# PUBLIC EDUCATION RECODIFICATION - LOCAL ADMINISTRATION

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Val L. Peterson

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**LONG TITLE**

**General Description:**

This bill reorganizes and renumbers certain provisions of the public education code related to local administration of the public education system.

**Highlighted Provisions:**

This bill:

- reorganizes and renumbers certain provisions of the public education code related to local administration of the public education system;
- defines terms;
- enacts provisions related to public education for organizational purposes;
- reenacts provisions related to public education for organizational purposes;
- repeals provisions related to public education for organizational purposes; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

This bill provides revisor instructions.

**Utah Code Sections Affected:**

ENACTS:

**53B-1-115**, Utah Code Annotated 1953

**53G-1-101**, Utah Code Annotated 1953

30 **53G-1-102**, Utah Code Annotated 1953
31 **53G-1-103**, Utah Code Annotated 1953
32 **53G-2-101**, Utah Code Annotated 1953
33 **53G-2-102**, Utah Code Annotated 1953
34 **53G-3-101**, Utah Code Annotated 1953
35 **53G-4-101**, Utah Code Annotated 1953
36 **53G-4-102**, Utah Code Annotated 1953
37 **53G-4-501**, Utah Code Annotated 1953
38 **53G-4-601**, Utah Code Annotated 1953
39 **53G-4-701**, Utah Code Annotated 1953
40 **53G-4-1001**, Utah Code Annotated 1953
41 **53G-5-101**, Utah Code Annotated 1953
42 **53G-5-103**, Utah Code Annotated 1953
43 **53G-5-411**, Utah Code Annotated 1953
44 **53G-5-412**, Utah Code Annotated 1953
45 **53G-5-413**, Utah Code Annotated 1953
46 **53G-6-101**, Utah Code Annotated 1953
47 **53G-6-102**, Utah Code Annotated 1953
48 **53G-6-301**, Utah Code Annotated 1953
49 **53G-6-501**, Utah Code Annotated 1953
50 **53G-6-701**, Utah Code Annotated 1953
51 **53G-7-101**, Utah Code Annotated 1953
52 **53G-7-102**, Utah Code Annotated 1953
53 **53G-7-201**, Utah Code Annotated 1953
54 **53G-7-202**, Utah Code Annotated 1953
55 **53G-7-301**, Utah Code Annotated 1953
56 **53G-7-501**, Utah Code Annotated 1953
57 **53G-7-1001**, Utah Code Annotated 1953

58 **53G-7-1201**, Utah Code Annotated 1953
59 **53G-8-101**, Utah Code Annotated 1953
60 **53G-8-102**, Utah Code Annotated 1953
61 **53G-8-201**, Utah Code Annotated 1953
62 **53G-8-401**, Utah Code Annotated 1953
63 **53G-8-601**, Utah Code Annotated 1953
64 **53G-9-101**, Utah Code Annotated 1953
65 **53G-9-102**, Utah Code Annotated 1953
66 **53G-9-201**, Utah Code Annotated 1953
67 **53G-9-401**, Utah Code Annotated 1953
68 **53G-9-501**, Utah Code Annotated 1953
69 **53G-9-701**, Utah Code Annotated 1953
70 **53G-10-101**, Utah Code Annotated 1953
71 **53G-10-102**, Utah Code Annotated 1953
72 **53G-10-201**, Utah Code Annotated 1953
73 **53G-10-301**, Utah Code Annotated 1953
74 **53G-10-305**, Utah Code Annotated 1953
75 **53G-10-401**, Utah Code Annotated 1953
76 **53G-10-403**, Utah Code Annotated 1953
77 **53G-10-501**, Utah Code Annotated 1953
78 **53G-11-101**, Utah Code Annotated 1953
79 **53G-11-102**, Utah Code Annotated 1953
80 **53G-11-201**, Utah Code Annotated 1953
81 **53G-11-301**, Utah Code Annotated 1953
82 **53G-11-502**, Utah Code Annotated 1953
83 RENUMBERS AND AMENDS:
84 **11-36a-206**, (Renumbered from 53A-20-100.5, as enacted by Laws of Utah 1995,
85 Chapter 283)

86 **53G-3-102**, (Renumbered from 53A-2-112, as enacted by Laws of Utah 1988, Chapter
87 49)
88 **53G-3-103**, (Renumbered from 53A-2-111, as enacted by Laws of Utah 1988, Chapter
89 49)
90 **53G-3-201**, (Renumbered from 53A-2-101, as enacted by Laws of Utah 1988, Chapter
91 2)
92 **53G-3-202**, (Renumbered from 53A-2-108, as last amended by Laws of Utah 2000,
93 Chapter 185)
94 **53G-3-203**, (Renumbered from 53A-2-101.5, as last amended by Laws of Utah 2009,
95 Chapter 350)
96 **53G-3-204**, (Renumbered from 53A-2-123, as last amended by Laws of Utah 2013,
97 Chapter 445)
98 **53G-3-205**, (Renumbered from 53A-2-116, as enacted by Laws of Utah 1988, Chapter
99 49)
100 **53G-3-301**, (Renumbered from 53A-2-118, as last amended by Laws of Utah 2017,
101 Chapter 91)
102 **53G-3-302**, (Renumbered from 53A-2-118.1, as last amended by Laws of Utah 2017,
103 Chapter 91)
104 **53G-3-303**, (Renumbered from 53A-2-118.2, as last amended by Laws of Utah 2011,
105 Chapter 371)
106 **53G-3-304**, (Renumbered from 53A-2-118.4, as last amended by Laws of Utah 2015,
107 Chapter 428)
108 **53G-3-305**, (Renumbered from 53A-2-119, as last amended by Laws of Utah 2010,
109 Chapter 230)
110 **53G-3-306**, (Renumbered from 53A-2-120, as last amended by Laws of Utah 2011,
111 Chapter 295)
112 **53G-3-307**, (Renumbered from 53A-2-121, as last amended by Laws of Utah 2011,
113 Chapter 295)

114 **53G-3-308**, (Renumbered from 53A-2-122, as last amended by Laws of Utah 2006,
115 Chapter 183)
116 **53G-3-401**, (Renumbered from 53A-2-102, as last amended by Laws of Utah 1993,
117 Chapter 227)
118 **53G-3-402**, (Renumbered from 53A-2-103, as last amended by Laws of Utah 2008,
119 Chapter 236)
120 **53G-3-403**, (Renumbered from 53A-2-113, as last amended by Laws of Utah 1993,
121 Chapter 4)
122 **53G-3-404**, (Renumbered from 53A-2-114, as last amended by Laws of Utah 2011,
123 Chapter 371)
124 **53G-3-501**, (Renumbered from 53A-2-104, as last amended by Laws of Utah 2007,
125 Chapter 215)
126 **53G-3-502**, (Renumbered from 53A-2-105, as last amended by Laws of Utah 2007,
127 Chapter 215)
128 **53G-3-503**, (Renumbered from 53A-2-115, as last amended by Laws of Utah 2011,
129 Chapter 371)
130 **53G-4-201**, (Renumbered from 53A-3-101, as repealed and reenacted by Laws of Utah
131 1995, Chapter 1)
132 **53G-4-202**, (Renumbered from 53A-3-106, as last amended by Laws of Utah 2015,
133 Chapters 60 and 196)
134 **53G-4-203**, (Renumbered from 53A-3-201, as last amended by Laws of Utah 2005,
135 Chapter 172)
136 **53G-4-204**, (Renumbered from 53A-3-202, as last amended by Laws of Utah 2010,
137 Chapter 90)
138 **53G-4-205**, (Renumbered from 53A-3-204, as last amended by Laws of Utah 2011,
139 Chapter 366)
140 **53G-4-301**, (Renumbered from 53A-3-301, as last amended by Laws of Utah 2011,
141 Chapters 209 and 322)

142 **53G-4-302**, (Renumbered from 53A-3-302, as last amended by Laws of Utah 2012,
143 Chapter 46)
144 **53G-4-303**, (Renumbered from 53A-3-303, as last amended by Laws of Utah 2008,
145 Chapter 382)
146 **53G-4-304**, (Renumbered from 53A-3-304, as last amended by Laws of Utah 2011,
147 Chapter 336)
148 **53G-4-401**, (Renumbered from 53A-3-401, as last amended by Laws of Utah 2014,
149 Chapter 336)
150 **53G-4-402**, (Renumbered from 53A-3-402, as last amended by Laws of Utah 2017,
151 Chapters 278 and 330)
152 **53G-4-403**, (Renumbered from 53A-3-403, as last amended by Laws of Utah 2017,
153 Chapter 372)
154 **53G-4-404**, (Renumbered from 53A-3-404, as last amended by Laws of Utah 2004,
155 Chapter 206)
156 **53G-4-405**, (Renumbered from 53A-3-405, as enacted by Laws of Utah 1988, Chapter
157 2)
158 **53G-4-406**, (Renumbered from 53A-3-406, as enacted by Laws of Utah 1988, Chapter
159 2)
160 **53G-4-407**, (Renumbered from 53A-3-408, as enacted by Laws of Utah 1988, Chapter
161 2)
162 **53G-4-408**, (Renumbered from 53A-3-412, as enacted by Laws of Utah 1988, Chapter
163 2)
164 **53G-4-409**, (Renumbered from 53A-3-420, as last amended by Laws of Utah 2010,
165 Chapter 305)
166 **53G-4-410**, (Renumbered from 53A-3-429, as last amended by Laws of Utah 2014,
167 Chapter 63)
168 **53G-4-411**, (Renumbered from 53A-3-432, as enacted by Laws of Utah 2015, Chapter
169 300 and last amended by Coordination Clause, Laws of Utah 2015, Chapter 300)

170 **53G-4-502**, (Renumbered from 53A-5-101, as last amended by Laws of Utah 1990,
171 Chapter 78)
172 **53G-4-503**, (Renumbered from 53A-5-102, as enacted by Laws of Utah 1988, Chapter
173 2)
174 **53G-4-504**, (Renumbered from 53A-5-103, as enacted by Laws of Utah 1988, Chapter
175 2)
176 **53G-4-602**, (Renumbered from 53A-18-101, as last amended by Laws of Utah 2005,
177 Chapter 105)
178 **53G-4-603**, (Renumbered from 53A-18-102, as last amended by Laws of Utah 2014,
179 Chapter 325)
180 **53G-4-604**, (Renumbered from 53A-18-103, as enacted by Laws of Utah 1988, Chapter
181 2)
182 **53G-4-605**, (Renumbered from 53A-18-104, as last amended by Laws of Utah 2009,
183 Chapter 388)
184 **53G-4-606**, (Renumbered from 53A-18-105, as enacted by Laws of Utah 1988, Chapter
185 2)
186 **53G-4-607**, (Renumbered from 53A-18-106, as last amended by Laws of Utah 1993,
187 Chapter 227)
188 **53G-4-608**, (Renumbered from 53A-18-107, as enacted by Laws of Utah 2013, Chapter
189 356)
190 **53G-4-702**, (Renumbered from 53A-23-101, as enacted by Laws of Utah 1988, Chapter
191 2)
192 **53G-4-703**, (Renumbered from 53A-23-102, as enacted by Laws of Utah 1988, Chapter
193 2)
194 **53G-4-704**, (Renumbered from 53A-23-103, as enacted by Laws of Utah 1988, Chapter
195 2)
196 **53G-4-705**, (Renumbered from 53A-23-104, as enacted by Laws of Utah 1988, Chapter
197 2)

198 **53G-4-801**, (Renumbered from 53A-28-102, as enacted by Laws of Utah 1996, Chapter
199 62)
200 **53G-4-802**, (Renumbered from 53A-28-201, as enacted by Laws of Utah 1996, Chapter
201 62)
202 **53G-4-803**, (Renumbered from 53A-28-202, as enacted by Laws of Utah 1996, Chapter
203 62)
204 **53G-4-804**, (Renumbered from 53A-28-203, as last amended by Laws of Utah 2003,
205 Chapter 221)
206 **53G-4-805**, (Renumbered from 53A-28-301, as last amended by Laws of Utah 2011,
207 Chapter 342)
208 **53G-4-806**, (Renumbered from 53A-28-302, as last amended by Laws of Utah 2011,
209 Chapter 342)
210 **53G-4-807**, (Renumbered from 53A-28-401, as last amended by Laws of Utah 2011,
211 Chapter 342)
212 **53G-4-808**, (Renumbered from 53A-28-402, as last amended by Laws of Utah 2011,
213 Chapter 342)
214 **53G-4-901**, (Renumbered from 53A-2-402, as last amended by Laws of Utah 2015,
215 Chapter 352)
216 **53G-4-902**, (Renumbered from 53A-2-403, as last amended by Laws of Utah 2012,
217 Chapter 104)
218 **53G-4-903**, (Renumbered from 53A-2-404, as enacted by Laws of Utah 2006, Chapter
219 339)
220 **53G-4-1001.5**, (Renumbered from 53A-22-101, as enacted by Laws of Utah 1988,
221 Chapter 2)
222 **53G-4-1002**, (Renumbered from 53A-22-102, as enacted by Laws of Utah 1988,
223 Chapter 2)
224 **53G-4-1003**, (Renumbered from 53A-22-103, as enacted by Laws of Utah 1988,
225 Chapter 2)

226 **53G-4-1004**, (Renumbered from 53A-22-104, as enacted by Laws of Utah 1988,
227 Chapter 2)
228 **53G-4-1005**, (Renumbered from 53A-22-105, as enacted by Laws of Utah 1988,
229 Chapter 2)
230 **53G-4-1006**, (Renumbered from 53A-22-106, as enacted by Laws of Utah 1988,
231 Chapter 2)
232 **53G-5-102**, (Renumbered from 53A-1a-501.3, as last amended by Laws of Utah 2017,
233 Chapter 382)
234 **53G-5-104**, (Renumbered from 53A-1a-503, as last amended by Laws of Utah 2008,
235 Chapter 319)
236 **53G-5-201**, (Renumbered from 53A-1a-501.5, as last amended by Laws of Utah 2011,
237 Chapter 429)
238 **53G-5-202**, (Renumbered from 53A-1a-501.6, as last amended by Laws of Utah 2014,
239 Chapter 363)
240 **53G-5-203**, (Renumbered from 53A-1a-501.7, as last amended by Laws of Utah 2016,
241 Chapters 144 and 271)
242 **53G-5-204**, (Renumbered from 53A-1a-507.1, as enacted by Laws of Utah 2005,
243 Chapter 74)
244 **53G-5-301**, (Renumbered from 53A-1a-501.9, as enacted by Laws of Utah 2013,
245 Chapter 376)
246 **53G-5-302**, (Renumbered from 53A-1a-504, as last amended by Laws of Utah 2017,
247 Chapters 325 and 378)
248 **53G-5-303**, (Renumbered from 53A-1a-508, as last amended by Laws of Utah 2017,
249 Chapter 212)
250 **53G-5-304**, (Renumbered from 53A-1a-505, as last amended by Laws of Utah 2014,
251 Chapter 363)
252 **53G-5-305**, (Renumbered from 53A-1a-515, as last amended by Laws of Utah 2014,
253 Chapter 363)

254 **53G-5-306**, (Renumbered from 53A-1a-521, as last amended by Laws of Utah 2017,
255 Chapter 382)
256 **53G-5-401**, (Renumbered from 53A-1a-503.5, as last amended by Laws of Utah 2016,
257 Chapter 232)
258 **53G-5-402**, (Renumbered from 53A-1a-523, as enacted by Laws of Utah 2011, Chapter
259 436)
260 **53G-5-403**, (Renumbered from 53A-1a-517, as last amended by Laws of Utah 2014,
261 Chapter 363)
262 **53G-5-404**, (Renumbered from 53A-1a-507, as last amended by Laws of Utah 2014,
263 Chapter 363)
264 **53G-5-405**, (Renumbered from 53A-1a-511, as last amended by Laws of Utah 2016,
265 Chapters 355 and 363)
266 **53G-5-406**, (Renumbered from 53A-1a-520, as last amended by Laws of Utah 2014,
267 Chapter 363)
268 **53G-5-407**, (Renumbered from 53A-1a-512, as last amended by Laws of Utah 2014,
269 Chapter 363)
270 **53G-5-408**, (Renumbered from 53A-1a-512.5, as last amended by Laws of Utah 2015,
271 Chapter 389)
272 **53G-5-409**, (Renumbered from 53A-1a-518, as last amended by Laws of Utah 2010,
273 Chapter 162)
274 **53G-5-410**, (Renumbered from 53A-1a-524, as last amended by Laws of Utah 2016,
275 Chapter 220)
276 **53G-5-501**, (Renumbered from 53A-1a-509, as last amended by Laws of Utah 2014,
277 Chapter 363)
278 **53G-5-502**, (Renumbered from 53A-1a-509.5, as last amended by Laws of Utah 2016,
279 Chapter 363)
280 **53G-5-503**, (Renumbered from 53A-1a-510, as last amended by Laws of Utah 2017,
281 Chapter 378)

282 **53G-5-504**, (Renumbered from 53A-1a-510.5, as last amended by Laws of Utah 2016,
283 Chapter 213)
284 **53G-5-505**, (Renumbered from 53A-1a-514, as last amended by Laws of Utah 2014,
285 Chapter 363)
286 **53G-5-601**, (Renumbered from 53A-20b-102, as last amended by Laws of Utah 2012,
287 Chapter 201)
288 **53G-5-602**, (Renumbered from 53A-20b-103, as last amended by Laws of Utah 2012,
289 Chapter 201)
290 **53G-5-603**, (Renumbered from 53A-20b-104, as last amended by Laws of Utah 2012,
291 Chapter 201)
292 **53G-5-604**, (Renumbered from 53A-20b-105, as last amended by Laws of Utah 2012,
293 Chapter 201)
294 **53G-5-605**, (Renumbered from 53A-20b-106, as enacted by Laws of Utah 2007,
295 Chapter 167)
296 **53G-5-606**, (Renumbered from 53A-20b-201, as last amended by Laws of Utah 2014,
297 Chapter 363)
298 **53G-5-607**, (Renumbered from 53A-20b-202, as enacted by Laws of Utah 2012,
299 Chapter 201)
300 **53G-5-608**, (Renumbered from 53A-20b-203, as enacted by Laws of Utah 2012,
301 Chapter 201)
302 **53G-5-609**, (Renumbered from 53A-20b-204, as enacted by Laws of Utah 2012,
303 Chapter 201)
304 **53G-6-201**, (Renumbered from 53A-11-101, as last amended by Laws of Utah 2007,
305 Chapter 81)
306 **53G-6-202**, (Renumbered from 53A-11-101.5, as last amended by Laws of Utah 2012,
307 Chapter 203)
308 **53G-6-203**, (Renumbered from 53A-11-101.7, as last amended by Laws of Utah 2017,
309 Chapter 330)

310 **53G-6-204**, (Renumbered from 53A-11-102, as last amended by Laws of Utah 2014,
311 Chapter 374)
312 **53G-6-205**, (Renumbered from 53A-11-101.3, as enacted by Laws of Utah 2007,
313 Chapter 81)
314 **53G-6-206**, (Renumbered from 53A-11-103, as last amended by Laws of Utah 2017,
315 Chapter 330)
316 **53G-6-207**, (Renumbered from 53A-11-104, as last amended by Laws of Utah 2007,
317 Chapter 81)
318 **53G-6-208**, (Renumbered from 53A-11-105, as last amended by Laws of Utah 2017,
319 Chapter 330)
320 **53G-6-209**, (Renumbered from 53A-11-106, as last amended by Laws of Utah 2007,
321 Chapter 81)
322 **53G-6-302**, (Renumbered from 53A-2-201, as last amended by Laws of Utah 2017,
323 Chapter 175)
324 **53G-6-303**, (Renumbered from 53A-2-202, as last amended by Laws of Utah 1998,
325 Chapter 263)
326 **53G-6-304**, (Renumbered from 53A-2-203.5, as enacted by Laws of Utah 1998,
327 Chapter 124)
328 **53G-6-305**, (Renumbered from 53A-2-204, as last amended by Laws of Utah 2017,
329 Chapter 316)
330 **53G-6-306**, (Renumbered from 53A-2-205, as enacted by Laws of Utah 1988, Chapter
331 2)
332 **53G-6-401**, (Renumbered from 53A-2-206.5, as last amended by Laws of Utah 2012,
333 Chapter 67)
334 **53G-6-402**, (Renumbered from 53A-2-207, as last amended by Laws of Utah 2012,
335 Chapter 67)
336 **53G-6-403**, (Renumbered from 53A-2-208, as last amended by Laws of Utah 2008,
337 Chapter 346)

338 **53G-6-404**, (Renumbered from 53A-2-209, as repealed and reenacted by Laws of Utah
339 1993, Chapter 119)
340 **53G-6-405**, (Renumbered from 53A-2-210, as last amended by Laws of Utah 2008,
341 Chapter 346)
342 **53G-6-406**, (Renumbered from 53A-2-211, as last amended by Laws of Utah 1993,
343 Chapter 119)
344 **53G-6-407**, (Renumbered from 53A-2-213, as last amended by Laws of Utah 2008,
345 Chapter 346)
346 **53G-6-502**, (Renumbered from 53A-1a-506, as last amended by Laws of Utah 2017,
347 Chapters 87 and 212)
348 **53G-6-503**, (Renumbered from 53A-1a-506.5, as last amended by Laws of Utah 2014,
349 Chapter 363)
350 **53G-6-504**, (Renumbered from 53A-1a-502.5, as last amended by Laws of Utah 2016,
351 Chapter 213)
352 **53G-6-601**, (Renumbered from 53A-11-501, as last amended by Laws of Utah 1998,
353 Chapter 263)
354 **53G-6-602**, (Renumbered from 53A-11-502, as last amended by Laws of Utah 1998,
355 Chapter 263)
356 **53G-6-603**, (Renumbered from 53A-11-503, as last amended by Laws of Utah 1993,
357 Chapter 234)
358 **53G-6-604**, (Renumbered from 53A-11-504, as last amended by Laws of Utah 2017,
359 Chapter 278)
360 **53G-6-702**, (Renumbered from 53A-11-102.5, as last amended by Laws of Utah 2010,
361 Chapter 210)
362 **53G-6-703**, (Renumbered from 53A-11-102.6, as last amended by Laws of Utah 2011,
363 Chapter 340)
364 **53G-6-704**, (Renumbered from 53A-1a-519, as last amended by Laws of Utah 2011,
365 Chapter 433)

366 **53G-6-705**, (Renumbered from 53A-2-214, as last amended by Laws of Utah 2017,
367 Chapter 173)
368 **53G-6-706**, (Renumbered from 53A-11-102.7, as enacted by Laws of Utah 2014,
369 Chapter 374)
370 **53G-6-707**, (Renumbered from 53A-2-206, as last amended by Laws of Utah 2012,
371 Chapter 398)
372 **53G-6-708**, (Renumbered from 53A-17a-114, as last amended by Laws of Utah 2017,
373 Chapter 382)
374 **53G-6-801**, (Renumbered from 53A-15-1401, as last amended by Laws of Utah 2015,
375 Chapter 444)
376 **53G-6-802**, (Renumbered from 53A-15-1402, as last amended by Laws of Utah 2015,
377 Chapter 444)
378 **53G-6-803**, (Renumbered from 53A-15-1403, as last amended by Laws of Utah 2015,
379 Chapter 444)
380 **53G-7-203**, (Renumbered from 53A-3-402.7, as enacted by Laws of Utah 1993,
381 Chapter 122)
382 **53G-7-204**, (Renumbered from 53A-3-402.1, as enacted by Laws of Utah 1999,
383 Chapter 268)
384 **53G-7-205**, (Renumbered from 53A-3-402.9, as last amended by Laws of Utah 2016,
385 Chapter 144)
386 **53G-7-206**, (Renumbered from 53A-13-108.5, as last amended by Laws of Utah 2015,
387 Chapter 415)
388 **53G-7-207**, (Renumbered from 53A-11-901.5, as renumbered and amended by Laws of
389 Utah 1997, Chapter 10)
390 **53G-7-208**, (Renumbered from 53A-3-409, as last amended by Laws of Utah 2015,
391 Chapter 286)
392 **53G-7-209**, (Renumbered from 53A-3-413, as last amended by Laws of Utah 2015,
393 Chapters 232 and 342)

394 **53G-7-210**, (Renumbered from 53A-3-414, as last amended by Laws of Utah 2015,
395 Chapter 232)
396 **53G-7-211**, (Renumbered from 53A-3-407, as enacted by Laws of Utah 1988, Chapter
397 2)
398 **53G-7-212**, (Renumbered from 53A-3-402.5, as repealed and reenacted by Laws of
399 Utah 1993, Chapter 1)
400 **53G-7-213**, (Renumbered from 53A-3-417, as last amended by Laws of Utah 2004,
401 Chapter 171)
402 **53G-7-214**, (Renumbered from 53A-3-427, as last amended by Laws of Utah 2013,
403 Chapter 214)
404 **53G-7-215**, (Renumbered from 53A-1-409, as last amended by Laws of Utah 2016,
405 Chapter 347)
406 **53G-7-216**, (Renumbered from 53A-1-706, as last amended by Laws of Utah 2016,
407 Chapter 220)
408 **53G-7-302**, (Renumbered from 53A-19-101, as last amended by Laws of Utah 2016,
409 Chapter 363)
410 **53G-7-303**, (Renumbered from 53A-19-102, as last amended by Laws of Utah 2016,
411 Chapter 363)
412 **53G-7-304**, (Renumbered from 53A-19-103, as enacted by Laws of Utah 1988, Chapter
413 2)
414 **53G-7-305**, (Renumbered from 53A-19-104, as last amended by Laws of Utah 2016,
415 Chapter 363)
416 **53G-7-306**, (Renumbered from 53A-19-105, as last amended by Laws of Utah 2016,
417 Chapters 350 and 367)
418 **53G-7-307**, (Renumbered from 53A-19-106, as last amended by Laws of Utah 2016,
419 Chapter 363)
420 **53G-7-308**, (Renumbered from 53A-19-107, as enacted by Laws of Utah 1988, Chapter
421 2)

422 **53G-7-309**, (Renumbered from 53A-19-108, as last amended by Laws of Utah 2016,
423 Chapter 363)
424 **53G-7-401**, (Renumbered from 53A-30-102, as enacted by Laws of Utah 2014, Chapter
425 433)
426 **53G-7-402**, (Renumbered from 53A-30-103, as enacted by Laws of Utah 2014, Chapter
427 433)
428 **53G-7-502**, (Renumbered from 53A-12-101, as enacted by Laws of Utah 1988, Chapter
429 2)
430 **53G-7-503**, (Renumbered from 53A-12-102, as last amended by Laws of Utah 2015,
431 Chapter 258)
432 **53G-7-504**, (Renumbered from 53A-12-103, as last amended by Laws of Utah 2008,
433 Chapter 382)
434 **53G-7-505**, (Renumbered from 53A-12-104, as enacted by Laws of Utah 1988, Chapter
435 2)
436 **53G-7-601**, (Renumbered from 53A-12-202, as enacted by Laws of Utah 1988, Chapter
437 2)
438 **53G-7-602**, (Renumbered from 53A-12-201, as enacted by Laws of Utah 1988, Chapter
439 2)
440 **53G-7-603**, (Renumbered from 53A-12-204, as last amended by Laws of Utah 2002,
441 Chapter 299)
442 **53G-7-604**, (Renumbered from 53A-12-205, as enacted by Laws of Utah 1988, Chapter
443 2)
444 **53G-7-605**, (Renumbered from 53A-12-206, as enacted by Laws of Utah 1988, Chapter
445 2)
446 **53G-7-606**, (Renumbered from 53A-12-207, as last amended by Laws of Utah 2010,
447 Chapter 305)
448 **53G-7-701**, (Renumbered from 53A-11-1202, as last amended by Laws of Utah 2011,
449 Chapter 403)

450 **53G-7-702**, (Renumbered from 53A-11-1203, as last amended by Laws of Utah 2011,
451 Chapter 403)
452 **53G-7-703**, (Renumbered from 53A-11-1204, as enacted by Laws of Utah 2007,
453 Chapter 114)
454 **53G-7-704**, (Renumbered from 53A-11-1205, as enacted by Laws of Utah 2007,
455 Chapter 114)
456 **53G-7-705**, (Renumbered from 53A-11-1206, as last amended by Laws of Utah 2011,
457 Chapter 403)
458 **53G-7-706**, (Renumbered from 53A-11-1207, as enacted by Laws of Utah 2007,
459 Chapter 114)
460 **53G-7-707**, (Renumbered from 53A-11-1208, as last amended by Laws of Utah 2011,
461 Chapter 403)
462 **53G-7-708**, (Renumbered from 53A-11-1209, as enacted by Laws of Utah 2007,
463 Chapter 114)
464 **53G-7-709**, (Renumbered from 53A-11-1210, as enacted by Laws of Utah 2007,
465 Chapter 114)
466 **53G-7-710**, (Renumbered from 53A-11-1211, as last amended by Laws of Utah 2011,
467 Chapter 403)
468 **53G-7-711**, (Renumbered from 53A-11-1212, as last amended by Laws of Utah 2011,
469 Chapter 403)
470 **53G-7-712**, (Renumbered from 53A-11-1213, as enacted by Laws of Utah 2007,
471 Chapter 114)
472 **53G-7-713**, (Renumbered from 53A-11-1214, as enacted by Laws of Utah 2007,
473 Chapter 114)
474 **53G-7-801**, (Renumbered from 53A-15-1101, as enacted by Laws of Utah 2006,
475 Chapter 190)
476 **53G-7-802**, (Renumbered from 53A-15-1102, as enacted by Laws of Utah 2006,
477 Chapter 190)

478 **53G-7-803**, (Renumbered from 53A-15-1103, as enacted by Laws of Utah 2006,
479 Chapter 190)
480 **53G-7-901**, (Renumbered from 53A-29-101, as enacted by Laws of Utah 1996, Chapter
481 73)
482 **53G-7-902**, (Renumbered from 53A-29-102, as enacted by Laws of Utah 1996, Chapter
483 73)
484 **53G-7-903**, (Renumbered from 53A-29-103, as last amended by Laws of Utah 2008,
485 Chapter 250)
486 **53G-7-904**, (Renumbered from 53A-29-104, as last amended by Laws of Utah 2015,
487 Chapter 389)
488 **53G-7-905**, (Renumbered from 53A-29-105, as enacted by Laws of Utah 1996, Chapter
489 73)
490 **53G-7-1002**, (Renumbered from 53A-3-422, as last amended by Laws of Utah 2002,
491 Chapter 301)
492 **53G-7-1003**, (Renumbered from 53A-3-423, as enacted by Laws of Utah 2001, Chapter
493 172)
494 **53G-7-1004**, (Renumbered from 53A-3-424, as last amended by Laws of Utah 2016,
495 Chapter 144)
496 **53G-7-1101**, (Renumbered from 53A-1-1601, as enacted by Laws of Utah 2017,
497 Chapter 196)
498 **53G-7-1102**, (Renumbered from 53A-1-1602, as enacted by Laws of Utah 2017,
499 Chapter 196)
500 **53G-7-1103**, (Renumbered from 53A-1-1603, as enacted by Laws of Utah 2017,
501 Chapter 196)
502 **53G-7-1104**, (Renumbered from 53A-1-1604, as enacted by Laws of Utah 2017,
503 Chapter 196)
504 **53G-7-1105**, (Renumbered from 53A-1-1605, as enacted by Laws of Utah 2017,
505 Chapter 196)

506 **53G-7-1106**, (Renumbered from 53A-1-1606, as enacted by Laws of Utah 2017,
507 Chapter 196)
508 **53G-7-1202**, (Renumbered from 53A-1a-108, as last amended by Laws of Utah 2016,
509 Chapter 220)
510 **53G-7-1203**, (Renumbered from 53A-1a-108.1, as last amended by Laws of Utah 2015,
511 Chapter 276)
512 **53G-7-1204**, (Renumbered from 53A-1a-108.5, as last amended by Laws of Utah 2016,
513 Chapter 220)
514 **53G-8-202**, (Renumbered from 53A-11-901, as last amended by Laws of Utah 2017,
515 Chapter 330)
516 **53G-8-203**, (Renumbered from 53A-11-902, as last amended by Laws of Utah 2017,
517 Chapter 55)
518 **53G-8-204**, (Renumbered from 53A-11-903, as last amended by Laws of Utah 2007,
519 Chapter 161)
520 **53G-8-205**, (Renumbered from 53A-11-904, as last amended by Laws of Utah 2010,
521 Chapter 276)
522 **53G-8-206**, (Renumbered from 53A-11-905, as last amended by Laws of Utah 2007,
523 Chapter 161)
524 **53G-8-207**, (Renumbered from 53A-11-906, as last amended by Laws of Utah 2007,
525 Chapters 82 and 161)
526 **53G-8-208**, (Renumbered from 53A-11-907, as last amended by Laws of Utah 2007,
527 Chapter 161)
528 **53G-8-209**, (Renumbered from 53A-11-908, as last amended by Laws of Utah 2017,
529 Chapter 330)
530 **53G-8-210**, (Renumbered from 53A-11-910, as last amended by Laws of Utah 2017,
531 Chapter 330)
532 **53G-8-211**, (Renumbered from 53A-11-911, as enacted by Laws of Utah 2017, Chapter
533 330)

534 **53G-8-212**, (Renumbered from 53A-11-806, as last amended by Laws of Utah 2017,
535 Chapter 55)
536 **53G-8-301**, (Renumbered from 53A-11-801, as last amended by Laws of Utah 2017,
537 Chapter 55)
538 **53G-8-302**, (Renumbered from 53A-11-802, as last amended by Laws of Utah 2017,
539 Chapter 55)
540 **53G-8-303**, (Renumbered from 53A-11-803, as last amended by Laws of Utah 1994,
541 Chapter 260)
542 **53G-8-304**, (Renumbered from 53A-11-804, as enacted by Laws of Utah 1992, Chapter
543 251)
544 **53G-8-305**, (Renumbered from 53A-11-805, as enacted by Laws of Utah 1992, Chapter
545 251)
546 **53G-8-402**, (Renumbered from 53A-11-1001, as last amended by Laws of Utah 2008,
547 Chapter 3)
548 **53G-8-403**, (Renumbered from 53A-11-1002, as last amended by Laws of Utah 2004,
549 Chapter 102)
550 **53G-8-404**, (Renumbered from 53A-11-1003, as enacted by Laws of Utah 1994,
551 Chapter 256)
552 **53G-8-405**, (Renumbered from 53A-11-1004, as last amended by Laws of Utah 2008,
553 Chapter 3)
554 **53G-8-501**, (Renumbered from 53A-11-401, as last amended by Laws of Utah 1989,
555 Chapter 22)
556 **53G-8-502**, (Renumbered from 53A-11-402, as enacted by Laws of Utah 1988, Chapter
557 2)
558 **53G-8-503**, (Renumbered from 53A-11-403, as last amended by Laws of Utah 2017,
559 Chapter 330)
560 **53G-8-504**, (Renumbered from 53A-11-404, as enacted by Laws of Utah 1988, Chapter
561 2)

562 **53G-8-505**, (Renumbered from 53A-11-1301, as renumbered and amended by Laws of
563 Utah 2008, Chapter 3)
564 **53G-8-506**, (Renumbered from 53A-11-1302, as last amended by Laws of Utah 2017,
565 Chapter 330)
566 **53G-8-507**, (Renumbered from 53A-11-1303, as renumbered and amended by Laws of
567 Utah 2008, Chapter 3)
568 **53G-8-508**, (Renumbered from 53A-11-1304, as renumbered and amended by Laws of
569 Utah 2008, Chapter 3)
570 **53G-8-509**, (Renumbered from 53A-11-1305, as renumbered and amended by Laws of
571 Utah 2008, Chapter 3)
572 **53G-8-510**, (Renumbered from 53A-11-1101, as enacted by Laws of Utah 1994,
573 Chapter 256)
574 **53G-8-602**, (Renumbered from 53A-3-501, as last amended by Laws of Utah 1998,
575 Chapter 10)
576 **53G-8-603**, (Renumbered from 53A-3-503, as last amended by Laws of Utah 1990,
577 Chapter 78)
578 **53G-8-604**, (Renumbered from 53A-3-504, as enacted by Laws of Utah 1988, Chapter
579 140)
580 **53G-8-701**, (Renumbered from 53A-11-1602, as enacted by Laws of Utah 2016,
581 Chapter 165)
582 **53G-8-702**, (Renumbered from 53A-11-1603, as enacted by Laws of Utah 2016,
583 Chapter 165)
584 **53G-8-703**, (Renumbered from 53A-11-1604, as last amended by Laws of Utah 2017,
585 Chapter 330)
586 **53G-9-202**, (Renumbered from 53A-11-205, as enacted by Laws of Utah 2001, First
587 Special Session, Chapter 3)
588 **53G-9-203**, (Renumbered from 53A-11-605, as last amended by Laws of Utah 2013,
589 Chapter 335)

590 **53G-9-204**, (Renumbered from 53A-11-204, as last amended by Laws of Utah 2002,
591 Chapter 301)
592 **53G-9-205**, (Renumbered from 53A-19-301, as enacted by Laws of Utah 1996, Chapter
593 268)
594 **53G-9-206**, (Renumbered from 53A-13-103, as enacted by Laws of Utah 1988, Chapter
595 2)
596 **53G-9-207**, (Renumbered from 53A-13-112, as enacted by Laws of Utah 2014, Chapter
597 342)
598 **53G-9-208**, (Renumbered from 53A-11-606, as enacted by Laws of Utah 2017, Chapter
599 191)
600 **53G-9-301 (Effective 07/01/18)**, (Renumbered from 53A-11-300.5 (Effective
601 07/01/18), as enacted by Laws of Utah 2017, Chapter 344)
602 **53G-9-302 (Effective 07/01/18)**, (Renumbered from 53A-11-301 (Effective 07/01/18),
603 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
604 **53G-9-302 (Superseded 07/01/18)**, (Renumbered from 53A-11-301 (Superseded
605 07/01/18), as last amended by Laws of Utah 1992, Chapter 53)
606 **53G-9-303 (Effective 07/01/18)**, (Renumbered from 53A-11-302 (Effective 07/01/18),
607 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
608 **53G-9-303 (Superseded 07/01/18)**, (Renumbered from 53A-11-302 (Superseded
609 07/01/18), as last amended by Laws of Utah 2017, Chapter 278)
610 **53G-9-304 (Effective 07/01/18)**, (Renumbered from 53A-11-302.5 (Effective
611 07/01/18), as repealed and reenacted by Laws of Utah 2017, Chapter 344)
612 **53G-9-304 (Superseded 07/01/18)**, (Renumbered from 53A-11-302.5 (Superseded
613 07/01/18), as enacted by Laws of Utah 1992, Chapter 129)
614 **53G-9-305 (Effective 07/01/18)**, (Renumbered from 53A-11-303 (Effective 07/01/18),
615 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
616 **53G-9-305 (Superseded 07/01/18)**, (Renumbered from 53A-11-303 (Superseded
617 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)

618 **53G-9-306 (Effective 07/01/18)**, (Renumbered from 53A-11-304 (Effective 07/01/18),
619 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
620 **53G-9-306 (Superseded 07/01/18)**, (Renumbered from 53A-11-304 (Superseded
621 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)
622 **53G-9-307 (Repealed 07/01/18)**, (Renumbered from 53A-11-305 (Repealed 07/01/18),
623 as repealed by Laws of Utah 2017, Chapter 344)
624 **53G-9-308 (Effective 07/01/18)**, (Renumbered from 53A-11-306 (Effective 07/01/18),
625 as repealed and reenacted by Laws of Utah 2017, Chapter 344)
626 **53G-9-308 (Superseded 07/01/18)**, (Renumbered from 53A-11-306 (Superseded
627 07/01/18), as enacted by Laws of Utah 1988, Chapter 2)
628 **53G-9-309 (Effective 07/01/18)**, (Renumbered from 53A-11-307 (Effective 07/01/18),
629 as enacted by Laws of Utah 2017, Chapter 344)
630 **53G-9-402**, (Renumbered from 53A-11-201, as last amended by Laws of Utah 1996,
631 Chapter 4)
632 **53G-9-403**, (Renumbered from 53A-11-202, as enacted by Laws of Utah 1988, Chapter
633 2)
634 **53G-9-404**, (Renumbered from 53A-11-203, as last amended by Laws of Utah 2016,
635 Chapter 271)
636 **53G-9-502**, (Renumbered from 53A-11-601, as last amended by Laws of Utah 2017,
637 Chapter 183)
638 **53G-9-503**, (Renumbered from 53A-11-602, as enacted by Laws of Utah 2004, Chapter
639 4)
640 **53G-9-504**, (Renumbered from 53A-11-603, as enacted by Laws of Utah 2006, Chapter
641 215)
642 **53G-9-505**, (Renumbered from 53A-11-603.5, as enacted by Laws of Utah 2016,
643 Chapter 423)
644 **53G-9-506**, (Renumbered from 53A-11-604, as enacted by Laws of Utah 2006, Chapter
645 215)

646 **53G-9-601**, (Renumbered from 53A-11a-102, as last amended by Laws of Utah 2017,
647 Chapters 170 and 213)
648 **53G-9-602**, (Renumbered from 53A-11a-201, as last amended by Laws of Utah 2017,
649 Chapter 213)
650 **53G-9-603**, (Renumbered from 53A-11a-202, as last amended by Laws of Utah 2017,
651 Chapter 213)
652 **53G-9-604**, (Renumbered from 53A-11a-203, as last amended by Laws of Utah 2017,
653 Chapters 30, 170, and 213)
654 **53G-9-605**, (Renumbered from 53A-11a-301, as last amended by Laws of Utah 2017,
655 Chapters 170 and 213)
656 **53G-9-606**, (Renumbered from 53A-11a-302, as last amended by Laws of Utah 2017,
657 Chapters 170 and 213)
658 **53G-9-607**, (Renumbered from 53A-11a-401, as last amended by Laws of Utah 2017,
659 Chapters 170, 213 and last amended by Coordination Clause, Laws of Utah 2017,
660 Chapter 213)
661 **53G-9-608**, (Renumbered from 53A-11a-402, as last amended by Laws of Utah 2017,
662 Chapters 170 and 213)
663 **53G-9-702**, (Renumbered from 53A-15-1301, as last amended by Laws of Utah 2016,
664 Chapter 144)
665 **53G-9-703**, (Renumbered from 53A-15-1302, as last amended by Laws of Utah 2015,
666 Chapters 85 and 442)
667 **53G-9-704**, (Renumbered from 53A-15-1304, as enacted by Laws of Utah 2017,
668 Chapter 378)
669 **53G-9-801**, (Renumbered from 53A-15-1902, as enacted by Laws of Utah 2016,
670 Chapter 320)
671 **53G-9-802**, (Renumbered from 53A-15-1903, as enacted by Laws of Utah 2016,
672 Chapter 320)
673 **53G-9-803**, (Renumbered from 53A-13-104, as last amended by Laws of Utah 2013,

674 Chapter 377)
675 **53G-10-202**, (Renumbered from 53A-13-101.1, as enacted by Laws of Utah 1993,
676 Chapter 95)
677 **53G-10-203**, (Renumbered from 53A-13-101.3, as enacted by Laws of Utah 1993,
678 Chapter 95)
679 **53G-10-204**, (Renumbered from 53A-13-109, as last amended by Laws of Utah 2014,
680 Chapter 387)
681 **53G-10-205**, (Renumbered from 53A-13-101.2, as last amended by Laws of Utah 2015,
682 Chapter 91)
683 **53G-10-302**, (Renumbered from 53A-13-101.4, as last amended by Laws of Utah 2011,
684 Chapter 298)
685 **53G-10-303**, (Renumbered from 53A-13-101.5, as last amended by Laws of Utah 2017,
686 Chapter 382)
687 **53G-10-304**, (Renumbered from 53A-13-101.6, as last amended by Laws of Utah 2012,
688 Chapter 426)
689 **53G-10-402**, (Renumbered from 53A-13-101, as last amended by Laws of Utah 2017,
690 Chapter 162)
691 **53G-10-404**, (Renumbered from 53A-13-107, as last amended by Laws of Utah 2010,
692 Chapter 305)
693 **53G-10-405**, (Renumbered from 53A-13-102, as last amended by Laws of Utah 2002,
694 Fifth Special Session, Chapter 8)
695 **53G-10-406**, (Renumbered from 53A-13-113, as enacted by Laws of Utah 2017,
696 Chapter 455)
697 **53G-10-502**, (Renumbered from 53A-13-201, as last amended by Laws of Utah 2008,
698 Chapter 382)
699 **53G-10-503**, (Renumbered from 53A-13-202, as last amended by Laws of Utah 2003,
700 Chapter 23)
701 **53G-10-504**, (Renumbered from 53A-13-203, as enacted by Laws of Utah 1988,

702 Chapter 2)
703 **53G-10-505**, (Renumbered from 53A-13-204, as last amended by Laws of Utah 2003,
704 Chapter 23)
705 **53G-10-506**, (Renumbered from 53A-13-205, as enacted by Laws of Utah 1988,
706 Chapter 2)
707 **53G-10-507**, (Renumbered from 53A-13-208, as last amended by Laws of Utah 2016,
708 Chapter 144)
709 **53G-10-508**, (Renumbered from 53A-13-209, as last amended by Laws of Utah 2008,
710 Chapter 382)
711 **53G-11-202**, (Renumbered from 53A-3-411, as last amended by Laws of Utah 2005,
712 Chapter 285)
713 **53G-11-203**, (Renumbered from 53A-3-431, as enacted by Laws of Utah 2012, Chapter
714 127)
715 **53G-11-204**, (Renumbered from 53A-19-401, as enacted by Laws of Utah 2015,
716 Chapter 399)
717 **53G-11-205**, (Renumbered from 53A-3-426, as enacted by Laws of Utah 2007, Chapter
718 88)
719 **53G-11-206**, (Renumbered from 53A-3-425, as last amended by Laws of Utah 2013,
720 Chapter 278)
721 **53G-11-207**, (Renumbered from 53A-3-428, as enacted by Laws of Utah 2009, Chapter
722 392)
723 **53G-11-302**, (Renumbered from 53A-17a-140, as last amended by Laws of Utah 2017,
724 Chapter 173)
725 **53G-11-303**, (Renumbered from 53A-3-701, as last amended by Laws of Utah 2015,
726 Chapter 415)
727 **53G-11-401**, (Renumbered from 53A-15-1502, as last amended by Laws of Utah 2016,
728 Chapter 44)
729 **53G-11-402**, (Renumbered from 53A-15-1503, as last amended by Laws of Utah 2016,

730 Chapter 44)
731 **53G-11-403**, (Renumbered from 53A-15-1504, as last amended by Laws of Utah 2016,
732 Chapters 44 and 348)
733 **53G-11-404**, (Renumbered from 53A-15-1505, as enacted by Laws of Utah 2015,
734 Chapter 389)
735 **53G-11-405**, (Renumbered from 53A-15-1506, as enacted by Laws of Utah 2015,
736 Chapter 389)
737 **53G-11-406**, (Renumbered from 53A-15-1507, as enacted by Laws of Utah 2015,
738 Chapter 389)
739 **53G-11-407**, (Renumbered from 53A-15-1508, as last amended by Laws of Utah 2016,
740 Chapter 348)
741 **53G-11-408**, (Renumbered from 53A-15-1509, as last amended by Laws of Utah 2016,
742 Chapter 348)
743 **53G-11-409**, (Renumbered from 53A-15-1510, as enacted by Laws of Utah 2015,
744 Chapter 389)
745 **53G-11-410**, (Renumbered from 53A-15-1511, as enacted by Laws of Utah 2016,
746 Chapter 199)
747 **53G-11-501**, (Renumbered from 53A-8a-102, as last amended by Laws of Utah 2017,
748 Chapter 328)
749 **53G-11-501.5**, (Renumbered from 53A-8a-401, as last amended by Laws of Utah 2017,
750 Chapter 328)
751 **53G-11-503**, (Renumbered from 53A-8a-201, as renumbered and amended by Laws of
752 Utah 2012, Chapter 425)
753 **53G-11-504**, (Renumbered from 53A-8a-301, as last amended by Laws of Utah 2017,
754 Chapter 328)
755 **53G-11-505**, (Renumbered from 53A-8a-302, as last amended by Laws of Utah 2017,
756 Chapter 328)
757 **53G-11-506**, (Renumbered from 53A-8a-403, as last amended by Laws of Utah 2017,

758 Chapter 328)
759 **53G-11-507**, (Renumbered from 53A-8a-405, as last amended by Laws of Utah 2017,
760 Chapter 328)
761 **53G-11-508**, (Renumbered from 53A-8a-406, as last amended by Laws of Utah 2017,
762 Chapter 328)
763 **53G-11-509**, (Renumbered from 53A-8a-408, as renumbered and amended by Laws of
764 Utah 2012, Chapter 425)
765 **53G-11-510**, (Renumbered from 53A-8a-409, as last amended by Laws of Utah 2017,
766 Chapter 328)
767 **53G-11-511**, (Renumbered from 53A-8a-410, as last amended by Laws of Utah 2017,
768 Chapter 328)
769 **53G-11-512**, (Renumbered from 53A-8a-501, as last amended by Laws of Utah 2015,
770 Chapter 203)
771 **53G-11-513**, (Renumbered from 53A-8a-502, as renumbered and amended by Laws of
772 Utah 2012, Chapter 425)
773 **53G-11-514**, (Renumbered from 53A-8a-503, as enacted by Laws of Utah 2012,
774 Chapter 425)
775 **53G-11-515**, (Renumbered from 53A-8a-504, as renumbered and amended by Laws of
776 Utah 2012, Chapter 425)
777 **53G-11-516**, (Renumbered from 53A-8a-505, as renumbered and amended by Laws of
778 Utah 2012, Chapter 425)
779 **53G-11-517**, (Renumbered from 53A-8a-506, as enacted by Laws of Utah 2012,
780 Chapter 425)
781 **53G-11-518**, (Renumbered from 53A-8a-601, as last amended by Laws of Utah 2016,
782 Chapter 204)
783 REPEALS:
784 **53A-2-117**, as last amended by Laws of Utah 2017, Chapter 91
785 **53A-3-415**, as last amended by Laws of Utah 1991, Chapter 72

786 **53A-8a-402**, as last amended by Laws of Utah 2017, Chapter 328

787

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

789 Section 1. Section **11-36a-206**, which is renumbered from Section 53A-20-100.5 is
790 renumbered and amended to read:

791 **[~~53A-20-100.5~~]. 11-36a-206. Prohibition of school impact fees.**

792 (1) As used in this section, "school impact fee" means a charge on new development in
793 order to generate revenue for funding or recouping the costs of capital improvements for
794 schools or school facility expansions necessitated by and attributable to the new development.

795 (2) Beginning March 21, 1995, there is a moratorium prohibiting a county, city, town,
796 local school board, or any other political subdivision from imposing or collecting a school
797 impact fee unless hereafter authorized by the Legislature by statute.

798 (3) Collection of any fees authorized before March 21, 1995, by any ordinance,
799 resolution or rule of any county, city, town, local school board, or other political subdivision
800 shall terminate on May 1, 1996, unless hereafter authorized by the Legislature by statute.

801 Section 2. Section **53B-1-115** is enacted to read:

802 **53B-1-115. Purchases of educational technology.**

803 (1) A college of education shall comply with Title 63G, Chapter 6a, Utah Procurement
804 Code, in purchasing technology.

805 (2) A college of education may purchase technology through cooperative purchasing
806 contracts administered by the state Division of Purchasing or through the college of education's
807 own established purchasing program.

808 Section 3. Section **53G-1-101** is enacted to read:

809 **TITLE 53G. PUBLIC EDUCATION SYSTEM -- LOCAL ADMINISTRATION**

810 **CHAPTER 1. TITLE PROVISIONS**

811 **53G-1-101. Title.**

812 (1) This title is known as "Public Education System -- Local Administration."

813 (2) This chapter is known as "Title Provisions."

814 Section 4. Section **53G-1-102** is enacted to read:

815 **53G-1-102. Public education code definitions.**

816 The terms defined in Section 53E-1-102 apply to this title.

817 Section 5. Section **53G-1-103** is enacted to read:

818 **53G-1-103. Title 53G definitions.**

819 Reserved

820 Section 6. Section **53G-2-101** is enacted to read:

821 **CHAPTER 2. LOCAL PUBLIC EDUCATION SYSTEM POLICY**

822 **Part 1. General Provisions**

823 **53G-2-101. Title.**

824 This chapter is known as "Local Public Education System Policy."

825 Section 7. Section **53G-2-102** is enacted to read:

826 **53G-2-102. Definitions.**

827 Reserved

828 Section 8. Section **53G-3-101** is enacted to read:

829 **CHAPTER 3. SCHOOL DISTRICT CREATION AND CHANGE**

830 **Part 1. General Provisions**

831 **53G-3-101. Title.**

832 This chapter is known as "School District Creation and Change."

833 Section 9. Section **53G-3-102**, which is renumbered from Section 53A-2-112 is

834 renumbered and amended to read:

835 **[~~53A-2-112~~]. 53G-3-102. Definitions.**

836 As used in [~~Sections 53A-2-113 through 53A-2-116~~] this chapter:

837 (1) "Allocation date" means:

838 (a) June 20 of the second calendar year after the local school board general election

839 date described in Subsection 53G-3-302(3)(a)(i); or

840 (b) another date that the transition teams under Section 53G-3-302 mutually agree to.

841 (2) "Canvass date" means the date of the canvass of an election under Subsection

842 53G-3-301(5) at which voters approve the creation of a new school district under Section
843 53G-3-302.
844 [~~(1)~~] (3) "Consolidation" means the merger of two or more school districts into a single
845 administrative unit.
846 (4) "Creation election date" means the date of the election under Subsection
847 53G-3-301(9) at which voters approve the creation of a new school district under Section
848 53G-3-302.
849 (5) "Divided school district," "existing district," or "existing school district" means a
850 school district from which a new district is created.
851 (6) "New district" or "new school district" means a school district created under
852 Section 53G-3-301 or 53G-3-302.
853 (7) "Remaining district" or "remaining school district" means an existing district after
854 the creation of a new district.
855 [~~(2)~~] (8) "Restructuring" means the transfer of territory from one school district to
856 another school district.
857 Section 10. Section **53G-3-103**, which is renumbered from Section 53A-2-111 is
858 renumbered and amended to read:
859 **[~~53A-2-111~~]. 53G-3-103. Legislative findings.**
860 The Legislature finds that restructuring and consolidation of school districts may
861 provide long-term educational and financial benefits, but that short-term costs and other
862 problems may make it difficult for school officials to move forward with such plans. The
863 Legislature therefore adopts Sections [~~53A-2-111 through 53A-2-116~~] 53G-3-102, 53G-3-103,
864 53G-3-205, 53G-3-403, 53G-3-404, and 53G-3-503 to assist the public school system to create
865 more efficient and effective administrative units.
866 Section 11. Section **53G-3-201**, which is renumbered from Section 53A-2-101 is
867 renumbered and amended to read:
868 **[~~53A-2-101~~]. 53G-3-201. School districts.**
869 School districts may be created, merged, dissolved, or their boundaries changed only as

870 provided in this chapter.
871 Section 12. Section **53G-3-202**, which is renumbered from Section 53A-2-108 is
872 renumbered and amended to read:
873 **[~~53A-2-108~~]. 53G-3-202. School districts independent of municipal and**
874 **county governments -- School district name -- Control of property.**
875 (1) (a) Each school district shall be controlled by its board of education and shall be
876 independent of municipal and county governments.
877 (b) The name of each school district created after May 1, 2000 shall comply with
878 Subsection 17-50-103(2)(a).
879 (2) The local school board shall have direction and control of all school property in the
880 district.
881 Section 13. Section **53G-3-203**, which is renumbered from Section 53A-2-101.5 is
882 renumbered and amended to read:
883 **[~~53A-2-101.5~~]. 53G-3-203. Filing of notice and plat relating to school**
884 **district boundary changes including creation, consolidation, division, or dissolution --**
885 **Recording requirements -- Effective date.**
886 (1) The county legislative body shall:
887 (a) within 30 days after the creation, consolidation, division, or dissolution of a school
888 district, file with the lieutenant governor:
889 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
890 that meets the requirements of Subsection 67-1a-6.5(3); and
891 (ii) except in the case of a dissolution, a copy of an approved final local entity plat, as
892 defined in Section 67-1a-6.5; and
893 (b) upon the lieutenant governor's issuance of a certificate of boundary action under
894 Section 67-1a-6.5:
895 (i) if the school district is or, in the case of dissolution, was located within the
896 boundary of a single county, submit to the recorder of that county:
897 (A) the original:

898 (I) notice of an impending boundary action;
899 (II) certificate of boundary action; and
900 (III) except in the case of dissolution, approved final local entity plat; and
901 (B) if applicable, a certified copy of the resolution approving the boundary action; or
902 (ii) if the school district is or, in the case of a dissolution, was located within the
903 boundaries of more than a single county:
904 (A) submit to the recorder of one of those counties:
905 (I) the original of the documents listed in Subsections (1)(b)(i)(A)(I), (II), and (III); and
906 (II) if applicable, a certified copy of the resolution approving the boundary action; and
907 (B) submit to the recorder of each other county:
908 (I) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I), (II), and (III);
909 and
910 (II) if applicable, a certified copy of the resolution approving the boundary action.
911 (2) (a) Upon the lieutenant governor's issuance of the certificate under Section
912 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the
913 boundary of a new or existing school district that was the subject of the action has legal effect.
914 (b) (i) As used in this Subsection (2)(b), "affected area" means:
915 (A) in the case of the creation of a school district, the area within the school district's
916 boundary;
917 (B) in the case of the consolidation of multiple school districts, the area within the
918 boundary of each school district that is consolidated into another school district;
919 (C) in the case of the division of a school district, the area within the boundary of the
920 school district created by the division; and
921 (D) in the case of an addition to an existing school district, the area added to the school
922 district.
923 (ii) The effective date of a boundary action, as defined in Section 17-23-20, for
924 purposes of assessing property within the school district is governed by Section 59-2-305.5.
925 (iii) Until the documents listed in Subsection (1)(b) are recorded in the office of the

926 recorder of each county in which the property is located, a school district may not levy or
927 collect a property tax on property within the affected area.
928 Section 14. Section **53G-3-204**, which is renumbered from Section 53A-2-123 is
929 renumbered and amended to read:
930 **[~~53A-2-123~~]. 53G-3-204. Notice before preparing or amending a**
931 **long-range plan or acquiring certain property.**
932 (1) As used in this section:
933 (a) "Affected entity" means each county, municipality, local district under Title 17B,
934 Limited Purpose Local Government Entities - Local Districts, special service district under
935 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established
936 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:
937 (i) whose services or facilities are likely to require expansion or significant
938 modification because of an intended use of land; or
939 (ii) that has filed with the school district a copy of the general or long-range plan of the
940 county, municipality, local district, special service district, school district, interlocal
941 cooperation entity, or specified public utility.
942 (b) "Specified public utility" means an electrical corporation, gas corporation, or
943 telephone corporation, as those terms are defined in Section 54-2-1.
944 (2) (a) If a school district located in a county of the first or second class prepares a
945 long-range plan regarding its facilities proposed for the future or amends an already existing
946 long-range plan, the school district shall, before preparing a long-range plan or amendments to
947 an existing long-range plan, provide written notice, as provided in this section, of its intent to
948 prepare a long-range plan or to amend an existing long-range plan.
949 (b) Each notice under Subsection (2)(a) shall:
950 (i) indicate that the school district intends to prepare a long-range plan or to amend a
951 long-range plan, as the case may be;
952 (ii) describe or provide a map of the geographic area that will be affected by the
953 long-range plan or amendments to a long-range plan;

954 (iii) be:
955 (A) sent to each county in whose unincorporated area and each municipality in whose
956 boundaries is located the land on which the proposed long-range plan or amendments to a
957 long-range plan are expected to indicate that the proposed facilities will be located;
958 (B) sent to each affected entity;
959 (C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;
960 (D) sent to each association of governments, established pursuant to an interlocal
961 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
962 municipality described in Subsection (2)(b)(iii)(A) is a member; and
963 (E) placed on the Utah Public Notice Website created under Section 63F-1-701;
964 (iv) with respect to the notice to counties and municipalities described in Subsection
965 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
966 consider in the process of preparing, adopting, and implementing the long-range plan or
967 amendments to a long-range plan concerning:
968 (A) impacts that the use of land proposed in the proposed long-range plan or
969 amendments to a long-range plan may have on the county, municipality, or affected entity; and
970 (B) uses of land that the county, municipality, or affected entity is planning or
971 considering that may conflict with the proposed long-range plan or amendments to a long-range
972 plan; and
973 (v) include the address of an Internet website, if the school district has one, and the
974 name and telephone number of a person where more information can be obtained concerning
975 the school district's proposed long-range plan or amendments to a long-range plan.
976 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
977 acquire real property in a county of the first or second class for the purpose of expanding the
978 district's infrastructure or other facilities shall provide written notice, as provided in this
979 Subsection (3), of its intent to acquire the property if the intended use of the property is
980 contrary to:
981 (i) the anticipated use of the property under the county or municipality's general plan;

982 or
983 (ii) the property's current zoning designation.
984 (b) Each notice under Subsection (3)(a) shall:
985 (i) indicate that the school district intends to acquire real property;
986 (ii) identify the real property; and
987 (iii) be sent to:
988 (A) each county in whose unincorporated area and each municipality in whose
989 boundaries the property is located; and
990 (B) each affected entity.
991 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
992 63G-2-305(8).
993 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
994 previously provided notice under Subsection (2) identifying the general location within the
995 municipality or unincorporated part of the county where the property to be acquired is located.
996 (ii) If a school district is not required to comply with the notice requirement of
997 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
998 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
999 the real property.
1000 Section 15. Section **53G-3-205**, which is renumbered from Section 53A-2-116 is
1001 renumbered and amended to read:
1002 **[~~53A-2-116~~]. 53G-3-205. Rights of transferred employees -- Salary during**
1003 **first year -- Leave and tenure benefits.**
1004 (1) If a school employee is transferred from one district to another because of district
1005 consolidation or restructuring, the employee's salary may not be less, during the first year after
1006 the transfer, than it would have been had the transfer not taken place.
1007 (2) The district to which an employee is transferred under Subsection (1) shall credit
1008 the employee with all accumulated leave and tenure recognized by the district from which the
1009 employee was transferred.

1010 (3) If the district to which an employee is transferred does not have a leave benefit
1011 which reasonably corresponds to one the employee seeks to transfer, that district shall
1012 compensate the employee for the benefit on the same basis as would have been done had the
1013 employee retired.
1014 Section 16. Section **53G-3-301**, which is renumbered from Section 53A-2-118 is
1015 renumbered and amended to read:
1016 **Part 3. Creating a New School District**
1017 **[~~53A-2-118~~]. 53G-3-301. Creation of new school district -- Initiation of**
1018 **process -- Procedures to be followed.**
1019 (1) A new school district may be created from one or more existing school districts, as
1020 provided in this section.
1021 (2) The process to create a new school district may be initiated:
1022 (a) through a citizens' initiative petition;
1023 (b) at the request of the board of the existing district or districts to be affected by the
1024 creation of the new district; or
1025 (c) at the request of a city within the boundaries of the school district or at the request
1026 of interlocal agreement participants, pursuant to Section [~~53A-2-118.1~~] 53G-3-302.
1027 (3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by
1028 qualified electors residing within the geographical boundaries of the proposed new school
1029 district in an amount equal to at least 15% of all votes cast within the geographic boundaries of
1030 the proposed new school district for all candidates for president of the United States at the last
1031 regular general election at which a president of the United States was elected.
1032 (b) Each request or petition submitted under Subsection (2) shall:
1033 (i) be filed with the clerk of each county in which any part of the proposed new school
1034 district is located;
1035 (ii) indicate the typed or printed name and current residence address of each governing
1036 board member making a request, or registered voter signing a petition, as the case may be;
1037 (iii) describe the proposed new school district boundaries; and

1038 (iv) designate up to five signers of the petition or request as sponsors, one of whom
1039 shall be designated as the contact sponsor, with the mailing address and telephone number of
1040 each.
1041 (c) The process described in Subsection (2)(a) may only be initiated once during any
1042 four-year period.
1043 (d) A new district may not be formed under Subsection (2) if the student population of
1044 the proposed new district is less than 3,000 or the existing district's student population would
1045 be less than 3,000 because of the creation of the new school district.
1046 (4) A signer of a petition described in Subsection (2)(a) may withdraw or, once
1047 withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing
1048 a written request for withdrawal or reinstatement with the county clerk.
1049 (5) Within 45 days after the day on which a petition described in Subsection (2)(a) is
1050 filed, or five business days after the day on which a request described in Subsection (2)(b) or
1051 (c) is filed, the clerk of each county with which the request or petition is filed shall:
1052 (a) determine whether the request or petition complies with Subsections (2) and (3), as
1053 applicable; and
1054 (b) (i) if the county clerk determines that the request or petition complies with the
1055 applicable requirements:
1056 (A) certify the request or petition and deliver the certified request or petition to the
1057 county legislative body; and
1058 (B) mail or deliver written notification of the certification to the contact sponsor; or
1059 (ii) if the county clerk determines that the request or petition fails to comply with any
1060 of the applicable requirements, reject the request or petition and notify the contact sponsor in
1061 writing of the rejection and reasons for the rejection.
1062 (6) (a) If the county clerk fails to certify or reject a request or petition within the time
1063 specified in Subsection (5), the request or petition is considered to be certified.
1064 (b) (i) If the county clerk rejects a request or petition, the person that submitted the
1065 request or petition may amend the request or petition to correct the deficiencies for which the

1066 request or petition was rejected, and refile the request or petition.
1067 (ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled
1068 after having been rejected by a county clerk.
1069 (c) If, on or before December 1, a county legislative body receives a request from a
1070 school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified by
1071 the county clerk:
1072 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
1073 in Subsection (7), on or before January 1;
1074 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
1075 county legislative body, as provided in Subsection (7), on or before July 1; and
1076 (iii) if the legislative body of each county with which a request or petition is filed
1077 approves a proposal to create a new district, each legislative body shall submit the proposal to
1078 the respective county clerk to be voted on by the electors of each existing district at the regular
1079 general or municipal general election held in November.
1080 (7) (a) The legislative body of each county with which a request or petition is filed
1081 shall appoint an ad hoc advisory committee to review and make recommendations on a request
1082 for the creation of a new school district submitted under Subsection (2)(a) or (b).
1083 (b) The advisory committee shall:
1084 (i) seek input from:
1085 (A) those requesting the creation of the new school district;
1086 (B) the school board and school personnel of each existing school district;
1087 (C) those citizens residing within the geographical boundaries of each existing school
1088 district;
1089 (D) the State Board of Education; and
1090 (E) other interested parties;
1091 (ii) review data and gather information on at least:
1092 (A) the financial viability of the proposed new school district;
1093 (B) the proposal's financial impact on each existing school district;

1094 (C) the exact placement of school district boundaries; and
1095 (D) the positive and negative effects of creating a new school district and whether the
1096 positive effects outweigh the negative if a new school district were to be created; and
1097 (iii) make a report to the county legislative body in a public meeting on the committee's
1098 activities, together with a recommendation on whether to create a new school district.
1099 (8) For a request or petition submitted under Subsection (2)(a) or (b):
1100 (a) The county legislative body shall provide for a 45-day public comment period on
1101 the report and recommendation to begin on the day the report is given under Subsection
1102 (7)(b)(iii).
1103 (b) Within 14 days after the end of the comment period, the legislative body of each
1104 county with which a request or petition is filed shall vote on the creation of the proposed new
1105 school district.
1106 (c) The proposal is approved if a majority of the members of the legislative body of
1107 each county with which a request or petition is filed votes in favor of the proposal.
1108 (d) If the proposal is approved, the legislative body of each county with which a
1109 request or petition is filed shall submit the proposal to the county clerk to be voted on:
1110 (i) by the legal voters of each existing school district affected by the proposal;
1111 (ii) in accordance with the procedures and requirements applicable to a regular general
1112 election under Title 20A, Election Code; and
1113 (iii) at the next regular general election or municipal general election, whichever is
1114 first.
1115 (e) Creation of the new school district shall occur if a majority of the electors within
1116 both the proposed school district and each remaining school district voting on the proposal vote
1117 in favor of the creation of the new district.
1118 (f) Each county legislative body shall comply with the requirements of Section
1119 [~~53A-2-101.5~~] 53G-3-203.
1120 (g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is
1121 approved by the electors, the existing district's documented costs to study and implement the

1122 proposal shall be reimbursed by the new district.
1123 (9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection (5)
1124 or (6)(a), the legislative body of each county in which part of the proposed new school district
1125 is located shall submit the proposal to the respective clerk of each county to be voted on:
1126 (i) by the legal voters residing within the proposed new school district boundaries;
1127 (ii) in accordance with the procedures and requirements applicable to a regular general
1128 election under Title 20A, Election Code; and
1129 (iii) at the next regular general election or municipal general election, whichever is
1130 first.
1131 (b) (i) If a majority of the legal voters within the proposed new school district
1132 boundaries voting on the proposal at an election under Subsection (9)(a) vote in favor of the
1133 creation of the new district:
1134 (A) each county legislative body shall comply with the requirements of Section
1135 [~~53A-2-101.5~~] 53G-3-203; and
1136 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
1137 the new district is created.
1138 (ii) Notwithstanding the creation of a new district as provided in Subsection
1139 (9)(b)(i)(B):
1140 (A) a new school district may not begin to provide educational services to the area
1141 within the new district until July 1 of the second calendar year following the school board
1142 general election date described in Subsection [~~53A-2-118.1~~] 53G-3-302(3)(a)(i);
1143 (B) a remaining district may not begin to provide educational services to the area
1144 within the remaining district until the time specified in Subsection (9)(b)(ii)(A); and
1145 (C) each existing district shall continue, until the time specified in Subsection
1146 (9)(b)(ii)(A), to provide educational services within the entire area covered by the existing
1147 district.
1148 Section 17. Section **53G-3-302**, which is renumbered from Section 53A-2-118.1 is
1149 renumbered and amended to read:

1150 **[~~53A-2-118.1~~]. 53G-3-302. Proposal initiated by a city or by interlocal**
1151 **agreement participants to create a school district -- Boundaries -- Election of local school**
1152 **board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.**
1153 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
1154 as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3),
1155 may by majority vote of the legislative body, submit for voter approval a measure to create a
1156 new school district with boundaries contiguous with that city's boundaries, in accordance with
1157 Section [~~53A-2-118~~] 53G-3-301.
1158 (b) (i) The determination of all matters relating to the scope, adequacy, and other
1159 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
1160 city's legislative body.
1161 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
1162 a legal action or other challenge to:
1163 (A) an election for voter approval of the creation of a new school district; or
1164 (B) the creation of the new school district.
1165 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
1166 may, together with one or more other cities, towns, or the county enter into an interlocal
1167 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
1168 of submitting for voter approval a measure to create a new school district.
1169 (b) (i) In accordance with Section [~~53A-2-118~~] 53G-3-301, interlocal agreement
1170 participants under Subsection (2)(a) may submit a proposal for voter approval if:
1171 (A) the interlocal agreement participants conduct a feasibility study prior to submitting
1172 the proposal to the county;
1173 (B) the combined population within the proposed new school district boundaries is at
1174 least 50,000;
1175 (C) the new school district boundaries:
1176 (I) are contiguous;
1177 (II) do not completely surround or otherwise completely geographically isolate a

1178 portion of an existing school district that is not part of the proposed new school district from
1179 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);
1180 (III) include the entire boundaries of each participant city or town, except as provided
1181 in Subsection (2)(d)(ii); and
1182 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and
1183 (D) the combined population within the proposed new school district of interlocal
1184 agreement participants that have entered into an interlocal agreement proposing to create a new
1185 school district is at least 80% of the total population of the proposed new school district.
1186 (ii) The determination of all matters relating to the scope, adequacy, and other aspects
1187 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new
1188 feasibility study or revise a previous feasibility study due to a change in the proposed new
1189 school district boundaries, is within the exclusive discretion of the legislative bodies of the
1190 interlocal agreement participants that enter into an interlocal agreement to submit for voter
1191 approval a measure to create a new school district.
1192 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the
1193 basis of a legal action or other challenge to:
1194 (A) an election for voter approval of the creation of a new school district; or
1195 (B) the creation of the new school district.
1196 (iv) For purposes of determining whether the boundaries of a proposed new school
1197 district cross county lines under Subsection (2)(b)(i)(C)(IV):
1198 (A) a municipality located in more than one county and entirely within the boundaries
1199 of a single school district is considered to be entirely within the same county as other
1200 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's
1201 land area and population is located in that same county than outside the county; and
1202 (B) a municipality located in more than one county that participates in an interlocal
1203 agreement under Subsection (2)(a) with respect to some but not all of the area within the
1204 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may
1205 not be considered to cross county lines.

