

1 **STATE BOARD OF EDUCATION REVISIONS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Bruce R. Cutler**

5 Senate Sponsor: J. Stuart Adams

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions regarding the public education system.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ deletes references to the State Office of Education;
- 13 ▶ requires the State Board of Education to assume certain responsibilities formerly
- 14 assigned to the State Office of Education and the state superintendent of public
- 15 instruction;
- 16 ▶ allows the State Board of Education to delegate duties and responsibilities to
- 17 employees; and
- 18 ▶ makes conforming and technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **9-7-204**, as last amended by Laws of Utah 2010, Chapters 286 and 324

26 **19-3-320**, as last amended by Laws of Utah 2012, Chapter 212

27 **20A-14-103**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 3

28 **20A-14-202**, as last amended by Laws of Utah 2011, Chapter 297

29 **26-10-5**, as enacted by Laws of Utah 1981, Chapter 126

- 30 **26-10-5.5**, as enacted by Laws of Utah 1999, Chapter 27
- 31 **32B-2-405**, as enacted by Laws of Utah 2010, Chapter 276 and last amended by
- 32 Coordination Clause, Laws of Utah 2010, Chapter 276
- 33 **35A-3-205**, as last amended by Laws of Utah 2015, Chapter 221
- 34 **35A-5-103**, as renumbered and amended by Laws of Utah 1997, Chapter 375
- 35 **49-12-701**, as last amended by Laws of Utah 2010, Chapter 264
- 36 **49-13-701**, as last amended by Laws of Utah 2010, Chapter 264
- 37 **51-9-405**, as last amended by Laws of Utah 2009, Chapter 356
- 38 **53-10-202**, as last amended by Laws of Utah 2015, Chapter 348
- 39 **53-10-211**, as last amended by Laws of Utah 2010, Chapter 324
- 40 **53A-1-202**, as last amended by Laws of Utah 2015, Chapter 289
- 41 **53A-1-302**, as last amended by Laws of Utah 1990, Chapter 261
- 42 **53A-1-403.5**, as last amended by Laws of Utah 2012, Chapter 23
- 43 **53A-1-413**, as last amended by Laws of Utah 2015, Chapter 415
- 44 **53A-1-708**, as last amended by Laws of Utah 2015, Chapter 415
- 45 **53A-1a-501.7**, as last amended by Laws of Utah 2008, Chapter 319
- 46 **53A-3-402**, as last amended by Laws of Utah 2015, Chapters 399 and 415
- 47 **53A-3-402.9**, as last amended by Laws of Utah 2008, Chapter 171
- 48 **53A-3-424**, as last amended by Laws of Utah 2008, Chapter 382
- 49 **53A-3-603**, as last amended by Laws of Utah 2000, Chapter 219
- 50 **53A-6-103**, as last amended by Laws of Utah 2008, Chapter 382
- 51 **53A-6-104.5**, as last amended by Laws of Utah 2015, Chapter 389
- 52 **53A-6-105**, as last amended by Laws of Utah 2009, Chapter 183
- 53 **53A-6-110**, as enacted by Laws of Utah 2003, Chapter 315
- 54 **53A-6-302**, as repealed and reenacted by Laws of Utah 1999, Chapter 108
- 55 **53A-6-403**, as last amended by Laws of Utah 2015, Chapter 389
- 56 **53A-6-404**, as last amended by Laws of Utah 2015, Chapter 389
- 57 **53A-13-101**, as last amended by Laws of Utah 2004, Chapter 196

- 58 **53A-13-208**, as last amended by Laws of Utah 2008, Chapter 382
- 59 **53A-14-107**, as last amended by Laws of Utah 2015, Chapter 415
- 60 **53A-15-1301**, as last amended by Laws of Utah 2015, Chapter 85
- 61 **53A-16-101.6**, as last amended by Laws of Utah 2015, Chapter 276
- 62 **53A-20-104**, as last amended by Laws of Utah 2008, Chapter 290
- 63 **53A-25b-306**, as enacted by Laws of Utah 2009, Chapter 294
- 64 **53A-25b-501**, as enacted by Laws of Utah 2009, Chapter 294
- 65 **53B-6-104**, as enacted by Laws of Utah 1994, Chapter 295
- 66 **53B-17-105**, as enacted by Laws of Utah 2014, Chapter 63
- 67 **53B-18-801**, as enacted by Laws of Utah 1999, Chapter 333
- 68 **53D-1-102**, as enacted by Laws of Utah 2014, Chapter 426
- 69 **58-41-4**, as last amended by Laws of Utah 2010, Chapter 324
- 70 **59-10-1307**, as last amended by Laws of Utah 2009, Chapter 17
- 71 **62A-4a-412**, as last amended by Laws of Utah 2008, Chapters 3, 87, 299, and 382
- 72 **62A-5a-102**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 8
- 73 **62A-15-1101**, as last amended by Laws of Utah 2015, Chapter 85
- 74 **63A-9-101**, as last amended by Laws of Utah 2008, Chapter 65
- 75 **63B-3-301**, as last amended by Laws of Utah 2013, Chapter 310
- 76 **63B-4-201**, as last amended by Laws of Utah 2013, Chapters 310 and 465
- 77 **63B-5-201**, as last amended by Laws of Utah 2013, Chapter 465
- 78 **63F-2-102**, as enacted by Laws of Utah 2015, Chapter 371
- 79 **63G-6a-202**, as last amended by Laws of Utah 2012, Chapter 91 and renumbered and
- 80 amended by Laws of Utah 2012, Chapter 347 and last amended by Coordination
- 81 Clause, Laws of Utah 2012, Chapter 347
- 82 **63G-10-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 83 **63G-12-209**, as enacted by Laws of Utah 2011, Chapter 18
- 84 **63I-5-102**, as last amended by Laws of Utah 2014, Chapter 433
- 85 **63I-5-201**, as repealed and reenacted by Laws of Utah 2014, Chapter 433

- 86 **63J-1-219**, as last amended by Laws of Utah 2013, Chapter 214
- 87 **63M-10-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 88 **67-19-6.7**, as last amended by Laws of Utah 2013, Chapter 214
- 89 **77-40-109**, as last amended by Laws of Utah 2014, Chapter 199
- 90 **78A-6-209**, as last amended by Laws of Utah 2015, Chapters 255 and 307

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

93 Section 1. Section **9-7-204** is amended to read:

94 **9-7-204. State Library Board -- Members -- Meetings -- Expenses.**

95 (1) There is created within the department the State Library Board.

96 (2) (a) The board shall consist of nine members appointed by the governor.

97 (b) One member shall be appointed on recommendation from each of the following

98 [~~agencies~~]:

99 (i) the State [~~Office~~] Board of Education;

100 (ii) the Board of Control of the State Law Library;

101 (iii) the Office of Legislative Research and General Counsel; and

102 (iv) the Utah System of Higher Education.

103 (c) Of the five remaining members at least two shall be appointed from rural areas.

104 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
105 expire, the governor shall appoint each new member or reappointed member to a four-year
106 term.

107 (b) The governor shall, at the time of appointment or reappointment, adjust the length
108 of terms to ensure that the terms of board members are staggered so that approximately half of
109 the board is appointed every two years.

110 (4) The members may not serve more than two full consecutive terms.

111 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
112 appointed for the unexpired term in the same manner as originally appointed.

113 (6) Five members of the board constitute a quorum for conducting board business.

114 (7) The governor shall select one of the board members as chair who shall serve for a
115 period of two years.

116 (8) The director of the State Library Division shall be executive officer of the board.

117 (9) A member may not receive compensation or benefits for the member's service, but
118 may receive per diem and travel expenses in accordance with:

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

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

121 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
122 63A-3-107.

123 Section 2. Section 19-3-320 is amended to read:

124 **19-3-320. Efforts to prevent siting of any nuclear waste facility to include**
125 **economic development study regarding Native American reservation lands within the**
126 **state.**

127 (1) It is the intent of the Legislature that the department, in its efforts to prevent the
128 siting of a nuclear waste facility within the exterior borders of the state, include in its work the
129 study under Subsection (2) and the report under Subsection (3).

130 (2) It is the intent of the Legislature that the Department of Environmental Quality, in
131 coordination with the office of the governor, and in cooperation with the Departments of
132 Heritage and Arts, Human Services, Health, Workforce Services, Agriculture and Food,
133 Natural Resources, and Transportation, the [~~state Office~~] State Board of Education, and the
134 Board of Regents:

135 (a) study the needs and requirements for economic development on the Native
136 American reservations within the state; and

137 (b) prepare, on or before November 30, 2001, a long-term strategic plan for economic
138 development on the reservations.

139 (3) It is the intent of the Legislature that this plan, prepared under Subsection (2)(b),
140 shall be distributed to the governor and the members of the Legislature on or before December
141 31, 2001.

142 Section 3. Section **20A-14-103** is amended to read:

143 **20A-14-103. State Board of Education members -- When elected -- Qualifications**
144 **-- Avoiding conflicts of interest.**

145 (1) (a) Unless otherwise provided by law, each State Board of Education member
146 elected from a State Board of Education District at the 2010 general election shall:

147 (i) serve out the term of office for which that member was elected; and

148 (ii) represent the realigned district if the member resides in that district.

149 (b) At the general election to be held in 2012, a State Board of Education member
150 elected from State Board of Education Districts 4, 7, 8, 10, 11, 12, 13, and 15 shall be elected
151 to serve a term of office of four years.

152 (c) In order to ensure that the terms of approximately half of the State Board of
153 Education members expire every two years:

154 (i) at the general election to be held in 2012, the State Board of Education member
155 elected from State Board of Education District 1 shall be elected to serve a term of office of
156 two years; and

157 (ii) at the general election to be held in 2014, the State Board of Education member
158 elected from State Board of Education District 1 shall be elected to serve a term of office of
159 four years.

160 (2) (a) A person seeking election to the State Board of Education shall have been a
161 resident of the State Board of Education district in which the person is seeking election for at
162 least one year as of the date of the election.

163 (b) A person who has resided within the State Board of Education district, as the
164 boundaries of the district exist on the date of the election, for one year immediately preceding
165 the date of the election shall be considered to have met the requirements of this Subsection (2).

166 (3) A State Board of Education member shall:

167 (a) be and remain a registered voter in the State Board of Education district from which
168 the member was elected or appointed; and

169 (b) maintain the member's primary residence within the State Board of Education

170 district from which the member was elected or appointed during the member's term of office.

171 (4) A State Board of Education member may not, during the member's term of office,
172 also serve as an employee of:

- 173 (a) the State Board of Education; or
- 174 [~~(b) the Utah State Office of Education; or~~]
- 175 [~~(c)~~] (b) the Utah State Office of Rehabilitation.

176 Section 4. Section **20A-14-202** is amended to read:

177 **20A-14-202. Local boards of education -- Membership -- When elected --**
178 **Qualifications -- Avoiding conflicts of interest.**

179 (1) (a) Except as provided in Subsection (1)(b), the board of education of a school
180 district with a student population of up to 24,000 students shall consist of five members.

181 (b) The board of education of a school district with a student population of more than
182 10,000 students but fewer than 24,000 students shall increase from five to seven members
183 beginning with the 2004 regular general election.

184 (c) The board of education of a school district with a student population of 24,000 or
185 more students shall consist of seven members.

186 (d) Student population is based on the October 1 student count submitted by districts to
187 the State [~~Office~~] Board of Education.

188 (e) If the number of members of a local school board is required to change under
189 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
190 Sections **20A-14-201** and **20A-14-203**.

191 (f) A school district which now has or increases to a seven-member board shall
192 maintain a seven-member board regardless of subsequent changes in student population.

193 (g) (i) Members of a local board of education shall be elected at each regular general
194 election.

195 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local
196 board of education may be elected to a five-member board, nor more than four members
197 elected to a seven-member board, in any election year.

198 (iii) More than three members of a local board of education may be elected to a
199 five-member board and more than four members elected to a seven-member board in any
200 election year only when required by reapportionment or to fill a vacancy or to implement
201 Subsection (1)(b).

202 (h) One member of the local board of education shall be elected from each local school
203 board district.

204 (2) (a) For an election held after the 2008 general election, a person seeking election to
205 a local school board shall have been a resident of the local school board district in which the
206 person is seeking election for at least one year as of the date of the election.

207 (b) A person who has resided within the local school board district, as the boundaries
208 of the district exist on the date of the election, for one year immediately preceding the date of
209 the election shall be considered to have met the requirements of this Subsection (2).

210 (3) A member of a local school board shall:

211 (a) be and remain a registered voter in the local school board district from which the
212 member is elected or appointed; and

213 (b) maintain the member's primary residence within the local school board district from
214 which the member is elected or appointed during the member's term of office.

215 (4) A member of a local school board may not, during the member's term in office, also
216 serve as an employee of that board.

217 Section 5. Section **26-10-5** is amended to read:

218 **26-10-5. Plan for school health services.**

219 The department shall establish a plan for school health services for pupils in elementary
220 and secondary schools. The department shall cooperate with the [~~state office of education~~]
221 State Board of Education and local health departments in developing such plan and shall
222 coordinate activities between these agencies. The plan may provide for the delivery of health
223 services by and through intermediate and local school districts and local health departments.

224 Section 6. Section **26-10-5.5** is amended to read:

225 **26-10-5.5. Child literacy -- Distribution of information kits.**

226 (1) The Legislature recognizes that effective child literacy programs can have a
227 dramatic long-term impact on each child's ability to:

- 228 (a) succeed in school;
- 229 (b) successfully compete in a global society; and
- 230 (c) become a productive, responsible citizen.

231 (2) (a) To help further this end, the department may make available to parents of
232 new-born infants, as a resource, an information kit regarding child development, the
233 development of emerging literacy skills, and activities which promote and enhance emerging
234 literacy skills, including reading aloud to the child on a regular basis.

235 (b) The department shall seek private funding to help support this program.

236 (3) (a) The department may seek assistance from the State [~~Office~~] Board of Education
237 and local hospitals in making the information kit available to parents on a voluntary basis.

238 (b) The department may also seek assistance from private entities in making the kits
239 available to parents.

240 Section 7. Section **32B-2-405** is amended to read:

241 **32B-2-405. Reporting by municipalities and counties -- Grants.**

242 (1) A municipality or county that receives money under this part during a fiscal year
243 shall by no later than October 1 following the fiscal year:

244 (a) report to the advisory council:

245 (i) the programs or projects of the municipality or county that receive money under this
246 part;

247 (ii) if the money for programs or projects were exclusively used as required by
248 Subsection [32B-2-403\(2\)](#);

249 (iii) indicators of whether the programs or projects that receive money under this part
250 are effective; and

251 (iv) if money received under this part was not expended by the municipality or county;
252 and

253 (b) provide the advisory council a statement signed by the chief executive officer of the

254 county or municipality attesting that the money received under this part was used in addition to
255 money appropriated or otherwise available for the county's or municipality's law enforcement
256 and was not used to supplant that money.

257 (2) The advisory council may, by a majority vote:

258 (a) suspend future payments under Subsection 32B-2-404(4) to a municipality or
259 county that:

260 (i) does not file a report that meets the requirements of Subsection (1); or

261 (ii) the advisory council finds does not use the money as required by Subsection
262 32B-2-403(2) on the basis of the report filed by the municipality or county under Subsection
263 (1); and

264 (b) cancel a suspension under Subsection (2)(a).

265 (3) The State Tax Commission shall notify the advisory council of the balance of any
266 undistributed money after the annual distribution under Subsection 32B-2-404(5).

267 (4) (a) Subject to the requirements of this Subsection (4), the advisory council shall
268 award the balance of undistributed money under Subsection (3):

269 (i) as prioritized by majority vote of the advisory council; and

270 (ii) as grants to:

271 (A) a county;

272 (B) a municipality;

273 (C) the department;

274 (D) the Department of Human Services;

275 (E) the Department of Public Safety; or

276 (F) the [Utah] State [Office] Board of Education.

277 (b) By not later than May 30 of the fiscal year of the appropriation, the advisory
278 council shall notify the State Tax Commission of grants awarded under this Subsection (4).

279 (c) The State Tax Commission shall make payments of a grant:

280 (i) upon receiving notice as provided under Subsection (4)(b); and

281 (ii) by not later than June 30 of the fiscal year of the appropriation.

282 (d) An entity that receives a grant under this Subsection (4) shall use the grant money
283 exclusively for programs or projects described in Subsection 32B-2-403(2).

284 Section 8. Section 35A-3-205 is amended to read:

285 **35A-3-205. Creation of committee.**

286 (1) There is created a Child Care Advisory Committee.

287 (2) The committee shall counsel and advise the office in fulfilling its statutory
288 obligations, including:

289 (a) reviewing and providing recommendations on the office's annual budget;

290 (b) providing recommendations on how the office might best respond to child care
291 needs throughout the state; and

292 (c) providing recommendations on the use of money in the Child Care Fund and other
293 money that comes into the office.

294 (3) The committee is composed of the following members, with special attention given
295 to insure diversity and representation from both urban and rural groups:

296 (a) one expert in early childhood development;

297 (b) one child care provider who operates a center;

298 (c) one child care provider who operates a family child care business;

299 (d) one parent who is representative of households receiving a child care subsidy from
300 the office;

301 (e) one representative from the public at-large;

302 (f) one representative [of] selected by the State [~~Office~~] Board of Education;

303 (g) one representative of the Department of Health;

304 (h) one representative of the Department of Human Services;

305 (i) two representatives from the corporate community, one who is a recent "Family
306 Friendly" award winner and who received the award because of efforts related to child care;

307 (j) two representatives from the small business community;

308 (k) one representative from child care advocacy groups;

309 (l) one representative of children with disabilities;

310 (m) one representative from the state Head Start Association appointed by the
311 association;

312 (n) one representative from each child care provider association; and

313 (o) one representative of a child care resource and referral center appointed by the
314 organization representing child care resource and referral agencies.

315 (4) (a) The executive director shall appoint the members designated in Subsections
316 (3)(a) through (e) and (j) through (n).

317 (b) The head of the respective departments shall appoint the members referred to in
318 Subsections (3)(f) through (i).

319 (c) Each child care provider association shall appoint its respective member referred to
320 in Subsection (3)(o).

321 (5) (a) Except as required by Subsection (5)(b), as terms of current committee members
322 expire, the appointing authority shall appoint each new member or reappointed member to a
323 four-year term.

324 (b) Notwithstanding the requirements of Subsection (5)(a), the appointing authority
325 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
326 terms of committee members are staggered so that approximately half of the committee is
327 appointed every two years.

328 (6) When a vacancy occurs in the membership for any reason, including missing three
329 consecutive meetings where the member has not been excused by the chair prior to or during
330 the meeting, the replacement shall be appointed for the unexpired term.

331 (7) A majority of the members constitutes a quorum for the transaction of business.

332 (8) (a) The executive director shall select a chair from the committee membership.

333 (b) A chair may serve no more than two one-year terms as chair.

334 (9) A member may not receive compensation or benefits for the member's service, but
335 may receive per diem and travel expenses as allowed in:

336 (a) Section [63A-3-106](#);

337 (b) Section [63A-3-107](#); and

338 (c) rules made by the Division of Finance according to Sections 63A-3-106 and
339 63A-3-107.

340 Section 9. Section 35A-5-103 is amended to read:

341 **35A-5-103. Roles of service providers.**

342 (1) Delivery of job training related services not administered by the department under
343 this chapter shall be provided in accordance with Subsections (2) and (3).

344 (2) The State [~~Office~~] Board of Education and the Board of Regents shall provide for
345 basic education, remedial education, and applied technology training.

346 (3) The Office of Rehabilitation shall provide those services authorized under the
347 Rehabilitation Act of 1973, as amended.

348 Section 10. Section 49-12-701 is amended to read:

349 **49-12-701. Early retirement incentive -- Eligibility -- Calculation of benefit --**
350 **Payment of costs -- Savings to be appropriated by Legislature -- Restrictions on**
351 **reemployment.**

352 (1) Any member of this system may retire and receive the allowance allowed under
353 Subsection (2) if the member meets the following requirements as of the member's retirement
354 date:

355 (a) the member is eligible for retirement under Section 49-12-401, or has 25 years of
356 service credit;

357 (b) the member elects to forfeit any stipend for retirement offered by the participating
358 employer; and

359 (c) the member elects to retire from this system by applying for retirement by the date
360 established under Subsection (3)(a) or (3)(b).

361 (2) (a) A member who retires under Subsection (1) shall receive 2% of that member's
362 final average salary for all years of service credit.

363 (b) An actuarial reduction may not be applied to the allowance granted under this
364 section.

365 (3) In order to receive the allowance allowed by this section, a member shall submit an

366 application to the office as follows:

367 (a) (i) For state and school employees under Level A, the application shall be filed by
368 May 31, 1987. The member's retirement date shall then be set by the member on the 1st or 16th
369 day of July, August, or September, 1987.

370 (ii) If a Level A member elects to retire, the executive director or participating
371 employer may request the member to delay the retirement date until a later date, but no later
372 than June 30, 1988.

373 (iii) If the member agrees to delay the retirement date, the retirement date shall be
374 delayed, but service credit may not be accrued after the member's original retirement date
375 elected by the member, and compensation earned after the member's original retirement date
376 may not be used in the calculation of the final average salary for determining the retirement
377 allowance.

378 (b) (i) For political subdivision employees under Level B, the application shall be filed
379 by September 30, 1987.

380 (ii) The retirement date shall then be set by the member on the 1st or 16th day of July,
381 August, September, October, November, or December, 1987.

382 (4) (a) The cost of providing the allowance under this section shall be funded in fiscal
383 year 1987-88 by a supplemental appropriation in the 1988 General Session based on the
384 retirement contribution rate increase established by the consulting actuary and approved by the
385 board.

386 (b) The cost of providing the allowance under this section shall be funded beginning
387 July 1, 1988, by means of an increase in the retirement contribution rate established by the
388 consulting actuary and approved by the board.

389 (c) The rate increase under Subsections (4)(a) and (b) shall be funded:

390 (i) for state employees, by an appropriation from the account established by the
391 Division of Finance under Subsection (4)(d), which is funded by savings derived from this
392 early retirement incentive and a work force reduction;

393 (ii) for school employees, by direct contributions from the employing unit, which may

394 not be funded through an increase in the retirement contribution amount established in Title
395 53A, Chapter 17a, Minimum School Program Act; and

396 (iii) for political subdivisions under Level B, by direct contributions by the
397 participating employer.

