

Effective 1/24/2018

**Chapter 7
Public School General Requirements**

**Part 1
General Provisions**

53G-7-101 Title.

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

Enacted by Chapter 3, 2018 General Session

53G-7-102 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

**Part 2
Powers and Miscellaneous Duties**

53G-7-201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

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

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

Amended by Chapter 293, 2019 General Session

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

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

- (c) Nothing in this Subsection (2):
 - (i) allows an LEA governing board to require a student to participate in a full-day kindergarten program;
 - (ii) modifies the non-compulsory status of kindergarten under Title 53G, Chapter 6, Part 2, Compulsory Education; or
 - (iii) requires a student who only attends a half day of kindergarten to participate in dual enrollment under Section 53G-6-702.
- (3) Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public Education System -- Funding.
- (4)
 - (a) The state board shall:
 - (i) develop and collect data from a kindergarten assessment that the board selects by rule; and
 - (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the administration of and reporting regarding the assessment described in Subsection (4)(a)(i).
 - (b) An LEA shall:
 - (i) administer the assessment described in Subsection (4)(a) to each kindergarten student; and
 - (ii) report to the state board the results of the assessment described in Subsection (4)(b)(i) in relation to each kindergarten student in the LEA.
- (5) Beginning with the 2022-2023 school year, the state board shall require LEAs to report average daily membership for all kindergarten students who attend kindergarten on a schedule that is equivalent in length to the schedule for grades 1 through 3 with the October 1 data described in Section 53F-2-302.

Amended by Chapter 347, 2023 General Session

Amended by Chapter 467, 2023 General Session

53G-7-204 Access to student records by custodial and noncustodial parents.

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-205 Assessment of emerging and early reading skills -- Resources provided by school districts.

- (1) The Legislature recognizes that well-developed reading skills help:
 - (a) children to succeed in school, develop self esteem, and build positive relationships with others;
 - (b) young adults to become independent learners; and
 - (c) adults to become and remain productive members of a rapidly changing technology-based society.
- (2)
 - (a) Each potential kindergarten student, the student's parent, and kindergarten personnel at the student's school may participate in an assessment of the student's reading and numeric skills.

- (b) The state board, in cooperation with the state's school districts, may develop the assessment instrument and any additional materials needed to implement and supplement the assessment program.
- (3) The potential kindergarten student's teacher may use the assessment in planning and developing an instructional program to meet the student's identified needs.
- (4)
 - (a) Each school is encouraged to schedule the assessment early enough before the kindergarten starting date so that a potential kindergarten student's parent has time to develop the child's needed skills as identified by the assessment.
 - (b) Based on the assessment under Subsection (2), the school shall provide the potential student's parent with appropriate resource materials to assist the parent at home in the student's literacy development.

Amended by Chapter 293, 2019 General Session

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

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

Amended by Chapter 293, 2019 General Session

53G-7-207 Period of silence.

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-208 Local governmental entities and school districts -- Contracts and cooperation -- Disbursement of funds -- Municipal and county representative participation in local school board meetings -- Notice required.

- (1) Local governmental entities and school districts may contract and cooperate with one another in matters affecting the health, welfare, education, and convenience of the inhabitants within their respective territorial limits.

- (2) A local governmental entity may disburse public funds in aid of a school district located wholly or partially within the limits of its jurisdiction.
- (3)
 - (a) As used in this Subsection (3):
 - (i) "Interested county executive" means the county executive or county manager of a county with unincorporated area within the boundary of a school district, or the designee of the county executive or county manager.
 - (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely within the boundary of a school district, or the mayor's designee.
 - (b) A local school board shall allow an interested mayor and interested county executive to attend and participate in the local school board discussions at a local school board meeting that is open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
 - (c) An interested county executive and interested mayor may attend and participate in local school board discussions at a local school board meeting that is closed to the public under Title 52, Chapter 4, Open and Public Meetings Act, if:
 - (i) the local school board invites the interested county executive or interested mayor to attend and participate; and
 - (ii) for a closed meeting held for the purpose of discussing the local school board's disposition or acquisition of real property, the interested county executive or interested mayor does not have a conflict of interest with respect to the real estate disposition or acquisition.
 - (d)
 - (i) A county or municipality may enter into an agreement with a school district under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an interested county executive or interested mayor at a local school board meeting.
 - (ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the provisions of this Subsection (3).
 - (e) Each local school board shall give notice of local school board meetings to each interested mayor and interested county executive.
 - (f) The notice required under Subsection (3)(c) shall be provided by:
 - (i) mail;
 - (ii) e-mail; or
 - (iii) other effective means agreed to by the person to whom notice is given.

Amended by Chapter 293, 2019 General Session

53G-7-209 Use of public school buildings and grounds as civic centers.

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-210 Local school boards' and charter school governing boards' responsibility for school buildings and grounds when used as civic centers.

- (1) As used in this section, "civic center" means the same as that term is defined in Section 53G-7-209.
- (2) A local school board or charter school governing board:
 - (a) shall manage, direct, and control civic centers;
 - (b) shall adopt policies for the use of civic centers;
 - (c) may charge a reasonable fee for the use of a civic center so that the school district or charter school incurs no expense for that use;
 - (d) may appoint a special functions officer under Section 53-13-105 to have charge of the grounds and protect school property when used for civic center purposes;
 - (e) shall allow the use of a civic center, for other than school purposes, unless it determines that the use interferes with a school function or purpose; and
 - (f) shall ensure that school administrators are trained about and properly implement the provisions of this section and Section 53G-7-209.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-211 Display of American flag.

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-212 Voter registration forms for high school students.

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-213 Child care centers in public schools -- Requirements -- Availability -- Compliance with state and local laws.

- (1)
 - (a) Upon receiving a request from a community group such as a community council, local PTA, or parent/student organization, a local school board may authorize the use of a part of any school building in the district to provide child care services for school aged children.
 - (b)
 - (i) The local school board shall provide written public notice of its intent to authorize a child care center.
 - (ii) The local school board shall file a copy of the notice with the Office of Child Care within the Department of Workforce Services and the Department of Health.
- (2)

- (a) Establishment of a child care center in a public school building is contingent upon the local school board determining that the center will not interfere with the building's use for regular school purposes.
 - (b) The decision shall be made at the sole discretion of the local school board.
 - (c) A local school board may withdraw its approval to operate a child care center at any time if it determines that such use interferes with the operation or interest of the school.
 - (d) The school district and its employees and agents are immune from any liability that might otherwise result from a withdrawal of approval if the withdrawal was made in good faith.
- (3)
- (a) The local school board shall charge a commercially reasonable fee for the use of a school building as a child care center so that the district does not incur an expense.
 - (b) The fee shall include but not be limited to costs for utility, building maintenance, and administrative services supplied by the school that are related to the operation of the child care center.
- (4)
- (a) Child care service may be provided by governmental agencies other than school districts, nonprofit community service groups, or private providers.
 - (b) If competitive proposals to provide child care services are submitted by the entities listed in Subsection (4)(a), the local school board shall give preference to the private provider and nonprofit community service groups so long as their proposals are judged to be at least equal to the proposal of the governmental agency.
 - (c) It is intended that these programs function at the local community level with minimal state and district involvement.
- (5) It is the intent of the Legislature that providers not be required to go through a complex procedure in order to obtain approval for providing the service.
- (6)
- (a) Child care centers within a public school building shall make their services available to all children regardless of where the children reside.
 - (b) If space and resources are limited, first priority shall be given to those who reside within the school boundaries where the center is located, and to the children of teachers and other employees of the school where the child care center is located.
 - (c) Second priority shall be given to those who reside within the school district boundaries where the center is located.
- (7)
- (a) The local school board shall require proof of liability insurance which is adequate in the opinion of the local school board for use of school property as a child care center.
 - (b) A school district participating in the state Risk Management Fund shall require the provider of child care services to comply with the applicable provisions of Title 63A, Chapter 4, Risk Management.
- (8) Child care centers established under this section shall operate in compliance with state and local laws and regulations, including zoning and licensing requirements, and applicable school policies.
- (9) Except for Subsection (8), this section does not apply to child care centers established by a school district within a public school building if the center offers child care services primarily to children of employees or children of students of the school district.

Amended by Chapter 293, 2019 General Session

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

- (1) A local school board may award an honorary high school diploma to a veteran, if the veteran:
 - (a) left high school before graduating in order to serve in the armed forces of the United States;
 - (b) served in the armed forces of the United States during the period of World War II, the Korean War, or the Vietnam War;
 - (c)
 - (i) was honorably discharged; or
 - (ii) was released from active duty because of a service-related disability; and
 - (d)
 - (i) resides within the school district; or
 - (ii) resided within the school district at the time of leaving high school to serve in the armed forces of the United States.
- (2) To receive an honorary high school diploma, a veteran or immediate family member or guardian of a veteran shall submit to a local school board:
 - (a) a request for an honorary high school diploma; and
 - (b) information required by the local school board to verify the veteran's eligibility for an honorary high school diploma under Subsection (1).
- (3) At the request of a veteran, a veteran's immediate family member or guardian, or a local school board, the Department of Veterans and Military Affairs shall certify whether the veteran meets the requirements of Subsections (1)(b) and (c).

Amended by Chapter 293, 2019 General Session

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

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

Amended by Chapter 129, 2021 General Session

53G-7-216 Purchases of educational technology.

- (1)

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

Renumbered and Amended by Chapter 3, 2018 General Session

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

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

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

Enacted by Chapter 172, 2019 General Session

53G-7-218 Establishment of early learning plan -- Digital reporting platform.