1206 (c) (i) A county may only participate in an interlocal agreement under this Subsection
1207 (2) for the unincorporated areas of the county.
1208 (ii) Boundaries of a new school district created under this section may include:
1209 (A) a portion of one or more existing school districts; and
1210 (B) a portion of the unincorporated area of a county, including a portion of a township.
1211 (d) (i) As used in this Subsection (2)(d):
1212 (A) "Isolated area" means an area that:
1213 (I) is entirely within the boundaries of a municipality that, except for that area, is
1214 entirely within a school district different than the school district in which the area is located;
1215 and
1216 (II) would, because of the creation of a new school district from the existing district in
1217 which the area is located, become completely geographically isolated.
1218 (B) "Municipality's school district" means the school district that includes all of the
1219 municipality in which the isolated area is located except the isolated area.
1220 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
1221 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
1222 within the municipality's boundaries if:
1223 (A) the portion of the municipality proposed to be included in the new school district
1224 would, if not included, become an isolated area upon the creation of the new school district; or
1225 (B) (I) the portion of the municipality proposed to be included in the new school
1226 district is within the boundaries of the same school district that includes the other interlocal
1227 agreement participants; and
1228 (II) the portion of the municipality proposed to be excluded from the new school
1229 district is within the boundaries of a school district other than the school district that includes
1230 the other interlocal agreement participants.
1231 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
1232 district may be submitted for voter approval pursuant to an interlocal agreement under
1233 Subsection (2)(a), even though the new school district boundaries would create an isolated

1234 area, if:
1235 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
1236 participants;
1237 (II) the interlocal participants submit a written request to the municipality in which the
1238 potential isolated area is located, requesting the municipality to enter into an interlocal
1239 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
1240 create a new school district that includes the potential isolated area; and
1241 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
1242 municipality has not entered into an interlocal agreement as requested in the request.
1243 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
1244 one or more public hearings to allow input from the public and affected school districts
1245 regarding whether or not the municipality should enter into an interlocal agreement with
1246 respect to the potential isolated area.
1247 (C) (I) This Subsection (2)(d)(iii)(C) applies if:
1248 (Aa) a new school district is created under this section after a measure is submitted to
1249 voters based on the authority of Subsection (2)(d)(iii)(A); and
1250 (Bb) the creation of the new school district results in an isolated area.
1251 (II) The isolated area shall, on July 1 of the second calendar year following the local
1252 school board general election date described in Subsection (3)(a)(i), become part of the
1253 municipality's school district.
1254 (III) Unless the isolated area is the only remaining part of the existing district, the
1255 process described in Subsection (4) shall be modified to:
1256 (Aa) include a third transition team, appointed by the local school board of the
1257 municipality's school district, to represent that school district; and
1258 (Bb) require allocation of the existing district's assets and liabilities among the new
1259 district, the remaining district, and the municipality's school district.
1260 (IV) The existing district shall continue to provide educational services to the isolated
1261 area until July 1 of the second calendar year following the local school board general election

1262 date described in Subsection (3)(a)(i).
1263 (3) (a) If a proposal under this section is approved by voters:
1264 (i) an election shall be held at the next regular general election to elect:
1265 (A) members to the local school board of the existing school district whose terms are
1266 expiring;
1267 (B) all members to the local school board of the new school district; and
1268 (C) all members to the local school board of the remaining district;
1269 (ii) the assets and liabilities of the existing school district shall be divided between the
1270 remaining school district and the new school district as provided in Subsection (5) and Section
1271 [~~53A-2-121~~] 53G-3-307;
1272 (iii) transferred employees shall be treated in accordance with Sections [~~53A-2-116~~]
1273 53G-3-205 and [~~53A-2-122~~] 53G-3-308;
1274 (iv) (A) an individual residing within the boundaries of a new school district at the
1275 time the new school district is created may, for six school years after the creation of the new
1276 school district, elect to enroll in a secondary school located outside the boundaries of the new
1277 school district if:
1278 (I) the individual resides within the boundaries of that secondary school as of the day
1279 before the new school district is created; and
1280 (II) the individual would have been eligible to enroll in that secondary school had the
1281 new school district not been created; and
1282 (B) the school district in which the secondary school is located shall provide
1283 educational services, including, if provided before the creation of the new school district,
1284 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
1285 year for which the individual makes the election; and
1286 (v) within one year after the new district begins providing educational services, the
1287 superintendent of each remaining district affected and the superintendent of the new district
1288 shall meet, together with the Superintendent of Public Instruction, to determine if further
1289 boundary changes should be proposed in accordance with Section [~~53A-2-104~~] 53G-3-501.

1290 (b) (i) The terms of the initial members of the local school board of the new district and
1291 remaining district shall be staggered and adjusted by the county legislative body so that
1292 approximately half of the local school board is elected every two years.
1293 (ii) The term of a member of the existing local school board, including a member
1294 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local
1295 school board general election date described in Subsection (3)(a)(i), regardless of when the
1296 term would otherwise have terminated.
1297 (iii) Notwithstanding the existence of a local school board for the new district and a
1298 local school board for the remaining district under Subsection (3)(a)(i), the local school board
1299 of the existing district shall continue, until the time specified in Subsection [~~53A-2-118~~]
1300 53G-3-301(9)(b)(ii)(A), to function and exercise authority as a local school board to the extent
1301 necessary to continue to provide educational services to the entire existing district.
1302 (iv) An individual may simultaneously serve as or be elected to be a member of the
1303 local school board of an existing district and a member of the local school board of:
1304 (A) a new district; or
1305 (B) a remaining district.
1306 (4) (a) Within 45 days after the canvass date for the election at which voters approve
1307 the creation of a new district:
1308 (i) a transition team to represent the remaining district shall be appointed by the
1309 members of the existing local school board who reside within the area of the remaining district,
1310 in consultation with:
1311 (A) the legislative bodies of all municipalities in the area of the remaining district; and
1312 (B) the legislative body of the county in which the remaining district is located, if the
1313 remaining district includes one or more unincorporated areas of the county; and
1314 (ii) another transition team to represent the new district shall be appointed by:
1315 (A) for a new district located entirely within the boundaries of a single city, the
1316 legislative body of that city; or
1317 (B) for each other new district, the legislative bodies of all interlocal agreement

1318 participants.
1319 (b) The local school board of the existing school district shall, within 60 days after the
1320 canvass date for the election at which voters approve the creation of a new district:
1321 (i) prepare an inventory of the existing district's:
1322 (A) assets, both tangible and intangible, real and personal; and
1323 (B) liabilities; and
1324 (ii) deliver a copy of the inventory to each of the transition teams.
1325 (c) The transition teams appointed under Subsection (4)(a) shall:
1326 (i) determine the allocation of the existing district's assets and, except for indebtedness
1327 under Section [~~53A-2-121~~] 53G-3-307, liabilities between the remaining district and the new
1328 district in accordance with Subsection (5);
1329 (ii) prepare a written report detailing how the existing district's assets and, except for
1330 indebtedness under Section [~~53A-2-121~~] 53G-3-307, liabilities are to be allocated; and
1331 (iii) deliver a copy of the written report to:
1332 (A) the local school board of the existing district;
1333 (B) the local school board of the remaining district; and
1334 (C) the local school board of the new district.
1335 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and
1336 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
1337 election at which voters approve the creation of a new district, unless that deadline is extended
1338 by the mutual agreement of:
1339 (i) the local school board of the existing district; and
1340 (ii) (A) the legislative body of the city in which the new district is located, for a new
1341 district located entirely within a single city; or
1342 (B) the legislative bodies of all interlocal agreement participants, for each other new
1343 district.
1344 (e) (i) All costs and expenses of the transition team that represents a remaining district
1345 shall be borne by the remaining district.

1346 (ii) All costs and expenses of the transition team that represents a new district shall
1347 initially be borne by:
1348 (A) the city whose legislative body appoints the transition team, if the transition team
1349 is appointed by the legislative body of a single city; or
1350 (B) the interlocal agreement participants, if the transition team is appointed by the
1351 legislative bodies of interlocal agreement participants.
1352 (iii) The new district may, to a maximum of $500,000, reimburse the city or interlocal
1353 agreement participants for:
1354 (A) transition team costs and expenses; and
1355 (B) startup costs and expenses incurred by the city or interlocal agreement participants
1356 on behalf of the new district.
1357 (5) (a) As used in this Subsection (5):
1358 (i) "Associated property" means furniture, equipment, or supplies located in or
1359 specifically associated with a physical asset.
1360 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
1361 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
1362 employee by law or school district accounting practice.
1363 (B) "Discretionary asset or liability" does not include a physical asset, associated
1364 property, a vehicle, or bonded indebtedness.
1365 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection
1366 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee
1367 by law or school district accounting practice.
1368 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated
1369 property, a vehicle, or bonded indebtedness.
1370 (iv) "Physical asset" means a building, land, or water right together with revenue
1371 derived from the lease or use of the building, land, or water right.
1372 (b) Except as provided in Subsection (5)(c), the transition teams appointed under
1373 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the

1374 allocation date, both tangible and intangible, real and personal, to the new district and
1375 remaining district as follows:
1376 (i) a physical asset and associated property shall be allocated to the school district in
1377 which the physical asset is located;
1378 (ii) a discretionary asset or liability shall be allocated between the new district and
1379 remaining district in proportion to the student populations of the school districts;
1380 (iii) a nondiscretionary asset shall be allocated to the school district where the project,
1381 school, student, or employee to which the nondiscretionary asset is tied will be located;
1382 (iv) vehicles used for pupil transportation shall be allocated:
1383 (A) according to the transportation needs of schools, as measured by the number and
1384 assortment of vehicles used to serve transportation routes serving schools within the new
1385 district and remaining district; and
1386 (B) in a manner that gives each school district a fleet of vehicles for pupil
1387 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;
1388 and
1389 (v) other vehicles shall be allocated:
1390 (A) in proportion to the student populations of the school districts; and
1391 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
1392 condition, and carrying capacities.
1393 (c) By mutual agreement, the transition teams may allocate an asset or liability in a
1394 manner different than the allocation method specified in Subsection (5)(b).
1395 (6) (a) As used in this Subsection (6):
1396 (i) "New district startup costs" means:
1397 (A) costs and expenses incurred by a new district in order to prepare to begin providing
1398 educational services on July 1 of the second calendar year following the local school board
1399 general election date described in Subsection (3)(a)(i); and
1400 (B) the costs and expenses of the transition team that represents the new district.
1401 (ii) "Remaining district startup costs" means:

1402 (A) costs and expenses incurred by a remaining district in order to:
1403 (I) make necessary adjustments to deal with the impacts resulting from the creation of
1404 the new district; and
1405 (II) prepare to provide educational services within the remaining district once the new
1406 district begins providing educational services within the new district; and
1407 (B) the costs and expenses of the transition team that represents the remaining district.
1408 (b) (i) By January 1 of the year following the local school board general election date
1409 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed
1410 reserve from its General Fund, to a maximum of $9,000,000, available for the use of the
1411 remaining district and the new district, as provided in this Subsection (6).
1412 (ii) The existing district may make additional funds available for the use of the
1413 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)
1414 through an interlocal agreement.
1415 (c) The existing district shall make the money under Subsection (6)(b) available to the
1416 remaining district and the new district proportionately based on student population.
1417 (d) The money made available under Subsection (6)(b) may be accessed and spent by:
1418 (i) for the remaining district, the local school board of the remaining district; and
1419 (ii) for the new district, the local school board of the new district.
1420 (e) (i) The remaining district may use its portion of the money made available under
1421 Subsection (6)(b) to pay for remaining district startup costs.
1422 (ii) The new district may use its portion of the money made available under Subsection
1423 (6)(b) to pay for new district startup costs.
1424 (7) (a) The existing district shall transfer title or, if applicable, partial title of property
1425 to the new school district in accordance with the allocation of property by the transition teams,
1426 as stated in the report under Subsection (4)(c)(ii).
1427 (b) The existing district shall complete each transfer of title or, if applicable, partial
1428 title to real property and vehicles by July 1 of the second calendar year following the local
1429 school board general election date described in Subsection (3)(a)(i), except as that date is

1430 changed by the mutual agreement of:
1431 (i) the local school board of the existing district;
1432 (ii) the local school board of the remaining district; and
1433 (iii) the local school board of the new district.
1434 (c) The existing district shall complete the transfer of all property not included in
1435 Subsection (7)(b) by November 1 of the second calendar year after the local school board
1436 general election date described in Subsection (3)(a)(i).
1437 (8) Except as provided in Subsections (6) and (7), after the creation election date an
1438 existing school district may not transfer or agree to transfer title to district property without the
1439 prior consent of:
1440 (a) the legislative body of the city in which the new district is located, for a new district
1441 located entirely within a single city; or
1442 (b) the legislative bodies of all interlocal agreement participants, for each other new
1443 district.
1444 (9) This section does not apply to the creation of a new district initiated through a
1445 citizens' initiative petition or at the request of a local school board under Section [~~53A-2-118~~]
1446 53G-3-301.
1447 Section 18. Section **53G-3-303**, which is renumbered from Section 53A-2-118.2 is
1448 renumbered and amended to read:
1449 **[~~53A-2-118.2~~]. 53G-3-303. New school district property tax -- Limitations.**
1450 (1) (a) A new school district created under Section [~~53A-2-118.1~~] 53G-3-302 may not
1451 impose a property tax prior to the fiscal year in which the new school district assumes
1452 responsibility for providing student instruction.
1453 (b) The remaining school district retains authority to impose property taxes on the
1454 existing school district, including the territory of the new school district, until the fiscal year in
1455 which the new school district assumes responsibility for providing student instruction.
1456 (2) (a) If at the time a new school district created pursuant to Section [~~53A-2-118.1~~]
1457 53G-3-302 assumes responsibility for student instruction any portion of the territory within the

1458 new school district was subject to a levy pursuant to Section [~~53A-17a-133~~] 53F-8-301, the
1459 new school district's board may:
1460 (i) discontinue the levy for the new school district;
1461 (ii) impose a levy on the new school district as provided in Section [~~53A-17a-133~~]
1462 53F-8-301; or
1463 (iii) impose the levy on the new school district, subject to Subsection (2)(b).
1464 (b) If the new school district's board applies a levy to the new school district pursuant
1465 to Subsection (2)(a)(iii), the levy may not exceed the maximum duration or rate authorized by
1466 the voters of the existing district or districts at the time of the vote to create the new school
1467 district.
1468 Section 19. Section **53G-3-304**, which is renumbered from Section 53A-2-118.4 is
1469 renumbered and amended to read:
1470 **[~~53A-2-118.4~~]. 53G-3-304. Property tax levies in new district and remaining**
1471 **district -- Distribution of property tax revenue.**
1472 (1) [~~As~~] Notwithstanding terms defined in Section 53G-3-102, as used in this section:
1473 (a) "Divided school district" or "existing district" means a school district from which a
1474 new district is created.
1475 (b) "New district" means a school district created under Section [~~53A-2-118.1~~]
1476 53G-3-302 after May 10, 2011.
1477 (c) "Property tax levy" means a property tax levy that a school district is authorized to
1478 impose, except:
1479 (i) the minimum basic rate imposed under Section [~~53A-17a-135~~] 53F-2-301;
1480 (ii) a debt service levy imposed under Section 11-14-310; or
1481 (iii) a judgment levy imposed under Section 59-2-1330.
1482 (d) "Qualifying taxable year" means the calendar year in which a new district begins to
1483 provide educational services.
1484 (e) "Remaining district" means an existing district after the creation of a new district.
1485 (2) A new district and remaining district shall continue to impose property tax levies

1486 that were imposed by the divided school district in the taxable year prior to the qualifying
1487 taxable year.
1488 (3) Except as provided in Subsection (6), a property tax levy that a new district and
1489 remaining district are required to impose under Subsection (2) shall be set at a rate that:
1490 (a) is uniform in the new district and remaining district; and
1491 (b) generates the same amount of revenue that was generated by the property tax levy
1492 within the divided school district in the taxable year prior to the qualifying taxable year.
1493 (4) (a) Except as provided in Subsection (4)(b), the county treasurer of the county in
1494 which a property tax levy is imposed under Subsection (2) shall distribute revenues generated
1495 by the property tax levy to the new district and remaining district in proportion to the
1496 percentage of the divided school district's enrollment on the October 1 prior to the new district
1497 commencing educational services that were enrolled in schools currently located in the new
1498 district or remaining district.
1499 (b) The county treasurer of a county of the first class shall distribute revenues
1500 generated by a capital local levy of .0006 that a school district in a county of the first class is
1501 required to impose under Section [~~53A-16-113~~] 53F-8-303 in accordance with the distribution
1502 method specified in Section 53A-16-114.
1503 (5) On or before March 31, a county treasurer shall distribute revenues generated by a
1504 property tax levy imposed under Subsection (2) in the prior calendar year to a new district and
1505 remaining district as provided in Subsection (4).
1506 (6) (a) Subject to the notice and public hearing requirements of Section 59-2-919, a
1507 new district or remaining district may set a property tax rate higher than the rate required by
1508 Subsection (3), up to:
1509 (i) the maximum rate, if any, allowed by law; or
1510 (ii) the maximum rate authorized by voters for a voted local levy under Section
1511 [~~53A-17a-133~~] 53F-8-301.
1512 (b) The revenues generated by the portion of a property tax rate in excess of the rate
1513 required by Subsection (3) shall be retained by the district that imposes the higher rate.

1514 Section 20. Section **53G-3-305**, which is renumbered from Section 53A-2-119 is
1515 renumbered and amended to read:
1516 **[~~53A-2-119~~]. 53G-3-305. Reapportionment -- Local school board**
1517 **membership.**
1518 (1) Upon the creation of a new school district, the county legislative body shall
1519 reapportion the affected school districts pursuant to Section 20A-14-201.
1520 (2) Except as provided in Section [~~53A-2-118.1~~] 53G-3-302, school board membership
1521 in the affected school districts shall be determined under Title 20A, Chapter 14, Part 2,
1522 Election of Members of Local Boards of Education.
1523 Section 21. Section **53G-3-306**, which is renumbered from Section 53A-2-120 is
1524 renumbered and amended to read:
1525 **[~~53A-2-120~~]. 53G-3-306. Transfer of school property to new school**
1526 **district.**
1527 (1) (a) (i) On July 1 of the year following the school board elections for a new district
1528 created pursuant to a citizens' initiative petition or school board request under Section
1529 [~~53A-2-118~~] 53G-3-301 and an existing district as provided in Section [~~53A-2-119~~]
1530 53G-3-305, the board of the existing district shall convey and deliver to the board of the new
1531 district all school property which the new district is entitled to receive.
1532 (ii) Any disagreements as to the disposition of school property shall be resolved by the
1533 county legislative body.
1534 (iii) Subsection (1)(a)(ii) does not apply to disagreements between transition teams
1535 about the proper allocation of property under Subsection [~~53A-2-118.1~~] 53G-3-302(4).
1536 (b) An existing district shall transfer property to a new district created under Section
1537 [~~53A-2-118.1~~] 53G-3-302 in accordance with Section [~~53A-2-118.1~~] 53G-3-302.
1538 (2) Title vests in the new school board, including all rights, claims, and causes of
1539 action to or for the property, for the use or the income from the property, for conversion,
1540 disposition, or withholding of the property, or for any damage or injury to the property.
1541 (3) The new school board may bring and maintain actions to recover, protect, and

1542 preserve the property and rights of the district's schools and to enforce contracts.
1543 Section 22. Section **53G-3-307**, which is renumbered from Section 53A-2-121 is
1544 renumbered and amended to read:
1545 **[~~53A-2-121~~]. 53G-3-307. Tax to pay for indebtedness of divided school**
1546 **district.**
1547 (1) (a) For a new district created prior to May 10, 2011, the local school boards of the
1548 remaining and new districts shall determine the portion of the divided school district's bonded
1549 indebtedness and other indebtedness for which the property within the new district remains
1550 subject to the levy of taxes to pay a proportionate share of the divided school district's
1551 outstanding indebtedness.
1552 (b) The proportionate share of the divided school district's outstanding indebtedness for
1553 which property within the new district remains subject to the levy of taxes shall be calculated
1554 by determining the proportion that the total assessed valuation of the property within the new
1555 district bears to the total assessed valuation of the divided school district:
1556 (i) in the year immediately preceding the date the new district was created; or
1557 (ii) at a time mutually agreed upon by the local school boards of the new district and
1558 the remaining district.
1559 (c) The agreement reflecting the determinations made under this Subsection (1) shall
1560 take effect upon being filed with the county legislative body and the State Board of Education.
1561 (2) (a) Except as provided in Subsection (2)(b), the local school board of a new district
1562 created prior to May 10, 2011 shall levy a tax on property within the new district sufficient to
1563 pay the new district's proportionate share of the indebtedness determined under Subsection (1).
1564 (b) If a new district has money available to pay the new district's proportionate share of
1565 the indebtedness determined under Subsection (1), the new district may abate a property tax to
1566 the extent of money available.
1567 (3) As used in Subsections (4) and (5), "outstanding bonded indebtedness" means debt
1568 owed for a general obligation bond issued by the divided school district:
1569 (a) prior to the creation of the new district; or

1570 (b) in accordance with a mutual agreement of the local school boards of the remaining
1571 and new districts under Subsection (6).
1572 (4) If a new district is created on or after May 10, 2011, property within the new
1573 district and the remaining district is subject to the levy of a tax to pay the divided school
1574 district's outstanding bonded indebtedness as provided in Subsection (5).
1575 (5) (a) Except as provided in Subsection (5)(b), the local school board of the new
1576 district and the local school board of the remaining district shall impose a tax levy at a rate that:
1577 (i) generates from the combined districts the amount of revenue required each year to
1578 meet the outstanding bonded indebtedness of the divided school district; and
1579 (ii) is uniform within the new district and remaining district.
1580 (b) A local school board of a new district may abate a property tax required to be
1581 imposed under Subsection (5)(a) to the extent the new district has money available to pay to
1582 the remaining district the amount of revenue that would be generated within the new district
1583 from the tax rate specified in Subsection (5)(a).
1584 (6) (a) The local school boards of the remaining and new districts shall determine by
1585 mutual agreement the disposition of bonds approved but not issued by the divided school
1586 district before the creation of the new district based primarily on the representation made to the
1587 voters at the time of the bond election.
1588 (b) Before a determination is made under Subsection (6)(a), a remaining district may
1589 not issue bonds approved but not issued before the creation of the new district if property in the
1590 new district would be subject to the levy of a tax to pay the bonds.
1591 Section 23. Section **53G-3-308**, which is renumbered from Section 53A-2-122 is
1592 renumbered and amended to read:
1593 **[~~53A-2-122~~]. 53G-3-308. Employees of a new district.**
1594 (1) Upon the creation of a new district:
1595 (a) an employee of an existing district who is employed at a school that is transferred to
1596 the new district shall become an employee of the new district; and
1597 (b) the school board of the new district shall:

1598 (i) have discretion in the hiring of all other staff;
1599 (ii) adopt the personnel policies and practices of the existing district, including salary
1600 schedules and benefits; and
1601 (iii) enter into agreements with employees of the new district, or their representatives,
1602 that have the same terms as those in the negotiated agreements between the existing district and
1603 its employees.
1604 (2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new
1605 district is created who becomes an employee of the new district shall retain the same status as a
1606 career or provisional employee with accrued seniority and accrued benefits.
1607 (b) Subsection (2)(a) applies to:
1608 (i) employees of an existing district who are transferred to a new district pursuant to
1609 Subsection (1)(a); and
1610 (ii) employees of a school district from which a new district is created who are hired by
1611 the new district within one year of the date of the creation of the new district.
1612 (3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and
1613 is rehired by the existing district within one year of the date of the creation of the new district
1614 shall, when rehired by the existing district, retain the same status as a career or provisional
1615 employee with accrued seniority and accrued benefits.
1616 Section 24. Section **53G-3-401**, which is renumbered from Section 53A-2-102 is
1617 renumbered and amended to read:
1618 **Part 4. Consolidating School Districts**
1619 **[~~53A-2-102~~]. 53G-3-401. Consolidation of school districts -- Resolution by**
1620 **school board members -- Petition by electors -- Election.**
1621 (1) Two or more school districts may unite and form a single school district in one of
1622 the following ways:
1623 (a) a majority of the members of each of the boards of education of the affected
1624 districts shall approve and present to the county legislative body of the affected counties a
1625 resolution to consolidate the districts. Once this is done, consolidation shall be established

1626 under this chapter; or
1627 (b) a majority of the members of the board of education of each affected district, or
1628 15% of the qualified electors in each of the affected districts, shall sign and present a petition to
1629 the county legislative body of each affected county. The question shall be voted upon at an
1630 election called for that purpose, which shall be the next general or municipal election.
1631 Consolidation shall occur if a majority of those voting on the question in each district favor
1632 consolidation.
1633 (2) The elections required under Subsection (1)(b) shall be conducted and the returns
1634 canvassed as provided by election laws.
1635 Section 25. Section **53G-3-402**, which is renumbered from Section 53A-2-103 is
1636 renumbered and amended to read:
1637 **[~~53A-2-103~~]. 53G-3-402. Transfer of property to new school district --**
1638 **Rights and obligations of new school board -- Outstanding indebtedness -- Special tax.**
1639 (1) On July 1 following the approval of the creation of a new school district under
1640 Section [~~53A-2-102~~] 53G-3-401, the local school boards of the former districts shall convey
1641 and deliver all school property to the local school board of the new district. Title vests in the
1642 new board. All rights, claims, and causes of action to or for the property, for the use or the
1643 income from the property, for conversion, disposition, or withholding of the property, or for
1644 any damage or injury to the property vest at once in the new board.
1645 (2) The new board may bring and maintain actions to recover, protect, and preserve the
1646 property and rights of the district schools and to enforce contracts.
1647 (3) The new board shall assume and be liable for all outstanding debts and obligations
1648 of each of the former school districts.
1649 (4) All of the bonded indebtedness, outstanding debts, and obligations of a former
1650 district, which cannot be reasonably paid from the assets of the former district, shall be paid by
1651 a special tax levied by the new board as needed. The tax shall be levied upon the property
1652 within the former district which was liable for the indebtedness at the time of consolidation. If
1653 bonds are approved in the new district under Section [~~53A-18-102~~] 53G-4-603, the special tax

1654 shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of
1655 the new district.
1656 (5) Bonded indebtedness of a former district which has been refunded shall be paid in
1657 the same manner as that which the new district assumes under Section [~~53A-18-101~~]
1658 53G-4-602.
1659 (6) State funds received by the new district under Section [~~53A-21-202~~] 53F-3-202
1660 may be applied toward the payment of outstanding bonded indebtedness of a former district in
1661 the same proportion as the bonded indebtedness of the territory within the former district bears
1662 to the total bonded indebtedness of the districts combined.
1663 Section 26. Section **53G-3-403**, which is renumbered from Section 53A-2-113 is
1664 renumbered and amended to read:
1665 **[~~53A-2-113~~]. 53G-3-403. School district consolidation -- State funding of**
1666 **consolidated districts.**
1667 When districts consolidate, payments made by the state under [~~Title 53A, Chapter 17a,~~
1668 ~~Minimum School Program Act~~] Title 53F, Public Education System -- Funding, shall continue
1669 for a period of five years from the date of consolidation on the same basis as if no
1670 consolidation had occurred. At the end of the five-year period, the consolidated district shall
1671 receive funding as a single district.
1672 Section 27. Section **53G-3-404**, which is renumbered from Section 53A-2-114 is
1673 renumbered and amended to read:
1674 **[~~53A-2-114~~]. 53G-3-404. Additional levies -- School board options to**
1675 **abolish or continue after consolidation.**
1676 (1) If a school district that has approved an additional levy under Section
1677 [~~53A-17a-133~~] 53F-8-301 is consolidated with a district which does not have such a levy, the
1678 board of education of the consolidated district may choose to abolish the levy, or apply it in
1679 whole or in part to the entire consolidated district.
1680 (2) If the board chooses to apply any part of the levy to the entire district, the levy may
1681 continue in force for no more than three years, unless approved by the electors of the

1682 consolidated district in the manner set forth in Section [~~53A-17a-133~~] 53F-8-301.
1683 Section 28. Section **53G-3-501**, which is renumbered from Section 53A-2-104 is
1684 renumbered and amended to read:
1685 **Part 5. Restructuring a School District**
1686 **[~~53A-2-104~~]. 53G-3-501. Transfer of a portion of a school district -- Board**
1687 **resolution -- Board petition -- Elector petition -- Transfer election.**
1688 (1) Part of a school district may be transferred to another district in one of the
1689 following ways:
1690 (a) presentation to the county legislative body of each of the affected counties of a
1691 resolution requesting the transfer, approved by at least four-fifths of the members of the local
1692 board of education of each affected school district;
1693 (b) presentation to the county legislative body of each affected county of a petition
1694 requesting that the electors vote on the transfer, signed by a majority of the members of the
1695 local school board of each affected school district; or
1696 (c) presentation to the county legislative body of each affected county of a petition
1697 requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each
1698 of the affected school districts within that county.
1699 (2) (a) If an annexation of property by a city would result in its residents being served
1700 by more than one school district, then the presidents of the affected local school boards shall
1701 meet within 60 days prior to the effective date of the annexation to determine whether it would
1702 be advisable to adjust school district boundaries to permit all residents of the expanded city to
1703 be served by a single school district.
1704 (b) Upon conclusion of the meeting, the local school board presidents shall prepare a
1705 recommendation for presentation to their respective boards as soon as reasonably possible.
1706 (c) The boards may then initiate realignment proceedings under Subsection (1)(a) or
1707 (b).
1708 (d) If a local board rejects realignment under Subsection (1)(a) or (b), the other board
1709 may initiate the following procedures by majority vote within 60 days of the vote rejecting

1710 realignment:
1711 (i) (A) within 30 days after a vote to initiate these procedures, each local board shall
1712 appoint one member to a boundary review committee; or
1713 (B) if the local board becomes deadlocked in selecting the appointee under Subsection
1714 (2)(d)(i)(A), the board's chair shall make the appointment or serve as the appointee to the
1715 review committee.
1716 (ii) The two local board-appointed members of the committee shall meet and appoint a
1717 third member of the committee.
1718 (iii) If the two local board-appointed members are unable to agree on the appointment
1719 of a third member within 30 days after both are appointed, the State Superintendent of Public
1720 Instruction shall appoint the third member.
1721 (iv) The committee shall meet as necessary to prepare recommendations concerning
1722 resolution of the realignment issue, and shall submit the recommendations to the affected local
1723 boards within six months after the appointment of the third member of the committee.
1724 (v) If a majority of the members of each local board accepts the recommendation of the
1725 committee, or accepts the recommendation after amendment by the boards, then the accepted
1726 recommendation shall be implemented.
1727 (vi) If the committee fails to submit its recommendation within the time allotted, or if
1728 one local board rejects the recommendation, the affected boards may agree to extend the time
1729 for the committee to prepare an acceptable recommendation or either board may request the
1730 State Board of Education to resolve the question.
1731 (vii) If the committee has submitted a recommendation which the state board finds to
1732 be reasonably supported by the evidence, the state board shall adopt the committee's
1733 recommendation.
1734 (viii) The decision of the state board is final.
1735 (3) (a) The electors of each affected district shall vote on the transfer requested under
1736 Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general
1737 election.

1738 (b) The election shall be conducted and the returns canvassed as provided by election
1739 law.
1740 (c) A transfer is effected only if a majority of votes cast by the electors in both the
1741 proposed transferor district and in the proposed transferee district are in favor of the transfer.
1742 Section 29. Section **53G-3-502**, which is renumbered from Section 53A-2-105 is
1743 renumbered and amended to read:
1744 **[~~53A-2-105~~]. 53G-3-502. Transfer of school property -- Indebtedness on**
1745 **transferred property.**
1746 (1) If a transfer of a portion of one school district to another school district is approved
1747 under Section [~~53A-2-104~~] 53G-3-501, the state superintendent and the superintendents and
1748 presidents of the boards of education of each of the affected school districts shall determine the
1749 basis for a transfer of all school property reasonably and fairly allocable to that portion being
1750 transferred.
1751 (2) (a) Title to property transferred vests in the transferee board of education.
1752 (b) The transfer of a school building that is in operation at the time of determination
1753 shall be made at the close of a fiscal year.
1754 (c) The transfer of all other school property shall be made five days after approval of
1755 the transfer of territory under Section [~~53A-2-104~~] 53G-3-501.
1756 (3) (a) The individuals referred to in Subsection (1) shall determine the portion of
1757 bonded indebtedness and other indebtedness of the transferor board for which the transferred
1758 property remains subject to the levy of taxes to pay a proportionate share of the outstanding
1759 indebtedness of the transferor board.
1760 (b) This is done by:
1761 (i) determining the amount of the outstanding bonded indebtedness and other
1762 indebtedness of the transferor board of education;
1763 (ii) determining the total taxable value of the property of the transferor district and the
1764 taxable value of the property to be transferred; and
1765 (iii) calculating the portion of the indebtedness of the transferor board for which the

1766 transferred portion retains liability.
1767 (4) (a) The agreement reflecting these determinations takes effect upon being filed with
1768 the State Board of Education.
1769 (b) The transferred property remains subject to the levy of taxes to pay a proportionate
1770 share of the outstanding indebtedness of the transferor school board.
1771 (c) The transferee school board may assume the obligation to pay the proportionate
1772 share of the transferor school board's indebtedness that has been determined under Subsection
1773 (3) to be the obligation of the transferred portion by the approval of a resolution by a majority
1774 of the qualified electors of the transferee school district at an election called and held for that
1775 purpose under Title 11, Chapter 14, Local Government Bonding Act.
1776 (5) If the transferee school district assumes the obligation to pay this proportionate
1777 share of the transferor school board's indebtedness, the transferee school board shall levy a tax
1778 in the whole of the transferee district, including the transferred portion, sufficient to pay the
1779 assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator
1780 of the transferor board.
1781 (6) If the transferee school board does not assume this obligation, the transferee school
1782 board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the
1783 indebtedness determined under this section, and shall turn over the proceeds of the tax to the
1784 business administrator of the transferor board.
1785 (7) For the purposes of school districts affected by repealed laws governing the
1786 annexation of an unincorporated area of a school district by a city which included what was
1787 formerly known as a city school district, transitions of unincorporated areas and property from
1788 the transferor district to the transferee district in progress on the effective date of this act shall
1789 revert to the boundaries and ownership prior to the initiation of annexation and may then
1790 proceed under this section and Section [~~53A-2-104~~] 53G-3-501.
1791 Section 30. Section **53G-3-503**, which is renumbered from Section 53A-2-115 is
1792 renumbered and amended to read:
1793 **[~~53A-2-115~~]. 53G-3-503. Additional levies in transferred territory --**

1794 **Transferee board option to abolish or continue.**
1795 If two or more districts undergo restructuring that results in a district receiving territory
1796 that increases the population of the district by at least 25%, and if the transferred territory was,
1797 at the time of transfer, subject to an additional levy under Section [~~53A-17a-133~~] 53F-8-301,
1798 the board of education of the transferee district may abolish the levy or apply the levy in whole
1799 or in part to the entire restructured district. Any such levy made applicable to the entire district
1800 may continue in force for no more than five years, unless approved by the electors of the
1801 restructured district in the manner set forth in Section [~~53A-17a-133~~] 53F-8-301.
1802 Section 31. Section **53G-4-101** is enacted to read:
1803 **CHAPTER 4. SCHOOL DISTRICTS**
1804 **Part 1. General Provisions**
1805 **53G-4-101. Title.**
1806 This chapter is known as "School Districts."
1807 Section 32. Section **53G-4-102** is enacted to read:
1808 **53G-4-102. Definitions.**
1809 Reserved
1810 Section 33. Section **53G-4-201**, which is renumbered from Section 53A-3-101 is
1811 renumbered and amended to read:
1812 **Part 2. Local School Board Organization and Meetings**
1813 **[~~53A-3-101~~]. 53G-4-201. Selection and election of members to local boards**
1814 **of education.**
1815 Members of local boards of education shall be elected as provided in Title 20A,
1816 Chapter 14, Nomination and Election of State and Local School Boards.
1817 Section 34. Section **53G-4-202**, which is renumbered from Section 53A-3-106 is
1818 renumbered and amended to read:
1819 **[~~53A-3-106~~]. 53G-4-202. Local school board meetings -- Rules of order**
1820 **and procedure -- Location requirements -- Expulsion of members prohibited --**
1821 **Exceptions.**

1822 (1) As used in this section:
1823 (a) "Disaster" means an event that:
1824 (i) causes, or threatens to cause, loss of life, human suffering, public or private property
1825 damage, or economic or social disruption resulting from attack, internal disturbance, natural
1826 phenomenon, or technological hazard; and
1827 (ii) requires resources that are beyond the scope of local agencies in routine responses
1828 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that
1829 require a response by a governmental, not-for-profit, or private entity.
1830 (b) "Local emergency" means a condition in any municipality or county of the state that
1831 requires that emergency assistance be provided by the affected municipality or county or
1832 another political subdivision to save lives and protect property within its jurisdiction in
1833 response to a disaster or to avoid or reduce the threat of a disaster.
1834 (c) "Rules of order and procedure" means a set of rules that governs and prescribes in a
1835 public meeting:
1836 (i) parliamentary order and procedure;
1837 (ii) ethical behavior; and
1838 (iii) civil discourse.
1839 (2) Subject to Subsection (4), a local school board [~~or charter school governing board~~]
1840 shall:
1841 (a) adopt rules of order and procedure to govern a public meeting of the local school
1842 board;
1843 (b) conduct a public meeting in accordance with the rules of order and procedure
1844 described in Subsection (2)(a); and
1845 (c) make the rules of order and procedure described in Subsection (2)(a) available to
1846 the public:
1847 (i) at each public meeting of the local school board; and
1848 (ii) on the local school board's public website, if available.
1849 (3) (a) Except as provided in Subsections (3)(b) and (c), a local school board may not

1850 hold a public meeting outside of the geographic boundary of the local school board's school
1851 district.
1852 (b) A local school board may hold a public meeting outside of the geographic boundary
1853 of the local school board's school district if it is necessary for the local school board to hold a
1854 meeting during a disaster or local emergency.
1855 (c) A local school board may hold a public meeting outside of the geographic boundary
1856 of the local school board's school district to conduct a site visit if:
1857 (i) the location of the site visit provides the local school board members the
1858 opportunity to see or experience an activity that:
1859 (A) relates to the local school board's responsibilities; and
1860 (B) does not exist within the geographic boundaries of the local school board's school
1861 district; and
1862 (ii) the local school board does not vote or take other action during the public meeting
1863 held at the site visit location.
1864 (d) This Subsection (3) does not apply to a charter school governing board.
1865 (4) The requirements of this section do not affect a local school [~~board or charter~~
1866 ~~school governing~~] board's duty to comply with Title 52, Chapter 4, Open and Public Meetings
1867 Act.
1868 (5) (a) Except as provided in Subsection (5)(b), a local school board may not expel a
1869 member of the school board from an open public meeting or prohibit the member from
1870 attending an open public meeting.
1871 (b) Except as provided in Subsection (5)(c), following a two-thirds vote of the
1872 members of the local school board, the local school board may fine or expel a member of the
1873 local school board for:
1874 (i) disorderly conduct at the open public meeting;
1875 (ii) a member's direct or indirect financial conflict of interest regarding an issue
1876 discussed at or action proposed to be taken at the open public meeting; or
1877 (iii) a commission of a crime during the open public meeting.

1878 (c) A local school board may adopt rules or ordinances that expand the reasons or
1879 establish more restrictive procedures for the expulsion of a member from a public meeting.
1880 Section 35. Section **53G-4-203**, which is renumbered from Section 53A-3-201 is
1881 renumbered and amended to read:
1882 **[~~53A-3-201~~]. 53G-4-203. Election of officers -- Terms -- Time of election --**
1883 **Removal of officers -- Quorum requirements.**
1884 (1) A local school board shall elect a president and a vice-president whose terms of
1885 office are for two years and until their successors are elected.
1886 (2) The elections shall be held during the first board meeting in January following a
1887 regular school board election held in the district.
1888 (3) An officer appointed or elected by a local school board may be removed from
1889 office for cause by a vote of two-thirds of the board.
1890 (4) When a vacancy occurs in the office of president or vice president of the board for
1891 any reason, a replacement shall be elected for the unexpired term.
1892 (5) Attendance of a simple majority of the board members constitutes a quorum for the
1893 transaction of official business.
1894 Section 36. Section **53G-4-204**, which is renumbered from Section 53A-3-202 is
1895 renumbered and amended to read:
1896 **[~~53A-3-202~~]. 53G-4-204. Compensation for services -- Additional per diem**
1897 **-- Approval of expenses.**
1898 (1) Each member of a local school board, except the student member, shall receive
1899 compensation for services and for necessary expenses in accordance with board compensation
1900 schedules adopted by the local school board in accordance with the provisions of this section.
1901 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
1902 board compensation schedules, the board shall set a time and place for a public hearing at
1903 which all interested persons shall be given an opportunity to be heard.
1904 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
1905 seven days prior to the meeting by:

1906 (a) (i) publication at least once in a newspaper published in the county where the
1907 school district is situated and generally circulated within the school district; and
1908 (ii) publication on the Utah Public Notice Website created in Section 63F-1-701; and
1909 (b) posting a notice:
1910 (i) at each school within the school district;
1911 (ii) in at least three other public places within the school district; and
1912 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.
1913 (4) After the conclusion of the public hearing, the local school board may adopt or
1914 amend its board compensation schedules.
1915 (5) Each member shall submit an itemized account of necessary travel expenses for
1916 board approval.
1917 (6) A local school board may, without following the procedures described in
1918 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
1919 July 1, 2007 until, at the discretion of the board, the compensation schedule is amended or a
1920 new compensation schedule is adopted.
1921 Section 37. Section **53G-4-205**, which is renumbered from Section 53A-3-204 is
1922 renumbered and amended to read:
1923 **[~~53A-3-204~~]. 53G-4-205. Duties of president.**
1924 (1) The president of each local school board shall preside at all meetings of the board,
1925 appoint all committees, and sign all warrants ordered by the board to be drawn upon the
1926 business administrator for school money.
1927 (2) If the president is absent or acquires a disability, these duties are performed by the
1928 vice president.
1929 Section 38. Section **53G-4-301**, which is renumbered from Section 53A-3-301 is
1930 renumbered and amended to read:
1931 **Part 3. Local School Board Administrative Officers**
1932 **[~~53A-3-301~~]. 53G-4-301. Superintendent of schools -- Appointment --**
1933 **Qualifications -- Term -- Compensation.**

1934 (1) Subject to Subsection (8), a local school board shall appoint a district
1935 superintendent of schools who serves as the local school board's chief executive officer.
1936 (2) A local school board shall appoint the superintendent on the basis of outstanding
1937 professional qualifications.
1938 (3) (a) A superintendent's term of office is for two years and until, subject to
1939 Subsection (8), a successor is appointed and qualified.
1940 (b) A local school board that appoints a superintendent in accordance with this section
1941 may not, on or after May 10, 2011, enter into an employment contract that contains an
1942 automatic renewal provision with the superintendent.
1943 (4) Unless a vacancy occurs during an interim vacancy period subject to Subsection (8),
1944 if it becomes necessary to appoint an interim superintendent due to a vacancy in the office of
1945 superintendent, the local school board shall make an appointment during a public meeting for
1946 an indefinite term not to exceed one year, which term shall end upon the appointment and
1947 qualification of a new superintendent.
1948 (5) (a) The superintendent shall hold an administrative/supervisory license issued by
1949 the State Board of Education, except as otherwise provided in Subsection (5)(b).
1950 (b) At the request of a local school board, the State Board of Education shall grant a
1951 letter of authorization permitting a person with outstanding professional qualifications to serve
1952 as superintendent without holding an administrative/supervisory license.
1953 (6) A local school board shall set the superintendent's compensation for services.
1954 (7) A superintendent qualifies for office by taking the constitutional oath of office.
1955 (8) (a) As used in this Subsection (8), "interim vacancy period" means the period of
1956 time that:
1957 (i) begins on the day on which a general election described in Section 20A-1-202 is
1958 held to elect a member of a local school board; and
1959 (ii) ends on the day on which the member-elect begins the member's term.
1960 (b) (i) The local school board may not appoint a superintendent during an interim
1961 vacancy period.

1962 (ii) Notwithstanding Subsection (8)(b)(i):
1963 (A) the local school board may appoint an interim superintendent during an interim
1964 vacancy period; and
1965 (B) the interim superintendent's term shall expire once a new superintendent is
1966 appointed by the new local school board after the interim vacancy period has ended.
1967 (c) Subsection (8)(b) does not apply if all the local school board members who held
1968 office on the day of the general election whose term of office was vacant for the election are
1969 re-elected to the local school board for the following term.
1970 Section 39. Section **53G-4-302**, which is renumbered from Section 53A-3-302 is
1971 renumbered and amended to read:
1972 **[~~53A-3-302~~]. 53G-4-302. Business administrator -- Term -- Oath.**
1973 (1) Subject to Subsection (5), a local school board shall appoint a business
1974 administrator.
1975 (2) (a) The business administrator's term of office is for two years and until, subject to
1976 Subsection (5), a successor is appointed and qualified.
1977 (b) A local school board that appoints a business administrator in accordance with this
1978 section may not, on or after May 8, 2012, enter into an employment contract that contains an
1979 automatic renewal provision with the business administrator.
1980 (3) Unless a vacancy occurs during an interim vacancy period subject to Subsection
1981 (5), if it becomes necessary to appoint an interim business manager due to a vacancy in the
1982 office of business administrator, then the local school board shall make an appointment during
1983 a public meeting for an indefinite term not to exceed one year, which term shall end upon the
1984 appointment and qualification of a new business manager.
1985 (4) The business administrator qualifies for office by taking the constitutional oath of
1986 office.
1987 (5) (a) As used in this Subsection (5), "interim vacancy period" means the period of
1988 time that:
1989 (i) begins on the day on which a general election described in Section 20A-1-202 is

1990 held to elect a member of a local school board; and
1991 (ii) ends on the day on which the member-elect begins the member's term.
1992 (b) (i) A local school board may not appoint a business administrator during an interim
1993 vacancy period.
1994 (ii) Notwithstanding Subsection (5)(b)(i):
1995 (A) the local school board may appoint an interim business administrator during an
1996 interim vacancy period; and
1997 (B) the interim business administrator's term shall expire once a new business
1998 administrator is appointed by the new local school board after the interim vacancy period has
1999 ended.
2000 (c) Subsection (5)(b) does not apply if all the local school board members who held
2001 office on the day of the general election whose term of office was vacant for the election are
2002 reelected to the local school board for the following term.
2003 Section 40. Section **53G-4-303**, which is renumbered from Section 53A-3-303 is
2004 renumbered and amended to read:
2005 **[~~53A-3-303~~]. 53G-4-303. Duties of business administrator.**
2006 Subject to the direction of the district superintendent of schools, the district's business
2007 administrator shall:
2008 (1) attend all meetings of the board, keep an accurate record of its proceedings, and
2009 have custody of the seal and records;
2010 (2) be custodian of all district funds, be responsible and accountable for all money
2011 received and disbursed, and keep accurate records of all revenues received and their sources;
2012 (3) countersign with the president of the board all warrants and claims against the
2013 district as well as other legal documents approved by the board;
2014 (4) prepare and submit to the board each month a written report of the district's receipts
2015 and expenditures;
2016 (5) use uniform budgeting, accounting, and auditing procedures and forms approved by
2017 the State Board of Education, which shall be in accordance with generally accepted accounting

2018 principles or auditing standards and Title 63J, Chapter 1, Budgetary Procedures Act;
2019 (6) prepare and submit to the board a detailed annual statement for the period ending
2020 June 30, of the revenue and expenditures, including beginning and ending fund balances;
2021 (7) assist the superintendent in the preparation and submission of budget documents
2022 and statistical and fiscal reports required by law or the State Board of Education;
2023 (8) insure that adequate internal controls are in place to safeguard the district's funds;
2024 and
2025 (9) perform other duties as the superintendent may require.
2026 Section 41. Section **53G-4-304**, which is renumbered from Section 53A-3-304 is
2027 renumbered and amended to read:
2028 **[~~53A-3-304~~]. 53G-4-304. Other board officers.**
2029 (1) A board may appoint other necessary officers who serve at the pleasure of the
2030 board.
2031 (2) These officers shall qualify by taking the constitutional oath of office before
2032 assuming office.
2033 Section 42. Section **53G-4-401**, which is renumbered from Section 53A-3-401 is
2034 renumbered and amended to read:
2035 **Part 4. Local School Board Powers and Miscellaneous Duties**
2036 **[~~53A-3-401~~]. 53G-4-401. Boards of education are bodies corporate -- Seal**
2037 **-- Authority to sue -- Conveyance of property -- Duty to residents of the local school**
2038 **board member's district -- Establishment of public education foundation.**
2039 (1) As used in this section, "body corporate" means a public corporation and legal
2040 subdivision of the state, vested with the powers and duties of a government entity as specified
2041 in this chapter.
2042 (2) The board of education of a school district is a body corporate under the name of
2043 the "Board of Education of ..... School District" (inserting the proper name), and shall have
2044 an official seal conformable to its name.
2045 (3) The seal is used by its business administrator in the authentication of all required

2046 matters.
2047 (4) A local school board may sue and be sued, and may take, hold, lease, sell, and
2048 convey real and personal property as the interests of the schools may require.
2049 (5) Notwithstanding a local school board's status as a body corporate, an elected
2050 member of a local school board serves and represents the residents of the local school board
2051 member's district, and that service and representation may not be restricted or impaired by the
2052 local school board member's membership on, or obligations to, the local school board.
2053 (6) A local school board may establish a foundation in accordance with Section
2054 53E-3-403.
2055 Section 43. Section **53G-4-402**, which is renumbered from Section 53A-3-402 is
2056 renumbered and amended to read:
2057 **[~~53A-3-402~~]. 53G-4-402. Powers and duties generally.**
2058 (1) A local school board shall:
2059 (a) implement the core standards for Utah public schools using instructional materials
2060 that best correlate to the core standards for Utah public schools and graduation requirements;
2061 (b) administer tests, required by the State Board of Education, which measure the
2062 progress of each student, and coordinate with the state superintendent and State Board of
2063 Education to assess results and create plans to improve the student's progress, which shall be
2064 submitted to the State Board of Education for approval;
2065 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
2066 students that need remediation and determine the type and amount of federal, state, and local
2067 resources to implement remediation;
2068 (d) develop early warning systems for students or classes failing to make progress;
2069 (e) work with the State Board of Education to establish a library of documented best
2070 practices, consistent with state and federal regulations, for use by the local districts; and
2071 (f) implement training programs for school administrators, including basic
2072 management training, best practices in instructional methods, budget training, staff
2073 management, managing for learning results and continuous improvement, and how to help

2074 every child achieve optimal learning in basic academic subjects.
2075 (2) Local school boards shall spend minimum school program funds for programs and
2076 activities for which the State Board of Education has established minimum standards or rules
2077 under Section [~~53A-1-402~~] 53E-3-501.
2078 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
2079 and equipment and construct, erect, and furnish school buildings.
2080 (b) School sites or buildings may only be conveyed or sold on board resolution
2081 affirmed by at least two-thirds of the members.
2082 (4) (a) A board may participate in the joint construction or operation of a school
2083 attended by children residing within the district and children residing in other districts either
2084 within or outside the state.
2085 (b) Any agreement for the joint operation or construction of a school shall:
2086 (i) be signed by the president of the board of each participating district;
2087 (ii) include a mutually agreed upon pro rata cost; and
2088 (iii) be filed with the State Board of Education.
2089 (5) A board may establish, locate, and maintain elementary, secondary, and applied
2090 technology schools.
2091 (6) Except as provided in Section [~~53A-1-1004~~] 53E-3-905, a board may enroll
2092 children in school who are at least five years of age before September 2 of the year in which
2093 admission is sought.
2094 (7) A board may establish and support school libraries.
2095 (8) A board may collect damages for the loss, injury, or destruction of school property.
2096 (9) A board may authorize guidance and counseling services for children and their
2097 parents or guardians before, during, or following enrollment of the children in schools.
2098 (10) (a) A board shall administer and implement federal educational programs in
2099 accordance with Title [~~53A, Chapter 1, Part 9~~] 53E, Chapter 3, Part 8, Implementing Federal or
2100 National Education Programs [~~Act~~].
2101 (b) Federal funds are not considered funds within the school district budget under

2102 [~~Title 53A, Chapter 19, Public School~~] Chapter 7, Part 3, Budgets.
2103 (11) (a) A board may organize school safety patrols and adopt rules under which the
2104 patrols promote student safety.
2105 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
2106 parental consent for the appointment.
2107 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
2108 of a highway intended for vehicular traffic use.
2109 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
2110 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
2111 the program by virtue of the organization, maintenance, or operation of a school safety patrol.
2112 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
2113 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
2114 devises, or bequests that are made for educational purposes.
2115 (b) These contributions are not subject to appropriation by the Legislature.
2116 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
2117 citations for violations of Subsection 76-10-105(2).
2118 (b) A person may not be appointed to serve as a compliance officer without the
2119 person's consent.
2120 (c) A teacher or student may not be appointed as a compliance officer.
2121 (14) A board shall adopt bylaws and rules for the board's own procedures.
2122 (15) (a) A board shall make and enforce rules necessary for the control and
2123 management of the district schools.
2124 (b) Board rules and policies shall be in writing, filed, and referenced for public access.
2125 (16) A board may hold school on legal holidays other than Sundays.
2126 (17) (a) A board shall establish for each school year a school traffic safety committee to
2127 implement this Subsection (17).
2128 (b) The committee shall be composed of one representative of:
2129 (i) the schools within the district;

2130 (ii) the Parent Teachers' Association of the schools within the district;
2131 (iii) the municipality or county;
2132 (iv) state or local law enforcement; and
2133 (v) state or local traffic safety engineering.
2134 (c) The committee shall:
2135 (i) receive suggestions from school community councils, parents, teachers, and others
2136 and recommend school traffic safety improvements, boundary changes to enhance safety, and
2137 school traffic safety program measures;
2138 (ii) review and submit annually to the Department of Transportation and affected
2139 municipalities and counties a child access routing plan for each elementary, middle, and junior
2140 high school within the district;
2141 (iii) consult the Utah Safety Council and the Division of Family Health Services and
2142 provide training to all school children in kindergarten through grade six, within the district, on
2143 school crossing safety and use; and
2144 (iv) help ensure the district's compliance with rules made by the Department of
2145 Transportation under Section 41-6a-303.
2146 (d) The committee may establish subcommittees as needed to assist in accomplishing
2147 its duties under Subsection (17)(c).
2148 (18) (a) A school board shall adopt and implement a comprehensive emergency
2149 response plan to prevent and combat violence in the school board's public schools, on school
2150 grounds, on its school vehicles, and in connection with school-related activities or events.
2151 (b) The plan shall:
2152 (i) include prevention, intervention, and response components;
2153 (ii) be consistent with the student conduct and discipline policies required for school
2154 districts under [~~Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans~~] Chapter
2155 11, Part 2, Miscellaneous Requirements;
2156 (iii) require inservice training for all district and school building staff on what their
2157 roles are in the emergency response plan;

2158 (iv) provide for coordination with local law enforcement and other public safety
2159 representatives in preventing, intervening, and responding to violence in the areas and activities
2160 referred to in Subsection (18)(a); and
2161 (v) include procedures to notify a student, to the extent practicable, who is off campus
2162 at the time of a school violence emergency because the student is:
2163 (A) participating in a school-related activity; or
2164 (B) excused from school for a period of time during the regular school day to
2165 participate in religious instruction at the request of the student's parent or guardian.
2166 (c) The State Board of Education, through the state superintendent of public
2167 instruction, shall develop comprehensive emergency response plan models that local school
2168 boards may use, where appropriate, to comply with Subsection (18)(a).
2169 (d) A local school board shall, by July 1 of each year, certify to the State Board of
2170 Education that its plan has been practiced at the school level and presented to and reviewed by
2171 its teachers, administrators, students, and their parents and local law enforcement and public
2172 safety representatives.
2173 (19) (a) A local school board may adopt an emergency response plan for the treatment
2174 of sports-related injuries that occur during school sports practices and events.
2175 (b) The plan may be implemented by each secondary school in the district that has a
2176 sports program for students.
2177 (c) The plan may:
2178 (i) include emergency personnel, emergency communication, and emergency
2179 equipment components;
2180 (ii) require inservice training on the emergency response plan for school personnel who
2181 are involved in sports programs in the district's secondary schools; and
2182 (iii) provide for coordination with individuals and agency representatives who:
2183 (A) are not employees of the school district; and
2184 (B) would be involved in providing emergency services to students injured while
2185 participating in sports events.

2186 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
2187 review the plan each year and make revisions when required to improve or enhance the plan.
2188 (e) The State Board of Education, through the state superintendent of public
2189 instruction, shall provide local school boards with an emergency plan response model that local
2190 boards may use to comply with the requirements of this Subsection (19).
2191 (20) A board shall do all other things necessary for the maintenance, prosperity, and
2192 success of the schools and the promotion of education.
2193 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:
2194 (i) hold a public hearing, as defined in Section 10-9a-103; and
2195 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).
2196 (b) The notice of a public hearing required under Subsection (21)(a) shall:
2197 (i) indicate the:
2198 (A) school or schools under consideration for closure or boundary change; and
2199 (B) date, time, and location of the public hearing; and
2200 (ii) at least 10 days before the public hearing, be:
2201 (A) published:
2202 (I) in a newspaper of general circulation in the area; and
2203 (II) on the Utah Public Notice Website created in Section 63F-1-701; and
2204 (B) posted in at least three public locations within the municipality or on the district's
2205 official website.
2206 (22) A board may implement a facility energy efficiency program established under
2207 Title 11, Chapter 44, Performance Efficiency Act.
2208 (23) A board may establish or partner with a certified youth court program, in
2209 accordance with Section 78A-6-1203, or establish or partner with a comparable restorative
2210 justice program, in coordination with schools in that district. A school may refer a student to
2211 youth court or a comparable restorative justice program in accordance with Section
2212 [~~53A-11-911~~] 53G-8-211.
2213 Section 44. Section **53G-4-403**, which is renumbered from Section 53A-3-403 is

2214 renumbered and amended to read:

2215 **[~~53A-3-403~~]. 53G-4-403. School district fiscal year -- Statistical reports.**

2216 (1) A school district's [~~or charter school's~~] fiscal year begins on July 1 and ends on June
2217 30.

2218 (2) (a) A school district [~~or charter school~~] shall forward statistical reports for the
2219 preceding school year, containing items required by law or by the State Board of Education, to
2220 the state superintendent on or before November 1 of each year.

2221 (b) The reports shall include information to enable the state superintendent to complete
2222 the statement required under Subsection [~~53A-1-301~~] 53E-3-301(3)(d)(v).

2223 (3) A school district [~~or charter school~~] shall forward the accounting report required
2224 under Section 51-2a-201 to the state superintendent on or before October 15 of each year.

2225 Section 45. Section **53G-4-404**, which is renumbered from Section 53A-3-404 is
2226 renumbered and amended to read:

2227 **[~~53A-3-404~~]. 53G-4-404. Annual financial report -- Audit report.**

2228 (1) The annual financial report of each school district, containing items required by law
2229 or by the State Board of Education and attested to by independent auditors, shall be prepared as
2230 required by Section 51-2a-201.

2231 (2) If auditors are employed under Section 51-2a-201, the auditors shall complete their
2232 field work in sufficient time to allow them to verify necessary audit adjustments included in the
2233 annual financial report to the state superintendent.

2234 (3) (a) (i) The district shall forward the annual financial report to the state
2235 superintendent not later than October 1.

2236 (ii) The report shall include information to enable the state superintendent to complete
2237 the statement required under Subsection [~~53A-1-301~~] 53E-3-301(3)(d)(v).

2238 (b) The State Board of Education shall publish electronically a copy of the report on
2239 the Internet not later than December 15.

2240 (4) The completed audit report shall be delivered to the school district board of
2241 education and the state superintendent of public instruction not later than November 30 of each

2242 year.
2243 Section 46. Section **53G-4-405**, which is renumbered from Section 53A-3-405 is
2244 renumbered and amended to read:
2245 **[~~53A-3-405~~]. 53G-4-405. Approval of purchases or indebtedness -- Board**
2246 **approval of identified purchases.**
2247 (1) An officer or employee of a school district may not make a purchase or incur
2248 indebtedness on behalf of the district without the approval and order of the board.
2249 (2) The board shall adopt one of the following approval methods, or a combination of
2250 the two:
2251 (a) The board shall approve an appropriation for identified purchases in the district
2252 budget. Each purchase made under an identified purchase does not require additional board
2253 approval.
2254 (b) The board shall approve individual purchases when made throughout the fiscal
2255 year.
2256 Section 47. Section **53G-4-406**, which is renumbered from Section 53A-3-406 is
2257 renumbered and amended to read:
2258 **[~~53A-3-406~~]. 53G-4-406. Claims against the board -- Itemized.**
2259 Except for salary which is regularly authorized by the board, the board may not hear or
2260 consider any claim against the board which is not itemized.
2261 Section 48. Section **53G-4-407**, which is renumbered from Section 53A-3-408 is
2262 renumbered and amended to read:
2263 **[~~53A-3-408~~]. 53G-4-407. Tax exemption of school board property.**
2264 (1) Real and personal property held by a local school board is exempt from general and
2265 special taxation and from local assessments.
2266 (2) This property may not be taken in any manner for debt.
2267 Section 49. Section **53G-4-408**, which is renumbered from Section 53A-3-412 is
2268 renumbered and amended to read:
2269 **[~~53A-3-412~~]. 53G-4-408. Residence not condition of employment.**

2270 A local school board may not require an employee to reside within its school district as
2271 a condition of employment.
2272 Section 50. Section **53G-4-409**, which is renumbered from Section 53A-3-420 is
2273 renumbered and amended to read:
2274 **[~~53A-3-420~~]. 53G-4-409. Activity disclosure statements.**
2275 (1) [~~For a school year beginning with or after the 2012-13 school year, a~~] A local
2276 school board shall require the development of activity disclosure statements for each
2277 school-sponsored group or program which involves students and faculty in grades 9 through 12
2278 in contests, performances, events, or other activities that require them to miss normal class time
2279 or takes place outside regular school time.
2280 (2) The activity disclosure statements shall be disseminated to the students desiring
2281 involvement in the specific activity or to the students' parents or legal guardians or to both
2282 students and their parents.
2283 (3) An activity disclosure statement shall contain the following information:
2284 (a) the specific name of the team, group, or activity;
2285 (b) the maximum number of students involved;
2286 (c) whether or not tryouts are used to select students, specifying date and time
2287 requirements for tryouts, if applicable;
2288 (d) beginning and ending dates of the activity;
2289 (e) a tentative schedule of the events, performances, games, or other activities with
2290 dates, times, and places specified if available;
2291 (f) if applicable, designation of any nonseason events or activities, including an
2292 indication of the status, required, expected, suggested, or optional, with the dates, times, and
2293 places specified;
2294 (g) personal costs associated with the activity;
2295 (h) the name of the school employee responsible for the activity; and
2296 (i) any additional information considered important for the students and parents to
2297 know.

2298 Section 51. Section **53G-4-410**, which is renumbered from Section 53A-3-429 is
2299 renumbered and amended to read:
2300 **[~~53A-3-429~~]. 53G-4-410. Regional service centers.**
2301 (1) For purposes of this section, "eligible regional service center" means a regional
2302 service center formed by two or more school districts as an interlocal entity, in accordance with
2303 Title 11, Chapter 13, Interlocal Cooperation Act.
2304 (2) The Legislature strongly encourages school districts to collaborate and cooperate to
2305 provide educational services in a manner that will best utilize resources for the overall
2306 operation of the public education system.
2307 (3) An eligible regional service center formed by an interlocal agreement, in
2308 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution
2309 described in Subsection (5) if the Legislature appropriates money for eligible regional service
2310 centers.
2311 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize
2312 a regional service center in operation before July 1, 2011, the interlocal agreement may not
2313 eliminate any rights or obligations of the regional service center in effect before entering into
2314 the interlocal agreement.
2315 (b) An interlocal agreement entered into to confirm or formalize an existing regional
2316 service center shall have the effect of confirming and ratifying in the regional service center,
2317 the title to any property held in the name, or for the benefit of the regional service center as of
2318 the effective date of the interlocal agreement.
2319 (5) (a) The State Board of Education shall distribute any funding appropriated to
2320 eligible regional service centers as provided by the Legislature.
2321 (b) The State Board of Education may provide funding to an eligible regional service
2322 center in addition to legislative appropriations.
2323 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2324 State Board of Education shall make rules regarding eligible regional service centers including:
2325 (a) the distribution of legislative appropriations to eligible regional service centers;

2326 (b) the designation of eligible regional service centers as agents to distribute Utah
2327 Education and Telehealth Network services; and
2328 (c) the designation of eligible regional service centers as agents for regional
2329 coordination of public education and higher education services.
2330 [~~(7) A public school that is a charter school may enter into a contract with an eligible~~
2331 ~~regional service center to receive education related services from the eligible regional service~~
2332 ~~center.~~]
2333 Section 52. Section **53G-4-411**, which is renumbered from Section 53A-3-432 is
2334 renumbered and amended to read:
2335 **[~~53A-3-432~~]. 53G-4-411. Interlocal agreement for public education**
2336 **transportation services.**
2337 (1) In accordance with Title 11, Chapter 13, Interlocal Cooperation Act, at least two
2338 school districts may, for the purpose of coordinating public education transportation services:
2339 (a) create an interlocal entity as defined in Section 11-13-103 if the school districts
2340 establish an interlocal entity governing board as described in Subsection (2); or
2341 (b) enter into a joint or cooperative undertaking as described in Section 11-13-207 if
2342 the school districts establish a joint board as described in Subsection (2).
2343 (2) A governing board described in Subsection (1)(a) or a joint board described in
2344 Subsection (1)(b) shall consist of:
2345 (a) at least one elected member of a local school board from each school district that
2346 creates the interlocal entity or enters into the joint or cooperative undertaking; and
2347 (b) only elected members of the local school boards of the school districts that create
2348 the interlocal entity or enter into the joint or cooperative undertaking.
2349 Section 53. Section **53G-4-501** is enacted to read:
2350 **Part 5. Utah School Boards Association**
2351 **53G-4-501. Definitions.**
2352 Reserved
2353 Section 54. Section **53G-4-502**, which is renumbered from Section 53A-5-101 is

2354 renumbered and amended to read:

2355 **[~~53A-5-101~~]. 53G-4-502. Utah School Boards Association.**

2356 The Utah School Boards Association is recognized as an organization and agency of the
2357 school boards of Utah and is representative of those boards.

2358 Section 55. Section **53G-4-503**, which is renumbered from Section 53A-5-102 is
2359 renumbered and amended to read:

2360 **[~~53A-5-102~~]. 53G-4-503. Boards of education authorized to become**
2361 **members of association.**

2362 The State Board of Education, local school boards, and their agencies may become
2363 members of the Utah School Boards Association and cooperate with the association and its
2364 members on activities and problems relating to the state's educational system.

2365 Section 56. Section **53G-4-504**, which is renumbered from Section 53A-5-103 is
2366 renumbered and amended to read:

2367 **[~~53A-5-103~~]. 53G-4-504. Payment of dues -- Expenses in attending**
2368 **meetings -- Contributions.**

2369 (1) Member boards may pay dues and make other contributions to the association for
2370 its educational activities.

2371 (2) They may also incur reasonable travel and subsistence expenses for the purpose of
2372 attending meetings and conferences of the association.

2373 (3) Dues and contributions expenses shall be paid in the same manner as are other
2374 expenses of the member boards.

2375 Section 57. Section **53G-4-601** is enacted to read:

2376 **Part 6. School District Indebtedness**

2377 **53G-4-601. Definitions.**

2378 Reserved

2379 Section 58. Section **53G-4-602**, which is renumbered from Section 53A-18-101 is
2380 renumbered and amended to read:

2381 **[~~53A-18-101~~]. 53G-4-602. School district tax anticipation notes.**

2382 (1) A local school board may borrow money in anticipation of the collection of taxes or
2383 other revenue of the school district so long as it complies with Title 11, Chapter 14, Local
2384 Government Bonding Act.
2385 (2) The board may incur indebtedness under this section for any purpose for which
2386 district funds may be expended, but not in excess of the estimated district revenues for the
2387 current school year.
2388 (3) Revenues include all revenues of the district from the state or any other source.
2389 (4) The district may incur the indebtedness prior to imposing or collecting the taxes or
2390 receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates.
2391 Section 59. Section **53G-4-603**, which is renumbered from Section 53A-18-102 is
2392 renumbered and amended to read:
2393 **[~~53A-18-102~~]. 53G-4-603. Additional indebtedness -- Election -- Voter**
2394 **information pamphlet.**
2395 (1) As used in this section:
2396 (a) "Qualifying general obligation bond" means a bond:
2397 (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and
2398 (ii) authorized by an election held on or after July 1, 2014.
2399 (b) "Voter information pamphlet" means the notification required by Section
2400 11-14-202.
2401 (2) A local school board may require the qualified electors of the district to vote on a
2402 proposition as to whether to incur indebtedness, subject to conditions provided in Title 11,
2403 Chapter 14, Local Government Bonding Act, if:
2404 (a) the debts of the district are equal to school taxes and other estimated revenues for
2405 the school year, and it is necessary to create and incur additional indebtedness in order to
2406 maintain and support schools within the district; or
2407 (b) the local school board determines it advisable to issue school district bonds to
2408 purchase school sites, buildings, or furnishings or to improve existing school property.
2409 (3) A local school board shall specify, in the voter information pamphlet for a bond

2410 election, a plan of finance, including:
2411 (a) the specific project or projects for which a bond is to be issued; and
2412 (b) a priority designation for each project.
2413 (4) Except as provided in Subsection (5), a local school board shall ensure that
2414 qualifying general obligation bond proceeds are used to complete projects in accordance with
2415 the plan of finance described in Subsection (3).
2416 (5) (a) After distribution to the public of the voter information pamphlet, with
2417 two-thirds majority approval of the local school board, a local school board may upon a
2418 determination of compelling circumstances adjust the plan of finance described in Subsection
2419 (3) by:
2420 (i) changing the priority designation of a project;
2421 (ii) adding a project that was not listed in the voter information pamphlet; or
2422 (iii) removing a project that was listed in the voter information pamphlet.
2423 (b) A local school board may not vote on more than one adjustment described in
2424 Subsection (5)(a) per meeting.
2425 (6) For a qualifying general obligation bond, a local school board shall post on the
2426 local school board's website:
2427 (a) the plan of finance as described in the voter information pamphlet; and
2428 (b) a progress report detailing the status of the projects listed in the plan of finance,
2429 including:
2430 (i) the status of any construction contracts related to a project;
2431 (ii) the bid amount;
2432 (iii) the estimated and actual construction start date;
2433 (iv) the estimated and actual construction end date; and
2434 (v) the final cost.
2435 (7) (a) If a local school board violates Subsection (4), a registered voter in the school
2436 district may file an action for an extraordinary writ to prohibit the local school board from
2437 adjusting the plan of finance without obtaining the necessary local school board approval.

2438 (b) If a registered voter prevails in an action under Subsection (7)(a), the court shall
2439 award reasonable costs and attorney fees to the registered voter.
2440 (c) The action described in Subsection (7)(a) may not be used to challenge the validity
2441 of a bond.
2442 Section 60. Section **53G-4-604**, which is renumbered from Section 53A-18-103 is
2443 renumbered and amended to read:
2444 **[~~53A-18-103~~]. 53G-4-604. Consolidated school district bonds.**
2445 (1) A consolidated county school district may issue bonds, without an election, to fund,
2446 purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to
2447 consolidation and assumed by the consolidated school district.
2448 (2) The legality, regularity, and validity of the outstanding indebtedness shall be
2449 determined in the same manner used to determine the validity of other bonds to be refunded by
2450 the board.
2451 Section 61. Section **53G-4-605**, which is renumbered from Section 53A-18-104 is
2452 renumbered and amended to read:
2453 **[~~53A-18-104~~]. 53G-4-605. Testing validity of bonds to be refunded --**
2454 **Procedure.**
2455 If considered advisable by the local school board, the validity of any bonds intended to
2456 be refunded may be determined in the following manner:
2457 (1) The board shall:
2458 (a) publish a notice describing with sufficient particularity for identification the bond
2459 or bonds intended to be refunded:
2460 (i) once a week for two successive weeks in a newspaper published in the school
2461 district; and
2462 (ii) as required in Section 45-1-101; and
2463 (b) post a notice for two successive weeks in three public and conspicuous places
2464 describing with sufficient particularity for identification the bond or bonds intended to be
2465 refunded.

2466 (2) The notice shall require any person objecting to the legality, regularity, or validity
2467 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before
2468 the board at a specified place within the district on a specified day and time.
2469 (3) The time may not be less than 14 nor more than 60 days after the first publication
2470 or posting of the notice.
2471 (4) The notice shall require the person to appear at the meeting with his objections in
2472 writing, duly verified.
2473 (5) The board shall convene at the time and place specified in the notice and receive all
2474 objections as prescribed in Subsection (4).
2475 (6) The objections shall be filed with and preserved by the board.
2476 (7) If no written objections are presented at the time and place specified in the notice,
2477 the board shall so certify.
2478 (8) All persons are then prohibited from questioning in any manner or proceeding the
2479 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness
2480 represented by the bonds, and the board may then refund the bonds.
2481 (9) Any person filing a written objection under Subsection (4) shall, within 20 days
2482 after the filing, commence appropriate legal proceedings against the board and others as may be
2483 proper parties, in the district court for the county in which the school district is situated, to
2484 challenge and determine the legality, regularity, and validity of the bond or bonds, their issue
2485 and sale, or the indebtedness represented by them.
2486 (10) Failure to commence the proceedings within 20 days bars the person filing
2487 objections from questioning, in any manner or proceeding, the legality, regularity, or validity of
2488 the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.
2489 (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the
2490 court, the board may refund the bonds.
2491 Section 62. Section **53G-4-606**, which is renumbered from Section 53A-18-105 is
2492 renumbered and amended to read:
2493 **[~~53A-18-105~~]. <u>53G-4-606.</u> Sinking fund -- Investment.**

2494 (1) The money levied and collected to create a sinking fund for the redemption of
2495 bonds issued by a local school board shall be immediately credited to a special fund.
2496 (2) After retaining an amount sufficient to pay the principal of the bonds maturing
2497 during the year, the board shall invest the fund and any surplus as provided under Title 51,
2498 Chapter 7, State Money Management Act.
2499 Section 63. Section **53G-4-607**, which is renumbered from Section 53A-18-106 is
2500 renumbered and amended to read:
2501 **[~~53A-18-106~~]. 53G-4-607. Bonds a lien on property -- Levy of tax to pay**
2502 **bonds.**
2503 (1) Bonds issued under this [~~chapter~~] part are a lien upon the taxable property of the
2504 school district issuing them.
2505 (2) If the local school board neglects or refuses to cause a tax to be levied in
2506 accordance with law to meet the outstanding bonds or the interest on the bonds, the county
2507 legislative body of the county in which the district is located shall levy the tax and apply the
2508 money collected to the payment of the bonds and the interest.
2509 Section 64. Section **53G-4-608**, which is renumbered from Section 53A-18-107 is
2510 renumbered and amended to read:
2511 **[~~53A-18-107~~]. 53G-4-608. Requirement to conduct seismic safety**
2512 **evaluations when issuing a bond.**
2513 (1) As used in this section:
2514 (a) "Federal guidelines" means guidelines and procedures specified in "Rapid Visual
2515 Screening of Buildings for Potential Seismic Hazards: A Handbook, 2nd Edition" published by
2516 the United States Federal Emergency Management Agency.
2517 (b) "Qualifying general obligation bond" means a bond:
2518 (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and
2519 (ii) authorized by an election held on or after July 1, 2013.
2520 (c) "Seismic safety evaluation" means a seismic safety rapid visual screening evaluated
2521 in accordance with federal guidelines or a more detailed seismic structural evaluation.

