

1 INTERSTATE COMPACT ON MILITARY CHILDREN

2 AMENDMENTS

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: Mike Winder

6 Senate Sponsor: Peter C. Knudson

7

8 LONG TITLE

9 Committee Note:

10 The Veterans' and Military Affairs Commission recommended this bill.

11 Membership: 5 legislators 18 non-legislators

12 Legislative Vote: 3 voting for 0 voting against 2 absent

13 General Description:

14 This bill extends the compact coverage to all full-time uniformed services members.

15 Highlighted Provisions:

16 This bill:

17 ▶ eliminates the requirement that National Guard and Reserve members be on orders
18 pursuant to United States Code Title 10, Armed Forces, in order to qualify for
19 coverage under the compact; and

20 ▶ restructures and makes technical amendments for readability.

21 Money Appropriated in this Bill:

22 None

23 Other Special Clauses:

24 None

25 Utah Code Sections Affected:

26 AMENDS:

27 53A-3-402, as last amended by Laws of Utah 2016, Chapter 144



28 **53A-11-302**, as last amended by Laws of Utah 2010, Chapter 395

29 **53A-11-504**, as last amended by Laws of Utah 2010, Chapter 395

30 ENACTS:

31 **53A-1-1000**, Utah Code Annotated 1953

32 **53A-1-1004**, Utah Code Annotated 1953

33 **53A-1-1005**, Utah Code Annotated 1953

34 **53A-1-1006**, Utah Code Annotated 1953

35 **53A-1-1007**, Utah Code Annotated 1953

36 **53A-1-1008**, Utah Code Annotated 1953

37 **53A-1-1009**, Utah Code Annotated 1953

38 **53A-1-1010**, Utah Code Annotated 1953

39 **53A-1-1011**, Utah Code Annotated 1953

40 **53A-1-1012**, Utah Code Annotated 1953

41 **53A-1-1013**, Utah Code Annotated 1953

42 **53A-1-1014**, Utah Code Annotated 1953

43 **53A-1-1015**, Utah Code Annotated 1953

44 **53A-1-1016**, Utah Code Annotated 1953

45 **53A-1-1017**, Utah Code Annotated 1953

46 **53A-1-1018**, Utah Code Annotated 1953

47 **53A-1-1019**, Utah Code Annotated 1953

48 **53A-1-1020**, Utah Code Annotated 1953

49 REPEALS AND REENACTS:

50 **53A-1-1001**, as enacted by Laws of Utah 2010, Chapter 395

51 **53A-1-1002**, as last amended by Laws of Utah 2014, Chapter 387

52 **53A-1-1003**, as enacted by Laws of Utah 2010, Chapter 395



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

55 Section 1. Section **53A-1-1000** is enacted to read:

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

57 **53A-1-1000. Title -- Interstate Compact on Educational Opportunity for Military**

58 **Children.**

59 This part is known as the "Interstate Compact on Educational Opportunity for Military
60 Children."

61 Section 2. Section **53A-1-1001** is repealed and reenacted to read:

62 **53A-1-1001. Article I -- Purpose.**

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

65 (1) facilitating the timely enrollment of children of military families and ensuring that
66 they are not placed at a disadvantage due to difficulty in the transfer of education records from
67 the previous school district or variations in entrance or age requirements;

68 (2) facilitating the student placement process through which children of military
69 families are not disadvantaged by variations in attendance requirements, scheduling,
70 sequencing, grading, course content, or assessment;

71 (3) facilitating the qualification and eligibility for enrollment, educational programs,
72 and participation in extracurricular academic, athletic, and social activities;

73 (4) facilitating the on-time graduation of children of military families;

74 (5) providing for the promulgation and enforcement of administrative rules
75 implementing the provisions of this compact;

76 (6) providing for the uniform collection and sharing of information between and among
77 member states, schools, and military families under this compact;

78 (7) promoting coordination between this compact and other compacts affecting military
79 children; and

80 (8) promoting flexibility and cooperation between the educational system, parents, and
81 the student in order to achieve educational success for the student.

82 Section 3. Section **53A-1-1002** is repealed and reenacted to read:

83 **53A-1-1002. Article II -- Definitions.**

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

85 (1) "Active duty" means full-time duty status in the active uniformed service of the
86 United States, including members of the National Guard and Reserve.

87 (2) "Children of military families" means a school-aged child, enrolled in Kindergarten
88 through Twelfth grade, in the household of an active duty member.

89 (3) "Compact commissioner" means the voting representative of each compacting state

90 appointed pursuant to Article VIII of this compact.

91 (4) "Deployment" means the period one month prior to the service member's departure
92 from their home station on military orders through six months after return to their home station.

93 (5) "Education" or "educational records" means those official records, files, and data
94 directly related to a student and maintained by the school or local education agency, including
95 but not limited to records encompassing all the material kept in the student's cumulative folder
96 such as general identifying data, records of attendance and of academic work completed,
97 records of achievement and results of evaluative tests, health data, disciplinary status, test
98 protocols, and individualized education programs.

99 (6) "Extracurricular activities" means a voluntary activity sponsored by the school or
100 local education agency or an organization sanctioned by the local education agency.
101 Extracurricular activities include, but are not limited to, preparation for and involvement in
102 public performances, contests, athletic competitions, demonstrations, displays, and club
103 activities.