- (1) A local school board of a school district or a charter school governing board of a charter school that serves students in any of kindergarten or grades 1 through 3 shall annually submit to the state board an early learning plan that includes:
 - (a) the early literacy plan described in Section 53F-2-503, including:
 - (i) the growth goal described in Subsection 53F-2-503(4)(d); and
 - (ii) one goal that is specific to the school district or charter school as described in Subsection 53F-2-503(4)(e);
 - (b) the early mathematics plan described in Section 53E-3-521, including:
 - (i) a growth goal for the school district or charter school that:
 - (A) is based upon student learning gains as measured by the mathematics benchmark assessment described in Section 53E-4-307.5; and
 - (B) includes the target that the state board establishes under Section 53E-3-521; and
 - (ii) one goal that:
 - (A) is specific to the school district or charter school;
 - (B) is measurable;
 - (C) addresses current performance gaps in student mathematics proficiency based on data; and
 - (D) includes specific strategies for improving outcomes; and
 - (c) one additional goal related to literacy or mathematics that:

- (i) is specific to the school district or charter school;
 - (ii) is measurable;
 - (iii) addresses current performance gaps in student literacy or mathematics proficiency based on data; and
 - (iv) includes specific strategies for improving outcomes.
- (2) A local school board or charter school governing board shall approve a plan described in Subsection (1) in a public meeting before submitting the plan to the state board.
- (3)
- (a) The state board shall:
 - (i) provide model plans that a local school board or a charter school governing board may use;
 - (ii) develop uniform standards for acceptable growth goals that a local school board or a charter school governing board adopts for a school district or charter school under this section; and
 - (iii) review and approve or disapprove a plan submitted under this section.
 - (b) Notwithstanding Subsection (3)(a), a local school board or a charter school governing board may develop the board's own plan.
- (4) The state board shall:
- (a) develop strategies to provide support for a school district or charter school that fails to meet:
 - (i)
 - (A) the growth goal related to the state literacy target described in Subsection (1)(a)(i); or
 - (B) the growth goal related to the state mathematics target described in Subsection (1)(b)(i);and
 - (ii) one of the goals specific to the school district or charter school described in Subsections (1)(a)(ii), (1)(b)(ii), or (1)(c); and
 - (b) provide increasing levels of support to a school district or charter school that fails to meet the combination of goals described in Subsection (4)(a) for two consecutive years.
- (5)
- (a) The state board shall use a digital reporting platform to provide information to school districts and charter schools about interventions that increase proficiency in literacy and mathematics.
 - (b) The digital reporting platform described in Subsection (5)(a) shall include performance information for a school district or charter school on the goals described in Subsection (1).

Amended by Chapter 408, 2022 General Session

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

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

- (b) takes into consideration the market rate for related services provided outside of a school-based setting.

Amended by Chapter 214, 2022 General Session

53G-7-220 School bus inspection policy.

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

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

Enacted by Chapter 290, 2021 General Session

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

(1) As used in this section:

- (a) "Approved innovation plan" means an innovation plan that a local approving body approves in accordance with this section.
- (b) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
- (c) "Council" means a charter trust land council or a school community council.
- (d) "Effective period" means the time period that an approved innovation plan is in effect, beginning on the date on which the local approving body approves the innovation plan and ending:
 - (i) at the end of the time period described in Subsection (3)(e)(ii); or
 - (ii) on the date an innovation school receives written notice that the state board has terminated the innovation plan as described in Subsection (9).
- (e) "Innovation LEA" means an LEA that includes an innovation school.
- (f) "Innovation plan" means a plan to implement an innovative education program.
- (g) "Innovation school" means a public school with an innovation plan that a local approving body approves.
- (h) "Innovative education program" or "program" means a program of research-based innovations in a public school, including innovations in:
 - (i) school staffing;
 - (ii) curriculum and assessment;
 - (iii) class scheduling;
 - (iv) use of financial or other resources;
 - (v) faculty recruitment;
 - (vi) employment;
 - (vii) employee evaluations; or
 - (viii) compensation.
- (i) "Local approving body" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school's authorizer.
- (j) "Public school" means a district school or charter school.
- (k) "School community council" means a council established at a school within a school district under Section 53G-7-1202.

- (l) "Student Achievement Backpack" means the same as that term is defined in Section 53E-3-511.
- (2)
 - (a) A public school may create an innovation plan to implement an innovative education program in any area of education.
 - (b) A public school shall submit an innovation plan to the public school's local approving body.
- (3) An innovation plan shall include:
 - (a) a statement of the public school's mission and an explanation of how the innovation plan will enhance the school's ability to achieve the school's mission;
 - (b) a description of the innovative education program the public school will implement;
 - (c) a list and description of the research or scientific basis supporting the innovative education program;
 - (d) a list of the public school's programs, policies, or operations that the innovation plan impacts, including:
 - (i) the length of the school day;
 - (ii) student graduation policies;
 - (iii) the public school's assessment plan;
 - (iv) the public school's proposed budget; or
 - (v) the public school's staffing plan;
 - (e)
 - (i) a description of the improvements in academic performance the public school expects the innovation plan to achieve;
 - (ii) the period of time, not less than one year or more than three years, in which the public school will demonstrate the results of the program; and
 - (iii) a description of the method the public school will use to measure outcomes and demonstrate whether the innovation school achieves the improvements described in Subsection (3)(e)(i);
 - (f) an estimate of cost savings or increased efficiencies, if any, the public school expects implementing the innovation plan will achieve;
 - (g) evidence that the following agree to the innovation plan:
 - (i) a majority of administrators employed at the public school;
 - (ii) a majority of teachers employed at the public school; and
 - (iii) a majority of the public school's council;
 - (h) a statement demonstrating the level of support for the innovation plan from other members of the public school community, including:
 - (i) school employees other than teachers;
 - (ii) students;
 - (iii) parents; and
 - (iv) the surrounding community;
 - (i) a request for a waiver of any state board rule required for the public school to implement the innovation plan, if any; and
 - (j) any additional information the local approving body requires.
- (4)
 - (a) A local approving body shall:
 - (i) review an innovation plan that an innovation school submits under Subsection (2);
 - (ii) approve or reject the innovation plan within 60 days after the day on which the public school submits the innovation plan; and

- (iii) within 30 days after the day on which the local approving body rejects an innovation plan, provide to the public school an explanation in writing of the basis for the rejection.
- (b) A local approving body may not approve an innovation plan that would cause a public school to violate:
 - (i) federal law; or
 - (ii) state law, other than a state board rule for which an innovation plan requests a waiver.
- (c) In approving innovation plans as described in Subsection (4)(a), a local approving body shall give preference to innovations in the following areas:
 - (i) curriculum;
 - (ii) academic standards assessments;
 - (iii) accountability measures, including expanding the use of accountability measures to more accurately present a complete measure of student learning and achievement, including the use of:
 - (A) graduation or exit examinations;
 - (B) end-of-course evaluations;
 - (C) Student Achievement Backpack reviews;
 - (D) national and international accountability measures;
 - (E) measures of the percentage of students who enroll in an institution of higher education after high school graduation; or
 - (F) measures of the percentage of students participating in the concurrent enrollment program described in Section 53F-2-409;
 - (iv) providing services, including:
 - (A) special education services;
 - (B) services related to gifted and talented programs;
 - (C) services for English language learner students; or
 - (D) services for students at risk of academic failure, expulsion, or dropping out;
 - (v) teacher recruitment, training, preparation, or professional learning;
 - (vi) teacher employment;
 - (vii) educator evaluations;
 - (viii) employee compensation, including:
 - (A) performance pay plans;
 - (B) total compensation plans; or
 - (C) retirement or other benefits;
 - (ix) school governance; and
 - (x) plans for college and career readiness.
- (5) A charter school governing board of an innovation school shall, in accordance with Section 53G-5-303, modify the charter school's charter agreement to:
 - (a) include an approved innovation plan;
 - (b) include amendments to an approved innovation plan that a charter school authorizer approves as described in Subsection (6); and
 - (c) remove an approved innovation plan at the end of the effective period.
- (6)
 - (a)
 - (i) An innovation school may submit proposed amendments to an approved innovation plan to the innovation school's local approving body.
 - (ii) An innovation school shall include with proposed amendments described Subsection (6)(a)
 - (i), evidence that the following agree to the proposed amendments:
 - (A) a majority of administrators employed at the innovation school;

- (B) a majority of teachers employed at the innovation school; and
 - (C) a majority of the innovation school's council.
 - (b) A local approving body shall review and may approve or reject proposed amendments that an innovation school submits under Subsection (6)(a).
- (7)
- (a) Within 30 days of the date on which the local approving body approves an innovation plan, or approves an amendment to an approved innovation plan, the local approving body shall submit a copy of the approved innovation plan to the state board.
 - (b) The state board shall maintain a copy of an approved innovation plan a local approving body submits under Subsection (7)(a).
 - (c) If an approved innovation plan a local approving body submits to the state board includes a request for waiver of state board rule, the state board shall grant the requested waiver, unless the waiver would:
 - (i) cause the innovation school to be in violation of state or federal law;
 - (ii) threaten the health, safety, or welfare of students in the innovation school; or
 - (iii) waive a rule related to:
 - (A) employee criminal background checks; or
 - (B) accounting principles.
 - (d) An innovation school may apply to the state board for additional or modified waivers of state board rule.
 - (e) For an additional or modified waiver request described in Subsection (7)(d), the state board may grant the waiver in accordance with Subsection (7)(c), if the waiver would enhance any of the following for an innovative education program:
 - (i) educational opportunities;
 - (ii) standards; or
 - (iii) quality.
- (8)
- (a) An innovation school shall annually report to the local approving body on the innovation plan's progress in achieving the improvements described in Subsection (3)(e)(i).
 - (b) A local approving body shall annually submit a report described in Subsection (8)(a) to the state board.
 - (c)
 - (i) The state board may terminate an innovation plan in accordance with rules the state board makes under Subsection (9), if the state board determines that the innovation plan does not demonstrate sufficient progress.
 - (ii) The state board shall notify the local approving body and the innovation school in writing of the state board's decision to terminate an innovation plan, within 30 days of the date on which the state board makes the decision.
- (9) The state board shall:
- (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:
 - (i) requirements for the report described in Subsection (8)(a);
 - (ii) a procedure for a local approving body to submit the report described in Subsection (8)(b); and
 - (iii) criteria the state board will use to:
 - (A) evaluate an innovation plan's progress; and
 - (B) terminate an innovation plan; and

- (b) annually report to the Education Interim Committee, at or before the Education Interim Committee's November meeting, on:
 - (i) approved innovation plans;
 - (ii) waivers of state board rule granted under Subsection (7);
 - (iii) requested waivers of state board rule that the state board does not grant, including the reason for declining to grant the waiver;
 - (iv) innovation plans terminated under Subsection (8), including the reason for the termination;
 - (v) any statutory provisions that prevent:
 - (A) a local approving body from approving an innovation plan; or
 - (B) the state board from granting a waiver of state board rule; and
 - (vi) recommendations for legislation to address statutory provisions described in Subsection (9) (b)(v).
- (10) An innovation LEA may accept private grants, loans, gifts, endowments, devises, or bequests which are made to support an innovative education program at an innovation school.

