

**INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY
FOR MILITARY CHILDREN**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gregory H. Hughes

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill enacts the Interstate Compact on Educational Opportunity for Military Children.

Highlighted Provisions:

This bill:

▶ enacts the Interstate Compact on Educational Opportunity for Military Children, which includes provisions for transferring military children relating to:

- defining terms;
- applicability of the compact;
- transfer of educational records and enrollment;
- placement and attendance;
- eligibility for enrollment and extracurricular participation;
- graduation; and
- other administrative and legal parameters;

▶ establishes the State Council on Military Children;

▶ provides for the appointment of the state's representative on the Interstate Commission on Educational Opportunity for Military Children; and

▶ makes technical changes.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-1-611**, as last amended by Laws of Utah 2009, Chapter 277

34 **53A-3-402**, as last amended by Laws of Utah 2009, Chapters 277 and 388

35 **53A-11-302**, as last amended by Laws of Utah 2009, Chapter 277

36 **53A-11-504**, as last amended by Laws of Utah 2009, Chapter 277

37 ENACTS:

38 **53A-1-1001**, Utah Code Annotated 1953

39 **53A-1-1002**, Utah Code Annotated 1953

40 **53A-1-1003**, Utah Code Annotated 1953

41 REPEALS:

42 **53A-11-1401**, as enacted by Laws of Utah 2009, Chapter 277

43 **53A-11-1402**, as enacted by Laws of Utah 2009, Chapter 277

44 **53A-11-1403**, as enacted by Laws of Utah 2009, Chapter 277

45 **53A-11-1404**, as enacted by Laws of Utah 2009, Chapter 277



47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **53A-1-611** is amended to read:

49 **53A-1-611. Standards and assessment processes to measure student performance**
50 **-- Basic skills competency test.**

51 (1) The Legislature recognizes the need for the State Board of Education to develop
52 and implement standards and assessment processes to ensure that student progress is measured
53 and that school boards and school personnel are accountable.

54 (2) (a) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605,
55 the State Board of Education, through the state superintendent of public instruction, shall
56 design a basic skills competency test to be administered in the tenth grade.

57 (b) Except as provided in Subsection (5) and Section [~~53A-11-1404~~] 53A-1-1001, a
58 student must pass the basic skills competency test, in addition to the established requirements

59 of the state and local board of education of the district in which the student attends school, in
60 order to receive a basic high school diploma of graduation.

61 (c) The state board shall include in the test, at a minimum, components on English
62 language arts and reading and mathematics.

63 (d) Except as provided in Subsection (5) and Section [~~53A-11-1404~~] 53A-1-1001, a
64 student who fails to pass all components of the test may not receive a basic high school
65 diploma but may receive a certificate of completion or alternative completion diploma under
66 rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah
67 Administrative Rulemaking Act.

68 (e) The state board shall make rules:

69 (i) to allow students who initially fail the test to retake all or part of the test; and

70 (ii) that take into account and are consistent with federal law relating to students with
71 disabilities in the administration of the test.

72 (3) The state board shall implement the tenth grade basic skills competency test, no
73 later than the beginning of the 2003-04 school year.

74 (4) The requirements of this section are to be complementary to the other achievement
75 testing provisions of this part.

76 (5) A student enrolled in a school district or charter school that is exempt from
77 administering the tenth grade basic skills competency test is subject to high school graduation
78 standards adopted by the State Board of Education pursuant to Section 53A-1-603.

79 Section 2. Section **53A-1-1001** is enacted to read:

80 **Part 10. Interstate Compact on Educational Opportunity for Military Children**

81 **53A-1-1001. Interstate Compact on Educational Opportunity for Military**

82 **Children.**

83 ARTICLE I

84 PURPOSE

85 It is the purpose of this compact to remove barriers to educational success imposed on
86 children of military families because of frequent moves and deployment of their parents by:

87 A. Facilitating the timely enrollment of children of military families and ensuring that
88 they are not placed at a disadvantage due to difficulty in the transfer of education records from
89 the previous school district or variations in entrance or age requirements.

90 B. Facilitating the student placement process through which children of military
91 families are not disadvantaged by variations in attendance requirements, scheduling,
92 sequencing, grading, course content, or assessment.

93 C. Facilitating the qualification and eligibility for enrollment, educational programs,
94 and participation in extracurricular academic, athletic, and social activities.

95 D. Facilitating the on-time graduation of children of military families.

96 E. Providing for the promulgation and enforcement of administrative rules
97 implementing the provisions of this compact.

98 F. Providing for the uniform collection and sharing of information between and among
99 member states, schools, and military families under this compact.

100 G. Promoting coordination between this compact and other compacts affecting military
101 children.

102 H. Promoting flexibility and cooperation between the educational system, parents, and
103 the student in order to achieve educational success for the student.

104 ARTICLE II

105 DEFINITIONS

106 As used in this compact, unless the context clearly requires a different construction:

107 A. "Active duty" means: full-time duty status in the active uniformed service of the
108 United States, including members of the National Guard and Reserve on active duty orders
109 pursuant to 10 U.S.C. Sections 1209 and 1211.

110 B. "Children of military families" means: a school-aged child, enrolled in Kindergarten
111 through Twelfth grade, in the household of an active duty member.

112 C. "Compact commissioner" means: the voting representative of each compacting state
113 appointed pursuant to Article VIII of this compact.

114 D. "Deployment" means: the period one month prior to the service members' departure
115 from their home station on military orders though six months after return to their home station.

116 E. "Education" or "educational records" means: those official records, files, and data
117 directly related to a student and maintained by the school or local education agency, including
118 but not limited to records encompassing all the material kept in the student's cumulative folder
119 such as general identifying data, records of attendance and of academic work completed,
120 records of achievement and results of evaluative tests, health data, disciplinary status, test

121 protocols, and individualized education programs.

122 F. "Extracurricular activities" means: a voluntary activity sponsored by the school or
123 local education agency or an organization sanctioned by the local education agency.

124 Extracurricular activities include, but are not limited to, preparation for and involvement in
125 public performances, contests, athletic competitions, demonstrations, displays, and club
126 activities.