104 (7) "Interstate Commission on Educational Opportunity for Military Children" means
105 the commission that is created in Section [53A-1-1009](#) and generally referred to as Interstate
106 Commission.

107 (8) "Local education agency" means a public authority legally constituted by the state
108 as an administrative agency to provide control of and direction for Kindergarten through
109 Twelfth grade public educational institutions.

110 (9) "Member state" means a state that has enacted this compact.

111 (10) "Military installation" means a base, camp, post, station, yard, center, homeport
112 facility for any ship, or other activity under the jurisdiction of the Department of Defense,
113 including any leased facility, which is located within any of the several states, the District of
114 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American
115 Samoa, the Northern Mariana Islands, and any other U.S. Territory. The term does not include
116 any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

117 (11) "Non-member state" means a state that has not enacted this compact.

118 (12) "Receiving state" means the state to which a child of a military family is sent,
119 brought, or caused to be sent or brought.

120 (13) "Rule" means a written statement by the Interstate Commission promulgated

121 pursuant to Section 53A-1-1012 that is of general applicability, implements, interprets, or
122 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
123 requirement of the Interstate Commission, and has the force and effect of a rule promulgated
124 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and includes the
125 amendment, repeal, or suspension of an existing rule.

126 (14) "Sending state" means the state from which a child of a military family is sent,
127 brought, or caused to be sent or brought.

128 (13) "State" means a state of the United States, the District of Columbia, the
129 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern
130 Mariana Islands, and any other U.S. Territory.

131 (14) "Student" means the child of a military family for whom the local education
132 agency receives public funding and who is formally enrolled in Kindergarten through Twelfth
133 grade.

134 (15) "Transition" means:

135 (a) the formal and physical process of transferring from school to school; or

136 (b) the period of time in which a student moves from one school in the sending state to
137 another school in the receiving state.

138 (16) "Uniformed services" means the same as that term is defined in Section 68-3-12.5.

139 (17) "Veteran" means a person who served in the uniformed services and who was
140 discharged or released therefrom under conditions other than dishonorable.

141 Section 4. Section 53A-1-1003 is repealed and reenacted to read:

142 **53A-1-1003. Article III -- Applicability.**

143 (1) Except as otherwise provided in Subsection (3), this compact shall apply to the
144 children of:

145 (a) active duty members of the uniformed services as defined in this compact,
146 including members of the National Guard and Reserve;

147 (b) members or veterans of the uniformed services who are severely injured and
148 medically discharged or retired for a period of one year after medical discharge or retirement;
149 and

150 (c) members of the uniformed services who die on active duty or as a result of injuries
151 sustained on active duty for a period of one year after death.

152 (2) The provisions of this interstate compact shall only apply to local education
153 agencies as defined in this compact.

154 (3) The provisions of this compact do not apply to the children of:

155 (a) inactive members of the National Guard and military reserves;

156 (b) members of the uniformed services now retired, except as provided in Subsection
157 (1); and

158 (c) veterans of the uniformed services, except as provided in Subsection (1), and other
159 U.S. Dept. of Defense personnel and other federal agency civilian and contract employees not
160 defined as active duty members of the uniformed services.

161 Section 5. Section **53A-1-1004** is enacted to read:

162 **53A-1-1004. Article IV -- Educational records and enrollment -- Immunizations --**
163 **Grade level entrance.**

164 (1) Unofficial or "hand-carried" education records. In the event that official education
165 records cannot be released to the parents for the purpose of transfer, the custodian of the
166 records in the sending state shall prepare and furnish to the parent a complete set of unofficial
167 educational records containing uniform information as determined by the Interstate
168 Commission. Upon receipt of the unofficial education records by a school in the receiving
169 state, the school shall enroll and appropriately place the student based on the information
170 provided in the unofficial records pending validation by the official records, as quickly as
171 possible.

172 (2) Official education records or transcripts. Simultaneous with the enrollment and
173 conditional placement of the student, the school in the receiving state shall request the student's
174 official education record from the school in the sending state. Upon receipt of this request, the
175 school in the sending state will process and furnish the official education records to the school
176 in the receiving state within 10 days or within such time as is reasonably determined under the
177 rules promulgated by the Interstate Commission.

178 (3) Immunizations. Compacting states shall give 30 days from the date of enrollment or
179 within such time as is reasonably determined under the rules promulgated by the Interstate
180 Commission, for students to obtain any immunization required by the receiving state. For a
181 series of immunizations, initial vaccinations must be obtained within 30 days or within such
182 time as is reasonably determined under the rules promulgated by the Interstate Commission.

183 (4) Kindergarten and First grade entrance age. Students shall be allowed to continue
184 their enrollment at grade level in the receiving state commensurate with their grade level,
185 including Kindergarten, from a local education agency in the sending state at the time of
186 transition, regardless of age. A student that has satisfactorily completed the prerequisite grade
187 level in the local education agency in the sending state shall be eligible for enrollment in the
188 next highest grade level in the receiving state, regardless of age. Students transferring after the
189 start of the school year in the receiving state shall enter the school in the receiving state on their
190 validated level from an accredited school in the sending state.