398 (d) (i) Each year, any excess savings derived from this early retirement incentive which
399 are above the costs of funding the increase and the costs of paying insurance, sick leave,
400 compensatory leave, and vacation leave under Subsections (4)(c)(i) and (c)(ii) shall be reported
401 to the Legislature and shall be appropriated as provided by law.

402 (ii) In the case of Subsection (4)(c)(i), the Division of Finance shall establish an
403 account into which all savings derived from this early retirement incentive shall be deposited as
404 the savings are realized.

405 (iii) In the case of Subsection (4)(c)(ii), the State [~~Office~~] Board of Education shall
406 certify the amount of savings derived from this early retirement incentive.

407 (iv) The State [~~Office~~] Board of Education and the participating employer may not
408 spend the savings until appropriated by the Legislature as provided by law.

409 (5) A member who retires under this section is subject to Sections [49-11-504](#) and
410 [49-11-505](#).

411 (6) The board may adopt rules to administer this section.

412 (7) The Legislative Auditor General shall perform an audit to ensure compliance with
413 this section.

414 Section 11. Section **49-13-701** is amended to read:

415 **49-13-701. Early retirement incentive -- Eligibility -- Calculation of benefit --**
416 **Payment of costs -- Savings to be appropriated by Legislature -- Restrictions on**
417 **reemployment.**

418 (1) Any member of this system may retire and receive the allowance allowed under
419 Subsection (2) if the member meets the following requirements as of the member's retirement:

420 (a) the member is eligible for retirement under Section [49-13-401](#), or has 25 years of
421 service credit;

422 (b) the member elects to forfeit any stipend for retirement offered by the participating
423 employer; and

424 (c) the member elects to retire from this system by applying for retirement by the date
425 established under Subsection (3)(a) or (3)(b).

426 (2) (a) A member who retires under Subsection (1) shall receive 2% of that member's
427 final average salary for all years of service credit.

428 (b) No actuarial reduction may be applied to the allowance granted under this section.

429 (3) In order to receive the allowance allowed by this section, a member shall submit an
430 application to the office as follows:

431 (a) (i) For state and school employees under Level A, the application shall be filed by
432 May 31, 1987. The member's retirement date shall then be set by the member on the 1st or 16th
433 day of July, August, or September, 1987.

434 (ii) If a Level A member elects to retire, the executive director or participating
435 employer may request the member to delay the retirement date until a later date, but no later
436 than June 30, 1988.

437 (iii) If the member agrees to delay the retirement date, the retirement date shall be
438 delayed, but service credit may not be accrued after the member's original retirement date
439 elected by the member, and compensation earned after the member's original retirement date
440 may not be used in the calculation of the final average salary for determining the retirement
441 allowance.

442 (b) (i) For political subdivision employees under Level B, the application shall be filed
443 by September 30, 1987.

444 (ii) The member's retirement date shall then be set by the member on the 1st or 16th
445 day of July, August, September, October, November, or December, 1987.

446 (4) (a) The cost of providing the allowance under this section shall be funded in fiscal
447 year 1987-88 by a supplemental appropriation in the 1988 General Session based on the
448 retirement contribution rate increase established by the consulting actuary and approved by the
449 board.

450 (b) The cost of providing the allowance under this section shall be funded beginning
451 July 1, 1988, by means of an increase in the retirement contribution rate established by the
452 consulting actuary and approved by the board.

453 (c) The rate increase under Subsections (4)(a) and (b) shall be funded:

454 (i) for state employees, by an appropriation from the account established by the
455 Division of Finance under Subsection (4)(d), which is funded by savings derived from this
456 early retirement incentive and a work force reduction;

457 (ii) for school employees, by direct contributions from the employing unit, which may
458 not be funded through an increase in the retirement contribution amount established in Title
459 53A, Chapter 17a, Minimum School Program Act; and

460 (iii) for political subdivisions under Level B, by direct contributions by the
461 participating employer.

462 (d) (i) Each year, any excess savings derived from this early retirement incentive which
463 are above the costs of funding the increase and the costs of paying insurance, sick leave,
464 compensatory leave, and vacation leave under Subsections (4)(c)(i) and (c)(ii) shall be reported
465 to the Legislature and shall be appropriated as provided by law.

466 (ii) In the case of Subsection (4)(c)(i), the Division of Finance shall establish an
467 account into which all savings derived from this early retirement incentive shall be deposited as
468 the savings are realized.

469 (iii) In the case of Subsection (4)(c)(ii), the State [~~Office~~] Board of Education shall
470 certify the amount of savings derived from this early retirement incentive.

471 (iv) The State [~~Office~~] Board of Education and the participating employer may not
472 spend the savings until appropriated by the Legislature as provided by law.

473 (5) A member who retires under this section is subject to Sections [49-11-504](#) and
474 [49-11-505](#).

475 (6) The board may make rules to administer this section.

476 (7) The Legislative Auditor General shall perform an audit to ensure compliance with
477 this section.

478 Section 12. Section **51-9-405** is amended to read:

479 **51-9-405. Substance Abuse Prevention Account established -- Funding -- Uses.**

480 (1) There is created a restricted account within the General Fund known as the
481 Substance Abuse Prevention Account.

482 (2) (a) The Division of Finance shall allocate to the Substance Abuse Prevention
483 Account from the collected surcharge established in Section **51-9-401**:

484 (i) 2.5% for the juvenile court, but not to exceed the amount appropriated by the
485 Legislature; and

486 (ii) 2.5% for the State [~~Office~~] Board of Education, but not to exceed the amount
487 appropriated by the Legislature.

488 (b) The juvenile court shall use the allocation to pay for compensatory service
489 programs required by Subsection **78A-6-117(2)(m)**.

490 (c) The State [~~Office~~] Board of Education shall use the allocation in public school
491 programs for:

492 (i) substance abuse prevention and education;

493 (ii) substance abuse prevention training for teachers and administrators; and

494 (iii) district and school programs to supplement, not supplant, existing local prevention
495 efforts in cooperation with local substance abuse authorities.

496 Section 13. Section **53-10-202** is amended to read:

497 **53-10-202. Criminal identification -- Duties of bureau.**

498 The bureau shall:

499 (1) procure and file information relating to identification and activities of persons who:

500 (a) are fugitives from justice;

501 (b) are wanted or missing;

502 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

503 and

504 (d) are believed to be involved in racketeering, organized crime, or a dangerous
505 offense;

- 506 (2) establish a statewide uniform crime reporting system that shall include:
- 507 (a) statistics concerning general categories of criminal activities;
- 508 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
509 religion, ancestry, national origin, ethnicity, or other categories that the division finds
510 appropriate; and
- 511 (c) other statistics as required by the Federal Bureau of Investigation;
- 512 (3) make a complete and systematic record and index of the information obtained
513 under this part;
- 514 (4) subject to the restrictions in this part, establish policy concerning the use and
515 dissemination of data obtained under this part;
- 516 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
517 of crime in Utah;
- 518 (6) establish a statewide central register for the identification and location of missing
519 persons, which may include:
- 520 (a) identifying data including fingerprints of each missing person;
- 521 (b) identifying data of any missing person who is reported as missing to a law
522 enforcement agency having jurisdiction;
- 523 (c) dates and circumstances of any persons requesting or receiving information from
524 the register; and
- 525 (d) any other information, including blood types and photographs found necessary in
526 furthering the purposes of this part;
- 527 (7) publish a quarterly directory of missing persons for distribution to persons or
528 entities likely to be instrumental in the identification and location of missing persons;
- 529 (8) list the name of every missing person with the appropriate nationally maintained
530 missing persons lists;
- 531 (9) establish and operate a 24-hour communication network for reports of missing
532 persons and reports of sightings of missing persons;
- 533 (10) coordinate with the National Center for Missing and Exploited Children and other

534 agencies to facilitate the identification and location of missing persons and the identification of
535 unidentified persons and bodies;

536 (11) receive information regarding missing persons, as provided in Sections 26-2-27
537 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section
538 41-1a-1401;

539 (12) adopt systems of identification, including the fingerprint system, to be used by the
540 division to facilitate law enforcement;

541 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
542 as provided in Section 76-10-520;

543 (14) check certain criminal records databases for information regarding motor vehicle
544 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
545 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
546 criminal offenses for motor vehicle salespersons in accordance with the requirements of
547 Section 41-3-205.5;

548 (15) check certain criminal records databases for information regarding driving
549 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving
550 privilege applicants and cardholders and inform the federal Immigration and Customs
551 Enforcement Agency of the United States Department of Homeland Security when new entries
552 are made in accordance with the requirements of Section 53-3-205.5.

553 (16) review and approve or disapprove applications for license renewal that meet the
554 requirements for renewal;

555 (17) forward to the board those applications for renewal under Subsection (16) that do
556 not meet the requirements for renewal; and

557 (18) within funds appropriated by the Legislature for the purpose, implement and
558 manage the operation of a firearm safety program, in conjunction with the state suicide
559 prevention coordinator, as described in this section and Section 62A-15-1101, including:

560 (a) coordinating with the Department of Health, local mental health and substance
561 abuse authorities, the [~~State Office of Education~~] public education suicide prevention

562 coordinator, and a representative from a Utah-based nonprofit organization with expertise in
563 the field of firearm use and safety that represents firearm owners, to:

564 (i) produce a firearm safety brochure with information about the safe handling and use
565 of firearms that includes:

566 (A) rules for safe handling, storage, and use of firearms in a home environment;

567 (B) information about at-risk individuals and individuals who are legally prohibited
568 from possessing firearms;

569 (C) information about suicide prevention and awareness; and

570 (D) information about the availability of firearm safety packets;

571 (ii) procure cable-style gun locks for distribution pursuant to this section; and

572 (iii) produce a firearm safety packet that includes both the firearm safety brochure
573 described in Subsection (18)(a)(i) and the cable-style gun lock described in Subsection
574 (18)(a)(ii);

575 (b) distributing, free of charge, the firearm safety packet to the following persons, who
576 shall make the firearm safety packet available free of charge:

577 (i) health care providers, including emergency rooms;

578 (ii) mental health practitioners;

579 (iii) other public health suicide prevention organizations;

580 (iv) entities that teach firearm safety courses; and

581 (v) school districts for use in the seminar, described in Section 53A-15-1302, for
582 parents of students in the school district;

583 (c) creating and administering a redeemable coupon program described in this section
584 and Section 76-10-526, that may include:

585 (i) producing a redeemable coupon that offers between \$10 and \$200 off the purchase
586 of a gun safe from a participating federally licensed firearms dealer, as defined in Section
587 76-10-501, by a Utah resident who has filed an application for a concealed firearm permit;

588 (ii) advertising the redeemable coupon program to all federally licensed firearms
589 dealers and maintaining a list of dealers who wish to participate in the program;

590 (iii) printing or writing the name of a Utah resident who has filed an application for a
591 concealed firearm permit on the redeemable coupon;

592 (iv) mailing the redeemable coupon and the firearm safety brochure to Utah residents
593 who have filed an application for a concealed firearm permit; and

594 (v) collecting from the participating dealers receipts described in Section 76-10-526
595 and reimbursing the dealers;

596 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
597 making rules that establish procedures for:

598 (i) producing and distributing the firearm safety brochures and packets;

599 (ii) procuring the cable-style gun locks for distribution; and

600 (iii) administering the redeemable coupon program; and

601 (e) reporting to the Law Enforcement and Criminal Justice Interim Committee
602 regarding implementation and success of the firearm safety program:

603 (i) during the 2016 interim, before November 1; and

604 (ii) during the 2018 interim, before June 1.

605 Section 14. Section 53-10-211 is amended to read:

606 **53-10-211. Notice required of arrest of school employee for controlled substance**
607 **or sex offense.**

608 (1) The chief administrative officer of the law enforcement agency making the arrest or
609 receiving notice under Subsection (2) shall immediately notify [~~the following individuals~~]:

610 (a) [~~the administrator of teacher certification in~~] the State [~~Office~~] Board of Education;
611 and

612 (b) the superintendent of schools of the employing public school district or, if the
613 offender is an employee of a private school, the administrator of that school.

614 (2) Subsection (1) applies upon:

615 (a) the arrest of any school employee for any offense:

616 (i) in Section 58-37-8;

617 (ii) in Title 76, Chapter 5, Part 4, Sexual Offenses; or

618 (iii) involving sexual conduct; or
619 (b) upon receiving notice from any other jurisdiction that a school employee has
620 committed an act which would, if committed in Utah, be an offense under Subsection (2)(a).

621 Section 15. Section **53A-1-202** is amended to read:

622 **53A-1-202. Compensation for members of the State Board of Education --**
623 **Insurance -- Per diem and expenses.**

624 (1) (a) The Legislature shall set the compensation of members of the State Board of
625 Education annually in an appropriations act.

626 (b) Until the Legislature sets the compensation of members of the State Board of
627 Education in an appropriations act, each member of the State Board of Education shall receive
628 compensation of \$3,000 per year.

629 (c) Compensation of members of the State Board of Education is payable monthly.

630 (d) In setting the compensation of members of the State Board of Education, the
631 Legislature shall consider the recommendations, if any, the Elected Official and Judicial
632 Compensation Commission makes in accordance with Section [67-8-5](#).

633 (2) A board member may participate in any group insurance plan provided to
634 employees of the State [~~Office~~] Board of Education as part of their compensation on the same
635 basis as required for employee participation.

636 (3) In addition to the provisions of Subsections (1) and (2), a board member may
637 receive per diem and travel expenses in accordance with:

638 (a) Section [63A-3-106](#);

639 (b) Section [63A-3-107](#); and

640 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
641 [63A-3-107](#).

642 Section 16. Section **53A-1-302** is amended to read:

643 **53A-1-302. Compensation of state superintendent -- Other board employees.**

644 (1) The board shall establish the compensation of the state superintendent.

645 (2) The board may, as necessary for the proper administration and supervision of the

646 public school system:

647 (a) appoint other employees [as necessary for the proper administration and supervision
648 of the public school system.]; and

649 (b) delegate appropriate duties and responsibilities to board employees.

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

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

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

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

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

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

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

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

- 674 (i) inmate assessment;
- 675 (ii) cognitive problem-solving skills;
- 676 (iii) basic literacy skills;
- 677 (iv) career skills;
- 678 (v) job placement;
- 679 (vi) postrelease tracking and support;
- 680 (vii) research and evaluation;
- 681 (viii) family involvement and support; and
- 682 (ix) multiagency collaboration.

683 (b) The plan shall be developed and implemented through the State [~~Office~~] Board of
684 Education and the Utah Department of Corrections in collaboration with the following entities:

- 685 (i) the State Board of Regents;
- 686 (ii) the Utah College of Applied Technology Board of Trustees;
- 687 (iii) local boards of education;
- 688 (iv) the Department of Workforce Services;
- 689 (v) the Department of Human Services;
- 690 (vi) the Board of Pardons and Parole;
- 691 (vii) the State Office of Rehabilitation; and
- 692 (viii) the Governor's Office.

693 (4) By July 1, 2014, and every three years thereafter, the Utah Department of
694 Corrections shall make a report to the Education Interim Committee and the Judiciary, Law
695 Enforcement, and Criminal Justice Interim Committee evaluating the impact of corrections
696 education programs on recidivism.

697 Section 18. Section **53A-1-413** is amended to read:

698 **53A-1-413. Student Achievement Backpack -- Utah Student Record Store.**

699 (1) As used in this section:

- 700 (a) "Authorized LEA user" means a teacher or other person who is:
 - 701 (i) employed by an LEA that provides instruction to a student; and

702 (ii) authorized to access data in a Student Achievement Backpack through the Utah
703 Student Record Store.

704 (b) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and
705 the Blind.

706 (c) "Student Achievement Backpack" means, for a student from kindergarten through
707 grade 12, a complete learner profile that:

708 (i) is in electronic format;

709 (ii) follows the student from grade to grade and school to school; and

710 (iii) is accessible by the student's parent or guardian or an authorized LEA user.

711 (d) "U-PASS" means the Utah Performance Assessment System for Students
712 established in Part 6, Achievement Tests.

713 (e) "Utah Student Record Store" means a repository of student data collected from
714 LEAs as part of the state's longitudinal data system that is:

715 (i) managed by the [Utah] State [Office] Board of Education;

716 (ii) cloud-based; and

717 (iii) accessible via a web browser to authorized LEA users.

718 (2) (a) The State Board of Education shall use the State Board of Education's robust,
719 comprehensive data collection system [~~maintained by the Utah State Office of Education~~],
720 which collects longitudinal student transcript data from LEAs and the unique student identifiers
721 as described in Section 53A-1-603.5, to allow the following to access a student's Student
722 Achievement Backpack:

723 (i) the student's parent or guardian; and

724 (ii) each LEA that provides instruction to the student.

725 (b) The State Board of Education shall ensure that a Student Achievement Backpack:

726 (i) provides a uniform, transparent reporting mechanism for individual student
727 progress;

728 (ii) provides a complete learner history for postsecondary planning;

729 (iii) provides a teacher with visibility into a student's complete learner profile to better

730 inform instruction and personalize education;

731 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
732 the use of data already collected by the State Board of Education;

733 (v) facilitates a student's parent or guardian taking an active role in the student's
734 education by simplifying access to the student's complete learner profile; and

735 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
736 storage and collection system.

737 (3) Using existing information collected and stored in the State Board of Education's
738 data warehouse [~~maintained by the Utah State Office of Education~~], the State Board of
739 Education shall create the Utah Student Record Store where an authorized LEA user may:

740 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
741 school; or

742 (b) request student records to be transferred from one LEA to another.

743 (4) The State Board of Education shall implement security measures to ensure that:

744 (a) student data stored or transmitted to or from the Utah Student Record Store is
745 secure and confidential pursuant to the requirements of the Family Educational Rights and
746 Privacy Act, 20 U.S.C. Sec. 1232g; and

747 (b) an authorized LEA user may only access student data that is relevant to the user's
748 LEA or school.

749 (5) A student's parent or guardian may request the student's Student Achievement
750 Backpack from the LEA or the school in which the student is enrolled.

751 (6) No later than June 30, 2014, an authorized LEA user shall be able to access student
752 data in a Student Achievement Backpack, which shall include the following data, or request the
753 data be transferred from one LEA to another:

754 (a) student demographics;

755 (b) course grades;

756 (c) course history; and

757 (d) results for an assessment administered under U-PASS.

758 (7) No later than June 30, 2015, an authorized LEA user shall be able to access student
759 data in a Student Achievement Backpack, which shall include the data listed in Subsections
760 (6)(a) through (d) and the following data, or request the data be transferred from one LEA to
761 another:

- 762 (a) section attendance;
- 763 (b) the name of a student's teacher for classes or courses the student takes;
- 764 (c) teacher qualifications for a student's teacher, including years of experience, degree,
765 license, and endorsement;
- 766 (d) results of formative, interim, and summative computer adaptive assessments
767 administered pursuant to Section 53A-1-603;
- 768 (e) detailed data demonstrating a student's mastery of the core standards for Utah
769 public schools and objectives as measured by computer adaptive assessments administered
770 pursuant to Section 53A-1-603;
- 771 (f) a student's writing sample written for an online writing assessment administered
772 pursuant to Section 53A-1-603;
- 773 (g) student growth scores for U-PASS tests;
- 774 (h) a school's grade assigned pursuant to Part 11, School Grading Act;
- 775 (i) results of benchmark assessments of reading administered pursuant to Section
776 53A-1-606.6; and
- 777 (j) a student's reading level at the end of grade 3.

778 (8) No later than June 30, 2017, the State Board of Education shall ensure that data
779 collected in the Utah Student Record Store for a Student Achievement Backpack shall be
780 integrated into each LEA's student information system and shall be made available to a
781 student's parent or guardian and an authorized LEA user in an easily accessible viewing format.

782 Section 19. Section 53A-1-708 is amended to read:

783 **53A-1-708. Grants for online delivery of U-PASS tests.**

784 (1) As used in this section:

- 785 (a) "Adaptive tests" means tests administered during the school year using an online

786 adaptive test system.

787 (b) "Core standards for Utah public schools" means the standards developed and
788 adopted by the State Board of Education that define the knowledge and skills students should
789 have in kindergarten through grade 12 to enable students to be prepared for college or
790 workforce training.

791 (c) "Summative tests" means tests administered near the end of a course to assess
792 overall achievement of course goals.

793 (d) "Uniform online summative test system" means a single system for the online
794 delivery of summative tests required under U-PASS that:

795 (i) is coordinated by the [Utah] State [Office] Board of Education;

796 (ii) ensures the reliability and security of U-PASS tests; and

797 (iii) is selected through collaboration between [Utah] the State [Office] Board of
798 Education and school district representatives with expertise in technology, assessment, and
799 administration.

800 (e) "U-PASS" means the Utah Performance Assessment System for Students.

801 (2) The State Board of Education may award grants to school districts and charter
802 schools to implement one or both of the following:

803 (a) a uniform online summative test system to enable parents of students and school
804 staff to review U-PASS test scores by the end of the school year; or

805 (b) an online adaptive test system to enable parents of students and school staff to
806 measure and monitor a student's academic progress during a school year.

807 (3) (a) Grant money may be used to pay for any of the following, provided it is directly
808 related to implementing a uniform online summative test system, an online adaptive test
809 system, or both:

810 (i) computer equipment and peripherals, including electronic data capture devices
811 designed for electronic test administration and scoring;

812 (ii) software;

813 (iii) networking equipment;

- 814 (iv) upgrades of existing equipment or software;
- 815 (v) upgrades of existing physical plant facilities;
- 816 (vi) personnel to provide technical support or coordination and management; and
- 817 (vii) teacher professional development.
- 818 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the
- 819 online delivery of summative tests or adaptive tests required under U-PASS may be used for
- 820 other purposes.
- 821 (4) The State Board of Education shall make rules:
- 822 (a) establishing procedures for applying for and awarding grants;
- 823 (b) specifying how grant money shall be allocated among school districts and charter
- 824 schools;
- 825 (c) requiring reporting of grant money expenditures and evidence showing that the
- 826 grant money has been used to implement a uniform online summative test system, an online
- 827 adaptive test system, or both;
- 828 (d) establishing technology standards for an online adaptive testing system;
- 829 (e) requiring a school district or charter school that receives a grant under this section
- 830 to implement, in compliance with Chapter 13, Part 3, Utah Family Educational Rights and
- 831 Privacy Act, an online adaptive test system by the 2014-15 school year that:
- 832 (i) meets the technology standards established under Subsection (4)(d); and
- 833 (ii) is aligned with the core standards for Utah public schools;
- 834 (f) requiring a school district or charter school to provide matching funds to implement
- 835 a uniform online summative test system, an online adaptive test system, or both in an amount
- 836 that is greater than or equal to the amount of a grant received under this section; and
- 837 (g) assuring that student identifiable data is not released to any person, except as
- 838 provided by Section [53A-13-301](#) and rules of the State Board of Education adopted under that
- 839 section.
- 840 (5) If a school district or charter school uses grant money for purposes other than those
- 841 stated in Subsection (3), the school district or charter school is liable for reimbursing the State

842 Board of Education in the amount of the grant money improperly used.

843 (6) A school district or charter school may not use federal funds to provide the
844 matching funds required to receive a grant under this section.