127 G. "Interstate Commission on Educational Opportunity for Military Children" means:
128 the commission that is created under Article IX of this compact, which is generally referred to
129 as Interstate Commission.

130 H. "Local education agency" means: a public authority legally constituted by the state
131 as an administrative agency to provide control of and direction for Kindergarten through
132 Twelfth grade public educational institutions.

133 I. "Member state" means: a state that has enacted this compact.

134 J. "Military installation" means: a base, camp, post, station, yard, center, homeport
135 facility for any ship, or other activity under the jurisdiction of the Department of Defense,
136 including any leased facility, which is located within any of the several states, the District of
137 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American
138 Samoa, the Northern Marianas Islands, and any other U.S. Territory. Such term does not
139 include any facility used primarily for civil works, rivers and harbors projects, or flood control
140 projects.

141 K. "Non-member state" means: a state that has not enacted this compact.

142 L. "Receiving state" means: the state to which a child of a military family is sent,
143 brought, or caused to be sent or brought.

144 M. "Rule" means: a written statement by the Interstate Commission promulgated
145 pursuant to Article XII of this compact that is of general applicability, implements, interprets,
146 or prescribes a policy or provision of the compact, or an organizational, procedural, or practice
147 requirement of the Interstate Commission, and has the force and effect of a rule promulgated
148 under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
149 includes the amendment, repeal, or suspension of an existing rule.

150 N. "Sending state" means: the state from which a child of a military family is sent,
151 brought, or caused to be sent or brought.

152 O. "State" means: a state of the United States, the District of Columbia, the
153 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern
154 Marianas Islands, and any other U.S. Territory.

155 P. "Student" means: the child of a military family for whom the local education agency
156 receives public funding and who is formally enrolled in Kindergarten through Twelfth grade.

157 Q. "Transition" means: 1) the formal and physical process of transferring from school
158 to school; or 2) the period of time in which a student moves from one school in the sending
159 state to another school in the receiving state.

160 R. "Uniformed service" means: the Army, Navy, Air Force, Marine Corps, Coast
161 Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric
162 Administration, and Public Health Services.

163 S. "Veteran" means: a person who served in the uniformed services and who was
164 discharged or released therefrom under conditions other than dishonorable.

165 ARTICLE III

166 APPLICABILITY

167 A. Except as otherwise provided in Section B, this compact shall apply to the children
168 of:

169 1. active duty members of the uniformed services as defined in this compact, including
170 members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C.
171 Sections 1209 and 1211;

172 2. members or veterans of the uniformed services who are severely injured and
173 medically discharged or retired for a period of one year after medical discharge or retirement;
174 and

175 3. members of the uniformed services who die on active duty or as a result of injuries
176 sustained on active duty for a period of one year after death.

177 B. The provisions of this interstate compact shall only apply to local education
178 agencies as defined in this compact.

179 C. The provisions of this compact shall not apply to the children of:

180 1. inactive members of the national guard and military reserves;

181 2. members of the uniformed services now retired, except as provided in Section A;

182 3. veterans of the uniformed services, except as provided in Section A, and other U.S.

183 Dept. of Defense personnel and other federal agency civilian and contract employees not
184 defined as active duty members of the uniformed services.

185 ARTICLE IV

186 EDUCATIONAL RECORDS & ENROLLMENT

187 A. Unofficial or "hand-carried" education records -- In the event that official education
188 records cannot be released to the parents for the purpose of transfer, the custodian of the
189 records in the sending state shall prepare and furnish to the parent a complete set of unofficial
190 educational records containing uniform information as determined by the Interstate
191 Commission. Upon receipt of the unofficial education records by a school in the receiving
192 state, the school shall enroll and appropriately place the student based on the information
193 provided in the unofficial records pending validation by the official records, as quickly as
194 possible.

195 B. Official education records or transcripts -- Simultaneous with the enrollment and
196 conditional placement of the student, the school in the receiving state shall request the student's
197 official education record from the school in the sending state. Upon receipt of this request, the
198 school in the sending state will process and furnish the official education records to the school
199 in the receiving state within 10 days or within such time as is reasonably determined under the
200 rules promulgated by the Interstate Commission.

201 C. Immunizations -- Compacting states shall give 30 days from the date of enrollment
202 or within such time as is reasonably determined under the rules promulgated by the Interstate
203 Commission, for students to obtain any immunization required by the receiving state. For a
204 series of immunizations, initial vaccinations must be obtained within 30 days or within such
205 time as is reasonably determined under the rules promulgated by the Interstate Commission.

206 D. Kindergarten and First grade entrance age -- Students shall be allowed to continue
207 their enrollment at grade level in the receiving state commensurate with their grade level,
208 including Kindergarten, from a local education agency in the sending state at the time of
209 transition, regardless of age. A student that has satisfactorily completed the prerequisite grade
210 level in the local education agency in the sending state shall be eligible for enrollment in the
211 next highest grade level in the receiving state, regardless of age. Students transferring after the
212 start of the school year in the receiving state shall enter the school in the receiving state on their
213 validated level from an accredited school in the sending state.

ARTICLE VPLACEMENT & ATTENDANCE

214
215
216 A. Course placement -- When the student transfers before or during the school year, the
217 receiving state school shall initially honor placement of the student in educational courses
218 based on the student's enrollment in the sending state school and/or educational assessments
219 conducted at the school in the sending state if the courses are offered. Course placement
220 includes but is not limited to Honors, International Baccalaureate, Advanced Placement,
221 vocational, technical, and career pathways courses. Continuing the student's academic program
222 from the previous school and promoting placement in academically and career challenging
223 courses should be paramount when considering placement. This does not preclude the school
224 in the receiving state from performing subsequent evaluations to ensure appropriate placement
225 and continued enrollment of the student in the course.

226 B. Educational program placement -- The receiving state school shall initially honor
227 placement of the student in educational programs based on current educational assessments
228 conducted at the school in the sending state or participation or placement in like programs in
229 the sending state. Such programs include, but are not limited to: 1) gifted and talented
230 programs; and 2) English as a second language (ESL). This does not preclude the school in the
231 receiving state from performing subsequent evaluations to ensure appropriate placement of the
232 student.

