services under Subsection (3) shall

305 establish an advisory council to plan, coordinate, and review education and treatment programs

306 for individuals held in custody in the district.

307 Section 4. Section **53E-3-516** is amended to read:

308 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
309 **authority.**

310 (1) As used in this section:

311 (a) "Dangerous weapon" means the same as that term is defined in Section 53G-8-510.

312 (b) "Disciplinary action" means an action by a public school meant to formally
313 discipline a student of that public school that includes a suspension or expulsion.

314 (c) "Law enforcement agency" means the same as that term is defined in Section
315 77-7a-103.

316 (d) "Minor" means the same as that term is defined in Section 80-1-102.

317 (e) "Other law enforcement activity" means a significant law enforcement interaction
318 with a minor that does not result in an arrest, including:

319 (i) a search and seizure by an SRO;

320 (ii) issuance of a criminal citation;

321 (iii) issuance of a ticket or summons;

322 (iv) filing a delinquency petition; or

323 (v) referral to a probation officer.

324 (f) "School is in session" means the hours of a day during which a public school
325 conducts instruction for which student attendance is counted toward calculating average daily
326 membership.

327 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
328 clinic, or other event or activity that is authorized by a specific public school, according to LEA
329 governing board policy, and satisfies at least one of the following conditions:

330 (A) the activity is managed or supervised by a school district, public school, or public
331 school employee;

332 (B) the activity uses the school district or public school facilities, equipment, or other
333 school resources; or

334 (C) the activity is supported or subsidized, more than inconsequentially, by public
335 funds, including the public school's activity funds or Minimum School Program dollars.

336 (ii) "School-sponsored activity" includes preparation for and involvement in a public
337 performance, contest, athletic competition, demonstration, display, or club activity.

338 (h) " School resource officer" or "SRO" means the same as that term is defined in
339 Section 53G-8-701.

340 (2) [~~Beginning on July 1, 2023, the~~] The state board shall develop an annual report
341 regarding the following incidents that occur on school grounds while school is in session or
342 during a school-sponsored activity:

- 343 (a) arrests of a minor;
- 344 (b) other law enforcement activities;
- 345 (c) disciplinary actions; and
- 346 (d) minors found in possession of a dangerous weapon.
- 347 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with
- 348 the state board and LEAs to provide and validate data and information necessary to complete
- 349 the report described in Subsection (2), as requested by an LEA or the state board.
- 350 (4) The report described in Subsection (2) shall include the following information
- 351 listed separately for each LEA:
- 352 (a) the number of arrests of a minor, including the reason why the minor was arrested;
- 353 (b) the number of other law enforcement activities, including the following information
- 354 for each incident:
- 355 (i) the reason for the other law enforcement activity; and
- 356 (ii) the type of other law enforcement activity used;
- 357 (c) the number of disciplinary actions imposed, including:
- 358 (i) the reason for the disciplinary action; ~~and~~
- 359 (ii) the type of disciplinary action;
- 360 (iii) the number of suspensions imposed;
- 361 (iv) the average length of suspensions;
- 362 (v) the number of days of instruction lost due to suspensions; and
- 363 (vi) the number of expulsions;
- 364 (d) the number of SROs employed;
- 365 (e) if applicable, the demographics of an individual who is subject to, as the following
- 366 are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation; and
- 367 (f) the number of minors found in possession of a dangerous weapon on school
- 368 grounds while school is in session or during a school-sponsored activity.
- 369 (5) The report described in Subsection (2) shall include the following information, in
- 370 aggregate, for each element described in Subsections (4)(a) through (c):
- 371 (a) age;
- 372 (b) grade level;
- 373 (c) race;

- 374 (d) sex; ~~[and]~~
375 (e) disability status~~[-]~~; and
376 (f) youth in care designation.
- 377 (6) Information included in the annual report described in Subsection (2) shall comply
378 with:
- 379 (a) Chapter 9, Part 3, Student Data Protection;
380 (b) Chapter 9, Part 2, Student Privacy; and
381 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 382 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
383 state board shall make rules to compile the report described in Subsection (2).
- 384 (8) (a) The state board shall provide the report described in Subsection (2):
385 ~~[(a)] (i)~~ in accordance with Section 53E-1-203 for incidents that occurred during the
386 previous school year; and
387 ~~[(b)] (ii)~~ to the State Commission on Criminal and Juvenile Justice before ~~[July 1]~~
388 January 15 of each year for incidents that occurred during the previous school year.
- 389 (b) After submitting the report in accordance with this section, the state board shall
390 supplement the report to the State Commission on Criminal and Juvenile Justice with updated
391 data and information within 30 days after the day on which the state board receives the updated
392 data and information.
- 393 Section 5. Section **53E-4-314** is amended to read:
394 **53E-4-314. School readiness assessment.**
- 395 (1) As used in this section:
396 (a) "School readiness assessment" means a preschool entry and exit profile that
397 measures literacy, numeracy, and lifelong learning practices developed in a student.
398 (b) "School readiness program" means a preschool program:
399 (i) in which a student participates in the year before the student is expected to enroll in
400 kindergarten; and
401 (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.
402 (2) The state board shall develop a school readiness assessment ~~[that aligns with the~~
403 ~~kindergarten entry and exit assessment described in Section 53G-7-203].~~
404 (3) A school readiness program shall:

405 (a) except as provided in Subsection (4), administer to each student who participates in
406 the school readiness program the school readiness assessment at the beginning and end of the
407 student's participation in the school readiness program; and

408 (b) report the results of the assessments described in Subsection (3)(a) or (4) to the
409 School Readiness Board created in Section 35A-15-201.

410 (4) In place of the assessments described in Subsection (3)(a), a school readiness
411 program that is offered through home-based technology may administer to each student who
412 participates in the school readiness program:

413 (a) a validated computer adaptive pre-assessment at the beginning of the student's
414 participation in the school readiness program; and

415 (b) a validated computer adaptive post-assessment at the end of the student's
416 participation in the school readiness program.

417 (5) (a) The following may submit school readiness assessment data to the School
418 Readiness Board created in Section 35A-15-201:

419 (i) a private child care provider; or

420 (ii) an LEA on behalf of a school that is not participating in the High Quality School
421 Readiness Grant Program described in Section 35A-15-301.

422 (b) If a private child care provider or LEA submits school readiness assessment data to
423 the School Readiness Board under Subsection (5)(a), the state board shall include the school
424 readiness assessment data in the report described in Subsection 35A-15-303(5).

425 Section 6. Section **53E-6-102** is amended to read:

426 **53E-6-102. Definitions.**

427 As used in this chapter:

428 (1) "Certificate" means a license issued by a governmental jurisdiction outside the
429 state.

430 (2) "Educator" means:

431 (a) a person who holds a license;

432 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
433 of the state board, to hold a license; or

434 (c) a person who is the subject of an allegation which has been received by an LEA, the
435 state board, or UPPAC and was, at the time noted in the allegation, a license holder or a person

436 employed in a position requiring licensure.

437 (3) "License" means an authorization issued by the state board that permits the holder
438 to serve in a professional capacity in the public schools.

439 (4) "National Board certification" means a current certificate issued by the National
440 Board for Professional Teaching Standards.

441 (5) "School" means a public or private entity that provides educational services to a
442 minor child.

443 (6) "UPPAC" means the Utah Professional Practices Advisory Commission.

444 Section 7. Section **53E-6-506** is amended to read:

445 **53E-6-506. UPPAC duties and procedures.**

446 (1) The state board may direct UPPAC to review a complaint about an educator and
447 recommend that the state board:

- 448 (a) dismiss the complaint; or
449 (b) investigate the complaint in accordance with this section.

450 (2) (a) The state board may direct UPPAC to:

- 451 (i) in accordance with this section, investigate a complaint's allegation or decision; or
452 (ii) hold a hearing.

453 (b) UPPAC may initiate a hearing as part of an investigation.

454 (c) Upon completion of an investigation or hearing, UPPAC shall:

- 455 (i) provide findings to the state board; and
456 (ii) make a recommendation for state board action.

457 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to
458 adversely affect an educator's license unless UPPAC gives the educator an opportunity for a
459 hearing.

460 (3) (a) The state board may:

461 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC
462 oversight; or

463 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an
464 investigation.

465 (b) In conducting an investigation, UPPAC or an independent investigator shall
466 conduct the investigation independent of and separate from a related criminal investigation.

467 (c) In conducting an investigation, UPPAC or an independent investigator may:

468 (i) in accordance with Section 53E-6-606 administer oaths and issue subpoenas; or

469 (ii) receive evidence related to an alleged offense, including sealed or expunged

470 records released to the state board under Section 77-40a-403.