Enacted by Chapter 291, 2022 General Session

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

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

formula-based program from which the innovation LEA seeks approval to expend funds as described in Subsection (2).

- (6)
- (a) Nothing in this section authorizes an innovation LEA to violate:
 - (i) federal law; or
 - (ii) federal restrictions on the LEA's funds.
 - (b) An innovation LEA that takes an action that this section authorizes shall ensure that the innovation LEA continues to meet federal maintenance of effort requirements.

Enacted by Chapter 291, 2022 General Session

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

- (1) An LEA shall adopt a policy addressing the LEA's communication and assistance to students learning English, their parents, and their families.
- (2) The policy shall provide:
 - (a) guidance on the appropriate use of an interpreter and recommended interpreter qualifications, including certification or education-specific experience, for the following:
 - (i) classroom activities;
 - (ii) impromptu and scheduled office visits or phone calls;
 - (iii) enrollment or registration processes;
 - (iv) the IEP process;
 - (v) student educational and occupational planning processes;
 - (vi) fee waiver processes;
 - (vii) parent engagement activities;
 - (viii) student disciplinary meetings;
 - (ix) school community councils;
 - (x) school board meetings;
 - (xi) other school or LEA activities; and
 - (xii) other interactions between the parents of a student learning English and educational staff;
 - (b) guidance on the appropriate use of a translator or interpreter for the translation or interpretation of:
 - (i) registration or enrollment materials, including home language surveys and English learning program entrance and exit notifications;
 - (ii) assignments and accompanying materials;
 - (iii) report cards or other progress reports;
 - (iv) student discipline policies and procedures;
 - (v) grievance procedures and notices of rights and nondiscrimination;
 - (vi) parent or family handbooks; and
 - (vii) requests for parent permission; and
 - (c) any other guidance, including guidance on when oral interpretation is preferable to written translation, to improve instruction and assistance by teachers, counselors, and administrators to a student learning English and the student's parents and family.
- (3) The state board shall provide to an LEA notification of LEA requirements described in this section, a model of the policy described in this section, and guidance and technical assistance regarding existing requirements in relevant statute, administrative rule, and federal law.
- (4) On or before July 1, 2023, the state board shall provide to the Education Interim Committee a funding projection for annual and one-time costs associated with an LEA's implementation of the policy described in this section.

Amended by Chapter 127, 2023 General Session

Part 3 Budgets

53G-7-301 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

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

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

Amended by Chapter 293, 2019 General Session

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

- (1) As used in this section:
 - (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.
 - (b) "LEA governing board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2)

- (a) For a school district, before June 30 of each year, a local school board shall adopt a budget and make appropriations for the next fiscal year.
 - (b) For a school district, if the tax rate in the school district's proposed budget exceeds the certified tax rate defined in Section 59-2-924, the local school board shall comply with Section 59-2-919 in adopting the budget, except as provided by Section 53F-8-301.
- (3)
- (a) For a school district, before the adoption or amendment of a budget, a local school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed budget or budget amendment.
 - (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the public hearing, a local school board shall:
 - (i) publish a notice of the public hearing in a newspaper or combination of newspapers of general circulation in the school district, except as provided in Section 45-1-101;
 - (ii) publish a notice of the public hearing electronically in accordance with Section 45-1-101;
 - (iii) file a copy of the proposed budget with the local school board's business administrator for public inspection; and
 - (iv) post the proposed budget on the school district's Internet website.
 - (c) A notice of a public hearing on a school district's proposed budget shall include information on how the public may access the proposed budget as provided in Subsections (3)(b)(iii) and (iv).
- (4) For a charter school, before June 30 of each year, a charter school governing board shall adopt a budget for the next fiscal year.
- (5) Within 30 days of adopting a budget, an LEA governing board shall file a copy of the adopted budget with the state auditor and the state board.

Amended by Chapter 293, 2019 General Session

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

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

Amended by Chapter 293, 2019 General Session

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

- (1) As used in this section:
 - (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.

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

Amended by Chapter 293, 2019 General Session

53G-7-306 School district interfund transfers.

- (1) A school district shall spend revenues only within the fund for which they were originally authorized, levied, collected, or appropriated.
- (2) Except as otherwise provided in this section, school district interfund transfers of residual equity are prohibited.
- (3) The state board may authorize school district interfund transfers of residual equity when a district states its intent to create a new fund or expand, contract, or liquidate an existing fund.
- (4) The state board may also authorize school district interfund transfers of residual equity for a financially distressed district if the state board determines the following:
 - (a) the district has a significant deficit in its maintenance and operations fund caused by circumstances not subject to the administrative decisions of the district;
 - (b) the deficit cannot be reasonably reduced under Section 53G-7-305; and
 - (c) without the transfer, the school district will not be capable of meeting statewide educational standards adopted by the state board.

(5) The state board shall develop by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, standards for defining and aiding financially distressed school districts under this section.

- (6)
- (a) All debt service levies not subject to certified tax rate hearings shall be recorded and reported in the debt service fund.
 - (b) Debt service levies under Subsection 59-2-924(5)(d) that are not subject to the public hearing provisions of Section 59-2-919 may not be used for any purpose other than retiring general obligation debt.
 - (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal year shall be used in subsequent years for general obligation debt retirement.
 - (d) Any amounts left in the debt service fund after all general obligation debt has been retired may be transferred to the capital projects fund upon completion of the budgetary hearing process required under Section 53G-7-303.

Amended by Chapter 214, 2021 General Session

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

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

Amended by Chapter 293, 2019 General Session

53G-7-308 Emergency expenditures.

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-309 Monthly budget reports.

- (1) As used in this section:
- (a) "Budget officer" means:
 - (i) for a school district, the school district's superintendent; or
 - (ii) for a charter school, an individual selected by the charter school governing board.
 - (b) "LEA governing board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2) The business administrator or budget officer of an LEA governing board shall provide each LEA governing board member with a report, on a monthly basis, that includes the following information:

- (a) the amounts of all budget appropriations;
 - (b) the disbursements from the appropriations as of the date of the report; and
 - (c) the percentage of the disbursements as of the date of the report.
- (3) Within five days of providing the monthly report described in Subsection (2) to an LEA governing board, the business administrator or budget officer shall make a copy of the report available for public review.

Amended by Chapter 293, 2019 General Session

Part 4 Internal Audits

53G-7-401 Definitions.

As used in this part:

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

Renumbered and Amended by Chapter 3, 2018 General Session

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

- (1) A local school board or charter school governing board shall establish an audit committee.
- (2)

- (a) The audit committee shall establish an internal audit program that provides internal audit services for the programs administered by the local education agency.
 - (b) A local education agency that has fewer than 10,000 students is not subject to Subsection (2) (a).
- (3)
- (a) A local school board or charter school governing board shall appoint the audit director, with the advisement of the audit committee, if the local school board or charter school governing board hires an audit director.
 - (b) If the local school board or charter school governing board has not appointed an audit director and the local school board or charter school governing board contracts directly for internal audit services, the local school board or charter school governing board shall approve a contract for internal audit services, with the advisement of the audit committee.
- (4) The audit committee shall ensure that copies of all reports of audit findings issued by the internal auditors are available, upon request, to the audit director of the state board, the Office of the State Auditor, and the Office of Legislative Auditor General.
- (5) The audit committee shall ensure that significant audit matters that cannot be appropriately addressed by the local education agency internal auditors are referred to either the audit director of the state board, the Office of the State Auditor, or the Office of Legislative Auditor General.
- (6) The audit director may contract with a consultant to assist with an audit.
- (7) The audit director of the state board and the Office of the State Auditor may contract to provide internal audit services.

Amended by Chapter 293, 2019 General Session

Part 5 Student Fees

53G-7-501 Definitions.

As used in this part:

- (1) "Co-curricular activity" means an activity, a course, or a program that:
 - (a) is an extension of a curricular activity;
 - (b) is included in an instructional plan and supervised or conducted by a teacher or education professional;
 - (c) is conducted outside of regular school hours;
 - (d) is provided, sponsored, or supported by an LEA; and
 - (e) includes a required regular school day activity, course, or program.
- (2) "Curricular activity" means an activity, a course, or a program that is:
 - (a) intended to deliver instruction;
 - (b) provided, sponsored, or supported by an LEA; and
 - (c) conducted only during school hours.
- (3) "Elementary school" means a school that provides instruction to students in grades kindergarten, 1, 2, 3, 4, 5, or 6.
- (4)
 - (a) "Elementary school student" means a student enrolled in an elementary school.
 - (b) "Elementary school student" does not include a secondary school student.