191 Section 6. Section **53A-1-1005** is enacted to read:

192 **53A-1-1005. Article V -- Course placement -- Attendance -- Special education**
193 **services -- Flexibility -- Absences related to deployment.**

194 (1) When the student transfers before or during the school year, the receiving state
195 school shall initially honor placement of the student in educational courses based on the
196 student's enrollment in the sending state school and/or educational assessments conducted at
197 the school in the sending state if the courses are offered. Course placement includes but is not
198 limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and
199 career pathways courses. Continuing the student's academic program from the previous school
200 and promoting placement in academically and career challenging courses should be paramount
201 when considering placement. This does not preclude the school in the receiving state from
202 performing subsequent evaluations to ensure appropriate placement and continued enrollment
203 of the student in the course.

204 (2) The receiving state school shall initially honor placement of the student in
205 educational programs based on current educational assessments conducted at the school in the
206 sending state or participation or placement in like programs in the sending state. Such programs
207 include, but are not limited to gifted and talented programs and English as a Second Language
208 (ESL). This does not preclude the school in the receiving state from performing subsequent
209 evaluations to ensure appropriate placement of the student.

210 (3) (a) In compliance with the federal requirements of the Individuals with Disabilities
211 Education Act (IDEA), 20 U.S.C. Section 1400 et seq., the receiving state shall initially
212 provide comparable services to a student with disabilities based on the student's current
213 Individualized Education Program (IEP).

214 (b) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29
215 U.S.C. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.
216 Sections 12131-12165, the receiving state shall make reasonable accommodations and
217 modifications to address the needs of incoming students with disabilities, subject to an existing
218 504 or Title II Plan, to provide the student with equal access to education. This does not
219 preclude the school in the receiving state from performing subsequent evaluations to ensure
220 appropriate placement of the student.

221 (4) Local education agency administrative officials shall have flexibility in waiving
222 course or program prerequisites, or other preconditions for placement, in courses or programs
223 offered under the jurisdiction of the local education agency.

224 (5) A student whose parent or legal guardian is an active duty member of the
225 uniformed services, as defined by the compact, and has been called to duty for, is on leave
226 from, or immediately returned from deployment to a combat zone or combat support posting,
227 shall be granted additional excused absences at the discretion of the local education agency
228 superintendent to visit with his or her parent or legal guardian relative to such leave or
229 deployment of the parent or guardian.

230 Section 7. Section **53A-1-1006** is enacted to read:

231 **53A-1-1006. Article VI -- Eligibility -- Enrollment -- Extracurricular activities.**

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

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

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

242 (4) State and local education agencies shall facilitate the opportunity for transitioning
243 military children's inclusion in extracurricular activities, regardless of application deadlines, to
244 the extent they are otherwise qualified.

245 Section 8. Section **53A-1-1007** is enacted to read:

246 **53A-1-1007. Article VII -- Graduation -- Waiver -- Exit exams -- Senior year**
247 **transfers.**

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

250 (1) Local education agency administrative officials shall waive specific courses
251 required for graduation if similar coursework has been satisfactorily completed in another local
252 education agency or shall provide reasonable justification for denial. Should a waiver not be
253 granted to a student who would qualify to graduate from the sending school, the local education
254 agency shall provide an alternative means of acquiring required coursework so that graduation
255 may occur on time.

256 (2) States shall accept:

257 (a) exit or end-of-course exams required for graduation from the sending state;

258 (b) national norm-referenced achievement tests; or

259 (c) alternative testing, in lieu of testing requirements for graduation in the receiving
260 state. In the event the above alternatives cannot be accommodated by the receiving state for a
261 student transferring in the student's Senior year, then the provisions of Subsection (3) shall
262 apply.

263 (3) Should a military student transferring at the beginning or during the student's
264 Senior year be ineligible to graduate from the receiving local education agency after all
265 alternatives have been considered, the sending and receiving local education agencies shall
266 ensure the receipt of a diploma from the sending local education agency, if the student meets
267 the graduation requirements of the sending local education agency. In the event that one of the
268 states in question is not a member of this compact, the member state shall use best efforts to
269 facilitate the on-time graduation of the student in accordance with Subsections (1) and (2).

270 Section 9. Section **53A-1-1008** is enacted to read:

271 **53A-1-1008. Article VIII -- State coordination -- Membership of State Council.**

272 (1) Each member state shall, through the creation of a State Council or use of an
273 existing body or board, provide for the coordination among its agencies of government, local
274 education agencies, and military installations concerning the state's participation in, and
275 compliance with, this compact and Interstate Commission activities. While each member state

276 may determine the membership of its own State Council, its membership shall include at least:

- 277 (a) the state superintendent of education;
 278 (b) a superintendent of a school district with a high concentration of military children;
 279 (c) a representative from a military installation;
 280 (d) one representative each from the legislative and executive branches of government;

281 and

282 (e) other offices and stakeholder groups the State Council considers appropriate.

283 (2) A member state that does not have a school district that contains a high
 284 concentration of military children may appoint a superintendent from another school district to
 285 represent local education agencies on the State Council.

286 (3) The State Council of each member state shall appoint or designate a military family
 287 education liaison to assist military families and the state in facilitating the implementation of
 288 this compact.

289 (4) The compact commissioner responsible for the administration and management of
 290 the state's participation in the compact shall be appointed ~~by the Governor or as otherwise~~
 291 ~~determined by each member state~~ in accordance with Section 53A-1-1020 ~~←~~ ~~H~~ .

292 (5) The compact commissioner and the designated military family education liaison
 293 shall be ex-officio members of the State Council, unless either is already a full voting member
 294 of the State Council.

