

Part 4 Powers and Responsibilities of Local Boards

53A-3-401 Boards of education are bodies corporate -- Seal -- Authority to sue -- Conveyance of property -- Duty to residents of the local school board member's district.

- (1) As used in this section, "body corporate" means a public corporation and legal subdivision of the state, vested with the powers and duties of a government entity as specified in this chapter.
- (2) The board of education of a school district is a body corporate under the name of the "Board of Education of School District" (inserting the proper name), and shall have an official seal conformable to its name.
- (3) The seal is used by its business administrator in the authentication of all required matters.
- (4) A local school board may sue and be sued, and may take, hold, lease, sell, and convey real and personal property as the interests of the schools may require.
- (5) Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board.

Amended by Chapter 336, 2014 General Session

53A-3-402 Powers and duties generally.

- (1) Each local school board shall:
 - (a) implement the core standards for Utah public schools utilizing instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;
 - (b) administer tests, required by the State Board of Education, which measure the progress of each student, and coordinate with the state superintendent and State Board of Education to assess results and create plans to improve the student's progress, which shall be submitted to the State Board of Education for approval;
 - (c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;
 - (d) develop early warning systems for students or classes failing to make progress;
 - (e) work with the State Board of Education to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; and
 - (f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects.
- (2) Local school boards shall spend minimum school program funds for programs and activities for which the State Board of Education has established minimum standards or rules under Section 53A-1-402.
- (3)
 - (a) A board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.
 - (b) School sites or buildings may only be conveyed or sold on board resolution affirmed by at least two-thirds of the members.
- (4)

- (a) A board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either within or outside the state.
- (b) Any agreement for the joint operation or construction of a school shall:
 - (i) be signed by the president of the board of each participating district;
 - (ii) include a mutually agreed upon pro rata cost; and
 - (iii) be filed with the State Board of Education.
- (5) A board may establish, locate, and maintain elementary, secondary, and applied technology schools.
- (6) Except as provided in Section 53A-1-1001, a board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.
- (7) A board may establish and support school libraries.
- (8) A board may collect damages for the loss, injury, or destruction of school property.
- (9) A board may authorize guidance and counseling services for children and their parents or guardians prior to, during, or following enrollment of the children in schools.
- (10)
 - (a) A board shall administer and implement federal educational programs in accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education Programs Act.
 - (b) Federal funds are not considered funds within the school district budget under Title 53A, Chapter 19, Public School Budgets.
- (11)
 - (a) A board may organize school safety patrols and adopt rules under which the patrols promote student safety.
 - (b) A student appointed to a safety patrol shall be at least 10 years old and have written parental consent for the appointment.
 - (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.
 - (d) Liability may not attach to a school district, its employees, officers, or agents or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.
- (12)
 - (a) A board may on its own behalf, or on behalf of an educational institution for which the board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.
 - (b) These contributions are not subject to appropriation by the Legislature.
- (13)
 - (a) A board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2).
 - (b) A person may not be appointed to serve as a compliance officer without the person's consent.
 - (c) A teacher or student may not be appointed as a compliance officer.
- (14) A board shall adopt bylaws and rules for its own procedures.
- (15)
 - (a) A board shall make and enforce rules necessary for the control and management of the district schools.
 - (b) All board rules and policies shall be in writing, filed, and referenced for public access.
- (16) A board may hold school on legal holidays other than Sundays.
- (17)

- (a) Each board shall establish for each school year a school traffic safety committee to implement this Subsection (17).
 - (b) The committee shall be composed of one representative of:
 - (i) the schools within the district;
 - (ii) the Parent Teachers' Association of the schools within the district;
 - (iii) the municipality or county;
 - (iv) state or local law enforcement; and
 - (v) state or local traffic safety engineering.
 - (c) The committee shall:
 - (i) receive suggestions from school community councils, parents, teachers, and others and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;
 - (ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;
 - (iii) consult the Utah Safety Council and the Division of Family Health Services and provide training to all school children in kindergarten through grade six, within the district, on school crossing safety and use; and
 - (iv) help ensure the district's compliance with rules made by the Department of Transportation under Section 41-6a-303.
 - (d) The committee may establish subcommittees as needed to assist in accomplishing its duties under Subsection (17)(c).
- (18)
- (a) Each school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in its public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.
 - (b) The plan shall:
 - (i) include prevention, intervention, and response components;
 - (ii) be consistent with the student conduct and discipline policies required for school districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
 - (iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan;
 - (iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a); and
 - (v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:
 - (A) participating in a school-related activity; or
 - (B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent or guardian.
 - (c) The State Board of Education, through the state superintendent of public instruction, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).
 - (d) Each local school board shall, by July 1 of each year, certify to the State Board of Education that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19)