845 (7) A school district may not impose a tax rate above the certified tax rate for the
846 purpose of generating revenue to provide matching funds for a grant under this section.

847 Section 20. Section **53A-1a-501.7** is amended to read:

848 **53A-1a-501.7. State Charter School Board -- Staff director -- Facilities.**

849 (1) (a) The State Charter School Board, with the consent of the superintendent of
850 public instruction, shall appoint a staff director for the State Charter School Board.

851 (b) The State Charter School Board shall have authority to remove the staff director
852 with the consent of the superintendent of public instruction.

853 (c) The position of staff director is exempt from the career service provisions of Title
854 67, Chapter 19, Utah State Personnel Management Act.

855 (2) The superintendent of public instruction shall provide space for staff of the State
856 Charter School Board in facilities occupied by the [~~Utah~~] State [~~Office~~] Board of Education or
857 the State Board of Education's employees, with costs charged for the facilities equal to those
858 charged other sections and divisions [~~within~~] under the [~~Utah~~] State [~~Office~~] Board of
859 Education and [~~Utah~~] State Office of Rehabilitation.

860 Section 21. Section **53A-3-402** is amended to read:

861 **53A-3-402. Powers and duties generally.**

862 (1) Each local school board shall:

863 (a) implement the core standards for Utah public schools utilizing instructional
864 materials that best correlate to the core standards for Utah public schools and graduation
865 requirements;

866 (b) administer tests, required by the State Board of Education, which measure the
867 progress of each student, and coordinate with the state superintendent and State Board of
868 Education to assess results and create plans to improve the student's progress, which shall be
869 submitted to the State [~~Office~~] Board of Education for approval;

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

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

874 (e) work with the State [~~Office~~] Board of Education to establish a library of
875 documented best practices, consistent with state and federal regulations, for use by the local
876 districts; and

877 (f) implement training programs for school administrators, including basic
878 management training, best practices in instructional methods, budget training, staff
879 management, managing for learning results and continuous improvement, and how to help
880 every child achieve optimal learning in basic academic subjects.

881 (2) Local school boards shall spend minimum school program funds for programs and
882 activities for which the State Board of Education has established minimum standards or rules
883 under Section [53A-1-402](#).

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

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

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

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

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

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

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

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

897 (6) Except as provided in Section [53A-1-1001](#), a board may enroll children in school

898 who are at least five years of age before September 2 of the year in which admission is sought.

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

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

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

903 (10) (a) A board shall administer and implement federal educational programs in
904 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education
905 Programs Act.

906 (b) Federal funds are not considered funds within the school district budget under Title
907 53A, Chapter 19, Public School Budgets.

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

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

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

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

917 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
918 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
919 devises, or bequests that are made for educational purposes.

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

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

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

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

- 926 (14) A board shall adopt bylaws and rules for its own procedures.
- 927 (15) (a) A board shall make and enforce rules necessary for the control and
928 management of the district schools.
- 929 (b) All board rules and policies shall be in writing, filed, and referenced for public
930 access.
- 931 (16) A board may hold school on legal holidays other than Sundays.
- 932 (17) (a) Each board shall establish for each school year a school traffic safety
933 committee to implement this Subsection (17).
- 934 (b) The committee shall be composed of one representative of:
- 935 (i) the schools within the district;
- 936 (ii) the Parent Teachers' Association of the schools within the district;
- 937 (iii) the municipality or county;
- 938 (iv) state or local law enforcement; and
- 939 (v) state or local traffic safety engineering.
- 940 (c) The committee shall:
- 941 (i) receive suggestions from school community councils, parents, teachers, and others
942 and recommend school traffic safety improvements, boundary changes to enhance safety, and
943 school traffic safety program measures;
- 944 (ii) review and submit annually to the Department of Transportation and affected
945 municipalities and counties a child access routing plan for each elementary, middle, and junior
946 high school within the district;
- 947 (iii) consult the Utah Safety Council and the Division of Family Health Services and
948 provide training to all school children in kindergarten through grade six, within the district, on
949 school crossing safety and use; and
- 950 (iv) help ensure the district's compliance with rules made by the Department of
951 Transportation under Section [41-6a-303](#).
- 952 (d) The committee may establish subcommittees as needed to assist in accomplishing
953 its duties under Subsection (17)(c).

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

957 (b) The plan shall:

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

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

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

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

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

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

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

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

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

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

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

982 (c) The plan may:

983 (i) include emergency personnel, emergency communication, and emergency
984 equipment components;

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

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

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

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

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

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

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

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

999 (i) hold a public hearing, as defined in Section [10-9a-103](#); and

1000 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

1001 (b) The notice of a public hearing required under Subsection (21)(a) shall:

1002 (i) indicate the:

1003 (A) school or schools under consideration for closure or boundary change; and

1004 (B) date, time, and location of the public hearing; and

1005 (ii) at least 10 days prior to the public hearing, be:

1006 (A) published:

1007 (I) in a newspaper of general circulation in the area; and

1008 (II) on the Utah Public Notice Website created in Section [63F-1-701](#); and

1009 (B) posted in at least three public locations within the municipality or on the district's

1010 official website.

1011 (22) A board may implement a facility energy efficiency program established under
1012 Title 11, Chapter 44, Performance Efficiency Act.

1013 Section 22. Section **53A-3-402.9** is amended to read:

1014 **53A-3-402.9. Assessment of emerging and early reading skills -- Resources**
1015 **provided by school districts.**

1016 (1) The Legislature recognizes that well-developed reading skills help:

1017 (a) children to succeed in school, develop self esteem, and build positive relationships
1018 with others;

1019 (b) young adults to become independent learners; and

1020 (c) adults to become and remain productive members of a rapidly changing
1021 technology-based society.

1022 (2) (a) Each potential kindergarten student, the student's parent or guardian, and
1023 kindergarten personnel at the student's school may participate in an assessment of the student's
1024 reading and numeric skills.

1025 (b) The State [~~Office~~] Board of Education, in cooperation with the state's school
1026 districts, may develop the assessment instrument and any additional materials needed to
1027 implement and supplement the assessment program.

1028 (3) The potential kindergarten student's teacher may use the assessment in planning and
1029 developing an instructional program to meet the student's identified needs.

1030 (4) (a) Each school is encouraged to schedule the assessment early enough before the
1031 kindergarten starting date so that a potential kindergarten student's parent or guardian has time
1032 to develop the child's needed skills as identified by the assessment.

1033 (b) Based on the assessment under Subsection (2), the school shall provide the
1034 potential student's parent or guardian with appropriate resource materials to assist the parent or
1035 guardian at home in the student's literacy development.

1036 Section 23. Section **53A-3-424** is amended to read:

1037 **53A-3-424. Rulemaking -- Reporting.**

1038 The State [~~Office~~] Board of Education may make rules in accordance with Title 63G,
1039 Chapter 3, Utah Administrative Rulemaking Act, regarding compliance standards and reporting
1040 requirements for local school boards with respect to the policy required by Section [53A-3-422](#).

1041 Section 24. Section **53A-3-603** is amended to read:

1042 **53A-3-603. State board models, guidelines, and training.**

1043 (1) The State Board of Education [~~through the State Office of Education~~] shall develop
1044 and provide models, guidelines, and training to school districts to enable each district to
1045 comply with Section [53A-3-602.5](#).

1046 (2) The models and guidelines shall focus on systematic, simplified organizational
1047 analysis and reporting of available data.

1048 (3) A school district is not restricted to using the models and guidelines developed by
1049 the board if it develops or finds a better approach for clearly communicating the data required
1050 under Section [53A-3-602.5](#).

1051 Section 25. Section **53A-6-103** is amended to read:

1052 **53A-6-103. Definitions.**

1053 As used in this chapter:

1054 (1) "Accredited institution" means an institution meeting the requirements of Section
1055 [53A-6-107](#).

1056 (2) (a) "Alternative preparation program" means preparation for licensure in
1057 accordance with applicable law and rule through other than an approved preparation program.

1058 (b) "Alternative preparation program" includes the competency-based licensing
1059 program described in Section [53A-6-104.5](#).

1060 (3) "Ancillary requirement" means a requirement established by law or rule in addition
1061 to completion of an approved preparation program or alternative education program or
1062 establishment of eligibility under the NASDTEC Interstate Contract, and may include any of
1063 the following:

1064 (a) minimum grade point average;

1065 (b) standardized testing or assessment;

- 1066 (c) mentoring;
- 1067 (d) recency of professional preparation or experience;
- 1068 (e) graduation from an accredited institution; or
- 1069 (f) evidence relating to moral, ethical, physical, or mental fitness.
- 1070 (4) "Approved preparation program" means a program for preparation of educational
- 1071 personnel offered through an accredited institution in Utah or in a state which is a party to a
- 1072 contract with Utah under the NASDTEC Interstate Contract and which, at the time the program
- 1073 was completed by the applicant:
 - 1074 (a) was approved by the governmental agency responsible for licensure of educators in
 - 1075 the state in which the program was provided;
 - 1076 (b) satisfied requirements for licensure in the state in which the program was provided;
 - 1077 (c) required completion of a baccalaureate; and
 - 1078 (d) included a supervised field experience.
- 1079 (5) "Board" means the [Utah] State Board of Education.
- 1080 (6) "Certificate" means a license issued by a governmental jurisdiction outside the
- 1081 state.
- 1082 (7) "Core academic subjects" means English, reading or language arts, mathematics,
- 1083 science, foreign languages, civics and government, economics, arts, history, and geography.
- 1084 (8) "Educator" means:
 - 1085 (a) a person who holds a license;
 - 1086 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
 - 1087 of the board, to hold a license; or
 - 1088 (c) a person who is the subject of an allegation which has been received by the board or
 - 1089 UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a
 - 1090 position requiring licensure.
- 1091 (9) (a) "Endorsement" means a stipulation appended to a license setting forth the areas
- 1092 of practice to which the license applies.
- 1093 (b) An endorsement shall be issued upon completion of a competency-based teacher

1094 preparation program from a regionally accredited university that meets state content standards.

1095 (10) "License" means an authorization issued by the board which permits the holder to
1096 serve in a professional capacity in the public schools. The five levels of licensure are:

1097 (a) "letter of authorization," which is:

1098 (i) a temporary license issued to a person who has not completed requirements for a
1099 competency-based, or level 1, 2, or 3 license, such as:

1100 (A) a student teacher; or

1101 (B) a person participating in an alternative preparation program; or

1102 (ii) a license issued, pursuant to board rules, to a person who has achieved eminence,
1103 or has outstanding qualifications, in a field taught in public schools;

1104 (b) "competency-based license" which is issued to a teacher based on the teacher's
1105 demonstrated teaching skills and abilities;

1106 (c) "level 1 license," which is a license issued upon completion of:

1107 (i) a competency-based teacher preparation program from a regionally accredited
1108 university; or

1109 (ii) an approved preparation program or an alternative preparation program, or pursuant
1110 to an agreement under the NASDTEC Interstate Contract, to candidates who have also met all
1111 ancillary requirements established by law or rule;

1112 (d) "level 2 license," which is a license issued after satisfaction of all requirements for
1113 a level 1 license as well as any additional requirements established by law or rule relating to
1114 professional preparation or experience; and

1115 (e) "level 3 license," which is a license issued to an educator who holds a current Utah
1116 level 2 license and has also received, in the educator's field of practice, National Board
1117 certification or a doctorate from an accredited institution.

1118 (11) "NASDTEC" means the National Association of State Directors of Teacher
1119 Education and Certification.

1120 (12) "NASDTEC Interstate Contract" means the contract implementing Title 53A,
1121 Chapter 6, Part 2, Compact for Interstate Qualification of Educational Personnel, which is

1122 administered through NASDTEC.

1123 (13) "National Board certification" means a current certificate issued by the National
1124 Board for Professional Teaching Standards.

1125 (14) "Necessarily existent small school" means a school classified as a necessarily
1126 existent small school in accordance with Section 53A-17a-109.

1127 [~~(15) "Office" means the Utah State Office of Education.~~]

1128 [~~(16)~~ (15) "Rule" means an administrative rule adopted by the board under Title 63G,
1129 Chapter 3, Utah Administrative Rulemaking Act.

1130 [~~(17)~~ (16) "School" means a public or private entity which provides educational
1131 services to a minor child.

1132 [~~(18)~~ (17) "Small school district" means a school district with an enrollment of less
1133 than 5,000 students.

1134 [~~(19)~~ (18) "UPPAC" means the Utah Professional Practices Advisory Commission.
1135 Section 26. Section 53A-6-104.5 is amended to read:

1136 **53A-6-104.5. Licensing by competency.**

1137 (1) A competency-based license to teach may be issued based on the demonstrated
1138 competence of a teacher as provided in this section.

1139 (2) A local school board or charter school may request, and the [~~State Board of~~
1140 ~~Education~~] board shall grant, upon receipt of documentation from the local school board or
1141 charter school verifying the person's qualifications as specified in this section, a
1142 competency-based license to a person who meets the qualifications specified in this section and
1143 submits to a criminal background check as required in Section 53A-15-1504.

1144 (3) A local school board or charter school may request a competency-based license if
1145 the candidate meets the following qualifications:

1146 (a) a license candidate who teaches one or more core academic subjects in an
1147 elementary school shall:

1148 (i) hold at least a bachelor's degree; and

1149 (ii) have demonstrated, by passing a rigorous state test, subject knowledge and teaching

1150 skills in reading, writing, mathematics, and other areas of the basic elementary school
1151 curriculum;

1152 (b) a license candidate who teaches one or more core academic subjects in a middle or
1153 secondary school shall:

1154 (i) hold at least a bachelor's degree; and

1155 (ii) have demonstrated a high level of competency in each of the academic subjects in
1156 which the teacher teaches by:

1157 (A) passing a rigorous state academic subject test in each of the academic subjects in
1158 which the teacher teaches; or

1159 (B) successful completion, in each of the academic subjects in which the teacher
1160 teaches, of an academic major, a graduate degree, course work equivalent to an undergraduate
1161 academic major, or advanced certification or credentialing; or

1162 (c) a license candidate who teaches subjects other than a core academic subject in an
1163 elementary, middle, or high school shall:

1164 (i) hold a bachelor's degree, associate's degree, or skill certification; and

1165 (ii) have skills, talents, or abilities, as evaluated by the employing entity, that make the
1166 person suited for the teaching position.

1167 (4) A school district or charter school:

1168 (a) shall monitor and assess the performance of each teacher holding a
1169 competency-based license; and

1170 (b) may recommend that the competency-based license holder's training and
1171 assessment be reviewed by the [~~Utah State Office of Education~~] board for a level 1 license.

1172 Section 27. Section **53A-6-105** is amended to read:

1173 **53A-6-105. Licensing fees -- Credit to subfund -- Payment of expenses.**

1174 (1) The board shall levy a fee for each new, renewed, or reinstated license or
1175 endorsement in accordance with Section [63J-1-504](#).

1176 (2) Fee payments are credited to the Professional Practices Restricted Subfund in the
1177 Uniform School Fund.

1178 (3) The board shall pay the expenses of issuing licenses and of UPPAC operations, and
1179 the costs of collecting license fees from the restricted subfund.

1180 (4) The ~~[office]~~ board shall submit an annual report to the Legislature's Public
1181 Education Appropriations Subcommittee informing the Legislature about the fund, fees
1182 assessed and collected, and expenditures from the fund.

1183 Section 28. Section **53A-6-110** is amended to read:

1184 **53A-6-110. Administrative/supervisory letters of authorization.**

1185 (1) A local school board may request, and the ~~[State Board of Education]~~ board may
1186 grant, a letter of authorization permitting a person with outstanding professional qualifications
1187 to serve in any position that requires a person to hold an administrative/supervisory license or
1188 certificate, including principal, assistant principal, associate principal, vice principal, assistant
1189 superintendent, administrative assistant, director, specialist, or other district position.

1190 (2) The ~~[State Board of Education]~~ board may grant a letter of authorization permitting
1191 a person with outstanding professional qualifications to serve in ~~[any]~~ a position ~~[at the State~~
1192 ~~Office of Education]~~ that requires a person to hold an administrative/supervisory license or
1193 certificate.

1194 Section 29. Section **53A-6-302** is amended to read:

1195 **53A-6-302. UPPAC members -- Executive secretary.**

1196 (1) UPPAC shall consist of a nonvoting executive secretary and 11 voting members,
1197 nine of whom shall be licensed educators in good standing, and two of whom shall be members
1198 nominated by the education organization within the state that has the largest membership of
1199 parents of students and teachers.

1200 (2) Six of the voting members shall be persons whose primary responsibility is
1201 teaching.

1202 (3) (a) The state superintendent of public instruction shall appoint an employee ~~[of the~~
1203 ~~office]~~ to serve as executive secretary.

1204 (b) Voting members are appointed by the superintendent as provided under Section
1205 **53A-6-303**.

1206 (4) ~~[The office shall provide staff support for]~~ Board employees shall staff UPPAC
1207 activities.

1208 Section 30. Section **53A-6-403** is amended to read:

1209 **53A-6-403. Tie-in with the Criminal Investigations and Technical Services**
1210 **Division.**

1211 (1) The ~~[office]~~ board shall:

1212 (a) ~~[be]~~ designate employees to act, with board supervision, as an online terminal
1213 agency with the Department of Public Safety's Criminal Investigations and Technical Services
1214 Division under Section 53-10-108; and

1215 (b) provide relevant information concerning current or prospective employees or
1216 volunteers upon request to other school officials as provided in Section 53A-6-402.

1217 (2) The cost of the online service shall be borne by the entity making the inquiry.

1218 Section 31. Section **53A-6-404** is amended to read:

1219 **53A-6-404. Certification in other jurisdictions -- Impact on licensing in Utah.**

1220 (1) An applicant for a license, renewal of a license, or reinstatement of a license shall
1221 provide the administrator of teacher licensing with an affidavit, stating under oath the current
1222 status of any certificate, license, or other authorization required for a professional position in
1223 education, which the applicant holds or has held in any other jurisdiction.

1224 (2) An applicant for a license who has held a teacher's license in any other jurisdiction
1225 or who graduated from an institution of higher education in another state shall also provide the
1226 administrator of teacher licensing with:

1227 (a) a complete listing of the higher education institutions attended by the applicant,
1228 whether the applicant's enrollment or eligibility for completion of a program was terminated by
1229 the institution, and, if so, the reasons for termination;

1230 (b) a complete list of prior school employers; and

1231 (c) a release on a form provided by the administrator permitting the ~~[office]~~ board to
1232 obtain records from other jurisdictions and from institutions of higher education attended by
1233 the applicant, including expunged or otherwise protected records, relating to any offense

1234 described substantially in the same language as in Section 53A-15-1506.

1235 (3) If the applicant's certificate, license, or authorization as an educator in any other
1236 jurisdiction is under investigation, has expired or been surrendered, suspended or revoked, or is
1237 currently not valid for any other reason, the [office] board may not grant the requested license,
1238 renewal, or reinstatement until it has received confirmation from the administrator of
1239 professional certification in that jurisdiction that the applicant would be eligible for
1240 certification or licensure in that jurisdiction.

1241 (4) The [office] board may not withhold a license for the sole reason that the applicant
1242 would be ineligible for certification, licensure, or authorization in the jurisdiction referred to in
1243 Subsection (3) because of failure to meet current requirements in that jurisdiction relating to
1244 education, time in service, or residence.

1245 Section 32. Section 53A-13-101 is amended to read:

1246 **53A-13-101. Instruction in health -- Parental consent requirements -- Conduct**
1247 **and speech of school employees and volunteers -- Political and religious doctrine**
1248 **prohibited.**

1249 (1) (a) The State Board of Education shall establish curriculum requirements under
1250 Section 53A-1-402, that include instruction in:

- 1251 (i) community and personal health;
1252 (ii) physiology;
1253 (iii) personal hygiene; and
1254 (iv) prevention of communicable disease.

1255 (b) (i) That instruction shall stress:

1256 (A) the importance of abstinence from all sexual activity before marriage and fidelity
1257 after marriage as methods for preventing certain communicable diseases; and

1258 (B) personal skills that encourage individual choice of abstinence and fidelity.

1259 (ii) (A) At no time may instruction be provided, including responses to spontaneous
1260 questions raised by students, regarding any means or methods that facilitate or encourage the
1261 violation of any state or federal criminal law by a minor or an adult.

1262 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a
1263 spontaneous question as long as the response is consistent with the provisions of this section.

1264 (c) (i) The board shall recommend instructional materials for use in the curricula
1265 required under Subsection (1)(a) after considering evaluations of instructional materials by the
1266 State Instructional Materials Commission.

1267 (ii) A local school board may choose to adopt:

1268 (A) the instructional materials recommended under Subsection (1)(c)(i); or

1269 (B) other instructional materials as provided in state board rule.

1270 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a
1271 minimum:

1272 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)
1273 shall be based upon recommendations of the school district's Curriculum Materials Review
1274 Committee that comply with state law and state board rules emphasizing abstinence before
1275 marriage and fidelity after marriage, and prohibiting instruction in:

1276 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

1277 (II) the advocacy of homosexuality;

1278 (III) the advocacy or encouragement of the use of contraceptive methods or devices; or

1279 (IV) the advocacy of sexual activity outside of marriage;

1280 (B) that the adoption of instructional materials shall take place in an open and regular
1281 meeting of the local school board for which prior notice is given to parents and guardians of
1282 students attending schools in the district and an opportunity for them to express their views and
1283 opinions on the materials at the meeting;

1284 (C) provision for an appeal and review process of the local school board's decision; and

1285 (D) provision for a report by the local school board to the State Board of Education of
1286 the action taken and the materials adopted by the local school board under Subsections
1287 (1)(c)(ii)(B) and (1)(c)(iii).