295 Section 10. Section **53A-1-1009** is enacted to read:

296 **53A-1-1009. Article IX -- Creation of Interstate Commission.**

297 (1) The member states hereby create the "Interstate Commission on Educational
 298 Opportunity for Military Children." The activities of the Interstate Commission are the
 299 formation of public policy and are a discretionary state function.

300 (2) The Interstate Commission shall:

301 (a) Be a body corporate and joint agency of the member states and have all the
 302 responsibilities, powers, and duties set forth in this compact, and any additional powers as may
 303 be conferred upon it by a subsequent concurrent action of the respective legislatures of the
 304 member states in accordance with the terms of this compact.

305 (b) Consist of one Interstate Commission voting representative from each member state
 306 who shall be that state's compact commissioner.

307 (i) Each member state represented at a meeting of the Interstate Commission is entitled
308 to one vote.

309 (ii) A majority of the total member states shall constitute a quorum for the transaction
310 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

311 (iii) A representative may not delegate a vote to another member state. In the event the
312 compact commissioner is unable to attend a meeting of the Interstate Commission, the
313 Governor or State Council may delegate voting authority to another person from their state for
314 a specified meeting.

315 (iv) The bylaws may provide for meetings of the Interstate Commission to be
316 conducted by telecommunication or electronic communication.

317 (3) Consist of ex-officio, non-voting representatives who are members of interested
318 organizations. Such ex-officio members, as defined in the bylaws, may include but not be
319 limited to, members of the representative organizations of military family advocates, local
320 education agency officials, parent and teacher groups, the U.S. Department of Defense, the
321 Education Commission of the States, the Interstate Agreement on the Qualification of
322 Educational Personnel, and other interstate compacts affecting the education of children of
323 military members.

324 (4) Meet at least once each calendar year. The chairperson may call additional meetings
325 and, upon the request of a simple majority of the member states, shall call additional meetings.

326 (5) Establish an executive committee, whose members shall include the officers of the
327 Interstate Commission and other members of the Interstate Commission as determined by the
328 bylaws. Members of the executive committee shall serve a one-year term. Members of the
329 executive committee shall be entitled to one vote each. The executive committee shall have the
330 power to act on behalf of the Interstate Commission, with the exception of rulemaking, during
331 periods when the Interstate Commission is not in session. The executive committee shall
332 oversee the day-to-day activities of the administration of the compact including enforcement
333 and compliance with the provisions of the compact, its bylaws and rules, and other duties
334 considered necessary. The U.S. Dept. of Defense shall serve as an ex-officio, nonvoting
335 member of the executive committee.

336 (6) Establish bylaws and rules that provide for conditions and procedures under which
337 the Interstate Commission shall make its information and official records available to the

338 public for inspection or copying. The Interstate Commission may exempt from disclosure
339 information or official records to the extent they would adversely affect personal privacy rights
340 or proprietary interests.

341 (7) Give public notice of all meetings and all meetings shall be open to the public,
342 except as set forth in the rules or as otherwise provided in the compact. The Interstate
343 Commission and its committees may close a meeting, or portion of the meeting, where it
344 determines by two-thirds vote that an open meeting would be likely to:

345 (a) relate solely to the Interstate Commission's internal personnel practices and
346 procedures;

347 (b) disclose matters specifically exempted from disclosure by federal and state statute;

348 (c) disclose trade secrets or commercial or financial information which is privileged or
349 confidential;

350 (d) involve accusing a person of a crime, or formally censuring a person;

351 (e) disclose information of a personal nature where disclosure would constitute a
352 clearly unwarranted invasion of personal privacy;

353 (f) disclose investigative records compiled for law enforcement purposes; or

354 (g) specifically relate to the Interstate Commission's participation in a civil action or
355 other legal proceeding.

356 (8) Cause its legal counsel or designee to certify that a meeting may be closed and shall
357 reference each relevant exemptible provision for any meeting, or portion of a meeting, which is
358 closed pursuant to this provision. The Interstate Commission shall keep minutes which fully
359 and clearly describe all matters discussed in a meeting and provide a full and accurate summary
360 of actions taken, and the reasons therefore, including a description of the views expressed and
361 the record of a roll call vote. All documents considered in connection with an action shall be
362 identified in the minutes. All minutes and documents of a closed meeting shall remain under
363 seal, subject to release by a majority vote of the Interstate Commission.

364 (9) Collect standardized data concerning the educational transition of the children of
365 military families under this compact as directed through its rules which shall specify the data to
366 be collected, the means of collection, and data exchange and reporting requirements. Such
367 methods of data collection, exchange, and reporting shall, as far as is reasonably possible,
368 conform to current technology and coordinate its information functions with the appropriate

369 custodian of records as identified in the bylaws and rules.

370 (10) Create a process that permits military officials, education officials, and parents to
371 inform the Interstate Commission if and when there are alleged violations of the compact or its
372 rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by
373 the state or local education agency. This section may not be construed to create a private right
374 of action against the Interstate Commission or any member state.

375 Section 11. Section **53A-1-1010** is enacted to read:

376 **53A-1-1010. Article X -- Powers and duties of the Interstate Commission.**

377 The Interstate Commission shall have the following powers:

378 (1) To provide for dispute resolution among member states.

379 (2) To promulgate rules and take all necessary actions to effect the goals, purposes, and
380 obligations enumerated in this compact. The rules shall have the force and effect of rules
381 promulgated under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and shall be
382 binding in the compact states to the extent and in the manner provided in this compact.

