

**Effective 1/24/2018**

**Part 4**  
**Local School Board Powers and Miscellaneous Duties**

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

- (1) As used in this section, "body corporate" means a public corporation and legal subdivision of the state, vested with the powers and duties of a government entity as specified in this chapter.
- (2) The local school board of a school district is a body corporate under the name of the "Board of Education of ..... School District" (inserting the proper name), and shall have an official seal conformable to its name.
- (3) The seal is used by its business administrator in the authentication of all required matters.
- (4) A local school board may sue and be sued, and may take, hold, lease, sell, and convey real and personal property as the interests of the schools may require.
- (5) Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board.
- (6) A local school board may establish a foundation in accordance with Section 53E-3-403.

Amended by Chapter 293, 2019 General Session

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

- (1) A local school board shall:
  - (a) implement the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;
  - (b) administer tests, required by the state board, which measure the progress of each student, and coordinate with the state superintendent and state board to assess results and create plans to improve the student's progress, which shall be submitted to the state board for approval;
  - (c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;
  - (d) for each grading period and for each course in which a student is enrolled, issue a grade or performance report to the student:
    - (i) that reflects the student's work, including the student's progress based on mastery, for the grading period; and
    - (ii) in accordance with the local school board's adopted grading or performance standards and criteria;
  - (e) develop early warning systems for students or classes failing to make progress;
  - (f) work with the state board to establish a library of documented best practices, consistent with state and federal regulations, for use by the special districts;
  - (g) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects; and

- (h) ensure that the local school board meets the data collection and reporting standards described in Section 53E-3-501.
- (2) Local school boards shall spend Minimum School Program funds for programs and activities for which the state board has established minimum standards or rules under Section 53E-3-501.
- (3)
  - (a) A local school board may purchase, sell, and make improvements on school sites, buildings, and equipment, and construct, erect, and furnish school buildings.
  - (b) School sites or buildings may only be conveyed or sold on local school board resolution affirmed by at least two-thirds of the school board members.
- (4)
  - (a) A local school board may participate in the joint construction or operation of a school attended by students residing within the district and students residing in other districts either within or outside the state.
  - (b) Any agreement for the joint operation or construction of a school shall:
    - (i) be signed by the president of the local school board of each participating district;
    - (ii) include a mutually agreed upon pro rata cost; and
    - (iii) be filed with the state board.
- (5) A local school board may establish, locate, and maintain elementary, secondary, and applied technology schools.
- (6) A local school board may enter into cooperative agreements with other local school boards to provide educational services that best utilize resources for the overall operation of the school districts, including shared transportation services.
- (7) An agreement under Subsection (6) shall:
  - (a) be signed by the president of the local school board of each participating district;
  - (b) specify the resource being shared;
  - (c) include a mutually agreed upon pro rata cost;
  - (d) include the duration of the agreement; and
  - (e) be filed with the state board.
- (8) Except as provided in Section 53E-3-905, a local school board may enroll children in school who are at least five years old before September 2 of the year in which admission is sought.
- (9) A local school board:
  - (a) may establish and support school libraries; and
  - (b) shall provide an online platform:
    - (i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the LEA uses or through a separate platform; and
    - (ii)
      - (A) for a school district with 1,000 or more enrolled students, no later than August 1, 2024; and
      - (B) for a school district with fewer than 1,000 enrolled students, no later than August 1, 2026.
- (10) A local school board may collect damages for the loss, injury, or destruction of school property.
- (11) A local school board may authorize guidance and counseling services for students and the student's parents before, during, or following school enrollment.
- (12)