471 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may

472 recommend that the state board initiate a background check on an educator as described in

473 Section 53G-11-403.

474 (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense

475 against a minor child if the educator voluntarily surrendered a license or certificate or allowed a

476 license or certificate to lapse in the face of a charge of having committed a sexual offense

477 against a minor child.

478 (4) The state board may direct UPPAC to:

479 (a) recommend to the state board procedures for:

480 (i) receiving and processing complaints;

481 (ii) investigating a complaint's allegation or decision;

482 (iii) conducting hearings; or

483 (iv) reporting findings and making recommendations to the state board for state board

484 action;

485 (b) recommend to the state board or a professional organization of educators:

486 (i) standards of professional performance, competence, and ethical conduct for

487 educators; or

488 (ii) suggestions for improvement of the education profession; or

489 (c) fulfill other duties the state board finds appropriate.

490 (5) UPPAC may not participate as a party in a dispute relating to negotiations between:

491 (a) a school district and the school district's educators; or

492 (b) a charter school and the charter school's educators.

493 (6) The state board shall make rules [~~establishing~~], in accordance with Title 63G,

494 Chapter 3, Utah Administrative Rulemaking Act, to establish UPPAC duties and procedures.

495 Section 8. Section **53E-6-604** is amended to read:

496 **53E-6-604. State board disciplinary action against an educator.**

497 (1) (a) The state board shall direct UPPAC to investigate an allegation, administrative

498 decision, or judicial decision that evidences an educator is unfit for duty because the educator
499 exhibited behavior that:

500 (i) is immoral, unprofessional, or incompetent; or

501 (ii) violates standards of ethical conduct, performance, or professional competence.

502 (b) If the state board determines an allegation or decision described in Subsection

503 (1)(a) does not evidence an educator's unfitness for duty, the state board may dismiss the

504 allegation or decision without an investigation or hearing.

505 (2) The state board shall direct UPPAC to investigate and allow an educator to respond

506 in a UPPAC hearing if the state board receives an allegation that the educator:

507 (a) was charged with a felony of a sexual nature;

508 (b) was convicted of a felony of a sexual nature;

509 (c) pled guilty to a felony of a sexual nature;

510 (d) entered a plea of no contest to a felony of a sexual nature;

511 (e) entered a plea in abeyance to a felony of a sexual nature;

512 (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual

513 Offenses, against a minor child;

514 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a

515 student who is a minor; or

516 (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a

517 student who:

518 (i) is not enrolled in an adult education program in an LEA;

519 (ii) is not a minor; and

520 (iii) (A) is enrolled in an LEA where the educator is employed; or

521 (B) is a participant in an extracurricular program in which the educator is involved.

522 (3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board

523 shall direct UPPAC to:

524 (a) investigate the alleged violation; and

525 (b) hold a hearing to allow the educator to respond to the allegation.

526 (4) Upon completion of an investigation or hearing described in this section, UPPAC

527 shall:

528 (a) provide findings to the state board; and

- 529 (b) make a recommendation for state board action.
- 530 (5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and
531 recommendation, the state board may:
- 532 (i) revoke the educator's license;
- 533 (ii) suspend the educator's license;
- 534 (iii) restrict or prohibit the educator from renewing the educator's license;
- 535 (iv) warn or reprimand the educator;
- 536 (v) enter into a written agreement with the educator that requires the educator to
537 comply with certain conditions;
- 538 (vi) direct UPPAC to further investigate or gather information; or
- 539 (vii) take other action the state board finds to be appropriate for and consistent with the
540 educator's behavior.
- 541 (b) Upon review of UPPAC's findings and recommendation, the state board shall
542 revoke the license of an educator who:
- 543 (i) was convicted of a felony of a sexual nature;
- 544 (ii) pled guilty to a felony of a sexual nature;
- 545 (iii) entered a plea of no contest to a felony of a sexual nature;
- 546 (iv) entered a plea in abeyance to a felony of a sexual nature;
- 547 (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
548 Offenses, against a minor child;
- 549 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
550 student who is a minor;
- 551 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
552 student who:
- 553 (A) is not enrolled in an adult education program in an LEA;
- 554 (B) is not a minor; and
- 555 (C) is enrolled in an LEA where the educator is employed or is a participant in an
556 extracurricular program in which the educator is involved; or
- 557 (viii) admits to the state board or UPPAC that the applicant committed conduct that
558 amounts to:
- 559 (A) a felony of a sexual nature; or

560 (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi),
561 or (vii).

562 (c) The state board may not reinstate a revoked license.

563 (d) Before the state board takes adverse action against an educator under this section,
564 the state board shall ensure that the educator had an opportunity for a UPPAC hearing.

565 (6) Notwithstanding any other provision in this section, the state board shall make
566 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that
567 require an LEA to notify the state board, UPPAC, and the educator of a complaint from a
568 parent against an educator alleging a violation of educator licensing standards.

569 Section 9. Section **53E-9-302** is amended to read:

570 **53E-9-302. State student data protection governance.**

571 (1) (a) An education entity or a third-party contractor who collects, uses, stores, shares,
572 or deletes student data shall protect student data as described in this part.

573 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
574 state board shall make rules to administer this part, including student data protection standards
575 for public education employees, student aides, and volunteers.

576 (2) The state board shall oversee the preparation and maintenance of:

577 (a) a statewide data governance plan; and

578 (b) a state-level metadata dictionary.

579 (3) (a) ~~[As described in this Subsection (3), the state]~~ The state board shall establish
580 [advisory groups] a student data protection advisory group to oversee student data protection in
581 the state ~~[and make recommendations to the state board regarding student data protection~~
582 ~~including:]~~.

583 ~~[(a) a student data policy advisory group:]~~

584 ~~[(i) that is composed of members from:]~~

585 ~~[(A) the Legislature;]~~

586 ~~[(B) the state board and state board employees; and]~~

587 ~~[(C) one or more LEAs;]~~

588 ~~[(ii) to discuss and make recommendations to the state board regarding:]~~

589 ~~[(A) enacted or proposed legislation; and]~~

590 ~~[(B) state and local student data protection policies across the state;]~~

591 ~~[(iii) that reviews and monitors the state student data governance plan; and]~~
592 ~~[(iv) that performs other tasks related to student data protection as designated by the~~
593 ~~state board.]~~

594 ~~[(b) a student data governance advisory group:]~~
595 ~~[(i) that is composed of the state student data officer and other state board employees;~~
596 ~~and]~~

597 ~~[(ii) that performs duties related to state and local student data protection, including:]~~
598 ~~[(A) overseeing data collection and usage by state board program offices; and]~~
599 ~~[(B) preparing and maintaining the state board's student data governance plan under the~~
600 ~~direction of the student data policy advisory group.]~~

601 ~~[(c) a student data users advisory group:]~~
602 ~~[(i) that is composed of members who use student data at the local level; and]~~
603 ~~[(ii) that provides feedback and suggestions on the practicality of actions proposed by~~
604 ~~the student data policy advisory group and the student data governance advisory group.]~~

605 (b) The student data protection advisory group shall be composed of:
606 (i) members from the Legislature;
607 (ii) members from the state board;
608 (iii) the state student data officer;
609 (iv) one or more LEAs;
610 (v) state board employees; and
611 (vi) others who use student data at the local level.

612 (c) The student data protection advisory group shall:
613 (i) make recommendations to the state board regarding:
614 (A) enacted or proposed legislation; and
615 (B) state and local student data protection policies across the state;
616 (ii) review and monitor the state student data governance plan; and
617 (iii) perform other tasks related to student data protection as directed by the state board.

618 (4) (a) The state board shall designate a state student data officer.
619 (b) The state student data officer shall:
620 (i) act as the primary point of contact for state student data protection administration in
621 assisting the state board to administer this part;

- 622 (ii) ensure compliance with student privacy laws throughout the public education
623 system, including:
- 624 (A) providing training and support to applicable state board and LEA employees; and
625 (B) producing resource materials, model plans, and model forms for local student data
626 protection governance, including a model student data collection notice;
- 627 (iii) investigate complaints of alleged violations of this part;
628 (iv) report violations of this part to:
- 629 (A) the state board;
630 (B) an applicable education entity; and
631 (C) the student data [~~policy~~] protection advisory group; and
632 (v) act as a state level student data manager.
- 633 (5) The state board shall designate:
- 634 (a) at least one support manager to assist the state student data officer; and
635 (b) a student data protection auditor to assist the state student data officer.
- 636 (6) The state board shall establish a research review process for a request for data for
637 the purpose of research or evaluation.

