

Effective 1/24/2018

Title 53G. Public Education System -- Local Administration

**Chapter 1
Title Provisions**

**Part 1
General Provisions**

53G-1-101 Title.

- (1) This title is known as "Public Education System -- Local Administration."
- (2) This chapter is known as "Title Provisions."

Enacted by Chapter 3, 2018 General Session

53G-1-102 Public education code definitions.

The terms defined in Section 53E-1-102 apply to this title.

Enacted by Chapter 3, 2018 General Session

53G-1-103 Definitions.

As used in this title:

- (1) "DOD civilian" means the same as that term is defined in Section 53B-8-102.
- (2) "Electronic cigarette product" means the same as that term is defined in Section 76-9-1101.
- (3) "Military service member" means the same as that term is defined in Section 53B-8-102.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 438, 2025 General Session

**Chapter 2
Local Public Education System Policy**

**Part 1
General Provisions**

53G-2-101 Title.

This chapter is known as "Local Public Education System Policy."

Enacted by Chapter 3, 2018 General Session

53G-2-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-2-103 Prohibition on the use of certain submissions in public education -- Exceptions.

- (1) As used in this section, "prohibited submission" means the same as that term is defined in Section 67-27-107.
- (2) Except as provided in Subsections (4) and (6), an LEA may not require, request, solicit, or compel a prohibited submission as a certification or condition before taking action with respect to:
 - (a) employment, including decisions regarding:
 - (i) hiring;
 - (ii) terms of employment;
 - (iii) benefits;
 - (iv) compensation;
 - (v) seniority status;
 - (vi) tenure or continuing status;
 - (vii) promotion;
 - (viii) performance reviews;
 - (ix) transfer;
 - (x) termination; or
 - (xi) appointment;
 - (b) enrollment or graduation from the LEA;
 - (c) participation in LEA-sponsored programs; or
 - (d) qualification for or receipt of state financial aid or other state financial assistance.
- (3) An LEA may not grant any form of preferential consideration to an individual who, with or without solicitation from the LEA, provides a prohibited submission for consideration for any action described in Subsection (2).
- (4) If federal law requires an LEA to accept or require a prohibited submission, the LEA:
 - (a) may accept the prohibited submission only to the extent required under federal law; and
 - (b) shall limit consideration of the information contained in the prohibited submission to the extent necessary to satisfy the requirement under federal law.
- (5) For a required prohibited submission under Subsection (4), an LEA shall notify the state board detailing the circumstances under which a prohibited submission under Subsection (4) is required.
- (6) Nothing in this section limits or prohibits an LEA's authority to establish policies that:
 - (a) are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment; or
 - (b) require an applicant for employment, tenure, continuing status, or promotion to disclose or discuss the applicant's:
 - (i) teaching record;
 - (ii) artistic creations; or
 - (iii) pedagogical approaches or experiences with students of all learning abilities.
- (7) If the state board identifies a reported violation of this section, the state board shall provide an update to the Education Interim Committee on an LEA's compliance with this section at or before the Education Interim Committee's November interim committee meeting.
- (8) An individual may bring a violation of this section to the state board in accordance with the process described in Section 53E-3-401.

Enacted by Chapter 3, 2024 General Session

53G-2-104 Prohibition on the use of certain training in public education -- Exceptions.

- (1) As used in this section:
 - (a) "Prohibited training" means a mandatory instructional program and related materials that an LEA requires the LEA's employees, prospective employees, students, or prospective students, to attend that promote prohibited discriminatory practices as that term is defined in Section 53B-1-118.
 - (b) "Prohibited training" includes an in-person or online seminar, discussion group, workshop, other program, or related materials.
- (2) An LEA may not require prohibited training.
- (3) Nothing in this section limits or prohibits an LEA's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.
- (4) If the state board identifies a reported violation of this section, the state board shall provide an update to the Education Interim Committee on an LEA's compliance with this section at or before the Education Interim Committee's November interim committee meeting.
- (5) An individual may bring a violation of this section to the state board in accordance with the process described in Section 53E-3-401.

Enacted by Chapter 3, 2024 General Session

53G-2-105 Prohibited discriminatory practices -- Restrictions -- Reporting.

- (1) As used in this section, "prohibited discriminatory practice" means the same as that term is defined in Section 53B-1-118.
- (2) An LEA may not:
 - (a) engage in prohibited discriminatory practices;
 - (b) establish or maintain an office, division, employment position, or other unit of an institution established to implement, develop, plan, or promote campus policies, procedures, practices, programs, or initiatives, regarding prohibited discriminatory practices; or
 - (c) employ or assign an employee or a third-party whose duties for an institution include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to prohibited discriminatory practices.
- (3) An LEA shall ensure that all students have access to programs providing student success and support, as that term is defined in Section 53B-1-118.
- (4) Nothing in this section limits or prohibits an LEA's authority to establish policies that are necessary to comply with state or federal law, including laws relating to prohibited discrimination or harassment.
- (5) If the state board identifies a reported violation of this section, the state board shall provide an update to the Education Interim Committee and the Public Education Appropriations Subcommittee on an LEA's compliance with this section at or before the Education Interim Committee's November interim committee meeting.
- (6) An individual may bring a violation of this section to the state board in accordance with the process described in Section 53E-3-401.

Enacted by Chapter 3, 2024 General Session

Chapter 3

School District Creation and Change

Part 1

General Provisions

53G-3-101 Title.

This chapter is known as "School District Creation and Change."

Enacted by Chapter 3, 2018 General Session

53G-3-102 Definitions.

As used in this chapter:

- (1) "Allocation date" means:
 - (a) July 1 of the second calendar year following the local school board election date as described in Section 53G-3-302; or
 - (b) another date to which the new local school board and reorganized school board agree.
- (2) "Creation date" means the date on which voters approve the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- (3) "Divided school district" means:
 - (a) an existing school district from which a new school district is created under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4; and
 - (b) an existing school district from which a reorganized new school district is created.
- (4) "Feasibility study" means a study:
 - (a) that one of the following conducts:
 - (i) a school district, municipal legislative body, or interlocal agreement participants; or
 - (ii) the Office of the Legislative Auditor General, subject to prioritization by the Legislative Audit Subcommittee; and
 - (b) to determine:
 - (i) the financial viability for a new school district and reorganized new school district that is contained within the boundaries of a divided school district;
 - (ii) the financial impact on a new school district and reorganized new school district that is contained within the boundaries of a divided school district; and
 - (iii) the impact of the tax burden on taxpayers within the boundaries of the proposed new school district.
- (5) "Interlocal agreement participant" means a public agency, as that term is defined in Section 11-13-103, that enters into an agreement with one or more other public agencies for the purpose described in and in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- (6) "Isolated area" means an area that:
 - (a) is entirely within the boundaries of an existing school district;
 - (b) is contiguous to the proposed new school district;
 - (c) has a combined student population of fewer than 5,000 students; and
 - (d) because of the creation of a new school district from the existing district in which the area is located, would become completely geographically isolated.
- (7) "Municipality" means the same as that term is defined in Section 10-1-104.
- (8) "New school district" means a school district created under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

- (9) "Public hearing" means the same as that term is defined in Section 10-9a-103.
- (10) "Reorganized new school district" means the remaining portion of the divided school district after voters approve the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, when:
 - (a) the entire geographical area of the reorganized new school district is not included in a proposal for the new school district; or
 - (b) the entire geographical area of the reorganized new school district is:
 - (i) included in a proposal for a new school district that voters do not approve; and
 - (ii) within the boundaries of an existing district that contains an area that is included in the new district for which voters approve the creation.

Amended by Chapter 33, 2025 General Session

Part 2

Miscellaneous Provisions

53G-3-201 School districts.

School districts may be created, merged, dissolved, or their boundaries changed only as provided in this chapter.

Renumbered and Amended by Chapter 3, 2018 General Session

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

- (1)
 - (a) Each school district, including a new school district or a reorganized new school district upon the election of the local school board, is:
 - (i) under the control of the district's local school board; and
 - (ii) independent of municipal and county governments.
 - (b) The name of each school district created after May 1, 2000, including a reorganized new school district, shall:
 - (i) comply with Section 17-50-103; and
 - (ii) be a name:
 - (A) that the local school board of the relevant new school district or reorganized new school district selects; and
 - (B) that another school district has not previously chosen and recorded.
- (2) The local school board:
 - (a) except as provided in Subsection 53G-3-302(6), has direction and control of all school property in the district; and
 - (b) may enter into cooperative agreements with other local school boards to provide educational services that best use resources for overall operation of the public school system.
- (3)
 - (a) On or before 60 days following the day on which the creation of a new school district occurs under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, and in accordance with Section 67-1a-15, the following shall register a new school district as a limited purpose entity:

- (i) the municipal legislative body of the municipality in which the boundaries for the new school district are entirely located; or
- (ii) the legislative body of interlocal agreement participants in which the new school district is located.
- (b) Each school district shall maintain the school district's registration as a limited purpose entity in accordance with Section 67-1a-15.
- (c) A school district that fails to comply with Subsections (3)(a) and (b) or Section 67-1a-15 is subject to enforcement by the state auditor in accordance with Section 67-3-1.

Amended by Chapter 33, 2025 General Session

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

- (1) The county legislative body shall, within 30 days following the day on which the creation, consolidation, division, or dissolution of a school district occurs, file with the lieutenant governor:
 - (a) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (b) except in the case of a dissolution, a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.
- (2) The county legislative body, upon the lieutenant governor's issuance of a certificate of boundary action under Section 67-1a-6.5, shall:
 - (a) if the school district is or, in the case of dissolution, was located within the boundary of a single county, submit to the recorder of that county:
 - (i) the original:
 - (A) notice of an impending boundary action;
 - (B) certificate of boundary action; and
 - (C) except in the case of dissolution, approved final local entity plat; and
 - (ii) if applicable, a certified copy of the resolution approving the boundary action; or
 - (b) if the school district is or, in the case of a dissolution, was located within the boundaries of more than a single county:
 - (i) submit to the recorder of one of those counties:
 - (A) the original of the documents listed in Subsection (2)(a)(i); and
 - (B) if applicable, a certified copy of the resolution approving the boundary action; and
 - (ii) submit to the recorder of each other county:
 - (A) a certified copy of the documents listed in Subsection (2)(a)(i); and
 - (B) if applicable, a certified copy of the resolution approving the boundary action.
- (3)
 - (a) Upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the boundary of a new or reorganized new school district that was the subject of the action has legal effect.
 - (b)
 - (i) As used in this Subsection (3)(b), "affected area" means:
 - (A) in the case of the creation of a school district, the area within the school district's boundary;
 - (B) in the case of the consolidation of multiple school districts, the area within the boundary of each school district that is consolidated into another school district;

- (C) in the case of the division of a school district, the area within the boundary of the school district created by the division; and
- (D) in the case of an addition to an existing school district, the area added to the school district.
- (ii) For purposes of assessing property within the school district, the effective date of a boundary action, as that term is defined in Section 17-23-20, is governed by Section 59-2-305.5.
- (iii) A school district may not levy or collect a property tax on property within the affected area until the county legislative body records the documents listed in Subsection (2) in the office of the recorder of each county in which the property is located.

Amended by Chapter 526, 2024 General Session

53G-3-204 Notice before preparing or amending a long-range plan or acquiring certain property.

(1) As used in this section:

- (a) "Affected entity" means each county, municipality, special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, special service district under Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:
 - (i) whose services or facilities are likely to require expansion or significant modification because of an intended use of land; or
 - (ii) that has filed with the school district a copy of the general or long-range plan of the county, municipality, special district, special service district, school district, interlocal cooperation entity, or specified public utility.
- (b) "Specified public utility" means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Section 54-2-1.

(2)

- (a) If a school district located in a county of the first or second class prepares a long-range plan regarding the school district's facilities proposed for the future or amends an already existing long-range plan, the school district shall, before preparing a long-range plan or amendments to an existing long-range plan, provide written notice, as provided in this section, of the school district's intent to prepare a long-range plan or to amend an existing long-range plan.
- (b) Each notice under Subsection (2)(a) shall:
 - (i) indicate that the school district intends to prepare a long-range plan or to amend a long-range plan, as the case may be;
 - (ii) describe or provide a map of the geographic area that will be affected by the long-range plan or amendments to a long-range plan;
 - (iii) be:
 - (A) sent to each county in whose unincorporated area and each municipality in whose boundaries is located the land on which the proposed long-range plan or amendments to a long-range plan are expected to indicate that the proposed facilities will be located;
 - (B) sent to each affected entity;
 - (C) sent to the Utah Geospatial Resource Center created in Section 63A-16-505;
 - (D) sent to each association of governments, established pursuant to an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality described in Subsection (2)(b)(iii)(A) is a member; and

- (E) published for the geographic area that will be affected by the proposed long-range plan, or amendments to a long-range plan, as a class A notice under Section 63G-30-102, for at least 30 days;
 - (iv) with respect to the notice to counties and municipalities described in Subsection (2)(b)(iii) (A) and affected entities, invite them to provide information for the school district to consider in the process of preparing, adopting, and implementing the long-range plan or amendments to a long-range plan concerning:
 - (A) impacts that the use of land proposed in the proposed long-range plan or amendments to a long-range plan may have on the county, municipality, or affected entity; and
 - (B) uses of land that the county, municipality, or affected entity is planning or considering that may conflict with the proposed long-range plan or amendments to a long-range plan; and
 - (v) include the address of an Internet website, if the school district has one, and the name and telephone number of an individual where more information can be obtained concerning the school district's proposed long-range plan or amendments to a long-range plan.
- (3)
- (a) Except as provided in Subsection (3)(d), each school district intending to acquire real property in a county of the first or second class for the purpose of expanding the district's infrastructure or other facilities shall provide written notice, as provided in this Subsection (3), of the school district's intent to acquire the property if the intended use of the property is contrary to:
 - (i) the anticipated use of the property under the county or municipality's general plan; or
 - (ii) the property's current zoning designation.
 - (b) Each notice under Subsection (3)(a) shall:
 - (i) indicate that the school district intends to acquire real property;
 - (ii) identify the real property; and
 - (iii) be sent to:
 - (A) each county in whose unincorporated area and each municipality in whose boundaries the property is located; and
 - (B) each affected entity.
 - (c) A notice under this Subsection (3) is a protected record as provided in Subsection 63G-2-305(8).
 - (d)
 - (i) The notice requirement of Subsection (3)(a) does not apply if the school district previously provided notice under Subsection (2) identifying the general location within the municipality or unincorporated part of the county where the property to be acquired is located.
 - (ii) If a school district is not required to comply with the notice requirement of Subsection (3) (a) because of application of Subsection (3)(d)(i), the school district shall provide the notice specified in Subsection (3)(a) as soon as practicable after the school district's acquisition of the real property.

Amended by Chapter 16, 2023 General Session

Amended by Chapter 435, 2023 General Session

53G-3-205 Rights of transferred employees -- Salary during first year -- Leave and tenure benefits -- Written offer of employment.

- (1) If a school or school district employee described in Subsection (4)(a) is transferred from one district to another because of district consolidation, creation, or restructuring, the employee's salary may not be less, during the first year after the transfer, than the employee's salary would have been had the transfer not taken place.

- (2) The district to which an employee is transferred under Subsection (1) shall credit the employee with all accumulated leave and tenure recognized by the district from which the employee was transferred.
- (3) If the district to which an employee is transferred does not have a leave benefit which reasonably corresponds to one the employee seeks to transfer, that district shall compensate the employee for the benefit on the same basis as would have been done had the employee retired.
- (4)
 - (a) On or before the day that is six months before the allocation date, each new school district and each reorganized new school district shall provide a written offer of employment to contracted employees of the divided district, in a number that is proportional to the student population distribution within each new and reorganized new school district, who are not:
 - (i) employed on an administrative salary schedule;
 - (ii) provisional; or
 - (iii) at-will.
 - (b) For purposes of Subsection (1), the allocation date is the date of the transfer for an employee described in Subsection (4)(a).
 - (c) The job responsibilities or titles of an employee described in Subsection (4)(a) are subject to change.

Amended by Chapter 33, 2025 General Session

Part 3

Creating a New School District

53G-3-301 Creation of new school district -- Initiation of process -- Procedures to follow.

- (1) A new school district may be created from one or more existing school districts, as provided in this chapter.
- (2) The process to create a new school district may be initiated:
 - (a) through a citizens' petition in accordance with Section 53G-3-301.1;
 - (b) at the request of a municipality within the boundaries of the school district in accordance with Section 53G-3-301.3; or
 - (c) at the request of interlocal agreement participants in accordance with Section 53G-3-301.4.
- (3) A request or petition under Subsection (2) may not form a new school district unless the new school district boundaries and the reorganized new school district boundaries:
 - (a) are contiguous;
 - (b) do not create an isolated area, as defined in Section 53G-3-102; and
 - (c) include the entire boundaries of each participant municipality or town, unless the excluded portion of the municipality or town is not within the divided school district.
- (4) For each new school district, each county legislative body shall comply with the notice and plat filing requirements of Section 53G-3-203.
- (5) No later than July 1 of the second year following the inaugural local school board election of the new and reorganized new school districts, each new school district and each reorganized new school district shall reimburse the municipalities in which the school districts are located for any legal or administrative costs the municipality incurs relating to compliance with Sections 53G-3-202, 53G-3-203, 53G-3-301, 53G-3-301.3, and 53G-3-301.4.

- (6) On January 1 of each of the first and second years following the local school board election for new and reorganized new school districts following the division of a school district, the relevant divided district shall provide to each relevant new and reorganized new school districts, the greater of the following amounts, distributed based on student population in the new and reorganized new school districts, using the most recent October student count:
 - (a) 1% of the divided district's total WPU funding; or
 - (b) \$60 per student.
- (7) An inadequacy of a feasibility study, as defined in Section 53G-3-102, may not be the basis of a legal action or other challenge to:
 - (a) an election for voter approval of the creation of a new school district; or
 - (b) the creation of the new school district.
- (8) Notwithstanding the creation of a new district as provided in this part:
 - (a) a new school district and a reorganized new school district may not begin to provide educational services to the area within the new school district and reorganized new school district until July 1 of the second calendar year following the local school board election date as described in Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4; and
 - (b) the divided school district shall continue, until the time specified in Subsection (8)(a), to provide educational services within the entire area covered by the divided school district.
- (9) A new school district and a reorganized new school district shall enter into a shared services agreement, except if the local school boards of the districts mutually agree to not enter into an agreement, that permits students residing in each school district access to attend a school that serves students with disabilities within or outside of each school district boundary:
 - (a) for up to five years after the day on which the new school district commences educational services;
 - (b) for actual costs of services provided to students; and
 - (c) without affecting services provided to other students.
- (10) The process described in Subsection (2):
 - (a) may not be initiated more than once during any two-year period; and
 - (b) may only be initiated within a divided school district in the year of the allocation date.

Amended by Chapter 33, 2025 General Session

53G-3-301.1 Creation of a new school district -- Citizens' petition -- Procedures to follow -- Removal or reinstatement of signature.

- (1) Citizens may file a petition to create a new school district in accordance with this section and Section 53G-3-301.
- (2)
 - (a) The county clerk shall ensure that a petition described in Subsection (1) is signed by registered voters residing within the geographical boundaries of the proposed new school district in an amount equal to at least 10% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.
 - (b) The sponsors of a petition described in Subsection (1) shall file the petition with the clerk of each county in which any part of the proposed new school district is located.
 - (c) The petition sponsors shall ensure that the petition described in Subsection (1):
 - (i) indicates the typed or printed name and current residence address of each voter who signs the petition;
 - (ii) describes the proposed new school district boundaries; and

- (iii) designates up to five signers of the petition as sponsors, designating one as the contact sponsor, with the mailing address and telephone number of each.
- (3)
- (a)
 - (i) A signer of a petition described in Subsection (1) may remove or, once removed, reinstate the signer's signature by filing a written statement requesting removal or reinstatement with the county clerk no later than three business days after the day on which the petition is filed with the county clerk.
 - (ii) A statement described in Subsection (3)(a)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).
 - (iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove or reinstate an individual's signature from a petition after receiving a timely, valid statement.
 - (b) The county clerk shall use the procedures described in Section 20A-1-1002 to determine whether the petition has been signed by the required number of registered voters residing within the geographical boundaries of the proposed new school district.
- (4) Within 14 days after the day on which a petition described in Subsection (1) is filed, the clerk of each county with which the request or petition is filed shall:
- (a) determine whether the petition complies with Subsections (2) and (3), as applicable, and Section 53G-3-301; and
 - (b)
 - (i) if the county clerk determines that the request or petition complies with the applicable requirements:
 - (A) certify the petition and deliver the certified petition to the county legislative body; and
 - (B) mail or deliver written notification of the certification to the contact sponsor; or
 - (ii) if the county clerk determines that the petition fails to comply with any of the applicable requirements, reject the petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.
- (5)
- (a) If the county clerk fails to certify or reject a petition within the time specified in Subsection (4), the petition is considered to be certified.
 - (b) If the county clerk rejects a petition, the individual who submitted the petition may amend the petition to correct the deficiencies for which the county clerk rejected the petition and refile the petition.
- (6) Within 10 days after the day on which a county legislative body receives a certified petition as described in Subsection (4) or (5), the county legislative body shall request a feasibility study.
- (7)
- (a) The county legislative body shall:
 - (i) provide for a 30-day public comment period to begin on the day the county legislative body receives the study under Subsection (6); and
 - (ii) hold at least two public hearings on the study and recommendations.
 - (b) Within five business days after the day on which the public comment period ends, the legislative body of each county with which a petition is filed shall vote on the creation of the proposed new school district.
 - (c) A county legislative body approves a petition proposing a new school district if a majority of the members of the legislative body vote in favor of the petition.
- (8)

- (a) Within five business days after the day on which a county legislative body approves a petition proposing a new school district under Subsection (7), the county legislative body shall provide notice of the approval and a copy of the petition to which the approval relates to the county clerk of each county described in Subsection (2)(b).
- (b) If each county described in Subsection (2)(b) approves a petition proposing a new school district, the county clerks of the counties shall submit the proposal for the creation of a new school district to all legal voters in the proposed new school district for approval or rejection at the next regular general election that is at least 65 days after the day on which all of the counties described in Subsection (2)(b) have complied with Subsection (8)(a).
- (c) The new school district proposed in the petition and the reorganized new school district are created if a majority of the voters in the proposed new school district vote in favor of creating the new school district.

Amended by Chapter 38, 2025 General Session

53G-3-301.2 Reserved.

Repealed and Re-enacted by Chapter 3, 2024 Special Session 3

53G-3-301.3 Creation of a new school district -- Request by a municipality -- Procedures to follow.

- (1) A municipality located within the boundaries of a school district may file a request to create a new school district in accordance with this section and Section 53G-3-301.
- (2)
 - (a) The municipality shall file the request to create a new school district with the clerk of each county in which any part of the proposed new school district is located.
 - (b) The filing municipality shall ensure that the request described in Subsection (2)(a):
 - (i) indicates the typed or printed and current residence address of each governing board member making the request;
 - (ii) describes the proposed new school district boundaries; and
 - (iii) designates up to five signers of the request as sponsors, including one as the contact sponsor, with the mailing address and telephone number of each.
- (3) Within five business days after the day on which a request described in Subsection (2) is filed, the clerk of each county with which the request is filed shall:
 - (a) determine whether the request complies with Subsection (2) and Section 53G-3-301; and
 - (b)
 - (i) if the county clerk determines that the request complies with the applicable requirements:
 - (A) certify the request and deliver the certified request to the municipality and each county legislative body; and
 - (B) mail or deliver written notification of the certification to the contact sponsor; or
 - (ii) if the county clerk determines that the request fails to comply with any of the applicable requirements, reject the request and notify the contact sponsor in writing of the rejection and reasons for the rejection.
- (4)
 - (a) If the county clerk fails to certify or reject the request within the time specified in Subsection (3), the request is considered to be certified.

- (b) If the county clerk rejects the request, the municipality that submitted the request may amend the request to correct the deficiencies for which the county clerk rejected the request and refile the request.
- (5) Within 10 days after the day on which a municipal legislative body receives a certification as described in Subsection (3) or (4), a municipal legislative body shall request a feasibility study.
- (6)
 - (a) The municipal legislative body shall:
 - (i) provide for a 30-day public comment period to begin on the day the study is presented to the municipal legislative body under Subsection (5); and
 - (ii) hold at least two public hearings on the study and recommendation.
 - (b) Within 14 days after the day on which the public comment period ends, the municipal legislative body shall vote on the creation of the proposed new school district.
 - (c) A municipal legislative body approves a proposal if a majority of the municipal legislative body vote in favor of the proposal.
 - (d) Within five business days after the day on which the municipal legislative body approves a request proposing the creation of a new school district, the municipal legislative body shall notify the legislative body and the county clerk of each county described in Subsection (2)(a).
- (7) The county clerks of the counties described in Subsection (2)(a) shall submit the proposal for the creation of a new school district to all legal voters residing within the proposed new school district boundaries for approval or rejection at the next regular general election that is at least 65 days after the day on which the municipal legislative body complies with Subsection (6)(d).
- (8) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.
- (9) Nothing in this section prevents a municipality from assisting the new school district or reorganized new school district, including by:
 - (a) entering into a loan agreement with the new school district or reorganized new school district; or
 - (b) assisting the new school district or reorganized new school district in securing a line of credit.

Amended by Chapter 33, 2025 General Session

**53G-3-301.4 Creation of a new school district -- By interlocal agreement participants --
Procedures to follow.**

- (1)
 - (a) On or after April 30, 2024, interlocal agreement participants may file a request proposing the creation of a new school district in accordance with this section and Section 53G-3-301.
 - (b) A municipality may not:
 - (i) enter into more than one interlocal agreement for the purpose of submitting for voter approval, in the same election, a proposal to create a new school district under this part; or
 - (ii) participate in a request under this section and submit a request under Section 53G-3-301.3 for the same election.
 - (c) A municipality may not withdraw from an interlocal agreement under this part, unless, before August 1 of the year in which the interlocal agreement participants file the request under Subsection (1)(a):
 - (i) the municipality votes, via the legislative body of the municipality, to withdraw from the interlocal agreement; and

- (ii) a majority of all municipalities that are participants in the interlocal agreement vote to withdraw from the interlocal agreement, via a separate vote of the legislative body of each municipality.
- (d) If a majority of all municipalities that are participants in the interlocal agreement vote to withdraw from the interlocal agreement under Subsection (1)(a), the request is void and the interlocal agreement participants may not participate in a new or a revised request until the following year.
- (2)
 - (a) Except as provided in Subsection (3), by a majority vote of each legislative body, the legislative body of a municipality, together with at least one other municipality, may enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter approval a measure to create a new school district if the new school district boundaries comply with the requirements of Section 53G-3-301.
 - (b) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.
 - (c) Boundaries of a new school district created under this section may include:
 - (i) a portion of one or more existing school districts; and
 - (ii) a portion of the unincorporated area of a county.
- (3)
 - (a) As used in this Subsection (3), "municipality's school district" means the school district that includes all of the municipality in which the isolated area is located except the isolated area.
 - (b) Notwithstanding Subsection 53G-3-301(3), a municipality may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries if:
 - (i) the portion of the municipality proposed to be included in the new school district would, if not included, become an isolated area upon the creation of the new school district; or
 - (ii)
 - (A) the portion of the municipality proposed to be included in the new school district is within the boundaries of the same school district that includes the other interlocal agreement participants; and
 - (B) the portion of the municipality proposed to be excluded from the new school district is within the boundaries of a school district other than the school district that includes the other interlocal agreement participants.
 - (c)
 - (i) Notwithstanding Subsection 53G-3-301(3), interlocal agreement participants may submit a proposal to the legal voters residing within the proposed new school district boundaries to create a new school district in accordance with an interlocal agreement under Subsection (2)(a), even though the new school district boundaries would create an isolated area, if:
 - (A) the potential isolated area is contiguous to one or more of the interlocal agreement participants;
 - (B) the interlocal participants submit a written request to the municipality in which the potential isolated area is located, requesting the municipality to enter into an interlocal agreement under Subsection (2)(a) that proposes to submit for voter approval a proposal to create a new school district that includes the potential isolated area; and
 - (C) the municipality, to which the interlocal agreement participants submitted a request under Subsection (3)(c)(i)(B), did not respond to the written request within 30 days after the day on which the request was submitted.

- (ii) Each municipality receiving a request under Subsection (3)(c)(i) shall hold at least two public hearings to allow input from the public and affected school districts regarding whether the municipality should enter into an interlocal agreement with respect to the potential isolated area.
 - (iii) A municipal legislative body approves a proposal to enter into an interlocal agreement with respect to the potential isolated area if a majority of the municipal legislative body votes in favor of the proposal.
- (d)
 - (i) The isolated area described in this Subsection (3) shall, on July 1 of the second calendar year following the local school board general election date described in Section 53G-3-302, become part of the municipality's school district.
 - (ii) The divided school district shall continue to provide educational services to the isolated area until July 1 of the second calendar year following the local school board general election date described in Section 53G-3-302.
- (4)
 - (a) Interlocal agreement participants shall file a request described in Subsection (1) with the clerk of each county in which any part of the proposed new school district is located.
 - (b) The filing interlocal agreement participants shall ensure that the request described in Subsection (4)(a):
 - (i) indicates the typed or printed and current residence address of each governing board member making a request;
 - (ii) describes the proposed new school district boundaries; and
 - (iii) designates up to five signers of the request as sponsors, including as the contact sponsor, with the mailing address and telephone number of each.
- (5) Within five business days after the day on which a request described in Subsection (4)(a) is filed, the clerk of each county with which the request is filed shall:
 - (a) determine whether the request complies with this section and Section 53G-3-301; and
- (b)
 - (i) if the county clerk determines that the request complies with the applicable requirements:
 - (A) certify the request and deliver the certified request to the legislative bodies of the interlocal agreement participants; and
 - (B) mail or deliver written notification of the certification to the contact sponsor; or
 - (ii) if the county clerk determines that the request fails to comply with any of the applicable requirements, reject the request and notify the contact sponsor in writing of the rejection and reasons for the rejection.
- (6)
 - (a) If the county clerk fails to certify or reject a request within the time specified in Subsection (5), the request is considered to be certified.
 - (b) If the county clerk rejects a request, the interlocal agreement participants that submitted the request may amend the request to correct the deficiencies for which the county clerk rejected the request, and refile the request.
- (7) Within 30 days after the day on which the contact sponsor receives certification as described in Subsection (5) or (6), the contact sponsor shall request a feasibility study.
- (8)
 - (a) The legislative bodies of the interlocal agreement participants, and each municipality within the geographic boundaries of the proposed new school district, shall:

- (i) provide for a 30-day public comment period to begin on the day on which the legislative bodies of the interlocal agreement participants receive a feasibility study described in Subsection (7); and
 - (ii) hold at least two public hearings on the study and recommendation.
- (b) Within 14 days after the day on which the public comment period ends, the legislative bodies of the interlocal agreement participants shall vote on the creation of the proposed new school district.
- (c) The interlocal agreement participants approve a proposal if a majority of the legislative bodies of municipalities that are participants in the interlocal agreement vote in favor of the proposal.
- (9) Within five business days after the day on which the interlocal agreement participants approve a request proposing the creation of a new school district, the interlocal agreement participants shall notify the legislative body and the county clerk of each county described in Subsection (4)(a).
- (10)
 - (a) The county clerks of the counties described in Subsection (4)(a) shall submit the proposal for the creation of a new school district to all legal voters residing within the proposed new school district boundaries for approval or rejection at the next regular general election that is at least 65 days after the day on which the interlocal agreement participants comply with Subsection (9).
 - (b) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.
- (11) Nothing in this section prevents an interlocal agreement participant from assisting the new school district or reorganized new school district, including by:
 - (a) entering into a loan agreement with the new school district or reorganized new school district; or
 - (b) assisting the new school district or reorganized new school district in securing a line of credit.

Amended by Chapter 33, 2025 General Session

53G-3-302 Election of local school board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.

- (1) As used in this section:
 - (a) "Associated property" means furniture, equipment, or supplies located in or specifically associated with a physical asset.
 - (b)
 - (i) "Discretionary asset or liability" means an asset or liability that is not tied to a specific project, school, student, or employee by law or school district accounting practice.
 - (ii) "Discretionary asset or liability" does not include a physical asset, associated property, a vehicle, an employee, or bonded indebtedness.
 - (c)
 - (i) "Nondiscretionary asset or liability" means an asset or liability that is tied to a specific project, school, student, or employee by law or school district accounting practice.
 - (ii) "Nondiscretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.
 - (d) "Physical asset" means a building, land, or water right together with revenue derived from the lease or use of the building, land, or water right.
 - (e)

- (i) "Physical liability" means a liability associated with a physical asset, including:
 - (A) a seismic safety evaluation or mitigation; or
 - (B) deferred maintenance.
 - (ii) "Physical liability" does not include a liability associated with any debt, including a general obligation or lease revenue bond.
- (2)
- (a) If voters approve a proposal to create a new school district under this part:
 - (i) the legislative body of each county where all or a part of the new school district and the reorganized new school district are located shall hold elections, during the year immediately following the year in which the voters approve the proposal or municipal legislative bodies or interlocal agreement participants create a new school district, to elect members to the local school board of the new school district and to the local school board of the reorganized new school district, as follows:
 - (A) the filing period for a declaration of candidacy is the same as the filing period for the next regular or municipal general election for the given year;
 - (B) the primary election is held on the same day as the primary election for the next regular or municipal general election for the given year; and
 - (C) the general election is held on the same day as the next regular or municipal general election for the given year;
 - (ii) any new school district and reorganized new school district shall divide the assets and liabilities of the divided school district between the school districts in accordance with Subsection (4) and Section 53G-3-307;
 - (iii) any new school district and reorganized new school district shall treat the employment of transferred employees from the divided school district in accordance with Sections 53G-3-205 and 53G-3-308;
 - (iv) an individual residing within the boundaries of a new school district or reorganized new school district at the time the new school district is created may, for six school years following the creation of the new school district, elect to enroll in a secondary school located outside the boundaries of the school district if:
 - (A) the individual resides within the boundaries of the secondary school on the day before the creation of the new school district; and
 - (B) the individual would have been eligible to enroll in the secondary school if not for the creation of the new school district;
 - (C) the new school district shall provide educational services, including, if provided before the creation of the new school district, busing to each individual making an election under Subsection (2)(a)(iv) for each school year for which the individual makes the election; and
 - (v) within one year following the date on which the new school district begins providing educational services, the superintendent of each affected school district shall meet, together with the state superintendent, to determine if further boundary changes should take place in accordance with Section 53G-3-501.
 - (b)
 - (i) The county or municipal legislative bodies that conduct redistricting for the new school district and the reorganized new school district shall, at the meeting where the county or municipal legislative bodies adopt the final redistricting maps, adjust the initial terms of the board members for the new school district and the reorganized new school district, by lot, so that approximately half of the board members on each board will have an initial term of three years with the other members having an initial term of five years.

- (ii) Notwithstanding the existence of the new school district local school board and the reorganized new school district local school board under Subsection (2)(a)(i), the divided school district local school board shall continue to function and exercise authority as a local school board until the allocation date to the extent necessary to continue to provide educational services to the entire divided school district.
 - (iii) An individual may simultaneously serve as or be elected to be a member of the local school board of a divided school district and a member of the local school board of:
 - (A) a new school district; or
 - (B) a reorganized new school district.
 - (iv) On the allocation date, the divided school district and the associated local school board cease to exist.
- (c)
 - (i) On the Tuesday immediately following certification of the election results for the first election for the members of the local school board described in Subsection (2)(a)(i), the newly elected members of the local school board for the new school district or reorganized new school district shall take the oath of office and begin serving.
 - (ii) If the term of a member of the local school board of the divided school district ends within one year of the allocation date, the member's term shall extend to the allocation date.
- (3)
 - (a) The divided school district local school board shall:
 - (i) within 60 days after the creation date prepare an initial inventory of the divided school district's:
 - (A) assets, both tangible and intangible, real and personal; and
 - (B) liabilities;
 - (ii) on or before December 1 of the year following the creation date:
 - (A) prepare an asset inventory, with records, of the divided school district's assets and the location of each associated property, discretionary asset, nondiscretionary asset, and physical asset; and
 - (B) prepare an inventory of the divided school district's liabilities, with records, that includes a description of any liability, including an estimated cost to resolve the liability, for each associated property, discretionary asset, nondiscretionary asset, physical asset, and unresolved demands, claims, or suits with an estimated cost to resolve each liability;
 - (iii) mutually agree with the local school board of each relevant district to establish a regular schedule for the divided school district local school board to, between the creation date and the allocation date, prepare regular updates including any change in the information required in the inventory and liability reports described in this Subsection (3)(a); and
 - (iv) deliver the reports described in this Subsection (3)(a) to:
 - (A) the Office of the Legislative Auditor General; and
 - (B) the local school board of each relevant new school district and reorganized new school district.
 - (b) Following the local school board election date described in Subsection (2)(a), the new school district and reorganized new school district local school boards shall:
 - (i) in cooperation with the local school board of each new school district and reorganized new school district, determine the allocation of the divided school district's assets and, except for indebtedness under Section 53G-3-307, liabilities of the new school district and reorganized new school district in accordance with Subsection (4);
 - (ii) prepare a written report detailing the allocation under Subsection (3)(b)(i);

- (iii) prepare a written report of the disposition of assets and liabilities upon which the local school boards could not agree; and
 - (iv) deliver a copy of the written report to the Office of the Legislative Auditor General and the local school board of the divided school district.
- (c) The new school district and reorganized new school district local boards shall determine the allocation under Subsection (3)(b) and deliver the report required under Subsection (3)(b) on or before December 15 of the year following the school board election date described in Subsection (2)(a), unless that deadline is extended by mutual agreement of the local school boards of the new school district and reorganized new school district.
- (4)
 - (a) Except as provided under Subsection (4)(c), the new school district and reorganized new school district local school boards shall allocate all assets and liabilities the divided school district owns on the allocation date, both tangible and intangible, real and personal, allocating:
 - (i) a physical asset, physical liability, and associated property asset to the school district in which the physical asset is located;
 - (ii) a discretionary asset or liability between the new school district and reorganized new school district in proportion to the student population of the school districts;
 - (iii) vehicles used for pupil transportation:
 - (A) according to the transportation needs of schools, as measured by the number and assortment of vehicles used to serve eligible state supported transportation routes serving schools within the new school district and the reorganized new school district; and
 - (B) in a manner that gives each school district a fleet of vehicles for pupil transportation that is equivalent in terms of age, condition, and variety of carrying capacities; and
 - (iv) other vehicles:
 - (A) in proportion to the student population of the school districts; and
 - (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age, condition, and carrying capacities.
 - (b) Each new and reorganized new school district retains the buildings, land, and water rights of the divided district within the boundaries of the relevant new or reorganized new school district.
 - (c) By mutual agreement, the new school district and reorganized new school district local school boards may allocate an asset or liability in a manner different than the allocation method specified in Subsection (4)(a).
- (5)
 - (a)
 - (i) After the creation date, the local school board of the divided district may issue a lease revenue bond, in accordance with Section 11-14-103:
 - (A) that records the date, terms, and amount of the lease revenue bond the divided school district provides;
 - (B) that designates the new and reorganized new school districts that are the joint recipients of the bond proceeds, in proportion to the property tax values within each district, as the local political subdivisions receiving the bond proceeds;
 - (C) that obligates the new and reorganized new school districts receiving the bond proceeds to proportionally repay the remainder of the bond debt after the allocation date, in proportion to the portion of the bond proceeds each new or reorganized new school district receives;
 - (D) that prohibits the bond from inclusion in the outstanding bond indebtedness of the divided school district, in accordance with Section 53G-3-307;

- (E) to which, if the relevant local school board has been seated, the local school board of the new school district or reorganized new school district consents in writing; and
- (F) that provides that the divided school district is responsible for the bond payments until the allocation date and that each new and reorganized new school district receiving the bond proceeds under this section is responsible for a proportional share of the bond payments after the allocation date.
- (ii) This Subsection (5)(a) applies retrospectively to a lease revenue bond that a divided school district issued after November 4, 2024.
- (b)
 - (i) After the creation date, the local school board of the divided school district may issue a general obligation bond for the interlocal agreement participants on behalf of the relevant new and reorganized new school district within the divided school district, in accordance with Section 11-14-103.
 - (ii) The local school board shall ensure that the resolution submitting the question of the issuance of the bond by the divided school district, in accordance with Section 11-14-201:
 - (A) designates the new and reorganized new school districts that are the joint recipients of the bond proceeds, in proportion to the property tax values within each district, as the local political subdivisions receiving the bond proceeds;
 - (B) obligates the new and reorganized new school districts receiving the bond proceeds to proportionally repay the remainder of the bond debt after the allocation date, in proportion to the portion of the bond proceeds each new or reorganized new school district receives;
 - (C) prohibits the bond from inclusion in the outstanding bonded indebtedness of the divided school district, in accordance with Section 53G-3-307;
 - (D) provides that the divided school district may not issue the bond unless the majority of the qualified voters of the divided school district who vote on the bond proposition approve the issuance of the bond; and
 - (E) provides that the divided school district is responsible for the bond payments until the allocation date and that each new and reorganized new school district receiving the bond proceeds under this section is responsible for a proportional share of the bond payments after the allocation date.
 - (iii) This Subsection (5)(b) applies retrospectively to a general obligation bond that a divided school district issued after November 4, 2024.
- (c)
 - (i) If, within the preceding three years, voters within the divided school district rejected a general obligation bond for which a majority of voters within the area now included in a new or reorganized new school district voted in favor of the general obligation bond, the local school board of the divided district shall issue a lease revenue bond in accordance with Subsection (5)(a)(i) for the relevant new or reorganized new school district.
 - (ii) A lease revenue bond described in Subsection (5)(c)(i) is not subject to the combined total limitation described in Subsection 11-14-103(6)(b)(i) due to the prior approval of voters within the new or reorganized new school district for the general obligation bond.
 - (d) The local school board of each new and reorganized new school district may access and spend funds made available under Subsections 53G-3-301.3(9) and 53G-3-301.4(11) and under this Subsection (5).
- (6)
 - (a) The divided school district shall transfer title or, if applicable, partial title of property to the new school district and the reorganized new school district in accordance with the allocation of property as stated in the report under Subsection (3)(b)(ii).

- (b) The divided school district shall complete each transfer of title or, if applicable, partial title to real property and vehicles on the allocation date, except as that date is changed by the mutual agreement of:
 - (i) the local school board of the divided school district;
 - (ii) the local school board of the reorganized new school district; and
 - (iii) the local school board of the new school district.
- (c) The divided school district shall complete the transfer of all property not included in Subsection (6)(b) on the allocation date.
- (d) Except as provided in this Subsection (6), a divided school district may not transfer or agree to transfer title to district property beginning on the creation date, without the prior consent of:
 - (i) before the election of local school boards for the new or reorganized new school district:
 - (A) the legislative body of the municipality in which the boundaries for the new school district or reorganized new school district are entirely located; or
 - (B) the legislative bodies of all interlocal agreement participants in which the boundaries of the new school district or reorganized new school district are located; or
 - (ii) after the election of local school boards for the new or reorganized new school district, the local school board of the school district where the physical property is located.
- (e)
 - (i) A divided district may:
 - (A) sell property associated with a career and technical education program; and
 - (B) use proceeds from a sale described in this Subsection (6)(e) to fund the following year's career and technical education program project.
 - (ii) A divided district shall distribute any proceeds from a sale described in this Subsection (6)(e) two years after the inaugural election of local school board members for the new and reorganized new school districts based on student population.
- (7)
 - (a) On July 1 of the second year following the local school board election date described in Subsection (2)(a), the new school district or the reorganized new school district that receives title to the physical asset of the divided school district main office that existed at the creation date shall become the successor district to the records of the divided school district, unless the local school boards of any relevant new school district and reorganized new school district agree to a chosen successor district.
 - (b) As described in Subsection 63G-2-206(1)(a), the successor district shall serve as a repository of archives for purposes of historical preservation, administrative maintenance, or destruction of all the divided school district's books, accounts, and records.
 - (c) For one year after the allocation date, each new school district or reorganized new school district within the divided school district may access the records of the divided school district through an interlocal agreement and without cost.
- (8)
 - (a) Upon the creation date, a divided school district may not, except by mutual agreement of the local school boards of the new and reorganized new school districts:
 - (i) destroy a school district record;
 - (ii) enter into any employment agreement without including a statement providing that the contract does not bind any new school district or reorganized new school district;
 - (iii) pay any severance or bonuses, issue a retirement package, or provide buy-out compensation to any employee unless under a written agreement or policy that was executed before the creation date; or
 - (iv) increase compensation for any school district employee, other than:

- (A) a yearly cost-of-living adjustment; or
- (B) any pay structure increases the divided district established before the creation date for longevity, years of experience, or additional education and professional development.
- (b) Notwithstanding Subsection 53G-4-402(24), upon the creation of a new school district or a reorganized new school district, a divided school district may not close a school, except with the consent of the relevant local school board of the new school district or relevant reorganized new school district once the members of the local school board take the oath of office.
- (c) Any agreement or policy contrary to this Subsection (8) is void, including retrospective operation to any agreement or policy that a divided school district created after November 4, 2024.
- (9) The newly elected local school boards of any new school district and any reorganized new school district, by December 15 in the year following the local school board election for the new and reorganized new school districts, shall establish a transition plan with the local school board of the divided school district.
- (10) Unless otherwise specified in this section, the following bear all costs and expenses to create a new school district or a reorganized new school district and to comply with this section:
 - (a) for costs that a new school district incurs, the new school district;
 - (b) for costs that a reorganized new school district incurs, the reorganized new school district; and
 - (c) for costs that a divided school district incurs, the divided school district.
- (11)
 - (a) A mutually agreed upon arbiter shall resolve any disagreements between local school boards of the divided school district, any new school district, and any reorganized new school district.
 - (b) If the local school boards do not agree on an arbiter, the state board shall appoint an arbiter.
 - (c) The Office of the Legislative Auditor General shall provide information the office receives under this part to local school boards and the arbiter described in this Subsection (11) during the dispute resolution process.

Amended by Chapter 33, 2025 General Session

53G-3-303 New school district property tax -- Limitations.

- (1) A new school district, created under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, and a reorganized new school district may not impose a property tax before the fiscal year in which the new school district and reorganized new school district assume responsibility for providing student instruction.
- (2)
 - (a) If at the time a new school district created in accordance with Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4 assumes responsibility for student instruction any portion of the territory within the new school district was subject to a levy under Section 53F-8-301, the new school district's local school board may:
 - (i) discontinue the levy for the new school district;
 - (ii) impose a levy on the new school district as provided in Section 53F-8-301; or
 - (iii) impose the levy on the new school district, subject to Subsection (2)(b).
 - (b) If the new school district's local school board applies a levy to the new school district in accordance with Subsection (2)(a)(iii), the levy may not exceed the maximum duration or rate authorized by the voters of the divided school district at the time of the vote to create the new school district or that resulted in the creation of the reorganized new school district.

Amended by Chapter 33, 2025 General Session

53G-3-304 Property tax levies in new district and reorganized new district -- Distribution of property tax revenue.

- (1) As used in this section:
 - (a) "Property tax levy" means a property tax levy that a school district is authorized to impose, except:
 - (i) the minimum basic tax rate imposed under Section 53F-2-301;
 - (ii) a debt service levy imposed under Section 11-14-310;
 - (iii) a judgment levy imposed under Section 59-2-1330; or
 - (iv) charter school tax rate.
 - (b) "Qualifying taxable year" means the calendar year in which a new district begins to provide educational services.
- (2) A new school district and reorganized new school district shall continue to impose property tax levies that were imposed by the divided school district in the taxable year before the qualifying taxable year.
- (3) Except as provided in Subsection (6), a property tax levy that a new school district and reorganized new school district are required to impose under Subsection (2) shall be set at a rate that:
 - (a) is uniform in the new school district and reorganized new school district; and
 - (b) generates the same amount of revenue that was generated by the property tax levy within the divided school district in the taxable year before the qualifying taxable year.
- (4) The county treasurer of the county in which a property tax levy is imposed under Subsection (2) shall distribute revenues generated by the property tax levy to the new school district and reorganized new school district in proportion to the percentage of the divided school district's enrollment on the October 1 before the new school district or reorganized new school district commences educational services that were enrolled in schools currently located in the new school district or reorganized new school district.
- (5) On or before March 31, a county treasurer shall distribute revenues generated by a property tax levy imposed under Subsection (2) in the previous calendar year to a new school district and reorganized new school district as provided in Subsection (4).
- (6)
 - (a) Subject to the notice and public hearing requirements of Section 59-2-919, a new school district or reorganized new school district may set a property tax rate higher than the rate required by Subsection (3), up to:
 - (i) the maximum rate, if any, allowed by law; or
 - (ii) the maximum rate authorized by voters for a voted local levy under Section 53F-8-301.
 - (b) The revenues generated by the portion of a property tax rate in excess of the rate required by Subsection (3) shall be retained by the district that imposes the higher rate.

Amended by Chapter 526, 2024 General Session

53G-3-305 Redistricting -- Local school board membership.

- (1) Upon the creation of a new school district or a reorganized new school district in accordance with Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, the applicable legislative body shall redistrict the affected school districts in accordance with Section 20A-14-201.

- (2) Except as provided in Section 53G-3-302, local school board membership in the affected school districts is subject to Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

Amended by Chapter 33, 2025 General Session

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

- (1) On July 1 of the second calendar year following the local school board elections for a new school district and a reorganized new school district under this part, the divided school district's local school board shall convey and deliver to the new school district local school board and the reorganized new school district local school board all school property to which each new school district is entitled.
- (2) Title vests in the new local school board, including all rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property.
- (3) The new local school board may bring and maintain actions to recover, protect, and preserve the property and rights of the district's schools and to enforce contracts.

Amended by Chapter 526, 2024 General Session

53G-3-307 Tax to pay for indebtedness of divided school district.

- (1) As used in this section, "outstanding bonded indebtedness" means, except for a lease revenue bond or a general obligation bond described in Subsection 53G-3-302(5), debt owed for a general obligation bond or lease revenue bond that the divided school district issues:
- (a) before the creation of the new school district; or
- (b) in accordance with a mutual agreement of the local school boards of the reorganized new school district and the new school district under Subsection (4).
- (2) If the creation date of a new school district occurs on or after May 10, 2011, property within the new school district and the reorganized new school district is subject to the levy of a tax to pay the divided school district's outstanding bonded indebtedness as provided in Subsection (3).
- (3)
- (a) Except as provided in Subsection (3)(b), the local school board of the new school district and the local school board of the reorganized new school district shall impose a tax levy at a rate that:
- (i) generates from the combined districts the amount of revenue required each year to meet the outstanding bonded indebtedness of the divided school district; and
- (ii) is based on the adjusted assessed value of the new school district and reorganized new school district as of the creation date, as the State Tax Commission determines.
- (b) A local school board of a new school district may abate a property tax that Subsection (3)(a) requires the board to impose to the extent the new school district has money available to pay to the reorganized new school district the amount of revenue that the tax rate described in Subsection (3)(a) would generate within the new school district.
- (4)
- (a) The local school boards of the new school district and the reorganized new school district shall determine, by mutual agreement, the disposition of bonds the divided school district approved but did not issue before the creation of the new school district and reorganized new

school district based primarily on the representation made to the voters at the time of the bond election.

- (b) Before the local school boards make a determination under Subsection (4)(a), a reorganized new school district may not issue the approved and unissued bonds described in Subsection (4)(a) if property in the new school district would be subject to the levy of a tax to pay the bonds.

Amended by Chapter 33, 2025 General Session

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

- (1) Upon the day a new school district commences educational services:
 - (a) an employee of a divided school district who is employed at a school that is transferred to a new school district shall become an employee of the district in which the school is located; and
 - (b) the local school board of a new school district shall:
 - (i) have discretion in the hiring of all other staff;
 - (ii) adopt the personnel policies and practices of the divided school district, including salary schedules and benefits; and
 - (iii) enter into agreements with employees of the new school district, or the new school district employees' representatives, that have the same terms as those in the negotiated agreements between the divided school district and the divided school district's employees that existed on or before the creation date.
- (2)
 - (a) Subject to Subsection (2)(b), an employee of a school district from which a new district is created who becomes an employee of a new school district shall retain the same status as a career or provisional employee with accrued seniority and accrued benefits.
 - (b) Subsection (2)(a) applies to:
 - (i) employees of a divided school district who are transferred to a new school district as described in Subsection (1)(a); and
 - (ii) employees of a school district from which a new school district is created who are hired by the new school district within one year of the date of the creation of the new school district.
- (3) An employee who is transferred to a new school district in accordance with Subsection (1)(a) and is hired by the reorganized new school district within one year of the date of the creation of the new school district shall, when hired by the reorganized new school district, retain the same status as a career or provisional employee with accrued seniority and accrued benefits.
- (4) Before the new school district commences educational services, the reorganized new school district's local school board may not dismiss an employee of the reorganized new school district who is transferred to the new school district for the sole reason that the employee becomes an employee of the new school district.

Amended by Chapter 526, 2024 General Session

Part 4
Consolidating School Districts

53G-3-401 Consolidation of school districts -- Resolution by local school board members -- Petition by electors -- Certification of petition signatures -- Removal of signature -- Election.

- (1) Two or more school districts may unite and form a single school district in one of the following ways:
 - (a) a majority of the members of each of the local school boards of the affected districts shall approve and present to the county legislative body of the affected counties a resolution to consolidate the districts. Once this is done, consolidation shall be established under this chapter; or
 - (b) a majority of the members of the local school board of each affected district, or 15% of the registered voters in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county. The question shall be voted upon at an election called for that purpose, which shall be the next general or municipal election. Consolidation shall occur if a majority of those voting on the question in each district favor consolidation.
- (2) If a registered voter petition is presented to the county legislative body under Subsection (1)(b):
 - (a) within three business days after the day on which the county legislative body receives the petition, the county legislative body shall provide the petition to the county clerk; and
 - (b) within 14 days after the day on which a county clerk receives a petition from the county legislative body, the county clerk shall:
 - (i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1)(b) for a registered voter petition;
 - (ii) certify on the petition whether each name is that of a registered voter in one of the affected districts; and
 - (iii) deliver the certified petition to the county legislative body.
- (3)
 - (a) A voter who signs a registered voter petition under Subsection (1)(b) may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
 - (b) A statement described in Subsection (3)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
 - (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.
- (4) The elections required under Subsection (1)(b) shall be conducted and the returns canvassed as provided by election laws.

Amended by Chapter 116, 2023 General Session

53G-3-402 Transfer of property to new school district -- Rights and obligations of new local school board -- Outstanding indebtedness -- Special tax.

- (1) On July 1 following the approval of the creation of a new school district under Section 53G-3-401, the local school boards of the former districts shall convey and deliver all school property to the local school board of the new district. Title vests in the new local school board. All rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property vest at once in the new local school board.

- (2) The new local school board may bring and maintain actions to recover, protect, and preserve the property and rights of the district schools and to enforce contracts.
- (3) The new local school board shall assume and be liable for all outstanding debts and obligations of each of the former school districts.
- (4) All of the bonded indebtedness, outstanding debts, and obligations of a former district, which cannot be reasonably paid from the assets of the former district, shall be paid by a special tax levied by the new local school board as needed. The tax shall be levied upon the property within the former district which was liable for the indebtedness at the time of consolidation. If bonds are approved in the new district under Section 53G-4-603, the special tax shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of the new district.
- (5) Bonded indebtedness of a former district which has been refunded shall be paid in the same manner as that which the new district assumes under Section 53G-4-602.
- (6) State funds received by the new district under Section 53F-3-202 may be applied toward the payment of outstanding bonded indebtedness of a former district in the same proportion as the bonded indebtedness of the territory within the former district bears to the total bonded indebtedness of the districts combined.

Amended by Chapter 293, 2019 General Session

53G-3-403 School district consolidation -- State funding of consolidated districts.

When districts consolidate, payments made by the state under Title 53F, Public Education System -- Funding, shall continue for a period of five years from the date of consolidation on the same basis as if no consolidation had occurred. At the end of the five-year period, the consolidated district shall receive funding as a single district.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-3-404 Additional levies -- Local school board options to abolish or continue after consolidation.

- (1) If a school district that has approved an additional levy under Section 53F-8-301 is consolidated with a district which does not have such a levy, the local school board of the consolidated district may choose to abolish the levy, or apply it in whole or in part to the entire consolidated district.
- (2) If the local school board chooses to apply any part of the levy to the entire district, the levy may continue in force for no more than three years, unless approved by the electors of the consolidated district in the manner set forth in Section 53F-8-301.

Amended by Chapter 293, 2019 General Session

Part 5

Restructuring a School District

53G-3-501 Transfer of a portion of a school district -- Required boundary adjustments -- Local school board petition -- Elector petition -- Certification of petition signatures -- Removal of signature -- Transfer election.

- (1) Part of a school district may be transferred to another district in one of the following ways:
 - (a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the local school board of each affected school district;
 - (b) presentation to the county legislative body of each affected county of a petition requesting that the voters vote on the transfer, signed by a majority of the members of the local school board of each affected school district;
 - (c) presentation to the county legislative body of each affected county of a petition requesting that the voters vote on the transfer, signed by 15% of the registered voters in each of the affected school districts within that county; or
 - (d) for a boundary adjustment required under Subsection (2) or (3), submission to the county legislative body of each of the affected counties of a resolution requesting the transfer from the local school board of the school district that is required to initiate the boundary adjustment.
- (2)
 - (a) As used in this Subsection (2):
 - (i) "Expansion area" means the area of land approved for annexation and located outside the boundaries of a specified school district.
 - (ii) "Municipality" means a city or town.
 - (iii) "Originating school district" means the school district whose boundaries an expansion area is located within prior to the boundary adjustment required under Subsection (2)(b).
 - (iv) "Specified school district" means a school district:
 - (A) that serves residents within a single municipality; and
 - (B) for which the municipality whose residents the school district serves enacts an ordinance in accordance with Title 10, Chapter 2, Part 4, Annexation, approving the annexation of an area of land located outside the boundaries of the school district.
 - (b) Notwithstanding any other provisions of this chapter and except as provided in Subsection (2)(c)(ii), the local school board of a specified school district shall initiate boundary adjustment proceedings under Subsection (1)(d):
 - (i) to request the expansion area to be transferred to the specified school district from the originating school district; and
 - (ii) by submitting the resolution requesting the transfer, as provided in Subsection (1)(d), within 60 days after the day on which the municipality enacts the ordinance approving annexation of the expansion area.
 - (c)
 - (i) Before initiating the boundary adjustment required under Subsection (2)(b), the local school board presidents of the specified school district and the originating school district shall, within the timeframe described in Subsection (2)(b)(ii), meet to determine whether allowing the expansion area to remain within the boundaries of the originating school district is in the best interests of the municipality's residents.
 - (ii) The requirements of Subsection (2)(b) do not apply to a specified school district if, upon meeting under Subsection (2)(c)(i), the presidents of the local school boards mutually agree that allowing the expansion area to remain within the boundaries of the originating school district is in the best interests of the municipality's residents.
- (3)
 - (a) This Subsection (3) applies to a school district that:
 - (i) serves residents within a single municipality; and

- (ii) in calendar year 2018, completed construction on a secondary school within an area of land located outside the boundaries of the school district.
- (b) Notwithstanding any other provisions of this chapter, the local school board of a school district described in Subsection (3)(a) shall initiate boundary adjustment proceedings under Subsection (1)(d):
 - (i) to request the land described in Subsection (3)(a)(ii) to be transferred to the school district from the school district whose boundaries the land is located within; and
 - (ii) by submitting the resolution requesting the transfer, as provided in Subsection (1)(d), on or before June 1, 2024.
- (4) If a registered voter petition is presented to the county legislative body under Subsection (1)(c):
 - (a) within three business days after the day on which the county legislative body receives the petition, the county legislative body shall provide the petition to the county clerk; and
 - (b) within 14 days after the day on which a county clerk receives a petition from the county legislative body, the county clerk shall:
 - (i) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of Subsection (1)(c) for a registered voter petition;
 - (ii) certify on the petition whether each name is that of a registered voter in one of the affected districts; and
 - (iii) deliver the certified petition to the county legislative body.
- (5)
 - (a) A voter who signs a registered voter petition under Subsection (1)(c) may have the voter's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
 - (b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
 - (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.
- (6)
 - (a) The voters of each affected district shall vote on the transfer requested under Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general election.
 - (b) The election shall be conducted and the returns canvassed as provided by election law.
 - (c) A transfer is effected only if a majority of votes cast by the voters in both the proposed transferor district and in the proposed transferee district are in favor of the transfer.

Amended by Chapter 528, 2024 General Session

53G-3-502 Transfer of school district property -- Indebtedness on transferred property.

- (1) If a transfer of a portion of one school district to another school district is approved under Section 53G-3-501, the state superintendent and the superintendents and presidents of the local school boards of each of the affected school districts shall determine the basis for a transfer of all school property reasonably and fairly allocable to that portion being transferred.
- (2)
 - (a) Title to property transferred vests in the transferee local school board.
 - (b) The transfer of a school building that is in operation at the time of determination shall be made at the close of a fiscal year.

- (c) The transfer of all other school property shall be made five days after approval of the transfer of territory under Section 53G-3-501.
- (3)
 - (a) The individuals referred to in Subsection (1) shall determine the portion of bonded indebtedness and other indebtedness of the transferor local school board for which the transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor local school board.
 - (b) This is done by:
 - (i) determining the amount of the outstanding bonded indebtedness and other indebtedness of the transferor local school board;
 - (ii) determining the total taxable value of the property of the transferor district and the taxable value of the property to be transferred; and
 - (iii) calculating the portion of the indebtedness of the transferor local school board for which the transferred portion retains liability.
- (4)
 - (a) The agreement reflecting these determinations takes effect upon being filed with the state board.
 - (b) The transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor local school board.
 - (c) The transferee local school board may assume the obligation to pay the proportionate share of the transferor local school board's indebtedness that has been determined under Subsection (3) to be the obligation of the transferred portion by the approval of a resolution by a majority of the qualified electors of the transferee school district at an election called and held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.
- (5) If the transferee school district assumes the obligation to pay this proportionate share of the transferor local school board's indebtedness, the transferee local school board shall levy a tax in the whole of the transferee district, including the transferred portion, sufficient to pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator of the transferor local school board.
- (6) If the transferee local school board does not assume this obligation, the transferee local school board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the transferor local school board.
- (7) For the purposes of school districts affected by repealed laws governing the annexation of an unincorporated area of a school district by a city which included what was formerly known as a city school district, transitions of unincorporated areas and property from the transferor district to the transferee district in progress on the effective date of this act shall revert to the boundaries and ownership prior to the initiation of annexation and may then proceed under this section and Section 53G-3-501.

Amended by Chapter 293, 2019 General Session

53G-3-503 Additional levies in transferred territory -- Transferee local school board option to abolish or continue.

If two or more districts undergo restructuring that results in a district receiving territory that increases the population of the district by at least 25%, and if the transferred territory was, at the time of transfer, subject to an additional levy under Section 53F-8-301, the local school board of the transferee district may abolish the levy or apply the levy in whole or in part to the entire

restructured district. Any such levy made applicable to the entire district may continue in force for no more than five years, unless approved by the electors of the restructured district in the manner set forth in Section 53F-8-301.

Amended by Chapter 293, 2019 General Session

Chapter 4 School Districts

Part 1 General Provisions

53G-4-101 Title.

This chapter is known as "School Districts."

Enacted by Chapter 3, 2018 General Session

53G-4-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

Part 2 Local School Board Organization and Meetings

53G-4-201 Selection and election of members to local school boards.

Members of local school boards shall be elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

Amended by Chapter 293, 2019 General Session

53G-4-202 Local school board meetings -- Rules of order and procedure -- Location requirements -- Expulsion of members prohibited -- Exceptions.

(1) As used in this section:

- (a) "Disaster" means an event that:
 - (i) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomenon, or technological hazard; and
 - (ii) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require a response by a governmental, not-for-profit, or private entity.
- (b) "Local emergency" means a condition in any municipality or county of the state that requires that emergency assistance be provided by the affected municipality or county or another

political subdivision to save lives and protect property within its jurisdiction in response to a disaster or to avoid or reduce the threat of a disaster.

- (c) "Rules of order and procedure" means a set of policies that governs and prescribes in a public meeting:
 - (i) parliamentary order and procedure;
 - (ii) ethical behavior; and
 - (iii) civil discourse.
- (2) Subject to Subsection (4), a local school board shall:
 - (a) adopt rules of order and procedure to govern a public meeting of the local school board;
 - (b) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (2)(a); and
 - (c) make the rules of order and procedure described in Subsection (2)(a) available to the public:
 - (i) at each public meeting of the local school board; and
 - (ii) on the local school board's public website, if available.
- (3)
 - (a) Except as provided in Subsections (3)(b) and (c), a local school board may not hold a public meeting outside of the geographic boundary of the local school board's school district.
 - (b) A local school board may hold a public meeting outside of the geographic boundary of the local school board's school district if it is necessary for the local school board to hold a meeting during a disaster or local emergency.
 - (c) A local school board may hold a public meeting outside of the geographic boundary of the local school board's school district to conduct a site visit if:
 - (i) the location of the site visit provides the local school board members the opportunity to see or experience an activity that:
 - (A) relates to the local school board's responsibilities; and
 - (B) does not exist within the geographic boundaries of the local school board's school district; and
 - (ii) the local school board does not vote or take other action during the public meeting held at the site visit location.
 - (d) This Subsection (3) does not apply to a charter school governing board.
- (4) The requirements of this section do not affect a local school board's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (5)
 - (a) Except as provided in Subsection (5)(b), a local school board may not expel a member of the local school board from an open public meeting or prohibit the member from attending an open public meeting.
 - (b) Except as provided in Subsection (5)(c), following a two-thirds vote of the members of the local school board, the local school board may fine or expel a member of the local school board for:
 - (i) disorderly conduct at the open public meeting;
 - (ii) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or
 - (iii) a commission of a crime during the open public meeting.
 - (c) A local school board may adopt policies or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Amended by Chapter 293, 2019 General Session

53G-4-203 Election of officers -- Terms -- Time of election -- Removal of officers -- Quorum requirements.

- (1) A local school board shall elect a president and a vice president whose terms of office are for two years and until their successors are elected.
- (2) The elections shall be held during the first local school board meeting in January following a regular local school board election held in the district.
- (3) An officer appointed or elected by a local school board may be removed from office for cause by a vote of two-thirds of the local school board.
- (4) When a vacancy occurs in the office of president or vice president of the local school board for any reason, a replacement shall be elected for the unexpired term.
- (5) Attendance of a simple majority of the local school board members constitutes a quorum for the transaction of official business.

Amended by Chapter 293, 2019 General Session

53G-4-204 Compensation for services -- Additional per diem -- Notice of meeting -- Approval of expenses.

- (1) Each member of a local school board, except the student member, shall receive compensation for services and for necessary expenses in accordance with compensation schedules adopted by the local school board in accordance with the provisions of this section.
- (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its compensation schedules, the local school board shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.
- (3) Notice of the time, place, and purpose of the meeting shall be provided for at least seven days before the day of the meeting by publishing the notice, as a class A notice under Section 63G-30-102, for the school district.
- (4) After the conclusion of the public hearing, the local school board may adopt or amend its compensation schedules.
- (5) Each member shall submit an itemized account of necessary travel expenses for local school board approval.
- (6) A local school board may, without following the procedures described in Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to July 1, 2007, until, at the discretion of the local school board, the compensation schedule is amended or a new compensation schedule is adopted.

Amended by Chapter 435, 2023 General Session

53G-4-205 Duties of president.

- (1) The president of each local school board shall preside at all meetings of the local school board, appoint all committees, and sign all warrants ordered by the local school board to be drawn upon the business administrator for school money.
- (2) If the president is absent or acquires a disability, these duties are performed by the vice president.

Amended by Chapter 293, 2019 General Session

53G-4-206 Ethics complaint -- Political Subdivisions Ethics Review Commission.

A person may file a complaint for an alleged violation of Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act, by a member of a local school board in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission.

Enacted by Chapter 378, 2023 General Session

Part 3

Local School Board Administrative Officers

53G-4-301 Local superintendent of schools -- Appointment -- Qualifications -- Term -- Compensation.

- (1) Subject to Subsection (7), a local school board shall appoint a district superintendent of schools who serves as the local school board's chief executive officer.
- (2) A local school board shall appoint the superintendent on the basis of outstanding professional qualifications.
- (3)
 - (a) A superintendent's term of office is for two years and until, subject to Subsection (7), a successor is appointed and qualified.
 - (b) A local school board that appoints a superintendent in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the superintendent.
- (4) Unless a vacancy occurs during an interim vacancy period subject to Subsection (7), if it becomes necessary to appoint an interim superintendent due to a vacancy in the office of superintendent, the local school board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new superintendent.
- (5) A local school board shall set the superintendent's compensation for services.
- (6) A superintendent qualifies for office by taking the constitutional oath of office.
- (7)
 - (a) As used in this Subsection (7), "interim vacancy period" means the period of time that:
 - (i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of a local school board; and
 - (ii) ends on the day on which the member-elect begins the member's term.
 - (b)
 - (i) The local school board may not appoint a superintendent during an interim vacancy period.
 - (ii) Notwithstanding Subsection (7)(b)(i):
 - (A) the local school board may appoint an interim superintendent during an interim vacancy period; and
 - (B) the interim superintendent's term shall expire once a new superintendent is appointed by the new local school board after the interim vacancy period has ended.
 - (c) Subsection (7)(b) does not apply if all the local school board members who held office on the day of the general election whose term of office was vacant for the election are re-elected to the local school board for the following term.

Renumbered and Amended by Chapter 3, 2018 General Session
Amended by Chapter 22, 2018 General Session

53G-4-302 Business administrator -- Term -- Oath.

- (1) Subject to Subsection (5), a local school board shall appoint a business administrator.
- (2)
 - (a) The business administrator's term of office is for two years and until, subject to Subsection (5), a successor is appointed and qualified.
 - (b) A local school board that appoints a business administrator in accordance with this section may not, on or after May 8, 2012, enter into an employment contract that contains an automatic renewal provision with the business administrator.
- (3) Unless a vacancy occurs during an interim vacancy period subject to Subsection (5), if it becomes necessary to appoint an interim business manager due to a vacancy in the office of business administrator, then the local school board shall make an appointment during a public meeting for an indefinite term not to exceed one year, which term shall end upon the appointment and qualification of a new business manager.
- (4) The business administrator qualifies for office by taking the constitutional oath of office.
- (5)
 - (a) As used in this Subsection (5), "interim vacancy period" means the period of time that:
 - (i) begins on the day on which a general election described in Section 20A-1-202 is held to elect a member of a local school board; and
 - (ii) ends on the day on which the member-elect begins the member's term.
 - (b)
 - (i) A local school board may not appoint a business administrator during an interim vacancy period.
 - (ii) Notwithstanding Subsection (5)(b)(i):
 - (A) the local school board may appoint an interim business administrator during an interim vacancy period; and
 - (B) the interim business administrator's term shall expire once a new business administrator is appointed by the new local school board after the interim vacancy period has ended.
 - (c) Subsection (5)(b) does not apply if all the local school board members who held office on the day of the general election whose term of office was vacant for the election are reelected to the local school board for the following term.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-303 Duties of business administrator.

Subject to the direction of the district superintendent of schools, the district's business administrator shall:

- (1) attend all meetings of the local school board, keep an accurate record of its proceedings, and have custody of the seal and records;
- (2) be custodian of all district funds, be responsible and accountable for all money received and disbursed, and keep accurate records of all revenues received and their sources;
- (3) countersign with the president of the local school board all warrants and claims against the district as well as other legal documents approved by the local school board;
- (4) prepare and submit to the local school board each month a written report of the district's receipts and expenditures;
- (5) use uniform budgeting, accounting, and auditing procedures and forms approved by the state board, which shall be in accordance with generally accepted accounting principles or auditing standards and Title 63J, Chapter 1, Budgetary Procedures Act;

- (6) prepare and submit to the local school board a detailed annual statement for the period ending June 30, of the revenue and expenditures, including beginning and ending fund balances;
- (7) assist the superintendent in the preparation and submission of budget documents and statistical and fiscal reports required by law or the state board;
- (8) insure that adequate internal controls are in place to safeguard the district's funds; and
- (9) perform other duties as the superintendent may require.

Amended by Chapter 293, 2019 General Session

53G-4-304 Other local school board officers.

- (1) A local school board may appoint other necessary officers who serve at the pleasure of the local school board.
- (2) These officers shall qualify by taking the constitutional oath of office before assuming office.

Amended by Chapter 293, 2019 General Session

Part 4

Local School Board Powers and Miscellaneous Duties

53G-4-401 Local school boards are bodies corporate -- Seal -- Authority to sue -- Conveyance of property -- Duty to residents of the local school board member's district -- Establishment of public education foundation.

- (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 local school board 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.
- (6) A local school board may establish a foundation in accordance with Section 53E-3-403.

Amended by Chapter 293, 2019 General Session

53G-4-402 Powers and duties generally.

- (1) A local school board shall:
 - (a) implement the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;
 - (b) administer tests, required by the state board, which measure the progress of each student, and coordinate with the state superintendent and state board to assess results and create plans to improve the student's progress, which shall be submitted to the state board for approval;

- (c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;
 - (d) for each grading period and for each course in which a student is enrolled, issue a grade or performance report to the student:
 - (i) that reflects the student's work, including the student's progress based on mastery, for the grading period; and
 - (ii) in accordance with the local school board's adopted grading or performance standards and criteria;
 - (e) develop early warning systems for students or classes failing to make progress;
 - (f) work with the state board to establish a library of documented best practices, consistent with state and federal regulations, for use by the special districts;
 - (g) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every student achieve optimal learning in basic academic subjects; and
 - (h) ensure that the local school board meets the data collection and reporting standards described in Section 53E-3-501.
- (2) Local school boards shall spend Minimum School Program funds for programs and activities for which the state board has established minimum standards or rules under Section 53E-3-501.
- (3)
- (a) A local school board may purchase, sell, and make improvements on school sites, buildings, and equipment, and construct, erect, and furnish school buildings.
 - (b) School sites or buildings may only be conveyed or sold on local school board resolution affirmed by at least two-thirds of the school board members.
- (4)
- (a) A local school board may participate in the joint construction or operation of a school attended by students residing within the district and students residing in other districts either within or outside the state.
 - (b) Any agreement for the joint operation or construction of a school shall:
 - (i) be signed by the president of the local school board of each participating district;
 - (ii) include a mutually agreed upon pro rata cost; and
 - (iii) be filed with the state board.
- (5) A local school board may establish, locate, and maintain elementary, secondary, and applied technology schools.
- (6) A local school board may enter into cooperative agreements with other local school boards to provide educational services that best utilize resources for the overall operation of the school districts, including shared transportation services.
- (7) A local school board shall ensure that an agreement under Subsection (6):
- (a) is signed by the president of the local school board of each participating district;
 - (b) specifies the resource being shared;
 - (c) includes a mutually agreed upon pro rata cost;
 - (d) includes the duration of the agreement; and
 - (e) is filed with the state board.
- (8)
- (a) Except as provided in Section 53E-3-905 and Subsection (8)(b), a local school board may enroll children in school who are at least five years old before September 2 of the year in which admission is sought.

- (b) A local school board may enroll a child in kindergarten who does not meet the age requirement described in Subsection (8)(a) if the child:
 - (i) moves to Utah from a different state in which the child, during the relevant school year:
 - (A) was a resident; and
 - (B) was enrolled in kindergarten in accordance with the previous state's age requirements for kindergarten enrollment; and
 - (ii) transfers to the enrolling school after the beginning of the same school year.
- (9) A local school board:
 - (a) may establish and support school libraries; and
 - (b) shall provide an online platform:
 - (i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the LEA uses or through a separate platform; and
 - (ii)
 - (A) for a school district with 1,000 or more enrolled students, no later than August 1, 2024; and
 - (B) for a school district with fewer than 1,000 enrolled students, no later than August 1, 2026.
- (10) A local school board may collect damages for the loss, injury, or destruction of school property.
- (11) A local school board may authorize guidance and counseling services for students and the student's parents before, during, or following school enrollment.
- (12)
 - (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.
 - (b) Federal funds are not considered funds within the school district budget under Chapter 7, Part 3, Budgets.
- (13)
 - (a) A local school board may organize school safety patrols and adopt policies 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.
- (14)
 - (a) A local school board may on its own behalf, or on behalf of an educational institution for which the local school board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.
 - (b) The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.
- (15)
 - (a) A local school board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-9-1106(3)(c).
 - (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.
- (16) A local school board shall adopt bylaws and policies for the local school board's own procedures.
- (17)
 - (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.
 - (b) Local school board policies shall be in writing, filed, and referenced for public access.
- (18) A local school board may hold school on legal holidays other than Sundays.
- (19)
 - (a) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection (19).
 - (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) in consultation with the Utah Safety Council and the Division of Family Health, provide training to all students in kindergarten through grade 6, 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 the committee's duties under Subsection (19)(c).
- (20)
 - (a) A local school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the local school board's public schools, on school grounds, on school vehicles, and in connection with school-related activities or events.
 - (b) The local school board shall ensure that the plan:
 - (i) includes prevention, intervention, and response components;
 - (ii) is consistent with the school discipline and conduct policies required for school districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
 - (iii) requires professional learning for all district and school building staff on the staff's roles in the emergency response plan;
 - (iv) provides 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 (20)(a); and
 - (v) includes procedures to notify a student 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.

(c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (20)(a).

(d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and the student's parents and local law enforcement and public safety representatives.

(21)

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

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

(22)

(a) A local school board shall approve an LEA's policies and procedures that an LEA develops to ensure that students have non-electronic notification of and access to:

(i) school activities and events, including:

(A) schedule changes;

(B) extracurricular activities; and

(C) sporting events; and

(ii) the emergency response plans described in Subsections (20) and (21).

(b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of and access to school activities and events as described in Subsections (22)(a)(i) and (ii) if:

(i)

(A) the school provides each student with an electronic device; and

(B) the electronic device is capable of receiving electronic notification of and access to school activities and events as described in Subsections (22)(a)(i) and (ii); or

(ii) an emergency, unforeseen circumstance, or other incident arises and an LEA cannot reasonably provide timely non-electronic notification.

(c) An LEA may not require the use of a privately owned electronic device to complete course work.

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

(24)

- (a) As used in this subsection, "special enrollment program" means a full-day academic program in which a parent opts to enroll the parent's student and that is offered at a specifically designated school within an LEA, including:
 - (i) gifted or advanced learning programs; or
 - (ii) dual language immersion programs.
- (b) Before closing a school, changing the boundaries of a school, or changing or closing the location of a special enrollment program, a local school board shall:
 - (i) at a local school board meeting, make and approve a motion to initiate the notification required under Subsections (24)(b)(ii) through (iv);
 - (ii) on or before 90 days before the day on which the local school board approves the school closure or at least 30 days before the day on which the local school board approves a school boundary change, provide notice that the local school board is considering the closure or boundary change to:
 - (A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents and also by mail, using the United States Postal Service, to the parents at each known address;
 - (B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents and also by mail, using the United States Postal Service, to the parents at each known address; and
 - (C) the governing council and the mayor of the municipality in which the school is located;
 - (iii) provide an opportunity for public comment on the proposed school closure during at least two public local school board meetings;
 - (iv) provide an opportunity for public comment on the proposed school boundary change during one public local school board meeting; and
 - (v) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing in accordance with Subsection (24)(c).
- (c) A local school board shall:
 - (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v) indicates the:
 - (A) name of the school or schools under consideration for closure or boundary change; and
 - (B) the date, time, and location of the public hearing;
 - (ii) if feasible, hold the public hearing at the location of the school that is under consideration for closure;
 - (iii) for at least 10 days before the day on which the public hearing occurs, publish the notice of public hearing occurs, publish the notice of the public hearing for the school district in which the school is located, as a class A notice under Section 63G-30-102; and
 - (iv) at least 30 days before the day on which the public hearing occurs, provide notice of the public hearing in the same manner as the notice of consideration under Subsection (24)(b)(ii).
- (d) A motion made under Subsection (24)(b) shall name each school under consideration for closure in a separate motion.
- (e) For a school closure, a local school board shall complete the process described in this Subsection (24) on or before December 31 of the calendar year preceding the beginning of the school year in which a school closure takes effect.
- (f)

- (i) For a school boundary change, a local school board shall complete the process described in this Subsection (24) no more than 60 days after the day on which the local school board votes to approve a school closure.
 - (ii) Parents of students enrolled in a school affected by a boundary change shall have at least 30 days after the day on which the local school board votes to approve a school boundary change to request an out of area enrollment request in accordance with Chapter 6, Part 4, School District Enrollment.
- (25) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.
- (26) A local school board may establish or partner with a certified youth court in accordance with Section 80-6-902 or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to a youth court or a comparable restorative justice program in accordance with Section 53G-8-211.
- (27)
 - (a) As used in this Subsection (27):
 - (i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.
 - (ii)
 - (A) "Instructional material" means learning material that a local school board adopts and approves for use within the LEA.
 - (B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the local school board.
 - (iii) "Supplemental material" means learning material that:
 - (A) an educator selects for classroom use; and
 - (B) a local school board has not considered and adopted, approved, or prohibited for classroom use within the LEA.
 - (b) A local school board shall:
 - (i) make instructional material that the school district uses readily accessible and available for a parent to view;
 - (ii) annually notify a parent of a student enrolled in the school district of how to access the information described in Subsection (27)(b)(i); and
 - (iii) include on the school district's website information about how to access the information described in Subsection (27)(b)(i).
 - (c) In selecting and approving instructional materials for use in the classroom, a local school board shall:
 - (i) establish an open process, involving educators and parents of students enrolled in the LEA, to review and recommend instructional materials for board approval; and
 - (ii) ensure that under the process described in Subsection (27)(c)(i), the board:
 - (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the recommended learning material online to allow for public review or, for copyrighted material, makes the recommended learning material available at the LEA for public review;
 - (B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provides an opportunity for educators whom the LEA employs and parents of students enrolled in the LEA to express views and opinions on the recommendation; and

- (C) adopts or approves the recommended instructional materials in an open and regular board meeting.
- (d) A local school board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.
- (e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.
- (f) Nothing in this Subsection (27) requires a local school board to review all learning materials used within the LEA.
- (28) If information, data, or action from a school district is necessary for the state board to fulfill a statutory data gathering, compliance, or reporting requirement, a local school board shall provide the relevant information, data, or action, subject to enforcement under Section 53E-3-401.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 394, 2025 General Session

Amended by Chapter 501, 2025 General Session

53G-4-403 School district fiscal year -- Statistical reports.

- (1) A school district's fiscal year begins on July 1 and ends on June 30.
- (2)
 - (a) A school district shall forward statistical reports for the preceding school year, containing items required by law or by the state board, to the state superintendent on or before November 1 of each year.
 - (b) The reports shall include information to enable the state superintendent to complete the statement of funds required under Section 53E-1-203.
- (3) A school district shall forward the accounting report required under Section 51-2a-201 to the state superintendent on or before October 15 of each year.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 324, 2019 General Session

53G-4-404 Annual financial report -- Audit report.

- (1)
 - (a) The annual financial report of each school district, containing items required by law or by the state board and attested to by independent auditors, shall be prepared as required by Section 51-2a-201.
 - (b) A school district shall use fund and program accounting methods and standardized account codes capable of producing financial reports that comply with:
 - (i) generally accepted accounting principles;
 - (ii) financial reporting requirements established by the state board under Section 53E-3-501; and
 - (iii) accounting report standards established by the state auditor as described in Section 51-2a-301.

- (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 of funds required under Section 53E-1-203.
 - (b) The state board shall publish electronically a copy of the report on the Internet not later than January 15.
- (4) The completed audit report shall be delivered to the school district local school board and the state superintendent not later than November 30 of each year.

Amended by Chapter 192, 2020 General Session

53G-4-405 Approval of purchases or indebtedness -- Local school 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 local school board.
- (2) The local school board shall adopt one of the following approval methods, or a combination of the two:
 - (a) The local school board shall approve an appropriation for identified purchases in the district budget. Each purchase made under an identified purchase does not require additional local school board approval.
 - (b) The local school board shall approve individual purchases when made throughout the fiscal year.

Amended by Chapter 293, 2019 General Session

53G-4-406 Claims against the local school board -- Itemized.