2522 (2) If a school district issues a qualifying general obligation bond, the school district
2523 shall:
2524 (a) except as provided in Subsection (4), conduct or update a seismic safety evaluation
2525 of each school district building:
2526 (i) constructed before 1975; and
2527 (ii) used by the school district as a school; and
2528 (b) provide a copy of a seismic safety evaluation prepared under Subsection (2)(a) to
2529 the Utah Seismic Safety Commission created in Section 63C-6-101.
2530 (3) A seismic safety evaluation conducted under Subsection (2) shall be conducted by a
2531 licensed structural engineer familiar with seismic codes.
2532 (4) A school district is not required to conduct or update a seismic safety evaluation of
2533 a building as required in Subsection (2)(a) if:
2534 (a) a seismic safety evaluation was performed on the building within the 25-year period
2535 before the school district issues the qualifying general obligation bond; and
2536 (b) the school district provides a copy of the school district's seismic safety evaluation
2537 described in Subsection (4)(a) to the Utah Seismic Safety Commission.
2538 (5) Creation of a seismic safety evaluation of a school, or a list of schools needing
2539 seismic upgrades, shall not be construed as expanding or changing the state's or a school
2540 district's common law duty of care for liability purposes.
2541 Section 65. Section **53G-4-701** is enacted to read:
2542 **Part 7. Local School Board Building Reserve Fund**
2543 **53G-4-701. Definitions.**
2544 Reserved
2545 Section 66. Section **53G-4-702**, which is renumbered from Section 53A-23-101 is
2546 renumbered and amended to read:
2547 **[~~53A-23-101~~]. 53G-4-702. School board reserve fund.**
2548 Each local school board may establish and maintain a reserve fund to accumulate funds
2549 to meet the capital outlay costs of the school district, including costs for planning, constructing,

2550 replacing, improving, equipping, and furnishing school buildings and purchasing school sites.
2551 Section 67. Section **53G-4-703**, which is renumbered from Section 53A-23-102 is
2552 renumbered and amended to read:
2553 **[~~53A-23-102~~]. 53G-4-703. Revenues to be allocated to fund.**
2554 A local school board may annually allocate to the fund any revenues from the state
2555 which are made available for capital outlay purposes, and not otherwise earmarked, and such
2556 other revenues as the school district may raise locally for this purpose.
2557 Section 68. Section **53G-4-704**, which is renumbered from Section 53A-23-103 is
2558 renumbered and amended to read:
2559 **[~~53A-23-103~~]. 53G-4-704. Building Reserve Fund -- Investment of fund.**
2560 (1) The fund shall be known as the Building Reserve Fund of _____ (name of
2561 school district) School District.
2562 (2) Any interest or capital gains accrue to the benefit of the fund.
2563 (3) The fund may only be invested as provided in Title 51, Chapter 7, State Money
2564 Management Act of 1974.
2565 Section 69. Section **53G-4-705**, which is renumbered from Section 53A-23-104 is
2566 renumbered and amended to read:
2567 **[~~53A-23-104~~]. 53G-4-705. Accumulations -- Expenditures from fund --**
2568 **Public notice -- Transfer to other funds.**
2569 (1) The money in the fund shall accumulate from year to year.
2570 (2) However, the local school board may make expenditures from the fund if public
2571 notice is given stating the purpose for which the expenditures are to be made.
2572 (3) The procedure for giving public notice is set forth in Section [~~53A-19-102~~]
2573 53G-7-303.
2574 (4) Expenditures shall be made for capital outlay costs only.
2575 (5) Money in the fund at the end of the year shall remain intact and may not be
2576 transferred to any other fund or used for any other purpose.
2577 Section 70. Section **53G-4-801**, which is renumbered from Section 53A-28-102 is

2578 renumbered and amended to read:

2579 **Part 8. School District Bond Guaranty**

2580 **[~~53A-28-102~~]. 53G-4-801. Definitions.**

2581 (1) "Board" means the board of education of a school district existing now or later
2582 under the laws of the state.

2583 (2) "Bond" means any general obligation bond or refunding bond issued after the
2584 effective date of this [~~chapter~~] part.

2585 (3) "Default avoidance program" means the school bond guaranty program established
2586 by this [~~chapter~~] part.

2587 (4) "General obligation bond" means any bond, note, warrant, certificate of
2588 indebtedness, or other obligation of a board payable in whole or in part from revenues derived
2589 from ad valorem taxes and that constitutes an indebtedness within the meaning of any
2590 applicable constitutional or statutory debt limitation.

2591 (5) "Paying agent" means the corporate paying agent selected by the board for a bond
2592 issue who is:

2593 (a) duly qualified; and

2594 (b) acceptable to the state treasurer.

2595 (6) "Permanent school fund" means the state school fund described in the Utah
2596 Constitution, Article X, Section 5(1).

2597 (7) "Refunding bond" means any general obligation bond issued by a board for the
2598 purpose of refunding its outstanding general obligation bonds.

2599 (8) "School district" means any school district existing now or later under the laws of
2600 the state.

2601 Section 71. Section **53G-4-802**, which is renumbered from Section 53A-28-201 is
2602 renumbered and amended to read:

2603 **[~~53A-28-201~~]. 53G-4-802. Contract with bondholders -- Full faith and**
2604 **credit of state is pledged -- Limitation as to certain refunded bonds.**

2605 (1) (a) The state of Utah pledges to and agrees with the holders of any bonds that the

2606 state will not alter, impair, or limit the rights vested by the default avoidance program with
2607 respect to the bonds until the bonds, together with applicable interest, are fully paid and
2608 discharged.
2609 (b) Notwithstanding Subsection (1)(a), nothing contained in this [~~chapter~~] part
2610 precludes an alteration, impairment, or limitation if adequate provision is made by law for the
2611 protection of the holders of the bonds.
2612 (c) Each board may refer to this pledge and undertaking by the state in its bonds.
2613 (2) (a) The full faith and credit and unlimited taxing power of the state is pledged to
2614 guarantee full and timely payment of the principal of (either at the stated maturity or by any
2615 advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds
2616 as such payments shall become due (except that in the event of any acceleration of the due date
2617 of such principal by reason of mandatory or optional redemption or acceleration resulting from
2618 default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking
2619 fund payment, the payments guaranteed shall be made in such amounts and at such times as
2620 such payments of principal would have been due had there not been any such acceleration).
2621 (b) This guaranty does not extend to the payment of any redemption premium.
2622 (c) Reference to this [~~chapter~~] part by its title on the face of any bond conclusively
2623 establishes the guaranty provided to that bond under provisions of this [~~chapter~~] part.
2624 (3) (a) Any bond guaranteed under this [~~chapter~~] part that is refunded and considered
2625 paid for the purposes of and within the meaning of Subsection 11-27-3(6), no longer has the
2626 benefit of the guaranty provided by this [~~chapter~~] part from and after the date on which that
2627 bond was considered to be paid.
2628 (b) Any refunding bond issued by a board that is itself secured by government
2629 obligations until the proceeds are applied to pay refunded bonds, as provided in Title 11,
2630 Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this [~~chapter~~]
2631 part, until the refunding bonds cease to be secured by government obligations as provided in
2632 Title 11, Chapter 27, Utah Refunding Bond Act.
2633 (4) Only validly issued bonds issued after the effective date of this [~~chapter~~] part are

2634 guaranteed under this [~~chapter~~] part.
2635 Section 72. Section **53G-4-803**, which is renumbered from Section 53A-28-202 is
2636 renumbered and amended to read:
2637 **[~~53A-28-202~~]. 53G-4-803. Program eligibility -- Option to forego guaranty.**
2638 (1) (a) Any board may request that the state treasurer issue a certificate evidencing
2639 eligibility for the state's guaranty under this [~~chapter~~] part.
2640 (b) After reviewing the request, if the state treasurer determines that the board is
2641 eligible, the state treasurer shall promptly issue the certificate and provide it to the requesting
2642 board.
2643 (c) (i) The board receiving the certificate and all other persons may rely on the
2644 certificate as evidencing eligibility for the guaranty for one year from and after the date of the
2645 certificate, without making further inquiry of the state treasurer during that year.
2646 (ii) The certificate of eligibility is valid for one year even if the state treasurer later
2647 determines that the school board is ineligible.
2648 (2) Any board that chooses to forego the benefits of the guaranty provided by this
2649 [~~chapter~~] part for a particular issue of bonds may do so by not referring to this [~~chapter~~] part on
2650 the face of its bonds.
2651 (3) Any board that has bonds, the principal of or interest on which has been paid, in
2652 whole or in part, by the state under this [~~chapter~~] part may not issue any additional bonds
2653 guaranteed by this act until:
2654 (a) all payment obligations of the board to the state under the default avoidance
2655 program are satisfied; and
2656 (b) the state treasurer and the state superintendent of public instruction each certify in
2657 writing, to be kept on file by the state treasurer and the state superintendent, that the board is
2658 fiscally solvent.
2659 (4) Bonds not guaranteed by this [~~chapter~~] part are not included in the definition of
2660 "bonds" in Section [~~53A-28-201~~] 53G-4-802 as used generally in this [~~chapter~~] part and are not
2661 subject to the requirements of and do not receive the benefits of this [~~chapter~~] part.

2662 Section 73. Section **53G-4-804**, which is renumbered from Section 53A-28-203 is
2663 renumbered and amended to read:
2664 **[~~53A-28-203~~]. 53G-4-804. Fiscal solvency of school districts -- Duties of**
2665 **state treasurer and attorney general.**
2666 (1) The state superintendent of public instruction shall:
2667 (a) monitor the financial affairs and condition of each board in the state to evaluate
2668 each school board's financial solvency; and
2669 (b) report immediately to the governor and state treasurer any circumstances suggesting
2670 that a school district will be unable to timely meet its debt service obligations and recommend
2671 a course of remedial action.
2672 (2) (a) The state treasurer shall determine whether or not the financial affairs and
2673 condition of a board are such that it would be imprudent for the state to guarantee the bonds of
2674 that board.
2675 (b) If the state treasurer determines that the state should not guarantee the bonds of that
2676 board, the state treasurer shall:
2677 (i) prepare a determination of ineligibility; and
2678 (ii) keep it on file in the office of the state treasurer.
2679 (c) The state treasurer may remove a board from the status of ineligibility when a
2680 subsequent report or other information made available to the state treasurer evidences that it is
2681 no longer imprudent for the state to guarantee the bonds of that board.
2682 (3) Nothing in this section affects the state's guaranty of bonds of a board issued:
2683 (a) before determination of ineligibility;
2684 (b) after the eligibility of the board is restored; or
2685 (c) under a certificate of eligibility issued under Section [~~53A-28-202~~] 53G-4-803.
2686 Section 74. Section **53G-4-805**, which is renumbered from Section 53A-28-301 is
2687 renumbered and amended to read:
2688 **[~~53A-28-301~~]. 53G-4-805. Business administrator duties -- Paying agent to**
2689 **provide notice -- State treasurer to execute transfer to paying agents -- Effect of transfer.**

2690 (1) (a) The business administrator of each board with outstanding, unpaid bonds shall
2691 transfer money sufficient for the scheduled debt service payment to its paying agent at least 15
2692 days before any principal or interest payment date for the bonds.
2693 (b) The paying agent may, if instructed to do so by the business administrator, invest
2694 the money at the risk and for the benefit of the board until the payment date.
2695 (c) A business administrator who is unable to transfer the scheduled debt service
2696 payment to the paying agent 15 days before the payment date shall immediately notify the
2697 paying agent and the state treasurer by:
2698 (i) telephone;
2699 (ii) a writing sent by facsimile transmission; and
2700 (iii) a writing sent by first-class United States mail.
2701 (2) If sufficient funds are not transferred to the paying agent as required by Subsection
2702 (1), the paying agent shall notify the state treasurer of that failure in writing at least 10 days
2703 before the scheduled debt service payment date by:
2704 (a) telephone;
2705 (b) a writing sent by facsimile transmission; and
2706 (c) a writing sent by first-class United States mail.
2707 (3) (a) If sufficient money to pay the scheduled debt service payment has not been
2708 transferred to the paying agent, the state treasurer shall, on or before the scheduled payment
2709 date, transfer sufficient money to the paying agent to make the scheduled debt service payment.
2710 (b) The payment by the treasurer:
2711 (i) discharges the obligation of the issuing board to its bondholders for the payment;
2712 and
2713 (ii) transfers the rights represented by the general obligation of the board from the
2714 bondholders to the state.
2715 (c) The board shall pay the transferred obligation to the state as provided in this
2716 [~~chapter~~] <u>part</u>.
2717 Section 75. Section **53G-4-806**, which is renumbered from Section 53A-28-302 is

2718 renumbered and amended to read:

2719 **[~~53A-28-302~~]. 53G-4-806. State financial assistance intercept mechanism --**
2720 **State treasurer duties -- Interest and penalty provisions.**

2721 (1) (a) If one or more payments on bonds are made by the state treasurer as provided in
2722 Section [~~53A-28-301~~] 53G-4-805, the state treasurer shall:

2723 (i) immediately intercept any payments from the Uniform School Fund or from any
2724 other source of operating money provided by the state to the board that issued the bonds that
2725 would otherwise be paid to the board by the state; and

2726 (ii) apply the intercepted payments to reimburse the state for payments made pursuant
2727 to the state's guaranty until all obligations of the board to the state arising from those payments,
2728 including interest and penalties, are paid in full.

2729 (b) The state has no obligation to the board or to any person or entity to replace any
2730 money intercepted under authority of Subsection (1)(a).

2731 (2) The board that issued bonds for which the state has made all or part of a debt
2732 service payment shall:

2733 (a) reimburse all money drawn by the state treasurer on its behalf;

2734 (b) pay interest to the state on all money paid by the state from the date the money was
2735 drawn to the date they are repaid at a rate not less than the average prime rate for national
2736 money center banks plus 1%; and

2737 (c) pay all penalties required by this [~~chapter~~] part.

2738 (3) (a) The state treasurer shall establish the reimbursement interest rate after
2739 considering the circumstances of any prior draws by the board on the state, market interest and
2740 penalty rates, and the cost of funds, if any, that were required to be borrowed by the state to
2741 make payment on the bonds.

2742 (b) The state treasurer may, after considering the circumstances giving rise to the
2743 failure of the board to make payment on its bonds in a timely manner, impose on the board a
2744 penalty of not more than 5% of the amount paid by the state pursuant to its guaranty for each
2745 instance in which a payment by the state is made.

2746 (4) (a) (i) If the state treasurer determines that amounts obtained under this section will
2747 not reimburse the state in full within one year from the state's payment of a board's scheduled
2748 debt service payment, the state treasurer shall pursue any legal action, including mandamus,
2749 against the board to compel it to:
2750 (A) levy and provide property tax revenues to pay debt service on its bonds when due
2751 as required by Title 11, Chapter 14, Local Government Bonding Act; and
2752 (B) meet its repayment obligations to the state.
2753 (ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same
2754 substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act,
2755 as would a holder of the bonds of a board.
2756 (b) The attorney general shall assist the state treasurer in these duties.
2757 (c) The board shall pay the attorney's fees, expenses, and costs of the state treasurer and
2758 the attorney general.
2759 (5) (a) Except as provided in Subsection (5)(c), any board whose operating funds were
2760 intercepted under this section may replace those funds from other board money or from ad
2761 valorem property taxes, subject to the limitations provided in this Subsection (5).
2762 (b) A board may use ad valorem property taxes or other money to replace intercepted
2763 funds only if the ad valorem property taxes or other money was derived from:
2764 (i) taxes originally levied to make the payment but which were not timely received by
2765 the board;
2766 (ii) taxes from a special levy made to make the missed payment or to replace the
2767 intercepted money;
2768 (iii) money transferred from the capital outlay fund of the board or the undistributed
2769 reserve, if any, of the board; or
2770 (iv) any other source of money on hand and legally available.
2771 (c) Notwithstanding the provisions of Subsections (5)(a) and (b), a board may not
2772 replace operating funds intercepted by the state with money collected and held to make
2773 payments on bonds if that replacement would divert money from the payment of future debt

2774 service on the bonds and increase the risk that the state's guaranty would be called upon a
2775 second time.
2776 Section 76. Section **53G-4-807**, which is renumbered from Section 53A-28-401 is
2777 renumbered and amended to read:
2778 **[~~53A-28-401~~]. 53G-4-807. Backup liquidity arrangements -- Issuance of**
2779 **notes.**
2780 (1) (a) If, at the time the state is required to make a debt service payment under its
2781 guaranty on behalf of a board, sufficient money of the state is not on hand and available for that
2782 purpose, the state treasurer may:
2783 (i) seek a loan from the Permanent School Fund sufficient to make the required
2784 payment; or
2785 (ii) issue state debt as provided in Subsection (2).
2786 (b) Nothing in this Subsection (1) requires the Permanent School Fund to lend money
2787 to the state treasurer.
2788 (2) (a) The state treasurer may issue state debt in the form of general obligation notes
2789 to meet its obligations under this [~~chapter~~] part.
2790 (b) The amount of notes issued may not exceed the amount necessary to make payment
2791 on all bonds with respect to which the notes are issued plus all costs of issuance, sale, and
2792 delivery of the notes, rounded up to the nearest natural multiple of $5,000.
2793 (c) Each series of notes issued may not mature later than 18 months from the date the
2794 notes are issued.
2795 (d) Notes issued may be refunded using the procedures set forth in this [~~chapter~~] part
2796 for the issuance of notes, in an amount not more than the amount necessary to pay principal of
2797 and accrued but unpaid interest on any refunded notes plus all costs of issuance, sale, and
2798 delivery of the refunding notes, rounded up to the nearest natural multiple of $5,000.
2799 (e) Each series of refunding notes may not mature later than 18 months from the date
2800 the refunding notes are issued.
2801 (3) (a) Before issuing or selling any general obligation note to other than a state fund or

2802 account, the state treasurer shall:
2803 (i) prepare a written plan of financing; and
2804 (ii) file it with the governor.
2805 (b) The plan of financing shall provide for:
2806 (i) the terms and conditions under which the notes will be issued, sold, and delivered;
2807 (ii) the taxes or revenues to be anticipated;
2808 (iii) the maximum amount of notes that may be outstanding at any one time under the
2809 plan of financing;
2810 (iv) the sources of payment of the notes;
2811 (v) the rate or rates of interest, if any, on the notes or a method, formula, or index under
2812 which the interest rate or rates on the notes may be determined during the time the notes are
2813 outstanding; and
2814 (vi) all other details relating to the issuance, sale, and delivery of the notes.
2815 (c) In identifying the taxes or revenues to be anticipated and the sources of payment of
2816 the notes in the financing plan, the state treasurer may include:
2817 (i) the taxes authorized by Section [~~53A-28-402~~] 53G-4-808;
2818 (ii) the intercepted revenues authorized by Section [~~53A-28-302~~] 53G-4-806;
2819 (iii) the proceeds of refunding notes; or
2820 (iv) any combination of Subsections (3)(c)(i), (ii), and (iii).
2821 (d) The state treasurer may include in the plan of financing the terms and conditions of
2822 arrangements entered into by the state treasurer on behalf of the state with financial and other
2823 institutions for letters of credit, standby letters of credit, reimbursement agreements, and
2824 remarketing, indexing, and tender agent agreements to secure the notes, including payment
2825 from any legally available source of fees, charges, or other amounts coming due under the
2826 agreements entered into by the state treasurer.
2827 (e) When issuing the notes, the state treasurer shall issue an order setting forth the
2828 interest, form, manner of execution, payment, manner of sale, prices at, above, or below face
2829 value, and all details of issuance of the notes.

2830 (f) The order and the details set forth in the order shall conform with any applicable
2831 plan of financing and with this [~~chapter~~] part.
2832 (g) (i) Each note shall recite that it is a valid obligation of the state and that the full
2833 faith, credit, and resources of the state are pledged for the payment of the principal of and
2834 interest on the note from the taxes or revenues identified in accordance with its terms and the
2835 constitution and laws of Utah.
2836 (ii) These general obligation notes do not constitute debt of the state for the purposes of
2837 the 1.5% debt limitation of the Utah Constitution, Article XIV, Section 1.
2838 (h) Immediately upon the completion of any sale of notes, the state treasurer shall:
2839 (i) make a verified return of the sale to the state auditor, specifying the amount of notes
2840 sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale;
2841 and
2842 (ii) credit the proceeds of sale, other than accrued interest and amounts required to pay
2843 costs of issuance of the notes, to the General Fund to be applied to the purpose for which the
2844 notes were issued.
2845 Section 77. Section **53G-4-808**, which is renumbered from Section 53A-28-402 is
2846 renumbered and amended to read:
2847 **[~~53A-28-402~~]. 53G-4-808. Unlimited ad valorem tax as pledge of full faith**
2848 **and credit -- State Tax Commission duties -- Property tax abated.**
2849 (1) (a) In each year after the issuance of general obligation notes under this [~~chapter~~]
2850 part and until all outstanding notes are retired, there is levied a direct annual tax on all real and
2851 personal property within the state subject to state taxation, sufficient to pay all principal of and
2852 interest on the general obligation notes as they become due.
2853 (b) If money expected to be intercepted under Section [~~53A-28-302~~] 53G-4-806 is
2854 expected to be insufficient to reimburse the state for its payments of school districts' scheduled
2855 debt service payments or if it is necessary for the state treasurer to borrow as provided in
2856 Section [~~53A-28-401~~] 53G-4-807 and amounts to be intercepted under Section [~~53A-28-302~~]
2857 53G-4-806 are expected to be insufficient to timely pay the general obligation notes issued or

2858 other borrowing undertaken under that section, the state treasurer shall certify to and give
2859 notice to the state tax commission of the amount of the deficiency.
2860 (c) After receipt of that certified notice from the state treasurer, the state tax
2861 commission shall:
2862 (i) immediately fix the tax rate necessary and levy direct ad valorem property tax on all
2863 real and personal property in the state subject to state taxation sufficient to provide money in
2864 the amount of the deficiency stated in the notice; and
2865 (ii) require that the tax be collected and remitted as soon as may be in the ordinary
2866 course of ad valorem tax levy and collection.
2867 (2) To the extent that other legally available revenues and funds of the state are
2868 sufficient to meet the certified deficiency, the property tax for this purpose is abated.
2869 Section 78. Section **53G-4-901**, which is renumbered from Section 53A-2-402 is
2870 renumbered and amended to read:
2871 **Part 9. Surplus School District Land**
2872 **[~~53A-2-402~~]. 53G-4-901. Definitions.**
2873 As used in this part:
2874 (1) "Eligible entity" means:
2875 (a) a city or town with a population density of 3,000 or more people per square mile; or
2876 (b) a county whose unincorporated area includes a qualifying planning advisory area.
2877 (2) "Purchase price" means the greater of:
2878 (a) an amount that is the average of:
2879 (i) the appraised value of the surplus property, based on the predominant zone in the
2880 surrounding area, as indicated in an appraisal obtained by the eligible entity; and
2881 (ii) the appraised value of the surplus property, based on the predominant zone in the
2882 surrounding area, as indicated in an appraisal obtained by the school district; and
2883 (b) the amount the school district paid to acquire the surplus property.
2884 (3) "Qualifying planning advisory area" means a planning advisory area under Section
2885 17-27a-306 that has a population density of 3,000 or more people per square mile within the

2886 boundaries of the planning advisory area.
2887 (4) "Surplus property" means land owned by a school district that:
2888 (a) was purchased with taxpayer money;
2889 (b) is located within a city or town that is an eligible entity or within a qualifying
2890 planning advisory area;
2891 (c) consists of one contiguous tract at least three acres in size; and
2892 (d) has been declared by the school district to be surplus.
2893 Section 79. Section **53G-4-902**, which is renumbered from Section 53A-2-403 is
2894 renumbered and amended to read:
2895 **[~~53A-2-403~~]. 53G-4-902. Purchase of surplus property.**
2896 (1) An eligible entity may purchase, and each school district shall sell, surplus property
2897 as provided in this section.
2898 (2) (a) Upon declaring land to be surplus property, each school district shall give
2899 written notice to each eligible entity in which the surplus property is located.
2900 (b) Each notice under Subsection (2)(a) shall:
2901 (i) state that the school district has declared the land to be surplus property; and
2902 (ii) describe the surplus property.
2903 (3) Subject to Subsection (4), an eligible entity may purchase the surplus property by
2904 paying the school district the purchase price.
2905 (4) (a) The legislative body of each eligible entity desiring to purchase surplus property
2906 under this section shall:
2907 (i) within 90 days after the eligible entity receives notice under Subsection (2), adopt a
2908 resolution declaring the intent to purchase the surplus property and deliver a copy of the
2909 resolution to the school district; and
2910 (ii) within 90 days after delivering a copy of the resolution under Subsection (4)(a)(i)
2911 to the school district, deliver to the school district an earnest money offer to purchase the
2912 surplus property at the purchase price.
2913 (b) If an eligible entity fails to comply with either of the requirements under Subsection

2914 (4)(a) within the applicable time period, the eligible entity forfeits the right to purchase the
2915 surplus property.
2916 (5) (a) An eligible entity may waive its right to purchase surplus property under this
2917 part by submitting a written waiver to the school district.
2918 (b) If an eligible entity submits a waiver under Subsection (5)(a), the school district has
2919 no further obligation under this part to sell the surplus property to the eligible entity.
2920 (6) Surplus property acquired by an eligible entity may not be used for any purpose
2921 other than:
2922 (a) a county, city, or town hall;
2923 (b) a park or other open space;
2924 (c) a cultural center or community center;
2925 (d) a facility for the promotion, creation, or retention of public or private jobs within
2926 the state through planning, design, development, construction, rehabilitation, business
2927 relocation, or any combination of these, within a county, city, or town;
2928 (e) office, industrial, manufacturing, warehousing, distribution, parking, or other public
2929 or private facilities, or other improvements that benefit the state or a county, city, or town; or
2930 (f) a facility for a charter school under Chapter [~~1a, Part 5, The Utah Charter Schools~~
2931 ~~Act~~] 5, Charter Schools.
2932 (7) (a) A school district that sells surplus property under this part may use proceeds
2933 from the sale only for bond debt reduction or school district capital facilities.
2934 (b) Each school district that sells surplus property under this part shall place all
2935 proceeds from the sale that are not used for bond debt reduction in a capital facilities fund of
2936 the school district for use for school district capital facilities.
2937 Section 80. Section **53G-4-903**, which is renumbered from Section 53A-2-404 is
2938 renumbered and amended to read:
2939 **[~~53A-2-404~~]. 53G-4-903. Resale of surplus property.**
2940 (1) If an eligible entity that has acquired surplus property under Section [~~53A-2-403~~]
2941 53G-4-902 afterwards declares that property to be surplus, the school district from which the

2942 eligible entity acquired the property may purchase, and the eligible entity shall sell, the property
2943 as provided in Section [~~53A-2-403~~] 53G-4-902, except that the price at which the school
2944 district shall be entitled to reacquire the property shall be the price that the eligible entity paid
2945 for the property, plus the cost of any existing improvements that the eligible entity made to the
2946 property after it purchased the property.
2947 (2) If the school district does not reacquire the surplus property under Subsection (1)
2948 and the eligible entity sells the surplus property to another buyer, the eligible entity and the
2949 school district shall equally share any proceeds of that sale that exceed the amount the eligible
2950 entity paid for the property plus the cost of any existing improvements the eligible entity made
2951 to the property after it purchased the property.
2952 Section 81. Section **53G-4-1001** is enacted to read:
2953 **Part 10. School Construction Due to New Industrial Plants**
2954 **53G-4-1001. Definitions.**
2955 Reserved
2956 Section 82. Section **53G-4-1001.5**, which is renumbered from Section 53A-22-101 is
2957 renumbered and amended to read:
2958 **[~~53A-22-101~~]. 53G-4-1001.5. Purpose of part.**
2959 It is the purpose of this [~~chapter~~] part to provide school districts with the ability to raise
2960 funds for necessary new school construction, including additions to existing school buildings
2961 caused by the development of industrial plants that require large numbers of workers for their
2962 construction and operation.
2963 Section 83. Section **53G-4-1002**, which is renumbered from Section 53A-22-102 is
2964 renumbered and amended to read:
2965 **[~~53A-22-102~~]. 53G-4-1002. New industrial plants in school district -- Duty**
2966 **of school district.**
2967 A school district confronted with actual or anticipated large increases in enrollment
2968 because of the construction of a new industrial plant or plants to a degree that new buildings or
2969 additions to existing buildings are required shall make the following efforts to raise funds to

2970 meet those building needs:
2971 (1) bond to its maximum capacity and maintain maximum bonding by rebonding at
2972 least once every other year until building needs are met;
2973 (2) maintain an annual property tax levy for capital outlay and debt service combined
2974 of not less than .0036 per dollar of taxable value; and
2975 (3) initiate any action necessary to qualify for any state, federal, or other funds for
2976 capital outlay for which the district may be eligible.
2977 Section 84. Section **53G-4-1003**, which is renumbered from Section 53A-22-103 is
2978 renumbered and amended to read:
2979 **[~~53A-22-103~~]. 53G-4-1003. Funds raised -- Highest priority projects.**
2980 (1) Funds raised by the school district in accordance with this [~~chapter~~] part shall be
2981 used on the highest priority projects established by the district's five-year comprehensive
2982 capital outlay plan, which shall be approved by the State Board of Education.
2983 (2) The plan must include appropriate priorities for the construction of minimal
2984 facilities for new students.
2985 (3) If priority use of the funds raised by the district in accordance with this [~~chapter~~]
2986 part does not provide minimal facilities as defined by the State Board of Education for students
2987 in any new and remote community established in the district, or for students in existing
2988 communities because of the location of new or expanded industries in the area, the district may
2989 enter into lease-purchase agreements or lease with option to purchase agreements with private
2990 builders to furnish the minimal facilities required by the district and approved by the State
2991 Board of Education.
2992 (4) The district may make payments on these agreements from any of its otherwise
2993 uncommitted capital outlay funds.
2994 Section 85. Section **53G-4-1004**, which is renumbered from Section 53A-22-104 is
2995 renumbered and amended to read:
2996 **[~~53A-22-104~~]. 53G-4-1004. Minimal school facilities -- Lease-purchase or**
2997 **lease with option to purchase agreement authorized.**

2998 (1) If a school district is unable to find any private builder who is capable of furnishing
2999 minimal school facilities in new or existing communities, on terms acceptable to the district
3000 and to the State Board of Education, the developers of the industrial plant, or plants, may agree
3001 to provide minimal school facilities under a lease-purchase agreement or lease with option to
3002 purchase agreement with the district.
3003 (2) The district shall pay the developers according to the terms of the agreement from
3004 sources listed for such payments in this [~~chapter~~] part.
3005 Section 86. Section **53G-4-1005**, which is renumbered from Section 53A-22-105 is
3006 renumbered and amended to read:
3007 **[~~53A-22-105~~]. 53G-4-1005. Remote industrial plant requiring new school**
3008 **building -- Construction permit requirements.**
3009 A state officer or local governmental official may not issue a construction permit or
3010 other authorization for the construction of a remote industrial plant requiring the provision of a
3011 new community, including new public elementary and secondary school buildings, until the
3012 local school board of the district in which the plant will be located has certified to the state
3013 office or local official, in writing, that the district has obtained the funds, or a firm commitment
3014 that funds will be made available as necessary, to build the required minimal school facilities.
3015 Section 87. Section **53G-4-1006**, which is renumbered from Section 53A-22-106 is
3016 renumbered and amended to read:
3017 **[~~53A-22-106~~]. 53G-4-1006. Rules and regulations authorized.**
3018 The State Board of Education shall adopt all standards and rules necessary for the
3019 administration and enforcement of this [~~chapter~~] part.
3020 Section 88. Section **53G-5-101** is enacted to read:
3021 **CHAPTER 5. CHARTER SCHOOLS**
3022 **Part 1. General Provisions**
3023 **53G-5-101. Title.**
3024 This chapter is known as "Charter Schools."
3025 Section 89. Section **53G-5-102**, which is renumbered from Section 53A-1a-501.3 is

3026 renumbered and amended to read:

3027 **[~~53A-1a-501.3~~]. 53G-5-102. Definitions.**

3028 As used in this [~~part~~] chapter:

3029 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and

3030 includes:

3031 (a) cash;

3032 (b) stock or other investments;

3033 (c) real property;

3034 (d) equipment and supplies;

3035 (e) an ownership interest;

3036 (f) a license;

3037 (g) a cause of action; and

3038 (h) any similar property.

3039 (2) "Board of trustees of a higher education institution" or "board of trustees" means:

3040 (a) the board of trustees of:

3041 (i) the University of Utah;

3042 (ii) Utah State University;

3043 (iii) Weber State University;

3044 (iv) Southern Utah University;

3045 (v) Snow College;

3046 (vi) Dixie State University;

3047 (vii) Utah Valley University; or

3048 (viii) Salt Lake Community College; or

3049 (b) the board of directors of a technical college described in Section 53B-2a-108.

3050 (3) "Charter agreement" or "charter" means an agreement made in accordance with

3051 Section [~~53A-1a-508~~] 53G-5-303 that authorizes the operation of a charter school.

3052 (4) "Charter school authorizer" or "authorizer" means the State Charter School Board, a

3053 local school board, or a board of trustees of a higher education institution that authorizes the

3054 establishment of a charter school.
3055 (5) "Governing board" means the board that operates a charter school.
3056 Section 90. Section **53G-5-103** is enacted to read:
3057 **53G-5-103. Charter school funding.**
3058 Unless otherwise specified, the provisions of Title 53F, Public Education System --
3059 Funding, govern charter school funding, including Title 53F, Chapter 2, Part 7, Charter School
3060 Funding, which governs levies imposed for charter school funding.
3061 Section 91. Section **53G-5-104**, which is renumbered from Section 53A-1a-503 is
3062 renumbered and amended to read:
3063 **[~~53A-1a-503~~]. 53G-5-104. Purpose of charter schools.**
3064 The purposes of the state's charter schools as a whole are to:
3065 (1) continue to improve student learning;
3066 (2) encourage the use of different and innovative teaching methods;
3067 (3) create new professional opportunities for educators that will allow them to actively
3068 participate in designing and implementing the learning program at the school;
3069 (4) increase choice of learning opportunities for students;
3070 (5) establish new models of public schools and a new form of accountability for
3071 schools that emphasizes the measurement of learning outcomes and the creation of innovative
3072 measurement tools;
3073 (6) provide opportunities for greater parental involvement in management decisions at
3074 the school level; and
3075 (7) expand public school choice in areas where schools have been identified for school
3076 improvement, corrective action, or restructuring under the No Child Left Behind Act of 2001,
3077 20 U.S.C. Sec. 6301 et seq.
3078 Section 92. Section **53G-5-201**, which is renumbered from Section 53A-1a-501.5 is
3079 renumbered and amended to read:
3080 **Part 2. State Charter School Board**
3081 **[~~53A-1a-501.5~~]. 53G-5-201. State Charter School Board created.**

3082 (1) As used in this section, "organization that represents Utah's charter schools" means
3083 an organization, except a governmental entity, that advocates for charter schools, charter school
3084 parents, or charter school students.
3085 (2) (a) The State Charter School Board is created consisting of the following members
3086 appointed by the governor:
3087 (i) two members who have expertise in finance or small business management;
3088 (ii) three members who:
3089 (A) are nominated by an organization that represents Utah's charter schools; and
3090 (B) have expertise or experience in developing or administering a charter school; and
3091 (iii) two members who are nominated by the State Board of Education.
3092 (b) Each appointee shall have demonstrated dedication to the purposes of charter
3093 schools as outlined in Section [~~53A-1a-503~~] 53G-5-104.
3094 (c) At least two candidates shall be nominated for each appointment made under
3095 Subsection (2)(a)(ii) or (iii).
3096 (d) The governor may seek nominations for a prospective appointment under
3097 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.
3098 (3) (a) State Charter School Board members shall serve four-year terms.
3099 (b) If a vacancy occurs, the governor shall appoint a replacement for the unexpired
3100 term.
3101 (4) The governor may remove a member at any time for official misconduct, habitual
3102 or willful neglect of duty, or for other good and sufficient cause.
3103 (5) (a) The State Charter School Board shall annually elect a chair from its
3104 membership.
3105 (b) Four members of the board shall constitute a quorum.
3106 (c) Meetings may be called by the chair or upon request of three members of the board.
3107 (6) A member may not receive compensation or benefits for the member's service, but
3108 may receive per diem and travel expenses in accordance with:
3109 (a) Section 63A-3-106;

3110 (b) Section 63A-3-107; and
3111 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3112 63A-3-107.
3113 Section 93. Section **53G-5-202**, which is renumbered from Section 53A-1a-501.6 is
3114 renumbered and amended to read:
3115 **[~~53A-1a-501.6~~]. 53G-5-202. Power and duties of State Charter School Board.**
3116 (1) The State Charter School Board shall:
3117 (a) authorize and promote the establishment of charter schools, subject to the
3118 provisions in this [~~part~~] chapter and other related provisions;
3119 (b) annually review and evaluate the performance of charter schools authorized by the
3120 State Charter School Board and hold the schools accountable for their performance;
3121 (c) monitor charter schools authorized by the State Charter School Board for
3122 compliance with federal and state laws, rules, and regulations;
3123 (d) provide technical support to charter schools and persons seeking to establish charter
3124 schools by:
3125 (i) identifying and promoting successful charter school models;
3126 (ii) facilitating the application and approval process for charter school authorization;
3127 (iii) directing charter schools and persons seeking to establish charter schools to
3128 sources of private funding and support;
3129 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of
3130 supporting and strengthening proposals before an application for charter school authorization is
3131 submitted to a charter school authorizer; and
3132 (v) assisting charter schools to understand and carry out their charter obligations;
3133 (e) provide technical support, as requested, to a charter school authorizer relating to
3134 charter schools;
3135 (f) make recommendations on legislation and rules pertaining to charter schools to the
3136 Legislature and State Board of Education, respectively; and
3137 (g) make recommendations to the State Board of Education on the funding of charter

3138 schools.
3139 (2) The State Charter School Board may:
3140 (a) contract;
3141 (b) sue and be sued; and
3142 (c) (i) at the discretion of the charter school, provide administrative services to, or
3143 perform other school functions for, charter schools authorized by the State Charter School
3144 Board; and
3145 (ii) charge fees for the provision of services or functions.
3146 Section 94. Section **53G-5-203**, which is renumbered from Section 53A-1a-501.7 is
3147 renumbered and amended to read:
3148 **[~~53A-1a-501.7~~]. 53G-5-203. State Charter School Board -- Staff director --**
3149 **Facilities.**
3150 (1) (a) The State Charter School Board, with the consent of the superintendent of
3151 public instruction, shall appoint a staff director for the State Charter School Board.
3152 (b) The State Charter School Board shall have authority to remove the staff director
3153 with the consent of the superintendent of public instruction.
3154 (c) The position of staff director is exempt from the career service provisions of Title
3155 67, Chapter 19, Utah State Personnel Management Act.
3156 (2) The superintendent of public instruction shall provide space for staff of the State
3157 Charter School Board in facilities occupied by the State Board of Education or the State Board
3158 of Education's employees, with costs charged for the facilities equal to those charged other
3159 sections and divisions under the State Board of Education.
3160 Section 95. Section **53G-5-204**, which is renumbered from Section 53A-1a-507.1 is
3161 renumbered and amended to read:
3162 **[~~53A-1a-507.1~~]. 53G-5-204. Charter school innovative practices -- Report to**
3163 **State Charter School Board.**
3164 Prior to July 31 of each year, a charter school may identify and report to the State
3165 Charter School Board its innovative practices which fulfill the purposes of charter schools as

3166 outlined in Section [~~53A-1a-503~~] 53G-5-104, including:
3167 (1) unique learning opportunities providing increased choice in education;
3168 (2) new public school models;
3169 (3) innovative teaching practices;
3170 (4) opportunities for educators to actively participate in the design and implementation
3171 of the learning program;
3172 (5) new forms of accountability emphasizing the measurement of learning outcomes
3173 and the creation of new measurement tools;
3174 (6) opportunities for greater parental involvement, including involvement in
3175 management decisions; and
3176 (7) the impact of the innovative practices on student achievement.
3177 Section 96. Section **53G-5-301**, which is renumbered from Section 53A-1a-501.9 is
3178 renumbered and amended to read:
3179 **Part 3. Charter School Authorization**
3180 **[~~53A-1a-501.9~~]. 53G-5-301. State Charter School Board to request**
3181 **applications for certain types of charter schools.**
3182 (1) To meet the unique learning styles and needs of students, the State Charter School
3183 Board shall seek to expand the types of instructional methods and programs offered by schools,
3184 as provided in this section.
3185 (2) (a) The State Charter School Board shall request individuals, groups of individuals,
3186 or not-for-profit legal entities to submit an application to the State Charter School Board to
3187 establish a charter school that employs new and creative methods to meet the unique learning
3188 styles and needs of students, such as:
3189 (i) a military charter school;
3190 (ii) a charter school whose mission is to enhance learning opportunities for students at
3191 risk of academic failure;
3192 (iii) a charter school whose focus is career and technical education;
3193 (iv) a single gender charter school; or

3194 (v) a charter school with an international focus that provides opportunities for the
3195 exchange of students or teachers.
3196 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter
3197 School Board shall request applications for other types of charter schools that meet the unique
3198 learning styles and needs of students.
3199 (3) The State Charter School Board shall publicize a request for applications to
3200 establish a charter school specified in Subsection (2).
3201 (4) A charter school application submitted pursuant to Subsection (2) shall be subject
3202 to the application and approval procedures specified in Section [~~53A-1a-505~~] 53G-5-304.
3203 (5) The State Charter School Board and the State Board of Education may approve one
3204 or more applications for each charter school specified in Subsection (2), subject to the
3205 Legislature appropriating funds for, or authorizing, an increase in charter school enrollment
3206 capacity as provided in Section [~~53A-1a-502.5~~] 53G-6-504.
3207 (6) The State Board of Education shall submit a request to the Legislature to
3208 appropriate funds for, or authorize, the enrollment of students in charter schools tentatively
3209 approved under this section.
3210 Section 97. Section **53G-5-302**, which is renumbered from Section 53A-1a-504 is
3211 renumbered and amended to read:
3212 **[~~53A-1a-504~~]. 53G-5-302. Charter school application -- Applicants --**
3213 **Contents.**
3214 (1) (a) An application to establish a charter school may be submitted by:
3215 (i) an individual;
3216 (ii) a group of individuals; or
3217 (iii) a nonprofit legal entity organized under Utah law.
3218 (b) An authorized charter school may apply under this chapter for a charter from
3219 another charter school authorizer.
3220 (2) A charter school application shall include:
3221 (a) the purpose and mission of the school;

3222 (b) except for a charter school authorized by a local school board, a statement that,
3223 after entering into a charter agreement, the charter school will be organized and managed under
3224 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;
3225 (c) a description of the governance structure of the school, including:
3226 (i) a list of the governing board members that describes the qualifications of each
3227 member; and
3228 (ii) an assurance that the applicant shall, within 30 days of authorization, provide the
3229 authorizer with the results of a background check for each member;
3230 (d) a description of the target population of the school that includes:
3231 (i) the projected maximum number of students the school proposes to enroll;
3232 (ii) the projected school enrollment for each of the first three years of school operation;
3233 and
3234 (iii) the ages or grade levels the school proposes to serve;
3235 (e) academic goals;
3236 (f) qualifications and policies for school employees, including policies that:
3237 (i) comply with the criminal background check requirements described in Section
3238 [~~53A-1a-512.5~~] 53G-5-408;
3239 (ii) require employee evaluations; and
3240 (iii) address employment of relatives within the charter school;
3241 (g) a description of how the charter school will provide, as required by state and federal
3242 law, special education and related services;
3243 (h) for a public school converting to charter status, arrangements for:
3244 (i) students who choose not to continue attending the charter school; and
3245 (ii) teachers who choose not to continue teaching at the charter school;
3246 (i) a statement that describes the charter school's plan for establishing the charter
3247 school's facilities, including:
3248 (i) whether the charter school intends to lease or purchase the charter school's facilities;
3249 and

3250 (ii) financing arrangements;
3251 (j) a market analysis of the community the school plans to serve;
3252 (k) a capital facility plan;
3253 (l) a business plan;
3254 (m) other major issues involving the establishment and operation of the charter school;
3255 and
3256 (n) the signatures of the governing board members of the charter school.
3257 (3) A charter school authorizer may require a charter school application to include:
3258 (a) the charter school's proposed:
3259 (i) curriculum;
3260 (ii) instructional program; or
3261 (iii) delivery methods;
3262 (b) a method for assessing whether students are reaching academic goals, including, at
3263 a minimum, administering the statewide assessments described in Section [~~53A-1-602~~]
3264 53E-4-301;
3265 (c) a proposed calendar;
3266 (d) sample policies;
3267 (e) a description of opportunities for parental involvement;
3268 (f) a description of the school's administrative, supervisory, or other proposed services
3269 that may be obtained through service providers; or
3270 (g) other information that demonstrates an applicant's ability to establish and operate a
3271 charter school.
3272 Section 98. Section **53G-5-303**, which is renumbered from Section 53A-1a-508 is
3273 renumbered and amended to read:
3274 **[~~53A-1a-508~~]. 53G-5-303. Charter agreement -- Content -- Modification.**
3275 (1) A charter agreement:
3276 (a) is a contract between the charter school applicant and the charter school authorizer;
3277 (b) shall describe the rights and responsibilities of each party; and

3278 (c) shall allow for the operation of the applicant's proposed charter school.
3279 (2) A charter agreement shall include:
3280 (a) the name of:
3281 (i) the charter school; and
3282 (ii) the charter school applicant;
3283 (b) the mission statement and purpose of the charter school;
3284 (c) the charter school's opening date;
3285 (d) the grade levels and number of students the charter school will serve;
3286 (e) a description of the structure of the charter school governing board, including:
3287 (i) the number of board members;
3288 (ii) how members of the board are appointed; and
3289 (iii) board members' terms of office;
3290 (f) assurances that:
3291 (i) the charter school governing board will comply with:
3292 (A) the charter school's bylaws;
3293 (B) the charter school's articles of incorporation; and
3294 (C) applicable federal law, state law, and State Board of Education rules;
3295 (ii) the charter school governing board will meet all reporting requirements described
3296 in Section [~~53A-1a-507~~] 53G-5-404; and
3297 (iii) except as provided in [~~Title 53A, Chapter 20b, Part 2~~] Part 6, Charter School
3298 Credit Enhancement Program, neither the authorizer nor the state, including an agency of the
3299 state, is liable for the debts or financial obligations of the charter school or a person who
3300 operates the charter school;
3301 (g) which administrative rules the State Board of Education will waive for the charter
3302 school;
3303 (h) minimum financial standards for operating the charter school;
3304 (i) minimum standards for student achievement; and
3305 (j) signatures of the charter school authorizer and the charter school governing board

3306 members.
3307 (3) (a) Except as provided in Subsection (3)(b), a charter agreement may not be
3308 modified except by mutual agreement between the charter school authorizer and the charter
3309 school governing board.
3310 (b) A charter school governing board may modify the charter school's charter
3311 agreement without the mutual agreement described in Subsection (3)(a) to include an
3312 enrollment preference described in Subsection [~~53A-1a-506~~] 53G-6-502(4)(g).
3313 Section 99. Section **53G-5-304**, which is renumbered from Section 53A-1a-505 is
3314 renumbered and amended to read:
3315 **[~~53A-1a-505~~]. 53G-5-304. Charter schools authorized by the State Charter**
3316 **School Board -- Application process -- Prohibited bases of application denial.**
3317 (1) (a) An applicant seeking authorization of a charter school from the State Charter
3318 School Board shall provide a copy of the application to the local school board of the school
3319 district in which the proposed charter school shall be located either before or at the same time it
3320 files its application with the State Charter School Board.
3321 (b) The local board may review the application and may offer suggestions or
3322 recommendations to the applicant or the State Charter School Board prior to its acting on the
3323 application.
3324 (c) The State Charter School Board shall give due consideration to suggestions or
3325 recommendations made by the local school board under Subsection (1)(b).
3326 (d) The State Charter School Board shall review and, by majority vote, either approve
3327 or deny the application.
3328 (e) The State Board of Education shall, by majority vote, within 60 days after action by
3329 the State Charter School Board under Subsection (1)(d):
3330 (i) approve or deny an application approved by the State Charter School Board; or
3331 (ii) hear an appeal, if any, of an application denied by the State Charter School Board.
3332 (f) The State Board of Education's action under Subsection (1)(d) is final action subject
3333 to judicial review.

3334 (g) A charter school application may not be denied on the basis that the establishment
3335 of the charter school will have any or all of the following impacts on a public school, including
3336 another charter school:
3337 (i) an enrollment decline;
3338 (ii) a decrease in funding; or
3339 (iii) a modification of programs or services.
3340 (2) The State Board of Education shall make a rule providing a timeline for the
3341 opening of a charter school following the approval of a charter school application by the State
3342 Charter School Board.
3343 (3) After approval of a charter school application and in accordance with Section
3344 [~~53A-1a-508~~] 53G-5-303, the applicant and the State Charter School Board shall set forth the
3345 terms and conditions for the operation of the charter school in a written charter agreement.
3346 (4) The State Charter School Board shall, in accordance with State Board of Education
3347 rules, establish and make public the State Charter School Board's:
3348 (a) application requirements, in accordance with Section [~~53A-1a-504~~] 53G-5-302;
3349 (b) application process, including timelines, in accordance with this section; and
3350 (c) minimum academic, financial, and enrollment standards.
3351 Section 100. Section **53G-5-305**, which is renumbered from Section 53A-1a-515 is
3352 renumbered and amended to read:
3353 **[~~53A-1a-515~~]. 53G-5-305. Charters authorized by local school boards --**
3354 **Application process -- Local school board responsibilities.**
3355 (1) (a) An applicant identified in Section [~~53A-1a-504~~] 53G-5-302 may submit an
3356 application to a local school board to establish and operate a charter school within the
3357 geographical boundaries of the school district administered by the local school board.
3358 (b) (i) The principal, teachers, or parents of students at an existing public school may
3359 submit an application to the local school board to convert the school or a portion of the school
3360 to charter status.
3361 (A) If the entire school is applying for charter status, at least two-thirds of the licensed

3362 educators employed at the school and at least two-thirds of the parents or guardians of students
3363 enrolled at the school must have signed a petition approving the application prior to its
3364 submission to the charter school authorizer.
3365 (B) If only a portion of the school is applying for charter status, the percentage is
3366 reduced to a simple majority.
3367 (ii) The local school board may not approve an application submitted under Subsection
3368 (1)(b)(i) unless the local school board determines that:
3369 (A) students opting not to attend the proposed converted school would have access to a
3370 comparable public education alternative; and
3371 (B) current teachers who choose not to teach at the converted charter school or who are
3372 not retained by the school at the time of its conversion would receive a first preference for
3373 transfer to open teaching positions for which they qualify within the school district, and, if no
3374 positions are open, contract provisions or board policy regarding reduction in staff would
3375 apply.
3376 (2) (a) An existing public school that converts to charter status under a charter granted
3377 by a local school board may:
3378 (i) continue to receive the same services from the school district that it received prior to
3379 its conversion; or
3380 (ii) contract out for some or all of those services with other public or private providers.
3381 (b) Any other charter school authorized by a local school board may contract with the
3382 board to receive some or all of the services referred to in Subsection (3)(a).
3383 (c) Except as specified in a charter agreement, local school board assets do not transfer
3384 to an existing public school that converts to charter status under a charter granted by a local
3385 school board under this section.
3386 (3) (a) (i) A public school that converts to a charter school under a charter granted by a
3387 local school board shall receive funding:
3388 (A) through the school district; and
3389 (B) on the same basis as it did prior to its conversion to a charter school.

3390 (ii) The school may also receive federal money designated for charter schools under
3391 any federal program.
3392 (b) (i) A local school board-authorized charter school operating in a facility owned by
3393 the school district and not paying reasonable rent to the school district shall receive funding:
3394 (A) through the school district; and
3395 (B) on the same basis that other district schools receive funding.
3396 (ii) The school may also receive federal money designated for charter schools under
3397 any federal program.
3398 (c) Subject to the provisions in Section [~~53A-1a-502.5~~] 53G-6-504, a charter school
3399 authorized by a local school board shall receive funding as provided in [~~Section 53A-1a-513~~]
3400 Title 53F, Chapter 2, Part 7, Charter School Funding.
3401 (d) (i) A charter school authorized by a local school board, but not described in
3402 Subsection (3)(a), (b), or (c) shall receive funding:
3403 (A) through the school district; and
3404 (B) on the same basis that other district schools receive funding.
3405 (ii) The school may also receive federal money designated for charter schools under
3406 any federal program.
3407 (4) (a) A local school board that receives an application for a charter school under this
3408 section shall, within 45 days, either accept or reject the application.
3409 (b) If the board rejects the application, it shall notify the applicant in writing of the
3410 reason for the rejection.
3411 (c) The applicant may submit a revised application for reconsideration by the board.
3412 (d) If the local school board refuses to authorize the applicant, the applicant may seek a
3413 charter from the State Charter School Board under Section [~~53A-1a-505~~] 53G-5-304.
3414 (5) The State Board of Education shall make a rule providing for a timeline for the
3415 opening of a charter school following the approval of a charter school application by a local
3416 school board.
3417 (6) After approval of a charter school application and in accordance with Section

3418 [~~53A-1a-508~~] 53G-5-303, the applicant and the local school board shall set forth the terms and
3419 conditions for the operation of the charter school in a written charter agreement.
3420 (7) A local school board shall:
3421 (a) annually review and evaluate the performance of charter schools authorized by the
3422 local school board and hold the schools accountable for their performance;
3423 (b) monitor charter schools authorized by the local school board for compliance with
3424 federal and state laws, rules, and regulations; and
3425 (c) provide technical support to charter schools authorized by the local school board to
3426 assist them in understanding and performing their charter obligations.
3427 (8) A local school board may terminate a charter school it authorizes as provided in
3428 Sections [~~53A-1a-509~~] 53G-5-501 and [~~53A-1a-510~~] 53G-5-503.
3429 (9) In addition to the exemptions described in Sections [~~53A-1a-511~~] 53G-5-405,
3430 53G-7-202, and [~~53A-1a-512~~] 53G-5-407, a charter school authorized by a local school board
3431 is:
3432 (a) not required to separately submit a report or information required under this [~~title~~]
3433 public education code to the State Board of Education if the information is included in a report
3434 or information that is submitted by the local school board or school district; and
3435 (b) exempt from the requirement under Section [~~53A-1a-507~~] 53G-5-404 that a charter
3436 school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit
3437 Corporation Act.
3438 (10) Before a local school board accepts a charter school application, the local school
3439 board shall, in accordance with State Board of Education rules, establish and make public the
3440 local school board's:
3441 (a) application requirements, in accordance with Section [~~53A-1a-504~~] 53G-5-302;
3442 (b) application process, including timelines, in accordance with this section; and
3443 (c) minimum academic, financial, and enrollment standards.
3444 Section 101. Section **53G-5-306**, which is renumbered from Section 53A-1a-521 is
3445 renumbered and amended to read:

3446 **[~~53A-1a-521~~]. 53G-5-306. Charter schools authorized by a board of**
3447 **trustees of a higher education institution -- Application process -- Board of trustees**
3448 **responsibilities.**
3449 (1) Subject to the approval of the State Board of Education and except as provided in
3450 Subsection (8), an applicant identified in Section [~~53A-1a-504~~] 53G-5-302 may enter into an
3451 agreement with a board of trustees of a higher education institution authorizing the applicant to
3452 establish and operate a charter school.
3453 (2) (a) An applicant applying for authorization from a board of trustees to establish and
3454 operate a charter school shall provide a copy of the application to the State Charter School
3455 Board and the local school board of the school district in which the proposed charter school
3456 will be located either before or at the same time the applicant files the application with the
3457 board of trustees.
3458 (b) The State Charter School Board and the local school board may review the
3459 application and offer suggestions or recommendations to the applicant or the board of trustees
3460 before acting on the application.
3461 (c) The board of trustees shall give due consideration to suggestions or
3462 recommendations made by the State Charter School Board or the local school board under
3463 Subsection (2)(b).
3464 (3) (a) If a board of trustees approves an application to establish and operate a charter
3465 school, the board of trustees shall submit the application to the State Board of Education.
3466 (b) The State Board of Education shall, by majority vote, within 60 days of receipt of
3467 the application, approve or deny an application approved by a board of trustees.
3468 (c) The State Board of Education's action under Subsection (3)(b) is final action subject
3469 to judicial review.
3470 (4) The State Board of Education shall make a rule providing a timeline for the
3471 opening of a charter school following the approval of a charter school application by a board of
3472 trustees.
3473 (5) After approval of a charter school application, the applicant and the board of

3474 trustees shall set forth the terms and conditions for the operation of the charter school in a
3475 written charter agreement.
3476 (6) (a) The school's charter may include a provision that the charter school pay an
3477 annual fee for the board of trustees' costs in providing oversight of, and technical support to,
3478 the charter school in accordance with Subsection (7).
3479 (b) In the first two years that a charter school is in operation, an annual fee described in
3480 Subsection (6)(a) may not exceed the product of 3% of the revenue the charter school receives
3481 from the state in the current fiscal year.
3482 (c) Beginning with the third year that a charter school is in operation, an annual fee
3483 described in Subsection (6)(a) may not exceed the product of 1% of the revenue a charter
3484 school receives from the state in the current fiscal year.
3485 (d) An annual fee described in Subsection (6)(a) shall be:
3486 (i) paid to the board of trustees' higher education institution; and
3487 (ii) expended as directed by the board of trustees.
3488 (7) A board of trustees shall:
3489 (a) annually review and evaluate the performance of charter schools authorized by the
3490 board of trustees and hold the schools accountable for their performance;
3491 (b) monitor charter schools authorized by the board of trustees for compliance with
3492 federal and state laws, rules, and regulations; and
3493 (c) provide technical support to charter schools authorized by the board of trustees to
3494 assist them in understanding and performing their charter obligations.
3495 (8) (a) In addition to complying with the requirements of this section, a technical
3496 college board of directors described in Section 53B-2a-108 shall obtain the approval of the
3497 Utah System of Technical Colleges Board of Trustees before entering into an agreement to
3498 establish and operate a charter school.
3499 (b) If a technical college board of directors approves an application to establish and
3500 operate a charter school, the technical college board of directors shall submit the application to
3501 the Utah System of Technical Colleges Board of Trustees.

3502 (c) The Utah System of Technical Colleges Board of Trustees shall, by majority vote,
3503 within 60 days of receipt of an application described in Subsection (8)(b), approve or deny the
3504 application.
3505 (d) The Utah System of Technical Colleges Board of Trustees may deny an application
3506 approved by a technical college board of directors if the proposed charter school does not
3507 accomplish a purpose of charter schools as provided in Section [~~53A-1a-503~~] 53G-5-104.
3508 (e) A charter school application may not be denied on the basis that the establishment
3509 of the charter school will have any or all of the following impacts on a public school, including
3510 another charter school:
3511 (i) an enrollment decline;
3512 (ii) a decrease in funding; or
3513 (iii) a modification of programs or services.
3514 (9) (a) Subject to the requirements of this [~~part~~] chapter and other related provisions, a
3515 technical college board of directors may establish:
3516 (i) procedures for submitting applications to establish and operate a charter school; or
3517 (ii) criteria for approval of an application to establish and operate a charter school.
3518 (b) The Utah System of Technical Colleges Board of Trustees may not establish policy
3519 governing the procedures or criteria described in Subsection (9)(a).
3520 (10) Before a technical college board of directors accepts a charter school application,
3521 the technical college board of directors shall, in accordance with State Board of Education
3522 rules, establish and make public:
3523 (a) application requirements, in accordance with Section [~~53A-1a-504~~] 53G-5-302;
3524 (b) the application process, including timelines, in accordance with this section; and
3525 (c) minimum academic, financial, and enrollment standards.
3526 Section 102. Section **53G-5-401**, which is renumbered from Section 53A-1a-503.5 is
3527 renumbered and amended to read:
3528 **Part 4. Powers and Duties**
3529 **[~~53A-1a-503.5~~]. 53G-5-401. Status of charter schools.**

3530 (1) Charter schools are:
3531 (a) considered to be public schools within the state's public education system;
3532 (b) subject to Subsection [~~53A-1-401~~] 53E-3-401(8); and
3533 (c) governed by independent boards and held accountable to a legally binding written
3534 contractual agreement.
3535 (2) A charter school may be established by:
3536 (a) creating a new school; or
3537 (b) converting an existing public school to charter status.
3538 (3) A parochial school or home school is not eligible for charter school status.
3539 Section 103. Section **53G-5-402**, which is renumbered from Section 53A-1a-523 is
3540 renumbered and amended to read:
3541 **[~~53A-1a-523~~]. 53G-5-402. Property tax exemption for property owned by a**
3542 **charter school.**
3543 For purposes of a property tax exemption for property of school districts under
3544 Subsection 59-2-1101(3)(a)(ii)(B), a charter school is considered to be a school district.
3545 Section 104. Section **53G-5-403**, which is renumbered from Section 53A-1a-517 is
3546 renumbered and amended to read:
3547 **[~~53A-1a-517~~]. 53G-5-403. Charter school assets.**
3548 (1) (a) A charter school may receive, hold, manage, and use any devise, bequest, grant,
3549 endowment, gift, or donation of any asset made to the school for any of the purposes of this
3550 [~~part~~] chapter and other related provisions.
3551 (b) Unless a donor or grantor specifically provides otherwise in writing, all assets
3552 described in Subsection (1) shall be presumed to be made to the charter school and shall be
3553 included in the charter school's assets.
3554 (2) It is unlawful for any person affiliated with a charter school to demand or request
3555 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
3556 with the charter school as a condition for employment or enrollment at the school or continued
3557 attendance at the school.

3558 (3) All assets purchased with charter school funds shall be included in the charter
3559 school's assets.
3560 (4) A charter school may not dispose of its assets in violation of the provisions of this
3561 [~~part~~] chapter or other related provisions, state board rules, policies of its charter school
3562 authorizer, or its charter, including the provisions governing the closure of a charter school
3563 under Section [~~53A-1a-510.5~~] 53G-5-504.
3564 Section 105. Section **53G-5-404**, which is renumbered from Section 53A-1a-507 is
3565 renumbered and amended to read:
3566 **[~~53A-1a-507~~]. 53G-5-404. Requirements for charter schools.**
3567 (1) A charter school shall be nonsectarian in its programs, admission policies,
3568 employment practices, and operations.
3569 (2) A charter school may not charge tuition or fees, except those fees normally charged
3570 by other public schools.
3571 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
3572 civil rights requirements.
3573 (4) (a) A charter school shall make the same annual reports required of other public
3574 schools under this [~~title~~] public education code, including an annual financial audit report.
3575 (b) A charter school shall file its annual financial audit report with the Office of the
3576 State Auditor within six months of the end of the fiscal year.
3577 (5) (a) A charter school shall be accountable to the charter school's authorizer for
3578 performance as provided in the school's charter.
3579 (b) To measure the performance of a charter school, an authorizer may use data
3580 contained in:
3581 (i) the charter school's annual financial audit report;
3582 (ii) a report submitted by the charter school as required by statute; or
3583 (iii) a report submitted by the charter school as required by its charter.
3584 (c) A charter school authorizer may not impose performance standards, except as
3585 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully

3586 accomplish the purposes of charter schools as provided in Section [~~53A-1a-503~~] 53G-5-104 or
3587 as otherwise provided in law.
3588 (6) A charter school may not advocate unlawful behavior.
3589 (7) Except as provided in Section [~~53A-1a-515~~] 53G-5-305, a charter school shall be
3590 organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act,
3591 after its authorization.
3592 (8) A charter school shall provide adequate liability and other appropriate insurance.
3593 (9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase
3594 agreement, or other contract or agreement relating to the charter school's facilities or financing
3595 of the charter school's facilities to the school's authorizer and an attorney for review and advice
3596 prior to the charter school entering into the lease, agreement, or contract.
3597 (10) A charter school may not employ an educator whose license has been suspended
3598 or revoked by the State Board of Education under Section [~~53A-6-501~~] 53E-6-604.
3599 Section 106. Section **53G-5-405**, which is renumbered from Section 53A-1a-511 is
3600 renumbered and amended to read:
3601 **[~~53A-1a-511~~]. 53G-5-405. Application of statutes and rules to charter**
3602 **schools.**
3603 (1) A charter school shall operate in accordance with its charter and is subject to [~~Title~~
3604 ~~53A, State System of Public Education,~~] this public education code and other state laws
3605 applicable to public schools, except as otherwise provided in this [~~part~~] chapter and other
3606 related provisions.
3607 [~~(2) (a) A charter school or any other public school or school district may apply to the~~
3608 ~~State Board of Education for a waiver of any state board rule that inhibits or hinders the school~~
3609 ~~or the school district from accomplishing its mission or educational goals set out in its strategic~~
3610 ~~plan or charter.~~]
3611 [~~(b) The state board may grant the waiver, unless:~~]
3612 [~~(i) the waiver would cause the school district or the school to be in violation of state~~
3613 ~~or federal law; or~~]

3614 [~~(ii) the waiver would threaten the health, safety, or welfare of students in the district~~
3615 ~~or at the school.~~]
3616 [~~(c) If the State Board of Education denies the waiver, the reason for the denial shall be~~
3617 ~~provided in writing to the waiver applicant.~~]
3618 [~~(3)~~] (2) (a) Except as provided in Subsection [~~(3)~~] (2)(b), State Board of Education
3619 rules governing the following do not apply to a charter school:
3620 (i) school libraries;
3621 (ii) required school administrative and supervisory services; and
3622 (iii) required expenditures for instructional supplies.
3623 (b) A charter school shall comply with rules implementing statutes that prescribe how
3624 state appropriations may be spent.
3625 [~~(4)~~] (3) The following provisions of [~~Title 53A, State System of Public Education~~]
3626 this public education code, and rules adopted under those provisions, do not apply to a charter
3627 school:
3628 (a) Sections [~~53A-1a-108~~] 53G-7-1202 and [~~53A-1a-108.5~~] 53G-7-1204, requiring the
3629 establishment of a school community council and school improvement plan;
3630 (b) Section [~~53A-3-420~~] 53G-4-409, requiring the use of activity disclosure statements;
3631 (c) Section [~~53A-12-207~~] 53G-7-606, requiring notification of intent to dispose of
3632 textbooks;
3633 (d) Section [~~53A-13-107~~] 53G-10-404, requiring annual presentations on adoption;
3634 (e) Sections [~~53A-19-103~~] 53G-7-304 and [~~53A-19-105~~] 53G-7-306 pertaining to fiscal
3635 procedures of school districts and local school boards; and
3636 (f) Section [~~53A-14-107~~] 53E-4-408, requiring an independent evaluation of
3637 instructional materials.
3638 [~~(5)~~] (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter
3639 school is considered an educational procurement unit as defined in Section 63G-6a-103.
3640 [~~(6)~~] (5) Each charter school shall be subject to:
3641 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

3642 (b) Title 63G, Chapter 2, Government Records Access and Management Act.
3643 [~~(7)~~] (6) A charter school is exempt from Section 51-2a-201.5, requiring accounting
3644 reports of certain nonprofit corporations. A charter school is subject to the requirements of
3645 Section [~~53A-1a-507~~] 53G-5-404.
3646 [~~(8)~~] (7) (a) The State Charter School Board shall, in concert with the charter schools,
3647 study existing state law and administrative rules for the purpose of determining from which
3648 laws and rules charter schools should be exempt.
3649 (b) (i) The State Charter School Board shall present recommendations for exemption to
3650 the State Board of Education for consideration.
3651 (ii) The State Board of Education shall consider the recommendations of the State
3652 Charter School Board and respond within 60 days.
3653 Section 107. Section **53G-5-406**, which is renumbered from Section 53A-1a-520 is
3654 renumbered and amended to read:
3655 **[~~53A-1a-520~~]. 53G-5-406. Accountability -- Rules.**
3656 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
3657 after consultation with chartering entities, the State Board of Education shall make rules that:
3658 (1) require a charter school to develop an accountability plan, approved by its charter
3659 school authorizer, during its first year of operation;
3660 (2) require an authorizer to:
3661 (a) visit a charter school at least once during:
3662 (i) its first year of operation; and
3663 (ii) the review period described under Subsection (3); and
3664 (b) provide written reports to its charter schools after the visits; and
3665 (3) establish a review process that is required of a charter school once every five years
3666 by its authorizer.
3667 Section 108. Section **53G-5-407**, which is renumbered from Section 53A-1a-512 is
3668 renumbered and amended to read:
3669 **[~~53A-1a-512~~]. 53G-5-407. Employees of charter schools.**

3670 (1) A charter school shall select its own employees.
3671 (2) The school's governing board shall determine the level of compensation and all
3672 terms and conditions of employment, except as otherwise provided in Subsections (7) and (8)
3673 and under this [~~part~~] chapter and other related provisions.
3674 (3) The following statutes governing public employees and officers do not apply to a
3675 charter school:
3676 (a) Chapter [~~8a, Public Education Human Resource Management Act~~] 11, Part 5,
3677 School District and Utah Schools for the Deaf and the Blind Employee Requirements; and
3678 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.
3679 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter
3680 school, under rules adopted by the State Board of Education, shall employ teachers who:
3681 (i) are licensed; or
3682 (ii) on the basis of demonstrated competency, would qualify to teach under alternative
3683 certification or authorization programs.
3684 (b) The school's governing board shall disclose the qualifications of its teachers to the
3685 parents of its students.
3686 (5) State Board of Education rules governing the licensing or certification of
3687 administrative and supervisory personnel do not apply to charter schools.
3688 (6) (a) An employee of a school district may request a leave of absence in order to
3689 work in a charter school upon approval of the local school board.
3690 (b) While on leave, the employee may retain seniority accrued in the school district and
3691 may continue to be covered by the benefit program of the district if the charter school and the
3692 locally elected school board mutually agree.
3693 (7) (a) A proposed or authorized charter school may elect to participate as an employer
3694 for retirement programs under:
3695 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;
3696 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and
3697 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

3698 (b) An election under this Subsection (7):
3699 (i) shall be documented by a resolution adopted by the governing board of the charter
3700 school; and
3701 (ii) applies to the charter school as the employer and to all employees of the charter
3702 school.
3703 (c) The governing board of a charter school may offer employee benefit plans for its
3704 employees:
3705 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;
3706 or
3707 (ii) under any other program.
3708 (8) A charter school may not revoke an election to participate made under Subsection
3709 (7).
3710 (9) The governing board of a charter school shall ensure that, prior to the beginning of
3711 each school year, each of its employees signs a document acknowledging that the employee:
3712 (a) has received:
3713 (i) the disclosure required under Section 63A-4-204.5 if the charter school participates
3714 in the Risk Management Fund; or
3715 (ii) written disclosure similar to the disclosure required under Section 63A-4-204.5 if
3716 the charter school does not participate in the Risk Management Fund; and
3717 (b) understands the legal liability protection provided to the employee and what is not
3718 covered, as explained in the disclosure.
3719 Section 109. Section **53G-5-408**, which is renumbered from Section 53A-1a-512.5 is
3720 renumbered and amended to read:
3721 **[~~53A-1a-512.5~~]. 53G-5-408. Criminal background checks on school**
3722 **personnel.**
3723 The following individuals are required to submit to a criminal background check and
3724 ongoing monitoring as provided in Section [~~53A-15-1503~~] 53G-11-402:
3725 (1) an employee of a charter school who does not hold a current Utah educator license

3726 issued by the State Board of Education under Title [~~53A, Chapter 6, Educator Licensing and~~
3727 ~~Professional Practices Act~~] 53E, Chapter 6, Education Professional Licensure;
3728 (2) a volunteer for a charter school who is given significant unsupervised access to a
3729 student in connection with the volunteer's assignment;
3730 (3) a contract employee, as defined in Section [~~53A-15-1502~~] 53G-11-401, who works
3731 at a charter school; and
3732 (4) a charter school governing board member.
3733 Section 110. Section **53G-5-409**, which is renumbered from Section 53A-1a-518 is
3734 renumbered and amended to read:
3735 **[~~53A-1a-518~~]. 53G-5-409. Regulated transactions and relationships --**
3736 **Definitions -- Rulemaking.**
3737 (1) As used in this section:
3738 (a) "Charter school officer" means:
3739 (i) a member of a charter school's governing board;
3740 (ii) a member of a board or an officer of a nonprofit corporation under which a charter
3741 school is organized and managed; or
3742 (iii) the chief administrative officer of a charter school.
3743 (b) (i) "Employment" means a position in which a person's salary, wages, pay, or
3744 compensation, whether as an employee or contractor, is paid from charter school funds.
3745 (ii) "Employment" does not include a charter school volunteer.
3746 (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
3747 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
3748 sister-in-law, son-in-law, or daughter-in-law.
3749 (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer
3750 may not be employed at a charter school.
3751 (b) If a relative of a charter school officer is to be considered for employment in a
3752 charter school, the charter school officer shall:
3753 (i) disclose the relationship, in writing, to the other charter school officers;

3754 (ii) submit the employment decision to the charter school's governing board for the
3755 approval, by majority vote, of the charter school's governing board;
3756 (iii) abstain from voting on the issue; and
3757 (iv) be absent from any meeting when the employment is being considered and
3758 determined.
3759 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a
3760 relative of a charter school officer may not have a financial interest in a contract or other
3761 transaction involving a charter school in which the charter school officer serves as a charter
3762 school officer.
3763 (b) If a charter school's governing board considers entering into a contract or executing
3764 a transaction in which a charter school officer or a relative of a charter school officer has a
3765 financial interest, the charter school officer shall:
3766 (i) disclose the financial interest, in writing, to the other charter school officers;
3767 (ii) submit the contract or transaction decision to the charter school's governing board
3768 for the approval, by majority vote, of the charter school's governing board;
3769 (iii) abstain from voting on the issue; and
3770 (iv) be absent from any meeting when the contract or transaction is being considered
3771 and determined.
3772 (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of
3773 employment for:
3774 (i) the chief administrative officer of a charter school; or
3775 (ii) a relative of the chief administrative officer of a charter school whose employment
3776 is approved in accordance with the provisions in Subsection (2).
3777 (4) The State Board of Education or State Charter School Board may not operate a
3778 charter school.
3779 Section 111. Section **53G-5-410**, which is renumbered from Section 53A-1a-524 is
3780 renumbered and amended to read:
3781 **[~~53A-1a-524~~]. 53G-5-410. Safe technology utilization and digital**

3782 **citizenship.**
3783 A charter school governing board, or a council formed by a charter school governing
3784 board to prepare a plan for the use of School LAND Trust Program money under Section
3785 [~~53A-16-101.5~~] 53F-2-404:
3786 (1) shall provide for education and awareness on safe technology utilization and digital
3787 citizenship that empowers:
3788 (a) a student to make smart media and online choices; and
3789 (b) a parent or guardian to know how to discuss safe technology use with the parent's
3790 or guardian's child;
3791 (2) shall partner with the school's principal and other administrators to ensure that
3792 adequate on and off campus Internet filtering is installed and consistently configured to prevent
3793 viewing of harmful content by students and school personnel, in accordance with charter school
3794 governing board policy and Subsection [~~53A-1-706~~] 53G-7-216(3); and
3795 (3) may partner with one or more non-profit organizations to fulfill the duties described
3796 in Subsections (1) and (2).
3797 Section 112. Section **53G-5-411** is enacted to read:
3798 **53G-5-411. Charter school fiscal year -- Statistical reports.**
3799 (1) A charter school's fiscal year begins on July 1 and ends on June 30.
3800 (2) (a) A charter school shall forward statistical reports for the preceding school year,
3801 containing items required by law or by the State Board of Education, to the state superintendent
3802 on or before November 1 of each year.
3803 (b) The reports shall include information to enable the state superintendent to complete
3804 the statement required under Subsection 53E-3-301(3)(d)(v).
3805 (3) A charter school shall forward the accounting report required under Section
3806 51-2a-201 to the state superintendent on or before October 15 of each year.
3807 Section 113. Section **53G-5-412** is enacted to read:
3808 **53G-5-412. Contract with regional service centers.**
3809 A public school that is a charter school may enter into a contract with an eligible

3810 regional service center, as defined in Section 53G-4-410, to receive education-related services
3811 from the eligible regional service center.
3812 Section 114. Section **53G-5-413** is enacted to read:
3813 **53G-5-413. Charter school governing board meetings -- Rules of order and**
3814 **procedure.**
3815 (1) As used in this section, "rules of order and procedure" means a set of rules that
3816 governs and prescribes in a public meeting:
3817 (a) parliamentary order and procedure;
3818 (b) ethical behavior; and
3819 (c) civil discourse.
3820 (2) Subject to Subsection (4), a charter school governing board shall:
3821 (a) adopt rules of order and procedure to govern a public meeting of the charter school
3822 governing board;
3823 (b) conduct a public meeting in accordance with the rules of order and procedure
3824 described in Subsection (2)(a); and
3825 (c) make the rules of order and procedure described in Subsection (2)(a) available to
3826 the public:
3827 (i) at each public meeting of the charter school governing board; and
3828 (ii) on the charter school governing board's public website, if available.
3829 (3) The requirements of this section do not affect a charter school governing board's
3830 duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
3831 Section 115. Section **53G-5-501**, which is renumbered from Section 53A-1a-509 is
3832 renumbered and amended to read:
3833 **Part 5. Noncompliance, Charter Termination, and Liability**
3834 **[~~53A-1a-509~~]. 53G-5-501. Noncompliance -- Rulemaking.**
3835 (1) If a charter school is found to be out of compliance with the requirements of
3836 Section [~~53A-1a-507~~] 53G-5-404 or the school's charter, the charter school authorizer shall
3837 notify the following in writing that the charter school has a reasonable time to remedy the

3838 deficiency, except as otherwise provided in Subsection [~~53A-1a-510~~] 53G-5-503(4):
3839 (a) the governing board of the charter school; and
3840 (b) if the charter school is a qualifying charter school with outstanding bonds issued in
3841 accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School Credit Enhancement Program, the
3842 Utah Charter School Finance Authority.
3843 (2) If the charter school does not remedy the deficiency within the established timeline,
3844 the authorizer may:
3845 (a) subject to the requirements of Subsection (4), take one or more of the following
3846 actions:
3847 (i) remove a charter school director or finance officer;
3848 (ii) remove a governing board member; or
3849 (iii) appoint an interim director or mentor to work with the charter school; or
3850 (b) subject to the requirements of Section [~~53A-1a-510~~] 53G-5-503, terminate the
3851 school's charter.
3852 (3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a)
3853 shall be paid from the funds of the charter school for which the interim director or mentor is
3854 working.
3855 (4) The authorizer shall notify the Utah Charter School Finance Authority before the
3856 authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is
3857 a qualifying charter school with outstanding bonds issued in accordance with [~~Chapter 20b,~~
3858 ~~Part 2~~] Part 6, Charter School Credit Enhancement Program.
3859 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3860 State Board of Education shall make rules:
3861 (a) specifying the timeline for remedying deficiencies under Subsection (1); and
3862 (b) ensuring the compliance of a charter school with its approved charter.
3863 Section 116. Section **53G-5-502**, which is renumbered from Section 53A-1a-509.5 is
3864 renumbered and amended to read:
3865 **[~~53A-1a-509.5~~]. 53G-5-502. Voluntary school improvement process.**

3866 (1) As used in this section, "high performing charter school" means a charter school
3867 that:
3868 (a) satisfies all requirements of state law and State Board of Education rules;
3869 (b) has operated for at least three years meeting the terms of the school's charter
3870 agreement; and
3871 (c) has students performing at or above the academic performance standard in the
3872 school's charter agreement.
3873 (2) (a) Subject to Subsection (2)(b), a governing board may voluntarily request the
3874 charter school's authorizer to place the school in a school improvement process.
3875 (b) A governing board shall provide notice and a hearing on the governing board's
3876 intent to make a request under Subsection (2)(a) to parents and guardians of students enrolled
3877 in the charter school.
3878 (3) An authorizer may grant a governing board's request to be placed in a school
3879 improvement process if the governing board has provided notice and a hearing under
3880 Subsection (2)(b).
3881 (4) An authorizer that has entered into a school improvement process with a governing
3882 board shall:
3883 (a) enter into a contract with the governing board on the terms of the school
3884 improvement process;
3885 (b) notify the State Board of Education that the authorizer has entered into a school
3886 improvement process with the governing board;
3887 (c) make a report to a committee of the State Board of Education regarding the school
3888 improvement process; and
3889 (d) notify the Utah Charter School Finance Authority that the authorizer has entered
3890 into a school improvement process with the governing board if the charter school is a
3891 qualifying charter school with outstanding bonds issued in accordance with [~~Chapter 20b, Part~~
3892 ~~2~~] Part 6, Charter School Credit Enhancement Program.
3893 (5) Upon notification under Subsection (4)(b), and after the report described in

3894 Subsection (4)(c), the State Board of Education shall notify charter schools and the school
3895 district in which the charter school is located that the governing board has entered into a school
3896 improvement process with the charter school's authorizer.
3897 (6) A high performing charter school or the school district in which the charter school
3898 is located may apply to the governing board to assume operation and control of the charter
3899 school that has been placed in a school improvement process.
3900 (7) A governing board that has entered into a school improvement process shall review
3901 applications submitted under Subsection (6) and submit a proposal to the charter school's
3902 authorizer to:
3903 (a) terminate the school's charter, notwithstanding the requirements of Section
3904 [~~53A-1a-510~~] 53G-5-503; and
3905 (b) transfer operation and control of the charter school to:
3906 (i) the school district in which the charter school is located; or
3907 (ii) a high performing charter school.
3908 (8) Except as provided in Subsection (9) and subject to Subsection (10), an authorizer
3909 may:
3910 (a) approve a governing board's proposal under Subsection (7); or
3911 (b) (i) deny a governing board's proposal under Subsection (7); and
3912 (ii) (A) terminate the school's charter in accordance with Section [~~53A-1a-510~~]
3913 53G-5-503;
3914 (B) allow the governing board to submit a revised proposal; or
3915 (C) take no action.
3916 (9) An authorizer may not take an action under Subsection (8) for a qualifying charter
3917 school with outstanding bonds issued in accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter
3918 School Credit Enhancement Program, without mutual agreement of the Utah Charter School
3919 Finance Authority and the authorizer.
3920 (10) (a) An authorizer that intends to transfer operation and control of a charter school
3921 as described in Subsection (7)(b) shall request approval from the State Board of Education.

