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EDUCATION REVISIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Alvin B. Jackson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to federal and private grant funding for public schools and eliminates criminal penalties for a parent of a truant student.

Highlighted Provisions:

This bill:

- ▶ defines a term;
- ▶ enacts provisions related to a school district or charter school applying for, receiving, or administering federal funds;
- ▶ prohibits a school district or charter school from accepting a private grant under certain circumstances;
- ▶ eliminates criminal penalties for a parent of a truant child; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-902, as last amended by Laws of Utah 2009, Chapter 112

53A-1-903, as last amended by Laws of Utah 2011, Chapter 342



- 28 **53A-1a-513**, as last amended by Laws of Utah 2013, Chapter 470
- 29 **53A-1a-515**, as last amended by Laws of Utah 2014, Chapter 363
- 30 **53A-3-402**, as last amended by Laws of Utah 2014, Chapter 202
- 31 **53A-11-101.5**, as last amended by Laws of Utah 2012, Chapter 203



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

34 Section 1. Section **53A-1-902** is amended to read:

35 **53A-1-902. Definitions.**

36 As used in this part:

37 (1) (a) "Cost" means an estimation of state and local money required to implement a
38 federal education agreement.

39 (b) "Cost" does not include capital costs associated with implementing a federal
40 education agreement.

41 (2) "Education entities" means the entities that may bear the state and local costs of
42 implementing a federal program, including:

- 43 (a) the State Board of Education;
- 44 (b) the state superintendent and the State Office of Education;
- 45 (c) a local school board;
- 46 (d) a school district and its schools;
- 47 (e) a charter school governing board; and
- 48 (f) a charter school.

49 (3) "Federal education agreement" means a legally binding document or representation
50 that requires a school official to implement a federal program that originates from the U.S.
51 Department of Education and that has, as a primary focus, an impact on the educational
52 services at a district or charter school.

53 (4) "Federal programs" include:

- 54 (a) the No Child Left Behind Act;
- 55 (b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law
56 105-17, and subsequent amendments; and
- 57 (c) other federal educational programs.

58 (5) "Local school official" means:

- 59 (a) a local school board;
- 60 (b) a school district superintendent or employee; or
- 61 (c) a charter school governing board, board member, administrator, or employee.

62 ~~[(5)]~~ (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20
 63 U.S.C. Sec. 6301 et seq.

64 ~~[(6)]~~ (7) "School official" includes:

- 65 (a) the State Board of Education;
- 66 (b) the state superintendent;
- 67 (c) employees of the State Board of Education and the state superintendent;
- 68 (d) local school boards;
- 69 (e) school district superintendents and employees; and
- 70 (f) charter school board members, administrators, and employees.

71 Section 2. Section **53A-1-903** is amended to read:

72 **53A-1-903. Federal programs -- School official duties.**

73 ~~[(1) School officials may:]~~

74 (1) (a) A school official that is not a local school official may:

75 ~~[(a)]~~ (i) apply for, receive, and administer funds made available through programs of
 76 the federal government;

77 ~~[(b)]~~ (ii) only expend federal funds for the purposes for which they are received and are
 78 accounted for by the state, school district, or charter school; and

79 ~~[(c)]~~ (iii) reduce or eliminate a program created with or expanded by federal funds to
 80 the extent allowed by law when federal funds for that program are subsequently reduced or
 81 eliminated.

82 (b) A local school official may apply for, receive, and administer federal funds for the
 83 local school official's education entity if the local school official:

84 (i) applies for, receives, or administers the federal funds through a program

85 administered by the State Board of Education; and

86 (ii) complies with relevant federal regulations.