- (a) Each local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.
 - (b) The plan may be implemented by each secondary school in the district that has a sports program for students.
 - (c) The plan may:
 - (i) include emergency personnel, emergency communication, and emergency equipment components;
 - (ii) require inservice training on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and
 - (iii) provide for coordination with individuals and agency representatives who:
 - (A) are not employees of the school district; and
 - (B) would be involved in providing emergency services to students injured while participating in sports events.
 - (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.
 - (e) The State Board of Education, through the state superintendent of public instruction, shall provide local school boards with an emergency plan response model that local boards may use to comply with the requirements of this Subsection (19).
- (20) A board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.
- (21)
- (a) Before closing a school or changing the boundaries of a school, a board shall:
 - (i) hold a public hearing, as defined in Section 10-9a-103; and
 - (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).
 - (b) The notice of a public hearing required under Subsection (21)(a) shall:
 - (i) indicate the:
 - (A) school or schools under consideration for closure or boundary change; and
 - (B) date, time, and location of the public hearing; and
 - (ii) at least 10 days prior to the public hearing, be:
 - (A) published:
 - (I) in a newspaper of general circulation in the area; and
 - (II) on the Utah Public Notice Website created in Section 63F-1-701; and
 - (B) posted in at least three public locations within the municipality or on the district's official website.
- (22) A board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

Amended by Chapter 144, 2016 General Session

53A-3-402.1 Access to student records by custodial and noncustodial parents.

- (1) Except as provided in Subsection (2), a public school shall allow a custodial parent and a noncustodial parent of a child the same access to their child's education records.
- (2) A school may not allow a noncustodial parent access to the child's education records if:
 - (a) a court has issued an order that limits the noncustodial parent's access to the child's education records; and
 - (b) the school has received a copy of the court order or has actual knowledge of the court order.

Enacted by Chapter 268, 1999 General Session

53A-3-402.5 Voter registration forms for high school students.

Each public school district and each accredited nonpublic school shall provide voter registration forms to students as required by Section 20A-2-302.

Repealed and Re-enacted by Chapter 1, 1993 General Session

53A-3-402.7 Kindergartens -- Establishment -- Funding.

- (1) Kindergartens are an integral part of the state's public education system.
- (2) By July 1, 1994, each local board of education shall provide kindergarten classes free of charge for kindergarten children residing within the district.
- (3) Kindergartens established under Subsection (2) shall receive state money under Title 53A, Chapter 17a, Minimum School Program Act.

Enacted by Chapter 122, 1993 General Session

53A-3-402.9 Assessment of emerging and early reading skills -- Resources provided by school districts.

- (1) The Legislature recognizes that well-developed reading skills help:
 - (a) children to succeed in school, develop self esteem, and build positive relationships with others;
 - (b) young adults to become independent learners; and
 - (c) adults to become and remain productive members of a rapidly changing technology-based society.
- (2)
 - (a) Each potential kindergarten student, the student's parent or guardian, and kindergarten personnel at the student's school may participate in an assessment of the student's reading and numeric skills.
 - (b) The State Board of Education, in cooperation with the state's school districts, may develop the assessment instrument and any additional materials needed to implement and supplement the assessment program.
- (3) The potential kindergarten student's teacher may use the assessment in planning and developing an instructional program to meet the student's identified needs.
- (4)
 - (a) Each school is encouraged to schedule the assessment early enough before the kindergarten starting date so that a potential kindergarten student's parent or guardian has time to develop the child's needed skills as identified by the assessment.
 - (b) Based on the assessment under Subsection (2), the school shall provide the potential student's parent or guardian with appropriate resource materials to assist the parent or guardian at home in the student's literacy development.

Amended by Chapter 144, 2016 General Session

53A-3-402.10 Reading clinics -- Purpose.

- (1) The Legislature recognizes the critical importance of identifying, assessing, and assisting students with reading difficulties at an early age in order for them to have successful and productive school and life experiences.