383 (3) To issue, upon request of a member state, advisory opinions concerning the
384 meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

385 (4) To monitor compliance with the compact provisions, the rules promulgated by the
386 Interstate Commission, and the bylaws. Any action to enforce compliance with the compact
387 provision by the Interstate Commission shall be brought against a member state only.

388 (5) To establish and maintain offices which shall be located within one or more of the
389 member states.

390 (6) To purchase and maintain insurance and bonds.

391 (7) To borrow, accept, hire, or contract for services of personnel.

392 (8) To establish and appoint committees including, but not limited to, an executive
393 committee as required by Subsection [53A-1-1009\(5\)](#), which shall have the power to act on
394 behalf of the Interstate Commission in carrying out its powers and duties.

395 (9) To elect or appoint officers, attorneys, employees, agents, or consultants, and to fix
396 their compensation, define their duties and determine their qualifications, and to establish the
397 Interstate Commission's personnel policies and programs relating to conflicts of interest, rates
398 of compensation, and qualifications of personnel.

399 (10) To accept any and all donations and grants of money, equipment, supplies,

400 materials, and services, and to receive, utilize, and dispose of it.

401 (11) To lease, purchase, accept contributions, or donations of, or otherwise to own,
402 hold, improve, or use any property - real, personal, or mixed.

403 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
404 of any property - real, personal, or mixed.

405 (13) To establish a budget and make expenditures.

406 (14) To adopt a seal and bylaws governing the management and operation of the
407 Interstate Commission.

408 (15) To report annually to the legislatures, governors, judiciary, and state councils of
409 the member states concerning the activities of the Interstate Commission during the preceding
410 year. The reports shall also include any recommendations that may have been adopted by the
411 Interstate Commission.

412 (16) To coordinate education, training, and public awareness regarding the compact
413 and its implementation and operation for officials and parents involved in such activity.

414 (17) To establish uniform standards for the reporting, collecting, and exchanging of
415 data.

416 (18) To maintain corporate books and records in accordance with the bylaws.

417 (19) To perform any functions necessary or appropriate to achieve the purposes of this
418 compact.

419 (20) To provide for the uniform collection and sharing of information between and
420 among member states, schools, and military families under this compact.

421 Section 12. Section **53A-1-1011** is enacted to read:

422 **53A-1-1011. Article XI -- Organization and operation of the Interstate**
423 **Commission -- Executive committee -- Officers -- Personnel.**

424 (1) The Interstate Commission shall, by a majority of the members present and voting,
425 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
426 conduct as necessary or appropriate to carry out the purposes of the compact, including, but not
427 limited to:

428 (a) establishing the fiscal year of the Interstate Commission;

429 (b) establishing an executive committee, and other committees as necessary;

430 (c) providing for the establishment of committees and for governing any general or

431 specific delegation of authority or function of the Interstate Commission;

432 (d) providing reasonable procedures for calling and conducting meetings of the
433 Interstate Commission, and ensuring reasonable notice of each meeting;

434 (e) establishing the titles and responsibilities of the officers and staff of the Interstate
435 Commission;

436 (f) providing a mechanism for concluding the operations of the Interstate Commission
437 and the return of surplus funds that may exist upon the termination of the compact after the
438 payment and reserving of all of its debts and obligations; and

439 (g) providing start up rules for initial administration of the compact.

440 (2) The Interstate Commission shall, by a majority of the members, elect annually from
441 among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have
442 the authority and duties specified in the bylaws. The chairperson or, in the chairperson's
443 absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate
444 Commission. The officers so elected shall serve without compensation or remuneration from
445 the Interstate Commission; provided that, subject to the availability of budgeted funds, the
446 officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in
447 the performance of their responsibilities as officers of the Interstate Commission.

448 (3) The executive committee shall have the authority and duties set forth in the bylaws,
449 including, but not limited to:

450 (a) managing the affairs of the Interstate Commission in a manner consistent with the
451 bylaws and purposes of the Interstate Commission;

452 (b) overseeing an organizational structure within, and appropriate procedures for the
453 Interstate Commission to provide for the creation of rules, operating procedures, and
454 administrative and technical support functions; and

455 (c) planning, implementing, and coordinating communications and activities with other
456 state, federal, and local government organizations in order to advance the goals of the Interstate
457 Commission.

458 (4) The executive committee may, subject to the approval of the Interstate
459 Commission, appoint or retain an executive director for such period, upon such terms and
460 conditions and for such compensation, as the Interstate Commission may consider appropriate.
461 The executive director shall serve as secretary to the Interstate Commission, but may not be a

462 member of the Interstate Commission. The executive director shall hire and supervise other
463 persons authorized by the Interstate Commission.

464 (5) The Interstate Commission's executive director and its employees shall be immune
465 from suit and liability, either personally or in their official capacity, for a claim for damage to
466 or loss of property or personal injury or other civil liability caused or arising out of or relating
467 to an actual or alleged act, error, or omission that occurred, or that the person had a reasonable
468 basis for believing occurred, within the scope of Interstate Commission employment, duties, or
469 responsibilities; provided that, the person may not be protected from suit or liability for
470 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of
471 the person.