87 (2) School officials shall:

88 (a) prioritize resources, especially to resolve conflicts between federal provisions or
 89 between federal and state programs, including:

- 90 (i) providing first priority to meeting state goals, objectives, program needs, and
- 91 accountability systems as they relate to federal programs; and
- 92 (ii) providing second priority to implementing federal goals, objectives, program needs,
- 93 and accountability systems that do not directly and simultaneously advance state goals,
- 94 objectives, program needs, and accountability systems;
- 95 (b) interpret the provisions of federal programs in the best interest of students in this
- 96 state;
- 97 (c) maximize local control and flexibility;
- 98 (d) minimize additional state resources that are diverted to implement federal programs
- 99 beyond the federal money that is provided to fund the programs;
- 100 (e) request changes to federal educational programs, especially programs that are
- 101 underfunded or provide conflicts with other state or federal programs, including:
- 102 (i) federal statutes;
- 103 (ii) federal regulations; and
- 104 (iii) other federal policies and interpretations of program provisions; and
- 105 (f) seek waivers from all possible federal statutes, requirements, regulations, and
- 106 program provisions from federal education officials to:
- 107 (i) maximize state flexibility in implementing program provisions; and
- 108 (ii) receive reasonable time to comply with federal program provisions.
- 109 (3) The requirements of school officials under this part, including the responsibility to
- 110 lobby federal officials, are not intended to mandate school officials to incur costs or require the
- 111 hiring of lobbyists, but are intended to be performed in the course of school officials' normal
- 112 duties.

113 Section 3. Section **53A-1a-513** is amended to read:

114 **53A-1a-513. Funding for charter schools.**

115 (1) As used in this section:

- 116 (a) "Charter school students' average local revenues" means the amount determined as
- 117 follows:
- 118 (i) for each student enrolled in a charter school on the previous October 1, calculate the
- 119 district per pupil local revenues of the school district in which the student resides;
- 120 (ii) sum the district per pupil local revenues for each student enrolled in a charter

121 school on the previous October 1; and

122 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
123 enrolled in charter schools on the previous October 1.

124 (b) "District local property tax revenues" means the sum of a school district's revenue
125 received from the following levies:

126 (i) (A) a voted levy imposed under Section 53A-17a-133;

127 (B) a board levy imposed under Section 53A-17a-134;

128 (C) a 10% of basic levy imposed under Section 53A-17a-145;

129 (D) a tort liability levy imposed under Section 63G-7-704;

130 (E) a capital outlay levy imposed under Section 53A-16-107; and

131 (F) a voted capital outlay levy imposed under Section 53A-16-110; or

132 (ii) (A) a voted local levy imposed under Section 53A-17a-133;

133 (B) a board local levy imposed under Section 53A-17a-164, excluding revenues
134 expended for:

135 (I) recreational facilities and activities authorized under Title 11, Chapter 2,
136 Playgrounds;

137 (II) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of
138 taxable value of the school district's board local levy; and

139 (III) the K-3 Reading Improvement Program, up to the amount of revenue generated by
140 a .000121 per dollar of taxable value of the school district's board local levy; and

141 (C) a capital local levy imposed under Section 53A-16-113.

142 (c) "District per pupil local revenues" means an amount equal to the following, using
143 data from the most recently published school district annual financial reports and state
144 superintendent's annual report:

145 (i) district local property tax revenues; divided by

146 (ii) the sum of:

147 (A) a school district's average daily membership; and

148 (B) the average daily membership of a school district's resident students who attend
149 charter schools.

150 (d) "Private grant" means a bequest, grant, endowment, gift, or donation of any money
151 or property, including a gift in-kind.

152 ~~[(d)]~~ (e) "Resident student" means a student who is considered a resident of the school
153 district under Title 53A, Chapter 2, Part 2, District of Residency.

154 ~~[(e)]~~ (f) "Statewide average debt service revenues" means the amount determined as
155 follows, using data from the most recently published state superintendent's annual report:

156 (i) sum the revenues of each school district from the debt service levy imposed under
157 Section [11-14-310](#); and

158 (ii) divide the sum calculated under Subsection (1)~~[(e)]~~(f)(i) by statewide school
159 district average daily membership.

160 (2) (a) ~~[Charter schools]~~ A charter school shall receive funding as described in this
161 section, except Subsections (3) through (8) do not apply to a charter ~~[schools]~~ school described
162 in Subsection (2)(b).

163 (b) ~~[Charter schools]~~ A charter school authorized by a local school ~~[boards]~~ board that
164 ~~[are]~~ is converted from a district ~~[schools or operate in district facilities]~~ school or operates in a
165 district facility without paying reasonable rent shall receive funding as prescribed in Section
166 [53A-1a-515](#).