- (5)
 - (a) "Extracurricular activity" means an activity, a course, or a program that is:
 - (i) not directly related to delivering instruction;
 - (ii) not a curricular activity or co-curricular activity; and
 - (iii) provided, sponsored, or supported by an LEA.
 - (b) "Extracurricular activity" does not include a noncurricular club as defined in Section 53G-7-701.
- (6)
 - (a) "Fee" means a charge, expense, deposit, rental, or payment:
 - (i) regardless of how the charge, expense, deposit, rental, or payment is termed, described, requested, or required directly or indirectly;
 - (ii) in the form of money, goods, or services; and
 - (iii) that is a condition to a student's full participation in an activity, course, or program that is provided, sponsored, or supported by an LEA.
 - (b) "Fee" includes:
 - (i) money or something of monetary value raised by a student or the student's family through fundraising;
 - (ii) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;
 - (iii) payments made to a third party that provides a part of a school activity, class, or program;
 - (iv) charges or expenditures for classroom:
 - (A) textbooks;
 - (B) supplies; or
 - (C) materials;
 - (v) charges or expenditures for school activity clothing; and
 - (vi) a fine other than a fine described in Subsection (6)(c)(i).
 - (c) "Fee" does not include:
 - (i) a student fine specifically approved by an LEA for:
 - (A) failing to return school property;
 - (B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or as described in Section 53G-8-212; or
 - (C) improper use of school property, including a parking violation;
 - (ii) a payment for school breakfast or lunch;
 - (iii) a deposit that is:
 - (A) a pledge securing the return of school property; and
 - (B) refunded upon the return of the school property; or
 - (iv) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program.
- (7)
 - (a) "Fundraising" means an activity or event provided, sponsored, or supported by an LEA that uses students to generate funds or raise money to:
 - (i) provide financial support to a school or a school's class, group, team, or program; or
 - (ii) benefit a particular charity or for other charitable purposes.
 - (b) "Fundraising" does not include an alternative method of raising revenue without students.
- (8)
 - (a) "School activity clothing" means special shoes or items of clothing:
 - (i)

- (A) that meet specific requirements, including requesting a specific brand, fabric, or imprint;
and
- (B) that a school requires a student to provide; and
- (ii) that is worn by a student for a co-curricular or extracurricular activity.
- (b) "School activity clothing" does not include:
 - (i) a school uniform; or
 - (ii) clothing that is commonly found in students' homes.
- (9)
 - (a) "School uniform" means special shoes or an item of clothing:
 - (i)
 - (A) that meet specific requirements, including a requested specific color, style, fabric, or imprint; and
 - (B) that a school requires a student to provide; and
 - (ii) that is worn by a student for a curricular activity.
 - (b) "School uniform" does not include school activity clothing.
- (10) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.
- (11) "Secondary school student":
 - (a) means a student enrolled in a secondary school; and
 - (b) includes a student in grade 6 if the student attends a secondary school.
- (12) "Textbook" means the same as that term is defined in Section 53G-7-601.
- (13) "Waiver" means a full or partial release from a requirement to pay a fee and from any provision in lieu of fee payment.

Amended by Chapter 51, 2020 General Session

53G-7-502 Schools to be free.

Except as otherwise provided in this public education code, the public education system shall be free to an individual:

- (1) between five and 18 years of age who is a resident; and
- (2) over 18 who is domiciled in the state of Utah and has not completed requirements for a high school diploma.

Amended by Chapter 223, 2019 General Session

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

- (1) An LEA may only charge a fee if the fee is authorized and noticed by the LEA governing board in accordance with Section 53G-7-505.
- (2)
 - (a) An LEA may not require a fee for elementary school activities that are part of the regular school day or for supplies used during the regular school day.
 - (b) An elementary school or elementary school teacher may compile and provide to a student's parent a suggested list of supplies for use during the regular school day so that a parent may furnish on a voluntary basis those supplies for student use.
 - (c) A list provided to an elementary student's parent in accordance with Subsection (2)(b) shall include and be preceded by the following language:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

- (3)
- (a) Beginning with or after the 2022-2023 school year, if an LEA imposes a fee, the fee shall be equal to or less than the expense incurred by the LEA in providing for a student the activity, course, or program for which the LEA imposes the fee.
 - (b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize another fee.
- (4)
- (a) Beginning with or after the 2021-2022 school year, and notwithstanding Section 53E-3-401, if the state board finds that an LEA has violated a provision of this part or Part 6, Textbook Fees, the state board shall impose corrective action against the LEA, which may include:
 - (i) requiring an LEA to repay improperly charged fees;
 - (ii) withholding state funds; and
 - (iii) suspending the LEA's authority to charge fees for an amount of time specified by the state board.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (i) that require notice and an opportunity to be heard for an LEA affected by a state board action described in Subsection (4)(a); and
 - (ii) to administer this Subsection (4).
- (5)
- (a) For each fee on an LEA's fee schedule described in Section 53G-7-505, the LEA shall:
 - (i) by July 1, 2020, determine whether the fee is curricular, co-curricular, or extracurricular;
 - (ii) for the 2020-2021 school year, measure the total number of:
 - (A) students who pay each fee; and
 - (B) money received for each fee;
 - (iii) for the 2020-2021 school year, measure the total:
 - (A) number of students who receive a fee waiver; and
 - (B) value of each waiver for each waived fee; and
 - (iv) by July 1, 2021, report the separate categories of data gathered under Subsections (5)(a)(ii) and (iii) to the state board.
 - (b) The state board shall report on the data the board receives under Subsection (5)(a) to the Education Interim Committee on or before the date of the November interim meeting in 2021.

Amended by Chapter 341, 2021 General Session

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

- (1)
- (a) If an LEA or a school within an LEA charges one or more fees, the LEA shall grant a waiver to a student if charging the fee would deny the student the opportunity to fully participate or complete a requirement because of an inability to pay the fee.
 - (b) An LEA governing board shall:
 - (i) adopt policies for granting a waiver; and
 - (ii) in accordance with Section 53G-7-505, give notice of waiver eligibility and policies.
- (2)

- (a) An LEA that charges a fee under this part and Part 6, Textbook Fees, may provide a variety of alternatives for a student or family to satisfy a fee requirement, including allowing a student to provide:
 - (i) tutorial assistance to other students;
 - (ii) assistance before or after school to teachers and other school personnel on school related matters; and
 - (iii) general community or home service.
- (b) Each LEA governing board may add to the list of alternatives provided by the state board, subject to approval by the state board.
- (3) With regard to a student who is in the custody of the Division of Child and Family Services who is also eligible under Title IV-E of the federal Social Security Act, an LEA governing board shall require fee waivers or alternatives in accordance with this section.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules:
 - (a) requiring a parent of a student applying for a fee waiver to provide documentation and certification to the school verifying:
 - (i) the student's eligibility to receive the waiver; and
 - (ii) if applicable, that the student has complied with alternatives for satisfying the fee requirements under Subsection (2) to the fullest extent reasonably possible according to the individual circumstances of the student and the LEA; and
 - (b) specifying the acceptable forms of documentation for the requirement under Subsection (4) (a), which shall include verification based on income tax returns or current pay stubs.
- (5) Notwithstanding the requirements under Subsection (4), an LEA is not required to keep documentation on file after the verification is completed.
- (6) If a school denies a student or parent request for a fee waiver, the school shall provide the student or parent:
 - (a) the school's written decision to deny a waiver; and
 - (b) the procedure to appeal in accordance with LEA policy.

Amended by Chapter 408, 2020 General Session

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

- (1) An LEA governing board shall annually:
 - (a) adopt fee policies and a fee schedule; and
 - (b) provide the fee schedule to each student and parent.
- (2) For the fee schedule, the LEA governing board shall:
 - (a) before approving the fee schedule, provide at least two opportunities for the public to comment on the proposed fee schedule;
 - (b) encourage public participation in the development of the fee schedule; and
 - (c) approve the fee schedule in a regularly scheduled public meeting.
- (3)
 - (a) The fee schedule shall include the following:
 - (i) a specific amount for each fee on the fee schedule;
 - (ii) if a student is responsible for multiple fees related to one activity, class, or program, a clear and easy to understand delineation of each fee and the fee total for each activity, class, or program;
 - (iii) the LEA's fee waiver policy, including an easily understandable statement informing a parent that a student:

- (A) may be eligible to have one or more fees waived; and
 - (B) may appeal the LEA's decision if the LEA denies a request for a fee waiver; and
 - (iv) a corresponding spending plan for each fee.
- (b) The LEA shall:
- (i) publish the fee schedule on each of the LEA's school's websites; and
 - (ii) include a copy of the LEA's fee schedule with the LEA's registration materials.

Amended by Chapter 223, 2019 General Session
Amended by Chapter 293, 2019 General Session

Part 6

Textbook Fees

53G-7-601 Definitions.