638 Section 10. Section **53F-2-208** is amended to read:

639 **53F-2-208. Cost of adjustments for growth and inflation.**

- 640 (1) In accordance with Subsection (2), the Legislature shall annually determine:
- 641 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
642 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations
643 to the following programs:
- 644 (i) education for youth in [~~custody~~] care, described in Section 53E-3-503;
645 (ii) concurrent enrollment courses for accelerated foreign language students described
646 in Section 53E-10-307;
- 647 (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);
648 (iv) the Adult Education Program, described in Section 53F-2-401;
649 (v) state support of pupil transportation, described in Section 53F-2-402;
650 (vi) the Enhancement for Accelerated Students Program, described in Section
651 53F-2-408;
- 652 (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;

653 (viii) the juvenile gang and other violent crime prevention and intervention program,
654 described in Section 53F-2-410; and

655 (ix) dual language immersion, described in Section 53F-2-502; and

656 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
657 the current fiscal year's ongoing state tax fund appropriations to the following programs:

658 (i) a program described in Subsection (1)(a);

659 (ii) educator salary adjustments, described in Section 53F-2-405;

660 (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;

661 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
662 53F-2-601; and

663 (v) charter school local replacement funding, described in Section 53F-2-702.

664 (2) (a) In or before December each year, the Executive Appropriations Committee shall
665 determine:

666 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

667 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

668 (b) The Executive Appropriations Committee shall make the determinations described
669 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
670 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
671 Budget.

672 (3) If the Executive Appropriations Committee includes in the public education base
673 budget or the final public education budget an increase in the value of the WPU in excess of
674 the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall also
675 include an appropriation to the Local Levy Growth Account established in Section 53F-9-305
676 in an amount equivalent to at least 0.5% of the total amount appropriated for WPUs in the
677 relevant budget.

678 Section 11. Section **53F-2-410** is amended to read:

679 **53F-2-410. Juvenile gang and other violent crime prevention and intervention**
680 **program -- Funding.**

681 (1) Subject to appropriations by the Legislature, the state board shall:

682 (a) create a juvenile gang and other violent crime prevention and intervention program
683 that is designed to help students at risk for violent criminal involvement stay in school; and

684 (b) distribute money under the program to school districts and charter schools through
685 the distribution formula described in Subsection (2).

686 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
687 state board shall make rules that:

688 (a) establish a formula to distribute program funding to schools in school districts and
689 charter schools that:

690 (i) uses the data reported to the state board under Section [~~80-6-104~~] 53E-3-516; and

691 (ii) prioritizes the schools in school districts and charter schools based on the
692 prevalence of crimes committed by minors within the boundaries of each municipality where a
693 school is located;

694 (b) annually adjust the distribution of program funding using the most current data
695 reported to the state board under Section [~~80-6-104~~] 53E-3-516; and

696 (c) establish baseline performance standards that school districts or charter schools are
697 required to meet in order to receive funding under the program.

698 (3) (a) A school district or a charter school seeking program funding shall submit a
699 proposal to the state board that:

700 (i) describes how the school district or charter school intends to use the funds; and

701 (ii) provides data related to Subsection (2)(a)(ii).

702 (b) The state board shall allocate funding on a per student basis to prioritized school
703 districts and charter schools that submit a successful proposal under Subsection (3)(a).

704 (4) The state board may not distribute funds to a school district or a charter school that
705 fails to meet performance standards described in Subsection (2)(c).

706 (5) A school district or a charter school that is awarded funds under this section shall
707 submit a report to the state board that includes details on:

708 (a) how the school district or the charter school used the funds; and

709 (b) the school district's, or the charter school's, compliance with the performance
710 standards described in Subsection (2)(c).

711 Section 12. Section **53F-4-304** is amended to read:

712 **53F-4-304. Scholarship payments.**

713 (1) (a) The state board shall award scholarships subject to the availability of money
714 appropriated by the Legislature for that purpose.

715 (b) The Legislature shall annually appropriate money to the state board from the
716 General Fund to make scholarship payments.

717 (c) The Legislature shall annually increase the amount of money appropriated under
718 Subsection (1)(b) by an amount equal to the product of:

719 (i) the average scholarship amount awarded as of December 1 in the previous year; and

720 (ii) the product of:

721 (A) the number of students in preschool through grade 12 in public schools statewide
722 who have an IEP on December 1 of the previous year; and

723 (B) 0.0007.

724 (d) If the number of scholarship students as of December 1 in any school year equals or
725 exceeds 7% of the number of students in preschool through grade 12 in public schools
726 statewide who have an IEP as of December 1 in the same school year, the Public Education
727 Appropriations Subcommittee shall study the requirement to increase appropriations for
728 scholarship payments as provided in this section.

729 (e) (i) If money is not available to pay for all scholarships requested, the state board
730 shall allocate scholarships on a random basis except that the state board shall give preference to
731 students who received scholarships in the previous school year.

732 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,
733 the state board may not award new scholarships during that school year and the state board
734 shall prorate money available for scholarships among the eligible students who received
735 scholarships in the previous year.

736 (2) Except as provided in Subsection (4), the state board shall award full-year
737 scholarships in the following amounts:

738 (a) for a student who received an average of 180 minutes per day or more of special
739 education services in a public school before transferring to a private school, an amount not to
740 exceed the lesser of:

741 (i) the value of the weighted pupil unit multiplied by 2.5; or

742 (ii) the private school tuition and fees; and

743 (b) for a student who received an average of less than 180 minutes per day of special
744 education services in a public school before transferring to a private school, an amount not to
745 exceed the lesser of:

- 746 (i) the value of the weighted pupil unit multiplied by 1.5; or
747 (ii) the private school tuition and fees.
- 748 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
749 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.
- 750 (4) If a student leaves a private school before the end of a fiscal quarter:
- 751 (a) the private school is only entitled to the amount of scholarship equivalent to the
752 number of days that the student attended the private school; and
- 753 (b) the private school shall remit a prorated amount of the scholarship to the state board
754 in accordance with the procedures described in rules adopted by the state board in accordance
755 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 756 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:
- 757 (a) make the amount available to the student to enroll immediately in another
758 qualifying private school; or
- 759 (b) refund the amount back to the Carson Smith Scholarship Program account to be
760 available to support the costs of another scholarship.
- 761 (6) (a) The state board shall make an additional allocation on a random basis before
762 June 30 each year only:
- 763 (i) if there are sufficient remaining funds in the program; and
764 (ii) for scholarships for students enrolled in a full-day preschool program.
- 765 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship
766 amount or supplement may not exceed the lesser of:
- 767 (i) the value of the weighted pupil unit multiplied by 1.0; or
768 (ii) the private school tuition and fees.
- 769 (c) The state board shall, when preparing annual growth projection numbers for the
770 Legislature, include the annual number of applications for additional allocations described in
771 Subsection (6)(a).
- 772 (7) (a) The scholarship amount for a student who receives a waiver under Subsection
773 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level
774 of special education services to be provided to the student.
- 775 (b) (i) If the student requires an average of 180 minutes per day or more of special
776 education services, a full-year scholarship shall be equal to the amount specified in Subsection

777 (2)(a).

778 (ii) If the student requires less than an average of 180 minutes per day of special
779 education services, a full-year scholarship shall be equal to the amount specified in Subsection
780 (2)(b).

781 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,
782 a full-year scholarship is equal to the amount specified in Subsection (3).

783 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of
784 documentation that verifies a student's admission to, or continuing enrollment and attendance
785 at, a private school, the state board shall make scholarship payments quarterly in four equal
786 amounts in each school year in which a scholarship is in force.

787 (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3,
788 Utah Administrative Rulemaking Act, the state board may make a scholarship payment before
789 the first quarterly payment of the school year, if a private school requires partial payment of
790 tuition before the start of the school year to reserve space for a student admitted to the school.

791 (9) A parent of a scholarship student shall notify the state board if the student does not
792 have continuing enrollment and attendance at an eligible private school.

793 (10) Before scholarship payments are made, the state board shall cross-check
794 enrollment lists of scholarship students, LEAs, and youth in [~~custody~~] care to ensure that
795 scholarship payments are not erroneously made.

796 Section 13. Section **53G-6-210** is amended to read:

797 **53G-6-210. Educational neglect of a minor -- Procedures -- Defenses.**

798 (1) With regard to a minor who is the subject of a petition under Section 80-3-201
799 based on educational neglect:

800 (a) if allegations include failure of a minor to make adequate educational progress, the
801 juvenile court shall permit demonstration of the minor's educational skills and abilities based
802 upon any of the criteria used in granting school credit, in accordance with Section 53G-6-702;

803 (b) parental refusal to comply with actions taken by school authorities in violation of
804 Section 53G-6-808, 53G-10-202, [~~53G-10-205~~], 53G-10-403, or 53G-10-203, does not
805 constitute educational neglect;

806 (c) parental refusal to support efforts by a school to encourage a minor to act in
807 accordance with any educational objective that focuses on the adoption or expression of a

808 personal philosophy, attitude, or belief that is not reasonably necessary to maintain order and
809 discipline in the school, prevent unreasonable endangerment of persons or property, or to
810 maintain concepts of civility and propriety appropriate to a school setting, does not constitute
811 educational neglect; and

812 (d) an allegation of educational neglect may not be sustained, based solely on a minor's
813 absence from school, unless the minor has been absent from school or from any given class,
814 without good cause, for more than 10 consecutive school days or more than 1/~~16~~ 10 of the
815 applicable school term.