1288 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and
1289 systematic in grades eight through 12.

1290 (b) At the request of the board, the Department of Health shall cooperate with the board
1291 in developing programs to provide instruction in those areas.

1292 (3) (a) The board shall adopt rules that:

1293 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
1294 are complied with; and

1295 (ii) require a student's parent or legal guardian to be notified in advance and have an
1296 opportunity to review the information for which parental consent is required under Sections
1297 76-7-322 and 76-7-323.

1298 (b) The board shall also provide procedures for disciplinary action for violation of
1299 Section 76-7-322 or 76-7-323.

1300 (4) (a) In keeping with the requirements of Section 53A-13-109, and because school
1301 employees and volunteers serve as examples to their students, school employees or volunteers
1302 acting in their official capacities may not support or encourage criminal conduct by students,
1303 teachers, or volunteers.

1304 (b) To ensure the effective performance of school personnel, the limitations described
1305 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official
1306 capacities if:

1307 (i) they knew or should have known that their action could result in a material and
1308 substantial interference or disruption in the normal activities of the school; and

1309 (ii) that action does result in a material and substantial interference or disruption in the
1310 normal activities of the school.

1311 (c) Neither the State [~~Office~~] Board of Education nor local school districts may
1312 [~~provide~~] allow training of school employees or volunteers that supports or encourages
1313 criminal conduct.

1314 (d) The State Board of Education shall adopt rules implementing this section.

1315 (e) Nothing in this section limits the ability or authority of the State Board of
1316 Education and local school boards to enact and enforce rules or take actions that are otherwise
1317 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing

1318 unfitness for duty.

1319 (5) Except as provided in Section 53A-13-101.1, political, atheistic, sectarian,
1320 religious, or denominational doctrine may not be taught in the public schools.

1321 (6) (a) Local school boards and their employees shall cooperate and share
1322 responsibility in carrying out the purposes of this chapter.

1323 (b) Each school district shall provide appropriate inservice training for its teachers,
1324 counselors, and school administrators to enable them to understand, protect, and properly
1325 instruct students in the values and character traits referred to in this section and Sections
1326 53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302 and
1327 distribute appropriate written materials on the values, character traits, and conduct to each
1328 individual receiving the inservice training.

1329 (c) The written materials shall also be made available to classified employees, students,
1330 and parents and guardians of students.

1331 (d) In order to assist school districts in providing the inservice training required under
1332 Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified
1333 individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop
1334 and disseminate model teacher inservice programs which districts may use to train the
1335 individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of
1336 character referenced in that subsection.

1337 (e) In accordance with the provisions of Subsection (4)(c), inservice training may not
1338 support or encourage criminal conduct.

1339 (7) If any one or more provision, subsection, sentence, clause, phrase, or word of this
1340 section, or the application thereof to any person or circumstance, is found to be
1341 unconstitutional, the balance of this section shall be given effect without the invalid provision,
1342 subsection, sentence, clause, phrase, or word.

1343 Section 33. Section 53A-13-208 is amended to read:

1344 **53A-13-208. Driver education teachers certified as license examiners.**

1345 (1) The Driver License Division of the Department of Public Safety and the State

1346 Board of Education [~~through the State Office of Education~~] shall establish procedures and
1347 standards to certify teachers of driver education classes under this part to administer written
1348 and driving tests.

1349 (2) The division is the certifying authority.

1350 (3) (a) A teacher certified under this section shall give written and driving tests
1351 designed for driver education classes authorized under this part.

1352 (b) The Driver License Division shall, in conjunction with the State [~~Office~~] Board of
1353 Education, establish minimal standards for the driver education class tests that are at least as
1354 difficult as those required to receive a class D operator's license under Title 53, Chapter 3,
1355 Uniform Driver License Act.

1356 (c) A student who passes the written test but fails the driving test given by a teacher
1357 certified under this section may apply for a learner permit or class D operator's license under
1358 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver
1359 License Division office.

1360 (4) A student shall have a learner permit issued by the Driver License Division under
1361 Section [53-3-210.5](#) in the student's immediate possession at all times when operating a motor
1362 vehicle under this section.

1363 (5) A student who successfully passes the tests given by a certified driver education
1364 teacher under this section satisfies the written and driving parts of the test required for a learner
1365 permit or class D operator's license.

1366 (6) The Driver License Division and the State Board of Education shall establish
1367 procedures to enable school districts to administer or process any tests for students to receive a
1368 learner permit or class D operator's license.

1369 (7) The division and board shall establish the standards and procedures required under
1370 this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative
1371 Rulemaking Act.

1372 Section 34. Section **53A-14-107** is amended to read:

1373 **53A-14-107. Instructional materials alignment with core standards for Utah**

1374 **public schools.**

1375 (1) For a school year beginning with or after the 2012-13 school year, a school district
1376 may not purchase primary instructional materials unless the primary instructional materials
1377 provider:

1378 (a) contracts with an independent party to evaluate and map the alignment of the
1379 primary instructional materials with the core standards for Utah public schools adopted under
1380 Section [53A-1-402](#);

1381 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
1382 website at no charge, for use by teachers and the general public; and

1383 (c) pays the costs related to the requirements of this Subsection (1).

1384 (2) The requirements under Subsection (1) may not be performed by:

1385 (a) the State Board of Education;

1386 (b) the superintendent of public instruction or [~~the State Office~~] employees of the State
1387 Board of Education;

1388 (c) the State Instructional Materials Commission appointed pursuant to Section
1389 [53A-14-101](#);

1390 (d) a local school board or a school district; or

1391 (e) the instructional materials creator or publisher.

1392 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1393 State Board of Education shall make rules that establish:

1394 (a) the qualifications of the independent parties who may evaluate and map the
1395 alignment of the primary instructional materials in accordance with the provisions of
1396 Subsection (1)(a); and

1397 (b) requirements for the detailed summary of the evaluation and its placement on a
1398 public website in accordance with the provisions of Subsection (1)(b).

1399 Section 35. Section **53A-15-1301** is amended to read:

1400 **53A-15-1301. Youth suicide prevention programs required in secondary schools**
1401 **-- State Board of Education to develop model programs -- Reporting requirements.**

- 1402 (1) As used in the section:
- 1403 (a) "Board" means the State Board of Education.
- 1404 (b) "Intervention" means an effort to prevent a student from attempting suicide.
- 1405 (c) "Postvention" means mental health intervention after a suicide attempt or death to
- 1406 prevent or contain contagion.
- 1407 (d) "Program" means a youth suicide prevention program described in Subsection (2).
- 1408 (e) "Public education suicide prevention coordinator" means an individual designated
- 1409 by the board as described in Subsection (3).
- 1410 ~~[(e)]~~ (f) "Secondary grades":
- 1411 (i) means grades 7 through 12; and
- 1412 (ii) if a middle or junior high school includes grade 6, includes grade 6.
- 1413 ~~[(f) "State Office of Education suicide prevention coordinator" means a person~~
- 1414 ~~designated by the board as described in Subsection (3).]~~
- 1415 (g) "State suicide prevention coordinator" means the state suicide prevention
- 1416 coordinator described in Section [62A-15-1101](#).
- 1417 (2) (a) In collaboration with the ~~[State Office of Education]~~ public education suicide
- 1418 prevention coordinator, a school district or charter school shall implement a youth suicide
- 1419 prevention program in the secondary grades of the school district or charter school.
- 1420 (b) A school district or charter school's program shall include the following
- 1421 components:
- 1422 (i) in collaboration with the training, programs, and initiatives described in Section
- 1423 [53A-11a-401](#), programs and training to address bullying and cyberbullying, as those terms are
- 1424 defined in Section [53A-11a-102](#);
- 1425 (ii) prevention of youth suicides;
- 1426 (iii) youth suicide intervention; and
- 1427 (iv) postvention for family, students, and faculty.
- 1428 (3) The board shall:
- 1429 (a) designate a ~~[State Office of Education]~~ public education suicide prevention

1430 coordinator; and

1431 (b) in collaboration with the Department of Health and the state suicide prevention
1432 coordinator, develop model programs to provide to school districts and charter schools:

1433 (i) program training; and

1434 (ii) resources regarding the required components described in Subsection (2)(b).

1435 (4) The [~~State Office of Education~~] public education suicide prevention coordinator
1436 shall:

1437 (a) oversee the youth suicide prevention programs of school districts and charter
1438 schools; and

1439 (b) coordinate prevention and postvention programs, services, and efforts with the state
1440 suicide prevention coordinator.

1441 (5) A public school suicide prevention program may allow school personnel to ask a
1442 student questions related to youth suicide prevention, intervention, or postvention.

1443 (6) (a) Subject to legislative appropriation, the board may distribute money to a school
1444 district or charter school to be used to implement evidence-based practices and programs, or
1445 emerging best practices and programs, for preventing suicide in the school district or charter
1446 school.

1447 (b) The board shall distribute money under Subsection (6)(a) so that each school that
1448 enrolls students in grade 7 or a higher grade receives an allocation of at least \$500, or a lesser
1449 amount per school if the legislative appropriation is not sufficient to provide at least \$500 per
1450 school.

1451 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to
1452 implement evidence-based practices and programs, or emerging best practices and programs,
1453 for preventing suicide.

1454 (ii) Each school may select the evidence-based practices and programs, or emerging
1455 best practices and programs, for preventing suicide that the school implements.

1456 (7) (a) The board shall provide a written report, and shall orally report to the
1457 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the

1458 [~~State Office of Education~~] public education suicide prevention coordinator and the state
1459 suicide prevention coordinator, on:

1460 (i) the progress of school district and charter school youth suicide prevention programs,
1461 including rates of participation by school districts, charter schools, and students;

1462 (ii) the board's coordination efforts with the Department of Health and the state suicide
1463 prevention coordinator;

1464 (iii) the [~~State Office of Education~~] public education suicide prevention coordinator's
1465 model program for training and resources related to youth suicide prevention, intervention, and
1466 postvention;

1467 (iv) data measuring the effectiveness of youth suicide programs;

1468 (v) funds appropriated to each school district and charter school for youth suicide
1469 prevention programs; and

1470 (vi) five-year trends of youth suicides per school, school district, and charter school.

1471 (b) School districts and charter schools shall provide to the board information that is
1472 necessary for the board's report to the Legislature's Education Interim Committee as required in
1473 Subsection (7)(a).

1474 Section 36. Section **53A-16-101.6** is amended to read:

1475 **53A-16-101.6. Creation of School Children's Trust Section -- Duties.**

1476 (1) As used in this section:

1477 (a) "School and institutional trust lands" is as defined in Section **53C-1-103**.

1478 (b) "Section" means the School Children's Trust Section created in this section.

1479 (c) "Trust" means:

1480 (i) the School LAND Trust Program created in Section **53A-16-101.5**; and

1481 (ii) the lands and funds associated with the trusts described in Subsection
1482 **53C-1-103**(7).

1483 (2) There is established a School Children's Trust Section [~~within~~] under the State
1484 [~~Office~~] Board of Education.

1485 (3) (a) The section shall have a director.

- 1486 (b) The director shall have professional qualifications and expertise in the areas
1487 generating revenue to the trust, including:
- 1488 (i) economics;
 - 1489 (ii) energy development;
 - 1490 (iii) finance;
 - 1491 (iv) investments;
 - 1492 (v) public education;
 - 1493 (vi) real estate;
 - 1494 (vii) renewable resources;
 - 1495 (viii) risk management; and
 - 1496 (ix) trust law.
- 1497 (c) The director shall be appointed as provided in this Subsection (3).
- 1498 (d) The School and Institutional Trust Lands Board of Trustees nominating committee
1499 shall submit to the State Board of Education the name of one person to serve as director.
- 1500 (e) The State Board of Education may:
- 1501 (i) appoint the person described in Subsection (3)(d) to serve as director; or
 - 1502 (ii) deny the appointment of the person described in Subsection (3)(d) to serve as
1503 director.
- 1504 (f) If the State Board of Education denies an appointment under this Subsection (3):
- 1505 (i) the State Board of Education shall provide in writing one or more reasons for the
1506 denial to the School and Institutional Trust Lands Board of Trustees nominating committee;
1507 and
 - 1508 (ii) the School and Institutional Trust Lands Board of Trustees nominating committee
1509 and the State Board of Education shall follow the procedures and requirements of this
1510 Subsection (3) until the State Board of Education appoints a director.
- 1511 (g) The State Board of Education may remove the director only by majority vote of a
1512 quorum in an open and public meeting after proper notice and the inclusion of the removal item
1513 on the agenda.

- 1514 (4) The State Board of Education shall make rules regarding:
- 1515 (a) regular reporting from the School Children's Trust Section director to the State
- 1516 Board of Education, to allow the State Board of Education to fulfill its duties in representing
- 1517 the trust beneficiaries; and
- 1518 (b) the day-to-day reporting of the School Children's Trust Section director.
- 1519 (5) (a) The director shall annually submit a proposed section budget to the State Board
- 1520 of Education.
- 1521 (b) After approving a section budget, the State Board of Education shall propose the
- 1522 approved budget to the Legislature.
- 1523 (6) The director is entitled to attend any presentation, discussion, meeting, or other
- 1524 gathering concerning the trust, subject to:
- 1525 (a) provisions of law prohibiting the director's attendance to preserve confidentiality; or
- 1526 (b) other provisions of law that the director's attendance would violate.
- 1527 (7) The section shall have a staff.
- 1528 (8) The section shall protect current and future beneficiary rights and interests in the
- 1529 trust consistent with the state's perpetual obligations under:
- 1530 (a) the Utah Enabling Act;
- 1531 (b) the Utah Constitution;
- 1532 (c) state statute; and
- 1533 (d) standard trust principles described in Section [53C-1-102](#).
- 1534 (9) The section shall promote:
- 1535 (a) productive use of school and institutional trust lands; and
- 1536 (b) the efficient and prudent investment of funds managed by the School and
- 1537 Institutional Trust Fund Office, created in Section [53D-1-201](#).
- 1538 (10) The section shall provide representation, advocacy, and input:
- 1539 (a) on behalf of current and future beneficiaries of the trust, school community
- 1540 councils, schools, and school districts;
- 1541 (b) on federal, state, and local land decisions and policies that affect the trust; and

- 1542 (c) to:
- 1543 (i) the School and Institutional Trust Lands Administration;
- 1544 (ii) the School and Institutional Trust Lands Board of Trustees;
- 1545 (iii) the Legislature;
- 1546 (iv) the School and Institutional Trust Fund Office, created in Section 53D-1-201;
- 1547 (v) the School and Institutional Trust Fund Board of Trustees, created in Section

1548 53D-1-301;

- 1549 (vi) the attorney general;
- 1550 (vii) the public; and
- 1551 (viii) other entities as determined by the section.

1552 (11) The section shall provide independent oversight on the prudent and profitable

1553 management of the trust and report annually to the State Board of Education and the

1554 Legislature.

1555 (12) The section shall provide information requested by a person or entity described in

1556 Subsections (10)(c)(i) through (vii).

1557 (13) (a) The section shall provide training to the entities described in Subsection

1558 (13)(b) on:

- 1559 (i) the School LAND Trust Program established in Section 53A-16-101.5; and
- 1560 (ii) (A) a school community council established pursuant to Section 53A-1a-108; or
- 1561 (B) a charter trust land council established under Section 53A-16-101.5.

1562 (b) The section shall provide the training to:

- 1563 (i) a local school board or a charter school governing board;
- 1564 (ii) a school district or a charter school; and
- 1565 (iii) a school community council.

1566 Section 37. Section 53A-20-104 is amended to read:

1567 **53A-20-104. Enforcement of chapter by state superintendent -- Employment of**

1568 **personnel -- School districts and charter schools -- Certificate of inspection verification.**

1569 (1) The state superintendent of public instruction shall enforce this chapter.

1570 (2) The superintendent may employ architects or other qualified personnel, or contract
1571 with the State Building Board, the state fire marshal, or a local governmental entity to:

1572 (a) examine the plans and specifications of any school building or alteration submitted
1573 under this chapter;

1574 (b) verify the inspection of any school building during or following construction; and

1575 (c) perform other functions necessary to ensure compliance with this chapter.

1576 (3) (a) (i) If a local school board uses the school district's building inspector under
1577 Subsection 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and issues its own certificate authorizing
1578 permanent occupancy of the school building, the local school board shall file a certificate of
1579 inspection verification with the local governmental entity's building official and the State
1580 [~~Office~~] Board of Education, advising those entities that the school district has complied with
1581 the inspection provisions of this chapter.

1582 (ii) If a charter school uses a school district building inspector under Subsection
1583 10-9a-305(6)(a)(ii) or 17-27a-305(6)(a)(ii) and the school district issues to the charter school a
1584 certificate authorizing permanent occupancy of the school building, the charter school shall file
1585 with the State [~~Office~~] Board of Education a certificate of inspection verification.

1586 (iii) If a local school board or charter school uses a local governmental entity's building
1587 inspector under Subsection 10-9a-305(6)(a)(i) or 17-27a-305(6)(a)(i) and the local
1588 governmental entity issues the local school board or charter school a certificate authorizing
1589 permanent occupancy of the school building, the local school board or charter school shall file
1590 with the State [~~Office~~] Board of Education a certificate of inspection verification.

1591 (iv) (A) If a local school board or charter school uses an independent, certified building
1592 inspector under Subsection 10-9a-305(6)(a)(iii) or 17-27a-305(6)(a)(iii), the local school board
1593 or charter school shall, upon completion of all required inspections of the school building, file
1594 with the State [~~Office~~] Board of Education a certificate of inspection verification and a request
1595 for the issuance of a certificate authorizing permanent occupancy of the school building.

1596 (B) Upon the local school board's or charter school's filing of the certificate and request
1597 as provided in Subsection (3)(a)(iv)(A), the school district or charter school shall be entitled to

1598 temporary occupancy of the school building that is the subject of the request for a period of 90
1599 days, beginning the date the request is filed, if the school district or charter school has
1600 complied with all applicable fire and life safety code requirements.

1601 (C) Within 30 days after the local school board or charter school files a request under
1602 Subsection (3)(a)(iv)(A) for a certificate authorizing permanent occupancy of the school
1603 building, the state superintendent of public instruction shall:

1604 (I) (Aa) issue to the local school board or charter school a certificate authorizing
1605 permanent occupancy of the school building; or

1606 (Bb) deliver to the local school board or charter school a written notice indicating
1607 deficiencies in the school district's or charter school's compliance with the inspection
1608 provisions of this chapter; and

1609 (II) mail a copy of the certificate authorizing permanent occupancy or the notice of
1610 deficiency to the building official of the local governmental entity in which the school building
1611 is located.

1612 (D) Upon the local school board or charter school remedying the deficiencies indicated
1613 in the notice under Subsection (3)(a)(iv)(C)(I)(Bb) and notifying the state superintendent of
1614 public instruction that the deficiencies have been remedied, the state superintendent of public
1615 instruction shall issue a certificate authorizing permanent occupancy of the school building and
1616 mail a copy of the certificate to the building official of the local governmental entity in which
1617 the school building is located.

1618 (E) (I) The state superintendent of public instruction may charge the school district or
1619 charter school a fee for an inspection that the superintendent considers necessary to enable the
1620 superintendent to issue a certificate authorizing permanent occupancy of the school building.

1621 (II) A fee under Subsection (3)(a)(iv)(E)(I) may not exceed the actual cost of
1622 performing the inspection.

1623 (b) For purposes of this Subsection (3):

1624 (i) "local governmental entity" means either a municipality, for a school building
1625 located within a municipality, or a county, for a school building located within an

1626 unincorporated area in the county; and

1627 (ii) "certificate of inspection verification" means a standard inspection form developed
1628 by the state superintendent in consultation with local school boards and charter schools to
1629 verify that inspections by qualified inspectors have occurred.

1630 Section 38. Section **53A-25b-306** is amended to read:

1631 **53A-25b-306. Programs for deafblind individuals -- State deafblind education**
1632 **specialist.**

1633 (1) The board shall adopt policies and programs for providing appropriate educational
1634 services to individuals who are deafblind.

1635 (2) Except as provided in Subsection (4), the board shall designate an employee [~~of the~~
1636 ~~Utah State Office of Education~~] who holds a deafblind certification or equivalent training and
1637 expertise to:

1638 (a) act as a resource coordinator for the board on public education programs designed
1639 for individuals who are deafblind;

1640 (b) facilitate the design and implementation of professional development programs to
1641 assist school districts, charter schools, and the Utah Schools for the Deaf and the Blind in
1642 meeting the educational needs of those who are deafblind; and

1643 (c) facilitate the design of and assist with the implementation of one-on-one
1644 intervention programs in school districts, charter schools, and at the Utah Schools for the Deaf
1645 and the Blind for those who are deafblind, serving as a resource for, or team member of,
1646 individual IEP teams.

1647 (3) The board may authorize and approve the costs of an employee [~~of the Utah State~~
1648 ~~Office of Education~~] to obtain a deafblind certification or equivalent training and expertise to
1649 qualify for the position described in Subsection (2).

1650 (4) The board may contract with a third party for the services required under
1651 Subsection (2).

1652 Section 39. Section **53A-25b-501** is amended to read:

1653 **53A-25b-501. Instructional Materials Access Center -- Board to make rules.**

1654 (1) The [~~Utah State Office of Education~~] board shall collaborate with the Utah Schools
1655 for the Deaf and the Blind, school districts, and charter schools in establishing the Utah State
1656 Instructional Materials Access Center to provide students with print disabilities access to
1657 instructional materials in alternate formats in a timely manner.

1658 (2) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
1659 Administrative Rulemaking Act, to:

1660 (a) establish the Utah State Instructional Materials Access Center;

1661 (b) define how the Educational Resource Center at the Utah Schools for the Deaf and
1662 the Blind shall collaborate in the operation of the Utah State Instructional Materials Access
1663 Center;

1664 (c) specify procedures for the operation of the Utah State Instructional Materials
1665 Access Center, including procedures to:

1666 (i) identify students who qualify for instructional materials in alternate formats; and

1667 (ii) distribute and store instructional materials in alternate formats;

1668 (d) establish the contribution of school districts and charter schools towards the cost of
1669 instructional materials in alternate formats; and

1670 (e) require textbook publishers, as a condition of contract, to provide electronic file sets
1671 in conformance with the National Instructional Materials Accessibility Standard.