3922 (b) (i) The State Board of Education shall consider an authorizer's request under
3923 Subsection (10)(a) within 30 days of receiving the request.
3924 (ii) If the State Board of Education denies an authorizer's request under Subsection
3925 (10)(a), the authorizer may not transfer operation and control of the charter school as described
3926 in Subsection (7)(b).
3927 (iii) If the State Board of Education does not take action on an authorizer's request
3928 under Subsection (10)(a) within 30 days of receiving the request, an authorizer may proceed to
3929 transfer operation and control of the charter school as described in Subsection (7)(b).
3930 Section 117. Section **53G-5-503**, which is renumbered from Section 53A-1a-510 is
3931 renumbered and amended to read:
3932 **[~~53A-1a-510~~]. 53G-5-503. Termination of a charter.**
3933 (1) Subject to the requirements of Subsection (3), a charter school authorizer may
3934 terminate a school's charter for any of the following reasons:
3935 (a) failure of the charter school to meet the requirements stated in the charter;
3936 (b) failure to meet generally accepted standards of fiscal management;
3937 (c) subject to Subsection (8), failure to make adequate yearly progress under the No
3938 Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq.;
3939 (d) (i) designation as a low performing school under [~~Chapter 1, Part 12~~] Title 53E,
3940 Chapter 5, Part 3, School Turnaround and Leadership Development [~~Act~~]; and
3941 (ii) failure to improve the school's grade under the conditions described in [~~Chapter 1,~~
3942 ~~Part 12~~] Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [~~Act~~];
3943 (e) violation of requirements under this [~~part~~] chapter or another law; or
3944 (f) other good cause shown.
3945 (2) (a) The authorizer shall notify the following of the proposed termination in writing,
3946 state the grounds for the termination, and stipulate that the governing board may request an
3947 informal hearing before the authorizer:
3948 (i) the governing board of the charter school; and
3949 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in

3950 accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School Credit Enhancement Program, the
3951 Utah Charter School Finance Authority.
3952 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in
3953 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
3954 receiving a written request under Subsection (2)(a).
3955 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
3956 the governing board of the charter school may appeal the decision to the State Board of
3957 Education.
3958 (d) (i) The State Board of Education shall hear an appeal of a termination made
3959 pursuant to Subsection (2)(c).
3960 (ii) The State Board of Education's action is final action subject to judicial review.
3961 (e) (i) If the authorizer proposes to terminate the charter of a qualifying charter school
3962 with outstanding bonds issued in accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School
3963 Credit Enhancement Program, the authorizer shall conduct a hearing described in Subsection
3964 (2)(b) 120 days or more after notifying the following of the proposed termination:
3965 (A) the governing board of the qualifying charter school; and
3966 (B) the Utah Charter School Finance Authority.
3967 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
3968 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
3969 remedied in lieu of termination of the qualifying charter school's charter.
3970 (3) An authorizer may not terminate the charter of a qualifying charter school with
3971 outstanding bonds issued in accordance with [~~Chapter 20b, Part 2~~] Part 6, Charter School
3972 Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance
3973 Authority and the authorizer.
3974 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3975 the State Board of Education shall make rules that require a charter school to report any threats
3976 to the health, safety, or welfare of its students to the State Charter School Board in a timely
3977 manner.

3978 (b) The rules under Subsection (4)(a) shall also require the charter school report to
3979 include what steps the charter school has taken to remedy the threat.
3980 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
3981 charter immediately if good cause has been shown or if the health, safety, or welfare of the
3982 students at the school is threatened.
3983 (6) If a charter is terminated during a school year, the following entities may apply to
3984 the charter school's authorizer to assume operation of the school:
3985 (a) the school district where the charter school is located;
3986 (b) the governing board of another charter school; or
3987 (c) a private management company.
3988 (7) (a) If a charter is terminated, a student who attended the school may apply to and
3989 shall be enrolled in another public school under the enrollment provisions of [~~Chapter 2, Part~~
3990 ~~2,~~] Chapter 6, Part 3, School District [~~of~~] Residency, subject to space availability.
3991 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).
3992 (8) Subject to the requirements of Subsection (3), an authorizer may terminate a charter
3993 pursuant to Subsection (1)(c) under the same circumstances that local educational agencies are
3994 required to implement alternative governance arrangements under 20 U.S.C. Sec. 6316.
3995 Section 118. Section **53G-5-504**, which is renumbered from Section 53A-1a-510.5 is
3996 renumbered and amended to read:
3997 **[~~53A-1a-510.5~~]. 53G-5-504. Charter school closure.**
3998 (1) If a charter school is closed for any reason, including the termination of a charter in
3999 accordance with Section [~~53A-1a-510~~] 53G-5-503 or the conversion of a charter school to a
4000 private school, the provisions of this section apply.
4001 (2) A decision to close a charter school is made:
4002 (a) when a charter school authorizer approves a motion to terminate described in
4003 Subsection [~~53A-1a-510~~] 53G-5-503(2)(c);
4004 (b) when the State Board of Education takes final action described in Subsection
4005 [~~53A-1a-510~~] 53G-5-503(2)(d)(ii); or

4006 (c) when a charter school provides notice to the charter school's authorizer that the
4007 charter school is relinquishing the charter school's charter.
4008 (3) (a) No later than 10 days after the day on which a decision to close a charter school
4009 is made, the charter school shall:
4010 (i) provide notice to the following, in writing, of the decision:
4011 (A) if the charter school made the decision to close, the charter school's authorizer;
4012 (B) the State Charter School Board;
4013 (C) if the State Board of Education did not make the decision to close, the State Board
4014 of Education;
4015 (D) parents of students enrolled at the charter school;
4016 (E) the charter school's creditors;
4017 (F) the charter school's lease holders;
4018 (G) the charter school's bond issuers;
4019 (H) other entities that may have a claim to the charter school's assets;
4020 (I) the school district in which the charter school is located and other charter schools
4021 located in that school district; and
4022 (J) any other person that the charter school determines to be appropriate; and
4023 (ii) post notice of the decision on the Utah Public Notice Website, created in Section
4024 63F-1-701.
4025 (b) The notice described in Subsection (3)(a) shall include:
4026 (i) the proposed date of the charter school closure;
4027 (ii) the charter school's plans to help students identify and transition into a new school;
4028 and
4029 (iii) contact information for the charter school during the transition.
4030 (4) After a decision to close a charter school is made, the closing charter school shall:
4031 (a) designate a custodian for the protection of student files and school business records;
4032 (b) maintain a base of operation throughout the charter school closing, including:
4033 (i) an office;

4034 (ii) hours of operation;
4035 (iii) operational telephone service with voice messaging stating the hours of operation;
4036 and
4037 (iv) a designated individual to respond to questions or requests during the hours of
4038 operation;
4039 (c) maintain insurance coverage and risk management coverage throughout the
4040 transition to closure and for a period following closure of the charter school as specified by the
4041 charter school's authorizer;
4042 (d) complete a financial audit or other procedure required by board rule immediately
4043 after the decision to close is made;
4044 (e) inventory all assets of the charter school; and
4045 (f) list all creditors of the charter school and specifically identify secured creditors and
4046 assets that are security interests.
4047 (5) The closing charter school's authorizer shall oversee the closing charter school's
4048 compliance with Subsection (4).
4049 (6) (a) A closing charter school shall return any assets remaining, after all liabilities
4050 and obligations of the closing charter school are paid or discharged, to the closing charter
4051 school's authorizer.
4052 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
4053 assign the assets to another public school.
4054 (7) The closing charter school's authorizer shall oversee liquidation of assets and
4055 payment of debt in accordance with board rule.
4056 (8) The closing charter school shall:
4057 (a) comply with all state and federal reporting requirements; and
4058 (b) submit all documentation and complete all state and federal reports required by the
4059 closing charter school's authorizer or the State Board of Education, including documents to
4060 verify the closing charter school's compliance with procedural requirements and satisfaction of
4061 all financial issues.

4062 (9) When the closing charter school's financial affairs are closed out and dissolution is
4063 complete, the authorizer shall ensure that a final audit of the charter school is completed.
4064 (10) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah
4065 Administrative Rulemaking Act, the State Board of Education shall, after considering
4066 suggestions from charter school authorizers, make rules that:
4067 (a) provide additional closure procedures for charter schools; and
4068 (b) establish a charter school closure process.
4069 Section 119. Section **53G-5-505**, which is renumbered from Section 53A-1a-514 is
4070 renumbered and amended to read:
4071 **[~~53A-1a-514~~]. 53G-5-505. Tort liability.**
4072 (1) An employee of a charter school is a public employee and the governing board is a
4073 public employer in the same manner as a local school board for purposes of tort liability.
4074 (2) The governing board of a charter school, the nonprofit corporation under which the
4075 charter school is organized and managed, and the school are solely liable for any damages
4076 resulting from a legal challenge involving the operation of the school.
4077 Section 120. Section **53G-5-601**, which is renumbered from Section 53A-20b-102 is
4078 renumbered and amended to read:
4079 **Part 6. Charter School Credit Enhancement Program**
4080 **[~~53A-20b-102~~]. 53G-5-601. Definitions.**
4081 As used in this [~~chapter~~] part:
4082 (1) "Annual charter school enrollment" means the total enrollment of all students in the
4083 state enrolled in a charter school in grades kindergarten through grade 12, based on October 1
4084 enrollment counts.
4085 (2) "Annual state enrollment" means the total enrollment of all students in the state
4086 enrolled in a public school in grades kindergarten through grade 12, based on October 1
4087 enrollment counts.
4088 (3) "Authority" means the Utah Charter School Finance Authority created by this part.
4089 (4) "Board" means the governing board of the authority described in Section

4090 [~~53A-20b-103~~] 53G-5-602.
4091 (5) "Charter school" means a school created under [~~Title 53A, Chapter 1a, Part 5, The~~
4092 ~~Utah Charter Schools Act~~] this chapter.
4093 (6) "Credit enhancement program" means the Charter School Credit Enhancement
4094 Program established in [~~Part 2, Charter School Credit Enhancement Program~~] Section
4095 53G-5-606.
4096 (7) "Debt service reserve fund" means the reserve fund created or established by, or for
4097 the benefit of, a qualifying charter school for the purpose of paying principal of and interest on
4098 bonds issued under the credit enhancement program as the payments become due and other
4099 money of the qualifying charter school is not available to make the payments.
4100 (8) "Debt service reserve fund requirement" means, as of a particular date of
4101 computation, and with respect to a particular issue of bonds, the amount required to be on
4102 deposit in the debt service reserve fund, which amount:
4103 (a) may be a sum certain or as set forth in a formula; and
4104 (b) may not be less than the maximum annual debt service requirement for the related
4105 bonds.
4106 (9) (a) "Obligations" mean any notes, debentures, revenue bonds, or other evidences of
4107 financial indebtedness, except as provided in Subsection (9)(b).
4108 (b) "Obligations" do not include general obligation bonds.
4109 (10) "Project" means:
4110 (a) any building, structure, or property owned, to be acquired, or used by a charter
4111 school for any of its educational purposes and the related appurtenances, easements,
4112 rights-of-way, improvements, paving, utilities, landscaping, parking facilities, and lands; or
4113 (b) any capital equipment owned, to be acquired, or used by a charter school for any of
4114 its educational purposes, interests in land, and grounds, together with the personal property
4115 necessary, convenient, or appurtenant to them.
4116 (11) "Qualifying charter school" means a charter school that:
4117 (a) meets standards adopted by the authority for participation in the credit enhancement

4118 program; and
4119 (b) is designated by the authority as a qualifying charter school for purposes of
4120 participation in the credit enhancement program.
4121 (12) "Reserve account" means the Charter School Reserve Account created in Section
4122 [~~53A-20b-301~~] 53F-9-303.
4123 Section 121. Section **53G-5-602**, which is renumbered from Section 53A-20b-103 is
4124 renumbered and amended to read:
4125 **[~~53A-20b-103~~]. 53G-5-602. Utah Charter School Finance Authority created**
4126 **-- Members -- Compensation -- Services.**
4127 (1) There is created a body politic and corporate known as the Utah Charter School
4128 Finance Authority. The authority is created to provide an efficient and cost-effective method of
4129 financing charter school facilities.
4130 (2) The governing board of the authority shall be composed of:
4131 (a) the governor or the governor's designee;
4132 (b) the state treasurer; and
4133 (c) the state superintendent of public instruction or the state superintendent's designee.
4134 (3) A member may not receive compensation or benefits for the member's service, but
4135 may receive per diem and travel expenses in accordance with:
4136 (a) Section 63A-3-106;
4137 (b) Section 63A-3-107; and
4138 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
4139 63A-3-107.
4140 (4) Upon request, the State Board of Education shall provide staff support to the
4141 authority.
4142 Section 122. Section **53G-5-603**, which is renumbered from Section 53A-20b-104 is
4143 renumbered and amended to read:
4144 **[~~53A-20b-104~~]. 53G-5-603. Powers and duties of authority.**
4145 (1) The authority shall have perpetual succession as a body politic and corporate.

4146 (2) The authority may:
4147 (a) sue and be sued in its own name;
4148 (b) have, and alter at will, an official seal;
4149 (c) contract with experts, advisers, consultants, and agents for needed services;
4150 (d) receive and accept aid or contributions from any source, including the United States
4151 or this state, in the form of money, property, labor, or other things of value to be held, used,
4152 and applied to carry out the purposes of this part, subject to the conditions upon which the aid
4153 and contributions are made, for any purpose consistent with this part;
4154 (e) exercise the powers granted to municipalities and counties pursuant to Title 11,
4155 Chapter 17, Utah Industrial Facilities and Development Act, including the power to borrow
4156 money and issue obligations, including refunding obligations, subject to the same limitations as
4157 that imposed on a municipality or county under the act, except:
4158 (i) the authority may only exercise powers under the act to finance or refinance a
4159 project as defined in Section [~~53A-20b-102~~] 53G-5-601; and
4160 (ii) the authority's area of operation shall include all areas of the state;
4161 (f) employ advisers, consultants, and agents, including financial experts, independent
4162 legal counsel, and any advisers, consultants, and agents as may be necessary in its judgment
4163 and fix their compensation;
4164 (g) make and execute contracts and other instruments necessary or convenient for the
4165 performance of its duties and the exercise of its powers and functions;
4166 (h) in accordance with Section [~~53A-20b-201~~] 53G-5-606, designate a charter school
4167 as a qualifying charter school for purposes of participation in the credit enhancement program;
4168 and
4169 (i) have and exercise any other powers or duties that are necessary or appropriate to
4170 carry out and effectuate the purposes of this [~~chapter~~] part.
4171 (3) Except as provided in [~~Part 2, Charter School Credit Enhancement Program~~]
4172 Section 53G-5-607, 53G-5-608, or 53G-5-609, the Utah Charter School Finance Authority may
4173 not exercise power in any manner which would create general or moral obligations of the state

4174 or of any agency, department, or political subdivision of the state.

4175 Section 123. Section **53G-5-604**, which is renumbered from Section 53A-20b-105 is
4176 renumbered and amended to read:

4177 **[~~53A-20b-105~~]. 53G-5-604. Limited obligations.**

4178 Except as provided in [~~Part 2, Charter School Credit Enhancement Program~~] Section
4179 53G-5-607, 53G-5-608, or 53G-5-609, bonds, notes, and other obligations issued by the
4180 authority:

4181 (1) do not constitute a debt, moral obligation, or liability of the state, or of any county,
4182 city, town, school district, or any other political subdivision of the state;

4183 (2) do not constitute the loan of credit of the state or of any county, city, town, school
4184 district, or any other political subdivision of the state; and

4185 (3) may not be paid from funds other than loan payments or lease revenues received
4186 from a charter school or other funds pledged by a charter school.

4187 Section 124. Section **53G-5-605**, which is renumbered from Section 53A-20b-106 is
4188 renumbered and amended to read:

4189 **[~~53A-20b-106~~]. 53G-5-605. State to succeed to property of authority when**
4190 **encumbrances paid or authority dissolved.**

4191 (1) If the authority is dissolved at any time, for any reason, all funds, property, rights,
4192 and interests of the authority, following the satisfaction of the authority's obligations, shall
4193 immediately vest in and become the property of the state, which shall succeed to all rights of
4194 the authority subject to any encumbrances which may then exist on any particular properties.

4195 (2) None of the net earnings of the authority shall inure to the benefit of any private
4196 person.

4197 Section 125. Section **53G-5-606**, which is renumbered from Section 53A-20b-201 is
4198 renumbered and amended to read:

4199 **[~~53A-20b-201~~]. 53G-5-606. Charter School Credit Enhancement Program --**
4200 **Standards for the designation of qualifying charter schools -- Debt service reserve fund**
4201 **requirements.**

4202 (1) There is created the Charter School Credit Enhancement Program to assist
4203 qualifying charter schools in obtaining favorable financing by providing a means of
4204 replenishing a qualifying charter school's debt service reserve fund.
4205 (2) The authority shall establish standards for a charter school to be designated as a
4206 qualifying charter school.
4207 (3) In establishing the standards described in Subsection (2) the authority shall
4208 consider:
4209 (a) whether a charter school has received an investment grade rating, independent of
4210 any rating enhancement resulting from the issuance of bonds pursuant to the credit
4211 enhancement program;
4212 (b) the location of the charter school's project;
4213 (c) the operating history of the charter school;
4214 (d) the financial strength of the charter school; and
4215 (e) any other criteria the authority determines are relevant.
4216 (4) The bonds issued by the authority for a qualifying charter school are not an
4217 indebtedness of the state or of the authority but are special obligations payable solely from:
4218 (a) the revenues or other funds pledged by the qualifying charter school; and
4219 (b) amounts appropriated by the Legislature pursuant to Subsection (9).
4220 (5) The authority shall notify the authorizer of a charter school that the charter school is
4221 participating in the credit enhancement program if the authority:
4222 (a) designates the charter school as a qualifying charter school; and
4223 (b) issues bonds for the qualifying charter school under the credit enhancement
4224 program.
4225 (6) One or more debt service reserve funds shall be established for a qualifying charter
4226 school with respect to bonds issued pursuant to the credit enhancement program.
4227 (7) (a) Except as provided in Subsection (7)(b), money in a debt service reserve fund
4228 may not be withdrawn from the debt service reserve fund if the amount withdrawn would
4229 reduce the level of money in the debt service reserve fund to less than the debt service reserve

4230 fund requirement.
4231 (b) So long as the applicable bonds issued under the credit enhancement program
4232 remain outstanding, money in a debt service reserve fund may be withdrawn in an amount that
4233 would reduce the level of money in the debt service reserve fund to less than the debt service
4234 reserve fund requirement if the money is withdrawn for the purpose of:
4235 (i) paying the principal of, redemption price of, or interest on a bond when due and if
4236 no other money of the qualifying charter school is available to make the payment, as
4237 determined by the authority; or
4238 (ii) paying any redemption premium required to be paid when the bonds are redeemed
4239 prior to maturity if no bonds will remain outstanding upon payment from the funds in the
4240 qualifying charter school's debt service reserve fund.
4241 (8) Money in a qualifying charter school's debt service reserve fund that exceeds the
4242 debt service reserve fund requirement may be withdrawn by the qualifying charter school.
4243 (9) (a) The authority shall annually, on or before December 1, certify to the governor
4244 the amount, if any, required to restore amounts on deposit in the debt service reserve funds of
4245 qualifying charter schools to the respective debt service reserve fund requirements.
4246 (b) The governor shall request from the Legislature an appropriation of the certified
4247 amount to restore amounts on deposit in the debt service reserve funds of qualifying charter
4248 schools to the respective debt service reserve fund requirements.
4249 (c) The Legislature may appropriate money to the authority to restore amounts on
4250 deposit in the debt service reserve funds of qualifying charter schools to the respective debt
4251 service reserve fund requirements.
4252 (d) A qualifying charter school that receives money from an appropriation to restore
4253 amounts on deposit in a debt service reserve fund to the debt service reserve fund requirement,
4254 shall repay the state at the time and in the manner as the authority shall require.
4255 (10) The authority may create and establish other funds for its purposes.
4256 Section 126. Section **53G-5-607**, which is renumbered from Section 53A-20b-202 is
4257 renumbered and amended to read:

4258 **[~~53A-20b-202~~]. 53G-5-607. Charter School Reserve Account contribution**
4259 **requirements for qualifying charter schools.**
4260 (1) When bonds are issued under the credit enhancement program for a qualifying
4261 charter school, the qualifying charter school shall contribute money to the reserve account in
4262 the amount determined as provided in Subsection (2).
4263 (2) The authority shall determine the up-front and ongoing requirements for
4264 contributions of money to the reserve account for each qualifying charter school.
4265 Section 127. Section **53G-5-608**, which is renumbered from Section 53A-20b-203 is
4266 renumbered and amended to read:
4267 **[~~53A-20b-203~~]. 53G-5-608. Bond issuance.**
4268 (1) (a) The state may not alter, impair, or limit the rights of bondholders or persons
4269 contracting with a qualifying charter school until the bonds, including interest and other
4270 contractual obligations, are fully met and discharged.
4271 (b) Nothing in this [~~chapter~~] part precludes an alteration, impairment, or limitation if
4272 provision is made by law for the protection of bondholders or persons entering into contracts
4273 with a qualifying charter school.
4274 (2) The authority may require a qualifying charter school to vest in the authority the
4275 right to enforce any covenant made to secure bonds issued under the credit enhancement
4276 program by making appropriate provisions in the indenture related to the qualifying charter
4277 school's bonds.
4278 (3) The authority may require a qualifying charter school to make covenants and
4279 agreements in indentures or in a reimbursement agreement to protect the interests of the state
4280 and to secure repayment to the state of any money received by the qualifying charter school
4281 from an appropriation to restore amounts deposited in the qualifying charter school's debt
4282 service reserve fund to the debt service reserve fund requirement.
4283 (4) The authority may charge a fee to administer the issuance of bonds for a qualifying
4284 charter school.
4285 Section 128. Section **53G-5-609**, which is renumbered from Section 53A-20b-204 is

4286 renumbered and amended to read:

4287 **[~~53A-20b-204~~]. 53G-5-609. Limitation on participation in Charter School**
4288 **Credit Enhancement Program.**

4289 (1) In accordance with Subsection (2), on or before January 1 of each year, the
4290 authority shall determine the credit enhancement program's bond issuance limitation.

4291 (2) The authority may not issue bonds for a qualifying charter school under the credit
4292 enhancement program if the total par amount outstanding under the program would exceed an
4293 amount equal to the product of:

4294 (a) 1.3;

4295 (b) an amount equal to the quotient of:

4296 (i) annual charter school enrollment; divided by

4297 (ii) annual state enrollment; and

4298 (c) the total par amount then outstanding under the school bond guarantee program
4299 established in [~~Chapter 28, Utah School Bond Guaranty Act~~] Chapter 4, Part 8, School District
4300 Bond Guaranty.

4301 Section 129. Section **53G-6-101** is enacted to read:

4302 **CHAPTER 6. PARTICIPATION IN PUBLIC SCHOOLS**

4303 **Part 1. General Provisions**

4304 **53G-6-101. Title.**

4305 This chapter is known as "Participation in Public Schools."

4306 Section 130. Section **53G-6-102** is enacted to read:

4307 **53G-6-102. Definitions.**

4308 Reserved

4309 Section 131. Section **53G-6-201**, which is renumbered from Section 53A-11-101 is
4310 renumbered and amended to read:

4311 **Part 2. Compulsory Education**

4312 **[~~53A-11-101~~]. 53G-6-201. Definitions.**

4313 For purposes of this part:

4314 (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a
4315 school-age minor assigned to a class or class period to attend the entire class or class period.
4316 (b) A school-age minor may not be considered absent under this part more than one
4317 time during one day.
4318 (2) "Habitual truant" means a school-age minor who:
4319 (a) is at least 12 years old;
4320 (b) is subject to the requirements of Section [~~53A-11-101.5~~] 53G-6-202; and
4321 (c) (i) is truant at least 10 times during one school year; or
4322 (ii) fails to cooperate with efforts on the part of school authorities to resolve the
4323 minor's attendance problem as required under Section [~~53A-11-103~~] 53G-6-206.
4324 (3) "Minor" means a person under the age of 18 years.
4325 (4) "Parent" includes:
4326 (a) a custodial parent of the minor;
4327 (b) a legally appointed guardian of a minor; or
4328 (c) any other person purporting to exercise any authority over the minor which could be
4329 exercised by a person described in Subsection (4)(a) or (b).
4330 (5) "School-age minor" means a minor who:
4331 (a) is at least six years old, but younger than 18 years old; and
4332 (b) is not emancipated.
4333 (6) "School year" means the period of time designated by a local school board or local
4334 charter board as the school year for the school where the school-age minor:
4335 (a) is enrolled; or
4336 (b) should be enrolled, if the school-age minor is not enrolled in school.
4337 (7) "Truant" means absent without a valid excuse.
4338 (8) "Truant minor" means a school-age minor who:
4339 (a) is subject to the requirements of Section [~~53A-11-101.5~~] 53G-6-202 or
4340 [~~53A-11-101.7~~] 53G-6-203; and
4341 (b) is truant.

4342 (9) "Valid excuse" means:
4343 (a) an illness;
4344 (b) a family death;
4345 (c) an approved school activity;
4346 (d) an absence permitted by a school-age minor's:
4347 (i) individualized education program, developed pursuant to the Individuals with
4348 Disabilities Education Improvement Act of 2004, as amended; or
4349 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act
4350 of 1973, as amended; or
4351 (e) any other excuse established as valid by a local school board, local charter board, or
4352 school district.
4353 Section 132. Section **53G-6-202**, which is renumbered from Section 53A-11-101.5 is
4354 renumbered and amended to read:
4355 **[~~53A-11-101.5~~]. 53G-6-202. Compulsory education.**
4356 (1) For purposes of this section:
4357 (a) "Intentionally" is as defined in Section 76-2-103.
4358 (b) "Recklessly" is as defined in Section 76-2-103.
4359 (c) "Remainder of the school year" means the portion of the school year beginning on
4360 the day after the day on which the notice of compulsory education violation described in
4361 Subsection (3) is served and ending on the last day of the school year.
4362 (d) "School-age child" means a school-age minor under the age of 14.
4363 (2) Except as provided in Section [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~]
4364 53G-6-702, the parent of a school-age minor shall enroll and send the school-age minor to a
4365 public or regularly established private school.
4366 (3) A school administrator, a designee of a school administrator, a law enforcement
4367 officer acting as a school resource officer, or a truancy specialist may issue a notice of
4368 compulsory education violation to a parent of a school-age child if the school-age child is
4369 absent without a valid excuse at least five times during the school year.

4370 (4) The notice of compulsory education violation, described in Subsection (3):
4371 (a) shall direct the parent of the school-age child to:
4372 (i) meet with school authorities to discuss the school-age child's school attendance
4373 problems; and
4374 (ii) cooperate with the school board, local charter board, or school district in securing
4375 regular attendance by the school-age child;
4376 (b) shall designate the school authorities with whom the parent is required to meet;
4377 (c) shall state that it is a class B misdemeanor for the parent of the school-age child to
4378 intentionally or recklessly:
4379 (i) fail to meet with the designated school authorities to discuss the school-age child's
4380 school attendance problems; or
4381 (ii) fail to prevent the school-age child from being absent without a valid excuse five or
4382 more times during the remainder of the school year;
4383 (d) shall be served on the school-age child's parent by personal service or certified
4384 mail; and
4385 (e) may not be issued unless the school-age child has been truant at least five times
4386 during the school year.
4387 (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or
4388 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt
4389 from enrollment under Section [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~] 53G-6-702.
4390 (6) It is a class B misdemeanor for a parent of a school-age child to, after being served
4391 with a notice of compulsory education violation in accordance with Subsections (3) and (4),
4392 intentionally or recklessly:
4393 (a) fail to meet with the school authorities designated in the notice of compulsory
4394 education violation to discuss the school-age child's school attendance problems; or
4395 (b) fail to prevent the school-age child from being absent without a valid excuse five or
4396 more times during the remainder of the school year.
4397 (7) A local school board, local charter board, or school district shall report violations of

4398 this section to the appropriate county or district attorney.
4399 Section 133. Section **53G-6-203**, which is renumbered from Section 53A-11-101.7 is
4400 renumbered and amended to read:
4401 **[~~53A-11-101.7~~]. 53G-6-203. Truancy -- Notice of truancy -- Failure to**
4402 **cooperate with school authorities.**
4403 (1) Except as provided in Section [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~]
4404 53G-6-702, a school-age minor who is enrolled in a public school shall attend the public school
4405 in which the school-age minor is enrolled.
4406 (2) A local school board, charter school governing board, or school district may impose
4407 administrative penalties on a school-age minor in accordance with Section [~~53A-11-911~~]
4408 53G-8-211 who is truant.
4409 (3) A local school board or charter school governing board:
4410 (a) may authorize a school administrator, a designee of a school administrator, a law
4411 enforcement officer acting as a school resource officer, or a truancy specialist to issue notices
4412 of truancy to school-age minors who are at least 12 years old; and
4413 (b) shall establish a procedure for a school-age minor, or the school-age minor's
4414 parents, to contest a notice of truancy.
4415 (4) The notice of truancy described in Subsection (3):
4416 (a) may not be issued until the school-age minor has been truant at least five times
4417 during the school year;
4418 (b) may not be issued to a school-age minor who is less than 12 years old;
4419 (c) may not be issued to a minor exempt from school attendance as provided in Section
4420 [~~53A-11-102~~] 53G-6-204 or [~~53A-11-102.5~~] 53G-6-702;
4421 (d) shall direct the school-age minor and the parent of the school-age minor to:
4422 (i) meet with school authorities to discuss the school-age minor's truancies; and
4423 (ii) cooperate with the school board, local charter board, or school district in securing
4424 regular attendance by the school-age minor; and
4425 (e) shall be mailed to, or served on, the school-age minor's parent.

4426 (5) Nothing in this part prohibits a local school board, charter school governing board,
4427 or school district from taking action to resolve a truancy problem with a school-age minor who
4428 has been truant less than five times, provided that the action does not conflict with the
4429 requirements of this part.
4430 Section 134. Section **53G-6-204**, which is renumbered from Section 53A-11-102 is
4431 renumbered and amended to read:
4432 **[~~53A-11-102~~]. 53G-6-204. Minors exempt from school attendance.**
4433 (1) (a) A local school board or charter school governing board may excuse a school-age
4434 minor from attendance for any of the following reasons:
4435 (i) a school-age minor over age 16 may receive a partial release from school to enter
4436 employment, or attend a trade school, if the school-age minor has completed the eighth grade;
4437 or
4438 (ii) on an annual basis, a school-age minor may receive a full release from attending a
4439 public, regularly established private, or part-time school or class if:
4440 (A) the school-age minor has already completed the work required for graduation from
4441 high school, or has demonstrated mastery of required skills and competencies in accordance
4442 with Subsection [~~53A-15-102~~] 53F-2-501(1);
4443 (B) the school-age minor is in a physical or mental condition, certified by a competent
4444 physician if required by the local school board or charter school governing board, which
4445 renders attendance inexpedient and impracticable;
4446 (C) proper influences and adequate opportunities for education are provided in
4447 connection with the school-age minor's employment; or
4448 (D) the district superintendent or charter school governing board has determined that a
4449 school-age minor over the age of 16 is unable to profit from attendance at school because of
4450 inability or a continuing negative attitude toward school regulations and discipline.
4451 (b) A school-age minor receiving a partial release from school under Subsection
4452 (1)(a)(i) is required to attend:
4453 (i) school part time as prescribed by the local school board or charter school governing

4454 board; or
4455 (ii) a home school part time.
4456 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
4457 must be sufficient to satisfy the local school board or charter school governing board.
4458 (d) A local school board or charter school governing board that excuses a school-age
4459 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor
4460 is excused from attendance during the time specified on the certificate.
4461 (2) (a) A local school board shall excuse a school-age minor from attendance, if the
4462 school-age minor's parent files a signed and notarized affidavit with the school-age minor's
4463 school district of residence, as defined in Section [~~53A-2-201~~] 53G-6-302, that:
4464 (i) the school-age minor will attend a home school; and
4465 (ii) the parent assumes sole responsibility for the education of the school-age minor,
4466 except to the extent the school-age minor is dual enrolled in a public school as provided in
4467 Section [~~53A-11-102.5~~] 53G-6-702.
4468 (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall
4469 remain in effect as long as:
4470 (i) the school-age minor attends a home school; and
4471 (ii) the school district where the affidavit was filed remains the school-age minor's
4472 district of residence.
4473 (c) A parent of a school-age minor who attends a home school is solely responsible for:
4474 (i) the selection of instructional materials and textbooks;
4475 (ii) the time, place, and method of instruction; and
4476 (iii) the evaluation of the home school instruction.
4477 (d) A local school board may not:
4478 (i) require a parent of a school-age minor who attends a home school to maintain
4479 records of instruction or attendance;
4480 (ii) require credentials for individuals providing home school instruction;
4481 (iii) inspect home school facilities; or

4482 (iv) require standardized or other testing of home school students.
4483 (e) Upon the request of a parent, a local school board shall identify the knowledge,
4484 skills, and competencies a student is recommended to attain by grade level and subject area to
4485 assist the parent in achieving college and career readiness through home schooling.
4486 (f) A local school board that excuses a school-age minor from attendance as provided
4487 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is
4488 excused from attendance for the specified school year.
4489 (g) A local school board shall issue a certificate excusing a school-age minor from
4490 attendance:
4491 (i) within 30 days after receipt of a signed and notarized affidavit filed by the
4492 school-age minor's parent pursuant to Subsection (2); and
4493 (ii) on or before August 1 each year thereafter unless:
4494 (A) the school-age minor enrolls in a school within the school district;
4495 (B) the school-age minor's parent or guardian notifies the school district that the
4496 school-age minor no longer attends a home school; or
4497 (C) the school-age minor's parent or guardian notifies the school district that the
4498 school-age minor's school district of residence has changed.
4499 (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a)
4500 is exempt from the application of Subsections [~~53A-11-101.5~~] 53G-6-202(2), (5), and (6).
4501 (4) Nothing in this section may be construed to prohibit or discourage voluntary
4502 cooperation, resource sharing, or testing opportunities between a school or school district and a
4503 parent or guardian of a minor attending a home school.
4504 Section 135. Section **53G-6-205**, which is renumbered from Section 53A-11-101.3 is
4505 renumbered and amended to read:
4506 **[~~53A-11-101.3~~]. 53G-6-205. Preapproval of extended absence.**
4507 In determining whether to preapprove an extended absence of a school-age minor as a
4508 valid excuse under Subsection [~~53A-11-101~~] 53G-6-201(9)(e), a local school board, local
4509 charter board, or school district shall approve the absence if the local school board, local

4510 charter board, or school district determines that the extended absence will not adversely impact
4511 the school-age minor's education.
4512 Section 136. Section **53G-6-206**, which is renumbered from Section 53A-11-103 is
4513 renumbered and amended to read:
4514 **[~~53A-11-103~~]. 53G-6-206. Duties of a school board, local charter board, or**
4515 **school district in resolving attendance problems -- Parental involvement -- Liability not**
4516 **imposed.**
4517 (1) (a) Except as provided in Subsection (1)(b), a local school board, local charter
4518 board, or school district shall make efforts to resolve the school attendance problems of each
4519 school-age minor who is, or should be, enrolled in the school district.
4520 (b) A minor exempt from school attendance under Section [~~53A-11-102~~] 53G-6-204 or
4521 [~~53A-11-102.5~~] 53G-6-702 is not considered to be a minor who is or should be enrolled in a
4522 school district or charter school under Subsection (1)(a).
4523 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:
4524 (a) counseling of the minor by school authorities;
4525 (b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in
4526 accordance with Section [~~53A-11-101.7~~] 53G-6-203;
4527 (c) issuing a notice of compulsory education violation to a parent of a school-age child,
4528 in accordance with Section [~~53A-11-101.5~~] 53G-6-202;
4529 (d) making any necessary adjustment to the curriculum and schedule to meet special
4530 needs of the minor;
4531 (e) considering alternatives proposed by a parent;
4532 (f) monitoring school attendance of the minor;
4533 (g) voluntary participation in truancy mediation, if available; and
4534 (h) providing a school-age minor's parent, upon request, with a list of resources
4535 available to assist the parent in resolving the school-age minor's attendance problems.
4536 (3) In addition to the efforts described in Subsection (2), the local school board, local
4537 charter board, or school district may enlist the assistance of community and law enforcement

4538 agencies as appropriate and reasonably feasible in accordance with Section [~~53A-11-911~~]
4539 53G-8-211.
4540 (4) This section does not impose civil liability on boards of education, local school
4541 boards, local charter boards, school districts, or their employees.
4542 (5) Proceedings initiated under this part do not obligate or preclude action by the
4543 Division of Child and Family Services under Section 78A-6-319.
4544 Section 137. Section **53G-6-207**, which is renumbered from Section 53A-11-104 is
4545 renumbered and amended to read:
4546 **[~~53A-11-104~~]. 53G-6-207. Truancy specialists.**
4547 A local school board or local charter board may appoint and fix the compensation of a
4548 truancy specialist to assist in enforcing laws related to school attendance and to perform other
4549 duties prescribed by law or the board.
4550 Section 138. Section **53G-6-208**, which is renumbered from Section 53A-11-105 is
4551 renumbered and amended to read:
4552 **[~~53A-11-105~~]. 53G-6-208. Taking custody of a person believed to be a**
4553 **truant minor -- Disposition -- Reports -- Immunity from liability.**
4554 (1) A peace officer or public school administrator may take a minor into temporary
4555 custody if there is reason to believe the minor is a truant minor.
4556 (2) An individual taking a school-age minor into custody under Subsection (1) shall,
4557 without unnecessary delay, release the minor to:
4558 (a) the principal of the minor's school;
4559 (b) a person who has been designated by the local school board or local charter board
4560 to receive and return the minor to school; or
4561 (c) a truancy center established under Subsection (5).
4562 (3) If the minor refuses to return to school or go to the truancy center, the officer or
4563 administrator shall, without unnecessary delay, notify the minor's parents and release the minor
4564 to their custody.
4565 (4) If the parents cannot be reached or are unable or unwilling to accept custody and

4566 none of the options in Subsection (2) are available, the minor shall be referred to the Division
4567 of Child and Family Services.
4568 (5) (a) A local school board or local charter board, singly or jointly with another school
4569 board, may establish or designate truancy centers within existing school buildings and staff the
4570 centers with existing teachers or staff to provide educational guidance and counseling for truant
4571 minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and
4572 direct the minor's parents to come to the center, pick up the minor, and return the minor to the
4573 school in which the minor is enrolled.
4574 (b) If the parents cannot be reached or are unable or unwilling to comply with the
4575 request within a reasonable time, the center shall take such steps as are reasonably necessary to
4576 insure the safety and well being of the minor, including, when appropriate, returning the minor
4577 to school or referring the minor to the Division of Child and Family Services. A minor taken
4578 into custody under this section may not be placed in a detention center or other secure
4579 confinement facility.
4580 (6) Action taken under this section shall be reported to the appropriate school district.
4581 The district shall promptly notify the minor's parents of the action taken.
4582 (7) The Utah Governmental Immunity Act applies to all actions taken under this
4583 section.
4584 (8) Nothing in this section may be construed to grant authority to a public school
4585 administrator to place a minor in the custody of the Division of Child and Family Services,
4586 without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A,
4587 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.
4588 Section 139. Section **53G-6-209**, which is renumbered from Section 53A-11-106 is
4589 renumbered and amended to read:
4590 **[~~53A-11-106~~]. 53G-6-209. Truancy support centers.**
4591 (1) A school district may establish one or more truancy support centers for:
4592 (a) truant minors taken into custody under Section [~~53A-11-105~~] 53G-6-208; or
4593 (b) students suspended or expelled from school.

4594 (2) A truancy support center shall provide services to the truant minor and the truant
4595 minor's family, including:
4596 (a) assessments of the truant minor's needs and abilities;
4597 (b) support for the parents and truant minor through counseling and community
4598 programs; and
4599 (c) tutoring for the truant minor during the time spent at the center.
4600 (3) For the suspended or expelled student, the truancy support center shall provide an
4601 educational setting, staffed with certified teachers and aides, to provide the student with
4602 ongoing educational programming appropriate to the student's grade level.
4603 (4) In a district with a truancy support center, all students suspended or expelled from
4604 school shall be referred to the center. A parent or guardian shall appear with the student at the
4605 center within 48 hours of the suspension or expulsion, not including weekends or holidays.
4606 The student shall register and attend classes at the truancy support center for the duration of the
4607 suspension or expulsion unless the parent or guardian demonstrates that alternative
4608 arrangements have been made for the education or supervision of the student during the time of
4609 suspension or expulsion.
4610 (5) The truancy support center may provide counseling and other support programming
4611 for students suspended or expelled from school and their parents or guardian.
4612 Section 140. Section **53G-6-301** is enacted to read:
4613 **Part 3. School District Residency**
4614 **53G-6-301. Definitions.**
4615 Reserved
4616 Section 141. Section **53G-6-302**, which is renumbered from Section 53A-2-201 is
4617 renumbered and amended to read:
4618 **[~~53A-2-201~~]. 53G-6-302. Child's school district of residence --**
4619 **Determination -- Responsibility for providing educational services.**
4620 (1) As used in this section:
4621 (a) "Health care facility" means the same as that term is defined in Section 26-21-2.

4622 (b) "Human services program" means the same as that term is defined in Section
4623 62A-2-101.
4624 (2) The school district of residence of a minor child whose custodial parent or legal
4625 guardian resides within Utah is:
4626 (a) the school district in which the custodial parent or legal guardian resides; or
4627 (b) the school district in which the child resides:
4628 (i) while in the custody or under the supervision of a Utah state agency;
4629 (ii) while under the supervision of a private or public agency which is in compliance
4630 with Section 62A-4a-606 and is authorized to provide child placement services by the state;
4631 (iii) while living with a responsible adult resident of the district, if a determination has
4632 been made in accordance with rules made by the State Board of Education in accordance with
4633 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
4634 (A) the child's physical, mental, moral, or emotional health will best be served by
4635 considering the child to be a resident for school purposes;
4636 (B) exigent circumstances exist that do not permit the case to be appropriately
4637 addressed under Section [~~53A-2-207~~] 53G-6-402; and
4638 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii)
4639 does not violate any other law or rule of the State Board of Education;
4640 (iv) while the child is receiving services from a health care facility or human services
4641 program, if a determination has been made in accordance with rules made by the State Board of
4642 Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:
4643 (A) the child's physical, mental, moral, or emotional health will best be served by
4644 considering the child to be a resident for school purposes;
4645 (B) exigent circumstances exist that do not permit the case to be appropriately
4646 addressed under Section [~~53A-2-207~~] 53G-6-402; and
4647 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)
4648 does not violate any other law or rule of the State Board of Education; or
4649 (v) if the child is married or has been determined to be an emancipated minor by a

4650 court of law or by a state administrative agency authorized to make that determination.
4651 (3) A minor child whose custodial parent or legal guardian does not reside in the state
4652 is considered to be a resident of the district in which the child lives, unless that designation
4653 violates any other law or rule of the State Board of Education, if:
4654 (a) the child is married or an emancipated minor under Subsection (2)(b)(v);
4655 (b) the child lives with a resident of the district who is a responsible adult and whom
4656 the district agrees to designate as the child's legal guardian under Section [~~53A-2-202~~]
4657 53G-6-303; or
4658 (c) if permissible under policies adopted by a local school board, it is established to the
4659 satisfaction of the local school board that:
4660 (i) the child lives with a responsible adult who is a resident of the district and is the
4661 child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;
4662 (ii) the child's presence in the district is not for the primary purpose of attending the
4663 public schools;
4664 (iii) the child's physical, mental, moral, or emotional health will best be served by
4665 considering the child to be a resident for school purposes; and
4666 (iv) the child is prepared to abide by the rules and policies of the school and school
4667 district in which attendance is sought.
4668 (4) (a) If admission is sought under Subsection (2)(b)(iii), or (3)(c), then the district
4669 may require the person with whom the child lives to be designated as the child's custodian in a
4670 durable power of attorney, issued by the party who has legal custody of the child, granting the
4671 custodian full authority to take any appropriate action, including authorization for educational
4672 or medical services, in the interests of the child.
4673 (b) Both the party granting and the party empowered by the power of attorney shall
4674 agree to:
4675 (i) assume responsibility for any fees or other charges relating to the child's education
4676 in the district; and
4677 (ii) if eligibility for fee waivers is claimed under Section [~~53A-12-103~~] 53G-7-504,

4678 provide the school district with all financial information requested by the district for purposes
4679 of determining eligibility for fee waivers.
4680 (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of
4681 this section and accepted by the school district shall remain in force until the earliest of the
4682 following occurs:
4683 (i) the child reaches the age of 18, marries, or becomes emancipated;
4684 (ii) the expiration date stated in the document; or
4685 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
4686 or by order of a court of competent jurisdiction.
4687 (5) A power of attorney does not confer legal guardianship.
4688 (6) Each school district is responsible for providing educational services for all
4689 children of school age who are residents of the district.
4690 Section 142. Section **53G-6-303**, which is renumbered from Section 53A-2-202 is
4691 renumbered and amended to read:
4692 **[~~53A-2-202~~]. 53G-6-303. Guardianship for residency purposes by**
4693 **responsible adult -- Procedure to obtain -- Termination.**
4694 (1) For purposes of this part, "responsible adult" means a person 21 years of age or
4695 older who is a resident of this state and is willing and able to provide reasonably adequate food,
4696 clothing, shelter, and supervision for a minor child.
4697 (2) A local board of education may adopt a policy permitting it to designate a
4698 responsible adult residing in the school district as legal guardian of a child whose custodial
4699 parent or legal guardian does not reside within the state upon compliance with the following
4700 requirements:
4701 (a) submission to the school district of a signed and notarized affidavit by the child's
4702 custodial parent or legal guardian stating that:
4703 (i) the child's presence in the district is not for the primary purpose of attending the
4704 public schools;
4705 (ii) the child's physical, mental, moral, or emotional health would best be served by a

4706 transfer of guardianship to the Utah resident;
4707 (iii) the affiant is aware that designation of a guardian under this section is equivalent
4708 to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any
4709 existing parental or guardianship rights in the same manner as would occur under a
4710 court-ordered guardianship;
4711 (iv) the affiant consents and submits to any such suspension or termination of parental
4712 or guardianship rights;
4713 (v) the affiant consents and submits to the jurisdiction of the state district court in
4714 which the school district is located in any action relating to the guardianship or custody of the
4715 child in question;
4716 (vi) the affiant designates a named responsible adult as agent, authorized to accept
4717 service on behalf of the affiant of any process, notice, or demand required or permitted to be
4718 served in connection with any action under Subsection (2)(a)(v); and
4719 (vii) it is the affiant's intent that the child become a permanent resident of the state and
4720 reside with and be under the supervision of the named responsible adult;
4721 (b) submission to the school district of a signed and notarized affidavit by the
4722 responsible adult stating that:
4723 (i) the affiant is a resident of the school district and desires to become the guardian of
4724 the child;
4725 (ii) the affiant consents and submits to the jurisdiction of the state district court in
4726 which the school district is located in any action relating to the guardianship or custody of the
4727 child in question;
4728 (iii) the affiant will accept the responsibilities of guardianship for the duration,
4729 including the responsibility to provide adequate supervision, discipline, food, shelter,
4730 educational and emotional support, and medical care for the child if designated as the child's
4731 guardian; and
4732 (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);
4733 (c) submission to the school district of a signed and notarized affidavit by the child

4734 stating that:
4735 (i) the child desires to become a permanent resident of Utah and reside with and be
4736 responsible to the named responsible adult; and
4737 (ii) the child will abide by all applicable rules of any public school which the child may
4738 attend after guardianship is awarded; and
4739 (d) if the child's custodial parent or legal guardian cannot be found in order to execute
4740 the statement required under Subsection (2)(a), the responsible adult must submit an affidavit
4741 to that effect to the district. The district shall also submit a copy of the statement to the
4742 Criminal Investigations and Technical Services Division of the Department of Public Safety,
4743 established in Section 53-10-103.
4744 (3) The district may require the responsible adult, in addition to the documents set forth
4745 in Subsection (2), to also submit any other documents which are relevant to the appointment of
4746 a guardian of a minor or which the district reasonably believes to be necessary in connection
4747 with a given application to substantiate any claim or assertion made in connection with the
4748 application for guardianship.
4749 (4) Upon receipt of the information and documentation required under Subsections (2)
4750 and (3), and a determination by the board that the information is accurate, that the requirements
4751 of this section have been met, and that the interests of the child would best be served by
4752 granting the requested guardianship, the school board or its authorized representative may
4753 designate the applicant as guardian of the child by issuing a designation of guardianship letter
4754 to the applicant.
4755 (5) (a) If a local school board has adopted a policy permitting the board to designate a
4756 guardian under this section, a denial of an application for appointment of a guardian may be
4757 appealed to the district court in which the school district is located.
4758 (b) The court shall uphold the decision of the board unless it finds, by clear and
4759 convincing evidence, that the board's decision was arbitrary and capricious.
4760 (c) An applicant may, rather than appealing the board's decision under Subsection
4761 (5)(b), file an original Petition for Appointment of Guardian with the district court, which

4762 action shall proceed as if no decision had been made by the school board.
4763 (6) A responsible adult obtaining guardianship under this section has the same rights,
4764 authority, and responsibilities as a guardian appointed under Section 75-5-201.
4765 (7) (a) The school district shall deliver the original documents filed with the school
4766 district, together with a copy of the designation of guardianship issued by the district, in person
4767 or by any form of mail requiring a signed receipt, to the clerk of the state district court in which
4768 the school district is located.
4769 (b) The court may not charge the school district a fee for filing guardianship papers
4770 under this section.
4771 (8) (a) The authority and responsibility of a custodial parent or legal guardian
4772 submitting an affidavit under this section may be restored by the district, and the guardianship
4773 obtained under this section terminated by the district:
4774 (i) upon submission to the school district in which the guardianship was obtained of a
4775 signed and notarized statement by the person who consented to guardianship under Subsection
4776 (2)(a) requesting termination of the guardianship; or
4777 (ii) by the person accepting guardianship under Subsection (2)(b) requesting the
4778 termination of the guardianship.
4779 (b) If the school district determines that it would not be in the best interests of the child
4780 to terminate the guardianship, the district may refer the request for termination to the state
4781 district court in which the documents were filed under Subsection (5) for further action
4782 consistent with the interests of the child.
4783 (9) The school district shall retain copies of all documents required by this section
4784 until the child in question has reached the age of 18 unless directed to surrender the documents
4785 by a court of competent jurisdiction.
4786 (10) (a) Intentional submission to a school district of fraudulent or misleading
4787 information under this part is punishable under Section 76-8-504.
4788 (b) A school district which has reason to believe that a party has intentionally
4789 submitted false or misleading information under this part may, after notice and opportunity for

4790 the party to respond to the allegation:
4791 (i) void any guardianship, authorization, or action which was based upon the false or
4792 misleading information; and
4793 (ii) recover, from the party submitting the information, the full cost of any benefits
4794 received by the child on the basis of the false or misleading information, including tuition, fees,
4795 and other unpaid school charges, together with any related costs of recovery.
4796 (c) A student whose guardianship or enrollment has been terminated under this section
4797 may, upon payment of all applicable tuition and fees, continue in enrollment until the end of
4798 the school year unless excluded from attendance for cause.
4799 Section 143. Section **53G-6-304**, which is renumbered from Section 53A-2-203.5 is
4800 renumbered and amended to read:
4801 **[~~53A-2-203.5~~]. 53G-6-304. Recognition of guardianship.**
4802 (1) A document issued by other than a court of law which purports to award
4803 guardianship to a person who is not a legal resident of the jurisdiction in which the
4804 guardianship is awarded is not valid in the state of Utah until reviewed and approved by a Utah
4805 court.
4806 (2) The procedure for obtaining approval under Subsection (1) is the procedure
4807 required under Title 75, Chapter 5, Part 2, Guardians of Minors, for obtaining a court
4808 appointment of a guardian.
4809 Section 144. Section **53G-6-305**, which is renumbered from Section 53A-2-204 is
4810 renumbered and amended to read:
4811 **[~~53A-2-204~~]. 53G-6-305. District paying tuition -- Effect on state aid.**
4812 (1) A local school board may by written agreement pay the tuition of a child attending
4813 school in a district outside the state. Both districts shall approve the agreement and file it with
4814 the State Board of Education.
4815 (2) The average daily membership of the child may be added to that of other eligible
4816 children attending schools within the district of residence for the purpose of apportionment of
4817 state funds.

4818 (3) (a) The district of residence shall bear any excess tuition costs over the state's
4819 contribution for attendance in the district of residence unless otherwise approved in advance by
4820 the State Board of Education.
4821 (b) (i) If a child who resides in a Utah school district's boundaries attends school in a
4822 neighboring state under this section, the State Board of Education may make an out-of-state
4823 tuition payment to the Utah school district of residence.
4824 (ii) If the State Board of Education approves the use of state funds for an out-of-state
4825 tuition payment described in Subsection (3)(b)(i), the State Board of Education shall use funds
4826 appropriated by the Legislature for necessarily existent small schools as described in Section
4827 [~~53A-17a-109~~] 53F-2-304.
4828 Section 145. Section **53G-6-306**, which is renumbered from Section 53A-2-205 is
4829 renumbered and amended to read:
4830 **[~~53A-2-205~~]. 53G-6-306. Permitting attendance by nonresident of the state**
4831 **-- Tuition.**
4832 (1) A local school board may permit a child residing outside the state to attend school
4833 within the district. With the exception of a child enrolled under Section [~~53A-2-206~~]
4834 53G-6-707, the child is not included for the purpose of apportionment of state funds.
4835 (2) The board shall charge the nonresident child tuition at least equal to the per capita
4836 cost of the school program in which the child enrolls unless the board, in open meeting,
4837 determines to waive the charge for that child in whole or in part. The official minutes of the
4838 meeting shall reflect the determination.
4839 Section 146. Section **53G-6-401**, which is renumbered from Section 53A-2-206.5 is
4840 renumbered and amended to read:
4841 **Part 4. School District Enrollment**
4842 **[~~53A-2-206.5~~]. 53G-6-401. Definitions.**
4843 As used in Sections [~~53A-2-207~~] 53G-6-402 through [~~53A-2-213~~] 53G-6-407:
4844 (1) "Early enrollment" means:
4845 (a) except as provided in Subsection (1)(b), application prior to the third Friday in

4846 February for admission for the next school year to a school that is not a student's school of
4847 residence; and
4848 (b) application prior to November 1 for admission for the next school year to a school
4849 that is not a student's school of residence if:
4850 (i) the school district is doing a district wide grade reconfiguration of its elementary,
4851 middle, junior, and senior high schools; and
4852 (ii) the grade reconfiguration described in Subsection (1)(b) will be implemented in the
4853 next school year.
4854 (2) (a) "Early enrollment school capacity" or "maximum capacity" means the total
4855 number of students who could be served in a school building if each of the building's
4856 instructional stations were to have the enrollment specified in Subsection (2)(b).
4857 (b) (i) Except as provided in Subsection (2)(b)(ii):
4858 (A) for an elementary school, an instructional station shall have an enrollment at least
4859 equal to the school district's average class size for the corresponding grade; and
4860 (B) for a middle, junior, or senior high school, an instructional station shall have an
4861 enrollment at least equal to the district's average class size for similar classes.
4862 (ii) (A) A local school board shall determine the instructional station capacity for
4863 laboratories, physical education facilities, shops, study halls, self-contained special education
4864 classrooms, facilities jointly financed by the school district and another community agency for
4865 joint use, and similar rooms.
4866 (B) Capacity for self-contained special education classrooms shall be based upon
4867 students per class as defined by State Board of Education and federal special education
4868 standards.
4869 (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or
4870 physical education facility to which a local board of education could reasonably assign a class,
4871 teacher, or program during a given class period.
4872 (b) More than one instructional station may be assigned to a classroom, laboratory,
4873 shop, study hall, or physical education facility during a class period.

4874 (4) "Late enrollment" means application:
4875 (a) after the third Friday in February for admission for the next school year to a school
4876 that is not the student's school of residence; or
4877 (b) for admission for the current year to a school that is not the student's school of
4878 residence.
4879 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number
4880 of students who could be served in a school if each teacher were to have the class size specified
4881 in Subsection (5)(b).
4882 (b) (i) An elementary school teacher shall have a class size at least equal to the district's
4883 average class size for the corresponding grade.
4884 (ii) A middle, junior, or senior high school teacher shall have a class size at least equal
4885 to the district's average class size for similar classes.
4886 (6) "Nonresident student" means a student who lives outside the boundaries of the
4887 school attendance area.
4888 (7) "Open enrollment threshold" means:
4889 (a) for early enrollment, a projected school enrollment level that is the greater of:
4890 (i) 90% of the maximum capacity; or
4891 (ii) maximum capacity minus 40 students; and
4892 (b) for late enrollment, actual school enrollment that is the greater of:
4893 (i) 90% of adjusted capacity; or
4894 (ii) adjusted capacity minus 40 students.
4895 (8) "Projected school enrollment" means the current year enrollment of a school as of
4896 October 1, adjusted for projected growth for the next school year.
4897 (9) "School attendance area" means an area established by a local school board from
4898 which students are assigned to attend a certain school.
4899 (10) "School of residence" means the school to which a student is assigned to attend
4900 based on the student's place of residence.
4901 Section 147. Section **53G-6-402**, which is renumbered from Section 53A-2-207 is

4902 renumbered and amended to read:

4903 **[~~53A-2-207~~]. 53G-6-402. Open enrollment options -- Procedures --**
4904 **Processing fee -- Continuing enrollment.**

4905 (1) Each local school board is responsible for providing educational services consistent
4906 with Utah state law and rules of the State Board of Education for each student who resides in
4907 the district and, as provided in this section through Section [~~53A-2-213~~] 53G-6-407 and to the
4908 extent reasonably feasible, for any student who resides in another district in the state and
4909 desires to attend a school in the district.

4910 (2) (a) A school is open for enrollment of nonresident students if the enrollment level
4911 is at or below the open enrollment threshold.

4912 (b) If a school's enrollment falls below the open enrollment threshold, the local school
4913 board shall allow a nonresident student to enroll in the school.

4914 (3) A local school board may allow enrollment of nonresident students in a school that
4915 is operating above the open enrollment threshold.

4916 (4) (a) A local school board shall adopt policies describing procedures for nonresident
4917 students to follow in applying for entry into the district's schools.

4918 (b) Those procedures shall provide, as a minimum, for:

4919 (i) distribution to interested parties of information about the school or school district
4920 and how to apply for admission;

4921 (ii) use of standard application forms prescribed by the State Board of Education;

4922 (iii) (A) submission of applications from December 1 through the third Friday in
4923 February by those seeking admission during the early enrollment period for the following year;
4924 or

4925 (B) submission of applications from August 1 through November 1 by those seeking
4926 admission during the early enrollment period for the following year in a school district
4927 described in Subsection [~~53A-2-206.5~~] 53G-6-401(1)(b);

4928 (iv) submission of applications by those seeking admission during the late enrollment
4929 period;

4930 (v) written notification to the student's parent or legal guardian of acceptance or
4931 rejection of an application:
4932 (A) within six weeks after receipt of the application by the district or by March 31,
4933 whichever is later, for applications submitted during the early enrollment period;
4934 (B) within two weeks after receipt of the application by the district or by the Friday
4935 before the new school year begins, whichever is later, for applications submitted during the late
4936 enrollment period for admission in the next school year; and
4937 (C) within two weeks after receipt of the application by the district, for applications
4938 submitted during the late enrollment period for admission in the current year;
4939 (vi) written notification to the resident school for intradistrict transfers or the resident
4940 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and
4941 (vii) written notification to the parents or legal guardians of each student that resides
4942 within the school district and other interested parties of the revised early enrollment period
4943 described in Subsection [~~53A-2-206.5~~] 53G-6-401(1)(b) if:
4944 (A) the school district is doing a district wide grade reconfiguration of its elementary,
4945 middle, junior, and senior high schools; and
4946 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be
4947 implemented in the next school year.
4948 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting
4949 applications and notifying parents of acceptance or rejection of an application, a local school
4950 board may delay the dates if a local school board is not able to make a reasonably accurate
4951 projection of the early enrollment school capacity or late enrollment school capacity of a school
4952 due to:
4953 (A) school construction or remodeling;
4954 (B) drawing or revision of school boundaries; or
4955 (C) other circumstances beyond the control of the local school board.
4956 (ii) The delay may extend no later than four weeks beyond the date the local school
4957 board is able to make a reasonably accurate projection of the early enrollment school capacity

4958 or late enrollment school capacity of a school.
4959 (5) A school district may charge a one-time $5 processing fee, to be paid at the time of
4960 application.
4961 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
4962 subject to the same rules and standards as resident students, without renewed applications in
4963 subsequent years unless one of the following occurs:
4964 (a) the student graduates;
4965 (b) the student is no longer a Utah resident;
4966 (c) the student is suspended or expelled from school; or
4967 (d) the district determines that enrollment within the school will exceed the school's
4968 open enrollment threshold.
4969 (7) (a) Determination of which nonresident students will be excluded from continued
4970 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in
4971 the school, with those most recently enrolled being excluded first and the use of a lottery
4972 system when multiple nonresident students have the same number of school days in the school.
4973 (b) Nonresident students who will not be permitted to continue their enrollment shall
4974 be notified no later than March 15 of the current school year.
4975 (8) The parent or guardian of a student enrolled in a school that is not the student's
4976 school of residence may withdraw the student from that school for enrollment in another public
4977 school by submitting notice of intent to enroll the student in:
4978 (a) the district of residence; or
4979 (b) another nonresident district.
4980 (9) Unless provisions have previously been made for enrollment in another school, a
4981 nonresident district releasing a student from enrollment shall immediately notify the district of
4982 residence, which shall enroll the student in the resident district and take such additional steps
4983 as may be necessary to ensure compliance with laws governing school attendance.
4984 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between
4985 schools, whether effective on the first day of the school year or after the school year has begun,

4986 by exercising an open enrollment option under this section may not transfer to a different
4987 school during the same school year by exercising an open enrollment option under this section.
4988 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
4989 student transfer made for health or safety reasons.
4990 (c) A local school board may adopt a policy allowing a student to exercise an open
4991 enrollment option more than once in a school year.
4992 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school
4993 that is not the student's school of residence, because school bus service is not provided between
4994 the student's neighborhood and school of residence for safety reasons:
4995 (a) shall be allowed to continue to attend the school until the student finishes the
4996 highest grade level offered; and
4997 (b) shall be allowed to attend the middle school, junior high school, or high school into
4998 which the school's students feed until the student graduates from high school.
4999 (12) Notwithstanding any other provision of this part or Part 3, School District
5000 Residency, a student shall be allowed to enroll in any charter school or other public school in
5001 any district, including a district where the student does not reside, if the enrollment is
5002 necessary, as determined by the Division of Child and Family Services, to comply with the
5003 provisions of 42 U.S.C. Section 675.
5004 Section 148. Section **53G-6-403**, which is renumbered from Section 53A-2-208 is
5005 renumbered and amended to read:
5006 **[~~53A-2-208~~]. 53G-6-403. Rules for acceptance and rejection of**
5007 **applications.**
5008 (1) (a) A local school board shall adopt rules governing acceptance and rejection of
5009 applications required under Section [~~53A-2-207~~] 53G-6-402.
5010 (b) The rules adopted under Subsection (1)(a) shall include policies and procedures to
5011 assure that decisions regarding enrollment requests are administered fairly without prejudice to
5012 any student or class of student, except as provided in Subsection (2).
5013 (2) Standards for accepting or rejecting an application for enrollment may include:

5014 (a) for an elementary school, the capacity of the grade level;
5015 (b) maintenance of heterogeneous student populations if necessary to avoid violation of
5016 constitutional or statutory rights of students;
5017 (c) not offering, or having capacity in, an elementary or secondary special education or
5018 other special program the student requires;
5019 (d) maintenance of reduced class sizes:
5020 (i) in a Title I school that uses federal, state, and local money to reduce class sizes for
5021 the purpose of improving student achievement; or
5022 (ii) in a school that uses school trust money to reduce class size;
5023 (e) willingness of prospective students to comply with district policies; and
5024 (f) giving priority to intradistrict transfers over interdistrict transfers.
5025 (3) (a) Standards for accepting or rejecting applications for enrollment may not
5026 include:
5027 (i) previous academic achievement;
5028 (ii) athletic or other extracurricular ability;
5029 (iii) the fact that the student requires special education services for which space is
5030 available;
5031 (iv) proficiency in the English language; or
5032 (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).
5033 (b) A board may provide for the denial of applications from students who:
5034 (i) have committed serious infractions of the law or school rules, including rules of the
5035 district in which enrollment is sought; or
5036 (ii) have been guilty of chronic misbehavior which would, if it were to continue after
5037 the student was admitted:
5038 (A) endanger persons or property;
5039 (B) cause serious disruptions in the school; or
5040 (C) place unreasonable burdens on school staff.
5041 (c) A board may also provide for provisional enrollment of students with prior

5042 behavior problems, establishing conditions under which enrollment of a nonresident student
5043 would be permitted or continued.
5044 (4) (a) The State Board of Education, in consultation with the Utah High School
5045 Activities Association, shall establish policies regarding nonresident student participation in
5046 interscholastic competition.
5047 (b) Nonresident students shall be eligible for extracurricular activities at a public
5048 school consistent with eligibility standards as applied to students that reside within the school
5049 attendance area, except as provided by policies established under Subsection (4)(a).
5050 (5) For each school in the district, the local school board shall post on the school
5051 district's website:
5052 (a) the school's maximum capacity;
5053 (b) the school's adjusted capacity;
5054 (c) the school's projected enrollment used in the calculation of the open enrollment
5055 threshold;
5056 (d) actual enrollment on October 1, January 2, and April 1;
5057 (e) the number of nonresident student enrollment requests;
5058 (f) the number of nonresident student enrollment requests accepted; and
5059 (g) the number of resident students transferring to another school.
5060 Section 149. Section **53G-6-404**, which is renumbered from Section 53A-2-209 is
5061 renumbered and amended to read:
5062 **[~~53A-2-209~~]. 53G-6-404. Denial of enrollment -- Appeal.**
5063 (1) Denial of initial or continuing enrollment in a nonresident school may be appealed
5064 to the board of education of the nonresident district.
5065 (2) The decision of the board shall be upheld in any subsequent proceedings unless the
5066 board's decision is found, by clear and convincing evidence, to be in violation of applicable law
5067 or regulation, or to be arbitrary and capricious.
5068 Section 150. Section **53G-6-405**, which is renumbered from Section 53A-2-210 is
5069 renumbered and amended to read:

5070 **[~~53A-2-210~~]. 53G-6-405. Funding.**
5071 (1) A student who enrolls in a nonresident district is considered a resident of that
5072 district for purposes of state funding.
5073 (2) The State Board of Education shall adopt rules providing that:
5074 (a) the resident district pay the nonresident district, for each of the resident district's
5075 students who enroll in the nonresident district, 1/2 of the amount by which the resident
5076 district's per student expenditure exceeds the value of the state's contribution; and
5077 (b) if a student is enrolled in a nonresident district for less than a full year, the resident
5078 district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage
5079 of school days the student is enrolled in the nonresident district.
5080 (3) (a) Except as provided in this Subsection (3), the parent or guardian of a
5081 nonresident student shall arrange for the student's own transportation to and from school.
5082 (b) The State Board of Education may adopt rules under which nonresident students
5083 may be transported to their schools of attendance if:
5084 (i) the transportation of students to schools in other districts would relieve
5085 overcrowding or other serious problems in the district of residence and the costs of
5086 transportation are not excessive; or
5087 (ii) the Legislature has granted an adequate specific appropriation for that purpose.
5088 (c) A receiving district shall provide transportation for a nonresident student on the
5089 basis of available space on an approved route within the district to the school of attendance if
5090 district students would be eligible for transportation to the same school from that point on the
5091 bus route and the student's presence does not increase the cost of the bus route.
5092 (d) Nothing in this section shall be construed as prohibiting the resident district or the
5093 receiving district from providing bus transportation on any approved route.
5094 (e) Except as provided in Subsection (3)(b), the district of residence may not claim any
5095 state transportation costs for students enrolled in other school districts.
5096 Section 151. Section **53G-6-406**, which is renumbered from Section 53A-2-211 is
5097 renumbered and amended to read:

5098 **[~~53A-2-211~~]. 53G-6-406. Graduation credits.**
5099 (1) A nonresident district shall accept credits toward graduation that were awarded by a
5100 school accredited or approved by the State Board of Education or a regional accrediting body
5101 recognized by the U.S. Department of Education.
5102 (2) A nonresident district shall award a diploma to a nonresident student attending
5103 school within the district during the semester immediately preceding graduation if the student
5104 meets graduation requirements generally applicable to students in the school.
5105 (3) A district may not require that a student attend school within the district for more
5106 than one semester prior to graduation in order to receive a diploma.
5107 Section 152. Section **53G-6-407**, which is renumbered from Section 53A-2-213 is
5108 renumbered and amended to read:
5109 **[~~53A-2-213~~]. 53G-6-407. Intradistrict transfers for students impacted by**
5110 **boundary changes -- Transportation of students who transfer within a district.**
5111 (1) (a) In adjusting school boundaries, a local school board shall strive to avoid
5112 requiring current students to change schools and shall, to the extent reasonably feasible,
5113 accommodate parents who wish to avoid having their children attend different schools of the
5114 same level because of boundary changes which occur after one or more children in the family
5115 begin attending one of the affected schools.
5116 (b) In granting interdistrict and intradistrict transfers to a particular school, the local
5117 school board shall take into consideration the fact that an applicant's brother or sister is
5118 attending the school or another school within the district.
5119 (2) (a) A district shall receive transportation money under Sections [~~53A-17a-126~~]
5120 53F-2-402 and [~~53A-17a-127~~] 53F-2-403 for resident students who enroll in schools other than
5121 the regularly assigned school on the basis of the distance from the student's residence to the
5122 school the student would have attended had the intradistrict attendance option not been used.
5123 (b) The parent or guardian of the student shall arrange for the student's transportation to
5124 and from school, except that the district shall provide transportation on the basis of available
5125 space on an approved route within the district to the school of the student's attendance if the

5126 student would be otherwise eligible for transportation to the same school from that point on the
5127 bus route and the student's presence does not increase the cost of the bus route.
5128 Section 153. Section **53G-6-501** is enacted to read:
5129 **Part 5. Charter School Enrollment**
5130 **53G-6-501. Definitions.**
5131 As used in this part:
5132 (1) "Asset" means the same as that term is defined in Section 53G-5-102.
5133 (2) "Board of trustees of a higher education institution" or "board of trustees" means
5134 the same as that term is defined in Section 53G-5-102.
5135 (3) "Charter agreement" or "charter" means the same as that term is defined in Section
5136 53G-5-102.
5137 (4) "Charter school authorizer" or "authorizer" means the same as that term is defined
5138 in Section 53G-5-102.
5139 (5) "Governing board" means the same as that term is defined in Section 53G-5-102.
5140 Section 154. Section **53G-6-502**, which is renumbered from Section 53A-1a-506 is
5141 renumbered and amended to read:
5142 **[~~53A-1a-506~~]. 53G-6-502. Eligible students.**
5143 (1) As used in this section:
5144 (a) "At capacity" means operating above the school's open enrollment threshold.
5145 (b) "District school" means a public school under the control of a local school board
5146 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
5147 Boards.
5148 (c) "Open enrollment threshold" means the same as that term is defined in Section
5149 [~~53A-2-206.5~~] 53G-6-401.
5150 (d) "Refugee" means a person who is eligible to receive benefits and services from the
5151 federal Office of Refugee Resettlement.
5152 (e) "School of residence" means the same as that term is defined in Section
5153 [~~53A-2-206.5~~] 53G-6-401.