816 (2) A minor may not be considered to be educationally neglected, for purposes of this
817 chapter:

818 (a) unless there is clear and convincing evidence that:

819 (i) the minor has failed to make adequate educational progress, and school officials
820 have complied with the requirements of Section 53G-6-206; ~~and~~ or

821 (ii) the minor is two or more years behind the local public school's age group
822 expectations in one or more basic skills, and is not receiving special educational services or
823 systematic remediation efforts designed to correct the problem;

824 (b) if the minor's parent or guardian establishes by a preponderance of the evidence
825 that:

826 (i) school authorities have failed to comply with the requirements of this title;

827 (ii) the minor is being instructed at home in compliance with Section 53G-6-204;

828 (iii) there is documentation that the minor has demonstrated educational progress at a
829 level commensurate with the minor's ability;

830 (iv) the parent, guardian, or other person in control of the minor has made a good faith
831 effort to secure the minor's regular attendance in school;

832 (v) good cause or a valid excuse exists for the minor's absence from school;

833 (vi) the minor is not required to attend school under court order or is exempt under
834 other applicable state or federal law;

835 (vii) the minor has performed above the twenty-fifth percentile of the local public
836 school's age group expectations in all basic skills, as measured by a standardized academic
837 achievement test administered by the school district where the minor resides; or

838 (viii) the parent or guardian presented a reasonable alternative curriculum to required

839 school curriculum, in accordance with Section [~~53G-10-205~~] 53G-6-808 or 53G-10-403, and
840 the alternative curriculum was rejected by the school district, but the parents have implemented
841 the alternative curriculum; or

842 (c) if the minor is attending school on a regular basis.

843 Section 14. Section **53G-6-808**, which is renumbered from Section 53G-10-205 is
844 renumbered and amended to read:

845 ~~[53G-10-205]~~. **53G-6-808. Waivers of participation.**

846 (1) As used in this section:

847 (a) "School" means a public school.

848 (b) "Student" means a public school student in kindergarten through grade 12.

849 (2) (a) In accordance with Utah Constitution, Article I, Section 4, a student may refrain
850 from participation in any aspect of school that violates a religious belief or right of conscience
851 of the student.

852 (b) A school may not, in any aspect of school:

853 (i) require or incentivize a student to affirm or deny the student's or the student's
854 parent's religious belief or right of conscience;

855 (ii) engage a student in a practice that violates or is contrary to the student's or the
856 student's parent's religious belief or right of conscience; or

857 (iii) penalize or discriminate against a student for refraining from participation due to
858 the student's or the student's parent's religious belief or right of conscience.

859 (3) When a student refrains from participating in any aspect of school that violates the
860 student's or the student's parent's religious belief or right of conscience, the school:

861 (a) shall promptly notify the student's parent;

862 (b) may offer an alternative that does not violate the student's or the student's parent's
863 religious belief or right of conscience; and

864 (c) may not require the student or the student's parent to explain, defend, or justify the
865 student's or the student's parent's religious belief or right of conscience.

866 (4) A student's parent may waive the student's participation in any aspect of school that
867 violates the student's or the student's parent's religious belief or right of conscience.

868 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
869 state board shall make rules consistent with this section.

870 Section 15. Section **53G-7-501** is amended to read:

871 **53G-7-501. Definitions.**

872 As used in this part:

873 (1) "Co-curricular activity" means an activity, a course, or a program that:

874 (a) is an extension of a curricular activity;

875 (b) is included in an instructional plan and supervised or conducted by a teacher or
876 education professional;

877 (c) is conducted outside of regular school hours;

878 (d) is provided, sponsored, or supported by an LEA; and

879 (e) includes a required regular school day activity, course, or program.

880 (2) "Curricular activity" means an activity, a course, or a program that is:

881 (a) intended to deliver instruction;

882 (b) provided, sponsored, or supported by an LEA; and

883 (c) conducted only during school hours.

884 (3) "Elementary school" means a school that provides instruction to students in grades
885 kindergarten, 1, 2, 3, 4, 5, or 6.

886 (4) (a) "Elementary school student" means a student enrolled in an elementary school.

887 (b) "Elementary school student" does not include a secondary school student.

888 (5) (a) "Extracurricular activity" means an activity, a course, or a program that is:

889 (i) not directly related to delivering instruction;

890 (ii) not a curricular activity or co-curricular activity; and

891 (iii) provided, sponsored, or supported by an LEA.

892 (b) "Extracurricular activity" does not include a noncurricular club as defined in

893 Section 53G-7-701.

894 (6) (a) "Fee" means a charge, expense, deposit, rental, or payment:

895 (i) regardless of how the charge, expense, deposit, rental, or payment is termed,
896 described, requested, or required directly or indirectly;

897 (ii) in the form of money, goods, or services; and

898 (iii) that is a condition to a student's full participation in an activity, course, or program
899 that is provided, sponsored, or supported by an LEA.

900 (b) "Fee" includes:

- 901 ~~[(i) money or something of monetary value raised by a student or the student's family~~
 902 ~~through fundraising;]~~
- 903 ~~[(ii)]~~ (i) charges or expenditures for a school field trip or activity trip, including related
 904 transportation, food, lodging, and admission charges;
- 905 ~~[(iii)]~~ (ii) payments made to a third party that provides a part of a school activity, class,
 906 or program;
- 907 ~~[(iv)]~~ (iii) charges or expenditures for classroom~~[-]~~
- 908 ~~[(A) textbooks;]~~
- 909 ~~[(B)]~~ instructional equipment or supplies; ~~[or]~~
- 910 ~~[(C) materials;]~~
- 911 ~~[(v)]~~ (iv) charges or expenditures for school activity clothing; and
- 912 ~~[(vi)]~~ (v) a fine other than a fine described in Subsection (6)(c)(i).
- 913 (c) "Fee" does not include:
- 914 (i) a student fine specifically approved by an LEA for:
- 915 (A) failing to return school property;
- 916 (B) losing, wasting, or damaging private or school property through intentional,
 917 careless, or irresponsible behavior, or as described in Section 53G-8-212; or
- 918 (C) improper use of school property, including a parking violation;
- 919 (ii) a payment for school breakfast or lunch;
- 920 (iii) a deposit that is:
- 921 (A) a pledge securing the return of school property; and
- 922 (B) refunded upon the return of the school property; ~~[or]~~
- 923 (iv) a charge for insurance, unless the insurance is required for a student to participate
 924 in an activity, course, or program~~[-]; or~~
- 925 (v) money or another item of monetary value raised by a student or the student's family
 926 through fundraising.
- 927 (7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by
 928 an LEA that uses students to generate funds or raise money to:
- 929 (i) provide financial support to a school or a school's class, group, team, or program; or
- 930 (ii) benefit a particular charity or for other charitable purposes.
- 931 (b) "Fundraising" does not include an alternative method of raising revenue without

932 students.

933 (8) (a) "Instructional equipment or supplies" means an activity-, course-, or
 934 program-related supply or tool that:

935 (i) a student is required to use as part of an activity, course, or program in a secondary
 936 school;

937 (ii) becomes the property of the student upon exiting the activity, course, or program;
 938 and

939 (iii) is subject to a fee waiver.

940 (b) "Instructional equipment or supplies" does not include school equipment.

941 ~~[(8)]~~ (9) (a) "School activity clothing" means special shoes or items of clothing:

942 (i) (A) that meet specific requirements, including requesting a specific brand, fabric, or
 943 imprint; and

944 (B) that a school requires a student to provide; and

945 (ii) that [is] are required to be worn by a student for [a co-curricular or extracurricular]
 946 an activity-, course-, or a program-related activity.

947 (b) "School activity clothing" does not include:

948 (i) a school uniform; or

949 (ii) clothing that is commonly found in students' homes.

950 (10) "School equipment" means a machine, equipment, facility, or tool that:

951 (a) is durable;

952 (b) is owned by a secondary school; and

953 (c) a student uses as part of an activity, course, or program in a secondary school.