233 C. Special education services -- 1) In compliance with the federal requirements of the
234 Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section 1400 et seq., the
235 receiving state shall initially provide comparable services to a student with disabilities based on
236 the student's current Individualized Education Program (IEP); and 2) In compliance with the
237 requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. Section 794, and with Title II
238 of the Americans with Disabilities Act, 42 U.S.C. Sections 12131-12165, the receiving state
239 shall make reasonable accommodations and modifications to address the needs of incoming
240 students with disabilities, subject to an existing 504 or Title II Plan, to provide the student with
241 equal access to education. This does not preclude the school in the receiving state from
242 performing subsequent evaluations to ensure appropriate placement of the student.

243 D. Placement flexibility -- Local education agency administrative officials shall have
244 flexibility in waiving course or program prerequisites, or other preconditions for placement, in

245 courses or programs offered under the jurisdiction of the local education agency.

246 E. Absence as related to deployment activities -- A student whose parent or legal
247 guardian is an active duty member of the uniformed services, as defined by the compact, and
248 has been called to duty for, is on leave from, or immediately returned from deployment to a
249 combat zone or combat support posting, shall be granted additional excused absences at the
250 discretion of the local education agency superintendent to visit with his or her parent or legal
251 guardian relative to such leave or deployment of the parent or guardian.

252 ARTICLE VI

253 ELIGIBILITY

254 A. Eligibility for enrollment.

255 1. Special power of attorney, relative to the guardianship of a child of a military family
256 and executed under applicable law, shall be sufficient for the purposes of enrollment and all
257 other actions requiring parental participation and consent.

258 2. A local education agency shall be prohibited from charging local tuition to a
259 transitioning military child placed in the care of a non-custodial parent or other person standing
260 in loco parentis who lives in a jurisdiction other than that of the custodial parent.

261 3. A transitioning military child, placed in the care of a non-custodial parent or other
262 person standing in loco parentis who lives in a jurisdiction other than that of the custodial
263 parent, may continue to attend the school in which the student was enrolled while residing with
264 the custodial parent.

265 B. Eligibility for extracurricular participation -- State and local education agencies
266 shall facilitate the opportunity for transitioning military children's inclusion in extracurricular
267 activities, regardless of application deadlines, to the extent they are otherwise qualified.

268 ARTICLE VII

269 GRADUATION

270 In order to facilitate the on-time graduation of children of military families, states and
271 local education agencies shall incorporate the following procedures:

272 A. Waiver requirements -- Local education agency administrative officials shall waive
273 specific courses required for graduation if similar coursework has been satisfactorily completed
274 in another local education agency or shall provide reasonable justification for denial. Should a
275 waiver not be granted to a student who would qualify to graduate from the sending school, the

276 local education agency shall provide an alternative means of acquiring required coursework so
277 that graduation may occur on time.

278 B. Exit exams -- States shall accept: 1) exit or end-of-course exams required for
279 graduation from the sending state; 2) national norm-referenced achievement tests; or 3)
280 alternative testing, in lieu of testing requirements for graduation in the receiving state. In the
281 event the above alternatives cannot be accommodated by the receiving state for a student
282 transferring in the student's Senior year, then the provisions of Article VII, Section C shall
283 apply.

284 C. Transfers during Senior year -- Should a military student transferring at the
285 beginning or during the student's Senior year be ineligible to graduate from the receiving local
286 education agency after all alternatives have been considered, the sending and receiving local
287 education agencies shall ensure the receipt of a diploma from the sending local education
288 agency, if the student meets the graduation requirements of the sending local education agency.
289 In the event that one of the states in question is not a member of this compact, the member state
290 shall use best efforts to facilitate the on-time graduation of the student in accordance with
291 Sections A and B of this Article.

292 ARTICLE VIII

293 STATE COORDINATION

294 A. Each member state shall, through the creation of a State Council or use of an
295 existing body or board, provide for the coordination among its agencies of government, local
296 education agencies, and military installations concerning the state's participation in, and
297 compliance with, this compact and Interstate Commission activities. While each member state
298 may determine the membership of its own State Council, its membership must include at least:
299 the state superintendent of education, superintendent of a school district with a high
300 concentration of military children, representative from a military installation, one
301 representative each from the legislative and executive branches of government, and other
302 offices and stakeholder groups the State Council deems appropriate. A member state that does
303 not have a school district deemed to contain a high concentration of military children may
304 appoint a superintendent from another school district to represent local education agencies on
305 the State Council.

306 B. The State Council of each member state shall appoint or designate a military family

307 education liaison to assist military families and the state in facilitating the implementation of
308 this compact.

309 C. The compact commissioner responsible for the administration and management of
310 the state's participation in the compact shall be appointed by the Governor or as otherwise
311 determined by each member state.

312 D. The compact commissioner and the military family education liaison designated
313 herein shall be ex-officio members of the State Council, unless either is already a full voting
314 member of the State Council.

315 ARTICLE IX

316 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY 317 CHILDREN

318 The member states hereby create the "Interstate Commission on Educational
319 Opportunity for Military Children." The activities of the Interstate Commission are the
320 formation of public policy and are a discretionary state function. The Interstate Commission
321 shall:

322 A. Be a body corporate and joint agency of the member states and shall have all the
323 responsibilities, powers, and duties set forth herein, and such additional powers as may be
324 conferred upon it by a subsequent concurrent action of the respective legislatures of the
325 member states in accordance with the terms of this compact.

326 B. Consist of one Interstate Commission voting representative from each member state
327 who shall be that state's compact commissioner.

328 1. Each member state represented at a meeting of the Interstate Commission is entitled
329 to one vote.

330 2. A majority of the total member states shall constitute a quorum for the transaction of
331 business, unless a larger quorum is required by the bylaws of the Interstate Commission.

