

Effective 1/24/2018

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