- (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.
  - (b) Federal funds are not considered funds within the school district budget under Chapter 7, Part 3, Budgets.
- (13)
- (a) A local school board may organize school safety patrols and adopt policies under which the patrols promote student safety.
  - (b) A student appointed to a safety patrol shall be at least 10 years old and have written parental consent for the appointment.
  - (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.
  - (d) Liability may not attach to a school district, its employees, officers, or agents, or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.
- (14)
- (a) A local school board may on its own behalf, or on behalf of an educational institution for which the local school board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.
  - (b) The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.
- (15)
- (a) A local school board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2)(b).
  - (b) A person may not be appointed to serve as a compliance officer without the person's consent.
  - (c) A teacher or student may not be appointed as a compliance officer.
- (16) A local school board shall adopt bylaws and policies for the local school board's own procedures.
- (17)
- (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.
  - (b) Local school board policies shall be in writing, filed, and referenced for public access.
- (18) A local school board may hold school on legal holidays other than Sundays.
- (19)
- (a) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection (19).
  - (b) The committee shall be composed of one representative of:
    - (i) the schools within the district;
    - (ii) the Parent Teachers' Association of the schools within the district;
    - (iii) the municipality or county;
    - (iv) state or local law enforcement; and
    - (v) state or local traffic safety engineering.
  - (c) The committee shall:
    - (i) receive suggestions from school community councils, parents, teachers, and others, and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;

- (ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;
    - (iii) consult the Utah Safety Council and the Division of Family Health Services and provide training to all students in kindergarten through grade 6, within the district, on school crossing safety and use; and
    - (iv) help ensure the district's compliance with rules made by the Department of Transportation under Section 41-6a-303.
  - (d) The committee may establish subcommittees as needed to assist in accomplishing the committee's duties under Subsection (19)(c).
- (20)
- (a) A local school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the local school board's public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.
  - (b) The plan shall:
    - (i) include prevention, intervention, and response components;
    - (ii) be consistent with the student conduct and discipline policies required for school districts under Chapter 11, Part 2, Miscellaneous Requirements;
    - (iii) require professional learning for all district and school building staff on the staff's roles in the emergency response plan;
    - (iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (20)(a); and
    - (v) include procedures to notify a student who is off campus at the time of a school violence emergency because the student is:
      - (A) participating in a school-related activity; or
      - (B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent.
  - (c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (20)(a).
  - (d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and the student's parents and local law enforcement and public safety representatives.
- (21)
- (a) A local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.
  - (b) The plan may be implemented by each secondary school in the district that has a sports program for students.
  - (c) The plan may:
    - (i) include emergency personnel, emergency communication, and emergency equipment components;
    - (ii) require professional learning on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and
    - (iii) provide for coordination with individuals and agency representatives who:
      - (A) are not employees of the school district; and

- (B) would be involved in providing emergency services to students injured while participating in sports events.
- (d) The local school board, in collaboration with the schools referred to in Subsection (21)(b), may review the plan each year and make revisions when required to improve or enhance the plan.
- (e) The state board, through the state superintendent, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (21).
- (22) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.
- (23)
  - (a) Before closing a school or changing the boundaries of a school, a local school board shall:
    - (i) at least 90 days before approving the school closure or school boundary change, provide notice that the local school board is considering the closure or boundary change to:
      - (A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents;
      - (B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents; and
      - (C) the governing council and the mayor of the municipality in which the school is located;
    - (ii) provide an opportunity for public comment on the proposed school closure or school boundary change during at least two public local school board meetings; and
    - (iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing as described in Subsection (23)(b).
  - (b) The notice of a public hearing required under Subsection (23)(a)(iii) shall:
    - (i) indicate the:
      - (A) school or schools under consideration for closure or boundary change; and
      - (B) the date, time, and location of the public hearing;
    - (ii) for at least 10 days before the day of the public hearing, be published for the school district in which the school is located, as a class A notice under Section 63G-30-102; and
    - (iii) at least 30 days before the public hearing described in Subsection (23)(a)(iii), be provided as described in Subsections (23)(a)(i).
- (24) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.
- (25) A local school board may establish or partner with a certified youth court in accordance with Section 80-6-902 or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to a youth court or a comparable restorative justice program in accordance with Section 53G-8-211.
- (26)
  - (a) As used in this Subsection (26):
    - (i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.
    - (ii)
      - (A) "Instructional material" means learning material that a local school board adopts and approves for use within the LEA.
      - (B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class