- (2) In order to help accomplish this, there is established a reading clinic, hereafter referred to as the "clinic," based at the University of Utah, College of Education, to assist educators and parents of students statewide in:
 - (a) assessing elementary school students who do not demonstrate satisfactory progress in reading;
 - (b) providing instructional intervention to enable the students to overcome reading difficulties; and
 - (c) becoming better prepared to help all students become successful readers by providing them with professional development programs in reading that are based on best practices and the most current, scientific research available through nationally and internationally recognized reading researchers and instructional specialists.
- (3)
 - (a) The clinic shall focus primarily on students in grades 1 through 3 since research shows the need for students to become successful readers by the end of grade 3.
 - (b) The clinic shall make assessment and instructional intervention services available to public education students of all ages.
- (4) The clinic shall provide these services at a base site in Salt Lake County and through remote access interactive technology to reach educators, parents, and students throughout the state.
- (5) The clinic shall provide:
 - (a) instruction to teachers in the use of technology and blended learning in providing individualized reading instruction and reading remediation; and
 - (b) access to students for reading remediation and instruction services through distance learning technology if a student is unable to regularly access a reading clinic location.
- (6) The clinic shall integrate both the usage of and instruction on the use of technology-based reading assessment tools as part of the clinic's services.

Amended by Chapter 390, 2014 General Session

53A-3-402.11 Reading Performance Improvement Scholarship Program.

- (1) There is established a Reading Performance Improvement Scholarship Program to assist selected elementary teachers in obtaining a reading endorsement so that they may help improve the reading performance of students in their classes.
- (2) The State Board of Education shall award scholarships of up to \$500 to each recipient under the program.
- (3) The board shall give weighted consideration to scholarship applicants who:
 - (a) teach in grades kindergarten through three;
 - (b) are designated by their schools as, or are seeking the designation of, reading specialist; and
 - (c) teach in a rural area of the state.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall provide by rule for:
 - (a) the application procedure for the scholarship; and
 - (b) what constitutes a reading specialist at the elementary school level.

Amended by Chapter 382, 2008 General Session

53A-3-403 School district fiscal year -- Statistical reports.

- (1) A school district's fiscal year begins on July 1 and ends on June 30.
- (2)

- (a) The district shall forward statistical reports for the preceding school year, containing items required by law or by the State Board of Education, to the state superintendent not later than November 1 of each year.
- (b) The reports shall include information to enable the state superintendent to complete the statement required under Subsection 53A-1-301(3)(d)(v).
- (3) The district shall forward the accounting report required under Section 51-2a-201 to the state superintendent not later than October 15 of each year.
- (4) The district shall include the following information in its report:
 - (a) a summary of the number of students in the district given fee waivers, the number of students who worked in lieu of a waiver, and the total dollar value of student fees waived by the district;
 - (b) a copy of the district's fee and fee waiver policy;
 - (c) a copy of the district's fee schedule for students; and
 - (d) notices of fee waivers provided to a parent or guardian of a student.

Amended by Chapter 206, 2004 General Session

53A-3-404 Annual financial report -- Audit report.

- (1) The annual financial report of each school district, containing items required by law or by the State Board of Education and attested to by independent auditors, shall be prepared as required by Section 51-2a-201.
- (2) If auditors are employed under Section 51-2a-201, the auditors shall complete their field work in sufficient time to allow them to verify necessary audit adjustments included in the annual financial report to the state superintendent.
- (3)
 - (a)
 - (i) The district shall forward the annual financial report to the state superintendent not later than October 1.
 - (ii) The report shall include information to enable the state superintendent to complete the statement required under Subsection 53A-1-301(3)(d)(v).
 - (b) The State Board of Education shall publish electronically a copy of the report on the Internet not later than December 15.
- (4) The completed audit report shall be delivered to the school district board of education and the state superintendent of public instruction not later than November 30 of each year.

Amended by Chapter 206, 2004 General Session

53A-3-405 Approval of purchases or indebtedness -- Board approval of identified purchases.

- (1) An officer or employee of a school district may not make a purchase or incur indebtedness on behalf of the district without the approval and order of the board.
- (2) The board shall adopt one of the following approval methods, or a combination of the two:
 - (a) The board shall approve an appropriation for identified purchases in the district budget. Each purchase made under an identified purchase does not require additional board approval.
 - (b) The board shall approve individual purchases when made throughout the fiscal year.