332 3. A representative shall not delegate a vote to another member state. In the event the
333 compact commissioner is unable to attend a meeting of the Interstate Commission, the
334 Governor or State Council may delegate voting authority to another person from their state for
335 a specified meeting.

336 4. The bylaws may provide for meetings of the Interstate Commission to be conducted
337 by telecommunication or electronic communication.

338 C. Consist of ex-officio, non-voting representatives who are members of interested
339 organizations. Such ex-officio members, as defined in the bylaws, may include but not be
340 limited to, members of the representative organizations of military family advocates, local
341 education agency officials, parent and teacher groups, the U.S. Department of Defense, the
342 Education Commission of the States, the Interstate Agreement on the Qualification of
343 Educational Personnel, and other interstate compacts affecting the education of children of
344 military members.

345 D. Meet at least once each calendar year. The chairperson may call additional
346 meetings and, upon the request of a simple majority of the member states, shall call additional
347 meetings.

348 E. Establish an executive committee, whose members shall include the officers of the
349 Interstate Commission and such other members of the Interstate Commission as determined by
350 the bylaws. Members of the executive committee shall serve a one-year term. Members of the
351 executive committee shall be entitled to one vote each. The executive committee shall have
352 the power to act on behalf of the Interstate Commission, with the exception of rulemaking,
353 during periods when the Interstate Commission is not in session. The executive committee
354 shall oversee the day-to-day activities of the administration of the compact including
355 enforcement and compliance with the provisions of the compact, its bylaws and rules, and
356 other such duties as deemed necessary. The U.S. Dept. of Defense shall serve as an ex-officio,
357 nonvoting member of the executive committee.

358 F. Establish bylaws and rules that provide for conditions and procedures under which
359 the Interstate Commission shall make its information and official records available to the
360 public for inspection or copying. The Interstate Commission may exempt from disclosure
361 information or official records to the extent they would adversely affect personal privacy rights
362 or proprietary interests.

363 G. Give public notice of all meetings and all meetings shall be open to the public,
364 except as set forth in the rules or as otherwise provided in the compact. The Interstate
365 Commission and its committees may close a meeting, or portion thereof, where it determines
366 by two-thirds vote that an open meeting would be likely to:

367 1. relate solely to the Interstate Commission's internal personnel practices and
368 procedures;

369 2. disclose matters specifically exempted from disclosure by federal and state statute;

370 3. disclose trade secrets or commercial or financial information which is privileged or
371 confidential;

372 4. involve accusing a person of a crime, or formally censuring a person;

373 5. disclose information of a personal nature where disclosure would constitute a clearly
374 unwarranted invasion of personal privacy;

375 6. disclose investigative records compiled for law enforcement purposes; or

376 7. specifically relate to the Interstate Commission's participation in a civil action or
377 other legal proceeding.

378 H. Shall cause its legal counsel or designee to certify that a meeting may be closed and
379 shall reference each relevant exemptible provision for any meeting, or portion of a meeting,
380 which is closed pursuant to this provision. The Interstate Commission shall keep minutes
381 which shall fully and clearly describe all matters discussed in a meeting and shall provide a full
382 and accurate summary of actions taken, and the reasons therefore, including a description of the
383 views expressed and the record of a roll call vote. All documents considered in connection
384 with an action shall be identified in such minutes. All minutes and documents of a closed
385 meeting shall remain under seal, subject to release by a majority vote of the Interstate
386 Commission.

387 I. Shall collect standardized data concerning the educational transition of the children
388 of military families under this compact as directed through its rules which shall specify the data
389 to be collected, the means of collection, and data exchange and reporting requirements. Such
390 methods of data collection, exchange, and reporting shall, in so far as is reasonably possible,
391 conform to current technology and coordinate its information functions with the appropriate
392 custodian of records as identified in the bylaws and rules.

393 J. Shall create a process that permits military officials, education officials, and parents
394 to inform the Interstate Commission if and when there are alleged violations of the compact or
395 its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed
396 by the state or local education agency. This section shall not be construed to create a private
397 right of action against the Interstate Commission or any member state.

398 ARTICLE X

399 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

400 The Interstate Commission shall have the following powers:

401 A. To provide for dispute resolution among member states.

402 B. To promulgate rules and take all necessary actions to effect the goals, purposes, and
403 obligations as enumerated in this compact. The rules shall have the force and effect of rules
404 promulgated under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative
405 Rulemaking Act, and shall be binding in the compact states to the extent and in the manner
406 provided in this compact.

407 C. To issue, upon request of a member state, advisory opinions concerning the meaning
408 or interpretation of the interstate compact, its bylaws, rules, and actions.

409 D. To enforce compliance with the compact provisions, the rules promulgated by the
410 Interstate Commission, and the bylaws, using all necessary and proper means, including, but
411 not limited to, the use of judicial process. Any action to enforce compliance with the compact
412 provision by the Interstate Commission shall be brought against a member state only.

413 E. To establish and maintain offices which shall be located within one or more of the
414 member states.

415 F. To purchase and maintain insurance and bonds.

416 G. To borrow, accept, hire, or contract for services of personnel.

417 H. To establish and appoint committees including, but not limited to, an executive
418 committee as required by Article IX, Section E, which shall have the power to act on behalf of
419 the Interstate Commission in carrying out its powers and duties hereunder.

420 I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
421 fix their compensation, define their duties and determine their qualifications, and to establish
422 the Interstate Commission's personnel policies and programs relating to conflicts of interest,
423 rates of compensation, and qualifications of personnel.

424 J. To accept any and all donations and grants of money, equipment, supplies, materials,
425 and services, and to receive, utilize, and dispose of it.

426 K. To lease, purchase, accept contributions, or donations of, or otherwise to own, hold,
427 improve, or use any property - real, personal, or mixed.

428 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
429 of any property - real, personal, or mixed.

430 M. To establish a budget and make expenditures.

431 N. To adopt a seal and bylaws governing the management and operation of the
432 Interstate Commission.

433 O. To report annually to the legislatures, governors, judiciary, and state councils of the
434 member states concerning the activities of the Interstate Commission during the preceding year.
435 Such reports shall also include any recommendations that may have been adopted by the
436 Interstate Commission.