1672 Section 40. Section **53B-6-104** is amended to read:

1673 **53B-6-104. Multi-University Consortium for Teacher Training in Sensory**
1674 **Impairments -- Purposes -- Appropriation.**

1675 (1) (a) In conjunction with the State Board of Regents' master plan for higher
1676 education, there is established a Multi-University Consortium for Teacher Training in Sensory
1677 Impairments which is an outgrowth of a consortium established by the federal government.

1678 (b) The consortium shall include within its membership the University of Utah, Utah
1679 State University, Brigham Young University, the Utah Schools for the Deaf and the Blind, the
1680 Services for At-Risk Students section [~~of~~] under the State [~~Office~~] Board of Education, and
1681 local school districts.

1682 (2) The consortium, in collaboration with the State Board of Regents and the State
1683 Board of Education, shall develop and implement teacher preparation programs that qualify
1684 and certify instructors to work with students who are visually impaired, hearing impaired, or
1685 both visually and hearing impaired.

1686 (3) (a) There is appropriated from the General Fund for fiscal year 1994-95, \$200,000
1687 to the State Board of Regents to fund the consortium's teacher preparation programs referred to
1688 in Subsection (2).

1689 (b) The appropriation is nonlapsing.

1690 (c) The State Board of Regents shall consider including within its annual budget
1691 recommendations a line item appropriation to provide ongoing funding for the programs
1692 provided pursuant to this section.

1693 Section 41. Section **53B-17-105** is amended to read:

1694 **53B-17-105. Utah Education and Telehealth Network.**

1695 (1) There is created the Utah Education and Telehealth Network, or UETN.

1696 (2) UETN shall:

1697 (a) coordinate and support the telecommunications needs of public and higher
1698 education, public libraries, and entities affiliated with the state systems of public and higher
1699 education as approved by the Utah Education and Telehealth Network Board, including the
1700 statewide development and implementation of a network for education, which utilizes satellite,
1701 microwave, fiber-optic, broadcast, and other transmission media;

1702 (b) coordinate the various telecommunications technology initiatives of public and
1703 higher education;

1704 (c) provide high-quality, cost-effective Internet access and appropriate interface
1705 equipment for schools and school systems;

1706 (d) procure, install, and maintain telecommunication services and equipment on behalf
1707 of public and higher education;

1708 (e) develop or implement other programs or services for the delivery of distance
1709 learning and telehealth services as directed by law;

- 1710 (f) apply for state and federal funding on behalf of:
1711 (i) public and higher education; and
1712 (ii) telehealth services;
1713 (g) in consultation with health care providers from a variety of health care systems,
1714 explore and encourage the development of telehealth services as a means of reducing health
1715 care costs and increasing health care quality and access, with emphasis on assisting rural health
1716 care providers and special populations; and
1717 (h) in consultation with the Utah Department of Health, advise the governor and the
1718 Legislature on:
1719 (i) the role of telehealth in the state;
1720 (ii) the policy issues related to telehealth;
1721 (iii) the changing telehealth needs and resources in the state; and
1722 (iv) state budgetary matters related to telehealth.
1723 (3) In performing the duties under Subsection (2), UETN shall:
1724 (a) provide services to schools, school districts, and the public and higher education
1725 systems through an open and competitive bidding process;
1726 (b) work with the private sector to deliver high-quality, cost-effective services;
1727 (c) avoid duplicating facilities, equipment, or services of private providers or public
1728 telecommunications service, as defined under Section [54-8b-2](#);
1729 (d) utilize statewide economic development criteria in the design and implementation
1730 of the educational telecommunications infrastructure; and
1731 (e) assure that public service entities, such as educators, public service providers, and
1732 public broadcasters, are provided access to the telecommunications infrastructure developed in
1733 the state.
1734 (4) The University of Utah shall provide administrative support for UETN.
1735 (5) (a) The Utah Education and Telehealth Network Board, which is the governing
1736 board for UETN, is created.
1737 (b) The Utah Education and Telehealth Network Board shall have 13 members as

1738 follows:

1739 (i) four members representing the state system of higher education appointed by the
1740 commissioner of higher education;

1741 (ii) four members representing the state system of public education [~~including:~~
1742 appointed by the State Board of Education;

1743 [~~(A) three members appointed by the State Board of Education; and]~~

1744 [~~(B) one member representing the Utah State Office of Education appointed by the
1745 state superintendent;]~~

1746 (iii) one member representing applied technology centers appointed by the president of
1747 the Utah College of Applied Technology;

1748 (iv) one member representing the state library appointed by the state librarian;

1749 (v) two members representing hospitals as follows:

1750 (A) the members may not be employed by the same hospital system;

1751 (B) one member shall represent a rural hospital;

1752 (C) one member shall represent an urban hospital; and

1753 (D) the chief administrator or the administrator's designee for each hospital licensed in
1754 this state shall select the two hospital representatives; and

1755 (vi) one member representing the office of the governor, appointed by the governor.

1756 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
1757 appointed for the unexpired term.

1758 (d) (i) The board shall elect a chair.

1759 (ii) The chair shall set the agenda for the board meetings.

1760 (6) A member of the board may not receive compensation or benefits for the member's
1761 service, but may receive per diem and travel expenses in accordance with:

1762 (a) Section [63A-3-106](#);

1763 (b) Section [63A-3-107](#); and

1764 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1765 [63A-3-107](#).

- 1766 (7) The board:
- 1767 (a) shall hire an executive director for UETN who may hire staff for UETN as
- 1768 permitted by the budget;
- 1769 (b) may terminate the executive director's employment or assignment;
- 1770 (c) shall determine the executive director's salary;
- 1771 (d) shall annually conduct a performance evaluation of the executive director;
- 1772 (e) shall establish policies the board determines are necessary for the operation of
- 1773 UETN and the administration of UETN's duties; and
- 1774 (f) shall advise UETN in:
- 1775 (i) the development and operation of a coordinated, statewide, multi-option
- 1776 telecommunications system to assist in the delivery of educational services and telehealth
- 1777 services throughout the state; and
- 1778 (ii) acquiring, producing, and distributing instructional content.
- 1779 (8) The executive director of UETN shall be an at-will employee.
- 1780 (9) UETN shall locate and maintain educational and telehealth telecommunication
- 1781 infrastructure throughout the state.
- 1782 (10) Educational institutions shall manage site operations under policy established by
- 1783 UETN.
- 1784 (11) Subject to future budget constraints, the Legislature shall provide an annual
- 1785 appropriation to operate UETN.
- 1786 (12) If the network operated by the Department of Technology Services is not
- 1787 available, UETN may provide network connections to the central administration of counties
- 1788 and municipalities for the sole purpose of transferring data to a secure facility for backup and
- 1789 disaster recovery.
- 1790 Section 42. Section **53B-18-801** is amended to read:
- 1791 **53B-18-801. Establishment of the center -- Purpose -- Duties and responsibilities.**
- 1792 (1) There is hereby established the Center for the School of the Future at Utah State
- 1793 University, hereafter referred to as "the center."

1794 (2) (a) The purpose of the center is to promote best practices in the state's public
1795 education system and encourage cooperative and research development relationships between
1796 public and higher education.

1797 (b) For purposes of this section "best practices" means the best process or system that
1798 effectively achieves an educational objective.

1799 (3) The center has the following duties and responsibilities:

1800 (a) to direct its efforts to those education issues judged to be of greatest importance by
1801 the State [~~Office~~] Board of Education, school districts, and their patrons, subject to the
1802 availability of funds to sustain its efforts;

1803 (b) to coordinate and collaborate with education stakeholders, such as institutions of
1804 higher education, the State [~~Office~~] Board of Education, school districts, parent-teacher
1805 organizations, and other public and private educational interests in identifying or developing
1806 and then implementing best practices throughout the state's public education system;

1807 (c) to contribute to the creation and maintenance of a public education system that
1808 continually and systematically improves itself by building upon the most effective education
1809 policies, programs, and practices and rejecting those that are less effective;

1810 (d) to identify problems and challenges in providing educational and related services to
1811 all students in the public schools, including special education students and students at risk;

1812 (e) to identify current public and private resources at both the state and national level
1813 that are available to resolve problems or overcome challenges within the public education
1814 system and seek additional resources as necessary; and

1815 (f) to support the implementation of best practices in the public education system
1816 through professional development programs and dissemination of information.

1817 (4) The center in collaboration with the State [~~Office~~] Board of Education shall:

1818 (a) clarify the problems and challenges identified under this section, identify desired
1819 outcomes, and agree upon measures of outcomes;

1820 (b) prioritize the problems and challenges;

1821 (c) identify readily accessible resources to solve problems and challenges, including

1822 best practices that could be implemented with little or no adaptation;

1823 (d) determine whether new programs or procedures should be developed, and estimate
1824 the extent of effort required for that development;

1825 (e) determine which existing programs should be eliminated; and

1826 (f) assist in implementing solutions, monitoring accomplishments, disseminating
1827 results, and facilitating the extension of successful efforts to new settings.

1828 Section 43. Section **53D-1-102** is amended to read:

1829 **53D-1-102. Definitions.**

1830 (1) "Account" means the School and Institutional Trust Fund Management Account,
1831 created in Section [53D-1-203](#).

1832 (2) "Beneficiaries":

1833 (a) means those for whose benefit the trust fund is managed and preserved, consistent
1834 with the enabling act, the Utah Constitution, and state law; and

1835 (b) does not include other government institutions or agencies, the public at large, or
1836 the general welfare of the state.

1837 (3) "Board" means the board of trustees established in Section [53D-1-301](#).

1838 (4) "Director" means the director of the office.

1839 (5) "Enabling act" means the act of Congress, dated July 16, 1894, enabling the people
1840 of Utah to form a constitution and state government and to be admitted into the Union.

1841 (6) "Nominating committee" means the committee established under Section
1842 [53D-1-501](#).

1843 (7) "Office" means the School and Institutional Trust Fund Office, created in Section
1844 [53D-1-201](#).

1845 (8) "School children's trust section" means the School Children's Trust Section [~~within~~]
1846 under the State [Office] Board of Education, established in Section [53A-16-101.6](#).

1847 (9) "Trust fund" means money derived from:

1848 (a) the sale or use of land granted to the state under Sections 6, 8, and 12 of the
1849 enabling act;

1850 (b) proceeds referred to in Section 9 of the enabling act from the sale of public land;
1851 and

1852 (c) revenue and assets referred to in Utah Constitution, Article X, Section 5,
1853 Subsections (1)(c), (e), and (f).

1854 Section 44. Section ~~58-41-4~~ is amended to read:

1855 **58-41-4. Exemptions from chapter.**

1856 (1) In addition to the exemptions from licensure in Section ~~58-1-307~~, the following
1857 persons may engage in the practice of speech-language pathology and audiology subject to the
1858 stated circumstances and limitations without being licensed under this chapter:

1859 (a) a qualified person licensed in this state under any law existing in this state prior to
1860 May 13, 1975, from engaging in the profession for which he is licensed;

1861 (b) a medical doctor, physician, or surgeon licensed in this state, from engaging in his
1862 specialty in the practice of medicine;

1863 (c) a hearing aid dealer or salesman from selling, fitting, adjusting, and repairing
1864 hearing aids, and conducting hearing tests solely for that purpose. However, a hearing aid
1865 dealer may not conduct audiologic testing on persons under the age of 18 years except under
1866 the direct supervision of an audiologist licensed under this chapter;

1867 (d) a person who has obtained a valid and current credential issued by the [~~Utah~~ State
1868 [~~Office~~] Board of Education while performing specifically the functions of a speech-language
1869 pathologist or audiologist, in no way in his own interest, solely within the confines of and
1870 under the direction and jurisdiction of and only in the academic interest of the schools by which
1871 employed in this state;

1872 (e) a person employed as a speech-language pathologist or audiologist by federal
1873 government agencies or subdivisions or, prior to July 1, 1989, by state or local government
1874 agencies or subdivisions, while specifically performing speech-language pathology or
1875 audiology services in no way in his own interest, solely within the confines of and under the
1876 direction and jurisdiction of and in the specific interest of that agency or subdivision;

1877 (f) a person identified in Subsections (1)(d) and (e) may offer lectures for a fee, or

1878 monetary or other compensation, without being licensed; however, such person may elect to be
1879 subject to the requirements of this chapter;

1880 (g) a person employed by accredited colleges or universities as a speech-language
1881 pathologist or audiologist from performing the services or functions described in this chapter
1882 when they are:

1883 (i) performed solely as an assigned teaching function of employment;

1884 (ii) solely in academic interest and pursuit as a function of that employment;

1885 (iii) in no way for their own interest; and

1886 (iv) provided for no fee, monetary or otherwise, other than their agreed institutional
1887 salary;

1888 (h) a person pursuing a course of study leading to a degree in speech-language
1889 pathology or audiology while enrolled in an accredited college or university, provided those
1890 activities constitute an assigned, directed, and supervised part of his curricular study, and in no
1891 other interest, and that all examinations, tests, histories, charts, progress notes, reports,
1892 correspondence, and all documents and records which he produces be identified clearly as
1893 having been conducted and prepared by a student in training and that such a person is
1894 obviously identified and designated by appropriate title clearly indicating the training status
1895 and provided that he does not hold himself out directly or indirectly as being qualified to
1896 practice independently;

1897 (i) a person trained in elementary audiometry and qualified to perform basic
1898 audiometric tests while employed by a licensed medical doctor to perform solely for him while
1899 under his direct supervision, the elementary conventional audiometric tests of air conduction
1900 screening, air conduction threshold testing, and tympanometry;

1901 (j) a person while performing as a speech-language pathologist or audiologist for the
1902 purpose of obtaining required professional experience under the provisions of this chapter, if he
1903 meets all training requirements and is professionally responsible to and under the supervision
1904 of a speech-language pathologist or audiologist who holds the CCC or a state license in
1905 speech-language pathology or audiology. This provision is applicable only during the time that

1906 person is obtaining the required professional experience;

1907 (k) a corporation, partnership, trust, association, group practice, or like organization
1908 engaging in speech-language pathology or audiology services without certification or license, if
1909 it acts only through employees or consists only of persons who are licensed under this chapter;

1910 (l) performance of speech-language pathology or audiology services in this state by a
1911 speech-language pathologist or audiologist who is not a resident of this state and is not licensed
1912 under this chapter if those services are performed for no more than one month in any calendar
1913 year in association with a speech-language pathologist or audiologist licensed under this
1914 chapter, and if that person meets the qualifications and requirements for application for
1915 licensure described in Section 58-41-5; and

1916 (m) a person certified under Title 53A, State System of Public Education, as a teacher
1917 of the deaf, from providing the services or performing the functions he is certified to perform.

1918 (2) No person is exempt from the requirements of this chapter who performs or
1919 provides any services as a speech-language pathologist or audiologist for which a fee, salary,
1920 bonus, gratuity, or compensation of any kind paid by the recipient of the service; or who
1921 engages any part of his professional work for a fee practicing in conjunction with, by
1922 permission of, or apart from his position of employment as speech-language pathologist or
1923 audiologist in any branch or subdivision of local, state, or federal government or as otherwise
1924 identified in this section.

1925 Section 45. Section 59-10-1307 is amended to read:

1926 **59-10-1307. Contributions for education.**

1927 (1) Except as provided in Section 59-10-1304, a resident or nonresident individual that
1928 files an individual income tax return under this chapter may designate on the resident or
1929 nonresident individual's individual income tax return a contribution as provided in this part to:

1930 (a) the foundation of any school district if that foundation is exempt from federal
1931 income taxation under Section 501(c)(3), Internal Revenue Code; or

1932 (b) a school district described in Title 53A, Chapter 2, School Districts, if the school
1933 district has not established a foundation.

1934 (2) If a resident or nonresident individual designates an amount as a contribution
1935 under:

1936 (a) Subsection (1)(a), but does not designate a particular school district foundation to
1937 receive the contribution, the contribution shall be made to the [Utah] State [Office] Board of
1938 Education to be distributed to one or more associations of foundations:

1939 (i) if those foundations that are members of the association are established in
1940 accordance with Section 53A-4-205; and

1941 (ii) as determined by the [Utah] State [Office] Board of Education; or

1942 (b) Subsection (1)(b), but does not designate a particular school district to receive the
1943 contribution, the contribution shall be made to the [Utah] State [Office] Board of Education.

1944 (3) The commission shall:

1945 (a) determine annually the total amount of contributions designated to each entity
1946 described in Subsection (1) in accordance with this section; and

1947 (b) subject to Subsection (2), credit the amounts described in Subsection (1) to the
1948 entities.

1949 Section 46. Section 62A-4a-412 is amended to read:

1950 **62A-4a-412. Reports and information confidential.**

1951 (1) Except as otherwise provided in this chapter, reports made pursuant to this part, as
1952 well as any other information in the possession of the division obtained as the result of a report
1953 are private, protected, or controlled records under Title 63G, Chapter 2, Government Records
1954 Access and Management Act, and may only be made available to:

1955 (a) a police or law enforcement agency investigating a report of known or suspected
1956 abuse or neglect;

1957 (b) a physician who reasonably believes that a child may be the subject of abuse or
1958 neglect;

1959 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
1960 who is the subject of a report;

1961 (d) a contract provider that has a written contract with the division to render services to

- 1962 a minor who is the subject of a report;
- 1963 (e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural
1964 parents of the child, and the guardian ad litem;
- 1965 (f) a court, upon a finding that access to the records may be necessary for the
1966 determination of an issue before the court, provided that in a divorce, custody, or related
1967 proceeding between private parties, the record alone is:
- 1968 (i) limited to objective or undisputed facts that were verified at the time of the
1969 investigation; and
- 1970 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
1971 ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or
1972 neglect of another person;
- 1973 (g) an office of the public prosecutor or its deputies in performing an official duty;
- 1974 (h) a person authorized by a Children's Justice Center, for the purposes described in
1975 Section 67-5b-102;
- 1976 (i) a person engaged in bona fide research, when approved by the director of the
1977 division, if the information does not include names and addresses;
- 1978 (j) the State [~~Office~~] Board of Education, acting on behalf of itself or on behalf of a
1979 school district, for the purpose of evaluating whether an individual should be permitted to
1980 obtain or retain a license as an educator or serve as an employee or volunteer in a school,
1981 limited to information with substantiated findings involving an alleged sexual offense, an
1982 alleged felony or class A misdemeanor drug offense, or any alleged offense against the person
1983 under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the
1984 office must provide the subject of a report received under Subsection (1)(k) with an
1985 opportunity to respond to the report before making a decision concerning licensure or
1986 employment;
- 1987 (k) any person identified in the report as a perpetrator or possible perpetrator of abuse
1988 or neglect, after being advised of the screening prohibition in Subsection (2);
- 1989 (l) except as provided in Subsection 63G-2-202(10), a person filing a petition for a

1990 child protective order on behalf of a child who is the subject of the report; and

1991 (m) a licensed child-placing agency or person who is performing a preplacement
1992 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and
1993 78B-6-130.

1994 (2) (a) A person, unless listed in Subsection (1), may not request another person to
1995 obtain or release a report or any other information in the possession of the division obtained as
1996 a result of the report that is available under Subsection (1)(k) to screen for potential
1997 perpetrators of abuse or neglect.

1998 (b) A person who requests information knowing that it is a violation of Subsection
1999 (2)(a) to do so is subject to the criminal penalty in Subsection (4).

2000 (3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division
2001 and law enforcement officials shall ensure the anonymity of the person or persons making the
2002 initial report and any others involved in its subsequent investigation.

2003 (b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but
2004 including this chapter and Title 63G, Chapter 2, Government Records Access and Management
2005 Act, when the division makes a report or other information in its possession available under
2006 Subsection (1)(e) to a subject of the report or a parent of a child, the division shall remove from
2007 the report or other information only the names, addresses, and telephone numbers of
2008 individuals or specific information that could:

- 2009 (i) identify the referent;
- 2010 (ii) impede a criminal investigation; or
- 2011 (iii) endanger a person's safety.

2012 (4) Any person who wilfully permits, or aides and abets the release of data or
2013 information obtained as a result of this part, in the possession of the division or contained on
2014 any part of the Management Information System, in violation of this part or Sections
2015 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

2016 (5) The physician-patient privilege is not a ground for excluding evidence regarding a
2017 child's injuries or the cause of those injuries, in any proceeding resulting from a report made in

2018 good faith pursuant to this part.

2019 (6) A child-placing agency or person who receives a report in connection with a
2020 preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

2021 (a) may provide this report to the person who is the subject of the report; and

2022 (b) may provide this report to a person who is performing a preplacement adoptive
2023 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a
2024 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

2025 Section 47. Section 62A-5a-102 is amended to read:

2026 **62A-5a-102. Definitions.**

2027 As used in this chapter:

2028 (1) "Council" means the Coordinating Council for Persons with Disabilities.

2029 (2) "State agencies" means:

2030 (a) the Division of Services for People with Disabilities and the Division of Substance
2031 Abuse and Mental Health, within the Department of Human Services;

2032 (b) the Division of Health Care Financing within the Department of Health;

2033 (c) family health services programs established under Title 26, Chapter 10, Family
2034 Health Services, operated by the Department of Health;

2035 (d) the Utah State Office of Rehabilitation; and

2036 (e) special education programs operated by the State [~~Office~~] Board of Education and
2037 local school districts under Title 53A, Chapter 15, Part 3, Education of Children with
2038 Disabilities.

2039 Section 48. Section 62A-15-1101 is amended to read:

2040 **62A-15-1101. Suicide prevention -- Reporting requirements.**

2041 (1) As used in the section:

2042 (a) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201
2043 within the Department of Public Safety.

2044 (b) "Division" means the Division of Substance Abuse and Mental Health.

2045 (c) "Intervention" means an effort to prevent a person from attempting suicide.

2046 (d) "Postvention" means mental health intervention after a suicide attempt or death to
2047 prevent or contain contagion.

2048 (e) "State suicide prevention coordinator" means an individual designated by the
2049 division as described in Subsections (2) and (3).