Enacted by Chapter 2, 1988 General Session

53A-3-406 Claims against the board -- Itemized.

Except for salary which is regularly authorized by the board, the board may not hear or consider any claim against the board which is not itemized.

Enacted by Chapter 2, 1988 General Session

53A-3-407 Display of American flag.

- (1) Each local school board shall provide each school within the district with a suitable flagpole.
- (2) The American flag shall be displayed on every school day and on every state and national holiday.
- (3) The flag shall be maintained in a respectable condition.

Enacted by Chapter 2, 1988 General Session

53A-3-408 Tax exemption of school board property.

- (1) Real and personal property held by a local school board is exempt from general and special taxation and from local assessments.
- (2) This property may not be taken in any manner for debt.

Enacted by Chapter 2, 1988 General Session

53A-3-409 Local governmental entities and school districts -- Contracts and cooperation -- Disbursement of funds -- Municipal and county representative participation in school district board meetings -- Notice required.

- (1) Local governmental entities and school districts may contract and cooperate with one another in matters affecting the health, welfare, education, and convenience of the inhabitants within their respective territorial limits.
- (2) A local governmental entity may disburse public funds in aid of a school district located wholly or partially within the limits of its jurisdiction.
- (3)
 - (a) As used in this Subsection (3):
 - (i) "Interested county executive" means the county executive or county manager of a county with unincorporated area within the boundary of a school district, or the designee of the county executive or county manager.
 - (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely within the boundary of a school district, or the mayor's designee.
 - (b) A school district board shall allow an interested mayor and interested county executive to attend and participate in the board discussions at a school district board meeting that is open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
 - (c) An interested county executive and interested mayor may attend and participate in board discussions at a school district board meeting that is closed to the public under Title 52, Chapter 4, Open and Public Meetings Act, if:
 - (i) the school district board invites the interested county executive or interested mayor to attend and participate; and
 - (ii) for a closed meeting held for the purpose of discussing the board's disposition or acquisition of real property, the interested county executive or interested mayor does not have a conflict of interest with respect to the real estate disposition or acquisition.
 - (d)

- (i) A county or municipality may enter into an agreement with a school district under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an interested county executive or interested mayor at a school district board meeting.
- (ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the provisions of this Subsection (3).
- (e) Each local school board shall give notice of board meetings to each interested mayor and interested county executive.
- (f) The notice required under Subsection (3)(c) shall be provided by:
 - (i) mail;
 - (ii) e-mail; or
 - (iii) other effective means agreed to by the person to whom notice is given.

Amended by Chapter 286, 2015 General Session

53A-3-411 Employment of school personnel -- Length of contract -- Termination for cause -- Individual contract of employment -- Employee acknowledgment of liability protection.

- (1) A local school board may enter into a written employment contract for a term not to exceed five years.
- (2) Nothing in the terms of the contract shall restrict the power of a local school board to terminate the contract for cause at any time.
- (3)
 - (a) A local school board may not enter into a collective bargaining agreement that prohibits or limits individual contracts of employment.
 - (b) Subsection (3)(a) does not apply to an agreement that was entered into before May 5, 2003.
- (4) Each local school board shall:
 - (a) ensure that each employment contract complies with the requirements of Section 34-32-1.1;
 - (b) comply with the requirements of Section 34-32-1.1 in employing any personnel, whether by employment contract or otherwise; and
 - (c) ensure that at the time an employee enters into an employment contract, the employee shall sign a separate document acknowledging that the employee:
 - (i) has received:
 - (A) the disclosure required under Subsection 63A-4-204(4)(d) if the school district participates in the Risk Management Fund; or
 - (B) written disclosure similar to the disclosure required under Section 63A-4-204 if the school district does not participate in the Risk Management Fund; and
 - (ii) understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure.

Amended by Chapter 285, 2005 General Session

53A-3-412 Residence not condition of employment.

A local school board may not require an employee to reside within its school district as a condition of employment.

Enacted by Chapter 2, 1988 General Session

53A-3-413 Use of public school buildings and grounds as civic centers.

- (1) As used in this section, "civic center" means a public school building or ground, including a charter school building or ground, that is established and maintained as a limited public forum for supervised recreational activities and meetings.
- (2) Except as provided in Subsection (3), all public school buildings and grounds shall be civic centers.
- (3) The use of school property as a civic center:
 - (a) may not interfere with a school function or purpose; and
 - (b) is considered a permit for governmental immunity purposes for a governmental entity under Subsection 63G-7-201(4)(c).
- (4) The organizer of an event may not use a civic center unless the organizer resides within the geographic boundaries of the school district in which the civic center is located.