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

Amended by Chapter 293, 2019 General Session

53G-4-407 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-408 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-409 Activity disclosure statements.

- (1) 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 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 293, 2019 General Session

53G-4-410 Regional education service agencies.

- (1) As used in this section:
 - (a) "Eligible regional education service agency" means a regional education service agency in existence before July 1, 2020.
 - (b) "Regional education service agency" means an entity formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, with the authority and duties described in this section.
- (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) A regional education service agency formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act:
 - (a) for an eligible regional education service agency, may receive a distribution described in Subsection (6) if the Legislature appropriates money for eligible regional education service agencies;
 - (b) may apply directly for any grant or program in which an LEA may participate if the agency has the written consent of the LEAs that the agency serves;
 - (c) may receive services from or partner with any department, division, or agency of the state, including coverage by the Division of Risk Management;
 - (d) may recommend educators for licensing;
 - (e) may provide services for students as approved by the regional education service agency's board;
 - (f) may access as necessary LEA systems that the board provides; and
 - (g) does not have authority over the LEAs which the agency serves.

- (4) A regional education service agency may elect to participate as an employer for retirement programs under:
 - (a) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;
 - (b) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and
 - (c) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.
- (5)
 - (a) If local school boards enter into an interlocal agreement to confirm or formalize a regional education service agency in operation before July 1, 2011, the interlocal agreement may not eliminate any rights or obligations of the regional education service agency in effect before entering into the interlocal agreement.
 - (b) An interlocal agreement entered into to confirm or formalize an existing regional education service agency shall have the effect of confirming and ratifying in the regional education service agency, the title to any property held in the name, or for the benefit of the regional education service agency as of the effective date of the interlocal agreement.
- (6)
 - (a) The state board shall distribute any funding appropriated to eligible regional education service agencies as provided by the Legislature.
 - (b) The state board may provide funding to an eligible regional education service agency in addition to legislative appropriations.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules regarding regional education service agencies including:
 - (a) the authority, scope, and duties of a regional education service agency;
 - (b) the creation of a regional education service agency coordinating council, including:
 - (i) defining the council's role and authority; and
 - (ii) provisions for the council's membership;
 - (c) the distribution of legislative appropriations to eligible regional education service agencies;
 - (d) the designation of eligible regional education service agencies as agents to distribute Utah Education and Telehealth Network services; and
 - (e) the designation of eligible regional education service agencies as agents for regional coordination of public education and higher education services.
- (8) The board shall annually:
 - (a) review the funding the Legislature appropriates to support regional education service agencies; and
 - (b) recommend any adjustments as part of the board's annual budget request.
- (9) Subject to future budgetary constraints, the Legislature shall increase the annual appropriation for regional education service agencies at the same percentage as the annual state labor market increase for state agencies.

Amended by Chapter 468, 2024 General Session

53G-4-411 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-412 Tribal regalia at high school graduation ceremonies.

- (1) As used in this section:
 - (a) "Graduation attire" means attire that an LEA requires a student to wear as part of the dress code for a graduation ceremony.
 - (b) "Graduation ceremony" means a high school graduation ceremony.
 - (c) "Qualifying student" means a student who is:
 - (i) enrolled as a member of a tribe; or
 - (ii) eligible to be enrolled as a member of a tribe.
 - (d)
 - (i) "Tribal regalia" means a tribe's:
 - (A) traditional dress; or
 - (B) recognized objects of religious or cultural significance.
 - (ii) "Tribal regalia" includes the following items of cultural significance:
 - (A) tribal symbols;
 - (B) beads; and
 - (C) feathers.
 - (e) "Tribe" means a tribe, band, nation, or Alaskan Native village that:
 - (i) federal law recognizes; or
 - (ii) a state formally acknowledges.
- (2)
 - (a) A qualifying student may wear tribal regalia during a graduation ceremony.
 - (b) Wearing tribal regalia includes decorating graduation attire with tribal regalia.
- (3) An LEA may not prohibit a qualifying student from wearing tribal regalia as described in Subsection (2).
- (4) Nothing in this section shall be construed to limit an LEA's authority related to student expression under applicable federal and state law.

Enacted by Chapter 197, 2022 General Session

53G-4-413 Required provision of period products in schools.

- (1) As used in this section, "period products" means:
 - (a) tampons;
 - (b) sanitary napkins; or
 - (c) other similar products designed for hygiene in connection with the human menstrual cycle.
- (2) Beginning July 1, 2022, an LEA shall:
 - (a) provide period products free of charge to students in each female or unisex restroom within an elementary, middle, junior, or high school or school facility which students use; and
 - (b) inform public school students of the availability of the period products as described in this section.

- (3) To address the cost of the requirements of this section, an LEA shall:
 - (a) use funds that the Legislature appropriates specifically for the provision of period products; and
 - (b) incorporate the provision of period products into local ongoing capital operations and maintenance budgets no later than July 1, 2025.
- (4) The state board shall:
 - (a) oversee the implementation of the requirements of this section; and
 - (b) monitor compliance with this section.

Enacted by Chapter 309, 2022 General Session

53G-4-414 Religious or cultural attire at school graduation ceremonies.

- (1) As used in this section:
 - (a) "Adornment" means something that a student attaches to or wears with, but does not replace, graduation attire.
 - (b) "Cultural" means recognized practices and traditions of a certain group of people.
 - (c) "Graduation attire" means attire that an LEA requires a student to wear as part of the dress code for a graduation ceremony.
 - (d) "Graduation ceremony" means a high school graduation ceremony.
- (2) A student may wear recognized items of cultural or religious significance as an adornment at a graduation ceremony.
- (3)
 - (a) Notwithstanding Subsection (2), an LEA may prohibit a student from wearing an item of adornment that is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.
 - (b) Any prohibition imposed by an LEA on a student's item of cultural or religious significance worn as an adornment shall be by the least restrictive means necessary to accomplish a specifically identified compelling governmental interest.
- (4) An individual may bring a violation of this section to the state board in accordance with the process described in Subsection 53E-3-401(8)(d).
- (5) Nothing in this section limits an LEA's authority related to student expression under applicable federal and state law.
- (6) Nothing in this section shall limit or impair the rights of a qualifying student under Section 53G-4-412 to wear tribal regalia to a graduation ceremony.

Enacted by Chapter 359, 2023 General Session

53G-4-415 School district governance agreements.

- (1) A local school board may not enter into or renew an agreement with a private association that delegates any decision-making or other governance authority for the school district or a given school within the school district, in whole or in part, to the private association or another group that is not a subdivision of the school district.
- (2) A local school board may not delegate decision-making or other governance authority to a council or committee of a school with the exception of a school community council as defined in Section 53G-7-1202.

Enacted by Chapter 520, 2025 General Session

Part 5

Utah School Boards Association

53G-4-501 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-4-502 Utah School Boards Association.

The Utah School Boards Association is recognized as an organization and agency of the local school boards of Utah and is representative of those local school boards.

Amended by Chapter 293, 2019 General Session

53G-4-503 Boards of education authorized to become members of association.

The state board, local school boards, and their agencies may become members of the Utah School Boards Association and cooperate with the association and its members on activities and problems relating to the state's educational system.

Amended by Chapter 293, 2019 General Session

53G-4-504 Payment of dues -- Expenses in attending meetings -- Contributions.

- (1) Member boards may pay dues and make other contributions to the association for its educational activities.
- (2) They may also incur reasonable travel and subsistence expenses for the purpose of attending meetings and conferences of the association.
- (3) Dues and contributions expenses shall be paid in the same manner as are other expenses of the member boards.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 6

School District Indebtedness

53G-4-601 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-4-602 School district tax anticipation notes.

- (1) A local school board may borrow money in anticipation of the collection of taxes or other revenue of the school district so long as it complies with Title 11, Chapter 14, Local Government Bonding Act.

- (2) The local school board may incur indebtedness under this section for any purpose for which district funds may be expended, but not in excess of the estimated district revenues for the current school year.
- (3) Revenues include all revenues of the district from the state or any other source.
- (4) The district may incur the indebtedness prior to imposing or collecting the taxes or receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates.

Amended by Chapter 293, 2019 General Session

53G-4-603 Additional indebtedness -- Election -- Voter information pamphlet.

- (1) As used in this section:
 - (a) "Qualifying general obligation bond" means a bond:
 - (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and
 - (ii) authorized by an election held on or after July 1, 2014.
 - (b) "Voter information pamphlet" means the notification required by Section 11-14-202.
- (2) A local school board may require the qualified electors of the district to vote on a proposition as to whether to incur indebtedness, subject to conditions provided in Title 11, Chapter 14, Local Government Bonding Act, if:
 - (a) the debts of the district are equal to school taxes and other estimated revenues for the school year, and it is necessary to create and incur additional indebtedness in order to maintain and support schools within the district; or
 - (b) the local school board determines it advisable to issue school district bonds to purchase school sites, buildings, or furnishings or to improve existing school property.
- (3) A local school board shall specify, in the voter information pamphlet for a bond election, a plan of finance, including:
 - (a) the specific project or projects for which a bond is to be issued; and
 - (b) a priority designation for each project.
- (4) Except as provided in Subsection (5), a local school board shall ensure that qualifying general obligation bond proceeds are used to complete projects in accordance with the plan of finance described in Subsection (3).
- (5)
 - (a) After distribution to the public of the voter information pamphlet, with two-thirds majority approval of the local school board, a local school board may upon a determination of compelling circumstances adjust the plan of finance described in Subsection (3) by:
 - (i) changing the priority designation of a project;
 - (ii) adding a project that was not listed in the voter information pamphlet; or
 - (iii) removing a project that was listed in the voter information pamphlet.
 - (b) A local school board may not vote on more than one adjustment described in Subsection (5)
 - (a) per meeting.
- (6) For a qualifying general obligation bond, a local school board shall:
 - (a) in accordance with Subsection (6)(b), post on the local school board's website:
 - (i) the plan of finance as described in the voter information pamphlet; and
 - (ii) a progress report detailing the status of the projects listed in the plan of finance, including:
 - (A) the status of any construction contracts related to a project;
 - (B) the bid amount;
 - (C) the estimated and actual construction start date;
 - (D) the estimated and actual construction end date; and
 - (E) the final cost; and

- (b) update the information described in Subsection (6)(a):
 - (i) before the beginning of each new fiscal year; and
 - (ii) no less than 30 days before any vote on the issuance of a new bond by the local school board or the public.
- (7)
 - (a) If a local school board violates Subsection (4), a registered voter in the school district may file an action for an extraordinary writ to prohibit the local school board from adjusting the plan of finance without obtaining the necessary local school board approval.
 - (b) If a registered voter prevails in an action under Subsection (7)(a), the court shall award reasonable costs and attorney fees to the registered voter.
 - (c) The action described in Subsection (7)(a) may not be used to challenge the validity of a bond.

Amended by Chapter 523, 2024 General Session

53G-4-604 Consolidated school district bonds.

- (1) A consolidated county school district may issue bonds, without an election, to fund, purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to consolidation and assumed by the consolidated school district.
- (2) The legality, regularity, and validity of the outstanding indebtedness shall be determined in the same manner used to determine the validity of other bonds to be refunded by the local school board.

Amended by Chapter 293, 2019 General Session

53G-4-605 Testing validity of bonds to be refunded -- Procedure.

If considered advisable by the local school board, the validity of any bonds intended to be refunded may be determined in the following manner:

- (1) The local school board shall:
 - (a) publish a notice describing with sufficient particularity for identification the bond or bonds intended to be refunded:
 - (i) once a week for two successive weeks in a newspaper published in the school district; and
 - (ii) as required in Section 45-1-101; and
 - (b) post a notice for two successive weeks in three public and conspicuous places describing with sufficient particularity for identification the bond or bonds intended to be refunded.
- (2) The notice shall require any person objecting to the legality, regularity, or validity of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before the local school board at a specified place within the district on a specified day and time.
- (3) The time may not be less than 14 nor more than 60 days after the first publication or posting of the notice.
- (4) The notice shall require the person to appear at the meeting with his objections in writing, duly verified.
- (5) The local school board shall convene at the time and place specified in the notice and receive all objections as prescribed in Subsection (4).
- (6) The objections shall be filed with and preserved by the local school board.
- (7) If no written objections are presented at the time and place specified in the notice, the local school board shall so certify.

- (8) All persons are then prohibited from questioning in any manner or proceeding the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds, and the local school board may then refund the bonds.
- (9) Any person filing a written objection under Subsection (4) shall, within 20 days after the filing, commence appropriate legal proceedings against the local school board and others as may be proper parties, in the district court for the county in which the school district is situated, to challenge and determine the legality, regularity, and validity of the bond or bonds, their issue and sale, or the indebtedness represented by them.
- (10) Failure to commence the proceedings within 20 days bars the person filing objections from questioning, in any manner or proceeding, the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.
- (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the court, the local school board may refund the bonds.

Amended by Chapter 293, 2019 General Session

53G-4-606 Sinking fund -- Investment.

- (1) The money levied and collected to create a sinking fund for the redemption of bonds issued by a local school board shall be immediately credited to a special fund.
- (2) After retaining an amount sufficient to pay the principal of the bonds maturing during the year, the local school board shall invest the fund and any surplus as provided under Title 51, Chapter 7, State Money Management Act.

Amended by Chapter 293, 2019 General Session

53G-4-607 Bonds a lien on property -- Levy of tax to pay bonds.

- (1) Bonds issued under this part are a lien upon the taxable property of the school district issuing them.
- (2) If the local school board neglects or refuses to cause a tax to be levied in accordance with law to meet the outstanding bonds or the interest on the bonds, the county legislative body of the county in which the district is located shall levy the tax and apply the money collected to the payment of the bonds and the interest.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-608 Requirement to conduct seismic safety evaluations when issuing a bond.

- (1) As used in this section:
 - (a) "Federal guidelines" means guidelines and procedures specified in "Rapid Visual Screening of Buildings for Potential Seismic Hazards: A Handbook, 2nd Edition" published by the United States Federal Emergency Management Agency.
 - (b) "Qualifying general obligation bond" means a bond:
 - (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and
 - (ii) authorized by an election held on or after July 1, 2013.
 - (c) "Seismic safety evaluation" means a seismic safety rapid visual screening evaluated in accordance with federal guidelines or a more detailed seismic structural evaluation.
- (2) If a school district issues a qualifying general obligation bond, the school district shall, except as provided in Subsection (4), conduct or update a seismic safety evaluation of each school district building:

- (a) constructed before 1975; and
- (b) used by the school district as a school.
- (3) A seismic safety evaluation conducted under Subsection (2) shall be conducted by a licensed structural engineer familiar with seismic codes.
- (4) A school district is not required to conduct or update a seismic safety evaluation of a building as required in Subsection (2)(a) if a seismic safety evaluation was performed on the building within the 25-year period before the school district issues the qualifying general obligation bond.
- (5) Creation of a seismic safety evaluation of a school, or a list of schools needing seismic upgrades, shall not be construed as expanding or changing the state's or a school district's common law duty of care for liability purposes.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 7

Local School Board Building Reserve Fund

53G-4-701 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-4-702 School board reserve fund.

Each local school board may establish and maintain a reserve fund to accumulate funds to meet the capital outlay costs of the school district, including costs for planning, constructing, replacing, improving, equipping, and furnishing school buildings and purchasing school sites.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-703 Revenues to be allocated to fund.

A local school board may annually allocate to the fund any revenues from the state which are made available for capital outlay purposes, and not otherwise earmarked, and such other revenues as the school district may raise locally for this purpose.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-704 Building Reserve Fund -- Investment of fund.

- (1) The fund shall be known as the Building Reserve Fund of _____ (name of school district) School District.
- (2) Any interest or capital gains accrue to the benefit of the fund.
- (3) The fund may only be invested as provided in Title 51, Chapter 7, State Money Management Act of 1974.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-705 Accumulations -- Expenditures from fund -- Public notice -- Transfer to other funds.

- (1) The money in the fund shall accumulate from year to year.
- (2) However, the local school board may make expenditures from the fund if public notice is given stating the purpose for which the expenditures are to be made.
- (3) The procedure for giving public notice is set forth in Section 53G-7-303.
- (4) Expenditures shall be made for capital outlay costs only.
- (5) Money in the fund at the end of the year shall remain intact and may not be transferred to any other fund or used for any other purpose.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 8

School District Bond Guaranty

53G-4-801 Definitions.

- (1) "Bond" means any general obligation bond or refunding bond issued after the effective date of this part.
- (2) "Default avoidance program" means the school bond guaranty program established by this part.
- (3) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a local school board payable in whole or in part from revenues derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any applicable constitutional or statutory debt limitation.
- (4) "Paying agent" means the corporate paying agent selected by the local school board for a bond issue who is:
 - (a) duly qualified; and
 - (b) acceptable to the state treasurer.
- (5) "Permanent school fund" means the state school fund described in the Utah Constitution, Article X, Section 5(1).
- (6) "Refunding bond" means any general obligation bond issued by a local school board for the purpose of refunding its outstanding general obligation bonds.
- (7) "School district" means any school district existing now or later under the laws of the state.

Amended by Chapter 293, 2019 General Session

53G-4-802 Contract with bondholders -- Full faith and credit of state is pledged -- Limitation as to certain refunded bonds.

- (1)
 - (a) The state of Utah pledges to and agrees with the holders of any bonds that the state will not alter, impair, or limit the rights vested by the default avoidance program with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged.
 - (b) Notwithstanding Subsection (1)(a), nothing contained in this part precludes an alteration, impairment, or limitation if adequate provision is made by law for the protection of the holders of the bonds.
 - (c) Each local school board may refer to this pledge and undertaking by the state in its bonds.
- (2)
 - (a) The full faith and credit and unlimited taxing power of the state is pledged to guarantee full and timely payment of the principal of (either at the stated maturity or by any advancement

of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds as such payments shall become due (except that in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments guaranteed shall be made in such amounts and at such times as such payments of principal would have been due had there not been any such acceleration).

- (b) This guaranty does not extend to the payment of any redemption premium.
 - (c) Reference to this part by its title on the face of any bond conclusively establishes the guaranty provided to that bond under provisions of this part.
- (3)
- (a) Any bond guaranteed under this part that is refunded and considered paid for the purposes of and within the meaning of Subsection 11-27-3(6), no longer has the benefit of the guaranty provided by this part from and after the date on which that bond was considered to be paid.
 - (b) Any refunding bond issued by a local school board that is itself secured by government obligations until the proceeds are applied to pay refunded bonds, as provided in Title 11, Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this part, until the refunding bonds cease to be secured by government obligations as provided in Title 11, Chapter 27, Utah Refunding Bond Act.
- (4) Only validly issued bonds issued after the effective date of this part are guaranteed under this part.

Amended by Chapter 293, 2019 General Session

53G-4-803 Program eligibility -- Option to forego guaranty.

- (1)
- (a) Any local school board may request that the state treasurer issue a certificate evidencing eligibility for the state's guaranty under this part.
 - (b) After reviewing the request, if the state treasurer determines that the local school board is eligible, the state treasurer shall promptly issue the certificate and provide it to the requesting local school board.
 - (c)
 - (i) The local school board receiving the certificate and all other persons may rely on the certificate as evidencing eligibility for the guaranty for one year from and after the date of the certificate, without making further inquiry of the state treasurer during that year.
 - (ii) The certificate of eligibility is valid for one year even if the state treasurer later determines that the local school board is ineligible.
- (2) Any local school board that chooses to forego the benefits of the guaranty provided by this part for a particular issue of bonds may do so by not referring to this part on the face of its bonds.
- (3) Any local school board that has bonds, the principal of or interest on which has been paid, in whole or in part, by the state under this part may not issue any additional bonds guaranteed by this act until:
- (a) all payment obligations of the local school board to the state under the default avoidance program are satisfied; and
 - (b) the state treasurer and the state superintendent each certify in writing, to be kept on file by the state treasurer and the state superintendent, that the local school board is fiscally solvent.
- (4) Bonds not guaranteed by this part are not included in the definition of "bonds" in Section 53G-4-802 as used generally in this part and are not subject to the requirements of and do not receive the benefits of this part.

Amended by Chapter 293, 2019 General Session

53G-4-804 Fiscal solvency of school districts -- Duties of state treasurer and attorney general.

- (1) The state superintendent shall:
 - (a) monitor the financial affairs and condition of each local school board in the state to evaluate each local school board's financial solvency; and
 - (b) report immediately to the governor and state treasurer any circumstances suggesting that a school district will be unable to timely meet its debt service obligations and recommend a course of remedial action.
- (2)
 - (a) The state treasurer shall determine whether the financial affairs and condition of a local school board are such that it would be imprudent for the state to guarantee the bonds of that local school board.
 - (b) If the state treasurer determines that the state should not guarantee the bonds of that local school board, the state treasurer shall:
 - (i) prepare a determination of ineligibility; and
 - (ii) keep it on file in the office of the state treasurer.
 - (c) The state treasurer may remove a local school board from the status of ineligibility when a subsequent report or other information made available to the state treasurer evidences that it is no longer imprudent for the state to guarantee the bonds of that local school board.
- (3) Nothing in this section affects the state's guaranty of bonds of a local school board issued:
 - (a) before determination of ineligibility;
 - (b) after the eligibility of the local school board is restored; or
 - (c) under a certificate of eligibility issued under Section 53G-4-803.

Amended by Chapter 293, 2019 General Session

53G-4-805 Business administrator duties -- Paying agent to provide notice -- State treasurer to execute transfer to paying agents -- Effect of transfer.

- (1)
 - (a) The business administrator of each local school board with outstanding, unpaid bonds shall transfer money sufficient for the scheduled debt service payment to its paying agent at least 15 days before any principal or interest payment date for the bonds.
 - (b) The paying agent may, if instructed to do so by the business administrator, invest the money at the risk and for the benefit of the local school board until the payment date.
 - (c) A business administrator who is unable to transfer the scheduled debt service payment to the paying agent 15 days before the payment date shall immediately notify the paying agent and the state treasurer by:
 - (i) telephone;
 - (ii) a writing sent by facsimile transmission; and
 - (iii) a writing sent by first-class United States mail.
- (2) If sufficient funds are not transferred to the paying agent as required by Subsection (1), the paying agent shall notify the state treasurer of that failure in writing at least 10 days before the scheduled debt service payment date by:
 - (a) telephone;
 - (b) a writing sent by facsimile transmission; and

- (c) a writing sent by first-class United States mail.
- (3)
 - (a) If sufficient money to pay the scheduled debt service payment has not been transferred to the paying agent, the state treasurer shall, on or before the scheduled payment date, transfer sufficient money to the paying agent to make the scheduled debt service payment.
 - (b) The payment by the treasurer:
 - (i) discharges the obligation of the issuing local school board to its bondholders for the payment; and
 - (ii) transfers the rights represented by the general obligation of the local school board from the bondholders to the state.
 - (c) The local school board shall pay the transferred obligation to the state as provided in this part.

Amended by Chapter 293, 2019 General Session

53G-4-806 State financial assistance intercept mechanism -- State treasurer duties -- Interest and penalty provisions.

- (1)
 - (a) If one or more payments on bonds are made by the state treasurer as provided in Section 53G-4-805, the state treasurer shall:
 - (i) immediately intercept any payments from the Uniform School Fund or from any other source of operating money provided by the state to the local school board that issued the bonds that would otherwise be paid to the local school board by the state; and
 - (ii) apply the intercepted payments to reimburse the state for payments made pursuant to the state's guaranty until all obligations of the local school board to the state arising from those payments, including interest and penalties, are paid in full.
 - (b) The state has no obligation to the local school board or to any person or entity to replace any money intercepted under authority of Subsection (1)(a).
- (2) The local school board that issued bonds for which the state has made all or part of a debt service payment shall:
 - (a) reimburse all money drawn by the state treasurer on its behalf;
 - (b) pay interest to the state on all money paid by the state from the date the money was drawn to the date they are repaid at a rate not less than the average prime rate for national money center banks plus 1%; and
 - (c) pay all penalties required by this part.
- (3)
 - (a) The state treasurer shall establish the reimbursement interest rate after considering the circumstances of any prior draws by the local school board on the state, market interest and penalty rates, and the cost of funds, if any, that were required to be borrowed by the state to make payment on the bonds.
 - (b) The state treasurer may, after considering the circumstances giving rise to the failure of the local school board to make payment on its bonds in a timely manner, impose on the local school board a penalty of not more than 5% of the amount paid by the state pursuant to its guaranty for each instance in which a payment by the state is made.
- (4)
 - (a)
 - (i) If the state treasurer determines that amounts obtained under this section will not reimburse the state in full within one year from the state's payment of a local school board's

scheduled debt service payment, the state treasurer shall pursue any legal action, including mandamus, against the local school board to compel it to:

- (A) levy and provide property tax revenues to pay debt service on its bonds when due as required by Title 11, Chapter 14, Local Government Bonding Act; and
 - (B) meet its repayment obligations to the state.
 - (ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act, as would a holder of the bonds of a local school board.
 - (b) The attorney general shall assist the state treasurer in these duties.
 - (c) The local school board shall pay the attorney's fees, expenses, and costs of the state treasurer and the attorney general.
- (5)
- (a) Except as provided in Subsection (5)(c), any local school board whose operating funds were intercepted under this section may replace those funds from other local school board money or from ad valorem property taxes, subject to the limitations provided in this Subsection (5).
 - (b) A local school board may use ad valorem property taxes or other money to replace intercepted funds only if the ad valorem property taxes or other money was derived from:
 - (i) taxes originally levied to make the payment but which were not timely received by the local school board;
 - (ii) taxes from a special levy made to make the missed payment or to replace the intercepted money;
 - (iii) money transferred from the capital outlay fund of the local school board or the undistributed reserve, if any, of the local school board; or
 - (iv) any other source of money on hand and legally available.
 - (c) Notwithstanding the provisions of Subsections (5)(a) and (b), a local school board may not replace operating funds intercepted by the state with money collected and held to make payments on bonds if that replacement would divert money from the payment of future debt service on the bonds and increase the risk that the state's guaranty would be called upon a second time.

Amended by Chapter 293, 2019 General Session

53G-4-807 Backup liquidity arrangements -- Issuance of notes.

- (1)
- (a) If, at the time the state is required to make a debt service payment under its guaranty on behalf of a local school board, sufficient money of the state is not on hand and available for that purpose, the state treasurer may:
 - (i) seek a loan from the Permanent School Fund sufficient to make the required payment; or
 - (ii) issue state debt as provided in Subsection (2).
 - (b) Nothing in this Subsection (1) requires the Permanent School Fund to lend money to the state treasurer.
- (2)
- (a) The state treasurer may issue state debt in the form of general obligation notes to meet its obligations under this part.
 - (b) The amount of notes issued may not exceed the amount necessary to make payment on all bonds with respect to which the notes are issued plus all costs of issuance, sale, and delivery of the notes, rounded up to the nearest natural multiple of \$5,000.

- (c) Each series of notes issued may not mature later than 18 months from the date the notes are issued.
 - (d) Notes issued may be refunded using the procedures set forth in this part for the issuance of notes, in an amount not more than the amount necessary to pay principal of and accrued but unpaid interest on any refunded notes plus all costs of issuance, sale, and delivery of the refunding notes, rounded up to the nearest natural multiple of \$5,000.
 - (e) Each series of refunding notes may not mature later than 18 months from the date the refunding notes are issued.
- (3)
- (a) Before issuing or selling any general obligation note to other than a state fund or account, the state treasurer shall:
 - (i) prepare a written plan of financing; and
 - (ii) file it with the governor.
 - (b) The plan of financing shall provide for:
 - (i) the terms and conditions under which the notes will be issued, sold, and delivered;
 - (ii) the taxes or revenues to be anticipated;
 - (iii) the maximum amount of notes that may be outstanding at any one time under the plan of financing;
 - (iv) the sources of payment of the notes;
 - (v) the rate or rates of interest, if any, on the notes or a method, formula, or index under which the interest rate or rates on the notes may be determined during the time the notes are outstanding; and
 - (vi) all other details relating to the issuance, sale, and delivery of the notes.
 - (c) In identifying the taxes or revenues to be anticipated and the sources of payment of the notes in the financing plan, the state treasurer may include:
 - (i) the taxes authorized by Section 53G-4-808;
 - (ii) the intercepted revenues authorized by Section 53G-4-806;
 - (iii) the proceeds of refunding notes; or
 - (iv) any combination of Subsections (3)(c)(i), (ii), and (iii).
 - (d) The state treasurer may include in the plan of financing the terms and conditions of arrangements entered into by the state treasurer on behalf of the state with financial and other institutions for letters of credit, standby letters of credit, reimbursement agreements, and remarketing, indexing, and tender agent agreements to secure the notes, including payment from any legally available source of fees, charges, or other amounts coming due under the agreements entered into by the state treasurer.
 - (e) When issuing the notes, the state treasurer shall issue an order setting forth the interest, form, manner of execution, payment, manner of sale, prices at, above, or below face value, and all details of issuance of the notes.
 - (f) The order and the details set forth in the order shall conform with any applicable plan of financing and with this part.
 - (g)
 - (i) Each note shall recite that it is a valid obligation of the state and that the full faith, credit, and resources of the state are pledged for the payment of the principal of and interest on the note from the taxes or revenues identified in accordance with its terms and the constitution and laws of Utah.
 - (ii) These general obligation notes do not constitute debt of the state for the purposes of the 1.5% debt limitation of the Utah Constitution, Article XIV, Section 1.
 - (h) Immediately upon the completion of any sale of notes, the state treasurer shall:

- (i) make a verified return of the sale to the state auditor, specifying the amount of notes sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale; and
- (ii) credit the proceeds of sale, other than accrued interest and amounts required to pay costs of issuance of the notes, to the General Fund to be applied to the purpose for which the notes were issued.

Amended by Chapter 293, 2019 General Session

53G-4-808 Unlimited ad valorem tax as pledge of full faith and credit -- State Tax Commission duties -- Property tax abated.

- (1)
 - (a) In each year after the issuance of general obligation notes under this part and until all outstanding notes are retired, there is levied a direct annual tax on all real and personal property within the state subject to state taxation, sufficient to pay all principal of and interest on the general obligation notes as they become due.
 - (b) If money expected to be intercepted under Section 53G-4-806 is expected to be insufficient to reimburse the state for its payments of school districts' scheduled debt service payments or if it is necessary for the state treasurer to borrow as provided in Section 53G-4-807 and amounts to be intercepted under Section 53G-4-806 are expected to be insufficient to timely pay the general obligation notes issued or other borrowing undertaken under that section, the state treasurer shall certify to and give notice to the state tax commission of the amount of the deficiency.
 - (c) After receipt of that certified notice from the state treasurer, the state tax commission shall:
 - (i) immediately fix the tax rate necessary and levy direct ad valorem property tax on all real and personal property in the state subject to state taxation sufficient to provide money in the amount of the deficiency stated in the notice; and
 - (ii) require that the tax be collected and remitted as soon as may be in the ordinary course of ad valorem tax levy and collection.
- (2) To the extent that other legally available revenues and funds of the state are sufficient to meet the certified deficiency, the property tax for this purpose is abated.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 9
Surplus School District Land

53G-4-901 Definitions.

As used in this part:

- (1) "Eligible entity" means:
 - (a) a city or town with a population density of 3,000 or more people per square mile; or
 - (b) a county whose unincorporated area includes a qualifying planning advisory area.
- (2) "Purchase price" means the greater of:
 - (a) an amount that is the average of:
 - (i) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the eligible entity; and

- (ii) the appraised value of the surplus property, based on the predominant zone in the surrounding area, as indicated in an appraisal obtained by the school district; and
- (b) the amount the school district paid to acquire the surplus property.
- (3) "Qualifying planning advisory area" means a planning advisory area under Section 17-27a-306 that has a population density of 3,000 or more people per square mile within the boundaries of the planning advisory area.
- (4) "Surplus property" means land owned by a school district that:
 - (a) was purchased with taxpayer money;
 - (b) is located within a city or town that is an eligible entity or within a qualifying planning advisory area;
 - (c) consists of one contiguous tract at least three acres in size; and
 - (d) has been declared by the school district to be surplus.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-902 Purchase of surplus property.

- (1) An eligible entity may purchase, and each school district shall sell, surplus property as provided in this section.
- (2)
 - (a) Upon declaring land to be surplus property, each school district shall give written notice to each eligible entity in which the surplus property is located.
 - (b) Each notice under Subsection (2)(a) shall:
 - (i) state that the school district has declared the land to be surplus property; and
 - (ii) describe the surplus property.
- (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by paying the school district the purchase price.
- (4)
 - (a) The legislative body of each eligible entity desiring to purchase surplus property under this section shall:
 - (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt a resolution declaring the intent to purchase the surplus property and deliver a copy of the resolution to the school district; and
 - (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i) to the school district, deliver to the school district an earnest money offer to purchase the surplus property at the purchase price.
 - (b) If an eligible entity fails to comply with either of the requirements under Subsection (4)(a) within the applicable time period, the eligible entity forfeits the right to purchase the surplus property.
- (5)
 - (a) An eligible entity may waive the eligible entity's right to purchase surplus property under this part by submitting a written waiver to the school district.
 - (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has no further obligation under this part to sell the surplus property to the eligible entity.
- (6) Surplus property acquired by an eligible entity may not be used for any purpose other than:
 - (a) a county, city, or town hall;
 - (b) a park or other open space;
 - (c) a cultural center or community center;

- (d) a facility for the promotion, creation, or retention of public or private jobs within the state through planning, design, development, construction, rehabilitation, business relocation, or any combination of these, within a county, city, or town;
 - (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public or private facilities, or other improvements that benefit the state or a county, city, or town;
 - (f) a facility for a charter school under Chapter 5, Charter Schools; or
 - (g) the sale, use, or lease for moderate income housing, as defined in Section 63L-12-101.
- (7)
- (a) A school district that sells surplus property under this part may use proceeds from the sale only for bond debt reduction or school district capital facilities.
 - (b) Each school district that sells surplus property under this part shall place all proceeds from the sale that are not used for bond debt reduction in a capital facilities fund of the school district for use for school district capital facilities.

Amended by Chapter 391, 2025 General Session

53G-4-903 Resale of surplus property.

- (1) If an eligible entity that has acquired surplus property under Section 53G-4-902 afterwards declares that property to be surplus, the school district from which the eligible entity acquired the property may purchase, and the eligible entity shall sell, the property as provided in Section 53G-4-902, except that the price at which the school district shall be entitled to reacquire the property shall be the price that the eligible entity paid for the property, plus the cost of any existing improvements that the eligible entity made to the property after it purchased the property.
- (2) If the school district does not reacquire the surplus property under Subsection (1) and the eligible entity sells the surplus property to another buyer, the eligible entity and the school district shall equally share any proceeds of that sale that exceed the amount the eligible entity paid for the property plus the cost of any existing improvements the eligible entity made to the property after it purchased the property.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 10
School Construction Due to New Industrial Plants

53G-4-1001 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-4-1002 New industrial plants in school district -- Duty of school district.

A school district confronted with actual or anticipated large increases in enrollment because of the construction of a new industrial plant or plants to a degree that new buildings or additions to existing buildings are required shall make the following efforts to raise funds to meet those building needs:

- (1) bond to its maximum capacity and maintain maximum bonding by rebonding at least once every other year until building needs are met;
- (2) maintain an annual property tax levy for capital outlay and debt service combined of not less than .0036 per dollar of taxable value; and
- (3) initiate any action necessary to qualify for any state, federal, or other funds for capital outlay for which the district may be eligible.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-1003 Funds raised -- Highest priority projects.

- (1) Funds raised by the school district in accordance with this part shall be used on the highest priority projects established by the district's five-year comprehensive capital outlay plan, which shall be approved by the state board.
- (2) The plan must include appropriate priorities for the construction of minimal facilities for new students.
- (3) If priority use of the funds raised by the district in accordance with this part does not provide minimal facilities as defined by the state board for students in any new and remote community established in the district, or for students in existing communities because of the location of new or expanded industries in the area, the district may enter into lease-purchase agreements or lease with option to purchase agreements with private builders to furnish the minimal facilities required by the district and approved by the state board.
- (4) The district may make payments on these agreements from any of its otherwise uncommitted capital outlay funds.

Amended by Chapter 293, 2019 General Session

53G-4-1004 Minimal school facilities -- Lease-purchase or lease with option to purchase agreement authorized.

- (1) If a school district is unable to find any private builder who is capable of furnishing minimal school facilities in new or existing communities, on terms acceptable to the district and to the state board, the developers of the industrial plant, or plants, may agree to provide minimal school facilities under a lease-purchase agreement or lease with option to purchase agreement with the district.
- (2) The district shall pay the developers according to the terms of the agreement from sources listed for such payments in this part.

Amended by Chapter 293, 2019 General Session

53G-4-1005 Remote industrial plant requiring new school building -- Construction permit requirements.

A state officer or local governmental official may not issue a construction permit or other authorization for the construction of a remote industrial plant requiring the provision of a new community, including new public elementary and secondary school buildings, until the local school board of the district in which the plant will be located has certified to the state office or local official, in writing, that the district has obtained the funds, or a firm commitment that funds will be made available as necessary, to build the required minimal school facilities.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-4-1006 Rules and regulations authorized.

The state board shall adopt all standards and rules necessary for the administration and enforcement of this part.

Amended by Chapter 293, 2019 General Session

**Chapter 5
Charter Schools**

**Part 1
General Provisions**

53G-5-101 Title.

This chapter is known as "Charter Schools."

Enacted by Chapter 3, 2018 General Session

53G-5-102 Definitions.

As used in this chapter:

- (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and includes:
 - (a) cash;
 - (b) stock or other investments;
 - (c) real property;
 - (d) equipment and supplies;
 - (e) an ownership interest;
 - (f) a license;
 - (g) a cause of action; and
 - (h) any similar property.
- (2) "Charter school authorizer" or "authorizer" means an entity listed in Section 53G-5-205 that authorizes a charter school.
- (3) "Institution of higher education board of trustees" or "board of trustees" means:
 - (a) the board of trustees of:
 - (i) the University of Utah;
 - (ii) Utah State University;
 - (iii) Weber State University;
 - (iv) Southern Utah University;
 - (v) Snow College;
 - (vi) Utah Tech University;
 - (vii) Utah Valley University; or
 - (viii) Salt Lake Community College;
 - (b) a technical college board of trustees described in Section 53B-2a-108; or
 - (c) a board of trustees of a private, nonprofit college or university in the state that is accredited by the Northwest Commission on Colleges and Universities.

Amended by Chapter 63, 2024 General Session

53G-5-103 Charter school funding.

Unless otherwise specified, the provisions of Title 53F, Public Education System -- Funding, govern charter school funding, including Title 53F, Chapter 2, Part 7, Charter School Funding, which governs levies imposed for charter school funding.

Enacted by Chapter 3, 2018 General Session

53G-5-104 Purpose of charter schools.

The purposes of the state's charter schools are to enhance school choice, meet the unique needs of Utah families, and encourage innovation within the public education system by:

- (1) continuing to improve student learning;
- (2) encouraging the use of different and innovative teaching methods;
- (3) creating new professional opportunities for educators that allow educators to actively participate in designing and implementing learning programs at the school;
- (4) increasing choice of learning opportunities for students;
- (5) establishing new educational models and new forms of accountability that emphasize unique performance measures and innovative measurement tools to measure education outcomes;
- (6) providing opportunities for greater parental involvement in governance decisions at the school level;
- (7) expanding public school choice in areas where there is a lack of school choice or where schools have been identified for school improvement, corrective action, or restructuring; and
- (8) collaborating within the public education system.

Amended by Chapter 63, 2024 General Session

Part 2

State Charter School Board

53G-5-201 State Charter School Board created.

- (1) As used in this section, "organization that represents Utah's charter schools" means an organization, except a governmental entity, that advocates for charter schools, charter school parents, or charter school students.
- (2)
 - (a) This section creates the State Charter School Board.
 - (b) With the advice and consent of the Senate, the governor shall appoint seven individuals to serve on the State Charter School Board to consist of:
 - (i) one member who has expertise in finance, small business management, law, or public policy;
 - (ii) three members who:
 - (A) are nominated by an organization that represents Utah's charter schools; and
 - (B) have expertise or experience in developing or administering a charter school;
 - (iii) one member who is nominated by the state board; and
 - (iv) two members who have expertise in innovation in education.

- (c) Each appointee shall demonstrate support and dedication to the purposes of charter schools as described in Section 53G-5-104.
 - (d) At least two candidates shall be nominated for each appointment made under Subsection (2)(b)(ii).
 - (e) The governor may seek nominations for a prospective appointment under Subsection (2)(b)(ii) from one or more organizations that represent Utah's charter schools.
- (3)
- (a) State Charter School Board members shall serve four-year terms.
 - (b) If a vacancy occurs, the governor shall, with the advice and consent of the Senate, appoint a replacement for the unexpired term, in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- (4) The governor may remove a member at any time for official misconduct, habitual or willful neglect of duty, or for other good and sufficient cause.
- (5)
- (a) The State Charter School Board shall create bylaws to govern the State Charter School Board operations.
 - (b) Four members of the State Charter School Board shall constitute a quorum.
 - (c) Meetings may be called by the chair or upon request of three members of the State Charter School Board.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106 and Section 63A-3-107; and
 - (b) rules that the Division of Finance makes in accordance with Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 63, 2024 General Session

53G-5-202 Status and powers of State Charter School Board.

- (1) The State Charter School Board may:
- (a) enter into contracts;
 - (b) sue and be sued; and
 - (c)
 - (i) at the discretion of the charter school, provide administrative services to, or perform other school functions for, charter schools authorized by the State Charter School Board; and
 - (ii) charge fees for the provision of services or functions.
- (2) The state board shall:
- (a) approve the State Charter School Board's annual budget; and
 - (b) otherwise grant autonomy to the State Charter School Board to manage the State Charter School Board's budget.
- (3) The State Charter School Board shall assign an existing employee to be the charter liaison described in Section 53G-8-802.
- (4) The charter school liaison described in Section 53G-8-802 shall coordinate with a safety liaison from each authorizer to provide required trainings, information, and other relevant school safety needs as the School Safety Center determines.

Amended by Chapter 388, 2025 General Session

53G-5-203 State Charter School Board -- Staff director -- Facilities.

- (1)
 - (a) The State Charter School Board shall appoint a staff director for the State Charter School Board.
 - (b) The State Charter School Board shall have authority to remove the staff director.
 - (c) The position of staff director is exempt from the career service provisions of Title 63A, Chapter 17, Utah State Personnel Management Act.
- (2) The state superintendent shall provide space for State Charter School Board staff in facilities occupied by the state board or the state board's employees, with costs charged for the facilities equal to those charged to other sections and divisions under the state board.
- (3) Notwithstanding Subsection (2), the State Charter School Board may use facilities for State Charter School Board operations other than facilities that the state board or the state board's employees occupy.

Amended by Chapter 63, 2024 General Session

53G-5-204 Charter school innovative practices -- Report to State Charter School Board.

- (1) On or before July 31 of each year, a charter school may identify and report to the State Charter School Board the charter school's innovative practices which fulfill the purposes of charter schools as described in Section 53G-5-104, including:
 - (a) unique learning opportunities providing increased choice in education;
 - (b) new public school models;
 - (c) innovative teaching practices;
 - (d) opportunities for educators to actively participate in the design and implementation of the learning program;
 - (e) new forms of accountability emphasizing measurement tools in measuring education outcomes;
 - (f) opportunities for greater parental involvement, including involvement in governance decisions; and
 - (g) the impact of the innovative practices on student achievement.
- (2) The State Charter School Board may forward the report received under Subsection (1) to the state board.

Amended by Chapter 63, 2024 General Session

53G-5-205 Charter school authorizers -- Power and duties -- Charter application minimum standard.

- (1) The following entities are eligible to authorize charter schools:
 - (a) the State Charter School Board;
 - (b) a local school board; or
 - (c) an institution of higher education board of trustees, as that term is defined in Section 53G-5-102.
- (2) A charter school authorizer shall:
 - (a) authorize and promote the establishment of charter schools;
 - (b) before an application for charter school authorization is submitted to a charter school authorizer, review and evaluate the proposal to support and strengthen the charter school authorization proposal;

- (c) review and evaluate the performance of charter schools authorized by the authorizer and hold a charter school accountable for the performance measures established in the charter school's charter agreement;
 - (d) assist charter schools in understanding and carrying out the charter school's charter obligations;
 - (e) provide technical support to charter schools and persons seeking to establish charter schools by:
 - (i) identifying and promoting successful charter school models;
 - (ii) facilitating the application and approval process for charter school authorization; or
 - (iii) directing charter schools and persons seeking to establish charter schools to sources of funding and support; and
 - (f) designate an existing employee to coordinate with the charter school liaison described in Section 53G-5-202.
- (3) A charter school authorizer may:
- (a) make recommendations to the Legislature on legislation pertaining to charter schools;
 - (b) make recommendations to the state board on charter school rules and charter school funding; or
 - (c) provide technical support, as requested, to another charter school authorizer relating to charter schools.
- (4) Within 60 days after the day on which an authorizer approves an application for a new charter school, the state board may direct an authorizer to do the following if the authorizer or charter school applicant failed to follow statutory or state board rule requirements made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- (a) reconsider the authorizer's approval of an application for a new charter school; and
 - (b) correct deficiencies in the charter school application or authorizer's application process as described in statute or state board rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, before approving the new application.
- (5) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing minimum standards that a charter school authorizer is required to apply when evaluating a charter school application.
- (6) The minimum standards described in Subsection (5) shall include:
- (a) reasonable consequences for an authorizer that fails to comply with statute or state board rule;
 - (b) a process for an authorizer to review:
 - (i) the skill and expertise of a proposed charter school's governing board; and
 - (ii) the functioning operation of the charter school governing board of an authorized charter school;
 - (c) a process for an authorizer to review the financial viability of a proposed charter school and of an authorized charter school;
 - (d) a process to evaluate:
 - (i) how well an authorizer's authorized charter school complies with the charter school's charter agreement;
 - (ii) whether an authorizer's authorized charter school maintains reasonable academic and education standards; and
 - (iii) standards that an authorizer is required to meet to demonstrate the authorizer's capacity to oversee and evaluate the charter schools the authorizer authorizes.

Amended by Chapter 388, 2025 General Session

Part 3

Charter School Authorization

53G-5-301 Charter school authorizer to request applications for certain types of charter schools.

- (1) To meet the unique learning styles and needs of students, a charter school authorizer shall seek to expand the types of instructional methods and programs offered by schools, as provided in this section.
- (2)
 - (a) A charter school authorizer shall request individuals, groups of individuals, or nonprofit legal entities to submit an application to a charter school authorizer to establish a charter school that employs new and creative methods to meet the unique learning styles and needs of students, such as:
 - (i) a military charter school;
 - (ii) a charter school that focuses on learning opportunities for students at risk of academic failure;
 - (iii) a charter school that focuses on career and technical education;
 - (iv) a single gender charter school;
 - (v) a charter school with an international focus that provides opportunities for the exchange of students or teachers;
 - (vi) a charter school that focuses on serving underserved students; or
 - (vii) an alternative charter school offering programs for nontraditional students.
 - (b) In addition to a charter school identified in Subsection (2)(a), a charter school authorizer shall request applications for other types of charter schools that meet the unique learning styles and needs of students.
- (3) A charter school authorizer shall publicize a request for applications to establish a charter school specified in Subsection (2).
- (4) A charter school application submitted pursuant to Subsection (2) shall be subject to the application and approval procedures in accordance with Section 53G-5-304.
- (5) A charter school authorizer and the state board may approve one or more applications for each charter school described in Subsection (2), subject to the Legislature appropriating funds for, or authorizing, an increase in charter school enrollment capacity as described in Section 53G-6-504.
- (6) The state board shall submit a request to the Legislature to appropriate funds for, or authorize, the enrollment of students in charter schools tentatively approved under this section.

Amended by Chapter 63, 2024 General Session

53G-5-302 Charter school application -- Applicants -- Contents.

- (1)
 - (a) An application to establish a charter school may be submitted by:
 - (i) an individual;
 - (ii) a group of individuals; or
 - (iii) a nonprofit legal entity organized under Utah law.

- (b) An authorized charter school may apply under this chapter for a charter from another charter school authorizer.
- (2) A charter school application shall include:
 - (a) the purpose and mission of the school;
 - (b) except for a charter school authorized by a local school board, a statement that, after entering into a charter agreement, the charter school will be organized and managed in accordance with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;
 - (c) a description of the governance structure of the school, including:
 - (i) a list of the charter school governing board members that describes the qualifications of each member; and
 - (ii) an assurance that the applicant shall, within 30 days of the date of authorization, complete a background check for each member in accordance with Section 53G-5-408;
 - (d) a description of the target population of the school that includes:
 - (i) the projected maximum number of students the school proposes to enroll;
 - (ii) the projected school enrollment for each of the first three years of school operation; and
 - (iii) the ages or grade levels the school proposes to serve;
 - (e) the school's unique performance measures, including academic goals;
 - (f) qualifications and policies for school employees, including policies that:
 - (i) comply with the criminal background check requirements in accordance with Section 53G-5-408;
 - (ii) require employee evaluations;
 - (iii) address employment of relatives within the charter school; and
 - (iv) address human resource management and ensure that:
 - (A) at least one of the school's employees or another person is assigned human resource management duties, as defined in Section 17B-1-805; and
 - (B) the assigned employee or person described in Subsection (2)(f)(iv)(A) receives human resource management training, as defined in Section 17B-1-805;
 - (g) a description of how the charter school will provide, as required by state and federal law, special education and related services;
 - (h) for a school district converting to charter status, arrangements for:
 - (i) students who choose not to continue attending the charter school; and
 - (ii) teachers who choose not to continue teaching at the charter school;
 - (i) a statement that describes the charter school's plan for establishing the charter school's facilities, including:
 - (i) whether the charter school intends to lease or purchase the charter school's facilities; and
 - (ii) anticipated financing arrangements;
 - (j) a market analysis of the community the school plans to serve;
 - (k) a business plan;
 - (l) other major issues involving the establishment and operation of the charter school; and
 - (m) the signatures of the charter school governing board members.
- (3) A charter school authorizer may require a charter school application to include:
 - (a) the charter school's proposed:
 - (i) curriculum;
 - (ii) instructional program; or
 - (iii) delivery methods;
 - (b) a method for assessing whether students are reaching the school's performance measures and academic goals, including administering the statewide assessments as defined in Section 53E-4-301;

- (c) a proposed calendar;
- (d) sample policies;
- (e) a description of opportunities for parental involvement;
- (f) a description of the school's administrative, supervisory, or other proposed services that may be obtained through service providers; or
- (g) other information that demonstrates an applicant's ability to establish and operate a charter school.

Amended by Chapter 63, 2024 General Session

53G-5-303 Charter agreement -- Content -- Modification.

As used in this section:

- (1)
 - (a) "Innovation plan" means the same as that term is defined in Section 53G-7-221.
 - (b) "Satellite charter school" means a charter school affiliated with an operating charter school, which has the same charter school governing board and a similar program of instruction, but has a different school number than the affiliated charter.
- (2) A charter agreement:
 - (a) is a contract between the charter school applicant and the charter school authorizer;
 - (b) shall describe the rights and responsibilities of each party; and
 - (c) shall allow for the operation of the applicant's proposed charter school.
- (3) A charter agreement shall include:
 - (a) the name of:
 - (i) the charter school; and
 - (ii) the entity with whom the charter school authorizer contracts;
 - (b) the mission statement and purpose of the charter school;
 - (c) the charter school's opening date;
 - (d) the grade levels the charter school will serve;
 - (e)
 - (i) subject to Section 53G-6-504, the maximum number of students a charter school will serve; or
 - (ii) for an operating charter school with satellite charter schools, the maximum number of students of all satellite charter schools collectively served by the operating charter school;
 - (f) a description of the structure of the charter school governing board, including:
 - (i) the number of charter school governing board members;
 - (ii) how members of the charter school governing board are appointed; and
 - (iii) charter school governing board members' terms of office;
 - (g) assurances that:
 - (i) the charter school governing board will comply with:
 - (A) the charter school's bylaws;
 - (B) the charter school's articles of incorporation; and
 - (C) applicable federal law, state law, and state board rules;
 - (ii) the charter school governing board will meet all reporting requirements described in Section 53G-5-404; and
 - (iii) except as provided in Part 6, Charter School Credit Enhancement Program, neither the authorizer nor the state, including an agency of the state, is liable for the debts or financial obligations of the charter school or a person who operates the charter school;
 - (h) which administrative rules the state board will waive for the charter school;

- (i) minimum financial standards for operating the charter school;
 - (j) minimum performance standards; and
 - (k) signatures of the charter school authorizer and the charter school governing board members.
- (4)
- (a) Except as provided in Subsection (4)(b), a charter agreement may not be modified except by mutual agreement between the charter school authorizer and the charter school governing board.
 - (b) A charter school governing board may modify the charter school's charter agreement without the mutual agreement described in Subsection (4)(a) to:
 - (i) include an enrollment preference as described in Subsection 53G-6-502(4)(h); or
 - (ii) only as described in Subsection 53G-7-221(5), include or remove an innovation plan.

Amended by Chapter 63, 2024 General Session

53G-5-304 Charter schools authorized by the State Charter School Board -- Application process -- Prohibited basis of application denial.

- (1)
- (a) An applicant seeking authorization of a charter school from the State Charter School Board shall provide a copy of the application to the local school board of the school district in which the proposed charter school will be located either before or at the same time as the applicant files the charter school application with the State Charter School Board.
 - (b) The local school board may review the application and may offer suggestions or recommendations to the applicant or the State Charter School Board before taking action on the application.
 - (c) The State Charter School Board shall give due consideration to suggestions or recommendations made by the local school board under Subsection (1)(b).
 - (d) The State Charter School Board shall review and, by majority vote, either approve or deny the application.
 - (e) A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school:
 - (i) an enrollment decline;
 - (ii) a decrease in funding; or
 - (iii) a modification of programs or services.
- (2) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by the State Charter School Board.
- (3) After approval of a charter school application and in accordance with Section 53G-5-303, the applicant and the State Charter School Board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
- (4) The State Charter School Board shall, in accordance with state board rules, establish and make public the State Charter School Board's:
- (a) application requirements, in accordance with Section 53G-5-302;
 - (b) application process, including timelines, in accordance with this section; and
 - (c) minimum academic, governance, operational, and financial standards.

Amended by Chapter 63, 2024 General Session

53G-5-305 Charters authorized by local school boards -- Application process -- Local school board responsibilities.

- (1)
 - (a) An applicant identified in Section 53G-5-302 may submit an application to a local school board to establish and operate a charter school within the geographical boundaries of the school district administered by the local school board.
 - (b)
 - (i) The principal, teachers, or parents of students at an existing public school may submit an application to the local school board to convert the school or a portion of the school to charter status.
 - (A) If the entire school is applying for charter status, at least two-thirds of the licensed educators employed at the school and at least two-thirds of the parents of students enrolled at the school shall sign a petition approving the application before submission to the charter school authorizer.
 - (B) If only a portion of the school is applying for charter status, a simple majority of the licensed educators employed at the school and a simple majority of the parents of students enrolled at the school shall sign a petition approving the application before submission to the charter school authorizer.
 - (ii) The local school board may not approve an application submitted under Subsection (1)(b)(i) unless the local school board determines that:
 - (A) students opting not to attend the proposed converted school would have access to a comparable public education alternative; and
 - (B) current teachers who choose not to teach at the converted charter school or who are not retained by the school at the time of conversion would receive a first preference for transfer to open teaching positions for which the teachers qualify within the school district, and, if no positions are open, contract provisions or local school board policy regarding reduction in staff would apply.
- (2)
 - (a) An existing public school that converts to charter status under a charter granted by a local school board may:
 - (i) continue to receive the same services from the school district that the school received before the charter school's conversion; or
 - (ii) contract out for some or all of the services with other public or private providers.
 - (b) Any other charter school authorized by a local school board may contract with the local school board to receive some or all of the services referred to in Subsection (2)(a).
 - (c) Except as specified in a charter agreement, local school board assets do not transfer to an existing public school that converts to charter status under a charter granted by a local school board under this section.
- (3)
 - (a) A local school board that receives an application for a charter school under this section shall, within 45 days, either accept or reject the application.
 - (b) If the local school board rejects the application, the local school board shall notify the applicant in writing of the reason for the rejection.
 - (c) The applicant may submit a revised application for reconsideration by the local school board.
 - (d) If the local school board refuses to authorize the applicant, the applicant may seek a charter from another authorizer.
- (4) The state board shall make a rule providing for a timeline for the opening of a charter school following the approval of a charter school application by a local school board.

- (5) After approval of a charter school application and in accordance with Section 53G-5-303, the applicant and the local school board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
- (6) A local school board may terminate a charter school the local school board authorizes in accordance with Sections 53G-5-501 and 53G-5-503.
- (7) In addition to the exemptions described in Sections 53G-5-405, 53G-7-202, and 53G-5-407, a charter school authorized by a local school board is:
 - (a) not required to separately submit a report or information required under this public education code to the state board if the information is included in a report or information that is submitted by the local school board or school district; and
 - (b) exempt from the requirement under Section 53G-5-404 that a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act.
- (8) Before a local school board accepts a charter school application, the local school board shall, in accordance with state board rules, establish and make public the local school board's:
 - (a) application requirements, in accordance with Section 53G-5-302;
 - (b) application process, including timelines, in accordance with this section; and
 - (c) minimum academic, governance, operational, and financial standards.

Amended by Chapter 63, 2024 General Session

53G-5-306 Charter schools authorized by a board of trustees of a higher education institution -- Application process -- Board of trustees responsibilities.

- (1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302 may enter into an agreement with an institution of higher education board of trustees authorizing the applicant to establish and operate a charter school.
- (2)
 - (a) An applicant applying for authorization from a board of trustees to establish and operate a charter school shall provide a copy of the application to the local school board of the school district in which the proposed charter school will be located either before or at the same time the applicant files the application with the board of trustees.
 - (b) The local school board may review the application and offer suggestions or recommendations to the applicant or the board of trustees before acting on the application.
 - (c) The board of trustees shall give due consideration to suggestions or recommendations made by the local school board under Subsection (2)(b).
- (3) The state board shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by a board of trustees.
- (4) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.
- (5)
 - (a) The school's charter agreement may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Section 53G-5-205.
 - (b) In the first two years that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 3% of the revenue the charter school receives from the state in the current fiscal year.

- (c) Beginning with the third year that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 1% of the revenue a charter school receives from the state in the current fiscal year.
- (d) An annual fee described in Subsection (5)(a) shall be:
 - (i) paid to the board of trustees; and
 - (ii) expended as directed by the board of trustees.
- (6)
 - (a) In addition to complying with the requirements of this section, a technical college board of trustees, as defined in Section 53B-2a-108, shall obtain the approval of the Utah Board of Higher Education before entering into an agreement to establish and operate a charter school.
 - (b) If a technical college board of trustees approves an application to establish and operate a charter school, the technical college board of trustees shall submit the application to the Utah Board of Higher Education.
 - (c) The Utah Board of Higher Education shall, by majority vote, within 60 days of receipt of an application described in Subsection (6)(b), approve or deny the application.
 - (d) The Utah Board of Higher Education may deny an application approved by a technical college board of trustees if the proposed charter school does not accomplish a purpose of charter schools as provided in Section 53G-5-104.
 - (e) A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school:
 - (i) an enrollment decline;
 - (ii) a decrease in funding; or
 - (iii) a modification of programs or services.
- (7)
 - (a) Subject to the requirements of this chapter and other related provisions, a technical college board of trustees may establish:
 - (i) procedures for submitting applications to establish and operate a charter school; or
 - (ii) criteria for approval of an application to establish and operate a charter school.
 - (b) The Utah Board of Higher Education may not establish policy governing the procedures or criteria described in Subsection (7)(a).
- (8) Before a technical college board of trustees accepts a charter school application, the technical college board of trustees shall, in accordance with state board rules, establish and make public:
 - (a) application requirements, in accordance with Section 53G-5-302;
 - (b) the application process, including timelines, in accordance with this section; and
 - (c) minimum academic, governance, operational, and financial standards.

Amended by Chapter 63, 2024 General Session

53G-5-307 Charter school authorization -- Initial review period.

- (1) An authorizer shall grant a charter school approved under this title initial approval for a three-year review period, beginning with the first year of the charter school's operation.
- (2) Beginning in the first year of the initial review period, the authorizer shall comply with the accountability and review procedures in accordance with Section 53G-5-406.
- (3) The authorizer may extend the initial review period for one year, up to two times during the initial review period.
- (4) At the end of the initial review period, the authorizer shall:

- (a) grant the charter school ongoing approval; or
 - (b) terminate the charter agreement, subject to the requirements of Section 53G-5-503.
- (5) The authorizer shall, under the minimum standards described in Section 53G-5-205, base the decision to grant ongoing approval or terminate the charter agreement on:
- (a) the charter school's compliance with the terms of the charter agreement;
 - (b) whether the charter school is meeting the performance measures in the charter school's charter agreement and minimum academic standards;
 - (c) the charter school's financial viability; and
 - (d) the charter school's capacity to meet governance standards.
- (6) A charter school that is granted initial approval under this section may not participate in the Charter School Credit Enhancement Program until the authorizer grants ongoing approval of the charter school's charter.

Amended by Chapter 63, 2024 General Session

53G-5-308 Adoption of standards, guidelines, or policies.

- (1) As used in this section:
- (a) "Applicable charter school authorizer" means a charter school authorizer that is the authorizer of more than 10 charter schools at the same time.
 - (b) "Standard, guideline, or policy" means a requirement or measurement of performance imposed by an applicable charter school authorizer on two or more charter schools authorized by the applicable charter school authorizer.
- (2)
- (a) An applicable charter school authorizer shall adopt a procedure for the imposition of a standard, guideline, or policy that is substantially similar to the rulemaking procedure under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including procedures for notice and receipt of public comment.
 - (b) An applicable charter school authorizer may not impose a standard, guideline, or policy unless the applicable charter school authorizer follows the procedure adopted under Subsection (2)(a).
- (3) A standard, guideline, or policy imposed on or after July 1, 2023, by an applicable charter school authorizer is not valid if the applicable charter school authorizer does not follow the procedures adopted under Subsection (2)(a) in imposing the standard, guideline, or policy.

Enacted by Chapter 235, 2023 General Session

Part 4
Powers and Duties

53G-5-401 Status of charter schools.

- (1) Charter schools are:
- (a) considered to be public schools within the state's public education system;
 - (b) subject to Subsection 53E-3-401(8); and
 - (c) governed by independent boards and held accountable to a legally binding written contractual agreement.
- (2) A charter school may be established by:

- (a) creating a new school; or
 - (b) converting an existing district school to charter status.
- (3) A parochial school or home school is not eligible for charter school status.

Amended by Chapter 63, 2024 General Session

53G-5-402 Property tax exemption for property owned by a charter school.

For purposes of a property tax exemption for property of school districts under Subsection 59-2-1101(3)(a)(ii)(B), a charter school is considered to be a school district.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-5-403 Charter school assets.

- (1)
- (a) A charter school may receive, hold, manage, and use any devise, bequest, grant, endowment, gift, or donation of any asset made to the school for any of the purposes of this chapter and other related provisions.
 - (b) Unless a donor or grantor specifically provides otherwise in writing, all assets described in Subsection (1)(a) shall be presumed to be made to the charter school and shall be included in the charter school's assets.
- (2) It is unlawful for any person affiliated with a charter school to demand or request any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or enrollment at the school or continued attendance at the school.
- (3) All assets purchased with charter school funds shall be included in the charter school's assets.
- (4) A charter school may not dispose of its assets in violation of the provisions of this chapter or other related provisions, state board rules, policies of its charter school authorizer, or its charter agreement, including the provisions governing the closure of a charter school under Section 53G-5-504.

Amended by Chapter 293, 2019 General Session

53G-5-404 Requirements for charter schools.

- (1) A charter school shall be nonsectarian in the charter school's programs, admission policies, employment practices, and operations.
- (2) A charter school may not charge tuition or fees, except those fees normally charged by other public schools.
- (3) A charter school shall meet all applicable federal, state, and local health, safety, and civil rights requirements.
- (4)
- (a) A charter school shall:
 - (i) make the same annual reports required of other public schools under this public education code, including an annual financial audit report described in Section 53G-4-404;
 - (ii) ensure that the charter school meets the data and reporting standards described in Section 53E-3-501; and
 - (iii) use fund and program accounting methods and standardized account codes capable of producing financial reports that comply with:
 - (A) generally accepted accounting principles;

- (B) the financial reporting requirements applicable to LEAs established by the state board under Section 53E-3-501; and
- (C) accounting report standards established by the state auditor as described in Section 51-2a-301.
- (b) Before, and as a condition for opening a charter school:
 - (i) a charter school shall:
 - (A) certify to the authorizer that the charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii); or
 - (B) if the authorizer requires, conduct a performance demonstration to verify that the charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii); and
 - (ii) the authorizer shall certify to the state board that the charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii).
- (c) A charter school shall file the charter school's annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.
- (d) For the limited purpose of compliance with federal and state law governing use of public education funds, including restricted funds, and making annual financial audit reports under this section, a charter school is a government entity governed by the public education code.
- (5)
 - (a) A charter school shall be accountable to the charter school's authorizer for performance as provided in the charter school's charter agreement.
 - (b) To measure the performance of a charter school, an authorizer may use data contained in:
 - (i) the charter school's annual financial audit report;
 - (ii) a report submitted by the charter school as required by statute; or
 - (iii) a report submitted by the charter school as required by the charter school's charter agreement.
 - (c) A charter school authorizer may not impose performance standards, except as permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise provided in law.
- (6) A charter school may not advocate unlawful behavior.
- (7) Except as provided in Section 53G-5-305, a charter school shall be organized and managed in accordance with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, upon the charter school's authorization.
- (8) A charter school shall provide adequate liability and other appropriate insurance, including:
 - (a) general liability, errors and omissions, and directors and officers liability coverage through completion of the closure of a charter school in accordance with Section 53G-5-504; and
 - (b) tail coverage or closeout insurance covering at least one year after closure of the charter school.
- (9) A charter school may not employ an educator whose license is suspended or revoked by the state board under Section 53E-6-604.
- (10)
 - (a) Each charter school shall register and maintain the charter school's registration as a limited purpose entity, in accordance with Section 67-1a-15.
 - (b) A charter school that fails to comply with Subsection (10)(a) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.
 - (c) If a charter school is an operating charter school with affiliated satellite charter schools, as defined in Section 53G-5-303:

- (i) the operating charter school shall register as a limited purpose entity as defined in Section 67-1a-15;
 - (ii) each affiliated satellite charter school is not required to register separately from the operating charter school; and
 - (iii) the operating charter school shall:
 - (A) register on behalf of each affiliated satellite charter school; and
 - (B) when submitting entity registry information in accordance with Section 67-1a-15 on behalf of each affiliated satellite charter school, identify and distinguish registry information for each affiliated satellite, including the address of each affiliated satellite charter school and the name and contact information of a primary contact for each affiliated satellite charter school.
- (11)
- (a) As used in this Subsection (11), "contracting entity" means a person with which a charter school contracts.
 - (b) A charter school shall provide to the charter school's authorizer any information or documents requested by the authorizer, including documents held by a subsidiary of the charter school or a contracting entity:
 - (i) to confirm the charter school's compliance with state or federal law governing the charter school's finances or governance; or
 - (ii) to carry out the authorizer's statutory obligations, including liquidation and assignment of assets, and payment of debt in accordance with state board rule, as described in Section 53G-5-504.
 - (c) A charter school shall comply with a request described in Subsection (11)(b), including after an authorizer recommends closure of the charter school or terminates the charter school's contract.
 - (d) Documents held by a contracting entity or subsidiary of a charter school that are necessary to demonstrate the charter school's compliance with state or federal law are the property of the charter school.
 - (e) A charter school shall include in an agreement with a subsidiary of the charter school or a contracting entity a provision that stipulates that documents held by the subsidiary or a contracting entity, that are necessary to demonstrate the charter school's financial compliance with federal or state law, are the property of the charter school.
- (12) For each grading period and for each course in which a student is enrolled, a charter school shall issue a grade or performance report to the student:
- (a) that reflects the student's work, including the student's progress based on mastery, for the grading period; and
 - (b) in accordance with the charter school's adopted grading or performance standards and criteria.
- (13)
- (a) As used in this Subsection (13):
 - (i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.
 - (ii)
 - (A) "Instructional material" means learning material that a charter school governing board adopts and approves for use within the charter school.
 - (B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class, or another class

with required instructional material that is not subject to selection by the charter school governing board.

- (iii) "Supplemental material" means learning material that:
 - (A) an educator selects for classroom use; and
 - (B) a charter school governing board has not considered and adopted, approved, or prohibited for classroom use within the charter school.
- (b) A charter school shall:
 - (i) make instructional material that the charter school uses readily accessible and available for a parent to view;
 - (ii) annually notify a parent of a student enrolled in the charter school of how to access the information described in Subsection (13)(b)(i); and
 - (iii) include on the charter school's website information about how to access the information described in Subsection (13)(b)(i).
- (c) In selecting and approving instructional materials for use in the classroom, a charter school governing board shall:
 - (i) establish an open process, involving educators and parents of students enrolled in the charter school, to review and recommend instructional materials for board approval; and
 - (ii) ensure that under the process described in Subsection (13)(c)(i), the charter school governing board:
 - (A) before the public meetings described in Subsection (13)(c)(ii)(B), posts the recommended learning materials online to allow for public review or, for copyrighted material, makes the recommended learning material available at the charter school for public review;
 - (B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provide an opportunity for educators whom the charter school employs and parents of students enrolled in the charter school to express views and opinions on the recommendation; and
 - (C) adopts or approves the recommended instructional materials in an open and regular board meeting.
- (d) A charter school governing board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.
- (e) If a charter school contracts with another party to provide online or digital materials, the charter school shall include in the contract a requirement that the provider give notice to the charter school any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.
- (f) Nothing in this Subsection (13) requires a charter school governing board to review all learning materials used within the charter school.
- (14) If information, data, or action from a charter school is necessary for the state board to fulfill a statutory data gathering, compliance, or reporting requirement, a local school board shall provide the relevant information, data, or action, subject to enforcement under Section 53E-3-401.

Amended by Chapter 501, 2025 General Session

53G-5-405 Application of statutes and rules to charter schools.

- (1) A charter school shall operate in accordance with its charter agreement and is subject to this public education code and other state laws applicable to public schools, except as otherwise provided in this chapter and other related provisions.
- (2)
 - (a) Except as provided in Subsections (2)(b) and (2)(c), state board rules governing the following do not apply to a charter school:
 - (i) school libraries;
 - (ii) required school administrative and supervisory services; and
 - (iii) required expenditures for instructional supplies.
 - (b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.
 - (c) If a charter school provides access to a school library, the charter school governing board shall provide an online platform:
 - (i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the charter school uses or through a separate platform; and
 - (ii)
 - (A) for a charter school with 1,000 or more enrolled students, no later than August 1, 2024; and
 - (B) for a charter school with fewer than 1,000 enrolled students, no later than August 1, 2026.
- (3) The following provisions of this public education code, and rules adopted under those provisions, do not apply to a charter school:
 - (a) Section 53E-4-408, requiring an independent evaluation of instructional materials;
 - (b) Section 53G-4-409, requiring the use of activity disclosure statements;
 - (c) Sections 53G-7-304 and 53G-7-306, pertaining to fiscal procedures of school districts and local school boards;
 - (d) Section 53G-7-1202, requiring the establishment of a school community council; and
 - (e) Section 53G-10-404, requiring annual presentations on adoption.
- (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter school is considered an educational procurement unit as defined in Section 63G-6a-103.
- (5) Each charter school shall be subject to:
 - (a) Title 52, Chapter 4, Open and Public Meetings Act; and
 - (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- (6)
 - (a) A charter school is exempt from Section 51-2a-201.5, requiring accounting reports of certain nonprofit corporations.
 - (b) A charter school is subject to the requirements of Section 53G-5-404.
- (7)
 - (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.
 - (b)
 - (i) The State Charter School Board shall present recommendations for exemption to the state board for consideration.
 - (ii) The state board shall consider the recommendations of the State Charter School Board and respond within 60 days.

Amended by Chapter 381, 2024 General Session

Amended by Chapter 497, 2024 General Session

53G-5-406 Accountability -- Rules.

The state board shall, after consultation with chartering entities, make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

- (1) require a charter school to develop an accountability plan, approved by the charter school's charter school authorizer, during the charter school's first year of operation;
- (2) require an authorizer to:
 - (a) visit a charter school at least once during:
 - (i) the charter school's first year of operation; and
 - (ii) the review period described under Subsection (3); and
 - (b) provide written reports to the authorizer's charter schools after the required visits; and
- (3) establish a process that requires an authorizer to review the authorizer's charter school once every five years.

Amended by Chapter 63, 2024 General Session

53G-5-407 Employees of charter schools.

- (1) A charter school shall select its own employees.
- (2) The charter school governing board shall determine the level of compensation and all terms and conditions of employment, except as otherwise provided in Subsections (7) and (8) and under this chapter and other related provisions.
- (3) The following statutes governing public employees and officers do not apply to a charter school:
 - (a) Chapter 11, Part 5, School District and Utah Schools for the Deaf and the Blind Employee Requirements; and
 - (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.
- (4)
 - (a) To accommodate differentiated staffing and better meet student needs, a charter school, under rules adopted by the state board, shall employ teachers who are licensed.
 - (b) The charter school governing board shall disclose the qualifications of its teachers to the parents of its students.
- (5)
 - (a) Except as provided in Subsection (5)(b), state board rules governing the licensing or certification of administrative and supervisory personnel do not apply to charter schools.
 - (b) A director of special education in a charter school shall hold an appropriate license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure.
- (6)
 - (a) An employee of a school district may request a leave of absence in order to work in a charter school upon approval of the local school board.
 - (b) While on leave, the employee may retain seniority accrued in the school district and may continue to be covered by the benefit program of the district if the charter school and the local school board mutually agree.
- (7)
 - (a) A proposed or authorized charter school may elect to participate as an employer for retirement programs under:
 - (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;
 - (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

- (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.
- (b) An election under this Subsection (7):
 - (i) shall be documented by a resolution adopted by the charter school governing board; and
 - (ii) applies to the charter school as the employer and to all employees of the charter school.
- (c) The charter school governing board may offer employee benefit plans for its employees:
 - (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act; or
 - (ii) under any other program.
- (8) A charter school may not revoke an election to participate made under Subsection (7).
- (9) The charter school governing board shall ensure that, prior to the beginning of each school year:
 - (a) each of the charter school's employees signs a document acknowledging that the employee:
 - (i) has received:
 - (A) the disclosure required under Section 63A-4-204.5 if the charter school participates in the Risk Management Fund; or
 - (B) written disclosure similar to the disclosure required under Section 63A-4-204.5 if the charter school 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; and
 - (b)
 - (i) at least one of the charter school's employees or another person is assigned human resource management duties, as defined in Section 17B-1-805; and
 - (ii) the assigned employee or person described in Subsection (9)(b)(i) receives human resource management training, as defined in Section 17B-1-805.

Amended by Chapter 278, 2022 General Session

53G-5-408 Criminal background checks on school personnel.

The following individuals are required to submit to a criminal background check and ongoing monitoring as provided in Sections 53G-11-402 and 53G-11-403:

- (1) an employee of a charter school who does not hold a current Utah educator license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure;
- (2) a volunteer for a charter school who is given significant unsupervised access to a student in connection with the volunteer's assignment;
- (3) a contract employee, as defined in Section 53G-11-401, who works at a charter school; and
- (4) a charter school governing board member.

Amended by Chapter 22, 2024 General Session

53G-5-409 Regulated transactions and relationships -- Definitions -- Rulemaking.

- (1) As used in this section:
 - (a) "Charter school officer" means:
 - (i) a member of a charter school's governing board;
 - (ii) a member of a board or an officer of a nonprofit corporation under which a charter school is organized and managed; or
 - (iii) the chief administrative officer of a charter school.
 - (b)
 - (i) "Employment" means a position in which a person's salary, wages, pay, or compensation, whether as an employee or contractor, is paid from charter school funds.

- (ii) "Employment" does not include a charter school volunteer.
 - (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- (2)
- (a) Except as provided in Subsection (2)(b), a relative of a charter school officer may not be employed at a charter school.
 - (b) If a relative of a charter school officer is to be considered for employment in a charter school, the charter school officer shall:
 - (i) disclose the relationship, in writing, to the other charter school officers;
 - (ii) submit the employment decision to the charter school's governing board for the approval, by majority vote, of the charter school's governing board;
 - (iii) abstain from voting on the issue; and
 - (iv) be absent from the portion of the meeting where the employment is being considered and determined.
- (3)
- (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a relative of a charter school officer may not have a financial interest in a contract or other transaction involving a charter school in which the charter school officer serves as a charter school officer.
 - (b) If a charter school's governing board considers entering into a contract or executing a transaction in which a charter school officer or a relative of a charter school officer has a financial interest, the charter school officer shall:
 - (i) disclose the financial interest, in writing, to the other charter school officers;
 - (ii) submit the contract or transaction decision to the charter school's governing board for the approval, by majority vote, of the charter school's governing board;
 - (iii) abstain from voting on the issue; and
 - (iv) be absent from the portion of the meeting where the contract or transaction is being considered and determined.
 - (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of employment for:
 - (i) the chief administrative officer of a charter school; or
 - (ii) a relative of the chief administrative officer of a charter school whose employment is approved in accordance with the provisions in Subsection (2).
- (4) The state board or State Charter School Board may not operate a charter school.

Amended by Chapter 293, 2019 General Session

53G-5-410 Safe technology utilization and digital citizenship.

A charter school governing board, or a council formed by a charter school governing board to prepare a plan for the use of School LAND Trust Program money under Section 53G-7-1206:

- (1) shall provide for education and awareness on safe technology utilization and digital citizenship that empowers:
 - (a) a student to make smart media and online choices; and
 - (b) a parent to know how to discuss safe technology use with the parent's child;
- (2) shall partner with the school's principal and other administrators to ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel, in accordance with charter school governing board policy and Subsection 53G-7-216(3); and

- (3) may partner with one or more non-profit organizations to fulfill the duties described in Subsections (1) and (2).

Amended by Chapter 293, 2019 General Session

53G-5-411 Charter school fiscal year -- Statistical reports.

- (1) A charter school's fiscal year begins on July 1 and ends on June 30.
- (2)
 - (a) A charter school shall forward statistical reports for the preceding school year, containing items required by law or by the state board, to the state superintendent on or before November 1 of each year.
 - (b) The reports shall include information to enable the state superintendent to complete the statement of funds required under Section 53E-1-203.
- (3) A charter school shall forward the accounting report required under Section 51-2a-201 to the state superintendent on or before October 15 of each year.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 324, 2019 General Session

53G-5-412 Contract with regional education service agencies.

A public school that is a charter school may enter into a contract with an eligible regional education service agency, as defined in Section 53G-4-410, to receive education-related services from the eligible regional education service agency.

Amended by Chapter 253, 2020 General Session

53G-5-413 Charter school governing board meetings -- Rules of order and procedure.

- (1) As used in this section, "rules of order and procedure" means a set of rules that governs and prescribes in a public meeting:
 - (a) parliamentary order and procedure;
 - (b) ethical behavior; and
 - (c) civil discourse.
- (2) A charter school governing board shall:
 - (a) adopt rules of order and procedure to govern a public meeting of the charter school governing board;
 - (b) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (2)(a); and
 - (c) make the rules of order and procedure described in Subsection (2)(a) available to the public.
- (3) The requirements of this section do not affect a charter school governing board's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 63, 2024 General Session

53G-5-414 Required provision of period products in schools.

- (1) As used in this section, "period products" means:
 - (a) tampons;
 - (b) sanitary napkins; or
 - (c) other similar products designed for hygiene in connection with the human menstrual cycle.

- (2) Beginning July 1, 2022, a charter school shall:
 - (a) provide period products free of charge to students in each female or unisex restroom within an elementary, middle, junior, or high school or school facility which students use; and
 - (b) inform public school students of the availability of the period products as described in this section.
- (3) To address the cost of the requirements of this section, a charter school shall:
 - (a) use funds that the Legislature appropriates specifically for the provision of period products; and
 - (b) incorporate the provision of period products into local ongoing capital operations and maintenance budgets no later than July 1, 2025.
- (4) The state board shall:
 - (a) oversee the implementation of the requirements of this section; and
 - (b) monitor compliance with this section.

Enacted by Chapter 309, 2022 General Session

Part 5

Noncompliance, Charter Termination, and Liability

53G-5-501 Noncompliance -- Rulemaking.

- (1)
 - (a) If a charter school is found to be materially out of compliance with the requirements of Section 53G-5-404 or the school's charter agreement, the charter school authorizer shall provide written notice of the reason for the charter school's noncompliance and a reasonable time to remedy the deficiency, except as otherwise provided in Subsection 53G-5-503(4), to:
 - (i) the charter school governing board; and
 - (ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.
 - (b) The notice described in Subsection (1)(a) shall state that the charter school governing board may request an informal review before the charter school's authorizer to present evidence related to the deficiency.
 - (c) The charter school authorizer shall:
 - (i) review the evidence within a reasonable time to determine if the charter school has remedied the noncompliance or if the circumstances necessitate additional time for the charter school authorizer to remedy the deficiency; and
 - (ii) if the charter school authorizer determines that circumstances necessitate additional time to remedy the noncompliance, establish a deadline to remedy the noncompliance.
- (2)
 - (a) If the charter school does not remedy the material deficiency within the established timeline, the authorizer may:
 - (i) subject to the requirements of Subsection (4), take one or more of the following actions:
 - (A) remove a charter school director or finance officer;
 - (B) remove a charter school governing board member;
 - (C) appoint an interim director, mentor, or finance officer to work with the charter school; or
 - (D) appoint a governing board member;

- (ii) subject to the requirements of Section 53G-5-503, terminate the school's charter agreement; or
 - (iii) transfer operation and control of the charter school to a high performing charter school, as defined in Section 53G-5-502, including reconstituting the governing board to effectuate the transfer.
- (b) The authorizer may prohibit the charter school governing board from removing an appointment made under Subsection (2)(a)(i), for a period of up to one year after the date of the appointment.
- (3) The costs of an interim director, mentor, or finance officer appointed under Subsection (2)
 - (a) shall be paid from the funds of the charter school for which the interim director, mentor, or finance officer is working, unless the authorizer chooses to pay all or some of the costs.
- (4) The authorizer shall notify the Utah Charter School Finance Authority before the authorizer takes an action described in Subsection (2)(a)(i) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (a) specifying the timeline for remedying deficiencies under Subsection (1); and
 - (b) ensuring compliance with the charter school's approved charter agreement.
- (6)
 - (a)
 - (i) An authorizer may petition a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to appoint a receiver.
 - (ii) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the authorizer shall bring a petition described in Subsection (6)(a)(i) in the county in which a charter school is located or incorporated if the action is brought in the district court.
 - (b) The court may appoint a receiver if the authorizer establishes that the charter school:
 - (i) is subject to closure under Section 53G-5-503; and
 - (ii)
 - (A) has disposed, or there is a demonstrated risk that the charter school will dispose, of the charter school's assets in violation of Section 53G-5-403; or
 - (B) cannot, or there is a demonstrated risk that the charter school will not, make repayment of amounts owed to the federal government or the state.
 - (c) The court shall describe the powers and duties of the receiver in the court's appointing order, and may amend the order from time to time.
 - (d) Among other duties ordered by the court, the receiver shall:
 - (i) ensure the protection of the charter school's assets;
 - (ii) preserve money owed to creditors; and
 - (iii) if requested by the authorizer, carry out charter school closure procedures described in Section 53G-5-504, and state board rules, as directed by the authorizer.
 - (e) If the authorizer does not request, or the court does not appoint, a receiver:
 - (i) the authorizer may reconstitute the governing board of a charter school; or
 - (ii) if a new governing board cannot be reconstituted, the authorizer shall complete the closure procedures described in Section 53G-5-504, including liquidation and assignment of assets, and payment of liabilities and obligations in accordance with Section 53G-5-504 and state board rule.

- (f) For a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, an authorizer shall obtain the consent of the Utah Charter School Finance Authority before the authorizer takes the following actions:
 - (i) petitions a court to appoint a receiver, as described in Subsection (6)(a);
 - (ii) reconstitutes the governing board, as described in Subsection (6)(e)(i); or
 - (iii) carries out closure procedures, as described in Subsection (6)(e)(ii).