2050 (2) The division shall appoint a state suicide prevention coordinator to administer a
2051 state suicide prevention program composed of suicide prevention, intervention, and postvention
2052 programs, services, and efforts.

2053 (3) The state suicide prevention program may include the following components:

2054 (a) delivery of resources, tools, and training to community-based coalitions;

2055 (b) evidence-based suicide risk assessment tools and training;

2056 (c) town hall meetings for building community-based suicide prevention strategies;

2057 (d) suicide prevention gatekeeper training;

2058 (e) training to identify warning signs and to manage an at-risk individual's crisis;

2059 (f) evidence-based intervention training;

2060 (g) intervention skills training; and

2061 (h) postvention training.

2062 (4) The state suicide prevention coordinator shall coordinate with at least the
2063 following:

2064 (a) local mental health and substance abuse authorities;

2065 (b) the State Board of Education, including the [~~State Office of Education~~] public
2066 education suicide prevention coordinator described in Section [53A-15-1301](#);

2067 (c) the Department of Health;

2068 (d) health care providers, including emergency rooms; and

2069 (e) other public health suicide prevention efforts.

2070 (5) The state suicide prevention coordinator shall provide a written report, and shall
2071 orally report to the Health and Human Services Interim Committee, by the October meeting
2072 every year, on:

2073 (a) implementation of the state suicide prevention program, as described in Subsections

2074 (2) and (3);

2075 (b) data measuring the effectiveness of each component of the state suicide prevention
2076 program;

2077 (c) funds appropriated for each component of the state suicide prevention program; and

2078 (d) five-year trends of suicides in Utah, including subgroups of youths and adults and
2079 other subgroups identified by the state suicide prevention coordinator.

2080 (6) The state suicide prevention coordinator shall report to the Legislature's Education
2081 Interim Committee, by the October 2015 meeting, jointly with the State Board of Education, on
2082 the coordination of suicide prevention programs and efforts with the State Board of Education
2083 and the [~~State Office of Education~~] public education suicide prevention coordinator as
2084 described in Section 53A-15-1301.

2085 (7) The state suicide prevention coordinator shall consult with the bureau to implement
2086 and manage the operation of a firearm safety program, as described in Subsection
2087 53-10-202(18) and Section 53-10-202.1.

2088 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2089 division shall make rules governing the implementation of the state suicide prevention
2090 program, consistent with this section.

2091 Section 49. Section **63A-9-101** is amended to read:

2092 **63A-9-101. Definitions.**

2093 (1) (a) "Agency" means each department, commission, board, council, agency,
2094 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
2095 unit, bureau, panel, or other administrative unit of the state.

2096 (b) "Agency" includes the State Board of Education[, ~~the Office of Education~~], each
2097 Applied Technology Center, the Board of Regents, the institutional councils of each higher
2098 education institution, and each higher education institution.

2099 (c) "Agency" includes the legislative and judicial branches.

2100 (2) "Committee" means the Motor Vehicle Review Committee created by this chapter.

2101 (3) "Director" means the director of the division.

2102 (4) "Division" means the Division of Fleet Operations created by this chapter.

2103 (5) "Executive director" means the executive director of the Department of
2104 Administrative Services.

2105 (6) "Local agency" means:

2106 (a) a county;

2107 (b) a municipality;

2108 (c) a school district;

2109 (d) a local district;

2110 (e) a special service district;

2111 (f) an interlocal entity as defined under Section [11-13-103](#); or

2112 (g) any other political subdivision of the state, including a local commission, board, or
2113 other governmental entity that is vested with the authority to make decisions regarding the
2114 public's business.

2115 (7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.

2116 (b) "Motor vehicle" includes vehicles used for construction and other nontransportation
2117 purposes.

2118 (8) "State vehicle" means each motor vehicle owned, operated, or in the possession of
2119 an agency.

2120 Section 50. Section **63B-3-301** is amended to read:

2121 **63B-3-301. Legislative intent -- Additional projects.**

2122 (1) It is the intent of the Legislature that, for any lease purchase agreement that the
2123 Legislature may authorize the Division of Facilities Construction and Management to enter into
2124 during its 1994 Annual General Session, the State Building Ownership Authority, at the
2125 reasonable rates and amounts it may determine, and with technical assistance from the state
2126 treasurer, the director of the Division of Finance, and the executive director of the Governor's
2127 Office of Management and Budget, may seek out the most cost effective and prudent lease
2128 purchase plans available to the state and may, pursuant to Title 63B, Chapter 1, Part 3, State
2129 Building Ownership Authority Act, certificate out interests in, or obligations of the authority

2130 pertaining to:

2131 (a) the lease purchase obligation; or

2132 (b) lease rental payments under the lease purchase obligation.

2133 (2) It is the intent of the Legislature that the Department of Transportation dispose of
2134 surplus real properties and use the proceeds from those properties to acquire or construct
2135 through the Division of Facilities Construction and Management a new District Two Complex.

2136 (3) It is the intent of the Legislature that the State Building Board allocate funds from
2137 the Capital Improvement appropriation and donations to cover costs associated with the
2138 upgrade of the Governor's Residence that go beyond the restoration costs which can be covered
2139 by insurance proceeds.

2140 (4) (a) It is the intent of the Legislature to authorize the State Building Ownership
2141 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2142 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in
2143 which participation interests may be created, to provide up to \$10,600,000 for the construction
2144 of a Natural Resources Building in Salt Lake City, together with additional amounts necessary
2145 to:

2146 (i) pay costs of issuance;

2147 (ii) pay capitalized interest; and

2148 (iii) fund any debt service reserve requirements.

2149 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2150 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2151 director of the Division of Finance, and the executive director of the Governor's Office of
2152 Management and Budget.

2153 (c) It is the intent of the Legislature that the operating budget for the Department of
2154 Natural Resources not be increased to fund these lease payments.

2155 (5) (a) It is the intent of the Legislature to authorize the State Building Ownership
2156 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2157 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in

2158 which participation interests may be created, to provide up to \$8,300,000 for the acquisition of
2159 the office buildings currently occupied by the Department of Environmental Quality and
2160 approximately 19 acres of additional vacant land at the Airport East Business Park in Salt Lake
2161 City, together with additional amounts necessary to:

- 2162 (i) pay costs of issuance;
- 2163 (ii) pay capitalized interest; and
- 2164 (iii) fund any debt service reserve requirements.

2165 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2166 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2167 director of the Division of Finance, and the executive director of the Governor's Office of
2168 Management and Budget.

2169 (6) (a) It is the intent of the Legislature to authorize the State Building Ownership
2170 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2171 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in
2172 which participation interests may be created, to provide up to \$9,000,000 for the acquisition or
2173 construction of up to two field offices for the Department of Human Services in the
2174 southwestern portion of Salt Lake County, together with additional amounts necessary to:

- 2175 (i) pay costs of issuance;
- 2176 (ii) pay capitalized interest; and
- 2177 (iii) fund any debt service reserve requirements.

2178 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2179 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2180 director of the Division of Finance, and the executive director of the Governor's Office of
2181 Management and Budget.

2182 (7) (a) It is the intent of the Legislature to authorize the State Building Ownership
2183 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2184 Act, to issue or execute obligations or enter into or arrange for lease purchase agreements in
2185 which participation interests may be created, to provide up to \$5,000,000 for the acquisition or

2186 construction of up to 13 stores for the Department of Alcoholic Beverage Control, together
2187 with additional amounts necessary to:

- 2188 (i) pay costs of issuance;
- 2189 (ii) pay capitalized interest; and
- 2190 (iii) fund any debt service reserve requirements.

2191 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2192 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2193 director of the Division of Finance, and the executive director of the Governor's Office of
2194 Management and Budget.

2195 (c) It is the intent of the Legislature that the operating budget for the Department of
2196 Alcoholic Beverage Control not be increased to fund these lease payments.

2197 (8) (a) It is the intent of the Legislature to authorize the State Building Ownership
2198 Authority under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority
2199 Act, to issue or execute obligations or enter into or arrange for a lease purchase agreement in
2200 which participation interests may be created, to provide up to \$6,800,000 for the construction
2201 of a Prerelease and Parole Center for the Department of Corrections, containing a minimum of
2202 300 beds, together with additional amounts necessary to:

- 2203 (i) pay costs of issuance;
- 2204 (ii) pay capitalized interest; and
- 2205 (iii) fund any debt service reserve requirements.

2206 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2207 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2208 director of the Division of Finance, and the executive director of the Governor's Office of
2209 Management and Budget.

2210 (9) If S.B. 275, 1994 General Session, which authorizes funding for a Courts Complex
2211 in Salt Lake City, becomes law, it is the intent of the Legislature that:

2212 (a) the Legislative Management Committee, the Interim Appropriation Subcommittees
2213 for General Government and Capital Facilities and Executive Offices, Courts, and Corrections,

2214 the Office of the Legislative Fiscal Analyst, the Governor's Office of Management and Budget,
2215 and the State Building Board participate in a review of the proposed facility design for the
2216 Courts Complex no later than December 1994; and

2217 (b) although this review will not affect the funding authorization issued by the 1994
2218 Legislature, it is expected that Division of Facilities Construction and Management will give
2219 proper attention to concerns raised in these reviews and make appropriate design changes
2220 pursuant to the review.

2221 (10) It is the intent of the Legislature that:

2222 (a) the Division of Facilities Construction and Management, in cooperation with the
2223 Division of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services,
2224 develop a flexible use prototype facility for the Division of Youth Corrections renamed in 2003
2225 to the Division of Juvenile Justice Services;

2226 (b) the development process use existing prototype proposals unless it can be
2227 quantifiably demonstrated that the proposals cannot be used;

2228 (c) the facility is designed so that with minor modifications, it can accommodate
2229 detention, observation and assessment, transition, and secure programs as needed at specific
2230 geographical locations;

2231 (d) (i) funding as provided in the fiscal year 1995 bond authorization for the Division
2232 of Youth Corrections renamed in 2003 to the Division of Juvenile Justice Services is used to
2233 design and construct one facility and design the other;

2234 (ii) the Division of Youth Corrections renamed in 2003 to the Division of Juvenile
2235 Justice Services shall:

2236 (A) determine the location for the facility for which design and construction are fully
2237 funded; and

2238 (B) in conjunction with the Division of Facilities Construction and Management,
2239 determine the best methodology for design and construction of the fully funded facility;

2240 (e) the Division of Facilities Construction and Management submit the prototype as
2241 soon as possible to the Infrastructure and General Government Appropriations Subcommittee

2242 and Executive Offices, Criminal Justice, and Legislature Appropriation Subcommittee for
2243 review;

2244 (f) the Division of Facilities Construction and Management issue a Request for
2245 Proposal for one of the facilities, with that facility designed and constructed entirely by the
2246 winning firm;

2247 (g) the other facility be designed and constructed under the existing Division of
2248 Facilities Construction and Management process;

2249 (h) that both facilities follow the program needs and specifications as identified by
2250 Division of Facilities Construction and Management and the Division of Youth Corrections
2251 renamed in 2003 to the Division of Juvenile Justice Services in the prototype; and

2252 (i) the fully funded facility should be ready for occupancy by September 1, 1995.

2253 (11) It is the intent of the Legislature that the fiscal year 1995 funding for the State Fair
2254 Park Master Study be used by the Division of Facilities Construction and Management to
2255 develop a master plan for the State Fair Park that:

2256 (a) identifies capital facilities needs, capital improvement needs, building
2257 configuration, and other long term needs and uses of the State Fair Park and its buildings; and

2258 (b) establishes priorities for development, estimated costs, and projected timetables.

2259 (12) It is the intent of the Legislature that:

2260 (a) the Division of Facilities Construction and Management, in cooperation with the
2261 Division of Parks and Recreation and surrounding counties, develop a master plan and general
2262 program for the phased development of Antelope Island;

2263 (b) the master plan:

2264 (i) establish priorities for development;

2265 (ii) include estimated costs and projected time tables; and

2266 (iii) include recommendations for funding methods and the allocation of
2267 responsibilities between the parties; and

2268 (c) the results of the effort be reported to the Natural Resources, Agriculture, and
2269 Environmental Quality Appropriations Subcommittee and Infrastructure and General

2270 Government Appropriations Subcommittee.

2271 (13) It is the intent of the Legislature to authorize the University of Utah to use:

2272 (a) bond reserves to plan, design, and construct the Kingsbury Hall renovation under
2273 the supervision of the director of the Division of Facilities Construction and Management
2274 unless supervisory authority is delegated by the director; and

2275 (b) donated and other nonappropriated funds to plan, design, and construct the Biology
2276 Research Building under the supervision of the director of the Division of Facilities
2277 Construction and Management unless supervisory authority is delegated by the director.

2278 (14) It is the intent of the Legislature to authorize Utah State University to use:

2279 (a) federal and other funds to plan, design, and construct the Bee Lab under the
2280 supervision of the director of the Division of Facilities Construction and Management unless
2281 supervisory authority is delegated by the director;

2282 (b) donated and other nonappropriated funds to plan, design, and construct an Athletic
2283 Facility addition and renovation under the supervision of the director of the Division of
2284 Facilities Construction and Management unless supervisory authority is delegated by the
2285 director;

2286 (c) donated and other nonappropriated funds to plan, design, and construct a renovation
2287 to the Nutrition and Food Science Building under the supervision of the director of the
2288 Division of Facilities Construction and Management unless supervisory authority is delegated
2289 by the director; and

2290 (d) federal and private funds to plan, design, and construct the Millville Research
2291 Facility under the supervision of the director of the Division of Facilities Construction and
2292 Management unless supervisory authority is delegated by the director.

2293 (15) It is the intent of the Legislature to authorize Salt Lake Community College to use:

2294 (a) institutional funds to plan, design, and construct a remodel to the Auto Trades
2295 Office and Learning Center under the supervision of the director of the Division of Facilities
2296 Construction and Management unless supervisory authority is delegated by the director;

2297 (b) institutional funds to plan, design, and construct the relocation and expansion of a

2298 temporary maintenance compound under the supervision of the director of the Division of
2299 Facilities Construction and Management unless supervisory authority is delegated by the
2300 director; and

2301 (c) institutional funds to plan, design, and construct the Alder Amphitheater under the
2302 supervision of the director of the Division of Facilities Construction and Management unless
2303 supervisory authority is delegated by the director.

2304 (16) It is the intent of the Legislature to authorize Southern Utah University to use:

2305 (a) federal funds to plan, design, and construct a Community Services Building under
2306 the supervision of the director of the Division of Facilities Construction and Management
2307 unless supervisory authority is delegated by the director; and

2308 (b) donated and other nonappropriated funds to plan, design, and construct a stadium
2309 expansion under the supervision of the director of the Division of Facilities Construction and
2310 Management unless supervisory authority is delegated by the director.

2311 (17) It is the intent of the Legislature to authorize the Department of Corrections to use
2312 donated funds to plan, design, and construct a Prison Chapel at the Central Utah Correctional
2313 Facility in Gunnison under the supervision of the director of the Division of Facilities
2314 Construction and Management unless supervisory authority is delegated by the director.

2315 (18) If the Utah National Guard does not relocate in the Signetics Building, it is the
2316 intent of the Legislature to authorize the Guard to use federal funds and funds from Provo City
2317 to plan and design an Armory in Provo, Utah, under the supervision of the director of the
2318 Division of Facilities Construction and Management unless supervisory authority is delegated
2319 by the director.

2320 (19) It is the intent of the Legislature that the Utah Department of Transportation use
2321 \$250,000 of the fiscal year 1995 highway appropriation to fund an environmental study in
2322 Ogden, Utah of the 2600 North Corridor between Washington Boulevard and I-15.

2323 (20) It is the intent of the Legislature that the Ogden-Weber Applied Technology
2324 Center use the money appropriated for fiscal year 1995 to design the Metal Trades Building
2325 and purchase equipment for use in that building that could be used in metal trades or other

2326 programs in other Applied Technology Centers.

2327 (21) It is the intent of the Legislature that the Bridgerland Applied Technology Center
2328 and the Ogden-Weber Applied Technology Center projects as designed in fiscal year 1995 be
2329 considered as the highest priority projects for construction funding in fiscal year 1996.

2330 (22) It is the intent of the Legislature that:

2331 (a) the Division of Facilities Construction and Management complete physical space
2332 utilization standards by June 30, 1995, for the use of technology education activities;

2333 (b) these standards are to be developed with and approved by the State [~~Office~~] Board
2334 of Education, the Board of Regents, and the Utah State Building Board;

2335 (c) these physical standards be used as the basis for:

2336 (i) determining utilization of any technology space based on number of stations capable
2337 and occupied for any given hour of operation; and

2338 (ii) requests for any new space or remodeling;

2339 (d) the fiscal year 1995 projects at the Bridgerland Applied Technology Center and the
2340 Ogden-Weber Applied Technology Center are exempt from this process; and

2341 (e) the design of the Davis Applied Technology Center take into account the utilization
2342 formulas established by the Division of Facilities Construction and Management.

2343 (23) It is the intent of the Legislature that Utah Valley State College may use the
2344 money from the bond allocated to the remodel of the Signetics building to relocate its technical
2345 education programs at other designated sites or facilities under the supervision of the director
2346 of the Division of Facilities Construction and Management unless supervisory authority is
2347 delegated by the director.

2348 (24) It is the intent of the Legislature that the money provided for the fiscal year 1995
2349 project for the Bridgerland Applied Technology Center be used to design and construct the
2350 space associated with Utah State University and design the technology center portion of the
2351 project.

2352 (25) It is the intent of the Legislature that the governor provide periodic reports on the
2353 expenditure of the funds provided for electronic technology, equipment, and hardware to the

2354 Public Utilities and Technology Interim Committee, the Infrastructure and General
2355 Government Appropriations Subcommittee, and the Legislative Management Committee.

2356 Section 51. Section **63B-4-201** is amended to read:

2357 **63B-4-201. Legislative intent statements -- Capital facilities.**

2358 (1) (a) It is the intent of the Legislature that the University of Utah use institutional and
2359 other funds to plan, design, and construct two campus child care centers under the supervision
2360 of the director of the Division of Facilities Construction and Management unless supervisory
2361 authority is delegated by the director.

2362 (b) The university shall work with Salt Lake City and the surrounding neighborhood to
2363 ensure site compatibility for future recreational development by the city.

2364 (2) It is the intent of the Legislature that the University of Utah use institutional funds
2365 to plan, design, and construct:

2366 (a) the Union Parking structure under the supervision of the director of the Division of
2367 Facilities Construction and Management unless supervisory authority is delegated by the
2368 director;

2369 (b) the stadium renovation under the supervision of the director of the Division of
2370 Facilities Construction and Management unless supervisory authority is delegated by the
2371 director;

2372 (c) the Huntsman Cancer Institute under the supervision of the director of the Division
2373 of Facilities Construction and Management unless supervisory authority is delegated by the
2374 director;

2375 (d) the Business Case Method Building under the supervision of the director of the
2376 Division of Facilities Construction and Management unless supervisory authority is delegated
2377 by the director; and

2378 (e) the Fine Arts Museum expansion under the supervision of the director of the
2379 Division of Facilities Construction and Management unless supervisory authority is delegated
2380 by the director.

2381 (3) It is the intent of the Legislature that Utah State University use institutional funds to

2382 plan, design, and construct:

2383 (a) a student health services facility under the supervision of the director of the
2384 Division of Facilities Construction and Management unless supervisory authority is delegated
2385 by the director;

2386 (b) a women's softball field under the supervision of the director of the Division of
2387 Facilities Construction and Management unless supervisory authority is delegated by the
2388 director;

2389 (c) an addition to the Nutrition and Food Services Building under the supervision of
2390 the director of the Division of Facilities Construction and Management unless supervisory
2391 authority is delegated by the director; and

2392 (d) a Human Resource Research Center under the supervision of the director of the
2393 Division of Facilities Construction and Management unless supervisory authority is delegated
2394 by the director.

2395 (4) It is the intent of the Legislature that Weber State University use institutional funds
2396 to plan, design, and construct:

2397 (a) a track renovation under the supervision of the director of the Division of Facilities
2398 Construction and Management unless supervisory authority is delegated by the director; and

2399 (b) the Dee Events Center offices under the supervision of the director of the Division
2400 of Facilities Construction and Management unless supervisory authority is delegated by the
2401 director.

2402 (5) It is the intent of the Legislature that Southern Utah University use:

2403 (a) institutional funds to plan, design, and construct an institutional residence under the
2404 supervision of the director of the Division of Facilities Construction and Management unless
2405 supervisory authority is delegated by the director; and

2406 (b) project revenues and other funds to plan, design, and construct the Shakespearean
2407 Festival support facilities under the supervision of the director of the Division of Facilities
2408 Construction and Management unless supervisory authority is delegated by the director.

2409 (6) It is the intent of the Legislature that Dixie College use institutional funds to plan,

2410 design, and construct an institutional residence under the supervision of the director of the
2411 Division of Facilities Construction and Management unless supervisory authority is delegated
2412 by the director.

2413 (7) It is the intent of the Legislature that the Division of Forestry, Fire, and State Lands
2414 use federal and other funds to plan, design, and construct a wetlands enhancement facility
2415 under the supervision of the director of the Division of Facilities Construction and
2416 Management unless supervisory authority is delegated by the director.

2417 (8) (a) As provided in Subsection 63A-5-209(2), the funds appropriated to the Project
2418 Reserve Fund may only be used for the award of contracts in excess of the construction budget
2419 if these funds are required to meet the intent of the project.

2420 (b) It is the intent of the Legislature that:

2421 (i) up to \$2,000,000 of the amount may be used to award the construction contract for
2422 the Ogden Court Building; and

2423 (ii) the need for any funds remaining as of December 31, 1995 be reviewed by the 1996
2424 Legislature.

2425 (9) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2426 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2427 or execute obligations or enter into or arrange for a lease purchase agreement in which
2428 participation interests may be created to provide up to \$539,700 for the purchase and
2429 demolition of the Keyston property and construction of parking facilities adjacent to the State
2430 [~~Office~~] Board of Education building in Salt Lake City, with additional amounts necessary to:

2431 (i) pay costs of issuance;

2432 (ii) pay capitalized interest; and

2433 (iii) fund any debt service reserve requirements.

2434 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2435 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2436 director of the Division of Finance, and the executive director of the Governor's Office of
2437 Management and Budget.