167 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school shall
168 receive state funds, as applicable, on the same basis as a school district receives funds.

169 (b) For the 2013-14 and 2014-15 school years, the number of weighted pupil units
170 assigned to a charter school for the kindergarten and grades 1 through 12 programs of the Basic
171 School Program shall be:

172 (i) based on the higher of:

173 (A) October 1 enrollment in the current school year; or

174 (B) average daily membership in the prior school year plus growth as determined under
175 Section [53A-17a-106](#); and

176 (ii) weighted as provided in Subsection (3)(c).

177 (c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter
178 schools, charter school pupils shall be weighted, where applicable, as follows:

179 (i) .55 for kindergarten pupils;

180 (ii) .9 for pupils in grades 1 through 6;

181 (iii) .99 for pupils in grades 7 through 8; and

182 (iv) 1.2 for pupils in grades 9 through 12.

183 (4) (a) (i) A school district shall allocate a portion of school district revenues for each
184 resident student of the school district who is enrolled in a charter school on October 1 equal to
185 25% of the lesser of:

- 186 (A) district per pupil local revenues; or
- 187 (B) charter school students' average local revenues.

188 (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program
189 established under Chapter 28, Utah School Bond Guaranty Act.

190 (b) The State Board of Education shall:

191 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from
192 state funds the school district is authorized to receive under Chapter 17a, Minimum School
193 Program Act; and

194 (ii) remit the money to the student's charter school.

195 (c) Notwithstanding the method used to transfer school district revenues to charter
196 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter
197 schools under this section from:

198 (i) unrestricted revenues available to the school district; or

199 (ii) the revenue sources listed in Subsection (1)(b) based on the portion of the
200 allocations to charter schools attributed to each of the revenue sources listed in Subsection
201 (1)(b).

202 (d) (i) Subject to future budget constraints, the Legislature shall provide an
203 appropriation for charter schools for each student enrolled on October 1 to supplement the
204 allocation of school district revenues under Subsection (4)(a).

205 (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the
206 state for a charter school student shall be the sum of:

207 (A) charter school students' average local revenues minus the allocation of school
208 district revenues under Subsection (4)(a); and

209 (B) statewide average debt service revenues.

210 (iii) If the total of a school district's allocation for a charter school student under
211 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than
212 \$1427, the state shall provide an additional supplement so that a charter school receives at least
213 \$1427 per student under this Subsection (4).

214 (iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the
215 amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated
216 among charter schools in proportion to each charter school's enrollment as a percentage of the
217 total enrollment in charter schools.

218 (B) If the State Board of Education makes adjustments to Minimum School Program
219 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection
220 (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

221 (e) Of the money provided to a charter school under this Subsection (4), 10% shall be
222 expended for funding school facilities only.

223 [~~(5) Charter schools are eligible to receive federal funds if they meet all applicable
224 federal requirements and comply with relevant federal regulations.~~]

225 (5) A charter school may apply for, receive, or administer federal funds in accordance
226 with Section 53A-1-903.

227 (6) The State Board of Education shall distribute funds for charter school students
228 directly to the charter school.

229 (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state
230 transportation funding.

231 (b) The board shall also adopt rules relating to the transportation of students to and
232 from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.

233 (c) The governing body of the charter school may provide transportation through an
234 agreement or contract with the local school board, a private provider, or with parents.

235 (8) (a) (i) In accordance with Section 53A-1a-513.5, the State Charter School Board
236 may allocate grants for start-up costs to charter schools from money appropriated for charter
237 school start-up costs.

238 (ii) The governing board of a charter school that receives money from a grant under
239 Section 53A-1a-513.5 shall use the grant for expenses for planning and implementation of the
240 charter school.

241 (b) The State Board of Education shall coordinate the distribution of federal money
242 appropriated to help fund costs for establishing and maintaining charter schools within the
243 state.

244 (9) (a) [A] Except as provided in Subsection (10), a charter school may receive, hold,

245 manage and use [~~any devise, bequest, grant, endowment, gift, or donation of any property~~] a
246 private grant made to the school for any of the purposes of this part.

247 (b) It is unlawful for any person affiliated with a charter school to demand or request
248 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
249 with the charter school as a condition for employment or enrollment at the school or continued
250 attendance at the school.

251 (10) A charter school or charter school governing board may not accept a private grant,
252 if, as a condition of the private grant, the person providing the private grant requires the charter
253 school or charter school governing board to collect or report data about students enrolled in the
254 charter school, including demographic or testing data, without parental consent.

255 Section 4. Section 53A-1a-515 is amended to read:

256 **53A-1a-515. Charters authorized by local school boards -- Application process --**
257 **Local school board responsibilities.**

258 (1) (a) An applicant identified in Section 53A-1a-504 may submit an application to a
259 local school board to establish and operate a charter school within the geographical boundaries
260 of the school district administered by the local school board.

261 (b) (i) The principal, teachers, or parents of students at an existing public school may
262 submit an application to the local school board to convert the school or a portion of the school
263 to charter status.

264 (A) If the entire school is applying for charter status, at least two-thirds of the licensed
265 educators employed at the school and at least two-thirds of the parents or guardians of students
266 enrolled at the school must have signed a petition approving the application prior to its
267 submission to the charter school authorizer.

268 (B) If only a portion of the school is applying for charter status, the percentage is
269 reduced to a simple majority.

270 (ii) The local school board may not approve an application submitted under Subsection
271 (1)(b)(i) unless the local school board determines that:

272 (A) students opting not to attend the proposed converted school would have access to a
273 comparable public education alternative; and

274 (B) current teachers who choose not to teach at the converted charter school or who are
275 not retained by the school at the time of its conversion would receive a first preference for

276 transfer to open teaching positions for which they qualify within the school district, and, if no
277 positions are open, contract provisions or board policy regarding reduction in staff would
278 apply.

279 (2) (a) An existing public school that converts to charter status under a charter granted
280 by a local school board may:

281 (i) continue to receive the same services from the school district that it received prior to
282 its conversion; or

283 (ii) contract out for some or all of those services with other public or private providers.

284 (b) Any other charter school authorized by a local school board may contract with the
285 board to receive some or all of the services referred to in Subsection (3)(a).

286 (c) Except as specified in a charter agreement, local school board assets do not transfer
287 to an existing public school that converts to charter status under a charter granted by a local
288 school board under this section.

289 (3) (a) (i) A public school that converts to a charter school under a charter granted by a
290 local school board shall receive funding:

291 (A) through the school district; and

292 (B) on the same basis as it did prior to its conversion to a charter school.

293 ~~[(ii) The school may also receive federal money designated for charter schools under
294 any federal program.]~~

295 (ii) In accordance with Section 53A-1-903, the school may apply for, receive, or
296 administer federal funds designated for charter schools under a federal program.

297 (b) (i) A local school board-authorized charter school operating in a facility owned by
298 the school district and not paying reasonable rent to the school district shall receive funding:

299 (A) through the school district; and

300 (B) on the same basis that other district schools receive funding.

301 ~~[(ii) The school may also receive federal money designated for charter schools under
302 any federal program.]~~

303 (ii) In accordance with Section 53A-1-903, the school may apply for, receive, or
304 administer federal funds designated for charter schools under a federal program.

305 (c) Subject to the provisions in Section 53A-1a-502.5, a charter school authorized by a
306 local school board shall receive funding as provided in Section 53A-1a-513.

307 (d) (i) A charter school authorized by a local school board, but not described in
308 Subsection (3)(a), (b), or (c) shall receive funding:

309 (A) through the school district; and

310 (B) on the same basis that other district schools receive funding.

311 ~~[(ii) The school may also receive federal money designated for charter schools under~~
312 ~~any federal program.]~~

313 (ii) In accordance with Section 53A-1-903, the school may apply for, receive, or
314 administer federal funds designated for charter schools under a federal program.

315 (4) (a) A local school board that receives an application for a charter school under this
316 section shall, within 45 days, either accept or reject the application.

317 (b) If the board rejects the application, it shall notify the applicant in writing of the
318 reason for the rejection.

319 (c) The applicant may submit a revised application for reconsideration by the board.

320 (d) If the local school board refuses to authorize the applicant, the applicant may seek a
321 charter from the State Charter School Board under Section 53A-1a-505.