Amended by Chapter 158, 2024 General Session

53G-5-502 Voluntary school improvement and transfer processes.

- (1) As used in this section:
 - (a) "High performing charter school" means a charter school that:
 - (i) satisfies all requirements of state law and state board rules;
 - (ii) has operated for at least three years meeting the terms of the school's charter agreement; and
 - (iii) is in good standing with the charter school's authorizer.
 - (b) "Low performing charter school" means a charter school that is designated a low performing school, as that term is defined in Section 53E-5-301.
 - (c) "School turnaround plan" means the same as that term is defined in Section 53E-5-301.
- (2)
 - (a) Subject to Subsection (2)(b), a charter school governing board may voluntarily request the charter school's authorizer to place the charter school, including a low performing charter school that has a school turnaround plan, in a school improvement process.
 - (b) A charter school governing board shall provide notice and a hearing on the charter school governing board's intent to make a request under Subsection (2)(a) to parents of students enrolled in the charter school.
- (3) An authorizer may grant a charter school governing board's request to be placed in a school improvement process if the charter school governing board has provided notice and a hearing under Subsection (2)(b).
- (4) An authorizer that has entered into a school improvement process with a charter school governing board shall:
 - (a) enter into a contract with the charter school governing board on the terms of the school improvement process;
 - (b) notify the state board that the authorizer has entered into a school improvement process with the charter school governing board;
 - (c) make a report to a committee of the state board regarding the school improvement process; and
 - (d) notify the Utah Charter School Finance Authority that the authorizer has entered into a school improvement process with the charter school governing board if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program.
- (5) Upon notification under Subsection (4)(b), and after the report described in Subsection (4)(c), the state board shall notify charter schools and the school district in which the charter school is located that the charter school governing board has entered into a school improvement process with the charter school's authorizer.
- (6) A high performing charter school or the school district in which the charter school is located may apply to the charter school governing board to assume operation and control of the charter school that has been placed in a school improvement process.

- (7) A charter school governing board that has entered into a school improvement process shall review applications submitted under Subsection (6) and submit a proposal to the charter school's authorizer to:
- (a) terminate the school's charter, notwithstanding the requirements of Section 53G-5-503; and
 - (b) transfer operation and control of the charter school to:
 - (i) the school district in which the charter school is located;
 - (ii) the governing board of another charter school;
 - (iii) a private management company; or
 - (iv) the governing board of a nonprofit corporation.
- (8) A charter school governing board that has not entered into a school improvement process may voluntarily provide a proposal to the authorizer for consideration of transferring operation and control of the charter school to:
- (a) the school district in which the charter school is located;
 - (b) the governing board of another charter school;
 - (c) a private management company; or
 - (d) the governing board of a nonprofit corporation.
- (9) Except as provided in Subsection (10) and subject to Subsection (11), an authorizer may:
- (a) approve a charter school governing board's proposal under Subsection (7); or
 - (b)
 - (i) deny a charter school governing board's proposal under Subsection (7); and
 - (ii)
 - (A) terminate the school's charter agreement in accordance with Section 53G-5-503;
 - (B) allow the charter school governing board to submit a revised proposal; or
 - (C) take no action.
- (10) An authorizer may not take an action under Subsection (9) for a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.
- (11)
- (a) An authorizer that intends to transfer operation and control of a charter school as described in Subsection (7)(b) shall request approval from the state board.
 - (b)
 - (i) The state board shall consider an authorizer's request under Subsection (11)(a) within 30 days of receiving the request.
 - (ii) If the state board denies an authorizer's request under Subsection (11)(a), the authorizer may not transfer operation and control of the charter school as described in Subsection (7)(b).
 - (iii) If the state board does not take action on an authorizer's request under Subsection (11)(a) within 30 days of receiving the request, an authorizer may proceed to transfer operation and control of the charter school as described in Subsection (7)(b).
- (12) If operation and control of a low performing charter school that has a school turnaround plan is transferred to a high performing charter school as described in Subsection (7)(b), the low performing charter school shall complete the requirements of the school turnaround plan and any other requirements imposed by the authorizer for school improvement.

Amended by Chapter 63, 2024 General Session

53G-5-503 Termination of a charter agreement.

- (1) Subject to the requirements of Subsection (3), a charter school authorizer may terminate a school's charter agreement for any of the following reasons:
 - (a) failure of the charter school to meet the requirements stated in the charter agreement;
 - (b) failure to meet generally accepted standards of fiscal management;
 - (c)
 - (i) designation as a low performing school under Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development; and
 - (ii) failure to improve the school's performance under the conditions described in Title 53E, Chapter 5, Part 3, School Improvement and Leadership Development;
 - (d) violation of requirements under this chapter or another law; or
 - (e) other good cause shown.
- (2)
 - (a) The authorizer shall notify the following of the proposed termination in writing, state the grounds for the termination, and stipulate that the charter school governing board may request an informal hearing before the authorizer:
 - (i) the charter school governing board; and
 - (ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.
 - (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after the day a written request under Subsection (2)(a) is received.
 - (c) If the authorizer, by majority vote, approves a motion to terminate a charter school, the charter school governing board may appeal the decision to the state board.
 - (d)
 - (i) The state board shall hear an appeal of a termination made in accordance with Subsection (2)(c).
 - (ii) The state board's action is final action subject to judicial review.
 - (e)
 - (i) If the authorizer proposes to terminate the charter agreement of a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)
 - (b) 120 days or more after notifying the following of the proposed termination:
 - (A) the charter school governing board of the qualifying charter school; and
 - (B) the Utah Charter School Finance Authority.
 - (ii) Before the hearing described in Subsection (2)(e)(i), the Utah Charter School Finance Authority shall meet with the authorizer to determine whether the deficiency may be remedied in lieu of termination of the qualifying charter school's charter agreement.
- (3) An authorizer may not terminate the charter agreement of a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.
- (4)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that require a charter school to report any threats to the health, safety, or welfare of the charter school's students to the State Charter School Board in a timely manner.
 - (b) The rules under Subsection (4)(a) shall also require the charter school report to include what steps the charter school has taken to remedy the threat.

- (5) Subject to the requirements of Subsection (3), the authorizer may terminate a charter agreement immediately if good cause has been shown or if the health, safety, or welfare of the students at the charter school is threatened.
- (6) If a charter agreement is terminated, the following entities may apply to the charter school's authorizer to assume operation of the school:
 - (a) the school district where the charter school is located;
 - (b) the charter school governing board of another charter school;
 - (c) a private management company; or
 - (d) the governing board of a nonprofit corporation.
- (7)
 - (a) If a charter agreement is terminated, a student who attended the school may apply to and shall be enrolled in another public school under the enrollment provisions in accordance with Chapter 6, Part 3, School District Residency, subject to space availability.
 - (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

Amended by Chapter 63, 2024 General Session

53G-5-504 Charter school closure.

- (1) As used in this section, "receiving charter school" means a charter school that an authorizer permits under Subsection (12)(a), to accept enrollment applications from students of a closing charter school.
- (2) If a charter school is closed for any reason, including the termination of a charter agreement in accordance with Section 53G-5-503 or the conversion of a charter school to a private school, the provisions of this section apply.
- (3) A decision to close a charter school is made:
 - (a) when a charter school authorizer approves a motion to terminate described in Section 53G-5-503;
 - (b) when the state board takes final action described in Section 53G-5-503; or
 - (c) when a charter school provides notice to the charter school's authorizer that the charter school is relinquishing the charter school's charter.
- (4)
 - (a) No later than 10 days after the day on which a decision to close a charter school is made, the charter school shall:
 - (i) provide notice to the following, in writing, of the decision:
 - (A) if the charter school made the decision to close, the charter school's authorizer;
 - (B) if the state board did not make the decision to close, the state board;
 - (C) parents of students enrolled at the charter school;
 - (D) the charter school's creditors;
 - (E) the charter school's lease holders;
 - (F) the charter school's bond issuers;
 - (G) other entities that may have a claim to the charter school's assets;
 - (H) the school district in which the charter school is located and other charter schools located in that school district; and
 - (I) any other person that the charter school determines to be appropriate; and
 - (ii) publish notice of the decision for the school district in which the charter school is located, as a class A notice under Section 63G-30-102, for at least 30 days.
 - (b) The notice described in Subsection (4)(a) shall include:
 - (i) the proposed date of the charter school closure;

- (ii) the charter school's plans to help students identify and transition into a new school; and
 - (iii) contact information for the charter school during the transition.
- (5) No later than 10 days after the day on which a decision to close a charter school is made, the closing charter school shall:
 - (a) designate a custodian for the protection of student files and school business records;
 - (b) designate a base of operation that will be maintained throughout the charter school closing, including:
 - (i) an office;
 - (ii) hours of operation;
 - (iii) operational telephone service with voice messaging stating the hours of operation; and
 - (iv) a designated individual to respond to questions or requests during the hours of operation;
 - (c) assure that the charter school will maintain private insurance coverage or risk management coverage for covered claims that arise before closure, throughout the transition to closure and for a period following closure of the charter school as specified by the charter school's authorizer;
 - (d) assure that the charter school will complete by the set deadlines for all fiscal years in which funds are received or expended by the charter school a financial audit and any other procedure required by state board rule;
 - (e) inventory all assets of the charter school; and
 - (f) list all creditors of the charter school and specifically identify secured creditors and assets that are security interests.
- (6) The closing charter school's authorizer shall oversee the closing charter school's compliance with Subsection (5).
- (7)
 - (a) Unless a different order is determined by a bankruptcy court under 11 U.S.C. Sec. 1001 et seq., a closing charter school shall distribute the assets of the closing charter school in the following order:
 - (i) return assets donated by a private donor to the private donor if:
 - (A) the assets were donated for a specific purpose;
 - (B) the private donor restricted use of the assets to only that specific purpose; and
 - (C) the closing charter school has assets that have not been used for the specific purpose;
 - (ii) distribute assets to satisfy outstanding payroll obligations for employees of the closing charter school;
 - (iii) distribute assets to creditors of the closing charter school; and
 - (iv) distribute assets to satisfy any outstanding liability or obligation to the state board, state, or federal government.
 - (b) A closing charter school shall return any assets remaining, after all liabilities and obligations of the closing charter school are paid or discharged consistent with Subsection (7)(a), to the closing charter school's authorizer.
 - (c) Upon receipt of the assets under Subsection (7)(b), the closing charter school's authorizer shall:
 - (i) liquidate assets at fair market value; or
 - (ii) assign the assets to another public school.
 - (d) The closing charter school's authorizer shall oversee liquidation of assets and payment of liabilities and obligations in accordance with this section, Sections 53F-9-307 and 53G-5-501, and state board rule.
- (8) The closing charter school shall:
 - (a) comply with all state and federal reporting requirements; and

- (b) submit all documentation and complete all state and federal reports required by the closing charter school's authorizer or the state board, including documents to verify the closing charter school's compliance with procedural requirements and satisfaction of all financial issues.
- (9) When the closing charter school's financial affairs are closed out and dissolution is complete, the authorizer shall ensure that a final audit of the charter school is completed.
- (10) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from charter school authorizers, make rules that:
 - (a) provide additional closure procedures for charter schools; and
 - (b) establish a charter school closure process.
- (11)
 - (a) Upon termination of the charter school's charter agreement:
 - (i) notwithstanding provisions of Title 16, Chapter 6a, Part 14, Dissolution, the nonprofit corporation under which the charter school is organized and managed may be unilaterally dissolved by the authorizer; and
 - (ii) the net assets of the charter school shall revert to the authorizer as described in Subsection (7).
 - (b) The charter school and the authorizer shall mutually agree in writing on the effective date and time of the dissolution described in Subsection (11)(a).
 - (c) The effective date and time of dissolution described in Subsection (11)(b) may not exceed five years after the date of the termination of the charter agreement.
- (12) Notwithstanding the provisions of Chapter 6, Part 5, Charter School Enrollment:
 - (a) an authorizer may permit a specified number of students from a closing charter school to be enrolled in another charter school, if the receiving charter school:
 - (i)
 - (A) is authorized by the same authorizer as the closing charter school; or
 - (B) is authorized by a different authorizer and the authorizer of the receiving charter school approves the increase in enrollment; and
 - (ii) agrees to accept enrollment applications from students of the closing charter school;
 - (b) a receiving charter school shall give new enrollment preference to applications from students of the closing charter school in the first school year in which the closing charter school is not operational; and
 - (c) a receiving charter school's enrollment capacity is increased by the number of students enrolled in the receiving charter school from the closing charter school under this Subsection (12).
- (13) A member of the governing board or staff of the receiving charter school that is also a member of the governing board of the receiving charter school's authorizer, shall recuse oneself from a decision regarding the enrollment of students from a closing charter school as described in Subsection (12).

Amended by Chapter 63, 2024 General Session

53G-5-505 Tort liability.

- (1) An employee of a charter school is a public employee and the charter school governing board is a public employer in the same manner as a local school board for purposes of tort liability.

- (2) The charter school governing board, the nonprofit corporation under which the charter school is organized and managed, and the school are solely liable for any damages resulting from a legal challenge involving the operation of the school.

Amended by Chapter 293, 2019 General Session

Part 6

Charter School Credit Enhancement Program

53G-5-601 Definitions.

As used in this part:

- (1) "Annual charter school enrollment" means the total enrollment of all students in the state enrolled in a charter school in grades kindergarten through grade 12, based on October 1 enrollment counts.
- (2) "Annual state enrollment" means the total enrollment of all students in the state enrolled in a public school in grades kindergarten through grade 12, based on October 1 enrollment counts.
- (3) "Authority" means the Utah Charter School Finance Authority created by this part.
- (4) "Board" means the governing board of the authority described in Section 53G-5-602.
- (5) "Charter school" means a school created under this chapter.
- (6) "Credit enhancement program" means the Charter School Credit Enhancement Program established in Section 53G-5-606.
- (7) "Debt service reserve fund" means the reserve fund created or established by, or for the benefit of, a qualifying charter school for the purpose of paying principal of and interest on bonds issued under the credit enhancement program as the payments become due and other money of the qualifying charter school is not available to make the payments.
- (8) "Debt service reserve fund requirement" means, as of a particular date of computation, and with respect to a particular issue of bonds, the amount required to be on deposit in the debt service reserve fund, which amount:
 - (a) may be a sum certain or as set forth in a formula; and
 - (b) may not be less than the maximum annual debt service requirement for the related bonds.
- (9)
 - (a) "Obligations" mean any notes, debentures, revenue bonds, or other evidences of financial indebtedness, except as provided in Subsection (9)(b).
 - (b) "Obligations" do not include general obligation bonds.
- (10) "Project" means:
 - (a) any building, structure, or property owned, to be acquired, or used by a charter school for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities, and lands; or
 - (b) any capital equipment owned, to be acquired, or used by a charter school for any of its educational purposes, interests in land, and grounds, together with the personal property necessary, convenient, or appurtenant to them.
- (11) "Qualifying charter school" means a charter school that:
 - (a) meets standards adopted by the authority for participation in the credit enhancement program; and
 - (b) is designated by the authority as a qualifying charter school for purposes of participation in the credit enhancement program.

(12) "Reserve account" means the Charter School Reserve Account created in Section 53F-9-303.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-5-602 Utah Charter School Finance Authority created -- Members -- Compensation -- Services.

- (1) There is created a body politic and corporate known as the Utah Charter School Finance Authority. The authority is created to provide an efficient and cost-effective method of financing charter school facilities.
- (2) The governing board of the authority shall be composed of:
 - (a) the governor or the governor's designee;
 - (b) the state treasurer; and
 - (c) the state superintendent or the state superintendent's designee.
- (3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (4) Upon request, the state board shall provide staff support to the authority.

Amended by Chapter 293, 2019 General Session

53G-5-603 Powers and duties of authority.

- (1) The authority shall have perpetual succession as a body politic and corporate.
- (2) The authority may:
 - (a) sue and be sued in its own name;
 - (b) have, and alter at will, an official seal;
 - (c) contract with experts, advisers, consultants, and agents for needed services;
 - (d) receive and accept aid or contributions from any source, including the United States or this state, in the form of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this part, subject to the conditions upon which the aid and contributions are made, for any purpose consistent with this part;
 - (e) exercise the powers granted to municipalities and counties pursuant to Title 11, Chapter 17, Utah Industrial Facilities and Development Act, including the power to borrow money and issue obligations, including refunding obligations, subject to the same limitations as that imposed on a municipality or county under the act, except:
 - (i) the authority may only exercise powers under the act to finance or refinance a project as defined in Section 53G-5-601; and
 - (ii) the authority's area of operation shall include all areas of the state;
 - (f) employ advisers, consultants, and agents, including financial experts, independent legal counsel, and any advisers, consultants, and agents as may be necessary in its judgment and fix their compensation;
 - (g) make and execute contracts and other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions;
 - (h) in accordance with Section 53G-5-606, designate a charter school as a qualifying charter school for purposes of participation in the credit enhancement program; and
 - (i) have and exercise any other powers or duties that are necessary or appropriate to carry out and effectuate the purposes of this part.

- (3) Except as provided in Section 53G-5-607, 53G-5-608, or 53G-5-609, the Utah Charter School Finance Authority may not exercise power in any manner which would create general or moral obligations of the state or of any agency, department, or political subdivision of the state.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-5-604 Limited obligations.

Except as provided in Section 53G-5-607, 53G-5-608, or 53G-5-609, bonds, notes, and other obligations issued by the authority:

- (1) do not constitute a debt, moral obligation, or liability of the state, or of any county, city, town, school district, or any other political subdivision of the state;
- (2) do not constitute the loan of credit of the state or of any county, city, town, school district, or any other political subdivision of the state; and
- (3) may not be paid from funds other than loan payments or lease revenues received from a charter school or other funds pledged by a charter school.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-5-605 State to succeed to property of authority when encumbrances paid or authority dissolved.

- (1) If the authority is dissolved at any time, for any reason, all funds, property, rights, and interests of the authority, following the satisfaction of the authority's obligations, shall immediately vest in and become the property of the state, which shall succeed to all rights of the authority subject to any encumbrances which may then exist on any particular properties.
- (2) None of the net earnings of the authority shall inure to the benefit of any private person.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-5-606 Charter School Credit Enhancement Program -- Standards for the designation of qualifying charter schools -- Debt service reserve fund requirements.

- (1) There is created the Charter School Credit Enhancement Program to assist a qualifying charter school in obtaining favorable financing by providing a means of replenishing a qualifying charter school's debt service reserve fund.
- (2) The authority shall establish standards for a charter school to be designated as a qualifying charter school.
- (3) In accordance with Subsection (4), in establishing the standards described in Subsection (2) the authority shall consider:
 - (a) the financial strength of the qualifying charter school, as demonstrated by:
 - (i) debt service coverage ratios;
 - (ii) days cash on hand; and
 - (iii) other financial metrics as determined by the authority; and
 - (b) any other criteria the authority determines are relevant.
- (4) Excepted as provided in Subsection (12), based on a qualifying charter school's credit rating from at least one nationally recognized rating agency, the authority shall:
 - (a) for a rating of investment grade:
 - (i) approve a qualifying charter school for a bond issuance pursuant to this section; and
 - (ii) waive the annual maintenance fee;
 - (b) for a rating of BB+ or equivalent rating:

- (i) approve a qualifying charter school for a bond issuance pursuant to this section; and
 - (ii) assess an annual maintenance fee of 0.15% of outstanding debt;
- (c) for a rating of BB or equivalent rating:
 - (i) apply the standards described in Subsection (3) in determining whether to approve a qualifying charter school for a bond issuance pursuant to this section; and
 - (ii) if the qualifying charter is approved in accordance with Subsection (4)(c)(i), assess an annual maintenance fee of 0.25% of outstanding debt; and
- (d) adjust any maintenance fee described in this Subsection (4) to reflect a change in the qualifying charter school's credit rating.
- (5) The bonds the authority issues for a qualifying charter school are not an indebtedness of the state or of the authority but are special obligations payable solely from:
 - (a) the revenues or other funds pledged by the qualifying charter school; and
 - (b) amounts appropriated by the Legislature pursuant to Subsection (10).
- (6) The authority shall notify the authorizer of a charter school that the charter school is participating in the credit enhancement program if the authority:
 - (a) designates the charter school as a qualifying charter school; and
 - (b) issues bonds for the qualifying charter school under the credit enhancement program described in this section.
- (7) One or more debt service reserve funds shall be established for a qualifying charter school with respect to bonds issued pursuant to the credit enhancement program.
- (8)
 - (a) Except as provided in Subsection (8)(b), money in a debt service reserve fund may not be withdrawn from the debt service reserve fund if the amount withdrawn would reduce the level of money in the debt service reserve fund to less than the debt service reserve fund requirement.
 - (b) So long as the applicable bonds issued under the credit enhancement program remain outstanding, money in a debt service reserve fund may be withdrawn in an amount that would reduce the level of money in the debt service reserve fund to less than the debt service reserve fund requirement if the money is withdrawn for the purpose of:
 - (i) paying the principal of, redemption price of, or interest on a bond when due and if no other money of the qualifying charter school is available to make the payment, as determined by the authority; or
 - (ii) paying any redemption premium required to be paid when the bonds are redeemed prior to maturity if no bonds will remain outstanding upon payment from the funds in the qualifying charter school's debt service reserve fund.
- (9) Money in a qualifying charter school's debt service reserve fund that exceeds the debt service reserve fund requirement may be withdrawn by the qualifying charter school.
- (10)
 - (a) The authority shall annually, on or before December 1, certify to the governor the amount, if any, required to restore amounts on deposit in the debt service reserve funds of qualifying charter schools to the respective debt service reserve fund requirements, which certification shall include:
 - (i) detailed calculations supporting the certified amount; and
 - (ii) a report on the current status of each qualifying charter school's debt service reserve fund.
 - (b) The governor shall request from the Legislature an appropriation of the certified amount to restore amounts on deposit in the debt service reserve funds of qualifying charter schools to the respective debt service reserve fund requirements.

- (c) The Legislature may appropriate money to the authority to restore amounts on deposit in the debt service reserve funds of qualifying charter schools to the respective debt service reserve fund requirements.
- (d) A qualifying charter school that receives money from an appropriation to restore amounts on deposit in a debt service reserve fund to the debt service reserve fund requirement, shall repay the state at the time and in the manner as the authority shall require, provided that:
 - (i) the repayment schedule shall not exceed five years from the date of the appropriation;
 - (ii) the authority shall establish a minimum annual repayment amount; and
 - (iii) the authority shall provide annual reports to the Legislature on the status of all outstanding repayment obligations.
- (11) The authority may create and establish other funds for its purposes.
- (12) The authority shall waive the annual maintenance fee for a qualifying charter school that:
 - (a) received bond issuance approval on or before July 1, 2025; and
 - (b) has obtained an investment grade credit rating from at least one nationally recognized rating agency.

Amended by Chapter 369, 2025 General Session

53G-5-607 Charter School Reserve Account contribution requirements for qualifying charter schools.

- (1) When bonds are issued under the credit enhancement program for a qualifying charter school, the qualifying charter school shall contribute money to the reserve account in the amount determined as provided in Subsection (2).
- (2) The authority shall determine the up-front and ongoing requirements for contributions of money to the reserve account for each qualifying charter school.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-5-608 Bond issuance.

- (1)
 - (a) The state may not alter, impair, or limit the rights of bondholders or persons contracting with a qualifying charter school until the bonds, including interest and other contractual obligations, are fully met and discharged.
 - (b) Nothing in this part precludes an alteration, impairment, or limitation if provision is made by law for the protection of bondholders or persons entering into contracts with a qualifying charter school.
- (2) The authority may require a qualifying charter school to vest in the authority the right to enforce any covenant made to secure bonds issued under the credit enhancement program by making appropriate provisions in the indenture related to the qualifying charter school's bonds.
- (3) The authority may require a qualifying charter school to make covenants and agreements in indentures or in a reimbursement agreement to protect the interests of the state and to secure repayment to the state of any money received by the qualifying charter school from an appropriation to restore amounts deposited in the qualifying charter school's debt service reserve fund to the debt service reserve fund requirement.
- (4) The authority may charge a fee to administer the issuance of bonds for a qualifying charter school.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-5-609 Limitation on participation in Charter School Credit Enhancement Program.

- (1) In accordance with Subsection (2), on or before January 1 of each year, the authority shall determine the credit enhancement program's bond issuance limitation.
- (2) The authority may not issue bonds for a qualifying charter school under the credit enhancement program if the total par amount outstanding under the program would exceed an amount equal to the product of:
 - (a) 2.0;
 - (b) an amount equal to the quotient of:
 - (i) annual charter school enrollment; divided by
 - (ii) annual state enrollment; and
 - (c) the total par amount then outstanding under the school bond guarantee program established in Chapter 4, Part 8, School District Bond Guaranty.

Amended by Chapter 369, 2025 General Session

**Chapter 6
Participation in Public Schools**

**Part 1
General Provisions**

53G-6-101 Title.

This chapter is known as "Participation in Public Schools."

Enacted by Chapter 3, 2018 General Session

53G-6-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

**Part 2
Compulsory Education**

53G-6-201 Definitions.

As used in this part:

- (1)
 - (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.
 - (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.
- (2) "Educational neglect" means the same as that term is defined in Section 80-1-102.
- (3)

- (a) "Home-based microschool" means an individual or association of individuals that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property.
- (b) "Home-based microschool" does not include a daycare.
- (4) "Instructor" means an individual who teaches a student as part of a home-based microschool or micro-education entity.
- (5)
 - (a) "Micro-education entity" means a person or association of persons that:
 - (i) registers as a business entity in accordance with state and local laws; and
 - (ii) for compensation, provides kindergarten through grade 12 education services to 100 students or fewer.
 - (b) "Micro-education entity" does not include:
 - (i) a daycare;
 - (ii) a home-based microschool;
 - (iii) a private school; or
 - (iv) a school within the public education system.
- (6) "Minor" means an individual who is under 18 years old.
- (7) "Parent" includes:
 - (a) a custodial parent of the minor;
 - (b) a legally appointed guardian of a minor; or
 - (c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (7)(a) or (b).
- (8) "School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.
- (9) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child:
 - (a) is enrolled; or
 - (b) should be enrolled, if the school-age child is not enrolled in school.
- (10) "School-age child" means a minor who:
 - (a) is at least six years old but younger than 18 years old; and
 - (b) is not emancipated.
- (11)
 - (a) "Truant" means a condition in which a school-age child, without a valid excuse, and subject to Subsection (11)(b), is absent for at least:
 - (i) half of the school day; or
 - (ii) if the school-age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.
 - (b) A school-age child may not be considered truant under this part more than one time during one day.
- (12) "Truant minor" means a school-age child who:
 - (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
 - (b) is truant.
- (13)
 - (a) "Valid excuse" means:

- (i) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
 - (ii) mental or behavioral health of the school-age child;
 - (iii) a family death;
 - (iv) an approved school activity;
 - (v) an absence permitted by a school-age child's:
 - (A) individualized education program; or
 - (B) Section 504 accommodation plan;
 - (vi) competition in a rodeo sanctioned by an international, non-profit organization dedicated to the development of sportsmanship, horsemanship, and character in youth through the sport of rodeo;
 - (vii) an absence permitted in accordance with Subsection 53G-6-803(5); or
 - (viii) any other excuse established as valid by a local school board, charter school governing board, or school district.
- (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a reason described in Subsections (13)(a)(i) through (vii), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (13)(a)(viii).

Amended by Chapter 34, 2025 General Session

53G-6-202 Compulsory education.

- (1) As used in this section:
- (a) "Intentionally" means the same as that term is defined in Section 76-2-103.
 - (b) "Notice of compulsory education violation" means a notice issued in accordance with Subsections (3) and (4).
 - (c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which a notice of compulsory education violation is served and ending on the last day of the school year.
- (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age child shall enroll and send the school-age child to a public or regularly established private school.
- (3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is:
- (a) in grade 1 through 6; and
 - (b) truant at least five times during the school year.
- (4) A notice of compulsory education violation issued to a parent:
- (a) shall direct the parent to:
 - (i) meet with school authorities to discuss the school-age child's school attendance problems; and
 - (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;
 - (b) shall designate the school authorities with whom the parent is required to meet;
 - (c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:
 - (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or

- (ii) fail to prevent the school-age child from being truant five or more times during the remainder of the school year;
 - (d) shall be served on the parent by personal service or certified mail; and
 - (e) may not be issued unless the school-age child has been truant at least five times during the school year.
- (5) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child to intentionally or without good cause fail to enroll the school-age child in school, unless the school-age child is exempt from enrollment under Section 53G-6-204 or 53G-6-702.
- (6) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child who is in grade 1 through 6 to, after being served with a notice of compulsory education violation, intentionally or without good cause:
- (a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or
 - (b) fail to prevent the school-age child from being truant five or more times during the remainder of the school year.
- (7) Except during the period described in Subsections (5) and (6), a local school board, charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.
- (8) Except during the period described in Subsections (5) and (6), if school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:
- (a) identifying information of the school-age child and the parent who received the notice of compulsory education violation;
 - (b) information regarding the longest number of consecutive school days the school-age child has been absent or truant from school and the percentage of school days the school-age child has been absent or truant during each relevant school term;
 - (c) whether the school-age child has made adequate educational progress;
 - (d) whether the requirements of Section 53G-6-206 have been met;
 - (e) whether the school-age child is two or more years behind the local public school's age group expectations in one or more basic skills; and
 - (f) whether the school-age child is receiving special education services or systematic remediation efforts.
- (9) Notwithstanding this section, during the period described in Subsections (5) and (6), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of compulsory education.

Amended by Chapter 359, 2021 General Session
Revisor instructions Chapter 359, 2021 General Session

53G-6-203 Truancy -- Notice of truancy -- Failure to cooperate with school authorities.

- (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is enrolled in a public school shall attend the public school in which the school-age child is enrolled.
- (2) In accordance with Section 53G-8-211, a local school board, charter school governing board, or school district may impose administrative penalties on a school-age child who is:

- (a) in grade 7 or above, unless the school-age child is less than 12 years old; and
 - (b) truant.
- (3) A local school board or charter school governing board:
- (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy in accordance with Subsection (4); and
 - (b) shall establish a procedure for a school-age child, or the school-age child's parents, to contest a notice of truancy.
- (4) A notice of truancy described in Subsection (3):
- (a) may not be issued until a school-age child has been truant at least five times during the school year;
 - (b) may not be issued to a school-age child who is less than 12 years old or in a grade below grade 7;
 - (c) may not be issued to a school-age child exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
 - (d) shall direct the school-age child who receives the notice of truancy and the parent of the school-age child to:
 - (i) meet with school authorities to discuss the school-age child's trancies; and
 - (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child; and
 - (e) shall be mailed to, or served on, the school-age child's parent.
- (5)
- (a) Except as provided in Subsection (5)(b), nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age child who has been truant fewer than five times, provided that the action does not conflict with the requirements of this part.
 - (b) A local school board, charter school governing board, or school district may not take punitive action to resolve a truancy problem with a school-age child during the period described in Subsection (2).
- (6) Notwithstanding this section, during the period described in Subsection (2), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of truancy.

Amended by Chapter 161, 2023 General Session

53G-6-204 School-age children exempt from school attendance.

- (1)
- (a) A local school board or charter school governing board may excuse a school-age child from attendance for any of the following reasons:
 - (i) a school-age child over 16 years old may receive a partial release from school to enter employment, or attend a trade school, if the school-age child has completed grade 8; or
 - (ii) on an annual basis, a school-age child may receive a full release from attending a public, regularly established private, or part-time school or class if:
 - (A) the school-age child has already completed the work required for graduation from high school;
 - (B) the school-age child is in a physical or mental condition, certified by a competent physician or physician assistant if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;

- (C) proper influences and adequate opportunities for education are provided in connection with the school-age child's employment; or
 - (D) the district superintendent or charter school governing board has determined that a school-age child over 16 years old is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.
 - (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i) is required to attend:
 - (i) school part time as prescribed by the local school board or charter school governing board; or
 - (ii) a home school part time.
 - (c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.
 - (d) A local school board or charter school governing board that excuses a school-age child from attendance as provided by this Subsection (1) shall issue a certificate that the child is excused from attendance during the time specified on the certificate.
- (2)
- (a) A parent or legal guardian of a school-age child who attends a home school is solely responsible for:
 - (i) the selection of instructional materials and textbooks;
 - (ii) the time, place, and method of instruction; and
 - (iii) the evaluation of the home school instruction.
 - (b) A local school board may not:
 - (i) require a parent or legal guardian of a school-age child who attends a home school to maintain records of instruction or attendance;
 - (ii) require credentials for individuals providing home school instruction;
 - (iii) inspect home school facilities; or
 - (iv) require standardized or other testing of home school students.
 - (c) Upon the request of a parent or legal guardian, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent or legal guardian in achieving college and career readiness through home schooling.
- (3) When a parent withdraws an enrolled school-age child from school for the purpose of home-schooling, or chooses not to enroll a school-age child, the parent shall provide a one-time initial notification, that may include a letter of intent, to the local school board of the school-age child's district of residence.
- (4) A local school board may not require a notification described in Subsection (3) if a parent of a school-age child provided a notification to the local school board on or before May 7, 2025, including through a home-school affidavit.
- (5) Upon receiving the notification in Subsection (3):
- (a) the local school board shall:
 - (i) maintain a record of the notification; and
 - (ii) acknowledge receipt of the notification to the parent within 30 days; and
 - (b) the local school board and school of enrollment are not liable for the education or services of the school-age child.
- (6)
- (a) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent or legal guardian of a child attending a home school.

- (b) The exemptions in this section apply regardless of whether:
 - (i) a parent or legal guardian provides education instruction to the parent's or legal guardian's child alone or in cooperation with other parents or legal guardians similarly exempted under this section; or
 - (ii) the parent or legal guardian makes payment for educational services the parent's or legal guardian's child receives.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 284, 2025 General Session

Amended by Chapter 370, 2025 General Session

53G-6-205 Approval absences.

- (1) In determining whether to preapprove an extended absence of a school-age child as a valid excuse, a local school board, charter school governing board, or school district shall approve the absence if the local school board, charter school governing board, or school district determines that the extended absence will not adversely impact the school-age child's education.
- (2) A local school board, charter school governing board, or school district may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness.

Amended by Chapter 113, 2021 General Session

53G-6-206 Duties of a local school board, charter school governing board, or school district in promoting regular attendance -- Parental involvement -- Liability not imposed -- Report to state board.

- (1)
 - (a) As used in this section, "intervention" means a series of non-punitive and increasingly frequent and individualized activities that are designed to:
 - (i) create a trusting relationship between teachers, students, and parents;
 - (ii) improve attendance;
 - (iii) improve academic outcomes; and
 - (iv) reduce negative behavior referrals.
 - (b) "Intervention" includes:
 - (i) mentorship programs;
 - (ii) family connection to community resources;
 - (iii) academic support through small group or individualized tutoring or similar methods; and
 - (iv) teaching executive function skills, including:
 - (A) planning;
 - (B) goal setting;
 - (C) understanding and following multi-step directions; and
 - (D) self-regulation.
- (2)
 - (a) Subject to Subsection (2)(b), an LEA shall make efforts to promote regular attendance and resolve school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the LEA.
 - (b) A school-age child exempt from school attendance under Section 53G-6-204 or 53G-6-702, or a school-age child who is enrolled in a regularly established private school or part-time

school, is not considered to be a school-age child who is or should be enrolled in a school district or charter school under Subsection (2)(a).

- (3) The efforts described in Subsection (2) shall include, as reasonably feasible:
- (a) counseling of the school-age child by school authorities;
 - (b)
 - (i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or
 - (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance with Section 53G-6-202;
 - (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the school-age child;
 - (d) considering alternatives proposed by the school-age child's parent;
 - (e) incorporating attendance in the school-age child's course score or grade if:
 - (i) incorporation is determined appropriate through an individualized plan the school-age child's parent and teacher develops;
 - (ii) parental written consent is obtained for the individualized plan; and
 - (iii) the parent retains the ability to revoke the parent's consent described in Subsection (3)(e)(ii) at any time.
 - (f) monitoring school attendance of the school-age child;
 - (g) voluntary participation in truancy mediation, if available; and
 - (h) providing the school-age child's parent, upon request, with a list of resources available to assist the parent in resolving the school-age child's attendance problems.
- (4) In addition to the efforts described in Subsection (3), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies and organizations for early intervention services as appropriate and reasonably feasible in accordance with Section 53G-8-211.
- (5) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.
- (6) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 53G-6-210.
- (7) Each LEA shall annually report the following data separately to the state board:
- (a) absences with a valid excuse; and
 - (b) absences without a valid excuse.

Amended by Chapter 516, 2024 General Session

53G-6-207 Truancy specialists.

A local school board or charter school governing board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the state board.

Amended by Chapter 293, 2019 General Session

53G-6-208 Taking custody of a person believed to be a truant minor -- Disposition -- Reports -- Immunity from liability.

- (1) Except during the period between March 17, 2021, and June 1, 2022, a peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

- (2) An individual taking a presumed truant minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
 - (a) the principal of the minor's school;
 - (b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or
 - (c) a truancy center established under Subsection (5).
- (3) If the minor described in Subsection (2) refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.
- (4) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to accept custody and none of the options in Subsection (2) are available, the minor shall be referred to the Division of Child and Family Services.
- (5)
 - (a)
 - (i) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate truancy centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors.
 - (ii) Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.
 - (b)
 - (i) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to ensure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services.
 - (ii) A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
- (6)
 - (a) An individual taking action under this section shall report the action to the appropriate school district.
 - (b) The district described in Subsection (6)(a) shall promptly notify the minor's parents of the action taken.
- (7) The Utah Governmental Immunity Act applies to all actions taken under this section.
- (8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 80, Chapter 2, Child Welfare Services, Title 80, Chapter 2a, Removal and Protective Custody of a Child, and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings.

Amended by Chapter 335, 2022 General Session

53G-6-209 Truancy support centers.

- (1) A school district may establish one or more truancy support centers for:
 - (a) truant minors taken into custody under Section 53G-6-208; or
 - (b) students suspended or expelled from school.
- (2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:

- (a) assessments of the truant minor's needs and abilities;
 - (b) support for the parents and truant minor through counseling and community programs; and
 - (c) tutoring for the truant minor during the time spent at the center.
- (3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.
- (4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.
- (5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents.

Amended by Chapter 293, 2019 General Session

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

- (1) With regard to a minor who is the subject of a petition under Section 80-3-201 based on educational neglect:
- (a) if allegations include failure of a minor to make adequate educational progress, the juvenile court shall permit demonstration of the minor's educational skills and abilities based upon any of the criteria used in granting school credit, in accordance with Section 53G-6-702;
 - (b) parental refusal to comply with actions taken by school authorities in violation of Section 53G-10-202, 53G-10-205, 53G-10-403, or 53G-10-203, does not constitute educational neglect;
 - (c) parental refusal to support efforts by a school to encourage a minor to act in accordance with any educational objective that focuses on the adoption or expression of a personal philosophy, attitude, or belief that is not reasonably necessary to maintain order and discipline in the school, prevent unreasonable endangerment of persons or property, or to maintain concepts of civility and propriety appropriate to a school setting, does not constitute educational neglect; and
 - (d) an allegation of educational neglect may not be sustained, based solely on a minor's absence from school, unless the minor has been absent from school or from any given class, without good cause, for more than 10 consecutive school days or more than 1/10 of the applicable school term.
- (2) A minor may not be considered to be educationally neglected, for purposes of this chapter:
- (a) unless there is clear and convincing evidence that:
 - (i) the minor has failed to make adequate educational progress, and school officials have complied with the requirements of Section 53G-6-206; or
 - (ii) the minor is two or more years behind the local public school's age group expectations in one or more basic skills, and is not receiving special educational services or systematic remediation efforts designed to correct the problem;
 - (b) if the minor's parent or guardian establishes by a preponderance of the evidence that:
 - (i) school authorities have failed to comply with the requirements of this title;
 - (ii) the minor is being instructed at home in compliance with Section 53G-6-204;
 - (iii) there is documentation that the minor has demonstrated educational progress at a level commensurate with the minor's ability;

- (iv) the parent, guardian, or other person in control of the minor has made a good faith effort to secure the minor's regular attendance in school;
 - (v) good cause or a valid excuse exists for the minor's absence from school;
 - (vi) the minor is not required to attend school under court order or is exempt under other applicable state or federal law;
 - (vii) the minor has performed above the twenty-fifth percentile of the local public school's age group expectations in all basic skills, as measured by a standardized academic achievement test administered by the school district where the minor resides; or
 - (viii) the parent or guardian presented a reasonable alternative curriculum to required school curriculum, in accordance with Section 53G-10-205 or 53G-10-403, and the alternative curriculum was rejected by the school district, but the parents have implemented the alternative curriculum; or
- (c) if the minor is attending school on a regular basis.

Amended by Chapter 20, 2024 General Session

53G-6-211 Proceedings arising from failure to attend public school.

- (1)
- (a) When a proceeding under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, arises from a minor's failure to attend public school based upon the assertion of a constitutional or statutory right or duty, raised either by the minor, or by the minor's parent, guardian, or custodian, the juvenile court shall hear the petition and resolve the issues associated with the asserted constitutional or statutory claims within 15 days after the day on which the petition is filed.
 - (b) The parties may waive the time limitation described in this subsection.
- (2) Absent an emergency situation or other exigent circumstances, the juvenile court may not enter any order changing the educational status of the minor that existed at the time the petition was filed, until the hearing described in Subsection (1) is concluded.
- (3) A party proceeding under this section shall, insofar as it is possible, provide the juvenile court with factual stipulations and make all other efforts that are reasonably available to minimize the time required to hear the claims described in Subsection (1).

Renumbered and Amended by Chapter 261, 2021 General Session

53G-6-212 Home-based microschool and micro-education entity waivers and exemptions.

- (1) A home-based microschool or micro-education entity:
- (a) may form to provide education services to school-age children; and
 - (b) is not an LEA, a public school, or otherwise a part of the public education system.
- (2) A local health department may not require a home-based microschool or micro-education entity to obtain a food establishment permit or undergo an inspection in order to prepare or provide food if staff of the home-based microschool or micro-education entity does not prepare and serve food.

Enacted by Chapter 464, 2024 General Session

Part 3

School District Residency

53G-6-301 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-6-302 Child's school district of residence -- Determination -- Responsibility for providing educational services.

- (1) As used in this section:
 - (a) "Health care facility" means the same as that term is defined in Section 26B-2-201.
 - (b) "Human services program" means the same as that term is defined in Section 26B-2-101.
 - (c) "Supervision" means a minor child is:
 - (i) receiving services from a state agency, local mental health authority, or substance abuse authority with active involvement or oversight; and
 - (ii) engaged in a human services program that is properly licensed or certified and has provided the school district receiving the minor child with an education plan that complies with the requirements of Section 26B-2-116.
- (2) The school district of residence of a minor child whose custodial parent resides within Utah is:
 - (a) the school district in which the custodial parent resides; or
 - (b) the school district in which the child resides:
 - (i) while in the custody or under the supervision of a Utah state agency, local mental health authority, or substance abuse authority;
 - (ii) while under the supervision of a private or public agency which is in compliance with Section 26B-2-131 and is authorized to provide child placement services by the state;
 - (iii) while living with a responsible adult resident of the district, if a determination has been made in accordance with rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
 - (A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;
 - (B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section 53G-6-402; and
 - (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii) does not violate any other law or rule of the state board;
 - (iv) while the child is receiving services from a health care facility or human services program, if a determination has been made in accordance with rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
 - (A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;
 - (B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section 53G-6-402; and
 - (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv) does not violate any other law or rule of the state board; or
 - (v) if the child is married or has been determined to be an emancipated minor by a court of law or by a state administrative agency authorized to make that determination.

- (3) A minor child whose custodial parent does not reside in the state is considered to be a resident of the district in which the child lives, unless that designation violates any other law or rule of the state board, if:
 - (a) the child is married or an emancipated minor under Subsection (2)(b)(v);
 - (b) the child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's legal guardian under Section 53G-6-303;
 - (c) if permissible under policies adopted by a local school board, it is established to the satisfaction of the local school board that:
 - (i) the child lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;
 - (ii) the child's presence in the district is not for the primary purpose of attending the public schools;
 - (iii) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes; and
 - (iv) the child is prepared to abide by the policies of the school and school district in which attendance is sought; or
 - (d) it is established to the satisfaction of the local school board that:
 - (i) the child's parent moves from the state;
 - (ii) the child's parent executes a power of attorney under Section 75-5-103 that:
 - (A) meets the requirements of Subsection (4); and
 - (B) delegates powers regarding care, custody, or property, including schooling, to a responsible adult with whom the child resides;
 - (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the district;
 - (iv) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;
 - (v) the child is prepared to abide by the policies of the school and school district in which attendance is sought; and
 - (vi) the child's attendance in the school will not be detrimental to the school or school district.
- (4)
 - (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the district may require the person with whom the child lives to be designated as the child's custodian in a durable power of attorney, issued by the party who has legal custody of the child, granting the custodian full authority to take any appropriate action, including authorization for educational or medical services, in the interests of the child.
 - (b) Both the party granting and the party empowered by the power of attorney shall agree to:
 - (i) assume responsibility for any fees, as defined in Section 53G-7-501, to the child's education in the district; and
 - (ii) if eligibility for fee waivers is claimed under Section 53G-7-504, provide the school district with all financial information requested by the district for purposes of determining eligibility for fee waivers.
 - (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of this section and accepted by the school district shall remain in force until the earliest of the following occurs:
 - (i) the child reaches 18 years old, marries, or becomes emancipated;
 - (ii) the expiration date stated in the document; or
 - (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee, or by order of a court of competent jurisdiction.
- (5) A power of attorney does not confer legal guardianship.

- (6) Each school district is responsible for providing educational services for all children of school age who are residents of the district.

Amended by Chapter 497, 2024 General Session

53G-6-303 Guardianship for residency purposes by responsible adult -- Procedure to obtain -- Termination.

- (1) For purposes of this part, "responsible adult" means a person 21 years old or older who is a resident of this state and is willing and able to provide reasonably adequate food, clothing, shelter, and supervision for a minor child.
- (2) A local school board may adopt a policy permitting it to designate a responsible adult residing in the school district as legal guardian of a child whose custodial parent does not reside within the state upon compliance with the following requirements:
- (a) submission to the school district of a signed and notarized affidavit by the child's custodial parent stating that:
- (i) the child's presence in the district is not for the primary purpose of attending the public schools;
 - (ii) the child's physical, mental, moral, or emotional health would best be served by a transfer of guardianship to the Utah resident;
 - (iii) the affiant is aware that designation of a guardian under this section is equivalent to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any existing parental or guardianship rights in the same manner as would occur under a court-ordered guardianship;
 - (iv) the affiant consents and submits to any such suspension or termination of parental or guardianship rights;
 - (v) the affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;
 - (vi) the affiant designates a named responsible adult as agent, authorized to accept service on behalf of the affiant of any process, notice, or demand required or permitted to be served in connection with any action under Subsection (2)(a)(v); and
 - (vii) it is the affiant's intent that the child become a permanent resident of the state and reside with and be under the supervision of the named responsible adult;
- (b) submission to the school district of a signed and notarized affidavit by the responsible adult stating that:
- (i) the affiant is a resident of the school district and desires to become the guardian of the child;
 - (ii) the affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;
 - (iii) the affiant will accept the responsibilities of guardianship for the duration, including the responsibility to provide adequate supervision, discipline, food, shelter, educational and emotional support, and medical care for the child if designated as the child's guardian; and
 - (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);
- (c) submission to the school district of a signed and notarized affidavit by the child stating that:
- (i) the child desires to become a permanent resident of Utah and reside with and be responsible to the named responsible adult; and
 - (ii) the child will abide by all applicable policies of any public school which the child may attend after guardianship is awarded; and

- (d) if the child's custodial parent cannot be found in order to execute the statement required under Subsection (2)(a), the responsible adult must submit an affidavit to that effect to the district. The district shall also submit a copy of the statement to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
- (3) The district may require the responsible adult, in addition to the documents set forth in Subsection (2), to also submit any other documents which are relevant to the appointment of a guardian of a minor or which the district reasonably believes to be necessary in connection with a given application to substantiate any claim or assertion made in connection with the application for guardianship.
- (4) Upon receipt of the information and documentation required under Subsections (2) and (3), and a determination by the local school board that the information is accurate, that the requirements of this section have been met, and that the interests of the child would best be served by granting the requested guardianship, the local school board or its authorized representative may designate the applicant as guardian of the child by issuing a designation of guardianship letter to the applicant.
- (5)
 - (a) If a local school board has adopted a policy permitting the local school board to designate a guardian under this section, a denial of an application for appointment of a guardian may be appealed to the district court in which the school district is located.
 - (b) The court shall uphold the decision of the local school board unless it finds, by clear and convincing evidence, that the local school board's decision was arbitrary and capricious.
 - (c) An applicant may, rather than appealing the local school board's decision under Subsection (5)(b), file an original Petition for Appointment of Guardian with the district court, which action shall proceed as if no decision had been made by the local school board.
- (6) A responsible adult obtaining guardianship under this section has the same rights, authority, and responsibilities as a guardian appointed under Section 75-5-201.
- (7)
 - (a) The school district shall deliver the original documents filed with the school district, together with a copy of the designation of guardianship issued by the district, in person or by any form of mail requiring a signed receipt, to the clerk of the state district court in which the school district is located.
 - (b) The court may not charge the school district a fee for filing guardianship papers under this section.
- (8)
 - (a) The authority and responsibility of a custodial parent submitting an affidavit under this section may be restored by the district, and the guardianship obtained under this section terminated by the district:
 - (i) upon submission to the school district in which the guardianship was obtained of a signed and notarized statement by the person who consented to guardianship under Subsection (2)
 - (a) requesting termination of the guardianship; or
 - (ii) by the person accepting guardianship under Subsection (2)(b) requesting the termination of the guardianship.
 - (b) If the school district determines that it would not be in the best interests of the child to terminate the guardianship, the district may refer the request for termination to the state district court in which the documents were filed under Subsection (5) for further action consistent with the interests of the child.

- (9) The school district shall retain copies of all documents required by this section until the child in question has reached 18 years old unless directed to surrender the documents by a court of competent jurisdiction.
- (10)
- (a) Intentional submission to a school district of fraudulent or misleading information under this part is punishable under Section 76-8-504.
 - (b) A school district which has reason to believe that a party has intentionally submitted false or misleading information under this part may, after notice and opportunity for the party to respond to the allegation:
 - (i) void any guardianship, authorization, or action which was based upon the false or misleading information; and
 - (ii) recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, as defined in Section 53G-7-501, and other unpaid school charges, together with any related costs of recovery.
 - (c) A student whose guardianship or enrollment has been terminated under this section may, upon payment of all applicable tuition and fees, as defined in Section 53G-7-501, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Amended by Chapter 497, 2024 General Session

53G-6-304 Recognition of guardianship.

- (1) A document issued by other than a court of law which purports to award guardianship to a person who is not a legal resident of the jurisdiction in which the guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah court.
- (2) The procedure for obtaining approval under Subsection (1) is the procedure required under Title 75, Chapter 5, Part 2, Guardians of Minors, for obtaining a court appointment of a guardian.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-6-305 District paying tuition -- Effect on state aid.

- (1) A local school board may by written agreement pay the tuition of a child attending school in a district outside the state. Both districts shall approve the agreement and file it with the state board.
- (2) The average daily membership of the child may be added to that of other eligible children attending schools within the district of residence for the purpose of apportionment of state funds.
- (3)
 - (a) The district of residence shall bear any excess tuition costs over the state's contribution for attendance in the district of residence unless otherwise approved in advance by the state board.
 - (b)
 - (i) If a child who resides in a Utah school district's boundaries attends school in a neighboring state under this section, the state board may make an out-of-state tuition payment to the Utah school district of residence.

- (ii) If the state board approves the use of state funds for an out-of-state tuition payment described in Subsection (3)(b)(i), the state board shall use funds appropriated by the Legislature for necessarily existent small schools as described in Section 53F-2-304.

Amended by Chapter 293, 2019 General Session

53G-6-306 Permitting attendance by nonresident of the state -- Tuition.

- (1) As used in this section:
 - (a) "Armed forces" means the same as that term is defined in Section 68-3-12.5.
 - (b) "Eligible student" means a student who is a dependent child of a member of the uniformed services or a DOD civilian who is:
 - (i) (A) relocating to the state and does not reside in the state during an LEA's enrollment period; or
 - (B) relocating out of the state during the school year; and
 - (ii) (A) on permanent change of station orders; or
 - (B) relocating for a civilian assignment or position.
 - (c) "Nonresident child" means a child residing outside the state.
 - (d) "Provisional enrollment" means enrollment in a public school by an eligible student:
 - (i) before the eligible student relocates to the state; or
 - (ii) after the eligible student's parent relocates out of the state, but before the eligible student relocates out of the state.
 - (e) "Uniformed services" means:
 - (i) the same as that term is defined in Section 68-3-12.5;
 - (ii) the reserve components of the armed forces; and
 - (iii) the national guard of a state.
- (2)
 - (a) An LEA may permit a nonresident child to attend school within the district, giving priority to a child of a member of the uniformed services or a DOD civilian.
 - (b) With the exception of a child enrolled under Section 53G-6-707, a nonresident child is not included for the purpose of apportionment of state funds.
- (3)
 - (a) An LEA shall charge a nonresident child who enrolls in a school within the LEA tuition in an amount at least equal to the per capita cost of the school program in which the nonresident child enrolls unless the LEA, in open meeting, determines to waive the charge for that nonresident child in whole or in part.
 - (b) The official minutes of the meeting described in Subsection (3)(a) shall reflect the LEA's determination to waive the charge described in Subsection (3)(a).
- (4)
 - (a) Notwithstanding anything to the contrary in Subsection (3), an LEA shall allow an eligible student to:
 - (i) provisionally enroll in a public school in the LEA at the same time and in the same manner as individuals who reside in the state; or
 - (ii) provisionally enroll in virtual education options that the LEA provides in the same manner as an individual residing in the state.
 - (b) An LEA may not require proof of residency from an eligible student at the time the eligible student applies to enroll in a public school in the LEA.

- (c) An LEA shall require proof of residence within 10 days after the eligible student's first day of residence in the state.

Amended by Chapter 438, 2025 General Session

Part 4

School District Enrollment

53G-6-401 Definitions.

As used in Sections 53G-6-402 through 53G-6-407:

- (1) "Early enrollment" means:
 - (a) except as provided in Subsection (1)(b), application prior to the third Friday in February for admission for the next school year to a school that is not a student's school of residence; and
 - (b) application prior to November 1 for admission for the next school year to a school that is not a student's school of residence if:
 - (i) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
 - (ii) the grade reconfiguration described in Subsection (1)(b)(i) will be implemented in the next school year.
- (2)
 - (a) "Early enrollment school capacity" or "maximum capacity" means the total number of students who could be served in a school building if each of the building's instructional stations were to have the enrollment specified in Subsection (2)(b).
 - (b)
 - (i) Except as provided in Subsection (2)(b)(ii):
 - (A) for an elementary school, an instructional station shall have an enrollment at least equal to the school district's average class size for the corresponding grade; and
 - (B) for a middle, junior, or senior high school, an instructional station shall have an enrollment at least equal to the district's average class size for similar classes.
 - (ii)
 - (A) A local school board shall determine the instructional station capacity for laboratories, physical education facilities, shops, study halls, self-contained special education classrooms, facilities jointly financed by the school district and another community agency for joint use, and similar rooms.
 - (B) Capacity for self-contained special education classrooms shall be based upon students per class as defined by state board and federal special education standards.
- (3)
 - (a) "Instructional station" means a classroom, laboratory, shop, study hall, or physical education facility to which a local school board could reasonably assign a class, teacher, or program during a given class period.
 - (b) More than one instructional station may be assigned to a classroom, laboratory, shop, study hall, or physical education facility during a class period.
- (4) "Late enrollment" means application:
 - (a) after the third Friday in February for admission for the next school year to a school that is not the student's school of residence; or
 - (b) for admission for the current year to a school that is not the student's school of residence.

- (5)
 - (a) "Late enrollment school capacity" or "adjusted capacity" means the total number of students who could be served in a school if each teacher were to have the class size specified in Subsection (5)(b).
 - (b)
 - (i) An elementary school teacher shall have a class size at least equal to the district's average class size for the corresponding grade.
 - (ii) A middle, junior, or senior high school teacher shall have a class size at least equal to the district's average class size for similar classes.
- (6) "Nonresident student" means a student who lives outside the boundaries of the school attendance area.
- (7) "Open enrollment threshold" means:
 - (a) for early enrollment, a projected school enrollment level that is the greater of:
 - (i) 90% of the maximum capacity; or
 - (ii) maximum capacity minus 40 students; and
 - (b) for late enrollment, actual school enrollment that is the greater of:
 - (i) 90% of adjusted capacity; or
 - (ii) adjusted capacity minus 40 students.
- (8) "Projected school enrollment" means the current year enrollment of a school as of October 1, adjusted for projected growth for the next school year.
- (9) "School attendance area" means an area established by a local school board from which students are assigned to attend a certain school.
- (10) "School of residence" means the school to which a student is assigned to attend based on the student's place of residence.

Amended by Chapter 293, 2019 General Session

53G-6-402 Open enrollment options -- Procedures -- Processing fee -- Continuing enrollment.

- (1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the state board for each student who resides in the district and, as provided in this section through Section 53G-6-407 and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district, giving priority to a child of a military service member or a child of a DOD civilian.
- (2)
 - (a) A school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold.
 - (b) If a school's enrollment falls below the open enrollment threshold, the local school board shall allow a nonresident student to enroll in the school.
- (3) A local school board may allow enrollment of nonresident students in a school that is operating above the open enrollment threshold.
- (4)
 - (a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.
 - (b) Those procedures shall provide, as a minimum, for:
 - (i) distribution to interested parties of information about the school or school district and how to apply for admission;
 - (ii) use of standard application forms prescribed by the state board;

- (iii)
 - (A) submission of applications from November 15 through the first Friday in February by those seeking admission during the early enrollment period for the following year; or
 - (B) submission of applications from August 1 through November 1 by those seeking admission during the early enrollment period for the following year in a school district described in Subsection 53G-6-401(1)(b);
 - (iv) submission of applications by those seeking admission during the late enrollment period;
 - (v) notwithstanding any other provision of this part or Part 3, School District Residency, submission of applications for at least 30 days after the day on which a school boundary change takes effect for those affected by the school boundary change;
 - (vi) written notification to the student's parent of acceptance or rejection of an application:
 - (A) within six weeks after receipt of the application by the district or by March 31, whichever is later, for applications submitted during the early enrollment period;
 - (B) within two weeks after receipt of the application by the district or by the Friday before the new school year begins, whichever is later, for applications submitted during the late enrollment period for admission in the next school year;
 - (C) within two weeks after receipt of the application by the district, for applications submitted during the late enrollment period for admission in the current year; and
 - (D) within two weeks after receipt of the application by the district, for applications submitted by students affected by a school district boundary change;
 - (vii) written notification to the resident school for intradistrict transfers or the resident district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and
 - (viii) written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53G-6-401(1)(b) if:
 - (A) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and
 - (B) the grade reconfiguration described in Subsection (4)(b)(viii)(A) will be implemented in the next school year.
- (c)
 - (i) Notwithstanding the dates established in Subsection (4)(b) for submitting applications and notifying parents of acceptance or rejection of an application, a local school board may delay the dates if a local school board is not able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school due to:
 - (A) school construction or remodeling;
 - (B) drawing or revision of school boundaries; or
 - (C) other circumstances beyond the control of the local school board.
 - (ii) The delay may extend no later than four weeks beyond the date the local school board is able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school.
- (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of application.
- (6) An enrolled nonresident student shall be permitted to remain enrolled in a school, subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:
 - (a) the student graduates;
 - (b) the student is no longer a Utah resident;
 - (c) the student is suspended or expelled from school;

- (d) except for a student described in Subsection (6)(e), the district determines that enrollment within the school will exceed the school's open enrollment threshold; or
- (e) for a child of a military service member or a child of a DOD civilian who moves from temporary to permanent housing outside of the relevant school district boundaries following a permanent change of station:
 - (i) in kindergarten through grade 10, the student completes the current school year; or
 - (ii) in grades 11 and 12, the student graduates.
- (7)
 - (a) Determination of which nonresident students will be excluded from continued enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in the school, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days in the school.
 - (b) Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.
- (8) The parent of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:
 - (a) the district of residence; or
 - (b) another nonresident district.
- (9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.
- (10)
 - (a) Except as provided in Subsection (10)(c), a student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.
 - (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.
 - (c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.
- (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:
 - (a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and
 - (b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.
- (12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Sec. 675.

Amended by Chapter 438, 2025 General Session

53G-6-403 Policies for acceptance and rejection of applications.

(1)

- (a) A local school board shall adopt policies governing acceptance and rejection of applications required under Section 53G-6-402.
- (b) The policies adopted under Subsection (1)(a) shall include policies and procedures to assure that decisions regarding enrollment requests are administered fairly without prejudice to any student or class of student, except as provided in Subsection (2).
- (2) Standards for accepting or rejecting an application for enrollment may include:
 - (a) for an elementary school, the capacity of the grade level;
 - (b) for a secondary school, the capacity of a comprehensive program;
 - (c) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;
 - (d) not offering, or having capacity in, an elementary or secondary special education or other special program the student requires;
 - (e) maintenance of reduced class sizes:
 - (i) in a Title I school that uses federal, state, and local money to reduce class sizes for the purpose of improving student achievement; or
 - (ii) in a school that uses school trust money to reduce class size;
 - (f) willingness of prospective students to comply with district policies; and
 - (g) giving priority to intradistrict transfers over interdistrict transfers.
- (3)
 - (a) Standards for accepting or rejecting applications for enrollment may not include:
 - (i) previous academic achievement;
 - (ii) athletic or other extracurricular ability;
 - (iii) the fact that the student requires special education services for which space is available;
 - (iv) proficiency in the English language; or
 - (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).
 - (b) A local school board may provide for the denial of applications from students who:
 - (i) have committed serious infractions of the law or school policies, including policies of the district in which enrollment is sought; or
 - (ii) have been guilty of chronic misbehavior which would, if it were to continue after the student was admitted:
 - (A) endanger persons or property;
 - (B) cause serious disruptions in the school; or
 - (C) place unreasonable burdens on school staff.
 - (c) A local school board may also provide for provisional enrollment of students with prior behavior problems, establishing conditions under which enrollment of a nonresident student would be permitted or continued.
- (4)
 - (a) The state board, in consultation with the Utah High School Activities Association, shall establish policies regarding nonresident student participation in interscholastic competition.
 - (b) Nonresident students shall be eligible for extracurricular activities at a public school consistent with eligibility standards as applied to students that reside within the school attendance area, except as provided by policies established under Subsection (4)(a).
- (5) For each school in the district, the local school board shall post on the school district's website:
 - (a) the school's maximum capacity;
 - (b) the school's adjusted capacity;
 - (c) the school's projected enrollment used in the calculation of the open enrollment threshold;
 - (d) actual enrollment on October 1, January 2, and April 1;
 - (e) the number of nonresident student enrollment requests;

- (f) the number of nonresident student enrollment requests accepted; and
- (g) the number of resident students transferring to another school.

Amended by Chapter 293, 2019 General Session

53G-6-404 Denial of enrollment -- Appeal.

- (1) Denial of initial or continuing enrollment in a nonresident school may be appealed to the local school board of the nonresident district.
- (2) The decision of the local school board shall be upheld in any subsequent proceedings unless the local school board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Amended by Chapter 293, 2019 General Session

53G-6-405 Funding.

- (1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.
- (2) The state board shall adopt rules providing that:
 - (a) except as provided in Subsection (2)(b):
 - (i) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and
 - (ii) if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount specified in this Subsection (2)(a) based on the percentage of school days the student is enrolled in the nonresident district; and
 - (b) the payment requirements under Subsection (2)(a) do not apply to students enrolled in an online school within the nonresident district.
- (3)
 - (a) Except as provided in this Subsection (3), the parent of a nonresident student shall arrange for the student's own transportation to and from school.
 - (b) The state board may adopt rules under which a nonresident student may be transported to the student's school of attendance if:
 - (i) transportation relieves overcrowding or other serious problems in the district of residence;
 - (ii) the district of residence lacks sufficient transportation services;
 - (iii) the costs of transportation are reasonable;
 - (iv) there is available space on an approved route within the student's school of attendance; or
 - (v) the Legislature has granted an adequate specific appropriation for that purpose.
 - (c) Nothing in this section shall be construed as prohibiting the resident district or the receiving district from providing bus transportation on any approved route.
 - (d) Except as provided in Subsection (3)(b), the district of residence may not claim any state transportation costs for students enrolled in other school districts.

Amended by Chapter 529, 2025 General Session

53G-6-406 Graduation credits.

- (1) A nonresident district shall accept credits toward graduation that were awarded by a school accredited or approved by the state board or a regional accrediting body recognized by the U.S. Department of Education.

- (2) A nonresident district shall award a diploma to a nonresident student attending school within the district during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.
- (3) A district may not require that a student attend school within the district for more than one semester prior to graduation in order to receive a diploma.

Amended by Chapter 293, 2019 General Session

**53G-6-407 Intradistrict transfers for students impacted by boundary changes --
Transportation of students who transfer within a district.**

- (1)
 - (a) In adjusting school boundaries, a local school board shall strive to avoid requiring current students to change schools and shall, to the extent reasonably feasible, accommodate parents who wish to avoid having their children attend different schools of the same level because of boundary changes which occur after one or more children in the family begin attending one of the affected schools.
 - (b) In granting interdistrict and intradistrict transfers to a particular school, the local school board shall take into consideration the fact that an applicant's brother or sister is attending the school or another school within the district.
- (2)
 - (a) A district shall receive transportation money under Sections 53F-2-402 and 53F-2-403 for resident students who enroll in schools other than the regularly assigned school on the basis of the distance from the student's residence to the school the student would have attended had the intradistrict attendance option not been used.
 - (b) The parent of the student shall arrange for the student's transportation to and from school, except that the district shall provide transportation on the basis of available space on an approved route within the district to the school of the student's attendance if the student would be otherwise eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Amended by Chapter 293, 2019 General Session

**Part 5
Charter School Enrollment**

53G-6-501 Definitions.

As used in this part:

- (1) "Asset" means the same as that term is defined in Section 53G-5-102.
- (2) "Board of trustees of a higher education institution" or "board of trustees" means the same as that term is defined in Section 53G-5-102.
- (3) "Charter school authorizer" or "authorizer" means the same as that term is defined in Section 53G-5-102.

Amended by Chapter 293, 2019 General Session

53G-6-502 Eligible students.

- (1) As used in this section:
 - (a) "At capacity" means operating above the school's open enrollment threshold.
 - (b) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.
 - (c) "Open enrollment threshold" means the same as that term is defined in Section 53G-6-401.
 - (d) "Refugee" means a person who is eligible to receive benefits and services from the federal Office of Refugee Resettlement.
 - (e) "School of residence" means the same as that term is defined in Section 53G-6-401.
- (2) All resident students of the state qualify for admission to a charter school, subject to the limitations set forth in this section and Section 53G-6-503.
- (3)
 - (a) A charter school shall enroll:
 - (i) a foster child residing in the same residence as an individual who is enrolled in the charter school; and
 - (ii) an eligible student other than a child described in Subsection (3)(a)(i) who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the charter school.
 - (b) If the number of applications described in Subsection (3)(a)(ii) exceeds the capacity of a program, class, grade level, or the charter school, the charter school shall select students on a random basis, except as provided in Subsections (4) through (8).
- (4) A charter school may give an enrollment preference to:
 - (a) a child or grandchild of an individual who has actively participated in the development of the charter school;
 - (b) a child or grandchild of a member of the charter school governing board;
 - (c) a sibling of an individual who was previously or is presently enrolled in the charter school;
 - (d) a child of an employee of the charter school;
 - (e) a student articulating between charter schools offering similar programs that are governed by the same charter school governing board;
 - (f) a student articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the State Charter School Board;
 - (g) an individual seeking enrollment in a charter school if:
 - (i) the individual's sibling is a student enrolled in a charter school; and
 - (ii) the charter school where the individual is seeking enrollment has an articulation agreement with the charter school where the sibling is enrolled that the State Charter School Board approves;
 - (h) a student who resides within up to a two-mile radius of the charter school and whose school of residence is at capacity;
 - (i) a child of a military service member;
 - (j) a child of a DOD civilian; or
 - (k) for the 2022-2023 school year, a student who withdraws from the charter school to attend an online school or home school for the 2020-2021 or 2021-2022 school years due to the COVID-19 emergency.
- (5)
 - (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(h), a charter school that is approved by the state board after May 13, 2014, and is located in a high growth area as defined in Section 53G-6-504 shall give an enrollment preference to a student who resides within a two-mile radius of the charter school.

- (b) The requirement to give an enrollment preference under Subsection (5)(a) does not apply to a charter school that was approved without a high priority status pursuant to Subsection 53G-6-504(7)(b).
- (6) If a district school converts to charter status, the charter school shall give an enrollment preference to students who would have otherwise attended it as a district school.
- (7)
 - (a) A charter school whose mission is to enhance learning opportunities for refugees or children of refugee families may give an enrollment preference to refugees or children of refugee families.
 - (b) A charter school whose mission is to enhance learning opportunities for English language learners may give an enrollment preference to English language learners.
- (8) A charter school may weight the charter school's lottery to give a slightly better chance of admission to educationally disadvantaged students, including:
 - (a) low-income students;
 - (b) students with disabilities;
 - (c) English language learners;
 - (d) migrant students;
 - (e) neglected or delinquent students; and
 - (f) homeless students.
- (9) A charter school may not discriminate in the charter school's admission policies or practices on the same basis as other public schools may not discriminate in admission policies and practices.

Amended by Chapter 438, 2025 General Session

53G-6-503 Charter school students -- Admissions procedures -- Transfers.

- (1) As used in this section:
 - (a) "Nonresident school district" means a school district other than a student's school district of residence.
 - (b) "School district of residence" means a student's school district of residence as determined under Section 53G-6-302.
 - (c) "School of residence" means the school to which a student is assigned to attend based on the student's place of residence.
- (2)
 - (a) The state board, in consultation with the State Charter School Board, shall make rules describing procedures for students to follow in applying for entry into, or exiting, a charter school.
 - (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:
 - (i) posting on a charter school's Internet website, beginning no later than 60 days before the school's initial period of applications:
 - (A) procedures for applying for admission to the charter school;
 - (B) the school's opening date, if the school has not yet opened, or the school calendar; and
 - (C) information on how a student may transfer from a charter school to another charter school or a district school;
 - (ii) written notification to a student's parent of an offer of admission;
 - (iii) written acceptance of an offer of admission by a student's parent;
 - (iv) written notification to a student's current charter school or school district of residence upon acceptance of the student for enrollment in a charter school; and

- (v) the admission of students at:
 - (A) any time to protect the health or safety of a student; or
 - (B) times other than those permitted under standard policies if there are other conditions of special need that warrant consideration.
- (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is enrolled in a charter school or who has accepted an offer of admission to a charter school from duplicating enrollment for the student in another charter school or a school district without following the withdrawal procedures described in Subsection (3).
- (3) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in another charter school or a school district by submitting to the charter school:
 - (a) on or before June 30, a notice of intent to enroll the student in the student's school of residence for the following school year;
 - (b) after June 30, a letter of acceptance for enrollment in the student's school district of residence for the following year;
 - (c) a letter of acceptance for enrollment in the student's school district of residence in the current school year;
 - (d) a letter of acceptance for enrollment in a nonresident school district; or
 - (e) a letter of acceptance for enrollment in a charter school.
- (4)
 - (a) A charter school shall report to a school district, by the last business day of each month the aggregate number of new students, sorted by their school of residence and grade level, who have accepted enrollment in the charter school for the following school year.
 - (b) A school district shall report to a charter school, by the last business day of each month, the aggregate number of students enrolled in the charter school who have accepted enrollment in the school district in the following school year, sorted by grade level.
- (5) When a vacancy occurs because a student has withdrawn from a charter school, the charter school may immediately enroll a new student from its list of applicants.
- (6) Unless provisions have previously been made for enrollment in another school, a charter school releasing a student from enrollment during a school year shall immediately notify the school district of residence, which shall enroll the student in the school district of residence and take additional steps as may be necessary to ensure compliance with laws governing school attendance.
- (7)
 - (a) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in the student's school of residence in the following school year if an application of admission is submitted to the school district of residence by June 30.
 - (b) If the parent of a student enrolled in a charter school submits an application of admission to the student's school district of residence after June 30 for the student's enrollment in the school district of residence in the following school year, or an application of admission is submitted for enrollment during the current school year, the student may enroll in a school of the school district of residence that has adequate capacity in:
 - (i) the student's grade level, if the student is an elementary school student; or
 - (ii) the core classes that the student needs to take, if the student is a secondary school student.
 - (c) State board rules made under Subsection (2)(a) shall specify how adequate capacity in a grade level or core classes is determined for the purposes of Subsection (7)(b).
- (8) Notwithstanding Subsection (7), a school district may enroll a student at any time to protect the health and safety of the student.

- (9) A school district or charter school may charge secondary students a one-time \$5 processing fee, to be paid at the time of application.

Amended by Chapter 293, 2019 General Session

53G-6-504 Approval of increase in charter school enrollment capacity -- Expansion.

- (1) For the purposes of this section:
- (a) "High growth area" means an area of the state where school enrollment is significantly increasing or projected to significantly increase.
 - (b) "Next school year" means the school year that begins on or after the July 1 immediately following the end of a general session of the Legislature.
- (2) The state board may approve an increase in charter school enrollment capacity subject to the Legislature:
- (a) appropriating funds for an increase in charter school enrollment capacity in the next school year; or
 - (b) authorizing an increase in charter school enrollment capacity in the school year immediately following the next school year.
- (3) In appropriating funds for, or authorizing, an increase in charter school enrollment capacity, the Legislature shall provide a separate appropriation or authorization of enrollment capacity for a charter school proposed and approved in response to a request for applications issued under Section 53G-5-301.
- (4)
- (a) A charter school may annually submit a request to the state board for an increase in enrollment capacity in the amount of .25 times the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program.
 - (b) A charter school shall submit a request for an increase in enrollment capacity pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase in enrollment capacity is requested.
 - (c) The state board shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.
 - (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a permanent increase in the charter school's enrollment capacity.
 - (e) For the 2021-2022 school year, the previous school year described in Subsection (4)(a) is the 2019-2020 school year.
- (5)
- (a) On or before January 1, 2017, the state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from charter school authorizers, make rules establishing requirements, procedures, and deadlines for an expansion of a charter school.
 - (b) The rules described in Subsection (5)(a) shall include rules related to:
 - (i) an expansion of a charter school when another charter school issues a notice of closure; and
 - (ii) the establishment of a satellite campus.
- (6)

- (a) If the Legislature does not appropriate funds for an increase in charter school enrollment capacity that is tentatively approved by the state board, the state board shall prioritize the tentatively approved schools and expansions based on approved funds.
 - (b) A charter school or expansion that is tentatively approved, but not funded, shall be considered to be tentatively approved for the next application year and receive priority status for available funding.
- (7)
- (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in charter school enrollment capacity for new charter schools and expanding charter schools, the state board shall give:
 - (i) high priority to approving a new charter school or a charter school expansion in a high growth area; and
 - (ii) low priority to approving a new charter school or a charter school expansion in an area where student enrollment is stable or declining.
 - (b) An applicant seeking to establish a charter school in a high growth area may elect to not receive high priority status as provided in Subsection (7)(a)(i).
- (8) For fiscal year 2021, in addition to an appropriation described in Subsection 53F-2-704(2)(a), for the guarantee described in Section 53F-2-704, the state board may use up to \$8,000,000 from the following sources in priority order:
- (a) funds from the federal Elementary and Secondary School Emergency Relief Fund described in the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136; and
 - (b) notwithstanding anything to the contrary in Subsection 53F-2-205(3)(b), nonlapsing Minimum School Program funds.

Amended by Chapter 9, 2020 Special Session 6

Part 6

Preventing Enrollment or Transfer of Missing Children

53G-6-601 Definitions.

As used in this part:

- (1) "Division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
- (2) "Missing child" has the same meaning as provided in Section 26B-8-130.
- (3) "State registrar" means the State Registrar of Vital Statistics within the Department of Health and Human Services.

Amended by Chapter 328, 2023 General Session

53G-6-602 Identifying records -- Reporting requirements.

- (1) Upon notification by the division of a missing child in accordance with Section 53-10-203, a school in which that child is currently or was previously enrolled shall flag the record of that child in a manner that whenever a copy of or information regarding the record is requested, the school is alerted to the fact that the record is that of a missing child.
- (2) The school shall immediately report any request concerning flagged records or knowledge as to the whereabouts of any missing child to the division.

- (3) Upon notification by the division that a missing child has been recovered, the school shall remove the flag from that child's record.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-6-603 Requirement of birth certificate for enrollment of students -- Procedures.

- (1) As used in this section:
 - (a) "Child trafficking" means human trafficking of a child in violation of Section 76-5-308.5.
 - (b) "Enroller" means an individual who enrolls a student in a public school.
 - (c) "Review team" means a team described in Subsection (4), assigned to determine a student's biological age as described in this section.
 - (d) "Social service provider" means the same as that term is defined in Section 53E-3-524.
- (2) Except as provided in Subsection (3), upon enrollment of a student for the first time in a particular school, that school shall notify the enroller in writing that within 30 days the enroller shall provide to the school either:
 - (a) a certified copy of the student's birth certificate; or
 - (b)
 - (i) other reliable proof of the student's:
 - (A) identity;
 - (B) biological age; and
 - (C) relationship to the student's legally responsible individual; and
 - (ii) an affidavit explaining the enroller's inability to produce a copy of the student's birth certificate.
- (3)
 - (a) If the documentation described in Subsection (2)(a) or (2)(b)(i) inaccurately reflects the student's biological age, the enroller shall provide to the school:
 - (i) an affidavit explaining the reasons for the inaccuracy described in Subsection (3)(a); and
 - (ii) except as provided in Subsection (4), supporting documentation that establishes the student's biological age.
 - (b) The supporting documentation described in Subsection (3)(a)(ii) may include:
 - (i) a religious, hospital, physician, or physician assistant certificate showing the student's date of birth;
 - (ii) an entry in a family religious text;
 - (iii) an adoption record;
 - (iv) previously verified school records;
 - (v) previously verified immunization records;
 - (vi) documentation from a social service provider; or
 - (vii) other legal documentation, including from a consulate, that reflects the student's biological age.
- (4)
 - (a) If the supporting documentation described in Subsection (3)(b) is not available, the school shall assign a review team to work with the enroller to determine the student's biological age for an LEA to use for a student's enrollment and appropriate placement in a public school.
 - (b) The review team described in Subsection (4)(a):
 - (i) may include:
 - (A) an appropriate district administrator;
 - (B) the student's teacher or teachers;
 - (C) the school principal;

- (D) a school counselor;
 - (E) a school social worker;
 - (F) a school psychologist;
 - (G) a culturally competent and trauma-informed community representative;
 - (H) a school nurse or other school health specialist;
 - (I) an interpreter, if necessary; or
 - (J) a relevant educational equity administrator; and
- (ii) shall include at least three members, at least one of which has completed the instruction described in Subsection 53G-9-207(3)(a), no more than two years prior to the member's appointment to the review team.
- (c) In addition to any duty to comply with the mandatory reporting requirements described in Section 53E-6-701, a school shall report to local law enforcement and to the division any sign of child trafficking that the review team identifies in carrying out the review team's duties described in Subsection (4)(a).

Amended by Chapter 113, 2024 General Session

Amended by Chapter 381, 2024 General Session

53G-6-604 Requirement of school record for transfer of student -- Procedures.

- (1) Except as provided in Section 53E-3-905, a school shall request a certified copy of a transfer student's record, directly from the transfer student's previous school, within 14 days after enrolling the transfer student.
- (2)
 - (a) Except as provided in Subsection (2)(b) and Section 53E-3-905, a school requested to forward a certified copy of a transferring student's record to the new school shall comply within 30 school days of the request.
 - (b) If the record has been flagged pursuant to Section 53G-6-602, a school may not forward the record to the new school and the requested school shall notify the division of the request.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 7

Other Public School Participation

53G-6-701 Definitions.

As used in this part, "fee" means the same as that term is defined in Section 53G-7-501.

Amended by Chapter 497, 2024 General Session

53G-6-702 Dual enrollment.

- (1) As used in this section, "minor" means the same as that term is defined in Section 53G-6-201.
- (2) A person having control of a minor who is enrolled in a regularly established private school or a home school may also enroll the minor in a public school for dual enrollment purposes.
- (3) The minor may participate in any academic activity in the public school available to students in the minor's grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity.

- (4)
- (a) A student enrolled in a dual enrollment program in a district school is considered a student of the district in which the district school of attendance is located for purposes of state funding to the extent of the student's participation in the district school programs.
 - (b) A student enrolled in a dual enrollment program in a charter school is considered a student of the charter school for purposes of state funding to the extent of the student's participation in the charter school programs.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

Amended by Chapter 408, 2020 General Session

53G-6-703 Private school and home school students' participation in extracurricular activities in a public school.

- (1) As used in this section:
- (a) "Academic eligibility requirements" means the academic eligibility requirements that a home school student is required to meet to participate in an extracurricular activity in a public school.
 - (b) "Association" means the same as that term is defined in Section 53G-7-1101.
 - (c) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (d) "Initial establishment of eligibility requirements" means an association's eligibility requirements, policies, procedures, and transfer rules that a school student in grade 9 or 10 must meet, and to which the student is bound, to participate on a high school sports team when the student:
 - (i) attends the high school in which the student is selected for membership on a high school sports team; or
 - (ii) does not attend the high school in which the student tries out for and is selected for membership on a high school sports team.
 - (e) "Minor" means the same as that term is defined in Section 53G-6-201.
 - (f) "Parent" means the same as that term is defined in Section 53G-6-201.
 - (g) "Principal" means the principal of the school in which a home school student participates or intends to participate in an extracurricular activity.
- (2)
- (a) A minor who is enrolled in a private school or a home school is eligible to participate in an extracurricular activity at a public school as provided in this section.
 - (b) A private school student may only participate in an extracurricular activity at a public school that is not offered by the student's private school.
 - (c)
 - (i) Except as provided in Subsection (2)(d), a private school student or a home school student may only participate in an extracurricular activity at:
 - (A) the school with attendance boundaries within which the student's custodial parent resides; or
 - (B) the school from which the student withdrew for the purpose of attending a private or home school.
 - (ii) A private school student or a home school student retains the ability to participate in an extracurricular activity at a school described in Subsection (2)(c)(i) if the student did not initially establish the student's eligibility at another school in grade 9 or 10.