5154 (2) All resident students of the state qualify for admission to a charter school, subject
5155 to the limitations set forth in this section and Section [~~53A-1a-506.5~~] 53G-6-503.
5156 (3) (a) A charter school shall enroll an eligible student who submits a timely
5157 application, unless the number of applications exceeds the capacity of a program, class, grade
5158 level, or the charter school.
5159 (b) If the number of applications exceeds the capacity of a program, class, grade level,
5160 or the charter school, the charter school shall select students on a random basis, except as
5161 provided in Subsections (4) through (8).
5162 (4) A charter school may give an enrollment preference to:
5163 (a) a child or grandchild of an individual who has actively participated in the
5164 development of the charter school;
5165 (b) a child or grandchild of a member of the charter school governing board;
5166 (c) a sibling of an individual who was previously or is presently enrolled in the charter
5167 school;
5168 (d) a child of an employee of the charter school;
5169 (e) a student articulating between charter schools offering similar programs that are
5170 governed by the same charter school governing board;
5171 (f) a student articulating from one charter school to another pursuant to an articulation
5172 agreement between the charter schools that is approved by the State Charter School Board; or
5173 (g) a student who resides within a two-mile radius of the charter school and whose
5174 school of residence is at capacity.
5175 (5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g),
5176 a charter school that is approved by the State Board of Education after May 13, 2014, and is
5177 located in a high growth area as defined in Section [~~53A-1a-502.5~~] 53G-6-504 shall give an
5178 enrollment preference to a student who resides within a two-mile radius of the charter school.
5179 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
5180 apply to a charter school that was approved without a high priority status pursuant to
5181 Subsection [~~53A-1a-502.5~~] 53G-6-504(7)(b).

5182 (6) If a district school converts to charter status, the charter school shall give an
5183 enrollment preference to students who would have otherwise attended it as a district school.
5184 (7) (a) A charter school whose mission is to enhance learning opportunities for
5185 refugees or children of refugee families may give an enrollment preference to refugees or
5186 children of refugee families.
5187 (b) A charter school whose mission is to enhance learning opportunities for English
5188 language learners may give an enrollment preference to English language learners.
5189 (8) A charter school may weight the charter school's lottery to give a slightly better
5190 chance of admission to educationally disadvantaged students, including:
5191 (a) low-income students;
5192 (b) students with disabilities;
5193 (c) English language learners;
5194 (d) migrant students;
5195 (e) neglected or delinquent students; and
5196 (f) homeless students.
5197 (9) A charter school may not discriminate in the charter school's admission policies or
5198 practices on the same basis as other public schools may not discriminate in admission policies
5199 and practices.
5200 Section 155. Section **53G-6-503**, which is renumbered from Section 53A-1a-506.5 is
5201 renumbered and amended to read:
5202 **[~~53A-1a-506.5~~]. 53G-6-503. Charter school students -- Admissions**
5203 **procedures -- Transfers.**
5204 (1) As used in this section:
5205 (a) "District school" means a public school under the control of a local school board
5206 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
5207 Boards.
5208 (b) "Nonresident school district" means a school district other than a student's school
5209 district of residence.

5210 (c) "School district of residence" means a student's school district of residence as
5211 determined under Section [~~53A-2-201~~] 53G-6-302.
5212 (d) "School of residence" means the school to which a student is assigned to attend
5213 based on the student's place of residence.
5214 (2) (a) The State School Board, in consultation with the State Charter School Board,
5215 shall make rules describing procedures for students to follow in applying for entry into, or
5216 exiting, a charter school.
5217 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:
5218 (i) posting on a charter school's Internet website, beginning no later than 60 days before
5219 the school's initial period of applications:
5220 (A) procedures for applying for admission to the charter school;
5221 (B) the school's opening date, if the school has not yet opened, or the school calendar;
5222 and
5223 (C) information on how a student may transfer from a charter school to another charter
5224 school or a district school;
5225 (ii) written notification to a student's parent or legal guardian of an offer of admission;
5226 (iii) written acceptance of an offer of admission by a student's parent or legal guardian;
5227 (iv) written notification to a student's current charter school or school district of
5228 residence upon acceptance of the student for enrollment in a charter school; and
5229 (v) the admission of students at:
5230 (A) any time to protect the health or safety of a student; or
5231 (B) times other than those permitted under standard policies if there are other
5232 conditions of special need that warrant consideration.
5233 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is
5234 enrolled in a charter school or who has accepted an offer of admission to a charter school from
5235 duplicating enrollment for the student in another charter school or a school district without
5236 following the withdrawal procedures described in Subsection (3).
5237 (3) The parent of a student enrolled in a charter school may withdraw the student from

5238 the charter school for enrollment in another charter school or a school district by submitting to
5239 the charter school:
5240 (a) on or before June 30, a notice of intent to enroll the student in the student's school
5241 of residence for the following school year;
5242 (b) after June 30, a letter of acceptance for enrollment in the student's school district of
5243 residence for the following year;
5244 (c) a letter of acceptance for enrollment in the student's school district of residence in
5245 the current school year;
5246 (d) a letter of acceptance for enrollment in a nonresident school district; or
5247 (e) a letter of acceptance for enrollment in a charter school.
5248 (4) (a) A charter school shall report to a school district, by the last business day of each
5249 month the aggregate number of new students, sorted by their school of residence and grade
5250 level, who have accepted enrollment in the charter school for the following school year.
5251 (b) A school district shall report to a charter school, by the last business day of each
5252 month, the aggregate number of students enrolled in the charter school who have accepted
5253 enrollment in the school district in the following school year, sorted by grade level.
5254 (5) When a vacancy occurs because a student has withdrawn from a charter school, the
5255 charter school may immediately enroll a new student from its list of applicants.
5256 (6) Unless provisions have previously been made for enrollment in another school, a
5257 charter school releasing a student from enrollment during a school year shall immediately
5258 notify the school district of residence, which shall enroll the student in the school district of
5259 residence and take additional steps as may be necessary to ensure compliance with laws
5260 governing school attendance.
5261 (7) (a) The parent of a student enrolled in a charter school may withdraw the student
5262 from the charter school for enrollment in the student's school of residence in the following
5263 school year if an application of admission is submitted to the school district of residence by
5264 June 30.
5265 (b) If the parent of a student enrolled in a charter school submits an application of

5266 admission to the student's school district of residence after June 30 for the student's enrollment
5267 in the school district of residence in the following school year, or an application of admission is
5268 submitted for enrollment during the current school year, the student may enroll in a school of
5269 the school district of residence that has adequate capacity in:
5270 (i) the student's grade level, if the student is an elementary school student; or
5271 (ii) the core classes that the student needs to take, if the student is a secondary school
5272 student.
5273 (c) State Board of Education rules made under Subsection (2)(a) shall specify how
5274 adequate capacity in a grade level or core classes is determined for the purposes of Subsection
5275 (7)(b).
5276 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time
5277 to protect the health and safety of the student.
5278 (9) A school district or charter school may charge secondary students a one-time $5
5279 processing fee, to be paid at the time of application.
5280 Section 156. Section **53G-6-504**, which is renumbered from Section 53A-1a-502.5 is
5281 renumbered and amended to read:
5282 **[~~53A-1a-502.5~~]. 53G-6-504. Approval of increase in charter school**
5283 **enrollment capacity -- Expansion.**
5284 (1) For the purposes of this section:
5285 (a) "High growth area" means an area of the state where school enrollment is
5286 significantly increasing or projected to significantly increase.
5287 (b) "Next school year" means the school year that begins on or after the July 1
5288 immediately following the end of a general session of the Legislature.
5289 (2) The State Board of Education may approve an increase in charter school enrollment
5290 capacity subject to the Legislature:
5291 (a) appropriating funds for an increase in charter school enrollment capacity in the next
5292 school year; or
5293 (b) authorizing an increase in charter school enrollment capacity in the school year

5294 immediately following the next school year.
5295 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment
5296 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment
5297 capacity for a charter school proposed and approved in response to a request for applications
5298 issued under Section [~~53A-1a-501.9~~] 53G-5-301.
5299 (4) (a) A charter school may annually submit a request to the State Board of Education
5300 for an increase in enrollment capacity in the amount of .25 times the number of students in
5301 grades 9 through 12 enrolled in an online course in the previous school year through the
5302 Statewide Online Education Program.
5303 (b) A charter school shall submit a request for an increase in enrollment capacity
5304 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase
5305 in enrollment capacity is requested.
5306 (c) The State Board of Education shall approve a request for an increase in enrollment
5307 capacity made under Subsection (4)(a) subject to the availability of sufficient funds
5308 appropriated under [~~Section 53A-1a-513~~] Title 53F, Chapter 2, Part 7, Charter School Funding,
5309 to provide the full amount of the per student allocation for each charter school student in the
5310 state to supplement school district property tax revenues.
5311 (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a
5312 permanent increase in the charter school's enrollment capacity.
5313 (5) (a) On or before January 1, 2017, in accordance with Title 63G, Chapter 3, Utah
5314 Administrative Rulemaking Act, the State Board of Education shall, after considering
5315 suggestions from charter school authorizers, make rules establishing requirements, procedures,
5316 and deadlines for an expansion of a charter school.
5317 (b) The rules described in Subsection (5)(a) shall include rules related to:
5318 (i) an expansion of a charter school when another charter school issues a notice of
5319 closure; and
5320 (ii) the establishment of a satellite campus.
5321 (6) (a) If the Legislature does not appropriate funds for an increase in charter school

5322 enrollment capacity that is tentatively approved by the State Board of Education, the State
5323 Board of Education shall prioritize the tentatively approved schools and expansions based on
5324 approved funds.
5325 (b) A charter school or expansion that is tentatively approved, but not funded, shall be
5326 considered to be tentatively approved for the next application year and receive priority status
5327 for available funding.
5328 (7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in
5329 charter school enrollment capacity for new charter schools and expanding charter schools, the
5330 State Board of Education shall give:
5331 (i) high priority to approving a new charter school or a charter school expansion in a
5332 high growth area; and
5333 (ii) low priority to approving a new charter school or a charter school expansion in an
5334 area where student enrollment is stable or declining.
5335 (b) An applicant seeking to establish a charter school in a high growth area may elect
5336 to not receive high priority status as provided in Subsection (7)(a)(i).
5337 Section 157. Section **53G-6-601**, which is renumbered from Section 53A-11-501 is
5338 renumbered and amended to read:
5339 **Part 6. Preventing Enrollment or Transfer of Missing Children**
5340 **[~~53A-11-501~~]. 53G-6-601. Definitions.**
5341 As used in this [~~chapter~~] part:
5342 (1) "Division" means the Criminal Investigations and Technical Services Division of
5343 the Department of Public Safety, established in Section 53-10-103.
5344 (2) "Missing child" has the same meaning as provided in Section 26-2-27.
5345 (3) "State registrar" means the State Registrar of Vital Statistics within the Department
5346 of Health.
5347 Section 158. Section **53G-6-602**, which is renumbered from Section 53A-11-502 is
5348 renumbered and amended to read:
5349 **[~~53A-11-502~~]. 53G-6-602. Identifying records -- Reporting requirements.**

5350 (1) Upon notification by the division of a missing child in accordance with Section
5351 53-10-203, a school in which that child is currently or was previously enrolled shall flag the
5352 record of that child in a manner that whenever a copy of or information regarding the record is
5353 requested, the school is alerted to the fact that the record is that of a missing child.
5354 (2) The school shall immediately report any request concerning flagged records or
5355 knowledge as to the whereabouts of any missing child to the division.
5356 (3) Upon notification by the division that a missing child has been recovered, the
5357 school shall remove the flag from that child's record.
5358 Section 159. Section **53G-6-603**, which is renumbered from Section 53A-11-503 is
5359 renumbered and amended to read:
5360 **[~~53A-11-503~~]. 53G-6-603. Requirement of birth certificate for enrollment**
5361 **of students -- Procedures.**
5362 (1) Upon enrollment of a student for the first time in a particular school, that school
5363 shall notify in writing the person enrolling the student that within 30 days he must provide
5364 either a certified copy of the student's birth certificate, or other reliable proof of the student's
5365 identity and age, together with an affidavit explaining the inability to produce a copy of the
5366 birth certificate.
5367 (2) (a) Upon the failure of a person enrolling a student to comply with Subsection (1),
5368 the school shall notify that person in writing that unless he complies within 10 days the case
5369 shall be referred to the local law enforcement authority for investigation.
5370 (b) If compliance is not obtained within that 10 day period, the school shall refer the
5371 case to the division.
5372 (3) The school shall immediately report to the division any affidavit received pursuant
5373 to this subsection which appears inaccurate or suspicious.
5374 Section 160. Section **53G-6-604**, which is renumbered from Section 53A-11-504 is
5375 renumbered and amended to read:
5376 **[~~53A-11-504~~]. 53G-6-604. Requirement of school record for transfer of**
5377 **student -- Procedures.**

5378 (1) Except as provided in Section [~~53A-1-1004~~] 53E-3-905, a school shall request a
5379 certified copy of a transfer student's record, directly from the transfer student's previous school,
5380 within 14 days after enrolling the transfer student.
5381 (2) (a) Except as provided in Subsection (2)(b) and Section [~~53A-1-1004~~] 53E-3-905, a
5382 school requested to forward a certified copy of a transferring student's record to the new school
5383 shall comply within 30 school days of the request.
5384 (b) If the record has been flagged pursuant to Section [~~53A-11-502~~] 53G-6-602, a
5385 school may not forward the record to the new school and the requested school shall notify the
5386 division of the request.
5387 Section 161. Section **53G-6-701** is enacted to read:
5388 **Part 7. Other Public School Participation**
5389 **53G-6-701. Definitions.**
5390 Reserved
5391 Section 162. Section **53G-6-702**, which is renumbered from Section 53A-11-102.5 is
5392 renumbered and amended to read:
5393 **[~~53A-11-102.5~~]. 53G-6-702. Dual enrollment.**
5394 (1) (a) "District school" means a public school under the control of a local school board
5395 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School
5396 Boards.
5397 (b) "Minor" means the same as that term is defined in Section 53G-6-201.
5398 (2) A person having control of a minor who is enrolled in a regularly established
5399 private school or a home school may also enroll the minor in a public school for dual
5400 enrollment purposes.
5401 (3) The minor may participate in any academic activity in the public school available to
5402 students in the minor's grade or age group, subject to compliance with the same rules and
5403 requirements that apply to a full-time student's participation in the activity.
5404 (4) (a) A student enrolled in a dual enrollment program in a district school is
5405 considered a student of the district in which the district school of attendance is located for

5406 purposes of state funding to the extent of the student's participation in the district school
5407 programs.
5408 (b) A student enrolled in a dual enrollment program in a charter school is considered a
5409 student of the charter school for purposes of state funding to the extent of the student's
5410 participation in the charter school programs.
5411 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5412 State Board of Education shall make rules for purposes of dual enrollment to govern and
5413 regulate the transferability of credits toward graduation that are earned in a private or home
5414 school.
5415 Section 163. Section **53G-6-703**, which is renumbered from Section 53A-11-102.6 is
5416 renumbered and amended to read:
5417 **[~~53A-11-102.6~~]. 53G-6-703. Private school and home school students'**
5418 **participation in extracurricular activities in a public school.**
5419 (1) As used in this section:
5420 (a) "Academic eligibility requirements" means the academic eligibility requirements
5421 that a home school student is required to meet to participate in an extracurricular activity in a
5422 public school.
5423 (b) "Minor" means the same as that term is defined in Section 53G-6-201.
5424 (c) "Parent" means the same as that term is defined in Section 53G-6-201.
5425 [~~(b)~~] (d) "Principal" means the principal of the school in which a home school student
5426 participates or intends to participate in an extracurricular activity.
5427 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to
5428 participate in an extracurricular activity at a public school as provided in this section.
5429 (b) A private school student may only participate in an extracurricular activity at a
5430 public school that is not offered by the student's private school.
5431 (c) Except as provided in Subsection (2)(d), a private school student or a home school
5432 student may only participate in an extracurricular activity at:
5433 (i) the school within whose attendance boundaries the student's custodial parent or

5434 legal guardian resides; or
5435 (ii) the school from which the student withdrew for the purpose of attending a private
5436 or home school.
5437 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a
5438 private school student or a home school student to participate in an extracurricular activity
5439 other than:
5440 (i) an interscholastic competition of athletic teams sponsored and supported by a public
5441 school; or
5442 (ii) an interscholastic contest or competition for music, drama, or forensic groups or
5443 teams sponsored and supported by a public school.
5444 (3) (a) Except as provided in Subsections (4) through (13), a private school or home
5445 school student shall be eligible to participate in an extracurricular activity at a public school
5446 consistent with eligibility standards:
5447 (i) applied to a fully enrolled public school student;
5448 (ii) of the public school where the private school or home school student participates in
5449 an extracurricular activity; and
5450 (iii) for the extracurricular activity in which the private school or home school student
5451 participates.
5452 (b) A school district or public school may not impose additional requirements on a
5453 private school or home school student to participate in an extracurricular activity that are not
5454 imposed on a fully enrolled public school student.
5455 (c) (i) A private school or home school student who participates in an extracurricular
5456 activity at a public school shall pay the same fees as required of a fully enrolled public school
5457 student to participate in an extracurricular activity.
5458 (ii) If a local school board or charter school governing board imposes a mandatory
5459 student activity fee for a student enrolled in a public school, the fee may be imposed on a
5460 private school or home school student who participates in an extracurricular activity at the
5461 public school if the same benefits of paying the mandatory student activity fee that are

5462 available to a fully enrolled public school student are available to a private school or home
5463 school student who participates in an extracurricular activity at the public school.
5464 (4) Eligibility requirements based on school attendance are not applicable to a home
5465 school student.
5466 (5) A home school student meets academic eligibility requirements to participate in an
5467 extracurricular activity if:
5468 (a) the student is mastering the material in each course or subject being taught; and
5469 (b) the student is maintaining satisfactory progress towards achievement or promotion.
5470 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or
5471 organization providing instruction to the student shall submit an affidavit to the principal
5472 indicating the student meets academic eligibility requirements.
5473 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school
5474 student shall:
5475 (i) be considered to meet academic eligibility requirements; and
5476 (ii) retain academic eligibility for all extracurricular activities during the activity season
5477 for which the affidavit is submitted, until:
5478 (A) a panel established under Subsection (10) determines the home school student does
5479 not meet academic eligibility requirements; or
5480 (B) the person who submitted the affidavit under Subsection (6)(a) provides written
5481 notice to the school principal that the student no longer meets academic eligibility
5482 requirements.
5483 (7) (a) A home school student who loses academic eligibility pursuant to Subsection
5484 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted
5485 the affidavit under Subsection (6)(a) provides written notice to the school principal that the
5486 home school student has reestablished academic eligibility.
5487 (b) If a home school student reestablishes academic eligibility pursuant to Subsection
5488 (7)(a), the home school student may participate in extracurricular activities for the remainder of
5489 the activity season for which an affidavit was submitted under Subsection (6)(a).

5490 (8) A person who has probable cause to believe a home school student does not meet
5491 academic eligibility requirements may submit an affidavit to the principal:
5492 (a) asserting the home school student does not meet academic eligibility requirements;
5493 and
5494 (b) providing information indicating that the home school student does not meet the
5495 academic eligibility requirements.
5496 (9) A principal shall review the affidavit submitted under Subsection (8), and if the
5497 principal determines it contains information which constitutes probable cause to believe a
5498 home school student may not meet academic eligibility requirements, the principal shall
5499 request a panel established pursuant to Subsection (10) to verify the student's compliance with
5500 academic eligibility requirements.
5501 (10) (a) A school district superintendent shall:
5502 (i) appoint a panel of three individuals to verify a home school student's compliance
5503 with academic eligibility requirements when requested by a principal pursuant to Subsection
5504 (9); and
5505 (ii) select the panel members from nominees submitted by national, state, or regional
5506 organizations whose members are home school students and parents.
5507 (b) Of the members appointed to a panel under Subsection (10)(a):
5508 (i) one member shall have experience teaching in a public school as a licensed teacher
5509 and in home schooling high school-age students;
5510 (ii) one member shall have experience teaching in a higher education institution and in
5511 home schooling; and
5512 (iii) one member shall have experience in home schooling high school-age students.
5513 (11) A panel appointed under Subsection (10):
5514 (a) shall review the affidavit submitted under Subsection (8);
5515 (b) may confer with the person who submitted the affidavit under Subsection (8);
5516 (c) shall request the home school student to submit test scores or a portfolio of work
5517 documenting the student's academic achievement to the panel;

5518 (d) shall review the test scores or portfolio of work; and
5519 (e) shall determine whether the home school student meets academic eligibility
5520 requirements.
5521 (12) A home school student who meets academic eligibility requirements pursuant to
5522 Subsection (11), retains academic eligibility for all extracurricular activities during the activity
5523 season for which an affidavit is submitted pursuant to Subsection (6).
5524 (13) (a) A panel's determination that a home school student does not comply with
5525 academic eligibility requirements is effective for an activity season and all extracurricular
5526 activities that have academic eligibility requirements.
5527 (b) A home school student who is not in compliance with academic eligibility
5528 requirements as determined by a panel appointed under Subsection (11) may seek to establish
5529 academic eligibility under this section for the next activity season.
5530 (14) (a) A public school student who has been declared to be academically ineligible to
5531 participate in an extracurricular activity and who subsequently enrolls in a home school shall
5532 lose eligibility for participation in the extracurricular activity until the student:
5533 (i) demonstrates academic eligibility by providing test results or a portfolio of the
5534 student's work to the school principal, provided that a student may not reestablish academic
5535 eligibility under this Subsection (14)(a) during the same activity season in which the student
5536 was declared to be academically ineligible;
5537 (ii) returns to public school and reestablishes academic eligibility; or
5538 (iii) enrolls in a private school and establishes academic eligibility.
5539 (b) A public school student who has been declared to be behaviorally ineligible to
5540 participate in an extracurricular activity and who subsequently enrolls in a home school shall
5541 lose eligibility for participation in the extracurricular activity until the student meets eligibility
5542 standards as provided in Subsection (3).
5543 (15) When selection to participate in an extracurricular activity at a public school is
5544 made on a competitive basis, a private school student and a home school student shall be
5545 eligible to try out for and participate in the activity as provided in this section.

5546 (16) (a) If a student exits a public school to enroll in a private or home school
5547 mid-semester or during an activity season, and the student desires to participate in an
5548 extracurricular activity at the public school, the public school shall issue an interim academic
5549 assessment based on the student's work in each class.
5550 (b) A student's academic eligibility to participate in an extracurricular activity under
5551 the circumstances described in Subsection (16)(a) shall be based on the student meeting public
5552 school academic eligibility standards at the time of exiting public school.
5553 (c) A student may appeal an academic eligibility determination made under Subsection
5554 (16)(b) in accordance with procedures for appealing a public school student's academic
5555 eligibility.
5556 Section 164. Section **53G-6-704**, which is renumbered from Section 53A-1a-519 is
5557 renumbered and amended to read:
5558 **[~~53A-1a-519~~]. 53G-6-704. Charter school students' participation in**
5559 **extracurricular activities at other public schools.**
5560 (1) A charter school student is eligible to participate in an extracurricular activity not
5561 offered by the student's charter school at:
5562 (a) the school within whose attendance boundaries the student's custodial parent or
5563 legal guardian resides;
5564 (b) the public school from which the student withdrew for the purpose of attending a
5565 charter school; or
5566 (c) a public school that is not a charter school if the student's charter school is located
5567 on the campus of the public school or has local school board approval to locate on the campus
5568 of the public school.
5569 (2) In addition to the public schools listed in Subsection (1), the State Board of
5570 Education may establish rules to allow a charter school student to participate in an
5571 extracurricular activity at a public school other than a public school listed in Subsection (1).
5572 (3) A school other than a school described in Subsection (1)(a), (b), or (c) may allow a
5573 charter school student to participate in extracurricular activities other than:

5574 (a) interschool competitions of athletic teams sponsored and supported by a public
5575 school; or
5576 (b) interschool contests or competitions for music, drama, or forensic groups or teams
5577 sponsored and supported by a public school.
5578 (4) A charter school student is eligible for extracurricular activities at a public school
5579 consistent with eligibility standards as applied to full-time students of the public school.
5580 (5) A school district or public school may not impose additional requirements on a
5581 charter school student to participate in extracurricular activities that are not imposed on
5582 full-time students of the public school.
5583 (6) (a) The State Board of Education shall make rules establishing fees for charter
5584 school students' participation in extracurricular activities at school district schools.
5585 (b) The rules shall provide that:
5586 (i) charter school students pay the same fees as other students to participate in
5587 extracurricular activities;
5588 (ii) charter school students are eligible for fee waivers pursuant to Section
5589 [~~53A-12-103~~] 53G-7-504;
5590 (iii) for each charter school student who participates in an extracurricular activity at a
5591 school district school, the charter school shall pay a share of the school district's costs for the
5592 extracurricular activity; and
5593 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state
5594 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
5595 activity in a school district or school divided by total student enrollment of the school district
5596 or school.
5597 (c) In determining a charter school's share of the costs of an extracurricular activity
5598 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees
5599 statewide based on average costs statewide or average costs within a sample of school districts.
5600 (7) When selection to participate in an extracurricular activity at a public school is
5601 made on a competitive basis, a charter school student is eligible to try out for and participate in

5602 the activity as provided in this section.
5603 Section 165. Section **53G-6-705**, which is renumbered from Section 53A-2-214 is
5604 renumbered and amended to read:
5605 **[~~53A-2-214~~]. 53G-6-705. Online students' participation in extracurricular**
5606 **activities.**
5607 (1) As used in this section:
5608 (a) "Online education" means the use of information and communication technologies
5609 to deliver educational opportunities to a student in a location other than a school.
5610 (b) "Online student" means a student who:
5611 (i) participates in an online education program sponsored or supported by the State
5612 Board of Education, a school district, or charter school; and
5613 (ii) generates funding for the school district or school pursuant to Subsection
5614 [~~53A-17a-103~~] 53F-2-102(7) and rules of the State Board of Education.
5615 (2) An online student is eligible to participate in extracurricular activities at:
5616 (a) the school within whose attendance boundaries the student's custodial parent or
5617 legal guardian resides; or
5618 (b) the public school from which the student withdrew for the purpose of participating
5619 in an online education program.
5620 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an
5621 online student to participate in extracurricular activities other than:
5622 (a) interschool competitions of athletic teams sponsored and supported by a public
5623 school; or
5624 (b) interschool contests or competitions for music, drama, or forensic groups or teams
5625 sponsored and supported by a public school.
5626 (4) An online student is eligible for extracurricular activities at a public school
5627 consistent with eligibility standards as applied to full-time students of the public school.
5628 (5) A school district or public school may not impose additional requirements on an
5629 online school student to participate in extracurricular activities that are not imposed on

5630 full-time students of the public school.
5631 (6) (a) The State Board of Education shall make rules establishing fees for an online
5632 school student's participation in extracurricular activities at school district schools.
5633 (b) The rules shall provide that:
5634 (i) online school students pay the same fees as other students to participate in
5635 extracurricular activities;
5636 (ii) online school students are eligible for fee waivers pursuant to Section
5637 [~~53A-12-103~~] 53G-7-504;
5638 (iii) for each online school student who participates in an extracurricular activity at a
5639 school district school, the online school shall pay a share of the school district's costs for the
5640 extracurricular activity; and
5641 (iv) an online school's share of the costs of an extracurricular activity shall reflect state
5642 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
5643 activity in a school district or school divided by total student enrollment of the school district
5644 or school.
5645 (c) In determining an online school's share of the costs of an extracurricular activity
5646 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees
5647 statewide based on average costs statewide or average costs within a sample of school districts.
5648 (7) When selection to participate in an extracurricular activity at a public school is
5649 made on a competitive basis, an online student is eligible to try out for and participate in the
5650 activity as provided in this section.
5651 Section 166. Section **53G-6-706**, which is renumbered from Section 53A-11-102.7 is
5652 renumbered and amended to read:
5653 **[~~53A-11-102.7~~]. 53G-6-706. Placement of a home school student who**
5654 **transfers to a public school.**
5655 (1) For the purposes of this section[~~, "home~~]:
5656 (a) "Home school student" means a student who attends a home school pursuant to
5657 Section [~~53A-11-102~~] 53G-6-204.

5658 (b) "Parent" means the same as that term is defined in Section 53G-6-201.
5659 (2) When a home school student transfers from a home school to a public school, the
5660 public school shall place the student in the grade levels, classes, or courses that the student's
5661 parent or guardian and in consultation with the school administrator determine are appropriate
5662 based on the parent's or guardian's assessment of the student's academic performance.
5663 (3) (a) Within 30 days of a home school student's placement in a public school grade
5664 level, class, or course, either the student's teacher or the student's parent or guardian may
5665 request a conference to consider changing the student's placement.
5666 (b) If the student's teacher and the student's parent or guardian agree on a placement
5667 change, the public school shall place the student in the agreed upon grade level, class, or
5668 course.
5669 (c) If the student's teacher and the student's parent or guardian do not agree on a
5670 placement change, the public school shall evaluate the student's subject matter mastery in
5671 accordance with Subsection (3)(d).
5672 (d) The student's parent or guardian has the option of:
5673 (i) allowing the public school to administer, to the student, assessments that are:
5674 (A) regularly administered to public school students; and
5675 (B) used to measure public school students' subject matter mastery and determine
5676 placement; or
5677 (ii) having a private entity or individual administer assessments of subject matter
5678 mastery to the student at the parent's or guardian's expense.
5679 (e) After an evaluation of a student's subject matter mastery, a public school may
5680 change a student's placement in a grade level, class, or course.
5681 (4) This section does not apply to a student who is dual enrolled in a public school and
5682 a home school pursuant to Section [~~53A-11-102.5~~] 53G-6-702.
5683 Section 167. Section **53G-6-707**, which is renumbered from Section 53A-2-206 is
5684 renumbered and amended to read:
5685 **[~~53A-2-206~~]. 53G-6-707. Interstate compact students -- Inclusion in**

5686 **attendance count -- Foreign exchange students -- Annual report -- Requirements for**
5687 **exchange student agencies.**
5688 (1) A school district or charter school may include the following students in the
5689 district's or school's membership and attendance count for the purpose of apportionment of
5690 state money:
5691 (a) a student enrolled under an interstate compact, established between the State Board
5692 of Education and the state education authority of another state, under which a student from one
5693 compact state would be permitted to enroll in a public school in the other compact state on the
5694 same basis as a resident student of the receiving state; or
5695 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact
5696 on Placement of Children.
5697 [~~(2) (a) A school district or charter school may include foreign exchange students in the~~
5698 ~~district's or school's membership and attendance count for the purpose of apportionment of~~
5699 ~~state money, except as provided in Subsections (2)(b) through (d).~~]
5700 [~~(b) (i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be~~
5701 ~~included in average daily membership for the purpose of determining the number of weighted~~
5702 ~~pupil units in the grades 1-12 basic program.~~]
5703 [~~(ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units~~
5704 ~~in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the~~
5705 ~~number of foreign exchange students who were:~~]
5706 [~~(A) enrolled in a school district or charter school on October 1 of the previous fiscal~~
5707 ~~year; and~~]
5708 [~~(B) sponsored by an agency approved by the district's local school board or charter~~
5709 ~~school's governing board.~~]
5710 [~~(c) (i) The total number of foreign exchange students in the state that may be counted~~
5711 ~~for the purpose of apportioning state money under Subsection (2)(b) shall be the lesser of:~~]
5712 [~~(A) the number of foreign exchange students enrolled in public schools in the state on~~
5713 ~~October 1 of the previous fiscal year; or~~]

5714 [~~(B) 328 foreign exchange students.~~]
5715 [~~(ii) The State Board of Education shall make rules in accordance with Title 63G,~~
5716 ~~Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of~~
5717 ~~foreign exchange students that may be counted for the purpose of apportioning state money~~
5718 ~~under Subsection (2)(b).~~]
5719 [~~(d) Notwithstanding Sections 53A-17a-133 and 53A-17a-164, weighted pupil units in~~
5720 ~~the grades 1 through 12 basic program for foreign exchange students, as determined by~~
5721 ~~Subsections (2)(b) and (c), may not be included for the purposes of determining a school~~
5722 ~~district's state guarantee money under the voted or board local levies.~~]
5723 [~~(3)~~] (2) A school district or charter school may:
5724 (a) enroll foreign exchange students that do not qualify for state money; and
5725 (b) pay for the costs of those students with other funds available to the school district
5726 or charter school.
5727 [~~(4)~~] (3) Due to the benefits to all students of having the opportunity to become
5728 familiar with individuals from diverse backgrounds and cultures, school districts are
5729 encouraged to enroll foreign exchange students, as provided in Subsection [~~(3)~~] (2), particularly
5730 in schools with declining or stable enrollments where the incremental cost of enrolling the
5731 foreign exchange student may be minimal.
5732 [~~(5)~~] (4) The board shall make an annual report to the Legislature on the number of
5733 exchange students and the number of interstate compact students sent to or received from
5734 public schools outside the state.
5735 [~~(6)~~] (5) (a) A local school board or charter school governing board shall require each
5736 approved exchange student agency to provide it with a sworn affidavit of compliance prior to
5737 the beginning of each school year.
5738 (b) The affidavit shall include the following assurances:
5739 (i) that the agency has complied with all applicable policies of the board;
5740 (ii) that a household study, including a background check of all adult residents, has
5741 been made of each household where an exchange student is to reside, and that the study was of

5742 sufficient scope to provide reasonable assurance that the exchange student will receive proper
5743 care and supervision in a safe environment;
5744 (iii) that host parents have received training appropriate to their positions, including
5745 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who
5746 are in a position of special trust;
5747 (iv) that a representative of the exchange student agency shall visit each student's place
5748 of residence at least once each month during the student's stay in Utah;
5749 (v) that the agency will cooperate with school and other public authorities to ensure
5750 that no exchange student becomes an unreasonable burden upon the public schools or other
5751 public agencies;
5752 (vi) that each exchange student will be given in the exchange student's native language
5753 names and telephone numbers of agency representatives and others who could be called at any
5754 time if a serious problem occurs; and
5755 (vii) that alternate placements are readily available so that no student is required to
5756 remain in a household if conditions appear to exist which unreasonably endanger the student's
5757 welfare.
5758 [~~(7)~~] (6) (a) A local school board or charter school governing board shall provide each
5759 approved exchange student agency with a list of names and telephone numbers of individuals
5760 not associated with the agency who could be called by an exchange student in the event of a
5761 serious problem.
5762 (b) The agency shall make a copy of the list available to each of its exchange students
5763 in the exchange student's native language.
5764 [~~(8)~~] (7) Notwithstanding Subsection [~~(2)(c)(i)~~] 53F-2-303(3)(a), a school district or
5765 charter school shall enroll a foreign exchange student if the foreign exchange student:
5766 (a) is sponsored by an agency approved by the State Board of Education;
5767 (b) attends the same school during the same time period that another student from the
5768 school is:
5769 (i) sponsored by the same agency; and

5770 (ii) enrolled in a school in a foreign country; and
5771 (c) is enrolled in the school for one year or less.
5772 Section 168. Section **53G-6-708**, which is renumbered from Section 53A-17a-114 is
5773 renumbered and amended to read:
5774 **[~~53A-17a-114~~]. 53G-6-708. Career and technical education program**
5775 **alternatives.**
5776 (1) A secondary student may attend a technical college described in Section
5777 53B-2a-105 if the secondary student's career and technical education goals are better achieved
5778 by attending a technical college as determined by:
5779 (a) the secondary student; and
5780 (b) if the secondary student is a minor, the secondary student's parent or legal guardian.
5781 (2) A secondary student served under this section by a technical college described in
5782 Section 53B-2a-105 shall be counted in the average daily membership of the sending school
5783 district or charter school.
5784 Section 169. Section **53G-6-801**, which is renumbered from Section 53A-15-1401 is
5785 renumbered and amended to read:
5786 **Part 8. Parental Rights**
5787 **[~~53A-15-1401~~]. 53G-6-801. Definitions.**
5788 As used in this part:
5789 (1) "Federal law" means:
5790 (a) a statute passed by the Congress of the United States; or
5791 (b) a final regulation:
5792 (i) adopted by an administrative agency of the United States government; and
5793 (ii) published in the code of federal regulations or the federal register.
5794 (2) "Individualized Education Program" or "IEP" means a written statement, for a
5795 student with a disability, that is developed, reviewed, and revised in accordance with the
5796 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
5797 (3) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and

5798 the Blind.
5799 (4) "Reasonably accommodate" means an LEA shall make its best effort to enable a
5800 parent or guardian to exercise a parental right specified in Section [~~53A-15-1403~~] 53G-6-803:
5801 (a) without substantial impact to staff and resources, including employee working
5802 conditions, safety and supervision on school premises and for school activities, and the
5803 efficient allocation of expenditures; and
5804 (b) while balancing:
5805 (i) the parental rights of parents or guardians;
5806 (ii) the educational needs of other students;
5807 (iii) the academic and behavioral impacts to a classroom;
5808 (iv) a teacher's workload; and
5809 (v) the assurance of the safe and efficient operation of a school.
5810 Section 170. Section **53G-6-802**, which is renumbered from Section 53A-15-1402 is
5811 renumbered and amended to read:
5812 **[~~53A-15-1402~~]. 53G-6-802. Annual notice of parental rights.**
5813 (1) An LEA shall annually notify a parent or guardian of a student enrolled in the LEA
5814 of the parent's or guardian's rights as specified in this part.
5815 (2) An LEA satisfies the notification requirement described in Subsection (1) by
5816 posting the information on the LEA's website or through other means of electronic
5817 communication.
5818 Section 171. Section **53G-6-803**, which is renumbered from Section 53A-15-1403 is
5819 renumbered and amended to read:
5820 **[~~53A-15-1403~~]. 53G-6-803. Parental right to academic accommodations.**
5821 (1) (a) A student's parent or guardian is the primary person responsible for the
5822 education of the student, and the state is in a secondary and supportive role to the parent or
5823 guardian. As such, a student's parent or guardian has the right to reasonable academic
5824 accommodations from the student's LEA as specified in this section.
5825 (b) Each accommodation shall be considered on an individual basis and no student

5826 shall be considered to a greater or lesser degree than any other student.
5827 (c) The parental rights specified in this section do not include all the rights or
5828 accommodations that may be available to a student's parent or guardian as a user of the public
5829 education system.
5830 (d) An accommodation under this section may only be provided if the accommodation
5831 is:
5832 (i) consistent with federal law; and
5833 (ii) consistent with a student's IEP if the student already has an IEP.
5834 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to
5835 retain a student in kindergarten through grade 8 on grade level based on the student's academic
5836 ability or the student's social, emotional, or physical maturity.
5837 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a
5838 teacher or request for a change of teacher.
5839 (4) An LEA shall reasonably accommodate the request of a student's parent or guardian
5840 to visit and observe any class the student attends.
5841 (5) Notwithstanding [~~Chapter 11, Part 1, Compulsory Education Requirements~~] Part 2,
5842 Compulsory Education, an LEA shall record an excused absence for a scheduled family event
5843 or a scheduled proactive visit to a health care provider if:
5844 (a) the parent or guardian submits a written statement at least one school day before the
5845 scheduled absence; and
5846 (b) the student agrees to make up course work for school days missed for the scheduled
5847 absence in accordance with LEA policy.
5848 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request
5849 to place a student in a specialized class, a specialized program, or an advanced course.
5850 (b) An LEA shall consider multiple academic data points when determining an
5851 accommodation under Subsection (6)(a).
5852 (7) Consistent with Section [~~53A-13-108~~] 53E-4-204, which requires the State Board
5853 of Education to establish graduation requirements that use competency-based standards and

5854 assessments, an LEA shall allow a student to earn course credit towards high school graduation
5855 without completing a course in school by:
5856 (a) testing out of the course; or
5857 (b) demonstrating competency in course standards.
5858 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet
5859 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a
5860 regularly scheduled parent teacher conference.
5861 (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student
5862 from taking an assessment that:
5863 (i) is federally mandated;
5864 (ii) is mandated by the state under this [~~title~~] public education code; or
5865 (iii) requires the use of:
5866 (A) a state assessment system; or
5867 (B) software that is provided or paid for by the state.
5868 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
5869 State Board of Education shall make rules:
5870 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
5871 that:
5872 (A) does not place an undue burden on a parent or guardian; and
5873 (B) may be completed online; and
5874 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
5875 an LEA's employees through school grading or employee evaluations due to a student not
5876 taking a test under Subsection (9)(a).
5877 (c) An LEA:
5878 (i) shall follow the procedures outlined in rules made by the State Board of Education
5879 under Subsection (9)(b) to excuse a student under Subsection (9)(a);
5880 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
5881 to the procedures outlined in rules made by the State Board of Education under Subsection

5882 (9)(b); and
5883 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).
5884 (d) The State Board of Education shall:
5885 (i) maintain and publish a list of state assessments, state assessment systems, and
5886 software that qualify under Subsection (9)(a); and
5887 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
5888 (10) (a) An LEA shall provide for:
5889 (i) the distribution of a copy of a school's discipline and conduct policy to each student
5890 in accordance with Section [~~53A-11-903~~] 53G-8-204; and
5891 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
5892 and conduct policy.
5893 (b) An LEA shall notify a parent or guardian of a student's violation of a school's
5894 discipline and conduct policy and allow a parent or guardian to respond to the notice in
5895 accordance with [~~Chapter 11, Part 9~~] Chapter 8, Part 2, School Discipline and Conduct Plans.
5896 Section 172. Section **53G-7-101** is enacted to read:
5897 **CHAPTER 7. PUBLIC SCHOOL GENERAL REQUIREMENTS**
5898 **Part 1. General Provisions**
5899 **53G-7-101. Title.**
5900 This chapter is known as "Public School General Requirements."
5901 Section 173. Section **53G-7-102** is enacted to read:
5902 **53G-7-102. Definitions.**
5903 Reserved
5904 Section 174. Section **53G-7-201** is enacted to read:
5905 **Part 2. Powers and Miscellaneous Duties**
5906 **53G-7-201. Definitions.**
5907 Reserved
5908 Section 175. Section **53G-7-202** is enacted to read:
5909 **53G-7-202. Waivers from state board rules.**

5910 (1) A charter school or any other public school or school district may apply to the State
5911 Board of Education for a waiver of any state board rule that inhibits or hinders the school or the
5912 school district from accomplishing its mission or educational goals set out in its strategic plan
5913 or charter.
5914 (2) The state board may grant the waiver, unless:
5915 (a) the waiver would cause the school district or the school to be in violation of state or
5916 federal law; or
5917 (b) the waiver would threaten the health, safety, or welfare of students in the district or
5918 at the school.
5919 (3) If the State Board of Education denies the waiver, the reason for the denial shall be
5920 provided in writing to the waiver applicant.
5921 Section 176. Section **53G-7-203**, which is renumbered from Section 53A-3-402.7 is
5922 renumbered and amended to read:
5923 **[~~53A-3-402.7~~]. 53G-7-203. Kindergartens -- Establishment -- Funding.**
5924 (1) Kindergartens are an integral part of the state's public education system.
5925 (2) [~~By July 1, 1994, each~~] Each local board of education shall provide kindergarten
5926 classes free of charge for kindergarten children residing within the district.
5927 (3) Kindergartens established under Subsection (2) shall receive state money under
5928 [~~Title 53A, Chapter 17a, Minimum School Program Act~~] Title 53F, Public Education System --
5929 Funding.
5930 Section 177. Section **53G-7-204**, which is renumbered from Section 53A-3-402.1 is
5931 renumbered and amended to read:
5932 **[~~53A-3-402.1~~]. 53G-7-204. Access to student records by custodial and**
5933 **noncustodial parents.**
5934 (1) Except as provided in Subsection (2), a public school shall allow a custodial parent
5935 and a noncustodial parent of a child the same access to their child's education records.
5936 (2) A school may not allow a noncustodial parent access to the child's education
5937 records if:

5938 (a) a court has issued an order that limits the noncustodial parent's access to the child's
5939 education records; and
5940 (b) the school has received a copy of the court order or has actual knowledge of the
5941 court order.
5942 Section 178. Section **53G-7-205**, which is renumbered from Section 53A-3-402.9 is
5943 renumbered and amended to read:
5944 **[~~53A-3-402.9~~]. 53G-7-205. Assessment of emerging and early reading skills**
5945 **-- Resources provided by school districts.**
5946 (1) The Legislature recognizes that well-developed reading skills help:
5947 (a) children to succeed in school, develop self esteem, and build positive relationships
5948 with others;
5949 (b) young adults to become independent learners; and
5950 (c) adults to become and remain productive members of a rapidly changing
5951 technology-based society.
5952 (2) (a) Each potential kindergarten student, the student's parent or guardian, and
5953 kindergarten personnel at the student's school may participate in an assessment of the student's
5954 reading and numeric skills.
5955 (b) The State Board of Education, in cooperation with the state's school districts, may
5956 develop the assessment instrument and any additional materials needed to implement and
5957 supplement the assessment program.
5958 (3) The potential kindergarten student's teacher may use the assessment in planning and
5959 developing an instructional program to meet the student's identified needs.
5960 (4) (a) Each school is encouraged to schedule the assessment early enough before the
5961 kindergarten starting date so that a potential kindergarten student's parent or guardian has time
5962 to develop the child's needed skills as identified by the assessment.
5963 (b) Based on the assessment under Subsection (2), the school shall provide the
5964 potential student's parent or guardian with appropriate resource materials to assist the parent or
5965 guardian at home in the student's literacy development.

5966 Section 179. Section **53G-7-206**, which is renumbered from Section 53A-13-108.5 is
5967 renumbered and amended to read:
5968 **[~~53A-13-108.5~~]. 53G-7-206. Acceptance of credits and grades awarded by**
5969 **accredited schools.**
5970 (1) (a) A public school shall accept credits and grades awarded to a student by a school
5971 accredited or approved by the State Board of Education or accredited or recognized by the
5972 Northwest Association of Accredited Schools as issued by the school, without alterations.
5973 (b) Credits awarded for a core standards for Utah public schools course shall be applied
5974 to fulfilling core standards for Utah public schools requirements.
5975 (2) Subsection (1) applies to credits awarded to a student who:
5976 (a) transfers to a public school; or
5977 (b) while enrolled in the public school, takes courses offered by another public or
5978 private school.
5979 (3) Subsection (1) applies to:
5980 (a) traditional classes in which an instructor is present in the classroom and the student
5981 is required to attend the class for a particular length of time;
5982 (b) open entry/open exit classes in which the student has the flexibility to begin or end
5983 study at any time, progress through course material at his own pace, and demonstrate
5984 competency when knowledge and skills have been mastered;
5985 (c) courses offered over the Internet; or
5986 (d) distance learning courses.
5987 Section 180. Section **53G-7-207**, which is renumbered from Section 53A-11-901.5 is
5988 renumbered and amended to read:
5989 **[~~53A-11-901.5~~]. 53G-7-207. Period of silence.**
5990 A teacher may provide for the observance of a period of silence each school day in a
5991 public school.
5992 Section 181. Section **53G-7-208**, which is renumbered from Section 53A-3-409 is
5993 renumbered and amended to read:

5994 **[~~53A-3-409~~]. 53G-7-208. Local governmental entities and school districts**
5995 **-- Contracts and cooperation -- Disbursement of funds -- Municipal and county**
5996 **representative participation in school district board meetings -- Notice required.**
5997 (1) Local governmental entities and school districts may contract and cooperate with
5998 one another in matters affecting the health, welfare, education, and convenience of the
5999 inhabitants within their respective territorial limits.
6000 (2) A local governmental entity may disburse public funds in aid of a school district
6001 located wholly or partially within the limits of its jurisdiction.
6002 (3) (a) As used in this Subsection (3):
6003 (i) "Interested county executive" means the county executive or county manager of a
6004 county with unincorporated area within the boundary of a school district, or the designee of the
6005 county executive or county manager.
6006 (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely
6007 within the boundary of a school district, or the mayor's designee.
6008 (b) A school district board shall allow an interested mayor and interested county
6009 executive to attend and participate in the board discussions at a school district board meeting
6010 that is open to the public under Title 52, Chapter 4, Open and Public Meetings Act.
6011 (c) An interested county executive and interested mayor may attend and participate in
6012 board discussions at a school district board meeting that is closed to the public under Title 52,
6013 Chapter 4, Open and Public Meetings Act, if:
6014 (i) the school district board invites the interested county executive or interested mayor
6015 to attend and participate; and
6016 (ii) for a closed meeting held for the purpose of discussing the board's disposition or
6017 acquisition of real property, the interested county executive or interested mayor does not have a
6018 conflict of interest with respect to the real estate disposition or acquisition.
6019 (d) (i) A county or municipality may enter into an agreement with a school district
6020 under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an
6021 interested county executive or interested mayor at a school district board meeting.

6022 (ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the
6023 provisions of this Subsection (3).
6024 (e) Each local school board shall give notice of board meetings to each interested
6025 mayor and interested county executive.
6026 (f) The notice required under Subsection (3)(c) shall be provided by:
6027 (i) mail;
6028 (ii) e-mail; or
6029 (iii) other effective means agreed to by the person to whom notice is given.
6030 Section 182. Section **53G-7-209**, which is renumbered from Section 53A-3-413 is
6031 renumbered and amended to read:
6032 **[~~53A-3-413~~]. 53G-7-209. Use of public school buildings and grounds as**
6033 **civic centers.**
6034 (1) As used in this section, "civic center" means a public school building or ground,
6035 including a charter school building or ground, that is established and maintained as a limited
6036 public forum for supervised recreational activities and meetings.
6037 (2) Except as provided in Subsection (3), all public school buildings and grounds shall
6038 be civic centers.
6039 (3) The use of school property as a civic center:
6040 (a) may not interfere with a school function or purpose; and
6041 (b) is considered a permit for governmental immunity purposes for a governmental
6042 entity under Subsection 63G-7-201(4)(c).
6043 (4) The organizer of an event may not use a civic center unless the organizer resides
6044 within the geographic boundaries of the school district in which the civic center is located.
6045 Section 183. Section **53G-7-210**, which is renumbered from Section 53A-3-414 is
6046 renumbered and amended to read:
6047 **[~~53A-3-414~~]. 53G-7-210. Local school boards' and charter school**
6048 **governing boards' responsibility for school buildings and grounds when used as civic**
6049 **centers.**

6050 (1) As used in this section, "civic center" means the same as that term is defined in
6051 Section [~~53A-3-413~~] 53G-7-209.
6052 (2) A local school board or charter school governing board:
6053 (a) shall manage, direct, and control civic centers [~~under this chapter~~];
6054 (b) shall adopt policies for the use of civic centers;
6055 (c) may charge a reasonable fee for the use of a civic center so that the school district
6056 or charter school incurs no expense for that use;
6057 (d) may appoint a special functions officer under Section 53-13-105 to have charge of
6058 the grounds and protect school property when used for civic center purposes;
6059 (e) shall allow the use of a civic center, for other than school purposes, unless it
6060 determines that the use interferes with a school function or purpose; and
6061 (f) shall ensure that school administrators are trained about and properly implement the
6062 provisions of this section and Section [~~53A-3-413~~] 53G-7-209.
6063 Section 184. Section **53G-7-211**, which is renumbered from Section 53A-3-407 is
6064 renumbered and amended to read:
6065 **[~~53A-3-407~~]. 53G-7-211. Display of American flag.**
6066 (1) Each local school board shall provide each school within the district with a suitable
6067 flagpole.
6068 (2) The American flag shall be displayed on every school day and on every state and
6069 national holiday.
6070 (3) The flag shall be maintained in a respectable condition.
6071 Section 185. Section **53G-7-212**, which is renumbered from Section 53A-3-402.5 is
6072 renumbered and amended to read:
6073 **[~~53A-3-402.5~~]. 53G-7-212. Voter registration forms for high school**
6074 **students.**
6075 Each public school district and each accredited nonpublic school shall provide voter
6076 registration forms to students as required by Section 20A-2-302.
6077 Section 186. Section **53G-7-213**, which is renumbered from Section 53A-3-417 is

6078 renumbered and amended to read:

6079 **[~~53A-3-417~~]. 53G-7-213. Child care centers in public schools --**
6080 **Requirements -- Availability -- Compliance with state and local laws.**

6081 (1) (a) Upon receiving a request from a community group such as a community
6082 council, local PTA, or parent/student organization, a local school board may authorize the use
6083 of a part of any school building in the district to provide child care services for school aged
6084 children.

6085 (b) (i) The school board shall provide written public notice of its intent to authorize a
6086 child care center.

6087 (ii) The board shall file a copy of the notice with the Office of Child Care within the
6088 Department of Workforce Services and the Department of Health.

6089 (2) (a) Establishment of a child care center in a public school building is contingent
6090 upon the local school board determining that the center will not interfere with the building's use
6091 for regular school purposes.

6092 (b) The decision shall be made at the sole discretion of the school board.

6093 (c) A school board may withdraw its approval to operate a child care center at any time
6094 if it determines that such use interferes with the operation or interest of the school.

6095 (d) The school district and its employees and agents are immune from any liability that
6096 might otherwise result from a withdrawal of approval if the withdrawal was made in good
6097 faith.

6098 (3) (a) The board shall charge a commercially reasonable fee for the use of a school
6099 building as a child care center so that the district does not incur an expense.

6100 (b) The fee shall include but not be limited to costs for utility, building maintenance,
6101 and administrative services supplied by the school that are related to the operation of the child
6102 care center.

6103 (4) (a) Child care service may be provided by governmental agencies other than school
6104 districts, nonprofit community service groups, or private providers.

6105 (b) If competitive proposals to provide child care services are submitted by the entities

6106 listed in Subsection (4)(a), the board shall give preference to the private provider and nonprofit
6107 community service groups so long as their proposals are judged to be at least equal to the
6108 proposal of the governmental agency.
6109 (c) It is intended that these programs function at the local community level with
6110 minimal state and district involvement.
6111 (5) It is the intent of the Legislature that providers not be required to go through a
6112 complex procedure in order to obtain approval for providing the service.
6113 (6) (a) Child care centers within a public school building shall make their services
6114 available to all children regardless of where the children reside.
6115 (b) If space and resources are limited, first priority shall be given to those who reside
6116 within the school boundaries where the center is located, and to the children of teachers and
6117 other employees of the school where the child care center is located.
6118 (c) Second priority shall be given to those who reside within the school district
6119 boundaries where the center is located.
6120 (7) (a) The school board shall require proof of liability insurance which is adequate in
6121 the opinion of the school board for use of school property as a child care center.
6122 (b) A school district participating in the state Risk Management Fund shall require the
6123 provider of child care services to comply with the applicable provisions of Title 63A, Chapter
6124 4, Risk Management.
6125 (8) Child care centers established under this section shall operate in compliance with
6126 state and local laws and regulations, including zoning and licensing requirements, and
6127 applicable school rules.
6128 (9) Except for Subsection (8), this section does not apply to child care centers
6129 established by a school district within a public school building if the center offers child care
6130 services primarily to children of employees or children of students of the school district.
6131 Section 187. Section **53G-7-214**, which is renumbered from Section 53A-3-427 is
6132 renumbered and amended to read:
6133 **[~~53A-3-427~~]. 53G-7-214. Honorary high school diploma for certain**

6134 **veterans.**
6135 (1) A board of education of a school district may award an honorary high school
6136 diploma to a veteran, if the veteran:
6137 (a) left high school before graduating in order to serve in the armed forces of the
6138 United States;
6139 (b) served in the armed forces of the United States during the period of World War II,
6140 the Korean War, or the Vietnam War;
6141 (c) (i) was honorably discharged; or
6142 (ii) was released from active duty because of a service-related disability; and
6143 (d) (i) resides within the school district; or
6144 (ii) resided within the school district at the time of leaving high school to serve in the
6145 armed forces of the United States.
6146 (2) To receive an honorary high school diploma, a veteran or immediate family
6147 member or guardian of a veteran shall submit to a local school board:
6148 (a) a request for an honorary high school diploma; and
6149 (b) information required by the local school board to verify the veteran's eligibility for
6150 an honorary high school diploma under Subsection (1).
6151 (3) At the request of a veteran, a veteran's immediate family member or guardian, or a
6152 local school board, the Department of Veterans' and Military Affairs shall certify whether the
6153 veteran meets the requirements of Subsections (1)(b) and (c).
6154 Section 188. Section **53G-7-215**, which is renumbered from Section 53A-1-409 is
6155 renumbered and amended to read:
6156 **[~~53A-1-409~~]. 53G-7-215. Competency-based education --**
6157 **Recommendations -- Coordination.**
6158 (1) As used in this section, "competency-based education" means the same as that term
6159 is defined in Section [~~53A-15-1802~~] 53F-5-501.
6160 (2) A local school board or a charter school governing board may establish a
6161 competency-based education program.

6162 (3) A local school board or charter school governing board that establishes a
6163 competency-based education program shall:
6164 (a) establish assessments to accurately measure competency;
6165 (b) provide the assessments to an enrolled student at no cost to the student;
6166 (c) award credit to a student who demonstrates competency and subject mastery;
6167 (d) submit the competency-based standards to the State Board of Education for review;
6168 and
6169 (e) publish the competency-based standards on its website or by other electronic means
6170 readily accessible to the public.
6171 (4) A local school board or charter school governing board may:
6172 (a) on a random lottery-based basis, limit enrollment to courses that have been
6173 designated as competency-based courses;
6174 (b) waive or adapt traditional attendance requirements;
6175 (c) adjust class sizes to maximize the value of course instructors or course mentors;
6176 (d) enroll students from any geographic location within the state; and
6177 (e) provide proctored online competency-based assessments.
6178 Section 189. Section **53G-7-216**, which is renumbered from Section 53A-1-706 is
6179 renumbered and amended to read:
6180 **[~~53A-1-706~~]. 53G-7-216. Purchases of educational technology.**
6181 (1) (a) A school district[~~,~~] or charter school[~~, or college of education~~] shall comply
6182 with Title 63G, Chapter 6a, Utah Procurement Code, in purchasing technology, except as
6183 otherwise provided in Subsection (1)(b).
6184 (b) A school district or charter school may purchase computers from, and contract for
6185 the repair or refurbishing of computers with, the Utah Correctional Industries without going
6186 through the bidding or competition procedures outlined in Title 63G, Chapter 6a, Utah
6187 Procurement Code.
6188 (2) A school district[~~,~~] or charter school[~~, or college of education~~] may purchase
6189 technology through cooperative purchasing contracts administered by the state Division of

6190 Purchasing or through its own established purchasing program.
6191 (3) Consistent with policies adopted by a local school board or charter school
6192 governing board, a school district or charter school that purchases technology under this section
6193 shall ensure that adequate on and off campus Internet filtering is installed and consistently
6194 configured to prevent viewing of harmful content by students and school personnel.
6195 Section 190. Section **53G-7-301** is enacted to read:
6196 **Part 3. Budgets**
6197 **53G-7-301. Definitions.**
6198 Reserved
6199 Section 191. Section **53G-7-302**, which is renumbered from Section 53A-19-101 is
6200 renumbered and amended to read:
6201 **[~~53A-19-101~~]. 53G-7-302. School district and charter school budgets.**
6202 (1) As used in this section:
6203 (a) "Budget officer" means:
6204 (i) for a school district, the school district's superintendent; or
6205 (ii) for a charter school, an individual selected by the charter school governing board.
6206 (b) "Governing board" means:
6207 (i) for a school district, the local school board; or
6208 (ii) for a charter school, the charter school governing board.
6209 (2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with
6210 supporting documentation, to be submitted to the budget officer's governing board.
6211 (3) The tentative budget and supporting documents shall include the following items:
6212 (a) the revenues and expenditures of the preceding fiscal year;
6213 (b) the estimated revenues and expenditures of the current fiscal year;
6214 (c) for a school district, an estimate of the revenues for the succeeding fiscal year based
6215 upon the lowest tax levy that will raise the required revenue, using the current year's taxable
6216 value as the basis for this calculation;
6217 (d) a detailed estimate of the essential expenditures for all purposes for the next

6218 succeeding fiscal year; and
6219 (e) the estimated financial condition of the school district or charter school by funds at
6220 the close of the current fiscal year.
6221 (4) The tentative budget shall be filed with the district business administrator or charter
6222 school executive director for public inspection at least 15 days before the date of the tentative
6223 budget's proposed adoption by the governing board.
6224 Section 192. Section **53G-7-303**, which is renumbered from Section 53A-19-102 is
6225 renumbered and amended to read:
6226 **[~~53A-19-102~~]. 53G-7-303. Local governing board budget procedures.**
6227 (1) As used in this section:
6228 (a) "Budget officer" means:
6229 (i) for a school district, the school district's superintendent; or
6230 (ii) for a charter school, an individual selected by the charter school governing board.
6231 (b) "Governing board" means:
6232 (i) for a school district, the local school board; or
6233 (ii) for a charter school, the charter school governing board.
6234 (2) (a) For a school district, before June 22 of each year, a local school board shall
6235 adopt a budget and make appropriations for the next fiscal year.
6236 (b) For a school district, if the tax rate in the school district's proposed budget exceeds
6237 the certified tax rate defined in Section 59-2-924, the local school board shall comply with
6238 Section 59-2-919 in adopting the budget, except as provided by Section [~~53A-17a-133~~]
6239 53F-8-301.
6240 (3) (a) For a school district, before the adoption or amendment of a budget, a local
6241 school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed
6242 budget or budget amendment.
6243 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
6244 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the
6245 public hearing, a local school board shall:

6246 (i) publish a notice of the public hearing in a newspaper or combination of newspapers
6247 of general circulation in the school district, except as provided in Section 45-1-101;
6248 (ii) publish a notice of the public hearing electronically in accordance with Section
6249 45-1-101;
6250 (iii) file a copy of the proposed budget with the local school board's business
6251 administrator for public inspection; and
6252 (iv) post the proposed budget on the school district's Internet website.
6253 (c) A notice of a public hearing on a school district's proposed budget shall include
6254 information on how the public may access the proposed budget as provided in Subsections
6255 (3)(b)(iii) and (iv).
6256 (4) For a charter school, before June 22 of each year, a charter school governing board
6257 shall adopt a budget for the next fiscal year.
6258 (5) Within 30 days of adopting a budget, a governing board shall file a copy of the
6259 adopted budget with the state auditor and the State Board of Education.
6260 Section 193. Section **53G-7-304**, which is renumbered from Section 53A-19-103 is
6261 renumbered and amended to read:
6262 **[~~53A-19-103~~]. 53G-7-304. Undistributed reserve in school board budget.**
6263 (1) A local school board may adopt a budget with an undistributed reserve. The reserve
6264 may not exceed 5% of the maintenance and operation budget adopted by the board in
6265 accordance with a scale developed by the State Board of Education. The scale is based on the
6266 size of the school district's budget.
6267 (2) The board may appropriate all or a part of the undistributed reserve made to any
6268 expenditure classification in the maintenance and operation budget by written resolution
6269 adopted by a majority vote of the board setting forth the reasons for the appropriation. The
6270 board shall file a copy of the resolution with the State Board of Education and the state auditor.
6271 (3) The board may not use undistributed reserves in the negotiation or settlement of
6272 contract salaries for school district employees.
6273 Section 194. Section **53G-7-305**, which is renumbered from Section 53A-19-104 is

6274 renumbered and amended to read:

6275 **[~~53A-19-104~~]. 53G-7-305. Limits on appropriations -- Estimated**
6276 **expendable revenue.**

6277 (1) As used in this section:

6278 (a) "Budget officer" means:

6279 (i) for a school district, the school district's superintendent; or

6280 (ii) for a charter school, an individual selected by the charter school governing board.

6281 (b) "Governing board" means:

6282 (i) for a school district, the local school board; or

6283 (ii) for a charter school, the charter school governing board.

6284 (2) A governing board may not make an appropriation in excess of its estimated
6285 expendable revenue, including undistributed reserves, for the following fiscal year.

6286 (3) A governing board may reduce a budget appropriation at the governing board's
6287 regular meeting if notice of the proposed action is given to all governing board members and to
6288 the district superintendent or charter school executive director, as applicable, at least one week
6289 before the meeting.

6290 (4) For a school district, in determining the estimated expendable revenue, any existing
6291 deficits arising through excessive expenditures from former years are deducted from the
6292 estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of
6293 the district for the previous year.

6294 (5) For a school district, in the event of financial hardships, the local school board may
6295 deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of
6296 the deficit amount.

6297 (6) For a school district, all estimated balances available for appropriations at the end
6298 of the fiscal year shall revert to the funds from which they were appropriated and shall be fund
6299 balances available for appropriation in the budget of the following year.

6300 (7) For a school district, an increase in an appropriation may not be made by the local
6301 school board unless the following steps are taken:

6302 (a) the local school board receives a written request from the district superintendent
6303 that sets forth the reasons for the proposed increase;
6304 (b) notice of the request is published:
6305 (i) in a newspaper of general circulation within the school district at least one week
6306 before the local school board meeting at which the request will be considered; and
6307 (ii) in accordance with Section 45-1-101, at least one week before the local school
6308 board meeting at which the request will be considered; and
6309 (c) the local school board holds a public hearing on the request before the local school
6310 board's acting on the request.
6311 Section 195. Section **53G-7-306**, which is renumbered from Section 53A-19-105 is
6312 renumbered and amended to read:
6313 **[~~53A-19-105~~]. 53G-7-306. School district interfund transfers.**
6314 (1) A school district shall spend revenues only within the fund for which they were
6315 originally authorized, levied, collected, or appropriated.
6316 (2) Except as otherwise provided in this section, school district interfund transfers of
6317 residual equity are prohibited.
6318 (3) The State Board of Education may authorize school district interfund transfers of
6319 residual equity when a district states its intent to create a new fund or expand, contract, or
6320 liquidate an existing fund.
6321 (4) The State Board of Education may also authorize school district interfund transfers
6322 of residual equity for a financially distressed district if the board determines the following:
6323 (a) the district has a significant deficit in its maintenance and operations fund caused
6324 by circumstances not subject to the administrative decisions of the district;
6325 (b) the deficit cannot be reasonably reduced under Section [~~53A-19-104~~] 53G-7-305;
6326 and
6327 (c) without the transfer, the school district will not be capable of meeting statewide
6328 educational standards adopted by the State Board of Education.
6329 (5) The board shall develop standards for defining and aiding financially distressed

6330 school districts under this section in accordance with Title 63G, Chapter 3, Utah
6331 Administrative Rulemaking Act.
6332 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
6333 and reported in the debt service fund.
6334 (b) Debt service levies under Subsection 59-2-924 (5)(c) that are not subject to the
6335 public hearing provisions of Section 59-2-919 may not be used for any purpose other than
6336 retiring general obligation debt.
6337 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal
6338 year shall be used in subsequent years for general obligation debt retirement.
6339 (d) Any amounts left in the debt service fund after all general obligation debt has been
6340 retired may be transferred to the capital projects fund upon completion of the budgetary hearing
6341 process required under Section [~~53A-19-102~~] 53G-7-303.
6342 Section 196. Section **53G-7-307**, which is renumbered from Section 53A-19-106 is
6343 renumbered and amended to read:
6344 **[~~53A-19-106~~]. 53G-7-307. Warrants drawn by budget officer.**
6345 (1) As used in this section:
6346 (a) "Budget officer" means:
6347 (i) for a school district, the school district's superintendent; or
6348 (ii) for a charter school, an individual selected by the charter school governing board.
6349 (b) "Governing board" means:
6350 (i) for a school district, the local school board; or
6351 (ii) for a charter school, the charter school governing board.
6352 (2) The budget officer of a governing board may not draw warrants on school district
6353 or charter school funds except in accordance with and within the limits of the budget passed by
6354 the governing board.
6355 Section 197. Section **53G-7-308**, which is renumbered from Section 53A-19-107 is
6356 renumbered and amended to read:
6357 **[~~53A-19-107~~]. 53G-7-308. Emergency expenditures.**

6358 This [~~chapter~~] part does not apply to appropriations required because of emergencies
6359 involving loss of life or great loss of property.
6360 Section 198. Section **53G-7-309**, which is renumbered from Section 53A-19-108 is
6361 renumbered and amended to read:
6362 **[~~53A-19-108~~]. 53G-7-309. Monthly budget reports.**
6363 (1) As used in this section:
6364 (a) "Budget officer" means:
6365 (i) for a school district, the school district's superintendent; or
6366 (ii) for a charter school, an individual selected by the charter school governing board.
6367 (b) "Governing board" means:
6368 (i) for a school district, the local school board; or
6369 (ii) for a charter school, the charter school governing board.
6370 (2) The business administrator or budget officer of a governing board shall provide
6371 each board member with a report, on a monthly basis, that includes the following information:
6372 (a) the amounts of all budget appropriations;
6373 (b) the disbursements from the appropriations as of the date of the report; and
6374 (c) the percentage of the disbursements as of the date of the report.
6375 (3) Within five days of providing the monthly report described in Subsection (2) to a
6376 governing board, the business administrator or budget officer shall make a copy of the report
6377 available for public review.
6378 Section 199. Section **53G-7-401**, which is renumbered from Section 53A-30-102 is
6379 renumbered and amended to read:
6380 **Part 4. Internal Audits**
6381 **[~~53A-30-102~~]. 53G-7-401. Definitions.**
6382 As used in this part:
6383 (1) "Audit committee" means a standing committee:
6384 (a) appointed by the local school board or charter school governing board with the
6385 following number of members as applicable to the local school board or charter school

6386 governing board:
6387 (i) for a board of a local education agency that consists of seven or more members,
6388 three members of that board; or
6389 (ii) for a board of a local education agency that consists of six or fewer members, two
6390 members of that board; and
6391 (b) composed of people who are not administrators or employees of the local education
6392 agency.
6393 (2) "Audit director" means the person who directs the internal audit program.
6394 (3) "Audit plan" means a prioritized list of audits to be performed by an internal audit
6395 program within a specified period of time.
6396 (4) "Internal audit" means an independent appraisal activity established within a local
6397 education agency as a control system to examine and evaluate the adequacy and effectiveness
6398 of other internal control systems within the local education agency.
6399 (5) "Internal audit program" means an audit function that:
6400 (a) is conducted by a local school board or charter school governing board independent
6401 of the local education agency offices or other operations;
6402 (b) objectively evaluates the effectiveness of the local education agency governance,
6403 risk management, internal controls, and the efficiency of operations; and
6404 (c) is conducted in accordance with the current:
6405 (i) International Standards for the Professional Practice of Internal Auditing; or
6406 (ii) The Government Auditing Standards, issued by the Comptroller General of the
6407 United States.
6408 (6) "Local education agency" means a school district or charter school.
6409 Section 200. Section **53G-7-402**, which is renumbered from Section 53A-30-103 is
6410 renumbered and amended to read:
6411 **[~~53A-30-103~~]. 53G-7-402. Internal auditing program -- Audit committee --**
6412 **Powers and duties.**
6413 (1) A local school board or charter school governing board shall establish an audit

6414 committee.
6415 (2) (a) The audit committee shall establish an internal audit program that provides
6416 internal audit services for the programs administered by the local education agency.
6417 (b) A local education agency that has fewer than 10,000 students is not subject to
6418 Subsection (2)(a).
6419 (3) (a) A local school board or charter school governing board shall appoint the audit
6420 director, with the advisement of the audit committee, if the local school board or charter school
6421 governing board hires an audit director.
6422 (b) If the local school board or charter school governing board has not appointed an
6423 audit director and the school board or governing board contracts directly for internal audit
6424 services, the local school board or charter school governing board shall approve a contract for
6425 internal audit services, with the advisement of the audit committee.
6426 (4) The audit committee shall ensure that copies of all reports of audit findings issued
6427 by the internal auditors are available, upon request, to the audit director of the State Board of
6428 Education, the Office of the State Auditor, and the Office of Legislative Auditor General.
6429 (5) The audit committee shall ensure that significant audit matters that cannot be
6430 appropriately addressed by the local education agency internal auditors are referred to either the
6431 audit director of the State Board of Education, the Office of the State Auditor, or the Office of
6432 Legislative Auditor General.
6433 (6) The audit director may contract with a consultant to assist with an audit.
6434 (7) The audit director of the State Board of Education and the Office of the State
6435 Auditor may contract to provide internal audit services.
6436 Section 201. Section **53G-7-501** is enacted to read:
6437 **Part 5. Student Fees**
6438 **53G-7-501. Definitions.**
6439 Reserved
6440 Section 202. Section **53G-7-502**, which is renumbered from Section 53A-12-101 is
6441 renumbered and amended to read:

6442 **[~~53A-12-101~~]. 53G-7-502. Schools to be free -- Age limitations.**
6443 (1) Except as otherwise provided in [~~Title 53A, State System of Public Education~~] this
6444 public education code, in each school district the public schools shall be free to all children
6445 between five and 18 years of age who are residents of the district, and also to persons over 18
6446 who are domiciled in the state of Utah and have not completed high school.
6447 (2) A person over the age of 18 taking courses under this section must declare an intent
6448 to complete requirements for a high school diploma. All courses taken must lead toward that
6449 diploma and must be approved by those directly responsible for administering the program.
6450 (3) A person required to pay tuition under this section may have the tuition waived
6451 under Section [~~53A-15-404~~] 53E-10-205.
6452 Section 203. Section **53G-7-503**, which is renumbered from Section 53A-12-102 is
6453 renumbered and amended to read:
6454 **[~~53A-12-102~~]. 53G-7-503. State policy on student fees, deposits, or other**
6455 **charges.**
6456 (1) For purposes of this part:
6457 (a) "Board" means the State Board of Education.
6458 (b) "Secondary school" means a school that provides instruction to students in grades
6459 7, 8, 9, 10, 11, or 12.
6460 (c) "Secondary school student":
6461 (i) means a student enrolled in a secondary school; and
6462 (ii) includes a student in grade 6 if the student attends a secondary school.
6463 (2) (a) A secondary school may impose fees on secondary school students.
6464 (b) The board shall adopt rules regarding the imposition of fees in secondary schools in
6465 accordance with the requirements of this part.
6466 (3) A fee, deposit, or other charge may not be made, or any expenditure required of a
6467 student or the student's parent or guardian, as a condition for student participation in an
6468 activity, class, or program provided, sponsored, or supported by or through a public school or
6469 school district, unless authorized by the local school board or charter school governing board

6470 under rules adopted by the board.
6471 (4) (a) A fee, deposit, charge, or expenditure may not be required for elementary school
6472 activities which are part of the regular school day or for supplies used during the regular school
6473 day.
6474 (b) An elementary school or elementary school teacher may compile and provide to a
6475 student's parent or guardian a suggested list of supplies for use during the regular school day so
6476 that a parent or guardian may furnish on a voluntary basis those supplies for student use.
6477 (c) A list provided to a student's parent or guardian pursuant to Subsection (4)(b) shall
6478 include and be preceded by the following language:
6479 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR
6480 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,
6481 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."
6482 Section 204. Section **53G-7-504**, which is renumbered from Section 53A-12-103 is
6483 renumbered and amended to read:
6484 **[~~53A-12-103~~]. 53G-7-504. Waiver of fees.**
6485 (1) (a) A local school board shall require, as part of an authorization granted under
6486 Section [~~53A-12-102~~] 53G-7-503, that adequate waivers or other provisions are available to
6487 ensure that no student is denied the opportunity to participate because of an inability to pay the
6488 required fee, deposit, or charge.
6489 (b) (i) If, however, a student must repeat a course or requires remediation to advance or
6490 graduate and a fee is associated with the course or the remediation program, it is presumed that
6491 the student will pay the fee.
6492 (ii) If the student or the student's parent or guardian is financially unable to pay the fee,
6493 the board shall provide for alternatives to waiving the fee, which may include installment
6494 payments and school or community service or work projects for the student.
6495 (iii) In cases of extreme financial hardship or where the student has suffered a
6496 long-term illness, or death in the family, or other major emergency and where installment
6497 payments and the imposition of a service or work requirement would not be reasonable, the

6498 student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).
6499 (iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits,
6500 and charges made in the secondary schools.
6501 (2) (a) The board shall require each school in the district that charges a fee under this
6502 [~~chapter~~] part and Part 6, Textbook Fees, to provide a variety of alternatives for satisfying the
6503 fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the
6504 fee.
6505 (b) The board shall develop and provide a list of alternatives for the schools, including
6506 such options as allowing the student to provide:
6507 (i) tutorial assistance to other students;
6508 (ii) assistance before or after school to teachers and other school personnel on school
6509 related matters; and
6510 (iii) general community or home service.
6511 (c) Each school may add to the list of alternatives provided by the board, subject to
6512 approval by the board.
6513 (3) A local school board may establish policies providing for partial fee waivers or
6514 other alternatives for those students who, because of extenuating circumstances, are not in a
6515 financial position to pay the entire fee.
6516 (4) With regard to children who are in the custody of the Division of Child and Family
6517 Services who are also eligible under Title IV-E of the federal Social Security Act, local school
6518 boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).
6519 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
6520 State Board of Education shall make rules:
6521 (a) requiring a parent or guardian of a student applying for a fee waiver to provide
6522 documentation and certification to the school verifying:
6523 (i) the student's eligibility to receive the waiver; and
6524 (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have
6525 been complied with to the fullest extent reasonably possible according to the individual

6526 circumstances of both the fee waiver applicant and the school; and
6527 (b) specifying the acceptable forms of documentation for the requirement under
6528 Subsection (5)(a), which shall include verification based on income tax returns or current pay
6529 stubs.
6530 (6) Notwithstanding the requirements under Subsection (5), a school is not required to
6531 keep documentation on file after the verification is completed.
6532 Section 205. Section **53G-7-505**, which is renumbered from Section 53A-12-104 is
6533 renumbered and amended to read:
6534 **[~~53A-12-104~~]. 53G-7-505. Notice of student fees and waivers.**
6535 A local school board shall annually give written notice of its student fee schedules and
6536 fee waiver policies to the parent or guardian of a child who attends a public school within the
6537 district.
6538 Section 206. Section **53G-7-601**, which is renumbered from Section 53A-12-202 is
6539 renumbered and amended to read:
6540 **Part 6. Textbook Fees**
6541 **[~~53A-12-202~~]. 53G-7-601. "Textbooks" defined.**
6542 For the purposes of Sections [~~53A-12-201~~] 53G-7-602 through [~~53A-12-206~~]
6543 53G-7-605, "textbooks" includes textbooks and workbooks necessary for participation in any
6544 instructional course. Textbooks shall not include personal or consumable items, such as
6545 pencils, papers, pens, erasers, notebooks, other items of personal use, or products which a
6546 student may purchase at his option, such as school publications, class rings, annuals, and
6547 similar items.
6548 Section 207. Section **53G-7-602**, which is renumbered from Section 53A-12-201 is
6549 renumbered and amended to read:
6550 **[~~53A-12-201~~]. 53G-7-602. State policy on providing textbooks.**
6551 (1) It is the public policy of this state that public education shall be free.
6552 (2) A student may not be denied an education because of economic inability to
6553 purchase textbooks necessary for advancement in or graduation from the public school system.

6554 (3) A school board may not sell textbooks or otherwise charge textbook fees or
6555 deposits except as provided in [~~Title 53A, State System of Public Education~~] this public
6556 education code.
6557 Section 208. Section **53G-7-603**, which is renumbered from Section 53A-12-204 is
6558 renumbered and amended to read:
6559 **[~~53A-12-204~~]. 53G-7-603. Purchase of textbooks by local school board --**
6560 **Sales to pupils -- Free textbooks -- Textbooks provided to teachers -- Payment of costs --**
6561 **Rental of textbooks.**
6562 (1) A local school board, under rules adopted by the State Board of Education, may
6563 purchase textbooks for use in the public schools directly from the publisher at prices and terms
6564 approved by the state board and may sell those books to pupils in grades nine through 12 at a
6565 cost not to exceed the actual cost of the book plus costs of transportation and handling.
6566 (2) Each local school board, however, shall provide, free of charge, textbooks and
6567 workbooks required for courses of instruction for each child attending public schools whose
6568 parent or guardian is financially unable to purchase them.
6569 (3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3,
6570 Family Employment Program, supplemental security income, or who are in the custody of the
6571 Division of Child and Family Services within the Department of Human Services are eligible
6572 for free textbooks and workbooks under this section.
6573 (4) The local school board shall also purchase all books necessary for teachers to
6574 conduct their classes.
6575 (5) The cost of furnishing textbooks and workbooks may be paid from school operating
6576 funds, the textbook fund, or from other available funds.
6577 (6) Books provided to teachers and pupils without charge or at less than full cost are
6578 paid for out of funds of the district and remain the property of the district.
6579 (7) In school districts that require pupils to rent books instead of purchasing them or
6580 providing them free of charge, the local school board shall waive rental fees for a child whose
6581 parent or guardian is financially unable to pay the rental fee. The children considered eligible

6582 under Subsection (3) are also eligible for the purposes of this Subsection (7).
6583 Section 209. Section **53G-7-604**, which is renumbered from Section 53A-12-205 is
6584 renumbered and amended to read:
6585 **[~~53A-12-205~~]. 53G-7-604. Free textbook system.**
6586 (1) If a local school board considers it desirable or necessary, or if the board is
6587 petitioned by two-thirds of those voting in the district, it shall provide free textbooks to all
6588 pupils in the schools under its charge.
6589 (2) Books purchased under this section shall be paid for out of the funds of the district.
6590 (3) The board shall assure that sufficient funds are raised and set aside for this purpose.
6591 (4) A board that has adopted the free textbook system shall terminate the system if
6592 petitioned by two-thirds of those voting in an election conducted for that purpose vote to
6593 terminate the system.
6594 (5) The board may not act upon a petition to terminate the free textbook system during
6595 a period of four years after the system is adopted.
6596 (6) The board may not reinstitute a free textbook system until four years after its
6597 termination.
6598 Section 210. Section **53G-7-605**, which is renumbered from Section 53A-12-206 is
6599 renumbered and amended to read:
6600 **[~~53A-12-206~~]. 53G-7-605. Repurchase and resale of textbooks.**
6601 (1) If a student moves from a district in which free textbooks were not provided, the
6602 school board of that district may purchase the books used by the student at a reasonable price,
6603 based upon the original cost and the condition of the book upon return.
6604 (2) The books purchased by the district under this section may be resold to other
6605 students in the district.
6606 Section 211. Section **53G-7-606**, which is renumbered from Section 53A-12-207 is
6607 renumbered and amended to read:
6608 **[~~53A-12-207~~]. 53G-7-606. Disposal of textbooks.**
6609 (1) For a school year beginning with or after the 2012-13 school year, a local school

6610 district may not dispose of textbooks used in its public schools without first notifying all other
6611 school districts in the state of its intent to dispose of the textbooks.
6612 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or
6613 worn out.
6614 (3) The State Board of Education shall develop rules and procedures directing the
6615 disposal of textbooks.
6616 Section 212. Section **53G-7-701**, which is renumbered from Section 53A-11-1202 is
6617 renumbered and amended to read:
6618 **Part 7. Student Clubs**
6619 **[~~53A-11-1202~~]. 53G-7-701. Definitions.**
6620 As used in this part:
6621 (1) "Bigotry" means action or advocacy of imminent action involving:
6622 (a) the harassment or denigration of a person or entity; or
6623 (b) any intent to cause a person not to freely enjoy or exercise any right secured by the
6624 constitution or laws of the United States or the state, except that an evaluation or prohibition
6625 may not be made of the truth or falsity of any religious belief or expression of conscience
6626 unless the means of expression or conduct arising therefrom violates the standards of conduct
6627 outlined in this section, Section [~~53A-13-101.3~~] 53G-10-203, or 20 U.S.C. [~~Section~~] Sec.
6628 4071(f).
6629 (2) "Club" means any student organization that meets during noninstructional time.
6630 (3) "Conscience" means a standard based upon learned experiences, a personal
6631 philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of
6632 right and wrong which is felt on an individual basis, a belief in an external absolute, or any
6633 combination of the foregoing.
6634 (4) "Curricular club" means a club that is school sponsored and that may receive
6635 leadership, direction, and support from the school or school district beyond providing a
6636 meeting place during noninstructional time. An elementary school curricular club means a club
6637 that is organized and directed by school sponsors at the elementary school. A secondary school

6638 curricular club means a club:
6639 (a) whose subject matter is taught or will soon be taught in a regular course;
6640 (b) whose subject matter concerns the body of courses as a whole;
6641 (c) in which participation is required for a particular course; or
6642 (d) in which participation results in academic credit.
6643 (5) (a) "Discretionary time" means school-related time for students that is not
6644 instructional time.
6645 (b) "Discretionary time" includes free time before and after school, during lunch and
6646 between classes or on buses, and private time before athletic and other events or activities.
6647 (6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of
6648 imminent action that violates any law or administrative rule.
6649 (b) "Encourage criminal or delinquent conduct" does not include discussions
6650 concerning changing of laws or rules, or actions taken through lawfully established channels to
6651 effectuate such change.
6652 (7) (a) "Instructional time" means time during which a school is responsible for a
6653 student and the student is required or expected to be actively engaged in a learning activity.
6654 (b) "Instructional time" includes instructional activities in the classroom or study hall
6655 during regularly scheduled hours, required activities outside the classroom, and counseling,
6656 private conferences, or tutoring provided by school employees or volunteers acting in their
6657 official capacities during or outside of regular school hours.
6658 (8) "Involve human sexuality" means:
6659 (a) presenting information in violation of laws governing sex education, including
6660 Sections [~~53A-13-101~~] 53G-10-402 and [~~53A-13-302~~] 53E-9-203;
6661 (b) advocating or engaging in sexual activity outside of legally recognized marriage or
6662 forbidden by state law; or
6663 (c) presenting or discussing information relating to the use of contraceptive devices or
6664 substances, regardless of whether the use is for purposes of contraception or personal health.
6665 (9) "Limited open forum" means a forum created by a school district or charter school

6666 for student expression within the constraints of Subsection [~~53A-13-101.3~~] 53G-10-203(2)(b).
6667 (10) "Noncurricular club" is a student initiated group that may be authorized and
6668 allowed school facilities use during noninstructional time in secondary schools by a school and
6669 school governing board in accordance with the provisions of this part. A noncurricular club's
6670 meetings, ideas, and activities are not sponsored or endorsed in any way by a school governing
6671 board, the school, or by school or school district employees.
6672 (11) "Noninstructional time" means time set aside by a school before instructional time
6673 begins or after instructional time ends, including discretionary time.
6674 (12) "Religious club" means a noncurricular club designated in its application as either
6675 being religiously based or based on expression or conduct mandated by conscience.
6676 (13) "School" means a public school, including a charter school.
6677 (14) (a) "School facilities use" means access to a school facility, premises, or playing
6678 field.
6679 (b) "School facilities use" includes access to a limited open forum.
6680 (15) "School governing board" means a local school board or charter school board.
6681 Section 213. Section **53G-7-702**, which is renumbered from Section 53A-11-1203 is
6682 renumbered and amended to read:
6683 **[~~53A-11-1203~~]. 53G-7-702. Student clubs -- Limited open forum --**
6684 **Authorization.**
6685 (1) (a) A school may establish and maintain a limited open forum for student clubs
6686 pursuant to the provisions of this part, State Board of Education rules, and school governing
6687 board policies.
6688 (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to
6689 create a closed forum at any time by allowing curricular clubs only.
6690 (2) (a) A school shall review applications for authorization of clubs on a case-by-case
6691 basis.
6692 (b) Before granting an authorization, the school shall find:
6693 (i) that the proposed club meets this part's respective requirements of a curricular club

6694 or a noncurricular club; and
6695 (ii) that the proposed club's purpose and activities comply with this part.
6696 (c) Before granting an authorization, a school may request additional information from
6697 the faculty sponsor, from students proposing the club, or from its school governing board, if
6698 desired.
6699 (3) A school shall grant authorization and school facilities use to curricular and
6700 noncurricular clubs whose applications are found to meet the requirements of this part, rules of
6701 the State Board of Education, and policies of the school governing board and shall limit or
6702 deny authorization or school facilities use to proposed clubs that do not meet the requirements
6703 of this part, rules of the State Board of Education, and policies of the school governing board.
6704 Section 214. Section **53G-7-703**, which is renumbered from Section 53A-11-1204 is
6705 renumbered and amended to read:
6706 **[~~53A-11-1204~~]. 53G-7-703. Curricular clubs -- Authorization.**
6707 (1) Faculty members or students proposing a curricular club shall submit written
6708 application for authorization on a form approved by the school governing board.
6709 (2) A school governing board may exempt a club whose membership is determined by
6710 student body election or a club that is governed by an association that regulates interscholastic
6711 activities from the authorization requirements under this section.
6712 (3) An application for authorization of a curricular club shall include:
6713 (a) the recommended club name;
6714 (b) a statement of the club's purpose, goals, and activities;
6715 (c) a statement of the club's categorization, which shall be included in the parental
6716 consent required under Section [~~53A-11-1210~~] 53G-7-709, indicating all of the following that
6717 may apply:
6718 (i) athletic;
6719 (ii) business/economic;
6720 (iii) agriculture;
6721 (iv) art/music/performance;

6722 (v) science;
6723 (vi) gaming;
6724 (vii) religious;
6725 (viii) community service/social justice; and
6726 (ix) other;
6727 (d) the recommended meeting times, dates, and places;
6728 (e) a statement that the club will comply with the provisions of this part and all other
6729 applicable laws, rules, or policies; and
6730 (f) a budget showing the amount and source of any funding provided or to be provided
6731 to the club and its proposed use.
6732 (4) The application may be as brief as a single page so long as it contains the items
6733 required under this section.
6734 (5) A school shall approve the name of a curricular club consistent with the club's
6735 purposes and its school sponsorship.
6736 (6) (a) A school shall determine curriculum relatedness by strictly applying this part's
6737 definition of curricular club to the club application.
6738 (b) If the school finds that the proposed club is a curricular club, the school shall
6739 continue to review the application as an application for authorization of a curricular club.
6740 (c) If the school finds that the proposed club is a noncurricular club, the school may:
6741 (i) return the application to the faculty member or students proposing the club for
6742 amendment; or
6743 (ii) review the application as an application for authorization of a noncurricular club.
6744 (7) (a) Only curricular clubs may be authorized for elementary schools.
6745 (b) A school governing body may limit, or permit a secondary school to limit, the
6746 authorization of clubs at the secondary school to only curricular clubs.
6747 Section 215. Section **53G-7-704**, which is renumbered from Section 53A-11-1205 is
6748 renumbered and amended to read:
6749 **[~~53A-11-1205~~]. 53G-7-704. Noncurricular clubs -- Annual authorization.**

6750 (1) A noncurricular club shall have a minimum of three members.
6751 (2) Students proposing a noncurricular club shall submit a written application for
6752 authorization on a form approved by the school governing board.
6753 (3) An application for authorization of a noncurricular club shall include:
6754 (a) the recommended club name;
6755 (b) a statement of the club's purpose, goals, and activities;
6756 (c) a statement of the club's categorization, which shall be included in the parental
6757 consent required under Section [~~53A-11-1210~~] 53G-7-709, indicating all of the following that
6758 may apply:
6759 (i) athletic;
6760 (ii) business/economic;
6761 (iii) agriculture;
6762 (iv) art/music/performance;
6763 (v) science;
6764 (vi) gaming;
6765 (vii) religious;
6766 (viii) community service/social justice; and
6767 (ix) other;
6768 (d) the recommended meeting times, dates, and places;
6769 (e) a statement that the club will comply with the provisions of this part and all other
6770 applicable laws, rules, or policies; and
6771 (f) a budget showing the amount and source of any funding provided or to be provided
6772 to the club and its proposed use.
6773 (4) The application may be as brief as a single page so long as it contains the items
6774 required under this section.
6775 (5) (a) A school governing board may provide for approval of a noncurricular club
6776 name in an action separate from that relating to authorization of the club itself.
6777 (b) A school governing board shall require:

6778 (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and
6779 activities; and
6780 (ii) that the noncurricular club name shall be a name that would not result in or imply a
6781 violation of this part.
6782 Section 216. Section **53G-7-705**, which is renumbered from Section 53A-11-1206 is
6783 renumbered and amended to read:
6784 **[~~53A-11-1206~~]. 53G-7-705. Clubs -- Limitations and denials.**
6785 (1) A school shall limit or deny authorization or school facilities use to a club, or
6786 require changes prior to granting authorization or school facilities use:
6787 (a) as the school determines it to be necessary to:
6788 (i) protect the physical, emotional, psychological, or moral well-being of students and
6789 faculty;
6790 (ii) maintain order and discipline on school premises;
6791 (iii) prevent a material and substantial interference with the orderly conduct of a
6792 school's educational activities;
6793 (iv) protect the rights of parents or guardians and students;
6794 (v) maintain the boundaries of socially appropriate behavior; or
6795 (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or
6796 (b) if a club's proposed charter and proposed activities indicate students or advisors in
6797 club related activities would as a substantial, material, or significant part of their conduct or
6798 means of expression:
6799 (i) encourage criminal or delinquent conduct;
6800 (ii) promote bigotry;
6801 (iii) involve human sexuality; or
6802 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or
6803 psychological services for which a license would be required under state law.
6804 (2) A school governing board has the authority to determine whether any club meets
6805 the criteria of Subsection (1).

6806 (3) If a school or school governing board limits or denies authorization to a club, the
6807 school or school governing board shall provide, in writing, to the applicant the factual and legal
6808 basis for the limitation or denial.
6809 (4) A student's spontaneous expression of sentiments or opinions otherwise identified
6810 in Subsection [~~53A-13-302~~] 53E-9-203(1) is not prohibited.
6811 Section 217. Section **53G-7-706**, which is renumbered from Section 53A-11-1207 is
6812 renumbered and amended to read:
6813 **[~~53A-11-1207~~]. 53G-7-706. Faculty oversight of authorized clubs.**
6814 (1) A school shall approve the faculty sponsor, supervisor, or monitor for each
6815 authorized curricular, noncurricular, and religious club to provide oversight consistent with this
6816 part and the needs of the school to ensure that the methods of expression, religious practices, or
6817 other conduct of the students or advisors involved do not:
6818 (a) unreasonably interfere with the ability of school officials to maintain order and
6819 discipline;
6820 (b) unreasonably endanger or threaten the well-being of persons or property;
6821 (c) violate concepts of civility or propriety appropriate to a school setting; or
6822 (d) violate applicable laws, rules, regulations, and policies.
6823 (2) (a) A school shall annually approve faculty members as sponsors of curricular
6824 clubs.
6825 (b) Faculty sponsors shall organize and direct the purpose and activities of a curricular
6826 club.
6827 (3) (a) A school shall approve faculty members to serve as supervisors for authorized
6828 noncurricular clubs.
6829 (b) A faculty supervisor shall provide oversight to ensure compliance with the
6830 approved club purposes, goals, and activities and with the provisions of this part and other
6831 applicable laws, rules, and policies.
6832 (c) The approval of a faculty supervisor or monitor does not constitute school
6833 sponsorship of the club.

6834 (d) A faculty monitor approved for a religious club may not participate in the activities
6835 of the religious club, except to perform the supervisory role required by this section.
6836 (4) Without the prior approval by the school, a person who is not a school faculty
6837 member or a club member may not:
6838 (a) make a presentation to a noncurricular club; or
6839 (b) direct, conduct, control, or regularly attend the meetings of a noncurricular club.
6840 Section 218. Section **53G-7-707**, which is renumbered from Section 53A-11-1208 is
6841 renumbered and amended to read:
6842 **[~~53A-11-1208~~]. 53G-7-707. Use of school facilities by clubs.**
6843 (1) A school shall determine and assign school facilities use for curricular and
6844 noncurricular clubs consistent with the needs of the school.
6845 (2) The following rules apply to curricular clubs:
6846 (a) in assigning school facilities use, the administrator may give priority to curricular
6847 clubs over noncurricular clubs; and
6848 (b) the school may provide financial or other support to curricular clubs.
6849 (3) The following rules apply to noncurricular clubs:
6850 (a) a preference or priority may not be given among noncurricular clubs;
6851 (b) (i) a school shall only provide the space for noncurricular club meetings; and
6852 (ii) a school may not spend public funds for noncurricular clubs, except as required to
6853 implement the provisions of this part, including providing space and faculty oversight for
6854 noncurricular clubs;
6855 (c) a school shall establish the noninstructional times during which noncurricular clubs
6856 may meet;
6857 (d) a school may establish the places that noncurricular clubs may meet;
6858 (e) a school may set the number of hours noncurricular clubs may use the school's
6859 facilities per month, provided that all noncurricular clubs shall be treated equally; and
6860 (f) a school shall determine what access noncurricular clubs shall be given to the
6861 school newspaper, yearbook, bulletin boards, or public address system, provided that all

6862 noncurricular clubs shall be treated equally.

6863 Section 219. Section **53G-7-708**, which is renumbered from Section 53A-11-1209 is
6864 renumbered and amended to read:

6865 **[~~53A-11-1209~~]. 53G-7-708. Club membership.**

6866 (1) A school shall require written parental or guardian consent for student participation
6867 in all curricular and noncurricular clubs at the school.

6868 (2) Membership in curricular clubs is governed by the following rules:

6869 (a) (i) membership may be limited to students who are currently attending the
6870 sponsoring school or school district; and

6871 (ii) members who attend a school other than the sponsoring school shall have, in
6872 addition to the consent required under Section [~~53A-11-1210~~] 53G-7-709, specific parental or
6873 guardian permission for membership in a curricular club at another school;

6874 (b) (i) curricular clubs may require that prospective members try out based on objective
6875 criteria outlined in the application materials; and

6876 (ii) try-outs may not require activities that violate the provisions of this part and other
6877 applicable laws, rules, and policies; and

6878 (c) other rules as determined by the State Board of Education, school district, or
6879 school.

6880 (3) Membership in noncurricular clubs is governed by the following rules:

6881 (a) student membership in a noncurricular club is voluntary;

6882 (b) membership shall be limited to students who are currently attending the school;

6883 (c) (i) noncurricular clubs may require that prospective members try out based on
6884 objective criteria outlined in the application materials; and

6885 (ii) try-outs may not require activities that violate the provisions of this part and other
6886 applicable laws, rules, and policies;

6887 (d) a copy of any written or other media materials that were presented at a
6888 noncurricular club meeting by a nonschool person shall be delivered to a school administrator
6889 no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent

6890 or legal guardian shall have an opportunity to review those materials; and
6891 (e) other rules as determined by the State Board of Education, school district, or
6892 school.
6893 Section 220. Section **53G-7-709**, which is renumbered from Section 53A-11-1210 is
6894 renumbered and amended to read:
6895 **[~~53A-11-1210~~]. 53G-7-709. Parental consent.**
6896 (1) A school shall require written parental or guardian consent for student participation
6897 in all curricular and noncurricular clubs at the school.
6898 (2) The consent described in Subsection (1) shall include an activity disclosure
6899 statement containing the following information:
6900 (a) the specific name of the club;
6901 (b) a statement of the club's purpose, goals, and activities;
6902 (c) a statement of the club's categorization, which shall be obtained from the
6903 application for authorization of a club in accordance with the provisions of Section
6904 [~~53A-11-1204~~] 53G-7-703 or [~~53A-11-1205~~] 53G-7-704, indicating all of the following that
6905 may apply:
6906 (i) athletic;
6907 (ii) business/economic;
6908 (iii) agriculture;
6909 (iv) art/music/performance;
6910 (v) science;
6911 (vi) gaming;
6912 (vii) religious;
6913 (viii) community service/social justice; and
6914 (ix) other;
6915 (d) beginning and ending dates;
6916 (e) a tentative schedule of the club activities with dates, times, and places specified;
6917 (f) personal costs associated with the club, if any;

6918 (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
6919 (h) any additional information considered important for the students and parents to
6920 know.
6921 (3) All completed parental consent forms shall be filed by the parent or the club's
6922 sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a
6923 charter school, or their designee.
6924 Section 221. Section **53G-7-710**, which is renumbered from Section 53A-11-1211 is
6925 renumbered and amended to read:
6926 **[~~53A-11-1211~~]. 53G-7-710. Violations -- Investigations -- School responses.**
6927 (1) A school shall investigate any report or allegation that an authorized curricular or
6928 noncurricular club is:
6929 (a) participating in activities beyond the scope of its purpose; or
6930 (b) in violation of a provision of this part or another applicable law, rule, regulation, or
6931 policy.
6932 (2) After meeting with the faculty sponsor, faculty supervisor, or faculty monitor, the
6933 students involved, and the person making the report or allegation, if a violation is substantiated,
6934 the school may do any of the following:
6935 (a) allow the club's original statement of its purpose, goals, and activities to be
6936 modified to include the activities if they are in compliance with the provisions of this part and
6937 other applicable laws, rules, regulations, or policies;
6938 (b) instruct the faculty sponsor, supervisor, or monitor not to allow similar violations in
6939 the future;
6940 (c) limit or suspend the club's authorization or school facilities use pending further
6941 corrective action as determined by the school; or
6942 (d) terminate the club's authorization and dissolve the club.
6943 (3) Any limitation on expression, practice, or conduct of any student, advisor, or guest
6944 in a meeting of a curricular or noncurricular club, or limitation on school facilities use, shall be
6945 by the least restrictive means necessary to satisfy the school's interests as identified in this part.

6946 (4) A club that has been terminated in accordance with Subsection (2)(d) may not
6947 reapply for authorization until the following school year.
6948 (5) A student who makes a false allegation or report under this section shall be subject
6949 to school discipline.
6950 Section 222. Section **53G-7-711**, which is renumbered from Section 53A-11-1212 is
6951 renumbered and amended to read:
6952 **[~~53A-11-1212~~]. 53G-7-711. Appeals -- Procedures.**
6953 (1) (a) A completed application or complaint shall be approved, denied, or investigated
6954 by the school within a reasonable amount of time.
6955 (b) If an application or complaint is denied, written reasons for the denial or results of
6956 the investigation shall be stated and, if appropriate, suggested corrections shall be made to
6957 remedy the deficiency.
6958 (c) A club that is denied school facilities use shall be informed at the time of the denial
6959 of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial
6960 could be corrected.
6961 (2) (a) If denied, suspended, or terminated, a club, student desirous of participating or
6962 speaking, or a complaining parent or guardian, has 10 school days from the date of the denial,
6963 suspension, or termination to file a written appeal from the denial, suspension, or termination
6964 to a designee authorized by the school governing board.
6965 (b) The designee shall issue a determination within a reasonable amount of time from
6966 receipt of the appeal, which decision is final and constitutes satisfaction of all administrative
6967 remedies unless the time for evaluation is extended by agreement of all parties.
6968 (3) A person directly affected by a decision made in accordance with the provisions of
6969 this part may appeal the decision by writing to a person designated by the school governing
6970 board.
6971 Section 223. Section **53G-7-712**, which is renumbered from Section 53A-11-1213 is
6972 renumbered and amended to read:
6973 **[~~53A-11-1213~~]. 53G-7-712. Rulemaking -- State Board of Education --**

6974 **School governing boards.**
6975 The State Board of Education may adopt additional rules and school governing boards
6976 may adopt additional rules or policies governing clubs that do not conflict with the provisions
6977 of this part.
6978 Section 224. Section **53G-7-713**, which is renumbered from Section 53A-11-1214 is
6979 renumbered and amended to read:
6980 **[~~53A-11-1214~~]. 53G-7-713. Severability.**
6981 If any provision of this part or the application of any provision to any person or
6982 circumstance, is held invalid, the remainder of this part shall be given effect without the invalid
6983 provision or application.
6984 Section 225. Section **53G-7-801**, which is renumbered from Section 53A-15-1101 is
6985 renumbered and amended to read:
6986 **Part 8. School Uniforms**
6987 **[~~53A-15-1101~~]. 53G-7-801. Definitions.**
6988 As used in this part:
6989 (1) "Principal" includes the chief administrator of a school that does not have a
6990 principal.
6991 (2) "School" means a public school, including a charter school.
6992 (3) "School official" means the principal of a school or the local school board for a
6993 school district.
6994 (4) "School uniform" means student clothing conforming to a school uniform policy
6995 under this part, which may include a dress code, dress of designated colors, or a reasonable
6996 designated uniform of a particular style. A school uniform policy may not include very
6997 expensive or prescriptive clothing requirements.
6998 Section 226. Section **53G-7-802**, which is renumbered from Section 53A-15-1102 is
6999 renumbered and amended to read:
7000 **[~~53A-15-1102~~]. 53G-7-802. Uniforms in schools -- Legislative finding --**
7001 **Policies.**

7002 (1) The Legislature finds that:
7003 (a) each student should be allowed to learn in a safe environment which fosters the
7004 learning process and is free from unnecessary disruptions;
7005 (b) the wearing of certain types of clothing may identify students as members of youth
7006 gangs and contribute to disruptive behavior and violence in the schools;
7007 (c) school uniform policies may be part of an overall program to:
7008 (i) improve school safety and discipline; and
7009 (ii) help avoid the disruption of the classroom atmosphere and decorum and prevent
7010 disturbances among students; and
7011 (d) school uniforms may:
7012 (i) decrease violence and theft among students; and
7013 (ii) foster and promote desirable school operating conditions and a positive educational
7014 environment in accordance with this part.
7015 (2) In accordance with Section [~~53A-15-1103~~] 53G-7-803, a school may adopt a school
7016 uniform policy that requires students enrolled at that school to wear a designated school
7017 uniform during the school day.
7018 (3) A school uniform policy shall:
7019 (a) protect students' free exercise of religious beliefs;
7020 (b) specify whether the uniform policy is voluntary or mandatory for students;
7021 (c) specify whether or not the uniform policy has an opt-out provision in addition to the
7022 provisions under Subsection (5); and
7023 (d) include a provision for financial assistance to families who cannot afford to
7024 purchase a required uniform, which may include:
7025 (i) the school providing school uniforms to students;
7026 (ii) the school making used school uniforms available to students; or
7027 (iii) other programs to make school uniforms available to economically disadvantaged
7028 students.
7029 (4) A school uniform policy under this part is not considered a fee for either an

7030 elementary or a secondary school.
7031 (5) A school uniform policy shall include a provision allowing a principal at any time
7032 during the school year to grant an exemption from wearing a school uniform to a student
7033 because of extenuating circumstances.
7034 (6) (a) If a school adopts a school uniform policy under this part, that school's
7035 governing body or local school board shall adopt local appellate procedures for school actions
7036 under this part, including a denial of an exemption requested under Subsection (5).
7037 (b) A person may seek judicial review of an action under this part only after exhausting
7038 the remedies provided under this Subsection (6).
7039 Section 227. Section **53G-7-803**, which is renumbered from Section 53A-15-1103 is
7040 renumbered and amended to read:
7041 **[~~53A-15-1103~~]. 53G-7-803. Uniforms in schools -- Policy approval.**
7042 (1) The school uniform policy authorized in Section [~~53A-15-1102~~] 53G-7-802 may be
7043 adopted:
7044 (a) for a charter school:
7045 (i) by the governing body or administrator of the charter school in accordance with
7046 Subsection (2); or
7047 (ii) by including the school uniform policy in the school's charter approved in
7048 accordance with [~~Title 53A, Chapter 1a, Part 5, The~~] Chapter 5, Utah Charter Schools [~~Act~~];
7049 (b) for more than one school at the district level by a local school board in accordance
7050 with Subsection (2); or
7051 (c) for a single school at the school level by the principal of the school in accordance
7052 with Subsection (2).
7053 (2) A school uniform policy adopted by an election is subject to the following
7054 requirements:
7055 (a) the adopting authority shall hold a public hearing on the matter prior to formal
7056 adoption of the school uniform policy;
7057 (b) (i) the adopting authority shall hold an election for approval of a school uniform

7058 policy prior to its adoption and shall receive an affirmative vote from a majority of those voting
7059 at the election; and
7060 (ii) only parents and guardians of students subject to the proposed school uniform
7061 policy may vote at the election, limited to one vote per family.
7062 (3) (a) A local school board or principal is required to hold an election to consider
7063 adoption of a school uniform policy for an entire school district or an individual school if
7064 initiative petitions are presented as follows:
7065 (i) for a school district, a petition signed by a parent or guardian of 20% of the district's
7066 students presented to the local school board; and
7067 (ii) for an individual school, a petition signed by a parent or guardian of 20% of the
7068 school's students presented to the principal.
7069 (b) The public hearing and election procedures required in Subsection (2) apply to
7070 Subsection (3).
7071 (4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the
7072 discontinuance or modification of a school uniform policy adopted under this section.
7073 (b) A vote to discontinue an adopted school uniform policy may not take place during
7074 the first year of its operation.
7075 (5) The adopting authority shall establish the manner and time of an election required
7076 under this section.
7077 Section 228. Section **53G-7-901**, which is renumbered from Section 53A-29-101 is
7078 renumbered and amended to read:
7079 **Part 9. Internships**
7080 **[~~53A-29-101~~]. 53G-7-901. Definitions.**
7081 As used in this [~~chapter~~] part:
7082 (1) "Cooperating employer" means a public or private entity which, as part of a work
7083 experience and career exploration program offered through a school, provides interns with
7084 training and work experience in activities related to the entity's ongoing business activities.
7085 (2) "Intern" means a student enrolled in a school-sponsored work experience and career

7086 exploration program under Section [~~53A-29-102~~] 53G-7-902 involving both classroom
7087 instruction and work experience with a cooperating employer, for which the student receives no
7088 compensation.
7089 (3) "Internship" means the work experience segment of an intern's school-sponsored
7090 work experience and career exploration program, performed under the direct supervision of a
7091 cooperating employer.
7092 (4) "Private school" means a school serving any of grades 7 through 12 which is not
7093 part of the public education system.
7094 (5) "Public school" means:
7095 (a) a public school district;
7096 (b) an applied technology center or applied technology service region;
7097 (c) the Schools for the Deaf and the Blind; or
7098 (d) other components of the public education system authorized by the State Board of
7099 Education to offer internships.
7100 Section 229. Section **53G-7-902**, which is renumbered from Section 53A-29-102 is
7101 renumbered and amended to read:
7102 **[~~53A-29-102~~]. 53G-7-902. Public or private school internships.**
7103 A public or private school may offer internships in connection with work experience
7104 and career exploration programs operated in accordance with the rules of the State Board of
7105 Education.
7106 Section 230. Section **53G-7-903**, which is renumbered from Section 53A-29-103 is
7107 renumbered and amended to read:
7108 **[~~53A-29-103~~]. 53G-7-903. Interns -- Workers' compensation medical**
7109 **benefits.**
7110 (1) An intern participating in an internship under Section [~~53A-29-102~~] 53G-7-902 is
7111 considered to be a volunteer government worker of the sponsoring public school, or an
7112 employee of the sponsoring private school, solely for purposes of receiving workers'
7113 compensation medical benefits.

7114 (2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy
7115 against the school and the cooperating employer for all injuries and occupational diseases as
7116 provided under Title 34A, Chapters 2, Workers' Compensation Act, and Chapter 3, Utah
7117 Occupational Disease Act.
7118 Section 231. Section **53G-7-904**, which is renumbered from Section 53A-29-104 is
7119 renumbered and amended to read:
7120 **[~~53A-29-104~~]. 53G-7-904. Internship programs -- Criminal background**
7121 **checks.**
7122 Officers and employees of a cooperating employer who will be given significant
7123 unsupervised access to a student in connection with the student's activities as an intern shall be
7124 considered to be a volunteer for purposes of criminal background checks under Section
7125 [~~53A-15-1503~~] 53G-11-402.
7126 Section 232. Section **53G-7-905**, which is renumbered from Section 53A-29-105 is
7127 renumbered and amended to read:
7128 **[~~53A-29-105~~]. 53G-7-905. Recognition of participation in internship**
7129 **program.**
7130 A cooperating employer may be given appropriate recognition by a school, including
7131 the posting of the employer's name and a short description of the employer's business in an
7132 appropriate location on school property, or publication of that information in official
7133 publications of the school or school district.
7134 Section 233. Section **53G-7-1001** is enacted to read:
7135 **Part 10. Internet Policy**
7136 **53G-7-1001. Definitions.**
7137 Reserved
7138 Section 234. Section **53G-7-1002**, which is renumbered from Section 53A-3-422 is
7139 renumbered and amended to read:
7140 **[~~53A-3-422~~]. 53G-7-1002. Internet and online access policy required.**
7141 State funds may not be provided to any local school board that provides access to the

7142 Internet or an online service unless the local school board adopts and enforces a policy to
7143 restrict access to Internet or online sites that contain obscene material.
7144 Section 235. Section **53G-7-1003**, which is renumbered from Section 53A-3-423 is
7145 renumbered and amended to read:
7146 **[~~53A-3-423~~]. 53G-7-1003. Process and content standards for policy.**
7147 (1) "Policy" as used in this section means the elementary and secondary school online
7148 access policy adopted by a local school board to meet the requirements of Section [~~53A-3-422~~]
7149 53G-7-1002.
7150 (2) (a) Each policy shall be developed under the direction of the local school board,
7151 adopted in an open meeting, and have an effective date. The local school board shall review
7152 the policy at least every three years, and a footnote shall be added to the policy indicating the
7153 effective date of the last review.
7154 (b) Notice of the availability of the policy shall be posted in a conspicuous place within
7155 each school. The local school board may issue any other public notice it considers appropriate.
7156 (3) The policy shall:
7157 (a) state that it restricts access to Internet or online sites that contain obscene material
7158 and shall state how the local school board intends to meet the requirements of Section
7159 [~~53A-3-422~~] 53G-7-1002;
7160 (b) inform the public that administrative procedures and guidelines for the staff to
7161 follow in enforcing the policy have been adopted and are available for review at the school; and
7162 (c) inform the public that procedures to handle complaints about the policy, its
7163 enforcement, or about observed behavior have been adopted and are available for review at the
7164 school.
7165 Section 236. Section **53G-7-1004**, which is renumbered from Section 53A-3-424 is
7166 renumbered and amended to read:
7167 **[~~53A-3-424~~]. 53G-7-1004. Rulemaking -- Reporting.**
7168 The State Board of Education may make rules in accordance with Title 63G, Chapter 3,
7169 Utah Administrative Rulemaking Act, regarding compliance standards and reporting

7170 requirements for local school boards with respect to the policy required by Section
7171 [~~53A-3-422~~] 53G-7-1002.
7172 Section 237. Section **53G-7-1101**, which is renumbered from Section 53A-1-1601 is
7173 renumbered and amended to read:
7174 **Part 11. Public School Membership in Associations**
7175 **[~~53A-1-1601~~]. 53G-7-1101. Definitions.**
7176 As used in this part:
7177 (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of
7178 assigning a public school a classification or region.
7179 (2) "Appeals panel" means the appeals panel created in Section [~~53A-1-1606~~]
7180 53G-7-1106.
7181 (3) (a) "Association" means an organization that governs or regulates a student's
7182 participation in an athletic interscholastic activity.
7183 (b) "Association" does not include an institution of higher education described in
7184 Section 53B-1-102.
7185 (4) "Classification" means the designation of a school based on the size of the school's
7186 student enrollment population for purposes of interscholastic activities.
7187 (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated
7188 or governed by an association.
7189 (6) "Governing body" means a body within an association that:
7190 (a) is responsible for:
7191 (i) adopting rules or policies that govern interscholastic activities or the administration
7192 of the association;
7193 (ii) adopting or amending the association's governing document or bylaws;
7194 (iii) enforcing the rules and policies of the association; and
7195 (iv) adopting the association's budget; and
7196 (b) has oversight of other boards, committees, councils, or bodies within the
7197 association.

7198 (7) "Interscholastic activity" means an activity within the state in which:
7199 (a) a student that participates represents the student's school in the activity; and
7200 (b) the participating student is enrolled in grade 9, 10, 11, or 12.
7201 (8) "Public hearing" means a hearing at which members of the public are provided a
7202 reasonable opportunity to comment on the subject of the hearing.
7203 (9) "Region" means a grouping of schools of the same classification for purposes of
7204 interscholastic activities.
7205 Section 238. Section **53G-7-1102**, which is renumbered from Section 53A-1-1602 is
7206 renumbered and amended to read:
7207 **[~~53A-1-1602~~]. 53G-7-1102. Public schools prohibited from membership.**
7208 (1) A public school may not be a member of or pay dues to an association that is not in
7209 compliance on or after July 1, 2017, with:
7210 (a) this part;
7211 (b) Title 52, Chapter 4, Open and Public Meetings Act;
7212 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
7213 (d) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
7214 (2) Unless otherwise specified, an association's compliance with or an association
7215 employee or officer's compliance with the provisions described in Subsection (1) does not alter:
7216 (a) the association's public or private status; or
7217 (b) the public or private employment status of the employee or officer.
7218 Section 239. Section **53G-7-1103**, which is renumbered from Section 53A-1-1603 is
7219 renumbered and amended to read:
7220 **[~~53A-1-1603~~]. 53G-7-1103. Governing body membership.**
7221 (1) (a) A governing body shall have 15 members as follows:
7222 (i) six members who:
7223 (A) are each an elected member of a local school board; and
7224 (B) each represent a different classification;
7225 (ii) (A) one school superintendent representing the two largest classifications;

7226 (B) one school superintendent representing the two classifications that are next in
7227 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A);
7228 and
7229 (C) one school superintendent representing the two classifications that are next in
7230 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);
7231 (iii) (A) one school principal representing the two largest classifications;
7232 (B) one school principal representing the two classifications that are next in
7233 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A);
7234 and
7235 (C) one school principal representing the two classifications that are next in
7236 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);
7237 (iv) one representative of charter schools;
7238 (v) one representative of private schools, if private schools are members of or regulated
7239 by the association; and
7240 (vi) one member representing the State Board of Education.
7241 (b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be
7242 elected or appointed by or represent charter or private schools on the governing body.
7243 (2) (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected,
7244 appointed, or otherwise selected in accordance with association rule or policy to the extent the
7245 selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).
7246 (b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of
7247 the State Board of Education or the chair's designee if the designee is an elected member of the
7248 State Board of Education.
7249 Section 240. Section **53G-7-1104**, which is renumbered from Section 53A-1-1604 is
7250 renumbered and amended to read:
7251 **[~~53A-1-1604~~]. 53G-7-1104. Reporting requirements.**
7252 An association shall provide a verbal report, accompanied by a written report, annually
7253 to the State Board of Education, including:

7254 (1) the association's annual budget in accordance with Section [~~53A-1-1605~~]
7255 53G-7-1105;
7256 (2) a schedule of events scheduled or facilitated by the association;
7257 (3) procedures for alignment or realignment;
7258 (4) any amendments or changes to the association's governing document or bylaws; and
7259 (5) any other information requested by the State Board of Education.
7260 Section 241. Section **53G-7-1105**, which is renumbered from Section 53A-1-1605 is
7261 renumbered and amended to read:
7262 **[~~53A-1-1605~~]. 53G-7-1105. Association budgets.**
7263 (1) An association shall:
7264 (a) adopt a budget in accordance with this section; and
7265 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall
7266 be in accordance with generally accepted accounting principles or auditing standards.
7267 (2) An association budget officer or executive director shall annually prepare a
7268 tentative budget, with supporting documentation, to be submitted to the governing body.
7269 (3) The tentative budget and supporting documents shall include the following items:
7270 (a) the revenues and expenditures of the preceding fiscal year;
7271 (b) the estimated revenues and expenditures of the current fiscal year;
7272 (c) a detailed estimate of the essential expenditures for all purposes for the next
7273 succeeding fiscal year; and
7274 (d) the estimated financial condition of the association by funds at the close of the
7275 current fiscal year.
7276 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,
7277 before the date of the tentative budget's proposed adoption by the governing body.
7278 (5) The governing body shall adopt a budget.
7279 (6) Before the adoption or amendment of a budget, the governing body shall hold a
7280 public hearing on the proposed budget or budget amendment.
7281 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings

7282 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the
7283 public hearing, a governing body shall:
7284 (i) publish a notice of the public hearing electronically in accordance with Section
7285 63F-1-701; and
7286 (ii) post the proposed budget on the association's Internet website.
7287 (b) A notice of a public hearing on an association's proposed budget shall include
7288 information on how the public may access the proposed budget as provided in Subsection
7289 (7)(a).
7290 (8) No later than September 30 of each year, the governing body shall file a copy of the
7291 adopted budget with the state auditor and the State Board of Education.
7292 Section 242. Section **53G-7-1106**, which is renumbered from Section 53A-1-1606 is
7293 renumbered and amended to read:
7294 **[~~53A-1-1606~~]. 53G-7-1106. Procedures for disputes -- Appeals -- Appeals**
7295 **panel -- Compensation.**
7296 (1) (a) An association shall establish a uniform procedure for hearing and deciding:
7297 (i) disputes;
7298 (ii) allegations of violations of the association's rules or policies;
7299 (iii) requests to establish eligibility after a student transfers schools; and
7300 (iv) disputes related to alignment or realignment.
7301 (b) An individual may appeal to an appeals panel established in this section an
7302 association decision regarding a request to establish eligibility after a student transfers schools.
7303 (2) (a) There is established an appeals panel for an association decision described in
7304 Subsection (1)(b).
7305 (b) The appeals panel shall consist of the following three members:
7306 (i) a judge or attorney who is not employed by, or contracts with, a school;
7307 (ii) a retired educator, principal, or superintendent; and
7308 (iii) a retired athletic director or coach.
7309 (c) A review and decision by the appeals panel is limited to whether the association

7310 properly followed the association's rules and procedures in regard to a decision described in
7311 Subsection (1)(b).
7312 (d) (i) An association shall adopt policies for filing an appeal with the appeals panel.
7313 (ii) The appeals panel shall review an appeal and issue a written decision explaining
7314 the appeals panel's decision no later than 10 business days after an appeal is filed.
7315 (e) The appeals panel's decision is final.
7316 (3) (a) The State Board of Education shall appoint the members of the appeals panel
7317 described in Subsection (2):
7318 (i) from the association's nominations described in Subsection (3)(b); and
7319 (ii) in accordance with the State Board of Education's appointment process.
7320 (b) (i) The association shall nominate up to three individuals for each position
7321 described in Subsection (2) for the State Board of Education's consideration.
7322 (ii) If the State Board of Education refuses to appoint members to the panel who were
7323 nominated by the association as described in Subsection (3)(b)(i), the State Board of Education
7324 shall request additional nominations from the association.
7325 (iii) No later than 45 days after the association provides the nominations, the State
7326 Board of Education shall appoint to the appeals panel an individual from the names provided
7327 by the association.
7328 (c) For the initial membership, the State Board of Education shall appoint two of the
7329 positions having an initial term of three years and one position having an initial term of two
7330 years.
7331 (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire,
7332 the State Board of Education shall appoint each new member or reappointed member to a
7333 two-year term.
7334 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
7335 appointed for the unexpired term.
7336 (4) The State Board of Education shall reimburse an association for per diem and travel
7337 expenses of members of the appeals panel.

7338 Section 243. Section **53G-7-1201** is enacted to read:

7339 **Part 12. School Community Councils and Charter Trust Land Councils**

7340 **53G-7-1201. Definitions.**

7341 Reserved

7342 Section 244. Section **53G-7-1202**, which is renumbered from Section 53A-1a-108 is

7343 renumbered and amended to read:

7344 **[~~53A-1a-108~~]. 53G-7-1202. School community councils -- Duties --**

7345 **Composition -- Election procedures and selection of members.**

7346 (1) As used in this section:

7347 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy

7348 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

7349 (b) "District school" means a public school under the control of a local school board

7350 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School

7351 Boards.

7352 (c) "Educator" means the same as that term is defined in Section [~~53A-6-103~~]

7353 53E-6-102.

7354 (d) (i) "Parent or guardian member" means a member of a school community council

7355 who is a parent or guardian of a student who:

7356 (A) is attending the school; or

7357 (B) will be enrolled at the school during the parent's or guardian's term of office.

7358 (ii) "Parent or guardian member" may not include an educator who is employed at the

7359 school.

7360 (e) "School community council" means a council established at a district school in

7361 accordance with this section.

7362 (f) "School employee member" means a member of a school community council who is

7363 a person employed at the school by the school or school district, including the principal.

7364 (g) "School LAND Trust Program money" means money allocated to a school pursuant

7365 to Section [~~53A-16-101.5~~] 53F-2-404.

7366 (2) A district school, in consultation with the district school's local school board, shall
7367 establish a school community council at the school building level for the purpose of:
7368 (a) involving parents or guardians of students in decision making at the school level;
7369 (b) improving the education of students;
7370 (c) prudently expending School LAND Trust Program money for the improvement of
7371 students' education through collaboration among parents and guardians, school employees, and
7372 the local school board; and
7373 (d) increasing public awareness of:
7374 (i) school trust lands and related land policies;
7375 (ii) management of the State School Fund established in Utah Constitution Article X,
7376 Section V; and
7377 (iii) educational excellence.
7378 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:
7379 (i) create a school improvement plan in accordance with Section [~~53A-1a-108.5~~]
7380 53G-7-1204;
7381 (ii) create the School LAND Trust Program in accordance with Section [~~53A-16-101.5~~]
7382 53F-2-404;
7383 (iii) advise and make recommendations to school and school district administrators and
7384 the local school board regarding:
7385 (A) the school and its programs;
7386 (B) school district programs;
7387 (C) a child access routing plan in accordance with Section [~~53A-3-402~~] 53G-4-402;
7388 (D) safe technology utilization and digital citizenship; and
7389 (E) other issues relating to the community environment for students;
7390 (iv) provide for education and awareness on safe technology utilization and digital
7391 citizenship that empowers:
7392 (A) a student to make smart media and online choices; and
7393 (B) a parent or guardian to know how to discuss safe technology use with the parent's

7394 or guardian's child; and
7395 (v) partner with the school's principal and other administrators to ensure that adequate
7396 on and off campus Internet filtering is installed and consistently configured to prevent viewing
7397 of harmful content by students and school personnel, in accordance with local school board
7398 policy and Subsection [~~53A-1-706~~] 53G-7-216(3).
7399 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
7400 and (v), a school community council may:
7401 (i) partner with one or more non-profit organizations; or
7402 (ii) create a subcommittee.
7403 (c) A school or school district administrator may not prohibit or discourage a school
7404 community council from discussing issues, or offering advice or recommendations, regarding
7405 the school and its programs, school district programs, the curriculum, or the community
7406 environment for students.
7407 (4) (a) Each school community council shall consist of school employee members and
7408 parent or guardian members in accordance with this section.
7409 (b) Except as provided in Subsection (4)(c) or (d):
7410 (i) each school community council for a high school shall have six parent or guardian
7411 members and four school employee members, including the principal; and
7412 (ii) each school community council for a school other than a high school shall have
7413 four parent or guardian members and two school employee members, including the principal.
7414 (c) A school community council may determine the size of the school community
7415 council by a majority vote of a quorum of the school community council provided that:
7416 (i) the membership includes two or more parent or guardian members than the number
7417 of school employee members; and
7418 (ii) there are at least two school employee members on the school community council.
7419 (d) (i) The number of parent or guardian members of a school community council who
7420 are not educators employed by the school district shall exceed the number of parent or guardian
7421 members who are educators employed by the school district.

7422 (ii) If, after an election, the number of parent or guardian members who are not
7423 educators employed by the school district does not exceed the number of parent or guardian
7424 members who are educators employed by the school district, the parent or guardian members of
7425 the school community council shall appoint one or more parent or guardian members to the
7426 school community council so that the number of parent or guardian members who are not
7427 educators employed by the school district exceeds the number of parent or guardian members
7428 who are educators employed by the school district.
7429 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than
7430 the principal, shall be elected by secret ballot by a majority vote of the school employees and
7431 serve a two-year term. The principal shall serve as an ex officio member with full voting
7432 privileges.
7433 (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be
7434 elected by secret ballot at an election held at the school by a majority vote of those voting at the
7435 election and serve a two-year term.
7436 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent or guardian of a
7437 student attending the school may vote in, or run as a candidate in, the election under Subsection
7438 (5)(b)(i).
7439 (B) If an election is held in the spring, a parent or guardian of a student who will be
7440 attending the school the following school year may vote in, and run as a candidate in, the
7441 election under Subsection (5)(b)(i).
7442 (iii) Any parent or guardian of a student who meets the qualifications of this section
7443 may file or declare the parent's or guardian's candidacy for election to a school community
7444 council.
7445 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
7446 election of parent or guardian members of a school community council shall be established by
7447 a local school board for the schools within the school district.
7448 (B) An election for the parent or guardian members of a school community council
7449 shall be held near the beginning of the school year or held in the spring and completed before

7450 the last week of school.
7451 (C) Each school shall establish a time period for the election of parent or guardian
7452 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
7453 least a four-year period.
7454 (c) (i) At least 10 days before the date that voting commences for the elections held
7455 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,
7456 shall provide notice to each school employee, parent, or guardian, of the opportunity to vote in,
7457 and run as a candidate in, an election under this Subsection (5).
7458 (ii) The notice shall include:
7459 (A) the dates and times of the elections;
7460 (B) a list of council positions that are up for election; and
7461 (C) instructions for becoming a candidate for a community council position.
7462 (iii) The principal of the school, or the principal's designee, shall oversee the elections
7463 held under Subsections (5)(a) and (5)(b).
7464 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
7465 secure ballot box.
7466 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
7467 available to the public upon request.
7468 (e) (i) If a parent or guardian position on a school community council remains unfilled
7469 after an election is held, the other parent or guardian members of the council shall appoint a
7470 parent or guardian who meets the qualifications of this section to fill the position.
7471 (ii) If a school employee position on a school community council remains unfilled after
7472 an election is held, the other school employee members of the council shall appoint a school
7473 employee to fill the position.
7474 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
7475 (ii) shall serve a two-year term.
7476 (f) (i) If the number of candidates who file for a parent or guardian position or school
7477 employee position on a school community council is less than or equal to the number of open

7478 positions, an election is not required.
7479 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
7480 position remains unfilled, the other parent or guardian members of the council shall appoint a
7481 parent or guardian who meets the qualifications of this section to fill the position.
7482 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
7483 position remains unfilled, the other school employee members of the council shall appoint a
7484 school employee who meets the qualifications of this section to fill the position.
7485 (g) The principal shall enter the names of the council members on the School LAND
7486 Trust website on or before October 20 of each year, pursuant to Section [~~53A-1a-108.1~~]
7487 53G-7-1203.
7488 (h) Terms shall be staggered so that approximately half of the council members stand
7489 for election each year.
7490 (i) A school community council member may serve successive terms provided the
7491 member continues to meet the definition of a parent or guardian member or school employee
7492 member as specified in Subsection (1).
7493 (j) Each school community council shall elect:
7494 (i) a chair from its parent or guardian members; and
7495 (ii) a vice chair from either its parent or guardian members or school employee
7496 members, excluding the principal.
7497 (6) (a) A school community council may create subcommittees or task forces to:
7498 (i) advise or make recommendations to the council; or
7499 (ii) develop all or part of a plan listed in Subsection (3).
7500 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
7501 subject to the approval of the school community council.
7502 (c) A school community council may appoint individuals who are not council members
7503 to serve on a subcommittee or task force, including parents or guardians, school employees, or
7504 other community members.
7505 (7) (a) A majority of the members of a school community council is a quorum for the

7506 transaction of business.
7507 (b) The action of a majority of the members of a quorum is the action of the school
7508 community council.
7509 (8) A local school board shall provide training for a school community council each
7510 year, including training:
7511 (a) for the chair and vice chair about their responsibilities;
7512 (b) on resources available on the School LAND Trust website; and
7513 (c) on the following statutes governing school community councils:
7514 (i) Section [~~53A-1a-108~~] 53G-7-1202;
7515 (ii) Section [~~53A-1a-108.1~~] 53G-7-1203;
7516 (iii) Section [~~53A-1a-108.5~~] 53G-7-1204; and
7517 (iv) Section [~~53A-16-101.5~~] 53F-2-404.
7518 Section 245. Section **53G-7-1203**, which is renumbered from Section 53A-1a-108.1 is
7519 renumbered and amended to read:
7520 **[~~53A-1a-108.1~~]. 53G-7-1203. School community councils -- Open and public**
7521 **meeting requirements.**
7522 (1) As used in this section:
7523 (a) (i) "Charter trust land council" means a council established by a charter school
7524 governing board under Section [~~53A-16-101.5~~] 53F-2-404.
7525 (ii) "Charter trust land council" does not include a charter school governing board
7526 acting as a charter trust land council.
7527 (b) "School community council" means a council established at a school within a
7528 school district under Section [~~53A-1a-108~~] 53G-7-1202.
7529 (c) "Council" means a school community council or a charter trust land council.
7530 (2) A school community council or a charter trust land council:
7531 (a) shall conduct deliberations and take action openly as provided in this section; and
7532 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.
7533 (3) (a) As required by Section [~~53A-1a-108~~] 53G-7-1202, a local school board shall

7534 provide training for the members of a school community council on this section.
7535 (b) A charter school governing board shall provide training for the members of a
7536 charter trust land council on this section.
7537 (4) (a) A meeting of a council is open to the public.
7538 (b) A council may not close any portion of a meeting.
7539 (5) A council shall, at least one week prior to a meeting, post the following information
7540 on the school's website:
7541 (a) a notice of the meeting, time, and place;
7542 (b) an agenda for the meeting; and
7543 (c) the minutes of the previous meeting.
7544 (6) (a) On or before October 20, a principal shall post the following information on the
7545 school website and in the school office:
7546 (i) the proposed council meeting schedule for the year;
7547 (ii) a telephone number or email address, or both, where each council member can be
7548 reached directly; and
7549 (iii) a summary of the annual report required under Section [~~53A-16-101.5~~] 53F-2-404
7550 on how the school's School LAND Trust Program money was used to enhance or improve
7551 academic excellence at the school and implement a component of the school's improvement
7552 plan.
7553 (b) (i) A council shall identify and use methods of providing the information listed in
7554 Subsection (6)(a) to a parent or guardian who does not have Internet access.
7555 (ii) Money allocated to a school under the School LAND Trust Program created in
7556 Section [~~53A-16-101.5~~] 53F-2-404 may not be used to provide information as required by
7557 Subsection (6)(b)(i).
7558 (7) (a) The notice requirement of Subsection (5) may be disregarded if:
7559 (i) because of unforeseen circumstances it is necessary for a council to hold an
7560 emergency meeting to consider matters of an emergency or urgent nature; and
7561 (ii) the council gives the best notice practicable of:

7562 (A) the time and place of the emergency meeting; and
7563 (B) the topics to be considered at the emergency meeting.
7564 (b) An emergency meeting of a council may not be held unless:
7565 (i) an attempt has been made to notify all the members of the council; and
7566 (ii) a majority of the members of the council approve the meeting.
7567 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
7568 to notify the public as to the topics to be considered at the meeting.
7569 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
7570 the meeting agenda.
7571 (c) A council may not take final action on a topic in a meeting unless the topic is:
7572 (i) listed under an agenda item as required by Subsection (8)(b); and
7573 (ii) included with the advance public notice required by Subsection (5).
7574 (9) (a) Written minutes shall be kept of a council meeting.
7575 (b) Written minutes of a council meeting shall include:
7576 (i) the date, time, and place of the meeting;
7577 (ii) the names of members present and absent;
7578 (iii) a brief statement of the matters proposed, discussed, or decided;
7579 (iv) a record, by individual member, of each vote taken;
7580 (v) the name of each person who:
7581 (A) is not a member of the council; and
7582 (B) after being recognized by the chair, provided testimony or comments to the
7583 council;
7584 (vi) the substance, in brief, of the testimony or comments provided by the public under
7585 Subsection (9)(b)(v); and
7586 (vii) any other information that is a record of the proceedings of the meeting that any
7587 member requests be entered in the minutes.
7588 (c) The written minutes of a council meeting:
7589 (i) are a public record under Title 63G, Chapter 2, Government Records Access and

7590 Management Act; and
7591 (ii) shall be retained for three years.
7592 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of
7593 rules that govern and prescribe in a public meeting:
7594 (i) parliamentary order and procedure;
7595 (ii) ethical behavior; and
7596 (iii) civil discourse.
7597 (b) A council shall:
7598 (i) adopt rules of order and procedure to govern a public meeting of the council;
7599 (ii) conduct a public meeting in accordance with the rules of order and procedure
7600 described in Subsection (10)(b)(i); and
7601 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
7602 to the public:
7603 (A) at each public meeting of the council; and
7604 (B) on the school's website.
7605 Section 246. Section **53G-7-1204**, which is renumbered from Section 53A-1a-108.5 is
7606 renumbered and amended to read:
7607 **[~~53A-1a-108.5~~]. 53G-7-1204. School improvement plan.**
7608 (1) (a) A school community council established under Section [~~53A-1a-108~~]
7609 53G-7-1202 shall annually evaluate, with the school's principal, the school's statewide
7610 achievement test results, reading achievement plan, class size reduction needs, and technology
7611 needs, and use the evaluations in developing a school improvement plan to improve teaching
7612 and learning conditions.
7613 (b) In evaluating statewide achievement test results and developing a school
7614 improvement plan, a school community council may not have access to data that reveal the
7615 identity of students.
7616 (2) A school community council shall develop a school improvement plan that:
7617 (a) identifies the school's most critical academic needs;

7618 (b) recommends a course of action to meet the identified needs;
7619 (c) lists any programs, practices, materials, or equipment that the school will need to
7620 implement its action plan to have a direct impact on the instruction of students and result in
7621 measurable increased student performance;
7622 (d) describes how the school intends to enhance or improve academic achievement,
7623 including how financial resources available to the school, such as School LAND Trust Program
7624 money received under Section [~~53A-16-101.5~~] 53F-2-404 and state and federal grants, will be
7625 used to enhance or improve academic achievement; and
7626 (e) if the school community council represents a school that educates students in
7627 kindergarten, grade 1, grade 2, or grade 3, includes a reading achievement plan as described in
7628 Section [~~53A-1-606.5~~] 53E-4-306.
7629 (3) Although a school improvement plan focuses on the school's most critical academic
7630 needs, the school improvement plan may include other actions to enhance or improve academic
7631 achievement and the community environment for students.
7632 (4) The school principal shall make available to the school community council the
7633 school budget and other data needed to develop the school improvement plan.
7634 (5) The school improvement plan is subject to the approval of the local school board of
7635 the school district in which the school is located.
7636 (6) A school community council may develop a multiyear school improvement plan,
7637 but the multiyear school improvement plan must be presented to and approved annually by the
7638 local school board.
7639 (7) Each school shall:
7640 (a) implement the school improvement plan as developed by the school community
7641 council and approved by the local school board;
7642 (b) provide ongoing support for the council's school improvement plan; and
7643 (c) meet local school board reporting requirements regarding performance and
7644 accountability.
7645 (8) The school community council of a low performing school, as defined in Section

7646 [~~53A-1-1202~~] 53E-5-301, shall develop a school improvement plan that is consistent with the
7647 school turnaround plan developed by the school turnaround committee under [~~Chapter 1, Part~~
7648 ~~12~~] Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development [~~Act~~].
7649 Section 247. Section **53G-8-101** is enacted to read:
7650 **CHAPTER 8. DISCIPLINE AND SAFETY**
7651 **Part 1. General Provisions**
7652 **53G-8-101. Title.**
7653 This chapter is known as "Discipline and Safety."
7654 Section 248. Section **53G-8-102** is enacted to read:
7655 **53G-8-102. Definitions.**
7656 Reserved
7657 Section 249. Section **53G-8-201** is enacted to read:
7658 **Part 2. School Discipline and Conduct Plans**
7659 **53G-8-201. Definitions.**
7660 Reserved
7661 Section 250. Section **53G-8-202**, which is renumbered from Section 53A-11-901 is
7662 renumbered and amended to read:
7663 **[~~53A-11-901~~]. 53G-8-202. Public school discipline policies -- Basis of the**
7664 **policies -- Enforcement.**
7665 (1) The Legislature recognizes that every student in the public schools should have the
7666 opportunity to learn in an environment which is safe, conducive to the learning process, and
7667 free from unnecessary disruption.
7668 (2) (a) To foster such an environment, each local school board or governing board of a
7669 charter school, with input from school employees, parents and guardians of students, students,
7670 and the community at large, shall adopt conduct and discipline policies for the public schools
7671 in accordance with Section [~~53A-11-911~~] 53G-8-211.
7672 (b) A district or charter school shall base its policies on the principle that every student
7673 is expected:

7674 (i) to follow accepted rules of conduct; and
7675 (ii) to show respect for other people and to obey persons in authority at the school.
7676 (c) (i) On or before September 1, 2015, the State Board of Education shall revise the
7677 conduct and discipline policy models for elementary and secondary public schools to include
7678 procedures for responding to reports received through the School Safety and Crisis Line under
7679 Subsection [~~53A-11-1503~~] 53E-10-502(3).
7680 (ii) Each district or charter school shall use the models, where appropriate, in
7681 developing its conduct and discipline policies under this chapter.
7682 (d) The policies shall emphasize that certain behavior, most particularly behavior
7683 which disrupts, is unacceptable and may result in disciplinary action.
7684 (3) The local superintendent and designated employees of the district or charter school
7685 shall enforce the policies so that students demonstrating unacceptable behavior and their
7686 parents or guardians understand that such behavior will not be tolerated and will be dealt with
7687 in accordance with the district's conduct and discipline policies.
7688 Section 251. Section **53G-8-203**, which is renumbered from Section 53A-11-902 is
7689 renumbered and amended to read:
7690 **[~~53A-11-902~~]. 53G-8-203. Conduct and discipline policies and procedures.**
7691 (1) The conduct and discipline policies required under Section [~~53A-11-901~~]
7692 53G-8-202 shall include:
7693 [~~(1)~~] (a) provisions governing student conduct, safety, and welfare;
7694 [~~(2)~~] (b) standards and procedures for dealing with students who cause disruption in the
7695 classroom, on school grounds, on school vehicles, or in connection with school-related
7696 activities or events;
7697 [~~(3)~~] (c) procedures for the development of remedial discipline plans for students who
7698 cause a disruption at any of the places referred to in Subsection [~~(2)~~] (1)(b);
7699 [~~(4)~~] (d) procedures for the use of reasonable and necessary physical restraint in
7700 dealing with students posing a danger to themselves or others, consistent with Section
7701 [~~53A-11-802~~] 53G-8-302;

7702 [~~(5)~~] (e) standards and procedures for dealing with student conduct in locations other
7703 than those referred to in Subsection [~~(2)~~] (1)(b), if the conduct threatens harm or does harm to:
7704 [~~(a)~~] (i) the school;
7705 [~~(b)~~] (ii) school property;
7706 [~~(c)~~] (iii) a person associated with the school; or
7707 [~~(d)~~] (iv) property associated with a person described in Subsection [~~(5)(c)~~] (1)(e)(iii);
7708 [~~(6)~~] (f) procedures for the imposition of disciplinary sanctions, including suspension
7709 and expulsion;
7710 [~~(7)~~] (g) specific provisions, consistent with Section [~~53A-15-603~~] 53E-3-509, for
7711 preventing and responding to gang-related activities in the school, on school grounds, on
7712 school vehicles, or in connection with school-related activities or events;
7713 [~~(8)~~] (h) standards and procedures for dealing with habitual disruptive or unsafe
7714 student behavior in accordance with the provisions of this part; and
7715 [~~(9)~~] (i) procedures for responding to reports received through the School Safety and
7716 Crisis Line under Subsection [~~53A-11-1503~~] 53E-10-502(3).
7717 (2) (a) Each local school board shall establish a policy on detaining students after
7718 regular school hours as a part of the district-wide discipline plan required under Section
7719 53G-8-202.
7720 (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school
7721 students, grades kindergarten through six.
7722 (ii) The board shall receive input from teachers, school administrators, and parents and
7723 guardians of the affected students before adopting the policy.
7724 (c) The policy described in Subsection (2)(a) shall provide for:
7725 (i) notice to the parent or guardian of a student prior to holding the student after school
7726 on a particular day; and
7727 (ii) exceptions to the notice provision if detention is necessary for the student's health
7728 or safety.
7729 Section 252. Section **53G-8-204**, which is renumbered from Section 53A-11-903 is

7730 renumbered and amended to read:

7731 **[~~53A-11-903~~]. 53G-8-204. Suspension and expulsion procedures -- Notice to**
7732 **parents -- Distribution of policies.**

7733 (1) (a) Policies required under this part shall include written procedures for the
7734 suspension and expulsion of, or denial of admission to, a student, consistent with due process
7735 and other provisions of law.

7736 (b) (i) The policies required in Subsection (1)(a) shall include a procedure directing
7737 public schools to notify the custodial parent and, if requested in writing by a noncustodial
7738 parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a
7739 student.

7740 (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would
7741 disclose any information protected under a court order.

7742 (iii) The custodial parent is responsible for providing to the school a certified copy of
7743 the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school
7744 board or the governing board of a charter school.

7745 (2) (a) Each local school board or governing board of a charter school shall provide for
7746 the distribution of a copy of a school's discipline and conduct policy to each student upon
7747 enrollment in the school.

7748 (b) A copy of the policy shall be posted in a prominent location in each school.

7749 (c) Any significant change in a school's conduct and discipline policy shall be
7750 distributed to students in the school and posted in the school in a prominent location.

7751 Section 253. Section **53G-8-205**, which is renumbered from Section 53A-11-904 is
7752 renumbered and amended to read:

7753 **[~~53A-11-904~~]. 53G-8-205. Grounds for suspension or expulsion from a**
7754 **public school.**

7755 (1) A student may be suspended or expelled from a public school for any of the
7756 following reasons:

7757 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive

7758 behavior, including the use of foul, profane, vulgar, or abusive language;
7759 (b) willful destruction or defacing of school property;
7760 (c) behavior or threatened behavior which poses an immediate and significant threat to
7761 the welfare, safety, or morals of other students or school personnel or to the operation of the
7762 school;
7763 (d) possession, control, or use of an alcoholic beverage as defined in Section
7764 32B-1-102;
7765 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the
7766 school or school property, to a person associated with the school, or property associated with
7767 that person, regardless of where it occurs; or
7768 (f) possession or use of pornographic material on school property.
7769 (2) (a) A student shall be suspended or expelled from a public school for any of the
7770 following reasons:
7771 (i) any serious violation affecting another student or a staff member, or any serious
7772 violation occurring in a school building, in or on school property, or in conjunction with any
7773 school activity, including:
7774 (A) the possession, control, or actual or threatened use of a real weapon, explosive, or
7775 noxious or flammable material;
7776 (B) the actual or threatened use of a look alike weapon with intent to intimidate another
7777 person or to disrupt normal school activities; or
7778 (C) the sale, control, or distribution of a drug or controlled substance as defined in
7779 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug
7780 paraphernalia as defined in Section 58-37a-3; or
7781 (ii) the commission of an act involving the use of force or the threatened use of force
7782 which if committed by an adult would be a felony or class A misdemeanor.
7783 (b) A student who commits a violation of Subsection (2)(a) involving a real or look
7784 alike weapon, explosive, or flammable material shall be expelled from school for a period of
7785 not less than one year subject to the following:

7786 (i) within 45 days after the expulsion the student shall appear before the student's local
7787 school board superintendent, the superintendent's designee, chief administrative officer of a
7788 charter school, or the chief administrative officer's designee, accompanied by a parent or legal
7789 guardian; and
7790 (ii) the superintendent, chief administrator, or designee shall determine:
7791 (A) what conditions must be met by the student and the student's parent for the student
7792 to return to school;
7793 (B) if the student should be placed on probation in a regular or alternative school
7794 setting consistent with Section [~~53A-11-907~~] 53G-8-208, and what conditions must be met by
7795 the student in order to ensure the safety of students and faculty at the school the student is
7796 placed in; and
7797 (C) if it would be in the best interest of both the school district or charter school, and
7798 the student, to modify the expulsion term to less than a year, conditioned on approval by the
7799 local school board or governing board of a charter school and giving highest priority to
7800 providing a safe school environment for all students.
7801 (3) A student may be denied admission to a public school on the basis of having been
7802 expelled from that or any other school during the preceding 12 months.
7803 (4) A suspension or expulsion under this section is not subject to the age limitations
7804 under Subsection [~~53A-11-102~~] 53G-6-204(1).
7805 (5) Each local school board and governing board of a charter school shall prepare an
7806 annual report for the State Board of Education on:
7807 (a) each violation committed under this section; and
7808 (b) each action taken by the school district against a student who committed the
7809 violation.
7810 Section 254. Section **53G-8-206**, which is renumbered from Section 53A-11-905 is
7811 renumbered and amended to read:
7812 **[~~53A-11-905~~]. 53G-8-206. Delegation of authority to suspend or expel a**
7813 **student -- Procedure for suspension -- Readmission.**

7814 (1) (a) A local board of education may delegate to any school principal or assistant
7815 principal within the school district the power to suspend a student in the principal's school for
7816 up to 10 school days.
7817 (b) A governing board of a charter school may delegate to the chief administrative
7818 officer of the charter school the power to suspend a student in the charter school for up to 10
7819 school days.
7820 (2) The board may suspend a student for up to one school year or delegate that power
7821 to the district superintendent, the superintendent's designee, or chief administrative officer of a
7822 charter school.
7823 (3) The board may expel a student for a fixed or indefinite period, provided that the
7824 expulsion shall be reviewed by the district superintendent or the superintendent's designee and
7825 the conclusions reported to the board, at least once each year.
7826 (4) If a student is suspended, a designated school official shall notify the parent or
7827 guardian of the student of the following without delay:
7828 (a) that the student has been suspended;
7829 (b) the grounds for the suspension;
7830 (c) the period of time for which the student is suspended; and
7831 (d) the time and place for the parent or guardian to meet with a designated school
7832 official to review the suspension.
7833 (5) (a) A suspended student shall immediately leave the school building and the school
7834 grounds following a determination by the school of the best way to transfer custody of the
7835 student to the parent or guardian or other person authorized by the parent or applicable law to
7836 accept custody of the student.
7837 (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be
7838 readmitted to a public school until:
7839 (i) the student and the parent or guardian have met with a designated school official to
7840 review the suspension and agreed upon a plan to avoid recurrence of the problem; or
7841 (ii) in the discretion of the principal or chief administrative officer of a charter school,

7842 the parent or guardian of the suspended student and the student have agreed to participate in
7843 such a meeting.
7844 (c) A suspension may not extend beyond 10 school days unless the student and the
7845 student's parent or guardian have been given a reasonable opportunity to meet with a
7846 designated school official and respond to the allegations and proposed disciplinary action.
7847 Section 255. Section **53G-8-207**, which is renumbered from Section 53A-11-906 is
7848 renumbered and amended to read:
7849 **[~~53A-11-906~~]. 53G-8-207. Alternatives to suspension or expulsion.**
7850 (1) Each local school board or governing board of a charter school shall establish:
7851 (a) policies providing that prior to suspending or expelling a student for repeated acts
7852 of willful disobedience, defiance of authority, or disruptive behavior which are not of such a
7853 violent or extreme nature that immediate removal is required, good faith efforts shall be made
7854 to implement a remedial discipline plan that would allow the student to remain in school; and
7855 (b) alternatives to suspension, including policies that allow a student to remain in
7856 school under an in-school suspension program or under a program allowing the parent or
7857 guardian, with the consent of the student's teacher or teachers, to attend class with the student
7858 for a period of time specified by a designated school official.
7859 (2) If the parent or guardian does not agree or fails to attend class with the student, the
7860 student shall be suspended in accordance with the conduct and discipline policies of the district
7861 or the school.
7862 (3) The parent or guardian of a suspended student and the designated school official
7863 may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or
7864 other appropriate state agencies, if necessary, in dealing with the student's suspension.
7865 (4) The state superintendent of public instruction, in cooperation with school districts
7866 and charter schools, shall:
7867 (a) research methods of motivating and providing incentives to students that:
7868 (i) directly and regularly reward or recognize appropriate behavior;
7869 (ii) impose immediate and direct consequences on students who fail to comply with

7870 district or school standards of conduct; and
7871 (iii) keep the students in school, or otherwise continue student learning with
7872 appropriate supervision or accountability;
7873 (b) explore funding resources to implement methods of motivating and providing
7874 incentives to students that meet the criteria specified in Subsection (4)(a);
7875 (c) evaluate the benefits and costs of methods of motivating and providing incentives
7876 to students that meet the criteria specified in Subsection (4)(a);
7877 (d) publish a report that incorporates the research findings, provides model plans with
7878 suggested resource pools, and makes recommendations for local school boards and school
7879 personnel;
7880 (e) submit the report described in Subsection (4)(d) to the Education Interim
7881 Committee; and
7882 (f) maintain data for purposes of accountability, later reporting, and future analysis.
7883 Section 256. Section **53G-8-208**, which is renumbered from Section 53A-11-907 is
7884 renumbered and amended to read:
7885 **[~~53A-11-907~~]. 53G-8-208. Student suspended or expelled -- Responsibility**
7886 **of parent or guardian -- Application for students with disabilities.**
7887 (1) If a student is suspended or expelled from a public school under this part for more
7888 than 10 school days, the parent or guardian is responsible for undertaking an alternative
7889 education plan which will ensure that the student's education continues during the period of
7890 suspension or expulsion.
7891 (2) (a) The parent or guardian shall work with designated school officials to determine
7892 how that responsibility might best be met through private education, an alternative program
7893 offered by or through the district or charter school, or other alternative which will reasonably
7894 meet the educational needs of the student.
7895 (b) The parent or guardian and designated school official may enlist the cooperation of
7896 the Division of Child and Family Services, the juvenile court, or other appropriate state
7897 agencies to meet the student's educational needs.

7898 (3) Costs for educational services which are not provided by the school district or
7899 charter school are the responsibility of the student's parent or guardian.
7900 (4) (a) Each school district or charter school shall maintain a record of all suspended or
7901 expelled students and a notation of the recorded suspension or expulsion shall be attached to
7902 the individual student's transcript.
7903 (b) The district or charter school shall contact the parent or guardian of each suspended
7904 or expelled student under the age of 16 at least once each month to determine the student's
7905 progress.
7906 (5) (a) This part applies to students with disabilities to the extent permissible under
7907 applicable law or regulation.
7908 (b) If application of any requirement of this part to a student with a disability is not
7909 permissible under applicable law or regulation, the responsible school authority shall
7910 implement other actions consistent with the conflicting law or regulation which shall most
7911 closely correspond to the requirements of this part.
7912 Section 257. Section **53G-8-209**, which is renumbered from Section 53A-11-908 is
7913 renumbered and amended to read:
7914 **[~~53A-11-908~~]. 53G-8-209. Extracurricular activities -- Prohibited conduct**
7915 **-- Reporting of violations -- Limitation of liability.**
7916 (1) The Legislature recognizes that:
7917 (a) participation in student government and extracurricular activities may confer
7918 important educational and lifetime benefits upon students, and encourages school districts and
7919 charter schools to provide a variety of opportunities for all students to participate in such
7920 activities in meaningful ways;
7921 (b) there is no constitutional right to participate in these types of activities, and does
7922 not through this section or any other provision of law create such a right;
7923 (c) students who participate in student government and extracurricular activities,
7924 particularly competitive athletics, and the adult coaches, advisors, and assistants who direct
7925 those activities, become role models for others in the school and community;

7926 (d) these individuals often play major roles in establishing standards of acceptable
7927 behavior in the school and community, and establishing and maintaining the reputation of the
7928 school and the level of community confidence and support afforded the school; and
7929 (e) it is of the utmost importance that those involved in student government, whether as
7930 officers or advisors, and those involved in competitive athletics and related activities, whether
7931 students or staff, comply with all applicable laws and rules of behavior and conduct themselves
7932 at all times in a manner befitting their positions and responsibilities.
7933 (2) (a) The State Board of Education may, and local boards of education and governing
7934 boards of charter schools shall, adopt rules implementing this section that apply to both
7935 students and staff.
7936 (b) The rules described in Subsection (2)(a) shall include prohibitions against the
7937 following types of conduct in accordance with Section [~~53A-11-911~~] 53G-8-211, while in the
7938 classroom, on school property, during school sponsored activities, or regardless of the location
7939 or circumstance, affecting a person or property described in Subsections [~~53A-11-902 (5)(a)~~
7940 ~~through (d)~~] 53G-8-203(1)(e)(i) through (iv):
7941 (i) use of foul, abusive, or profane language while engaged in school related activities;
7942 (ii) illicit use, possession, or distribution of controlled substances or drug
7943 paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in
7944 Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and
7945 (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including
7946 behavior involving physical violence, restraint, improper touching, or inappropriate exposure
7947 of body parts not normally exposed in public settings, forced ingestion of any substance, or any
7948 act which would constitute a crime against a person or public order under Utah law.
7949 (3) (a) School employees who reasonably believe that a violation of this section may
7950 have occurred shall immediately report that belief to the school principal, district
7951 superintendent, or chief administrative officer of a charter school.
7952 (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the
7953 alleged incident, and actions taken in response, to the district superintendent or the

7954 superintendent's designee within 10 working days after receipt of the report.
7955 (c) Failure of a person holding a professional certificate to report as required under this
7956 Subsection (3) constitutes an unprofessional practice.
7957 (4) Limitations of liability set forth under Section [~~53A-11-1004~~] 53G-8-405 apply to
7958 this section.
7959 Section 258. Section **53G-8-210**, which is renumbered from Section 53A-11-910 is
7960 renumbered and amended to read:
7961 **[~~53A-11-910~~]. 53G-8-210. Disruptive student behavior.**
7962 (1) As used in this section:
7963 (a) "Disruptive student behavior" includes:
7964 (i) the grounds for suspension or expulsion described in Section [~~53A-11-904~~]
7965 53G-8-205; and
7966 (ii) the conduct described in Subsection [~~53A-11-908~~] 53G-8-209(2)(b).
7967 (b) "Parent" includes:
7968 (i) a custodial parent of a school-age minor;
7969 (ii) a legally appointed guardian of a school-age minor; or
7970 (iii) any other person purporting to exercise any authority over the minor which could
7971 be exercised by a person described in Subsection (1)(b)(i) or (ii).
7972 (c) "Qualifying minor" means a school-age minor who:
7973 (i) is at least nine years old; or
7974 (ii) turns nine years old at any time during the school year.
7975 (d) "School year" means the period of time designated by a local school board or local
7976 charter board as the school year for the school where the school-age minor is enrolled.
7977 (2) A local school board, school district, governing board of a charter school, or charter
7978 school may impose administrative penalties in accordance with Section [~~53A-11-911~~]
7979 53G-8-211 on a school-age minor who violates this part.
7980 (3) (a) A local school board or governing board of a charter school shall:
7981 (i) authorize a school administrator or a designee of a school administrator to issue

7982 notices of disruptive student behavior to qualifying minors; and
7983 (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to
7984 contest a notice of disruptive student behavior.
7985 (b) A school representative shall provide to a parent of a school-age minor, a list of
7986 resources available to assist the parent in resolving the school-age minor's disruptive student
7987 behavior problem.
7988 (c) A local school board or governing board of a charter school shall establish
7989 procedures for a school counselor or other designated school representative to work with a
7990 qualifying minor who engages in disruptive student behavior in order to attempt to resolve the
7991 minor's disruptive student behavior problems.
7992 (4) The notice of disruptive student behavior described in Subsection (3)(a):
7993 (a) shall be issued to a qualifying minor who:
7994 (i) engages in disruptive student behavior, that does not result in suspension or
7995 expulsion, three times during the school year; or
7996 (ii) engages in disruptive student behavior, that results in suspension or expulsion, once
7997 during the school year;
7998 (b) shall require that the qualifying minor and a parent of the qualifying minor:
7999 (i) meet with school authorities to discuss the qualifying minor's disruptive student
8000 behavior; and
8001 (ii) cooperate with the local school board or governing board of a charter school in
8002 correcting the school-age minor's disruptive student behavior; and
8003 (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.
8004 (5) A habitual disruptive student behavior notice:
8005 (a) may only be issued to a qualifying minor who:
8006 (i) engages in disruptive student behavior, that does not result in suspension or
8007 expulsion, at least six times during the school year;
8008 (ii) (A) engages in disruptive student behavior, that does not result in suspension or
8009 expulsion, at least three times during the school year; and

8010 (B) engages in disruptive student behavior, that results in suspension or expulsion, at
8011 least once during the school year; or
8012 (iii) engages in disruptive student behavior, that results in suspension or expulsion, at
8013 least twice during the school year; and
8014 (b) may only be issued by a school administrator, a designee of a school administrator,
8015 or a truancy specialist, who is authorized by a local school board or governing board of a local
8016 charter school to issue a habitual disruptive student behavior notice.
8017 (6) (a) A qualifying minor to whom a habitual disruptive student behavior notice is
8018 issued under Subsection (5) may not be referred to the juvenile court.
8019 (b) Within five days after the day on which a habitual disruptive student behavior
8020 notice is issued, a representative of the school district or charter school shall provide
8021 documentation, to a parent of the qualifying minor who receives the notice, of the efforts made
8022 by a school counselor or representative under Subsection (3)(c).
8023 Section 259. Section **53G-8-211**, which is renumbered from Section 53A-11-911 is
8024 renumbered and amended to read:
8025 **[~~53A-11-911~~]. 53G-8-211. Responses to school-based behavior.**
8026 (1) As used in this section:
8027 (a) "Class A misdemeanor person offense" means a class A misdemeanor described in
8028 Title 76, Chapter 5, Offenses Against the Person, or Title 76, Chapter 5b, Sexual Exploitation
8029 Act.
8030 (b) "Mobile crisis outreach team" means the same as that term is defined in Section
8031 78A-6-105.
8032 (c) "Nonperson class A misdemeanor" means a class A misdemeanor that is not a class
8033 A misdemeanor person offense.
8034 (d) "Restorative justice program" means a school-based program that is designed to
8035 enhance school safety, reduce school suspensions, and limit referrals to court, and is designed
8036 to help minors take responsibility for and repair the harm of behavior that occurs in school.
8037 (2) This section applies to a minor enrolled in school who is alleged to have committed

8038 an offense:
8039 (a) on school property; or
8040 (b) that is truancy.
8041 (3) If the alleged offense is a class C misdemeanor, an infraction, a status offense on
8042 school property, or truancy, the minor may not be referred to law enforcement or court but may
8043 be referred to alternative school-related interventions, including:
8044 (a) a mobile crisis outreach team, as defined in Section 78A-6-105;
8045 (b) a receiving center operated by the Division of Juvenile Justice Services in
8046 accordance with Section 62A-7-104; and
8047 (c) a youth court or comparable restorative justice program.
8048 (4) If the alleged offense is a class B misdemeanor or a nonperson class A
8049 misdemeanor, the minor may be referred directly to the juvenile court by the school
8050 administrator or the school administrator's designee, or the minor may be referred to the
8051 alternative interventions in Subsection (3).
8052 Section 260. Section **53G-8-212**, which is renumbered from Section 53A-11-806 is
8053 renumbered and amended to read:
8054 **[~~53A-11-806~~]. 53G-8-212. Defacing or damaging school property --**
8055 **Student's liability -- Work program alternative.**
8056 (1) A student who willfully defaces or otherwise damages any school property may be
8057 suspended or otherwise disciplined.
8058 (2) (a) If a school's property has been lost or willfully cut, defaced, or otherwise
8059 damaged, the school may withhold the issuance of an official written grade report, diploma, or
8060 transcript of the student responsible for the damage or loss until the student or the student's
8061 parent or guardian has paid for the damages.
8062 (b) The student's parent or guardian is liable for damages as otherwise provided in
8063 Section 78A-6-1113.
8064 (3) (a) If the student and the student's parent or guardian are unable to pay for the
8065 damages or if it is determined by the school in consultation with the student's parent or

8066 guardian that the student's interests would not be served if the parent or guardian were to pay
8067 for the damages, the school shall provide for a program of work the student may complete in
8068 lieu of the payment.
8069 (b) The school shall release the official grades, diploma, and transcripts of the student
8070 upon completion of the work.
8071 (4) Before any penalties are assessed under this section, the school shall adopt
8072 procedures to ensure that the student's right to due process is protected.
8073 (5) No penalty may be assessed for damages which may be reasonably attributed to
8074 normal wear and tear.
8075 (6) If the Department of Human Services or a licensed child-placing agency has been
8076 granted custody of the student, the student's records, if requested by the department or agency,
8077 may not be withheld from the department or agency for nonpayment of damages under this
8078 section.
8079 Section 261. Section **53G-8-301**, which is renumbered from Section 53A-11-801 is
8080 renumbered and amended to read:
8081 **Part 3. Physical Restraint of Students**
8082 **[~~53A-11-801~~]. 53G-8-301. Definitions.**
8083 As used in this part:
8084 (1) "Corporal punishment" means the intentional infliction of physical pain upon the
8085 body of a student as a disciplinary measure.
8086 (2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm,
8087 shoulder, or back for the purpose of guiding a student to another location.
8088 (3) "Physical restraint" means a personal restriction that immobilizes or significantly
8089 reduces the ability of a student to move the student's arms, legs, body, or head freely.
8090 (4) "School" means a public or private elementary school, secondary school, or
8091 preschool.
8092 (5) "Student" means an individual who is:
8093 (a) under the age of 19 and receiving educational services; or

8094 (b) under the age of 23 and receiving educational services as an individual with a
8095 disability.
8096 Section 262. Section **53G-8-302**, which is renumbered from Section 53A-11-802 is
8097 renumbered and amended to read:
8098 **[~~53A-11-802~~]. 53G-8-302. Prohibition of corporal punishment -- Use of**
8099 **reasonable and necessary physical restraint.**
8100 (1) A school employee may not inflict or cause the infliction of corporal punishment
8101 upon a student.
8102 (2) A school employee may use reasonable and necessary physical restraint in self
8103 defense or when otherwise appropriate to the circumstances to:
8104 (a) obtain possession of a weapon or other dangerous object in the possession or under
8105 the control of a student;
8106 (b) protect a student or another individual from physical injury;
8107 (c) remove from a situation a student who is violent; or
8108 (d) protect property from being damaged, when physical safety is at risk.
8109 (3) Nothing in this section prohibits a school employee from using less intrusive
8110 means, including a physical escort, to address circumstances described in Subsection (2).
8111 (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or
8112 permit the commission of an act prohibited by this part is void and unenforceable.
8113 (b) An employee may not be subjected to any sanction for failure or refusal to commit
8114 an act prohibited under this part.
8115 (5) A parochial or private school that does not receive state funds to provide for the
8116 education of a student may exempt itself from the provisions of this section by adopting a
8117 policy to that effect and notifying the parents or guardians of students in the school of the
8118 exemption.
8119 (6) This section does not apply to a law enforcement officer as defined in Section
8120 53-13-103.
8121 Section 263. Section **53G-8-303**, which is renumbered from Section 53A-11-803 is

8122 renumbered and amended to read:

8123 **[~~53A-11-803~~]. 53G-8-303. Investigation of complaint -- Confidentiality --**
8124 **Immunity.**

8125 (1) (a) The reporting and investigation requirements of Title 62A, Chapter 4a, Part 4,
8126 Child Abuse or Neglect Reporting Requirements, apply to complaints on corporal punishment.

8127 (b) If a violation is confirmed, school authorities shall take prompt and appropriate
8128 action, including in-service training and other administrative action, to ensure against a
8129 repetition of the violation.

8130 (2) Reports made on violations of this part are subject to the same requirements of
8131 confidentiality as provided under Section 62A-4a-412.

8132 (3) Any school or individual who in good faith makes a report or cooperates in an
8133 investigation by a school or authorized public agency concerning a violation of this part is
8134 immune from any civil or criminal liability that might otherwise result by reason of those
8135 actions.

8136 Section 264. Section **53G-8-304**, which is renumbered from Section 53A-11-804 is
8137 renumbered and amended to read:

8138 **[~~53A-11-804~~]. 53G-8-304. Liability.**

8139 (1) (a) Corporal punishment which would, but for this part, be considered to be
8140 reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any
8141 civil or criminal action.

8142 (b) A court of competent jurisdiction may take appropriate action against any
8143 employing entity if the court finds that the employing entity has not taken reasonable steps to
8144 enforce the provisions of this part.

8145 (2) Civil or criminal action may proceed without hindrance in the case of corporal
8146 punishment which would not be reasonable discipline under Sections 53G-8-305 and 76-2-401
8147 [~~and 53A-11-805~~].

8148 Section 265. Section **53G-8-305**, which is renumbered from Section 53A-11-805 is
8149 renumbered and amended to read:

8150 **[~~53A-11-805~~]. 53G-8-305. Exception.**
8151 Behavior reduction intervention which is in compliance with Section 76-2-401 and with
8152 state and local rules adopted under Section [~~53A-15-301~~] 53E-7-202 is excepted from this part.
8153 Section 266. Section **53G-8-401** is enacted to read:
8154 **Part 4. Juvenile Court and Law Enforcement Notification to Public Schools**
8155 **53G-8-401. Definitions.**
8156 Reserved
8157 Section 267. Section **53G-8-402**, which is renumbered from Section 53A-11-1001 is
8158 renumbered and amended to read:
8159 **[~~53A-11-1001~~]. 53G-8-402. Notification by juvenile court and law**
8160 **enforcement agencies.**
8161 (1) Notifications received from the juvenile court or law enforcement agencies by the
8162 school district pursuant to Subsections 78A-6-112(3)(b) and 78A-6-117(1)(b) are governed by
8163 this part.
8164 (2) School districts may enter into agreements with law enforcement agencies for
8165 notification under Subsection (1).
8166 Section 268. Section **53G-8-403**, which is renumbered from Section 53A-11-1002 is
8167 renumbered and amended to read:
8168 **[~~53A-11-1002~~]. 53G-8-403. Superintendent required to notify school.**
8169 (1) Within three days of receiving the information from the juvenile court or a law
8170 enforcement agency, the district superintendent shall notify the principal of the school the
8171 juvenile attends or last attended.
8172 (2) Upon receipt of the information, the principal shall:
8173 (a) make a notation in a secure file other than the student's permanent file; and
8174 (b) if the student is still enrolled in the school, notify staff members who, in his
8175 opinion, should know of the adjudication.
8176 (3) A person receiving information pursuant to this part may only disclose the
8177 information to other persons having both a right and a current need to know.

8178 (4) Access to secure files shall be limited to persons authorized to receive information
8179 under this part.
8180 Section 269. Section **53G-8-404**, which is renumbered from Section 53A-11-1003 is
8181 renumbered and amended to read:
8182 **[~~53A-11-1003~~]. 53G-8-404. Board to set procedures.**
8183 The State Board of Education shall make rules governing the dissemination of the
8184 information.
8185 Section 270. Section **53G-8-405**, which is renumbered from Section 53A-11-1004 is
8186 renumbered and amended to read:
8187 **[~~53A-11-1004~~]. 53G-8-405. Liability for release of information.**
8188 (1) The district superintendent, principal, and any staff member notified by the
8189 principal may not be held liable for information which may become public knowledge unless it
8190 can be shown by clear and convincing evidence that the information became public knowledge
8191 through an intentional act of the superintendent, principal, or a staff member.
8192 (2) A person receiving information under Subsection 78A-6-112(3)(b)[~~,~~] or
8193 78A-6-117(1)(b), or Section [~~53A-11-1002~~] 53G-8-403 is immune from any liability, civil or
8194 criminal, for acting or failing to act in response to the information unless the person acts or
8195 fails to act due to malice, gross negligence, or deliberate indifference to the consequences.
8196 Section 271. Section **53G-8-501**, which is renumbered from Section 53A-11-401 is
8197 renumbered and amended to read:
8198 **Part 5. Substance Abuse Reporting and Weapons Notification**
8199 **[~~53A-11-401~~]. 53G-8-501. Definitions.**
8200 For purposes of Sections [~~53A-11-402~~] 53G-8-502 through [~~53A-11-404~~] 53G-8-504:
8201 (1) "Educator" means a person employed by a public school, but excludes those
8202 employed by institutions of higher education.
8203 (2) "Prohibited act" means an act prohibited by Section [~~53A-3-501~~] 53G-8-602,
8204 relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5,
8205 relating to drug paraphernalia.

8206 Section 272. Section **53G-8-502**, which is renumbered from Section 53A-11-402 is
8207 renumbered and amended to read:
8208 **[~~53A-11-402~~]. 53G-8-502. Mandatory reporting of prohibited acts.**
8209 If an educator has reasonable cause to believe that a student at the public school where
8210 the educator is employed has committed a prohibited act, he shall immediately report that to
8211 the school's designated educator.
8212 Section 273. Section **53G-8-503**, which is renumbered from Section 53A-11-403 is
8213 renumbered and amended to read:
8214 **[~~53A-11-403~~]. 53G-8-503. Reporting procedure.**
8215 (1) The principal of a public school affected by this chapter shall appoint one educator
8216 as the "designated educator" to make all reports required under Sections [~~53A-11-401~~]
8217 53G-8-501 through [~~53A-11-404~~] 53G-8-504.
8218 (2) The designated educator, upon receiving a report of a prohibited act from an
8219 educator under Section [~~53A-11-402~~] 53G-8-502, shall immediately report the violation to the
8220 student's parent or legal guardian, and may report the violation to an appropriate law
8221 enforcement agency or official, in accordance with Section [~~53A-11-911~~] 53G-8-211.
8222 (3) The designated educator may not disclose to the student or to the student's parent or
8223 legal guardian the identity of the educator who made the initial report.
8224 Section 274. Section **53G-8-504**, which is renumbered from Section 53A-11-404 is
8225 renumbered and amended to read:
8226 **[~~53A-11-404~~]. 53G-8-504. Immunity from civil or criminal liability.**
8227 An educator who in good faith makes a report under Sections [~~53A-11-402~~] 53G-8-502
8228 and [~~53A-11-403~~] 53G-8-503 is immune from any liability, civil or criminal, that might
8229 otherwise result from that action.
8230 Section 275. Section **53G-8-505**, which is renumbered from Section 53A-11-1301 is
8231 renumbered and amended to read:
8232 **[~~53A-11-1301~~]. 53G-8-505. Definitions.**
8233 For purposes of Sections 53G-8-506 through 53G-8-509:

8234 (1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply [~~to this part~~] to
8235 Sections 53G-8-506 through 53G-8-509.
8236 [~~(2) As used in this part:~~]
8237 [~~(a)~~] (2) "Prohibited act" means an act punishable under Section [~~53A-3-501~~]
8238 53G-8-602, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled
8239 Substances Act.
8240 [~~(b)~~] (3) "School" means a public or private elementary or secondary school.
8241 Section 276. Section **53G-8-506**, which is renumbered from Section 53A-11-1302 is
8242 renumbered and amended to read:
8243 **[~~53A-11-1302~~]. 53G-8-506. Reporting of prohibited acts affecting a school --**
8244 **Confidentiality.**
8245 (1) A person who has reasonable cause to believe that an individual has committed a
8246 prohibited act shall, in accordance with Section [~~53A-11-911~~] 53G-8-211, immediately notify:
8247 (a) the principal;
8248 (b) an administrator of the affected school;
8249 (c) the superintendent of the affected school district; or
8250 (d) an administrator of the affected school district.
8251 (2) If notice is given to a school official, the official may authorize an investigation
8252 into allegations involving school property, students, or school district employees.
8253 (3) A school official may only refer a complaint of an alleged prohibited act reported as
8254 occurring on school grounds or in connection with school-sponsored activities to an
8255 appropriate law enforcement agency in accordance with Section [~~53A-11-911~~] 53G-8-211.
8256 (4) The identity of persons making reports pursuant to this section shall be kept
8257 confidential.
8258 Section 277. Section **53G-8-507**, which is renumbered from Section 53A-11-1303 is
8259 renumbered and amended to read:
8260 **[~~53A-11-1303~~]. 53G-8-507. Immunity from civil or criminal liability.**
8261 Any person, official, or institution, other than a law enforcement officer or law

8262 enforcement agency, participating in good faith in making a report or conducting an
8263 investigation under the direction of school or law enforcement authorities under [~~this part~~]
8264 Section 53G-8-505, 53G-8-506, 53G-8-508, or 53G-8-509, is immune from any liability, civil
8265 or criminal, that otherwise might result by reason of that action.
8266 Section 278. Section **53G-8-508**, which is renumbered from Section 53A-11-1304 is
8267 renumbered and amended to read:
8268 **[~~53A-11-1304~~]. 53G-8-508. Admissibility of evidence in civil and criminal**
8269 **actions.**
8270 (1) Evidence relating to [~~violations of this part~~] a violation of Section 53G-8-505,
8271 53G-8-506, 53G-8-509, or 53G-9-507, which is seized by school authorities acting alone, on
8272 their own authority, and not in conjunction with or at the behest of law enforcement authorities
8273 is admissible in civil and criminal actions.
8274 (2) A search under this section must be based on at least a reasonable belief that the
8275 search will turn up evidence of a violation of this part. The measures adopted for the search
8276 must be reasonably related to the objectives of the search and not excessively intrusive in light
8277 of the circumstances, including the age and sex of the person involved and the nature of the
8278 infraction.
8279 Section 279. Section **53G-8-509**, which is renumbered from Section 53A-11-1305 is
8280 renumbered and amended to read:
8281 **[~~53A-11-1305~~]. 53G-8-509. Board rules to ensure protection of individual**
8282 **rights.**
8283 The State Board of Education and local boards of education shall adopt rules to
8284 implement [~~this part~~] Sections 53G-8-505 through 53G-8-508. The rules shall establish
8285 procedures to ensure protection of individual rights against excessive and unreasonable
8286 intrusion.
8287 Section 280. Section **53G-8-510**, which is renumbered from Section 53A-11-1101 is
8288 renumbered and amended to read:
8289 **[~~53A-11-1101~~]. 53G-8-510. Notification of teachers of weapons on school**

8290 **property -- Immunity from civil and criminal liability.**
8291 (1) Whenever a student is found on school property during school hours or at a
8292 school-sponsored activity in possession of a dangerous weapon and that information is reported
8293 to or known by the principal, the principal shall notify law enforcement personnel and school
8294 or district personnel who, in the opinion of the principal, should be informed.
8295 (2) A person who in good faith reports information under Subsection (1) and any
8296 person who receives the information is immune from any liability, civil or criminal, that might
8297 otherwise result from the reporting or receipt of the information.
8298 Section 281. Section **53G-8-601** is enacted to read:
8299 **Part 6. Criminal Offenses and Traffic Ordinances**
8300 **53G-8-601. Definitions.**
8301 Reserved
8302 Section 282. Section **53G-8-602**, which is renumbered from Section 53A-3-501 is
8303 renumbered and amended to read:
8304 **[~~53A-3-501~~]. 53G-8-602. Possession or consumption of alcoholic beverages**
8305 **at school or school-sponsored activities -- Penalty.**
8306 (1) Except as approved by a local school board as part of the curriculum, a person may
8307 not possess or drink an alcoholic beverage:
8308 (a) inside or on the grounds of any building owned or operated by a part of the public
8309 education system; or
8310 (b) in those portions of any building, park, or stadium which are being used for an
8311 activity sponsored by or through any part of the public education system.
8312 (2) (a) Subsection (1)(a) does not apply to property owned by a school district in
8313 contemplation of future use for school purposes while the property is under lease to another
8314 party.
8315 (b) (i) For purposes of Subsection (2)(a), a lease must be full time for a period of not
8316 less than two years.
8317 (ii) The property may not be used for school purposes at any time during the lease

8318 period.
8319 (3) Violation of this section is a class B misdemeanor.
8320 Section 283. Section **53G-8-603**, which is renumbered from Section 53A-3-503 is
8321 renumbered and amended to read:
8322 **[~~53A-3-503~~]. 53G-8-603. Criminal trespass upon school property --**
8323 **Penalty.**
8324 (1) A person is guilty of criminal trespass upon school property if the person does the
8325 following:
8326 (a) enters or remains unlawfully upon school property, and:
8327 (i) intends to cause annoyance or injury to a person or damage to property on the
8328 school property;
8329 (ii) intends to commit a crime; or
8330 (iii) is reckless as to whether the person's presence will cause fear for the safety of
8331 another; or
8332 (b) enters or remains without authorization upon school property if notice against entry
8333 or remaining has been given by:
8334 (i) personal communication to the person by a school official or an individual with
8335 apparent authority to act for a school official;
8336 (ii) the posting of signs reasonably likely to come to the attention of trespassers;
8337 (iii) fencing or other enclosure obviously designed to exclude trespassers; or
8338 (iv) a current order of suspension or expulsion.
8339 (2) As used in this section:
8340 (a) "Enter" means intrusion of the entire body.
8341 (b) "School official" means a public or private school administrator or person in charge
8342 of a school program or activity.
8343 (c) "School property" means real property owned or occupied by a public or private
8344 school, including real property temporarily occupied for a school activity or program.
8345 (3) Violation of this section is a class B misdemeanor.

8346 Section 284. Section **53G-8-604**, which is renumbered from Section 53A-3-504 is
8347 renumbered and amended to read:
8348 **[~~53A-3-504~~]. 53G-8-604. Traffic ordinances on school property --**
8349 **Enforcement.**
8350 (1) A local political subdivision in which real property is located that belongs to, or is
8351 controlled by, the State Board of Education, a local board of education, an area vocational
8352 center, or the Schools for the Deaf and the Blind may, at the request of the responsible board of
8353 education or institutional council, adopt ordinances for the control of vehicular traffic on that
8354 property.
8355 (2) A law enforcement officer whose jurisdiction includes the property in question may
8356 enforce an ordinance adopted under Subsection (1).
8357 Section 285. Section **53G-8-701**, which is renumbered from Section 53A-11-1602 is
8358 renumbered and amended to read:
8359 **Part 7. School Resource Officers**
8360 **[~~53A-11-1602~~]. 53G-8-701. Definitions.**
8361 As used in this section:
8362 (1) "Governing authority" means:
8363 (a) for a school district, the local school board;
8364 (b) for a charter school, the governing board; or
8365 (c) for the Utah Schools for the Deaf and the Blind, the State Board of Education.
8366 (2) "Law enforcement agency" means the same as that term is defined in Section
8367 53-1-102.
8368 (3) "Local education agency" or "LEA" means:
8369 (a) a school district;
8370 (b) a charter school; or
8371 (c) the Utah Schools for the Deaf and the Blind.
8372 (4) "School resource officer" or "SRO" means a law enforcement officer, as defined in
8373 Section 53-13-103, who contracts with or whose law enforcement agency contracts with an

8374 LEA to provide law enforcement services for the LEA.

8375 Section 286. Section **53G-8-702**, which is renumbered from Section 53A-11-1603 is
8376 renumbered and amended to read:

8377 **[~~53A-11-1603~~]. 53G-8-702. School resource officer training -- Curriculum.**

8378 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8379 State Board of Education shall make rules that prepare and make available a training program
8380 for school principals and school resource officers to attend.

8381 (2) To create the curriculum and materials for the training program described in
8382 Subsection (1), the State Board of Education shall:

8383 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice
8384 created in Section 63M-7-201;

8385 (b) solicit input from local school boards, charter school governing boards, and the
8386 Utah Schools for the Deaf and the Blind;

8387 (c) solicit input from local law enforcement and other interested community
8388 stakeholders; and

8389 (d) consider the current United States Department of Education recommendations on
8390 school discipline and the role of a school resource officer.

8391 (3) The training program described in Subsection (1) may include training on the
8392 following:

8393 (a) childhood and adolescent development;

8394 (b) responding age-appropriately to students;

8395 (c) working with disabled students;

8396 (d) techniques to de-escalate and resolve conflict;

8397 (e) cultural awareness;

8398 (f) restorative justice practices;

8399 (g) identifying a student exposed to violence or trauma and referring the student to
8400 appropriate resources;

8401 (h) student privacy rights;

8402 (i) negative consequences associated with youth involvement in the juvenile and
8403 criminal justice systems;
8404 (j) strategies to reduce juvenile justice involvement; and
8405 (k) roles of and distinctions between a school resource officer and other school staff
8406 who help keep a school secure.
8407 Section 287. Section **53G-8-703**, which is renumbered from Section 53A-11-1604 is
8408 renumbered and amended to read:
8409 **[~~53A-11-1604~~]. 53G-8-703. Contracts between an LEA and law enforcement**
8410 **for school resource officer services -- Requirements.**
8411 (1) An LEA may contract with a law enforcement agency or an individual to provide
8412 school resource officer services at the LEA if the LEA's governing authority reviews and
8413 approves the contract.
8414 (2) If an LEA contracts with a law enforcement agency or an individual to provide
8415 SRO services at the LEA, the LEA's governing authority shall require in the contract:
8416 (a) an acknowledgment by the law enforcement agency or the individual that an SRO
8417 hired under the contract shall:
8418 (i) provide for and maintain a safe, healthy, and productive learning environment in a
8419 school;
8420 (ii) act as a positive role model to students;
8421 (iii) work to create a cooperative, proactive, and problem-solving partnership between
8422 law enforcement and the LEA;
8423 (iv) emphasize the use of restorative approaches to address negative behavior; and
8424 (v) at the request of the LEA, teach a vocational law enforcement class;
8425 (b) a description of the shared understanding of the LEA and the law enforcement
8426 agency or individual regarding the roles and responsibilities of law enforcement and the LEA
8427 to:
8428 (i) maintain safe schools;
8429 (ii) improve school climate; and

8430 (iii) support educational opportunities for students;
8431 (c) a designation of student offenses that the SRO shall confer with the LEA to resolve,
8432 including an offense that:
8433 (i) is a minor violation of the law; and
8434 (ii) would not violate the law if the offense was committed by an adult;
8435 (d) a designation of student offenses that are administrative issues that an SRO shall
8436 refer to a school administrator for resolution in accordance with Section [~~53A-11-911~~]
8437 53G-8-211;
8438 (e) a detailed description of the rights of a student under state and federal law with
8439 regard to:
8440 (i) searches;
8441 (ii) questioning; and
8442 (iii) information privacy;
8443 (f) a detailed description of:
8444 (i) job duties;
8445 (ii) training requirements; and
8446 (iii) other expectations of the SRO and school administration in relation to law
8447 enforcement at the LEA;
8448 (g) that an SRO who is hired under the contract and the principal at the school where
8449 an SRO will be working, or the principal's designee, will jointly complete the SRO training
8450 described in Section [~~53A-11-1603~~] 53G-8-702; and
8451 (h) if the contract is between an LEA and a law enforcement agency, that:
8452 (i) both parties agree to jointly discuss SRO applicants; and
8453 (ii) the law enforcement agency will accept feedback from an LEA about an SRO's
8454 performance.
8455 Section 288. Section **53G-9-101** is enacted to read:
8456 **CHAPTER 9. HEALTH AND WELFARE**
8457 **Part 1. General Provisions**

8458 **53G-9-101. Title.**
8459 This chapter is known as "Health and Welfare."
8460 Section 289. Section **53G-9-102** is enacted to read:
8461 **53G-9-102. Definitions.**
8462 Reserved
8463 Section 290. Section **53G-9-201** is enacted to read:
8464 **Part 2. Miscellaneous Requirements**
8465 **53G-9-201. Definitions.**
8466 Reserved
8467 Section 291. Section **53G-9-202**, which is renumbered from Section 53A-11-205 is
8468 renumbered and amended to read:
8469 **[~~53A-11-205~~]. 53G-9-202. Notification to the parent of an injured or sick**
8470 **child.**
8471 (1) A public school shall notify the custodial parent and, if requested in writing by a
8472 noncustodial parent, make reasonable efforts to notify the noncustodial parent of a student who
8473 is injured or becomes ill at the school during the regular school day if:
8474 (a) the injury or illness requires treatment at a hospital, doctor's office, or other medical
8475 facility not located on the school premises; and
8476 (b) the school has received a current telephone number for the party it is required to
8477 notify or make reasonable efforts to notify.
8478 (2) (a) Subsection (1) does not apply to a noncustodial parent forbidden to have contact
8479 with the student under a court order or similar procedure.
8480 (b) The custodial parent is responsible for providing the school with the noncustodial
8481 parent's status under Subsection (2)(a) through a procedure adopted by the local school board.
8482 Section 292. Section **53G-9-203**, which is renumbered from Section 53A-11-605 is
8483 renumbered and amended to read:
8484 **[~~53A-11-605~~]. 53G-9-203. Definitions -- School personnel -- Medical**
8485 **recommendations -- Exceptions -- Penalties.**

8486 (1) As used in this section:
8487 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or
8488 mental health therapist.
8489 (b) "School personnel" means a school district or charter school employee, including a
8490 licensed, part-time, contract, or nonlicensed employee.
8491 (2) School personnel may:
8492 (a) provide information and observations to a student's parent or guardian about that
8493 student, including observations and concerns in the following areas:
8494 (i) progress;
8495 (ii) health and wellness;
8496 (iii) social interactions;
8497 (iv) behavior; or
8498 (v) topics consistent with Subsection [~~53A-13-302~~] 53E-9-203(6);
8499 (b) communicate information and observations between school personnel regarding a
8500 child;
8501 (c) refer students to other appropriate school personnel and agents, consistent with
8502 local school board or charter school policy, including referrals and communication with a
8503 school counselor or other mental health professionals working within the school system;
8504 (d) consult or use appropriate health care professionals in the event of an emergency
8505 while the student is at school, consistent with the student emergency information provided at
8506 student enrollment;
8507 (e) exercise their authority relating to the placement within the school or readmission
8508 of a child who may be or has been suspended or expelled for a violation of Section
8509 [~~53A-11-904~~] 53G-8-205; and
8510 (f) complete a behavioral health evaluation form if requested by a student's parent or
8511 guardian to provide information to a licensed physician.
8512 (3) School personnel shall:
8513 (a) report suspected child abuse consistent with Section 62A-4a-403;

8514 (b) comply with applicable state and local health department laws, rules, and policies;
8515 and
8516 (c) conduct evaluations and assessments consistent with the Individuals with
8517 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.
8518 (4) Except as provided in Subsection (2), Subsection (6), and Section [~~53A-11a-203~~]
8519 53G-9-604, school personnel may not:
8520 (a) recommend to a parent or guardian that a child take or continue to take a
8521 psychotropic medication;
8522 (b) require that a student take or continue to take a psychotropic medication as a
8523 condition for attending school;
8524 (c) recommend that a parent or guardian seek or use a type of psychiatric or
8525 psychological treatment for a child;
8526 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,
8527 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the
8528 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent
8529 amendments; or
8530 (e) make a child abuse or neglect report to authorities, including the Division of Child
8531 and Family Services, solely or primarily on the basis that a parent or guardian refuses to
8532 consent to:
8533 (i) a psychiatric, psychological, or behavioral treatment for a child, including the
8534 administration of a psychotropic medication to a child; or
8535 (ii) a psychiatric or behavioral health evaluation of a child.
8536 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would
8537 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under
8538 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of
8539 others.
8540 (6) Notwithstanding Subsection (4), a school counselor or other mental health
8541 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional

8542 Practice Act, or licensed through the State Board of Education, working within the school
8543 system may:
8544 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;
8545 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for
8546 a child;
8547 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,
8548 test, evaluation, or assessment of a child in accordance with Section [~~53A-13-302~~] 53E-9-203;
8549 and
8550 (d) provide to a parent or guardian, upon the specific request of the parent or guardian,
8551 a list of three or more health care professionals or providers, including licensed physicians,
8552 psychologists, or other health specialists.
8553 (7) Local school boards or charter schools shall adopt a policy:
8554 (a) providing for training of appropriate school personnel on the provisions of this
8555 section; and
8556 (b) indicating that an intentional violation of this section is cause for disciplinary action
8557 consistent with local school board or charter school policy and under Section [~~53A-8a-502~~]
8558 53G-11-513.
8559 (8) Nothing in this section shall be interpreted as discouraging general communication
8560 not prohibited by this section between school personnel and a student's parent or guardian.
8561 Section 293. Section **53G-9-204**, which is renumbered from Section 53A-11-204 is
8562 renumbered and amended to read:
8563 **[~~53A-11-204~~]. 53G-9-204. Nursing services in the public schools --**
8564 **Collaborative efforts.**
8565 (1) (a) Students in the state's public schools may be better protected against risks to
8566 health and safety if schools were to have registered nurses readily available to assist in
8567 providing educational and nursing services in the public schools.
8568 (b) Those services would be further enhanced if they could be offered with the active
8569 support and participation of local public health departments and private medical providers,

8570 most particularly in those areas of the state without currently functioning collaborative
8571 programs.
8572 (c) (i) School districts, local health departments, private medical providers, and parents
8573 of students are therefore encouraged to work together in determining needs and risks to student
8574 health in the state's public schools and in developing and implementing plans to meet those
8575 needs and minimize risks to students.
8576 (ii) School community councils or school directors of affected schools shall review the
8577 plans prior to their implementation.
8578 (2) School districts are encouraged to provide nursing services equivalent to the
8579 services of one registered nurse for every 5,000 students or, in districts with fewer than 5,000
8580 students, the level of services recommended by the Department of Health.
8581 Section 294. Section **53G-9-205**, which is renumbered from Section 53A-19-301 is
8582 renumbered and amended to read:
8583 **[~~53A-19-301~~]. 53G-9-205. School Breakfast Program -- Review of**
8584 **nonparticipants.**
8585 (1) (a) Each local school board shall, at least once every three years, review each
8586 elementary school in its district that does not participate in the School Breakfast Program as to
8587 the school's reasons for nonparticipation.
8588 (b) (i) If the school board determines that there are valid reasons for the school's
8589 nonparticipation, no further action is needed.
8590 (ii) Reasons for nonparticipation may include a recommendation from the school
8591 community council authorized under Section [~~53A-1a-108~~] 53G-7-1202 or a similar group of
8592 parents and school employees that the school should not participate in the program.
8593 (2) (a) After two nonparticipation reviews, a local school board may, by majority vote,
8594 waive any further reviews of the nonparticipatory school.
8595 (b) A waiver of the review process under Subsection (2)(a) does not prohibit
8596 subsequent consideration by the local school board of an individual school's nonparticipation in
8597 the School Breakfast Program.

8598 (3) The requirements of this section shall be nullified by the termination of the
8599 entitlement status of the School Breakfast Program by the federal government.
8600 Section 295. Section **53G-9-206**, which is renumbered from Section 53A-13-103 is
8601 renumbered and amended to read:
8602 **[~~53A-13-103~~]. 53G-9-206. Eye protective devices for industrial education,**
8603 **physics laboratory, and chemistry laboratory activities.**
8604 (1) Any individual who participates in any of the following activities in public or
8605 private schools that may endanger his vision shall wear quality eye protective devices:
8606 (a) industrial education activities that involve:
8607 (i) hot molten metals;
8608 (ii) the operation of equipment that could throw particles of foreign matter into the
8609 eyes;
8610 (iii) heat treating, tempering, or kiln firing of any industrial materials;
8611 (iv) gas or electric arc welding; or
8612 (v) caustic or explosive material;
8613 (b) chemistry or physics laboratories when using caustic or explosive chemicals, and
8614 hot liquids and solids.
8615 (2) "Quality eye protective devices" means devices that meet the standards of the
8616 American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by
8617 the American Standards Association, Inc.
8618 (3) (a) The local school board shall furnish these protective devices to individuals
8619 involved in these activities.
8620 (b) The board may sell these protective devices at cost or rent or loan them to
8621 individuals involved in these activities.
8622 Section 296. Section **53G-9-207**, which is renumbered from Section 53A-13-112 is
8623 renumbered and amended to read:
8624 **[~~53A-13-112~~]. 53G-9-207. Child sexual abuse prevention.**
8625 (1) As used in this section, "school personnel" is as defined in Section [~~53A-11-605~~]

8626 53G-9-203.
8627 (2) On or before July 1, 2015, the State Board of Education shall approve, in
8628 partnership with the Department of Human Services, age-appropriate instructional materials for
8629 the training and instruction described in Subsections (3)(a) and (4).
8630 (3) (a) Beginning in the 2016-17 school year, a school district or charter school shall
8631 provide training and instruction on child sexual abuse prevention and awareness to:
8632 (i) school personnel in elementary and secondary schools on:
8633 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate
8634 manner; and
8635 (B) the mandatory reporting requirements described in Sections [~~53A-6-502~~]
8636 53E-6-701 and 62A-4a-403; and
8637 (ii) parents or guardians of elementary school students on:
8638 (A) recognizing warning signs of a child who is being sexually abused; and
8639 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse
8640 with a child.
8641 (b) A school district or charter school shall use the instructional materials approved by
8642 the State Board of Education under Subsection (2) to provide the training and instruction to
8643 school personnel and parents or guardians under Subsection (3)(a).
8644 (4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school
8645 may provide instruction on child sexual abuse prevention and awareness to elementary school
8646 students using age-appropriate curriculum.
8647 (b) Beginning in the 2016-17 school year, a school district or charter school that
8648 provides the instruction described in Subsection (4)(a) shall use the instructional materials
8649 approved by the board under Subsection (2) to provide the instruction.
8650 (5) (a) An elementary school student may not be given the instruction described in
8651 Subsection (4) unless the parent or guardian of the student is:
8652 (i) notified in advance of the:
8653 (A) instruction and the content of the instruction; and

8654 (B) parent or guardian's right to have the student excused from the instruction;
8655 (ii) given an opportunity to review the instructional materials before the instruction
8656 occurs; and
8657 (iii) allowed to be present when the instruction is delivered.
8658 (b) Upon the written request of the parent or guardian of an elementary school student,
8659 the student shall be excused from the instruction described in Subsection (4).
8660 (c) Participation of a student requires compliance with Sections [~~53A-13-301~~]
8661 53E-9-202 and [~~53A-13-302~~] 53E-9-203.
8662 (6) A school district or charter school may determine the mode of delivery for the
8663 training and instruction described in Subsections (3) and (4).
8664 (7) (a) The State Board of Education shall report to the Education Interim Committee
8665 on the progress of the provisions of this section by the committee's November 2017 meeting.
8666 (b) Upon request of the State Board of Education, a school district or charter school
8667 shall provide to the State Board of Education information that is necessary for the report
8668 required under Subsection (7)(a).
8669 Section 297. Section **53G-9-208**, which is renumbered from Section 53A-11-606 is
8670 renumbered and amended to read:
8671 **[~~53A-11-606~~]. 53G-9-208. Sunscreen -- Possession -- Administration --**
8672 **Immunity.**
8673 (1) As used in this section, "sunscreen" means a compound topically applied to prevent
8674 sunburn.
8675 (2) A public school shall permit a student, without a parent or physician's
8676 authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug
8677 Administration.
8678 (3) If a student is unable to self-apply sunscreen, a volunteer school employee may
8679 apply the sunscreen on the student if the student's parent or legal guardian provides written
8680 consent for the assistance.
8681 (4) A volunteer school employee who applies sunscreen on a student in compliance

8682 with Subsection (3) and the volunteer school employee's employer are not liable for:
8683 (a) an adverse reaction suffered by the student as a result of having the sunscreen
8684 applied; or
8685 (b) discontinuing the application of the sunscreen at any time.
8686 Section 298. Section **53G-9-301 (Effective 07/01/18)**, which is renumbered from
8687 Section 53A-11-300.5 (Effective 07/01/18) is renumbered and amended to read:
8688 **Part 3. Immunization Requirements**
8689 **[~~53A-11-300.5 (Effective 07/01/18)~~]. 53G-9-301 (Effective**
8690 **07/01/18). Definitions.**
8691 As used in this part:
8692 (1) "Department" means the Department of Health, created in Section 26-1-4.
8693 (2) "Health official" means an individual designated by a local health department from
8694 within the local health department to consult and counsel parents and licensed health care
8695 providers, in accordance with Subsection [~~53A-11-302.5~~] 53G-9-304(2)(a).
8696 (3) "Health official designee" means a licensed health care provider designated by a
8697 local health department, in accordance with Subsection [~~53A-11-302.5~~] 53G-9-304(2)(b), to
8698 consult with parents, licensed health care professionals, and school officials.
8699 (4) "Immunization" or "immunize" means a process through which an individual
8700 develops an immunity to a disease, through vaccination or natural exposure to the disease.
8701 (5) "Immunization record" means a record relating to a student that includes:
8702 (a) information regarding each required vaccination that the student has received,
8703 including the date each vaccine was administered, verified by:
8704 (i) a licensed health care provider;
8705 (ii) an authorized representative of a local health department;
8706 (iii) an authorized representative of the department;
8707 (iv) a registered nurse; or
8708 (v) a pharmacist;
8709 (b) information regarding each disease against which the student has been immunized

8710 by previously contracting the disease; and
8711 (c) an exemption form identifying each required vaccination from which the student is
8712 exempt, including all required supporting documentation described in Section [~~53A-11-302~~]
8713 53G-9-303.
8714 (6) "Legally responsible individual" means:
8715 (a) a student's parent;
8716 (b) the student's legal guardian;
8717 (c) an adult brother or sister of a student who has no legal guardian; or
8718 (d) the student, if the student:
8719 (i) is an adult; or
8720 (ii) is a minor who may consent to treatment under Section 26-10-9.
8721 (7) "Licensed health care provider" means a health care provider who is licensed under
8722 Title 58, Occupations and Professions, as:
8723 (a) a medical doctor;
8724 (b) an osteopathic doctor;
8725 (c) a physician assistant; or
8726 (d) an advanced practice registered nurse.
8727 (8) "Local education agency" or "LEA" means:
8728 (a) a school district;
8729 (b) a charter school; or
8730 (c) the Utah Schools for the Deaf and the Blind.
8731 (9) "Local health department" means the same as that term is defined in Section
8732 26A-1-102.
8733 (10) "Required vaccines" means vaccines required by department rule described in
8734 Section [~~53A-11-303~~] 53G-9-305.
8735 (11) "School" means any public or private:
8736 (a) elementary or secondary school through grade 12;
8737 (b) preschool;

8738 (c) child care program, as that term is defined in Section 26-39-102;
8739 (d) nursery school; or
8740 (e) kindergarten.
8741 (12) "Student" means an individual who attends a school.
8742 (13) "Vaccinating" or "vaccination" means the administration of a vaccine.
8743 (14) "Vaccination exemption form" means a form, described in Section
8744 [~~53A-11-302.5~~] 53G-9-304, that documents and verifies that a student is exempt from the
8745 requirement to receive one or more required vaccines.
8746 (15) "Vaccine" means the substance licensed for use by the United States Food and
8747 Drug Administration that is injected into or otherwise administered to an individual to
8748 immunize the individual against a communicable disease.
8749 Section 299. Section **53G-9-302 (Superseded 07/01/18)**, which is renumbered from
8750 Section 53A-11-301 (Superseded 07/01/18) is renumbered and amended to read:
8751 **[~~53A-11-301 (Superseded 07/01/18)~~]. 53G-9-302 (Superseded**
8752 **07/01/18). Certificate of immunization required.**
8753 (1) Unless exempted for personal, medical, or religious objections as provided in
8754 Section [~~53A-11-302~~] 53G-9-303, a student may not attend a public, private, or parochial
8755 kindergarten, elementary, or secondary school through grade 12, nursery school, licensed day
8756 care center, child care facility, family care home, or headstart program in this state unless there
8757 is presented to the appropriate official of the school a certificate of immunization from a
8758 licensed physician or authorized representative of the state or local health department stating
8759 that the student has received immunization against communicable diseases as required by rules
8760 adopted under Section [~~53A-11-303~~] 53G-9-305.
8761 (2) School districts may not receive weighted pupil unit money for a student unless the
8762 student has obtained a certificate of immunization under this section or qualifies for conditional
8763 enrollment or an exemption from immunization under Section [~~53A-11-302~~] 53G-9-303.
8764 Section 300. Section **53G-9-302 (Effective 07/01/18)**, which is renumbered from
8765 Section 53A-11-301 (Effective 07/01/18) is renumbered and amended to read:

8766 **[~~53A-11-301 (Effective 07/01/18)~~]. 53G-9-302 (Effective**
8767 **07/01/18). Immunization required -- Exception -- Weighted pupil unit funding.**
8768 (1) A student may not attend a school unless:
8769 (a) the school receives an immunization record from the legally responsible individual
8770 of the student, the student's former school, or a statewide registry that shows:
8771 (i) that the student has received each vaccination required by the department under
8772 Section [~~53A-11-303~~] 53G-9-305; or
8773 (ii) for any required vaccination that the student has not received, that the student:
8774 (A) has immunity against the disease for which the vaccination is required, because the
8775 student previously contracted the disease as documented by a health care provider, as that term
8776 is defined in Section 78B-3-103; or
8777 (B) is exempt from receiving the vaccination under Section [~~53A-11-302~~] 53G-9-303;
8778 (b) the student qualifies for conditional enrollment under Section [~~53A-11-306~~]
8779 53G-9-308; or
8780 (c) the student:
8781 (i) is a student, as defined in Section [~~53A-1-1002~~] 53E-3-903; and
8782 (ii) complies with the immunization requirements for military children under Section
8783 [~~53A-1-1004~~] 53E-3-905.
8784 (2) An LEA may not receive weighted pupil unit money for a student who is not
8785 permitted to attend school under Subsection (1).
8786 Section 301. Section **53G-9-303 (Superseded 07/01/18)**, which is renumbered from
8787 Section 53A-11-302 (Superseded 07/01/18) is renumbered and amended to read:
8788 **[~~53A-11-302 (Superseded 07/01/18)~~]. 53G-9-303 (Superseded**
8789 **07/01/18). Immunizations required -- Exceptions -- Grounds for exemption from**
8790 **required immunizations.**
8791 (1) A student may not enter school without a certificate of immunization, except as
8792 provided in this section.
8793 (2) Except as provided in Section [~~53A-1-1004~~] 53E-3-905, a student who at the time

8794 of school enrollment has not been completely immunized against each specified disease may
8795 attend school under a conditional enrollment if the student has received one dose of each
8796 specified vaccine prior to enrollment.
8797 (3) A student is exempt from receiving the required immunizations if there is presented
8798 to the appropriate official of the school one or more of the following:
8799 (a) a certificate from a licensed physician stating that due to the physical condition of
8800 the student one or more specified immunizations would endanger the student's life or health;
8801 (b) A completed form obtained at the local health department where the student
8802 resides, providing:
8803 (i) the information required under Subsection [~~53A-11-302.5~~] 53G-9-304(1); and
8804 (ii) a statement that the person has a personal belief opposed to immunizations, which
8805 is signed by one of the individuals listed in Subsection [~~53A-11-302~~] 53G-9-303(3)(c) and
8806 witnessed by the local health officer or his designee; or
8807 (c) a statement that the person is a bona fide member of a specified, recognized
8808 religious organization whose teachings are contrary to immunizations, signed by one of the
8809 following persons:
8810 (i) one of the student's parents;
8811 (ii) the student's guardian;
8812 (iii) a legal age brother or sister of a student who has no parent or guardian; or
8813 (iv) the student, if of legal age.
8814 Section 302. Section **53G-9-303 (Effective 07/01/18)**, which is renumbered from
8815 Section 53A-11-302 (Effective 07/01/18) is renumbered and amended to read:
8816 **[~~53A-11-302 (Effective 07/01/18)~~]. 53G-9-303 (Effective**
8817 **07/01/18). Grounds for exemption from required vaccines -- Renewal.**
8818 (1) A student is exempt from the requirement to receive a vaccine required under
8819 Section [~~53A-11-303~~] 53G-9-305 if the student qualifies for a medical or personal exemption
8820 from the vaccination under Subsection (2) or (3).
8821 (2) A student qualifies for a medical exemption from a vaccination required under

8822 Section [~~53A-11-303~~] 53G-9-305 if the student's legally responsible individual provides to the
8823 student's school:
8824 (a) a completed vaccination exemption form; and
8825 (b) a written notice signed by a licensed health care provider stating that, due to the
8826 physical condition of the student, administration of the vaccine would endanger the student's
8827 life or health.
8828 (3) A student qualifies for a personal exemption from a vaccination required under
8829 Section [~~53A-11-303~~] 53G-9-305 if the student's legally responsible individual provides to the
8830 student's school a completed vaccination exemption form, stating that the student is exempt
8831 from the vaccination because of a personal or religious belief.
8832 (4) (a) A vaccination exemption form submitted under this section is valid for as long
8833 as the student remains at the school to which the form first is presented.
8834 (b) If the student changes schools before the student is old enough to enroll in
8835 kindergarten, the vaccination exemption form accepted as valid at the student's previous school
8836 is valid until the earlier of the day on which:
8837 (i) the student enrolls in kindergarten; or
8838 (ii) the student turns six years old.
8839 (c) If the student changes schools after the student is old enough to enroll in
8840 kindergarten but before the student is eligible to enroll in grade 7, the vaccination exemption
8841 form accepted as valid at the student's previous school is valid until the earlier of the day on
8842 which:
8843 (i) the student enrolls in grade 7; or
8844 (ii) the student turns 12 years old.
8845 (d) If the student changes schools after the student is old enough to enroll in grade 7,
8846 the vaccination exemption form accepted as valid at the student's previous school is valid until
8847 the student completes grade 12.
8848 (e) Notwithstanding Subsections (4)(b) and (c), a vaccination exemption form obtained
8849 through completion of the online education module created in Section 26-7-9 is valid for at

8850 least two years.

8851 Section 303. Section **53G-9-304 (Superseded 07/01/18)**, which is renumbered from
8852 Section 53A-11-302.5 (Superseded 07/01/18) is renumbered and amended to read:

8853 **[~~53A-11-302.5 (Superseded 07/01/18)~~]. 53G-9-304 (Superseded**
8854 **07/01/18). Personal belief immunization exemption.**

8855 (1) The Department of Health shall provide to all local health departments a form to be
8856 used by persons claiming an exemption from immunization requirements based on a personal
8857 belief opposed to immunization. The form shall include a statement printed on the form and
8858 drafted by the Department of Health stating the department's position regarding the benefits of
8859 immunization. The form shall require, at a minimum:

8860 (a) a statement claiming exemption from immunizations required under Section
8861 [~~53A-11-302~~] 53G-9-303, signed by a person listed under Subsection [~~53A-11-302~~]
8862 53G-9-303(3)(c);

8863 (b) the name and address of the person who signs the form;

8864 (c) the name of the student exempted from immunizations; and

8865 (d) the school at which the student is enrolling.

8866 (2) (a) The Department of Health shall provide these forms to the local health
8867 departments.

8868 (b) Local health departments shall make the forms available to the public upon request.

8869 (3) (a) A student enrolling in a school and who claims exemption from immunizations
8870 based on a personal belief shall complete the form described in Subsection (1) and provide it to
8871 the school officials at the school in which the student is enrolling.

8872 (b) Students who prior to July 1, 1992, claimed an exemption from immunizations
8873 based on personal beliefs shall prior to December 1, 1992, complete the form described in
8874 Subsection (1) and provide it to the appropriate official of the school the student attends.

8875 Section 304. Section **53G-9-304 (Effective 07/01/18)**, which is renumbered from
8876 Section 53A-11-302.5 (Effective 07/01/18) is renumbered and amended to read:

8877 **[~~53A-11-302.5 (Effective 07/01/18)~~]. 53G-9-304 (Effective**

8878 **07/01/18). Vaccination exemption form.**
8879 (1) The department shall:
8880 (a) develop a vaccination exemption form that includes only the following information:
8881 (i) identifying information regarding:
8882 (A) the student to whom an exemption applies; and
8883 (B) the legally responsible individual who claims the exemption for the student and
8884 signs the vaccination exemption form;
8885 (ii) an indication regarding the vaccines to which the exemption relates;
8886 (iii) a statement that the claimed exemption is for:
8887 (A) a medical reason; or
8888 (B) a personal or religious belief; and
8889 (iv) an explanation of the requirements, in the event of an outbreak of a disease for
8890 which a required vaccine exists, for a student who:
8891 (A) has not received the required vaccine; and
8892 (B) is not otherwise immune from the disease; and
8893 (b) provide the vaccination exemption form created in this Subsection (1) to local
8894 health departments.
8895 (2) (a) Each local health department shall designate one or more individuals from
8896 within the local health department as a health official to consult, regarding the requirements of
8897 this part, with:
8898 (i) parents, upon the request of parents;
8899 (ii) school principals and administrators; and
8900 (iii) licensed health care providers.
8901 (b) A local health department may designate a licensed health care provider as a health
8902 official designee to provide the services described in Subsection (2)(a).
8903 (3) (a) To receive a vaccination exemption form described in Subsection (1), a legally
8904 responsible individual shall complete the online education module described in Section 26-7-9,
8905 permitting an individual to:

8906 (i) complete any requirements online; and
8907 (ii) download and print the vaccine exemption form immediately upon completion of
8908 the requirements.
8909 (b) A legally responsible individual may decline to take the online education module
8910 and obtain a vaccination exemption form from a local health department if the individual:
8911 (i) requests and receives an in-person consultation at a local health department from a
8912 health official or a health official designee regarding the requirements of this part; and
8913 (ii) pays any fees established under Subsection (4)(b).
8914 (4) (a) Neither the department nor any other person may charge a fee for the exemption
8915 form offered through the online education module in Subsection (3)(a).
8916 (b) A local health department may establish a fee of up to $25 to cover the costs of
8917 providing an in-person consultation.
8918 Section 305. Section **53G-9-305 (Superseded 07/01/18)**, which is renumbered from
8919 Section 53A-11-303 (Superseded 07/01/18) is renumbered and amended to read:
8920 **[~~53A-11-303 (Superseded 07/01/18)~~]. 53G-9-305 (Superseded**
8921 **07/01/18). Regulations of department.**
8922 (1) The Department of Health shall adopt rules to establish which immunizations are
8923 required and the manner and frequency of their administration.
8924 (2) The rules adopted shall conform to recognized standard medical practices.
8925 (3) The rules shall require the reporting of statistical information and names of
8926 noncompliers by the schools.
8927 Section 306. Section **53G-9-305 (Effective 07/01/18)**, which is renumbered from
8928 Section 53A-11-303 (Effective 07/01/18) is renumbered and amended to read:
8929 **[~~53A-11-303 (Effective 07/01/18)~~]. 53G-9-305 (Effective**
8930 **07/01/18). Regulations of department.**
8931 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8932 department shall make rules regarding:
8933 (a) which vaccines are required as a condition of attending school;

8934 (b) the manner and frequency of the vaccinations; and
8935 (c) the vaccination exemption form described in Section [~~53A-11-302.5~~] 53G-9-304.
8936 (2) The department shall ensure that the rules described in Subsection (1):
8937 (a) conform to recognized standard medical practices; and
8938 (b) require schools to report to the department statistical information and names of
8939 students who are not in compliance with Section [~~53A-11-301~~] 53G-9-302.
8940 Section 307. Section **53G-9-306 (Superseded 07/01/18)**, which is renumbered from
8941 Section 53A-11-304 (Superseded 07/01/18) is renumbered and amended to read:
8942 **[~~53A-11-304 (Superseded 07/01/18)~~]. 53G-9-306 (Superseded**
8943 **07/01/18). Certificate part of student's record -- Forms for certificates -- Transfer of**
8944 **immunization record to official certificate.**
8945 (1) Each school shall retain official certificates of immunization for every enrolled
8946 student. The certificate becomes a part of the individual student's permanent school record and
8947 follows the student through his or her public or private school career.
8948 (2) The Department of Health shall provide official certificate of immunization forms
8949 to public and private schools, physicians, and local health departments. The forms referred to in
8950 this subsection shall include a clear statement of the student's rights under Section
8951 [~~53A-11-302~~] 53G-9-303.
8952 (3) Any immunization record provided by a licensed physician, registered nurse, or
8953 public health official may be accepted by a school official as a certificate of immunization if
8954 the type of immunization given and the dates given are specified and the information is
8955 transferred to an official certificate of immunization and verified by the school district in which
8956 the public or private school is located.
8957 Section 308. Section **53G-9-306 (Effective 07/01/18)**, which is renumbered from
8958 Section 53A-11-304 (Effective 07/01/18) is renumbered and amended to read:
8959 **[~~53A-11-304 (Effective 07/01/18)~~]. 53G-9-306 (Effective 07/01/18).**
8960 **Immunization record part of student's record -- School review process at enrollment --**
8961 **Transfer.**

8962 (1) Each school:
8963 (a) shall request an immunization record for each student at the time the student enrolls
8964 in the school;
8965 (b) may not charge a fee related to receiving or reviewing an immunization record or a
8966 vaccination exemption form; and
8967 (c) shall retain an immunization record for each enrolled student as part of the student's
8968 permanent school record.
8969 (2) (a) Within five business days after the day on which a student enrolls in a school,
8970 an individual designated by the school principal or administrator shall:
8971 (i) determine whether the school has received an immunization record for the student;
8972 (ii) review the student's immunization record to determine whether the record complies
8973 with Subsection [~~53A-11-301~~] 53G-9-302(1); and
8974 (iii) identify any deficiencies in the student's immunization record.
8975 (b) If the school has not received a student's immunization record or there are
8976 deficiencies in the immunization record, the school shall:
8977 (i) place the student on conditional enrollment, in accordance with Section
8978 [~~53A-11-306~~] 53G-9-308; and
8979 (ii) within five days after the day on which the school places the student on conditional
8980 enrollment, provide the written notice described in Subsection [~~53A-11-306~~] 53G-9-308(2).
8981 (3) A school from which a student transfers shall provide the student's immunization
8982 record to the student's new school upon request of the student's legally responsible individual.
8983 Section 309. Section **53G-9-307 (Repealed 07/01/18)**, which is renumbered from
8984 Section 53A-11-305 (Repealed 07/01/18) is renumbered and amended to read:
8985 **[~~53A-11-305 (Repealed 07/01/18)~~]. 53G-9-307 (Repealed**
8986 **07/01/18). Immunization by local health departments -- Fees.**
8987 (1) If a student has not been immunized against a disease specified by the Department
8988 of Health, he may be immunized by the local health department upon the request of his parent
8989 or guardian, or upon the student's request if he is of legal age. The local health department may

8990 charge a fee to cover the cost of administration of the vaccine.
8991 (2) The vaccine necessary for immunizations required under Sections [~~53A-11-301~~]
8992 53G-9-302 and [~~53A-11-303~~] 53G-9-305 shall be furnished to local departments of health by
8993 the Department of Health. The Department of Health may recover all or part of the cost of
8994 vaccines purchased with state funds by charging local health departments a fee for those
8995 vaccines. Local health departments may pass the cost of the vaccine on to the student, his
8996 parent or guardian, or other responsible party. However, a child may not be refused
8997 immunizations by the local health department in his area of residence because of inability to
8998 pay.
8999 (3) The Department of Health shall establish the fee for administration of vaccines, as
9000 provided by Subsection (1), and shall establish fees for vaccines.
9001 Section 310. Section **53G-9-308 (Superseded 07/01/18)**, which is renumbered from
9002 Section 53A-11-306 (Superseded 07/01/18) is renumbered and amended to read:
9003 **[~~53A-11-306 (Superseded 07/01/18)~~]. 53G-9-308 (Superseded**
9004 **07/01/18). Conditional enrollment -- Suspension for noncompliance -- Procedure.**
9005 (1) Conditional enrollment time periods may be modified by the department by legally
9006 adopted rules.
9007 (2) The requirements for conditional enrollment shall apply to each student unless that
9008 student is exempted under Section [~~53A-11-302~~] 53G-9-303.
9009 (3) After five days written notice of a pending suspension and of the student's rights
9010 under Section [~~53A-11-302~~] 53G-9-303 shall be mailed to the last-known address of a parent,
9011 guardian, or legal age brother or sister of a student who is without parent or guardian, the
9012 governing authority of any school shall prohibit further attendance by a student under a
9013 conditional enrollment who has failed to obtain the immunization required within time period
9014 set forth in Section [~~53A-11-302~~] 53G-9-303 or otherwise established by rule.
9015 (4) Parents or guardians of children who are prohibited from attending school for
9016 failure to comply with the provisions of this part shall be referred to the juvenile court.
9017 Section 311. Section **53G-9-308 (Effective 07/01/18)**, which is renumbered from

9018 Section 53A-11-306 (Effective 07/01/18) is renumbered and amended to read:
9019 **[~~53A-11-306 (Effective 07/01/18)~~]. 53G-9-308 (Effective**
9020 **07/01/18). Conditional enrollment -- Suspension for noncompliance -- Procedure.**
9021 (1) A student for whom a school has not received a complete immunization record may
9022 attend the school on a conditional enrollment:
9023 (a) during the period in which the student's immunization record is under review by the
9024 school; or
9025 (b) for 21 calendar days after the day on which the school provides the notice described
9026 in Subsection (2).
9027 (2) (a) Within five days after the day on which a school places a student on conditional
9028 enrollment, the school shall provide written notice to the student's legally responsible
9029 individual, in person or by mail, that:
9030 (i) the school has placed the student on conditional enrollment for failure to comply
9031 with the requirements of Subsection [~~53A-11-301~~] 53G-9-302(1);
9032 (ii) describes the identified deficiencies in the student's immunization record or states
9033 that the school has not received an immunization record for the student;
9034 (iii) gives notice that the student will not be allowed to attend school unless the legally
9035 responsible individual cures the deficiencies, or provides an immunization record that complies
9036 with Subsection [~~53A-11-301~~] 53G-9-302(1), within the conditional enrollment period
9037 described in Subsection (1)(b); and
9038 (iv) describes the process for obtaining a required vaccination.
9039 (b) A school shall remove the conditional enrollment status from a student after the
9040 school receives an immunization record for the student that complies with Subsection
9041 [~~53A-11-301~~] 53G-9-302(1).
9042 (c) Except as provided in Subsection (2)(d), at the end of the conditional enrollment
9043 period, a school shall prohibit a student who does not comply with Subsection [~~53A-11-301~~]
9044 53G-9-302(1) from attending the school until the student complies with Subsection
9045 [~~53A-11-301~~] 53G-9-302(1).