322 (5) The State Board of Education shall make a rule providing for a timeline for the
323 opening of a charter school following the approval of a charter school application by a local
324 school board.

325 (6) After approval of a charter school application and in accordance with Section
326 53A-1a-508, the applicant and the local school board shall set forth the terms and conditions
327 for the operation of the charter school in a written charter agreement.

328 (7) A local school board shall:

329 (a) annually review and evaluate the performance of charter schools authorized by the
330 local school board and hold the schools accountable for their performance;

331 (b) monitor charter schools authorized by the local school board for compliance with
332 federal and state laws, rules, and regulations; and

333 (c) provide technical support to charter schools authorized by the local school board to
334 assist them in understanding and performing their charter obligations.

335 (8) A local school board may terminate a charter school it authorizes as provided in
336 Sections 53A-1a-509 and 53A-1a-510.

337 (9) In addition to the exemptions described in Sections 53A-1a-511 and 53A-1a-512, a

338 charter school authorized by a local school board is:

339 (a) not required to separately submit a report or information required under this title to
340 the State Board of Education if the information is included in a report or information that is
341 submitted by the local school board or school district; and

342 (b) exempt from the requirement under Section [53A-1a-507](#) that a charter school shall
343 be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation
344 Act.

345 (10) Before a local school board accepts a charter school application, the local school
346 board shall, in accordance with State Board of Education rules, establish and make public the
347 local school board's:

348 (a) application requirements, in accordance with Section [53A-1a-504](#);

349 (b) application process, including timelines, in accordance with this section; and

350 (c) minimum academic, financial, and enrollment standards.

351 Section 5. Section [53A-3-402](#) is amended to read:

352 **53A-3-402. Powers and duties generally.**

353 (1) Each local school board shall:

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

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

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

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

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

366 (f) implement training programs for school administrators, including basic
367 management training, best practices in instructional methods, budget training, staff
368 management, managing for learning results and continuous improvement, and how to help

369 every child achieve optimal learning in core academics.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

394 (b) Federal funds are not considered funds within the school district budget under Title
395 53A, Chapter 19, School District Budgets.

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

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

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

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

405 ~~[(12)(a) A board may on its]~~

406 (12) (a) As used in this Subsection (12), "private grant" means a private grant, loan,
407 gift, endowment, or bequest.

408 (b) Except as provided in Subsection (12)(d), a board may on the board's own behalf,
409 or on behalf of an educational institution for which the board is the direct governing body,
410 accept ~~[private grants, loans, gifts, endowments, devises, or bequests that are]~~ a private grant
411 that is made for an educational ~~[purposes]~~ purpose.

412 ~~[(b) These contributions are]~~ (c) A private grant described in Subsection (12)(b) is not
413 subject to appropriation by the Legislature.

414 (d) A board or school may not accept a private grant if, as a condition of the private
415 grant, the person providing the private grant requires the board or a school to collect or report
416 data about students enrolled in the school or school district, including demographic or testing
417 data, without parental consent.

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

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

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

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

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

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

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

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

- 431 (b) The committee shall be composed of one representative of:
- 432 (i) the schools within the district;
- 433 (ii) the Parent Teachers' Association of the schools within the district;
- 434 (iii) the municipality or county;
- 435 (iv) state or local law enforcement; and
- 436 (v) state or local traffic safety engineering.
- 437 (c) The committee shall:
- 438 (i) receive suggestions from school community councils, parents, teachers, and others
- 439 and recommend school traffic safety improvements, boundary changes to enhance safety, and
- 440 school traffic safety program measures;
- 441 (ii) review and submit annually to the Department of Transportation and affected
- 442 municipalities and counties a child access routing plan for each elementary, middle, and junior
- 443 high school within the district;
- 444 (iii) consult the Utah Safety Council and the Division of Family Health Services and
- 445 provide training to all school children in kindergarten through grade six, within the district, on
- 446 school crossing safety and use; and
- 447 (iv) help ensure the district's compliance with rules made by the Department of
- 448 Transportation under Section [41-6a-303](#).
- 449 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 450 its duties under Subsection (17)(c).
- 451 (18) (a) Each school board shall adopt and implement a comprehensive emergency
- 452 response plan to prevent and combat violence in its public schools, on school grounds, on its
- 453 school vehicles, and in connection with school-related activities or events.
- 454 (b) The board shall implement its plan by July 1, 2000.
- 455 (c) The plan shall:
- 456 (i) include prevention, intervention, and response components;
- 457 (ii) be consistent with the student conduct and discipline policies required for school
- 458 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
- 459 (iii) require inservice training for all district and school building staff on what their
- 460 roles are in the emergency response plan;
- 461 (iv) provide for coordination with local law enforcement and other public safety