472 (a) The liability of the Interstate Commission's executive director and employees or
473 Interstate Commission representatives, acting within the scope of the person's employment or
474 duties for acts, errors, or omissions occurring within the person's state may not exceed the
475 limits of liability set forth under the constitution and laws of that state for state officials,
476 employees, and agents. The Interstate Commission is considered to be an instrumentality of the
477 states for the purposes of any action. Nothing in this Subsection (5)(a) shall be construed to
478 protect a person from suit or liability for damage, loss, injury, or liability caused by the
479 intentional or willful and wanton misconduct of the person.

480 (b) The Interstate Commission shall defend the executive director and its employees
481 and, subject to the approval of the Attorney General or other appropriate legal counsel of the
482 member state represented by an Interstate Commission representative, shall defend the
483 Interstate Commission representative in any civil action seeking to impose liability arising out
484 of an actual or alleged act, error, or omission that occurred within the scope of Interstate
485 Commission employment, duties, or responsibilities, or that the defendant had a reasonable
486 basis for believing occurred within the scope of Interstate Commission employment, duties, or
487 responsibilities; provided that, the actual or alleged act, error, or omission did not result from
488 intentional or willful and wanton misconduct on the part of the person.

489 (c) To the extent not covered by the state involved, the member state, or the Interstate
490 Commission, the representatives or employees of the Interstate Commission shall be held
491 harmless in the amount of a settlement or judgment, including attorney fees and costs, obtained
492 against a person arising out of an actual or alleged act, error, or omission that occurred within

493 the scope of Interstate Commission employment, duties, or responsibilities, or that the person
494 had a reasonable basis for believing occurred within the scope of Interstate Commission
495 employment, duties, or responsibilities; provided that, the actual or alleged act, error, or
496 omission did not result from intentional or willful and wanton misconduct on the part of the
497 person.

498 Section 13. Section **53A-1-1012** is enacted to read:

499 **53A-1-1012. Article XII -- Rulemaking -- Authority -- Procedure -- Review --**
500 **Rejection by Legislature.**

501 (1) The Interstate Commission shall promulgate reasonable rules in order to effectively
502 and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the
503 event the Interstate Commission exercises its rulemaking authority in a manner that is beyond
504 the scope of the purposes of this compact, or the powers granted in accordance with this
505 compact, then the action by the Interstate Commission shall be invalid and have no force or
506 effect.

507 (2) Rules shall be made pursuant to a rulemaking process that substantially conforms to
508 the Model State Administrative Procedure Act, of 1981, Uniform Laws Annotated, Vol. 15, p.1
509 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

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

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

519 Section 14. Section **53A-1-1013** is enacted to read:

520 **53A-1-1013. Article XIII -- Oversight -- Enforcement -- Dispute resolution --**
521 **Default -- Technical assistance -- Suspension -- Termination.**

522 (1) Each member state shall enforce this compact to effectuate the compact's purposes
523 and intent. The provisions of this compact and the rules promulgated in accordance with the

524 compact shall have standing as a rule promulgated under Title 63G, Chapter 3, Utah
525 Administrative Rulemaking Act.

526 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
527 administrative proceeding in a member state pertaining to the subject matter of this compact
528 which may affect the powers, responsibilities, or actions of the Interstate Commission.

529 (3) The Interstate Commission shall be entitled to receive all service of process in any
530 proceeding, and have standing to intervene in the proceeding for all purposes. Failure to
531 provide service of process to the Interstate Commission shall render a judgment or order void
532 as to the Interstate Commission, this compact, or promulgated rules.

533 (4) If the Interstate Commission determines that a member state has defaulted in the
534 performance of its obligations or responsibilities under this compact, or the bylaws or
535 promulgated rules, the Interstate Commission shall:

536 (a) Provide written notice to the defaulting state and other member states, of the nature
537 of the default, the means of curing the default, and any action taken by the Interstate
538 Commission. The Interstate Commission shall specify the conditions by which the defaulting
539 state shall cure its default.

540 (b) Provide remedial training and specific technical assistance regarding the default.

541 (5) If the defaulting state fails to cure the default, the defaulting state shall be
542 terminated from the compact upon an affirmative vote of a majority of the member states and
543 all rights, privileges, and benefits conferred by this compact shall be terminated from the
544 effective date of termination. A cure of the default does not relieve the offending state of
545 obligations or liabilities incurred during the period of the default.

546 (6) Suspension or termination of membership in the compact shall be imposed only
547 after all other means of securing compliance have been exhausted. Notice of intent to suspend
548 or terminate shall be given by the Interstate Commission to the Governor, the majority and
549 minority leaders of the defaulting state's legislature, and each of the member states.

550 (7) The state which has been suspended or terminated is responsible for all
551 assessments, obligations, and liabilities incurred through the effective date of suspension or
552 termination, not to exceed \$5,000 per year, as provided in Subsection [53A-1-1014\(5\)](#), for each
553 year that the state is a member of the compact.

554 (8) The Interstate Commission may not bear any costs relating to any state that has

555 been found to be in default or which has been suspended or terminated from the compact,
556 unless otherwise mutually agreed upon in writing between the Interstate Commission and the
557 defaulting state.

558 (9) The defaulting state may appeal the action of the Interstate Commission by
559 petitioning the U.S. District Court for the District of Columbia or the federal district where the
560 Interstate Commission has its principal offices. The prevailing party shall be awarded all costs
561 of the litigation including reasonable attorney fees.