954 ~~[(9)]~~ (11) (a) "School uniform" means special shoes or an item of clothing:

955 (i) (A) that meet specific requirements, including a requested specific color, style,
 956 fabric, or imprint; and

957 (B) that a school requires a student to provide; and

958 (ii) that is worn by a student for a curricular activity.

959 (b) "School uniform" does not include school activity clothing.

960 ~~[(10)]~~ (12) "Secondary school" means a school that provides instruction to students in
 961 grades 7, 8, 9, 10, 11, or 12.

962 ~~[(11)]~~ (13) "Secondary school student":

963 (a) means a student enrolled in a secondary school; and

964 (b) includes a student in grade 6 if the student attends a secondary school.

965 ~~[(12)] (14) (a)~~ "Textbook" means ~~[the same as that term is defined in Section~~

966 ~~53G-7-601.]~~ instructional material necessary for participation in an activity, course, or

967 program, regardless of the format of the material.

968 (b) "Textbook" includes:

969 (i) a hardcopy book or printed pages of instructional material, including a consumable

970 workbook; or

971 (ii) computer hardware, software, or digital content.

972 (c) "Textbook" does not include instructional equipment or supplies.

973 ~~[(13)] (15)~~ "Waiver" means a full ~~[or partial]~~ release from a requirement to pay a fee

974 and from any provision in lieu of fee payment.

975 Section 16. Section **53G-7-1206** is amended to read:

976 **53G-7-1206. School LAND Trust Program.**

977 (1) As used in this section:

978 ~~[(a)]~~ ~~"Charter school authorizer" means the same as that term is defined in Section~~

979 ~~53G-5-102.]~~

980 ~~[(b)]~~ (a) "Charter trust land council" means a council established by a charter school

981 governing board under Section 53G-7-1205.

982 ~~[(c)]~~ (b) "Council" means a school community council or a charter trust land council.

983 ~~[(d)]~~ (c) "LAND trust plan" means a school's plan to use School LAND Trust Program

984 money to implement a component of the school's success plan.

985 ~~[(e)]~~ (d) "School community council" means a council established at a district school in

986 accordance with Section 53G-7-1202.

987 ~~[(f)]~~ (e) "Teacher and student success plan" or "success plan" means the same as that

988 term is defined in Section 53G-7-1301.

989 (2) ~~[There is established]~~ This section creates the School LAND (Learning And

990 Nurturing Development) Trust Program under the state board to:

991 (a) provide financial resources to public schools to enhance or improve student

992 academic achievement and implement a component of a district school or charter school's

993 teacher and student success plan; and

994 (b) involve parents of a school's students in decision making regarding the expenditure
995 of School LAND Trust Program money allocated to the school.

996 (3) To receive an allocation under Section 53F-2-404:

997 (a) a district school shall have established a school community council in accordance
998 with Section 53G-7-1202;

999 (b) a charter school shall have established a charter trust land council in accordance
1000 with Section 53G-7-1205; and

1001 (c) the school's principal shall provide a signed, written assurance that the school is in
1002 compliance with Subsection (3)(a) or (b).

1003 (4) (a) A council shall create a program to use the school's allocation distributed under
1004 Section 53F-2-404 to implement a component of the school's success plan, including:

1005 (i) the school's identified most critical academic needs;

1006 (ii) a recommended course of action to meet the identified academic needs;

1007 (iii) a specific listing of any programs, practices, materials, or equipment that the
1008 school will need to implement a component of the school's success plan to have a direct impact
1009 on the instruction of students and result in measurable increased student performance; and

1010 (iv) how the school intends to spend the school's allocation of funds under this section
1011 to enhance or improve academic excellence at the school.

1012 (b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the
1013 council at which a quorum is present.

1014 (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan
1015 is adopted.

1016 (c) A council shall:

1017 (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the
1018 School LAND Trust Program website; and

1019 (ii) include with the LAND trust plan a report noting the number of council members
1020 who voted for or against the approval of the LAND trust plan and the number of council
1021 members who were absent for the vote.

1022 (d) (i) The local school board of a district school shall approve or disapprove a LAND
1023 trust plan.

1024 (ii) If a local school board disapproves a LAND trust plan:

1025 (A) the local school board shall provide a written explanation of why the LAND trust
1026 plan was disapproved and request the school community council who submitted the LAND
1027 trust plan to revise the LAND trust plan; and

1028 (B) the school community council shall submit a revised LAND trust plan in response
1029 to a local school board's request under Subsection (4)(d)(ii)(A).

1030 (iii) Once a LAND trust plan has been approved by a local school board, a school
1031 community council may amend the LAND trust plan, subject to a majority vote of the school
1032 community council and local school board approval.

1033 (e) A charter trust land council's LAND trust plan is subject to approval by the:

1034 (i) charter school governing board; and

1035 (ii) ~~charter school's charter school authorizer~~ budget officer whom the charter school
1036 governing board appoints.

1037 (5) (a) A district school or charter school shall:

1038 (i) implement the program as approved;

1039 (ii) provide ongoing support for the council's program; and

1040 (iii) meet state board reporting requirements regarding financial and performance
1041 accountability of the program.

1042 (b) (i) A district school or charter school shall prepare and post an annual report of the
1043 program on the School LAND Trust Program website before the council submits a plan for the
1044 following year.

1045 (ii) The report shall detail the use of program funds received by the school under this
1046 section and an assessment of the results obtained from the use of the funds.

1047 (iii) A summary of the report shall be provided to parents of students [~~attending~~] who
1048 attend the school.

1049 (6) An LEA shall record the LEA's expenditures of School LAND Trust Program funds
1050 through a financial reporting system that the board identifies to assist schools in developing the
1051 annual report described in Subsection (5)(b).

1052 (7) The president or chair of a local school board or charter school governing board
1053 shall ensure that the members of the local school board or charter school governing board are
1054 provided with annual training on the requirements of this section.

1055 (8) (a) The state board shall provide training to the entities described in Subsection

1056 (8)(b) on:

1057 (i) the School LAND Trust Program; and

1058 (ii) (A) a school community council; or

1059 (B) a charter trust land council.

1060 (b) The state board shall provide the training to:

1061 (i) a local school board or a charter school governing board;

1062 (ii) a school district or a charter school; and

1063 (iii) a school community council.

1064 (9) The state board shall annually review each school's compliance with applicable

1065 law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah

1066 Administrative Rulemaking Act, by:

1067 (a) reading each LAND trust plan submitted; and

1068 (b) reviewing expenditures made from School LAND Trust Program money.

1069 (10) The state board shall designate a staff member who administers the School LAND

1070 Trust Program:

1071 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee

1072 created under Section 53D-2-202; and

1073 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,

1074 appointed under Section 53D-2-203, to attend meetings or events within the School and

1075 Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND

1076 Trust Program.

1077 Section 17. Section **53G-8-403** is amended to read:

1078 **53G-8-403. Superintendent required to notify school.**

1079 (1) Within three days of receiving a notification from the juvenile court or a law

1080 enforcement agency under Section 80-6-103, the district superintendent, or the district

1081 superintendent's designee, shall notify the principal of the school the juvenile attends [σ], last

1082 attended[-], or will attend.

1083 (2) Upon receipt of the information, the principal shall:

1084 (a) make a notation in a secure file other than the student's permanent file; and

1085 (b) if the student is still enrolled in the school, notify staff members who, in his

1086 opinion, should know of the adjudication.

1087 (3) A person receiving information pursuant to this part may only disclose the
1088 information to other persons having both a right and a current need to know.

1089 (4) Access to secure files shall be limited to persons authorized to receive information
1090 under this part.

1091 Section 18. Section **53G-8-405** is amended to read:

1092 **53G-8-405. Liability for release of information.**

1093 (1) The district superintendent, district superintendent's designee, principal, and any
1094 staff member notified by the principal may not be held liable for information which may
1095 become public knowledge unless it can be shown by clear and convincing evidence that the
1096 information became public knowledge through an intentional act of the superintendent,
1097 principal, or a staff member.

1098 (2) A person receiving information under Section 53G-8-403 or 80-6-103 is immune
1099 from any liability, civil or criminal, for acting or failing to act in response to the information
1100 unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference
1101 to the consequences.

1102 Section 19. Section **53G-9-703** is amended to read:

1103 **53G-9-703. Parent education -- Mental health -- Bullying -- Safety.**

1104 (1) (a) Except as provided in Subsection (3), a school district shall offer a seminar for
1105 parents of students who attend school in the school district that:

1106 (i) is offered at no cost to parents;

1107 (ii) (A) begins at or after 6 p.m.; or

1108 (B) takes place on a Saturday;

1109 (iii) (A) is held in at least one school located in the school district; [and] or

1110 (B) is provided through a virtual platform; and

1111 (iv) covers the topics described in Subsection (2).