437 P. To coordinate education, training, and public awareness regarding the compact and
438 its implementation and operation for officials and parents involved in such activity.

439 Q. To establish uniform standards for the reporting, collecting, and exchanging of data.

440 R. To maintain corporate books and records in accordance with the bylaws.

441 S. To perform such functions as may be necessary or appropriate to achieve the
442 purposes of this compact.

443 T. To provide for the uniform collection and sharing of information between and
444 among member states, schools, and military families under this compact.

445 ARTICLE XI

446 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

447 A. The Interstate Commission shall, by a majority of the members present and voting,
448 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
449 conduct as may be necessary or appropriate to carry out the purposes of the compact, including,
450 but not limited to:

451 1. establishing the fiscal year of the Interstate Commission;

452 2. establishing an executive committee, and such other committees as may be
453 necessary;

454 3. providing for the establishment of committees and for governing any general or
455 specific delegation of authority or function of the Interstate Commission;

456 4. providing reasonable procedures for calling and conducting meetings of the
457 Interstate Commission, and ensuring reasonable notice of each such meeting;

458 5. establishing the titles and responsibilities of the officers and staff of the Interstate
459 Commission;

460 6. providing a mechanism for concluding the operations of the Interstate Commission
461 and the return of surplus funds that may exist upon the termination of the compact after the

462 payment and reserving of all of its debts and obligations; and

463 7. providing "start up" rules for initial administration of the compact.

464 B. The Interstate Commission shall, by a majority of the members, elect annually from
465 among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have
466 such authority and duties as may be specified in the bylaws. The chairperson or, in the
467 chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the
468 Interstate Commission. The officers so elected shall serve without compensation or
469 remuneration from the Interstate Commission; provided that, subject to the availability of
470 budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses
471 incurred by them in the performance of their responsibilities as officers of the Interstate
472 Commission.

473 C. Executive Committee, Officers, and Personnel.

474 1. The executive committee shall have such authority and duties as may be set forth in
475 the bylaws, including, but not limited to:

476 a. managing the affairs of the Interstate Commission in a manner consistent with the
477 bylaws and purposes of the Interstate Commission;

478 b. overseeing an organizational structure within, and appropriate procedures for the
479 Interstate Commission to provide for the creation of rules, operating procedures, and
480 administrative and technical support functions; and

481 c. planning, implementing, and coordinating communications and activities with other
482 state, federal, and local government organizations in order to advance the goals of the Interstate
483 Commission.

484 2. The executive committee may, subject to the approval of the Interstate Commission,
485 appoint or retain an executive director for such period, upon such terms and conditions and for
486 such compensation, as the Interstate Commission may deem appropriate. The executive
487 director shall serve as secretary to the Interstate Commission, but shall not be a member of the
488 Interstate Commission. The executive director shall hire and supervise such other persons as
489 may be authorized by the Interstate Commission.

490 D. The Interstate Commission's executive director and its employees shall be immune
491 from suit and liability, either personally or in their official capacity, for a claim for damage to
492 or loss of property or personal injury or other civil liability caused or arising out of or relating

493 to an actual or alleged act, error, or omission that occurred, or that such person had a
494 reasonable basis for believing occurred, within the scope of Interstate Commission
495 employment, duties, or responsibilities; provided that, such person shall not be protected from
496 suit or liability for damage, loss, injury, or liability caused by the intentional or willful and
497 wanton misconduct of such person.

498 1. The liability of the Interstate Commission's executive director and employees or
499 Interstate Commission representatives, acting within the scope of such person's employment or
500 duties for acts, errors, or omissions occurring within such person's state may not exceed the
501 limits of liability set forth under the Constitution and laws of that state for state officials,
502 employees, and agents. The Interstate Commission is considered to be an instrumentality of
503 the states for the purposes of any such action. Nothing in this subsection shall be construed to
504 protect such person from suit or liability for damage, loss, injury, or liability caused by the
505 intentional or willful and wanton misconduct of such person.

506 2. The Interstate Commission shall defend the executive director and its employees
507 and, subject to the approval of the Attorney General or other appropriate legal counsel of the
508 member state represented by an Interstate Commission representative, shall defend such
509 Interstate Commission representative in any civil action seeking to impose liability arising out
510 of an actual or alleged act, error, or omission that occurred within the scope of Interstate
511 Commission employment, duties, or responsibilities, or that the defendant had a reasonable
512 basis for believing occurred within the scope of Interstate Commission employment, duties, or
513 responsibilities; provided that, the actual or alleged act, error, or omission did not result from
514 intentional or willful and wanton misconduct on the part of such person.

515 3. To the extent not covered by the state involved, the member state, or the Interstate
516 Commission, the representatives or employees of the Interstate Commission shall be held
517 harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained
518 against such persons arising out of an actual or alleged act, error, or omission that occurred
519 within the scope of Interstate Commission employment, duties, or responsibilities, or that such
520 persons had a reasonable basis for believing occurred within the scope of Interstate
521 Commission employment, duties, or responsibilities; provided that, the actual or alleged act,
522 error, or omission did not result from intentional or willful and wanton misconduct on the part
523 of such persons.

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ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority -- The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking Procedure -- Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided that, the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight.

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as a rule promulgated under Utah Code Annotated Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact

555 which may affect the powers, responsibilities, or actions of the Interstate Commission.

556 3. The Interstate Commission shall be entitled to receive all service of process in any
557 such proceeding, and shall have standing to intervene in the proceeding for all purposes.

558 Failure to provide service of process to the Interstate Commission shall render a judgment or
559 order void as to the Interstate Commission, this compact, or promulgated rules.

560 B. Default, Technical Assistance, Suspension, and Termination -- If the Interstate
561 Commission determines that a member state has defaulted in the performance of its obligations
562 or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate
563 Commission shall:

564 1. Provide written notice to the defaulting state and other member states, of the nature
565 of the default, the means of curing the default, and any action taken by the Interstate
566 Commission. The Interstate Commission shall specify the conditions by which the defaulting
567 state must cure its default.