2438 (10) (a) It is the intent of the Legislature that the money appropriated for Phase One of
2439 the Remodeling/Life Safety Upgrades of the Browning Fine Arts Center at Weber State
2440 University is to include design of full code compliance, life safety, space necessary to maintain
2441 required programs, and seismic upgrades.

2442 (b) The design shall identify the full scope and cost of Phase Two of the remodeling for
2443 funding consideration in the fiscal year 1997 budget cycle.

2444 (11) It is the intent of the Legislature that:

2445 (a) the fiscal year 1996 appropriation for the Davis County Higher Education land
2446 purchase includes up to \$250,000 for planning purposes;

2447 (b) the Division of Facilities Construction and Management, the Board of Regents, and
2448 the assigned institution of higher education work jointly to ensure the following elements are
2449 part of the planning process:

2450 (i) projections of student enrollment and programmatic needs for the next 10 years;

2451 (ii) review and make recommendations for better use of existing space, current
2452 technologies, public/private partnerships, and other alternatives as a means to reduce the need
2453 for new facilities and still accommodate the projected student needs; and

2454 (iii) use of a master plan that includes issues of utilities, access, traffic circulation,
2455 drainage, rights of way, future developments, and other infrastructure items considered
2456 appropriate; and

2457 (c) every effort is used to minimize expenditures for this part until a definitive decision
2458 has been made by BRACC relative to Hill Air Force Base.

2459 (12) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2460 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2461 or execute obligations or enter into or arrange for a lease purchase agreement in which
2462 participation interests may be created, to provide up to \$7,400,000 for the acquisition and
2463 improvement of the Human Services Building located at 120 North 200 West, Salt Lake City,
2464 Utah, with associated parking for the Department of Human Services together with additional
2465 amounts necessary to:

- 2466 (i) pay costs of issuance;
- 2467 (ii) pay capitalized interest; and
- 2468 (iii) fund any debt service reserve requirements.

2469 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2470 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2471 director of the Division of Finance, and the executive director of the Governor's Office of
2472 Management and Budget.

2473 (13) (a) It is the intent of the Legislature that the State Building Ownership Authority,
2474 under authority of Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, issue
2475 or execute obligations or enter into or arrange for a lease purchase agreement in which
2476 participation interests may be created to provide up to \$63,218,600 for the construction of a
2477 Salt Lake Courts Complex together with additional amounts necessary to:

- 2478 (i) pay costs of issuance;
- 2479 (ii) pay capitalized interest; and
- 2480 (iii) fund any debt service reserve requirements.

2481 (b) It is the intent of the Legislature that the authority seek out the most cost effective
2482 and prudent lease purchase plan available with technical assistance from the state treasurer, the
2483 director of the Division of Finance, and the executive director of the Governor's Office of
2484 Management and Budget.

2485 (c) It is the intent of the Legislature that the Division of Facilities Construction and
2486 Management lease land to the State Building Ownership Authority for the construction of a
2487 Salt Lake Courts Complex.

2488 (14) It is the intent of the Legislature that:

2489 (a) the Board of Regents use the higher education design project money to design no
2490 more than two higher education projects from among the following projects:

- 2491 (i) Utah State University Eastern - Student Center;
- 2492 (ii) Snow College - Noyes Building;
- 2493 (iii) University of Utah - Gardner Hall;

2494 (iv) Utah State University - Widtsoe Hall; or
2495 (v) Southern Utah University - Physical Education Building; and
2496 (b) the higher education institutions that receive approval from the Board of Regents to
2497 design projects under this chapter design those projects under the supervision of the director of
2498 the Division of Facilities Construction and Management unless supervisory authority is
2499 delegated by the director.

2500 (15) It is the intent of the Legislature that:

2501 (a) the Board of Regents may authorize the University of Utah to use institutional
2502 funds and donated funds to design Gardner Hall; and

2503 (b) if authorized by the Board of Regents, the University of Utah may use institutional
2504 funds and donated funds to design Gardner Hall under the supervision of the director of the
2505 Division of Facilities Construction and Management unless supervisory authority is delegated
2506 by the director.

2507 (16) It is the intent of the Legislature that the Division of Facilities Construction and
2508 Management use up to \$250,000 of the capital improvement money to fund the site
2509 improvements required at the San Juan campus of the Utah State University Eastern.

2510 Section 52. Section **63B-5-201** is amended to read:

2511 **63B-5-201. Legislative intent statements.**

2512 (1) If the United States Department of Defense has not provided matching funds to
2513 construct the National Guard Armory in Orem by December 31, 1997, the Division of Facilities
2514 Construction and Management shall transfer any funds received from issuance of a General
2515 Obligation Bond for benefit of the Orem Armory to the Provo Armory for capital
2516 improvements.

2517 (2) It is the intent of the Legislature that the University of Utah use institutional funds
2518 to plan, design, and construct:

2519 (a) the Health Science East parking structure under the supervision of the director of
2520 the Division of Facilities Construction and Management unless supervisory authority is
2521 delegated by the director;

2522 (b) the Health Science Office Building under the supervision of the director of the
2523 Division of Facilities Construction and Management unless supervisory authority is delegated
2524 by the director; and

2525 (c) the new Student Housing/Olympic Athletes Village under the supervision of the
2526 director of the Division of Facilities Construction and Management unless supervisory
2527 authority is delegated by the director.

2528 (3) It is the intent of the Legislature that Utah State University use institutional funds to
2529 plan, design, and construct a multipurpose facility under the supervision of the director of the
2530 Division of Facilities Construction and Management unless supervisory authority is delegated
2531 by the director.

2532 (4) It is the intent of the Legislature that the Utah Geologic Survey use agency internal
2533 funding to plan, design, and construct a sample library facility under the supervision of the
2534 director of the Division of Facilities Construction and Management unless supervisory
2535 authority is delegated by the director.

2536 (5) (a) If legislation introduced in the 1996 General Session to fund the Wasatch State
2537 Park Club House does not pass, the State Building Ownership Authority, under authority of
2538 Title 63B, Chapter 1, Part 3, State Building Ownership Authority Act, may issue or execute
2539 obligations, or enter into or arrange for a lease purchase agreement in which participation
2540 interests may be created, to provide up to \$1,500,000 for the remodel and expansion of the
2541 clubhouse at Wasatch Mountain State Park for the Division of Parks and Recreation, together
2542 with additional amounts necessary to:

- 2543 (i) pay costs of issuance;
- 2544 (ii) pay capitalized interest; and
- 2545 (iii) fund any debt service reserve requirements.

2546 (b) The State Building Ownership Authority shall work cooperatively with the
2547 Division of Parks and Recreation to seek out the most cost effective and prudent lease purchase
2548 plan available.

2549 (6) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter

2550 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2551 into or arrange for a lease purchase agreement in which participation interests may be created,
2552 to provide up to \$835,300 for the construction of a liquor store in the Snyderville area, together
2553 with additional amounts necessary to:

- 2554 (i) pay costs of issuance;
- 2555 (ii) pay capitalized interest; and
- 2556 (iii) fund any debt service reserve requirements.

2557 (b) The State Building Ownership Authority shall work cooperatively with the
2558 Department of Alcoholic Beverage Control to seek out the most cost effective and prudent
2559 lease purchase plan available.

2560 (7) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2561 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2562 into or arrange for a lease purchase agreement in which participation interests may be created,
2563 to provide up to \$15,000,000 for the construction of the Huntsman Cancer Institute, together
2564 with additional amounts necessary to:

- 2565 (i) pay costs of issuance;
- 2566 (ii) pay capitalized interest; and
- 2567 (iii) fund any debt service reserve requirements.

2568 (b) The State Building Ownership Authority shall work cooperatively with the
2569 University of Utah to seek out the most cost effective and prudent lease purchase plan
2570 available.

2571 (c) It is the intent of the Legislature that the University of Utah lease land to the State
2572 Building Ownership Authority for the construction of the Huntsman Cancer Institute facility.

2573 (8) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2574 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2575 into or arrange for a lease purchase agreement in which participation interests may be created,
2576 to provide up to \$857,600 for the construction of an addition to the Human Services facility in
2577 Vernal, Utah together with additional amounts necessary to:

- 2578 (i) pay costs of issuance;
- 2579 (ii) pay capitalized interest; and
- 2580 (iii) fund any debt service reserve requirements.

2581 (b) The State Building Ownership Authority shall work cooperatively with the
2582 Department of Human Services to seek out the most cost effective and prudent lease purchase
2583 plan available.

2584 (9) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2585 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2586 into or arrange for a lease purchase agreement in which participation interests may be created,
2587 to provide up to \$3,470,200 for the construction of the Student Services Center, at Utah State
2588 University Eastern, together with additional amounts necessary to:

- 2589 (i) pay costs of issuance;
- 2590 (ii) pay capitalized interest; and
- 2591 (iii) fund any debt service reserve requirements.

2592 (b) The State Building Ownership Authority shall work cooperatively with Utah State
2593 University Eastern to seek out the most cost effective and prudent lease purchase plan
2594 available.

2595 (10) (a) Notwithstanding anything to the contrary in Title 53B, Chapter 21, Revenue
2596 Bonds, which prohibits the issuance of revenue bonds payable from legislative appropriations,
2597 the State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue
2598 bonds or other evidences of indebtedness of Dixie College to borrow money on the credit of
2599 the income and revenues, including legislative appropriations, of Dixie College, to finance the
2600 acquisition of the Dixie Center.

2601 (b) (i) The bonds or other evidences of indebtedness authorized by this section shall be
2602 issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions
2603 and in amounts that the board, by resolution, determines are reasonable and necessary and may
2604 not exceed \$6,000,000 together with additional amounts necessary to:

- 2605 (A) pay cost of issuance;

2606 (B) pay capitalized interest; and

2607 (C) fund any debt service reserve requirements.

2608 (ii) To the extent that future legislative appropriations will be required to provide for
2609 payment of debt service in full, the board shall ensure that the revenue bonds are issued
2610 containing a clause that provides for payment from future legislative appropriations that are
2611 legally available for that purpose.

2612 (11) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2613 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2614 into or arrange for a lease purchase agreement in which participation interests may be created,
2615 to provide up to \$10,479,000 for the construction of a facility for the Courts - Davis County
2616 Regional Expansion, together with additional amounts necessary to:

2617 (i) pay costs of issuance;

2618 (ii) pay capitalized interest; and

2619 (iii) fund any debt service reserve requirements.

2620 (b) The State Building Ownership Authority shall work cooperatively with the Office
2621 of the Court Administrator to seek out the most cost effective and prudent lease purchase plan
2622 available.

2623 (12) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2624 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2625 into or arrange for a lease purchase agreement in which participation interests may be created,
2626 to provide up to \$4,200,000 for the purchase and remodel of the Washington County
2627 Courthouse, together with additional amounts necessary to:

2628 (i) pay costs of issuance;

2629 (ii) pay capitalized interest; and

2630 (iii) fund any debt service reserve requirements.

2631 (b) The State Building Ownership Authority shall work cooperatively with the Office
2632 of the Court Administrator to seek out the most cost effective and prudent lease purchase plan
2633 available.

2634 (13) (a) The State Building Ownership Authority, under authority of Title 63B, Chapter
2635 1, Part 3, State Building Ownership Authority Act, may issue or execute obligations, or enter
2636 into or arrange for a lease purchase agreement in which participation interests may be created,
2637 to provide up to \$14,299,700 for the construction of a facility for the State Library and the
2638 Division of Services for the Blind and Visually Impaired, together with additional amounts
2639 necessary to:

- 2640 (i) pay costs of issuance;
- 2641 (ii) pay capitalized interest; and
- 2642 (iii) fund any debt service reserve requirements.

2643 (b) The State Building Ownership Authority shall work cooperatively with the [~~Office~~]
2644 State Board of Education and the Governor's Office of Economic Development to seek out the
2645 most cost effective and prudent lease purchase plan available.

2646 Section 53. Section **63F-2-102** is amended to read:

2647 **63F-2-102. Data Security Management Council -- Membership -- Duties.**

2648 (1) There is created the Data Security Management Council composed of nine
2649 members as follows:

- 2650 (a) the chief information officer appointed under Section **63F-1-201**, or the chief
2651 information officer's designee;
- 2652 (b) one individual appointed by the governor;
- 2653 (c) one individual appointed by the speaker of the House of Representatives and the
2654 president of the Senate from the Legislative Information Technology Steering Committee; and
- 2655 (d) the highest ranking information technology official, or the highest ranking
2656 information technology official's designee, from each of:
 - 2657 (i) the Judicial Council;
 - 2658 (ii) the State Board of Regents;
 - 2659 (iii) the State [~~Office~~] Board of Education;
 - 2660 (iv) the Utah College of Applied Technology;
 - 2661 (v) the State Tax Commission; and

- 2662 (vi) the Office of the Attorney General.
- 2663 (2) The council shall elect a chair of the council by majority vote.
- 2664 (3) (a) A majority of the members of the council constitutes a quorum.
- 2665 (b) Action by a majority of a quorum of the council constitutes an action of the council.
- 2666 (4) The Department of Technology Services shall provide staff to the council.
- 2667 (5) The council shall meet monthly, or as often as necessary, to:
- 2668 (a) review existing state government data security policies;
- 2669 (b) assess ongoing risks to state government information technology;
- 2670 (c) create a method to notify state and local government entities of new risks;
- 2671 (d) coordinate data breach simulation exercises with state and local government
- 2672 entities; and
- 2673 (e) develop data security best practice recommendations for state government that
- 2674 include recommendations regarding:
- 2675 (i) hiring and training a chief information security officer for each government entity;
- 2676 (ii) continuous risk monitoring;
- 2677 (iii) password management;
- 2678 (iv) using the latest technology to identify and respond to vulnerabilities;
- 2679 (v) protecting data in new and old systems; and
- 2680 (vi) best procurement practices.
- 2681 (6) A member who is not a member of the Legislature may not receive compensation
- 2682 or benefits for the member's service but may receive per diem and travel expenses as provided
- 2683 in:
- 2684 (a) Section [63A-3-106](#);
- 2685 (b) Section [63A-3-107](#); and
- 2686 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).
- 2687 Section 54. Section **63G-6a-202** is amended to read:
- 2688 **63G-6a-202. Creation of Utah State Procurement Policy Board.**
- 2689 (1) There is created the Utah State Procurement Policy Board.

- 2690 (2) The board consists of up to 15 members as follows:
- 2691 (a) two representatives of state institutions of higher education, appointed by the board
- 2692 of regents;
- 2693 (b) a representative of the Department of Human Services, appointed by the executive
- 2694 director of that department;
- 2695 (c) a representative of the Department of Transportation, appointed by the executive
- 2696 director of that department;
- 2697 (d) two representatives of school districts, appointed by the State [~~Office~~] Board of
- 2698 Education;
- 2699 (e) a representative of the Division of Facilities Construction and Management,
- 2700 appointed by the director of that division;
- 2701 (f) one representative of a county, appointed by the Utah Association of Counties;
- 2702 (g) one representative of a city or town, appointed by the Utah League of Cities and
- 2703 Towns;
- 2704 (h) two representatives of local districts or special service districts, appointed by the
- 2705 Utah Association of Special Districts;
- 2706 (i) the executive director of the Department of Technology Services or the executive
- 2707 director's designee;
- 2708 (j) the chief procurement officer or the chief procurement officer's designee; and
- 2709 (k) two representatives of state agencies, other than a state agency already represented
- 2710 on the board, appointed by the executive director of the Department of Administrative
- 2711 Services, with the approval of the executive director of the state agency that employs the
- 2712 employee.
- 2713 (3) Members of the board shall be knowledgeable and experienced in, and have
- 2714 supervisory responsibility for, procurement in their official positions.
- 2715 (4) A board member may serve as long as the member meets the description in
- 2716 Subsection (2) unless removed by the person or entity with the authority to appoint the board
- 2717 member.

- 2718 (5) (a) The board shall:
- 2719 (i) adopt rules of procedure for conducting its business; and
- 2720 (ii) elect a chair to serve for one year.
- 2721 (b) The chair of the board shall be selected by a majority of the members of the board
- 2722 and may be elected to succeeding terms.
- 2723 (c) The chief procurement officer shall designate an employee of the division to serve
- 2724 as the nonvoting secretary to the policy board.
- 2725 (6) A member of the board may not receive compensation or benefits for the member's
- 2726 service, but may receive per diem and travel expenses in accordance with:
- 2727 (a) Section 63A-3-106;
- 2728 (b) Section 63A-3-107; and
- 2729 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 2730 63A-3-107.
- 2731 Section 55. Section 63G-10-102 is amended to read:
- 2732 **63G-10-102. Definitions.**
- 2733 As used in this chapter:
- 2734 (1) (a) "Action settlement agreement" includes a stipulation, consent decree, settlement
- 2735 agreement, or any other legally binding document or representation that resolves a threatened
- 2736 or pending lawsuit between the state and another party by requiring the state to take legally
- 2737 binding action.
- 2738 (b) "Action settlement agreement" includes stipulations, consent decrees, settlement
- 2739 agreements, and other legally binding documents or representations resolving a dispute
- 2740 between the state and another party when the state is required to pay money and required to
- 2741 take legally binding action.
- 2742 (c) "Action settlement agreement" does not include:
- 2743 (i) the internal process established by the Department of Transportation to resolve
- 2744 construction contract claims;
- 2745 (ii) any resolution of an employment dispute or claim made by an employee of the state

2746 of Utah against the state as employer;

2747 (iii) adjudicative orders issued by the State Tax Commission, the Public Service
2748 Commission, the Labor Commission, or the Department of Workforce Services; or

2749 (iv) the settlement of disputes arising from audits, defaults, or breaches of permits,
2750 contracts of sale, easements, or leases by the School and Institutional Trust Lands
2751 Administration.

2752 (2) (a) "Agency" means each department, commission, board, council, agency,
2753 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
2754 unit, bureau, panel, or other administrative unit of the state.

2755 (b) "Agency" includes the legislative branch, the judicial branch, the attorney general's
2756 office, the State [~~Office~~] Board of Education, the Board of Regents, the institutional councils of
2757 each higher education institution, and each higher education institution.

2758 (3) (a) "Financial settlement agreement" includes a stipulation, consent decree,
2759 settlement agreement, and any other legally binding document or representation that resolves a
2760 dispute between the state and another party exclusively by requiring the payment of money
2761 from one party to the other.

2762 (b) "Financial settlement agreement" does not include:

2763 (i) agreements made under the internal process established by the Department of
2764 Transportation to resolve construction contract claims;

2765 (ii) adjudicative orders issued by the State Tax Commission, Public Service
2766 Commission, Labor Commission, or the Department of Workforce Services;

2767 (iii) the settlement of disputes arising from audits, defaults, or breaches of permits,
2768 contracts of sale, easements, or leases by the School and Institutional Trust Lands
2769 Administration; or

2770 (iv) agreements made under the internal processes established by the Division of
2771 Facilities Construction and Management or by law to resolve construction contract claims
2772 made against the state by contractors or subcontractors.

2773 (4) "Government entities" means the state and its political subdivisions.

2774 Section 56. Section **63G-12-209** is amended to read:

2775 **63G-12-209. Proficiency standards for English.**

2776 (1) A permit holder shall in good faith use best efforts to become proficient in the
2777 English language at or above the equivalent to an intermediate level on a language proficiency
2778 assessment test used by the State [~~Office~~] Board of Education for purposes of secondary school
2779 students.

2780 (2) An undocumented individual shall pay the costs of complying with this section.

2781 Section 57. Section **63I-5-102** is amended to read:

2782 **63I-5-102. Definitions.**

2783 As used in this chapter:

2784 (1) "Agency governing board" is any board or commission that has policy making and
2785 oversight responsibility over the agency, including the authority to appoint and remove the
2786 agency director.

2787 (2) "Agency head" means a cabinet officer, an elected official, an executive director, or
2788 a board or commission vested with responsibility to administer or make policy for a state
2789 agency.

2790 (3) "Agency internal audit director" or "audit director" means the person who:

2791 (a) directs the internal audit program for the state agency; and

2792 (b) is appointed by the audit committee or, if no audit committee has been established,
2793 by the agency head.

2794 (4) "Appointing authority" means:

2795 (a) the governor, for state agencies other than the State Tax Commission;

2796 (b) the Judicial Council, for judicial branch agencies;

2797 (c) the Board of Regents, for higher education entities;

2798 (d) the State Board of Education, for [~~the State Office~~] entities administered by the
2799 State Board of Education; [~~and~~] or

2800 (e) the four tax commissioners, for the State Tax Commission.

2801 (5) "Audit committee" means a standing committee composed of members who:

2802 (a) are appointed by an appointing authority;
2803 (b) (i) do not have administrative responsibilities within the agency; and
2804 (ii) are not an agency contractor or other service provider; and
2805 (c) have the expertise to provide effective oversight of and advice about internal audit
2806 activities and services.

2807 (6) "Audit plan" means a prioritized list of audits to be performed by an internal audit
2808 program within a specified period of time.

2809 (7) "Higher education entity" means the Board of Regents, the institutional councils of
2810 each higher education institution, [~~and~~] or each higher education institution.

2811 (8) "Internal audit" means an independent appraisal activity established within a state
2812 agency as a control system to examine and evaluate the adequacy and effectiveness of other
2813 internal control systems within the agency.

2814 (9) "Internal audit program" means an audit function that:

2815 (a) is conducted by an agency, division, bureau, or office, independent of the agency,
2816 division, bureau, or office operations;

2817 (b) objectively evaluates the effectiveness of agency, division, bureau, or office
2818 governance, risk management, internal controls, and the efficiency of operations; and

2819 (c) is conducted in accordance with the current:

2820 (i) International Standards for the Professional Practice of Internal Auditing; or

2821 (ii) The Government Auditing Standards, issued by the Comptroller General of the
2822 United States.

2823 (10) "Judicial branch agency" means each administrative entity of the judicial branch.

2824 (11) (a) "State agency" means:

2825 (i) each department, commission, board, council, agency, institution, officer,
2826 corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,
2827 or other administrative unit of the state; [~~and~~] or

2828 (ii) each state public education entity.

2829 (b) "State agency" does not mean:

- 2830 (i) a legislative branch agency;
2831 (ii) an independent state agency as defined in Section 63E-1-102;
2832 (iii) a county, municipality, school district, local district, or special service district; or
2833 (iv) any administrative subdivision of a county, municipality, school district, local
2834 district, or special service district.