- (d) A school other than a school described in Subsection (2)(c)(i) may allow a private school student or a home school student to participate in an extracurricular activity that the public school sponsors and supports if:
 - (i) for an interscholastic competition of athletic teams, the private school student or the home school student meets the initial establishment of eligibility requirements;
 - (ii) for an interscholastic contest or competition for music, drama, or forensic groups or teams, the private school student, subject to Subsection (2)(b), or the home school student meets the entry requirements for participation;
 - (iii) the private school student or the home school student meets the eligibility requirements under this section; and
 - (iv) the private school student or the home school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (3)
 - (a) Except as provided in Subsections (4) through (13), a private school student or a home school student is eligible to participate in an extracurricular activity at a public school consistent with eligibility standards:
 - (i) applied to a fully enrolled public school student;
 - (ii) of the public school where the private school student or the home school student participates in an extracurricular activity; and
 - (iii) for the extracurricular activity in which the private school or the home school student participates.
 - (b) A school district or public school may not impose additional requirements on a private school student or a home school student to participate in an extracurricular activity that are not imposed on a fully enrolled public school student.
 - (c)
 - (i) A private school student or a home school student who participates in an extracurricular activity at a public school shall pay the same fees as required of a fully enrolled public school student to participate in an extracurricular activity.
 - (ii) If a local school board or a charter school governing board imposes a mandatory student activity fee for a student enrolled in a public school, the fee may be imposed on a private school student or a home school student who participates in an extracurricular activity at the public school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled public school student are available to a private school student or a home school student who participates in an extracurricular activity at the public school.
- (4) Eligibility requirements based on school attendance are not applicable to a home school student.
- (5) A home school student meets academic eligibility requirements to participate in an extracurricular activity if:
 - (a) the student is mastering the material in each course or subject being taught; and
 - (b) the student is maintaining satisfactory progress towards achievement or promotion.
- (6)
 - (a) To establish a home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets academic eligibility requirements.
 - (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school student shall:
 - (i) be considered to meet academic eligibility requirements; and
 - (ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:

- (A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or
 - (B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.
- (7)
- (a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.
 - (b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).
- (8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:
- (a) asserting the home school student does not meet academic eligibility requirements; and
 - (b) providing information indicating that the home school student does not meet the academic eligibility requirements.
- (9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.
- (10)
- (a) A school district superintendent shall:
 - (i) appoint a panel of three individuals to verify a home school student's compliance with academic eligibility requirements when requested by a principal pursuant to Subsection (9); and
 - (ii) select the panel members from nominees submitted by national, state, or regional organizations whose members are home school students and parents.
 - (b) Of the members appointed to a panel under Subsection (10)(a):
 - (i) one member shall have experience teaching in a public school as a licensed teacher and in home schooling high school-age students;
 - (ii) one member shall have experience teaching in a higher education institution and in home schooling; and
 - (iii) one member shall have experience in home schooling high school-age students.
- (11) A panel appointed under Subsection (10):
- (a) shall review the affidavit submitted under Subsection (8);
 - (b) may confer with the person who submitted the affidavit under Subsection (8);
 - (c) shall request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
 - (d) shall review the test scores or portfolio of work; and
 - (e) shall determine whether the home school student meets academic eligibility requirements.
- (12) A home school student who meets academic eligibility requirements pursuant to Subsection (11), retains academic eligibility for all extracurricular activities during the activity season for which an affidavit is submitted pursuant to Subsection (6).
- (13)

- (a) A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.
 - (b) A home school student who is not in compliance with academic eligibility requirements as determined by a panel appointed under Subsection (11) may seek to establish academic eligibility under this section for the next activity season.
- (14)
- (a) A public school student who has been declared to be academically ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student:
 - (i) demonstrates academic eligibility by providing test results or a portfolio of the student's work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (14)(a) during the same activity season in which the student was declared to be academically ineligible;
 - (ii) returns to public school and reestablishes academic eligibility; or
 - (iii) enrolls in a private school and establishes academic eligibility.
 - (b) A public school student who has been declared to be behaviorally ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student meets eligibility standards as provided in Subsection (3).
- (15) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a private school student or a home school student is eligible to try out for and participate in the activity as provided in this section.
- (16)
- (a) If a student exits a public school to enroll in a private school or a home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.
 - (b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) is dependent on the student meeting public school academic eligibility standards at the time of exiting public school.
 - (c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.

Amended by Chapter 340, 2023 General Session

53G-6-704 Charter school students' participation in extracurricular activities at other public schools.

- (1) As used in this section:
- (a) "Association" means the same as that term is defined in Section 53G-7-1101.
 - (b) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (c) "Initial establishment of eligibility requirements" means the same as that term is defined in Section 53G-6-703.
- (2) A charter school student is eligible to participate in an extracurricular activity not offered by the student's charter school at:
- (a) the school with attendance boundaries within which the student's custodial parent resides, if, for an interscholastic competition of athletic teams, the student did not initially establish the student's eligibility at another public school in grade 9 or 10;

- (b) the public school from which the student withdrew for the purpose of attending a charter school; or
 - (c) a public school that is not a charter school if the student's charter school is located on the campus of the public school or has local school board approval to locate on the campus of the public school.
- (3) In addition to the public schools listed in Subsection (2), the state board may establish rules to allow a charter school student to participate in an extracurricular activity at a public school other than a public school listed in Subsection (2).
- (4) A school other than a school described in Subsection (2) may allow a charter school student to participate in an extracurricular activity a public school sponsors and supports if:
- (a) for interschool competitions of athletic teams, the charter school student meets the initial establishment of eligibility requirements;
 - (b) for interschool contests or competitions for music, drama, or forensic groups or teams, the charter school student meets the entry requirements for participation;
 - (c) the charter school student meets the eligibility requirements under this section; and
 - (d) the charter school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (5) A charter school student is eligible for an extracurricular activity at a public school consistent with eligibility standards as applied to full-time students of the public school.
- (6) A school district or a public school may not impose additional requirements on a charter school student to participate in an extracurricular activity that are not imposed on full-time students of the public school.
- (7)
- (a) The state board shall make rules establishing fees for charter school students' participation in an extracurricular activity at school district schools.
 - (b) The rules shall provide that:
 - (i) charter school students pay the same fees as other students to participate in an extracurricular activity;
 - (ii) charter school students are eligible for fee waivers pursuant to Section 53G-7-504;
 - (iii) for each charter school student who participates in an extracurricular activity at a school district school, the charter school shall pay a share of the school district's costs for the extracurricular activity; and
 - (iv) a charter school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or a school divided by total student enrollment of the school district or the school.
 - (c) In determining a charter school's share of the costs of an extracurricular activity under Subsections (7)(b)(iii) and (iv), the state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.
- (8) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a charter school student is eligible to try out for and participate in the activity as provided in this section.

Amended by Chapter 340, 2023 General Session

53G-6-705 Online students' participation in extracurricular activities.

- (1) As used in this section:
 - (a) "Association" means the same as that term is defined in Section 53G-7-1101.

- (b) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
- (c) "Initial establishment of eligibility requirements" means the same as that term is defined in Section 53G-6-703.
- (d) "Online education" means the use of information and communication technologies to deliver educational opportunities to a student in a location other than a school.
- (e) "Online student" means a student who:
 - (i) participates in an online education program sponsored or supported by the state board, a school district, or a charter school; and
 - (ii) generates funding for the school district or the school pursuant to Subsection 53F-2-102(4) and rules of the state board.
- (2) An online student is eligible to participate in an extracurricular activity at:
 - (a) the school with attendance boundaries within which the student's custodial parent resides, if, for an interscholastic competition of athletic teams, the student did not initially establish the student's eligibility at another public school in grade 9 or 10; or
 - (b) the public school from which the student withdrew for the purpose of participating in an online education program.
- (3) A public school other than a school described in Subsection (2) may allow an online student to participate in an extracurricular activity that the public school sponsors and supports if:
 - (a) for interschool competitions of athletic teams sponsored and supported by a public school, the online school student meets the initial establishment of eligibility requirements;
 - (b) for interschool contests or competitions for music, drama, or forensic groups or teams sponsored and supported by a public school, the online school student meets the entry requirements for participation;
 - (c) the online school student meets the eligibility requirements under this section; and
 - (d) the online school student meets the enrollment requirements for public school in accordance with Part 4, School District Enrollment.
- (4) An online student is eligible to participate in an extracurricular activity at a public school consistent with eligibility standards as applied to full-time students of the public school.
- (5) A school district or public school may not impose additional requirements on an online school student to participate in an extracurricular activity that are not imposed on full-time students of the public school.
- (6)
 - (a) The state board shall make rules establishing fees for an online school student's participation in an extracurricular activity at school district schools.
 - (b) The rules shall provide that:
 - (i) online school students pay the same fees as other students to participate in an extracurricular activity;
 - (ii) online school students are eligible for fee waivers pursuant to Section 53G-7-504;
 - (iii) for each online school student who participates in an extracurricular activity at a school district school, the online school shall pay a share of the school district's costs for the extracurricular activity; and
 - (iv) an online school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or school divided by total student enrollment of the school district or school.
 - (c) In determining an online school's share of the costs of an extracurricular activity under Subsections (6)(b)(iii) and (iv), the state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.

- (7) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, an online student is eligible to try out for and participate in the activity as provided in this section.

Amended by Chapter 340, 2023 General Session

53G-6-706 Placement of a student of a home school, micro-education entity, or home-based microschool, who transfers to a public school.

- (1) For the purposes of this section, "parent" means the same as that term is defined in Section 53G-6-201.
- (2) When a home school student, a home-based microschool student, or a micro-education entity student transfers from a home school, a home-based microschool, or a micro-education entity to a public school, the public school shall place the student in the grade levels, classes, or courses that the student's parent and the school administrator determine are appropriate based on the parent's assessment of the student's academic performance.
- (3)
- (a) Within 30 days of the student's placement in a public school grade level, class, or course, either the student's teacher or the student's parent may request a conference to consider changing the student's placement.
 - (b) If the student's teacher and the student's parent agree on a placement change, the public school shall place the student in the agreed upon grade level, class, or course.
 - (c) If the student's teacher and the student's parent do not agree on a placement change, the public school shall evaluate the student's subject matter mastery in accordance with Subsection (3)(d).
 - (d) The student's parent has the option of:
 - (i) allowing the public school to administer, to the student, assessments that are:
 - (A) regularly administered to public school students; and
 - (B) used to measure public school students' subject matter mastery and determine placement; or
 - (ii) having a private entity or individual administer assessments of subject matter mastery to the student at the parent's expense.
 - (e) After an evaluation of a student's subject matter mastery, a public school may change the student's placement in a grade level, class, or course.
- (4) In accordance with Section 53G-6-702, this section does not apply to a student who is dual enrolled in a public school and a:
- (a) home school;
 - (b) home-based microschool; or
 - (c) micro-education entity.

Amended by Chapter 464, 2024 General Session

53G-6-707 Interstate compact students -- Inclusion in attendance count -- Foreign exchange students -- Annual report -- Requirements for exchange student agencies.

- (1) A school district or charter school may include the following students in the district's or school's membership and attendance count for the purpose of apportionment of state money:
- (a) a student enrolled under an interstate compact, established between the state board and the state education authority of another state, under which a student from one compact state

- would be permitted to enroll in a public school in the other compact state on the same basis as a resident student of the receiving state; or
- (b) a student receiving services under Title 80, Chapter 2, Part 9, Interstate Compact on Placement of Children.
- (2) A school district or charter school may:
 - (a) enroll foreign exchange students that do not qualify for state money; and
 - (b) pay for the costs of those students with other funds available to the school district or charter school.
- (3) Due to the benefits to all students of having the opportunity to become familiar with individuals from diverse backgrounds and cultures, school districts are encouraged to enroll foreign exchange students, as provided in Subsection (2), particularly in schools with declining or stable enrollments where the incremental cost of enrolling the foreign exchange student may be minimal.
- (4)
 - (a) A local school board or charter school governing board shall require each approved exchange student agency to provide it with a sworn affidavit of compliance prior to the beginning of each school year.
 - (b) The affidavit shall include the following assurances:
 - (i) that the agency has complied with all applicable policies of the state board;
 - (ii) that a household study, including a background check of all adult residents, has been made of each household where an exchange student is to reside, and that the study was of sufficient scope to provide reasonable assurance that the exchange student will receive proper care and supervision in a safe environment;
 - (iii) that host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(2)(j) for persons who are in a position of special trust;
 - (iv) that a representative of the exchange student agency shall visit each student's place of residence at least once each month during the student's stay in Utah;
 - (v) that the agency will cooperate with school and other public authorities to ensure that no exchange student becomes an unreasonable burden upon the public schools or other public agencies;
 - (vi) that each exchange student will be given in the exchange student's native language names and telephone numbers of agency representatives and others who could be called at any time if a serious problem occurs; and
 - (vii) that alternate placements are readily available so that no student is required to remain in a household if conditions appear to exist which unreasonably endanger the student's welfare.
- (5)
 - (a) A local school board or charter school governing board shall provide each approved exchange student agency with a list of names and telephone numbers of individuals not associated with the agency who could be called by an exchange student in the event of a serious problem.
 - (b) The agency shall make a copy of the list available to each of its exchange students in the exchange student's native language.
- (6) Notwithstanding Subsection 53F-2-303(3)(a), a school district or charter school shall enroll a foreign exchange student if the foreign exchange student:
 - (a) is sponsored by an agency approved by the state board;
 - (b) attends the same school during the same time period that another student from the school is:
 - (i) sponsored by the same agency; and

- (ii) enrolled in a school in a foreign country; and
- (c) is enrolled in the school for one year or less.

Amended by Chapter 335, 2022 General Session

53G-6-708 Career and technical education program alternatives.

- (1) A secondary student may attend a technical college described in Section 53B-2a-105 if the secondary student's career and technical education goals are better achieved by attending a technical college as determined by:
 - (a) the secondary student; and
 - (b) if the secondary student is a minor, the secondary student's parent.
- (2) A secondary student served under this section by a technical college described in Section 53B-2a-105 shall be counted in the average daily membership of the sending school district or charter school.

Amended by Chapter 293, 2019 General Session

53G-6-709 Participation of students with a disability in extracurricular activities.

- (1) A student with a disability may not be denied the opportunity of participating in a public school program or extracurricular activity solely because of the student's age or disability, unless the participation threatens the health or safety of the student.
- (2) The school district or charter school, in cooperation with the Utah Department of Health shall establish criteria used to determine the health and safety factor.
- (3) Subsection (1) applies to a student who:
 - (a) has not graduated from high school with a regular diploma; and
 - (b) is under the age of 22, if participation is recommended by the student's individualized education program team.

Renumbered and Amended by Chapter 187, 2019 General Session

53G-6-710 Home-centered, school-supported enrollment option.

- (1) As used in this section:
 - (a) "Home-centered, school-supported enrollment option" means an enrollment option for an LEA that allows participating students to:
 - (i) complete the course work for one or more courses or subject areas from home during part of the school day; and
 - (ii) attend in-person instruction for the remainder of the school day.
 - (b) "Local education agency" or "LEA" means a school district or charter school.
 - (c) "Participating student" means a student who is:
 - (i) enrolled in an LEA; and
 - (ii) approved to participate in a home-centered, school-supported enrollment option provided by the LEA.
- (2)
 - (a) An LEA may provide a home-centered, school-supported enrollment option.
 - (b) An LEA that provides a home-centered, school-supported enrollment option shall:
 - (i) establish standards and requirements for student participation;
 - (ii) provide the instructional materials to be used by a participating student;

- (iii) provide a participating student's parent with resources the LEA considers appropriate to assist in parent involvement with student learning;
 - (iv) develop assessments to measure a participating student's academic progress;
 - (v) administer the assessments described in Subsection (2)(b)(iv) to a participating student, subject to Subsection 53G-6-803(9); and
 - (vi) monitor compliance with the standards and requirements established under Subsection (2)(b)(i).
- (3) A student who attends a home school pursuant to Section 53G-6-204 is not eligible to participate in a home-centered, school-supported enrollment option.
- (4) A participating student is subject to a statewide assessment, as defined in Section 53E-4-301, to the same extent as a student who is not participating.
- (5) A student's participation in a home-centered, school-supported enrollment option provided by an LEA does not reduce or otherwise affect enrollment count for purposes of computing the LEA's Minimum School Program funds under Title 53F, Chapter 2, State Funding -- Minimum School Program.

Enacted by Chapter 60, 2023 General Session

Part 8

Parental Rights

53G-6-801 Definitions.

As used in this part:

- (1) "Federal law" means:
- (a) a statute passed by the Congress of the United States; or
 - (b) a final regulation:
 - (i) adopted by an administrative agency of the United States government; and
 - (ii) published in the code of federal regulations or the federal register.
- (2) "Reasonably accommodate" means an LEA shall make its best effort to enable a parent to exercise a parental right specified in Section 53G-6-803:
- (a) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and
 - (b) while balancing:
 - (i) the parental rights of parents;
 - (ii) the educational needs of other students;
 - (iii) the academic and behavioral impacts to a classroom;
 - (iv) a teacher's workload; and
 - (v) the assurance of the safe and efficient operation of a school.

Amended by Chapter 293, 2019 General Session

53G-6-802 Annual notice of parental rights.

- (1) An LEA shall annually notify a parent of a student enrolled in the LEA of:
- (a) the parent's rights as specified in this part; and
 - (b) the constitutional protections as described in Section 53G-10-205.

- (2) An LEA satisfies the notification requirement described in Subsection (1) by posting the information on the LEA's website or through other means of electronic communication.

Amended by Chapter 20, 2024 General Session

53G-6-803 Parental right to academic accommodations.

- (1)
- (a) A student's parent is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent. As such, a student's parent has the right to reasonable academic accommodations from the student's LEA as specified in this section.
 - (b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.
 - (c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent as a user of the public education system.
 - (d) An accommodation under this section may only be provided if the accommodation is:
 - (i) consistent with federal law; and
 - (ii) consistent with a student's IEP if the student already has an IEP.
- (2) An LEA shall reasonably accommodate a parent's written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.
- (3) An LEA shall reasonably accommodate a parent's initial selection of a teacher or request for a change of teacher.
- (4) An LEA shall reasonably accommodate the request of a student's parent to visit and observe any class the student attends.
- (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:
- (a) the parent submits a written statement at least one school day before the scheduled absence; and
 - (b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.
- (6)
- (a) An LEA shall reasonably accommodate a parent's written request to place a student in a specialized class, a specialized program, or an advanced course.
 - (b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).
- (7) Consistent with Section 53E-4-204, which requires the state board to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit toward high school graduation without completing a course in school by:
- (a) testing out of the course; or
 - (b) demonstrating competency in course standards.
- (8) An LEA shall reasonably accommodate a parent's request to meet with a teacher at a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher conference.
- (9)
- (a) At the request of a student's parent, an LEA shall excuse a student from taking an assessment that:

- (i) is federally mandated;
 - (ii) is mandated by the state under this public education code; or
 - (iii) requires the use of:
 - (A) a state assessment system; or
 - (B) software that is provided or paid for by the state.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:
 - (A) does not place an undue burden on a parent; and
 - (B) may be completed online; and
 - (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school accountability or employee evaluations due to a student not taking an assessment under Subsection (9)(a).
 - (c) An LEA:
 - (i) shall follow the procedures outlined in rules made by the state board under Subsection (9)(b) to excuse a student under Subsection (9)(a);
 - (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition to the procedures outlined in rules made by the state board under Subsection (9)(b); and
 - (iii) may not provide a nonacademic reward to a student for taking an assessment described in Subsection (9)(a).
 - (d) The state board shall:
 - (i) maintain and publish a list of state assessments, state assessment systems, and software that qualify under Subsection (9)(a); and
 - (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
- (10)
- (a) An LEA shall provide for:
 - (i) the distribution of a copy of a school's discipline and conduct policy to each student in accordance with Section 53G-8-204; and
 - (ii) a parent's signature acknowledging receipt of the school's discipline and conduct policy.
 - (b) An LEA shall notify a parent of a student's violation of a school's discipline and conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

Amended by Chapter 408, 2020 General Session

53G-6-804 Parent access to learning management system for online courses -- Training.

- (1) As used in this section:
 - (a) "Learning management system" means a software application for the administration, documentation, tracking, reporting, automation, or delivery of an online course.
 - (b) "Online course" means a course that an LEA provides to a student over the Internet.
- (2) An LEA that uses a learning management system for an online course shall provide:
 - (a) to the parent of a student enrolled in the online course, access to the learning management system, including, at a minimum:
 - (i) the curriculum used for the course; and
 - (ii) information about the progress and learning of the parent's student, including assessment results; and
 - (b) to a student enrolled in the course and the student's parent, training or orientation to help the student and student's parent understand how to access:

- (i) the learning management system;
- (ii) the online course; and
- (iii) any online tools used to deliver the online course or instruction.

Enacted by Chapter 324, 2021 General Session

53G-6-805 Parental right to school comparison.

- (1) Parents have the right to compare public school performance in a given area.
- (2) The state board shall provide an online tool that allows parents to:
 - (a) search for public schools within a given radius of a specific location or within the boundaries of a public school district; and
 - (b) view a side-by-side comparison of data related to the public schools in the area described in Subsection (2)(a), including the indicators required in Subsection 53E-5-211(1).
- (3) The state board shall include the information provided under this section in the parent portal required under Section 53G-6-806.

Amended by Chapter 70, 2023 General Session

53G-6-806 Parent portal.

- (1) As used in this section:
 - (a) "Parent portal" means the posting the state board is required to provide under this section.
 - (b) "School" means a public elementary or secondary school, including a charter school.
- (2)
 - (a) The state board shall post information that allows a parent of a student enrolled in a school to:
 - (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;
 - (ii) be informed of resources and steps to follow when a student has been the subject, perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct such as:
 - (A) resources for the student, including short-term mental health services;
 - (B) options for the student to make changes to the student's educational environment;
 - (C) options for alternative school enrollment;
 - (D) options for differentiated start or stop times;
 - (E) options for differentiated exit and entrance locations; and
 - (F) the designated employee for an LEA who addresses incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
 - (iii) be informed of the steps and resources for filing a grievance with a school or LEA regarding bullying, cyber-bullying, hazing, or retaliation;
 - (iv) be informed of the steps and resources for seeking accommodations under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;
 - (v) be informed of the steps and resources for seeking accommodations under state or federal law regarding religious accommodations;
 - (vi) be informed of the steps and resources for filing a grievance for an alleged violation of state or federal law, including:
 - (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
 - (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;
 - (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
 - (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12131-12165;

- (vii) receive information about constitutional rights and freedoms afforded to families in public education;
 - (viii) be informed of how to access an internal audit hotline if established by the state board; and
 - (ix) be informed of services for military families.
- (b) In addition to the information required under Subsection (2)(a), the state board:
- (i) shall include in the parent portal:
 - (A) the comparison tool created under Section 53G-6-805;
 - (B) school level safety data, including data points described in Section 53E-3-516; and
 - (C) a link to the public safety portal described in Section 63A-16-1002; and
 - (ii) may include in the parent portal other information that the state board determines is helpful to parents.
- (3)
- (a) The state board shall post the parent portal at a location that is easily located by a parent.
 - (b) The state board shall update the parent portal at least annually.
 - (c) In accordance with state and federal law, the state board may collaborate with a third-party to provide safety data visualization in comparison to other states' data.
- (4) An LEA shall annually notify each of the following of how to access the parent portal:
- (a) a parent of a student; and
 - (b) a teacher, principal, or other professional staff within the LEA.

Amended by Chapter 21, 2024 General Session

53G-6-807 Parent engagement specialist.

- (1)
- (a) The state superintendent shall appoint an individual as a parent engagement specialist after:
 - (i) posting the position publicly; and
 - (ii) reviewing and consulting with the state board leadership about the appointment.
 - (b) The individual appointed under this section shall preferably have experience:
 - (i) working to constructively engage parents in guiding the parents' student's education;
 - (ii) understanding research on education outcomes; and
 - (iii) understanding laws pertaining to parental rights in education.
- (2) The parent engagement specialist shall respond to parent communications directed to the state board by:
- (a) maintaining and revising on behalf of the state board the parent portal required by Section 53G-6-806;
 - (b) responding to questions and complaints to the state board regarding parent rights and opportunities within the state's education system; and
 - (c) helping parents to navigate available complaint processes provided through the state board, at the LEA level, or at the public school level.
- (3) The parent engagement specialist shall provide guidance and outreach to LEAs and public schools across the state by:
- (a) providing training and materials to LEAs and public schools regarding successful parent engagement strategies; and
 - (b) sharing research on parent engagement practices shown to contribute to student attendance and success.
- (4) In performing the parent engagement specialist's activities, the parent engagement specialist shall comply with Section 53E-2-201.

Enacted by Chapter 70, 2023 General Session

Part 9

Participation in Female Sports

53G-6-901 Definitions.

As used in this part:

- (1) "Coed" or "mixed" means that a team is composed of members of both sexes who traditionally compete together.
- (2) "Interscholastic athletic activity" means that a student represents the student's school or LEA in competition against another school or LEA in an athletic or sporting activity.
- (3) "Sex" means the biological, physical condition of being male or female, determined by an individual's genetics and anatomy at birth.

Enacted by Chapter 478, 2022 General Session

53G-6-902 Participation in school athletic activities.

- (1) Notwithstanding any state board rule:
 - (a) a public school or LEA, or a private school that competes against a public school or LEA, shall expressly designate school athletic activities and teams as one of the following, based on sex:
 - (i) designated for students of the male sex;
 - (ii) designated for students of the female sex; or
 - (iii) "coed" or "mixed";
 - (b) a student of the male sex may not compete, and a public school or LEA may not allow a student of the male sex to compete, with a team designated for students of the female sex in an interscholastic athletic activity; and
 - (c) a government entity or licensing or accrediting organization may not entertain a complaint, open an investigation, or take any other adverse action against a school or LEA described in Subsection (1)(a) for maintaining separate school athletic activities for students of the female sex.
- (2) Nothing in this section prohibits an LEA or school from allowing a student of either gender from participating with a team designated for students of the female sex, consistent with school policy, outside of competition in an interscholastic athletic activity, in accordance with Subsection (1)(b).

Enacted by Chapter 478, 2022 General Session

53G-6-903 Severability.

- (1) If any provision of this part or the application of any provision of this part to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this part shall be given effect without the invalidated provision or application.
- (2) The provisions of this part are severable.

Enacted by Chapter 478, 2022 General Session

53G-6-904 Indemnification -- Enforcement.

- (1) The attorney general shall defend and the state shall indemnify and hold harmless a person acting under color of state law to enforce this part for any claims or damages, including court costs and attorney fees, that:
 - (a) arise as a result of this part; and
 - (b) are not covered by the person's insurance policies or by any coverage agreement issued by the State Risk Management Fund.
- (2) An LEA or school within the public education system with a team that competes in an interscholastic athletic activity is responsible for the enforcement of this part in relation to the LEA's or school's teams.

Amended by Chapter 46, 2024 General Session

Part 10
Student Eligibility in Interscholastic Activities

53G-6-1001 Definitions.

As used in this part:

- (1) "Athletic association" means an association, as that term is defined in Section 53G-7-1101.
- (2) "Birth certificate" means an official record of an individual's date of birth, place of birth, sex, and parentage, including a supplementary certificate of birth or birth certificate amendment and amendment history as provided in Sections 26B-8-110 and 26B-8-111.
- (3) "Commission" means the School Activity Eligibility Commission created in Section 53G-6-1003.
- (4) "Does not correspond with the sex designation" means that a student's sex designation for an interscholastic activity in which a student seeks participation does not correspond with the sex designation on the student's birth certificate or an amendment, including the amendment history, to the student's birth certificate that the Division of Vital Records and Statistics provides.
- (5) "Female-designated" means that an interscholastic activity is designated specifically for female students.
- (6) "Gender-designated" means that an interscholastic activity or facility is designated specifically for female or male students.
- (7) "Gender identity" means the same as that term is defined in Section 34A-5-102.
- (8) "Interscholastic activity" means an activity in which a student represents the student's school in the activity in competition against another school.
- (9) "Male-designated" means that an interscholastic activity is designated specifically for male students.
- (10) "Student" means a student who is enrolled in a public school that participates in interscholastic activities.
- (11) "Unamended birth certificate" means a birth certificate:
 - (a) with no amendment history; or
 - (b) with an amendment history that:
 - (i) does not include gender-related amendments; or
 - (ii) includes gender-related amendments that only:

- (A) correct an error or omission resulting from a scrivener's error under Subsection 26B-8-107(2); or
- (B) correct a misidentification of birth sex for an intersex individual under Subsection 26B-8-107(2).

Amended by Chapter 408, 2025 General Session

53G-6-1002 Effect contingent on court ruling.

This part becomes effective if a court of competent jurisdiction invalidates or enjoins Title 53G, Chapter 6, Part 9, Participation in Female Sports.

Enacted by Chapter 478, 2022 General Session

53G-6-1003 School Activity Eligibility Commission -- Baseline range.

- (1) There is created the School Activity Eligibility Commission.
- (2)
 - (a) The commission shall consist of the following members:
 - (i) the following two members whom the president of the Senate appoints:
 - (A) a mental health professional; and
 - (B) a statistician with expertise in the analysis of medical data;
 - (ii) the following two members whom the speaker of the House of Representatives appoints:
 - (A) a physician with expertise in gender identity healthcare, including an endocrinologist, a family medicine physician, or a pediatrician; and
 - (B) a sports physiologist, an exercise physiologist, a sports medicine physician, a pediatrician with experience in youth sports, or an orthopedist or orthopedic surgeon;
 - (iii) the following two members whom the governor appoints:
 - (A) a representative of an athletic association; and
 - (B) an athletic trainer who serves student athletes on the collegiate level; and
 - (iv) one ad hoc member, serving on a case-by-case basis, who is:
 - (A) appointed by the athletic association in which the relevant student's school competes; and
 - (B) a certified high school coach or official who coaches or officiates in a separate region or classification from the relevant student's school and in the sport in which the relevant student seeks eligibility.
 - (b) An athletic association may prepare and communicate the association's sport-specific appointments described in Subsection (2)(a)(iv) in preparation for student requests in a given sport.
- (3)
 - (a) A member of the commission described in Subsections (2)(a)(i) through (iii) shall serve an initial term of one year, subject to reappointment for subsequent terms of two years.
 - (b) If a vacancy occurs in the membership of the commission, the individual responsible for the appointment of the vacant seat as described in Subsection (2) shall fill the vacancy in the same manner as the original appointment.
- (4)
 - (a)
 - (i) Except as provided in Subsection (4)(a)(ii):
 - (A) all members of the commission constitute a quorum of the commission for a meeting to determine the eligibility of a student; and

- (B) all members of the commission described in Subsections (2)(a)(i) through (iii) constitute a quorum for any meeting other than the meeting described in Subsection (4)(a)(i).
- (ii) The commission satisfies the quorum requirements described in Subsection (4)(a)(i) if no more than one of the commission positions described in Subsections (2)(a)(i) through (iii) is vacant.
- (b) An action of a majority of a quorum constitutes an action of the commission.
- (5) A majority of the commission members described in Subsections (2)(a)(i) through (iii) shall elect a chair from among the members described in Subsections (2)(a)(i) through (iii) to:
 - (a) schedule meetings of the commission;
 - (b) set the agenda of commission meetings; and
 - (c) facilitate discussion among the commission's members.
- (6) A commission member:
 - (a) may not receive compensation or benefits for the member's service on the commission; and
 - (b) may receive per diem and reimbursement for travel expenses that the commission member incurs as a commission member at the rates that the Division of Finance establishes under:
 - (i) Sections 63A-3-106 and 63A-3-107; and
 - (ii) rules that the Division of Finance makes under Sections 63A-3-106 and 63A-3-107.
- (7) The Department of Government Operations shall provide administrative staff support to the commission.
- (8)
 - (a) The commission shall, to the extent possible based on the available evidence, establish a baseline range of physical characteristics for students participating in a specific gender-designated activity at a specific age to provide the context for the evaluation of an individual student's eligibility for a given gender-designated interscholastic activity under Section 53G-6-1004.
 - (b) In creating the baseline ranges described in Subsection (8)(a), the commission shall include the physical characteristics for the age and gender group in a given gender-designated interscholastic activity that are relevant to the specific interscholastic activity.
 - (c) The physical characteristics described in Subsection (8)(b) may include height, weight, physical characteristics relevant to the application of the standard described in Subsection 53G-6-1004(3), or the extent of physical characteristics affected by puberty, giving consideration to the practicability of considering the physical characteristic when making an assessment of an individual student's eligibility under Section 53G-6-1004.
- (9) The following records that relate to the application or analysis of or determination under this part regarding the eligibility of a specific student shall be classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act:
 - (a) any record of the commission, including any communication between an athletic association and the commission; and
 - (b) any record that a school or LEA possesses.
- (10) Members of the commission are immune from suit with respect to all acts done and actions taken in good faith in carrying out the purposes of this part.
- (11) The commission has no authority in relation to eligibility questions other than participation in a gender-designated interscholastic activity under this part.

Amended by Chapter 408, 2025 General Session

53G-6-1004 Eligibility for interscholastic activities.

(1)

- (a) Notwithstanding any state board rule or policy of an athletic association, and except as provided in Subsections (1)(b) and (c):
 - (i) once a student has obtained the eligibility approval of the commission under Subsection (2), unless otherwise prohibited by federal law or a policy of an LEA, school, or athletic association that governs the relevant interscholastic athletic activity, the student is eligible under this part to participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's unamended birth certificate for the given school year; and
 - (ii) if a student does not obtain the eligibility approval of the commission under Subsection (2), the student may not participate in a gender-designated interscholastic activity that does not correspond with the sex designation on the student's unamended birth certificate.
 - (b) A student may only participate in a gender-designated interscholastic activity that does not correspond with the student's sex, as defined in Section 68-3-12.5, if the student obtains the eligibility approval of the commission under Subsection (2).
 - (c) Nothing in this part prohibits a student from participating in a gender-designated interscholastic activity in accordance with 34 C.F.R. Sec. 106.41(b).
- (2)
- (a) When a student registers with an athletic association to participate in a gender-designated interscholastic activity:
 - (i) a student who has undergone or is undergoing a gender transition shall notify the athletic association of the student's transition and the need for the commission's eligibility approval as described in Subsection (1)(b);
 - (ii) the athletic association shall notify the commission of:
 - (A) a student for whom an eligibility determination of the commission is required due to the sex designation on the student's unamended birth certificate not corresponding with the gender designation of the gender-designated interscholastic activity in which the student seeks to participate or the student's notice of a gender transition under Subsection (1)(b); and
 - (B) the association's ad hoc appointment to the commission described in Subsection 53G-6-1003(2)(a)(iv); and
 - (iii) the athletic association shall notify the student described in this Subsection (2)(a) regarding the process for determining the student's eligibility for the activity under this section.
 - (b) The commission shall:
 - (i)
 - (A) schedule at least three non-public meetings throughout the school year to consider any student eligibility notifications described in Subsection (2)(a) the commission has received at least 14 days before the date of each meeting; and
 - (B) give notice of each scheduled meeting and the associated 14-day deadline to the relevant athletic association; and
 - (ii)
 - (A) if the commission receives a notification described in Subsection (2)(a) after the 14-day deadline described in Subsection (2)(b)(i), schedule an ad hoc non-public meeting to consider the given student's eligibility, occurring within 60 days after the day on which the commission receives the notification; and
 - (B) give notice of the ad hoc meeting to the relevant athletic association and the parents of each student seeking an eligibility determination.
 - (c) Before the meeting described in Subsection (2)(b):

- (i) the student for whom the commission has scheduled the meeting or the student's parent or guardian is not required but may submit to the commission any information the student wishes to disclose to the commission that may be relevant to the commission's eligibility determination, including information regarding:
 - (A) the gender-designated interscholastic activities for which the student seeks eligibility;
 - (B) the gender-designated interscholastic activities in which the student has previously participated; and
 - (C) the student's physical characteristics or medical treatments that support the student's eligibility for the specific gender-designated interscholastic activity;
 - (ii) the commission may request additional evidence from the student that is:
 - (A) limited to the extent possible to protect the student's privacy; and
 - (B) only directly relevant to the commission's eligibility determination; and
 - (iii) the commission may offer the student a voucher to cover the cost of a diagnostic assessment if the commission makes a request for medical information under Subsection (2)(c)(ii) for which the student's insurance does not provide coverage or reimbursement for the diagnostic that:
 - (A) would provide the requested information; and
 - (B) is not free or otherwise readily available to the student.
 - (d) During the meeting described in Subsection (2)(b):
 - (i) only the following individuals may be present or participate electronically:
 - (A) the student for whom the commission is meeting to make an eligibility determination;
 - (B) the student's parents or guardians;
 - (C) the members and necessary staff of the commission; and
 - (D) any medical professionals or other witnesses the student chooses to include to support the student's eligibility;
 - (ii) attendees may participate in person or electronically; and
 - (iii) the commission shall:
 - (A) hear the information that supports the student's eligibility;
 - (B) deliberate the facts relevant to the student's physical characteristics and eligibility in camera or otherwise after temporarily excusing from the meeting the student, the student's parents or legal guardians, and any medical professionals or other witnesses whom the student includes; and
 - (C) render the commission's eligibility determination in accordance with Subsection (3) or request additional information and schedule an additional commission meeting to be held within 30 days of the meeting and in accordance with this Subsection (2)(d) to discuss the additional information and render the commission's eligibility determination.
 - (e) The commission may not address the commission's application or analysis of or determination under this part regarding the eligibility of a specific student in a public meeting or public communication.
- (3)
- (a) In making an eligibility determination, the commission, after considering whether the student's assertion of a gender identity is consistent with the statutory definition of gender identity as that term is defined in Section 34A-5-102, including the implications for the student's mental health of participating in the gender-designated interscholastic activity, shall:
 - (i) make a determination based on a preponderance of the evidence regarding whether, when measured against the relevant baseline range described in Subsection 53G-6-1003(8), granting the student's eligibility would:

- (A) present a substantial safety risk to the student or others that is significantly greater than the inherent risks of the given activity; or
- (B) likely give the student a material competitive advantage, as the commission defines, when compared to students of the same age competing in the relevant gender-designated activity, including consideration of the student's previous history of participation in gender-designated interscholastic activities; and
- (ii) record the commission's decision and rationale in writing and provide the written decision to the athletic association within 30 days after the day on which the commission renders an eligibility decision under this Subsection (3)(a) in a meeting described in Subsection (2)(b).
- (b) Upon receipt of the commission's determination and rationale under Subsection (3)(a), the athletic association shall notify the student and the relevant school or LEA of the commission's determination and rationale.
- (c) A school or LEA shall comply with the commission's determination under this Subsection (3).
- (d) An eligibility determination of the commission only applies for the relevant school year.
- (4)
 - (a) Notwithstanding any other provision of law and except as provided in Subsections (3)(b) and (4)(b), the commission may not disclose:
 - (i) the name of a student whose eligibility the commission will consider, is considering, or has considered; or
 - (ii) the commission's determination regarding a student's eligibility.
 - (b) The commission shall disclose the commission's determination of a student's eligibility for a given gender-designated interscholastic activity to the relevant athletic association, only for the purpose of confirming whether the student is eligible for the interscholastic activity.
 - (c)
 - (i) Notwithstanding any other provision of law, an athletic association may not disclose the information described in Subsections (4)(a)(i) and (ii).
 - (ii) Nothing in this Subsection (4) prohibits an athletic association from affirming that a student is eligible if the eligibility of a student is questioned.

Amended by Chapter 277, 2025 General Session

Amended by Chapter 408, 2025 General Session

53G-6-1005 Reasonable accommodations.

Nothing in this part prohibits an athletic association, LEA, or school from adopting reasonable safety and privacy rules and policies that designate facilities, including restrooms, shower facilities, and dressing facilities if the rules and policies described in this section afford reasonable accommodations based on gender identity to all students in compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex.

Amended by Chapter 11, 2025 General Session

53G-6-1006 Severability.

- (1) If any provision of this part or the application of any provision of this part to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this part shall be given effect without the invalidated provision or application.
- (2) The provisions of this part are severable.

Enacted by Chapter 478, 2022 General Session

53G-6-1007 Indemnification -- Enforcement.

- (1) The attorney general shall defend and the state shall indemnify and hold harmless a person acting under color of state law to enforce this part for any claims or damages, including court costs and attorney fees, that:
 - (a) arise as a result of this part; and
 - (b) are not covered by the person's insurance policies or by any coverage agreement issued by the State Risk Management Fund.
- (2) An LEA or school within the public education system with a team that competes in an interscholastic athletic activity is responsible for the enforcement of this part in relation to the LEA's or school's teams.

Amended by Chapter 524, 2024 General Session

Part 11
Title IX Athletics Reporting

53G-6-1101 Report -- Action plan.

- (1) As used in this section:
 - (a) "Gender-designated interscholastic sport" means a sport that is specifically designated for female or male students.
 - (b) "Interscholastic sport" means an activity in which a student represents the student's school in the sport in competition against another school.
 - (c) "School" means a public school that sponsors or offers an interscholastic sport in which students enrolled at the school may participate.
 - (d) "Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.
- (2) Before the beginning of each academic year, the athletic director or another administrator of each school shall report to the school's local governing board regarding:
 - (a) the number and type of interscholastic sports available at the school, categorized by gender designation;
 - (b) the number of students competing in a gender-designated interscholastic sport at the school, categorized by gender;
 - (c) the amount of spending that the school devotes to each gender-designated sport, reported in total amount and on a per-student basis;
 - (d) a comparison and evaluation of designated practice and game locations in gender-designated interscholastic sports;
 - (e) any information regarding the school's efforts in compliance with Title 63G, Chapter 31, Part 2, Distinctions on the Basis of Sex, and Title IX; and
 - (f) if there is a discrepancy between male-designated and female-designated sports of 10% or greater, an action plan that the school develops to address the discrepancy.
- (3) An LEA governing board that receives the report described in Subsection (2) shall review the report in a public board meeting.

Amended by Chapter 2, 2024 General Session

Chapter 7

Public School General Requirements

Part 1

General Provisions

53G-7-101 Title.

This chapter is known as "Public School General Requirements."

Enacted by Chapter 3, 2018 General Session

53G-7-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

Part 2

Powers and Miscellaneous Duties

53G-7-201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-7-202 Waivers from state board rules.

- (1) A charter school or any other public school or school district may apply to the state board for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter agreement.
- (2) The state board may grant the waiver, unless:
 - (a) the waiver would cause the school district or the school to be in violation of state or federal law; or
 - (b) the waiver would threaten the health, safety, or welfare of students in the district or at the school.
- (3) If the state board denies the waiver, the reason for the denial shall be provided in writing to the waiver applicant.

Amended by Chapter 293, 2019 General Session

53G-7-203 Kindergartens -- Establishment -- Funding -- Assessment.

- (1) Kindergartens are an integral part of the state's public education system.
- (2)
 - (a) Each LEA governing board shall provide kindergarten classes free of charge for kindergarten children residing within the district or attending the charter school.
 - (b) Each LEA governing board shall:

- (i) provide a half-day kindergarten option for a student that comprises the minimum standards for half-day kindergarten that the state board establishes, in accordance with Subsection (4)(a)(iii), if the student's parent requests a half-day option; and
 - (ii)
 - (A) inform parents of the availability of the option to register for a designated full-curriculum half-day kindergarten option at the time of all kindergarten registration, by email, posters, or other announcements when a parent requests kindergarten registration; and
 - (B) provide the option to register for a designated half-day kindergarten option at the time of registration;
 - (iii) provide a dedicated kindergarten class specifically designated as a half-day kindergarten class when enrollment of half-day kindergarten students at an individual school or a regional school exceeds a minimum of 18 students;
 - (iv) when enrollment of half-day kindergarten students at an individual school exceeds a minimum of 18 students, designate the school as a half-day kindergarten provider for the improvement of recruiting teachers that prefer half-day teaching;
 - (v) inform parents regarding the additional educational resources and opportunities available to parents who select the half-day kindergarten option; and
 - (vi) ensure that a half-day kindergarten student who is registered in a class that includes full-day kindergarten students receives instruction that at least meets the minimum standards for half-day kindergarten that the state board establishes, in accordance with Subsection (4)(a)(iii).
- (c) Nothing in this Subsection (2):
- (i) allows an LEA governing board to require a student to participate in a full-day kindergarten program;
 - (ii) modifies the non-compulsory status of kindergarten under Chapter 6, Part 2, Compulsory Education; or
 - (iii) requires a student who only attends a half day of kindergarten to participate in dual enrollment under Section 53G-6-702.
- (3) Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public Education System -- Funding.
- (4)
- (a) The state board shall:
 - (i) develop and collect data from a kindergarten assessment that the board selects by rule;
 - (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the administration of and reporting regarding the assessment described in Subsection (4)(a)(i); and
 - (iii) establish minimum standards for half-day kindergarten.
 - (b) An LEA shall:
 - (i) administer the assessment described in Subsection (4)(a) to each kindergarten student; and
 - (ii) report to the state board the results of the assessment described in Subsection (4)(b)(i) in relation to each kindergarten student in the LEA.
- (5) The state board shall require LEAs to report average daily membership for all kindergarten students who attend kindergarten on a schedule that is equivalent in length to the schedule for grades 1 through 3 with the October 1 data described in Section 53F-2-302.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to:
- (a) beginning with the 2025-2026 school year, require a student to be toilet trained before being enrolled in public school;

- (b) establish requirements for an LEA's enrollment process to include assurances from a parent that the parent's student is toilet trained; and
- (c) create exemptions from the requirement in Subsection (6)(a) for a student who is not able to be toilet trained before enrolling because of a condition that is subject to federal child find requirements or described in an IEP or Section 504 accommodation plan.

Amended by Chapter 394, 2025 General Session

53G-7-204 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-205 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, 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, 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 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 with appropriate resource materials to assist the parent at home in the student's literacy development.

Amended by Chapter 293, 2019 General Session

53G-7-206 Acceptance of credits and grades awarded by accredited schools.

- (1)

- (a) A public school shall accept credits and grades awarded to a student by a school accredited or approved by the state board or accredited or recognized by the Northwest Association of Accredited Schools as issued by the school, without alterations.
- (b) Credits awarded for a core standards for Utah public schools course shall be applied to fulfilling core standards for Utah public schools requirements.
- (2) Subsection (1) applies to credits awarded to a student who:
 - (a) transfers to a public school; or
 - (b) while enrolled in the public school, takes courses offered by another public or private school.
- (3) Subsection (1) applies to:
 - (a) traditional classes in which an instructor is present in the classroom and the student is required to attend the class for a particular length of time;
 - (b) open entry/open exit classes in which the student has the flexibility to begin or end study at any time, progress through course material at his own pace, and demonstrate competency when knowledge and skills have been mastered;
 - (c) courses offered over the Internet; or
 - (d) distance learning courses.

Amended by Chapter 293, 2019 General Session

53G-7-207 Period of silence.

A teacher may provide for the observance of a period of silence each school day in a public school.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-208 Local governmental entities and school districts -- Contracts and cooperation -- Disbursement of funds -- Municipal and county representative participation in local school 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 local school board shall allow an interested mayor and interested county executive to attend and participate in the local school board discussions at a local school 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 local school board discussions at a local school board meeting that is closed to the public under Title 52, Chapter 4, Open and Public Meetings Act, if:
 - (i) the local school 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 local school 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 local school 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 local school 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 293, 2019 General Session

53G-7-209 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-210 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 53G-7-209.
- (2) A local school board or charter school governing board:
 - (a) shall manage, direct, and control civic centers;
 - (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 53G-7-209.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-211 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-212 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-213 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 local school board shall provide written public notice of its intent to authorize a child care center.
 - (ii) The local school 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 local school board.
 - (c) A local 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 local school 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 local school 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 local school board shall require proof of liability insurance which is adequate in the opinion of the local 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 policies.
- (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 293, 2019 General Session

53G-7-214 Honorary high school diploma for certain veterans.

- (1) A local school board 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 293, 2019 General Session

53G-7-215 Personalized, competency-based learning -- Recommendations -- Coordination.

- (1) As used in this section, "personalized, competency-based learning" means the same as that term is defined in Section 53F-5-501.
- (2) A local school board or a charter school governing board may establish a personalized, competency-based learning program.
- (3) A local school board or charter school governing board that establishes a personalized, competency-based learning program shall:
 - (a) establish assessments to accurately measure competency;
 - (b) provide the assessments to an enrolled student at no cost to the student;
 - (c) award credit to a student who demonstrates competency and subject mastery;
 - (d) submit the competency-based standards to the state board for review; and
 - (e) publish the competency-based standards on its website or by other electronic means readily accessible to the public.
- (4) A local school board or charter school governing board may:
 - (a) on a random lottery-based basis, limit enrollment to courses that have been designated as competency-based courses;
 - (b) waive or adapt traditional attendance requirements;
 - (c) adjust class sizes to maximize the value of course instructors or course mentors;
 - (d) enroll students from any geographic location within the state; and
 - (e) provide proctored online competency-based assessments.

Amended by Chapter 129, 2021 General Session

53G-7-216 Purchases of educational technology.

- (1)
 - (a) A school district or charter school shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as otherwise provided in Subsection (1)(b).
 - (b) A school district or charter school may purchase computers from, and contract for the repair or refurbishing of computers with, the Utah Correctional Industries without going through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah Procurement Code.
- (2) A school district or charter school may purchase technology through cooperative purchasing contracts administered by the state Division of Purchasing or through its own established purchasing program.
- (3) Consistent with policies adopted by a local school board or charter school governing board, a school district or charter school that purchases technology under this section shall ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-217 Prohibition on billing for certain health care services.

A local education agency, or an employee or contractor of a local education agency, may not bill:

- (1) a health benefit plan as defined in Section 31A-1-301, for any service that is:
 - (a) provided under an individualized education program as defined in Section 53E-4-301; or
 - (b) administrative in nature to the local education agency; or
- (2) a student or a student's family for a service that is:
 - (a) performed by the local education agency or an employee or contractor of a local education agency; and
 - (b) not covered by the student's health benefit plan.

Enacted by Chapter 172, 2019 General Session

53G-7-218 Establishment of early learning plan.

- (1) A local school board of a school district or a charter school governing board of a charter school that serves students in any of kindergarten or grades 1 through 3 shall annually submit to the state board an early learning plan that includes the early mathematics plan described in Section 53E-3-521, including:
 - (a) a growth goal for the school district or charter school that:
 - (i) is based upon student learning gains as measured by the mathematics benchmark assessment described in Section 53E-4-307.5; and
 - (ii) includes the target that the state board establishes under Section 53E-3-521; and
 - (b) two goals that:
 - (i) are specific to the school district or charter school;
 - (ii) are measurable;
 - (iii) address current performance gaps in student mathematics proficiency based on data; and
 - (iv) include specific strategies for improving outcomes.
- (2)
 - (a) The state board shall:
 - (i) provide model plans that a local school board or a charter school governing board may use;
 - (ii) develop uniform standards for acceptable growth goals that a local school board or a charter school governing board adopts for a school district or charter school under this section; and
 - (iii) review and approve or disapprove a plan submitted under this section.
 - (b) Notwithstanding Subsection (2)(a), a local school board or a charter school governing board may develop the board's own plan.
- (3) The state board shall:
 - (a) develop strategies to provide support for a school district or charter school that fails to meet:
 - (i) the growth goal related to the state mathematics target described in Subsection (1)(a); and
 - (ii) one of the goals specific to the school district or charter school described in Subsection (1)(b); and
 - (b) provide increasing levels of support to a school district or charter school that fails to meet the combination of goals described in Subsection (3)(a).

Amended by Chapter 394, 2025 General Session

53G-7-219 Medical specialists in public schools.

- (1) As used in this section:
 - (a) "Qualified individual" means an individual who:
 - (i) is employed by an LEA; and

- (ii) provides related services in a school-based setting.
- (b) "Qualified individual" includes:
 - (i) an audiologist;
 - (ii) a speech-language pathologist;
 - (iii) a mental health practitioner;
 - (iv) a school nurse;
 - (v) an occupational therapist; and
 - (vi) a physical therapist.
- (c) "Related services" means the same as that term is defined in 34 C.F.R. 300.34.
- (2) An LEA may adopt a salary schedule, or salary schedules, for qualified individuals, that:
 - (a) is separate from salary schedules adopted for other LEA employees; and
 - (b) takes into consideration the market rate for related services provided outside of a school-based setting.

Amended by Chapter 214, 2022 General Session

53G-7-220 School bus inspection policy.

An LEA governing board that provides transportation shall establish a written policy that:

- (1) requires a school bus driver to inspect the entire length of the interior of a school bus at the end of every route; and
- (2) requires disciplinary action pursuant to LEA policies and practices for failure to perform the inspection described in Subsection (1).

Enacted by Chapter 290, 2021 General Session

53G-7-221 Innovative education program -- Innovation plan -- Waiver from state board rule.

- (1) As used in this section:
 - (a) "Approved innovation plan" means an innovation plan that a local approving body approves in accordance with this section.
 - (b) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (c) "Council" means a charter trust land council or a school community council.
 - (d) "Effective period" means the time period that an approved innovation plan is in effect, beginning on the date on which the local approving body approves the innovation plan and ending:
 - (i) at the end of the time period described in Subsection (3)(e)(ii); or
 - (ii) on the date an innovation school receives written notice that the state board has terminated the innovation plan as described in Subsection (9).
 - (e) "Innovation LEA" means an LEA that includes an innovation school.
 - (f) "Innovation plan" means a plan to implement an innovative education program.
 - (g) "Innovation school" means a public school with an innovation plan that a local approving body approves.
 - (h) "Innovative education program" or "program" means a program of research-based innovations in a public school, including innovations in:
 - (i) school staffing;
 - (ii) curriculum and assessment;
 - (iii) class scheduling;
 - (iv) use of financial or other resources;

- (v) faculty recruitment;
 - (vi) employment;
 - (vii) employee evaluations; or
 - (viii) compensation.
 - (i) "Local approving body" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school's authorizer.
 - (j) "Public school" means a district school or charter school.
 - (k) "School community council" means a council established at a school within a school district under Section 53G-7-1202.
 - (l) "Student Achievement Backpack" means the same as that term is defined in Section 53E-3-511.
- (2)
- (a) A public school may create an innovation plan to implement an innovative education program in any area of education.
 - (b) A public school shall submit an innovation plan to the public school's local approving body.
- (3) An innovation plan shall include:
- (a) a statement of the public school's mission and an explanation of how the innovation plan will enhance the school's ability to achieve the school's mission;
 - (b) a description of the innovative education program the public school will implement;
 - (c) a list and description of the research or scientific basis supporting the innovative education program;
 - (d) a list of the public school's programs, policies, or operations that the innovation plan impacts, including:
 - (i) the length of the school day;
 - (ii) student graduation policies;
 - (iii) the public school's assessment plan;
 - (iv) the public school's proposed budget; or
 - (v) the public school's staffing plan;
 - (e)
 - (i) a description of the improvements in academic performance the public school expects the innovation plan to achieve;
 - (ii) the period of time, not less than one year or more than three years, in which the public school will demonstrate the results of the program; and
 - (iii) a description of the method the public school will use to measure outcomes and demonstrate whether the innovation school achieves the improvements described in Subsection (3)(e)(i);
 - (f) an estimate of cost savings or increased efficiencies, if any, the public school expects implementing the innovation plan will achieve;
 - (g) evidence that the following agree to the innovation plan:
 - (i) a majority of administrators employed at the public school;
 - (ii) a majority of teachers employed at the public school; and
 - (iii) a majority of the public school's council;
 - (h) a statement demonstrating the level of support for the innovation plan from other members of the public school community, including:
 - (i) school employees other than teachers;
 - (ii) students;
 - (iii) parents; and

- (iv) the surrounding community;
 - (i) a request for a waiver of any state board rule required for the public school to implement the innovation plan, if any; and
 - (j) any additional information the local approving body requires.
- (4)
- (a) A local approving body shall:
 - (i) review an innovation plan that an innovation school submits under Subsection (2);
 - (ii) approve or reject the innovation plan within 60 days after the day on which the public school submits the innovation plan; and
 - (iii) within 30 days after the day on which the local approving body rejects an innovation plan, provide to the public school an explanation in writing of the basis for the rejection.
 - (b) A local approving body may not approve an innovation plan that would cause a public school to violate:
 - (i) federal law; or
 - (ii) state law, other than a state board rule for which an innovation plan requests a waiver.
 - (c) In approving innovation plans as described in Subsection (4)(a), a local approving body shall give preference to innovations in the following areas:
 - (i) curriculum;
 - (ii) academic standards assessments;
 - (iii) accountability measures, including expanding the use of accountability measures to more accurately present a complete measure of student learning and achievement, including the use of:
 - (A) graduation or exit examinations;
 - (B) end-of-course evaluations;
 - (C) Student Achievement Backpack reviews;
 - (D) national and international accountability measures;
 - (E) measures of the percentage of students who enroll in an institution of higher education after high school graduation; or
 - (F) measures of the percentage of students participating in the concurrent enrollment program described in Section 53F-2-409;
 - (iv) providing services, including:
 - (A) special education services;
 - (B) services related to gifted and talented programs;
 - (C) services for English language learner students; or
 - (D) services for students at risk of academic failure, expulsion, or dropping out;
 - (v) teacher recruitment, training, preparation, or professional learning;
 - (vi) teacher employment;
 - (vii) educator evaluations;
 - (viii) employee compensation, including:
 - (A) performance pay plans;
 - (B) total compensation plans; or
 - (C) retirement or other benefits;
 - (ix) school governance; and
 - (x) plans for college and career readiness.
- (5) A charter school governing board of an innovation school shall, in accordance with Section 53G-5-303, modify the charter school's charter agreement to:
- (a) include an approved innovation plan;

- (b) include amendments to an approved innovation plan that a charter school authorizer approves as described in Subsection (6); and
 - (c) remove an approved innovation plan at the end of the effective period.
- (6)
- (a)
 - (i) An innovation school may submit proposed amendments to an approved innovation plan to the innovation school's local approving body.
 - (ii) An innovation school shall include with proposed amendments described Subsection (6)(a)
 - (i), evidence that the following agree to the proposed amendments:
 - (A) a majority of administrators employed at the innovation school;
 - (B) a majority of teachers employed at the innovation school; and
 - (C) a majority of the innovation school's council.
 - (b) A local approving body shall review and may approve or reject proposed amendments that an innovation school submits under Subsection (6)(a).
- (7)
- (a) Within 30 days of the date on which the local approving body approves an innovation plan, or approves an amendment to an approved innovation plan, the local approving body shall submit a copy of the approved innovation plan to the state board.
 - (b) The state board shall maintain a copy of an approved innovation plan a local approving body submits under Subsection (7)(a).
 - (c) If an approved innovation plan a local approving body submits to the state board includes a request for waiver of state board rule, the state board shall grant the requested waiver, unless the waiver would:
 - (i) cause the innovation school to be in violation of state or federal law;
 - (ii) threaten the health, safety, or welfare of students in the innovation school; or
 - (iii) waive a rule related to:
 - (A) employee criminal background checks; or
 - (B) accounting principles.
 - (d) An innovation school may apply to the state board for additional or modified waivers of state board rule.
 - (e) For an additional or modified waiver request described in Subsection (7)(d), the state board may grant the waiver in accordance with Subsection (7)(c), if the waiver would enhance any of the following for an innovative education program:
 - (i) educational opportunities;
 - (ii) standards; or
 - (iii) quality.
- (8)
- (a) An innovation school shall annually report to the local approving body on the innovation plan's progress in achieving the improvements described in Subsection (3)(e)(i).
 - (b) A local approving body shall annually submit a report described in Subsection (8)(a) to the state board.
 - (c)
 - (i) The state board may terminate an innovation plan in accordance with rules the state board makes under Subsection (9), if the state board determines that the innovation plan does not demonstrate sufficient progress.
 - (ii) The state board shall notify the local approving body and the innovation school in writing of the state board's decision to terminate an innovation plan, within 30 days of the date on which the state board makes the decision.

- (9) The state board shall:
- (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
 - (i) requirements for the report described in Subsection (8)(a);
 - (ii) a procedure for a local approving body to submit the report described in Subsection (8)(b); and
 - (iii) criteria the state board will use to:
 - (A) evaluate an innovation plan's progress; and
 - (B) terminate an innovation plan; and
 - (b) annually report to the Education Interim Committee, at or before the Education Interim Committee's November meeting, on:
 - (i) approved innovation plans;
 - (ii) waivers of state board rule granted under Subsection (7);
 - (iii) requested waivers of state board rule that the state board does not grant, including the reason for declining to grant the waiver;
 - (iv) innovation plans terminated under Subsection (8), including the reason for the termination;
 - (v) any statutory provisions that prevent:
 - (A) a local approving body from approving an innovation plan; or
 - (B) the state board from granting a waiver of state board rule; and
 - (vi) recommendations for legislation to address statutory provisions described in Subsection (9)(b)(v).
- (10) An innovation LEA may accept private grants, loans, gifts, endowments, devises, or bequests which are made to support an innovative education program at an innovation school.

Enacted by Chapter 291, 2022 General Session

53G-7-222 Budget flexibility for innovation LEAs.

- (1) As used in this section:
- (a) "Innovation LEA" means the same as that term is defined in Section 53G-7-221.
 - (b) "Innovation school" means the same as that term is defined in Section 53G-7-221.
 - (c) "Innovative education program" means the same as that term is defined in Section 53G-7-221.
- (2) Notwithstanding any other provision of the Utah Code:
- (a) an innovation LEA may, in each fiscal year:
 - (i) apply to the state board for approval to expend up to 35% of the LEA's state restricted funding for each formula-based program to support an innovative education program at an innovation school in the innovation LEA; and
 - (ii) except as provided in Subsection (2)(b), transfer fund balances between funds as necessary to expend funds as described in Subsection (2)(a)(i); and
 - (b) an innovation LEA may not transfer funds under Subsection (2)(a) related to:
 - (i) the school LAND Trust Program, established in Section 53G-7-1206; or
 - (ii) a qualified grant program.
- (3) An innovation LEA that expends funds as described in Subsection (2)(a) shall, in accordance with the requirements that the state board establishes under Subsection (4), report to the state board on how the innovation LEA expends the funds.
- (4) The state board shall:
- (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

- (i) requirements for an innovation LEA to apply for the state board's approval to expend funds as described in Subsection (2);
 - (ii) procedures for an innovation LEA to submit the application described in Subsection (4)(a); and
 - (iii) requirements for the report described in Subsection (3); and
- (b) upon request of the Education Interim Committee, provide a report described in Subsection (3) to the Education Interim Committee.
- (5) In addition to the requirements established by the state board under Subsection (4)(a)(i), an innovation LEA shall demonstrate how the innovation LEA has met the requirements of each formula-based program from which the innovation LEA seeks approval to expend funds as described in Subsection (2).
- (6)
 - (a) Nothing in this section authorizes an innovation LEA to violate:
 - (i) federal law; or
 - (ii) federal restrictions on the LEA's funds.
 - (b) An innovation LEA that takes an action that this section authorizes shall ensure that the innovation LEA continues to meet federal maintenance of effort requirements.

Enacted by Chapter 291, 2022 General Session

53G-7-223 Policy supporting students learning English, parents, and families.

- (1) An LEA shall adopt a policy addressing the LEA's communication and assistance to students learning English, their parents, and their families.
- (2) The policy shall provide:
 - (a) guidance on the appropriate use of an interpreter and recommended interpreter qualifications, including certification or education-specific experience, for the following:
 - (i) classroom activities;
 - (ii) impromptu and scheduled office visits or phone calls;
 - (iii) enrollment or registration processes;
 - (iv) the IEP process;
 - (v) student educational and occupational planning processes;
 - (vi) fee waiver processes;
 - (vii) parent engagement activities;
 - (viii) student disciplinary meetings;
 - (ix) school community councils;
 - (x) school board meetings;
 - (xi) other school or LEA activities; and
 - (xii) other interactions between the parents of a student learning English and educational staff;
 - (b) guidance on the appropriate use of a translator or interpreter for the translation or interpretation of:
 - (i) registration or enrollment materials, including home language surveys and English learning program entrance and exit notifications;
 - (ii) assignments and accompanying materials;
 - (iii) report cards or other progress reports;
 - (iv) student discipline policies and procedures;
 - (v) grievance procedures and notices of rights and nondiscrimination;
 - (vi) parent or family handbooks; and
 - (vii) requests for parent permission; and

- (c) any other guidance, including guidance on when oral interpretation is preferable to written translation, to improve instruction and assistance by teachers, counselors, and administrators to a student learning English and the student's parents and family.
- (3) The state board shall provide to an LEA notification of LEA requirements described in this section, a model of the policy described in this section, and guidance and technical assistance regarding existing requirements in relevant statute, administrative rule, and federal law.
- (4) On or before July 1, 2023, the state board shall provide to the Education Interim Committee a funding projection for annual and one-time costs associated with an LEA's implementation of the policy described in this section.

Amended by Chapter 127, 2023 General Session

53G-7-224 Local education agency communication requirements -- Protection.

- (1) As used in this section, "school employee" means the same as that term is defined in Section 53G-8-510.
- (2) On or before October 1 of each year, an LEA shall provide the state board with the work email address of each school employee.
- (3) The state board may email school employees for official communication:
 - (a) if the state board provides 48 hours notice to the local superintendent; and
 - (b) no more than three times per calendar year.
- (4) The state board:
 - (a) may use an employee's email address provided under Subsection (2) for official communication between the state board and the school employee; and
 - (b) may not disclose an email address provided under Subsection (2) to a third party.
- (5)
 - (a) Upon request, the state board shall provide the email addresses in Subsection (2) to the president of the Senate and the speaker of the House of Representatives.
 - (b) The president of the Senate and the speaker of the House of Representatives, by mutual agreement, may jointly email school employees for official communication on behalf of the Legislature relating to the teaching profession or education policy in the state:
 - (i) if the president of the Senate and the speaker of the House of Representatives provide 48 hours notice to the local superintendent; and
 - (ii) no more than three times per calendar year.
 - (c) The president of the Senate and the speaker of the House of Representatives may not:
 - (i) use or allow another individual to use a school employee's email address for political activity or for any purpose other than as described in Subsection (5)(b); and
 - (ii) disclose and email address provided under Subsection (2) to another legislator or a third party.

Enacted by Chapter 20, 2024 General Session

53G-7-225 Use of overhead spray irrigation.

- (1) As used in this section:
 - (a) "Active recreation area" means an area of school property that is:
 - (i) dedicated to active use; and
 - (ii) installed or maintained on an area with a slope of not more than 25%.
 - (b) "Active use" means regular use for playing, exercise, recreation, or regular outdoor activities, such as:

- (i) a sports field;
 - (ii) a social gathering area; or
 - (iii) an amphitheater.
- (c) "Great Salt Lake basin" means the area within:
- (i) the surveyed meander line of the Great Salt Lake;
 - (ii) the drainage areas of the Bear River or the Bear River's tributaries;
 - (iii) the drainage areas of Bear Lake or Bear Lake's tributaries;
 - (iv) the drainage areas of the Weber River or the Weber River's tributaries;
 - (v) the drainage areas of the Jordan River or the Jordan River's tributaries;
 - (vi) the drainage areas of Utah Lake or Utah Lake's tributaries;
 - (vii) other water drainages lying between the Bear River and the Jordan River that are tributary to the Great Salt Lake and not included in the drainage areas described in Subsections (1)(c)(ii) through (vi); and
 - (viii) the drainage area of Tooele Valley.
- (d) "Landscaped area" means those portions of school property that are not, or will not be, occupied by:
- (i) a permanent structure; or
 - (ii) an impervious surface associated with vehicular or pedestrian access or use, such as a driveway, sidewalk, or parking lot.
- (e) "LEA" means:
- (i) a school district;
 - (ii) a charter school, other than an online-only charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
- (f) "New construction" means a project for the construction of a public facility on school property that includes a new or modified landscaped area of more than 7,500 square feet.
- (g) "Overhead spray irrigation" means above ground irrigation heads that spray water through a nozzle.
- (h) "Parkstrip" means the area between the back of a curb or, if there is no curb, the edge of pavement and the sidewalk.
- (i) "Public facility" means a building, structure, infrastructure, improvement, sports field, playground, or other facility of an LEA.
- (j) "Reconstruction" means a project for the renovation, alteration, improvement, or repair of a public facility on school property that affects more than 25% of the landscaped area existing before the reconstruction.
- (k) "School property" means real property owned by an LEA.
- (2)
- (a) An LEA with school property within the Great Salt Lake basin that undertakes new construction or reconstruction on the school property on or after May 1, 2024, may not install, maintain, or use overhead spray irrigation in a landscaped area of the school property unless the landscaped area is an active recreation area.
 - (b) An LEA may not install, maintain, or use overhead spray irrigation to irrigate the following within an active recreation area described in Subsection (2)(a):
 - (i) a park strip;
 - (ii) an area with a width of less than eight feet; or
 - (iii) in an area that is a planting bed.
 - (c) An LEA may not treat school property as an active recreation area if the area is sized larger than reasonably required for the anticipated use the area is intended to accommodate.
- (3) Nothing in this section:

- (a) requires an LEA to submit a land use application to a municipality or county to landscape school property; or
- (b) authorizes a municipality or county to:
 - (i) impose landscaping requirements on school property; or
 - (ii) require an LEA to obtain approval for landscaping on school property.

Enacted by Chapter 19, 2024 General Session

53G-7-226 Review of contracts and settlement agreements between local education agencies and the United States Department of Justice.

- (1) An LEA or LEA governing board may not enter into a contract or settlement agreement with the United States Department of Justice unless the attorney general's office first reviews the contract or settlement agreement.
- (2) The attorney general's office shall:
 - (a) review each proposed contract or settlement agreement between the United States Department of Justice and an LEA or LEA governing board; and
 - (b) disclose the content of the settlement agreement or contract to the state board.
- (3) The attorney general's office and the state board may make recommendations regarding the contract or settlement agreement.
- (4) This section does not require the attorney general's office or the state board to enforce the terms or conditions of any contract or settlement agreement reviewed under this section.

Enacted by Chapter 419, 2025 General Session

53G-7-227 Cellular device prohibition.

- (1) As used in this section:
 - (a) "Cellphone" means a handheld, portable electronic device that is designed to be operated using one or both hands and is capable of transmitting and receiving voice, data, or text communication by means of:
 - (i) a cellular network;
 - (ii) a satellite network; or
 - (iii) any other wireless technology.
 - (b) "Cellphone" includes:
 - (i) a smartphone;
 - (ii) a feature phone;
 - (iii) a mobile phone;
 - (iv) a satellite phone; or
 - (v) a personal digital assistant that incorporates capabilities similar to a smartphone, feature phone, mobile phone, or satellite phone.
 - (c) "Classroom hours" means:
 - (i) time during which a student receives scheduled, teacher-supervised instruction that occurs:
 - (A) in a physical or virtual classroom setting;
 - (B) during regular school operating hours; and
 - (C) as part of an approved educational curriculum.
 - (ii) "Classroom hours" does not include:
 - (A) lunch periods;
 - (B) recess;
 - (C) transit time between classes;

- (D) study halls unless directly supervised by a qualified instructor;
 - (E) after-school activities unless part of an approved extended learning program; or
 - (F) independent study time occurring outside scheduled instruction.
- (d)
- (i) "Emerging technology" means any other device that has or will be able to act in place of or as an extension of an individual's cellphone.
 - (ii) "Emerging technology" does not include school provided or required devices.
- (e) "Smart watch" means a wearable computing device that closely resembles a wristwatch or other time-keeping device with the capacity to act in place of or as an extension of an individual's cellphone.
- (f) "Smart watch" does not include a wearable device that can only:
- (i) tell time;
 - (ii) monitor an individual's health informatics;
 - (iii) receive and display notifications or information without the capability to respond; or
 - (iv) track the individual's physical location.
- (2)
- (a) An LEA:
- (i) shall establish a policy that allows a student to use a cellphone, smart watch, or emerging technology:
 - (A) to respond to an imminent threat to the health or safety of an individual;
 - (B) to respond to a school-wide emergency;
 - (C) to use the SafeUT Crisis Line described in Title 53B, Chapter 17, Part 12, SafeUT Crisis Line;
 - (D) for a student's IEP or Section 504 accommodation plan; or
 - (E) to address a medical necessity; and
 - (ii) may establish a policy that provides for other circumstances when a student may use a cellphone, smart watch, or emerging technology.
- (b) An LEA may establish policies that:
- (i) extend restrictions on student use of cellphones, smart watches, or emerging technologies to non-classroom hours during the school day, including:
 - (A) lunch periods;
 - (B) transition times between classes; and
 - (C) other school-supervised activities; and
 - (ii) impose additional limitations on the use of cellphones, smart watches, or emerging technologies beyond those required by this section.
- (3) Except as provided in Subsection (2), a student may not use a cellphone, smart watch, or emerging technology at a school during classroom hours.
- (4) The state board may create one or more model policies regarding when a student may use a student's cellphone, smart watch, or emerging technology in a school during classroom hours consistent with this section.

Enacted by Chapter 329, 2025 General Session

Part 3

Budgets

53G-7-301 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-7-302 School district and charter school budgets.

- (1) As used in this section:
 - (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.
 - (b) "LEA governing board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with supporting documentation, to be submitted to the budget officer's LEA governing board.
- (3) The tentative budget and supporting documents shall include the following items:
 - (a) the revenues and expenditures of the preceding fiscal year;
 - (b) the estimated revenues and expenditures of the current fiscal year;
 - (c) for a school district, an estimate of the revenues for the succeeding fiscal year based upon the lowest tax levy that will raise the required revenue, using the current year's taxable value as the basis for this calculation;
 - (d) a detailed estimate of the essential expenditures for all purposes for the next succeeding fiscal year; and
 - (e) the estimated financial condition of the school district or charter school by funds at the close of the current fiscal year.
- (4) The tentative budget shall be filed with the district business administrator or charter school executive director for public inspection at least 15 days before the date of the tentative budget's proposed adoption by the LEA governing board.

Amended by Chapter 293, 2019 General Session

53G-7-303 LEA governing board budget procedures.

- (1) As used in this section:
 - (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.
 - (b) "LEA governing board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2)
 - (a) For a school district, before June 30 of each year, a local school board shall adopt a budget and make appropriations for the next fiscal year.
 - (b) For a school district, if the tax rate in the school district's proposed budget exceeds the certified tax rate defined in Section 59-2-924, the local school board shall comply with Section 59-2-919 in adopting the budget, except as provided by Section 53F-8-301.
- (3)

- (a) For a school district, before the adoption or amendment of a budget, a local school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed budget or budget amendment.
- (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the public hearing, a local school board shall:
 - (i) publish a notice of the public hearing in a newspaper or combination of newspapers of general circulation in the school district, except as provided in Section 45-1-101;
 - (ii) publish a notice of the public hearing electronically in accordance with Section 45-1-101;
 - (iii) file a copy of the proposed budget with the local school board's business administrator for public inspection; and
 - (iv) post the proposed budget on the school district's Internet website.
- (c) A notice of a public hearing on a school district's proposed budget shall include information on how the public may access the proposed budget as provided in Subsections (3)(b)(iii) and (iv).
- (4) For a charter school, before June 30 of each year, a charter school governing board shall adopt a budget for the next fiscal year.
- (5) Within 30 days of adopting a budget, an LEA governing board shall file a copy of the adopted budget with the state auditor and the state board.

Amended by Chapter 293, 2019 General Session

53G-7-304 Undistributed reserve in local school board budget.

- (1) A local school board may adopt a budget with an undistributed reserve. The reserve may not exceed 5% of the maintenance and operation budget adopted by the local school board in accordance with a scale developed by the state board. The scale is based on the size of the school district's budget.
- (2) The local school board may appropriate all or a part of the undistributed reserve made to any expenditure classification in the maintenance and operation budget by written resolution adopted by a majority vote of the local school board setting forth the reasons for the appropriation. The local school board shall file a copy of the resolution with the state board and the state auditor.
- (3) The local school board may not use undistributed reserves in the negotiation or settlement of contract salaries for school district employees.

Amended by Chapter 293, 2019 General Session

53G-7-305 Limits on appropriations -- Estimated expendable revenue.

- (1) As used in this section:
 - (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.
 - (b) "LEA governing board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2) An LEA governing board may not make an appropriation in excess of its estimated expendable revenue, including undistributed reserves, for the following fiscal year.

- (3) An LEA governing board may reduce a budget appropriation at the LEA governing board's regular meeting if notice of the proposed action is given to all LEA governing board members and to the district superintendent or charter school executive director, as applicable, at least one week before the meeting.
- (4) For a school district, in determining the estimated expendable revenue, any existing deficits arising through excessive expenditures from former years are deducted from the estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of the district for the previous year.
- (5) For a school district, in the event of financial hardships, the local school board may deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of the deficit amount.
- (6) For a school district, all estimated balances available for appropriations at the end of the fiscal year shall revert to the funds from which they were appropriated and shall be fund balances available for appropriation in the budget of the following year.
- (7) For a school district, an increase in an appropriation may not be made by the local school board unless the following steps are taken:
 - (a) the local school board receives a written request from the district superintendent that sets forth the reasons for the proposed increase;
 - (b) notice of the request is published:
 - (i) in a newspaper of general circulation within the school district at least one week before the local school board meeting at which the request will be considered; and
 - (ii) in accordance with Section 45-1-101, at least one week before the local school board meeting at which the request will be considered; and
 - (c) the local school board holds a public hearing on the request before the local school board's acting on the request.

Amended by Chapter 293, 2019 General Session

53G-7-306 School district interfund transfers.

- (1) A school district shall spend revenues only within the fund for which they were originally authorized, levied, collected, or appropriated.
- (2) Except as otherwise provided in this section, school district interfund transfers of residual equity are prohibited.
- (3) The state board may authorize school district interfund transfers of residual equity when a district states its intent to create a new fund or expand, contract, or liquidate an existing fund.
- (4) The state board may also authorize school district interfund transfers of residual equity for a financially distressed district if the state board determines the following:
 - (a) the district has a significant deficit in its maintenance and operations fund caused by circumstances not subject to the administrative decisions of the district;
 - (b) the deficit cannot be reasonably reduced under Section 53G-7-305; and
 - (c) without the transfer, the school district will not be capable of meeting statewide educational standards adopted by the state board.
- (5) The state board shall develop by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, standards for defining and aiding financially distressed school districts under this section.
- (6)
 - (a) All debt service levies not subject to certified tax rate hearings shall be recorded and reported in the debt service fund.

- (b) Debt service levies under Subsection 59-2-924(5)(d) that are not subject to the public hearing provisions of Section 59-2-919 may not be used for any purpose other than retiring general obligation debt.
- (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal year shall be used in subsequent years for general obligation debt retirement.
- (d) Any amounts left in the debt service fund after all general obligation debt has been retired may be transferred to the capital projects fund upon completion of the budgetary hearing process required under Section 53G-7-303.

Amended by Chapter 214, 2021 General Session

53G-7-307 Warrants drawn by budget officer.

- (1) As used in this section:
 - (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.
 - (b) "LEA governing board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2) The budget officer of an LEA governing board may not draw warrants on school district or charter school funds except in accordance with and within the limits of the budget passed by the LEA governing board.

Amended by Chapter 293, 2019 General Session

53G-7-308 Emergency expenditures.

This part does not apply to appropriations required because of emergencies involving loss of life or great loss of property.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-309 Monthly budget reports.

- (1) As used in this section:
 - (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.
 - (b) "LEA governing board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2) The business administrator or budget officer of an LEA governing board shall provide each LEA governing board member with a report, on a monthly basis, that includes the following information:
 - (a) the amounts of all budget appropriations;
 - (b) the disbursements from the appropriations as of the date of the report; and
 - (c) the percentage of the disbursements as of the date of the report.
- (3) Within five days of providing the monthly report described in Subsection (2) to an LEA governing board, the business administrator or budget officer shall make a copy of the report available for public review.

Amended by Chapter 293, 2019 General Session

Part 4

Internal Audits

53G-7-401 Definitions.

As used in this part:

- (1) "Audit committee" means a standing committee:
 - (a) appointed by the local school board or charter school governing board with the following number of members as applicable to the local school board or charter school governing board:
 - (i) for a board of a local education agency that consists of seven or more members, three members of that board; or
 - (ii) for a board of a local education agency that consists of six or fewer members, two members of that board; and
 - (b) composed of people who are not administrators or employees of the local education agency.
- (2) "Audit director" means the person who directs the internal audit program.
- (3) "Audit plan" means a prioritized list of audits to be performed by an internal audit program within a specified period of time.
- (4) "Internal audit" means an independent appraisal activity established within a local education agency as a control system to examine and evaluate the adequacy and effectiveness of other internal control systems within the local education agency.
- (5) "Internal audit program" means an audit function that:
 - (a) is conducted by a local school board or charter school governing board independent of the local education agency offices or other operations;
 - (b) objectively evaluates the effectiveness of the local education agency governance, risk management, internal controls, and the efficiency of operations; and
 - (c) is conducted in accordance with the current:
 - (i) International Standards for the Professional Practice of Internal Auditing; or
 - (ii) The Government Auditing Standards, issued by the Comptroller General of the United States.
- (6) "Local education agency" means a school district or charter school.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-402 Internal auditing program -- Audit committee -- Powers and duties.

- (1) A local school board or charter school governing board shall establish an audit committee.
- (2)
 - (a) The audit committee shall establish an internal audit program that provides internal audit services for the programs administered by the local education agency.
 - (b) A local education agency that has fewer than 10,000 students is not subject to Subsection (2) (a).
- (3)

- (a) A local school board or charter school governing board shall appoint the audit director, with the advisement of the audit committee, if the local school board or charter school governing board hires an audit director.
- (b) If the local school board or charter school governing board has not appointed an audit director and the local school board or charter school governing board contracts directly for internal audit services, the local school board or charter school governing board shall approve a contract for internal audit services, with the advisement of the audit committee.
- (4) The audit committee shall ensure that copies of all reports of audit findings issued by the internal auditors are available, upon request, to the audit director of the state board, the Office of the State Auditor, and the Office of Legislative Auditor General.
- (5) The audit committee shall ensure that significant audit matters that cannot be appropriately addressed by the local education agency internal auditors are referred to either the audit director of the state board, the Office of the State Auditor, or the Office of Legislative Auditor General.
- (6) The audit director may contract with a consultant to assist with an audit.
- (7) The audit director of the state board and the Office of the State Auditor may contract to provide internal audit services.

Amended by Chapter 293, 2019 General Session

Part 5

Student Fees

53G-7-501 Definitions.

As used in this part:

- (1)
 - (a) "Common education expense" means an expense an LEA incurs that is related to the delivery of instruction for all courses, unrelated to a specific course, program, or activity.
 - (b) "Common education expense" includes the employment of educators and staff, the provision of capital facilities, and operation and maintenance costs.
- (2)
 - (a) "Course" means an activity, a course, or a program that an LEA:
 - (i) intends to deliver instruction;
 - (ii) provides, sponsors, or supports; and
 - (iii) conducts primarily during school hours.
 - (b) "Course" includes a course in which a student is required to enroll as a condition of participation in a separate extracurricular activity.
- (3) "Discretionary project" means a project that a student completes in lieu of or in addition to a required classroom project in accordance with Section 53G-7-503.
- (4) "Elementary school" means a school that provides instruction to students in grades kindergarten, 1, 2, 3, 4, 5, or 6.
- (5)
 - (a) "Elementary school student" means a student enrolled in an elementary school.
 - (b) "Elementary school student" does not include a secondary school student.
- (6)
 - (a) "Extracurricular activity" means an activity or a program that:

- (i) is not a course; and
 - (ii) an LEA provides, sponsors, or supports.
 - (b) "Extracurricular activity" does not include a noncurricular club as defined in Section 53G-7-701.
- (7)
- (a) "Fee" means a charge, expense, deposit, rental, or payment:
 - (i) regardless of how an LEA terms, describes, requests, or requires the charge, expense, deposit, rental, or payment, directly or indirectly;
 - (ii) in the form of money, goods, or services; and
 - (iii) that is a condition to a student's full participation in or admission to an activity, course, or program that an LEA provides, sponsors, or supports.
 - (b) "Fee" includes:
 - (i) payments to a third party that provides a part of a school activity, class, or program; and
 - (ii) a fine other than a fine described in Subsection (7)(c)(i).
 - (c) "Fee" does not include:
 - (i) a student fine that an LEA approves for:
 - (A) failing to return school property;
 - (B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, including defacing or damaging school property as described in Section 53G-8-212; or
 - (C) improper use of school property, including a parking violation;
 - (ii) a payment for school breakfast or lunch;
 - (iii) a deposit that:
 - (A) is a pledge securing the return of school property; and
 - (B) the LEA or school refunds upon the return of the school property;
 - (iv) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program; or
 - (v) money or another item of monetary value that a student or the student's family raises through fundraising.
- (8) "Fee course" means a course that is not a non-fee course.
- (9)
- (a) "Fundraising" means an activity or event that:
 - (i) an LEA provides, sponsors, or supports; and
 - (ii) uses students to generate funds or raise money to:
 - (A) provide financial support to a school or a school's class, group, team, or program; or
 - (B) benefit a particular charity or for other charitable purposes.
 - (b) "Fundraising" does not include an alternative method of raising revenue without students.
- (10)
- (a) "Instructional equipment" means an activity-, course-, or program-related tool that:
 - (i) a student is required to use as part of an activity, course, or program in a secondary school; and
 - (ii) becomes the property of the student upon exiting the activity, course, or program.
 - (b) "Instructional equipment" does not include:
 - (i) school equipment;
 - (ii) an instructional supply; or
 - (iii) a personal student supply for a secondary student.
- (11)

- (a) "Instructional supply" means a non-reusable or a consumable material or supply that is necessary to use, expend, or deplete as a component or element of an activity, course, or program in a secondary school.
- (b) "Instructional supply" does not include a personal student supply for a secondary student.
- (12) "Non-fee course" means a course that results in course credit or a course grade within the core standards the state board establishes under Section 53E-4-202 and other statutory requirements for:
 - (a) English language arts;
 - (b) health education;
 - (c) mathematics;
 - (d) science; and
 - (e) social studies.
- (13)
 - (a) "Personal student supply" means, for a secondary student, an object, tool, material, or supply that:
 - (i) is the personal property of the student;
 - (ii) regardless of the use of the supply in the instructional process, individuals not enrolled in the course or activity also commonly purchase and use; and
 - (iii) has a high probability of regular use in activities other than school-sponsored activities.
 - (b) "Personal student supply" includes pencils, papers, notebooks, crayons, scissors, and basic clothing.
- (14)
 - (a) "School activity clothing" means special shoes or items of clothing that:
 - (i) meet specific requirements, including requesting a specific brand, fabric, or imprint;
 - (ii) a school requires a student to provide and to wear for an activity-, course-, or program-related activity; and
 - (iii)
 - (A) the student rents while participating in the activity; or
 - (B) become the property of the student upon exiting the activity, course, or program.
 - (b) "School activity clothing" does not include:
 - (i) a school uniform; or
 - (ii) clothing that is commonly found in students' homes.
- (15) "School equipment" means a machine, equipment, facility, or tool that:
 - (a) is durable;
 - (b) is reusable;
 - (c) a secondary school owns; and
 - (d) a student uses as part of an activity, course, or program in a secondary school.
- (16)
 - (a) "School uniform" means special shoes or an item of clothing that:
 - (i)
 - (A) meets specific requirements, including a requested specific color, style, fabric, or imprint; and
 - (B) a school requires a student to provide and wear during school attendance; and
 - (ii) is the property of the student.
 - (b) "School uniform" does not include school activity clothing.
- (17) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.
- (18) "Secondary school student":

- (a) means a student enrolled in a secondary school; and
 - (b) includes a student in grade 6 if the student attends a secondary school.
- (19)
- (a) "Textbook" means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material.
 - (b) "Textbook" includes:
 - (i) a hardcopy book or printed pages of instructional material, including a consumable workbook; or
 - (ii) computer hardware, software, or digital content.
 - (c) "Textbook" does not include school equipment, instructional equipment, or instructional supplies.
- (20) "Waiver" means a full release from:
- (a) a requirement to pay a fee; and
 - (b) any provision in lieu of fee payment.