Amended by Chapter 232, 2015 General Session

Amended by Chapter 342, 2015 General Session

53A-3-414 Local school boards' and charter school governing boards' responsibility for school buildings and grounds when used as civic centers.

- (1) As used in this section, "civic center" means the same as that term is defined in Section 53A-3-413.
- (2) A local school board or charter school governing board:
 - (a) shall manage, direct, and control civic centers under this chapter;
 - (b) shall adopt policies for the use of civic centers;
 - (c) may charge a reasonable fee for the use of a civic center so that the school district or charter school incurs no expense for that use;
 - (d) may appoint a special functions officer under Section 53-13-105 to have charge of the grounds and protect school property when used for civic center purposes;
 - (e) shall allow the use of a civic center, for other than school purposes, unless it determines that the use interferes with a school function or purpose; and
 - (f) shall ensure that school administrators are trained about and properly implement the provisions of this section and Section 53A-3-413.

Amended by Chapter 232, 2015 General Session

53A-3-415 School board policy on detaining students after school.

- (1) Each local school board shall establish a policy on detaining students after regular school hours as a part of the districtwide discipline plan required under Section 53A-11-901.
- (2) The policy shall apply to elementary school students, grades kindergarten through six. The board shall receive input from teachers, school administrators, and parents and guardians of the affected students before adopting the policy.
- (3) The policy shall provide for notice to the parent or guardian of a student prior to holding the student after school on a particular day. The policy shall also provide for exceptions to the notice provision if detention is necessary for the student's health or safety.

Amended by Chapter 72, 1991 General Session

53A-3-417 Child care centers in public schools -- Requirements -- Availability -- Compliance with state and local laws.

- (1)

- (a) Upon receiving a request from a community group such as a community council, local PTA, or parent/student organization, a local school board may authorize the use of a part of any school building in the district to provide child care services for school aged children.
- (b)
 - (i) The school board shall provide written public notice of its intent to authorize a child care center.
 - (ii) The board shall file a copy of the notice with the Office of Child Care within the Department of Workforce Services and the Department of Health.
- (2)
 - (a) Establishment of a child care center in a public school building is contingent upon the local school board determining that the center will not interfere with the building's use for regular school purposes.
 - (b) The decision shall be made at the sole discretion of the school board.
 - (c) A school board may withdraw its approval to operate a child care center at any time if it determines that such use interferes with the operation or interest of the school.
 - (d) The school district and its employees and agents are immune from any liability that might otherwise result from a withdrawal of approval if the withdrawal was made in good faith.
- (3)
 - (a) The board shall charge a commercially reasonable fee for the use of a school building as a child care center so that the district does not incur an expense.
 - (b) The fee shall include but not be limited to costs for utility, building maintenance, and administrative services supplied by the school that are related to the operation of the child care center.
- (4)
 - (a) Child care service may be provided by governmental agencies other than school districts, nonprofit community service groups, or private providers.
 - (b) If competitive proposals to provide child care services are submitted by the entities listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit community service groups so long as their proposals are judged to be at least equal to the proposal of the governmental agency.
 - (c) It is intended that these programs function at the local community level with minimal state and district involvement.
- (5) It is the intent of the Legislature that providers not be required to go through a complex procedure in order to obtain approval for providing the service.
- (6)
 - (a) Child care centers within a public school building shall make their services available to all children regardless of where the children reside.
 - (b) If space and resources are limited, first priority shall be given to those who reside within the school boundaries where the center is located, and to the children of teachers and other employees of the school where the child care center is located.
 - (c) Second priority shall be given to those who reside within the school district boundaries where the center is located.
- (7)
 - (a) The school board shall require proof of liability insurance which is adequate in the opinion of the school board for use of school property as a child care center.
 - (b) A school district participating in the state Risk Management Fund shall require the provider of child care services to comply with the applicable provisions of Title 63A, Chapter 4, Risk Management.

- (8) Child care centers established under this section shall operate in compliance with state and local laws and regulations, including zoning and licensing requirements, and applicable school rules.
- (9) Except for Subsection (8), this section does not apply to child care centers established by a school district within a public school building if the center offers child care services primarily to children of employees or children of students of the school district.