562 (10) The Interstate Commission shall attempt, upon the request of a member state, to
563 resolve disputes which are subject to the compact and which may arise among member states
564 and between member and non-member states.

565 (11) The Interstate Commission shall promulgate a rule providing for both mediation
566 and binding dispute resolution for disputes as appropriate.

567 Section 15. Section **53A-1-1014** is enacted to read:

568 **53A-1-1014. Article XIV -- Financing of the Interstate Commission.**

569 (1) The Interstate Commission shall pay or provide for the payment of the reasonable
570 expenses of its establishment, organization, and ongoing activities.

571 (2) In accordance with the funding limit established in Subsection (5), the Interstate
572 Commission may levy and collect an annual assessment from each member state to cover the
573 cost of the operations and activities of the Interstate Commission and its staff which shall be in
574 a total amount sufficient to cover the Interstate Commission's annual budget as approved each
575 year. The aggregate annual assessment amount shall be allocated based upon a formula to be
576 determined by the Interstate Commission, which shall promulgate a rule binding upon all
577 member states.

578 (3) The Interstate Commission may not incur obligations of any kind prior to securing
579 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of
580 any of the member states, except by and with the authority of the member state.

581 (4) The Interstate Commission shall keep accurate accounts of all receipts and
582 disbursements. The receipts and disbursements of the Interstate Commission shall be subject to
583 the audit and accounting procedures established under its bylaws. However, all receipts and
584 disbursements of funds handled by the Interstate Commission shall be audited yearly by a
585 certified or licensed public accountant and the report of the audit shall be included in and

586 become part of the annual report of the Interstate Commission.

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

590 Section 16. Section **53A-1-1015** is enacted to read:

591 **53A-1-1015. Article XV -- Member states -- Effective date -- Amendments.**

592 (1) Any state is eligible to become a member state.

593 (2) The compact shall become effective and binding upon legislative enactment of the
594 compact into law by no less than 10 of the states. The effective date shall be no earlier than
595 December 1, 2007. Thereafter it shall become effective and binding as to any other member
596 state upon enactment of the compact into law by that state. The governors of non-member
597 states or their designees shall be invited to participate in the activities of the Interstate
598 Commission on a non-voting basis prior to adoption of the compact by all states.

599 (3) The Interstate Commission may propose amendments to the compact for enactment
600 by the member states. No amendment shall become effective and binding upon the Interstate
601 Commission and the member states unless and until it is enacted into law by unanimous
602 consent of the member states.

603 Section 17. Section **53A-1-1016** is enacted to read:

604 **53A-1-1016. Article XVI -- Withdrawal -- Dissolution.**

605 (1) Once effective, the compact shall continue in force and remain binding upon each
606 and every member state; provided that, a member state may withdraw from the compact by
607 specifically repealing the statute which enacted the compact into law.

608 (2) Withdrawal from this compact shall be by the enactment of a statute repealing the
609 same.

610 (3) The withdrawing state shall immediately notify the chairperson of the Interstate
611 Commission in writing upon the introduction of legislation repealing this compact in the
612 withdrawing state. The Interstate Commission shall notify the other member states of the
613 withdrawing state's intent to withdraw within 60 days of its receipt of the notification.

614 (4) The withdrawing state is responsible for all assessments, obligations, and liabilities
615 incurred through the effective date of withdrawal, not to exceed \$5,000 per year, as provided in
616 Subsection [53A-1-1014\(5\)](#), for each year that the state is a member of the compact.

617 (5) Reinstatement following withdrawal of a member state shall occur upon the
618 withdrawing state reenacting the compact or upon a later date determined by the Interstate
619 Commission.

620 (6) This compact shall dissolve effective upon the date of the withdrawal or default of
621 a member state which reduces the membership in the compact to one member state.

622 (7) Upon the dissolution of this compact, the compact becomes null and void and shall
623 be of no further force or effect. The business and affairs of the Interstate Commission shall be
624 concluded and surplus funds shall be distributed in accordance with the bylaws.

625 Section 18. Section **53A-1-1017** is enacted to read:

626 **53A-1-1017. Article XVII -- Severability -- Construction.**

627 (1) The provisions of this compact shall be severable, and if any phrase, clause,
628 sentence, or provision is considered unenforceable, the remaining provisions of the compact
629 shall be enforceable.

630 (2) The provisions of this compact shall be liberally construed to effectuate its
631 purposes.

632 (3) Nothing in this compact shall be construed to prohibit the applicability of other
633 interstate compacts to which the states are members.

634 Section 19. Section **53A-1-1018** is enacted to read:

635 **53A-1-1018. Article XVIII -- Binding effect of compact -- Other state laws.**

636 (1) Nothing in this compact prevents the enforcement of any other law of a member
637 state.

638 (2) All lawful actions of the Interstate Commission, including all rules and bylaws
639 promulgated by the Interstate Commission, are binding upon the member states.

640 (3) All agreements between the Interstate Commission and the member states are
641 binding in accordance with their terms.

642 (4) In the event any provision of this compact exceeds the statutory or constitutional
643 limits imposed on the legislature of any member state, that provision shall be ineffective to the
644 extent of the conflict with the statutory or constitutional provision in question in that member
645 state.

646 Section 20. Section **53A-1-1019** is enacted to read:

647 **53A-1-1019. Creation of State Council on Military Children.**

648 (1) There is established a State Council on Military Children, as required in Section
 649 53A-1-1008.