As used in this part:

- (1) "Fee" means the same as that term is defined in Section 53G-7-501.
- (2)
- (a) "Instructional equipment" means an activity-related, course-related, or program-related tool or instrument that:
 - (i) is required for a student to use as part of an activity, course, or program in a secondary school;
 - (ii) typically becomes the property of the student upon exiting the activity, course, or program; and
 - (iii) is subject to a fee waiver.
 - (b) "Instructional equipment" includes:
 - (i) shears or styling tools;
 - (ii) a band instrument;
 - (iii) a camera;
 - (iv) a stethoscope; or
 - (v) sports equipment, including a bat, mitt, or tennis racquet.
 - (c) "Instructional equipment" does not include school equipment.
- (3)
- (a) "Instructional supply" means a consumable or non-reusable supply that is necessary for a student to use as part of an activity, course, or program in a secondary school.
 - (b) "Instructional supply" includes:
 - (i) prescriptive footwear;
 - (ii) brushes or other art supplies, including clay, paint, or art canvas;
 - (iii) wood for wood shop;
 - (iv) Legos for Lego robotics;
 - (v) film; or
 - (vi) filament used for 3D printing.
- (4)
- (a) "School equipment" means a durable school-owned machine, equipment, or tool used by a student as part of an activity, course, or program in a secondary school.
 - (b) "School equipment" includes a saw or 3D printer.
- (5)

- (a) "Textbook" means instructional material necessary for participation in an activity, course, or program, regardless of the format of the material.
- (b) "Textbook" includes:
 - (i) a hardcopy book or printed pages of instructional material, including a consumable workbook; or
 - (ii) computer hardware, software, or digital content.
- (c) "Textbook" does not include instructional equipment or instructional supplies.

Amended by Chapter 138, 2020 General Session

53G-7-602 State policy on providing free textbooks.

- (1) It is the public policy of this state that public education shall be free.
- (2) A student may not be denied an education because of economic inability to purchase textbooks necessary for advancement in or graduation from the public school system.
- (3)
 - (a) Beginning with the 2022-23 school year, an LEA:
 - (i) except as provided in Subsection (3)(a)(ii), may not sell textbooks or otherwise charge a fee for textbooks or the maintenance costs of school equipment; and
 - (ii) may only charge a fee for a textbook required for an Advanced Placement or, as described in Section 53E-10-302, a concurrent enrollment course.
 - (b) The LEA shall waive a fee described in Subsection (3)(a)(ii) in full or in part if a student qualifies for a waiver in accordance with Section 53G-7-504.

Amended by Chapter 138, 2020 General Session

53G-7-603 Purchase of textbooks -- Textbooks provided to teachers.

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

Repealed and Re-enacted by Chapter 223, 2019 General Session

**Part 7
Student Clubs**

53G-7-701 Definitions.

As used in this part:

- (1) "Bigotry" means action or advocacy of imminent action involving:
 - (a) the harassment or denigration of a person or entity; or
 - (b) any intent to cause a person not to freely enjoy or exercise any right secured by the constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience

unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in this section, Section 53G-10-203, or 20 U.S.C. Sec. 4071(f).

- (2) "Club" means any student organization that meets during noninstructional time.
- (3) "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.
- (4) "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:
 - (a) whose subject matter is taught or will soon be taught in a regular course;
 - (b) whose subject matter concerns the body of courses as a whole;
 - (c) in which participation is required for a particular course; or
 - (d) in which participation results in academic credit.
- (5)
 - (a) "Discretionary time" means school-related time for students that is not instructional time.
 - (b) "Discretionary time" includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.
- (6)
 - (a) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule.
 - (b) "Encourage criminal or delinquent conduct" does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.
- (7)
 - (a) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity.
 - (b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.
- (8) "Involve human sexuality" means:
 - (a) presenting information in violation of laws governing sex education, including Sections 53G-10-402 and 53E-9-203;
 - (b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or
 - (c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.
- (9) "LEA governing board" means a local school board or charter school governing board.
- (10) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection 53G-10-203(2)(b).
- (11) "Noncurricular club" is a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and LEA governing board in accordance with the provisions of this part. A noncurricular club's meetings, ideas,

and activities are not sponsored or endorsed in any way by an LEA governing board, the school, or by school or school district employees.

- (12) "Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.
- (13) "Religious club" means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.
- (14) "School" means a public school, including a charter school.
- (15)
 - (a) "School facilities use" means access to a school facility, premises, or playing field.
 - (b) "School facilities use" includes access to a limited open forum.

Amended by Chapter 293, 2019 General Session

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

- (1)
 - (a) A school may establish and maintain a limited open forum for student clubs pursuant to the provisions of this part, state board rules, and LEA governing board policies.
 - (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to create a closed forum at any time by allowing curricular clubs only.
- (2)
 - (a) A school shall review applications for authorization of clubs on a case-by-case basis.
 - (b) Before granting an authorization, the school shall find:
 - (i) that the proposed club meets this part's respective requirements of a curricular club or a noncurricular club; and
 - (ii) that the proposed club's purpose and activities comply with this part.
 - (c) Before granting an authorization, a school may request additional information from the faculty sponsor, from students proposing the club, or from its LEA governing board, if desired.
- (3) A school shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of this part, rules of the state board, and policies of the LEA governing board and shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of this part, rules of the state board, and policies of the LEA governing board.

Amended by Chapter 293, 2019 General Session

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

- (1) Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the LEA governing board.
- (2) An LEA governing board may exempt a club whose membership is determined by student body election or a club that is governed by an association that regulates interscholastic activities from the authorization requirements under this section.
- (3) An application for authorization of a curricular club shall include:
 - (a) the recommended club name;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;

- (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
- (d) the recommended meeting times, dates, and places;
 - (e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 - (f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- (4) The application may be as brief as a single page so long as it contains the items required under this section.
 - (5) A school shall approve the name of a curricular club consistent with the club's purposes and its school sponsorship.
 - (6)
 - (a) A school shall determine curriculum relatedness by strictly applying this part's definition of curricular club to the club application.
 - (b) If the school finds that the proposed club is a curricular club, the school shall continue to review the application as an application for authorization of a curricular club.
 - (c) If the school finds that the proposed club is a noncurricular club, the school may:
 - (i) return the application to the faculty member or students proposing the club for amendment;
 - or
 - (ii) review the application as an application for authorization of a noncurricular club.
 - (7)
 - (a) Only curricular clubs may be authorized for elementary schools.
 - (b) A school governing body may limit, or permit a secondary school to limit, the authorization of clubs at the secondary school to only curricular clubs.

Amended by Chapter 293, 2019 General Session

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

- (1) A noncurricular club shall have a minimum of three members.
- (2) Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the LEA governing board.
- (3) An application for authorization of a noncurricular club shall include:
 - (a) the recommended club name;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply:
 - (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;

- (viii) community service/social justice; and
 - (ix) other;
 - (d) the recommended meeting times, dates, and places;
 - (e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and
 - (f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.
- (4) The application may be as brief as a single page so long as it contains the items required under this section.
- (5)
- (a) An LEA governing board may provide for approval of a noncurricular club name in an action separate from that relating to authorization of the club itself.
 - (b) An LEA governing board shall require:
 - (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and activities; and
 - (ii) that the noncurricular club name shall be a name that would not result in or imply a violation of this part.

Amended by Chapter 293, 2019 General Session

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

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

Amended by Chapter 293, 2019 General Session

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

- (1) A school shall approve the faculty sponsor, supervisor, or monitor for each authorized curricular, noncurricular, and religious club to provide oversight consistent with this part and the needs of the school to ensure that the methods of expression, religious practices, or other conduct of the students or advisors involved do not:
 - (a) unreasonably interfere with the ability of school officials to maintain order and discipline;
 - (b) unreasonably endanger or threaten the well-being of persons or property;
 - (c) violate concepts of civility or propriety appropriate to a school setting; or
 - (d) violate applicable laws, rules, regulations, and policies.
- (2)
 - (a) A school shall annually approve faculty members as sponsors of curricular clubs.
 - (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular club.
- (3)
 - (a) A school shall approve faculty members to serve as supervisors for authorized noncurricular clubs.
 - (b) A faculty supervisor shall provide oversight to ensure compliance with the approved club purposes, goals, and activities and with the provisions of this part and other applicable laws, rules, and policies.
 - (c) The approval of a faculty supervisor or monitor does not constitute school sponsorship of the club.
 - (d) A faculty monitor approved for a religious club may not participate in the activities of the religious club, except to perform the supervisory role required by this section.
- (4) Without the prior approval by the school, a person who is not a school faculty member or a club member may not:
 - (a) make a presentation to a noncurricular club; or
 - (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.

Renumbered and Amended by Chapter 3, 2018 General Session

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

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

- (f) a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Amended by Chapter 293, 2019 General Session

53G-7-708 Club membership.

- (1) A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.
- (2) Membership in curricular clubs is governed by the following:
 - (a)
 - (i) membership may be limited to students who are currently attending the sponsoring school or school district; and
 - (ii) members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section 53G-7-709, specific parental permission for membership in a curricular club at another school;
 - (b)
 - (i) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
 - (ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies; and
 - (c) other rules or policies as determined by the state board, school district, or school.
- (3) Membership in noncurricular clubs is governed by the following:
 - (a) student membership in a noncurricular club is voluntary;
 - (b) membership shall be limited to students who are currently attending the school;
 - (c)
 - (i) noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and
 - (ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies;
 - (d) a copy of any written or other media materials that were presented at a noncurricular club meeting by a nonschool person shall be delivered to a school administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent shall have an opportunity to review those materials; and
 - (e) other rules or policies as determined by the state board, school district, or school.

Amended by Chapter 293, 2019 General Session

53G-7-709 Parental consent.

- (1) A school shall require written parental consent for student participation in all curricular and noncurricular clubs at the school.
- (2) The consent described in Subsection (1) shall include an activity disclosure statement containing the following information:
 - (a) the specific name of the club;
 - (b) a statement of the club's purpose, goals, and activities;
 - (c) a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Section 53G-7-703 or 53G-7-704, indicating all of the following that may apply:

- (i) athletic;
 - (ii) business/economic;
 - (iii) agriculture;
 - (iv) art/music/performance;
 - (v) science;
 - (vi) gaming;
 - (vii) religious;
 - (viii) community service/social justice; and
 - (ix) other;
- (d) beginning and ending dates;
 - (e) a tentative schedule of the club activities with dates, times, and places specified;
 - (f) personal costs associated with the club, if any;
 - (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
 - (h) any additional information considered important for the students and parents to know.
- (3) All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a charter school, or their designee.