462 representatives in preventing, intervening, and responding to violence in the areas and activities
463 referred to in Subsection (18)(a); and

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

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

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

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

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

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

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

480 (c) The plan may:

481 (i) include emergency personnel, emergency communication, and emergency
482 equipment components;

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

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

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

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

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

491 (e) The State Board of Education, through the state superintendent of public
492 instruction, shall provide local school boards with an emergency plan response model that local

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

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

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

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

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

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

500 (i) indicate the:

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

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

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

504 (A) published:

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

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

507 (B) posted in at least three public locations within the municipality or on the district's
508 official website.

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

511 Section 6. Section 53A-11-101.5 is amended to read:

512 **53A-11-101.5. Compulsory education.**

513 [~~(1) For purposes of this section:~~]

514 [~~(a) "Intentionally" is as defined in Section 76-2-103.]~~]

515 [~~(b) "Recklessly" is as defined in Section 76-2-103.]~~]

516 (1) As used in this section:

517 [~~(a)~~] (a) "Remainder of the school year" means the portion of the school year beginning
518 on the day after the day on which the notice of compulsory education violation described in
519 Subsection (3) is served and ending on the last day of the school year.

520 [~~(b)~~] (b) "School-age child" means a school-age minor under the age of 14.

521 (2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a
522 school-age minor shall enroll and send the school-age minor to a public or regularly established
523 private school.

524 (3) A school administrator, a designee of a school administrator, a law enforcement
525 officer acting as a school resource officer, or a truancy specialist may issue a notice of
526 compulsory education violation to a parent of a school-age child if the school-age child is
527 absent without a valid excuse at least five times during the school year.

528 (4) The notice of compulsory education violation, described in Subsection (3):

529 (a) shall direct the parent of the school-age child to:

530 (i) meet with school authorities to discuss the school-age child's school attendance
531 problems; and

532 (ii) cooperate with the school board, local charter board, or school district in securing
533 regular attendance by the school-age child;

534 (b) shall designate the school authorities with whom the parent is required to meet;

535 ~~[(c) shall state that it is a class B misdemeanor for the parent of the school-age child to~~
536 ~~intentionally or recklessly;]~~

537 ~~[(i) fail to meet with the designated school authorities to discuss the school-age child's~~
538 ~~school attendance problems; or]~~

539 ~~[(ii) fail to prevent the school-age child from being absent without a valid excuse five~~
540 ~~or more times during the remainder of the school year;]~~

541 ~~[(d)]~~ (c) shall be served on the school-age child's parent by personal service or certified
542 mail; and

543 ~~[(e)]~~ (d) may not be issued unless the school-age child has been truant at least five
544 times during the school year.

545 ~~[(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or~~
546 ~~recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt~~
547 ~~from enrollment under Section 53A-11-102 or 53A-11-102.5;]~~

548 ~~[(6) It is a class B misdemeanor for a parent of a school-age child to, after being served~~
549 ~~with a notice of compulsory education violation in accordance with Subsections (3) and (4);~~
550 ~~intentionally or recklessly;]~~

551 ~~[(a) fail to meet with the school authorities designated in the notice of compulsory~~
552 ~~education violation to discuss the school-age child's school attendance problems; or]~~

553 ~~[(b) fail to prevent the school-age child from being absent without a valid excuse five~~
554 ~~or more times during the remainder of the school year;]~~

555 ~~[(7) A local school board, local charter board, or school district shall report violations~~
556 ~~of this section to the appropriate county or district attorney.]~~

Legislative Review Note
as of **3-4-15 4:54 PM**

Office of Legislative Research and General Counsel