Amended by Chapter 382, 2025 General Session

53G-7-502 Schools to be free.

- (1) Except as otherwise provided in this public education code, and in accordance with Utah Constitution, Article X, Section 2, the public education system shall be free to an individual:
- (a) between five and 18 years old who is a resident; and
 - (b) over 18 years old who is domiciled in the state of Utah and has not completed requirements for a high school diploma.
- (2)
- (a) Beginning for the 2026-2027 school year, except as provided in Subsection (2)(b), each LEA that awards credit toward graduation shall ensure that each school has at least one option for each graduation requirement that:
 - (i) fulfills the graduation requirement; and
 - (ii) does not require the payment or waiver of any fee.
 - (b) Subsection (2)(a) does not apply to a charter school that only offers one of the following for a given graduation requirement:
 - (i) an Advanced Placement course;
 - (ii) an International Baccalaureate course; or
 - (iii) a concurrent enrollment course, as described in Section 53E-10-302.
 - (c) Nothing in this Subsection (2) requires an LEA or a school to provide, without a fee or fee waiver:
 - (i) a specific activity, course, or program; or
 - (ii) the student's preferred activity, course, or program.

Amended by Chapter 382, 2025 General Session

53G-7-503 Fees -- Prohibitions -- Voluntary supplies -- Enforcement -- Penalties.

- (1) An LEA may only charge a fee that:
- (a) this part authorizes;
 - (b) the LEA governing board notices and authorizes in accordance with Section 53G-7-505;
 - (c) is for a service or good that has a direct benefit to the student paying the fee so as to not be general in nature;

- (d) is directly related to the expense the LEA incurs for providing a student the relevant activity, course, or program rather than being general in nature;
 - (e) is equal to or less than the expense described in Subsection (1)(d); and
 - (f) does not supplant or subsidize a fee the LEA is prohibited from charging, including the normal expense of delivering instruction in a course.
- (2) Beginning with the 2025-2026 school year, an LEA:
- (a) except as provided in Subsection (2)(b), may not charge a secondary student a fee for:
 - (i) an expense related to a non-fee course;
 - (ii) a textbook;
 - (iii) school equipment; or
 - (iv) a common education expense;
 - (b) subject to Subsections (1) and (2)(a), may charge a secondary student a fee for:
 - (i) relating to a non-fee course or a fee course, for:
 - (A) instructional equipment;
 - (B) a school field trip or activity trip or performance, including related transportation, food, lodging, and admission charges or participation fees;
 - (C) school activity clothing;
 - (D) a discretionary project as described in Subsection (3); or
 - (E) a competency remediation program in accordance with Section 53G-9-803;
 - (ii) an expense related to a course, activity, or program that is a fee course, including:
 - (A) instructional supplies;
 - (B) the life-cycle replacement costs for school equipment directly related to the fee course;
 - (C) a musical instrument rental;
 - (D) licensing fees for fine arts intellectual property; or
 - (E) participating in a driver education course described in Section 53G-10-503;
 - (iii) an expense related to the following post-secondary-related courses, including tuition, college credit, an exam, or a textbook, as described in Section 53G-7-506:
 - (A) an Advanced Placement course;
 - (B) an International Baccalaureate course; or
 - (C) a concurrent enrollment course, as described in Section 53E-10-302;
 - (iv) an extracurricular activity, including the life-cycle replacement costs for school equipment directly related to the extracurricular activity;
 - (v) open enrollment application processing in accordance with Section 53G-6-402; or
 - (vi) charter school application processing in accordance with Section 53G-6-503; and
 - (c) may charge a secondary student or an individual a fee for an adult education course in accordance with Section 53E-10-202.
- (3) For a course requiring the completion of a project for a grade or credit:
- (a) a secondary student may request to complete a discretionary project in lieu of a required course activity or project if the discretionary project demonstrates the intended core competencies of the required course activity or project;
 - (b) nothing prohibits a student from completing a discretionary project in addition to a required classroom project;
 - (c) an LEA may require a student at any grade level to provide materials or pay an additional fee for a discretionary project or a project in which the student engages in addition to a required classroom project; and
 - (d) nothing in this section entitles a student to an approval of the student's request described in Subsection (3)(a).
- (4)

- (a) An LEA may not require a fee for:
 - (i) elementary school activities that are part of the regular school day; or
 - (ii) for supplies a student uses during the regular elementary school day.
 - (b) An elementary school or elementary school teacher:
 - (i) may compile and provide to an elementary school student's parent a suggested list of supplies for use during the regular school day so that a parent may furnish, only on a voluntary basis, the listed supplies for student use; and
 - (ii) shall ensure that the list described in Subsection (4)(b)(i) includes the following language before identifying the supplies:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."
- (5)
- (a) Notwithstanding Section 53E-3-401, if the state board finds that an LEA has violated a provision of this part, the state board shall impose corrective action against the LEA, including:
 - (i) requiring an LEA to repay the fee the LEA improperly charged;
 - (ii) withholding state funds; or
 - (iii) suspending the LEA's authority to charge fees for an amount of time the state board specifies.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (i) that require notice and an opportunity to be heard for an LEA affected by a state board action described in this Subsection (5); and
 - (ii) to administer this Subsection (5).

Repealed and Re-enacted by Chapter 382, 2025 General Session

53G-7-504 Waiver of fees -- Appeal of decision.

- (1)
- (a) Subject to the provisions of this part, if an LEA or a school within an LEA charges one or more fees, the LEA shall grant a waiver to a student if charging the fee would deny the student the opportunity to fully participate or complete a requirement because of an inability to pay the fee.
 - (b) An LEA governing board shall:
 - (i) adopt policies for granting a waiver; and
 - (ii) in accordance with Section 53G-7-505, give notice of waiver eligibility and policies.
- (2)
- (a) An LEA that charges a fee under this part may provide a variety of alternatives for a student or family to satisfy a fee requirement, including allowing a student to provide:
 - (i) tutorial assistance to other students;
 - (ii) assistance before or after school to teachers and other school personnel on school related matters; and
 - (iii) general community or home service.
 - (b) Each LEA governing board may add to the list of alternatives provided by the state board, subject to approval by the state board.

- (3) With regard to a student who is in the custody of the Division of Child and Family Services who is also eligible under Title IV-E of the federal Social Security Act, an LEA governing board shall require fee waivers or alternatives in accordance with this section.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (a) requiring a parent of a student applying for a fee waiver to provide documentation and certification to the school verifying:
 - (i) the student's eligibility to receive the waiver; and
 - (ii) if applicable, that the student has complied with alternatives for satisfying the fee requirements under Subsection (2) to the fullest extent reasonably possible according to the individual circumstances of the student and the LEA; and
 - (b) specifying the acceptable forms of documentation for the requirement under Subsection (4)(a), which shall include verification based on income tax returns or current pay stubs.
- (5) Notwithstanding the requirements under Subsection (4), an LEA is not required to keep documentation on file after the verification is completed.
- (6) If a school denies a student or parent request for a fee waiver, the school shall provide the student or parent:
 - (a) the school's written decision to deny a waiver; and
 - (b) the procedure to appeal in accordance with LEA policy.

Amended by Chapter 497, 2024 General Session

53G-7-505 Approval and notice of student fees and waivers.

- (1) An LEA governing board shall annually:
 - (a) adopt fee policies and a fee schedule; and
 - (b) provide the fee schedule to each student and parent.
- (2) For the fee schedule, the LEA governing board shall:
 - (a) before approving the fee schedule, provide at least two opportunities for the public to comment on the proposed fee schedule;
 - (b) encourage public participation in the development of the fee schedule; and
 - (c) approve the fee schedule in a regularly scheduled public meeting.
- (3)
 - (a) The fee schedule shall include the following:
 - (i) a specific amount for each fee on the fee schedule;
 - (ii) if a student is responsible for multiple fees related to one activity, class, or program, a clear and easy to understand delineation of each fee and the fee total for each activity, class, or program;
 - (iii) the LEA's fee waiver policy, including an easily understandable statement informing a parent that a student:
 - (A) may be eligible to have one or more fees waived; and
 - (B) may appeal the LEA's decision if the LEA denies a request for a fee waiver; and
 - (iv) a corresponding spending plan for each fee.
 - (b) The LEA shall:
 - (i) publish the fee schedule on each of the LEA's school's websites; and
 - (ii) beginning for the 2026-2027 school year, clearly identify any fee for each activity, course, or program alongside the description of the activity, course, or program in the LEA's registration materials.

Amended by Chapter 382, 2025 General Session

53G-7-507 Purchase of textbooks -- Textbooks provided to teachers.

- (1) An LEA governing board may purchase textbooks directly from the textbook publisher at prices and terms approved by the state board.
- (2) An LEA governing board shall purchase each textbook necessary for a teacher to conduct the teacher's class.
- (3) An LEA may pay the LEA's cost of furnishing textbooks from school operating funds, the textbook fund, or from other available funds.
- (4) A textbook remains the property of the LEA.

Renumbered and Amended by Chapter 497, 2024 General Session

Part 7 Student Clubs

53G-7-701 Definitions.

As used in this part:

- (1) "Bigotry" means action or advocacy of imminent action involving:
 - (a) the harassment or denigration of a person or entity; or
 - (b) any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in this section, Section 53G-10-203, or 20 U.S.C. Sec. 4071(f).
- (2) "Club" means any student organization that meets during noninstructional time.
- (3) "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.
- (4) "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:
 - (a) whose subject matter is taught or will soon be taught in a regular course;
 - (b) whose subject matter concerns the body of courses as a whole;
 - (c) in which participation is required for a particular course; or
 - (d) in which participation results in academic credit.
- (5)
 - (a) "Discretionary time" means school-related time for students that is not instructional time.
 - (b) "Discretionary time" includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.
- (6)
 - (a) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule.

- (b) "Encourage criminal or delinquent conduct" does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.
- (7)
 - (a) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity.
 - (b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.
- (8) "Involve human sexuality" means:
 - (a) presenting information in violation of laws governing sex education, including Sections 53G-10-402 and 53E-9-203;
 - (b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
 - (c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.
- (9) "LEA governing board" means a local school board or charter school governing board.
- (10) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection 53G-10-203(2)(b).
- (11) "Noncurricular club" is a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and LEA governing board in accordance with the provisions of this part. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by an LEA governing board, the school, or by school or school district employees.
- (12) "Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.
- (13) "Religious club" means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
- (14) "School" means a public school, including a charter school.
- (15)
 - (a) "School facilities use" means access to a school facility, premises, or playing field.
 - (b) "School facilities use" includes access to a limited open forum.

Amended by Chapter 293, 2019 General Session

53G-7-702 Student clubs -- Limited open forum -- Authorization.

- (1)
 - (a) A school may establish and maintain a limited open forum for student clubs pursuant to the provisions of this part, state board rules, and LEA governing board policies.
 - (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to create a closed forum at any time by allowing curricular clubs only.
- (2)
 - (a) A school shall review applications for authorization of clubs on a case-by-case basis.
 - (b) Before granting an authorization, the school shall find:
 - (i) that the proposed club meets this part's respective requirements of a curricular club or a noncurricular club; and

- (ii) that the proposed club's purpose and activities comply with this part.
- (c) Before granting an authorization, a school may request additional information from the faculty sponsor, from students proposing the club, or from its LEA governing board, if desired.
- (3) A school shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of this part, rules of the state board, and policies of the LEA governing board and shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of this part, rules of the state board, and policies of the LEA governing board.

Amended by Chapter 293, 2019 General Session

53G-7-703 Curricular clubs -- Authorization.

- (1) Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the LEA governing board.
- (2) An LEA governing board may exempt a club whose membership is determined by student body election or a club that is governed by an association that regulates interscholastic activities from the authorization requirements under this section.
- (3) An application for authorization of a curricular club shall include:
 - (a) the recommended club name;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
 - (d) the recommended meeting times, dates, and places;
 - (e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 - (f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- (4) The application may be as brief as a single page so long as it contains the items required under this section.
- (5) A school shall approve the name of a curricular club consistent with the club's purposes and its school sponsorship.
- (6)
 - (a) A school shall determine curriculum relatedness by strictly applying this part's definition of curricular club to the club application.
 - (b) If the school finds that the proposed club is a curricular club, the school shall continue to review the application as an application for authorization of a curricular club.
 - (c) If the school finds that the proposed club is a noncurricular club, the school may:
 - (i) return the application to the faculty member or students proposing the club for amendment;
 - or

- (ii) review the application as an application for authorization of a noncurricular club.
- (7)
 - (a) Only curricular clubs may be authorized for elementary schools.
 - (b) A school governing body may limit, or permit a secondary school to limit, the authorization of clubs at the secondary school to only curricular clubs.

Amended by Chapter 293, 2019 General Session

53G-7-704 Noncurricular clubs -- Annual authorization.

- (1) A noncurricular club shall have a minimum of three members.
- (2) Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the LEA governing board.
- (3) An application for authorization of a noncurricular club shall include:
 - (a) the recommended club name;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
 - (d) the recommended meeting times, dates, and places;
 - (e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 - (f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- (4) The application may be as brief as a single page so long as it contains the items required under this section.
- (5)
 - (a) An LEA governing board may provide for approval of a noncurricular club name in an action separate from that relating to authorization of the club itself.
 - (b) An LEA governing board shall require:
 - (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and activities; and
 - (ii) that the noncurricular club name shall be a name that would not result in or imply a violation of this part.

Amended by Chapter 293, 2019 General Session

53G-7-705 Clubs -- Limitations and denials.

- (1) A school shall limit or deny authorization or school facilities use to a club, or require changes prior to granting authorization or school facilities use:
 - (a) as the school determines it to be necessary to:

- (i) protect the physical, emotional, psychological, or moral well-being of students and faculty;
- (ii) maintain order and discipline on school premises;
- (iii) prevent a material and substantial interference with the orderly conduct of a school's educational activities;
- (iv) protect the rights of parents and students;
- (v) maintain the boundaries of socially appropriate behavior; or
- (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or
- (b) if a club's proposed charter and proposed activities indicate students or advisors in club related activities would as a substantial, material, or significant part of their conduct or means of expression:
 - (i) encourage criminal or delinquent conduct;
 - (ii) promote bigotry;
 - (iii) involve human sexuality; or
 - (iv) involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.
- (2) An LEA governing board has the authority to determine whether any club meets the criteria of Subsection (1).
- (3) If a school or LEA governing board limits or denies authorization to a club, the school or LEA governing board shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.
- (4) A student's spontaneous expression of sentiments or opinions otherwise identified in Subsection 53E-9-203(1) is not prohibited.

Amended by Chapter 293, 2019 General Session

53G-7-706 Faculty oversight of authorized clubs.

- (1) A school shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, noncurricular, and religious club to provide oversight consistent with this part and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:
 - (a) unreasonably interfere with the ability of school officials to maintain order and discipline;
 - (b) unreasonably endanger or threaten the well-being of persons or property;
 - (c) violate concepts of civility or propriety appropriate to a school setting; or
 - (d) violate applicable laws, rules, regulations, and policies.
- (2)
 - (a) A school shall annually approve faculty members as sponsors of curricular clubs.
 - (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular club.
- (3)
 - (a) A school shall approve faculty members to serve as supervisors for authorized noncurricular clubs.
 - (b) A faculty supervisor shall provide oversight to ensure compliance with the approved club purposes, goals, and activities and with the provisions of this part and other applicable laws, rules, and policies.
 - (c) The approval of a faculty supervisor or monitor does not constitute school sponsorship of the club.
 - (d) A faculty monitor approved for a religious club may not participate in the activities of the religious club, except to perform the supervisory role required by this section.

- (4) Without the prior approval by the school, a person who is not a school faculty member or a club member may not:
 - (a) make a presentation to a noncurricular club; or
 - (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-707 Use of school facilities by clubs.

- (1) A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.
- (2) The following provisions apply to curricular clubs:
 - (a) in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and
 - (b) the school may provide financial or other support to curricular clubs.
- (3) The following provisions apply to noncurricular clubs:
 - (a) a preference or priority may not be given among noncurricular clubs;
 - (b)
 - (i) a school shall only provide the space for noncurricular club meetings; and
 - (ii) a school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this part, including providing space and faculty oversight for noncurricular clubs;
 - (c) a school shall establish the noninstructional times during which noncurricular clubs may meet;
 - (d) a school may establish the places that noncurricular clubs may meet;
 - (e) a school may set the number of hours noncurricular clubs may use the school's facilities per month, provided that all noncurricular clubs shall be treated equally; and
 - (f) a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Amended by Chapter 293, 2019 General Session

53G-7-708 Club membership.

- (1) A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.
- (2) Membership in curricular clubs is governed by the following:
 - (a)
 - (i) membership may be limited to students who are currently attending the sponsoring school or school district; and
 - (ii) members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section 53G-7-709, specific parental permission for membership in a curricular club at another school;
 - (b)
 - (i) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
 - (ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies; and
 - (c) other rules or policies as determined by the state board, school district, or school.
- (3) Membership in noncurricular clubs is governed by the following:

- (a) student membership in a noncurricular club is voluntary;
- (b) membership shall be limited to students who are currently attending the school;
- (c)
 - (i) noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
 - (ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies;
- (d) a copy of any written or other media materials that were presented at a noncurricular club meeting by a nonschool person shall be delivered to a school administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent shall have an opportunity to review those materials; and
- (e) other rules or policies as determined by the state board, school district, or school.

Amended by Chapter 293, 2019 General Session

53G-7-709 Parental consent.

- (1) A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.
- (2) The consent described in Subsection (1) shall include an activity disclosure statement containing the following information:
 - (a) the specific name of the club;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Section 53G-7-703 or 53G-7-704, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
 - (d) beginning and ending dates;
 - (e) a tentative schedule of the club activities with dates, times, and places specified;
 - (f) personal costs associated with the club, if any;
 - (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
 - (h) any additional information considered important for the students and parents to know.
- (3) All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a charter school, or their designee.

Amended by Chapter 293, 2019 General Session

53G-7-710 Violations -- Investigations -- School responses.

- (1) A school shall investigate any report or allegation that an authorized curricular or noncurricular club is:

- (a) participating in activities beyond the scope of its purpose; or
- (b) in violation of a provision of this part or another applicable law, rule, regulation, or policy.
- (2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the students involved, and the person making the report or allegation, if a violation is substantiated, the school may do any of the following:
 - (a) allow the club's original statement of its purpose, goals, and activities to be modified to include the activities if they are in compliance with the provisions of this part and other applicable laws, rules, regulations, or policies;
 - (b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in the future;
 - (c) limit or suspend the club's authorization or school facilities use pending further corrective action as determined by the school; or
 - (d) terminate the club's authorization and dissolve the club.
- (3) Any limitation on expression, practice, or conduct of any student, advisor, or guest in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be by the least restrictive means necessary to satisfy the school's interests as identified in this part.
- (4) A club that has been terminated in accordance with Subsection (2)(d) may not reapply for authorization until the following school year.
- (5) A student who makes a false allegation or report under this section shall be subject to school discipline.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-711 Appeals -- Procedures.

- (1)
 - (a) A completed application or complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.
 - (b) If an application or complaint is denied, written reasons for the denial or results of the investigation shall be stated and, if appropriate, suggested corrections shall be made to remedy the deficiency.
 - (c) A club that is denied school facilities use shall be informed at the time of the denial of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial could be corrected.
- (2)
 - (a) If denied, suspended, or terminated, a club, student desirous of participating or speaking, or a complaining parent, has 10 school days from the date of the denial, suspension, or termination to file a written appeal from the denial, suspension, or termination to a designee authorized by the LEA governing board.
 - (b) The designee shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative remedies unless the time for evaluation is extended by agreement of all parties.
- (3) A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to a person designated by the LEA governing board.

Amended by Chapter 293, 2019 General Session

53G-7-712 Rulemaking -- State board -- LEA governing boards.

The state board may adopt additional rules and LEA governing boards may adopt additional policies governing clubs that do not conflict with the provisions of this part.

Amended by Chapter 293, 2019 General Session

53G-7-713 Severability.

If any provision of this part or the application of any provision to any person or circumstance, is held invalid, the remainder of this part shall be given effect without the invalid provision or application.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 8
School Uniforms

53G-7-801 Definitions.

As used in this part:

- (1) "Association" means an organization that governs or regulates a student's participation in an athletic activity.
- (2) "Athletic activity" means physical education instruction or a sports event that is:
 - (a) sponsored or regulated by an association or educational organization; or
 - (b) authorized to take place in an association's or educational organization's facilities.
- (3) "Athletic uniform" means clothing, headwear, shoes, or other items worn for participation in an athletic activity that are required to be:
 - (a) a specified style, length, material, or color;
 - (b) worn in a specified manner; or
 - (c) worn with or without other items of clothing or headwear.
- (4) "Educational organization" means:
 - (a) the state board;
 - (b) an LEA; or
 - (c) a school sports team.
- (5) "Principal" includes the chief administrator of a school that does not have a principal.
- (6) "School" means a public school, including a charter school.
- (7) "School official" means the principal of a school or the local school board for a school district.
- (8) "School sports team" means a team on which the student represents the student's school in competition against another school or in competition against other students within the same school.
- (9) "School uniform" means the same as that term is defined in Section 53G-7-501.

Amended by Chapter 130, 2023 General Session

53G-7-802 Uniforms in schools -- Legislative finding -- Policies.

- (1) The Legislature finds that:
 - (a) each student should be allowed to learn in a safe environment which fosters the learning process and is free from unnecessary disruptions;
 - (b) the wearing of certain types of clothing may identify students as members of youth gangs and contribute to disruptive behavior and violence in the schools;
 - (c) school uniform policies may be part of an overall program to:

- (i) improve school safety and discipline; and
 - (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent disturbances among students; and
- (d) school uniforms may:
 - (i) decrease violence and theft among students; and
 - (ii) foster and promote desirable school operating conditions and a positive educational environment in accordance with this part.
- (2)
 - (a) In accordance with Section 53G-7-803, a school may adopt a school uniform policy that requires students enrolled at that school to wear a designated school uniform during the school day.
 - (b) Except as provided in Subsection (4)(b), a school uniform policy may not require clothing that is prescriptive or expensive.
- (3) A school uniform policy shall:
 - (a) protect students' free exercise of religious beliefs;
 - (b) specify whether the uniform policy is voluntary or mandatory for students;
 - (c) specify whether or not the uniform policy has an opt-out provision in addition to the provisions under Subsection (5); and
 - (d) include a provision for financial assistance to families who cannot afford to purchase a required uniform, which may include:
 - (i) the school providing school uniforms to students;
 - (ii) the school making used school uniforms available to students; or
 - (iii) other programs to make school uniforms available to economically disadvantaged students.
- (4)
 - (a) Except as provided in Subsection (4)(b), a school uniform policy under this part is not considered a fee for either an elementary or a secondary school.
 - (b)
 - (i) Subject to Subsection (4)(b)(ii), a secondary school may adopt a school uniform policy that requires clothing that is expensive or prescriptive.
 - (ii) A school uniform policy described in Subsection (4)(b)(i) is considered a fee, as defined in Section 53G-7-501, and is subject to Part 5, Student Fees.
- (5) A school uniform policy shall include a provision allowing a principal at any time during the school year to grant an exemption from wearing a school uniform to a student because of extenuating circumstances.
- (6)
 - (a) If a school adopts a school uniform policy under this part, that school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).
 - (b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

Amended by Chapter 223, 2019 General Session

53G-7-803 Uniforms in schools -- Policy approval.

- (1) The school uniform policy authorized in Section 53G-7-802 may be adopted:
 - (a) for a charter school:
 - (i) by the charter school governing board or administrator of the charter school in accordance with Subsection (2); or

- (ii) by including the school uniform policy in the school's charter agreement approved in accordance with Chapter 5, Charter Schools;
 - (b) for more than one school at the district level by a local school board in accordance with Subsection (2); or
 - (c) for a single school at the school level by the principal of the school in accordance with Subsection (2).
- (2) A school uniform policy adopted by an election is subject to the following requirements:
 - (a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;
 - (b)
 - (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and
 - (ii) only parents of students subject to the proposed school uniform policy may vote at the election, limited to one vote per family.
- (3)
 - (a) A local school board or principal is required to hold an election to consider adoption of a school uniform policy for an entire school district or an individual school if initiative petitions are presented as follows:
 - (i) for a school district, a petition signed by a parent of 20% of the district's students presented to the local school board; and
 - (ii) for an individual school, a petition signed by a parent of 20% of the school's students presented to the principal.
 - (b) The public hearing and election procedures required in Subsection (2) apply to this Subsection (3).
- (4)
 - (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance or modification of a school uniform policy adopted under this section.
 - (b) A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.
- (5) The adopting authority shall establish the manner and time of an election required under this section.

Amended by Chapter 293, 2019 General Session

53G-7-804 Requirements for uniforms for students participating in an athletic activity.

- (1) An association or educational organization that requires a student to wear an athletic uniform for participation in an athletic activity may not prohibit the student from:
 - (a) wearing religious clothing with the athletic uniform; or
 - (b) wearing clothing under, or with, but not substantially covering, the athletic uniform to, consistent with the student's religious or moral beliefs, cover or conceal parts of the student's body that are not covered or concealed by the athletic uniform.
- (2)
 - (a) A student has the right to, while participating in a school-related athletic activity or an athletic activity using school facilities, wear clothing as described in Subsection (1).
 - (b) The prohibition described in Subsection (1) and the right described in Subsection (2)(a) apply regardless of whether the student wears, or is required to wear, an athletic uniform while participating in the athletic activity.

- (3) If an association or educational organization places requirements on religious clothing or other clothing described in Subsection (1) or (2), other than the material, style, or color of the uniform itself, the association or organization:
- (a) shall provide the clothing at the association's or educational organization's expense; and
 - (b) may not impose a requirement in relation to the clothing, including the material, color, style, or manner of wearing the clothing, that violates the student's religious or moral beliefs.

Enacted by Chapter 130, 2023 General Session

Part 9 Internships

53G-7-901 Definitions.

As used in this part:

- (1) "Cooperating employer" means a public or private entity which, as part of a work experience or career exploration program offered through a school, provides interns with educational resources, training, and work experience in activities related to the entity's ongoing business activities.
- (2) "Intern" means a student enrolled in a school-sponsored work experience and career exploration program under Section 53G-7-902 involving both classroom instruction and work experience with a cooperating employer, regardless of whether the student receives compensation.
- (3) "Internship" means the work experience segment of an intern's school-sponsored work experience and career exploration program, performed under the direct supervision of a cooperating employer.
- (4) "Internship safety agreement" means the agreement between a public or private school and a cooperating employer in accordance with Section 53G-7-904.
- (5) "Private school" means a school serving any of grades 7 through 12 which is not part of the public education system.
- (6) "Public school" means:
 - (a) a public school district;
 - (b) an applied technology center or applied technology service region;
 - (c) the Schools for the Deaf and the Blind; or
 - (d) other components of the public education system authorized by the state board to offer internships.

Amended by Chapter 350, 2023 General Session

Amended by Chapter 527, 2023 General Session

53G-7-902 Public or private school internships.

A public or private school may offer internships in connection with work experience and career exploration programs operated in accordance with the rules of the state board.

Amended by Chapter 293, 2019 General Session

53G-7-903 Interns -- Workers' compensation medical benefits -- Risk management.

- (1) An intern participating in an internship under Section 53G-7-902 is considered to be a volunteer government worker of the sponsoring public school, or an employee of the sponsoring private school, solely for purposes of:
 - (a) receiving workers' compensation medical benefits; and
 - (b) for an intern participating through a sponsoring public school, coverage by the Risk Management Fund created in Section 63A-4-201.
- (2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the school and the cooperating employer for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act.

Amended by Chapter 350, 2023 General Session

53G-7-904 Internship programs -- Criminal background checks.

- (1)
 - (a) A public or private school may enter into an internship safety agreement with a cooperating employer.
 - (b) The public or private school described in Subsection (1)(a) shall ensure that the internship safety agreement requires a cooperating employer to:
 - (i) ensure that an adult officer or employee of the cooperating employer is not intentionally alone with an intern for any significant amount of time during the intern's activities;
 - (ii) maintain compliance with all applicable state and federal laws relating to workplace and student safety, privacy, and welfare; and
 - (iii) provide a safe, educational, courteous, and welcoming professional environment that is free of harassment or discriminatory conduct that may result in a hostile, intimidating, abusive, offensive, or oppressive learning environment.
- (2)
 - (a) If a public or private school has not entered into an internship safety agreement with a cooperating employer, officers and employees of the cooperating employer who will be given significant unsupervised access to a student in connection with the student's activities as an intern shall submit to criminal background checks under Section 53G-11-402.
 - (b) If a public or private school has entered into an internship safety agreement with a cooperating employer, officers and employees of the cooperating employer are exempt from the criminal background check requirement described in Section 53G-11-402.

Amended by Chapter 374, 2020 General Session

53G-7-905 Recognition of participation in internship program.

A cooperating employer may be given appropriate recognition by a school, including the posting of the employer's name and a short description of the employer's business in an appropriate location on school property, or publication of that information in official publications of the school or school district.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 10

Internet Policy

53G-7-1001 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-7-1002 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-1003 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 53G-7-1002.
- (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 53G-7-1002;
 - (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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-1004 Rulemaking -- Reporting.

The state board 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 53G-7-1002.

Amended by Chapter 408, 2020 General Session

Part 11 Public School Membership in Associations

53G-7-1101 Definitions.

As used in this part:

- (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of assigning a public school a classification or region.
- (2) "Appeals panel" means the appeals panel created in Section 53G-7-1106.
- (3)
 - (a) "Association" means an organization that governs or regulates a student's participation in an athletic interscholastic activity.
 - (b) "Association" does not include an institution of higher education described in Section 53B-1-102.
- (4) "Classification" means the designation of a school based on the size of the school's student enrollment population for purposes of interscholastic activities.
- (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated or governed by an association.
- (6) "Governing body" means a body within an association that:
 - (a) is responsible for:
 - (i) adopting standards or policies that govern interscholastic activities or the administration of the association;
 - (ii) adopting or amending the association's governing document or bylaws;
 - (iii) enforcing the standards and policies of the association; and
 - (iv) adopting the association's budget; and
 - (b) has oversight of other boards, committees, councils, or bodies within the association.
- (7) "Interscholastic activity" means an activity within the state in which:
 - (a) a student that participates represents the student's school in the activity; and
 - (b) the participating student is enrolled in grade 9, 10, 11, or 12.
- (8) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- (9) "Region" means a grouping of schools of the same classification for purposes of interscholastic activities.

Amended by Chapter 293, 2019 General Session

53G-7-1102 Public schools prohibited from membership.

- (1) A public school may not be a member of or pay dues to an association that:
 - (a) is not in compliance with:
 - (i) this part;
 - (ii) Title 52, Chapter 4, Open and Public Meetings Act;
 - (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (iv) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
 - (b) does not collect each student's unamended birth certificate, as that term is defined in Section 53G-6-1001, or subject to Subsection (3), equivalent documentation, as described in Subsection (2)(a), to determine eligibility as a condition of the association's registration process for an athletic team, event, or category; or
 - (c) does not require a student to provide the student's date of birth and sex as a condition of the registration process for an athletic team, event, or category.
- (2)
 - (a) For a student who is not a United States citizen and who is unable to provide an unamended birth certificate, as that term is defined in Section 53G-6-1001, the association may collect the student's:
 - (i) state-issued identification document, including a driver's license or passport; or

- (ii) federally recognized identification document, including a document that the Department of Homeland Security issues.
- (b) If a student who is not a United States citizen is unable to provide a document under Subsection (2)(a), the association may collect other reliable proof of a student's date of birth and sex, including:
 - (i) an affidavit from the student's parent or legal guardian attesting:
 - (A) to the student's date of birth and sex; and
 - (B) that the parent or legal guardian is unable to obtain a document described in Subsection (2)(a); and
 - (ii) one of the following:
 - (A) a religious, hospital, or physician certificate;
 - (B) verified school records;
 - (C) verified immunization records; or
 - (D) documentation from a social service provider.
- (3)
 - (a) Subsection (1)(b) does not apply to an association for a student who is a homeless child or youth, as defined in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11431 et seq.
 - (b) For a student who is a homeless child or youth, including an unaccompanied homeless child or youth, an association may collect:
 - (i) an affidavit from the student's parent or guardian, or the student if the student is an unaccompanied homeless child or youth, indicating that the student does not meet the necessary requirements to obtain a document described in Subsection (2)(a); and
 - (ii) a document described in Subsection (2)(b)(ii).
- (4) Nothing in this section limits or impairs an LEA's requirement to verify a student's initial review of eligibility to participate in an athletic team, event, or category under applicable state or federal law or state board rule, including the student's:
 - (a) residency status;
 - (b) age;
 - (c) sex, verified by the student's unamended birth certificate, as that term is defined in Section 53G-6-1001;
 - (d) academic requirements; or
 - (e) school enrollment capacity.
- (5) Unless otherwise specified, an association's compliance with or an association employee or officer's compliance with the provisions described in Subsection (1) does not alter:
 - (a) the association's public or private status; or
 - (b) the public or private employment status of the employee or officer.

Amended by Chapter 408, 2025 General Session

53G-7-1103 Governing body membership.

- (1)
 - (a) A governing body shall have 15 members as follows:
 - (i) six members who:
 - (A) are each an elected member of a local school board; and
 - (B) each represent a different classification;
 - (ii)
 - (A) one school superintendent representing the two largest classifications;

- (B) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A); and
 - (C) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);
- (iii)
- (A) one school principal representing the two largest classifications;
 - (B) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A); and
 - (C) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);
- (iv) one representative of charter schools;
- (v) one representative of private schools, if private schools are members of or regulated by the association; and
- (vi) one member representing the state board.
- (b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be elected or appointed by or represent charter or private schools on the governing body.
- (2)
- (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected, appointed, or otherwise selected in accordance with association rule or policy to the extent the selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).
 - (b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of the state board or the chair's designee if the designee is an elected member of the state board.

Amended by Chapter 293, 2019 General Session

53G-7-1104 Reporting requirements.

An association shall provide a verbal report, accompanied by a written report, annually to the state board, including:

- (1) the association's annual budget in accordance with Section 53G-7-1105;
- (2) a schedule of events scheduled or facilitated by the association;
- (3) procedures for alignment or realignment;
- (4) any amendments or changes to the association's governing document or bylaws; and
- (5) any other information requested by the state board.

Amended by Chapter 293, 2019 General Session

53G-7-1105 Association budgets.

- (1) An association shall:
 - (a) adopt a budget in accordance with this section; and
 - (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall be in accordance with generally accepted accounting principles or auditing standards.
- (2) An association budget officer or executive director shall annually prepare a tentative budget, with supporting documentation, to be submitted to the governing body.
- (3) The tentative budget and supporting documents shall include the following items:
 - (a) the revenues and expenditures of the preceding fiscal year;
 - (b) the estimated revenues and expenditures of the current fiscal year;
 - (c) a detailed estimate of the essential expenditures for all purposes for the next succeeding fiscal year; and

- (d) the estimated financial condition of the association by funds at the close of the current fiscal year.
- (4) The tentative budget shall be filed with the governing body 15 days, or earlier, before the date of the tentative budget's proposed adoption by the governing body.
- (5) The governing body shall adopt a budget.
- (6) Before the adoption or amendment of a budget, the governing body shall hold a public hearing on the proposed budget or budget amendment.
- (7)
 - (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the public hearing described in Subsection (6), at least 10 days before the public hearing, a governing body shall:
 - (i) publish a notice of the public hearing electronically in accordance with Section 63A-16-601; and
 - (ii) post the proposed budget on the association's Internet website.
 - (b) A notice of a public hearing on an association's proposed budget shall include information on how the public may access the proposed budget as provided in Subsection (7)(a).
- (8) No later than September 30 of each year, the governing body shall file a copy of the adopted budget with the state auditor and the state board.

Amended by Chapter 84, 2021 General Session

Amended by Chapter 345, 2021 General Session

53G-7-1106 Procedures for disputes -- Appeals -- Appeals panel -- Compensation.

- (1)
 - (a) An association shall establish a uniform procedure for hearing and deciding:
 - (i) disputes;
 - (ii) allegations of violations of the association's rules or policies;
 - (iii) requests to establish eligibility after a student transfers schools; and
 - (iv) disputes related to alignment or realignment.
 - (b) An individual may appeal to an appeals panel established in this section an association decision regarding a request to establish eligibility after a student transfers schools.
- (2)
 - (a) There is established an appeals panel for an association decision described in Subsection (1)(b).
 - (b) The appeals panel shall consist of the following three members:
 - (i) a judge or attorney who is not employed by, or contracts with, a school;
 - (ii) a retired educator, principal, or superintendent; and
 - (iii) a retired athletic director or coach.
 - (c) A review and decision by the appeals panel is limited to whether the association properly followed the association's rules and procedures in regard to a decision described in Subsection (1)(b).
 - (d)
 - (i) An association shall adopt policies for filing an appeal with the appeals panel.
 - (ii) The appeals panel shall review an appeal and issue a written decision explaining the appeals panel's decision no later than 10 business days after an appeal is filed.
 - (e) The appeals panel's decision is final.
- (3)
 - (a) The state board shall appoint the members of the appeals panel described in Subsection (2):

- (i) from the association's nominations described in Subsection (3)(b); and
 - (ii) in accordance with the state board's appointment process.
- (b)
- (i) The association shall nominate up to three individuals for each position described in Subsection (2) for the state board's consideration.
 - (ii) If the state board refuses to appoint members to the panel who were nominated by the association as described in Subsection (3)(b)(i), the state board shall request additional nominations from the association.
 - (iii) No later than 45 days after the association provides the nominations, the state board shall appoint to the appeals panel an individual from the names provided by the association.
- (c) For the initial membership, the state board shall appoint two of the positions having an initial term of three years and one position having an initial term of two years.
- (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire, the state board shall appoint each new member or reappointed member to a two-year term.
- (e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4) The state board shall reimburse an association for per diem and travel expenses of members of the appeals panel.

Amended by Chapter 293, 2019 General Session

Part 12

School Community Councils and Charter Trust Land Councils

53G-7-1201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-7-1202 School community councils -- Duties -- Composition -- Election procedures and selection of members.

- (1) As used in this section:
- (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.
 - (b) "Educator" means the same as that term is defined in Section 53E-6-102.
- (c)
- (i) "Parent member" means a member of a school community council who is a parent of a student who:
 - (A) is attending the school; or
 - (B) will be enrolled at the school during the parent's term of office.
 - (ii) "Parent member" may not include an educator who is employed at the school.
- (d) "Safety principles" means safety principles that, when incorporated into programs and resources, impact academic achievement by strengthening a safe and wholesome learning environment, including continual efforts for safe technology utilization and digital citizenship.
- (e) "School community council" means a council established at a district school in accordance with this section.

- (f) "School employee member" means a member of a school community council who is a person employed at the school by the school or school district, including the principal.
 - (g) "School LAND Trust Program money" means money allocated to a school pursuant to Section 53F-2-404.
- (2) A district school, in consultation with the district school's local school board, shall establish a school community council at the school building level for the purpose of:
- (a) involving parents of students in decision making at the school level;
 - (b) improving the education of students;
 - (c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents, school employees, and the local school board; and
 - (d) increasing public awareness of:
 - (i) school trust lands and related land policies;
 - (ii) management of the State School Fund established in Utah Constitution Article X, Section V; and
 - (iii) educational excellence.
- (3)
- (a) Except as provided in Subsection (3)(b), a school community council shall:
 - (i) create the School LAND Trust Program and LAND Trust plan in accordance with Section 53G-7-1206;
 - (ii) advise and make recommendations to school and school district administrators and the local school board regarding:
 - (A) the school and its programs;
 - (B) school district programs;
 - (C) a child access routing plan in accordance with Section 53G-4-402;
 - (D) safe technology utilization and digital citizenship; and
 - (E) other issues relating to the community environment for students;
 - (iii) provide for education and awareness on safe technology utilization and digital citizenship that empowers:
 - (A) a student to make smart media and online choices; and
 - (B) a parent to know how to discuss safe technology use with the parent's child;
 - (iv) partner with the school's principal and other administrators to ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel, in accordance with local school board policy and Subsection 53G-7-216(3);
 - (v) in accordance with state board rule regarding school community council expenditures and funding limits:
 - (A) work with students, families, and educators to develop and incorporate safety principles at the school; and
 - (B) hold at least an annual discussion with the school's principal and district administrators regarding safety principles at the school and district level in order to coordinate the school community council's effort to develop and incorporate safety principles at the school; and
 - (vi) provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.
 - (b) To fulfill the school community council's duties described in Subsections (3)(a)(iii) and (iv), a school community council may:
 - (i) partner with one or more non-profit organizations; or
 - (ii) create a subcommittee.

- (c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.
- (4)
 - (a) Except as provided in Subsection (4)(e), each school community council shall consist of school employee members and parent members in accordance with this section.
 - (b) Except as provided in Subsection (4)(c) or (d):
 - (i) each school community council for a high school shall have six parent members and four school employee members, including the principal; and
 - (ii) each school community council for a school other than a high school shall have four parent members and two school employee members, including the principal.
 - (c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:
 - (i) the membership includes two or more parent members than the number of school employee members; and
 - (ii) there are at least two school employee members on the school community council.
 - (d)
 - (i) The number of parent members of a school community council who are not educators employed by the school district shall exceed the number of parent members who are educators employed by the school district.
 - (ii) If, after an election, the number of parent members who are not educators employed by the school district does not exceed the number of parent members who are educators employed by the school district, the parent members of the school community council shall appoint one or more parent members to the school community council so that the number of parent members who are not educators employed by the school district exceeds the number of parent members who are educators employed by the school district.
 - (e) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing a school community council when, under unique circumstances that the state board identifies, there are insufficient members to fill the positions described in this Subsection (4).
- (5)
 - (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.
 - (b)
 - (i) Except as provided in Subsection (5)(f), a parent member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.
 - (ii)
 - (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent of a student attending the school may vote in, or run as a candidate in, the election under Subsection (5)(b)(i).
 - (B) If an election is held in the spring, a parent of a student who will be attending the school the following school year may vote in, and run as a candidate in, the election under Subsection (5)(b)(i).
 - (iii) Any parent of a student who meets the qualifications of this section may file or declare the parent's candidacy for election to a school community council.
 - (iv)

- (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the election of parent members of a school community council shall be established by a local school board for the schools within the school district.
 - (B) An election for the parent members of a school community council shall be held near the beginning of the school year or held in the spring and completed before the last week of school.
 - (C) Each school shall establish a time period for the election of parent members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at least a four-year period.
- (c)
- (i) At least 10 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee, shall provide notice to each school employee or parent of the opportunity to vote in, and run as a candidate in, an election under this Subsection (5).
 - (ii) The notice shall include:
 - (A) the dates and times of the elections;
 - (B) a list of council positions that are up for election; and
 - (C) instructions for becoming a candidate for a community council position.
 - (iii) The principal of the school, or the principal's designee, shall oversee the elections held under Subsections (5)(a) and (5)(b).
 - (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box.
- (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.
- (e)
- (i) If a parent position on a school community council remains unfilled after an election is held, the other parent members of the council shall appoint a parent who meets the qualifications of this section to fill the position.
 - (ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.
 - (iii) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a two-year term.
- (f)
- (i) If the number of candidates who file for a parent position or school employee position on a school community council is less than or equal to the number of open positions, an election is not required.
 - (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent position remains unfilled, the other parent members of the council shall appoint a parent who meets the qualifications of this section to fill the position.
 - (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains unfilled, the other school employee members of the council shall appoint a school employee who meets the qualifications of this section to fill the position.
- (g) The principal shall enter the names of the council members on the School LAND Trust website on or before October 20 of each year, pursuant to Section 53G-7-1203.
- (h) Terms shall be staggered so that approximately half of the council members stand for election each year.

- (i) A school community council member may serve successive terms provided the member continues to meet the definition of a parent member or school employee member as specified in Subsection (1).
- (j) Each school community council shall elect:
 - (i) a chair from its parent members; and
 - (ii) a vice chair from either its parent members or school employee members, excluding the principal.
- (6)
 - (a) A school community council may create subcommittees or task forces to:
 - (i) advise or make recommendations to the council; or
 - (ii) develop all or part of a plan listed in Subsection (3).
 - (b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.
 - (c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.
- (7)
 - (a) A majority of the members of a school community council is a quorum for the transaction of business.
 - (b) The action of a majority of the members of a quorum is the action of the school community council.
- (8) A local school board shall provide training for a school community council each year, including training:
 - (a) for the chair and vice chair about their responsibilities;
 - (b) on resources available on the School LAND Trust website; and
 - (c) on this part.

Amended by Chapter 66, 2024 General Session

53G-7-1203 School community councils -- Open and public meeting requirements.

- (1) As used in this section:
 - (a)
 - (i) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (ii) "Charter trust land council" does not include a charter school governing board acting as a charter trust land council.
 - (b) "Council" means a school community council or a charter trust land council.
 - (c) "School community council" means a council established at a school within a school district under Section 53G-7-1202.
 - (d) "Teacher and student success plan" means the same as that term is defined in Section 53G-7-1301.
- (2) A school community council or a charter trust land council:
 - (a) shall conduct deliberations and take action openly as provided in this section; and
 - (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
 - (a) As required by Section 53G-7-1202, a local school board shall provide training for the members of a school community council on this section.

- (b) A charter school governing board shall provide training for the members of a charter trust land council on this section.
- (4)
 - (a) A meeting of a council is open to the public.
 - (b) A council may not close any portion of a meeting.
- (5) A council shall, at least one week prior to a meeting, post the following information on the school's website:
 - (a) a notice of the meeting, time, and place;
 - (b) an agenda for the meeting; and
 - (c) the minutes of the previous meeting.
- (6)
 - (a) The notice requirement of Subsection (5) may be disregarded if:
 - (i) because of unforeseen circumstances it is necessary for a council to hold an emergency meeting to consider matters of an emergency or urgent nature; and
 - (ii) the council gives the best notice practicable of:
 - (A) the time and place of the emergency meeting; and
 - (B) the topics to be considered at the emergency meeting.
 - (b) An emergency meeting of a council may not be held unless:
 - (i) an attempt has been made to notify all the members of the council; and
 - (ii) a majority of the members of the council approve the meeting.
- (7)
 - (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting.
 - (b) Each topic described in Subsection (7)(a) shall be listed under an agenda item on the meeting agenda.
 - (c) A council may not take final action on a topic in a meeting unless the topic is:
 - (i) listed under an agenda item as required by Subsection (7)(b); and
 - (ii) included with the advance public notice required by Subsection (5).
- (8)
 - (a) Written minutes shall be kept of a council meeting.
 - (b) Written minutes of a council meeting shall include:
 - (i) the date, time, and place of the meeting;
 - (ii) the names of members present and absent;
 - (iii) a brief statement of the matters proposed, discussed, or decided;
 - (iv) a record, by individual member, of each vote taken;
 - (v) the name of each person who:
 - (A) is not a member of the council; and
 - (B) after being recognized by the chair, provided testimony or comments to the council;
 - (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (8)(b)(v); and
 - (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes.
 - (c) The written minutes of a council meeting:
 - (i) are a public record under Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (ii) shall be retained for three years.
- (9)

- (a) As used in this Subsection (9), "rules of order and procedure" means a set of policies that govern and prescribe in a public meeting:
 - (i) parliamentary order and procedure;
 - (ii) ethical behavior; and
 - (iii) civil discourse.
- (b) A council shall:
 - (i) adopt rules of order and procedure to govern a public meeting of the council;
 - (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (9)(b)(i); and
 - (iii) make the rules of order and procedure described in Subsection (9)(b)(i) available to the public:
 - (A) at each public meeting of the council; and
 - (B) on the school's website.

Amended by Chapter 144, 2021 General Session

53G-7-1205 Charter trust land councils.

- (1) As used in this section, "council" means a charter trust land council described in this section.
- (2) To receive School LAND Trust Program funding as described in Sections 53F-2-404 and 53G-7-1206, a charter school governing board shall establish a charter trust land council, which shall prepare a plan for the use of School LAND Trust Program money that includes the elements described in Subsection 53G-7-1206(4).
- (3)
 - (a) The membership of the council shall include parents or grandparents of students enrolled at the charter school and may include other members.
 - (b) The number of council members who are parents or grandparents of students enrolled at the charter school shall exceed all other members combined by at least two.
- (4) A charter school governing board may serve as the charter school's council if the membership of the charter school governing board meets the requirements of Subsection (3)(b).
- (5)
 - (a) Except as provided in Subsection (5)(b), council members who are parents or grandparents of students enrolled at the school shall be elected in accordance with procedures established by the charter school governing board.
 - (b) Subsection (5)(a) does not apply to a charter school governing board that serves as a council.
- (6) A parent or grandparents of a student enrolled at a charter school shall serve as chair or co-chair of the charter school's council.
- (7) In accordance with state board rule regarding charter trust land council expenditures and funding limits, a charter trust land council shall:
 - (a) work with students, families, and educators to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school; and
 - (b) hold at least an annual discussion with charter school administrators to coordinate efforts to develop and incorporate safety principles, as defined in Section 53G-7-1202, at the school level.
- (8) A charter trust land council shall provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.

Amended by Chapter 161, 2020 General Session

53G-7-1206 School LAND Trust Program.

- (1) As used in this section:
 - (a) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (b) "Council" means a school community council or a charter trust land council.
 - (c) "LAND trust plan" means a school's plan to use School LAND Trust Program money to implement a component of the school's success plan.
 - (d) "School community council" means a council established at a district school in accordance with Section 53G-7-1202.
 - (e) "Teacher and student success plan" or "success plan" means the same as that term is defined in Section 53G-7-1301.
- (2) This section creates the School LAND (Learning And Nurturing Development) Trust Program under the state board to:
 - (a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a district school or charter school's teacher and student success plan; and
 - (b) involve parents of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.
- (3) To receive an allocation under Section 53F-2-404:
 - (a) a district school shall have established a school community council in accordance with Section 53G-7-1202;
 - (b) a charter school shall have established a charter trust land council in accordance with Section 53G-7-1205; and
 - (c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (3)(a) or (b).
- (4)
 - (a) A council shall create a program to use the school's allocation distributed under Section 53F-2-404 to implement a component of the school's success plan, including:
 - (i) the school's identified most critical academic needs;
 - (ii) a recommended action plan to meet the identified academic needs;
 - (iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement the action plan to have a direct impact on the instruction of students and result in measurable increased student performance; and
 - (iv) how each proposed expenditure in the action plan will be used to implement a component of the action plan to enhance or improve academic excellence at the school.
 - (b)
 - (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the council at which a quorum is present.
 - (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan is adopted.
 - (c) A council shall:
 - (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program reporting website; and
 - (ii) include with the LAND trust plan a report noting the number of council members who voted for or against the approval of the LAND trust plan and the number of council members who were absent for the vote.
 - (d)
 - (i) The local school board of a district school shall approve or disapprove a LAND trust plan.
 - (ii) If a local school board disapproves a LAND trust plan:

- (A) the local school board shall provide a written explanation of why the LAND trust plan was disapproved and request the school community council who submitted the LAND trust plan to revise the LAND trust plan; and
- (B) the school community council shall submit a revised LAND trust plan in response to a local school board's request under Subsection (4)(d)(ii)(A).
- (iii) Once a LAND trust plan has been approved by a local school board, a school community council may amend the LAND trust plan, subject to a majority vote of the school community council and local school board approval.
- (e) A charter trust land council's LAND trust plan is subject to approval by the:
 - (i) charter school governing board; and
 - (ii) budget officer whom the charter school governing board appoints.
- (5)
 - (a) A district school or charter school shall:
 - (i) implement the program as approved;
 - (ii) provide ongoing support for the council's plan and responsibilities; and
 - (iii) meet state board reporting requirements regarding financial and performance accountability of the program.
 - (b)
 - (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program reporting website before the council submits a plan for the following year.
 - (ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.
 - (iii) A summary of the report shall be provided to parents of students who attend the school.
- (6) An LEA shall record the LEA's expenditures of School LAND Trust Program funds through a financial reporting system that the board identifies to assist schools in developing the annual report described in Subsection (5)(b).
- (7) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.
- (8)
 - (a) The state board shall provide annual training opportunities to the entities described in Subsection (8)(b) on:
 - (i) the School LAND Trust Program;
 - (ii) the responsibilities and formation of:
 - (A) a school community council consistent with Section 53G-7-1202; or
 - (B) a charter trust land council consistent with Section 53G-7-1205; and
 - (iii) as applicable, council responsibilities as described in Section 53G-7-1203.
 - (b) The state board shall provide the training to:
 - (i) a local school board or a charter school governing board;
 - (ii) a district business administrator or a charter business official;
 - (iii) a school district or a charter school; and
 - (iv) a school community council.
- (9) The state board shall annually review a school's compliance with applicable law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by:
 - (a) reading each School LAND Trust Program plan submitted;
 - (b) reviewing proposed expenditures to be made from School LAND Trust Program money; and

- (c) conducting an annual compliance review of an LEA using a sample of schools.
- (10) The superintendent shall calculate and initiate the annual School LAND Trust distribution to schools through the state board's finance system to each LEA as outlined in Section 53F-2-404.
- (11) The superintendent shall administer the School LAND Trust website to provide transparency and accountability to school communities and the public of School LAND Trust plans, reports, and expenditures of trust distributions.
- (12) The state board shall designate a staff member who administers the School LAND Trust Program to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202.

Amended by Chapter 424, 2025 General Session

Part 13

Teacher and Student Success Program

53G-7-1301 Definitions.

As used in this part:

- (1) "LEA distribution" means the money distributed by the state board to an LEA as described in Section 53G-7-1303.
- (2) "LEA governing board student success framework" means an LEA governing board student success framework described in Section 53G-7-1304.
- (3) "Principal" means the chief administrator at a school, including:
 - (a) a school principal;
 - (b) a charter school director; or
 - (c) the superintendent of the Utah Schools for the Deaf and the Blind.
- (4) "School allocation" means the amount of money allocated to a school or the Utah Schools for the Deaf and the Blind by an LEA governing board, as described in Section 53G-7-1304.
- (5) "School personnel" means an individual who:
 - (a) is employed by an LEA; and
 - (b) in an academic role, works directly with and supports students in a school.
- (6) "Statewide accountability system" means the statewide school accountability system described in Title 53E, Chapter 5, Part 2, School Accountability System.
- (7) "Teaching Self-Government Skills for Success, Classroom Communication, and Discipline Framework Pilot Program" or "pilot program" means the pilot program created in Section 53G-7-1307.
- (8) "Teacher and student success plan" or "success plan" means a school performance and student academic achievement improvement plan described in Section 53G-7-1305.
- (9) "Teacher and Student Success Program" or "program" means the Teacher and Student Success Program described in this part.

Amended by Chapter 372, 2024 General Session

53G-7-1302 Teacher and Student Success Program created.

There is created the Teacher and Student Success Program to improve school performance and student academic achievement, as described in this part.

Enacted by Chapter 505, 2019 General Session

53G-7-1303 State funding distribution.

The state board shall distribute program funding to an LEA as described in Section 53F-2-416.

Enacted by Chapter 505, 2019 General Session

53G-7-1304 Program requirements -- LEA governing board student success framework -- LEA distribution -- School allocation -- Reporting.

- (1)
- (a) To receive an LEA distribution, an LEA governing board shall:
 - (i) adopt an LEA governing board student success framework to provide guidelines and processes for a school within the LEA governing board's LEA to follow in developing a teacher and student success plan; and
 - (ii) submit the adopted LEA governing board student success framework to the state board.
 - (b) An LEA governing board may include in the LEA governing board's student success framework any means reasonably designed to improve school performance or student academic achievement, including:
 - (i) school personnel stipends for taking on additional responsibility outside of a typical work assignment;
 - (ii) professional learning;
 - (iii) additional school employees, including counselors, social workers, mental health workers, tutors, media specialists, information technology specialists, or other specialists;
 - (iv) technology;
 - (v) before- or after-school programs;
 - (vi) summer school programs;
 - (vii) community support programs or partnerships;
 - (viii) early childhood education;
 - (ix) class size reduction strategies;
 - (x) augmentation of existing programs;
 - (xi) the pilot program described in Section 53G-7-1307; or
 - (xii) other means.
 - (c) An LEA governing board student success framework may not support the use of program money:
 - (i) to supplant funding for existing public education programs;
 - (ii) for district administration costs; or
 - (iii) for capital expenditures.
- (2)
- (a) An LEA governing board shall use an LEA distribution as follows:
 - (i) for increases to base salary and salary driven benefits for school personnel that, except as provided in Subsection (2)(c)(i), total 25% or less of the LEA distribution; and
 - (ii) except as provided in Subsection (2)(b)(ii) and in accordance with Subsection (3), for each school within the LEA governing board's LEA, an allocation that is equal to the product of:
 - (A) the percentage of the school's prior year average daily membership compared to the total prior year average daily membership for all schools in the LEA; and
 - (B) the remaining amount of the LEA governing board's LEA distribution after subtracting the amounts described in Subsections (2)(a)(i) and (2)(b)(ii).

- (b)
 - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for an LEA governing board to calculate and distribute a school allocation for a school in the school's first year of operation.
 - (ii) In accordance with Subsection (3) and the rules described in Subsection (2)(b)(i), an LEA governing board shall distribute a school allocation for a school in the school's first year of operation.
- (c) Except as provided in Subsection (2)(d), the LEA governing board of a school district may use up to 40% of an LEA distribution for the purposes described in Subsection (2)(a)(i), if:
 - (i) the LEA governing board has:
 - (A) approved a board local levy for the maximum amount allowed under Section 53F-8-302; or
 - (B) after the LEA governing board has submitted an LEA governing board student success framework to the state board, increased the board local levy described in Section 53F-8-302 by at least .0001 per dollar of taxable value; and
 - (ii) the school district's average teacher salary is below the state average teacher salary described in Subsection (2)(f).
- (d) The LEA governing board of a school district in a county of the fourth, fifth, or sixth class or the LEA governing board of a charter school may use up to 40% of an LEA distribution for the purposes described in Subsection (2)(a)(i), if the LEA's average teacher salary is below the state average teacher salary described in Subsection (2)(f).
- (e) An LEA governing board shall annually report information as requested by the state board for the state board to calculate a state average teacher salary.
- (f) The state board shall use the information described in Subsection (2)(c)(ii) to calculate a state average teacher salary amount and a state average teacher benefit amount.
- (3) An LEA governing board shall allocate a school allocation to a school with a teacher and student success plan that is approved as described in Section 53G-7-1305.
- (4)
 - (a) Except as provided in Subsection (4)(b), a school shall use a school allocation to implement the school's success plan.
 - (b) A school may use up to 5% of the school's school allocation to fund school personnel retention at the principal's discretion, not including uniform salary increases.
 - (c) A school may not use a school allocation for:
 - (i) capital expenditures; or
 - (ii) a purpose that is not supported by the LEA governing board student success framework for the school's LEA.
- (5) A school that receives a school allocation shall annually:
 - (a) submit to the school's LEA governing board a description of:
 - (i) the budgeted and actual expenditures of the school's school allocation;
 - (ii) how the expenditures relate to the school's success plan; and
 - (iii) how the school measures the success of the school's participation in the program; and
 - (b) post on the school's website:
 - (i) the school's approved success plan;
 - (ii) a description of the school's school allocation budgeted and actual expenditures and how the expenditures help the school accomplish the school's success plan; and
 - (iii) the school's current level of performance, as described in Section 53G-7-1306, according to the indicators described in Section 53E-5-205 or 53E-5-206.

Amended by Chapter 372, 2024 General Session

53G-7-1305 Teacher and student success plans -- Plan review and approval.

- (1)
 - (a) The principal of a school shall develop the school's teacher and student success plan:
 - (i) in accordance with the LEA governing board student success framework for the school's LEA;
 - (ii) by integrating school-specific goals and criteria for improving the school's performance within the state accountability system; and
 - (iii) if the school has a school turnaround plan as defined in Section 53E-5-301, in accordance with the school's school turnaround plan.
 - (b) A principal shall solicit input on developing a success plan from:
 - (i) for a district school or charter school:
 - (A) the school community council, as defined in Section 53G-7-1202; or
 - (B) the charter trust land council, as described in Section 53G-7-1205;
 - (ii) school-level educators;
 - (iii) parents of students at the school; and
 - (iv) school-level administrators.
 - (c) A principal may solicit input on developing a success plan from:
 - (i) students;
 - (ii) support professionals; or
 - (iii) other community stakeholders.
- (2)
 - (a) The principal of a school shall submit a proposed success plan to the school's LEA governing board.
 - (b) An LEA governing board shall:
 - (i) annually review each success plan submitted for a school within the LEA governing board's LEA;
 - (ii) in a regularly scheduled LEA governing board meeting, approve or disapprove each submitted success plan; and
 - (iii) upon disapproval of a success plan:
 - (A) explain in writing the reason for disapproval;
 - (B) make recommendations for revision; and
 - (C) allow the principal who submitted the success plan to resubmit a revised plan for review and approval.
- (3) An LEA governing board shall make the LEA governing board's best efforts to help a school complete the approval process described in Subsection (2) on or before June 30 of each year.
- (4) A council, as defined in Section 53G-7-1206, shall select a component of the approved success plan for the council's school to address within the council's School LAND Trust Program, in accordance with Section 53G-7-1206.

Enacted by Chapter 505, 2019 General Session

53G-7-1306 School improvement oversight -- Performance standards.

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

- (a) using a criteria-setting process, determine a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and
 - (b) determine performance standards for a school described in Section 53E-5-203.
- (2)
- (a) Except as provided in Subsection (3), for each year following the year in which a school received approval for a success plan, an LEA governing board shall determine if the school:
 - (i) meets or exceeds the threshold of points described in Subsection (1);
 - (ii) has demonstrated at least a 1% increase in the school's total points received under the statewide school accountability system compared to the previous school year; or
 - (iii) qualifies for and satisfies the performance standards described in Subsection (1)(b).
 - (b) If the LEA governing board determines that a school does not satisfy Subsection (2)(a)(i), (ii), or (iii), the LEA governing board shall:
 - (i) work with the school's principal to modify the school's success plan to address the school's performance; and
 - (ii) oversee and adjust the school's allocation expenditures until the LEA governing board determines the school satisfies Subsection (2)(a)(i), (ii), or (iii).
- (3) An LEA is not required to make the determination described in Subsection (2)(a) during the 2021-2022 school year.

Amended by Chapter 346, 2021 General Session

53G-7-1307 Teaching Self-Government Skills for Success, Classroom Communication, and Discipline Framework Pilot Program.

- (1) Beginning May 1, 2025, there is created within the Teacher and Student Success Program, a three-year pilot program known as the Teaching Self-Government Skills for Success, Classroom Communication, and Discipline Framework Pilot Program to:
- (a) train school faculty and students in personal self-government communication and problem solving practices;
 - (b) improve:
 - (i) classroom discipline;
 - (ii) teacher and student mental health; and
 - (iii) classroom management.
- (2) The state board shall create a training course that an LEA or school shall use if the LEA or school chooses to participate in the pilot program.
- (3)
- (a) The state board shall ensure the training course described in Subsection (2) contains the following:
 - (i) effective classroom management;
 - (ii) appropriate approaches to student behavior and discipline consistent with federal and state law; and
 - (iii) effective tools to de-escalate behavior.
 - (b) The state board shall ensure the training described in Subsection (3)(a) is consistent with the following principles:
 - (i) personal self-government;
 - (ii) accepting consequences;
 - (iii) respecting boundaries;
 - (iv) accepting criticism;

- (v) disagreeing appropriately; and
 - (vi) following instructions.
- (4) An LEA with a participating school:
- (a) shall ensure that each teacher in the participating school annually receives the materials of the course described in Subsection (3); and
 - (b) may not provide the training course outside of the LEA or the participating school.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules establishing:
- (a) how an LEA provides to a teacher at a participating school the following stipends upon completion of different modules consistent with Subsection (3):
 - (i) \$100 for completion and implementation of one module;
 - (ii) \$300 for completion and implementation of two modules;
 - (iii) \$300 for completion and implementation of three modules; and
 - (iv) \$1,000 for completion of an action plan project that requires a teacher to:
 - (A) create a school or classroom plan that follows the pilot program's training course; and
 - (B) submit research, evidence, and a reflection paper regarding the results of the project; and
 - (b) a reporting requirement for a participating LEA including:
 - (i) metrics of success for the pilot program; and
 - (ii) other information the state board determines.
- (6) The state board may designate at least one staff position to provide oversight and technical support for the pilot program and the pilot program's implementation.
- (7) Upon request of the Education Interim Committee, an LEA with schools implementing the pilot program shall report to the Education Interim Committee on the pilot program's progress and outcomes.

Enacted by Chapter 372, 2024 General Session

Chapter 8

Discipline and Safety

Part 1

General Provisions

53G-8-101 Title.

This chapter is known as "Discipline and Safety."

Enacted by Chapter 3, 2018 General Session

53G-8-102 Definitions for chapter.

As used in this chapter:

- (1) "Climate" means the perceptions and experiences of students, staff, parents, and the community regarding the school's environment and the resources that support the experiences.
- (2) "Culture" means the beliefs, values, and practices that shape how a school functions and influences student learning and well-being through policies, procedures, and safety protocols.
- (3) "Forcible felony" means the same as that term is defined in Section 76-2-402.

- (4) "K-12 School Campus" means an LEA governed property or building where K-12 students gather daily for instructional purposes and has an assigned administrator.
- (5) "Physical Space" means the way in which a building is designed and structured to promote safety including the minimum safety and security standards as described in Section 53-22-102.
- (6) "School safety" means the physical space, culture, and climate of a school.

Amended by Chapter 348, 2025 General Session

Amended by Chapter 388, 2025 General Session

Part 2

School Discipline and Conduct Plans

53G-8-201 Definitions.

As used in this part:

- (1)
 - (a) "Sexual crime" or "sexual misconduct" means any conduct described in:
 - (i) Title 76, Chapter 5, Part 4, Sexual Offenses;
 - (ii) Title 76, Chapter 5b, Sexual Exploitation Act; or
 - (iii) Section 76-7-102, incest.
 - (b) "Sexual crime" or "sexual misconduct" does not include conduct described in:
 - (i) Section 76-5-417, enticing a minor;
 - (ii) Section 76-5-420, lewdness involving a child; or
 - (iii) Section 76-5b-206, failure to report child sexual abuse material by a computer technician.
- (2) "Serious offense" means the same as that term is defined in Section 80-6-103.

Amended by Chapter 173, 2025 General Session

53G-8-202 Public school discipline policies -- Basis of the policies -- Enforcement.

- (1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.
- (2)
 - (a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.
 - (b) A district or charter school shall base its policies on the principle that every student is expected:
 - (i) to follow accepted standards of conduct; and
 - (ii) to show respect for other people and to obey persons in authority at the school.
 - (c)
 - (i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).

- (ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.
- (d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.
- (3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 446, 2019 General Session

53G-8-203 Conduct and discipline policies and procedures.

- (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
 - (a) provisions governing student conduct, safety, and welfare;
 - (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
 - (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);
 - (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-301;
 - (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
 - (i) the school;
 - (ii) school property;
 - (iii) a person associated with the school; or
 - (iv) property associated with a person described in Subsection (1)(e)(iii);
 - (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
 - (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
 - (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
 - (i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
- (2)
 - (a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.
 - (b)
 - (i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.
 - (ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.
 - (c) The policy described in Subsection (2)(a) shall provide for:
 - (i) notice to the parent of a student prior to holding the student after school on a particular day; and
 - (ii) exceptions to the notice provision if detention is necessary for the student's health or safety.

- (3)
- (a) Each LEA shall adopt a policy for responding to possession or use of electronic cigarette products by a student on school property.
 - (b) The policy described in Subsection (3)(a) shall:
 - (i) prohibit students from possessing or using electronic cigarette products on school property;
 - (ii) include policies or procedures for the confiscation or surrender of electronic cigarette products; and
 - (iii) require a school administrator or school administrator's designee to dispose of or destroy a confiscated electronic cigarette product.
 - (c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic cigarette product to local law enforcement if:
 - (i) a school official has a reasonable suspicion that a confiscated electronic cigarette product contains an illegal substance; and
 - (ii) local law enforcement requests that the LEA release the confiscated electronic cigarette product to local law enforcement as part of an investigation or action.
- (4)
- (a) Each LEA shall adopt a policy for responding to when a student has committed a serious offense or sexual crime.
 - (b) The policy described in Subsection (4)(a) shall:
 - (i) address a serious offense or sexual misconduct related to hazing;
 - (ii) distinguish procedures for when the crime occurs on school property and off of school property;
 - (iii) if a student has committed a serious offense or sexual crime, provide a process for a school resource officer to provide input for the LEA to consider regarding the safety risks a student may pose upon reintegration;
 - (iv) establish a process to inform a school resource officer of any student who is on probation;
 - (v) create procedures for determining an alternative placement for a student if the student attends the same school as:
 - (A) the victim of the student's crime; and
 - (B) an individual who has a protective order against the student; and
 - (vi) be compliant with state and federal law.

Amended by Chapter 327, 2025 General Session

53G-8-204 Suspension and expulsion procedures -- Notice to parents -- Distribution of policies.

- (1)
- (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.
 - (b)
 - (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.
 - (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.
 - (iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local governing board.

- (2)
 - (a) Each local governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.
 - (b) A copy of the policy shall be posted in a prominent location in each school.
 - (c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Amended by Chapter 75, 2024 General Session

53G-8-205 Grounds for suspension or expulsion from a public school.

- (1) A student may be suspended or expelled from a public school for the following reasons:
 - (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
 - (b) willful destruction or defacing of school property;
 - (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
 - (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
 - (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
 - (f) possession or use of pornographic material on school property.
- (2)
 - (a) A student shall be suspended or expelled from a public school for the following reasons:
 - (i) a serious violation affecting another student or a staff member, or a serious violation occurring in a school building, in or on school property, or in conjunction with a school activity, including:
 - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
 - (B) the actual use of violence or sexual misconduct;
 - (C) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
 - (D) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3;
 - (ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor; or
 - (iii) making a false report of an emergency at a school under Subsection 76-9-105.5(2)(b).
 - (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
 - (i) within 45 days after the expulsion the student shall appear before the student's superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and
 - (ii) the superintendent, chief administrator, or designee shall determine:
 - (A) what conditions must be met by the student and the student's parent for the student to return to school, including any provided for in the policies described in Section 53G-8-203;

- (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and
 - (C) if it would be in the best interest of both the LEA, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local governing board and giving highest priority to providing a safe school environment for all students.
- (3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.
 - (4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53G-6-204(1).
 - (5) A local governing board shall prepare an annual report for the state board on:
 - (a) each violation committed under this section; and
 - (b) each action taken by the LEA against a student who committed the violation.

Amended by Chapter 173, 2025 General Session

53G-8-206 Delegation of authority to suspend or expel a student -- Procedure for suspension -- Readmission.

- (1)
 - (a) A local school board may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days.
 - (b) A charter school governing board may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to 10 school days.
- (2) The local school board or charter school governing board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.
- (3) The local school board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the local school board, at least once each year.
- (4) If a student is suspended, a designated school official shall notify the parent of the student of the following without delay:
 - (a) that the student has been suspended;
 - (b) the grounds for the suspension;
 - (c) the period of time for which the student is suspended; and
 - (d) the time and place for the parent to meet with a designated school official to review the suspension.
- (5)
 - (a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.
 - (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:
 - (i) the student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or

- (ii) in the discretion of the principal or chief administrative officer of a charter school, the parent of the suspended student and the student have agreed to participate in such a meeting.
- (c) A suspension may not extend beyond 10 school days unless the student and the student's parent have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Amended by Chapter 293, 2019 General Session

53G-8-207 Alternatives to suspension or expulsion.

- (1) Each local school board or charter school governing board shall establish:
 - (a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and
 - (b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.
- (2) If the parent does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.
- (3) The parent of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.
- (4) The state superintendent, in cooperation with school districts and charter schools, shall:
 - (a) research methods of motivating and providing incentives to students that:
 - (i) directly and regularly reward or recognize appropriate behavior;
 - (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
 - (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
 - (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
 - (d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel; and
 - (e) maintain data for purposes of accountability, later reporting, and future analysis.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 324, 2019 General Session

53G-8-208 Student suspended or expelled -- Responsibility of parent -- Application for students with disabilities.

- (1) If a student is suspended or expelled from a public school under this part for more than 10 school days, the parent is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.
- (2)

- (a) The parent shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student.
- (b) The parent and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.
- (3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent.
- (4)
 - (a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's cumulative folder.
 - (b) The district or charter school shall contact the parent of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.
- (5)
 - (a) This part applies to students with disabilities to the extent permissible under applicable law or regulation.
 - (b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.

Amended by Chapter 388, 2020 General Session

**53G-8-209 Extracurricular activities -- Prohibited conduct -- Reporting of violations --
Limitation of liability.**

- (1) The Legislature recognizes that:
 - (a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;
 - (b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;
 - (c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;
 - (d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and
 - (e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and standards of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.
- (2)
 - (a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.

- (b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):
 - (i) the use of foul, abusive, or profane language while engaged in school related activities;
 - (ii) the illicit use, possession, or distribution of:
 - (A) a controlled substance or drug paraphernalia;
 - (B) a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-9-1101; or
 - (C) an alcoholic beverage; and
 - (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law.
- (3)
 - (a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.
 - (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.
 - (c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.
- (4) Limitations of liability set forth under Section 53G-8-405 apply to this section.

Amended by Chapter 173, 2025 General Session

53G-8-210 Disruptive student behavior.

- (1) As used in this section:
 - (a) "Disruptive student behavior" includes:
 - (i) the grounds for suspension or expulsion described in Section 53G-8-205; and
 - (ii) the conduct described in Subsection 53G-8-209(2)(b).
 - (b) "Parent" includes:
 - (i) a custodial parent of a school-age child;
 - (ii) a legally appointed guardian of a school-age child; or
 - (iii) any other person purporting to exercise any authority over the child which could be exercised by a person described in Subsection (1)(b)(i) or (ii).
 - (c) "Qualifying minor" means a school-age child who:
 - (i) is at least nine years old; or
 - (ii) turns nine years old at any time during the school year.
 - (d) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child is enrolled.
 - (e) "School-age child" means the same as that term is defined in Section 53G-6-201.
- (2) A local school board, school district, charter school governing board, or charter school may impose administrative penalties in accordance with Section 53G-8-211 on a school-age child who violates this part.
- (3)

- (a) A local school board or charter school governing board shall:
 - (i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and
 - (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.
- (b) A school representative shall provide to a parent of a school-age child, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.
- (c) A local school board or charter school governing board shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems.
- (4) The notice of disruptive student behavior described in Subsection (3)(a):
 - (a) shall be issued to a qualifying minor who:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or
 - (ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;
 - (b) shall require that the qualifying minor and a parent of the qualifying minor:
 - (i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and
 - (ii) cooperate with the local school board or charter school governing board in correcting the qualifying minor's disruptive student behavior; and
 - (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.
- (5) A habitual disruptive student behavior notice:
 - (a) may only be issued to a qualifying minor who:
 - (i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;
 - (ii)
 - (A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and
 - (B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or
 - (iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and
 - (b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board to issue a habitual disruptive student behavior notice.
- (6)
 - (a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection (5) may not be referred to the juvenile court.
 - (b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the notice, of the efforts made by a school counselor or representative under Subsection (3)(c).

Amended by Chapter 20, 2020 General Session

53G-8-211 Responses to school-based behavior.

(1) As used in this section:

- (a) "Evidence-based" means a program or practice that:
 - (i) has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;
 - (ii) has been rated as effective by a standardized program evaluation tool; or
 - (iii) is created and developed by a school or school district and has been approved by the state board.
- (b) "Habitual truant" means a school-age child who:
 - (i) is in grade 7 or above, unless the school-age child is under 12 years old;
 - (ii) is subject to the requirements of Section 53G-6-202; and
 - (iii)
 - (A) is truant at least 20 days during one school year; or
 - (B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.
- (c) "Minor" means the same as that term is defined in Section 80-1-102.
 - (i) "Mobile crisis outreach team" means the same as that term is defined in Section 26B-5-101.
- (d) "Prosecuting attorney" means the same as that term is defined in Subsections 80-1-102(66) (b) and (c).
- (e) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed:
 - (i) to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts; and
 - (ii) to help minors take responsibility for and repair harmful behavior that occurs in school.
- (f) "School administrator" means a principal of a school.
- (g) "School is in session" means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.
- (h) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.
- (i) "School-age child" means the same as that term is defined in Section 53G-6-201.
- (j)
 - (i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
 - (A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
 - (B) the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or
 - (C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.
 - (ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
- (k)
 - (i) "Status offense" means an offense that would not be an offense but for the age of the offender.
 - (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or felony.

- (2) This section applies to:
 - (a) a minor who is alleged to be a habitual truant; and
 - (b) a minor enrolled in school who is alleged to have committed an offense on school property where the student is enrolled:
 - (i) when school is in session; or
 - (ii) during a school-sponsored activity.
- (3) If a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual truant, the school administrator, the school administrator's designee, or a school resource officer shall refer the minor:
 - (a) to an evidence-based alternative intervention, including:
 - (i) a mobile crisis outreach team;
 - (ii) a youth services center, as defined in Section 80-5-102;
 - (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative justice program;
 - (iv) an evidence-based alternative intervention created and developed by the school or school district;
 - (v) an evidence-based alternative intervention that is jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, the Department of Health and Human Services;
 - (vi) a tobacco cessation or education program if the offense is a violation of Section 76-9-1106; or
 - (vii) truancy mediation; or
 - (b) for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice and Youth Services if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).
- (4) Except as provided in Subsection (6), if a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a school administrator, the school administrator's designee, or a school resource officer may refer a minor to a law enforcement officer or agency or a court only if:
 - (a) the minor allegedly committed an offense on school property on a previous occasion; and
 - (b) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection (3) for the previous offense.
- (5) If a minor is alleged to be a habitual truant, a school administrator, the school administrator's designee, or a school resource officer may only refer the minor to a law enforcement officer or agency or a court if:
 - (a) the minor was previously alleged of being a habitual truant at least twice during the same school year; and
 - (b) the minor was referred to an evidence-based alternative intervention, or for prevention and early intervention youth services, as described in Subsection (3) for at least two of the previous habitual trauancies.
- (6) If a minor is alleged to have committed a traffic offense that is an infraction, a school administrator, the school administrator's designee, or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
- (7) Notwithstanding Subsections (4) and (5), a school resource officer may:
 - (a) investigate possible criminal offenses and conduct, including conducting probable cause searches;

- (b) consult with school administration about the conduct of a minor enrolled in a school;
 - (c) transport a minor enrolled in a school to a location if the location is permitted by law;
 - (d) take temporary custody of a minor in accordance with Section 80-6-201; or
 - (e) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.
- (8)
- (a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4) or (5), the school or the school district shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.
 - (b) A school representative appointed under Subsection (8)(a) may not be a school resource officer.
 - (c) A school district or school shall include the following in the school district's or school's referral to the court or the law enforcement officer or agency:
 - (i) attendance records for the minor;
 - (ii) a report of evidence-based alternative interventions used by the school before the referral, including outcomes;
 - (iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family;
 - (iv) if the minor was referred to prevention or early intervention youth services under Subsection (3)(b), a report from the Division of Juvenile Justice and Youth Services that demonstrates the minor's failure to complete or participate in prevention and early intervention youth services under Subsection (3)(b); and
 - (v) any other information that the school district or school considers relevant.
 - (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-353:
 - (i) when the underlying offense is a status offense or infraction; or
 - (ii) for being a habitual truant.
 - (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when available, the resources of the Division of Juvenile Justice and Youth Services or the Office of Substance Use and Mental Health to address the minor.
- (9) If a minor is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions in Subsection (3)(a).
- (10) A school administrator, a school administrator's designee, and a school resource officer retain the discretion described under this section in relation to Title 63G, Chapter 31, Distinctions on the Basis of Sex.

Amended by Chapter 48, 2025 General Session

Amended by Chapter 173, 2025 General Session

53G-8-212 Defacing or damaging school property -- Student's liability -- Work program alternative.

- (1) A student who willfully defaces or otherwise damages any school property may be suspended or otherwise disciplined.
- (2)

- (a) If a school's property has been lost or willfully cut, defaced, or otherwise damaged, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or the student's parent has paid for the damages.
 - (b) The student's parent is liable for damages as otherwise provided in Section 80-6-610.
- (3)
- (a) If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, the school shall provide for a program of work the student may complete in lieu of the payment.
 - (b) The school shall release the official grades, diploma, and transcripts of the student upon completion of the work.
- (4) Before any penalties are assessed under this section, the school shall adopt procedures to ensure that the student's right to due process is protected.
- (5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.
- (6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, the student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.

Amended by Chapter 262, 2021 General Session

53G-8-213 Reintegration plan for student alleged to have committed violent felony or weapon offense.

- (1) As used in this section, "multidisciplinary team" means:
- (a) the local education agency;
 - (b) the juvenile court;
 - (c) the Division of Juvenile Justice and Youth Services;
 - (d) a school safety and security specialist designated under Section 53G-8-701.6;
 - (e) school safety and security director designated under Section 53G-8-701.8;
 - (f) a school resource officer if applicable; and
 - (g) any other relevant party that should be involved in a reintegration plan.
- (2) If a school district receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a serious offense, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, within five school days after the day on which the school receives a notification.
- (3) The school may deny admission to the student until the school completes the reintegration plan under Subsection (2).
- (4) The reintegration plan under Subsection (2) shall address:
- (a) a behavioral intervention for the student;
 - (b) a short-term mental health or counseling service for the student;
 - (c) an academic intervention for the student; and
 - (d) if the serious offense was directed at a school employee or another student within the school, notification of the reintegration plan to that school employee or student and the student's parent.
- (5) A school district may not reintegrate a student into a school where:
- (a) a student or staff member has a protective order against the student being reintegrated; or

- (b) a student or staff member is the victim of a sexual crime or forcible felony committed by the student being reintegrated.
- (6)
 - (a) Notwithstanding Subsection (2), a school district may elect to not integrate a student into a school if the student has committed, or allegedly committed, a forcible felony.
 - (b) If a school district elects to not integrate a student under Subsection (6)(a), the school district shall provide alternative education options for the student.
- (7) A reintegration plan under this section is classified as a protected record under Section 63G-2-305.
- (8) All other records of disclosures under this section are governed by Title 63G, Chapter 2, Government Records Access and Management Act, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

Amended by Chapter 348, 2025 General Session

Part 3

Emergency Safety Interventions

53G-8-301 Emergency safety interventions -- Appropriate uses -- Penalties.