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

- (iii) "Supplemental material" means learning material that:
  - (A) an educator selects for classroom use; and
  - (B) a local school board has not considered and adopted, approved, or prohibited for classroom use within the LEA.
- (b) A local school board shall:
  - (i) make instructional material that the school district uses readily accessible and available for a parent to view;
  - (ii) annually notify a parent of a student enrolled in the school district of how to access the information described in Subsection (26)(b)(i); and
  - (iii) include on the school district's website information about how to access the information described in Subsection (26)(b)(i).
- (c) In selecting and approving instructional materials for use in the classroom, a local school board shall:
  - (i) establish an open process, involving educators and parents of students enrolled in the LEA, to review and recommend instructional materials for board approval; and
  - (ii) ensure that under the process described in Subsection (26)(c)(i), the board:
    - (A) before the meetings described in Subsection (26)(c)(ii)(B), posts the recommended learning material online to allow for public review or, for copyrighted material, makes the recommended learning material available at the LEA for public review;
    - (B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provides an opportunity for educators whom the LEA employs and parents of students enrolled in the LEA to express views and opinions on the recommendation; and
    - (C) adopts or approves the recommended instructional materials in an open and regular board meeting.
- (d) A local school board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.
- (e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.
- (f) Nothing in this Subsection (26) requires a local school board to review all learning materials used within the LEA.

Amended by Chapter 16, 2023 General Session  
Amended by Chapter 252, 2023 General Session  
Amended by Chapter 343, 2023 General Session  
Amended by Chapter 352, 2023 General Session  
Amended by Chapter 435, 2023 General Session

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

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

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

Amended by Chapter 293, 2019 General Session

Amended by Chapter 324, 2019 General Session

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

- (1)
  - (a) The annual financial report of each school district, containing items required by law or by the state board and attested to by independent auditors, shall be prepared as required by Section 51-2a-201.
  - (b) A school district shall use fund and program accounting methods and standardized account codes capable of producing financial reports that comply with:
    - (i) generally accepted accounting principles;
    - (ii) financial reporting requirements established by the state board under Section 53E-3-501; and
    - (iii) accounting report standards established by the state auditor as described in Section 51-2a-301.
- (2) If auditors are employed under Section 51-2a-201, the auditors shall complete their field work in sufficient time to allow them to verify necessary audit adjustments included in the annual financial report to the state superintendent.
- (3)
  - (a)
    - (i) The district shall forward the annual financial report to the state superintendent not later than October 1.
    - (ii) The report shall include information to enable the state superintendent to complete the statement of funds required under Section 53E-1-203.
  - (b) The state board shall publish electronically a copy of the report on the Internet not later than January 15.
- (4) The completed audit report shall be delivered to the school district local school board and the state superintendent not later than November 30 of each year.

Amended by Chapter 192, 2020 General Session

**53G-4-405 Approval of purchases or indebtedness -- Local school board approval of identified purchases.**

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

- (b) The local school board shall approve individual purchases when made throughout the fiscal year.

Amended by Chapter 293, 2019 General Session

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

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

Amended by Chapter 293, 2019 General Session

**53G-4-407 Tax exemption of school board property.**

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

Renumbered and Amended by Chapter 3, 2018 General Session

**53G-4-408 Residence not condition of employment.**

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

Renumbered and Amended by Chapter 3, 2018 General Session

**53G-4-409 Activity disclosure statements.**

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

Amended by Chapter 293, 2019 General Session

**53G-4-410 Regional education service agencies.**



- (1) As used in this section:
  - (a) "Eligible regional education service agency" means a regional education service agency in existence before July 1, 2020.
  - (b) "Regional education service agency" means an entity formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, with the authority and duties described in this section.
- (2) The Legislature strongly encourages school districts to collaborate and cooperate to provide educational services in a manner that will best utilize resources for the overall operation of the public education system.
- (3) A regional education service agency formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act:
  - (a) for an eligible regional education service agency, may receive a distribution described in Subsection (6) if the Legislature appropriates money for eligible regional education service agencies;
  - (b) may apply directly for any grant or program in which an LEA may participate if the agency has the written consent of the LEAs that the agency serves;
  - (c) may receive services from or partner with any department, division, or agency of the state, including coverage by the Division of Risk Management;
  - (d) may recommend educators for licensing;
  - (e) may provide services for students as approved by the regional education service agency's board;
  - (f) may access as necessary LEA systems that the board provides; and
  - (g) does not have authority over the LEAs which the agency serves.
- (4) A regional education service agency may elect to participate as an employer for retirement programs under:
  - (a) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;
  - (b) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and
  - (c) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.
- (5)
  - (a) If local school boards enter into an interlocal agreement to confirm or formalize a regional education service agency in operation before July 1, 2011, the interlocal agreement may not eliminate any rights or obligations of the regional education service agency in effect before entering into the interlocal agreement.
  - (b) An interlocal agreement entered into to confirm or formalize an existing regional education service agency shall have the effect of confirming and ratifying in the regional education service agency, the title to any property held in the name, or for the benefit of the regional education service agency as of the effective date of the interlocal agreement.
- (6)
  - (a) The state board shall distribute any funding appropriated to eligible regional education service agencies as provided by the Legislature.
  - (b) The state board may provide funding to an eligible regional education service agency in addition to legislative appropriations.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules regarding regional education service agencies including:
  - (a) the authority, scope, and duties of a regional education service agency;
  - (b) the creation of a regional education service agency coordinating council, including:
    - (i) defining the council's role and authority; and
    - (ii) provisions for the council's membership;