568 2. Provide remedial training and specific technical assistance regarding the default.

569 3. If the defaulting state fails to cure the default, the defaulting state shall be terminated
570 from the compact upon an affirmative vote of a majority of the member states and all rights,
571 privileges, and benefits conferred by this compact shall be terminated from the effective date of
572 termination. A cure of the default does not relieve the offending state of obligations or
573 liabilities incurred during the period of the default.

574 4. Suspension or termination of membership in the compact shall be imposed only after
575 all other means of securing compliance have been exhausted. Notice of intent to suspend or
576 terminate shall be given by the Interstate Commission to the Governor, the majority and
577 minority leaders of the defaulting state's legislature, and each of the member states.

578 5. The state which has been suspended or terminated is responsible for all assessments,
579 obligations, and liabilities incurred through the effective date of suspension or termination
580 including obligations, the performance of which extends beyond the effective date of
581 suspension or termination.

582 6. The Interstate Commission shall not bear any costs relating to any state that has been
583 found to be in default or which has been suspended or terminated from the compact, unless
584 otherwise mutually agreed upon in writing between the Interstate Commission and the
585 defaulting state.

586 7. The defaulting state may appeal the action of the Interstate Commission by
587 petitioning the U.S. District Court for the District of Columbia or the federal district where the
588 Interstate Commission has its principal offices. The prevailing party shall be awarded all costs
589 of such litigation including reasonable attorney fees.

590 C. Dispute Resolution.

591 1. The Interstate Commission shall attempt, upon the request of a member state, to
592 resolve disputes which are subject to the compact and which may arise among member states
593 and between member and non-member states.

594 2. The Interstate Commission shall promulgate a rule providing for both mediation and
595 binding dispute resolution for disputes as appropriate.

596 D. Enforcement.

597 1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
598 the provisions and rules of this compact.

599 2. The Interstate Commission may, by majority vote of the members, initiate legal
600 action in the U. S. District Court for the District of Columbia or, at the discretion of the
601 Interstate Commission, in the federal district where the Interstate Commission has its principal
602 offices, to enforce compliance with the provisions of the compact, its promulgated rules and
603 bylaws, against a member state in default. The relief sought may include both injunctive relief
604 and damages. In the event judicial enforcement is necessary, the prevailing party shall be
605 awarded all costs of such litigation including reasonable attorney fees.

606 3. The remedies herein shall not be the exclusive remedies of the Interstate
607 Commission. The Interstate Commission may avail itself of any other remedies available
608 under state law or the regulation of a profession.

609 ARTICLE XIV

610 FINANCING OF THE INTERSTATE COMMISSION

611 A. The Interstate Commission shall pay or provide for the payment of the reasonable
612 expenses of its establishment, organization, and ongoing activities.

613 B. The Interstate Commission may levy and collect an annual assessment from each
614 member state to cover the cost of the operations and activities of the Interstate Commission and
615 its staff which must be in a total amount sufficient to cover the Interstate Commission's annual
616 budget as approved each year. The aggregate annual assessment amount shall be allocated

617 based upon a formula to be determined by the Interstate Commission, which shall promulgate a
618 rule binding upon all member states.

619 C. The Interstate Commission shall not incur obligations of any kind prior to securing
620 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of
621 any of the member states, except by and with the authority of the member state.

622 D. The Interstate Commission shall keep accurate accounts of all receipts and
623 disbursements. The receipts and disbursements of the Interstate Commission shall be subject
624 to the audit and accounting procedures established under its bylaws. However, all receipts and
625 disbursements of funds handled by the Interstate Commission shall be audited yearly by a
626 certified or licensed public accountant and the report of the audit shall be included in and
627 become part of the annual report of the Interstate Commission.

628 E. The Interstate Commission may not assess, levy, or collect more than \$5,000 per
629 year from Utah legislative appropriations. Other funding sources may be accepted and used to
630 offset expenses related to the state's participation in the compact.

631 ARTICLE XV

632 MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

633 A. Any state is eligible to become a member state.

634 B. The compact shall become effective and binding upon legislative enactment of the
635 compact into law by no less than 10 of the states. The effective date shall be no earlier than
636 December 1, 2007. Thereafter it shall become effective and binding as to any other member
637 state upon enactment of the compact into law by that state. The governors of non-member
638 states or their designees shall be invited to participate in the activities of the Interstate
639 Commission on a non-voting basis prior to adoption of the compact by all states.

640 C. The Interstate Commission may propose amendments to the compact for enactment
641 by the member states. No amendment shall become effective and binding upon the Interstate
642 Commission and the member states unless and until it is enacted into law by unanimous
643 consent of the member states.

644 ARTICLE XVI

645 WITHDRAWAL AND DISSOLUTION

646 A. Withdrawal.

647 1. Once effective, the compact shall continue in force and remain binding upon each

648 and every member state; provided that, a member state may withdraw from the compact by
649 specifically repealing the statute, which enacted the compact into law.

650 2. Withdrawal from this compact shall be by the enactment of a statute repealing the
651 same, but shall not take effect until written notice of the withdrawal has been given by this
652 state to the Governor of each other member jurisdiction.

653 3. The withdrawing state shall immediately notify the chairperson of the Interstate
654 Commission in writing upon the introduction of legislation repealing this compact in the
655 withdrawing state. The Interstate Commission shall notify the other member states of the
656 withdrawing state's intent to withdraw within 60 days of its receipt thereof.

657 4. The withdrawing state is responsible for all assessments, obligations, and liabilities
658 incurred through the effective date of withdrawal, including obligations, the performance of
659 which extend beyond the effective date of withdrawal.

660 5. Reinstatement following withdrawal of a member state shall occur upon the
661 withdrawing state reenacting the compact or upon such later date as determined by the
662 Interstate Commission.

663 B. Dissolution of Compact.

664 1. This compact shall dissolve effective upon the date of the withdrawal or default of
665 the member state which reduces the membership in the compact to one member state.