- (1) As used in this section:
 - (a) "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.
 - (b) "Emergency safety intervention" means the use of seclusion or physical restraint when a student presents an immediate danger to self or others.
 - (c) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.
 - (d) "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.
 - (e) "School" means a public or private elementary school, secondary school, or preschool.
 - (f) "Seclusion" means seclusionary time out that is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, including:
 - (i) placing a student in a locked room; or
 - (ii) placing a student in a room where the door is blocked by furniture or held closed by staff.
 - (g) "Student" means an individual who is:
 - (i) under the age of 19 and receiving educational services; or
 - (ii) under the age of 23 and receiving educational services as an individual with a disability.
- (2)
 - (a) A school employee shall first use the least restrictive intervention available to the school employee, including a physical escort, to address circumstances described in Subsection (4).
 - (b) Nothing in this section prohibits a school employee from subsequently using less restrictive interventions to address circumstances described in Subsection (4).
- (3)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to:
 - (i) establish guidelines and best practices that consider individual student needs related to emergency safety interventions described in Subsection (10)(b);

- (ii) establish intervention reporting requirements;
- (iii) create school staff training standards that may be included in an existing training;
- (iv) develop parental notification procedures;
- (v) implement data collection and review processes;
- (vi) establish investigation protocols;
- (vii) establish data collection and reporting requirements for an LEA regarding:
 - (A) incidents of seclusion;
 - (B) alternative interventions used;
 - (C) student demographic information, including sex, gender, age, grade in school, and applicable disability status; and
 - (D) incident outcomes.
- (b) The state board shall include the information described in Subsection (3)(a) in the State Superintendent's Annual Report described in Section 53E-1-203.
- (4) A school employee may use reasonable and necessary physical restraint only:
 - (a) in self defense;
 - (b) to obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
 - (c) to protect a student or another individual from physical injury;
 - (d) to remove from a situation a student who is violent; or
 - (e) to protect property from being damaged, when physical safety is at risk.
- (5)
 - (a) A school employee may not inflict or cause the infliction of corporal punishment upon a student.
 - (b) The reporting and investigation requirements of Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports, apply to complaints on corporal punishment.
 - (c) Evidence of corporal punishment that would qualify as reasonable discipline under Section 76-2-401 is insufficient to establish liability in a civil or criminal action.
 - (d) Subject to the Rules of Evidence, evidence of corporal punishment that exceeds reasonable discipline under Section 76-2-401 may be used by a court to establish civil or criminal liability.
- (6) School authorities shall take prompt and appropriate action, including in-service training and other administrative action, upon confirming a violation of this section.
- (7) The Division of Child and Family Services shall maintain all violation reports made in accordance with this section under the confidentiality requirements of Section 80-2-1005.
- (8) A school or individual who makes a good faith report or cooperates in an investigation shall receive immunity from civil or criminal liability.
- (9) A court with jurisdiction under Title 78A, Judiciary and Judicial Administration may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.
- (10) A school:
 - (a) may not:
 - (i) enforce any rule, policy, or directive that permits acts prohibited by this section;
 - (ii) sanction an employee who refuses to commit a prohibited act; or
 - (iii) except as provided in Subsection (10)(b), use seclusion:
 - (A) as an intervention or disciplinary practice;
 - (B) for coercion, retaliation, or humiliation; or
 - (C) due to inadequate staffing or for the staff member's convenience;
 - (b) for a student in grade 1 or higher, may use seclusion as an emergency safety intervention only when:

- (i) the LEA has developed and implemented written policies and procedures that:
 - (A) describe the circumstances under which a staff member may use seclusion;
 - (B) describe which staff members are authorized to use seclusion;
 - (C) describe procedures for monitoring a student that is in seclusion;
 - (D) describe time limitations on the use of seclusion;
 - (E) require immediate and continuous review of the decision to use seclusion;
 - (F) require documenting the use of seclusion;
 - (G) describe record keeping requirements for records related to the use of seclusion; and
 - (H) require debriefing of all witnesses, involved staff members, the student who was secluded, and the parent of the student who was secluded;
- (ii) a student poses an immediate and significant threat to the student or others;
- (iii) less restrictive interventions have failed;
- (iv) a staff member who is familiar to the student is actively supervising the student for the duration of the seclusion; and
- (v) the use is time-limited to a maximum time of 30 minutes and monitored;
- (c) if seclusion was used, shall document the reason for its use, duration, and any alternative strategies attempted; and
- (d) shall notify parents immediately, and not to exceed 15 minutes after the use, of any emergency safety intervention used on the parent's child, including seclusion or physical restraint.
- (11) An LEA shall collect and report data to the state board annually regarding:
 - (a) an incident; and
 - (b) for each incident, the:
 - (i) duration of an intervention used to respond to the incident;
 - (ii) stated purpose for any intervention used;
 - (iii) alternative interventions attempted;
 - (iv) student demographic information, including sex, gender, age, grade in school, and applicable disability status; and
 - (v) relevant training offered to staff and if the staff involved received the relevant training without revealing the identity of the staff member.
- (12) This section does not apply to:
 - (a) a law enforcement officer as defined in Section 53-13-103;
 - (b) a parochial or private school that:
 - (i) does not receive state funds;
 - (ii) adopts a policy of exemption from this section; and
 - (iii) notifies the parents of students in the school of the exemption; or
 - (c) behavior support intervention which is in compliance with:
 - (i) Section 76-2-401; and
 - (ii) state and local rules adopted under Section 53E-7-204.
- (13) Any violations of this section, including violations of any standards for seclusion or physical restraint established by the state board pursuant to this section, shall:
 - (a) constitute an act of unlawful detention and is subject to the penalty described in Section 76-5-304; and
 - (b) result in a referral to:
 - (i) local law enforcement; and
 - (ii) the Utah Professional Practices Advisory Commission established in Section 53E-6-501.

Repealed and Re-enacted by Chapter 327, 2025 General Session

Part 4

Juvenile Court and Law Enforcement Notification to Public Schools

53G-8-401 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-8-402 Notification by juvenile court and law enforcement agencies.

- (1) A notification received by a school district from the juvenile court or a law enforcement agency under Section 80-6-103 is governed by this part.
- (2) A school district may enter into an agreement with a law enforcement agency regarding a notification under Subsection (1).

Amended by Chapter 161, 2023 General Session

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

- (1) "LEA head" means the superintendent of a school district or the director of a charter school.
- (2) Within three days of receiving a notification from the juvenile court or a law enforcement agency under Section 80-6-103, the LEA head or LEA head's designee shall notify the principal of the school the juvenile attends or last attended.
- (3) Upon receipt of the information, the principal shall:
 - (a) make a notation in a secure file other than the student's permanent file; and
 - (b) if the student is still enrolled in the school, notify staff members who, in his opinion, should know of the adjudication.
- (4) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.
- (5) Access to secure files shall be limited to persons authorized to receive information under this part.
- (6) Beginning no later than July 1, 2025, an LEA shall digitally maintain the secure file described in Subsection (3) or, if available, the students related reintegration plan described in 53G-8-213, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school or LEA.

Amended by Chapter 532, 2024 General Session

53G-8-404 State board to set procedures.

The state board shall make rules governing the dissemination of the information.

Amended by Chapter 293, 2019 General Session

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

- (1) The district superintendent, district superintendent's designee, principal, and any staff member notified by the principal may not be held liable for information which may become public knowledge unless it can be shown by clear and convincing evidence that the information

became public knowledge through an intentional act of the superintendent, superintendent's designee, principal, or a staff member.

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

Amended by Chapter 20, 2024 General Session

Part 5

Substance Abuse Reporting and Weapons Notification

53G-8-501 Definitions.

For purposes of Sections 53G-8-502 through 53G-8-504:

- (1) "Educator" means a person employed by a public school, but excludes those employed by institutions of higher education.
- (2) "Prohibited act" means an act prohibited by Section 53G-8-602, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-8-502 Mandatory reporting of prohibited acts.

If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-8-503 Reporting procedure.

- (1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53G-8-501 through 53G-8-504.
- (2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student's parent, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.
- (3) The designated educator may not disclose to the student or to the student's parent the identity of the educator who made the initial report.

Amended by Chapter 293, 2019 General Session

53G-8-504 Immunity from civil or criminal liability.

An educator who in good faith makes a report under Sections 53G-8-502 and 53G-8-503 is immune from any liability, civil or criminal, that might otherwise result from that action.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-8-505 Definitions.

For purposes of Sections 53G-8-506 through 53G-8-509:

- (1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply to Sections 53G-8-506 through 53G-8-509.
- (2) "Prohibited act" means:
 - (a) an act punishable under Section 53G-8-602, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled Substances Act; or
 - (b) possession of an electronic cigarette product by a student on school property.
- (3) "School" means a public or private elementary or secondary school.

Amended by Chapter 161, 2020 General Session

53G-8-506 Reporting of prohibited acts affecting a school -- Confidentiality.

- (1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall, in accordance with Section 53G-8-211, immediately notify:
 - (a) the principal;
 - (b) an administrator of the affected school;
 - (c) the superintendent of the affected school district; or
 - (d) an administrator of the affected school district.
- (2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.
- (3) A school official may only refer a complaint of an alleged prohibited act reported as occurring on school property or in connection with school-sponsored activities to an appropriate law enforcement agency in accordance with Section 53G-8-211.
- (4) The identity of persons making reports pursuant to this section shall be kept confidential.

Renumbered and Amended by Chapter 3, 2018 General Session

Amended by Chapter 117, 2018 General Session

53G-8-507 Immunity from civil or criminal liability.

Any person, official, or institution, other than a law enforcement officer or law enforcement agency, participating in good faith in making a report or conducting an investigation under the direction of school or law enforcement authorities under Section 53G-8-505, 53G-8-506, 53G-8-508, or 53G-8-509, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-8-508 Admissibility of evidence in civil and criminal actions.

- (1) Evidence relating to a violation of Section 53G-8-505, 53G-8-506, 53G-8-507, or 53G-8-509, which is seized by school authorities acting alone, on their own authority, and not in conjunction with or at the behest of law enforcement authorities is admissible in civil and criminal actions.
- (2) An LEA shall dispose of or destroy seized electronic cigarette products in accordance with the LEA's policies adopted under Subsection 53G-8-203(3).
- (3) A search under this section must be based on at least a reasonable belief that the search will turn up evidence of a violation of this part. The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of

the circumstances, including the age and sex of the person involved and the nature of the infraction.

Amended by Chapter 161, 2020 General Session

53G-8-509 State board rules to ensure protection of individual rights.

The state board and LEA governing boards shall adopt rules or policies to implement Sections 53G-8-505 through 53G-8-508. The rules or policies shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Amended by Chapter 293, 2019 General Session

53G-8-510 Notification of an offense committed by a minor on school grounds -- Immunity from civil and criminal liability.

(1) As used in this section:

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

(b) "School employee" means an individual working in the individual's capacity as:

(i) a school teacher;

(ii) a school staff member;

(iii) a school administrator; or

(iv) an individual:

(A) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; and

(B) who works on a school campus.

(c) "School is in session" means the same as that term is defined in Section 53E-3-516.

(d) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.

(2) If a minor commits an offense on school grounds when school is in session or at a school-sponsored activity and that information is reported to, or known by, a school employee, the school employee shall notify the principal.

(3) After receiving a notification under Subsection (2), the principal shall notify:

(a) a law enforcement officer or agency if the principal may refer the offense to a law enforcement officer or agency as described in Section 53G-8-211; and

(b) school or district personnel if the principal determines that school or district personnel should be informed.

(4) A person who in good faith reports information under Subsection (2) or (3) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

Amended by Chapter 301, 2024 General Session

Part 6
Criminal Offenses and Traffic Ordinances

53G-8-601 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-8-602 Possession or consumption of alcoholic beverages at school or school-sponsored activities -- Penalty.

- (1) Except as approved by a local school board as part of the curriculum, a person may not possess or drink an alcoholic beverage:
 - (a) inside or on the grounds of any building owned or operated by a part of the public education system; or
 - (b) in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.
- (2)
 - (a) Subsection (1)(a) does not apply to property owned by a school district in contemplation of future use for school purposes while the property is under lease to another party.
 - (b)
 - (i) For purposes of Subsection (2)(a), a lease must be full time for a period of not less than two years.
 - (ii) The property may not be used for school purposes at any time during the lease period.
- (3) Violation of this section is a class B misdemeanor.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-8-603 Criminal trespass upon school property -- Penalty.

- (1) As used in this section:
 - (a) "Enter" means intrusion of the entire body upon school property.
 - (b) "Remain unlawfully" means that a person remains on property when the person is not licensed or privileged to remain on the property.
 - (c)
 - (i) "School property" means a school.
 - (ii) "School property" does not mean LEA offices or any other property an LEA owns or controls that is not a school.
- (2) A person is guilty of criminal trespass upon school property if the person does the following:
 - (a) enters or remains unlawfully upon school property, and:
 - (i) intends to cause annoyance or injury to a person or damage to property on the school property;
 - (ii) intends to commit a crime; or
 - (iii) is reckless as to whether the person's presence will cause fear for the safety of another; or
 - (b) enters or remains without authorization upon school property if notice against entry or remaining has been given by:
 - (i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;
 - (ii) the posting of signs reasonably likely to come to the attention of trespassers;
 - (iii) fencing or other enclosure obviously designed to exclude trespassers; or
 - (iv) a current order of suspension or expulsion.
- (3) Violation of this section is a class B misdemeanor.

Amended by Chapter 485, 2025 General Session

53G-8-604 Traffic ordinances on school property -- Enforcement.

- (1) A local political subdivision in which real property is located that belongs to, or is controlled by, the state board, an LEA governing board, an area vocational center, or the Utah Schools for the Deaf and the Blind may, at the request of the responsible board of education or institutional council, adopt ordinances for the control of vehicular traffic on that property.
- (2) A law enforcement officer whose jurisdiction includes the property in question may enforce an ordinance adopted under Subsection (1).

Amended by Chapter 293, 2019 General Session

Part 7

School Safety Personnel

53G-8-701 Definitions.

As used in this part:

- (1) "Armed school security guard" means the same as that term is defined in Section 53G-8-704.
- (2) "County security chief" means the same as that term is defined in Section 53-22-101.
- (3) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- (4) "Public school" means the same as that term is defined in Section 53G-9-205.1.
- (5) "School guardian" means the same as that term is defined in Section 53-22-106.
- (6) "School is in session" means the same as that term is defined in Section 53E-3-516.
- (7) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA to provide law enforcement services for the LEA.
- (8) "School safety and security director" means an individual whom an LEA designates in accordance with Section 53G-8-701.8.
- (9) "School safety and security specialist" means a school employee designated under Section 53G-8-701.6 who is responsible for supporting school safety initiatives.
- (10) "School Safety Center" means the same as that term is defined in Section 53G-8-801.
- (11) "State security chief" means the same as that term is defined in Section 53-22-101.

Amended by Chapter 388, 2025 General Session

53G-8-701.5 School safety needs assessment -- School safety personnel -- Alternative requirements.

- (1)
 - (a) In accordance with Subsections (1)(c) through (e), no later than October 15 of an applicable year, an LEA shall:
 - (i) ensure a school safety needs assessment the state security chief selects in collaboration with the school safety center is conducted in accordance with Subsection (1)(b) for each school or K-12 campus within the LEA to determine the needs and deficiencies regarding:
 - (A) appropriate school safety personnel, including necessary supports, training, and policy creation for the personnel;
 - (B) physical building security and safety, including required upgrades to facilities and safety technology;
 - (C) a school's current threat and emergency response protocols, including any emergency response agreements with local law enforcement;

- (D) cardiac emergency preparedness, including an inventory of whether automated external defibrillators are present and accessible, maintenance status, and current staff training offerings; and
 - (E) compliance with universal access key box requirements under Section 53G-8-805; and
 - (ii) report the results of the school safety needs assessment for each school within the LEA to the state security chief and the School Safety Center.
- (b)
- (i) The school safety specialist described in Section 53G-8-701.6, in collaboration with the county security chief, and with the local law enforcement of relevant jurisdiction over the school as described in Section 53-25-701, shall conduct the school safety needs assessment for each school.
 - (ii) A school safety and security director may fulfill the role of a school safety and security specialist in conducting the school safety needs assessment.
- (c) The school safety needs assessment required under Subsection (1)(a)(i) shall be conducted at least once every three years for each school or K-12 campus.
- (d) An LEA may implement a rotating or staggered schedule for conducting school safety needs assessments among the buildings within the LEA, provided that:
- (i) each school within a K-12 campus is assessed at least once every three years; and
 - (ii) the LEA documents the rotating or staggered assessment schedule and shares this schedule with the state security chief, the School Safety Center, the county security chief, and the local law enforcement of relevant jurisdiction as described in Section 53-25-701.
- (e) The LEA shall update the assessment schedule as necessary to ensure compliance with the three-year assessment requirement under Subsection (1)(c).
- (f) The state board shall use the results of the school safety needs assessment for each school within an LEA to award a grant to an LEA in accordance with Section 53F-5-220.
- (g) Any information or record detailing a school's needs assessment results is:
- (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (ii) available only to:
 - (A) the state security chief;
 - (B) the School Safety Center;
 - (C) members of an LEA governing board;
 - (D) administrators of the LEA and school the needs assessment concerns;
 - (E) only to the extent necessary to award a grant under Section 53F-5-220, the state board;
 - (F) the applicable school safety personnel described in Subsection (2);
 - (G) a local law enforcement agency that would respond to the school in case of an emergency; and
 - (H) the county security chief.
- (h) An individual who intentionally or knowingly provides the information described in Subsection (1)(g) to an individual or entity not listed in Subsection (1)(g)(ii) is guilty of a class B misdemeanor.
- (2)
- (a) An LEA shall ensure each school within the LEA has the following school safety personnel:
 - (i) a school safety and security specialist described in Section 53G-8-701.6; and
 - (ii) based on the results of the needs assessment described in Subsection (1), at least one of the following:
 - (A) a school resource officer;
 - (B) a school guardian; or

- (C) an armed school security guard.
 - (b) In addition to the school safety personnel described in Subsection (2)(a), an LEA shall designate a school safety and security director described in Section 53G-8-701.8.
 - (c) The same individual may serve in more than one of the roles listed in Subsections (2)(a) and (b) if the school notifies the School Safety Center and the state security chief of the decision to have the same individual serve in multiple roles as described in this Subsection (2).
 - (d) An LEA may implement the requirements of Subsection (2)(a)(ii) before the LEA has completed the school safety needs assessment described in Subsection (1).
 - (e) The state security chief in consultation with the School Safety Center shall establish a timeline for an LEA to comply with the school safety personnel requirements of this Subsection (2).
- (3)
- (a) An LEA, school administrator, or private school may apply to the state security chief for an approved alternative to the requirements described in:
 - (i) Section 53-22-105;
 - (ii) this section;
 - (iii) Section 53G-8-701.6;
 - (iv) Section 53G-8-701.8; and
 - (v) Section 53G-8-704.
 - (b) In approving or denying an application described in Subsection (3)(a), the state security chief may consider factors that impact a school or LEA's ability to adhere to the requirements of this section, including the school or LEA's:
 - (i) population size;
 - (ii) staffing needs or capacity;
 - (iii) geographic location;
 - (iv) available funding; or
 - (v) general demonstration of need for an alternative to the requirements of this section.
- (4) A private school shall identify an individual at the private school to serve as the safety liaison with the local law enforcement of relevant jurisdiction and the state security chief.

Amended by Chapter 388, 2025 General Session

53G-8-701.6 School safety and security specialist.

- (1) As used in this section, "principal" means the chief administrator at a public school, including:
 - (a) a school principal;
 - (b) a charter school director; or
 - (c) the superintendent of the Utah Schools for the Deaf and the Blind.
- (2)
- (a) Subject to Subsection (2)(b) and except as provided in Subsection 53G-8-701.5(3), every campus within an LEA shall designate a school safety and security specialist from the employees of the relevant campus.
 - (b) The school safety and security specialist:
 - (i) may not be a principal; and
 - (ii) may be the school safety and security director at one campus within the LEA.
- (3) The school safety and security specialist shall:
- (a) report directly to the principal;
 - (b) oversee school safety and security practices to ensure a safe and secure school environment for students and staff;

- (c) ensure adherence with all policies, procedures, protocols, rules, and regulations relating to school safety and security through collaborating and maintaining effective communications with the following as applicable:
 - (i) the principal;
 - (ii) school staff;
 - (iii) the school resource officer;
 - (iv) the armed school security guard;
 - (v) the school guardian;
 - (vi) local law enforcement;
 - (vii) the county security chief;
 - (viii) the school safety and security director;
 - (ix) the LEA; and
 - (x) school-based behavioral and mental health professionals;
- (d) in collaboration with the county security chief and with the local law enforcement of relevant jurisdiction over the school as described in Section 53-25-701:
 - (i) conduct the school safety needs assessment described in Section 53G-8-701.5;
 - (ii) in accordance with Sections 53-25-701 and 53G-8-701.5, submit the completed assessments to the School Safety Center created in Section 53G-8-802 by October 15 of each year; and
 - (iii) review the results of the school safety needs assessment to recommend and implement improvements to school facilities, policies, procedures, protocols, rules, and regulations relating to school safety and security;
- (e) participate on the multidisciplinary team that the school establishes;
- (f) conduct a behavioral threat assessment when the school safety and security specialist deems necessary using an evidence-based tool the state security chief recommends in consultation with the school safety center and the Office of Substance Use and Mental Health;
- (g) regularly monitor and report to the principal, local law enforcement, and, if applicable, the LEA superintendent or designee, security risks for the school resulting from:
 - (i) issues with school facilities; or
 - (ii) the implementation of practices, policies, procedures, and protocols relating to school safety and security;
- (h) coordinate with local first responder agencies to implement and monitor safety and security drills in accordance with policy and applicable procedures and protocols;
- (i) ensure that school staff, and, when appropriate, students, receive training on and remain current on the school's safety and security procedures and protocols;
- (j) following an event where security of the school has been significantly compromised, organize a debriefing with the individuals listed in Subsection (3)(c) following the recommendations from the state security chief, in collaboration with the School Safety Center, regarding strengthening school safety and security practices, policies, procedures, and protocols;
- (k) abide by any LEA, school, or law enforcement agency policy outlining the chain of command;
- (l) during an emergency, coordinate with the following individuals as applicable, the:
 - (i) school resource officer;
 - (ii) school guardians;
 - (iii) armed school security guards;
 - (iv) school administrators; and
 - (v) responding law enforcement officers;
- (m) follow any LEA, school, or law enforcement agency student privacy policies, including state and federal privacy laws;

- (n) participate in an annual training the state security chief selects in consultation with the School Safety Center; and
- (o) remain current on:
 - (i) a comprehensive school guideline the state security chief selects;
 - (ii) the duties of a school safety and security specialist described in this Subsection (3); and
 - (iii) the school's emergency response plan.
- (4) During an active emergency at the school, the school safety and security specialist is subordinate to any responding law enforcement officers.

Amended by Chapter 388, 2025 General Session

Amended by Chapter 470, 2025 General Session

53G-8-701.8 School safety and security director.

- (1) Except as provided in Subsection 53G-8-701.5(3), an LEA shall designate a school safety and security director as the LEA point of contact for the county security chief, local law enforcement, and the state security chief.
- (2) A school safety and security director shall:
 - (a) participate in and satisfy the training requirements as follows:
 - (i) only once, the training requirements described in Section 53-22-105 for school guardians;
 - (ii) the school resource officer and administrator training the state security chief approves in consultation with the School Safety Center; and
 - (b) if serving as a backup school guardian, satisfy all requirements described in 53-22-105;
 - (c) if the designee is an employee of an LEA, participate on the multidisciplinary team the LEA establishes;
 - (d) coordinate security responses among, if applicable, the following individuals in the LEA that employs the school safety and security director:
 - (i) school safety and security specialists;
 - (ii) school resource officers;
 - (iii) armed school security guards; and
 - (iv) school guardians; and
 - (e) collaborate and maintain effective communications with local law enforcement, a county security chief, the LEA, and school-based behavioral and mental health professionals to ensure adherence with all policies, procedures, protocols, rules, and regulations relating to school safety and security.
- (3) A school safety and security director:
 - (a) does not have authority to act in a law enforcement capacity; and
 - (b) may, at the LEA that employs the director:
 - (i) take actions necessary to prevent or abate an active threat; and
 - (ii) temporarily detain an individual when the school safety and security director has reasonable cause to believe the individual has committed or is about to commit a forcible felony.
- (4) Notwithstanding Subsection 76-11-205(4), if a school safety and security director is carrying a firearm, the school safety and security director shall carry the school safety and security director's firearm in a concealed manner and may not, unless during an active threat, display or open carry a firearm while on school grounds.
- (5) A school may use the services of the school safety and security director on a temporary basis to satisfy the school safety personnel requirement of Subsection 53G-8-701.5(2).
- (6) The state security chief shall:

- (a) for each school safety and security director, track each school safety and security director by collecting the photograph and the name and contact information for each school safety and security director; and
- (b) make the information described in Subsection (6)(a) readily available to each law enforcement agency in the state categorized by LEA.

Amended by Chapter 173, 2025 General Session

Amended by Chapter 208, 2025 General Session

Amended by Chapter 348, 2025 General Session

Amended by Chapter 388, 2025 General Session

53G-8-702 School administrator and school resource officer training -- Curriculum.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state security chief appointed under Section 53-22-102 in consultation with the state board, shall make rules that prepare and make available an annual program for school principals, school personnel, school safety personnel described in Section 53G-8-701.5, and school resource officers to attend.
- (2) To create the curriculum and materials for the training program described in Subsection (1), the state security chief, in consultation with the School Safety Center, shall:
 - (a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201;
 - (b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind;
 - (c) consult with a nationally recognized organization that provides resources and training for school resource officers;
 - (d) solicit input from local law enforcement and other interested community stakeholders; and
 - (e) consider the current United States Department of Education recommendations on school discipline and the role of a school resource officer.
- (3) The training program described in Subsection (1) shall be for a minimum time established by the state security chief in accordance with Subsection (1) and may include training on the following:
 - (a) childhood and adolescent development;
 - (b) responding age-appropriately to students;
 - (c) working with disabled students;
 - (d) techniques to de-escalate and resolve conflict;
 - (e) cultural awareness;
 - (f) restorative justice practices;
 - (g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;
 - (h) student privacy rights;
 - (i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;
 - (j) strategies to reduce juvenile justice involvement;
 - (k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure;
 - (l) the standard response protocol and drills described in Section 53G-8-803;
 - (m) an overview of the agreement described in Section 53G-8-703;
 - (n) developing and supporting successful relationships with students; and

- (o) legal parameters of searching and questioning students on school property.
- (4) The School Safety Center shall work together with the Department of Public Safety, the State Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish policies, procedures, and training requirements for school resource officers.

Amended by Chapter 21, 2024 General Session

53G-8-703 Contracts between an LEA and law enforcement for school resource officer services -- Requirements -- LEA establishment of a school resource officer policy -- Public comment.

- (1)
 - (a) An LEA may use a school resource officer to satisfy the school safety personnel requirements of Section 53G-8-701.5.
 - (b) An LEA that uses a school resource officer under Subsection (1)(a) shall contract with a local law enforcement agency to provide school resource officer services.
- (2) An LEA contract with a law enforcement agency to provide school resource officer services at the LEA shall require in the contract:
 - (a) an acknowledgment by the law enforcement agency that a school resource officer hired under the contract shall:
 - (i) provide for and maintain a safe, healthy, and productive learning environment in a school;
 - (ii) act as a positive role model to students;
 - (iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;
 - (iv) emphasize the use of restorative approaches to address negative behavior; and
 - (v) at the request of the LEA, teach a vocational law enforcement class;
 - (b) a description of the shared understanding of the LEA and the law enforcement agency regarding the roles and responsibilities of law enforcement and the LEA to:
 - (i) maintain safe schools;
 - (ii) improve school climate; and
 - (iii) support educational opportunities for students;
 - (c) a designation of student offenses that, in accordance with Section 53G-8-211, the school resource officer:
 - (i) may refer to the juvenile court;
 - (ii) shall confer with the LEA to resolve; and
 - (iii) shall refer to a school administrator for resolution as an administrative issue with the understanding that the school resource officer will be informed of the outcome of the administrative issue;
 - (d) a detailed description of the rights of a student under state and federal law with regard to:
 - (i) searches;
 - (ii) questioning;
 - (iii) arrests; and
 - (iv) information privacy;
 - (e) a detailed description of:
 - (i) job assignment and duties, including:
 - (A) the school to which the school resource officer will be assigned;
 - (B) the hours the school resource officer is expected to be present at the school;
 - (C) the point of contact at the school;
 - (D) specific responsibilities for providing and receiving information; and

- (E) types of records to be kept, and by whom;
 - (ii) training requirements; and
 - (iii) other expectations of the school resource officer and school administration in relation to law enforcement at the LEA;
 - (f) that a school resource officer who is hired under the contract and the principal at the school where a school resource officer will be working, or the principal's designee, will jointly complete the school resource officer training described in Section 53G-8-702;
 - (g) that both parties agree to jointly discuss school resource officer applicants;
 - (h) that the law enforcement agency will, at least annually, seek out and accept feedback from an LEA about a school resource officer's performance; and
 - (i) a designation of the school resource officer or the law enforcement agency's designee as "school officials" for purposes of the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.
- (3) An LEA may not require or prohibit mandatory rotations of school resource officers as part of the contract described in Subsection (2).
- (4) An LEA that uses a school resource officer under Subsection (1)(a) shall establish a school resource officer policy.
- (5) The school resource officer policy described in Subsection (4) shall include:
- (a) the contract described in Subsection (2); and
 - (b) all other procedures and requirements governing the relationship between the LEA and a school resource officer.
- (6) Before implementing the school resource officer policy described in Subsection (4), the LEA shall present the school resource officer policy at a public meeting and receive public comment on the school resource officer policy.

Amended by Chapter 21, 2024 General Session

53G-8-704 Contracts between an LEA and a contract security company for armed school security guards.

- (1) As used in this section:
- (a) "Armed private security officer" means the same as that term is defined in Section 58-63-102.
 - (b) "Armed school security guard" means an armed private security officer who:
 - (i) is licensed as an armed private security officer under Title 58, Chapter 63, Security Personnel Licensing Act; and
 - (ii) has met the requirements described in Subsection (4)(a).
 - (c) "Contract security company" means the same as that term is defined in Section 58-63-102.
 - (d) "State security chief" means the same as that term is defined in Section 53-22-102.
- (2)
- (a) An LEA may use an armed school security guard to satisfy the school safety personnel requirements of Section 53G-8-701.5.
 - (b) An LEA that uses an armed school security guard under Subsection (2)(a) shall contract with a contract security company to provide armed school security guards at each school within the LEA.
- (3) The contract described in Subsection (2)(b) shall include a detailed description of:
- (a) the rights of a student under state and federal law with regard to:
 - (i) searches;
 - (ii) questioning;
 - (iii) arrests; and

- (iv) information privacy;
 - (b) job assignment and duties of an armed school security guard, including:
 - (i) the school to which an armed school security guard will be assigned;
 - (ii) the hours an armed school security guard is present at the school;
 - (iii) the point of contact at the school that an armed school security guard will contact in case of an emergency;
 - (iv) specific responsibilities for providing and receiving information;
 - (v) types of records to be kept, and by whom; and
 - (vi) training requirements; and
 - (c) other expectations of the contract security company in relation to school security at the LEA.
- (4)
- (a) In addition to the requirements for licensure under Title 58, Chapter 63, Security Personnel Licensing Act, an armed private security officer may only serve as an armed school security guard under a contract described in Subsection (2)(b) if the armed private security officer:
 - (i) has a valid concealed carry permit issued under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits;
 - (ii) has undergone training from a county security chief or local law enforcement agency regarding:
 - (A) the safe loading, unloading, storage, and carrying of firearms in a school setting;
 - (B) the role of armed security guards in a school setting; and
 - (C) coordination with law enforcement and school officials during an active threat;
 - (iii) completes an initial "fit to carry" assessment the Department of Health and Human Services approves and a provider administers; and
 - (iv) maintains compliance with mental health screening requirements consistent with law enforcement standards.
 - (b) An armed school security guard that meets the requirements of Subsection (4)(a) shall, in order to remain eligible to be assigned as an armed school security guard at any school under a contract described in Subsection (2)(b), participate in and satisfy the training requirements of the initial, annual, and biannual trainings as defined in Section 53-22-105.
- (5) An armed school security guard may conceal or openly carry a firearm at the school at which the armed school security guard is employed under the contract described in Subsection (2)(b).
- (6) An LEA that enters a contract under this section shall inform the state security chief and the relevant county security chief of the contract and provide the contact information of the contract security company employing the armed security guard for use during an emergency.
- (7) The state security chief shall:
- (a) for each LEA that contracts with a contract security company under this section, track each contract security company providing armed school security guards by name and the contact information for use in case of an emergency; and
 - (b) make the information described in Subsection (7)(a) readily available to each law enforcement agency in the state by school.
- (8) An armed school security guard shall file a report described in Subsection (9) if, during the performance of the armed school security guard's duties, the armed school security guard:
- (a) points a firearm at an individual; or
 - (b) aims a conductive energy device at an individual and displays the electrical current.
- (9)
- (a) A report described in Subsection (8) shall include:
 - (i) a description of the incident;
 - (ii) the identification of the individuals involved in the incident; and

- (iii) any other information required by the state security chief.
- (b) An armed school security guard shall submit a report required under Subsection (8) to the school administrator, school safety and security director, and the state security chief within 48 hours after the incident.
- (c) The school administrator, school safety and security director, and the state security chief shall consult and review the report submitted under Subsection (9)(b).

Amended by Chapter 208, 2025 General Session

Amended by Chapter 388, 2025 General Session

Part 8

State Safety and Support Program

53G-8-801 Definitions.

As used in this section:

- (1) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- (2) "School Safety Center" means the entity established in Section 53G-8-802.
- (3) "State security chief" means the same as that term is defined in Section 53-22-101.

Amended by Chapter 343, 2025 General Session

53G-8-802 State Safety and Support Program -- State board duties -- LEA duties.

- (1) There is created the School Safety Center.
- (2) The School Safety Center shall:
 - (a) develop in conjunction with the Office of Substance Use and Mental Health and the state security chief model student safety and support policies for an LEA, including:
 - (i) requiring an evidence-based behavior threat assessment that includes recommended interventions with an individual whose behavior poses a threat to school safety;
 - (ii) procedures for referrals to law enforcement; and
 - (iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;
 - (b) provide training in consultation with the state security chief:
 - (i) in school safety;
 - (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
 - (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
 - (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;
 - (v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
 - (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305; and
 - (vii) for administrators on rights and prohibited acts under:
 - (A) Chapter 9, Part 6, Bullying and Hazing;
 - (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;

- (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
- (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
- (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
- (c) conduct and disseminate evidence-based research on school safety concerns;
- (d) disseminate information on effective school safety initiatives;
- (e) encourage partnerships between public and private sectors to promote school safety;
- (f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;
- (g) in conjunction with the state security chief, make available to an LEA the model critical incident response training program a school and law enforcement agency shall use during a threat;
- (h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 26B-5-102;
- (i) collaborate with the state security chief to determine appropriate application of school safety requirements in Utah Code to an online school;
- (j) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment;
- (k) in accordance with Section 53G-5-202, establish a charter school liaison including defined responsibilities for charter school communication and coordination with the School Safety Center; and
- (l) assist a foundation described in Section 53-22-108 in distributing school safety products if a foundation seeks assistance;
- (m) establishes defined roles for a multidisciplinary team and school safety personnel described in Chapter 8, Part 7, School Safety Personnel;
- (n) assist LEAs in implementing and maintaining universal access key box requirements under Section 53G-8-805;
- (o) in consultation with the state security chief, select a system to track relevant data, including the tracking required in Sections 53-22-105, 53G-8-701.5, 53G-8-701.8, and 53G-8-704; and
- (p) collect aggregate data and school climate survey results from an LEA that administers the model school climate survey described in Subsection (2)(j).
- (3) Nothing in this section requires:
 - (a) an individual to respond to a school climate survey; or
 - (b) an LEA to use the model school climate survey or any specified questions in the model school climate survey described in Subsection (2)(j).
- (4) The state board shall require an LEA to:
 - (a)
 - (i) if an LEA administers a school climate survey, review school climate data for each school within the LEA; and
 - (ii) based on the review described in Subsection (4)(a)(i):
 - (A) revise practices, policies, and training to eliminate harassment and discrimination in each school within the LEA;
 - (B) adopt a plan for harassment- and discrimination-free learning; and
 - (C) host outreach events or assemblies to inform students and parents of the plan adopted under Subsection (4)(a)(ii)(B);
 - (b) no later than September 1 of each school year, send a notice to each student, parent, and LEA staff member stating the LEA's commitment to maintaining a school climate that is free of harassment and discrimination; and

- (c) report to the state board annually on the LEA's implementation of the plan under Subsection (4)(a)(ii)(B) and progress.

Amended by Chapter 388, 2025 General Session

53G-8-803 Standard response protocol to active threats in schools.

The state security chief described in Section 53-22-102, in consultation with the School Safety Center, shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- (1) in accordance with the standard response protocol established by the state security chief, require an LEA or school to develop emergency preparedness plans and emergency response plans for use during an emergency that include developmentally appropriate training for students and adults regarding:
 - (a) active threats;
 - (b) emergency preparedness;
 - (c) cardiac emergency preparedness;
 - (d) drills as required under Subsection 15A-5-202.5 and by the state security chief; and
 - (e) standard response protocols coordinated with community stakeholders; and
- (2) identify the necessary components of emergency preparedness and response plans, including underlying standard response protocols and emerging best practices for an emergency.

Amended by Chapter 388, 2025 General Session

53G-8-805 Panic alert device -- Security cameras -- Key box.

- (1) As used in this section:
 - (a) "Universal access key box" means a UL Standard 1037 compliant secure container designed to store and protect emergency access keys and devices.
 - (b) "Emergency responder" means law enforcement, fire service, or emergency medical personnel authorized by local authorities to respond to school emergencies.
- (2) In accordance with the results of the school safety needs assessment described in Section 53G-8-701.5, an LEA shall provide the lead teacher in each classroom with a wearable panic alert device that shall communicate directly with public safety answering points.
- (3) An LEA shall ensure, before the school year begins, all school building personnel receive training on the protocol and appropriate use of the panic alert device described in Subsection (2).
- (4) An LEA shall:
 - (a) ensure all security cameras within a school building are accessible by:
 - (i) a local law enforcement agency; and
 - (ii) public safety answering points;
 - (b) coordinate with a local law enforcement agency to establish appropriate access protocols; and
 - (c) physically mark all hallways and doorways consistent with the incident response method or system the state security chief creates.
- (5) A school building shall include universal access key boxes that:
 - (a) are installed at main entry points;
 - (b) contain master keys and access devices providing complete access to all areas of the school;
 - (c) are accessible only to authorized emergency responders;
 - (d) are electronically monitored for tampering; and

- (e) are weather-resistant and vandal-resistant.
- (6) An LEA shall:
 - (a) maintain universal access key boxes by:
 - (i) conducting quarterly inspections;
 - (ii) updating contents within 24 hours of any lock or access control changes;
 - (iii) maintaining current key and access device inventories;
 - (iv) documenting all inspections and updates; and
 - (v) immediately replacing any damaged or malfunctioning boxes;
 - (b) coordinate with local emergency responders to:
 - (i) determine optimal box placement;
 - (ii) establish access protocols;
 - (iii) maintain current emergency contact information; and
 - (iv) conduct annual reviews of box usage and effectiveness;
 - (c) include universal access key box locations and protocols in:
 - (i) school emergency response plans;
 - (ii) building schematic diagrams provided to emergency responders; and
 - (iii) school safety and security training materials.
- (7) The state board shall:
 - (a) establish standards for:
 - (i) box installation and placement;
 - (ii) access control and monitoring;
 - (iii) maintenance schedules; and
 - (iv) compliance verification;
 - (b) in direct coordination with the state security chief, ensure new construction or major remodeling of a school building shall include the installation of automated external defibrillators in appropriate locations as the state board determines; and
 - (c) provide technical assistance to LEAs implementing this section.
- (8) Nothing in this section:
 - (a) affects requirements for fire department key boxes under applicable building or fire codes; or
 - (b) restricts additional security measures implemented by LEAs that exceed these requirements.
- (9) This section is not subject to the restrictions in Section 41-6a-2003.

Amended by Chapter 388, 2025 General Session

Chapter 9 Health and Welfare

Part 1 General Provisions

53G-9-101 Title.

This chapter is known as "Health and Welfare."

Enacted by Chapter 3, 2018 General Session

53G-9-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

Part 2
Miscellaneous Requirements

53G-9-201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-202 Notification to the parent of an injured or sick child.

- (1) A public school shall notify the custodial parent and, if requested in writing by a noncustodial parent, make reasonable efforts to notify the noncustodial parent of a student who is injured or becomes ill at the school during the regular school day if:
 - (a) the injury or illness requires treatment at a hospital, doctor's office, or other medical facility not located on the school premises; and
 - (b) the school has received a current telephone number for the party it is required to notify or make reasonable efforts to notify.
- (2)
 - (a) Subsection (1) does not apply to a noncustodial parent forbidden to have contact with the student under a court order or similar procedure.
 - (b) The custodial parent is responsible for providing the school with the noncustodial parent's status under Subsection (2)(a) through a procedure adopted by the local school board.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-203 Definitions -- School personnel -- Medical recommendations -- Exceptions -- Penalties.

- (1) As used in this section:
 - (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or mental health therapist.
 - (b) "School personnel" means a school district or charter school employee, including a licensed, part-time, contract, or nonlicensed employee.
- (2) School personnel may:
 - (a) provide information and observations to a student's parent about that student, including observations and concerns in the following areas:
 - (i) progress;
 - (ii) health and wellness;
 - (iii) social interactions;
 - (iv) behavior; or
 - (v) topics consistent with Subsection 53E-9-203(6);
 - (b) communicate information and observations between school personnel regarding a child;

- (c) refer students to other appropriate school personnel and agents, consistent with local school board or charter school policy, including referrals and communication with a school counselor or other mental health professionals working within the school system;
 - (d) consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at student enrollment;
 - (e) exercise their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of Section 53G-8-205; and
 - (f) complete a behavioral health evaluation form if requested by a student's parent to provide information to a licensed physician or physician assistant.
- (3) School personnel shall:
- (a) report suspected child abuse consistent with Section 80-2-602;
 - (b) comply with applicable state and local health department laws, rules, and policies; and
 - (c) conduct evaluations and assessments consistent with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.
- (4) Except as provided in Subsection (2), Subsection (6), and Section 53G-9-604, school personnel may not:
- (a) recommend to a parent that a child take or continue to take a psychotropic medication;
 - (b) require that a student take or continue to take a psychotropic medication as a condition for attending school;
 - (c) recommend that a parent seek or use a type of psychiatric or psychological treatment for a child;
 - (d) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments; or
 - (e) make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent refuses to consent to:
 - (i) a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or
 - (ii) a psychiatric or behavioral health evaluation of a child.
- (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would otherwise be prohibited under Subsection (4)(e) if failure to take the action described under Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of others.
- (6) Notwithstanding Subsection (4), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the state board, working within the school system may:
- (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;
 - (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;
 - (c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section 53E-9-203; and
 - (d) provide to a parent, upon the specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, physician assistants, psychologists, or other health specialists.
- (7) Local school boards or charter schools shall adopt a policy:
- (a) providing for training of appropriate school personnel on the provisions of this section; and
 - (b) indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53G-11-513.

- (8) Nothing in this section shall be interpreted as discouraging general communication not prohibited by this section between school personnel and a student's parent.

Amended by Chapter 335, 2022 General Session

53G-9-204 Nursing services in the public schools -- Collaborative efforts.

- (1)
- (a) Students in the state's public schools are better protected against risks to health and safety when schools have school nurses readily available to assist in providing educational and nursing services in the public schools.
 - (b) Educational and nursing services would be further enhanced if offered with the active support and participation of local public health departments and private medical providers, most particularly in those areas of the state without currently functioning collaborative programs.
 - (c)
 - (i) LEAs, local health departments, private medical providers, and parents of students shall work together in determining needs and risks to student health in the state's public schools and in developing and implementing plans to meet those needs and minimize risks to students.
 - (ii) School community councils or school directors of affected schools shall review the plans before the implementation of the plans.
- (2) LEAs are encouraged to provide nursing services equivalent to:
- (a) the services of one school nurse for every 2,000 students; or
 - (b) in LEAs with fewer than 2,000 students, the level of services recommended by the Department of Health.

Amended by Chapter 214, 2022 General Session

53G-9-205 School Breakfast Program -- Review of nonparticipants -- Reporting.

- (1)
- (a) Beginning with the 2020-21 academic year, each LEA governing board shall annually review each school in the LEA governing board's authority that does not participate in the School Breakfast Program as to the school's reasons for nonparticipation.
 - (b) Reasons for nonparticipation may include a recommendation from the respective school community council authorized under Section 53G-7-1202 or charter trust land council established under Section 53G-7-1205.
- (2) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Amended by Chapter 21, 2020 General Session

53G-9-205.1 Start Smart Utah Program.

- (1) As used in this section:
- (a) "Alternative breakfast service model" means a method of serving breakfast to a student after the instructional day begins.
 - (b) "National School Lunch Program" means the same as that term is defined in 7 C.F.R. Sec. 210.2.
 - (c) "Public school" means:
 - (i) a school under the control of a school district;

- (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (d) "School Breakfast Program" means the same as that term is defined in 7 C.F.R. Sec. 220.2.
 - (e) "Start Smart Utah Program" or "program" means the Start Smart Utah Program created in Subsection (2).
 - (f) "Traditional breakfast service model" means a method of serving breakfast to a student before the instructional day begins.
- (2)
- (a) There is created the Start Smart Utah Program.
 - (b) Except as provided in Subsection (3), a public school that participates in the National School Lunch Program shall participate in the School Breakfast Program.
- (c)
- (i) Beginning with the 2021-22 school year, a public school in which 70% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (ii) Beginning with the 2022-23 school year, a public school in which 50% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
 - (iii) Beginning with the 2023-24 school year, a public school in which 30% or more of the students qualify for free or reduced lunch shall use an alternative breakfast service model.
- (d) Notwithstanding Subsection (2)(c):
- (i) a public school that is subject to the requirements described in Subsection (2)(c) may use a traditional breakfast service model in addition to an alternative breakfast service model; and
 - (ii) a public school in which 70% or more of the students who qualify for free or reduced lunch participate in the School Breakfast Program is exempt from the requirements described in Subsection (2)(c).
- (3)
- (a) A public school may apply to the state board for a waiver of the requirements described in Subsection (2), if the requirements cause undue hardship.
 - (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to create a waiver application, submission, review, and approval process.
- (4) The state board shall:
- (a) administer the program in accordance with this section and in conjunction with the state board's duties as the administering agency of federal child nutrition programs;
 - (b) track implementation of alternative breakfast service models in public schools; and
 - (c) provide guidance and technical assistance to public schools related to implementing the Start Smart Utah Program in accordance with the requirements of this section, including assistance with soliciting parent feedback on the program.
- (5) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Amended by Chapter 292, 2021 General Session

53G-9-205.2 Definitions -- Prohibited food additives -- Exceptions.

- (1) As used in this section:
- (a) "FD&C" means the Federal Food, Drug, and Cosmetics Act, 21 C.F.R. Part 74.
 - (b) "Public school" means the same as that term is defined in Section 53G-9-205.1.
 - (c) "School day" means the same as that term is defined in Section 53G-6-201.
- (2)

- (a) Beginning in the 2026-2027 school year, a public school may not sell, donate, offer, or serve on school grounds during the school day, food that contains:
 - (i) potassium bromate;
 - (ii) propylparaben;
 - (iii) FD&C Blue No. 1;
 - (iv) FD&C Blue No. 2;
 - (v) FD&C Green No. 3;
 - (vi) FD&C Red No. 3;
 - (vii) FD&C Red No. 40;
 - (viii) FD&C Yellow No. 5; and
 - (ix) FD&C Yellow No. 6.
 - (b) Except as provided in Subsection (3), a person who sells, donates, offers, or serves a consumable item during the school day shall comply with the requirements under this section.
- (3)
- (a) Notwithstanding Subsection (2)(b):
 - (i) a student's parent may provide students with a food item described in Subsection (2)(a) during the school day;
 - (ii) a teacher may provide students with a food item described in Subsection (2)(a) if the teacher obtains permission from the students' parents at the start of each school semester; and
 - (iii) a person may sell a food item described in Subsection (2)(a):
 - (A) as a concession item at a school-sponsored event or extra-curricular activity; or
 - (B) in a vending machine.
 - (b) This section does not apply to a charter school or school district that has 5,500 students or fewer.

Enacted by Chapter 466, 2025 General Session

53G-9-206 Eye protective devices for industrial education, physics laboratory, and chemistry laboratory activities.

- (1) Any individual who participates in any of the following activities in public or private schools that may endanger his vision shall wear quality eye protective devices:
 - (a) industrial education activities that involve:
 - (i) hot molten metals;
 - (ii) the operation of equipment that could throw particles of foreign matter into the eyes;
 - (iii) heat treating, tempering, or kiln firing of any industrial materials;
 - (iv) gas or electric arc welding; or
 - (v) caustic or explosive material;
 - (b) chemistry or physics laboratories when using caustic or explosive chemicals, and hot liquids and solids.
 - (2) "Quality eye protective devices" means devices that meet the standards of the American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by the American Standards Association, Inc.
- (3)
- (a) The local school board shall furnish these protective devices to individuals involved in these activities.
 - (b) The local school board may sell these protective devices at cost or rent or loan them to individuals involved in these activities.

Amended by Chapter 293, 2019 General Session

53G-9-207 Child sexual abuse prevention.

(1) As used in this section:

(a)

(i) "Age-appropriate instructional material" means materials that provide instruction on:

- (A) the responsibility of adults for the safety of children;
- (B) how to recognize uncomfortable inner feelings;
- (C) how to say no and leave an uncomfortable situation;
- (D) how to set clear boundaries;
- (E) the risks of sharing intimate images or personal information through electronic means; and
- (F) the importance of discussing uncomfortable situations with parents and other trusted adults.

(ii) "Age-appropriate instructional material" does not include materials that:

- (A) invites a student to share personal experiences about abuse during instruction;
- (B) gives instruction regarding consent as described in Section 76-5-406; or
- (C) includes sexually explicit language or depictions.

(b) "Alternative provider" means a provider other than the provider selected by the state board under Subsection (8) that provides the training and instruction described in Subsection (4) with instructional materials approved under Subsection (2).

(c) "School personnel" means the same as that term is defined in Section 53G-9-203.

(d) "Sexual extortion" means the criminal offense described in Section 76-5b-204.

(2) The state board shall approve, in partnership with the Department of Health and Human Services, age-appropriate instructional materials for the training and instruction described in Subsections (3)(a) and (4).

(3)

(a) An LEA shall provide, once every three years, training and instruction on child sexual abuse and human trafficking prevention and awareness to:

(i) school personnel in elementary and secondary schools on:

- (A) responding to a disclosure of child sexual abuse in a supportive, appropriate manner;
- (B) identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sexual exploitation; and
- (C) the mandatory reporting requirements described in Sections 53E-6-701 and 80-2-602;
- (D) appropriate responses to incidents of sexual extortion, including connecting victims with support services; and

(ii) parents of elementary school students on:

- (A) recognizing warning signs of a child who is being sexually abused or who is a victim or may be at risk of becoming a victim of human trafficking or commercial sexual exploitation;
- (B) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child; and
- (C) resources available for victims of sexual extortion.

(b) An LEA:

(i) shall use the instructional materials approved by the state board under Subsection (2) to provide the training and instruction under Subsections (3)(a) and (4); or

(ii) may use instructional materials the LEA creates to provide the instruction and training described in Subsections (3)(a) and (4), if the LEA's instructional materials are approved by the state board under Subsection (2).

(4)

- (a) In accordance with Subsections (4)(b) and (5), an LEA may provide instruction on child sexual abuse and human trafficking prevention and awareness to elementary school students using age-appropriate curriculum.
 - (b) An LEA that provides the instruction described in Subsection (4)(a) shall use the instructional materials approved by the state board under Subsection (2) to provide the instruction.
- (5)
- (a) An elementary school student may not be given the instruction described in Subsection (4) unless the parent of the student is:
 - (i) notified in advance of the:
 - (A) instruction and the content of the instruction; and
 - (B) parent's right to have the student excused from the instruction;
 - (ii) given an opportunity to review the instructional materials before the instruction occurs; and
 - (iii) allowed to be present when the instruction is delivered.
 - (b) Upon the written request of the parent of an elementary school student, the student shall be excused from the instruction described in Subsection (4).
 - (c) Participation of a student requires compliance with Sections 53E-9-202 and 53E-9-203.
- (6) An LEA may determine the mode of delivery for the training and instruction described in Subsections (3) and (4).
- (7) Upon request of the state board, an LEA shall provide evidence of compliance with this section.
- (8) The state board shall select a provider to provide the training and instruction described in Subsection (4), including requiring the provider selected to:
- (a) engage in outreach efforts to support more schools to participate in the training and instruction;
 - (b) provide materials for the instruction involving students in accordance with Subsection (4);
 - (c) provide an outline of how many LEAs, schools, and students the provider could service; and
 - (d) submit a report to the state board that includes:
 - (i) information on the LEAs the provider engaged with in the outreach efforts, including:
 - (A) how many schools within an LEA increased instructional offerings for training and instruction; and
 - (B) the reasons why an LEA chose to participate or not in the offered training or instruction;
 - (ii) the number of schools and students that received the training and instruction;
 - (iii) budgetary information regarding how the provider utilized any funds the state board allocated; and
 - (iv) additional information the state board requests.
- (9) Subject to legislative appropriation, there is created a grant program to support an LEA that chooses to use an alternative provider other than the provider selected by the state board under Subsection (8) to provide the training and instruction described in Subsection (4).
- (10) The state board shall:
- (a) establish a process to select alternative providers for an LEA to use, including:
 - (i) an application process for a provider to become an alternative provider;
 - (ii) required criteria for a provider to become an alternative provider; and
 - (iii) relevant timelines;
 - (b) create a process for an LEA to receive a grant award described in Subsection (9), including:
 - (i) an application process;
 - (ii) relevant timelines; and
 - (iii) a scoring rubric and corresponding formula for determining a grant amount; and
 - (c) make grant awards on a first come first served basis until the state board distributes all appropriated funds.

- (11) An LEA that receives a grant award described in Subsection (10)(b) shall:
- (a) use the grant award to cover the costs needed for implementation of the training or instruction described in Subsection (4); and
 - (b) upon request of the state board, provide an itemized list of the uses of the grant award.

Amended by Chapter 388, 2025 General Session

53G-9-208 Sunscreen -- Possession -- Administration -- Immunity.

- (1) As used in this section, "sunscreen" means a compound topically applied to prevent sunburn.
- (2) A public school shall permit a student, without a parent's, physician's, or physician assistant's authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug Administration.
- (3) If a student is unable to self-apply sunscreen, a volunteer school employee may apply the sunscreen on the student if the student's parent provides written consent for the assistance.
- (4) A volunteer school employee who applies sunscreen on a student in compliance with Subsection (3) and the volunteer school employee's employer are not liable for:
 - (a) an adverse reaction suffered by the student as a result of having the sunscreen applied; or
 - (b) discontinuing the application of the sunscreen at any time.

Amended by Chapter 354, 2020 General Session

53G-9-209 Child abuse or neglect reporting requirement.

- (1) As used in this section:
 - (a) "Educational neglect" means the same as that term is defined in Section 80-1-102.
 - (b) "School personnel" means the same as that term is defined in Section 53G-9-203.
- (2) School personnel shall comply with the child abuse and neglect reporting requirements described in Section 80-2-602.
- (3) When school personnel have reason to believe that a child may be subject to educational neglect, school personnel shall submit the report described in Subsection 53G-6-202(8) to the Division of Child and Family Services.
- (4) When school personnel have reason to believe that a child is subject to both educational neglect and another form of neglect or abuse, school personnel may not wait to report the other form of neglect or abuse pending preparation of a report regarding educational neglect.
- (5) School personnel shall cooperate with the Division of Child and Family Services and share all information with the division that is relevant to the division's investigation of an allegation of abuse or neglect.

Amended by Chapter 335, 2022 General Session

53G-9-210 Requirement for in-person instruction -- Test to stay programs -- Face coverings.

- (1) As used in this section:
 - (a) "Case threshold" means as applicable, the number of students in a school, or percentage of students in a school who meet the conditions described in Subsection (3).
 - (b) "COVID-19" means:
 - (i) severe acute respiratory syndrome coronavirus 2; or
 - (ii) the disease caused by severe acute respiratory syndrome coronavirus 2.

- (c) "Estimated incubation period" means a period of time that the Department of Health and Human Services identifies as the number of days between exposure and symptom onset for a given variant of COVID-19.
 - (d) "Extracurricular activity" means the same as that term is defined in Section 53G-7-501.
 - (e) "Face covering" means a mask, shield, or other device that is intended to be worn in a manner to cover the mouth, nose, or face to prevent the spread of COVID-19.
 - (f) "In-person instruction" means instruction offered by a school that allows a student to choose to attend school in-person at least four days per week if the student:
 - (i) is enrolled in a school that is not implementing a test to stay program; or
 - (ii)
 - (A) is enrolled in a school that is implementing a test to stay program; and
 - (B) meets the test to stay program's criteria for attending school in person.
 - (g) "Local Education Agency" or LEA means:
 - (i) a school district;
 - (ii) a charter school, other than an online-only charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (h) "School" means a school other than an online-only charter school or an online-only public school.
 - (i) "Remote learning" means learning that occurs through technology that provides synchronous and asynchronous learning experiences that maximize student learning and instructional time.
 - (j) "Test to stay program" means a program through which an LEA provides testing for COVID-19 for students during an outbreak of COVID-19 at a school in order to:
 - (i) identify cases of COVID-19; and
 - (ii) allow individuals to attend school in person who:
 - (A) test negative for COVID-19 during the test to stay program; or
 - (B) are cleared to return to school after the estimated incubation period.
- (2)
- (a) An LEA shall:
 - (i) except as provided in Subsection (2)(b), beginning on March 22, 2021, ensure that a school offers in-person instruction; and
 - (ii) if the determination described in Subsection (2)(c) has been made, require a school that reaches the case threshold to:
 - (A) fulfill the requirement described in Subsection (2)(a)(i) by initiating a test to stay program for the school; and
 - (B) provide a remote learning option for students who do not wish to attend in person.
 - (b) Beginning January 31, 2022, the requirement to provide in-person instruction described in Subsection (2)(a) does not apply for a temporary period of remote learning within an LEA or a given school within an LEA if:
 - (i) the COVID-19 case rates within one or more schools within the LEA have surpassed the case threshold;
 - (ii) the local governing board requests application of the exception by delivering to the governor, the president of the Senate, the speaker of the House of Representatives, and the state superintendent of public instruction a letter that details:
 - (A) information regarding the case threshold requirement described in Subsection (2)(b)(i);
 - (B) the local governing board's assessment that due to public health emergency circumstances within the LEA or given school, the risks related to in-person instruction temporarily outweigh the value of in-person instruction;

- (C) a public meeting of the local governing board in which the board voted to request the exception described in this Subsection (2)(b);
- (D) a specific and temporary period of time for which the local governing board seeks a pivot to remote learning within the LEA or given school; and
- (E) the measures the local governing board will implement for the LEA or given school to return to in-person learning following the identified temporary remote learning period; and
- (iii) the governor, the president of the Senate, the speaker of the House of Representatives, and the state superintendent of public instruction jointly confer and approve, or approve with modifications, the request described in Subsection (2)(b)(i).
- (c) The requirement to initiate a test to stay program described in Subsection (2)(a)(ii) only applies if, in consultation with the Department of Health and Human Services, the governor, the president of the Senate, the speaker of the House of Representatives, and the state superintendent of public instruction jointly determine that a variant of COVID-19 currently affecting the public education system is of a type that testing and isolation under a test to stay program would be effective in mitigating the harmful public health effects of the variant.
- (3)
 - (a) For purposes of determining whether a school has reached the school's case threshold, a student is included in positive cases for the school if the student:
 - (i) within the preceding number of days equal to the estimated incubation period:
 - (A) attended at least some in-person instruction at the school; and
 - (B) tested positive for COVID-19; and
 - (ii) did not receive the student's positive COVID-19 test results through regular periodic testing required to participate in LEA-sponsored athletics or another LEA-sponsored extracurricular activity.
 - (b)
 - (i) A school with 1,500 or more students meets the case threshold if at least 2% of the school's students meet the conditions described in Subsection (3)(a).
 - (ii) A school with fewer than 1,500 students meets the case threshold if 30 or more of the school's students meet the conditions described in Subsection (3)(a).
- (4)
 - (a) An LEA may not test a student for COVID-19 who is younger than 18 years old without the consent of the student's parent.
 - (b) An LEA may seek advance consent from a student's parent for future testing for COVID-19.
- (5) An LEA, an LEA governing board, the state board, the state superintendent, or a school may not require an individual to wear a face covering to attend or participate in in-person instruction, LEA-sponsored athletics, or another LEA-sponsored extracurricular activity, or in any other place on the campus of a school or school facility after the end of the 2020-2021 school year.

Amended by Chapter 5, 2022 General Session

53G-9-211 Therapy animal handling -- Policy.

- (1) As used in this section:
 - (a) "Animal-assisted intervention" means an intervention designed to promote improvement in an individual's physical, social, emotional, or cognitive functioning through interactions with a specially trained animal.
 - (b) "Local education agency" means a school district or charter school.
 - (c)
 - (i) "Therapy animal" means an animal that:

- (A) provides affection and comfort to an individual for emotional support;
 - (B) is accompanied by a therapy animal handler; and
 - (C) is trained to provide animal-assisted intervention.
 - (ii) "Therapy animal" does not include a service animal or support animal as those terms are defined in Section 26B-6-801.
 - (d) "Therapy animal handler" means an individual who is trained to handle a therapy animal for animal-assisted interventions.
- (2)
- (a) If a school within a local education agency provides animal-assisted interventions through therapy animals, the local education agency shall adopt a policy for proper handling of a therapy animal on school grounds.
 - (b) The policy described in Subsection (2)(a) shall include:
 - (i) local or national certification or registration requirements for a therapy animal and therapy animal handler;
 - (ii) guidelines for when a therapy animal and therapy animal handler are allowed on school grounds;
 - (iii) notice requirements for parents, students, and school faculty and staff regarding the use of a therapy animal on school grounds; and
 - (iv) guidelines to prevent students and staff who have an animal allergy or are uncomfortable around animals from interacting with a therapy animal on school grounds.
- (3) This section does not require a school to allow the use of a therapy animal.

Amended by Chapter 328, 2023 General Session

53G-9-212 Drinking water quality in schools.

A school, as defined in Section 19-4-115, shall comply with Section 19-4-115.

Enacted by Chapter 194, 2022 General Session

53G-9-213 Seizure awareness.

- (1)
- (a) Beginning with the 2022-23 school year, an LEA shall provide, as described in Subsection (1)(b) and subject to Subsection (3), training to:
 - (i) a teacher who teaches a student who has informed the student's school or teacher that the student has epilepsy or a similar seizure disorder; and
 - (ii) an administrator at the school where the student described in Subsection (1)(a)(i) attends.
 - (b) The training shall:
 - (i) be offered once every three years; and
 - (ii) include:
 - (A) recognizing signs and symptoms of seizures; and
 - (B) appropriate steps for seizure first aid.
- (2) Beginning with the 2023-24 school year, an LEA shall provide, as described in Subsection (1)(b) and subject to Subsection (3), training to administrators, teachers, classroom aides, and other individuals who interact with or supervise students.
- (3)
- (a) The state board shall adopt guidelines for the training described in Subsections (1)(a) and (2).

- (b) The guidelines shall be consistent with programs and guidelines developed by the Epilepsy Foundation of America or another national nonprofit organization that supports individuals with epilepsy and seizure disorders.
- (4) A training offered under this section may not require a person to provide first aid to a student experiencing or showing symptoms of a seizure.

Amended by Chapter 86, 2024 General Session

53G-9-214 Individual privacy -- Personal modesty.

(1) As used in this section:

- (a)
 - (i) "Changing facility" means a room in which two or more individuals may be in a state of undress in the presence of others.
 - (ii) "Changing facility" includes a dressing room, fitting room, locker room, changing room, or shower room.
- (b) "Full nudity" means that an individual's genitalia, female breast below the top of the areola, buttocks, anus, or pubic area is completely exposed.
- (c) "Partial nudity" means that an individual's pubic region or chest are less than completely covered.
- (d) "Restroom" means a room that includes one or more toilets or urinals.
- (e) "Single-occupant facility" means a restroom or changing facility:
 - (i) with floor-to-ceiling walls;
 - (ii) with an entirely encased and locking door; and
 - (iii) that is designated for single occupancy.
- (2) Each student in the public education system has a reasonable expectation of individual privacy and personal modesty.
- (3) In accordance with Subsection (2), an LEA may not require, invite, or encourage a student to undress, change clothing, or otherwise be in a state of full or partial nudity in the presence of another individual, regardless of whether:
 - (a) the student is in a restroom or changing facility; or
 - (b) the other individual is an employee of the LEA.
- (4)
 - (a) An LEA is presumed to comply with Subsection (3) if the LEA ensures the availability of the following for students who choose to undress or change clothing in private:
 - (i) single-occupant facilities;
 - (ii) floor-to-ceiling walls and doors or similar privacy protections within changing facilities; or
 - (iii) curtains or similar privacy protections in changing facilities.
 - (b) Nothing in this section requires an LEA to make available a specific privacy accommodation described in Subsection (4)(a).

Enacted by Chapter 313, 2025 General Session

53G-9-215 Health care services in public schools.

Except as provided in Part 9, Mental Health Services in Public Schools, before a health care provider, as defined in Section 58-80a-102, may provide or facilitate a health care service in a public school that is not traditionally available to a student in a public school, the health care provider shall obtain the informed written or verbal consent of the student's parent for the health care service.

Enacted by Chapter 380, 2025 General Session

Part 3

Immunization Requirements

53G-9-301 Definitions.

As used in this part:

- (1) "Department" means the Department of Health and Human Services created in Section 26B-1-201.
- (2) "Health official" means an individual designated by a local health department from within the local health department to consult and counsel parents and licensed health care providers, in accordance with Subsection 53G-9-304(2)(a).
- (3) "Health official designee" means a licensed health care provider designated by a local health department, in accordance with Subsection 53G-9-304(2)(b), to consult with parents, licensed health care professionals, and school officials.
- (4) "Immunization" or "immunize" means a process through which an individual develops an immunity to a disease, through vaccination or natural exposure to the disease.
- (5) "Immunization record" means a record relating to a student that includes:
 - (a) information regarding each required vaccination that the student has received, including the date each vaccine was administered, verified by:
 - (i) a licensed health care provider;
 - (ii) an authorized representative of a local health department;
 - (iii) an authorized representative of the department;
 - (iv) a registered nurse; or
 - (v) a pharmacist;
 - (b) information regarding each disease against which the student has been immunized by previously contracting the disease; and
 - (c) an exemption form identifying each required vaccination from which the student is exempt, including all required supporting documentation described in Section 53G-9-303.
- (6) "Legally responsible individual" means:
 - (a) a student's parent;
 - (b) the student's legal guardian;
 - (c) an adult brother or sister of a student who has no legal guardian; or
 - (d) the student, if the student:
 - (i) is an adult; or
 - (ii) is a minor who may consent to treatment under Section 26B-4-321.
- (7) "Licensed health care provider" means a health care provider who is licensed under Title 58, Occupations and Professions, as:
 - (a) a medical doctor;
 - (b) an osteopathic doctor;
 - (c) a physician assistant; or
 - (d) an advanced practice registered nurse.
- (8) "Local health department" means the same as that term is defined in Section 26A-1-102.
- (9) "Required vaccines" means vaccines required by department rule described in Section 53G-9-305.
- (10)

- (a) "School" means any public or private:
 - (i) elementary or secondary school through grade 12;
 - (ii) preschool;
 - (iii) child care program, as that term is defined in Section 26B-2-401;
 - (iv) nursery school; or
 - (v) kindergarten.
- (b) "School" does not include a:
 - (i) home school;
 - (ii) home-based microschool; or
 - (iii) micro-education entity.
- (11) "Student" means an individual who attends a school.
- (12) "Vaccinating" or "vaccination" means the administration of a vaccine.
- (13) "Vaccination exemption form" means a form, described in Section 53G-9-304, that documents and verifies that a student is exempt from the requirement to receive one or more required vaccines.
- (14) "Vaccine" means the substance licensed for use by the United States Food and Drug Administration that is injected into or otherwise administered to an individual to immunize the individual against a communicable disease.

Amended by Chapter 464, 2024 General Session

53G-9-302 Immunization required -- Exception -- Weighted pupil unit funding.

- (1) A student may not attend a school unless:
 - (a) the school receives an immunization record from the legally responsible individual of the student, the student's former school, or a statewide registry that shows:
 - (i) that the student has received each vaccination required by the department under Section 53G-9-305; or
 - (ii) for any required vaccination that the student has not received, that the student:
 - (A) has immunity against the disease for which the vaccination is required, because the student previously contracted the disease as documented by a health care provider, as that term is defined in Section 78B-3-103; or
 - (B) is exempt from receiving the vaccination under Section 53G-9-303;
 - (b) the student qualifies for conditional enrollment under Section 53G-9-308; or
 - (c) the student:
 - (i) is a student, as defined in Section 53E-3-903; and
 - (ii) complies with the immunization requirements for military children under Section 53E-3-905.
- (2) An LEA may not receive weighted pupil unit money for a student who is not permitted to attend school under Subsection (1).

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-303 Grounds for exemption from required vaccines -- Renewal.

- (1) A student is exempt from the requirement to receive a vaccine required under Section 53G-9-305 if the student qualifies for a medical or personal exemption from the vaccination under Subsection (2) or (3).
- (2) A student qualifies for a medical exemption from a vaccination required under Section 53G-9-305 if the student's legally responsible individual provides to the student's school:
 - (a) a completed vaccination exemption form; and

- (b) a written notice signed by a licensed health care provider stating that, due to the physical condition of the student, administration of the vaccine would endanger the student's life or health.
- (3) A student qualifies for a personal exemption from a vaccination required under Section 53G-9-305 if the student's legally responsible individual provides to the student's school a completed vaccination exemption form, stating that the student is exempt from the vaccination because of a personal or religious belief.
- (4) A vaccination exemption form that an individual submits under this section remains:
 - (a) valid for as long as the student remains enrolled in the public education system; and
 - (b) part of the student's permanent school record, including if the student transfers schools, in accordance with Section 53G-9-306.
- (5) An LEA that offers both remote and in-person learning options may not deny a student who is exempt from a requirement to receive a vaccine under Subsection (1) to participate in an in-person learning option based upon the student's vaccination status.
- (6) Nothing in this section restricts a state or local health department from acting under applicable law to contain the spread of an infectious disease.

Amended by Chapter 371, 2025 General Session

53G-9-304 Vaccination exemption form.

- (1) The department shall:
 - (a) develop a vaccination exemption form that includes only the following information:
 - (i) identifying information regarding:
 - (A) the student to whom an exemption applies; and
 - (B) the legally responsible individual who claims the exemption for the student and signs the vaccination exemption form;
 - (ii) an indication regarding the vaccines to which the exemption relates;
 - (iii) a statement that the claimed exemption is for:
 - (A) a medical reason; or
 - (B) a personal or religious belief; and
 - (iv) an explanation of the requirements, in the event of an outbreak of a disease for which a required vaccine exists, for a student who:
 - (A) has not received the required vaccine; and
 - (B) is not otherwise immune from the disease; and
 - (b) provide the vaccination exemption form created in this Subsection (1) to local health departments.
- (2)
 - (a) Each local health department shall designate one or more individuals from within the local health department as a health official to consult, regarding the requirements of this part, with:
 - (i) parents, upon the request of parents;
 - (ii) school principals and administrators; and
 - (iii) licensed health care providers.
 - (b) A local health department may designate a licensed health care provider as a health official designee to provide the services described in Subsection (2)(a).
- (3)
 - (a) To receive a vaccination exemption form described in Subsection (1), a legally responsible individual shall complete the online education module described in Section 26B-7-118, permitting an individual to:

- (i) complete any requirements online; and
 - (ii) download and print the vaccine exemption form immediately upon completion of the requirements.
- (b) A legally responsible individual may decline to take the online education module and obtain a vaccination exemption form from a local health department if the individual:
 - (i) requests and receives an in-person consultation at a local health department from a health official or a health official designee regarding the requirements of this part; and
 - (ii) pays any fees established under Subsection (4)(b).
- (4)
 - (a) Neither the department nor any other person may charge a fee for the exemption form offered through the online education module in Subsection (3)(a).
 - (b) A local health department may establish a fee of up to \$25 to cover the costs of providing an in-person consultation.

Amended by Chapter 328, 2023 General Session

53G-9-305 Regulations of department.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules regarding:
 - (a) which vaccines are required as a condition of attending school;
 - (b) the manner and frequency of the vaccinations; and
 - (c) the vaccination exemption form described in Section 53G-9-304.
- (2) The department shall ensure that the rules described in Subsection (1):
 - (a) conform to recognized standard medical practices; and
 - (b) require schools to report to the department statistical information and names of students who are not in compliance with Section 53G-9-302.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-9-306 Immunization record part of student's record -- School review process at enrollment -- Transfer.

- (1) Each school:
 - (a) shall request an immunization record for each student at the time the student enrolls in the school;
 - (b) may not charge a fee related to receiving or reviewing an immunization record or a vaccination exemption form; and
 - (c) shall retain an immunization record for each enrolled student as part of the student's permanent school record.
- (2)
 - (a) Within five business days after the day on which a student enrolls in a school, an individual designated by the school principal or administrator shall:
 - (i) determine whether the school has received an immunization record for the student;
 - (ii) review the student's immunization record to determine whether the record complies with Subsection 53G-9-302(1); and
 - (iii) identify any deficiencies in the student's immunization record.
 - (b) If the school has not received a student's immunization record or there are deficiencies in the immunization record, the school shall:
 - (i) place the student on conditional enrollment, in accordance with Section 53G-9-308; and

- (ii) within five days after the day on which the school places the student on conditional enrollment, provide the notice described in Subsection 53G-9-308(3).
- (3) A school from which a student transfers shall provide the student's immunization record to the student's new school:
 - (a) upon request of the student's legally responsible individual; or
 - (b) if the school has not transferred the record upon a request under Subsection (3)(a), when the school transfers any of the student's records to the new school.

Amended by Chapter 371, 2025 General Session

53G-9-308 Conditional enrollment -- Suspension for noncompliance -- Procedure.

- (1) As used in this section:
 - (a) "Enroller" means the same as that term is defined in Section 53G-6-603.
 - (b) "Newcomer student" means the same as that term is defined in Section 53E-3-524.
 - (c) "Social service provider" means the same as that term is defined in Section 53E-3-524.
- (2) A student for whom a school has not received a complete immunization record may attend the school on a conditional enrollment:
 - (a) during the period in which the student's immunization record is under review by the school; or
 - (b) for 30 calendar days after the day on which the school provides the notice described in Subsection (3).
- (3)
 - (a) Within five days after the day on which a school places a student on conditional enrollment, the school shall provide notice to the enroller that:
 - (i) the school has placed the student on conditional enrollment for failure to comply with the requirements of Subsection 53G-9-302(1);
 - (ii) describes the identified deficiencies in the student's immunization record or states that the school has not received an immunization record for the student;
 - (iii) gives notice that the student will not be allowed to attend school unless the legally responsible individual cures the deficiencies, or provides an immunization record that complies with Subsection 53G-9-302(1), within the conditional enrollment period described in Subsection (2)(b); and
 - (iv) describes the process for obtaining a required vaccination.
 - (b) The school shall deliver the notice described in Subsection (3)(a):
 - (i) when possible, in the enroller's preferred language; and
 - (ii) using one of the following methods of delivery, as determined by mutual agreement between the school and the enroller:
 - (A) written notice delivered in person;
 - (B) written notice by mail;
 - (C) written notice by email or other electronic means; or
 - (D) by telephone, including voicemail.
- (4) A school shall remove the conditional enrollment status from a student after the school receives an immunization record for the student that complies with Subsection 53G-9-302(1).
- (5) Except as provided in Subsection (6), at the end of the conditional enrollment period, a school shall prohibit a student who does not comply with Subsection 53G-9-302(1) from attending the school until the student complies with Subsection 53G-9-302(1).
- (6) A school principal or administrator:

- (a) shall grant an additional extension of the conditional enrollment period, if the extension is necessary to complete all required vaccination dosages, for a time period medically recommended to complete all required vaccination dosages; and
- (b) may grant an additional extension of the conditional enrollment period in cases of extenuating circumstances, if the school principal or administrator and one of the following agree that an additional extension will likely lead to compliance with Subsection 53G-9-302(1):
 - (i) a school nurse;
 - (ii) a health official; or
 - (iii) a health official designee, including:
 - (A) a social service provider; or
 - (B) a culturally competent and trauma-informed community representative.
- (7) For purposes of Subsection (6), a newcomer student enrolling in a school for the first time is an extenuating circumstance.

Amended by Chapter 329, 2022 General Session

53G-9-309 School record of students' immunization status -- Confidentiality.

- (1) Each school shall maintain a current list of all enrolled students, noting each student:
 - (a) for whom the school has received a valid and complete immunization record;
 - (b) who is exempt from receiving a required vaccine; and
 - (c) who is allowed to attend school under Section 53G-9-308.
- (2) Each school shall ensure that the list described in Subsection (1) specifically identifies each disease against which a student is not immunized.
- (3) Upon the request of an official from a local health department in the case of a disease outbreak, a school principal or administrator shall:
 - (a) notify the legally responsible individual of any student who is not immune to the outbreak disease, providing information regarding steps the legally responsible individual may take to protect students;
 - (b) identify each student who is not immune to the outbreak disease; and
 - (c) for a period determined by the local health department not to exceed the duration of the disease outbreak, do one of the following at the discretion of the school principal or administrator after obtaining approval from the local health department:
 - (i) provide a separate educational environment for the students described in Subsection (3)
 - (b) that ensures the protection of the students described in Subsection (3)(b) as well as the protection of the remainder of the student body; or
 - (ii) prevent each student described in Subsection (3)(b) from attending school.
- (4) A name appearing on the list described in Subsection (1) is subject to confidentiality requirements described in Section 26B-1-212 and Section 53E-9-202.

Amended by Chapter 255, 2022 General Session

Part 4
Health Examinations

53G-9-401 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-402 Rules for examinations prescribed by the Department of Health and Human Services -- Notification of impairment.

- (1)
 - (a) Each local school board shall implement policies as prescribed by the Department of Health and Human Services for vision, dental, abnormal spinal curvature, and hearing examinations of students attending the district's schools.
 - (b) Under guidelines of the Department of Health and Human Services, qualified health professionals shall provide instructions, equipment, and materials for conducting the examinations.
 - (c) The policies shall include exemption provisions for students whose parents contend the examinations violate their personal beliefs.
- (2) The school shall notify, in writing, a student's parent of any impairment disclosed by the examinations.

Amended by Chapter 328, 2023 General Session

53G-9-403 Personnel to perform health examination.

A local school board may use teachers or school nurses to conduct examinations required under this part and licensed physicians or physician assistants as needed for medical consultation related to those examinations.

Amended by Chapter 113, 2024 General Session

53G-9-404 Public education vision screening.

- (1) As used in this section:
 - (a) "Health care professional" means an individual licensed under:
 - (i) Title 58, Chapter 16a, Utah Optometry Practice Act;
 - (ii) Title 58, Chapter 31b, Nurse Practice Act, if the individual is licensed for the practice of advance practice registered nursing, as defined in Section 58-31b-102;
 - (iii) Title 58, Chapter 42a, Occupational Therapy Practice Act;
 - (iv) Title 58, Chapter 67, Utah Medical Practice Act;
 - (v) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - (vi) Title 58, Chapter 70a, Utah Physician Assistant Act.
 - (b) "Qualifying child" means a child who:
 - (i) attends an LEA;
 - (ii) is at least three years old; and
 - (iii) is not yet 16 years old.
 - (c) "Tier one vision screening" means a lower-level evaluation of an individual's vision, as determined by Department of Health and Human Services rule.
 - (d) "Tier two vision screening" means an individual, higher-level evaluation of an individual's vision, as determined by Department of Health and Human Services rule.
- (2) The Department of Health and Human Services shall oversee public education vision screening, as described in this section.
- (3) A child who is less than nine years old and has not yet attended public school in the state shall, before attending a public school in the state, provide:

- (a) a completed vision screening form, described in Subsection (5)(a)(i), that is signed by a health care professional; or
- (b) a written statement signed by a parent that the child will not be screened before attending public school in the state.
- (4) The Department of Health and Human Services shall prepare and provide:
 - (a) training for a school nurse who supervises an LEA tier one vision screening clinic; and
 - (b) an online training module for a potential volunteer for an LEA tier one vision screening clinic.
- (5)
 - (a) The Department of Health and Human Services shall provide a template for:
 - (i) a form for use by a health care professional under Subsection (3)(a) to certify that a child has received an adequate vision screening; and
 - (ii) a referral form used for the referral and follow up of a qualifying child after a tier one or tier two vision screening.
 - (b) A template described in Subsection (5)(a) shall include the following statement: "A screening is not a substitute for a complete eye exam and vision evaluation by an eye doctor."
- (6) The Department of Health and Human Services shall make rules to:
 - (a) generally provide for and require the administration of tier one vision screening in accordance with this section, including an opt-out process;
 - (b) describe standards and procedures for tier one vision screening, including referral and follow up protocols and reporting a student's significant vision impairment results to the Utah Schools for the Deaf and the Blind;
 - (c) outline the qualifications of and parameters for the use of an outside entity to supervise an LEA tier one vision screening clinic when an LEA does not have a school nurse to supervise an LEA tier one vision screening clinic;
 - (d) determine when a potential volunteer at an LEA tier one vision screening clinic has a conflict of interest, including if the potential volunteer could profit financially from volunteering;
 - (e) determine the regularity of tier one vision screening in order to ensure that a qualifying child receives tier one vision screening at particular intervals; and
 - (f) provide for tier two vision screening for a qualifying child, including:
 - (i) in coordination with the state board, determining mandatory and optional tier two vision screening for a qualifying child;
 - (ii) identification of and training for an individual who provides tier two vision screening;
 - (iii)
 - (A) the creation of a symptoms questionnaire that includes questions for a nonprofessionally trained individual to identify an eye focusing or tracking problem as well as convergence insufficiency of a qualifying child; and
 - (B) protocol on how to administer the symptoms questionnaire in coordination with tier two vision screening;
 - (iv) general standards, procedures, referral, and follow up protocol; and
 - (v) aggregate reporting requirements.
- (7)
 - (a) In accordance with Department of Health and Human Services oversight and rule and Subsection (7)(b), an LEA shall conduct free tier one vision screening clinics for all qualifying children who attend the LEA or a school within the LEA.
 - (b) If the parent of a qualifying child requests that the qualifying child not participate in a tier one or tier two vision screening, an LEA may not require the qualifying child to receive the tier one or tier two vision screening.
- (8)

- (a) Except as provided in Subsection (8)(b), a school nurse shall supervise an LEA tier one vision screening clinic as well as provide referral and followup services.
 - (b) If an LEA does not have a school nurse to supervise an LEA tier one vision screening clinic, an LEA may, in accordance with Department of Health and Human Services rule, use an outside entity to supervise an LEA tier one vision screening clinic.
- (9)
- (a) An LEA shall ensure that a volunteer who assists with an LEA tier one vision screening clinic:
 - (i)
 - (A) is trained by a school nurse; or
 - (B) demonstrates successful completion of the training module described in Subsection (4)(b);
 - (ii) complies with the requirements of Subsection (9)(c); and
 - (iii) is supervised by a school nurse or, in accordance with Subsection (8)(b), an outside entity.
 - (b) In accordance with Department of Health and Human Services rule, an LEA may exclude a person from volunteering at an LEA tier one vision screening clinic if the person has a conflict of interest, including if the person could profit financially from volunteering.
 - (c) A volunteer who assists with an LEA tier one vision screening clinic may not market, advertise, or promote a business in connection with assisting at the LEA tier one vision screening clinic.
 - (d) A volunteer who assists with an LEA tier one vision screening clinic is not liable for damages that result from an act or omission related to the LEA tier one vision screening clinic, if the act or omission is not willful or grossly negligent.