Amended by Chapter 293, 2019 General Session

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

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-711 Appeals -- Procedures.

- (1)

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

Amended by Chapter 293, 2019 General Session

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

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

Amended by Chapter 293, 2019 General Session

53G-7-713 Severability.

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

Renumbered and Amended by Chapter 3, 2018 General Session

**Part 8
School Uniforms**

53G-7-801 Definitions.

As used in this part:

- (1) "Association" means an organization that governs or regulates a student's participation in an athletic activity.
- (2) "Athletic activity" means physical education instruction or a sports event that is:
 - (a) sponsored or regulated by an association or educational organization; or
 - (b) authorized to take place in an association's or educational organization's facilities.
- (3) "Athletic uniform" means clothing, headwear, shoes, or other items worn for participation in an athletic activity that are required to be:

- (a) a specified style, length, material, or color;
 - (b) worn in a specified manner; or
 - (c) worn with or without other items of clothing or headwear.
- (4) "Educational organization" means:
- (a) the state board;
 - (b) an LEA; or
 - (c) a school sports team.
- (5) "Principal" includes the chief administrator of a school that does not have a principal.
- (6) "School" means a public school, including a charter school.
- (7) "School official" means the principal of a school or the local school board for a school district.
- (8) "School sports team" means a team on which the student represents the student's school in competition against another school or in competition against other students within the same school.
- (9) "School uniform" means the same as that term is defined in Section 53G-7-501.

Amended by Chapter 130, 2023 General Session

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

- (1) The Legislature finds that:
- (a) each student should be allowed to learn in a safe environment which fosters the learning process and is free from unnecessary disruptions;
 - (b) the wearing of certain types of clothing may identify students as members of youth gangs and contribute to disruptive behavior and violence in the schools;
 - (c) school uniform policies may be part of an overall program to:
 - (i) improve school safety and discipline; and
 - (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent disturbances among students; and
 - (d) school uniforms may:
 - (i) decrease violence and theft among students; and
 - (ii) foster and promote desirable school operating conditions and a positive educational environment in accordance with this part.
- (2)
- (a) In accordance with Section 53G-7-803, a school may adopt a school uniform policy that requires students enrolled at that school to wear a designated school uniform during the school day.
 - (b) Except as provided in Subsection (4)(b), a school uniform policy may not require clothing that is prescriptive or expensive.
- (3) A school uniform policy shall:
- (a) protect students' free exercise of religious beliefs;
 - (b) specify whether the uniform policy is voluntary or mandatory for students;
 - (c) specify whether or not the uniform policy has an opt-out provision in addition to the provisions under Subsection (5); and
 - (d) include a provision for financial assistance to families who cannot afford to purchase a required uniform, which may include:
 - (i) the school providing school uniforms to students;
 - (ii) the school making used school uniforms available to students; or
 - (iii) other programs to make school uniforms available to economically disadvantaged students.
- (4)

- (a) Except as provided in Subsection (4)(b), a school uniform policy under this part is not considered a fee for either an elementary or a secondary school.
- (b)
 - (i) Subject to Subsection (4)(b)(ii), a secondary school may adopt a school uniform policy that requires clothing that is expensive or prescriptive.
 - (ii) A school uniform policy described in Subsection (4)(b)(i) is considered a fee, as defined in Section 53G-7-501, and is subject to Part 5, Student Fees.
- (5) A school uniform policy shall include a provision allowing a principal at any time during the school year to grant an exemption from wearing a school uniform to a student because of extenuating circumstances.
- (6)
 - (a) If a school adopts a school uniform policy under this part, that school's governing body or local school board shall adopt local appellate procedures for school actions under this part, including a denial of an exemption requested under Subsection (5).
 - (b) A person may seek judicial review of an action under this part only after exhausting the remedies provided under this Subsection (6).

Amended by Chapter 223, 2019 General Session

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

- (1) The school uniform policy authorized in Section 53G-7-802 may be adopted:
 - (a) for a charter school:
 - (i) by the charter school governing board or administrator of the charter school in accordance with Subsection (2); or
 - (ii) by including the school uniform policy in the school's charter agreement approved in accordance with Chapter 5, Charter Schools;
 - (b) for more than one school at the district level by a local school board in accordance with Subsection (2); or
 - (c) for a single school at the school level by the principal of the school in accordance with Subsection (2).
- (2) A school uniform policy adopted by an election is subject to the following requirements:
 - (a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;
 - (b)
 - (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and
 - (ii) only parents of students subject to the proposed school uniform policy may vote at the election, limited to one vote per family.
- (3)
 - (a) A local school board or principal is required to hold an election to consider adoption of a school uniform policy for an entire school district or an individual school if initiative petitions are presented as follows:
 - (i) for a school district, a petition signed by a parent of 20% of the district's students presented to the local school board; and
 - (ii) for an individual school, a petition signed by a parent of 20% of the school's students presented to the principal.

- (b) The public hearing and election procedures required in Subsection (2) apply to this Subsection (3).
- (4)
 - (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance or modification of a school uniform policy adopted under this section.
 - (b) A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.
- (5) The adopting authority shall establish the manner and time of an election required under this section.

Amended by Chapter 293, 2019 General Session

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

- (1) An association or educational organization that requires a student to wear an athletic uniform for participation in an athletic activity may not prohibit the student from:
 - (a) wearing religious clothing with the athletic uniform; or
 - (b) wearing clothing under, or with, but not substantially covering, the athletic uniform to, consistent with the student's religious or moral beliefs, cover or conceal parts of the student's body that are not covered or concealed by the athletic uniform.
- (2)
 - (a) A student has the right to, while participating in a school-related athletic activity or an athletic activity using school facilities, wear clothing as described in Subsection (1).
 - (b) The prohibition described in Subsection (1) and the right described in Subsection (2)(a) apply regardless of whether the student wears, or is required to wear, an athletic uniform while participating in the athletic activity.
- (3) If an association or educational organization places requirements on religious clothing or other clothing described in Subsection (1) or (2), other than the material, style, or color of the uniform itself, the association or organization:
 - (a) shall provide the clothing at the association's or educational organization's expense; and
 - (b) may not impose a requirement in relation to the clothing, including the material, color, style, or manner of wearing the clothing, that violates the student's religious or moral beliefs.

Enacted by Chapter 130, 2023 General Session

**Part 9
Internships**

53G-7-901 Definitions.

As used in this part:

- (1) "Cooperating employer" means a public or private entity which, as part of a work experience or career exploration program offered through a school, provides interns with educational resources, training, and work experience in activities related to the entity's ongoing business activities.
- (2) "Intern" means a student enrolled in a school-sponsored work experience and career exploration program under Section 53G-7-902 involving both classroom instruction and

work experience with a cooperating employer, regardless of whether the student receives compensation.

- (3) "Internship" means the work experience segment of an intern's school-sponsored work experience and career exploration program, performed under the direct supervision of a cooperating employer.
- (4) "Internship safety agreement" means the agreement between a public or private school and a cooperating employer in accordance with Section 53G-7-904.
- (5) "Private school" means a school serving any of grades 7 through 12 which is not part of the public education system.
- (6) "Public school" means:
 - (a) a public school district;
 - (b) an applied technology center or applied technology service region;
 - (c) the Schools for the Deaf and the Blind; or
 - (d) other components of the public education system authorized by the state board to offer internships.

Amended by Chapter 350, 2023 General Session

Amended by Chapter 527, 2023 General Session

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

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

Amended by Chapter 293, 2019 General Session

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

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

Amended by Chapter 350, 2023 General Session

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

- (1)
 - (a) A public or private school may enter into an internship safety agreement with a cooperating employer.
 - (b) The public or private school described in Subsection (1)(a) shall ensure that the internship safety agreement requires a cooperating employer to:
 - (i) ensure that an adult officer or employee of the cooperating employer is not intentionally alone with an intern for any significant amount of time during the intern's activities;

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

Amended by Chapter 374, 2020 General Session

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

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

Renumbered and Amended by Chapter 3, 2018 General Session

**Part 10
Internet Policy**

53G-7-1001 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

53G-7-1002 Internet and online access policy required.

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

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-1003 Process and content standards for policy.

- (1) "Policy" as used in this section means the elementary and secondary school online access policy adopted by a local school board to meet the requirements of Section 53G-7-1002.
- (2)
- (a) Each policy shall be developed under the direction of the local school board, adopted in an open meeting, and have an effective date. The local school board shall review the policy at

least every three years, and a footnote shall be added to the policy indicating the effective date of the last review.

- (b) Notice of the availability of the policy shall be posted in a conspicuous place within each school. The local school board may issue any other public notice it considers appropriate.
- (3) The policy shall:
 - (a) state that it restricts access to Internet or online sites that contain obscene material and shall state how the local school board intends to meet the requirements of Section 53G-7-1002;
 - (b) inform the public that administrative procedures and guidelines for the staff to follow in enforcing the policy have been adopted and are available for review at the school; and
 - (c) inform the public that procedures to handle complaints about the policy, its enforcement, or about observed behavior have been adopted and are available for review at the school.

Renumbered and Amended by Chapter 3, 2018 General Session

53G-7-1004 Rulemaking -- Reporting.

The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding compliance standards and reporting requirements for local school boards with respect to the policy required by Section 53G-7-1002.

Amended by Chapter 408, 2020 General Session

Part 11 Public School Membership in Associations

53G-7-1101 Definitions.

As used in this part:

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

- (7) "Interscholastic activity" means an activity within the state in which:
 - (a) a student that participates represents the student's school in the activity; and
 - (b) the participating student is enrolled in grade 9, 10, 11, or 12.
- (8) "Public hearing" means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- (9) "Region" means a grouping of schools of the same classification for purposes of interscholastic activities.