666 2. Upon the dissolution of this compact, the compact becomes null and void and shall
667 be of no further force or effect, and the business and affairs of the Interstate Commission shall
668 be concluded and surplus funds shall be distributed in accordance with the bylaws.

669 ARTICLE XVII

670 SEVERABILITY AND CONSTRUCTION

671 A. The provisions of this compact shall be severable, and if any phrase, clause,
672 sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall
673 be enforceable.

674 B. The provisions of this compact shall be liberally construed to effectuate its
675 purposes.

676 C. Nothing in this compact shall be construed to prohibit the applicability of other
677 interstate compacts to which the states are members.

678 ARTICLE XVIII

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BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws -- Nothing herein prevents the enforcement of any other law of a member state.

B. Binding Effect of the Compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 3. Section **53A-1-1002** is enacted to read:

53A-1-1002. Creation of State Council on Military Children.

(1) There is established a State Council on Military Children, as required in Article VIII of Section 53A-1-1001.

(2) The members of the State Council on Military Children shall include:

(a) the state superintendent of public instruction;

(b) a superintendent of a school district with a high concentration of military children appointed by the governor;

(c) a representative from a military installation, appointed by the governor;

(d) one member of the House of Representatives, appointed by the speaker of the House;

(e) one member of the Senate, appointed by the president of the Senate;

(f) a representative from the Department of Veterans' Affairs, appointed by the governor;

(g) a military family education liaison, appointed by the members listed in Subsections (2)(a) through (f);

(h) the compact commissioner, appointed in accordance with Section 53A-1-1003; and

(i) other members as determined by the governor.

(3) The State Council on Military Children shall carry out the duties established in Section 53A-1-1001.

710 (4) Members may not receive compensation or per diem.

711 Section 4. Section **53A-1-1003** is enacted to read:

712 **53A-1-1003. Appointment of compact commissioner.**

713 The governor, with the consent of the Senate, shall appoint a compact commissioner to

714 carry out the duties described in Section 53A-1-1001.

715 Section 5. Section **53A-3-402** is amended to read:

716 **53A-3-402. Powers and duties generally.**

717 (1) Each local school board shall:

718 (a) implement the core curriculum utilizing instructional materials that best correlate to
719 the core curriculum and graduation requirements;

720 (b) administer tests, required by the State Board of Education, which measure the
721 progress of each student, and coordinate with the state superintendent and State Board of
722 Education to assess results and create plans to improve the student's progress which shall be
723 submitted to the State Office of Education for approval;

724 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
725 students that need remediation and determine the type and amount of federal, state, and local
726 resources to implement remediation;

727 (d) develop early warning systems for students or classes failing to make progress;

728 (e) work with the State Office of Education to establish a library of documented best
729 practices, consistent with state and federal regulations, for use by the local districts; and

730 (f) implement training programs for school administrators, including basic
731 management training, best practices in instructional methods, budget training, staff
732 management, managing for learning results and continuous improvement, and how to help
733 every child achieve optimal learning in core academics.

734 (2) Local school boards shall spend minimum school program funds for programs and
735 activities for which the State Board of Education has established minimum standards or rules
736 under Section 53A-1-402.

737 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
738 and equipment and construct, erect, and furnish school buildings.

739 (b) School sites or buildings may only be conveyed or sold on board resolution
740 affirmed by at least two-thirds of the members.

741 (4) (a) A board may participate in the joint construction or operation of a school
742 attended by children residing within the district and children residing in other districts either
743 within or outside the state.

744 (b) Any agreement for the joint operation or construction of a school shall:

745 (i) be signed by the president of the board of each participating district;

746 (ii) include a mutually agreed upon pro rata cost; and

747 (iii) be filed with the State Board of Education.

748 (5) A board may establish, locate, and maintain elementary, secondary, and applied
749 technology schools.

750 (6) Except as provided in [~~Subsection 53A-11-1402(3)~~] Section 53A-1-1001, a board
751 may enroll children in school who are at least five years of age before September 2 of the year
752 in which admission is sought.

753 (7) A board may establish and support school libraries.

754 (8) A board may collect damages for the loss, injury, or destruction of school property.

755 (9) A board may authorize guidance and counseling services for children and their
756 parents or guardians prior to, during, or following enrollment of the children in schools.

757 (10) (a) A board shall administer and implement federal educational programs in
758 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

759 (b) Federal funds are not considered funds within the school district budget under Title
760 53A, Chapter 19, School District Budgets.

761 (11) (a) A board may organize school safety patrols and adopt rules under which the
762 patrols promote student safety.

763 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
764 parental consent for the appointment.

765 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
766 of a highway intended for vehicular traffic use.

767 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
768 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
769 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

770 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
771 which the board is the direct governing body, accept private grants, loans, gifts, endowments,

772 devises, or bequests that are made for educational purposes.

773 (b) These contributions are not subject to appropriation by the Legislature.

774 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
775 citations for violations of Subsection 76-10-105(2).

776 (b) A person may not be appointed to serve as a compliance officer without the
777 person's consent.

778 (c) A teacher or student may not be appointed as a compliance officer.

779 (14) A board shall adopt bylaws and rules for its own procedures.

780 (15) (a) A board shall make and enforce rules necessary for the control and
781 management of the district schools.

782 (b) All board rules and policies shall be in writing, filed, and referenced for public
783 access.

784 (16) A board may hold school on legal holidays other than Sundays.

785 (17) (a) Each board shall establish for each school year a school traffic safety
786 committee to implement this Subsection (17).

787 (b) The committee shall be composed of one representative of:

788 (i) the schools within the district;

789 (ii) the Parent Teachers' Association of the schools within the district;

790 (iii) the municipality or county;

791 (iv) state or local law enforcement; and

792 (v) state or local traffic safety engineering.

793 (c) The committee shall:

794 (i) receive suggestions from parents, teachers, and others and recommend school traffic
795 safety improvements, boundary changes to enhance safety, and school traffic safety program
796 measures;

797 (ii) review and submit annually to the Department of Transportation and affected
798 municipalities and counties a child access routing plan for each elementary, middle, and junior
799 high school within the district;

800 (iii) consult the Utah Safety Council and the Division of Family Health Services and
801 provide training to all school children in kindergarten through grade six, within the district, on
802 school crossing safety and use; and

803 (iv) help ensure the district's compliance with rules made by the Department of
804 Transportation under Section 41-6a-303.