1112 (b) (i) A school district shall annually offer one parent seminar for each 11,000
1113 students enrolled in the school district.

1114 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer
1115 more than three seminars.

1116 (c) A school district may:

1117 (i) develop [~~its~~] the district school's own curriculum for the seminar described in

1118 Subsection (1)(a); or
1119 (ii) use the curriculum developed by the state board under Subsection (2).
1120 (d) A school district shall notify each charter school located in the attendance
1121 boundaries of the school district of the date and time of a parent seminar, so the charter school
1122 may inform parents of the seminar.

1123 (2) The state board shall:

1124 (a) develop a curriculum for the parent seminar described in Subsection (1) that
1125 includes information on:

1126 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

1127 (ii) bullying;

1128 (iii) mental health, depression, suicide awareness, and suicide prevention, including
1129 education on limiting access to fatal means;

1130 (iv) Internet safety, including pornography addiction; and

1131 (v) the SafeUT and Crisis Line established in Section 53B-17-1202; and

1132 (b) provide the curriculum, including resources and training, to school districts upon
1133 request.

1134 (3) (a) A school district is not required to offer the parent seminar if the local school
1135 board determines that the topics described in Subsection (2) are not of significant interest or
1136 value to families in the school district.

1137 (b) If a local school board chooses not to offer the parent seminar, the local school
1138 board shall notify the state board and provide the reasons why the local school board chose not
1139 to offer the parent seminar.

1140 Section 20. Section **53G-10-402** is amended to read:

1141 **53G-10-402. Instruction in health -- Parental consent requirements -- Political**
1142 **and religious doctrine prohibited -- Conduct and speech of school employees and**
1143 **volunteers.**

1144 (1) As used in this section:

1145 (a) "LEA governing board" means a local school board or charter school governing
1146 board.

1147 (b) "Refusal skills" means instruction:

1148 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or

- 1149 adult;
- 1150 (ii) in a student's obligation to stop the student's sexual advances if refused by another
1151 individual;
- 1152 (iii) informing a student of the student's right to report and seek counseling for
1153 unwanted sexual advances;
- 1154 (iv) in sexual harassment; and
- 1155 (v) informing a student that a student may not consent to criminally prohibited
1156 activities or activities for which the student is legally prohibited from giving consent, including
1157 the electronic transmission of sexually explicit images by an individual of the individual or
1158 another.
- 1159 (2) (a) The state board shall establish curriculum requirements under Section
1160 53E-3-501 that include instruction in:
- 1161 (i) community and personal health;
- 1162 (ii) physiology;
- 1163 (iii) personal hygiene;
- 1164 (iv) prevention of communicable disease;
- 1165 (v) refusal skills; and
- 1166 (vi) the harmful effects of pornography.
- 1167 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1168 state board shall make rules that, and instruction shall:
- 1169 (i) stress the importance of abstinence from all sexual activity before marriage and
1170 fidelity after marriage as methods for preventing certain communicable diseases;
- 1171 (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
- 1172 (iii) prohibit instruction in:
- 1173 (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- 1174 (B) the advocacy of premarital or extramarital sexual activity; or
- 1175 (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
- 1176 (iv) except as provided in Subsection (2)(d), allow instruction to include information
1177 about contraceptive methods or devices that stresses effectiveness, limitations, risks, and
1178 information on state law applicable to minors obtaining contraceptive methods or devices.
- 1179 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1180 state board shall make rules for an LEA governing board that adopts instructional materials
1181 under Subsection (2)(g)(ii) that:

1182 (i) require the LEA governing board to report on the materials selected and the LEA
1183 governing board's compliance with Subsection (2)(h); and

1184 (ii) provide for an appeal and review process of the LEA governing board's adoption of
1185 instructional materials.

1186 (d) The state board may not require an LEA to teach or adopt instructional materials
1187 that include information on contraceptive methods or devices.

1188 (e) (i) At no time may instruction be provided, including responses to spontaneous
1189 questions raised by students, regarding any means or methods that facilitate or encourage the
1190 violation of any state or federal criminal law by a minor or an adult.

1191 (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a
1192 spontaneous question as long as the response is consistent with the provisions of this section.

1193 (f) The state board shall recommend instructional materials for use in the curricula
1194 required under Subsection (2)(a) after considering evaluations of instructional materials by the
1195 State Instructional Materials Commission.

1196 (g) An LEA governing board may choose to adopt:

1197 (i) the instructional materials recommended under Subsection (2)(f); or

1198 (ii) other instructional materials in accordance with Subsection (2)(h).

1199 (h) An LEA governing board that adopts instructional materials under Subsection
1200 (2)(g)(ii) shall:

1201 (i) ensure that the materials comply with state law and board rules;

1202 (ii) base the adoption of the materials on the recommendations of the LEA governing
1203 board's Curriculum Materials Review Committee; ~~and~~

1204 (iii) adopt the instructional materials in an open and regular meeting of the LEA
1205 governing board for which prior notice is given to parents of students ~~[attending]~~ who attend
1206 the respective schools; and

1207 ~~(iv) give parents~~ an opportunity ~~[for parents]~~ to express ~~[their]~~ the parents' views and
1208 opinions on the materials at the meeting described in Subsection (2)(h)(iii).

1209 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on
1210 at least two occasions during the period that begins with the beginning of grade 8 and the end

1211 of grade 12.

1212 (b) At the request of the state board, the Department of Health shall cooperate with the
1213 state board in developing programs to provide instruction in those areas.

1214 (4) (a) The state board shall adopt rules that:

1215 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
1216 are complied with; and

1217 (ii) require a student's parent to be notified in advance and have an opportunity to
1218 review the information for which parental consent is required under Sections 76-7-322 and
1219 76-7-323.

1220 (b) The state board shall also provide procedures for disciplinary action for violation of
1221 Section 76-7-322 or 76-7-323.

1222 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school
1223 employees and volunteers serve as examples to [their] students, school employees or volunteers
1224 acting in [their] an official [capacities] capacity may not support or encourage criminal conduct
1225 by students, teachers, or volunteers.

1226 (b) To ensure the effective performance of school personnel, the limitations described
1227 in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school
1228 employee's or volunteer's official [capacities] capacity if:

1229 (i) the employee or volunteer knew or should have known that the employee's or
1230 volunteer's action could result in a material and substantial interference or disruption in the
1231 normal activities of the school; and

1232 (ii) that action does result in a material and substantial interference or disruption in the
1233 normal activities of the school.

1234 (c) The state board or an LEA governing board may not allow training of school
1235 employees or volunteers that [~~supports~~] support or [~~encourages~~] encourage criminal conduct.

1236 (d) The state board shall adopt, in accordance with Title 63G, Chapter 3, Utah
1237 Administrative Rulemaking Act, rules implementing this section.

1238 (e) Nothing in this section limits the ability or authority of the state board or an LEA
1239 governing board to enact and enforce rules or take actions that are otherwise lawful, regarding
1240 [~~educators', employees', or volunteers'~~] an educator's, employee's, or volunteer's qualifications
1241 or behavior evidencing unfitness for duty.

1242 (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious,
1243 or denominational doctrine may not be taught in the public schools.

1244 (7) (a) An LEA governing board and an LEA governing board's employees shall
1245 cooperate and share responsibility in carrying out the purposes of this chapter.

1246 (b) An LEA governing board shall provide appropriate professional development for
1247 the LEA governing board's teachers, counselors, and school administrators to enable ~~[them]~~ the
1248 teachers, counselors, and school administrators to understand, protect, and properly instruct
1249 students in the values and character traits referred to in this section and Sections 53E-9-202,
1250 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and ~~[53G-10-205]~~ 53G-6-808, and
1251 distribute appropriate written materials on the values, character traits, and conduct to each
1252 individual receiving the professional development.

1253 (c) An LEA governing board shall make the written materials described in Subsection
1254 (7)(b) available to classified employees, students, and ~~[parents of students]~~ students' parents.

1255 (d) In order to assist an LEA governing board in providing the professional
1256 development required under Subsection (7)(b), the state board shall, as appropriate, contract
1257 with a qualified individual or entity possessing expertise in the areas referred to in Subsection
1258 (7)(b) to develop and disseminate model teacher professional development programs that an
1259 LEA governing board may use to train the individuals referred to in Subsection (7)(b) to
1260 effectively teach the values and qualities of character referenced in Subsection (7).

1261 (e) In accordance with the provisions of Subsection (5)(c), professional development
1262 may not support or encourage criminal conduct.