Amended by Chapter 171, 2004 General Session

53A-3-420 Activity disclosure statements.

- (1) For a school year beginning with or after the 2012-13 school year, a local school board shall require the development of activity disclosure statements for each school-sponsored group or program which involves students and faculty in grades 9 through 12 in contests, performances, events, or other activities that require them to miss normal class time or takes place outside regular school time.
- (2) The activity disclosure statements shall be disseminated to the students desiring involvement in the specific activity or to the students' parents or legal guardians or to both students and their parents.
- (3) An activity disclosure statement shall contain the following information:
 - (a) the specific name of the team, group, or activity;
 - (b) the maximum number of students involved;
 - (c) whether or not tryouts are used to select students, specifying date and time requirements for tryouts, if applicable;
 - (d) beginning and ending dates of the activity;
 - (e) a tentative schedule of the events, performances, games, or other activities with dates, times, and places specified if available;
 - (f) if applicable, designation of any nonseason events or activities, including an indication of the status, required, expected, suggested, or optional, with the dates, times, and places specified;
 - (g) personal costs associated with the activity;
 - (h) the name of the school employee responsible for the activity; and
 - (i) any additional information considered important for the students and parents to know.

Amended by Chapter 305, 2010 General Session

53A-3-421 Professional competence or performance -- Administrative hearing by local school board -- Action on complaint.

- (1)
 - (a) No civil action by or on behalf of a student relating to the professional competence or performance of a licensed employee of a school district, or to the discipline of students by a licensed employee, application of in loco parentis, or a violation of ethical conduct by an employee of a school district, may be brought in a court until at least 60 days after the filing of a written complaint with the local board of education of the district, or until findings have been issued by the local board after a hearing on the complaint, whichever is sooner.
 - (b) As used in Subsection (1)(a), "in loco parentis" means the power of professional school personnel to exercise the rights, duties, and responsibilities of a reasonable, responsible parent in dealing with students in school-related matters.
 - (c) A parent of a student has standing to file a civil action against an employee who provides services to a school attended by the student.

- (2) Within 15 days of receiving a complaint under Subsection (1), a local school board may elect to refer the complaint to the State Board of Education.
- (3) If a complaint is referred to the board, no civil action may be brought in a court on matters relating to the complaint until the board has provided a hearing and issued its findings or until 90 days after the filing of the complaint with the local school board, whichever is sooner.

Enacted by Chapter 108, 1999 General Session

53A-3-422 Internet and online access policy required.

State funds may not be provided to any local school board that provides access to the Internet or an online service unless the local school board adopts and enforces a policy to restrict access to Internet or online sites that contain obscene material.

Amended by Chapter 301, 2002 General Session

53A-3-423 Process and content standards for policy.

- (1) "Policy" as used in this section means the elementary and secondary school online access policy adopted by a local school board to meet the requirements of Section 53A-3-422.
- (2)
 - (a) Each policy shall be developed under the direction of the local school board, adopted in an open meeting, and have an effective date. The local school board shall review the policy at least every three years, and a footnote shall be added to the policy indicating the effective date of the last review.
 - (b) Notice of the availability of the policy shall be posted in a conspicuous place within each school. The local school board may issue any other public notice it considers appropriate.
- (3) The policy shall:
 - (a) state that it restricts access to Internet or online sites that contain obscene material and shall state how the local school board intends to meet the requirements of Section 53A-3-422;
 - (b) inform the public that administrative procedures and guidelines for the staff to follow in enforcing the policy have been adopted and are available for review at the school; and
 - (c) inform the public that procedures to handle complaints about the policy, its enforcement, or about observed behavior have been adopted and are available for review at the school.

Enacted by Chapter 172, 2001 General Session

53A-3-424 Rulemaking -- Reporting.

The State Board of Education may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding compliance standards and reporting requirements for local school boards with respect to the policy required by Section 53A-3-422.

Amended by Chapter 144, 2016 General Session

53A-3-425 Association leave -- District policy.