2835 Section 58. Section **63I-5-201** is amended to read:

2836 **63I-5-201. Internal auditing programs -- State agencies.**

2837 (1) (a) The departments of Administrative Services, Agriculture, Commerce, Heritage
2838 and Arts, Corrections, Workforce Services, Environmental Quality, Health, Human Services,
2839 Natural Resources, Public Safety, and Transportation, and the State Tax Commission shall
2840 conduct various types of auditing procedures as determined by the agency head or governor.

2841 (b) The governor may, by executive order, require a state agency not described in
2842 Subsection (1)(a) to establish an internal audit program.

2843 (c) The governor shall ensure that each state agency that reports to the governor has
2844 adequate internal audit coverage.

2845 (2) (a) The Office of the Court Administrator shall establish an internal audit program
2846 under the direction of the Judicial Council, including auditing procedures for courts not of
2847 record.

2848 (b) The Judicial Council may, by rule, require other judicial agencies to establish an
2849 internal audit program.

2850 (3) (a) Dixie State University, the University of Utah, Utah State University, Salt Lake
2851 Community College, Southern Utah University, Utah Valley University, Weber State
2852 University, and Snow College shall establish an internal audit program under the direction of
2853 the Board of Regents.

2854 (b) The State Board of Regents may issue policies requiring other higher education
2855 entities or programs to establish an internal audit program.

2856 (4) The State [~~Office~~] Board of Education shall establish [~~under the direction of the~~
2857 ~~State Board of Education~~] an internal audit program that provides internal audit services for

2858 each program administered by the State [~~Office~~] Board of Education.

2859 (5) Subject to Section [32B-2-302.5](#), the internal audit division of the Department of
2860 Alcoholic Beverage Control shall establish an internal audit program under the direction of the
2861 Alcoholic Beverage Control Commission.

2862 Section 59. Section **63J-1-219** is amended to read:

2863 **63J-1-219. Definitions -- Federal receipts reporting requirements.**

2864 (1) As used in this section:

2865 (a) (i) "Designated state agency" means the Department of Administrative Services, the
2866 Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the
2867 Department of Commerce, the Department of Heritage and Arts, the Department of
2868 Corrections, the Department of Environmental Quality, the Department of Financial
2869 Institutions, the Department of Health, the Department of Human Resource Management, the
2870 Department of Human Services, the Department of Insurance, the Department of Natural
2871 Resources, the Department of Public Safety, the Department of Technology Services, the
2872 Department of Transportation, the Department of Veterans' and Military Affairs, the
2873 Department of Workforce Services, the Labor Commission, the Office of Economic
2874 Development, the Public Service Commission, the State Board of Regents, the State [~~Office~~]
2875 Board of Education, the State Tax Commission, or the Utah National Guard.

2876 (ii) "Designated state agency" does not include the judicial branch, the legislative
2877 branch, or an office or other entity within the judicial branch or the legislative branch.

2878 (b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C.
2879 Sec. 7501, that is reported as part of a single audit.

2880 (c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

2881 (2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or
2882 before October 31, prepare a report that:

2883 (a) reports the aggregate value of federal receipts the designated state agency received
2884 for the preceding fiscal year;

2885 (b) reports the aggregate amount of federal funds appropriated by the Legislature to the

2886 designated state agency for the preceding fiscal year;

2887 (c) calculates the percentage of the designated state agency's total budget for the
2888 preceding fiscal year that constitutes federal receipts that the designated state agency received
2889 for that fiscal year; and

2890 (d) develops plans for operating the designated state agency if there is a reduction of:

2891 (i) 5% or more in the federal receipts that the designated state agency receives; and

2892 (ii) 25% or more in the federal receipts that the designated state agency receives.

2893 (3) (a) The report required by Subsection (2) that the Board of Regents prepares shall
2894 include the information required by Subsections (2)(a) through (c) for each state institution of
2895 higher education listed in Section [53B-2-101](#).

2896 (b) The report required by Subsection (2) that the State [~~Office~~] Board of Education
2897 prepares shall include the information required by Subsections (2)(a) through (c) for each
2898 school district and each charter school within the public education system.

2899 (4) A designated state agency that prepares a report in accordance with Subsection (2)
2900 shall submit the report to the Division of Finance on or before November 1 of each year.

2901 (5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a
2902 report that:

2903 (i) compiles and summarizes the reports the Division of Finance receives in accordance
2904 with Subsection (4); and

2905 (ii) compares the aggregate value of federal receipts each designated state agency
2906 received for the previous fiscal year to the aggregate amount of federal funds appropriated by
2907 the Legislature to that designated state agency for that fiscal year.

2908 (b) The Division of Finance shall, as part of the report required by Subsection (5)(a),
2909 compile a list of designated state agencies that do not submit a report as required by this
2910 section.

2911 (6) The Division of Finance shall submit the report required by Subsection (5) to the
2912 Executive Appropriations Committee on or before December 1 of each year.

2913 (7) Upon receipt of the report required by Subsection (5), the chairs of the Executive

2914 Appropriations Committee shall place the report on the agenda for review and consideration at
2915 the next Executive Appropriations Committee meeting.

2916 (8) When considering the report required by Subsection (5), the Executive
2917 Appropriations Committee may elect to:

2918 (a) recommend that the Legislature reduce or eliminate appropriations for a designated
2919 state agency;

2920 (b) take no action; or

2921 (c) take another action that a majority of the committee approves.

2922 Section 60. Section **63M-10-201** is amended to read:

2923 **63M-10-201. Creation -- Purpose -- Administration -- Access.**

2924 (1) There is created the Serious Habitual Offender Comprehensive Action Program
2925 (SHOCAP) to establish a SHOCAP Database to identify and track youthful offenders in order
2926 to assist agencies in providing collaborative and comprehensive services to them.

2927 (2) The database shall be administered by the Administrative Office of the Courts with
2928 information contributed by the following agencies:

2929 (a) the State [~~Office~~] Board of Education [~~, including~~] and all school districts and
2930 charter schools;

2931 (b) the Department of Health;

2932 (c) the Department of Human Services, including all county mental health agencies;

2933 (d) the Department of Public Safety;

2934 (e) all county and municipal law enforcement agencies; and

2935 (f) all county and district attorney offices.

2936 (3) The database shall be maintained in accordance with guidelines established by the
2937 Administrative Office of the Courts so that the agencies listed in Subsection (2) can efficiently
2938 access the database.

2939 (4) Information provided by schools in compliance with the provisions of this chapter
2940 is authorized under the Family Educational Rights and Privacy Act Regulations, 34 CFR Part
2941 99.

2942 (5) Information in the database provided by an agency to the database is considered to
2943 be the property of the agency providing the information and retains any classification given it
2944 under Title 63G, Chapter 2, Government Records Access and Management Act.

2945 (6) Any person who knowingly releases or discloses information from the database for
2946 a purpose other than authorized by this chapter or to a person who is not entitled to it is guilty
2947 of a class B misdemeanor.

2948 (7) Neither the state nor the courts are liable to any person for gathering, managing, or
2949 using the information in the database as provided in this chapter.

2950 Section 61. Section **67-19-6.7** is amended to read:

2951 **67-19-6.7. Overtime policies for state employees.**

2952 (1) As used in this section:

2953 (a) "Accrued overtime hours" means:

2954 (i) for nonexempt employees, overtime hours earned during a fiscal year that, at the end
2955 of the fiscal year, have not been paid and have not been taken as time off by the nonexempt
2956 state employee who accrued them; and

2957 (ii) for exempt employees, overtime hours earned during an overtime year.

2958 (b) "Appointed official" means:

2959 (i) each department executive director and deputy director, each division director, and
2960 each member of a board or commission; and

2961 (ii) any other person employed by a department who is appointed by, or whose
2962 appointment is required by law to be approved by, the governor and who:

2963 (A) is paid a salary by the state; and

2964 (B) who exercises managerial, policy-making, or advisory responsibility.

2965 (c) "Department" means the Department of Administrative Services, the Department of
2966 Corrections, the Department of Financial Institutions, the Department of Alcoholic Beverage
2967 Control, the Insurance Department, the Public Service Commission, the Labor Commission,
2968 the Department of Agriculture and Food, the Department of Human Services, the State Board
2969 of Education, the Department of Natural Resources, the Department of Technology Services,

2970 the Department of Transportation, the Department of Commerce, the Department of Workforce
2971 Services, the State Tax Commission, the Department of Heritage and Arts, the Department of
2972 Health, the National Guard, the Department of Environmental Quality, the Department of
2973 Public Safety, the Department of Human Resource Management, the Commission on Criminal
2974 and Juvenile Justice, all merit employees except attorneys in the Office of the Attorney
2975 General, merit employees in the Office of the State Treasurer, merit employees in the Office of
2976 the State Auditor, Department of Veterans' and Military Affairs, and the Board of Pardons and
2977 Parole.

2978 (d) "Elected official" means any person who is an employee of the state because the
2979 person was elected by the registered voters of Utah to a position in state government.

2980 (e) "Exempt employee" means a state employee who is exempt as defined by the Fair
2981 Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2982 (f) "FLSA" means the Fair Labor Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

2983 (g) "FLSA agreement" means the agreement authorized by the Fair Labor Standards
2984 Act of 1978, 29 U.S.C. Sec. 201 et seq., by which a nonexempt employee elects the form of
2985 compensation the nonexempt employee will receive for overtime.

2986 (h) "Nonexempt employee" means a state employee who is nonexempt as defined by
2987 the Department of Human Resource Management applying FLSA requirements.

2988 (i) "Overtime" means actual time worked in excess of the employee's defined work
2989 period.

2990 (j) "Overtime year" means the year determined by a department under Subsection
2991 (4)(b) at the end of which an exempt employee's accrued overtime lapses.

2992 (k) "State employee" means every person employed by a department who is not:

2993 (i) an appointed official;

2994 (ii) an elected official;

2995 (iii) a member of a board or commission who is paid only for per diem or travel
2996 expenses; or

2997 (iv) employed on a contractual basis [at] by the State [~~Office~~] Board of Education.

2998 (l) "Uniform annual date" means the date when an exempt employee's accrued
2999 overtime lapses.

3000 (m) "Work period" means:

3001 (i) for all nonexempt employees, except law enforcement and hospital employees, a
3002 consecutive seven day 24 hour work period of 40 hours;

3003 (ii) for all exempt employees, a 14 day, 80 hour payroll cycle; and

3004 (iii) for nonexempt law enforcement and hospital employees, the period established by
3005 each department by rule for those employees according to the requirements of the Fair Labor
3006 Standards Act of 1978, 29 U.S.C. Sec. 201 et seq.

3007 (2) Each department shall compensate each state employee who works overtime by
3008 complying with the requirements of this section.

3009 (3) (a) Each department shall negotiate and obtain a signed FLSA agreement from each
3010 nonexempt employee.

3011 (b) In the FLSA agreement, the nonexempt employee shall elect either to be
3012 compensated for overtime by:

3013 (i) taking time off work at the rate of one and one-half hour off for each overtime hour
3014 worked; or

3015 (ii) being paid for the overtime worked at the rate of one and one-half times the rate per
3016 hour that the state employee receives for nonovertime work.

3017 (c) Any nonexempt employee who elects to take time off under this Subsection (3)
3018 shall be paid for any overtime worked in excess of the cap established by the Department of
3019 Human Resource Management.

3020 (d) Before working any overtime, each nonexempt employee shall obtain authorization
3021 to work overtime from the employee's immediate supervisor.

3022 (e) Each department shall:

3023 (i) for employees who elect to be compensated with time off for overtime, allow
3024 overtime earned during a fiscal year to be accumulated; and

3025 (ii) for employees who elect to be paid for overtime worked, pay them for overtime

3026 worked in the paycheck for the pay period in which the employee worked the overtime.

3027 (f) If the department pays a nonexempt employee for overtime, the department shall
3028 charge that payment to the department's budget.

3029 (g) At the end of each fiscal year, the Division of Finance shall total all the accrued
3030 overtime hours for nonexempt employees and charge that total against the appropriate fund or
3031 subfund.

3032 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each department shall
3033 compensate exempt employees who work overtime by granting them time off at the rate of one
3034 hour off for each hour of overtime worked.

3035 (ii) The executive director of the Department of Human Resource Management may
3036 grant limited exceptions to this requirement, where work circumstances dictate, by authorizing
3037 a department to pay employees for overtime worked at the rate per hour that the employee
3038 receives for nonovertime work, if the department has funds available.

3039 (b) (i) Each department shall:

3040 (A) establish in its written human resource policies a uniform annual date for each
3041 division that is at the end of any pay period; and

3042 (B) communicate the uniform annual date to its employees.

3043 (ii) If any department fails to establish a uniform annual date as required by this
3044 Subsection (4), the executive director of the Department of Human Resource Management, in
3045 conjunction with the director of the Division of Finance, shall establish the date for that
3046 department.

3047 (c) (i) Any overtime earned under this Subsection (4) is not an entitlement, is not a
3048 benefit, and is not a vested right.

3049 (ii) A court may not construe the overtime for exempt employees authorized by this
3050 Subsection (4) as an entitlement, a benefit, or as a vested right.

3051 (d) At the end of the overtime year, upon transfer to another department at any time,
3052 and upon termination, retirement, or other situations where the employee will not return to
3053 work before the end of the overtime year:

3054 (i) any of an exempt employee's overtime that is more than the maximum established
3055 by the Department of Human Resource Management rule lapses; and

3056 (ii) unless authorized by the executive director of the Department of Human Resource
3057 Management under Subsection (4)(a)(ii), a department may not compensate the exempt
3058 employee for that lapsed overtime by paying the employee for the overtime or by granting the
3059 employee time off for the lapsed overtime.

3060 (e) Before working any overtime, each exempt employee shall obtain authorization to
3061 work overtime from the exempt employee's immediate supervisor.

3062 (f) If the department pays an exempt employee for overtime under authorization from
3063 the executive director of the Department of Human Resource Management, the department
3064 shall charge that payment to the department's budget in the pay period earned.

3065 (5) The Department of Human Resource Management shall:

3066 (a) ensure that the provisions of the FLSA and this section are implemented throughout
3067 state government;

3068 (b) determine, for each state employee, whether that employee is exempt, nonexempt,
3069 law enforcement, or has some other status under the FLSA;

3070 (c) in coordination with modifications to the systems operated by the Division of
3071 Finance, make rules:

3072 (i) establishing procedures for recording overtime worked that comply with FLSA
3073 requirements;

3074 (ii) establishing requirements governing overtime worked while traveling and
3075 procedures for recording that overtime that comply with FLSA requirements;

3076 (iii) establishing requirements governing overtime worked if the employee is "on call"
3077 and procedures for recording that overtime that comply with FLSA requirements;

3078 (iv) establishing requirements governing overtime worked while an employee is being
3079 trained and procedures for recording that overtime that comply with FLSA requirements;

3080 (v) subject to the FLSA, establishing the maximum number of hours that a nonexempt
3081 employee may accrue before a department is required to pay the employee for the overtime

3082 worked;

3083 (vi) subject to the FLSA, establishing the maximum number of overtime hours for an
3084 exempt employee that do not lapse; and

3085 (vii) establishing procedures for adjudicating appeals of any FLSA determinations
3086 made by the Department of Human Resource Management as required by this section;

3087 (d) monitor departments for compliance with the FLSA; and

3088 (e) recommend to the Legislature and the governor any statutory changes necessary
3089 because of federal government action.

3090 (6) In coordination with the procedures for recording overtime worked established in
3091 rule by the Department of Human Resource Management, the Division of Finance shall modify
3092 its payroll and human resource systems to accommodate those procedures.

3093 (a) Notwithstanding the procedures and requirements of Title 63G, Chapter 4,
3094 Administrative Procedures Act, Section 67-19-31, and Section 67-19a-301, any employee who
3095 is aggrieved by the FLSA designation made by the Department of Human Resource
3096 Management as required by this section may appeal that determination to the executive director
3097 of the Department of Human Resource Management by following the procedures and
3098 requirements established in Department of Human Resource Management rule.

3099 (b) Upon receipt of an appeal under this section, the executive director shall notify the
3100 executive director of the employee's department that the appeal has been filed.

3101 (c) If the employee is aggrieved by the decision of the executive director of the
3102 Department of Human Resource Management, the employee shall appeal that determination to
3103 the Department of Labor, Wage and Hour Division, according to the procedures and
3104 requirements of federal law.

3105 Section 62. Section **77-40-109** is amended to read:

3106 **77-40-109. Retention and release of expunged records -- Agencies.**

3107 (1) The bureau shall keep, index, and maintain all expunged records of arrests and
3108 convictions.

3109 (2) (a) Employees of the bureau may not divulge any information contained in its index

3110 to any person or agency without a court order unless specifically authorized by statute.

3111 (b) The following organizations may receive information contained in expunged
3112 records upon specific request:

3113 (i) the Board of Pardons and Parole;

3114 (ii) Peace Officer Standards and Training;

3115 (iii) federal authorities, unless prohibited by federal law;

3116 (iv) the Department of Commerce;

3117 (v) the Department of Insurance;

3118 (vi) the State [~~Office~~] Board of Education; and

3119 (vii) the Commission on Criminal and Juvenile Justice, for purposes of investigating
3120 applicants for judicial office.

3121 (c) A person or agency authorized by this Subsection (2) to view expunged records
3122 may not reveal or release any information obtained from the expunged records to anyone
3123 outside the court order or specific request, including distribution on a public website.

3124 (3) The bureau may also use the information in its index as provided in Section
3125 [53-5-704](#).

3126 (4) If, after obtaining an expungement, the petitioner is charged with a felony, the state
3127 may petition the court to open the expunged records upon a showing of good cause.

3128 (5) (a) For judicial sentencing, a court may order any records expunged under this
3129 chapter or Section [77-27-5.1](#) to be opened and admitted into evidence.

3130 (b) The records are confidential and are available for inspection only by the court,
3131 parties, counsel for the parties, and any other person who is authorized by the court to inspect
3132 them.

3133 (c) At the end of the action or proceeding, the court shall order the records expunged
3134 again.

3135 (d) Any person authorized by this Subsection (5) to view expunged records may not
3136 reveal or release any information obtained from the expunged records to anyone outside the
3137 court.

3138 (6) Records released under this chapter are classified as protected under Section
3139 63G-2-305 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to
3140 Records.

3141 Section 63. Section 78A-6-209 is amended to read:

3142 **78A-6-209. Court records -- Inspection.**

3143 (1) The court and the probation department shall keep records as required by the board
3144 and the presiding judge.

3145 (2) Court records shall be open to inspection by:

3146 (a) the parents or guardian of a child, a minor who is at least 18 years of age, other
3147 parties in the case, the attorneys, and agencies to which custody of a minor has been
3148 transferred;

3149 (b) for information relating to adult offenders alleged to have committed a sexual
3150 offense, a felony or class A misdemeanor drug offense, or an offense against the person under
3151 Title 76, Chapter 5, Offenses Against the Person, the State [~~Office~~] Board of Education for the
3152 purpose of evaluating whether an individual should be permitted to obtain or retain a license as
3153 an educator or serve as an employee or volunteer in a school, with the understanding that the
3154 [~~office~~] State Board of Education must provide the individual with an opportunity to respond to
3155 any information gathered from its inspection of the records before it makes a decision
3156 concerning licensure or employment;

3157 (c) the Criminal Investigations and Technical Services Division, established in Section
3158 53-10-103, for the purpose of a criminal history background check for the purchase of a firearm
3159 and establishing good character for issuance of a concealed firearm permit as provided in
3160 Section 53-5-704;

3161 (d) the Division of Child and Family Services for the purpose of Child Protective
3162 Services Investigations in accordance with Sections 62A-4a-403 and 62A-4a-409 and
3163 administrative hearings in accordance with Section 62A-4a-1009;

3164 (e) the Office of Licensing for the purpose of conducting a background check of an
3165 applicant for an initial license or a license renewal in accordance with Section 62A-2-120;

3166 (f) for information related to a juvenile offender who has committed a sexual offense, a
3167 felony, or an offense that if committed by an adult would be a misdemeanor, the Department of
3168 Health for the purpose of evaluating under the provisions of Subsection 26-39-404(3) whether
3169 a licensee should be permitted to obtain or retain a license to provide child care, with the
3170 understanding that the department must provide the individual who committed the offense with
3171 an opportunity to respond to any information gathered from its inspection of records before it
3172 makes a decision concerning licensure;

3173 (g) for information related to a juvenile offender who has committed a sexual offense,
3174 a felony, or an offense that if committed by an adult would be a misdemeanor, the Department
3175 of Health to determine whether an individual meets the background screening requirements of
3176 Title 26, Chapter 21, Part 2, Clearance for Direct Patient Access, with the understanding that
3177 the department must provide the individual who committed the offense an opportunity to
3178 respond to any information gathered from its inspection of records before it makes a decision
3179 under that part; and

3180 (h) for information related to a juvenile offender who has committed a sexual offense,
3181 a felony, or an offense that if committed by an adult would be a misdemeanor, the Department
3182 of Health to determine whether to grant, deny, or revoke background clearance under Section
3183 26-8a-310 for an individual who is seeking or who has obtained emergency medical service
3184 personnel certification under Section 26-8a-302, with the understanding that the department
3185 must provide the individual who committed the offense an opportunity to respond to any
3186 information gathered from the department's inspection of records before it makes a
3187 determination.

3188 (3) With the consent of the judge, court records may be inspected by the child, by
3189 persons having a legitimate interest in the proceedings, and by persons conducting pertinent
3190 research studies.

3191 (4) If a petition is filed charging a minor 14 years of age or older with an offense that
3192 would be a felony if committed by an adult, the court shall make available to any person upon
3193 request the petition, any adjudication or disposition orders, and the delinquency history

3194 summary of the minor charged unless the records are closed by the court upon findings on the
3195 record for good cause.

3196 (5) Probation officers' records and reports of social and clinical studies are not open to
3197 inspection, except by consent of the court, given under rules adopted by the board.

3198 (6) (a) Any juvenile delinquency adjudication or disposition orders and the delinquency
3199 history summary of any person charged as an adult with a felony offense shall be made
3200 available to any person upon request.

3201 (b) This provision does not apply to records that have been destroyed or expunged in
3202 accordance with court rules.

3203 (c) The court may charge a reasonable fee to cover the costs associated with retrieving
3204 a requested record that has been archived.