1263 (8) An LEA governing board shall review every two years:

1264 (a) LEA governing board policies on instruction described in this section;

1265 (b) for a local school board, data for each county that the school district is located in,
1266 or, for a charter school governing board, data for the county in which the charter school is
1267 located, on the following:

1268 (i) teen pregnancy;

1269 (ii) child sexual abuse; and

1270 (iii) sexually transmitted diseases and sexually transmitted infections; and

1271 (c) the number of pornography complaints or other instances reported within the
1272 jurisdiction of the LEA governing board.

1273 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this
1274 section, or the application thereof to any person or circumstance, is found to be
1275 unconstitutional, the balance of this section shall be given effect without the invalid provision,
1276 subsection, sentence, clause, phrase, or word.

1277 Section 21. Section **53G-10-403** is amended to read:

1278 **53G-10-403. Required parental consent for sex education instruction.**

1279 (1) As used in this section:

1280 (a) (i) "Sex education instruction" means any course material, unit, class, lesson,
1281 activity, or presentation that, as the focus of the discussion, provides instruction or information
1282 to a student about:

1283 (A) sexual abstinence;

1284 (B) human sexuality;

1285 (C) human reproduction;

1286 (D) reproductive anatomy;

1287 (E) physiology;

1288 (F) pregnancy;

1289 (G) marriage;

1290 (H) childbirth;

1291 (I) parenthood;

1292 (J) contraception;

1293 (K) HIV/AIDS;

1294 (L) sexually transmitted diseases; or

1295 (M) refusal skills, as defined in Section 53G-10-402.

1296 (ii) "Sex education instruction" does not include child sexual abuse prevention
1297 instruction described in Section 53G-9-207.

1298 (b) "School" means the same as that term is defined in Section [~~53G-10-205~~]
1299 53G-6-808.

1300 (2) A school shall obtain prior written consent from a student's parent before the school
1301 may provide sex education instruction to the student.

1302 (3) If a student's parent chooses not to have the student participate in sex education
1303 instruction, a school shall:

1304 (a) waive the requirement for the student to participate in the sex education instruction;

1305 or

1306 (b) provide the student with a reasonable alternative to the sex education instruction
1307 requirement.

1308 (4) In cooperation with the student's teacher or school, a parent shall take responsibility
1309 for the parent's student's sex education instruction if a school:

1310 (a) waives the student's sex education instruction requirement in Subsection (3)(a); or

1311 (b) provides the student with a reasonable alternative to the sex education instruction
1312 requirement described in Subsection (3)(b).

1313 (5) A student's academic or citizenship performance may not be penalized if the
1314 student's parent chooses not to have the student participate in sex education instruction as
1315 described in Subsection (3).

1316 Section 22. Section **63I-1-253 (Superseded 07/01/24)** is amended to read:

1317 **63I-1-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

1318 (1) Section 53-2a-105, which creates the Emergency Management Administration
1319 Council, is repealed July 1, 2027.

1320 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
1321 Board, are repealed July 1, 2027.

1322 (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
1323 July 1, 2024.

1324 (4) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
1325 repealed July 1, 2024.

1326 (5) Section 53B-7-709, regarding five-year performance goals for the Utah System of
1327 Higher Education is repealed July 1, 2027.

1328 (6) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
1329 July 1, 2028.

1330 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

1331 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
1332 repealed January 1, 2025.

1333 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

1334 (10) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure

1335 Research Center, is repealed on July 1, 2028.

1336 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
1337 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
1338 hydrologic studies in the West Desert, is repealed July 1, 2030.

1339 (12) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
1340 [custody] care, are repealed July 1, 2027.

1341 (13) In relation to a standards review committee, on January 1, 2028:

1342 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
1343 recommendations of a standards review committee established under Section 53E-4-203" is
1344 repealed; and

1345 (b) Section 53E-4-203 is repealed.

1346 (14) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1347 repealed July 1, 2027.

1348 (15) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1349 repealed July 1, 2033.

1350 (16) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1351 Program, is repealed July 1, 2024.

1352 [~~(17)~~ Section 53F-5-213 is repealed July 1, 2023.]

1353 [~~(18)~~ (17) Section 53F-5-214, in relation to a grant for professional learning, is
1354 repealed July 1, 2025.

1355 [~~(19)~~ (18) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1356 repealed July 1, 2025.

1357 [~~(20)~~ (19) Section 53F-5-219, which creates the Local Innovations Civics Education
1358 Pilot Program, is repealed on July 1, 2025.

1359 [~~(21)~~ (20) Subsection 53F-9-203(7), which creates the Charter School Revolving
1360 Account Committee, is repealed July 1, 2024.

1361 [~~(22)~~ (21) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1362 Commission, are repealed January 1, 2025.

1363 [~~(23)~~ (22) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
1364 2027.

1365 [~~(24)~~ (23) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed

- 1366 July 1, 2027.
- 1367 Section 23. Section **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25)** is amended to read:
- 1368 **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25). Repeal dates: Titles 53 through**
- 1369 **53G.**
- 1370 (1) Section 53-2a-105, which creates the Emergency Management Administration
- 1371 Council, is repealed July 1, 2027.
- 1372 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
- 1373 Board, are repealed July 1, 2027.
- 1374 (3) Section 53-2d-703 is repealed July 1, 2027.
- 1375 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
- 1376 July 1, 2024.
- 1377 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
- 1378 repealed July 1, 2024.
- 1379 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
- 1380 Higher Education is repealed July 1, 2027.
- 1381 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
- 1382 July 1, 2028.
- 1383 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1384 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
- 1385 repealed January 1, 2025.
- 1386 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1387 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
- 1388 Research Center, is repealed on July 1, 2028.
- 1389 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
- 1390 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
- 1391 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1392 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
- 1393 [~~custody~~] care, are repealed July 1, 2027.
- 1394 (14) In relation to a standards review committee, on January 1, 2028:
- 1395 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
- 1396 recommendations of a standards review committee established under Section 53E-4-203" is

- 1397 repealed; and
- 1398 (b) Section 53E-4-203 is repealed.
- 1399 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1400 repealed July 1, 2027.
- 1401 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1402 repealed July 1, 2033.
- 1403 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1404 Program, is repealed July 1, 2024.
- 1405 [~~(18) Section 53F-5-213 is repealed July 1, 2023.~~]
- 1406 [~~(19)~~ (18) Section 53F-5-214, in relation to a grant for professional learning, is
1407 repealed July 1, 2025.
- 1408 [~~(20)~~ (19) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1409 repealed July 1, 2025.
- 1410 [~~(21)~~ (20) Section 53F-5-219, which creates the Local Innovations Civics Education
1411 Pilot Program, is repealed on July 1, 2025.
- 1412 [~~(22)~~ (21) Subsection 53F-9-203(7), which creates the Charter School Revolving
1413 Account Committee, is repealed July 1, 2024.
- 1414 [~~(23)~~ (22) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1415 Commission, are repealed January 1, 2025.
- 1416 [~~(24)~~ (23) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
1417 2027.
- 1418 [~~(25)~~ (24) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
1419 July 1, 2027.
- 1420 Section 24. Section **63I-1-253 (Contingently Effective 01/01/25)** is amended to read:
1421 **63I-1-253 (Contingently Effective 01/01/25). Repeal dates: Titles 53 through 53G.**
- 1422 (1) Section 53-2a-105, which creates the Emergency Management Administration
1423 Council, is repealed July 1, 2027.
- 1424 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
1425 Board, are repealed July 1, 2027.
- 1426 (3) Section 53-2d-703 is repealed July 1, 2027.
- 1427 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed

1428 July 1, 2024.

1429 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
1430 repealed July 1, 2024.

1431 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
1432 Higher Education is repealed July 1, 2027.

1433 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
1434 July 1, 2028.

1435 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

1436 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
1437 repealed January 1, 2025.

1438 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

1439 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
1440 Research Center, is repealed on July 1, 2028.

1441 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
1442 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
1443 hydrologic studies in the West Desert, is repealed July 1, 2030.

1444 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
1445 [~~custody~~] care, are repealed July 1, 2027.

1446 (14) In relation to a standards review committee, on January 1, 2028:

1447 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
1448 recommendations of a standards review committee established under Section 53E-4-203" is
1449 repealed; and

1450 (b) Section 53E-4-203 is repealed.

1451 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1452 repealed July 1, 2027.

1453 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1454 repealed July 1, 2033.

1455 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1456 Program, is repealed July 1, 2024.

1457 [~~(18) Section 53F-5-213 is repealed July 1, 2023.~~]

1458 [~~(19)~~ (18) Section 53F-5-214, in relation to a grant for professional learning, is

1459 repealed July 1, 2025.

1460 ~~[(20)]~~ (19) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1461 repealed July 1, 2025.

1462 ~~[(21)]~~ (20) Section 53F-5-219, which creates the Local Innovations Civics Education
1463 Pilot Program, is repealed on July 1, 2025.