Amended by Chapter 293, 2019 General Session

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

- (1) A public school may not be a member of or pay dues to an association that:
 - (a) is not in compliance with:
 - (i) this part;
 - (ii) Title 52, Chapter 4, Open and Public Meetings Act;
 - (iii) Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (iv) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
 - (b) does not collect each student's birth certificate and birth certificate amendment history, as that term is defined in Section 53G-6-1001, or equivalent documentation, as described in Subsection (2), to determine eligibility as a condition of the association's registration process for an athletic team, event, or category; or
 - (c) does not require a student to provide the athlete's date of birth and sex as a condition of the registration process for an athletic team, event, or category.
- (2) Except as provided in Subsection (3), for a student who is homeless or not a United States citizen and who is unable to provide a birth certificate and birth certificate amendment history, the association may collect the student's:
 - (a) state-issued identification document, including a driver's license or passport; or
 - (b) federally recognized identification document, including a document that the Department of Homeland Security issues.
- (3) Subsection (1)(b) or (2) do not apply to an association for a student who is a homeless child or youth, as defined in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. Sec. 11431 et seq.
- (4) Nothing in this section limits or impairs an LEA's requirement to verify a student's initial review of eligibility to participate in an athletic team, event, or category under applicable state or federal law or state board rule, including the student's:
 - (a) residency status;
 - (b) age;
 - (c) sex, verified by the student's birth certificate and birth certificate amendment history as that term is defined in Section 53G-6-1001;
 - (d) academic requirements; or
 - (e) school enrollment capacity.
- (5) Unless otherwise specified, an association's compliance with or an association employee or officer's compliance with the provisions described in Subsection (1) does not alter:
 - (a) the association's public or private status; or
 - (b) the public or private employment status of the employee or officer.

Amended by Chapter 340, 2023 General Session

Amended by Chapter 493, 2023 General Session, (Coordination Clause)

53G-7-1103 Governing body membership.

- (1)
 - (a) A governing body shall have 15 members as follows:
 - (i) six members who:
 - (A) are each an elected member of a local school board; and
 - (B) each represent a different classification;
 - (ii)
 - (A) one school superintendent representing the two largest classifications;
 - (B) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A); and
 - (C) one school superintendent representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);
 - (iii)
 - (A) one school principal representing the two largest classifications;
 - (B) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A); and
 - (C) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);
 - (iv) one representative of charter schools;
 - (v) one representative of private schools, if private schools are members of or regulated by the association; and
 - (vi) one member representing the state board.
 - (b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be elected or appointed by or represent charter or private schools on the governing body.
- (2)
 - (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected, appointed, or otherwise selected in accordance with association rule or policy to the extent the selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).
 - (b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of the state board or the chair's designee if the designee is an elected member of the state board.

Amended by Chapter 293, 2019 General Session

53G-7-1104 Reporting requirements.

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

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

Amended by Chapter 293, 2019 General Session

53G-7-1105 Association budgets.

- (1) An association shall:
 - (a) adopt a budget in accordance with this section; and

- (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall be in accordance with generally accepted accounting principles or auditing standards.
- (2) An association budget officer or executive director shall annually prepare a tentative budget, with supporting documentation, to be submitted to the governing body.
- (3) The tentative budget and supporting documents shall include the following items:
 - (a) the revenues and expenditures of the preceding fiscal year;
 - (b) the estimated revenues and expenditures of the current fiscal year;
 - (c) a detailed estimate of the essential expenditures for all purposes for the next succeeding fiscal year; and
 - (d) the estimated financial condition of the association by funds at the close of the current fiscal year.
- (4) The tentative budget shall be filed with the governing body 15 days, or earlier, before the date of the tentative budget's proposed adoption by the governing body.
- (5) The governing body shall adopt a budget.
- (6) Before the adoption or amendment of a budget, the governing body shall hold a public hearing on the proposed budget or budget amendment.
- (7)
 - (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the public hearing described in Subsection (6), at least 10 days before the public hearing, a governing body shall:
 - (i) publish a notice of the public hearing electronically in accordance with Section 63A-16-601; and
 - (ii) post the proposed budget on the association's Internet website.
 - (b) A notice of a public hearing on an association's proposed budget shall include information on how the public may access the proposed budget as provided in Subsection (7)(a).
- (8) No later than September 30 of each year, the governing body shall file a copy of the adopted budget with the state auditor and the state board.

Amended by Chapter 84, 2021 General Session
Amended by Chapter 345, 2021 General Session

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

- (1)
 - (a) An association shall establish a uniform procedure for hearing and deciding:
 - (i) disputes;
 - (ii) allegations of violations of the association's rules or policies;
 - (iii) requests to establish eligibility after a student transfers schools; and
 - (iv) disputes related to alignment or realignment.
 - (b) An individual may appeal to an appeals panel established in this section an association decision regarding a request to establish eligibility after a student transfers schools.
- (2)
 - (a) There is established an appeals panel for an association decision described in Subsection (1)
 - (b).
 - (b) The appeals panel shall consist of the following three members:
 - (i) a judge or attorney who is not employed by, or contracts with, a school;
 - (ii) a retired educator, principal, or superintendent; and
 - (iii) a retired athletic director or coach.

- (c) A review and decision by the appeals panel is limited to whether the association properly followed the association's rules and procedures in regard to a decision described in Subsection (1)(b).
- (d)
 - (i) An association shall adopt policies for filing an appeal with the appeals panel.
 - (ii) The appeals panel shall review an appeal and issue a written decision explaining the appeals panel's decision no later than 10 business days after an appeal is filed.
- (e) The appeals panel's decision is final.
- (3)
 - (a) The state board shall appoint the members of the appeals panel described in Subsection (2):
 - (i) from the association's nominations described in Subsection (3)(b); and
 - (ii) in accordance with the state board's appointment process.
 - (b)
 - (i) The association shall nominate up to three individuals for each position described in Subsection (2) for the state board's consideration.
 - (ii) If the state board refuses to appoint members to the panel who were nominated by the association as described in Subsection (3)(b)(i), the state board shall request additional nominations from the association.
 - (iii) No later than 45 days after the association provides the nominations, the state board shall appoint to the appeals panel an individual from the names provided by the association.
 - (c) For the initial membership, the state board shall appoint two of the positions having an initial term of three years and one position having an initial term of two years.
 - (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire, the state board shall appoint each new member or reappointed member to a two-year term.
 - (e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4) The state board shall reimburse an association for per diem and travel expenses of members of the appeals panel.

Amended by Chapter 293, 2019 General Session

Part 12

School Community Councils and Charter Trust Land Councils

53G-7-1201 Definitions.

Reserved

Enacted by Chapter 3, 2018 General Session

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

- (1) As used in this section:
 - (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.
 - (b) "Educator" means the same as that term is defined in Section 53E-6-102.
 - (c)

- (i) "Parent member" means a member of a school community council who is a parent of a student who:
 - (A) is attending the school; or
 - (B) will be enrolled at the school during the parent's term of office.
 - (ii) "Parent member" may not include an educator who is employed at the school.
 - (d) "Safety principles" means safety principles that, when incorporated into programs and resources, impact academic achievement by strengthening a safe and wholesome learning environment, including continual efforts for safe technology utilization and digital citizenship.
 - (e) "School community council" means a council established at a district school in accordance with this section.
 - (f) "School employee member" means a member of a school community council who is a person employed at the school by the school or school district, including the principal.
 - (g) "School LAND Trust Program money" means money allocated to a school pursuant to Section 53F-2-404.
- (2) A district school, in consultation with the district school's local school board, shall establish a school community council at the school building level for the purpose of:
- (a) involving parents of students in decision making at the school level;
 - (b) improving the education of students;
 - (c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents, school employees, and the local school board; and
 - (d) increasing public awareness of:
 - (i) school trust lands and related land policies;
 - (ii) management of the State School Fund established in Utah Constitution Article X, Section V; and
 - (iii) educational excellence.
- (3)
- (a) Except as provided in Subsection (3)(b), a school community council shall:
 - (i) create the School LAND Trust Program and LAND Trust plan in accordance with Section 53G-7-1206;
 - (ii) advise and make recommendations to school and school district administrators and the local school board regarding:
 - (A) the school and its programs;
 - (B) school district programs;
 - (C) a child access routing plan in accordance with Section 53G-4-402;
 - (D) safe technology utilization and digital citizenship; and
 - (E) other issues relating to the community environment for students;
 - (iii) provide for education and awareness on safe technology utilization and digital citizenship that empowers:
 - (A) a student to make smart media and online choices; and
 - (B) a parent to know how to discuss safe technology use with the parent's child;
 - (iv) partner with the school's principal and other administrators to ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel, in accordance with local school board policy and Subsection 53G-7-216(3);
 - (v) in accordance with state board rule regarding school community council expenditures and funding limits:

- (A) work with students, families, and educators to develop and incorporate safety principles at the school; and
- (B) hold at least an annual discussion with the school's principal and district administrators regarding safety principles at the school and district level in order to coordinate the school community council's effort to develop and incorporate safety principles at the school; and
- (vi) provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.
- (b) To fulfill the school community council's duties described in Subsections (3)(a)(iii) and (iv), a school community council may:
 - (i) partner with one or more non-profit organizations; or
 - (ii) create a subcommittee.
- (c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.
- (4)
 - (a) Each school community council shall consist of school employee members and parent members in accordance with this section.
 - (b) Except as provided in Subsection (4)(c) or (d):
 - (i) each school community council for a high school shall have six parent members and four school employee members, including the principal; and
 - (ii) each school community council for a school other than a high school shall have four parent members and two school employee members, including the principal.
 - (c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:
 - (i) the membership includes two or more parent members than the number of school employee members; and
 - (ii) there are at least two school employee members on the school community council.
 - (d)
 - (i) The number of parent members of a school community council who are not educators employed by the school district shall exceed the number of parent members who are educators employed by the school district.
 - (ii) If, after an election, the number of parent members who are not educators employed by the school district does not exceed the number of parent members who are educators employed by the school district, the parent members of the school community council shall appoint one or more parent members to the school community council so that the number of parent members who are not educators employed by the school district exceeds the number of parent members who are educators employed by the school district.
- (5)
 - (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.
 - (b)
 - (i) Except as provided in Subsection (5)(f), a parent member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.
 - (ii)