- (1) As used in this section:
 - (a) "Association leave" means leave from a school district employee's regular school responsibilities granted for that employee to spend time for association, employee association, or union duties.
 - (b) "Employee association" means an association that:

- (i) negotiates employee salaries, benefits, contracts, or other conditions of employment; or
 - (ii) performs union duties.
- (2) Except as provided in Subsection (3), a local school board may not allow paid association leave for a school district employee to perform an employee association or union duty.
- (3)
- (a) A local school board may allow paid association leave for a school district employee to perform an employee association duty if:
 - (i) the duty performed by the employee on paid association leave will directly benefit the school district, including representing the school district's licensed educators:
 - (A) on a board or committee, such as the school district's foundation, a curriculum development board, insurance committee, or catastrophic leave committee;
 - (B) at a school district leadership meeting; or
 - (C) at a workshop or meeting conducted by the school district's local school board;
 - (ii) the duty performed by the employee on paid association leave does not include political activity, including:
 - (A) advocating for or against a candidate for public office in a partisan or nonpartisan election;
 - (B) soliciting a contribution for a political action committee, a political issues committee, a registered political party, or a candidate, as defined in Section 20A-11-101; or
 - (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Section 20A-1-102; and
 - (iii) the local school board ensures compliance with the requirements of Subsections (4)(a) through (g).
 - (b) Prior to a school district employee's participation in paid or unpaid association leave, a local school board shall adopt a written policy that governs association leave.
 - (c) Except as provided in Subsection (3)(d), a local school board policy that governs association leave shall require reimbursement to the school district of the costs for an employee, including benefits, for the time that the employee is:
 - (i) on unpaid association leave; or
 - (ii) participating in a paid association leave activity that does not provide a direct benefit to the school district.
 - (d) For a school district that allowed association leave described in Subsections (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association leave may allow up to 10 days of association leave before requiring a reimbursement described in Subsection (3)(c).
 - (e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided by an employee, association, or union.
- (4) If a local school board adopts a policy to allow paid association leave, the policy shall include procedures and controls to:
- (a) ensure that the duties performed by employees on paid association leave directly benefit the school district;
 - (b) require the school district to document the use and approval of paid association leave;
 - (c) require school district supervision of employees on paid association leave;
 - (d) require the school district to account for the costs and expenses of paid association leave;
 - (e) ensure that during the hours of paid association leave a school district employee may not engage in political activity, including:
 - (i) advocating for or against a candidate for public office in a partisan or nonpartisan election;
 - (ii) soliciting a contribution for a political action committee, a political issues committee, a registered political party, or a candidate, as defined in Section 20A-11-101; and

- (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Section 20A-1-102;
 - (f) ensure that association leave is only paid out of school district funds when the paid association leave directly benefits the district; and
 - (g) require the reimbursement to the school district of the cost of paid association leave activities that do not provide a direct benefit to education within the school district.
- (5) If a local school board adopts a policy to allow paid association leave, that policy shall indicate that a willful violation of this section or of a policy adopted in accordance with Subsection (3) or (4) may be used for disciplinary action under Section 53A-8a-502.

Amended by Chapter 278, 2013 General Session

53A-3-426 Education employee associations -- Equal participation -- Prohibition on endorsement or preferential treatment -- Naming of school breaks.

- (1) As used in this section:
- (a) "Education employee association" includes teacher associations, teacher unions, teacher organizations, and classified education employees' associations.
 - (b) "School" means a school district, a school in a school district, a charter school, or the State Board of Education and its employees.
- (2) A school shall allow education employee associations equal access to the following activities:
- (a) distribution of information in or access to teachers' or employees' physical or electronic mailboxes, including email accounts that are provided by the school; and
 - (b) membership solicitation activities at new teacher or employee orientation training or functions.
- (3) If a school permits an education employee association to engage in any of the activities described in Subsection (2), the school shall permit all other education employee associations to engage in the activity on the same terms and conditions afforded to the education employee association.
- (4) It is unlawful for a school to:
- (a) establish or maintain structures, procedures, or policies that favor one education employee association over another or otherwise give preferential treatment to an education employee association; or
 - (b) explicitly or implicitly endorse any education employee association.
- (5) A school's calendars and publications may not include or refer to the name of any education employee association in relation to any day or break in the school calendar.

Enacted by Chapter 88, 2007 General Session

53A-3-427 Honorary high school diploma for certain veterans.