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

651 (a) the state superintendent of public instruction;

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

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

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

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

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

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

662 (h) the compact commissioner, appointed in accordance with Section

662a ↔ [53A-1-1003] 53A-1-1020 ←↔ ; and

663 (i) other members as determined by the governor.

664 (3) The State Council on Military Children shall carry out the duties established in
 665 Section 53A-1-1008.

666 (4) (a) A member who is not a legislator may not receive compensation or per diem.

667 (b) Compensation and expenses of a member who is a legislator are governed by
 668 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

669 Section 21. Section **53A-1-1020** is enacted to read:

670 **53A-1-1020. Appointment of compact commissioner.**

671 The governor, with the consent of the Senate, shall appoint a compact commissioner to
 672 carry out the duties described in this part.

673 Section 22. Section **53A-3-402** is amended to read:

674 **53A-3-402. Powers and duties generally.**

675 (1) Each local school board shall:

676 (a) implement the core standards for Utah public schools utilizing instructional
 677 materials that best correlate to the core standards for Utah public schools and graduation
 678 requirements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

709 (6) Except as provided in Section [~~53A-1-1001~~] [53A-1-1004](#), a board may enroll

710 children in school who are at least five years of age before September 2 of the year in which
711 admission is sought.

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

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

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

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

719 (b) Federal funds are not considered funds within the school district budget under Title
720 53A, Chapter 19, Public School Budgets.

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

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

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

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

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

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

734 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
735 citations for violations of Subsection [76-10-105\(2\)](#).

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

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

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

740 (15) (a) A board shall make and enforce rules necessary for the control and

741 management of the district schools.

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

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

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

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

748 (i) the schools within the district;

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

750 (iii) the municipality or county;

751 (iv) state or local law enforcement; and

752 (v) state or local traffic safety engineering.

753 (c) The committee shall:

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

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

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

763 (iv) help ensure the district's compliance with rules made by the Department of
764 Transportation under Section [41-6a-303](#).

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

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

770 (b) The plan shall:

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

- 772 (ii) be consistent with the student conduct and discipline policies required for school
773 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
- 774 (iii) require inservice training for all district and school building staff on what their
775 roles are in the emergency response plan;
- 776 (iv) provide for coordination with local law enforcement and other public safety
777 representatives in preventing, intervening, and responding to violence in the areas and activities
778 referred to in Subsection (18)(a); and
- 779 (v) include procedures to notify a student, to the extent practicable, who is off campus
780 at the time of a school violence emergency because the student is:
- 781 (A) participating in a school-related activity; or
782 (B) excused from school for a period of time during the regular school day to
783 participate in religious instruction at the request of the student's parent or guardian.
- 784 (c) The State Board of Education, through the state superintendent of public
785 instruction, shall develop comprehensive emergency response plan models that local school
786 boards may use, where appropriate, to comply with Subsection (18)(a).
- 787 (d) Each local school board shall, by July 1 of each year, certify to the State Board of
788 Education that its plan has been practiced at the school level and presented to and reviewed by
789 its teachers, administrators, students, and their parents and local law enforcement and public
790 safety representatives.
- 791 (19) (a) Each local school board may adopt an emergency response plan for the
792 treatment of sports-related injuries that occur during school sports practices and events.
- 793 (b) The plan may be implemented by each secondary school in the district that has a
794 sports program for students.
- 795 (c) The plan may:
- 796 (i) include emergency personnel, emergency communication, and emergency
797 equipment components;
- 798 (ii) require inservice training on the emergency response plan for school personnel who
799 are involved in sports programs in the district's secondary schools; and
- 800 (iii) provide for coordination with individuals and agency representatives who:
- 801 (A) are not employees of the school district; and
802 (B) would be involved in providing emergency services to students injured while

803 participating in sports events.

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

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

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

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

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

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

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

815 (i) indicate the:

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

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

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

819 (A) published:

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

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

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

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

826 Section 23. Section 53A-11-302 is amended to read:

827 **53A-11-302. Immunizations required -- Exceptions -- Grounds for exemption**
828 **from required immunizations.**

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

831 (2) Except as provided in Section [~~53A-1-1001~~] 53A-1-1004, a student who at the time
832 of school enrollment has not been completely immunized against each specified disease may
833 attend school under a conditional enrollment if the student has received one dose of each

834 specified vaccine prior to enrollment.

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

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

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

841 (i) the information required under Subsection [53A-11-302.5\(1\)](#); and

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

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

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

849 (ii) the student's guardian;

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

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

852 Section 24. Section **53A-11-504** is amended to read:

853 **53A-11-504. Requirement of school record for transfer of student -- Procedures.**

854 (1) Except as provided in Section [~~53A-1-1001~~] [53A-1-1004](#), a school shall request a
855 certified copy of a transfer student's record, directly from the transfer student's previous school,
856 within 14 days after enrolling the transfer student.

857 (2) (a) Except as provided in Subsection (2)(b) and Section [~~53A-1-1001~~] [53A-1-1004](#),
858 a school requested to forward a certified copy of a transferring student's record to the new
859 school shall comply within 30 school days of the request.

860 (b) If the record has been flagged pursuant to Section [53A-11-502](#), a school may not
861 forward the record to the new school and the requested school shall notify the division of the
862 request.

Legislative Review Note
Office of Legislative Research and General Counsel