1464 ~~[(22)]~~ (21) (a) Subsection 53F-9-201.1(2)(b)(ii), in relation to the use of funds from a
1465 loss in enrollment for certain fiscal years, is repealed on July 1, 2030.

1466 (b) On July 1, 2030, the Office of Legislative Research and General Counsel shall
1467 renumber the remaining subsections accordingly.

1468 ~~[(23)]~~ (22) Subsection 53F-9-203(7), which creates the Charter School Revolving
1469 Account Committee, is repealed July 1, 2024.

1470 ~~[(24)]~~ (23) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1471 Commission, are repealed January 1, 2025.

1472 ~~[(25)]~~ (24) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
1473 2027.

1474 ~~[(26)]~~ (25) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
1475 July 1, 2027.

1476 Section 25. Section **80-6-103** is amended to read:

1477 **80-6-103. Notification to a school -- Civil and criminal liability.**

1478 (1) As used in this section:

1479 (a) "School" means a school in a local education agency.

1480 (b) "Local education agency" means a school district, a charter school, or the Utah
1481 Schools for the Deaf and the Blind.

1482 (c) "School official" means:

1483 (i) the school superintendent, or the school superintendent's designee, of the district in
1484 which the minor resides or attends school; or

1485 (ii) if there is no school superintendent for the school, the principal, or the principal's
1486 designee, of the school where the minor attends.

1487 (d) "Transferee school official" means:

1488 (i) the school superintendent, or the school superintendent's designee, of the district in
1489 which the minor resides or attends school if the minor is admitted to home detention; or

1490 (ii) if there is no school superintendent for the school, the principal, or the principal's
1491 designee, of the school where the minor attends if the minor is admitted to home detention.

1492 (2) A notification under this section is provided for a minor's supervision and student
1493 safety.

1494 (3) (a) If a minor is taken into temporary custody under Section 80-6-201 for a violent
1495 felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the peace officer, or
1496 other person who has taken the minor into temporary custody, shall notify a school official
1497 within [~~five days~~] 48 hours after the day on which the minor is taken into temporary custody.

1498 (b) A notification under this Subsection (3) shall only disclose:

1499 (i) the minor's name [~~of the minor~~];

1500 (ii) the offense for which the minor was taken into temporary custody or admitted to
1501 detention; and

1502 (iii) if available, the victim's name [~~of the victim~~], or the victim's sibling's name, if the
1503 victim or the victim's sibling resides in the same school district as the minor or attends the
1504 same school as the minor.

1505 (4) After a detention hearing for a minor who is alleged to have committed a violent
1506 felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court
1507 shall order a juvenile probation officer to notify a school official, or a transferee school official,
1508 and the appropriate local law enforcement agency of the juvenile court's decision, including
1509 any disposition, order, or no-contact order.

1510 (5) If a designated staff member of a detention facility admits a minor to home
1511 detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile
1512 court shall order a juvenile probation officer to notify a school official, or a transferee school
1513 official, and the appropriate local law enforcement agency that the minor has been admitted to
1514 home detention.

1515 (6) (a) If the juvenile court adjudicates a minor for [~~an offense of violence~~] violent
1516 offense or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court
1517 shall order a juvenile probation officer to notify a school official, or a transferee school official,
1518 and the appropriate local law enforcement agency of the adjudication.

1519 (b) A notification under this Subsection (6) shall be given to a school official, or a
1520 transferee school official, and the appropriate local law enforcement agency within three days

1521 after the day on which the minor is adjudicated.

1522 (c) A notification under this section shall include:

1523 (i) the minor's name [~~of the minor~~];

1524 (ii) the offense for which the minor was adjudicated; and

1525 (iii) if available, the victim's name [~~of the victim~~], or the victim's sibling's name, if the
1526 victim[?] or the victim's sibling

1527 [~~(A)~~] resides in the same school district as the minor[?]; or

1528 [~~(B)~~] attends the same school as the minor.

1529 (7) If the juvenile court orders probation under Section 80-6-702, the juvenile court
1530 shall order a juvenile probation officer to notify the school official, or the transferee school
1531 official, and the appropriate local law enforcement agency [~~and the school official~~] of the
1532 juvenile court's order for probation.

1533 (8) (a) An employee of the local law enforcement agency, or the school the minor
1534 attends, who discloses a notification under this section is not:

1535 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
1536 provided in Section 63G-7-202; and

1537 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
1538 violation of Section 63G-2-801.

1539 (b) [~~An employee of a~~] A governmental agency employee is immune from any criminal
1540 liability for failing to provide the information required by this section, unless the employee
1541 fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

1542 (9) (a) A notification under this section shall be classified as a protected record under
1543 Section 63G-2-305.

1544 (b) All other records of disclosures under this section are governed by Title 63G,
1545 Chapter 2, Government Records Access and Management Act, and the Family Educational
1546 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

1547 Section 26. Section **80-6-104** is amended to read:

1548 **80-6-104. Data collection on offenses committed by minors -- Reporting**
1549 **requirement.**

1550 (1) As used in this section:

1551 (a) "Firearm" means the same as that term is defined in Section 76-10-501.

- 1552 (b) "Firearm-related offense" means a criminal offense involving a firearm.
- 1553 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 1554 (d) "School-sponsored activity" means the same as that term is defined in Section
1555 53E-3-516.
- 1556 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
1557 following data to the State Commission on Criminal and Juvenile Justice, broken down by
1558 judicial district, for the preceding calendar year:
- 1559 (a) the number of referrals to the juvenile court;
- 1560 (b) the number of minors diverted to a nonjudicial adjustment;
- 1561 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 1562 (d) the number of minors for whom a petition for an offense is filed in the juvenile
1563 court;
- 1564 (e) the number of minors for whom an information is filed in the juvenile court;
- 1565 (f) the number of minors bound over to the district court by the juvenile court;
- 1566 (g) the number of petitions for offenses committed by minors that were dismissed by
1567 the juvenile court;
- 1568 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 1569 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 1570 (j) the number of dispositions resulting in secure care, community-based placement,
1571 formal probation, and intake probation; and
- 1572 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 1573 (i) the minor's age at the time the offense was committed or allegedly committed;
- 1574 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 1575 (iii) whether the minor is a restricted person under Subsection 76-10-503(1)(a)(iv) or
1576 (1)(b)(iii);
- 1577 (iv) the type of offense for which the minor is charged;
- 1578 (v) the outcome of the minor's case in juvenile court, including whether the minor was
1579 bound over to the district court or adjudicated by the juvenile court; and
- 1580 (vi) if a disposition was entered by the juvenile court, whether the disposition resulted
1581 in secure care, community-based placement, formal probation, or intake probation.
- 1582 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition

1583 of a case resulting from a firearm-related offense committed, or allegedly committed, by a
1584 minor when the minor is found in possession of a firearm while school is in session or during a
1585 school-sponsored activity.

1586 (4) In collaboration with the Administrative Office of the Courts, the division, and
1587 other agencies, the State Commission on Criminal and Juvenile Justice shall collect data for the
1588 preceding calendar year on:

1589 (a) the length of time that minors spend in the juvenile justice system, including the
1590 total amount of time minors spend under juvenile court jurisdiction, on community
1591 supervision, and in each out-of-home placement;

1592 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
1593 whom dispositions are ordered by the juvenile court, including tracking minors into the adult
1594 corrections system;

1595 (c) changes in aggregate risk levels from the time minors receive services, are under
1596 supervision, and are in out-of-home placement; and

1597 (d) dosages of programming.

1598 (5) On and before October 1 of each year, the State Commission on Criminal and
1599 Juvenile Justice shall prepare and submit a written report to the Judiciary Interim Committee
1600 and the Law Enforcement and Criminal Justice Interim Committee that includes:

1601 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
1602 section;

1603 (b) data collected by the State Board of Education under Section 53E-3-516; and

1604 (c) recommendations for legislative action with respect to the data described in this
1605 Subsection (5).

1606 (6) After submitting the written report described in Subsection (5), the State
1607 Commission on Criminal and Juvenile Justice may supplement the report at a later time with
1608 updated data and information the State Board of Education collects under Section 53E-3-516.

1609 ~~[(6)]~~ (7) Nothing in this section shall be construed to require the disclosure of
1610 information or data that is classified as controlled, private, or protected under Title 63G,
1611 Chapter 2, Government Records Access and Management Act.

1612 Section 27. **Effective date.**

1613 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

1614 (2) (a) The actions affecting Section 63I-1-253 (Effective 07/01/24) (Contingently
1615 Superseded 01/01/25) take effect on July 1, 2024.

1616 (b) The actions affecting Section 63I-1-253 (Contingently Effective 01/01/25)
1617 contingently take effect on January 1, 2025.