- (1) A board of education of a school district may award an honorary high school diploma to a veteran, if the veteran:
- (a) left high school before graduating in order to serve in the armed forces of the United States;
 - (b) served in the armed forces of the United States during the period of World War II, the Korean War, or the Vietnam War;
 - (c)
 - (i) was honorably discharged; or
 - (ii) was released from active duty because of a service-related disability; and
 - (d)
 - (i) resides within the school district; or

- (ii) resided within the school district at the time of leaving high school to serve in the armed forces of the United States.
- (2) To receive an honorary high school diploma, a veteran or immediate family member or guardian of a veteran shall submit to a local school board:
 - (a) a request for an honorary high school diploma; and
 - (b) information required by the local school board to verify the veteran's eligibility for an honorary high school diploma under Subsection (1).
- (3) At the request of a veteran, a veteran's immediate family member or guardian, or a local school board, the Department of Veterans' and Military Affairs shall certify whether the veteran meets the requirements of Subsections (1)(b) and (c).

Amended by Chapter 214, 2013 General Session

53A-3-428 Collective bargaining agreement -- Website posting.

- (1) As used in this section, "collective bargaining agreement" includes:
 - (a) a master agreement; and
 - (b) an amendment, addendum, memorandum, or other document modifying the master agreement.
- (2) The board of education of a school district:
 - (a) shall post on the school district's website a collective bargaining agreement entered into by the board of education within 10 days of the ratification of the agreement; and
 - (b) may remove from the school district's website a collective bargaining agreement that is no longer in effect.
- (3) The governing board of a charter school:
 - (a) shall post on the charter school's website a collective bargaining agreement entered into by the governing board of the charter school within 10 days of the ratification of the agreement; and
 - (b) may remove from the charter school's website a collective bargaining agreement that is no longer in effect.

Enacted by Chapter 392, 2009 General Session

53A-3-429 Regional service centers.

- (1) For purposes of this section, "eligible regional service center" means a regional service center formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- (2) The Legislature strongly encourages school districts to collaborate and cooperate to provide educational services in a manner that will best utilize resources for the overall operation of the public education system.
- (3) An eligible regional service center formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution described in Subsection (5) if the Legislature appropriates money for eligible regional service centers.
- (4)
 - (a) If local school boards enter into an interlocal agreement to confirm or formalize a regional service center in operation before July 1, 2011, the interlocal agreement may not eliminate any rights or obligations of the regional service center in effect before entering into the interlocal agreement.

- (b) An interlocal agreement entered into to confirm or formalize an existing regional service center shall have the effect of confirming and ratifying in the regional service center, the title to any property held in the name, or for the benefit of the regional service center as of the effective date of the interlocal agreement.
- (5)
- (a) The State Board of Education shall distribute any funding appropriated to eligible regional service centers as provided by the Legislature.
 - (b) The State Board of Education may provide funding to an eligible regional service center in addition to legislative appropriations.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules regarding eligible regional service centers including:
- (a) the distribution of legislative appropriations to eligible regional service centers;
 - (b) the designation of eligible regional service centers as agents to distribute Utah Education and Telehealth Network services; and
 - (c) the designation of eligible regional service centers as agents for regional coordination of public education and higher education services.
- (7) A public school that is a charter school may enter into a contract with an eligible regional service center to receive education related services from the eligible regional service center.

Amended by Chapter 63, 2014 General Session

53A-3-431 Health insurance mandates.

A local school board and the governing body of a charter school shall include in a health plan it offers to school district employees, or charter school employees insurance mandates in accordance with Section 31A-22-605.5.

Enacted by Chapter 127, 2012 General Session

53A-3-432 Interlocal agreement for public education transportation services.

- (1) In accordance with Title 11, Chapter 13, Interlocal Cooperation Act, at least two school districts may, for the purpose of coordinating public education transportation services:
- (a) create an interlocal entity as defined in Section 11-13-103 if the school districts establish an interlocal entity governing board as described in Subsection (2); or
 - (b) enter into a joint or cooperative undertaking as described in Section 11-13-207 if the school districts establish a joint board as described in Subsection (2).
- (2) A governing board described in Subsection (1)(a) or a joint board described in Subsection (1) (b) shall consist of:
- (a) at least one elected member of a local school board from each school district that creates the interlocal entity or enters into the joint or cooperative undertaking; and
 - (b) only elected members of the local school boards of the school districts that create the interlocal entity or enter into the joint or cooperative undertaking.

Enacted by Chapter 300, 2015 General Session

Amended by Chapter 300, 2015 General Session, (Coordination Clause)