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

- (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains unfilled, the other school employee members of the council shall appoint a school employee who meets the qualifications of this section to fill the position.
- (g) The principal shall enter the names of the council members on the School LAND Trust website on or before October 20 of each year, pursuant to Section 53G-7-1203.
- (h) Terms shall be staggered so that approximately half of the council members stand for election each year.
- (i) A school community council member may serve successive terms provided the member continues to meet the definition of a parent member or school employee member as specified in Subsection (1).
- (j) Each school community council shall elect:
 - (i) a chair from its parent members; and
 - (ii) a vice chair from either its parent members or school employee members, excluding the principal.
- (6)
 - (a) A school community council may create subcommittees or task forces to:
 - (i) advise or make recommendations to the council; or
 - (ii) develop all or part of a plan listed in Subsection (3).
 - (b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.
 - (c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents, school employees, or other community members.
- (7)
 - (a) A majority of the members of a school community council is a quorum for the transaction of business.
 - (b) The action of a majority of the members of a quorum is the action of the school community council.
- (8) A local school board shall provide training for a school community council each year, including training:
 - (a) for the chair and vice chair about their responsibilities;
 - (b) on resources available on the School LAND Trust website; and
 - (c) on this part.

Amended by Chapter 161, 2020 General Session

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

- (1) As used in this section:
 - (a)
 - (i) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (ii) "Charter trust land council" does not include a charter school governing board acting as a charter trust land council.
 - (b) "Council" means a school community council or a charter trust land council.
 - (c) "School community council" means a council established at a school within a school district under Section 53G-7-1202.
 - (d) "Teacher and student success plan" means the same as that term is defined in Section 53G-7-1301.

- (2) A school community council or a charter trust land council:
 - (a) shall conduct deliberations and take action openly as provided in this section; and
 - (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
 - (a) As required by Section 53G-7-1202, a local school board shall provide training for the members of a school community council on this section.
 - (b) A charter school governing board shall provide training for the members of a charter trust land council on this section.
- (4)
 - (a) A meeting of a council is open to the public.
 - (b) A council may not close any portion of a meeting.
- (5) A council shall, at least one week prior to a meeting, post the following information on the school's website:
 - (a) a notice of the meeting, time, and place;
 - (b) an agenda for the meeting; and
 - (c) the minutes of the previous meeting.
- (6)
 - (a) The notice requirement of Subsection (5) may be disregarded if:
 - (i) because of unforeseen circumstances it is necessary for a council to hold an emergency meeting to consider matters of an emergency or urgent nature; and
 - (ii) the council gives the best notice practicable of:
 - (A) the time and place of the emergency meeting; and
 - (B) the topics to be considered at the emergency meeting.
 - (b) An emergency meeting of a council may not be held unless:
 - (i) an attempt has been made to notify all the members of the council; and
 - (ii) a majority of the members of the council approve the meeting.
- (7)
 - (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting.
 - (b) Each topic described in Subsection (7)(a) shall be listed under an agenda item on the meeting agenda.
 - (c) A council may not take final action on a topic in a meeting unless the topic is:
 - (i) listed under an agenda item as required by Subsection (7)(b); and
 - (ii) included with the advance public notice required by Subsection (5).
- (8)
 - (a) Written minutes shall be kept of a council meeting.
 - (b) Written minutes of a council meeting shall include:
 - (i) the date, time, and place of the meeting;
 - (ii) the names of members present and absent;
 - (iii) a brief statement of the matters proposed, discussed, or decided;
 - (iv) a record, by individual member, of each vote taken;
 - (v) the name of each person who:
 - (A) is not a member of the council; and
 - (B) after being recognized by the chair, provided testimony or comments to the council;
 - (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (8)(b)(v); and
 - (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes.

- (c) The written minutes of a council meeting:
 - (i) are a public record under Title 63G, Chapter 2, Government Records Access and Management Act; and
 - (ii) shall be retained for three years.
- (9)
 - (a) As used in this Subsection (9), "rules of order and procedure" means a set of policies that govern and prescribe in a public meeting:
 - (i) parliamentary order and procedure;
 - (ii) ethical behavior; and
 - (iii) civil discourse.
 - (b) A council shall:
 - (i) adopt rules of order and procedure to govern a public meeting of the council;
 - (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (9)(b)(i); and
 - (iii) make the rules of order and procedure described in Subsection (9)(b)(i) available to the public:
 - (A) at each public meeting of the council; and
 - (B) on the school's website.

Amended by Chapter 144, 2021 General Session

53G-7-1205 Charter trust land councils.

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

- (8) A charter trust land council shall provide input to the school's principal on a positive behaviors plan in accordance with Section 53G-10-407.

Amended by Chapter 161, 2020 General Session

53G-7-1206 School LAND Trust Program.

- (1) As used in this section:
- (a) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.
 - (b) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.
 - (c) "Council" means a school community council or a charter trust land council.
 - (d) "LAND trust plan" means a school's plan to use School LAND Trust Program money to implement a component of the school's success plan.
 - (e) "School community council" means a council established at a district school in accordance with Section 53G-7-1202.
 - (f) "Teacher and student success plan" or "success plan" means the same as that term is defined in Section 53G-7-1301.
- (2) There is established the School LAND (Learning And Nurturing Development) Trust Program under the state board to:
- (a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a district school or charter school's teacher and student success plan; and
 - (b) involve parents of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.
- (3) To receive an allocation under Section 53F-2-404:
- (a) a district school shall have established a school community council in accordance with Section 53G-7-1202;
 - (b) a charter school shall have established a charter trust land council in accordance with Section 53G-7-1205; and
 - (c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (3)(a) or (b).
- (4)
- (a) A council shall create a program to use the school's allocation distributed under Section 53F-2-404 to implement a component of the school's success plan, including:
 - (i) the school's identified most critical academic needs;
 - (ii) a recommended course of action to meet the identified academic needs;
 - (iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement a component of the school's success plan to have a direct impact on the instruction of students and result in measurable increased student performance; and
 - (iv) how the school intends to spend the school's allocation of funds under this section to enhance or improve academic excellence at the school.
 - (b)
 - (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the council at which a quorum is present.
 - (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan is adopted.
 - (c) A council shall:
 - (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program website; and

- (ii) include with the LAND trust plan a report noting the number of council members who voted for or against the approval of the LAND trust plan and the number of council members who were absent for the vote.
- (d)
 - (i) The local school board of a district school shall approve or disapprove a LAND trust plan.
 - (ii) If a local school board disapproves a LAND trust plan:
 - (A) the local school board shall provide a written explanation of why the LAND trust plan was disapproved and request the school community council who submitted the LAND trust plan to revise the LAND trust plan; and
 - (B) the school community council shall submit a revised LAND trust plan in response to a local school board's request under Subsection (4)(d)(ii)(A).
 - (iii) Once a LAND trust plan has been approved by a local school board, a school community council may amend the LAND trust plan, subject to a majority vote of the school community council and local school board approval.
- (e) A charter trust land council's LAND trust plan is subject to approval by the:
 - (i) charter school governing board; and
 - (ii) charter school's charter school authorizer.
- (5)
 - (a) A district school or charter school shall:
 - (i) implement the program as approved;
 - (ii) provide ongoing support for the council's program; and
 - (iii) meet state board reporting requirements regarding financial and performance accountability of the program.
 - (b)
 - (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program website before the council submits a plan for the following year.
 - (ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.
 - (iii) A summary of the report shall be provided to parents of students attending the school.
- (6) An LEA shall record the LEA's expenditures of School LAND Trust Program funds through a financial reporting system that the board identifies to assist schools in developing the annual report described in Subsection (5)(b).
- (7) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.
- (8)
 - (a) The state board shall provide training to the entities described in Subsection (8)(b) on:
 - (i) the School LAND Trust Program; and
 - (ii)
 - (A) a school community council; or
 - (B) a charter trust land council.
 - (b) The state board shall provide the training to:
 - (i) a local school board or a charter school governing board;
 - (ii) a school district or a charter school; and
 - (iii) a school community council.

- (9) The state board shall annually review each school's compliance with applicable law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by:
 - (a) reading each LAND trust plan submitted; and
 - (b) reviewing expenditures made from School LAND Trust Program money.
- (10) The state board shall designate a staff member who administers the School LAND Trust Program:
 - (a) to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202; and
 - (b) who may coordinate with the Land Trusts Protection and Advocacy Office director, appointed under Section 53D-2-203, to attend meetings or events within the School and Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND Trust Program.

Amended by Chapter 144, 2021 General Session

Part 13

Teacher and Student Success Program

53G-7-1301 Definitions.

As used in this part:

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

Enacted by Chapter 505, 2019 General Session

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

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

Enacted by Chapter 505, 2019 General Session

53G-7-1303 State funding distribution.

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

Enacted by Chapter 505, 2019 General Session

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

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

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

Amended by Chapter 408, 2020 General Session

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

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

Enacted by Chapter 505, 2019 General Session

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

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:
 - (a) using a criteria-setting process, determine a threshold of points under the statewide school accountability system that designates a school as succeeding in school performance and student academic achievement; and

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

Amended by Chapter 346, 2021 General Session