

**STATE BOARD OF EDUCATION REVISIONS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bruce R. Cutler**

Senate Sponsor: J. Stuart Adams

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**LONG TITLE**

**General Description:**

This bill modifies provisions regarding the public education system.

**Highlighted Provisions:**

This bill:

- ▶ deletes references to the State Office of Education;
- ▶ requires the State Board of Education to assume ~~H→~~ certain ~~←H~~ responsibilities

formerly assigned

to the State Office of Education ~~H→~~ [;] and the state superintendent of public instruction; ~~←H~~

- ▶ allows the State Board of Education to delegate duties and responsibilities to employees; and
- ▶ makes conforming and technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 9-7-204**, as last amended by Laws of Utah 2010, Chapters 286 and 324
- 19-3-320**, as last amended by Laws of Utah 2012, Chapter 212
- 20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3
- 20A-14-202**, as last amended by Laws of Utah 2011, Chapter 297

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648 (b) ~~delegate~~ **appropriate** ~~duties and responsibilities~~ to board employees.

649 (3) The compensation and duties of [~~these other~~] board employees shall be established  
650 by the board and paid from money appropriated for that purpose.

651 Section 17. Section **53A-1-403.5** is amended to read:

652 **53A-1-403.5. Education of persons in custody of the Utah Department of**  
653 **Corrections -- Contracting for services -- Recidivism reduction plan -- Collaboration**  
654 **among state agencies.**

655 (1) The State Board of Education and the Utah Department of Corrections, subject to  
656 legislative appropriation, are responsible for the education of persons in the custody of the Utah  
657 Department of Corrections.

658 (2) (a) To fulfill the responsibility under Subsection (1), the State Board of Education  
659 and the Utah Department of Corrections shall, where feasible, contract with appropriate private  
660 or public agencies to provide educational and related administrative services. Contracts for  
661 postsecondary education and training shall be under Subsection (2)(b).

662 (b) (i) The contract under Subsection (2)(a) to provide postsecondary education and  
663 training shall be with a community college if the correctional facility is located within the  
664 service region of a community college, except under Subsection (2)(b)(ii).

665 (ii) If the community college under Subsection (2)(b)(i) declines to provide the  
666 education and training or cannot meet reasonable contractual terms for providing the education  
667 and training as specified by the Utah Department of Corrections, postsecondary education and  
668 training under Subsection (2)(a) may be procured through other appropriate private or public  
669 agencies.

670 (3) (a) As its corrections education program, the State Board of Education and the Utah  
671 Department of Corrections shall develop and implement a recidivism reduction plan, including  
672 the following components:

- 673 (i) inmate assessment;
- 674 (ii) cognitive problem-solving skills;
- 675 (iii) basic literacy skills;
- 676 (iv) career skills;
- 677 (v) job placement;
- 678 (vi) postrelease tracking and support;

1206 activities.

1207 Section 30. Section **53A-6-403** is amended to read:

1208 **53A-6-403. Tie-in with the Criminal Investigations and Technical Services**

1209 **Division.**

1210 (1) The [~~office~~] board shall:

1211 (a) ~~It~~ ~~→~~ [~~be~~] **designate employees to act, with board supervision, as** ~~←~~ ~~It~~ an online  
1211a terminal agency with the Department of Public Safety's Criminal

1212 Investigations and Technical Services Division under Section 53-10-108; and

1213 (b) provide relevant information concerning current or prospective employees or  
1214 volunteers upon request to other school officials as provided in Section 53A-6-402.

1215 (2) The cost of the online service shall be borne by the entity making the inquiry.

1216 Section 31. Section **53A-6-404** is amended to read:

1217 **53A-6-404. Certification in other jurisdictions -- Impact on licensing in Utah.**

1218 (1) An applicant for a license, renewal of a license, or reinstatement of a license shall  
1219 provide the administrator of teacher licensing with an affidavit, stating under oath the current  
1220 status of any certificate, license, or other authorization required for a professional position in  
1221 education, which the applicant holds or has held in any other jurisdiction.

1222 (2) An applicant for a license who has held a teacher's license in any other jurisdiction  
1223 or who graduated from an institution of higher education in another state shall also provide the  
1224 administrator of teacher licensing with:

1225 (a) a complete listing of the higher education institutions attended by the applicant,  
1226 whether the applicant's enrollment or eligibility for completion of a program was terminated by  
1227 the institution, and, if so, the reasons for termination;

1228 (b) a complete list of prior school employers; and

1229 (c) a release on a form provided by the administrator permitting the [~~office~~] board to  
1230 obtain records from other jurisdictions and from institutions of higher education attended by  
1231 the applicant, including expunged or otherwise protected records, relating to any offense  
1232 described substantially in the same language as in Section 53A-15-1506.

1233 (3) If the applicant's certificate, license, or authorization as an educator in any other  
1234 jurisdiction is under investigation, has expired or been surrendered, suspended or revoked, or is  
1235 currently not valid for any other reason, the [~~office~~] board may not grant the requested license,  
1236 renewal, or reinstatement until it has received confirmation from the administrator of

1733 (5) (a) The Utah Education and Telehealth Network Board, which is the governing  
1734 board for UETN, is created.

1735 (b) The Utah Education and Telehealth Network Board shall have 13 members as  
1736 follows:

1737 (i) four members representing the state system of higher education appointed by the  
1738 commissioner of higher education;

1739 (ii) four members representing the state system of public education ~~H→~~ **[including:**

1740 ~~——(A) three members appointed by the State Board of Education; and~~

1741 ~~——(B) one member [representing the Utah State Office of Education] appointed by the~~  
1742 ~~state superintendent;] appointed by the State Board of Education; ←H~~

1743 (iii) one member representing applied technology centers appointed by the president of  
1744 the Utah College of Applied Technology;

1745 (iv) one member representing the state library appointed by the state librarian;

1746 (v) two members representing hospitals as follows:

1747 (A) the members may not be employed by the same hospital system;

1748 (B) one member shall represent a rural hospital;

1749 (C) one member shall represent an urban hospital; and

1750 (D) the chief administrator or the administrator's designee for each hospital licensed in  
1751 this state shall select the two hospital representatives; and

1752 (vi) one member representing the office of the governor, appointed by the governor.

1753 (c) When a vacancy occurs in the membership for any reason, the replacement shall be  
1754 appointed for the unexpired term.

1755 (d) (i) The board shall elect a chair.

1756 (ii) The chair shall set the agenda for the board meetings.

1757 (6) A member of the board may not receive compensation or benefits for the member's  
1758 service, but may receive per diem and travel expenses in accordance with:

1759 (a) Section 63A-3-106;

1760 (b) Section 63A-3-107; and

1761 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1762 63A-3-107.

1763 (7) The board: