

**SCHOOL DISTRICT POSTEMPLOYMENT HEALTH
INSURANCE BENEFITS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies the State System of Public Education code by amending provisions relating to school district and charter school postemployment health insurance benefits.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits a school district or a charter school from offering postemployment health insurance benefits to new employees under certain circumstances;
- ▶ provides an exemption for a school district or a charter school that recognizes current payments and all liabilities associated with the postemployment health insurance benefits in budgetary accounts and fully funds the annual required contributions;
- ▶ makes provisions for a school district or a charter school that fails to fund annual required postretirement health insurance contributions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-3-402**, as last amended by Laws of Utah 2014, Chapter 202

31 ENACTS:

32 **53A-19-401**, Utah Code Annotated 1953



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

35 Section 1. Section **53A-3-402** is amended to read:

36 **53A-3-402. Powers and duties generally.**

37 (1) Each local school board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70 (6) Except as provided in Section 53A-1-1001, a board may enroll children in school
71 who are at least five years of age before September 2 of the year in which admission is sought.

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

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

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

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

78 (b) Federal funds are not considered funds within the school district budget under Title
79 53A, Chapter 19, [~~School District~~] Public School Budgets.

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

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

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

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

89 (12) (a) A board may on its own behalf, or on behalf of an educational institution for

90 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
91 devises, or bequests that are made for educational purposes.

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

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

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

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

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

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

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

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

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

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

107 (i) the schools within the district;

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

109 (iii) the municipality or county;

110 (iv) state or local law enforcement; and

111 (v) state or local traffic safety engineering.

112 (c) The committee shall:

113 (i) receive suggestions from school community councils, parents, teachers, and others
114 and recommend school traffic safety improvements, boundary changes to enhance safety, and
115 school traffic safety program measures;

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

119 (iii) consult the Utah Safety Council and the Division of Family Health Services and
120 provide training to all school children in kindergarten through grade six, within the district, on

121 school crossing safety and use; and

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

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

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

129 [~~(b)~~ The board shall implement its plan by July 1, 2000.]

130 [~~(c)~~] (b) The plan shall:

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

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

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

136 (iv) provide for coordination with local law enforcement and other public safety
137 representatives in preventing, intervening, and responding to violence in the areas and activities
138 referred to in Subsection (18)(a); and

139 (v) include procedures to notify a student, to the extent practicable, who is off campus
140 at the time of a school violence emergency because the student is:

141 (A) participating in a school-related activity; or

142 (B) excused from school for a period of time during the regular school day to
143 participate in religious instruction at the request of the student's parent or guardian.

144 [~~(d)~~] (c) The State Board of Education, through the state superintendent of public
145 instruction, shall develop comprehensive emergency response plan models that local school
146 boards may use, where appropriate, to comply with Subsection (18)(a).

147 [~~(e)~~] (d) Each local school board shall, by July 1 of each year, certify to the State Board
148 of Education that its plan has been practiced at the school level and presented to and reviewed
149 by its teachers, administrators, students, and their parents and local law enforcement and public
150 safety representatives.

151 (19) (a) Each local school board may adopt an emergency response plan for the

152 treatment of sports-related injuries that occur during school sports practices and events.

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

155 (c) The plan may:

156 (i) include emergency personnel, emergency communication, and emergency
157 equipment components;

158 (ii) require inservice training on the emergency response plan for school personnel who
159 are involved in sports programs in the district's secondary schools; and

160 (iii) provide for coordination with individuals and agency representatives who:

161 (A) are not employees of the school district; and

162 (B) would be involved in providing emergency services to students injured while
163 participating in sports events.

164 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
165 review the plan each year and make revisions when required to improve or enhance the plan.

166 (e) The State Board of Education, through the state superintendent of public
167 instruction, shall provide local school boards with an emergency plan response model that local
168 boards may use to comply with the requirements of this Subsection (19).

169 (20) A board shall do all other things necessary for the maintenance, prosperity, and
170 success of the schools and the promotion of education.

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

172 (i) hold a public hearing, as defined in Section 10-9a-103; and

173 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

174 (b) The notice of a public hearing required under Subsection (21)(a) shall:

175 (i) indicate the:

176 (A) school or schools under consideration for closure or boundary change; and

177 (B) date, time, and location of the public hearing; and

178 (ii) at least 10 days prior to the public hearing, be:

179 (A) published:

180 (I) in a newspaper of general circulation in the area; and

181 (II) on the Utah Public Notice Website created in Section 63F-1-701; and

182 (B) posted in at least three public locations within the municipality or on the district's

183 official website.

184 (22) A board may implement a facility energy efficiency program established under
185 Title 11, Chapter 44, Facility Energy Efficiency Act.

186 Section 2. Section **53A-19-401** is enacted to read:

187 **CHAPTER 19. PUBLIC SCHOOL BUDGETS**

188 **Part 4. Postemployment Benefits Restrictions**

189 **53A-19-401. Postemployment health insurance benefits restrictions -- Definitions**

190 **-- Restrictions -- Exceptions.**

191 (1) As used in this section:

192 (a) "Budgetary accounts" means the same as that term is defined in Section 51-5-3.

193 (b) "GASB" means the same as that term is defined in Section 51-5-3.

194 (c) "Liabilities" means the same as that term is defined in Section 51-5-3.

195 (d) "Postemployment" means the same as that term is defined in Section 51-5-3.

196 (e) "Postemployment health insurance benefits" means health insurance benefits:

197 (i) offered or promised to an employee for the employee's postemployment; or

198 (ii) continued into postemployment.

199 (2) Except as provided under Subsection (3), a school district or charter school may not
200 offer or provide a postemployment health insurance benefit to an employee who begins
201 employment with the school district or charter school on or after July 1, 2015.

202 (3) A school district or charter school may offer or provide postemployment health care
203 insurance to employees if the school district or charter school:

204 (a) calculates the liabilities associated with postemployment health insurance benefits
205 by applying GASB standards;

206 (b) recognizes current payments and all liabilities associated with the postemployment
207 health insurance benefits in budgetary accounts;

208 (c) fully funds the annual required contributions associated with the postemployment
209 health insurance benefits liabilities;

210 (d) establishes and implements a plan approved by the school district's local school
211 board or charter school's governing board to catch up on any unfunded liabilities within no
212 more than 20 years; and

213 (e) provides for ongoing payments against the postemployment health insurance

214 liabilities as employees qualify for receiving the postemployment health insurance benefits.

215 (4) (a) Except as provided in Subsection (4)(b), if in a fiscal year, a school district or

216 charter school fails to fully fund the annual required contributions described in Subsection

217 (3)(c), the school district or charter school may not offer or provide a postemployment health

218 insurance benefit for new employees beginning on the first day of that fiscal year.

219 (b) The provisions of Subsection (4)(a) do not apply if:

220 (i) for a school district only, the school district is imposing the maximum allowed local

221 school board levy under Section [53A-17a-164](#);

222 (ii) the school district or charter school fully funds the annual required contributions,

223 including any missed contributions, by the end of the fiscal year following the fiscal year of

224 inadequate funding; or

225 (iii) no increase was approved by the Legislature in the weighted pupil unit as defined

226 in Section [53A-17a-103](#) for the fiscal year the annual required contributions were not fully

227 funded.

228 **Section 3. Effective date.**

229 This bill takes effect on July 1, 2015.

Legislative Review Note
as of 9-15-14 2:52 PM

Office of Legislative Research and General Counsel