Amended by Chapter 328, 2023 General Session

Part 5

Administration of Medication

53G-9-501 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-502 Administration of medication to students -- Prerequisites -- Immunity from liability -- Applicability.

- (1) A public or private school that holds any classes in grades kindergarten through 12 may provide for the administration of medication, including epinephrine nasal spray as that term is defined in Section 26B-4-401, to any student during periods when the student is under the control of the school, subject to the following conditions:
 - (a) the local school board, charter school governing board, or the private equivalent, after consultation with the Department of Health and Human Services and school nurses shall adopt policies that provide for:
 - (i) the designation of volunteer employees who may administer medication;
 - (ii) proper identification and safekeeping of medication;
 - (iii) the training of designated volunteer employees by the school nurse;
 - (iv) maintenance of records of administration; and
 - (v) notification to the school nurse of medication that will be administered to students; and

- (b) medication may only be administered to a student if:
 - (i) the student's parent has provided a current written and signed request that medication be administered during regular school hours to the student; and
 - (ii) the student's licensed health care provider has prescribed the medication and provides documentation as to the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.
- (2) Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent.
- (3) School personnel who provide assistance under Subsection (1) in substantial compliance with the licensed health care provider's written prescription and the employers of these school personnel are not liable, civilly or criminally, for:
 - (a) any adverse reaction suffered by the student as a result of taking the medication; and
 - (b) discontinuing the administration of the medication under Subsection (2).
- (4) Subsections (1) through (3) do not apply to:
 - (a) the administration of glucagon in accordance with Section 53G-9-504;
 - (b) the administration of a seizure rescue medication in accordance with Section 53G-9-505;
 - (c) the administration of an opiate antagonist in accordance with Title 26B, Chapter 4, Part 5, Treatment Access; or
 - (d) the administration of an adrenal insufficiency medication in accordance with Section 53G-9-507.

Amended by Chapter 122, 2025 General Session

53G-9-504 Administration of glucagon -- Training of volunteer school personnel -- Authority to use glucagon -- Immunity from liability.

- (1) As used in this section, "glucagon authorization" means a signed statement from a parent of a student with diabetes:
 - (a) certifying that glucagon has been prescribed for the student;
 - (b) requesting that the student's public school identify and train school personnel who volunteer to be trained in the administration of glucagon in accordance with this section; and
 - (c) authorizing the administration of glucagon in an emergency to the student in accordance with this section.
- (2)
 - (a) A public school shall, within a reasonable time after receiving a glucagon authorization, train two or more school personnel who volunteer to be trained in the administration of glucagon, with training provided by the school nurse or another qualified, licensed medical professional.
 - (b) A public school shall allow all willing school personnel to receive training in the administration of glucagon, and the school shall assist and may not obstruct the identification or training of volunteers under this Subsection (2).
 - (c) The Utah Department of Health, in cooperation with the state superintendent, shall design a glucagon authorization form to be used by public schools in accordance with this section.
- (3)
 - (a) Training in the administration of glucagon shall include:
 - (i) techniques for recognizing the symptoms that warrant the administration of glucagon;
 - (ii) standards and procedures for the storage and use of glucagon;
 - (iii) other emergency procedures, including calling the emergency 911 number and contacting, if possible, the student's parent; and

- (iv) written materials covering the information required under this Subsection (3).
- (b) A school shall retain for reference the written materials prepared in accordance with Subsection (3)(a)(iv).
- (4) A public school shall permit a student or school personnel to possess or store prescribed glucagon so that it will be available for administration in an emergency in accordance with this section.
- (5)
 - (a) A person who has received training in accordance with this section may administer glucagon at a school or school activity to a student with a glucagon authorization if:
 - (i) the student is exhibiting the symptoms that warrant the administration of glucagon; and
 - (ii) a licensed health care professional is not immediately available.
 - (b) A person who administers glucagon in accordance with Subsection (5)(a) shall direct a responsible person to call 911 and take other appropriate actions in accordance with the training materials retained under Subsection (3)(b).
- (6) School personnel who provide or receive training under this section and act in good faith are not liable in any civil or criminal action for any act taken or not taken under the authority of this section with respect to the administration of glucagon.
- (7) Section 53G-9-502 does not apply to the administration of glucagon in accordance with this section.
- (8) Section 53G-8-205 does not apply to the possession and administration of glucagon in accordance with this section.
- (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health professional under Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist who, in good faith, trains nonlicensed volunteers to administer glucagon in accordance with this section.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 349, 2019 General Session

53G-9-505 Trained school employee volunteers -- Administration of seizure rescue medication -- Exemptions from liability.

- (1) As used in this section:
 - (a) "Prescribing health care professional" means:
 - (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;
 - (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act; or
 - (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.
 - (b) "Seizure rescue authorization" means a student's individualized healthcare plan that:
 - (i) certifies that:
 - (A) a prescribing health care professional has prescribed a seizure rescue medication for the student;
 - (B) the student's parent has previously administered the student's seizure rescue medication in a nonmedically-supervised setting without a complication; and
 - (C) the student has previously ceased having full body prolonged or convulsive seizure activity as a result of receiving the seizure rescue medication;

- (ii) describes the specific seizure rescue medication authorized for the student, including the indicated dose, and instructions for administration;
 - (iii) requests that the student's public school identify and train school employees who are willing to volunteer to receive training to administer a seizure rescue medication in accordance with this section; and
 - (iv) authorizes a trained school employee volunteer to administer a seizure rescue medication in accordance with this section.
- (c)
 - (i) "Seizure rescue medication" means a medication, prescribed by a prescribing health care professional, to be administered as described in a student's seizure rescue authorization, while the student experiences seizure activity.
 - (ii) A seizure rescue medication does not include a medication administered intravenously or intramuscularly.
- (d) "Trained school employee volunteer" means an individual who:
 - (i) is an employee of a public school where at least one student has a seizure rescue authorization;
 - (ii) is at least 18 years old; and
 - (iii) as described in this section:
 - (A) volunteers to receive training in the administration of a seizure rescue medication;
 - (B) completes a training program described in this section;
 - (C) demonstrates competency on an assessment; and
 - (D) completes annual refresher training each year that the individual intends to remain a trained school employee volunteer.
- (2)
 - (a) The Department of Health and Human Services shall, with input from the state board and a children's hospital, develop a training program for trained school employee volunteers in the administration of seizure rescue medications that includes:
 - (i) techniques to recognize symptoms that warrant the administration of a seizure rescue medication;
 - (ii) standards and procedures for the storage of a seizure rescue medication;
 - (iii) procedures, in addition to administering a seizure rescue medication, in the event that a student requires administration of the seizure rescue medication, including:
 - (A) calling 911; and
 - (B) contacting the student's parent;
 - (iv) an assessment to determine if an individual is competent to administer a seizure rescue medication;
 - (v) an annual refresher training component; and
 - (vi) written materials describing the information required under this Subsection (2)(a).
 - (b) A public school shall retain for reference the written materials described in Subsection (2)(a)(vi).
 - (c) The following individuals may provide the training described in Subsection (2)(a):
 - (i) a school nurse; or
 - (ii) a licensed health care professional.
- (3)
 - (a) A public school shall, after receiving a seizure rescue authorization:
 - (i) inform school employees of the opportunity to be a school employee volunteer; and
 - (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who volunteers, using the training program described in Subsection (2)(a).

- (b) A public school may not:
 - (i) obstruct the identification or training of a trained school employee volunteer; or
 - (ii) compel a school employee to become a trained school employee volunteer.
- (4) A trained school employee volunteer may possess or store a prescribed rescue seizure medication, in accordance with this section.
- (5) A trained school employee volunteer may administer a seizure rescue medication to a student with a seizure rescue authorization if:
 - (a) the student is exhibiting a symptom, described on the student's seizure rescue authorization, that warrants the administration of a seizure rescue medication; and
 - (b) a licensed health care professional is not immediately available to administer the seizure rescue medication.
- (6) A trained school employee volunteer who administers a seizure rescue medication shall direct an individual to call 911 and take other appropriate actions in accordance with the training described in Subsection (2).
- (7) A trained school employee volunteer who administers a seizure rescue medication in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section.
- (8) Section 53G-9-502 does not apply to the administration of a seizure rescue medication.
- (9) Section 53G-8-205 does not apply to the possession of a seizure rescue medication in accordance with this section.
- (10)
 - (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health care professional under Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist for, in good faith, training a nonlicensed school employee who volunteers to administer a seizure rescue medication in accordance with this section.
 - (b) Allowing a trained school employee volunteer to administer a seizure rescue medication in accordance with this section does not constitute unlawful or inappropriate delegation under Title 58, Occupations and Professions.

Amended by Chapter 309, 2024 General Session

53G-9-506 Diabetes medication -- Possession -- Self-administration.

- (1) As used in this section, "diabetes medication" means prescription or nonprescription medication used to treat diabetes, including related medical devices, supplies, and equipment used to treat diabetes.
- (2) A public school shall permit a student to possess or possess and self-administer diabetes medication if:
 - (a) the student's parent signs a statement:
 - (i) authorizing the student to possess or possess and self-administer diabetes medication; and
 - (ii) acknowledging that the student is responsible for, and capable of, possessing or possessing and self-administering the diabetes medication; and
 - (b) the student's health care provider provides a written statement that states:
 - (i) it is medically appropriate for the student to possess or possess and self-administer diabetes medication and the student should be in possession of diabetes medication at all times; and
 - (ii) the name of the diabetes medication prescribed or authorized for the student's use.

- (3) The Utah Department of Health, in cooperation with the state superintendent, shall design forms to be used by public schools for the parental and health care provider statements described in Subsection (2).
- (4) Section 53G-8-205 does not apply to the possession and self-administration of diabetes medication in accordance with this section.

Amended by Chapter 293, 2019 General Session

53G-9-507 Administration of adrenal insufficiency medication -- Training of school personnel -- Authority to use adrenal insufficiency medication -- Immunity from liability.

(1) As used in this section:

- (a) "Adrenal crisis" means a sudden, severe worsening of symptoms associated with adrenal insufficiency, including vomiting, diarrhea, dehydration, low blood pressure, or loss of consciousness, or severe pain in the lower back, abdomen or legs.
- (b) "Adrenal crisis rescue authorization" means a student's individualized healthcare plan that:
 - (i) certifies that a prescribing health care professional has prescribed an adrenal crisis rescue medication for the student;
 - (ii) describes the specific adrenal crisis rescue medication authorized for the student, including the indicated dose, and instructions for administration;
 - (iii) requests that the student's public school identify and train school employees who are willing to volunteer to receive training to administer an adrenal crisis rescue medication in accordance with this section; and
 - (iv) authorizes a trained school employee volunteer to administer an adrenal crisis rescue medication in accordance with this section.
- (c) "Adrenal crisis rescue medication" means a medication that a prescribing health care professional prescribes for administration to a student during an adrenal crisis activity as described in a student's adrenal crisis rescue authorization.
- (d) "Adrenal insufficiency" means an endocrine disorder that occurs when the adrenal glands do not adequately produce adrenal hormones.
- (e) "Prescribing health care professional" means:
 - (i) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act;
 - (ii) an osteopathic physician licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act; or
 - (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (f) "Trained school employee volunteer" means an individual who:
 - (i) is an employee of an LEA in which at least one student is enrolled who has an adrenal crisis rescue authorization;
 - (ii) is at least 18 years old; and
 - (iii) as described in this section:
 - (A) volunteers to receive training in the administration of an adrenal crisis medication;
 - (B) completes a training program described in this section;
 - (C) demonstrates competency to administer an adrenal crisis rescue medication through an assessment; and
 - (D) completes annual training during each year in which the individual intends to act as a trained school employee volunteer.

(2)

- (a) The Department of Health and Human Services shall, with input from the state board and a children's hospital, develop a training program for trained school employee volunteers in the administration of adrenal crisis rescue medication.
 - (b) A public school shall retain for reference the written materials created for the training program described in Subsection (2)(a).
- (3)
- (a) A public school shall, after receiving an adrenal crisis rescue authorization:
 - (i) inform school employees of the opportunity to be a school employee volunteer; and
 - (ii) subject to Subsection (3)(b)(ii), provide training to each school employee who volunteers, using the training described in Subsection (2)(a).
 - (b) A public school may not:
 - (i) obstruct the identification or training of a trained school employee volunteer; or
 - (ii) compel a school employee to become a trained school employee volunteer.
- (4) A trained school employee volunteer may:
- (a) possess or store a prescribed adrenal crisis rescue medication, in accordance with this section; and
 - (b) administer an adrenal crisis rescue medication to a student with an adrenal crisis rescue authorization if:
 - (i) the student exhibits a symptom, described on the student's adrenal crisis rescue authorization, that warrants the administration of an adrenal crisis rescue medication; and
 - (ii) a licensed health care professional is not immediately available to administer the adrenal crisis rescue medication.
- (5) A trained school employee volunteer who administers an adrenal crisis rescue medication shall take appropriate action in accordance with the training described in Subsection (2).
- (6) A trained school employee volunteer who administers an adrenal crisis rescue medication in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section.
- (7) Section 53G-9-502 does not apply to the administration of an adrenal crisis rescue medication.
- (8) Section 53G-8-205 does not apply to the possession of an adrenal crisis rescue medication in accordance with this section.
- (9)
- (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to an individual who is licensed as a health care professional under Title 58, Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist, for training, in good faith, a school employee who:
 - (i) volunteers to administer an adrenal crisis rescue medication in accordance with this section; and
 - (ii) is not licensed under Title 58, Occupations and Professions.
 - (b) Allowing a trained school employee volunteer to administer an adrenal crisis rescue medication in accordance with this section does not constitute unlawful or inappropriate delegation under Title 58, Occupations and Professions.

Enacted by Chapter 309, 2024 General Session

Part 6

Bullying and Hazing

53G-9-601 Definitions.

As used in this part:

- (1)
 - (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.
 - (b) A single act does not constitute abusive conduct.
- (2) "Action plan" means a process to address an incident as described in Section 53G-9-605.5.
- (3) "Bullying" means student bullying and staff bullying.
- (4) "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- (5) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- (6)
 - (a) "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
 - (i)
 - (A) endangers the mental or physical health or safety of a school employee or student;
 - (B) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - (C) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
 - (D) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
 - (ii)
 - (A) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or
 - (B) is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
 - (b) The conduct described in Subsection (6)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (7) "Incident" means an incident of bullying, cyber-bullying, hazing, or retaliation that is prohibited under this part.
- (8) "LEA governing board" means a local school board or charter school governing board.
- (9) "Policy" means an LEA governing board policy described in Section 53G-9-605.

- (10) "Public education suicide prevention coordinator" means the public education suicide prevention coordinator described in Section 53G-9-702.
- (11) "Retaliate" means an act or communication intended:
- (a) as retribution against a person for reporting bullying or hazing; or
 - (b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- (12) "School" means a public elementary or secondary school, including a charter school.
- (13) "School employee" means an individual working in the individual's official capacity as:
- (a) a school teacher;
 - (b) a school staff member;
 - (c) a school administrator; or
 - (d) an individual:
 - (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; or
 - (ii) who works on a school campus.
- (14)
- (a) "Staff bullying" means a school employee, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another school employee, or engaging in a single egregious act toward another employee involving an imbalance of power, that:
 - (i) creates an environment that a reasonable person would find hostile, threatening, or humiliating; and
 - (ii) substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.
 - (b) "Staff bullying" does not mean instances of:
 - (i) ordinary teasing, horseplay, argument, or peer conflict;
 - (ii) reasonable correction of behavior by a school employee; or
 - (iii) reasonable coaching strategies and techniques by a school employee who is a coach.
- (15)
- (a) "Student bullying" means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:
 - (i) creates an environment that a reasonable person would find hostile; and
 - (ii) interferes with a student's educational performance, opportunities, or benefits.
 - (b) "Student bullying" does not mean instances of:
 - (i) ordinary teasing, horseplay, argument, or peer conflict;
 - (ii) reasonable correction of behavior by a school employee; or
 - (iii) reasonable coaching strategies and techniques by a school employee who is a coach.
- (16) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 26B-5-611.
- (17) "State superintendent" means the state superintendent of public instruction appointed under Section 53E-3-301.

Amended by Chapter 343, 2025 General Session

53G-9-602 Bullying, hazing, and cyber-bullying prohibited.

- (1) A school employee or student may not engage in bullying a school employee or student:
- (a) on school property;
 - (b) at a school related or sponsored event;

- (c) on a school bus;
 - (d) at a school bus stop; or
 - (e) while the school employee or student is traveling to or from a location or event described in Subsections (1)(a) through (d).
- (2) A school employee or student may not engage in cyber-bullying or hazing a school employee or student at any time or in any location.

Amended by Chapter 21, 2024 General Session

53G-9-603 Retaliation and making a false allegation prohibited.

- (1) A school employee or student may not engage in retaliation against:
- (a) a school employee;
 - (b) a student; or
 - (c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.
- (2) A school employee or student may not make a false allegation of bullying, cyber-bullying, hazing, abusive conduct, or retaliation against a school employee or student.

Amended by Chapter 21, 2024 General Session

53G-9-604 Parental notification of certain incidents and threats required.

- (1) A school shall:
- (a) notify a parent if the parent's student threatens suicide; or
 - (b) notify the parents of each student involved in an incident and the action plan to address the incident.
- (2)
- (a) When a student threatens suicide or is involved in an incident, the school shall produce and maintain a record that:
 - (i) verifies that the school notified each parent in accordance with Subsection (1);
 - (ii) tracks implementation of the action plan addressing the incident, if applicable;
 - (iii) maintains a record described in Subsection (2)(a) in accordance with the requirements of:
 - (A) Title 53E, Chapter 9, Part 2, Student Privacy;
 - (B) Title 53E, Chapter 9, Part 3, Student Data Protection;
 - (C) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (D) 34 C.F.R. Part 99; and
 - (iv) provide the parent with:
 - (A) suicide prevention materials and information; and
 - (B) information on ways to limit the student's access to fatal means, including a firearm or medication.
 - (b) The state superintendent shall select the materials and information described in Subsection (2)(a)(iv) in collaboration with the state suicide prevention coordinator and public education suicide prevention coordinator.
- (3) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection (1).
- (4) A school shall:
- (a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and

- (b) expunge a record maintained in accordance with this section that relates to a student if the student:
 - (i) has graduated from high school; and
 - (ii) requests the record be expunged.

Amended by Chapter 21, 2024 General Session

53G-9-605 Bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.

- (1) An LEA governing board shall adopt a bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.
- (2) The LEA governing board shall:
 - (a) develop the policy with input from:
 - (i) students;
 - (ii) parents;
 - (iii) teachers;
 - (iv) school administrators;
 - (v) school staff; or
 - (vi) local law enforcement agencies; and
 - (b) provide protection to a student, regardless of the student's legal status.
- (3) The LEA governing board shall include the following components in the policy:
 - (a) definitions of bullying, cyber-bullying, hazing, abusive conduct, and retaliation that are consistent with this part;
 - (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
 - (c) language prohibiting retaliation as described in Section 53G-9-603;
 - (d) language prohibiting making a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation;
 - (e) language outlining appropriate punishments for a student who shares a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, and retaliation in order to impact or encourage future incidents;
 - (f) as required in Section 53G-9-604, a process for parental notification of:
 - (i) a student's threat of suicide;
 - (ii) an incident involving the parent's student; and
 - (iii) implementation of the school's action plan to address the incident;
 - (g) a grievance process for a school employee who has experienced abusive conduct;
 - (h) a requirement that the school or LEA create and implement an action plan for each incident in accordance with Section 53G-9-605.5;
 - (i) a communication process requiring the school or LEA regularly updates each parent of a student involved in an incident regarding implementation of an action plan, including:
 - (i) the outcome of the school's or LEA's investigation;
 - (ii) a discussion of safety considerations for the student who is the subject of the incident; and
 - (iii) an explanation of the school's or LEA's process for addressing the incident; and
 - (j) a requirement for a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy, from each:
 - (i) school employee;
 - (ii) student who is at least eight years old; and
 - (iii) parent of a student enrolled in the LEA.
- (4) An LEA shall, in relation to the policy described in this section:
 - (a) include a copy in student conduct handbooks;

- (b) include a copy in employee handbooks; and
- (c) provide a copy to a parent of a student enrolled in the charter school or school district.
- (5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
- (6) Nothing in this part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

Amended by Chapter 21, 2024 General Session

53G-9-605.5 Bullying incident action plan.

- (1) A school or LEA shall create an action plan for an incident.
- (2) In an action plan, the school or LEA shall include:
 - (a) a communication plan designed to keep each parent updated on the implementation of the action plan;
 - (b) with respect to the student to whom the incident was directed and in direct coordination with the student's parent:
 - (i) a tailored response to the incident that addresses the student's needs;
 - (ii) a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident;
 - (iii) notification of the consequences and plan to address the behavior of the student who caused the incident;
 - (iv) supportive measures designed to preserve the student's access to educational services and opportunities; and
 - (v) to the extent available, access to other resources the parent requests for the student; and
 - (c) with respect to the student who caused the incident and in direct coordination with the student's parent:
 - (i) a range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;
 - (ii) a process to determine and provide any needed resources related to the underlying cause of the incident;
 - (iii) supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students; and
 - (iv) a process to remove the student from school in an emergency situation, including a description of what constitutes an emergency.
- (3) A school or LEA may not include in an action plan a requirement that the student to whom the incident was directed change the student's:
 - (a) educational schedule or placement; or
 - (b) participation in a school sponsored sport, club, or activity.
- (4) A school or LEA shall establish an appeals process for a student who causes an incident or the student's parent to appeal one or more of the consequences included in an action plan.
- (5) If, after a school or LEA attempts to involve a parent in the development and implementation of an action plan, the parent chooses not to participate in the process, the school or LEA may develop and implement an action plan without the parent's involvement.

Enacted by Chapter 21, 2024 General Session

53G-9-606 Model policy and state board duties.

- (1) The state board shall:

- (a) create a model policy on bullying, cyber-bullying, hazing, abusive conduct, and retaliation; and
 - (b) post the model policy described in Subsection (1)(a) on the state board's website.
- (2) The state board shall require an LEA governing board to report annually to the state board on:
- (a) the LEA governing board's policy, including implementation of the signed statement requirement described in Subsection 53G-9-605(3);
 - (b) the LEA governing board's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;
 - (c) the demographics of an individual student who is subject to student bullying, hazing, cyber-bullying, or retaliation subject to:
 - (i) Title 53E, Chapter 9, Part 2, Student Privacy;
 - (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
 - (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
 - (iv) 34 C.F.R. Part 99; and
 - (d) other information related to this part, as determined by the state board.

Amended by Chapter 343, 2025 General Session

53G-9-607 Training, education, and prevention -- Standards.

- (1) An LEA shall designate at least one individual at the LEA level who:
- (a) provides training to an individual described in Subsection (2);
 - (b) oversees the implementation of an action plan;
 - (c) for each incident, monitors implementation of the LEA's policy regarding a communication process with a parent described in Section 53G-9-605;
 - (d) acts as the LEA liaison to the state board regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation; and
 - (e) assists a school with case-specific needs when the school is addressing an incident.
- (2)
- (a) An LEA governing board shall include in the training of a school employee training regarding:
 - (i) bullying, cyber-bullying, hazing, abusive conduct, and retaliation; and
 - (ii) applicable civil rights laws.
 - (b) An LEA governing board shall ensure the training described in Subsection (2)(a) meets the standards described in Subsection (5).
 - (c) An LEA governing board may offer voluntary training to parents and students regarding bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
- (3) To the extent that state or federal funding is available for this purpose, LEA governing boards are encouraged to implement programs or initiatives, in addition to the training described in Subsection (2), to provide for training and education regarding, and the prevention of, bullying, cyber-bullying, hazing, abusive conduct, and retaliation.
- (4) The programs or initiatives described in Subsection (3) may involve:
- (a) the establishment of a bullying task force; or
 - (b) the involvement of school employees, students, or law enforcement.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish standards for high quality training related to :
- (a) bullying, cyber-bullying, hazing, abusive conduct, and retaliation; and
 - (b) applicable civil rights laws.

Amended by Chapter 21, 2024 General Session

53G-9-608 Other forms of legal redress.

- (1) Nothing in this part prohibits a victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or criminal law.
- (2) This section does not create or alter tort liability.

Renumbered and Amended by Chapter 3, 2018 General Session

Part 7
Suicide Prevention

53G-9-701 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-9-702 Youth suicide prevention programs -- State board to develop model programs.

- (1) As used in the section:
 - (a) "Elementary grades" means:
 - (i) kindergarten through grade 5; and
 - (ii) if the associated middle or junior high school does not include grade 6, grade 6.
 - (b) "Intervention" means an effort to prevent a student from attempting suicide.
 - (c) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.
 - (d) "Program" means a youth suicide prevention program described in Subsection (2).
 - (e) "Public education suicide prevention coordinator" means an individual designated by the state board as described in Subsection (4).
 - (f) "Secondary grades" means:
 - (i) grades 7 through 12; and
 - (ii) if a middle or junior high school includes grade 6, grade 6.
 - (g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 26B-5-611.
- (2) In collaboration with the public education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program, which, in collaboration with the training, programs, and initiatives described in Section 53G-9-607, shall include programs and training to address:
 - (a) for elementary grades and secondary grades:
 - (i) life-affirming education, including on the concepts of resiliency, healthy habits, self-care, problem solving, and conflict resolution;
 - (ii) methods of strengthening the family; and
 - (iii) methods of strengthening a youth's relationships in the school and community; and
 - (b) for secondary grades:
 - (i) prevention of youth suicide;
 - (ii) decreasing the risk of suicide among youth who are:
 - (A) not accepted by family for any reason, including lesbian, gay, bisexual, transgender, or questioning youth; or

- (B) suffer from bullying;
 - (iii) youth suicide intervention; and
 - (iv) postvention for family, students, and faculty.
- (3) Each school district and charter school shall ensure that the youth suicide prevention program described in Subsection (2):
- (a) considers appropriate coordination with the following prevention programs:
 - (i) the prevention of bullying and cyber-bullying, as those terms are defined in Section 53G-9-601; and
 - (ii) the prevention of underage drinking of alcohol and substance abuse under Section 53G-10-406; and
 - (b) includes provisions to ensure that the school district or charter school promptly communicates with the parent or guardian of a student in accordance with Section 53G-9-604.
- (4) The state board shall:
- (a) designate a public education suicide prevention coordinator; and
 - (b) in collaboration with the Department of Health and Human Services and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:
 - (i) program training; and
 - (ii) resources regarding the required components described in Subsections (2)(a) and (b).
- (5) The public education suicide prevention coordinator shall:
- (a) oversee the youth suicide prevention programs of school districts and charter schools; and
 - (b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator.
- (6) A public school suicide prevention program may allow school personnel to ask a student questions related to youth suicide prevention, intervention, or postvention.
- (7)
- (a) Subject to legislative appropriation and except as provided in Section 53F-2-525, the state board may distribute money to a school district or charter school to be used to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide in the school district or charter school.
 - (b) The state board shall ensure that an LEA's allocation of funds from the board's distribution of money under Subsection (7)(a) provides an amount equal to at least \$1,000 per school.
 - (c)
 - (i) A school shall use money allocated to the school under Subsection (7)(b) to implement evidence-based practices and programs, or emerging best practices and programs, for preventing suicide.
 - (ii) Each school may select the evidence-based practices and programs, or emerging best practices and programs, for preventing suicide that the school implements.
- (8) An LEA may not charge indirect costs to the program.

Amended by Chapter 98, 2023 General Session

Amended by Chapter 328, 2023 General Session

53G-9-703 Parent education -- Mental health -- Bullying -- Safety -- Video presentation regarding student use of technology.

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

- (i) is offered at no cost to parents;
 - (ii)
 - (A) if in person, begins at or after 6 p.m.;
 - (B) if in person, takes place on a Saturday; or
 - (C) may be conducted at anytime online and recorded if the recording is made available on the school district's website, including the parent portal created in Section 53G-6-806.
 - (iii)
 - (A) is held in at least one school located in the school district; or
 - (B) is provided through a virtual platform; and
 - (iv) covers the topics described in Subsection (2).
- (b)
- (i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.
 - (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three seminars.
- (c) A school district may:
- (i) develop the district school's own curriculum for the seminar described in Subsection (1)(a); or
 - (ii) use the curriculum developed by the state board under Subsection (2).
- (d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.
- (2) The state board shall:
- (a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:
 - (i) substance abuse, including illegal drugs and prescription drugs and prevention;
 - (ii) bullying;
 - (iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;
 - (iv) Internet safety, including pornography addiction;
 - (v) the SafeUT Crisis Line established in Section 53B-17-1202; and
 - (vi) resources related to the topics described in this Subsection (2); and
 - (b) provide the curriculum, including resources and training, to school districts upon request.
- (3)
- (a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.
 - (b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the state board and provide the reasons why the local school board chose not to offer the parent seminar.
- (4)
- (a) The state board shall develop a brief video presentation that is directed at educating parents about potential safety and legal issues a student may encounter regarding the student's use of technology, including:
 - (i) sharing personal data via social media and other means of communication; and
 - (ii) creating or sharing sexual or nude images, both real and artificially produced.

- (b) The state board shall make the video presentation described in Subsection (4)(a) available to each school district so that the school district may provide the video presentation to parents within the school district.

Amended by Chapter 308, 2025 General Session

Amended by Chapter 388, 2025 General Session

53G-9-704 Youth suicide prevention training for employees.

- (1) A school district or charter school shall require a licensed employee to complete professional development training on youth suicide prevention every three years.
- (2) The state board shall:
 - (a) develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention; and
 - (b) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, incorporate the training described in Subsection (1) into professional development training described in Section 53E-6-201.

Amended by Chapter 86, 2024 General Session

Part 8

Dropout Prevention and Recovery and Remediation Programs

53G-9-801 Definitions.

As used in Section 53G-9-802:

- (1) "Attainment goal" means earning:
 - (a) a high school diploma;
 - (b) a Utah High School Completion Diploma, as defined in state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
 - (c) an Adult Education Secondary Diploma, as defined in state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
 - (d) an employer-recognized, industry-based certificate that is:
 - (i) likely to result in job placement; and
 - (ii) included in the state board's approved career and technical education industry certification list.
- (2) "Cohort" means a group of students, defined by the year in which the group enters grade 9.
- (3) "Designated student" means a student:
 - (a)
 - (i) who has withdrawn from an LEA before earning a diploma;
 - (ii) who has been dropped from average daily membership; and
 - (iii) whose cohort has not yet graduated; or
 - (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined by the student's LEA, using risk factors defined in rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) "Graduation rate" means:
 - (a) for a school district or a charter school that includes grade 12, the graduation rate calculated by the state board for federal accountability and reporting purposes; or

- (b) for a charter school that does not include grade 12, a proxy graduation rate defined in rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) "Local education agency" or "LEA" means a school district or charter school that serves students in grade 9, 10, 11, or 12.
- (6) "Nontraditional program" means a program, as defined in rules made by the state board under Subsection 53E-3-501(1)(c), in which a student receives instruction through:
 - (a) distance learning;
 - (b) online learning;
 - (c) blended learning; or
 - (d) competency-based learning.
- (7) "Statewide graduation rate" means:
 - (a) for a school district or a charter school that includes grade 12, the statewide graduation rate, as annually calculated by the state board; or
 - (b) for a charter school that does not include grade 12, the average graduation rate for all charter schools that do not include grade 12.
- (8) "Third party" means:
 - (a) a private provider; or
 - (b) an LEA that does not meet the criteria described in Subsection 53G-9-802(3).

Amended by Chapter 527, 2023 General Session

53G-9-802 Dropout prevention and recovery -- Flexible enrollment options -- Contracting -- Reporting.

- (1)
 - (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a designated student, including:
 - (i) engaging with or attempting to recover a designated student;
 - (ii) developing a learning plan, in consultation with a designated student, to identify:
 - (A) barriers to regular school attendance and achievement;
 - (B) an attainment goal; and
 - (C) a means for achieving the attainment goal through enrollment in one or more of the programs described in Subsection (2);
 - (iii) monitoring a designated student's progress toward reaching the designated student's attainment goal; and
 - (iv) providing tiered interventions for a designated student who is not making progress toward reaching the student's attainment goal.
 - (b) An LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a):
 - (i) throughout the calendar year; and
 - (ii) except as provided in Subsection (1)(c)(i), for each designated student who becomes a designated student while enrolled in the LEA.
 - (c)
 - (i) A designated student's school district of residence shall provide dropout recovery services if the designated student:
 - (A) was enrolled in a charter school that does not include grade 12; and
 - (B) becomes a designated student in the summer after the student completes academic instruction at the charter school through the maximum grade level the charter school is

eligible to serve under the charter school's charter agreement as described in Section 53G-5-303.

- (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include grade 12 shall notify each of the charter school's student's district of residence, as determined under Section 53G-6-302, when the student completes academic instruction at the charter school as described in Subsection (1)(c)(i)(B).
 - (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name, contact information, and student identification number.
- (2)
- (a) An LEA shall provide flexible enrollment options for a designated student that:
 - (i) are tailored to the designated student's learning plan developed under Subsection (1)(a)(ii); and
 - (ii) include two or more of the following:
 - (A) enrollment in the LEA in a traditional program;
 - (B) enrollment in the LEA in a nontraditional program;
 - (C) enrollment in a program offered by a private provider that has entered into a contract with the LEA to provide educational services; or
 - (D) enrollment in a program offered by another LEA.
 - (b) A designated student may enroll in:
 - (i) a program offered by the LEA under Subsection (2)(a), in accordance with this public education code, rules established by the state board, and policies established by the LEA; or
 - (ii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4, Part 5, Statewide Online Education Program.
 - (c) An LEA shall make the LEA's best effort to accommodate a designated student's choice of enrollment under Subsection (2)(b).
- (3) Beginning with the 2017-18 school year and except as provided in Subsection (5), an LEA shall provide the dropout prevention and recovery services described in Subsection (1)(a), for any school year in which the LEA meets the following criteria:
- (a) the LEA's graduation rate is lower than the statewide graduation rate; and
 - (b)
 - (i) the LEA's graduation rate has not increased by at least 1% on average over the previous three school years; or
 - (ii) during the previous calendar year, at least 10% of the LEA's designated students have not:
 - (A) reached the students' attainment goals; or
 - (B) made a year's worth of progress toward the students' attainment goals.
- (4) To provide the dropout and recovery services described in Subsection (1)(a), an LEA shall do at least one of the following:
- (a) contract with a third party;
 - (b) use another program that is evidence-based as defined in Section 53G-11-303; or
 - (c) create a dropout prevention and recovery services plan that is evidence-informed as defined in Section 53G-11-303.
- (5) An LEA is not subject to the requirement described in Subsection (3) if:
- (a) the LEA is in the LEA's first three years of operation;
 - (b) the LEA's average graduation rate for the previous three years is higher than the average statewide graduation rate for the previous three years;
 - (c) the LEA is a special school as that term is used in 34 C.F.R. 300.115; or

- (d) the quotient of the total number of an LEA's graduating students plus 10, divided by the total number of students in an LEA's graduating class, is equal to or greater than the statewide graduation rate.
- (6) If an LEA described in Subsection (3) contracts with a third party, the LEA shall ensure that:
 - (a) a third party with whom the LEA enters into a contract under Subsection (4) has a demonstrated record of effectiveness engaging with and recovering designated students; and
 - (b) a contract with a third party requires the third party to:
 - (i) provide the services described in Subsection (1)(a); and
 - (ii) regularly report progress to the LEA.
- (7) An LEA shall annually submit a report to the state board on dropout prevention and recovery services provided under this section, including:
 - (a) the methods the LEA or third party uses to engage with or attempt to recover designated students under Subsection (1)(a)(i);
 - (b) the number of designated students who enroll in a program described in Subsection (2) as a result of the efforts described in Subsection (7)(a);
 - (c) the number of designated students who reach the designated students' attainment goals identified under Subsection (1)(a)(ii)(B); and
 - (d) funding allocated to provide dropout prevention and recovery services.
- (8) The state board shall:
 - (a) ensure that an LEA described in Subsection (3) contracts with a third party or creates a dropout prevention and recovery services plan to provide dropout prevention and recovery services in accordance with Subsections (3), (4), and (6); and
 - (b) report on the provisions of this section in accordance with Section 53E-1-203, including a summary of the reports submitted under Subsection (7).

Amended by Chapter 93, 2023 General Session

53G-9-803 Remediation programs for secondary students.

- (1) For purposes of this section:
 - (a) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.
 - (b) "Secondary school student":
 - (i) means a student enrolled in a secondary school; and
 - (ii) includes a student in grade 6 if the student attends a secondary school.
- (2) A school district or charter school shall implement programs for secondary school students to attain the competency levels and graduation requirements established by the state board.
- (3)
 - (a) A school district or charter school shall establish remediation programs for secondary school students who do not meet competency levels in English, mathematics, science, or social studies.
 - (b) Participation in the programs is mandatory for secondary school students who fail to meet the competency levels based on classroom performance.
- (4) Secondary school students who require remediation under this section may not be advanced to the following class in subject sequences until the student meets the required competency level for the subject or complete the required remediation program, except that a school district or charter school may allow secondary school students requiring remediation who would otherwise be scheduled to enter the student's first year of high school to complete the student's remediation program during that first year.

- (5)
 - (a) Remediation programs provided under this section should not be unnecessarily lengthy or repetitive.
 - (b) A secondary school student need not repeat an entire class if remediation can reasonably be achieved through other means.
- (6) A school district or charter school may charge secondary school students a fee to participate in the remediation programs unless the secondary school student is in grade 6.

Amended by Chapter 497, 2024 General Session

53G-9-804 Duties of the State Board of Education.

- (1) The state board shall:
 - (a) adopt rules that require a local school board or charter school governing board to enact chronic absenteeism prevention and intervention policies that shall:
 - (i) include provisions that reflect the individual school district's or charter school's unique needs or circumstances; and
 - (ii) adopt evidence- or research-informed absenteeism and dropout prevention interventions;
 - (b) support, train, and inform LEAs regarding evidence-informed or research-based models to reduce dropout and chronic absenteeism;
 - (c) provide guidance to LEAs on interventions and supports available from the Division of Juvenile Justice and Youth Services; and
 - (d) provide other technical assistance to LEAs around analysis of attendance data.
- (2) The rules described in Subsection (1) may require a local school board or charter school governing board to publicize the policies enacted by the local school board or charter school governing board in accordance with the rules described in Subsection (1) through school websites, handbooks, letters to parents, or other reasonable means of communication.
- (3) The state board may consult with appropriate stakeholders, including:
 - (a) parents;
 - (b) youth;
 - (c) LEAs;
 - (d) human services agencies; or
 - (e) others as the state board develops, enacts, and administers the rules described in Subsection (1).

Enacted by Chapter 93, 2023 General Session

Part 9
Mental Health Services in Public Schools

53G-9-901 Definitions.

As used in this part:

- (1) "Authorized personnel" means an individual:
 - (a)
 - (i) who holds a license:
 - (A) as a school psychologist, as defined in Section 53F-5-218;
 - (B) as a school social worker, as defined in Section 53F-5-218;

- (C) under Title 58, Chapter 61, Psychologist Licensing Act;
 - (D) under Title 58, Chapter 60, Part 2, Social Worker Licensing Act;
 - (E) under Title 58, Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; or
 - (F) under Title 58, Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act; or
 - (ii) whom an individual described in Subsection (1)(a)(i) supervises, to the extent the individual's actions fall within the scope of the supervision; and
 - (b) whom an LEA or school employs, engages by contract, or engages by agreement, to support students' mental health through a restricted service in accordance with the scope of the individual's license or certification described in Subsection (1)(a).
- (2)
- (a) "Restricted service" means a mental health service that takes place in a school setting.
 - (b) "Restricted service" does not include:
 - (i) describing basic stress-management strategies;
 - (ii) informing students and parents of the availability of a restricted service; or
 - (iii) engaging in generalized crisis response, which does not include one-on-one therapy, in accordance with the state board's or the LEA's crisis response protocols.

Enacted by Chapter 380, 2025 General Session

53G-9-902 Informed parental consent required -- Parental notification required.

- (1) Except as provided in a student's IEP or Section 504 accommodation plan:
- (a) an individual who is not authorized personnel may not provide a restricted service; and
 - (b) authorized personnel may not provide a restricted service:
 - (i) outside the scope of the relevant license; or
 - (ii) with other students present.
- (2) For authorized personnel to provide a restricted service:
- (a) the relevant LEA, school, or authorized personnel shall obtain informed written parental consent before the first session of a restricted service in a given school year, using a standard form that includes:
 - (i) fields for at least the following information:
 - (A) the name of the student;
 - (B) the name of the individual giving informed consent; and
 - (C) the name of each authorized personnel who has authority under the informed written consent to provide a restricted service;
 - (ii) a statement that the authorized personnel will provide information about the restricted service in accordance with Subsection (2)(b), including that the parent has the right to opt out of receiving notifications at any time; and
 - (iii) a statement that authorized personnel will adhere to the topics or issues the parent identifies, in collaboration with authorized personnel, for discussion or exclusion with the student under Subsection (3)(a), except that the authorized personnel may address topics if the omission would compromise the student's immediate safety, the omission would violate mandatory reporting obligations, or, based on behaviors or statements the authorized personnel observes, the authorized personnel determines a need to assess the student's safety; and
 - (b) unless the student's parent opts out of receiving notifications from the authorized personnel under this Subsection (2)(b), within one business day after each session of a restricted service, the authorized personnel shall provide to the student's parent:
 - (i) notice that the restricted service took place; and

- (ii) a description of the topic of the restricted service.
- (3)
- (a)
 - (i) When obtaining the informed written parental consent described in Subsection (2)(a), the LEA, school, or authorized personnel shall, through consultation with the parent, provide the parent an opportunity to identify topics or issues the parent intends the authorized personnel to address or to not address with the student.
 - (ii) Except as described in Subsection (3)(a)(iii), authorized personnel may not address a topic or issue for which a parent has expressly stated an intent for authorized personnel to not address with the student under this Subsection (3)(a).
 - (iii) Subsection (3)(a)(ii) does not apply if:
 - (A) an omission within a restricted service would compromise the student's immediate safety; or
 - (B) the student discloses information that creates a duty on the authorized personnel to make a mandatory report for the purpose of discussing the information with the student to the extent necessary to make the report, including for suspected cases of child abuse or neglect under Section 80-2-602, abuse of a student under Section 53E-6-701, or any other legally mandated duty to report an incident.
 - (b)
 - (i) The requirement to obtain prior informed written parental consent before providing a restricted service described in Subsection (2)(a) does not apply in a case in which a delay to contact a parent would create an immediate serious risk of suicide or serious bodily injury, as defined in Section 76-1-101.5, to the student or to another individual.
 - (ii) For a circumstance described in Subsection (3)(b)(i), the LEA, school, or authorized personnel shall notify a parent in accordance with Section 53G-9-604.
 - (c) A student's IEP or Section 504 accommodation plan that includes a restricted service satisfies the informed parental consent requirement described in Subsection (2)(a).
- (4)
- (a) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the application of this section to the actions of educators and staff in the public education system.
 - (b) The state board shall, in consultation with the Department of Health and Human Services, provide guidance to authorized personnel, educators, and school support staff on conduct and practices that constitute and do not constitute a restricted service.
- (5) Nothing in this part authorizes an individual to take an action that exceeds the scope of the individual's license or certification.
- (6) This section does not apply to a service a student accesses through the SafeUT Crisis Line established in Section 53B-17-1202.

Enacted by Chapter 380, 2025 General Session

Chapter 10

Curriculum Participation and Requirements

Part 1

General Provisions

53G-10-101 Title.

This chapter is known as "Curriculum Participation and Requirements."

Enacted by Chapter 3, 2018 General Session

53G-10-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-10-103 Sensitive instructional materials.

(1) As used in this section:

(a)

(i) "Instructional material" means a material, regardless of format, used:

(A) as or in place of textbooks to deliver curriculum within the state curriculum framework for courses of study by students; or

(B) to support a student's learning in any school setting.

(ii) "Instructional material" includes reading materials, handouts, videos, digital materials, websites, online applications, and live presentations.

(iii) "Instructional material" does not mean exclusively library materials.

(b) "LEA governing board" means:

(i) for a school district, the local school board;

(ii) for a charter school, the charter school governing board; or

(iii) for the Utah Schools for the Deaf and the Blind, the state board.

(c) "Material" means the same as that term is defined in Section 76-5c-101.

(d) "Minor" means any person less than 18 years old.

(e) "Objective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Section 76-5c-208, under the non-discretionary standards described in Subsections 76-5c-207(1)(a)(i)(A), (B), or (C).

(f) "Public school" means:

(i) a district school;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(g)

(i) "School setting" means, for a public school:

(A) in a classroom;

(B) in a school library; or

(C) on school property.

(ii) "School setting" includes the following activities that an organization or individual or organization outside of a public school conducts, if a public school or an LEA sponsors or requires the activity:

(A) an assembly;

(B) a guest lecture;

(C) a live presentation; or

(D) an event.

- (h)
 - (i) "Sensitive material" means an instructional material that constitutes objective sensitive material or subjective sensitive material.
 - (ii) "Sensitive material" does not include an instructional material:
 - (A) that an LEA selects under Section 53G-10-402;
 - (B) for a concurrent enrollment course that contains sensitive material and for which a parent receives notice from the course provider of the material before enrollment of the parent's child and gives the parent's consent by enrolling the parent's child;
 - (C) for medical courses;
 - (D) for family and consumer science courses; or
 - (E) for another course the state board exempts in state board rule.
 - (iii) "Subjective sensitive material" means an instructional material that constitutes pornographic or indecent material, as that term is defined in Section 76-5c-208, under the following factor-balancing standards:
 - (A) material that is harmful to minors under Section 76-5c-101;
 - (B) material that is pornographic under Section 76-5c-101; or
 - (C) material that includes certain fondling or other erotic touching under Subsection 76-5c-207(1)(a)(i)(D).
- (2)
 - (a) Sensitive materials are prohibited in the school setting.
 - (b) A public school or an LEA may not:
 - (i) adopt, use, distribute, provide a student access to, or maintain in the school setting, sensitive materials; or
 - (ii) permit a speaker or presenter in the school setting to display or distribute sensitive materials.
 - (c) In evaluating, selecting, or otherwise considering action related to a given instructional material under this section, each public school and each LEA shall prioritize protecting children from the harmful effects of illicit pornography over other considerations in evaluating instructional material.
 - (d) If an instructional material constitutes objective sensitive material:
 - (i) a public school or an LEA is not required to engage in a review under a subjective sensitive material standard; and
 - (ii) the outcome of a subjective sensitive material evaluation has no bearing on the non-discretionary objective sensitive material conclusion.
- (3)
 - (a) Except as provided in Subsection (3)(b), the following individuals may initiate a sensitive material review under this section:
 - (i) an employee of the relevant LEA;
 - (ii) a student who is enrolled in the relevant LEA;
 - (iii) a parent of a child who is enrolled in the relevant LEA; or
 - (iv) a member of the relevant LEA governing board.
 - (b)
 - (i) As used in this Subsection (3)(b), "unsuccessful challenge" means an allegation that a given instructional material constitutes sensitive material that the LEA concludes to be erroneous, either on direct review or on appeal to the LEA governing board, resulting in the retention of the given instructional material.

- (ii) Notwithstanding Subsection (3)(a), after an individual makes three unsuccessful challenges during a given academic year, the individual may not trigger a sensitive material review under this section during the remainder of the given academic year.
- (4) Upon receipt of an allegation from an individual described in Subsection (3)(a), an LEA shall:
 - (a)
 - (i) make an initial determination as to whether the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material, including whether the allegation includes excerpts and other evidence to support the allegation; and
 - (ii) if the LEA determines that the allegation presents a plausible claim that the challenged instructional material constitutes sensitive material under Subsection (4)(a)(i), immediately remove the challenged material from any school setting that provides student access to the challenged material until the LEA completes the LEA's full review of the challenged material under this section;
 - (b)
 - (i) engage in a review of the allegations and the challenged instructional material using the objective sensitive material standards; and
 - (ii) if the LEA makes a determination that the challenged instructional material constitutes objective sensitive material, ensure that the material remains inaccessible to students in any school setting;
 - (c) only if the LEA makes a determination that the challenged instructional material does not constitute objective sensitive material:
 - (i) review the allegations and the challenged instructional material under the subjective material standards, ensuring that the review includes parents who are reflective of the members of the school's community when determining if an instructional material is subjective sensitive material;
 - (ii) allow student access to the challenged instructional material during the LEA's subjective sensitive material review if the student's parent gives consent regarding the specific challenged instructional material; and
 - (iii) if the LEA makes a determination that the challenged instructional material constitutes subjective sensitive material, ensure that the material is inaccessible to students in any school setting, including the termination of the parent consent option described in Subsection (4)(c)(ii); and
 - (d) communicate to the state board the allegation and the LEA's final determination regarding the allegation and the challenged instructional material.
- (5)
 - (a) An individual described in Subsection (3)(a) may appeal an LEA's decision regarding a sensitive material review, regardless of whether the LEA removed or retained the challenged instructional material, to the LEA governing board.
 - (b) An LEA governing board shall vote in a public board meeting to decide the outcome of a sensitive material review appeal, clearly identifying:
 - (i) the board's rationale for the decision; and
 - (ii) the board's determination on each component of the statutory and any additional policy standards the board uses to reach the board's conclusions.
- (6) An LEA governing board may not enact rules or policies that prevent the LEA governing board from:
 - (a) revisiting a previous decision;
 - (b) reviewing a recommendation of LEA personnel or a parent-related committee regarding a challenged instructional material; or

- (c) reconsidering a challenged instructional material if the LEA governing board receives additional information regarding the material.

(7)

- (a) Except as provided in Subsection (7)(d), if the threshold described in Subsection (7)(b) is met, each LEA statewide shall remove the relevant instructional material from student access.
- (b) The requirement described in Subsection (7)(a) to remove a given material from student access applies if the following number of LEAs makes a determination that a given instructional material constitutes objective sensitive material:
 - (i) at least three school districts; or
 - (ii) at least two school districts and five charter schools.
- (c) The state board shall:
 - (i) aggregate allegations and LEA determinations described in Subsection (4)(d); and
 - (ii) no later than 10 school days after the day on which the condition described in Subsection (7)(b) occurs, communicate to all LEAs the application of the requirement described in Subsection (7)(a) to remove the material from student access.
- (d)
 - (i) When the threshold described in Subsection (7)(b) is met for a given instructional material, in addition to making the communication described in Subsection (7)(c), the state board may:
 - (A) place the material on the agenda of a public board meeting within 60 days after the day on which the state board makes the communication to LEAs under Subsection (7)(c); and
 - (B) at the specified state board meeting, vote to overturn the application of the requirement described in Subsection (7)(a) to remove a given material from student access statewide.
 - (ii) If the state board votes to overturn the application of the statewide removal requirement described in Subsection (7)(a) under Subsection (7)(d)(i):
 - (A) the statewide removal requirement described in Subsection (7)(a) no longer applies;
 - (B) an LEA may choose to return the given material to student access; and
 - (C) nothing affects the findings of an LEA governing board regarding removal of the given material within the board's LEA.
- (e) This Subsection (7) applies to sensitive materials that LEAs remove from student access, regardless of whether:
 - (i) the sensitive material determinations occur in the same academic year; or
 - (ii) a sensitive material determination occurred before July 1, 2024.

(8) The state board shall:

- (a) in consultation with the Office of the Attorney General, provide guidance and training to support public schools in identifying instructional materials that meet the definition of sensitive materials under this section;
- (b) establish a process through which an individual described in Subsection (3)(a) may report to the state board an allegation that an LEA is out of compliance with this section; and
- (c) annually report to the Education Interim Committee, at or before the November interim meeting, on implementation and compliance with this section, including:
 - (i) any policy the state board or an LEA adopts to implement or comply with this section;
 - (ii) any rule the state board makes to implement or comply with this section; and
 - (iii) any complaints an LEA or the state board receives regarding a violation of this section, including:
 - (A) action taken in response to a complaint described in this Subsection (8)(c)(iii);
 - (B) if an LEA retains an instructional material for which the LEA or the state board receives a complaint, the LEA's rationale for retaining the instructional material; and

- (C) compliance failures that the state board identifies through the reporting process described in Subsection (8)(b) and other investigations or research.
- (9) The state shall defend, indemnify, and hold harmless a person acting under color of state law to enforce this section for any claims or damages, including court costs and attorney fees, that:
- (a) a person brings or incurs as a result of this section; and
 - (b) is not covered by the person's insurance policies or any coverage agreement that the State Risk Management Fund issues.
- (10) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8, the Office of the Legislative Auditor General shall:
- (a) conduct an audit of each school district's compliance with this section, ensuring the completion of all school district audits before November 2028; and
 - (b) annually report to the Education Interim Committee regarding completed sensitive material audits under this Subsection (10).

Amended by Chapter 173, 2025 General Session

Part 2

General Requirements and Participation

53G-10-201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-10-202 Maintaining constitutional freedom in the public schools.

- (1) Except as provided in this section and in Section 53G-10-206, any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve academic educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and LEA governing boards, may be undertaken in the public schools.
- (2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.
- (3) Public schools may not sponsor or deny the practice of prayer or religious devotionals.
- (4) School officials and employees may not, regardless of a school, LEA, or state board rule or policy, use the official's or employee's position to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

Amended by Chapter 380, 2025 General Session

53G-10-203 Expressions of belief -- Discretionary time.

- (1) Expression of personal beliefs by a student participating in school-directed curricula or activities may not be prohibited or penalized unless the expression unreasonably interferes with order

or discipline, threatens the well-being of persons or property, or violates concepts of civility or propriety appropriate to a school setting.

- (2)
- (a) As used in this section, "discretionary time" means noninstructional time during which a student is free to pursue personal interests.
 - (b) Free exercise of voluntary religious practice or freedom of speech by students during discretionary time shall not be denied unless the conduct unreasonably interferes with the ability of school officials to maintain order and discipline, unreasonably endangers persons or property, or violates concepts of civility or propriety appropriate to a school setting.
- (3) Any limitation under this section on student expression, practice, or conduct shall be by the least restrictive means necessary to satisfy the school's interests, or to satisfy another specifically identified compelling governmental interest.

Amended by Chapter 412, 2023 General Session

53G-10-204 Civic and character education -- Definitions -- Legislative finding -- Elements -- Reporting requirements.

- (1) As used in this section:
- (a) "Character education" means reaffirming values and qualities of character which promote an upright and desirable citizenry.
 - (b) "Civic education" means the cultivation of informed, responsible participation in political life by competent citizens committed to the fundamental values and principles of representative democracy in Utah and the United States.
 - (c) "Values" means time-established principles or standards of worth.
- (2) The Legislature recognizes that:
- (a) Civic and character education are fundamental elements of the public education system's core mission as originally intended and established under Article X of the Utah Constitution;
 - (b) Civic and character education are fundamental elements of the constitutional responsibility of public education and shall be a continuing emphasis and focus in public schools;
 - (c) the cultivation of a continuing understanding and appreciation of a constitutional republic and principles of representative democracy in Utah and the United States among succeeding generations of educated and responsible citizens is important to the nation and state;
 - (d) the primary responsibility for the education of children within the state resides with their parents and that the role of state and local governments is to support and assist parents in fulfilling that responsibility;
 - (e) public schools fulfill a vital purpose in the preparation of succeeding generations of informed and responsible citizens who are deeply attached to essential democratic values and institutions; and
 - (f) the happiness and security of American society relies upon the public virtue of its citizens which requires a united commitment to a moral social order where self-interests are willingly subordinated to the greater common good.
- (3) Through an integrated curriculum, students shall be taught in connection with regular school work:
- (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;
 - (b) respect for and an understanding of the Declaration of Independence and the constitutions of the United States and of the state of Utah;
 - (c) Utah history, including territorial and preterritorial development to the present;
 - (d) the essentials and benefits of the free enterprise system;

- (e) respect for parents, home, and family;
 - (f) the dignity and necessity of honest labor; and
 - (g) other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured by the constitution.
- (4) Local school boards and school administrators may provide training, direction, and encouragement, as needed, to accomplish the intent and requirements of this section and to effectively emphasize civic and character education in the course of regular instruction in the public schools.
- (5) Civic and character education in public schools are:
- (a) not intended to be separate programs in need of special funding or added specialists to be accomplished; and
 - (b) core principles which reflect the shared values of the citizens of Utah and the founding principles upon which representative democracy in the United States and the state of Utah are based.

Amended by Chapter 229, 2022 General Session

53G-10-205 Waivers of participation.

- (1) As used in this section:
- (a) "School" means a public school.
 - (b) "Student" means a public school student in kindergarten through grade 12.
- (2)
- (a) In accordance with Utah Constitution, Article I, Section 4, a student may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student.
 - (b) A school may not, in any aspect of school:
 - (i) require or incentivize a student to affirm or deny the student's or the student's parent's religious belief or right of conscience;
 - (ii) engage a student in a practice that violates or is contrary to the student's or the student's parent's religious belief or right of conscience; or
 - (iii) penalize or discriminate against a student for refraining from participation due to the student's or the student's parent's religious belief or right of conscience.
- (3) When a student refrains from participating in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience, the school:
- (a) shall promptly notify the student's parent;
 - (b) may offer an alternative that does not violate the student's or the student's parent's religious belief or right of conscience; and
 - (c) may not require the student or the student's parent to explain, defend, or justify the student's or the student's parent's religious belief or right of conscience.
- (4) A student's parent may waive the student's participation in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules consistent with this section.

Amended by Chapter 412, 2023 General Session

53G-10-206 Educational freedom.

(1) As used in this section:

(a)

- (i) "Administrative personnel" means any LEA or state board staff personnel who have system-wide, LEA-wide, or school-wide functions and who perform management activities, including:
 - (A) developing broad policies for LEA or state-level boards; and
 - (B) executing developed policies through the direction of personnel at any level within the state or LEA.
- (ii) "Administrative personnel" includes state, LEA, or school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, directors, executive directors, network directors, cabinet members, subject area directors, grant coordinators, specialty directors, career center directors, educational specialists, technology personnel, technology administrators, and others who perform management activities.

(b)

- (i) "Instructional personnel" means an individual whose function includes the provision of:
 - (A) direct or indirect instructional services to students;
 - (B) direct or indirect support in the learning process of students; or
 - (C) direct or indirect delivery of instruction, training, coaching, evaluation, or professional development to instructional or administrative personnel.
- (ii) "Instructional personnel" includes:
 - (A) the state board, LEAs, schools, superintendents, boards, administrators, administrative staff, teachers, classroom teachers, facilitators, coaches, proctors, therapists, counselors, student personnel services, librarians, media specialists, associations, affiliations, committees, contractors, vendors, consultants, advisors, outside entities, community volunteers, para-professionals, public-private partners, trainers, mentors, specialists, and staff; or
 - (B) any other employees, officials, government agencies, educational entities, persons, or groups for whom access to students is facilitated through, or not feasible without, the public education system.

(2)

- (a) Each LEA shall provide an annual assurance to the state board that the LEA's professional learning, administrative functions, displays, and instructional and curricular materials, are consistent with the following principles of individual freedom:
 - (i) the principle that all individuals are equal before the law and have unalienable rights; and
 - (ii) the following principles of individual freedom:
 - (A) that no individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of the individual's race, sex, or sexual orientation;
 - (B) that no race is inherently superior or inferior to another race;
 - (C) that no person should be subject to discrimination or adverse treatment solely or partly on the basis of the individual's race, color, national origin, religion, disability, sex, or sexual orientation;
 - (D) that meritocracy or character traits, including hard work ethic, are not racist nor associated with or inconsistent with any racial or ethnic group; and
 - (E) that an individual, by virtue of the individual's race or sex, does not bear responsibility for actions that other members of the same race or sex committed in the past or present.

- (b) Nothing in this section prohibits instruction regarding race, color, national origin, religion, disability, or sex in a manner that is consistent with the principles described in Subsection (2)(a).
- (3) The state board or an LEA may not:
 - (a) attempt to persuade a student or instructional or administrative personnel to a point of view that is inconsistent with the principles described in Subsection (2)(a); or
 - (b) implement policies or programs, or allow instructional personnel or administrative personnel to implement policies or programs, with content that is inconsistent with the principles described in Subsection (2)(a).
- (4) The state board and state superintendent may not develop or continue to use core standards under Section 53E-3-301 or professional learning that are inconsistent with the principles described in Subsection (2)(a).

Amended by Chapter 507, 2024 General Session

53G-10-207 Personal privacy for employee.

- (1) As used in this section:
 - (a) "Employee" means:
 - (i) "administrative personnel" as that term is defined in Section 53G-10-206; and
 - (ii) "instructional personnel" as that term is defined in Section 53G-10-206.
 - (b) "LEA" means the same as that term is defined in Section 53E-1-102.
 - (c) "Required technology" means an application, software, or other technologies for work-related duties without which an employee could not reasonably complete necessary or essential job functions or engage in emergency situations.
 - (d) "Work-related contact information" means:
 - (i) private or work-provided phone numbers used for work purposes;
 - (ii) email addresses an employer provides or uses primarily for work functions;
 - (iii) work mail addresses, including physical addresses, post office boxes, and other mailing details used to send or receive work-related communications or documents;
 - (iv) logins, usernames, access codes, passwords, or other credentials used to access accounts, systems, documents, records, or services provided in relation to an employee's job duties; and
 - (v) messaging accounts, forum memberships, directory listings, distribution lists, committee or group enrollments.
- (2)
 - (a) Except as provided in Sections 53G-7-224 and 63G-2-204, an LEA or the state board may not sell or otherwise transfer an employee's work-related contact information to a third party if the sale or transfer is an isolated or standalone transaction.
 - (b) To the extent allowed by law, an LEA shall publicly disclose a records request, and any fees charged, for the information described in Subsection (2)(a).
- (3) Except as provided in Section 53G-7-224, an LEA or the state board may not distribute an employee's work-related contact information in a manner that would interfere with an employee's ability to access or use work-related accounts, contacts, email lists, or other contact information resources necessary to perform the employee's job duties.
- (4) An LEA may not require an employee to download, install, access, or otherwise use required technology on a personally owned electronic device if use of the required technology contains terms, conditions, or data sharing provisions that would allow for access to data or information outside of the required technology.

- (5) If an LEA requires an employee to use required technology that the employee reasonably finds to contain objectionable terms and conditions, the LEA shall provide reasonable accommodations to the impacted employee to avoid mandatory use on the employee's personal device.
- (6) An LEA shall provide a reasonable accommodation under Subsection (5) that allows required use without accessing an employee's personal device, including providing the required technology:
 - (a) via an LEA-owned and provided electronic device such as a computer, phone, or tablet;
 - (b) through a secure virtual or remote desktop environment not requiring installation or access credentials on a personal device; or
 - (c) through similar means that do not obligate personal device use.
- (7) An LEA may not take adverse action against an employee for exercising rights under this section and requesting reasonable accommodations.
- (8) An employee may file a written complaint with the state board alleging violations of this chapter.
- (9) The state board shall investigate any complaint alleging violations under this section and take licensure or corrective action if the state board determines that action is necessary.

Enacted by Chapter 409, 2025 General Session

Part 3

Miscellaneous Curriculum and Credit Requirements

53G-10-301 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-10-302 Instruction in American history and government -- Study and posting of American heritage documents.

- (1) As used in this section, "Ten Commandments" means the Decalogue, known as the Ten Commandments, as recorded in the Hebrew Scriptures in Exodus 20:2-17 and Deuteronomy 5:6-21.
- (2) The Legislature recognizes that a proper understanding of American history and government is essential to good citizenship, and that the public schools are the primary public institutions charged with responsibility for assisting children and youth in gaining that understanding.
- (3)
 - (a) The state board and local school boards shall periodically review school curricula and activities to ensure that effective instruction in American history and government is taking place in the public schools.
 - (b) The boards shall solicit public input as part of the review process.
 - (c) Instruction in American history and government shall include a study of:
 - (i) forms of government, such as a republic, a pure democracy, a monarchy, and an oligarchy;
 - (ii) political philosophies and economic systems, such as socialism, individualism, and free market capitalism; and
 - (iii) the United States' form of government, a compound constitutional republic.

- (4) School curricula and activities shall include a thorough study of historical documents and principles such as:
 - (a) the Declaration of Independence;
 - (b) the United States Constitution;
 - (c) the national motto;
 - (d) the pledge of allegiance;
 - (e) the national anthem;
 - (f) the Mayflower Compact;
 - (g) the writings, speeches, documents, and proclamations of the Founders and the Presidents of the United States;
 - (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and post Federalist eras;
 - (i) United States Supreme Court decisions;
 - (j) the Ten Commandments;
 - (k) the Magna Carta;
 - (l) Acts of the United States Congress, including the published text of the Congressional Record; and
 - (m) United States treaties.
- (5) To increase student understanding of, and familiarity with, American historical documents, public schools may display historically important excerpts from, or copies of, those documents in school classrooms and common areas as appropriate.
- (6) There shall be no content-based censorship of American history and heritage documents referred to in this section due to their religious or cultural nature.
- (7) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302 to be the national motto of the United States, in one or more prominent places within each school building.

Amended by Chapter 452, 2024 General Session

53G-10-303 Teaching of American sign language.

- (1) The Legislature recognizes that American sign language is a fully developed, autonomous, natural language with distinct grammar, syntax, and art forms.
- (2) American sign language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.
- (3) The state board, in consultation with the state's school districts and members of the deaf and hard of hearing community, shall develop and implement policies and procedures for the teaching of American sign language in the state's public education system at least at the middle school or high school level.
- (4) A student may count credit received for completion of a course in American sign language at the middle school or high school level toward the satisfaction of a foreign language requirement in the public education system under rules made by the state board.
- (5) The Utah Board of Higher Education, in consultation with the state's public institutions of higher education and members of the state's deaf and hard of hearing community, shall develop and implement policies and procedures for offering instruction in American sign language in the state's system of higher education.
- (6) The Joint Liaison Committee, in consultation with members of the state's deaf and hard of hearing community, shall review any policies and procedures developed under this section and make recommendations to either or both boards regarding the policies.

Amended by Chapter 365, 2020 General Session

53G-10-304 Instruction on the flag of the United States of America.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall provide by rule for a program of instruction within the public schools relating to the flag of the United States.
- (2) The instruction shall include the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to 10.
- (3)
 - (a) The pledge of allegiance to the flag shall be recited once at the beginning of each day in each public school classroom in the state, led by a student in the classroom, as assigned by the classroom teacher on a rotating basis.
 - (b) Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge.
 - (c) A student shall be excused from reciting the pledge upon written request from the student's parent.
 - (d)
 - (i) At least once a year students shall be instructed that:
 - (A) participation in the pledge of allegiance is voluntary and not compulsory; and
 - (B) not only is it acceptable for someone to choose not to participate in the pledge of allegiance for religious or other reasons, but students should show respect for any student who chooses not to participate.
 - (ii) A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described in Subsection (3)(d)(i).

Amended by Chapter 408, 2020 General Session

53G-10-305 Higher education savings information.

A public school shall provide, to the parents of a kindergarten student during kindergarten enrollment, information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

Amended by Chapter 226, 2019 General Session

Amended by Chapter 293, 2019 General Session

53G-10-306 Science of reading curriculum.

Each LEA shall adopt science of reading curriculum and intervention programs as advised by the science of reading panel described in Section 53E-3-1003.

Enacted by Chapter 285, 2022 General Session

53G-10-307 Art or fine arts education -- Definition -- Credit requirements.

- (1) As used in this section, "art" or "fine arts" means:
 - (a) courses, instruction, or experiences in visual arts, music, dance, or theater;
 - (b) courses, instruction, or experiences in applied crafts and technical arts that incorporate artistic elements, including:
 - (i) woodworking;

- (ii) metalworking and welding;
 - (iii) traditional handcrafts;
 - (iv) architectural trades, including carpentry, plumbing, masonry, and stonework;
 - (v) automotive design and customization;
 - (vi) digital design and animation; or
 - (vii) other similar courses that combine technical skill with artistic expression; and
 - (c) other forms of creative or interpretive expression as an LEA determines.
- (2) For purposes of meeting art or fine arts credit requirements the state board establishes, the LEA shall accept for an art or fine arts credit any course listed in Subsection (1) that:
- (a) incorporates artistic or creative elements in the curriculum;
 - (b) includes instruction in principles of design, form, or aesthetic expression; and
 - (c) provides students opportunities for creative expression and artistic application of technical skills.
- (3) Nothing in this section:
- (a) prevents an LEA from:
 - (i) establishing the LEA's own additional criteria for artistic and creative elements in courses accepted for fine arts credit; or
 - (ii) offering additional courses for fine arts credit; or
 - (b) requires an LEA to offer all courses listed in Subsection (1).

Enacted by Chapter 478, 2025 General Session

Part 4

Health Curriculum Requirements

53G-10-401 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

Superseded 7/1/2026

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

- (1) As used in this section:
- (a) "LEA governing board" means a local school board or charter school governing board.
 - (b) "Refusal skills" means instruction:
 - (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or adult;
 - (ii) in a student's obligation to stop the student's sexual advances if refused by another individual;
 - (iii) informing a student of the student's right to report and seek counseling for unwanted sexual advances;
 - (iv) in sexual harassment; and
 - (v) informing a student that a student may not consent to criminally prohibited activities or activities for which the student is legally prohibited from giving consent, including the electronic transmission of sexually explicit images by an individual of the individual or another.

- (2)
 - (a) The state board shall establish curriculum requirements under Section 53E-3-501 that include instruction in:
 - (i) community and personal health;
 - (ii) physiology;
 - (iii) personal hygiene;
 - (iv) prevention of communicable disease;
 - (v) refusal skills; and
 - (vi) the harmful effects of pornography.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that, and instruction shall:
 - (i) stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases;
 - (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
 - (iii) prohibit instruction in:
 - (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
 - (B) the advocacy of premarital or extramarital sexual activity; or
 - (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
 - (iv) except as provided in Subsection (2)(d), allow instruction to include information about contraceptive methods or devices that stresses effectiveness, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for an LEA governing board that adopts instructional materials under Subsection (2)(g)(ii) that:
 - (i) require the LEA governing board to report on the materials selected and the LEA governing board's compliance with Subsection (2)(h); and
 - (ii) provide for an appeal and review process of the LEA governing board's adoption of instructional materials.
 - (d) The state board may not require an LEA to teach or adopt instructional materials that include information on contraceptive methods or devices.
 - (e)
 - (i) At no time may instruction be provided, including responses to spontaneous questions raised by students, regarding any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult.
 - (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.
 - (f) The state board shall recommend instructional materials for use in the curricula required under Subsection (2)(a).
 - (g) An LEA governing board may choose to adopt:
 - (i) the instructional materials recommended under Subsection (2)(f); or
 - (ii) other instructional materials in accordance with Subsection (2)(h).
 - (h) An LEA governing board that adopts instructional materials under Subsection (2)(g)(ii) shall:
 - (i) ensure that the materials comply with state law and board rules;
 - (ii) base the adoption of the materials on the recommendations of the LEA governing board's Curriculum Materials Review Committee;
 - (iii) adopt the instructional materials in an open and regular meeting of the LEA governing board for which prior notice is given to parents of students who attend the respective schools; and

- (iv) give parents an opportunity to express the parents' views and opinions on the materials at the meeting described in Subsection (2)(h)(iii).
- (3)
 - (a) A student shall receive instruction in the courses described in Subsection (2) on at least two occasions during the period that begins with the beginning of grade 8 and the end of grade 12.
 - (b) At the request of the state board, the Department of Health and Human Services shall cooperate with the state board in developing programs to provide instruction in those areas.
- (4)
 - (a) The state board shall adopt rules that:
 - (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are complied with; and
 - (ii) require a student's parent to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.
 - (b) The state board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.
- (5)
 - (a) In keeping with the requirements of Section 53G-10-204, and because school employees and volunteers serve as examples to students, school employees or volunteers acting in an official capacity may not support or encourage criminal conduct by students, teachers, or volunteers.
 - (b) To ensure the effective performance of school personnel, the limitations described in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school employee's or volunteer's official capacity if:
 - (i) the employee or volunteer knew or should have known that the employee's or volunteer's action could result in a material and substantial interference or disruption in the normal activities of the school; and
 - (ii) that action does result in a material and substantial interference or disruption in the normal activities of the school.
 - (c) The state board or an LEA governing board may not allow training of school employees or volunteers that support or encourage criminal conduct.
 - (d) The state board shall adopt, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules implementing this section.
 - (e) Nothing in this section limits the ability or authority of the state board or an LEA governing board to enact and enforce rules or take actions that are otherwise lawful, regarding an educator's, employee's, or volunteer's qualifications or behavior evidencing unfitness for duty.
- (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.
- (7)
 - (a) An LEA governing board and an LEA governing board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.
 - (b) An LEA governing board shall provide appropriate professional development for the LEA governing board's teachers, counselors, and school administrators to enable the teachers, counselors, and school administrators to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205, and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the professional development.

- (c) An LEA governing board shall make the written materials described in Subsection (7)(b) available to education support professionals, students, and students' parents.
 - (d) In order to assist an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop and disseminate model teacher professional development programs that an LEA governing board may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values and qualities of character referenced in Subsection (7)(b).
 - (e) In accordance with the provisions of Subsection (5)(c), professional development may not support or encourage criminal conduct.
- (8) An LEA governing board shall review every two years:
- (a) LEA governing board policies on instruction described in this section;
 - (b) for a local school board, data for each county that the school district is located in, or, for a charter school governing board, data for the county in which the charter school is located, on the following:
 - (i) teen pregnancy;
 - (ii) child sexual abuse; and
 - (iii) sexually transmitted diseases and sexually transmitted infections; and
 - (c) the number of pornography complaints or other instances reported within the jurisdiction of the LEA governing board.
- (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

Amended by Chapter 298, 2025 General Session

Effective 7/1/2026

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

- (1) As used in this section:
- (a) "LEA governing board" means a local school board or charter school governing board.
 - (b) "Refusal skills" means instruction:
 - (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or adult;
 - (ii) in a student's obligation to stop the student's sexual advances if refused by another individual;
 - (iii) informing a student of the student's right to report and seek counseling for unwanted sexual advances; and
 - (iv) informing a student that a student may not consent to criminally prohibited activities or activities for which the student is legally prohibited from giving consent, including the electronic transmission of sexually explicit images by an individual, regardless of whether the image is of the individual who transmits the image or of another individual.
 - (c) "Situational awareness" means instruction in a student's ability to:
 - (i) observe the student's environment, including:
 - (A) increasing awareness; and
 - (B) noticing details and changes in the environment; and
 - (ii) respond in unsafe situations, including how to seek help.

- (d) "Success sequence" means a three-prong framework for youth and young adults that encourages:
 - (i) completing at least a high school education and pursuing further educational opportunities;
 - (ii) obtaining full-time employment; and
 - (iii) having children within a healthy and stable family and marriage.

- (2)
 - (a) In accordance with Section 53E-3-501, the state board shall establish health curriculum requirements:
 - (i) for the purpose of:
 - (A) equipping students with practical safety skills regarding sexual abuse, trafficking, and harassment;
 - (B) promoting respect for humankind and individual responsibility;
 - (C) fostering character development and decision- making through the success sequence; and
 - (D) encouraging healthy personal and family relationships; and
 - (ii) that include instruction in:
 - (A) the success sequence;
 - (B) community and personal health, including personal hygiene and the prevention of communicable disease;
 - (C) physiology;
 - (D) human development;
 - (E) marriage and safe dating practices;
 - (F) refusal skills;
 - (G) resilience;
 - (H) situational awareness;
 - (I) the harmful effects of pornography; and
 - (J) the consequences of behaviors that pose a risk to individual health or of failure under the success sequence.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
 - (i) ensure that instruction stresses the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for:
 - (A) maintaining mental, physical, and social health, including reducing stress;
 - (B) eliminating risks associated with sexual activity, including preventing pregnancy and certain communicable diseases; and
 - (C) achieving the success sequence;
 - (ii) ensure that instruction stresses personal skills that encourage abstinence, the return to abstinence, and fidelity;
 - (iii) prohibit instruction or discussion, regardless of parental consent or intent to receive the prohibited instruction, in or regarding:
 - (A) the intricacies of sexual stimulation or erotic behavior;
 - (B) the advocacy of premarital or extramarital sexual activity;
 - (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
 - (D) any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult, including as a response to a spontaneous question from a student; and
 - (iv) subject to Subsection (2)(c), allow instruction to include information about contraceptive methods or devices, not including abortion or any abortive methods, that stresses

effectiveness, failure rates for youth, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.

(c)

- (i) As used in this Subsection (2), "contraceptive methods or devices" does not include abortion or any abortive methods.
- (ii) Notwithstanding the allowance for instruction about contraceptive methods or devices in Subsection (2)(b):
 - (A) the state board may not require an LEA to teach or adopt instructional materials that include information on contraceptive methods or devices; and
 - (B) the instruction may not demonstrate or otherwise depict the use of a contraceptive method or device.

(d) The state board shall:

- (i) recommend instructional materials for use in the curricula required under Subsection (2)(a); and
- (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for an LEA governing board that adopts alternative instructional materials under Subsection (2)(e) to:
 - (A) require the LEA governing board to report on the materials the governing board selects and the governing board's compliance with Subsection (2)(e); and
 - (B) provide for an appeal and review process of the LEA governing board's adoption of instructional materials.

(e)

- (i) An LEA governing board may choose to adopt:
 - (A) the instructional materials recommended under Subsection (2)(d); or
 - (B) alternative instructional materials in accordance with Subsection (2)(e)(ii).
- (ii) An LEA governing board that adopts instructional materials under Subsection (2)(e)(i) shall:
 - (A) ensure that the materials comply with state law and state board rules;
 - (B) base the adoption of the materials on the recommendations of the LEA governing board's Curriculum Materials Review Committee;
 - (C) adopt the instructional materials in an open and regular meeting of the LEA governing board for which parents of students who attend the respective schools receive prior notice; and
 - (D) give parents an opportunity to express the parents' views and opinions on the materials at the meeting described in Subsection (2)(e)(ii)(C).

(f) At the request of the state board, the Department of Health and Human Services shall provide recommendations to the state board as the state board develops the curriculum, rules, or programs described in this Subsection (2).

(3) A student shall receive the instruction described in Subsection (2) on at least two occasions between the beginning of grade 7 and the end of grade 12.

(4)

- (a) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that:
 - (i) provide for the compliance with the parental consent requirements of Sections 76-7-322; and
 - (ii) require advance notice to a student's parent that provides an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.
- (b) The state board shall provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.

(5)

- (a) In accordance with Section 53G-10-204 and Subsection (2)(b)(iii), and because school employees and volunteers serve as examples to students, school employees or volunteers acting in an official capacity may not support or encourage criminal conduct by students, teachers, or volunteers.
- (b) To ensure the effective performance of school personnel, the limitations described in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school employee's or volunteer's official capacity if:
 - (i) the employee or volunteer knew or should have known that the employee's or volunteer's action could result in a material and substantial interference or disruption in the normal activities of the school; and
 - (ii) the employee's or volunteer's action results in a material and substantial interference or disruption in the normal activities of the school.
- (c) The state board or an LEA governing board may not allow training of school employees or volunteers that supports or encourages criminal conduct.
- (d) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules implementing this Subsection (5).
- (e) Nothing in this section limits the ability or authority of the state board or an LEA governing board to enact and enforce rules or take actions that are otherwise lawful regarding an educator's, employee's, or volunteer's qualifications or behavior evidencing unfitness for duty.
- (6) Except as provided in Section 53G-10-202, an individual may not teach or provide instruction on political, atheistic, sectarian, religious, or denominational doctrine in the public schools.
- (7)
 - (a) An LEA governing board and an LEA governing board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.
 - (b) An LEA governing board shall:
 - (i)
 - (A) provide appropriate professional development for the LEA governing board's teachers, counselors, and school administrators to enable the teachers, counselors, and school administrators to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205; and
 - (B) distribute appropriate written materials on the values, character traits, and conduct described in Subsection (7)(b)(i) to each individual receiving the professional development; and
 - (ii) make the written materials described in Subsection (7)(b) available to education support professionals, students, and students' parents.
 - (c) To assist an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas described in Subsection (7)(b) to develop and disseminate model teacher professional development programs that an LEA governing board may use to train the individuals described in Subsection (7)(b) to effectively teach the values and qualities of character described in Subsection (7)(b).
 - (d) In accordance with Subsection (5)(c), professional development may not support or encourage criminal conduct.
- (8) An LEA governing board shall review every two years:
 - (a) LEA governing board policies on instruction described in this section;

- (b) for a local school board, data for each county in which the school district is located, or, for a charter school governing board, data for the county in which the charter school is located, on the following:
 - (i) teen pregnancy;
 - (ii) child sexual abuse; and
 - (iii) sexually transmitted diseases and sexually transmitted infections; and
 - (c) the number of pornography complaints or other instances reported within the jurisdiction of the LEA governing board.
- (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

Amended by Chapter 380, 2025 General Session

Superseded 7/1/2026

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

(1) As used in this section:

- (a)
 - (i) "Sex education instruction" means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about:
 - (A) sexual abstinence;
 - (B) human sexuality;
 - (C) human reproduction;
 - (D) reproductive anatomy;
 - (E) physiology;
 - (F) pregnancy;
 - (G) marriage;
 - (H) childbirth;
 - (I) parenthood;
 - (J) contraception;
 - (K) HIV/AIDS;
 - (L) sexually transmitted diseases; or
 - (M) refusal skills, as defined in Section 53G-10-402.
 - (ii) "Sex education instruction" does not include child sexual abuse prevention instruction described in Section 53G-9-207.
 - (b) "School" means the same as that term is defined in Section 53G-10-205.
- (2) A school shall obtain prior written consent from a student's parent before the school may provide sex education instruction to the student.
- (3) If a student's parent chooses not to have the student participate in sex education instruction, a school shall:
- (a) waive the requirement for the student to participate in the sex education instruction; or
 - (b) provide the student with a reasonable alternative to the sex education instruction requirement.
- (4) In cooperation with the student's teacher or school, a parent shall take responsibility for the parent's student's sex education instruction if a school:
- (a) waives the student's sex education instruction requirement in Subsection (3)(a); or

- (b) provides the student with a reasonable alternative to the sex education instruction requirement described in Subsection (3)(b).
- (5) A student's academic or citizenship performance may not be penalized if the student's parent chooses not to have the student participate in sex education instruction as described in Subsection (3).

Amended by Chapter 293, 2019 General Session

Effective 7/1/2026

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

(1) As used in this section:

(a)

- (i) "Sex education instruction" means, for the purpose of the parental consent requirement in this section, any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about:
 - (A) sexual abstinence;
 - (B) human development, including puberty and maturation;
 - (C) human reproductive processes, including conception, fetal development, pregnancy, and birth;
 - (D) human reproductive anatomy and physiology;
 - (E) healthy dating practices, marriage, and parenthood, in accordance with the success sequence as defined in Section 53G-10-402;
 - (F) adoption in accordance with Section 53G-10-404;
 - (G) information about contraceptive methods or devices in accordance with Subsections 53G-10-402(2)(b) and (c);
 - (H) chronic, infectious, and acute diseases and conditions of the reproductive system, including sexually transmitted infections and diseases; or
 - (I) refusal skills, as defined in Section 53G-10-402.
- (ii) "Sex education instruction" does not include:
 - (A) child sexual abuse prevention instruction described in Section 53G-9-207; or
 - (B) instruction in refusal skills or situational awareness, as those terms are defined in Section 53G-10-402.
- (b) "School" means the same as that term is defined in Section 53G-10-205.