- (c) the distribution of legislative appropriations to eligible regional education service agencies;
  - (d) the designation of eligible regional education service agencies as agents to distribute Utah Education and Telehealth Network services; and
  - (e) the designation of eligible regional education service agencies as agents for regional coordination of public education and higher education services.
- (8) The board shall annually:
- (a) review the funding the Legislature appropriates to support regional education service agencies; and
  - (b) recommend any adjustments as part of the board's annual budget request.

Amended by Chapter 253, 2020 General Session

Amended by Chapter 408, 2020 General Session

**53G-4-411 Interlocal agreement for public education transportation services.**

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

Renumbered and Amended by Chapter 3, 2018 General Session

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

- (1) As used in this section:
- (a) "Graduation attire" means attire that an LEA requires a student to wear as part of the dress code for a graduation ceremony.
  - (b) "Graduation ceremony" means a high school graduation ceremony.
  - (c) "Qualifying student" means a student who is:
    - (i) enrolled as a member of a tribe; or
    - (ii) eligible to be enrolled as a member of a tribe.
  - (d)
    - (i) "Tribal regalia" means a tribe's:
      - (A) traditional dress; or
      - (B) recognized objects of religious or cultural significance.
    - (ii) "Tribal regalia" includes the following items of cultural significance:
      - (A) tribal symbols;
      - (B) beads; and
      - (C) feathers.
  - (e) "Tribe" means a tribe, band, nation, or Alaskan Native village that:
    - (i) federal law recognizes; or
    - (ii) a state formally acknowledges.

- (2)
  - (a) A qualifying student may wear tribal regalia during a graduation ceremony.
  - (b) Wearing tribal regalia includes decorating graduation attire with tribal regalia.
- (3) An LEA may not prohibit a qualifying student from wearing tribal regalia as described in Subsection (2).
- (4) Nothing in this section shall be construed to limit an LEA's authority related to student expression under applicable federal and state law.

Enacted by Chapter 197, 2022 General Session

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

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

Enacted by Chapter 309, 2022 General Session

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

- (1) As used in this section:
  - (a) "Adornment" means something that a student attaches to or wears with, but does not replace, graduation attire.
  - (b) "Cultural" means recognized practices and traditions of a certain group of people.
  - (c) "Graduation attire" means attire that an LEA requires a student to wear as part of the dress code for a graduation ceremony.
  - (d) "Graduation ceremony" means a high school graduation ceremony.
- (2) A student may wear recognized items of cultural or religious significance as an adornment at a graduation ceremony.
- (3)
  - (a) Notwithstanding Subsection (2), an LEA may prohibit a student from wearing an item of adornment that is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.
  - (b) Any prohibition imposed by an LEA on a student's item of cultural or religious significance worn as an adornment shall be by the least restrictive means necessary to accomplish a specifically identified compelling governmental interest.

- (4) An individual may bring a violation of this section to the state board in accordance with the process described in Subsection 53E-3-401(8)(d).
- (5) Nothing in this section limits an LEA's authority related to student expression under applicable federal and state law.
- (6) Nothing in this section shall limit or impair the rights of a qualifying student under Section 53G-4-412 to wear tribal regalia to a graduation ceremony.

Enacted by Chapter 359, 2023 General Session