805 (d) The committee may establish subcommittees as needed to assist in accomplishing
806 its duties under Subsection (17)(c).

807 (e) The board shall require the school community council of each elementary, middle,
808 and junior high school within the district to develop and submit annually to the committee a
809 child access routing plan.

810 (18) (a) Each school board shall adopt and implement a comprehensive emergency
811 response plan to prevent and combat violence in its public schools, on school grounds, on its
812 school vehicles, and in connection with school-related activities or events.

813 (b) The board shall implement its plan by July 1, 2000.

814 (c) The plan shall:

815 (i) include prevention, intervention, and response components;

816 (ii) be consistent with the student conduct and discipline policies required for school
817 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

818 (iii) require inservice training for all district and school building staff on what their
819 roles are in the emergency response plan; and

820 (iv) provide for coordination with local law enforcement and other public safety
821 representatives in preventing, intervening, and responding to violence in the areas and activities
822 referred to in Subsection (18)(a).

823 (d) The State Board of Education, through the state superintendent of public
824 instruction, shall develop comprehensive emergency response plan models that local school
825 boards may use, where appropriate, to comply with Subsection (18)(a).

826 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
827 Education that its plan has been practiced at the school level and presented to and reviewed by
828 its teachers, administrators, students, and their parents and local law enforcement and public
829 safety representatives.

830 (19) (a) Each local school board may adopt an emergency response plan for the
831 treatment of sports-related injuries that occur during school sports practices and events.

832 (b) The plan may be implemented by each secondary school in the district that has a
833 sports program for students.

- 834 (c) The plan may:
- 835 (i) include emergency personnel, emergency communication, and emergency
- 836 equipment components;
- 837 (ii) require inservice training on the emergency response plan for school personnel who
- 838 are involved in sports programs in the district's secondary schools; and
- 839 (iii) provide for coordination with individuals and agency representatives who:
- 840 (A) are not employees of the school district; and
- 841 (B) would be involved in providing emergency services to students injured while
- 842 participating in sports events.

843 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may

844 review the plan each year and make revisions when required to improve or enhance the plan.

845 (e) The State Board of Education, through the state superintendent of public

846 instruction, shall provide local school boards with an emergency plan response model that local

847 boards may use to comply with the requirements of this Subsection (19).

848 (20) A board shall do all other things necessary for the maintenance, prosperity, and

849 success of the schools and the promotion of education.

850 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

- 851 (i) hold a public hearing, as defined in Section 10-9a-103; and
- 852 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).
- 853 (b) The notice of a public hearing required under Subsection (21)(a) shall:

- 854 (i) indicate the:
- 855 (A) school or schools under consideration for closure or boundary change; and
- 856 (B) date, time, and location of the public hearing; and
- 857 (ii) at least 10 days prior to the public hearing, be:
- 858 (A) published:
- 859 (I) in a newspaper of general circulation in the area; and
- 860 (II) as required in Section 45-1-101; and
- 861 (B) posted in at least three public locations within the municipality or on the district's
- 862 official website.

863 Section 6. Section **53A-11-302** is amended to read:

864 **53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption**

865 **from required immunizations.**

866 (1) A student may not enter school without a certificate of immunization, except as
867 provided in this section.

868 (2) Except as provided in [~~Subsection 53A-11-1402(4)~~] Section 53A-1-1001, a student
869 who at the time of school enrollment has not been completely immunized against each
870 specified disease may attend school under a conditional enrollment if the student has received
871 one dose of each specified vaccine prior to enrollment.

872 (3) A student is exempt from receiving the required immunizations if there is presented
873 to the appropriate official of the school one or more of the following:

874 (a) a certificate from a licensed physician stating that due to the physical condition of
875 the student one or more specified immunizations would endanger the student's life or health;

876 (b) A completed form obtained at the local health department where the student
877 resides, providing:

878 (i) the information required under Subsection 53A-11-302.5(1); and

879 (ii) a statement that the person has a personal belief opposed to immunizations, which
880 is signed by one of the individuals listed in Subsection 53A-11-302(3)(c) and witnessed by the
881 local health officer or his designee; or

882 (c) a statement that the person is a bona fide member of a specified, recognized
883 religious organization whose teachings are contrary to immunizations, signed by one of the
884 following persons:

885 (i) one of the student's parents;

886 (ii) the student's guardian;

887 (iii) a legal age brother or sister of a student who has no parent or guardian; or

888 (iv) the student, if of legal age.

889 Section 7. Section **53A-11-504** is amended to read:

890 **53A-11-504. Requirement of school record for transfer of student -- Procedures.**

891 (1) Except as provided in [~~Subsection 53A-11-1402(2)(a)~~] Section 53A-1-1001, a
892 school shall request a certified copy of a transfer student's record, directly from the transfer
893 student's previous school, within 14 days after enrolling the transfer student.

894 (2) (a) Except as provided in Subsection (2)(b) and [~~Subsection 53A-11-1402(2)(b)~~]
895 Section 53A-1-1001, a school requested to forward a certified copy of a transferring student's

896 record to the new school shall comply within 30 school days of the request.

897 (b) If the record has been flagged pursuant to Section 53A-11-502, a school may not
898 forward the record to the new school and the requested school shall notify the division of the
899 request.

900 Section 8. **Repealer.**

901 This bill repeals:

902 Section **53A-11-1401, Definitions.**

903 Section **53A-11-1402, Educational records and enrollment -- Military children.**

904 Section **53A-11-1403, Eligibility -- Military children.**

905 Section **53A-11-1404, Graduation requirements -- Military children.**

Legislative Review Note
as of 2-19-10 6:29 PM

Office of Legislative Research and General Counsel

Fiscal Note

**H.B. 386 - Interstate Compact on Educational Opportunity for Military
Children**

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