(2)

- (a) A school shall obtain prior written consent from a student's parent before the school may provide sex education instruction to the student.
- (b) A school may not provide:
 - (i) sex education instruction to a student without the prior written consent described in Subsection (2)(a); or
 - (ii) any instruction related to sex that is not:
 - (A) described in the definition of sex education and subject to the prior written consent described in Subsection (2)(a); or
 - (B) otherwise provided for or described in Section 53G-10-402.
- (3) If a student's parent chooses not to have the student participate in sex education instruction, a school shall:
 - (a) waive the requirement for the student to participate in the sex education instruction; or
 - (b) provide the student with a reasonable alternative to the sex education instruction requirement that does not include the content described in Subsection (1)(a).

- (4) In cooperation with the student's teacher or school, a parent is responsible for the sex education instruction of the parent's student if a school:
 - (a) waives the student's sex education instruction requirement under Subsection (3)(a); or
 - (b) provides the student with a reasonable alternative to the sex education instruction requirement under Subsection (3)(b).
- (5) A school, an LEA governing board, or the state board may not penalize a student's academic or citizenship performance if the student's parent chooses not to have the student participate in sex education instruction as described in Subsection (3).

Amended by Chapter 380, 2025 General Session

53G-10-404 Adoption information.

- (1) For a school year beginning with or after the 2012-13 school year, a local school board shall ensure that an annual presentation on adoption is given to its secondary school students in grades 7-12, so that each student receives the presentation at least once during grades 7-9 and at least once during grades 10-12.
- (2) The presentation shall be made by a licensed teacher as part of the health education core.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-10-405 Instruction on the harmful effects of alcohol, tobacco, electronic cigarette products, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health.

- (1) The state board shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, electronic cigarette products, and controlled substances upon the human body and society. The rules shall require instruction on the following:
 - (a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, electronic cigarette products, and controlled substances;
 - (b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, electronic cigarette products, and controlled substances; and
 - (c) discouraging the use of alcohol, tobacco, electronic cigarette products, and controlled substances.
- (2) At the request of the state board, the Division of Substance Abuse and Mental Health shall cooperate with the state board in developing programs to provide this instruction.
- (3) The state board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts which are compatible with the purposes of this section.
- (4) The state board shall establish a library of documented best practices and resources for alcohol, tobacco, and electronic cigarette product cessation interventions for use by local school districts.

Amended by Chapter 161, 2020 General Session

53G-10-406 Underage Drinking and Substance Abuse Prevention Program -- State board rules.

- (1) As used in this section:
 - (a) "Advisory council" means the Underage Drinking and Substance Abuse Prevention Program Advisory Council created in this section.

- (b) "Program" means the Underage Drinking and Substance Abuse Prevention Program created in this section.
- (c) "School-based prevention program" means an evidence-based program that:
 - (i) is aimed at preventing underage consumption of alcohol and underage use of electronic cigarette products;
 - (ii) is delivered by methods that engage students in storytelling and visualization;
 - (iii) addresses the behavioral risk factors associated with underage drinking and use of electronic cigarette products; and
 - (iv) provides practical tools to address the dangers of underage drinking and use of electronic cigarette products.
- (2) There is created the Underage Drinking and Substance Abuse Prevention Program that consists of:
 - (a) a school-based prevention program for students in grade 4 or 5;
 - (b) a school-based prevention program for students in grade 7 or 8; and
 - (c) a school-based prevention program for students in grade 9 or 10 that increases awareness of the dangers of driving under the influence of alcohol.
- (3)
 - (a) Beginning with the 2018-19 school year, an LEA shall offer the program each school year to each student in grade 7 or 8 and grade 9 or 10.
 - (b) In addition to Subsection (3)(a), beginning with the 2020-21 school year, an LEA shall offer the program each school year to each student in grade 4 or 5.
 - (c) An LEA shall select from the providers qualified by the state board under Subsection (6) to offer the program.
- (4) The state board shall administer the program with input from the advisory council.
- (5) There is created the Underage Drinking and Substance Abuse Prevention Program Advisory Council comprised of the following members:
 - (a) the executive director of the Department of Alcoholic Beverage Services or the executive director's designee;
 - (b) the executive director of the Department of Health and Human Services or the executive director's designee;
 - (c) the director of the Office of Substance Use and Mental Health or the director's designee;
 - (d) the director of the Division of Child and Family Services or the director's designee;
 - (e) the director of the Division of Juvenile Justice and Youth Services or the director's designee;
 - (f) the state superintendent or the state superintendent's designee; and
 - (g) two members of the state board, appointed by the chair of the state board.
- (6)
 - (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board shall qualify one or more providers to provide the program to an LEA.
 - (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:
 - (i) whether the provider's program complies with the requirements described in this section;
 - (ii) the extent to which the provider's prevention program aligns with core standards for Utah public schools; and
 - (iii) the provider's experience in providing a program that is effective.
- (7)
 - (a) The state board shall use money from the Underage Drinking and Substance Abuse Prevention Program Restricted Account described in Section 53F-9-304 for the program.
 - (b) The state board may use money from the Underage Drinking Prevention Program Restricted Account to fund up to .5 of a full-time equivalent position to administer the program.

- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
- (a) beginning with the 2018-19 school year, require an LEA to offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 7 or 8 and grade 9 or 10;
 - (b) beginning with the 2020-21 school year, require an LEA to offer the Underage Drinking and Substance Abuse Prevention Program each school year to each student in grade 4 or 5; and
 - (c) establish criteria for the state board to use in selecting a provider described in Subsection (6).

Amended by Chapter 240, 2024 General Session

53G-10-407 Positive behaviors plan -- Positive behaviors specialist stipend -- Reports.

- (1) As used in this section:
- (a) "Positive behaviors plan" means a plan to address the causes of student use of tobacco, alcohol, electronic cigarette products, and other controlled substances through promoting positive behaviors.
 - (b) "Positive behaviors specialist" means an individual designated to administer a positive behaviors plan.
- (2)
- (a) A school principal shall:
 - (i) create a positive behaviors plan based on the input of students, parents, and staff; and
 - (ii) submit the positive behaviors plan to the LEA governing board for approval.
 - (b) A positive behaviors plan shall address issues including peer pressure, mental health, and creating meaningful relationships.
 - (c) A positive behaviors plan may include programs, clubs, service opportunities, and pro-social activities.
- (3) Each LEA shall designate one or more employees as a positive behaviors specialist for each school to administer the positive behaviors plan.
- (4)
- (a) Subject to Subsection (4)(b) and Section 53F-2-525, the state board shall distribute annually to each school:
 - (i) \$3,000 as a stipend for the positive behaviors specialists; and
 - (ii) \$1,000 to administer the positive behaviors plan.
 - (b) Notwithstanding Subsection (4)(a), if funding is insufficient to cover the costs associated with the distributions, the state board may reduce the amount distributed.
- (5)
- (a) A positive behaviors specialist shall annually submit a written report to the LEA governing board detailing how the positive behaviors plan was implemented in the prior year.
 - (b) Except as provided in Subsection 53F-2-525(5), an LEA governing board shall submit an annual report to the state board confirming that each school under the governing board's jurisdiction has an approved positive behaviors plan.

Amended by Chapter 366, 2025 General Session

53G-10-408 Cardiopulmonary resuscitation instruction -- Grant program.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.

- (b) "Cardiopulmonary resuscitation" or "CPR" means artificial ventilation or external chest compression applied to a person who is unresponsive and not breathing.
 - (c) "Individualized education program" or "IEP" means the same as that term is defined in Section 53E-1-102.
 - (d) "Local education agency" or "LEA" means a school district or charter school that serves students in grade 9, 10, 11, or 12.
 - (e) "Psychomotor skills" means sequences of physical actions that are practiced in a manner that supports cognitive learning.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the requirements of this section, the board shall make rules to develop and implement CPR training as part of the core curriculum standards for instruction in health.
 - (3) The state board may consult with the American Heart Association, the American Red Cross, or other similar organizations to make the rules described in Subsection (2).
 - (4) Rules made under Subsection (2) shall include:
 - (a) a requirement that CPR training be based on current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation;
 - (b) except for a participant who is enrolled in an online-only school, a requirement that CPR training include the use of psychomotor skills with appropriate CPR training equipment; and
 - (c) a requirement that a student complete CPR training at least once during the period that begins with the beginning of grade 9 and ends at the end of grade 12, except as provided in Subsection (7).
 - (5) Beginning with the 2022-23 school year, and in accordance with the rules made under Subsection (2), an LEA shall offer CPR training for students.
 - (6) Rules made under Subsection (2) may not allow an LEA to issue a CPR certification to a student, but may allow a student to receive CPR certification from an individual who provides the CPR training if the individual is authorized to issue a CPR certification by the American Heart Association, American Red Cross, or other similar organization.
 - (7) A student is exempt from completing CPR training if:
 - (a) the student's parent or legal guardian requests that the student be exempt from CPR training;
 - (b) the student provides documentation to the LEA showing that the student has previously received CPR training or has a current CPR certification; or
 - (c) the student has an IEP and the CPR training is inconsistent with the IEP.
 - (8) An LEA may accept a donation of materials, equipment, or services related to CPR training if the materials, equipment, or services are in compliance with rules made pursuant to Subsection (2).
 - (9)
 - (a) There is created the CPR Training Grant Program.
 - (b) Subject to legislative appropriations, the board shall award grants to LEAs to provide the CPR training described in this section, which may include engaging a qualified CPR instructor or replacing materials and equipment used in CPR training.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board may make rules to establish:
 - (i) application and eligibility requirements for an LEA that seeks a grant under this section; or
 - (ii) specific materials or equipment that may be purchased using a grant awarded under this section.

Enacted by Chapter 292, 2022 General Session

53G-10-409 Prohibition on instruction by an elective abortion provider or affiliate.

- (1) As used in this section:
- (a) "Abortion" means the same as that term is defined in Section 76-7-301.
 - (b) "Affiliate" means an entity with a legal relationship to another entity, where the entities establish:
 - (i) common ownership, management, or control;
 - (ii) a franchise or similar agreement; or
 - (iii) a license agreement permitting the use of a brand name, trademark, service mark, or other identification.
 - (c) "Debranded maturation curriculum" means a puberty or maturation education program that excludes all corporate, organizational, or third-party branding, logos, sponsorships, or materials associated with an elective abortion entity.
- (2) An LEA may not allow an entity employee, representative, or affiliate that performs elective abortions or provides debranded maturation curriculum to:
- (a) deliver instruction or programs on all health or health related topics in a school that receives state funding; or
 - (b) provide materials or media on a health topic for distribution or display in a school that receives state funding, if the materials or media are created by, funded by, donated by, or bear the identifying mark of the entity or the entity's affiliate.
- (3)
- (a) In accordance with Section 53E-3-401, the state board may:
 - (i) impose a monetary penalty on an LEA that violates this section; and
 - (ii) withhold funds allocated under Title 53F, Chapter 2, State Funding -- Minimum School Program, for continued noncompliance.
 - (b) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce a penalty imposed under Subsection (3)(a).

Enacted by Chapter 374, 2025 General Session

Part 5
Driver Education Classes

53G-10-501 Definitions.

As used in this part:

- (1) "Driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle.
- (2) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.

Amended by Chapter 293, 2019 General Session

53G-10-502 Driver education established by a local education agency.

- (1)
- (a) A local education agency may establish and maintain driver education for pupils.

- (b) A school or local education agency that provides driver education shall provide an opportunity for each pupil enrolled in that school or local education agency to take the written test when the pupil is 15 years and nine months of age.
- (c) Notwithstanding the provisions of Subsection (1)(b), a school or local education agency that provides driver education may provide an opportunity for each pupil enrolled in that school or local education agency to take the written test when the pupil is 15 years of age.
- (2) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for driver education offered in the public schools.
- (4) The rules under Subsection (3) shall:
 - (a) require at least one hour of classroom training on the subject of railroad crossing safety for each driver education pupil;
 - (b) require instruction, based on data and information provided by the Division of Air Quality, on:
 - (i) ways drivers can improve air quality; and
 - (ii) the harmful effects of vehicle emissions; and
 - (c) establish minimum standards for approved driving ranges under Section 53-3-505.5.
- (5) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving training provided as part of driver education offered under this part and used to satisfy the driver training requirement under Section 53-3-204.

Amended by Chapter 247, 2021 General Session

53G-10-503 Driver education funding -- Reimbursement of a local education agency for driver education class expenses -- Limitations -- Excess funds -- Student fees.

- (1)
 - (a) Except as provided in Subsection (1)(b), a local education agency that provides driver education shall fund the program through:
 - (i) funds provided from the Automobile Driver Education Tax Account in the Uniform School Fund as created under Section 41-1a-1205; and
 - (ii) student fees collected by each school.
 - (b) In determining the cost of driver education, a local education agency may exclude:
 - (i) the full-time equivalent cost of a teacher for a driver education class taught during regular school hours; and
 - (ii) classroom space and classroom maintenance.
 - (c) A local education agency may use additional school funds beyond those allowed under Subsection (1)(b) to subsidize driver education.
- (2)
 - (a) The state superintendent shall, prior to September 2nd following the school year during which it was expended, or may at earlier intervals during that school year, reimburse each local education agency that applied for reimbursement in accordance with this section.
 - (b) A local education agency that maintains driver education classes that conform to this part and the rules prescribed by the state board may apply for reimbursement for the actual cost of providing the behind-the-wheel and observation training incidental to those classes.
- (3) Under the state board's supervision for driver education, a local education agency may:
 - (a) employ personnel who are not licensed by the state board under Section 53E-6-201; or
 - (b) contract with private parties or agencies licensed under Section 53-3-504 for the behind-the-wheel phase of the driver education program.

- (4) The reimbursement amount shall be paid out of the Automobile Driver Education Tax Account in the Uniform School Fund and may not exceed:
 - (a) \$150 per student who has completed driver education during the school year;
 - (b) \$45 per student who has only completed the classroom portion in the school during the school year; or
 - (c) \$105 per student who has only completed the behind-the-wheel and observation portion in the school during the school year.
- (5) If the amount of money in the account at the end of a school year is less than the total of the reimbursable costs, the state superintendent shall allocate the money to each local education agency in the same proportion that the local education agency's reimbursable costs bear to the total reimbursable costs of all local education agencies.
- (6) If the amount of money in the account at the end of any school year is more than the total of the reimbursement costs provided under Subsection (4), the state superintendent may allocate the excess funds to local education agencies:
 - (a) to reimburse each local education agency that applies for reimbursement of the cost of a fee waived under Section 53G-7-504 for driver education; and
 - (b) to aid in the procurement of equipment and facilities which reduce the cost of behind-the-wheel instruction.
- (7)
 - (a) A local school board shall, in accordance with Chapter 7, Part 5, Student Fees, establish the student fee for driver education for the local education agency.
 - (b) Student fees shall be reasonably associated with the costs of driver education that are not otherwise covered by reimbursements and allocations made under this section.

Amended by Chapter 55, 2024 General Session

53G-10-504 Enrollment of private school pupils.

- (1) A school district maintaining driver education classes shall allow pupils enrolled in grades nine to 12 of regularly established private schools located within the school district to enroll in the most accessible public school in the school district to receive driver education.
- (2) Enrollment is on the same terms and conditions as applies to students in public schools within the district, as such terms and conditions relate to the driver education classes only.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-10-505 Reports as to costs of driver training programs.

A local school board seeking reimbursement shall, at the end of each school year and at other times as designated by the state board, report the following to the state superintendent:

- (1) the costs of providing driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;
- (2) the costs of fees waived under Section 53G-7-504 for driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;
- (3) the number of students who completed driver education including a separate accounting for:
 - (a) course work; and
 - (b) behind-the-wheel and observation training to students;

- (4) whether or not a passing grade was received; and
- (5) any other information the state board may require for the purpose of administering this program.

Amended by Chapter 293, 2019 General Session

53G-10-506 Promoting the establishment and maintenance of classes -- Payment of costs.

- (1) The state superintendent shall promote the establishment and maintenance of driver education classes in local education agencies under rules adopted by the state board.
- (2) The state board may employ personnel and sponsor experimental programs considered necessary to give full effect to this program.
- (3) The costs of implementing this section shall be paid from the legislative appropriation to the state board made from the Automobile Driver Education Tax Account in the Uniform School Fund.

Amended by Chapter 247, 2021 General Session

53G-10-507 Driver education teachers certified as license examiners.

- (1) The Driver License Division of the Department of Public Safety and the state board shall establish procedures and standards to certify teachers of driver education classes under this part to administer written and driving tests.
- (2) The division is the certifying authority.
- (3)
 - (a) A teacher certified under this section shall give written and driving tests designed for driver education classes authorized under this part.
 - (b) The Driver License Division shall, in conjunction with the state board, establish minimal standards for the driver education class tests that are at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver License Act.
 - (c) A student who passes the written test but fails the driving test given by a teacher certified under this section may apply for a learner permit or class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver License Division office.
- (4) A student shall have a learner permit issued by the Driver License Division under Section 53-3-210.5 in the student's immediate possession at all times when operating a motor vehicle under this section.
- (5) A student who successfully passes the tests given by a certified driver education teacher under this section satisfies the written and driving parts of the test required for a learner permit or class D operator's license.
- (6) The Driver License Division and the state board shall establish procedures to enable a local education agency to administer or process any tests for a student to receive a learner permit or class D operator's license.
- (7) The division and state board shall establish the standards and procedures required under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 247, 2021 General Session

53G-10-508 Programs authorized -- Minimum standards.

- (1) A local education agency may:
 - (a) allow a student to complete the classroom training portion of driver education through home study;
 - (b) provide each parent with driver education instructional materials to assist in parent involvement with driver education including behind-the-wheel driving materials;
 - (c) offer driver education outside of school hours in order to reduce the cost of providing driver education;
 - (d) offer driver education through community education programs;
 - (e) offer the classroom portion of driver education in the public schools and allow the student to complete the behind-the-wheel portion with a private provider:
 - (i) licensed under Section 53-3-504; and
 - (ii) not associated with the school or under contract with the school under Subsection 53G-10-503(3); or
 - (f) any combination of Subsections (1)(a) through (e).
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall establish in rule minimum standards for the school-related programs under Subsection (1).

Amended by Chapter 247, 2021 General Session

Part 6

Education Innovation Program

53G-10-601 Definitions.

As used in this part:

- (1) "Alternative classroom schedule" means a classroom schedule that is different than the schedule followed by other classrooms in the applicable school or LEA.
- (2) "Alternative curriculum" means curriculum in one or more subject areas that is based on standards that are different than the standards:
 - (a) adopted by the state board; and
 - (b) applicable to the regular curriculum offered in the subject area or areas in the applicable school or LEA.
- (3) "Applicable school or LEA" means the school or LEA in which an innovation program is proposed or implemented.
- (4) "Innovation grant" means a grant of money under Section 53G-10-608 to pay for some or all innovation program costs.
- (5) "Innovation program" means a program establishing an alternative classroom schedule or an alternative curriculum, or both.
- (6) "Innovation program application" means an application:
 - (a) proposing the implementation of an innovation program; and
 - (b) submitted under Section 53G-10-603 to the LEA governing board for the LEA in which the innovation program is proposed.
- (7) "Innovation program costs" means costs occasioned by an innovation program that exceed costs of a class that is not subject to an innovation program.
- (8) "K-12" means kindergarten through grade 12.
- (9) "Opportunity class" means a school class within the public education system that implements an innovation program.

- (10) "Participating student" means a K-12 student who participates in an opportunity class under an approved innovation program.

Enacted by Chapter 236, 2022 General Session

53G-10-602 Establishment of innovation program -- LEA governing board approval -- Parental consent required -- Renewal of program.

- (1) An innovation program may be established for a K-12 class as provided in this part if the innovation program is approved by the LEA governing board for the LEA in which the proposed innovation program is to be implemented.
- (2) A public school teacher may submit an innovation program application to the LEA governing board for the LEA of the class or school in which the teacher proposes to implement an innovation program.
- (3) Before submitting an innovation program application, the public school teacher intending to submit the innovation program application shall obtain the written consent described in Section 53G-10-603.
- (4) An innovation program application shall be submitted no less than 60 days before the beginning of student registration for the school year for which the innovation program is proposed.
- (5)
 - (a) An LEA governing board shall approve or deny an innovation program application within 45 days after the day on which the application is submitted.
 - (b) An LEA governing board may approve an innovation program application subject to modifications or additional terms that the LEA governing board determines appropriate.
- (6) An innovation program may be renewed for another school year if:
 - (a) the teacher in the opportunity class requests renewal;
 - (b) the teacher submits with the renewal request the written consent described in Section 53G-10-603; and
 - (c) the LEA governing board approves the renewal.

Amended by Chapter 45, 2024 General Session

53G-10-603 Parental consent for student participating in opportunity class.

- (1) A parent of a K-12 student may give the parent's consent for the student to participate in an opportunity class by submitting the parent's written and signed consent, as described in Subsection (2), to the public school teacher who proposes to submit an innovation program application.
- (2)
 - (a) A public school teacher who intends to submit an innovation program application shall provide a consent form to a parent of a prospective participating student.
 - (b) A form by which a parent consents to the enrollment of the parent's child in an opportunity class shall contain:
 - (i) the name and a summary of the credentials of each teacher and other staff member who will be teaching or working in the opportunity class;
 - (ii) an explanation that the opportunity class is experimental in nature and may not receive approval to continue beyond the school year for which the innovation program is approved;
 - (iii) a description of the alternative curriculum and alternative classroom schedule, as applicable, that the innovation program application intends to seek approval for;

- (iv) a description of how, when, and where the opportunity class instruction will take place and whether the instruction will include in-person, virtual, or hybrid components;
- (v) if the innovation application intends to include a proposed alternative curriculum, a description of:
 - (A) the alternative curriculum and the instructional materials to be used in the opportunity class; and
 - (B) the outcomes the opportunity class using the alternative curriculum is designed to achieve; and
- (vi) a statement accompanying the parent's signature indicating that the parent has read the explanation of the opportunity class contained in the consent form and understands the experimental nature of the opportunity class.

Enacted by Chapter 236, 2022 General Session

53G-10-604 Innovation program application -- Requirements.

- (1) An innovation program application shall include:
 - (a) the name and a summary of the credentials of each teacher and other staff member who will be teaching or working in the opportunity class;
 - (b) the name of each student whose parent has submitted a consent form consenting to the student becoming a participating student;
 - (c) a description of the alternative curriculum and alternative classroom schedule, as applicable, that the innovation program application seeks approval for;
 - (d) a description of how, when, and where the opportunity class instruction will take place and whether the instruction will include in-person, virtual, or hybrid components;
 - (e) any other innovative curriculum or classroom schedule adjustments intended to be incorporated into the opportunity class to enhance the learning, performance, and educational experience of participating students;
 - (f) criteria for measuring student learning and performance;
 - (g) an explanation of the assessment of the innovation program as provided in Section 53G-10-607;
 - (h) if the innovation application includes a proposed alternative curriculum, a description of:
 - (i) the alternative curriculum and the instructional materials to be used in the opportunity class; and
 - (ii) the outcomes the opportunity class using the alternative curriculum is designed to achieve;
 - (i) any additional funding needed to cover innovation program costs; and
 - (j) participating students' proposed access to or use of the transportation services, playground facilities, cafeteria facilities, after-school or extra-curricular activities, special education services, and other facilities, activities, or services normally provided by the applicable school or LEA.
- (2) An innovation program application that proposes an alternative curriculum may include a proposal for a different curriculum or an innovative delivery of curriculum.
- (3) An innovation program application that proposes an alternative classroom schedule may include a proposal for a different classroom schedule that includes options for:
 - (a) different requirements for in-person, virtual, or hybrid instruction; and
 - (b) different provisions for length of student attendance at in-person, virtual, or hybrid instruction.
- (4) An innovation program application may include a request for an innovation grant.

Enacted by Chapter 236, 2022 General Session

53G-10-605 Alternative curriculum and alternative classroom schedule provisions.

- (1) An alternative curriculum in an elementary school shall include English, mathematics, science, or history and social science.
- (2) If requested in an innovation program application that the LEA governing board approves, a school in which an opportunity class is proposed to be located shall provide the opportunity class with a classroom and other equipment and facilities normally provided to a class within the school.
- (3) A teacher in an opportunity class may make adjustments to the curriculum or classroom schedule described in the approved innovation program as implementation of the innovation program reveals the need or advisability of making adjustments to better meet the needs of students or to better achieve the goals and objectives of the innovation program.
- (4) A student may become a participating student in an opportunity class after the beginning of a school year during a standard class change period if:
 - (a) the innovation program allows the addition of a participating student during the school year;
 - (b) the student's parent consents as provided in Section 53G-10-603; and
 - (c) the teacher of the opportunity class consents.

Enacted by Chapter 236, 2022 General Session

53G-10-606 Provisions applicable to participating students, staff in an opportunity class, innovation programs, and LEAs.

- (1) A participating student may use a transportation service offered to students who are not participating students if:
 - (a) the participating student uses the transportation service on the same basis and at the same times as the transportation service is offered to students who are not participating students; or
 - (b) the innovation program provides for:
 - (i) the participating student's use of the transportation service; and
 - (ii) payment of the additional cost of the transportation service attributable to the participating student's use of the transportation service.
- (2) A participating student:
 - (a) shall be enrolled in the LEA where the opportunity class is operating; and
 - (b) is counted as any other student who is not a participating student for purposes of calculating educational funding apportioned to the LEA.
- (3)
 - (a) A participating student is subject to a state assessment, as defined in Section 53E-4-301, to the same extent as a student who is not a participating student.
 - (b) The results of state assessment taken by participating students may not be included in assessment results for the school or LEA unless the test results are required to be included in the school or LEA assessment results by:
 - (i) the approved innovation program; or
 - (ii) applicable law.
- (4) A teacher or other staff member who teaches or works in an opportunity class:
 - (a) is an employee of the LEA where the opportunity class is located; and
 - (b) shall receive compensation and other benefits available generally to an individual employed in a comparable position in the LEA.
- (5) An opportunity class shall comply with:
 - (a) provisions of the approved innovation program; and

- (b) all applicable federal, state, and local laws prohibiting discrimination or governing the safety of students and teachers.
- (6) An LEA:
 - (a) shall apportion education funds for instructional use of participating students in an amount substantially similar to funds apportioned for instructional use of comparable students who are not participating students; and
 - (b) is responsible to provide to participating students only the services described in the approved innovation program.

Enacted by Chapter 236, 2022 General Session

53G-10-607 Assessment of innovation program.

A teacher in an opportunity class shall:

- (1) monitor the extent to which participating student learning and performance are consistent with the criteria established in the innovation program;
- (2) report the results under Subsection (1) to the LEA governing board, as provided in the approved innovation program; and
- (3) cooperate with and provide participating student learning and performance data to the director of ULEAD, as defined in Section 53E-10-701, as the director performs the director's duties under Subsection 53E-10-703(7)(b).

Enacted by Chapter 236, 2022 General Session

53G-10-608 Innovation grants.

- (1) An LEA governing board may approve a grant of up to \$5,000 per opportunity class for the school year if:
 - (a) a request for an innovation grant is included in the innovation application; and
 - (b) the LEA governing board determines that the grant is needed to:
 - (i) cover innovation program costs; and
 - (ii) help fulfill the goals and purposes of the opportunity class.
- (2) If an LEA governing board approves a request for an innovation grant, the LEA governing board shall send the state board written notice of the approval and the name of the teacher who submitted the request for the innovation grant.
- (3)
 - (a)
 - (i) Upon receipt of the written notice and authorization under Subsection (2), the state board shall, subject to Subsection (3)(b), disburse the amount of the approved innovation grant to the LEA governing board.
 - (ii) The LEA governing board shall distribute the money to the teacher of the opportunity class to cover innovation program costs.
 - (b)
 - (i) Except as provided in Subsection (3)(b)(iii), the maximum amount of money that the state board may distribute for approved innovation grants is \$500,000 per school year.
 - (ii) If the state board receives a written notice and authorization under Subsection (2) after already distributing \$500,000 for the school year, the state board shall notify the LEA governing board that the grant money has been expended for the school year and that the state board cannot distribute money for the approved innovation grant.

- (iii) If the state board distributes less than \$500,000 for approved innovation grants for a school year, the difference between \$500,000 and the amount distributed shall be rolled over and included in the money available for distribution for approved innovation grants for the following school year.
- (4) The state board shall keep and account for all money appropriated for innovation grants separate from other state board funds.
- (5) A teacher receiving an innovation grant under this section may not use the money from the grant for any purpose other than for innovation program costs.

Amended by Chapter 45, 2024 General Session

Part 7

Family Outreach Program

53G-10-701 Definitions.

As used in this section:

- (1) "Family outreach liaison" means a family outreach liaison appointed in accordance with Section 53G-10-703.
- (2) "School" means a public elementary or secondary school, including a charter school.

Enacted by Chapter 373, 2024 General Session

53G-10-702 Establishment of family outreach program -- LEA governing board approval -- Renewal of program.

- (1) A school may establish a family outreach program for a K-12 school as provided in this part if the family outreach program is approved by the LEA governing board for the LEA in which the proposed family outreach program is to be implemented.
- (2) A school may submit a family outreach program application to the LEA governing board for the school.
- (3) A school shall submit a family outreach program application no less than 90 days before the beginning of student registration for the school year for which the family outreach program is proposed.
- (4)
 - (a) An LEA governing board shall approve or deny a family outreach program application within 60 days after the application is submitted.
 - (b) An LEA governing board may approve a family outreach program application subject to modifications or additional terms that the LEA governing board determines appropriate.
- (5) A family outreach program may be renewed for another school year if:
 - (a) the school requests renewal; and
 - (b) the LEA governing board approves the renewal.

Enacted by Chapter 373, 2024 General Session

53G-10-703 LEA governing board to supervise.

- (1) The LEA governing board of a school that has implemented a family outreach program may appoint a family outreach liaison.

- (2) The general control, supervision, and direct management of a family outreach liaison is vested in the LEA governing board for the school in which the program is implemented.
- (3) The LEA governing may:
 - (a) make and enforce rules to organize, conduct, and supervise a family outreach liaison;
 - (b) establish the family outreach liaison duties, and fix the family outreach liaison's compensation;
 - (c) determine the qualifications of a person employed as a family outreach liaison;
 - (d) determine the basis of apportionment and distribute funds made available for the employment of a family outreach liaison; and
 - (e) evaluate the family outreach liaison's performance annually.

Enacted by Chapter 373, 2024 General Session

53G-10-704 Family outreach liaison responsibilities.

The family outreach liaison shall:

- (1) communicate to families about:
 - (a) school events;
 - (b) school priorities;
 - (c) school-based resources and community-based resources that are available to children or families; and
 - (d) opportunities to volunteer in the classroom and outside of the classroom at the school and school related events; and
- (2) communicate to families about how to:
 - (a) read and interpret their children's report card and other data generated by the school;
 - (b) navigate school web-based platforms;
 - (c) reach out to teachers and other school staff to advocate for their child; and
 - (d) support the child's learning at home.

Enacted by Chapter 373, 2024 General Session

53G-10-705 Provisions applicable to students, staff in a family outreach program.

A family outreach program shall comply with all applicable federal, state, and local laws prohibiting discrimination or governing the safety of students and teachers.

Enacted by Chapter 373, 2024 General Session

Chapter 11 Employees

Part 1 General Provisions

53G-11-101 Title.

This chapter is known as "Employees."

Enacted by Chapter 3, 2018 General Session

53G-11-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

Part 2
Miscellaneous Requirements

53G-11-201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-11-202 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.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-203 Health insurance mandates.

A local school board and a charter school governing board 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.

Amended by Chapter 293, 2019 General Session

53G-11-204 Postemployment health insurance benefits restrictions -- Definitions -- Restrictions -- Exceptions.

- (1) As used in this section:
 - (a) "Budgetary accounts" means the same as that term is defined in Section 51-5-3.
 - (b) "GASB" means the same as that term is defined in Section 51-5-3.
 - (c) "Liabilities" means the same as that term is defined in Section 51-5-3.
 - (d) "Postemployment" means the same as that term is defined in Section 51-5-3.
 - (e) "Postemployment health insurance benefits" means health insurance benefits:
 - (i) offered or promised to an employee for the employee's postemployment; or
 - (ii) continued into postemployment.
- (2) Except as provided under Subsection (3), a school district or charter school may not offer or provide a postemployment health insurance benefit to an employee who begins employment with the school district or charter school on or after July 1, 2015.
- (3) A school district or charter school may offer or provide postemployment health care insurance to employees if the school district or charter school:
 - (a) calculates the liabilities associated with postemployment health insurance benefits by applying GASB standards;
 - (b) recognizes current payments and all liabilities associated with the postemployment health insurance benefits in budgetary accounts;
 - (c) fully funds the annual required contributions associated with the postemployment health insurance benefits liabilities;
 - (d) establishes and implements a plan approved by the school district's local school board or charter school's governing board to catch up on any unfunded liabilities within no more than 20 years; and
 - (e) provides for ongoing payments against the postemployment health insurance liabilities as employees qualify for receiving the postemployment health insurance benefits.
- (4)
 - (a) Except as provided in Subsection (4)(b), if in a fiscal year, a school district or charter school fails to fully fund the annual required contributions described in Subsection (3)(c), the school district or charter school may not offer or provide a postemployment health insurance benefit for new employees beginning on the first day of that fiscal year.
 - (b) The provisions of Subsection (4)(a) do not apply if:
 - (i) for a school district only, the school district is imposing the maximum allowed local school board levy under Section 53F-8-302;
 - (ii) the school district or charter school fully funds the annual required contributions, including any missed contributions, by the end of the fiscal year following the fiscal year of inadequate funding; or
 - (iii) no increase was approved by the Legislature in the weighted pupil unit as defined in Section 53F-2-102 for the fiscal year the annual required contributions were not fully funded.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-205 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 education support professionals' associations.

- (b) "School" means a school district, a school in a school district, a charter school, or the state board 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.

Amended by Chapter 298, 2025 General Session

53G-11-206 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 53G-11-513.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-207 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) A local school board:
 - (a) shall post on the school district's website a collective bargaining agreement entered into by the local school board 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) A charter school governing board:
 - (a) shall post on the charter school's website a collective bargaining agreement entered into by the charter school governing board 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.

Amended by Chapter 293, 2019 General Session

53G-11-208 Local education agency required to provide leave to a legislator on an authorized legislative day.

- (1) As used in this section:
 - (a) "Authorized legislative day" means:
 - (i) the day on which the Legislature convenes in annual general session, and each day after that day, until midnight of the 45th day of the annual general session;
 - (ii) a special session day;
 - (iii) a veto override session day;
 - (iv) an interim day designated by the Legislative Management Committee;
 - (v) an authorized legislative training day; or
 - (vi) any other day on which a meeting of a committee, subcommittee, commission, task force, or other entity is held, if:
 - (A) the committee, subcommittee, commission, task force, or other entity is created by statute or joint resolution;
 - (B) the legislator's attendance at the meeting is approved by the Legislative Management Committee; and
 - (C) service and payment for service by the legislator is not in violation of the Utah Constitution, including Article V and Article VI, Sections 6 and 7.
 - (b) "Authorized legislative training day" means a day that a Legislative Expenses Oversight Committee designates as an authorized legislative day for training or informational purposes, including:
 - (i) chair training;
 - (ii) an issue briefing;
 - (iii) legislative leadership instruction;
 - (iv) legislative process training;
 - (v) legislative rules training;
 - (vi) new legislator orientation; or
 - (vii) another meeting to brief, instruct, orient, or train a legislator in relation to the legislator's official duties.
 - (c) "Legislator" means:
 - (i) a member of the Utah Senate;
 - (ii) a member of the Utah House of Representatives; or
 - (iii) an individual who has been elected as a member described in Subsection (1)(c)(i) or (ii), but has not yet been sworn in or begun the individual's term of office.
 - (d) "Retaliatory action" means to:
 - (i) dismiss the employee;
 - (ii) reduce the employee's compensation;
 - (iii) fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised;
 - (iv) fail to promote the employee if the employee would have otherwise been promoted; or

- (v) threaten to take an action described in Subsections (1)(d)(i) through (iv).
- (2) Except as provided in Subsection (4), a local education agency that employs an individual who is a legislator:
 - (a) shall grant leave to the individual on an authorized legislative day for the number of hours requested by the individual;
 - (b) may not interfere with, or otherwise restrain the individual from, using the leave described in Subsection (2)(a); and
 - (c) may not take retaliatory action against the individual for using the leave described in Subsection (2)(a).
- (3) The leave described in Subsection (2) is leave without pay unless the local education agency and the individual described in Subsection (2) agree to terms that are more favorable to the individual.
- (4) A local education agency is not required to comply with Subsection (2) if the local school district board of the local education agency determines that complying with the requirement would cause the local education agency significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the local education agency's operations.

Enacted by Chapter 402, 2024 General Session

Superseded 9/1/2025

53G-11-209 Paid leave -- Parental leave -- Postpartum recovery leave -- Leave sharing -- Rulemaking

- (1) As used in this section:
 - (a)
 - (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies.
 - (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type of leave an employee may take while still receiving compensation.
 - (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.
 - (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible employee.
 - (c) "Parental leave eligible employee" means an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies and is:
 - (i) a birth parent as defined in Section 73B-6-103;
 - (ii) legally adopting a minor child, unless the individual is the spouse of the pre-existing parent;
 - (iii) the intended parent of a child born under a validated gestational agreement in accordance with Title 78B, Chapter 15, Part 8, Gestational Agreement; or
 - (iv) appointed the legal guardian of a minor child or incapacitated adult.
 - (d) "Postpartum recovery leave" means leave hours a state employer provides to a postpartum recovery leave eligible employee to recover from childbirth.
 - (e) "Postpartum recovery leave eligible employee" means an employee:
 - (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and
 - (ii) who gives birth to a child.
 - (f) "Qualified employee" means:
 - (i) a parental leave eligible employee; or
 - (ii) a postpartum recovery leave eligible employee.
 - (g) "Retaliatory action" means to do any of the following regarding an employee:
 - (i) dismiss the employee;
 - (ii) reduce the employee's compensation;

- (iii) fail to increase the employee's compensation by an amount to which the employee is otherwise entitled to or was promised;
 - (iv) fail to promote the employee if the employee would have otherwise been promoted; or
 - (v) threaten to take an action described in Subsections (1)(f)(i) through (iv).
- (2) Beginning July 1, 2025, an LEA:
- (a) shall develop leave policies that provide for the use and administration of parental leave and postpartum recovery leave by a qualified employee under this section in a manner that is not more restrictive than the parental and postpartum recovery leave available to state employees under Section 63A-17-511; and
 - (b) may develop leave policies that provide a mechanism for leave sharing between employees of the same LEA or school for all types of leave including, sick leave, annual leave, parental leave, and postpartum recovery leave;
 - (c) shall allow a parental leave eligible employee and a postpartum recovery leave eligible employee who is part-time or who works in excess of a 40-hour work week or the equivalent of a 40-hour work week to use the amount of postpartum recovery leave available under this section on a pro rata basis; and
 - (d) shall provide each employee written information regarding:
 - (i) a qualified employee's right to use parental leave or postpartum recovery leave under this section; and
 - (ii) the availability of and process for using or contributing to the leave sharing mechanism described in Subsection (2)(b).
- (3) An LEA may not take retaliatory action against a qualified employee for using parental leave or postpartum recovery leave in accordance with this section.
- (4) An LEA may not charge parental leave or postpartum recovery leave against paid leave hours to which a qualified employee is entitled as described in Subsection (6).
- (5) An LEA or school may use leave bank sharing and other efforts to mitigate incurred costs of compliance with this section including coordinating with other LEAs or schools to share approaches or policies designed to fulfill the requirements of this section in a cost effective manner.
- (6) An LEA may provide leave that exceeds the benefits of the state leave policies described in this section.

Enacted by Chapter 48, 2024 General Session

Effective 9/1/2025

53G-11-209 Paid leave -- Parental leave -- Postpartum recovery leave -- Leave sharing -- Rulemaking.

- (1) As used in this section:
- (a)
 - (i) "Paid leave hours" means leave hours an LEA provides to an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies.
 - (ii) "Paid leave hours" includes annual, vacation, sick, paid time off, or any other type of leave an employee may take while still receiving compensation.
 - (iii) "Paid leave hours" is not limited parental leave or postpartum recovery leave.
 - (b) "Parental leave" means leave hours an LEA provides to a parental leave eligible employee.
 - (c) "Parental leave eligible employee" means an LEA employee who accrues paid leave benefits in accordance with the LEA's leave policies and is:
 - (i) a birth parent as defined in Section 81-13-101;

- (ii) legally adopting a minor child, unless the individual is the spouse of the pre-existing parent;
- (iii) the intended parent of a child born under a validated gestational agreement in accordance with Title 81, Chapter 5, Part 8, Gestational Agreement; or
- (iv) appointed the legal guardian of a minor child or incapacitated adult.
- (d) "Postpartum recovery leave" means leave hours a state employer provides to a postpartum recovery leave eligible employee to recover from childbirth.
- (e) "Postpartum recovery leave eligible employee" means an employee:
 - (i) who accrues paid leave benefits in accordance with the LEA's leave policies; and
 - (ii) who gives birth to a child.
- (f) "Qualified employee" means:
 - (i) a parental leave eligible employee; or
 - (ii) a postpartum recovery leave eligible employee.
- (g) "Retaliatory action" means to do any of the following regarding an employee:
 - (i) dismiss the employee;
 - (ii) reduce the employee's compensation;
 - (iii) fail to increase the employee's compensation by an amount to which the employee is otherwise entitled to or was promised;
 - (iv) fail to promote the employee if the employee would have otherwise been promoted; or
 - (v) threaten to take an action described in Subsections (1)(g)(i) through (iv).
- (2) Beginning July 1, 2025, an LEA:
 - (a) shall develop leave policies that provide for the use and administration of parental leave and postpartum recovery leave by a qualified employee under this section in a manner that is not more restrictive than the parental and postpartum recovery leave available to state employees under Section 63A-17-511;
 - (b) may develop leave policies that provide a mechanism for leave sharing between employees of the same LEA or school for all types of leave including, sick leave, annual leave, parental leave, and postpartum recovery leave;
 - (c) shall allow a parental leave eligible employee and a postpartum recovery leave eligible employee who is part-time or who works in excess of a 40-hour work week or the equivalent of a 40-hour work week to use the amount of postpartum recovery leave available under this section on a pro rata basis; and
 - (d) shall provide each employee written information regarding:
 - (i) a qualified employee's right to use parental leave or postpartum recovery leave under this section; and
 - (ii) the availability of and process for using or contributing to the leave sharing mechanism described in Subsection (2)(b).
- (3) An LEA may not take retaliatory action against a qualified employee for using parental leave or postpartum recovery leave in accordance with this section.
- (4) An LEA may not charge parental leave or postpartum recovery leave against paid leave hours to which a qualified employee is entitled as described in Subsection (6).
- (5) An LEA or school may use leave bank sharing and other efforts to mitigate incurred costs of compliance with this section including coordinating with other LEAs or schools to share approaches or policies designed to fulfill the requirements of this section in a cost effective manner.
- (6) An LEA may provide leave that exceeds the benefits of the state leave policies described in this section.

Amended by Chapter 426, 2025 General Session

Part 3

Licensed Employee Requirements

53G-11-301 Definitions.

As used in this part, "educator" means the same as that term is defined in Section 53E-6-102.

Amended by Chapter 293, 2019 General Session

53G-11-302 Contracts with teachers.

A school district may not enter into contracts with teachers that would prevent the school district from paying differential salaries or putting limitations on an individual salary paid in order to fill a shortage in specific teaching areas.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-303 Professional learning standards.

(1) As used in this section:

- (a) "Evidence-based" means that a strategy, not including reading software, demonstrates a statistically significant effect, of at least a 0.40 effect size, on improving student outcomes based on:
 - (i) strong evidence from at least one well-designed and well-implemented experimental study, as the state board further defines; or
 - (ii) moderate evidence from at least one well-designed and well-implemented quasi-experimental study, as the state board further defines.
- (b) "Evidence-informed" means that a strategy:
 - (i) is developed using high-quality research outside of a controlled setting in the given field, as the state board further defines; and
 - (ii) includes strategies and activities with a strong scientific basis for use, as the state board further defines.
- (c) "Professional learning" means a comprehensive, sustained, and evidence-based approach to improving teachers' and principals' effectiveness in raising student achievement.

(2) A school district or charter school shall implement high quality professional learning that meets the following standards:

- (a) professional learning occurs within learning communities committed to continuous improvement, individual and collective responsibility, and goal alignment;
- (b) professional learning requires skillful leaders who develop capacity, advocate, and create support systems, for professional learning;
- (c) professional learning requires prioritizing, monitoring, and coordinating resources for educator learning;
- (d) professional learning uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
- (e) professional learning integrates theories, research, and models of human learning to achieve its intended outcomes;
- (f) professional learning applies research on change and sustains support for implementation of professional learning for long-term change;

- (g) professional learning aligns its outcomes with:
 - (i) performance standards for teachers and school administrators as described in rules of the state board; and
 - (ii) performance standards for students as described in the core standards for Utah public schools adopted by the state board pursuant to Section 53E-4-202;
 - (h) professional learning:
 - (i) incorporates the use of technology in the design, implementation, and evaluation of high quality professional learning practices; and
 - (ii) includes targeted professional learning on the use of technology devices to enhance the teaching and learning environment and the integration of technology in content delivery; and
 - (i) professional learning uses evidence-informed core materials and evidence-based instructional practices and intervention materials.
- (3) School districts and charter schools shall use money appropriated by the Legislature for professional learning or federal grant money awarded for professional learning to implement professional learning that meets the standards specified in Subsection (2).
- (4) The state board, ULEAD, as that term is defined in Section 53E-10-701, and the Center for the School of the Future, established in Section 53B-18-801, shall jointly, in collaboration with an independent university-based research center, develop and maintain a repository of evidence-based practice and evidence-informed intervention materials to support school districts and charter schools in meeting the standards described in Subsection (2).

Amended by Chapter 20, 2023 General Session

53G-11-304 Educator exit survey -- Rulemaking -- Local education agencies to create and administer exit surveys -- Reporting.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that establish:
- (a) minimum standards for an exit survey described in Subsection (2), including a model exit survey; and
 - (b) LEA exit survey reporting requirements.
- (2) An LEA shall, in accordance with the rules described in Subsection (1):
- (a) for an educator who is leaving employment at the LEA:
 - (i) create an exit survey; and
 - (ii) make the LEA's best effort to administer the exit survey to the educator before the educator leaves employment at the LEA; and
 - (b) report the results of an administered exit survey to the state board.
- (3) The state board shall:
- (a) before taking final action on the rules described in Subsection (1), report the proposed rules to the Education Interim Committee and consider recommendations from the committee regarding the proposed rules; and
 - (b) on or before November 30, 2020, and as requested by the Education Interim Committee, report to the committee on the results described in Subsection (2)(b).

Amended by Chapter 408, 2020 General Session

53G-11-305 Professional learning in change management.

- (1) The state board shall provide the individuals described in Subsection (2) with professional learning regarding change management.

- (2) Each elementary principal and a principal supervisor, member of LEA leadership, and LEA literacy specialist shall complete the professional learning described in Subsection (1) before July 1, 2027.
- (3) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish a process for the delivery and completion of the professional learning described in this section.

Enacted by Chapter 285, 2022 General Session

Part 4

Background Checks

53G-11-401 Definitions.

As used in this part:

- (1) "Authorized entity" means an LEA, qualifying private school, or the state board that is authorized to request a background check and ongoing monitoring under this part.
- (2) "Bureau" means the Bureau of Criminal Identification within the Department of Public Safety created in Section 53-10-201.
- (3) "Contract employee" means an employee of a staffing service or other entity who works at a public or private school under a contract.
- (4) "FBI" means the Federal Bureau of Investigation.
- (5)
 - (a) "License applicant" means an applicant for a license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure.
 - (b) "License applicant" includes an applicant for reinstatement of an expired, lapsed, suspended, or revoked license.
- (6) "Non-licensed employee" means an employee of an LEA or qualifying private school that does not hold a current Utah educator license issued by the state board under Title 53E, Chapter 6, Education Professional Licensure.
- (7) "Personal identifying information" means:
 - (a) current name, former names, nicknames, and aliases;
 - (b) date of birth;
 - (c) address;
 - (d) telephone number;
 - (e) driver license number or other government-issued identification number;
 - (f) social security number; and
 - (g) fingerprints.
- (8) "Substitute teacher" means the same as that term is defined in Section 53E-6-901.
- (9) "Qualifying private school" means a private school that:
 - (a) enrolls students under Title 53F, Chapter 4, Part 3, Carson Smith Scholarship Program; and
 - (b) is authorized to conduct fingerprint-based background checks of national crime information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248.
- (10) "Rap back system" means a system that enables authorized entities to receive ongoing status notifications of any criminal history reported on individuals whose fingerprints are registered in the system.

(11) "WIN Database" means the Western Identification Network Database that consists of eight western states sharing one electronic fingerprint database.

Amended by Chapter 22, 2024 General Session

53G-11-402 Background checks for non-licensed employees, contract employees, volunteers, and charter school governing board members.

(1) An LEA or qualifying private school shall:

- (a) require the following individuals who are 18 years old or older to submit to a nationwide criminal background check and ongoing monitoring as a condition of employment or appointment:
 - (i) a non-licensed employee;
 - (ii) a contract employee;
 - (iii) except for an officer or employee of a cooperating employer under an internship safety agreement under Section 53G-7-904, a volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment; and
 - (iv) a charter school governing board member;
- (b) collect the following from an individual required to submit to a background check under Subsection (1)(a):
 - (i) personal identifying information;
 - (ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and
 - (iii) consent, on a form specified by the LEA or qualifying private school, for:
 - (A) an initial fingerprint-based background check by the FBI and the bureau upon submission of the application; and
 - (B) retention of personal identifying information for ongoing monitoring through registration with the systems described in Section 53G-11-404;
- (c) submit the individual's personal identifying information to the bureau for:
 - (i) an initial fingerprint-based background check by the FBI and the bureau; and
 - (ii) ongoing monitoring through registration with the systems described in Section 53G-11-404 if the results of the initial background check do not contain disqualifying criminal history information as determined by the LEA or qualifying private school in accordance with Section 53G-11-405; and
- (d) identify the appropriate privacy risk mitigation strategy to be used to ensure the LEA or qualifying private school only receives notifications for individuals with whom the LEA or qualifying private school maintains an authorizing relationship.

(2)

- (a) An LEA or qualifying private school may not require an individual to pay the fee described in Subsection (1)(b)(ii) unless the individual:
 - (i) has passed an initial review; and
 - (ii) is one of a pool of no more than five candidates for the position.
 - (b) An LEA may not require a non-licensed employee, contract employee, or volunteer to pay the fee described in Subsection (1)(b)(ii).
- (3) An LEA or qualifying private school that receives criminal history information about a licensed educator under Subsection 53G-11-403(5) shall assess the employment status of the licensed educator as provided in Section 53G-11-405.
- (4) An LEA or qualifying private school may establish a policy to exempt an individual described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if the individual is being temporarily employed or appointed.

- (5) An LEA or qualifying private school shall provide another LEA or qualifying private school that requires a national background check, as described in Subsection 53G-11-402(1)(a), an opportunity to clone the subscription or data from the FBI Rap Back System, as those terms are defined in Section 53-10-108, for employees or volunteers who are relocating, providing temporary volunteer services, or under contract, and in accordance with Section 53-10-108.

Amended by Chapter 22, 2024 General Session

53G-11-403 Background checks for licensed educators.

The state board shall:

- (1) require a license applicant to submit to a nationwide criminal background check and ongoing monitoring as a condition for licensing;
- (2) collect the following from an applicant:
 - (a) personal identifying information; and
 - (b) consent, on a form specified by the state board, for:
 - (i) an initial fingerprint-based background check by the FBI and bureau upon submission of the application;
 - (ii) retention of personal identifying information for ongoing monitoring through registration with the systems described in Section 53G-11-404; and
 - (iii) disclosure of any criminal history information to the individual's employing LEA or qualifying private school;
- (3) submit an applicant's personal identifying information to the bureau for:
 - (a) an initial fingerprint-based background check by the FBI and bureau; and
 - (b) ongoing monitoring through registration with the systems described in Section 53G-11-404 if the results of the initial background check do not contain disqualifying criminal history information as determined by the state board in accordance with Section 53G-11-405;
- (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure that the state board only receives notifications for individuals with whom the state board maintains an authorizing relationship;
- (5) notify the employing LEA or qualifying private school upon receipt of any criminal history information reported on a licensed educator employed by the LEA or qualifying private school; and
- (6)
 - (a) collect the information described in Subsection (2) from individuals who were licensed prior to July 1, 2015, by the individual's next license renewal date; and
 - (b) submit the information to the bureau for ongoing monitoring through registration with the systems described in Section 53G-11-404.
- (7) An LEA or qualifying private school shall provide another LEA or qualifying private school that requires the same or less than a national background check, as described in Subsection 53G-11-402(1)(a), an opportunity to clone the subscription or data from the FBI Rap Back System, as those terms are defined in Section 53-10-108, for employees or volunteers who are relocating, providing temporary volunteer services, or under contract, and in accordance with Section 53-10-108.

Amended by Chapter 22, 2024 General Session

53G-11-404 Bureau responsibilities.

The bureau shall:

- (1) upon request from an authorized entity, register the fingerprints submitted by the authorized entity as part of a background check with:
 - (a) the WIN Database rap back system, or any successor system; and
 - (b) the rap back system maintained by the Federal Bureau of Investigation;
- (2) notify an authorized entity when a new entry is made against an individual whose fingerprints are registered with the rap back systems described in Subsection (1) regarding:
 - (a) an alleged offense; or
 - (b) a conviction, including a plea in abeyance;
- (3) assist authorized entities to identify the appropriate privacy risk mitigation strategy that is to be used to ensure that the authorized entity only receives notifications for individuals with whom the authorized entity maintains an authorizing relationship; and
- (4) collaborate with the state board to provide training to authorized entities on the notification procedures and privacy risk mitigation strategies described in this part.

Amended by Chapter 293, 2019 General Session

53G-11-405 Due process for individuals--Review of criminal history information.

- (1)
 - (a) In accordance with Section 53-10-108, an authorized entity shall provide an individual an opportunity to review and respond to any criminal history information received under this part.
 - (b) If an authorized entity decides to disqualify an individual as a result of criminal history information received under this part, an individual may request a review of:
 - (i) information received; and
 - (ii) the reasons for the disqualification.
 - (c) An authorized entity shall provide an individual described in Subsection (1)(b) with written notice of:
 - (i) the reasons for the disqualification; and
 - (ii) the individual's right to request a review of the disqualification.
- (2)
 - (a) An LEA or qualifying private school shall make decisions regarding criminal history information for the individuals subject to the background check requirements under Section 53G-11-402 in accordance with:
 - (i) Subsection (3);
 - (ii) administrative procedures established by the LEA or qualifying private school; and
 - (iii) rules established by the state board.
 - (b) The state board shall make decisions regarding criminal history information for licensed educators in accordance with:
 - (i) Subsection (3);
 - (ii) Title 53E, Chapter 6, Education Professional Licensure; and
 - (iii) rules established by the state board.
- (3) When making decisions regarding initial employment, initial licensing, or initial appointment for the individuals subject to background checks under this part, an authorized entity shall consider:
 - (a) any convictions, including pleas in abeyance;
 - (b) any matters involving a felony; and
 - (c) any matters involving an alleged:
 - (i) sexual offense;
 - (ii) class A misdemeanor drug offense;

- (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Individual;
- (iv) class A misdemeanor property offense that is alleged to have occurred within the previous three years; and
- (v) any other type of criminal offense, if more than one occurrence of the same type of offense is alleged to have occurred within the previous eight years.

Amended by Chapter 430, 2022 General Session

53G-11-406 Self-reporting requirement.

- (1) Individuals subject to the background check requirements under this part shall self-report conviction, arrest, or offense information in accordance with rules established by the state board.
- (2) An LEA shall report conviction, arrest, or offense information received from licensed educators under Subsection (1) to the state board in accordance with rules established by the state board.

Amended by Chapter 293, 2019 General Session

53G-11-407 Update criminal background check rules and policies.

On or before September 1, 2015:

- (1) the state board shall update the state board's criminal background check rules consistent with this part; and
- (2) an LEA shall update the LEA's criminal background check policies consistent with this part.

Amended by Chapter 293, 2019 General Session

53G-11-408 Training provided to authorized entities.

The state board shall collaborate with the bureau to provide training to authorized entities on the provisions of this part.

Amended by Chapter 293, 2019 General Session

53G-11-409 Legislative audit.

After the conclusion of the 2018-2019 school year, subject to the prioritization of the Legislative Audit Subcommittee, the legislative auditor general shall conduct a review and issue a report on the extent to which the criminal background check procedures and ongoing monitoring described in this part adequately detect and identify the criminal histories of individuals who are employed by or volunteering in public schools.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-410 Reference check requirements for LEA applicants and volunteers.

- (1) As used in this section:
 - (a) "Child" means an individual who is younger than 18 years old.
 - (b) "LEA applicant" means an applicant for employment by an LEA.
 - (c) "Physical abuse" means the same as that term is defined in Section 80-1-102.
 - (d) "Potential volunteer" means an individual who:
 - (i) has volunteered for but not yet fulfilled an unsupervised volunteer assignment; and
 - (ii) during the last three years, has worked in a qualifying position.

- (e) "Qualifying position" means paid employment that requires the employee to directly care for, supervise, control, or have custody of a child.
 - (f) "Sexual abuse" means the same as that term is defined in Section 80-1-102.
 - (g) "Student" means an individual who:
 - (i) is enrolled in an LEA in any grade from preschool through grade 12; or
 - (ii) receives special education services from an LEA under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
 - (h) "Unsupervised volunteer assignment" means a volunteer assignment at an LEA that allows the volunteer significant unsupervised access to a student.
- (2)
- (a) Before hiring an LEA applicant or giving an unsupervised volunteer assignment to a potential volunteer, an LEA shall:
 - (i) require the LEA applicant or potential volunteer to sign a release authorizing the LEA applicant or potential volunteer's previous qualifying position employers to disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant or potential volunteer;
 - (ii) for an LEA applicant, request that the LEA applicant's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant;
 - (iii) for a potential volunteer, request that the potential volunteer's most recent qualifying position employer disclose information regarding any employment action taken or discipline imposed for the physical abuse or sexual abuse of a child or student by the potential volunteer; and
 - (iv) document the efforts taken to make a request described in Subsection (2)(a)(ii) or (iii).
 - (b) An LEA may not hire an LEA applicant who does not sign a release described in Subsection (2)(a)(i).
 - (c) An LEA may not give an unsupervised volunteer assignment to a potential volunteer who does not sign a release described in Subsection (2)(a)(i).
 - (d) An LEA shall request information under Subsection (2)(a)(ii) or (iii) before:
 - (i) hiring an LEA applicant; or
 - (ii) giving an unsupervised volunteer assignment to a potential volunteer.
 - (e) In accordance with state and federal law, an LEA may request from an LEA applicant or potential volunteer other information the LEA determines is relevant.
- (3)
- (a) An LEA that receives a request described in Subsection (2)(a)(ii) or (iii) shall respond to the request within 20 business days after the day on which the LEA received the request.
 - (b) If an LEA or other employer in good faith discloses information that is within the scope of a request described in Subsection (2)(a)(ii) or (iii), the LEA or other employer is immune from civil and criminal liability for the disclosure.

Amended by Chapter 262, 2021 General Session

Part 5

School District and Utah Schools for the Deaf and the Blind Employee Requirements

53G-11-501 Definitions.

As used in this part:

- (1) "Administrator" means an individual who supervises educators and holds an appropriate license.
- (2) "Career educator" means a licensed employee who has a reasonable expectation of continued employment under the policies of a local school board.
- (3) "Career employee" means an employee of a school district who has obtained a reasonable expectation of continued employment based upon Section 53G-11-503 and an agreement with the employee or the employee's association, district practice, or policy.
- (4) "Chronically absent" means a student who:
 - (a) was enrolled in an LEA for at least 60 calendar days; and
 - (b) missed 10% or more days of instruction, whether the absence was excused or not.
- (5) "Contract term" or "term of employment" means the period of time during which an employee is engaged by the school district under a contract of employment, whether oral or written.
- (6) "Dismissal" or "termination" means:
 - (a) termination of the status of employment of an employee;
 - (b) failure to renew or continue the employment contract of a career employee beyond the then-current school year;
 - (c) reduction in salary of an employee not generally applied to all employees of the same category employed by the school district during the employee's contract term; or
 - (d) change of assignment of an employee with an accompanying reduction in pay, unless the assignment change and salary reduction are agreed to in writing.
- (7) "Educator" means an individual employed by a school district who is required to hold a professional license issued by the state board, except:
 - (a) a superintendent; or
 - (b) an individual who works less than three hours per day or is hired for less than half of a school year.
- (8)
 - (a) "Employee" means a career or provisional employee of a school district, except as provided in Subsection (7)(b).
 - (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not include:
 - (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the Blind;
 - (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf and the Blind; or
 - (iii) a temporary employee.
- (9) "Formative evaluation" means a planned, ongoing process which allows educators to engage in reflection and growth of professional skills as related to the Utah Effective Teaching Standards.
- (10) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates the termination of an employee who started to work for a district most recently before terminating a more senior employee.
- (11) "Provisional educator" means an educator employed by a school district who has not achieved status as a career educator within the school district.
- (12) "Provisional employee" means an individual, other than a career employee or a temporary employee, who is employed by a school district.
- (13) "School board" means a local school board or, for the Utah Schools for the Deaf and the Blind, the state board.
- (14) "School district" or "district" means:
 - (a) a public school district; or
 - (b) the Utah Schools for the Deaf and the Blind.

- (15) "Summative evaluation" means an evaluation that:
- (a) a supervisor conducts;
 - (b) summarizes an educator's performance during an evaluation cycle; and
 - (c) a supervisor or school district may use to make decisions related to an educator's employment.
- (16) "Temporary employee" means an individual who is employed on a temporary basis as defined by policies adopted by the school board. If the class of employees in question is represented by an employee organization recognized by the school board, the school board shall adopt the school board's policies based upon an agreement with that organization. Temporary employees serve at will and have no expectation of continued employment.
- (17)
- (a) "Unsatisfactory performance" means a deficiency in performing work tasks that may be:
 - (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
 - (ii) remediated through training, study, mentoring, or practice.
 - (b) "Unsatisfactory performance" does not include the following conduct that is designated as a cause for termination under Section 53G-11-512 or a reason for license discipline by the state board or Utah Professional Practices Advisory Commission:
 - (i) a violation of work policies;
 - (ii) a violation of school board policies, state board rules, or law;
 - (iii) a violation of standards of ethical, moral, or professional conduct; or
 - (iv) insubordination.

Amended by Chapter 484, 2024 General Session

53G-11-501.5 Legislative findings.

- (1) The Legislature finds that the effectiveness of public educators can be improved and enhanced by providing specific feedback and support for improvement through a systematic, fair, and competent evaluation and remediation of public educators whose performance is inadequate.
- (2) The state board and each local school board shall implement Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, 53G-11-511, and 53G-11-520 in accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b), to:
 - (a) allow the educator and the school district to promote the professional growth of the educator; and
 - (b) identify and encourage quality instruction in order to improve student academic growth.

Amended by Chapter 484, 2024 General Session

53G-11-502 Applicability.

A local school board shall implement the educator evaluation process described in:

- (1) Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; or
- (2) Section 53G-11-520.

Amended by Chapter 484, 2024 General Session

53G-11-503 Career employee status for provisional employees -- Career status in the event of change of position -- Continuation of probationary status when position changes -- Temporary status for extra duty assignments.

- (1)

- (a) A provisional employee must work for a school district on at least a half-time basis for three consecutive years to obtain career employee status.
- (b) A school district may extend the provisional status of an employee up to an additional two consecutive years in accordance with a written policy adopted by the district's school board that specifies the circumstances under which an employee's provisional status may be extended.
- (2) Policies of an employing school district shall determine the status of a career employee in the event of the following:
 - (a) the employee accepts a position which is substantially different from the position in which career status was achieved; or
 - (b) the employee accepts employment in another school district.
- (3) If an employee who is under an order of probation or remediation in one assignment in a school district is transferred or given a new assignment in the district, the order shall stand until its provisions are satisfied.
- (4) An employee who is given extra duty assignments in addition to a primary assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary employee in those extra duty assignments and may not acquire career status beyond the primary assignment.

Renumbered and Amended by Chapter 3, 2018 General Session
Amended by Chapter 22, 2018 General Session

53G-11-504 Evaluation of employee performance.

- (1) Except as provided in Subsection (2), a local school board shall require that the performance of each school district employee be evaluated annually in accordance with rules of the state board adopted in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) Rules adopted by the state board under Subsection (1) may include an exemption from annual performance evaluations for a temporary employee or a part-time employee.

Amended by Chapter 408, 2020 General Session

53G-11-505 State board rules -- Reporting to Legislature.

Subject to Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, 53G-11-511, and 53G-11-520, the state board shall ensure that the rules the state board adopts under Section 53G-11-504:

- (1) provide general guidelines, requirements, and procedures for the development and implementation of employee evaluations;
- (2) establish required components and allow for optional components of employee evaluations;
- (3) require school districts to choose valid and reliable methods and tools to implement the evaluations; and
- (4) establish a timeline for school districts to implement employee evaluations.

Amended by Chapter 484, 2024 General Session

53G-11-506 Establishment of educator evaluation program -- Joint committee.

- (1) A local school board shall develop an educator evaluation program in consultation with its joint committee.

- (2) The joint committee described in Subsection (1) shall consist of an equal number of classroom teachers, parents, and administrators appointed by the local school board.
- (3) A local school board may appoint members of the joint committee from a list of nominees:
 - (a) voted on by classroom teachers in a nomination election;
 - (b) voted on by the administrators in a nomination election; and
 - (c) of parents submitted by school community councils within the district.
- (4) Subject to Subsection (5), the joint committee may:
 - (a) adopt or adapt an evaluation program for educators based on a model developed by the state board; or
 - (b) create the local school board's own evaluation program for educators.
- (5) The evaluation program developed by the joint committee shall comply with the requirements of Sections 53G-11-507 through 53G-11-511 and rules adopted by the state board under Section 53G-11-510.

Amended by Chapter 293, 2019 General Session

53G-11-507 Components of educator evaluation program.

- (1) A local school board in consultation with a joint committee established in Section 53G-11-506 shall adopt a reliable and valid educator evaluation program that evaluates educators based on educator professional standards established by the state board and includes:
 - (a) a systematic annual evaluation of all provisional, probationary, and career educators;
 - (b) use of multiple lines of evidence, including:
 - (i) self-evaluation;
 - (ii) student and parent input;
 - (iii) for an administrator, employee input;
 - (iv) a reasonable number of supervisor observations to ensure adequate reliability;
 - (v) evidence of professional growth and other indicators of instructional improvement based on educator professional standards established by the state board; and
 - (vi) student academic growth data;
 - (c) a summative evaluation that differentiates among levels of performance; and
 - (d) for an administrator, the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility.
- (2)
 - (a) An educator evaluation program described in Subsection (1) may include a reasonable number of peer observations.
 - (b) An educator evaluation program described in Subsection (1) may not use end-of-level assessment scores in educator evaluation.

Amended by Chapter 484, 2024 General Session

53G-11-508 Summative evaluation timelines -- Review of summative evaluations.

- (1) The person responsible for administering an educator's summative evaluation shall:
 - (a) at least 15 days before an educator's first evaluation:
 - (i) notify the educator of the evaluation process; and
 - (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
 - (b) allow the educator to respond to any part of the evaluation;
 - (c) attach the educator's response to the evaluation if the educator's response is provided in writing;

- (d) within 15 days after the evaluation process is completed, discuss the written evaluation with the educator; and
- (e) based upon the educator's performance, assign to the educator one of the four levels of performance described in Section 53G-11-507.
- (2) An educator who is not satisfied with a summative evaluation may request a review of the evaluation within 15 days after receiving the written evaluation.
- (3)
 - (a) If a review is requested in accordance with Subsection (2), the school district superintendent or the superintendent's designee shall appoint a person not employed by the school district who has expertise in teacher or personnel evaluation to review the evaluation procedures and make recommendations to the superintendent regarding the educator's summative evaluation.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules prescribing standards for an independent review of an educator's summative evaluation.
 - (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be conducted in accordance with state board rules made under Subsection (3)(b).

Amended by Chapter 408, 2020 General Session

53G-11-509 Mentor for provisional educator.

- (1) In accordance with Section 53E-6-902, Subsection 53E-2-302(7), and Subsections 53E-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign a person who has received training or will receive training in mentoring educators as a mentor to the provisional educator.
- (2) Where possible, the mentor shall be a career educator who performs substantially the same duties as the provisional educator and has at least three years of educational experience.
- (3) The mentor shall assist the provisional educator to become effective and competent in the teaching profession and school system, but may not serve as an evaluator of the provisional educator.
- (4) An educator who is assigned as a mentor may receive compensation for those services in addition to the educator's regular salary.

Amended by Chapter 51, 2024 General Session

53G-11-510 State board to describe a framework for the evaluation of educators.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (a) describing a framework for the evaluation of educators that is consistent with the requirements of Part 3, Licensed Employee Requirements, and Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; and
 - (b) requiring an educator's summative evaluation to be based on:
 - (i) educator professional standards established by the state board; and
 - (ii) the requirements described in Subsection 53G-11-507(1).
- (2) The rules described in Subsection (1) shall prohibit the use of end-of-level assessment scores in educator evaluation.

Amended by Chapter 408, 2020 General Session

53G-11-511 Rulemaking for privacy protection.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to ensure the privacy and protection of individual evaluation data.

Amended by Chapter 484, 2024 General Session

53G-11-512 Local school board to establish dismissal procedures.

- (1) A local school board shall, by contract with its employees or their associations, or by resolution of the local school board, establish procedures for dismissal of employees in an orderly manner without discrimination.
- (2) The local school board shall ensure that the procedures described in Subsection (1) include:
 - (a) standards of due process;
 - (b) causes for dismissal; and
 - (c) procedures and standards related to developing and implementing a plan of assistance for a career employee whose performance is unsatisfactory.
- (3) The local school board shall ensure that the procedures and standards for a plan of assistance adopted under Subsection (2)(c) require a plan of assistance to identify:
 - (a) specific, measurable, and actionable deficiencies;
 - (b) the available resources provided for improvement; and
 - (c) a course of action to improve employee performance.
- (4) If a career employee exhibits both unsatisfactory performance as described in Subsection 53G-11-501(16)(a) and conduct described in Subsection 53G-11-501(16)(b), an employer:
 - (a) may:
 - (i) attempt to remediate the conduct of the career employee; or
 - (ii) terminate the career employee for cause if the conduct merits dismissal consistent with procedures established by the local school board; and
 - (b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53G-11-514.
- (5) If the conduct of a career employee described in Subsection (4) is satisfactorily remediated, and unsatisfactory performance issues remain, an employer shall develop and implement a plan of assistance for the career employee, as provided in Section 53G-11-514.
- (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily remediated, an employer:
 - (a) may dismiss the career employee for cause in accordance with procedures established by the local school board that include standards of due process and causes for dismissal; and
 - (b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53G-11-514.

Amended by Chapter 484, 2024 General Session

53G-11-513 Dismissal procedures.

- (1) A district shall provide employees with a written statement specifying:
 - (a) the causes under which a career employee's contract may not be renewed or continued beyond the current school year;
 - (b) the causes under which a career or provisional employee's contract may be terminated during the contract term; and

- (c) the orderly dismissal procedures that are used by the district in cases of contract termination, discontinuance, or nonrenewal.
- (2) A career employee's contract may be terminated during its term for reasons of unsatisfactory performance or discontinued beyond the current school year for reasons of unsatisfactory performance as provided in Section 53G-11-514.
- (3)
 - (a) A district is not required to provide a cause for not offering a contract to a provisional employee.
 - (b) If a district intends to not offer a contract for a subsequent term of employment to a provisional employee, the district shall give notice of that intention to the employee at least 60 days before the end of the provisional employee's contract term.
- (4) In the absence of a notice, an employee is considered employed for the next contract term with a salary based upon the salary schedule applicable to the class of employee into which the individual falls.
- (5) If a district intends to not renew or discontinue the contract of a career employee or to terminate a career or provisional employee's contract during the contract term:
 - (a) the district shall give written notice of the intent to the employee;
 - (b) the notice shall be served by personal delivery or by certified mail addressed to the employee's last-known address as shown on the records of the district;
 - (c) the district shall give notice at least 30 days prior to the proposed date of termination;
 - (d) the notice shall state the date of termination and the detailed reasons for termination;
 - (e) the notice shall advise the employee that the employee has a right to a fair hearing and that the hearing is waived if it is not requested within 15 days after the notice of termination was either personally delivered or mailed to the employee's most recent address shown on the district's personnel records; and
 - (f) the notice shall state that failure of the employee to request a hearing in accordance with procedures set forth in the notice constitutes a waiver of that right and that the district may then proceed with termination without further notice.
- (6)
 - (a) The procedure under which a contract is terminated during its term may include a provision under which the active service of the employee is suspended pending a hearing if it appears that the continued employment of the individual may be harmful to students or to the district.
 - (b) Suspension pending a hearing may be without pay if an authorized representative of the district determines, after providing the employee with an opportunity for an informal conference to discuss the allegations, that it is more likely than not that the allegations against the employee are true.
 - (c) If termination is not subsequently ordered, the employee shall receive back pay for the period of suspension without pay.
- (7) The procedure under which an employee's contract is terminated during its term shall provide for a written notice of suspension or final termination including findings of fact upon which the action is based.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-514 Nonrenewal or termination of a career employee's contract for unsatisfactory performance.

- (1) If a district intends to not renew a career employee's contract for unsatisfactory performance or terminate a career employee's contract during the contract term for unsatisfactory performance, the district shall:
 - (a) provide and discuss with the career employee written documentation clearly identifying the deficiencies in performance;
 - (b) provide written notice that the career employee's contract is subject to nonrenewal or termination if, upon a reevaluation of the career employee's performance, the career employee's performance is determined to be unsatisfactory;
 - (c) develop and implement a plan of assistance, in accordance with procedures and standards established by the local school board under Section 53G-11-512, to allow the career employee an opportunity to improve performance;
 - (d) reevaluate the career employee's performance; and
 - (e) if the career employee's performance remains unsatisfactory, give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53G-11-513(5).
- (2)
 - (a) The period of time for implementing a plan of assistance:
 - (i) may not exceed 120 school days, except as provided under Subsection (2)(b);
 - (ii) may continue into the next school year;
 - (iii) should be sufficient to successfully complete the plan of assistance; and
 - (iv) shall begin when the career employee receives the written notice provided under Subsection (1)(b) and end when the determination is made that the career employee has successfully remediated the deficiency or notice of intent to not renew or terminate the career employee's contract is given in accordance with Subsection 53G-11-513(5).
 - (b) In accordance with local school board policy, the period of time for implementing a plan of assistance may extend beyond 120 school days if:
 - (i) a career employee is on leave from work during the time period the plan of assistance is scheduled to be implemented; and
 - (ii)
 - (A) the leave was approved and scheduled before the written notice was provided under Subsection (1)(b); or
 - (B) the leave is specifically approved by the local school board.
- (3)
 - (a) If upon a reevaluation of the career employee's performance, the district determines the career employee's performance is satisfactory, and within a three-year period after the initial documentation of unsatisfactory performance for the same deficiency pursuant to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the district may elect to not renew or terminate the career employee's contract.
 - (b) If a district intends to not renew or terminate a career employee's contract as provided in Subsection (3)(a), the district shall:
 - (i) provide written documentation of the career employee's deficiencies in performance; and
 - (ii) give notice of intent to not renew or terminate the career employee's contract in accordance with Subsection 53G-11-513(5).

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-515 Hearings before district board or hearing officers -- Rights of the board and the employee -- Subpoenas -- Appeals.

- (1)
 - (a) Hearings are held under this part before the school board or before hearing officers selected by the school board to conduct the hearings and make recommendations concerning findings.
 - (b) The school board shall establish procedures to appoint hearing officers.
 - (c) The school board may delegate the school board's authority to a hearing officer to make decisions relating to the employment of an employee that are binding upon both the employee and the school board.
- (2) At the hearings, an employee has the right to counsel, to produce witnesses, to hear testimony against the employee, to cross-examine witnesses, and to examine documentary evidence.
- (3) Subpoenas may be issued and oaths administered as provided under Section 53E-6-606.
- (4) All hearings shall be recorded at the school board's expense.
- (5)
 - (a) Any final action or order of the school board may be appealed to the Court of Appeals for review.
 - (b) A notice of appeal shall be filed in accordance with the Utah Rules of Appellate Procedure, Rule 4.
 - (c) A review by the Court of Appeals:
 - (i) is limited to the record of the school board; and
 - (ii) shall be for the purpose of determining whether the school board exceeded the school board's discretion, or the school board exceeded the school board's authority.

Amended by Chapter 130, 2021 General Session

53G-11-516 Necessary staff reduction not precluded -- Last-hired, first-fired layoffs prohibited.

- (1) Nothing in this part prevents staff reduction if necessary to reduce the number of employees because of the following:
 - (a) declining student enrollments in the district;
 - (b) the discontinuance or substantial reduction of a particular service or program;
 - (c) the shortage of anticipated revenue after the budget has been adopted; or
 - (d) school consolidation.
- (2) A school district may not utilize a last-hired, first-fired layoff policy when terminating school district employees.
- (3) A school district may consider the following factors when terminating a school district employee:
 - (a) the results of an employee's performance evaluation; and
 - (b) a school's personnel needs.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-517 Restriction on transfer of employee with unsatisfactory performance.

An employee whose performance is unsatisfactory may not be transferred to another school unless the local school board specifically approves the transfer of the employee.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-11-518 State board to make rules on performance compensation.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system described in Section 53G-11-507.
- (2) The state board shall ensure that rules the state board adopts under Subsection (1):
 - (a) establish a timeline for developing and implementing an employee compensation system that is aligned with an annual evaluation system; and
 - (b) provide that:
 - (i) any advancement on an adopted wage or salary schedule:
 - (A) shall be based primarily on an evaluation; and
 - (B) may not be based on end-of-level assessment scores; and
 - (ii) an employee may not advance on an adopted wage or salary schedule if the employee's rating on the most recent evaluation is at the lowest level of an evaluation instrument.

Amended by Chapter 484, 2024 General Session

53G-11-519 Utah Recognizing Inspiring School Employees Award.

- (1) As used in this section:
 - (a) "Association" means the governing board of the association that represents a majority of education support professionals employed in the state.
 - (b) "Education support professional" means a classified employee defined in the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6682.
 - (c) "Eligible individual" means an education support professional who meets the eligibility requirements to be a nominee for the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq.
- (2)
 - (a) In accordance with the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq., the governor shall annually nominate an education support professional for the Recognizing Inspiring School Employees Award Program.
 - (b) The governor shall consider submissions from the association in making the nomination described in Subsection (2)(a).
 - (c) The association shall submit a list of eligible individuals to the governor no later than September 1 each year.
- (3)
 - (a) There is created the Utah Recognizing Inspiring School Employees Award Program to recognize excellence exhibited by public school system employees providing services to students in pre-kindergarten through grade 12.
 - (b) The Utah Recognizing Inspiring School Employees Award shall be awarded to the governor's nominee for the federal Recognizing Inspiring School Employees Award Program under the Recognizing Achievement in Classified School Employees Act, 20 U.S.C. Sec. 6681 et seq.

Amended by Chapter 298, 2025 General Session

53G-11-520 Alternative educator evaluation process.

- (1) As described in Section 53G-11-502, a school district may choose to perform an educator evaluation as described in this section.
- (2) A school district that chooses the educator evaluation process described in this section is exempt from the requirements described in Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511.

- (3) In accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
 - (a) describe a framework for the evaluation of educators in accordance with Part 3, Licensed Employee Requirements, and this section;
 - (b) require an educator's summative evaluation to be based on:
 - (i) educator professional standards established by the state board; and
 - (ii) the requirements described in Subsections (9) and (10);
 - (c) establish standards for an independent review of an educator's summative evaluation; and
 - (d) ensure the privacy and protection of individual evaluation data.
- (4) A school district shall develop an educator evaluation program in consultation with the school district's joint committee.
- (5) A school district shall ensure the joint committee described in Subsection (4) consists of an equal number of classroom teachers, parents, and administrators the school district appoints.
- (6) A school district may appoint members of the joint committee from:
 - (a) a list of nominees who are classroom teachers, created through a vote of teachers in a nomination election;
 - (b) a list of nominees who are administrators, created through a vote of administrators in a nomination election; and
 - (c) a list of nominees who are parents that school community councils within the school district submit to the school district.
- (7) Subject to Subsection (8), the joint committee may:
 - (a) adopt or adapt an evaluation program for educators based on a model the state board develops; or
 - (b) create the school district's own evaluation program for educators.
- (8) A school district shall ensure that an evaluation program the joint committee develops complies with the requirements of this section including the rules the state board adopts under Subsection (3).
- (9) A school district, in consultation with a joint committee described in Subsection (4), shall adopt a reliable and valid educator evaluation program that evaluates educators based on educator professional standards the state board establishes, including:
 - (a) an annual formative assessment for an educator, a provisional educator, and a career educator;
 - (b) as described in Subsections (11), (12), and (13), a summative assessment for an educator that occurs at least once every four years;
 - (c) use of multiple lines of evidence, including:
 - (i) self-evaluation;
 - (ii) student and parent input;
 - (iii) for an administrator, employee input;
 - (iv) a reasonable number of supervisor observations to ensure adequate reliability;
 - (v) evidence of professional growth and other indicators of instructional improvement; and
 - (vi) student academic growth data;
 - (d) a summative evaluation that differentiates among levels of performance; and
 - (e) for an administrator, the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility.
- (10) A school district, in relation to an educator evaluation program described in Subsection (9):
 - (a) may include a reasonable number of peer observations; and
 - (b) may not use:
 - (i) end-of-level assessment scores; or

- (ii) the data of a student that is chronically absent.
- (11) The individual whom the school district and joint committee designate to be responsible for administering an educator's summative evaluation shall:
 - (a) at least 15 days before an educator's first evaluation:
 - (i) notify the educator of the evaluation process; and
 - (ii) give the educator a copy of a relevant evaluation instrument;
 - (b) allow the educator to respond to any part of the evaluation;
 - (c) attach the educator's response to the evaluation if the educator provides a response in writing;
 - (d) within 15 days after the day on which the evaluation process is complete, discuss the written evaluation with the educator; and
 - (e) based upon the educator's performance, assign to the educator one of the levels of performance required in Subsection (9)(d).
- (12)
 - (a) An educator who is not satisfied with a summative evaluation may request a review of the evaluation within 15 days after receiving the written evaluation.
 - (b)
 - (i) If an educator requests a review in accordance with Subsection (12), the school district superintendent or the superintendent's designee shall appoint an individual whom the school district does not employ who has expertise in teacher or personnel evaluation to review the evaluation procedures and make recommendations to the superintendent regarding the educator's summative evaluation.
 - (ii) The individual conducting a review of an educator's summative evaluation under Subsection (12)(b)(i) shall conduct the review in accordance with the rules that the state board makes under Subsection (3).
- (13)
 - (a) In accordance with Subsections 53E-2-302(7) and 53E-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall assign an individual who has received training or will receive training in mentoring educators as a mentor to the provisional educator.
 - (b) Where possible, the principal or immediate supervisor described in Subsection (13)(a) shall assign as a mentor a career educator who:
 - (i) performs substantially the same duties as the provisional educator; and
 - (ii) has at least three years of educational experience.
 - (c) The mentor described in this Subsection (13):
 - (i) shall assist the provisional educator to become effective and competent in the teaching profession and school system; and
 - (ii) may not serve as an evaluator of the provisional educator.
 - (d) An educator who is assigned as a mentor described in this Subsection (13) may receive compensation for mentor services in addition to the educator's regular salary.
- (14) The state board shall:
 - (a) consult with school districts; and
 - (b) report to the Education Interim Committee's November 2028 committee meeting regarding:
 - (i) implementation of the alternative educator evaluation process; and
 - (ii) making recommendations for needed changes.

Enacted by Chapter 484, 2024 General Session