9046 (d) A school principal or administrator:
9047 (i) shall grant an additional extension of the conditional enrollment period, if the
9048 extension is necessary to complete all required vaccination dosages, for a time period medically
9049 recommended to complete all required vaccination dosages; and
9050 (ii) may grant an additional extension of the conditional enrollment period in cases of
9051 extenuating circumstances, if the school principal or administrator and a school nurse, a health
9052 official, or a health official designee agree that an additional extension will likely lead to
9053 compliance with Subsection [~~53A-11-301~~] 53G-9-302(1) during the additional extension
9054 period.
9055 Section 312. Section **53G-9-309 (Effective 07/01/18)**, which is renumbered from
9056 Section 53A-11-307 (Effective 07/01/18) is renumbered and amended to read:
9057 **[~~53A-11-307 (Effective 07/01/18)~~]. 53G-9-309 (Effective 07/01/18). School**
9058 **record of students' immunization status -- Confidentiality.**
9059 (1) Each school shall maintain a current list of all enrolled students, noting each
9060 student:
9061 (a) for whom the school has received a valid and complete immunization record;
9062 (b) who is exempt from receiving a required vaccine; and
9063 (c) who is allowed to attend school under Section [~~53A-11-306~~] 53G-9-308.
9064 (2) Each school shall ensure that the list described in Subsection (1) specifically
9065 identifies each disease against which a student is not immunized.
9066 (3) Upon the request of an official from a local health department in the case of a
9067 disease outbreak, a school principal or administrator shall:
9068 (a) notify the legally responsible individual of any student who is not immune to the
9069 outbreak disease, providing information regarding steps the legally responsible individual may
9070 take to protect students;
9071 (b) identify each student who is not immune to the outbreak disease; and
9072 (c) for a period determined by the local health department not to exceed the duration of
9073 the disease outbreak, do one of the following at the discretion of the school principal or

9074 administrator after obtaining approval from the local health department:
9075 (i) provide a separate educational environment for the students described in Subsection
9076 (3)(b) that ensures the protection of the students described in Subsection (3)(b) as well as the
9077 protection of the remainder of the student body; or
9078 (ii) prevent each student described in Subsection (3)(b) from attending school.
9079 (4) A name appearing on the list described in Subsection (1) is subject to
9080 confidentiality requirements described in Section 26-1-17.5 and Section [~~53A-13-301~~]
9081 53E-9-202.
9082 Section 313. Section **53G-9-401** is enacted to read:
9083 **Part 4. Health Examinations**
9084 **53G-9-401. Definitions.**
9085 Reserved
9086 Section 314. Section **53G-9-402**, which is renumbered from Section 53A-11-201 is
9087 renumbered and amended to read:
9088 **[~~53A-11-201~~]. 53G-9-402. Rules for examinations prescribed by**
9089 **Department of Health -- Notification of impairment.**
9090 (1) (a) Each local school board shall implement rules as prescribed by the Department
9091 of Health for vision, dental, abnormal spinal curvature, and hearing examinations of students
9092 attending the district's schools.
9093 (b) Under guidelines of the Department of Health, qualified health professionals shall
9094 provide instructions, equipment, and materials for conducting the examinations.
9095 (c) The rules shall include exemption provisions for students whose parents or
9096 guardians contend the examinations violate their personal beliefs.
9097 (2) The school shall notify, in writing, a student's parent or guardian of any impairment
9098 disclosed by the examinations.
9099 Section 315. Section **53G-9-403**, which is renumbered from Section 53A-11-202 is
9100 renumbered and amended to read:
9101 **[~~53A-11-202~~]. 53G-9-403. Personnel to perform health examination.**

9102 A local school board may use teachers or licensed registered nurses to conduct
9103 examinations required under this [~~chapter~~] part and licensed physicians as needed for medical
9104 consultation related to those examinations.
9105 Section 316. Section **53G-9-404**, which is renumbered from Section 53A-11-203 is
9106 renumbered and amended to read:
9107 **[~~53A-11-203~~]. 53G-9-404. Vision screening.**
9108 (1) As used in this section:
9109 (a) "Office" means the Utah State Office of Rehabilitation created in Section
9110 35A-1-202.
9111 (b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than
9112 nine years old.
9113 (2) A child under nine years old entering school for the first time in this state must
9114 present the following to the school:
9115 (a) a certificate signed by a licensed physician, optometrist, or other licensed health
9116 professional approved by the office, stating that the child has received vision screening to
9117 determine the presence of amblyopia or other visual defects; or
9118 (b) a written statement signed by at least one parent or legal guardian of the child that
9119 the screening violates the personal beliefs of the parent or legal guardian.
9120 (3) (a) The office:
9121 (i) shall provide vision screening report forms to a person approved by the office to
9122 conduct a free vision screening for a qualifying child;
9123 (ii) may work with health care professionals, teachers, and vision screeners to develop
9124 protocols that may be used by a parent, teacher, or vision screener to help identify a child who
9125 may have conditions that are not detected in a vision screening, such as problems with eye
9126 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence
9127 insufficiency; and
9128 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language
9129 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice

9130 required by Subsection (3)(b).
9131 (b) The report forms shall include the following information for a parent or guardian:
9132 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye
9133 doctor."
9134 (4) A school district or charter school may conduct free vision screening clinics for a
9135 qualifying child.
9136 (5) (a) The office shall maintain a central register of qualifying children who fail vision
9137 screening and who are referred for follow-up treatment.
9138 (b) The register described in Subsection (5)(a) shall include the name of the child, age
9139 or birthdate, address, cause for referral, and follow-up results.
9140 (c) A school district or charter school shall report to the office referral follow-up results
9141 for a qualifying child.
9142 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a
9143 vision screener for a free vision screening clinic for a qualifying child:
9144 (i) is a school nurse;
9145 (ii) holds a certificate issued by the office under Subsection (6)(b)(ii); or
9146 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii).
9147 (b) The office shall:
9148 (i) provide vision screening training to a volunteer seeking a certificate described in
9149 Subsection (6)(b)(ii), using curriculum established by the office; and
9150 (ii) issue a certificate to a volunteer who successfully completes the vision screening
9151 training described in Subsection (6)(b)(i).
9152 (c) An individual described in Subsection (6)(a) is not liable for damages that result
9153 from acts or omissions related to the vision screening, unless the acts or omissions are willful
9154 or grossly negligent.
9155 (7) (a) Except as provided in Subsection (7)(b), a licensed health professional
9156 providing vision care to private patients may not participate as a screener in a free vision
9157 screening program provided by a school district.

9158 (b) A school district or charter school may:
9159 (i) allow a licensed health professional who provides vision care to private patients to
9160 participate as a screener in a free vision screening program for a child 3-1/2 years old or older;
9161 (ii) establish guidelines to administer a free vision screening program described in
9162 Subsection (7)(b)(i); and
9163 (iii) establish penalties for a violation of the requirements of Subsection (7)(c).
9164 (c) A licensed health professional or other person who participates as a screener in a
9165 free vision screening program described in Subsection (7)(b):
9166 (i) may not market, advertise, or promote the licensed health professional's business in
9167 connection with providing the free screening at the school; and
9168 (ii) shall provide the child's results of the free vision screening on a form produced by
9169 the school or school district, which:
9170 (A) may not include contact information other than the name of the licensed health
9171 professional; and
9172 (B) shall include a statement: "vision screening is not a substitute for a complete eye
9173 exam and vision evaluation by an eye doctor."
9174 (d) A school district or charter school may provide information to a parent or guardian
9175 of the availability of follow up vision services for a student.
9176 (8) The Department of Health shall:
9177 (a) by rule, set standards and procedures for vision screening required by this [~~chapter~~]
9178 part, which shall include a process for notifying the parent or guardian of a child who fails a
9179 vision screening or is identified as needing follow-up care; and
9180 (b) provide the office with copies of rules, standards, instructions, and test charts
9181 necessary for conducting vision screening.
9182 (9) The office shall supervise screening, referral, and follow-up required by this
9183 [~~chapter~~] part.
9184 Section 317. Section **53G-9-501** is enacted to read:
9185 **Part 5. Administration of Medication**

9186 **53G-9-501. Definitions.**
9187 Reserved
9188 Section 318. Section **53G-9-502**, which is renumbered from Section 53A-11-601 is
9189 renumbered and amended to read:
9190 **[~~53A-11-601~~]. 53G-9-502. Administration of medication to students --**
9191 **Prerequisites -- Immunity from liability -- Applicability.**
9192 (1) A public or private school that holds any classes in grades kindergarten through 12
9193 may provide for the administration of medication to any student during periods when the
9194 student is under the control of the school, subject to the following conditions:
9195 (a) the local school board, charter school governing board, or the private equivalent,
9196 after consultation with the Department of Health and school nurses shall adopt policies that
9197 provide for:
9198 (i) the designation of volunteer employees who may administer medication;
9199 (ii) proper identification and safekeeping of medication;
9200 (iii) the training of designated volunteer employees by the school nurse;
9201 (iv) maintenance of records of administration; and
9202 (v) notification to the school nurse of medication that will be administered to students;
9203 and
9204 (b) medication may only be administered to a student if:
9205 (i) the student's parent or legal guardian has provided a current written and signed
9206 request that medication be administered during regular school hours to the student; and
9207 (ii) the student's licensed health care provider has prescribed the medication and
9208 provides documentation as to the method, amount, and time schedule for administration, and a
9209 statement that administration of medication by school employees during periods when the
9210 student is under the control of the school is medically necessary.
9211 (2) Authorization for administration of medication by school personnel may be
9212 withdrawn by the school at any time following actual notice to the student's parent or guardian.
9213 (3) School personnel who provide assistance under Subsection (1) in substantial

9214 compliance with the licensed health care provider's written prescription and the employers of
9215 these school personnel are not liable, civilly or criminally, for:
9216 (a) any adverse reaction suffered by the student as a result of taking the medication;
9217 and
9218 (b) discontinuing the administration of the medication under Subsection (2).
9219 (4) Subsections (1) through (3) do not apply to:
9220 (a) the administration of glucagon in accordance with Section [~~53A-11-603~~]
9221 53G-9-504;
9222 (b) the administration of a seizure rescue medication in accordance with Section
9223 [~~53A-11-603.5~~] 53G-9-505; or
9224 (c) the administration of an opiate antagonist in accordance with Title 26, Chapter 55,
9225 Opiate Overdose Response Act.
9226 Section 319. Section **53G-9-503**, which is renumbered from Section 53A-11-602 is
9227 renumbered and amended to read:
9228 **[~~53A-11-602~~]. 53G-9-503. Self-administration of asthma medication.**
9229 (1) As used in this section, "asthma medication" means prescription or nonprescription,
9230 inhaled asthma medication.
9231 (2) A public school shall permit a student to possess and self-administer asthma
9232 medication if:
9233 (a) the student's parent or guardian signs a statement:
9234 (i) authorizing the student to self-administer asthma medication; and
9235 (ii) acknowledging that the student is responsible for, and capable of,
9236 self-administering the asthma medication; and
9237 (b) the student's health care provider provides a written statement that states:
9238 (i) it is medically appropriate for the student to self-administer asthma medication and
9239 be in possession of asthma medication at all times; and
9240 (ii) the name of the asthma medication prescribed or authorized for the student's use.
9241 (3) The Utah Department of Health, in cooperation with the state superintendent of

9242 public instruction, shall design forms to be used by public schools for the parental and health
9243 care provider statements described in Subsection (2).
9244 (4) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and
9245 self-administration of asthma medication in accordance with this section.
9246 Section 320. Section **53G-9-504**, which is renumbered from Section 53A-11-603 is
9247 renumbered and amended to read:
9248 **[~~53A-11-603~~]. 53G-9-504. Administration of glucagon -- Training of**
9249 **volunteer school personnel -- Authority to use glucagon -- Immunity from liability.**
9250 (1) As used in this section, "glucagon authorization" means a signed statement from a
9251 parent or guardian of a student with diabetes:
9252 (a) certifying that glucagon has been prescribed for the student;
9253 (b) requesting that the student's public school identify and train school personnel who
9254 volunteer to be trained in the administration of glucagon in accordance with this section; and
9255 (c) authorizing the administration of glucagon in an emergency to the student in
9256 accordance with this section.
9257 (2) (a) A public school shall, within a reasonable time after receiving a glucagon
9258 authorization, train two or more school personnel who volunteer to be trained in the
9259 administration of glucagon, with training provided by the school nurse or another qualified,
9260 licensed medical professional.
9261 (b) A public school shall allow all willing school personnel to receive training in the
9262 administration of glucagon, and the school shall assist and may not obstruct the identification
9263 or training of volunteers under this Subsection (2).
9264 (c) The Utah Department of Health, in cooperation with the state superintendent of
9265 public instruction, shall design a glucagon authorization form to be used by public schools in
9266 accordance with this section.
9267 (3) (a) Training in the administration of glucagon shall include:
9268 (i) techniques for recognizing the symptoms that warrant the administration of
9269 glucagon;

9270 (ii) standards and procedures for the storage and use of glucagon;
9271 (iii) other emergency procedures, including calling the emergency 911 number and
9272 contacting, if possible, the student's parent or guardian; and
9273 (iv) written materials covering the information required under this Subsection (3).
9274 (b) A school shall retain for reference the written materials prepared in accordance with
9275 Subsection (3)(a)(iv).
9276 (4) A public school shall permit a student or school personnel to possess or store
9277 prescribed glucagon so that it will be available for administration in an emergency in
9278 accordance with this section.
9279 (5) (a) A person who has received training in accordance with this section may
9280 administer glucagon at a school or school activity to a student with a glucagon authorization if:
9281 (i) the student is exhibiting the symptoms that warrant the administration of glucagon;
9282 and
9283 (ii) a licensed health care professional is not immediately available.
9284 (b) A person who administers glucagon in accordance with Subsection (5)(a) shall
9285 direct a responsible person to call 911 and take other appropriate actions in accordance with the
9286 training materials retained under Subsection (3)(b).
9287 (6) School personnel who provide or receive training under this section and act in good
9288 faith are not liable in any civil or criminal action for any act taken or not taken under the
9289 authority of this section with respect to the administration of glucagon.
9290 (7) Section [~~53A-11-601~~] 53G-9-502 does not apply to the administration of glucagon
9291 in accordance with this section.
9292 (8) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and
9293 administration of glucagon in accordance with this section.
9294 (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
9295 Professions, do not apply to a person licensed as a health professional under Title 58,
9296 Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,
9297 trains nonlicensed volunteers to administer glucagon in accordance with this section.

9298 Section 321. Section **53G-9-505**, which is renumbered from Section 53A-11-603.5 is
9299 renumbered and amended to read:
9300 **[~~53A-11-603.5~~]. 53G-9-505. Trained school employee volunteers --**
9301 **Administration of seizure rescue medication -- Exemptions from liability.**
9302 (1) As used in this section:
9303 (a) "Prescribing health care professional" means:
9304 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice
9305 Act;
9306 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah
9307 Osteopathic Medical Practice Act;
9308 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
9309 Practice Act; or
9310 (iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.
9311 (b) "Section 504 accommodation plan" means a plan developed pursuant to Section
9312 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to
9313 an individual with a disability to ensure access to major life activities.
9314 (c) "Seizure rescue authorization" means a student's Section 504 accommodation plan
9315 that:
9316 (i) certifies that:
9317 (A) a prescribing health care professional has prescribed a seizure rescue medication
9318 for the student;
9319 (B) the student's parent or legal guardian has previously administered the student's
9320 seizure rescue medication in a nonmedically-supervised setting without a complication; and
9321 (C) the student has previously ceased having full body prolonged or convulsive seizure
9322 activity as a result of receiving the seizure rescue medication;
9323 (ii) describes the specific seizure rescue medication authorized for the student,
9324 including the indicated dose, and instructions for administration;
9325 (iii) requests that the student's public school identify and train school employees who

9326 are willing to volunteer to receive training to administer a seizure rescue medication in
9327 accordance with this section; and
9328 (iv) authorizes a trained school employee volunteer to administer a seizure rescue
9329 medication in accordance with this section.
9330 (d) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing
9331 health care professional, to be administered as described in a student's seizure rescue
9332 authorization, while the student experiences seizure activity.
9333 (ii) A seizure rescue medication does not include a medication administered
9334 intravenously or intramuscularly.
9335 (e) "Trained school employee volunteer" means an individual who:
9336 (i) is an employee of a public school where at least one student has a seizure rescue
9337 authorization;
9338 (ii) is at least 18 years old; and
9339 (iii) as described in this section:
9340 (A) volunteers to receive training in the administration of a seizure rescue medication;
9341 (B) completes a training program described in this section;
9342 (C) demonstrates competency on an assessment; and
9343 (D) completes annual refresher training each year that the individual intends to remain
9344 a trained school employee volunteer.
9345 (2) (a) The Department of Health shall, with input from the State Board of Education
9346 and a children's hospital, develop a training program for trained school employee volunteers in
9347 the administration of seizure rescue medications that includes:
9348 (i) techniques to recognize symptoms that warrant the administration of a seizure
9349 rescue medication;
9350 (ii) standards and procedures for the storage of a seizure rescue medication;
9351 (iii) procedures, in addition to administering a seizure rescue medication, in the event
9352 that a student requires administration of the seizure rescue medication, including:
9353 (A) calling 911; and

9354 (B) contacting the student's parent or legal guardian;
9355 (iv) an assessment to determine if an individual is competent to administer a seizure
9356 rescue medication;
9357 (v) an annual refresher training component; and
9358 (vi) written materials describing the information required under this Subsection (2)(a).
9359 (b) A public school shall retain for reference the written materials described in
9360 Subsection (2)(a)(vi).
9361 (c) The following individuals may provide the training described in Subsection (2)(a):
9362 (i) a school nurse; or
9363 (ii) a licensed heath care professional.
9364 (3) (a) A public school shall, after receiving a seizure rescue authorization:
9365 (i) inform school employees of the opportunity to be a school employee volunteer; and
9366 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
9367 volunteers, using the training program described in Subsection (2)(a).
9368 (b) A public school may not:
9369 (i) obstruct the identification or training of a trained school employee volunteer; or
9370 (ii) compel a school employee to become a trained school employee volunteer.
9371 (4) A trained school employee volunteer may possess or store a prescribed rescue
9372 seizure medication, in accordance with this section.
9373 (5) A trained school employee volunteer may administer a seizure rescue medication to
9374 a student with a seizure rescue authorization if:
9375 (a) the student is exhibiting a symptom, described on the student's seizure rescue
9376 authorization, that warrants the administration of a seizure rescue medication; and
9377 (b) a licensed health care professional is not immediately available to administer the
9378 seizure rescue medication.
9379 (6) A trained school employee volunteer who administers a seizure rescue medication
9380 shall direct an individual to call 911 and take other appropriate actions in accordance with the
9381 training described in Subsection (2).

9382 (7) A trained school employee volunteer who administers a seizure rescue medication
9383 in accordance with this section in good faith is not liable in a civil or criminal action for an act
9384 taken or not taken under this section.
9385 (8) Section [~~53A-11-601~~] 53G-9-502 does not apply to the administration of a seizure
9386 rescue medication.
9387 (9) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession of a seizure
9388 rescue medication in accordance with this section.
9389 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations
9390 and Professions, do not apply to a person licensed as a health care professional under Title 58,
9391 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,
9392 training a nonlicensed school employee who volunteers to administer a seizure rescue
9393 medication in accordance with this section.
9394 (b) Allowing a trained school employee volunteer to administer a seizure rescue
9395 medication in accordance with this section does not constitute unlawful or inappropriate
9396 delegation under Title 58, Occupations and Professions.
9397 Section 322. Section **53G-9-506**, which is renumbered from Section 53A-11-604 is
9398 renumbered and amended to read:
9399 **[~~53A-11-604~~]. 53G-9-506. Diabetes medication -- Possession --**
9400 **Self-administration.**
9401 (1) As used in this section, "diabetes medication" means prescription or
9402 nonprescription medication used to treat diabetes, including related medical devices, supplies,
9403 and equipment used to treat diabetes.
9404 (2) A public school shall permit a student to possess or possess and self-administer
9405 diabetes medication if:
9406 (a) the student's parent or guardian signs a statement:
9407 (i) authorizing the student to possess or possess and self-administer diabetes
9408 medication; and
9409 (ii) acknowledging that the student is responsible for, and capable of, possessing or

9410 possessing and self-administering the diabetes medication; and
9411 (b) the student's health care provider provides a written statement that states:
9412 (i) it is medically appropriate for the student to possess or possess and self-administer
9413 diabetes medication and the student should be in possession of diabetes medication at all times;
9414 and
9415 (ii) the name of the diabetes medication prescribed or authorized for the student's use.
9416 (3) The Utah Department of Health, in cooperation with the state superintendent of
9417 public instruction, shall design forms to be used by public schools for the parental and health
9418 care provider statements described in Subsection (2).
9419 (4) Section [~~53A-11-904~~] 53G-8-205 does not apply to the possession and
9420 self-administration of diabetes medication in accordance with this section.
9421 Section 323. Section **53G-9-601**, which is renumbered from Section 53A-11a-102 is
9422 renumbered and amended to read:
9423 **Part 6. Bullying and Hazing**
9424 **[~~53A-11a-102~~]. 53G-9-601. Definitions.**
9425 As used in this [~~chapter~~] part:
9426 (1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or
9427 student directed toward a school employee that, based on its severity, nature, and frequency of
9428 occurrence, a reasonable person would determine is intended to cause intimidation,
9429 humiliation, or unwarranted distress.
9430 (b) A single act does not constitute abusive conduct.
9431 (2) "Bullying" means a school employee or student intentionally committing a written,
9432 verbal, or physical act against a school employee or student that a reasonable person under the
9433 circumstances should know or reasonably foresee will have the effect of:
9434 (a) causing physical or emotional harm to the school employee or student;
9435 (b) causing damage to the school employee's or student's property;
9436 (c) placing the school employee or student in reasonable fear of:
9437 (i) harm to the school employee's or student's physical or emotional well-being; or

9438 (ii) damage to the school employee's or student's property;
9439 (d) creating a hostile, threatening, humiliating, or abusive educational environment due
9440 to:
9441 (i) the pervasiveness, persistence, or severity of the actions; or
9442 (ii) a power differential between the bully and the target; or
9443 (e) substantially interfering with a student having a safe school environment that is
9444 necessary to facilitate educational performance, opportunities, or benefits.
9445 (3) "Communication" means the conveyance of a message, whether verbal, written, or
9446 electronic.
9447 (4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send
9448 or post text, video, or an image with the intent or knowledge, or with reckless disregard, that
9449 the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether
9450 the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the
9451 electronic communication.
9452 (5) (a) "Hazing" means a school employee or student intentionally, knowingly, or
9453 recklessly committing an act or causing another individual to commit an act toward a school
9454 employee or student that:
9455 (i) (A) endangers the mental or physical health or safety of a school employee or
9456 student;
9457 (B) involves any brutality of a physical nature, including whipping, beating, branding,
9458 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
9459 exposure to the elements;
9460 (C) involves consumption of any food, alcoholic product, drug, or other substance or
9461 other physical activity that endangers the mental or physical health and safety of a school
9462 employee or student; or
9463 (D) involves any activity that would subject a school employee or student to extreme
9464 mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that
9465 subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

9466 (ii) (A) is committed for the purpose of initiation into, admission into, affiliation with,
9467 holding office in, or as a condition for membership in a school or school sponsored team,
9468 organization, program, club, or event; or
9469 (B) is directed toward a school employee or student whom the individual who commits
9470 the act knows, at the time the act is committed, is a member of, or candidate for membership
9471 in, a school or school sponsored team, organization, program, club, or event in which the
9472 individual who commits the act also participates.
9473 (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of
9474 whether the school employee or student against whom the conduct is committed directed,
9475 consented to, or acquiesced in, the conduct.
9476 (6) "Policy" means a school board policy described in Section [~~53A-11a-301~~]
9477 53G-9-605.
9478 (7) "Retaliate" means an act or communication intended:
9479 (a) as retribution against a person for reporting bullying or hazing; or
9480 (b) to improperly influence the investigation of, or the response to, a report of bullying
9481 or hazing.
9482 (8) "School" means a public elementary or secondary school, including a charter
9483 school.
9484 (9) "School board" means:
9485 (a) a local school board; or
9486 (b) a charter school governing board.
9487 (10) "School employee" means an individual working in the individual's official
9488 capacity as:
9489 (a) a school teacher;
9490 (b) a school staff member;
9491 (c) a school administrator; or
9492 (d) an individual:
9493 (i) who is employed, directly or indirectly, by a school, school board, or school district;

9494 and
9495 (ii) who works on a school campus.
9496 Section 324. Section **53G-9-602**, which is renumbered from Section 53A-11a-201 is
9497 renumbered and amended to read:
9498 **[~~53A-11a-201~~]. 53G-9-602. Bullying, hazing, and cyber-bullying prohibited.**
9499 (1) A school employee or student may not engage in bullying a school employee or
9500 student:
9501 (a) on school property;
9502 (b) at a school related or sponsored event;
9503 (c) on a school bus;
9504 (d) at a school bus stop; or
9505 (e) while the school employee or student is traveling to or from a location or event
9506 described in Subsections (1)(a) through (d).
9507 (2) A school employee or student may not engage in hazing or cyber-bullying a school
9508 employee or student at any time or in any location.
9509 Section 325. Section **53G-9-603**, which is renumbered from Section 53A-11a-202 is
9510 renumbered and amended to read:
9511 **[~~53A-11a-202~~]. 53G-9-603. Retaliation and making a false allegation**
9512 **prohibited.**
9513 (1) A school employee or student may not engage in retaliation against:
9514 (a) a school employee;
9515 (b) a student; or
9516 (c) an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying,
9517 hazing, or retaliation.
9518 (2) A school employee or student may not make a false allegation of bullying,
9519 cyber-bullying, hazing, or retaliation against a school employee or student.
9520 Section 326. Section **53G-9-604**, which is renumbered from Section 53A-11a-203 is
9521 renumbered and amended to read:

9522 **[~~53A-11a-203~~]. 53G-9-604. Parental notification of certain incidents and**
9523 **threats required.**
9524 (1) For purposes of this section, "parent" includes a student's guardian.
9525 (2) A school shall:
9526 (a) notify a parent if the parent's student threatens to commit suicide; or
9527 (b) notify the parents of each student involved in an incident of bullying,
9528 cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's
9529 student.
9530 (3) (a) If a school notifies a parent of an incident or threat required to be reported under
9531 Subsection (2), the school shall produce and maintain a record that verifies that the parent was
9532 notified of the incident or threat.
9533 (b) A school shall maintain a record described in Subsection (3)(a) in accordance with
9534 the requirements of:
9535 [~~(i) Chapter 1, Part 14, Student Data Protection Act;~~]
9536 [~~(ii) Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act;~~]
9537 (i) Title 53E, Chapter 9, Part 2, Student Privacy;
9538 (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
9539 (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
9540 (iv) 34 C.F.R. Part 99.
9541 (4) A local school board or charter school governing board shall adopt a policy
9542 regarding the process for:
9543 (a) notifying a parent as required in Subsection (2); and
9544 (b) producing and retaining a record that verifies that a parent was notified of an
9545 incident or threat as required in Subsection (3).
9546 (5) At the request of a parent, a school may provide information and make
9547 recommendations related to an incident or threat described in Subsection (2).
9548 (6) A school shall:
9549 (a) provide a student a copy of a record maintained in accordance with this section that

9550 relates to the student if the student requests a copy of the record; and
9551 (b) expunge a record maintained in accordance with this section that relates to a
9552 student if the student:
9553 (i) has graduated from high school; and
9554 (ii) requests the record be expunged.
9555 Section 327. Section **53G-9-605**, which is renumbered from Section 53A-11a-301 is
9556 renumbered and amended to read:
9557 **[~~53A-11a-301~~]. 53G-9-605. Bullying, cyber-bullying, hazing, abusive**
9558 **conduct, and retaliation policy.**
9559 (1) On or before September 1, 2018, a school board shall update the school board's
9560 bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.
9561 (2) A policy shall:
9562 (a) be developed only with input from:
9563 (i) students;
9564 (ii) parents;
9565 (iii) teachers;
9566 (iv) school administrators;
9567 (v) school staff; or
9568 (vi) local law enforcement agencies; and
9569 (b) provide protection to a student, regardless of the student's legal status.
9570 (3) A policy shall include the following components:
9571 (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are
9572 consistent with this [~~chapter~~] part;
9573 (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
9574 (c) language prohibiting retaliation against an individual who reports conduct that is
9575 prohibited under this [~~chapter~~] part;
9576 (d) language prohibiting making a false report of bullying, cyber-bullying, hazing,
9577 abusive conduct, or retaliation;

9578 (e) as required in Section [~~53A-11a-203~~] 53G-9-604, parental notification of:
9579 (i) a student's threat to commit suicide; and
9580 (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation,
9581 involving the parent's student;
9582 (f) a grievance process for a school employee who has experienced abusive conduct;
9583 (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or
9584 retaliation; and
9585 (h) a requirement for a signed statement annually, indicating that the individual signing
9586 the statement has received the school board's policy, from each:
9587 (i) school employee;
9588 (ii) student who is at least eight years old; and
9589 (iii) parent or guardian of a student enrolled in the charter school or school district.
9590 (4) A copy of a policy shall be:
9591 (a) included in student conduct handbooks;
9592 (b) included in employee handbooks;
9593 (c) provided to a parent or a guardian of a student enrolled in the charter school or
9594 school district; and
9595 (d) distributed to parents.
9596 (5) A policy may not permit formal disciplinary action that is based solely on an
9597 anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
9598 (6) Nothing in this [~~chapter~~] part is intended to infringe upon the right of a school
9599 employee, parent, or student to exercise the right of free speech.
9600 Section 328. Section **53G-9-606**, which is renumbered from Section 53A-11a-302 is
9601 renumbered and amended to read:
9602 **[~~53A-11a-302~~]. 53G-9-606. Model policy and State Board of Education**
9603 **duties.**
9604 (1) On or before September 1, 2018, the State Board of Education shall:
9605 (a) update the State Board of Education's model policy on bullying, cyber-bullying,

9606 hazing, and retaliation to include abusive conduct; and
9607 (b) post the model policy described in Subsection (1)(a) on the State Board of
9608 Education's website.
9609 (2) The State Board of Education shall require a school board to report annually to the
9610 State Board of Education on:
9611 (a) the school board's policy, including implementation of the signed statement
9612 requirement described in Subsection [~~53A-11a-301~~] 53G-9-605(3)(g);
9613 (b) the school board's training of school employees relating to bullying, cyber-bullying,
9614 hazing, and retaliation described in Section [~~53A-11a-401~~] 53G-9-607; and
9615 (c) other information related to this [~~chapter~~] part, as determined by the State Board of
9616 Education.
9617 Section 329. Section **53G-9-607**, which is renumbered from Section 53A-11a-401 is
9618 renumbered and amended to read:
9619 **[~~53A-11a-401~~]. 53G-9-607. Training, education, and prevention --**
9620 **Standards.**
9621 (1) (a) A school board shall include in the training of a school employee training
9622 regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the
9623 standards described in Subsection (4).
9624 (b) A school board may offer voluntary training to parents and students regarding
9625 abusive conduct.
9626 (2) To the extent that state or federal funding is available for this purpose, school
9627 boards are encouraged to implement programs or initiatives, in addition to the training
9628 described in Subsection (1), to provide for training and education regarding, and the prevention
9629 of, bullying, hazing, abusive conduct, and retaliation.
9630 (3) The programs or initiatives described in Subsection (2) may involve:
9631 (a) the establishment of a bullying task force; or
9632 (b) the involvement of school employees, students, or law enforcement.
9633 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

9634 State Board of Education shall make rules that establish standards for high quality training
9635 related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.
9636 Section 330. Section **53G-9-608**, which is renumbered from Section 53A-11a-402 is
9637 renumbered and amended to read:
9638 **[~~53A-11a-402~~]. 53G-9-608. Other forms of legal redress.**
9639 (1) Nothing in this [~~chapter~~] part prohibits a victim of bullying, cyber-bullying, hazing,
9640 abusive conduct, or retaliation from seeking legal redress under any other provisions of civil or
9641 criminal law.
9642 (2) This section does not create or alter tort liability.
9643 Section 331. Section **53G-9-701** is enacted to read:
9644 **Part 7. Suicide Prevention**
9645 **53G-9-701. Definitions.**
9646 Reserved
9647 Section 332. Section **53G-9-702**, which is renumbered from Section 53A-15-1301 is
9648 renumbered and amended to read:
9649 **[~~53A-15-1301~~]. 53G-9-702. Youth suicide prevention programs required in**
9650 **secondary schools -- State Board of Education to develop model programs -- Reporting**
9651 **requirements.**
9652 (1) As used in the section:
9653 (a) "Board" means the State Board of Education.
9654 (b) "Intervention" means an effort to prevent a student from attempting suicide.
9655 (c) "Postvention" means mental health intervention after a suicide attempt or death to
9656 prevent or contain contagion.
9657 (d) "Program" means a youth suicide prevention program described in Subsection (2).
9658 (e) "Public education suicide prevention coordinator" means an individual designated
9659 by the board as described in Subsection (3).
9660 (f) "Secondary grades":
9661 (i) means grades 7 through 12; and

9662 (ii) if a middle or junior high school includes grade 6, includes grade 6.
9663 (g) "State suicide prevention coordinator" means the state suicide prevention
9664 coordinator described in Section 62A-15-1101.
9665 (2) (a) In collaboration with the public education suicide prevention coordinator, a
9666 school district or charter school shall implement a youth suicide prevention program in the
9667 secondary grades of the school district or charter school.
9668 (b) A school district or charter school's program shall include the following
9669 components:
9670 (i) in collaboration with the training, programs, and initiatives described in Section
9671 [~~53A-11a-401~~] 53G-9-607, programs and training to address bullying and cyberbullying, as
9672 those terms are defined in Section [~~53A-11a-102~~] 53G-9-601;
9673 (ii) prevention of youth suicides;
9674 (iii) youth suicide intervention; and
9675 (iv) postvention for family, students, and faculty.
9676 (3) The board shall:
9677 (a) designate a public education suicide prevention coordinator; and
9678 (b) in collaboration with the Department of Heath and the state suicide prevention
9679 coordinator, develop model programs to provide to school districts and charter schools:
9680 (i) program training; and
9681 (ii) resources regarding the required components described in Subsection (2)(b).
9682 (4) The public education suicide prevention coordinator shall:
9683 (a) oversee the youth suicide prevention programs of school districts and charter
9684 schools; [~~and~~]
9685 (b) coordinate prevention and postvention programs, services, and efforts with the state
9686 suicide prevention coordinator[~~.~~]; and
9687 (c) award grants in accordance with Section 53F-5-206.
9688 (5) A public school suicide prevention program may allow school personnel to ask a
9689 student questions related to youth suicide prevention, intervention, or postvention.

9690 (6) (a) Subject to legislative appropriation, the board may distribute money to a school
9691 district or charter school to be used to implement evidence-based practices and programs, or
9692 emerging best practices and programs, for preventing suicide in the school district or charter
9693 school.
9694 (b) The board shall distribute money under Subsection (6)(a) so that each school that
9695 enrolls students in grade 7 or a higher grade receives an allocation of at least $500, or a lesser
9696 amount per school if the legislative appropriation is not sufficient to provide at least $500 per
9697 school.
9698 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to
9699 implement evidence-based practices and programs, or emerging best practices and programs,
9700 for preventing suicide.
9701 (ii) Each school may select the evidence-based practices and programs, or emerging
9702 best practices and programs, for preventing suicide that the school implements.
9703 (7) (a) The board shall provide a written report, and shall orally report to the
9704 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the
9705 public education suicide prevention coordinator and the state suicide prevention coordinator,
9706 on:
9707 (i) the progress of school district and charter school youth suicide prevention programs,
9708 including rates of participation by school districts, charter schools, and students;
9709 (ii) the board's coordination efforts with the Department of Health and the state suicide
9710 prevention coordinator;
9711 (iii) the public education suicide prevention coordinator's model program for training
9712 and resources related to youth suicide prevention, intervention, and postvention;
9713 (iv) data measuring the effectiveness of youth suicide programs;
9714 (v) funds appropriated to each school district and charter school for youth suicide
9715 prevention programs; and
9716 (vi) five-year trends of youth suicides per school, school district, and charter school.
9717 (b) School districts and charter schools shall provide to the board information that is

9718 necessary for the board's report to the Legislature's Education Interim Committee as required in
9719 Subsection (7)(a).
9720 Section 333. Section **53G-9-703**, which is renumbered from Section 53A-15-1302 is
9721 renumbered and amended to read:
9722 **[~~53A-15-1302~~]. 53G-9-703. Parent education -- Mental health -- Bullying --**
9723 **Safety.**
9724 (1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for
9725 parents of students in the school district that:
9726 (i) is offered at no cost to parents;
9727 (ii) begins at or after 6 p.m.;
9728 (iii) is held in at least one school located in the school district; and
9729 (iv) covers the topics described in Subsection (2).
9730 (b) (i) A school district shall annually offer one parent seminar for each 11,000
9731 students enrolled in the school district.
9732 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer
9733 more than three seminars.
9734 (c) A school district may:
9735 (i) develop its own curriculum for the seminar described in Subsection (1)(a); or
9736 (ii) use the curriculum developed by the State Board of Education under Subsection
9737 (2).
9738 (d) A school district shall notify each charter school located in the attendance
9739 boundaries of the school district of the date and time of a parent seminar, so the charter school
9740 may inform parents of the seminar.
9741 (2) The State Board of Education shall:
9742 (a) develop a curriculum for the parent seminar described in Subsection (1) that
9743 includes information on:
9744 (i) substance abuse, including illegal drugs and prescription drugs and prevention;
9745 (ii) bullying;

9746 (iii) mental health, depression, suicide awareness, and suicide prevention, including
9747 education on limiting access to fatal means;
9748 (iv) Internet safety, including pornography addiction; and
9749 (v) the School Safety and Crisis Line established in Section [~~53A-11-1503~~]
9750 53E-10-502; and
9751 (b) provide the curriculum, including resources and training, to school districts upon
9752 request.
9753 (3) The State Board of Education shall report to the Legislature's Education Interim
9754 Committee, by the October 2015 meeting, on:
9755 (a) the progress of implementation of the parent seminar;
9756 (b) the number of parent seminars conducted in each school district;
9757 (c) the estimated attendance reported by each school district;
9758 (d) a recommendation of whether to continue the parent seminar program; and
9759 (e) if a local school board has opted out of providing the parent seminar, as described
9760 in Subsection (4), the reasons why a local school board opted out.
9761 (4) (a) A school district is not required to offer the parent seminar if the local school
9762 board determines that the topics described in Subsection (2) are not of significant interest or
9763 value to families in the school district.
9764 (b) If a local school board chooses not to offer the parent seminar, the local school
9765 board shall notify the State Board of Education and provide the reasons why the local school
9766 board chose not to offer the parent seminar.
9767 Section 334. Section **53G-9-704**, which is renumbered from Section 53A-15-1304 is
9768 renumbered and amended to read:
9769 **[~~53A-15-1304~~]. 53G-9-704. Youth suicide prevention training for employees.**
9770 (1) A school district or charter school shall require a licensed employee to complete
9771 two hours of professional development training on youth suicide prevention within the
9772 employee's license cycle described in Section [~~53A-6-104~~] 53E-6-201.
9773 (2) The board shall:

9774 (a) develop or adopt sample materials to be used by a school district or charter school
9775 for professional development training on youth suicide prevention; and
9776 (b) in rule made in accordance with Title 63G, Chapter 3, Utah Administrative
9777 Rulemaking Act, incorporate the training described in Subsection (1) into professional
9778 development training described in Section [~~53A-6-104~~] 53E-6-201.
9779 Section 335. Section **53G-9-801**, which is renumbered from Section 53A-15-1902 is
9780 renumbered and amended to read:
9781 **Part 8. Dropout Prevention and Recovery and Remediation Programs**
9782 **[~~53A-15-1902~~]. 53G-9-801. Definitions.**
9783 As used in [~~this part~~] Section 53G-9-802:
9784 (1) "Attainment goal" means earning:
9785 (a) a high school diploma;
9786 (b) a Utah High School Completion Diploma, as defined in State Board of Education
9787 rule;
9788 (c) an Adult Education Secondary Diploma, as defined in State Board of Education
9789 rule; or
9790 (d) an employer-recognized, industry-based certificate that is:
9791 (i) likely to result in job placement; and
9792 (ii) included in the State Board of Education's approved career and technical education
9793 industry certification list.
9794 (2) "Cohort" means a group of students, defined by the year in which the group enters
9795 grade 9.
9796 (3) "Designated student" means a student:
9797 (a) (i) who has withdrawn from an LEA before earning a diploma;
9798 (ii) who has been dropped from average daily membership; and
9799 (iii) whose cohort has not yet graduated; or
9800 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined
9801 by the student's LEA, using risk factors defined in rules made by the State Board of Education

9802 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
9803 (4) "Graduation rate" means:
9804 (a) for a school district or a charter school that includes grade 12, the graduation rate
9805 calculated by the State Board of Education for federal accountability and reporting purposes; or
9806 (b) for a charter school that does not include grade 12, a proxy graduation rate defined
9807 in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah
9808 Administrative Rulemaking Act.
9809 (5) "Local education agency" or "LEA" means a school district or charter school that
9810 serves students in grade 9, 10, 11, or 12.
9811 (6) "Nontraditional program" means a program, as defined in rules made by the State
9812 Board of Education under Subsection [~~53A-1-402~~] 53E-3-501(1)(e), in which a student
9813 receives instruction through:
9814 (a) distance learning;
9815 (b) online learning;
9816 (c) blended learning; or
9817 (d) competency-based learning.
9818 (7) "Statewide graduation rate" means:
9819 (a) for a school district or a charter school that includes grade 12, the statewide
9820 graduation rate, as annually calculated by the State Board of Education; or
9821 (b) for a charter school that does not include grade 12, the average graduation rate for
9822 all charter schools that do not include grade 12.
9823 (8) "Third party" means:
9824 (a) a private provider; or
9825 (b) an LEA that does not meet the criteria described in Subsection [~~53A-15-1903~~]
9826 53G-9-802(3).
9827 Section 336. Section **53G-9-802**, which is renumbered from Section 53A-15-1903 is
9828 renumbered and amended to read:
9829 **[~~53A-15-1903~~]. 53G-9-802. Dropout prevention and recovery -- Flexible**

9830 **enrollment options -- Contracting -- Reporting.**
9831 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and
9832 recovery services to a designated student, including:
9833 (i) engaging with or attempting to recover a designated student;
9834 (ii) developing a learning plan, in consultation with a designated student, to identify:
9835 (A) barriers to regular school attendance and achievement;
9836 (B) an attainment goal; and
9837 (C) a means for achieving the attainment goal through enrollment in one or more of the
9838 programs described in Subsection (2);
9839 (iii) monitoring a designated student's progress toward reaching the designated
9840 student's attainment goal; and
9841 (iv) providing tiered interventions for a designated student who is not making progress
9842 toward reaching the student's attainment goal.
9843 (b) An LEA shall provide the dropout prevention and recovery services described in
9844 Subsection (1)(a):
9845 (i) throughout the calendar year; and
9846 (ii) except as provided in Subsection (1)(c)(i), for each designated student who
9847 becomes a designated student while enrolled in the LEA.
9848 (c) (i) A designated student's school district of residence shall provide dropout recovery
9849 services if the designated student:
9850 (A) was enrolled in a charter school that does not include grade 12; and
9851 (B) becomes a designated student in the summer after the student completes academic
9852 instruction at the charter school through the maximum grade level the charter school is eligible
9853 to serve under the charter school's charter agreement as described in Section [~~53A-1a-508~~]
9854 53G-5-303.
9855 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include
9856 grade 12 shall notify each of the charter school's student's district of residence, as determined
9857 under Section [~~53A-2-201~~] 53G-6-302, when the student completes academic instruction at the

9858 charter school as described in Subsection (1)(c)(i)(B).
9859 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,
9860 contact information, and student identification number.
9861 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:
9862 (i) are tailored to the designated student's learning plan developed under Subsection
9863 (1)(a)(ii); and
9864 (ii) include two or more of the following:
9865 (A) enrollment in the LEA in a traditional program;
9866 (B) enrollment in the LEA in a nontraditional program;
9867 (C) enrollment in a program offered by a private provider that has entered into a
9868 contract with the LEA to provide educational services; or
9869 (D) enrollment in a program offered by another LEA.
9870 (b) A designated student may enroll in:
9871 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this
9872 [~~Title 53A, State System of Public Education,~~] public education code, rules established by the
9873 State Board of Education, and policies established by the LEA;
9874 (ii) the Electronic High School, in accordance with [~~Part 10, Electronic High School~~
9875 ~~Act~~] Title 53E, Chapter 10, Part 6, Electronic High School; or
9876 [~~(ii)~~] (iii) the Statewide Online Education Program, in accordance with [~~Part 12~~] Title
9877 53F, Chapter 4, Part 5, Statewide Online Education Program [~~Act~~].
9878 (c) An LEA shall make the LEA's best effort to accommodate a designated student's
9879 choice of enrollment under Subsection (2)(b).
9880 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),
9881 an LEA shall enter into a contract with a third party to provide the dropout prevention and
9882 recovery services described in Subsection (1)(a) for any school year in which the LEA meets
9883 the following criteria:
9884 (a) the LEA's graduation rate is lower than the statewide graduation rate; and
9885 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the

9886 previous three school years; or
9887 (ii) during the previous calendar year, at least 10% of the LEA's designated students
9888 have not:
9889 (A) reached the students' attainment goals; or
9890 (B) made a year's worth of progress toward the students' attainment goals.
9891 (4) An LEA that is in the LEA's first three years of operation is not subject to the
9892 requirement described in Subsection (3).
9893 (5) An LEA described in Subsection (3) shall ensure that:
9894 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a
9895 demonstrated record of effectiveness engaging with and recovering designated students; and
9896 (b) a contract with a third party requires the third party to:
9897 (i) provide the services described in Subsection (1)(a); and
9898 (ii) regularly report progress to the LEA.
9899 (6) An LEA shall annually submit a report to the State Board of Education on dropout
9900 prevention and recovery services provided under this section, including:
9901 (a) the methods the LEA or third party uses to engage with or attempt to recover
9902 designated students under Subsection (1)(a)(i);
9903 (b) the number of designated students who enroll in a program described in Subsection
9904 (2) as a result of the efforts described in Subsection (6)(a);
9905 (c) the number of designated students who reach the designated students' attainment
9906 goals identified under Subsection (1)(a)(ii)(B); and
9907 (d) funding allocated to provide dropout prevention and recovery services.
9908 (7) The State Board of Education shall:
9909 (a) ensure that an LEA described in Subsection (3) contracts with a third party to
9910 provide dropout prevention and recovery services in accordance with Subsections (3) and (5);
9911 and
9912 (b) on or before October 30, 2017, and each year thereafter, report to the Education
9913 Interim Committee on the provisions of this section, including a summary of the reports

9914 submitted under Subsection (6).
9915 Section 337. Section **53G-9-803**, which is renumbered from Section 53A-13-104 is
9916 renumbered and amended to read:
9917 **[~~53A-13-104~~]. 53G-9-803. Remediation programs for secondary students.**
9918 (1) For purposes of this section:
9919 (a) "Secondary school" means a school that provides instruction to students in grades 7,
9920 8, 9, 10, 11, or 12.
9921 (b) "Secondary school student":
9922 (i) means a student enrolled in a secondary school; and
9923 (ii) includes a student in grade 6 if the student attends a secondary school.
9924 (2) A school district or charter school shall implement programs for secondary school
9925 students to attain the competency levels and graduation requirements established by the State
9926 Board of Education.
9927 (3) (a) A school district or charter school shall establish remediation programs for
9928 secondary school students who do not meet competency levels in English, mathematics,
9929 science, or social studies.
9930 (b) Participation in the programs is mandatory for secondary school students who fail
9931 to meet the competency levels based on classroom performance.
9932 (4) Secondary school students who require remediation under this section may not be
9933 advanced to the following class in subject sequences until they meet the required competency
9934 level for the subject or complete the required remediation program, except that a school district
9935 or charter school may allow secondary school students requiring remediation who would
9936 otherwise be scheduled to enter their first year of high school to complete their remediation
9937 program during that first year.
9938 (5) (a) Remediation programs provided under this section should not be unnecessarily
9939 lengthy or repetitive.
9940 (b) A secondary school student need not repeat an entire class if remediation can
9941 reasonably be achieved through other means.

9942 (6) A school district or charter school may charge secondary school students a fee to
9943 participate in the remediation programs.
9944 Section 338. Section **53G-10-101** is enacted to read:
9945 **CHAPTER 10. CURRICULUM PARTICIPATION AND REQUIREMENTS**
9946 **Part 1. General Provisions**
9947 **53G-10-101. Title.**
9948 This chapter is known as "Curriculum Participation and Requirements."
9949 Section 339. Section **53G-10-102** is enacted to read:
9950 **53G-10-102. Definitions.**
9951 Reserved
9952 Section 340. Section **53G-10-201** is enacted to read:
9953 **Part 2. General Requirements and Participation**
9954 **53G-10-201. Definitions.**
9955 Reserved
9956 Section 341. Section **53G-10-202**, which is renumbered from Section 53A-13-101.1 is
9957 renumbered and amended to read:
9958 **[~~53A-13-101.1~~]. 53G-10-202. Maintaining constitutional freedom in the**
9959 **public schools.**
9960 (1) Any instructional activity, performance, or display which includes examination of
9961 or presentations about religion, political or religious thought or expression, or the influence
9962 thereof on music, art, literature, law, politics, history, or any other element of the curriculum,
9963 including the comparative study of religions, which is designed to achieve secular educational
9964 objectives included within the context of a course or activity and conducted in accordance with
9965 applicable rules of the state and local boards of education, may be undertaken in the public
9966 schools.
9967 (2) No aspect of cultural heritage, political theory, moral theory, or societal value shall
9968 be included within or excluded from public school curricula for the primary reason that it
9969 affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence

9970 of a spiritual realm or supreme being.
9971 (3) Public schools may not sponsor prayer or religious devotionals.
9972 (4) School officials and employees may not use their positions to endorse, promote, or
9973 disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or
9974 viewpoint.
9975 Section 342. Section **53G-10-203**, which is renumbered from Section 53A-13-101.3 is
9976 renumbered and amended to read:
9977 **[~~53A-13-101.3~~]. 53G-10-203. Expressions of belief -- Discretionary time.**
9978 (1) Expression of personal beliefs by a student participating in school-directed
9979 curricula or activities may not be prohibited or penalized unless the expression unreasonably
9980 interferes with order or discipline, threatens the well-being of persons or property, or violates
9981 concepts of civility or propriety appropriate to a school setting.
9982 (2) (a) As used in this section, "discretionary time" means noninstructional time during
9983 which a student is free to pursue personal interests.
9984 (b) Free exercise of voluntary religious practice or freedom of speech by students
9985 during discretionary time shall not be denied unless the conduct unreasonably interferes with
9986 the ability of school officials to maintain order and discipline, unreasonably endangers persons
9987 or property, or violates concepts of civility or propriety appropriate to a school setting.
9988 (3) Any limitation under Sections [~~53A-13-101.2 and 53A-13-101.3~~] 53G-10-203 and
9989 53G-10-205 on student expression, practice, or conduct shall be by the least restrictive means
9990 necessary to satisfy the school's interests as stated in those sections, or to satisfy another
9991 specifically identified compelling governmental interest.
9992 Section 343. Section **53G-10-204**, which is renumbered from Section 53A-13-109 is
9993 renumbered and amended to read:
9994 **[~~53A-13-109~~]. 53G-10-204. Civic and character education -- Definitions --**
9995 **Legislative finding -- Elements -- Reporting requirements.**
9996 (1) As used in this section:
9997 (a) "Character education" means reaffirming values and qualities of character which

9998 promote an upright and desirable citizenry.
9999 (b) "Civic education" means the cultivation of informed, responsible participation in
10000 political life by competent citizens committed to the fundamental values and principles of
10001 representative democracy in Utah and the United States.
10002 (c) "Values" means time-established principles or standards of worth.
10003 (2) The Legislature recognizes that:
10004 (a) Civic and character education are fundamental elements of the public education
10005 system's core mission as originally intended and established under Article X of the Utah
10006 Constitution;
10007 (b) Civic and character education are fundamental elements of the constitutional
10008 responsibility of public education and shall be a continuing emphasis and focus in public
10009 schools;
10010 (c) the cultivation of a continuing understanding and appreciation of a constitutional
10011 republic and principles of representative democracy in Utah and the United States among
10012 succeeding generations of educated and responsible citizens is important to the nation and
10013 state;
10014 (d) the primary responsibility for the education of children within the state resides with
10015 their parents or guardians and that the role of state and local governments is to support and
10016 assist parents in fulfilling that responsibility;
10017 (e) public schools fulfill a vital purpose in the preparation of succeeding generations of
10018 informed and responsible citizens who are deeply attached to essential democratic values and
10019 institutions; and
10020 (f) the happiness and security of American society relies upon the public virtue of its
10021 citizens which requires a united commitment to a moral social order where self-interests are
10022 willingly subordinated to the greater common good.
10023 (3) Through an integrated curriculum, students shall be taught in connection with
10024 regular school work:
10025 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

10026 (b) respect for and an understanding of the Declaration of Independence and the
10027 constitutions of the United States and of the state of Utah;
10028 (c) Utah history, including territorial and preterritorial development to the present;
10029 (d) the essentials and benefits of the free enterprise system;
10030 (e) respect for parents, home, and family;
10031 (f) the dignity and necessity of honest labor; and
10032 (g) other skills, habits, and qualities of character which will promote an upright and
10033 desirable citizenry and better prepare students to recognize and accept responsibility for
10034 preserving and defending the blessings of liberty inherited from prior generations and secured
10035 by the constitution.
10036 (4) Local school boards and school administrators may provide training, direction, and
10037 encouragement, as needed, to accomplish the intent and requirements of this section and to
10038 effectively emphasize civic and character education in the course of regular instruction in the
10039 public schools.
10040 (5) Civic and character education in public schools are:
10041 (a) not intended to be separate programs in need of special funding or added specialists
10042 to be accomplished; and
10043 (b) core principles which reflect the shared values of the citizens of Utah and the
10044 founding principles upon which representative democracy in the United States and the state of
10045 Utah are based.
10046 (6) To assist the Commission on Civic and Character Education in fulfilling the
10047 commission's duties under Section 67-1a-11, by December 30 of each year, each school district
10048 and the State Charter School Board shall submit to the lieutenant governor and the commission
10049 a report summarizing how civic and character education are achieved in the school district or
10050 charter schools through an integrated school curriculum and in the regular course of school
10051 work as provided in this section.
10052 (7) Each year, the State Board of Education shall report to the Education Interim
10053 Committee, on or before the October meeting, the methods used, and the results being

10054 achieved, to instruct and prepare students to become informed and responsible citizens through
10055 an integrated curriculum taught in connection with regular school work as required in this
10056 section.
10057 Section 344. Section **53G-10-205**, which is renumbered from Section 53A-13-101.2 is
10058 renumbered and amended to read:
10059 **[~~53A-13-101.2~~]. 53G-10-205. Waivers of participation.**
10060 (1) As used in this section:
10061 [~~(a) (i) "Human sexuality instruction" means any course material, unit, class, lesson,~~
10062 ~~activity, or presentation that, as the focus of the discussion, provides instruction or information~~
10063 ~~to a student about:~~]
10064 [~~(A) sexual abstinence;~~]
10065 [~~(B) human sexuality;~~]
10066 [~~(C) human reproduction;~~]
10067 [~~(D) reproductive anatomy;~~]
10068 [~~(E) physiology;~~]
10069 [~~(F) pregnancy;~~]
10070 [~~(G) marriage;~~]
10071 [~~(H) childbirth;~~]
10072 [~~(I) parenthood;~~]
10073 [~~(J) contraception;~~]
10074 [~~(K) HIV/AIDS; or~~]
10075 [~~(L) sexually transmitted diseases.~~]
10076 [~~(ii) "Human sexuality instruction" does not include child sexual abuse prevention~~
10077 ~~instruction described in Section 53A-13-112.~~]
10078 [~~(b)~~] (a) "Parent" means a parent or legal guardian.
10079 [~~(c)~~] (b) "School" means a public school.
10080 (2) If a parent of a student, or a secondary student, determines that the student's
10081 participation in a portion of the curriculum or in an activity would require the student to affirm

10082 or deny a religious belief or right of conscience, or engage or refrain from engaging in a
10083 practice forbidden or required in the exercise of a religious right or right of conscience, the
10084 parent or the secondary student may request:
10085 (a) a waiver of the requirement to participate; or
10086 (b) a reasonable alternative that requires reasonably equivalent performance by the
10087 student of the secular objectives of the curriculum or activity in question.
10088 (3) The school shall promptly notify a student's parent if the secondary student makes a
10089 request under Subsection (2).
10090 (4) If a request is made under Subsection (2), the school shall:
10091 (a) waive the participation requirement;
10092 (b) provide a reasonable alternative to the requirement; or
10093 (c) notify the requesting party that participation is required.
10094 (5) The school shall ensure that the provisions of Subsection [~~53A-13-101.3~~]
10095 53G-10-203(3) are met in connection with any required participation under Subsection (4)(c).
10096 [~~(6) A school shall obtain prior written consent from a student's parent before the~~
10097 ~~school may provide human sexuality instruction to the student.~~]
10098 [~~(7) If a student's parent chooses not to have the student participate in human sexuality~~
10099 ~~instruction, a school shall:~~]
10100 [~~(a) waive the requirement for the student to participate in the human sexuality~~
10101 ~~instruction; or~~]
10102 [~~(b) provide the student with a reasonable alternative to the human sexuality instruction~~
10103 ~~requirement.~~]
10104 [~~(8) In cooperation with the student's teacher or school, a parent shall take~~
10105 ~~responsibility for the parent's student's human sexuality instruction if a school:~~]
10106 [~~(a) waives the student's human sexuality instruction requirement in Subsection (7)(a);~~
10107 ~~or~~]
10108 [~~(b) provides the student with a reasonable alternative to the human sexuality~~
10109 ~~instruction requirement described in Subsection (7)(b).~~]

10110 [~~(9)~~] (6) A student's academic or citizenship performance may not be penalized if[~~: (a)~~]
10111 the secondary student or the student's parent chooses to exercise a religious right or right of
10112 conscience in accordance with the provisions of this section[~~; or~~].
10113 [~~(b) the student's parent chooses not to have the student participate in human sexuality~~
10114 ~~instruction as described in Subsection (7).~~]
10115 Section 345. Section **53G-10-301** is enacted to read:
10116 **Part 3. Miscellaneous Curriculum Requirements**
10117 **53G-10-301. Definitions.**
10118 Reserved
10119 Section 346. Section **53G-10-302**, which is renumbered from Section 53A-13-101.4 is
10120 renumbered and amended to read:
10121 **[~~53A-13-101.4~~]. 53G-10-302. Instruction in American history and**
10122 **government -- Study and posting of American heritage documents.**
10123 (1) The Legislature recognizes that a proper understanding of American history and
10124 government is essential to good citizenship, and that the public schools are the primary public
10125 institutions charged with responsibility for assisting children and youth in gaining that
10126 understanding.
10127 (2) (a) The State Board of Education and local school boards shall periodically review
10128 school curricula and activities to ensure that effective instruction in American history and
10129 government is taking place in the public schools.
10130 (b) The boards shall solicit public input as part of the review process.
10131 (c) Instruction in American history and government shall include a study of:
10132 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an
10133 oligarchy;
10134 (ii) political philosophies and economic systems, such as socialism, individualism, and
10135 free market capitalism; and
10136 (iii) the United States' form of government, a compound constitutional republic.
10137 (3) School curricula and activities shall include a thorough study of historical

10138 documents such as:
10139 (a) the Declaration of Independence;
10140 (b) the United States Constitution;
10141 (c) the national motto;
10142 (d) the pledge of allegiance;
10143 (e) the national anthem;
10144 (f) the Mayflower Compact;
10145 (g) the writings, speeches, documents, and proclamations of the Founders and the
10146 Presidents of the United States;
10147 (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and
10148 post Federalist eras;
10149 (i) United States Supreme Court decisions;
10150 (j) Acts of the United States Congress, including the published text of the
10151 Congressional Record; and
10152 (k) United States treaties.
10153 (4) To increase student understanding of, and familiarity with, American historical
10154 documents, public schools may display historically important excerpts from, or copies of, those
10155 documents in school classrooms and common areas as appropriate.
10156 (5) There shall be no content-based censorship of American history and heritage
10157 documents referred to in this section due to their religious or cultural nature.
10158 (6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302
10159 to be the national motto of the United States, in one or more prominent places within each
10160 school building.
10161 Section 347. Section **53G-10-303**, which is renumbered from Section 53A-13-101.5 is
10162 renumbered and amended to read:
10163 **[~~53A-13-101.5~~]. 53G-10-303. Teaching of American sign language.**
10164 (1) The Legislature recognizes that American sign language is a fully developed,
10165 autonomous, natural language with distinct grammar, syntax, and art forms.

10166 (2) American sign language shall be accorded equal status with other linguistic systems
10167 in the state's public and higher education systems.
10168 (3) The State Board of Education, in consultation with the state's school districts and
10169 members of the deaf and hard of hearing community, shall develop and implement policies and
10170 procedures for the teaching of American sign language in the state's public education system at
10171 least at the middle school or high school level.
10172 (4) A student may count credit received for completion of a course in American sign
10173 language at the middle school or high school level toward the satisfaction of a foreign language
10174 requirement in the public education system under rules made by the State Board of Education.
10175 (5) The State Board of Regents, in consultation with the state's public institutions of
10176 higher education and members of the state's deaf and hard of hearing community, shall develop
10177 and implement policies and procedures for offering instruction in American sign language in
10178 the state's system of higher education.
10179 (6) The Joint Liaison Committee, in consultation with members of the state's deaf and
10180 hard of hearing community, shall review any policies and procedures developed under this
10181 section and make recommendations to either or both boards regarding the policies.
10182 Section 348. Section **53G-10-304**, which is renumbered from Section 53A-13-101.6 is
10183 renumbered and amended to read:
10184 **[~~53A-13-101.6~~]. 53G-10-304. Instruction on the flag of the United States of**
10185 **America.**
10186 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10187 State Board of Education shall provide by rule for a program of instruction within the public
10188 schools relating to the flag of the United States.
10189 (2) The instruction shall include the history of the flag, etiquette, customs pertaining to
10190 the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to
10191 10.
10192 (3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of
10193 each day in each public school classroom in the state, led by a student in the classroom, as

10194 assigned by the classroom teacher on a rotating basis.
10195 (b) Each student shall be informed by posting a notice in a conspicuous place that the
10196 student has the right not to participate in reciting the pledge.
10197 (c) A student shall be excused from reciting the pledge upon written request from the
10198 student's parent or legal guardian.
10199 (d) (i) At least once a year students shall be instructed that:
10200 (A) participation in the pledge of allegiance is voluntary and not compulsory; and
10201 (B) not only is it acceptable for someone to choose not to participate in the pledge of
10202 allegiance for religious or other reasons, but students should show respect for any student who
10203 chooses not to participate.
10204 (ii) A public school teacher shall strive to maintain an atmosphere among students in
10205 the classroom that is consistent with the principles described in Subsection (3)(d)(i).
10206 Section 349. Section **53G-10-305** is enacted to read:
10207 **53G-10-305. Financial education information.**
10208 A public school shall provide the following to the parents or guardian of a kindergarten
10209 student during kindergarten enrollment:
10210 (1) a financial and economic literacy passport, as defined in Section 53E-3-505; and
10211 (2) information about higher education savings options, including information about
10212 opening a Utah Educational Savings Plan account.
10213 Section 350. Section **53G-10-401** is enacted to read:
10214 **Part 4. Health Curriculum Requirements**
10215 **53G-10-401. Definitions.**
10216 Reserved
10217 Section 351. Section **53G-10-402**, which is renumbered from Section 53A-13-101 is
10218 renumbered and amended to read:
10219 **[~~53A-13-101~~]. 53G-10-402. Instruction in health -- Parental consent**
10220 **requirements -- Conduct and speech of school employees and volunteers -- Political and**
10221 **religious doctrine prohibited.**

10222 (1) (a) The State Board of Education shall establish curriculum requirements under
10223 Section [~~53A-1-402~~;] 53E-3-501 that include instruction in:
10224 (i) community and personal health;
10225 (ii) physiology;
10226 (iii) personal hygiene; and
10227 (iv) prevention of communicable disease.
10228 (b) (i) That instruction shall stress:
10229 (A) the importance of abstinence from all sexual activity before marriage and fidelity
10230 after marriage as methods for preventing certain communicable diseases; and
10231 (B) personal skills that encourage individual choice of abstinence and fidelity.
10232 (ii) (A) At no time may instruction be provided, including responses to spontaneous
10233 questions raised by students, regarding any means or methods that facilitate or encourage the
10234 violation of any state or federal criminal law by a minor or an adult.
10235 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a
10236 spontaneous question as long as the response is consistent with the provisions of this section.
10237 (c) (i) The board shall recommend instructional materials for use in the curricula
10238 required under Subsection (1)(a) after considering evaluations of instructional materials by the
10239 State Instructional Materials Commission.
10240 (ii) A local school board may choose to adopt:
10241 (A) the instructional materials recommended under Subsection (1)(c)(i); or
10242 (B) other instructional materials as provided in state board rule.
10243 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a
10244 minimum:
10245 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)
10246 shall be based upon recommendations of the school district's Curriculum Materials Review
10247 Committee that comply with state law and state board rules emphasizing abstinence before
10248 marriage and fidelity after marriage, and prohibiting instruction in:
10249 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

10250 (II) the advocacy of premarital or extramarital sexual activity; or
10251 (III) the advocacy or encouragement of the use of contraceptive methods or devices;
10252 (IV) the advocacy of sexual activity outside of marriage;
10253 (B) that the adoption of instructional materials shall take place in an open and regular
10254 meeting of the local school board for which prior notice is given to parents and guardians of
10255 students attending schools in the district and an opportunity for them to express their views and
10256 opinions on the materials at the meeting;
10257 (C) provision for an appeal and review process of the local school board's decision; and
10258 (D) provision for a report by the local school board to the State Board of Education of
10259 the action taken and the materials adopted by the local school board under Subsections
10260 (1)(c)(ii)(B) and (1)(c)(iii).
10261 (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and
10262 systematic in grades eight through 12.
10263 (b) At the request of the board, the Department of Health shall cooperate with the
10264 board in developing programs to provide instruction in those areas.
10265 (3) (a) The board shall adopt rules that:
10266 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
10267 are complied with; and
10268 (ii) require a student's parent or legal guardian to be notified in advance and have an
10269 opportunity to review the information for which parental consent is required under Sections
10270 76-7-322 and 76-7-323.
10271 (b) The board shall also provide procedures for disciplinary action for violation of
10272 Section 76-7-322 or 76-7-323.
10273 (4) (a) In keeping with the requirements of Section [~~53A-13-109~~] 53G-10-204, and
10274 because school employees and volunteers serve as examples to their students, school
10275 employees or volunteers acting in their official capacities may not support or encourage
10276 criminal conduct by students, teachers, or volunteers.
10277 (b) To ensure the effective performance of school personnel, the limitations described

10278 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official
10279 capacities if:
10280 (i) they knew or should have known that their action could result in a material and
10281 substantial interference or disruption in the normal activities of the school; and
10282 (ii) that action does result in a material and substantial interference or disruption in the
10283 normal activities of the school.
10284 (c) Neither the State Board of Education nor local school districts may allow training
10285 of school employees or volunteers that supports or encourages criminal conduct.
10286 (d) The State Board of Education shall adopt rules implementing this section.
10287 (e) Nothing in this section limits the ability or authority of the State Board of
10288 Education and local school boards to enact and enforce rules or take actions that are otherwise
10289 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing
10290 unfitness for duty.
10291 (5) Except as provided in Section [~~53A-13-101.1~~] 53G-10-202, political, atheistic,
10292 sectarian, religious, or denominational doctrine may not be taught in the public schools.
10293 (6) (a) Local school boards and their employees shall cooperate and share
10294 responsibility in carrying out the purposes of this chapter.
10295 (b) Each school district shall provide appropriate inservice training for its teachers,
10296 counselors, and school administrators to enable them to understand, protect, and properly
10297 instruct students in the values and character traits referred to in this section and Sections
10298 [~~53A-13-101.1, 53A-13-101.2, 53A-13-101.3, 53A-13-109, 53A-13-301, and 53A-13-302~~]
10299 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205, and distribute
10300 appropriate written materials on the values, character traits, and conduct to each individual
10301 receiving the inservice training.
10302 (c) The written materials shall also be made available to classified employees, students,
10303 and parents and guardians of students.
10304 (d) In order to assist school districts in providing the inservice training required under
10305 Subsection (6)(b), the State Board of Education shall as appropriate, contract with a qualified

10306 individual or entity possessing expertise in the areas referred to in Subsection (6)(b) to develop
10307 and disseminate model teacher inservice programs which districts may use to train the
10308 individuals referred to in Subsection (6)(b) to effectively teach the values and qualities of
10309 character referenced in that subsection.
10310 (e) In accordance with the provisions of Subsection (4)(c), inservice training may not
10311 support or encourage criminal conduct.
10312 (7) If any one or more provision, subsection, sentence, clause, phrase, or word of this
10313 section, or the application thereof to any person or circumstance, is found to be
10314 unconstitutional, the balance of this section shall be given effect without the invalid provision,
10315 subsection, sentence, clause, phrase, or word.
10316 Section 352. Section **53G-10-403** is enacted to read:
10317 **53G-10-403. Required parental consent for human sexuality instruction.**
10318 (1) As used in this section:
10319 (a) (i) "Human sexuality instruction" means any course material, unit, class, lesson,
10320 activity, or presentation that, as the focus of the discussion, provides instruction or information
10321 to a student about:
10322 (A) sexual abstinence;
10323 (B) human sexuality;
10324 (C) human reproduction;
10325 (D) reproductive anatomy;
10326 (E) physiology;
10327 (F) pregnancy;
10328 (G) marriage;
10329 (H) childbirth;
10330 (I) parenthood;
10331 (J) contraception;
10332 (K) HIV/AIDS; or
10333 (L) sexually transmitted diseases.

10334 (ii) "Human sexuality instruction" does not include child sexual abuse prevention
10335 instruction described in Section 53G-9-207.
10336 (b) "Parent" means the same as that term is defined in Section 53G-10-205.
10337 (c) "School" means the same as that term is defined in Section 53G-10-205.
10338 (2) A school shall obtain prior written consent from a student's parent before the school
10339 may provide human sexuality instruction to the student.
10340 (3) If a student's parent chooses not to have the student participate in human sexuality
10341 instruction, a school shall:
10342 (a) waive the requirement for the student to participate in the human sexuality
10343 instruction; or
10344 (b) provide the student with a reasonable alternative to the human sexuality instruction
10345 requirement.
10346 (4) In cooperation with the student's teacher or school, a parent shall take responsibility
10347 for the parent's student's human sexuality instruction if a school:
10348 (a) waives the student's human sexuality instruction requirement in Subsection (3)(a);
10349 or
10350 (b) provides the student with a reasonable alternative to the human sexuality
10351 instruction requirement described in Subsection (3)(b).
10352 (5) A student's academic or citizenship performance may not be penalized if the
10353 student's parent chooses not to have the student participate in human sexuality instruction as
10354 described in Subsection (3).
10355 Section 353. Section **53G-10-404**, which is renumbered from Section 53A-13-107 is
10356 renumbered and amended to read:
10357 **[~~53A-13-107~~]. 53G-10-404. Adoption information.**
10358 (1) For a school year beginning with or after the 2012-13 school year, a local school
10359 board shall ensure that an annual presentation on adoption is given to its secondary school
10360 students in grades 7-12, so that each student receives the presentation at least once during
10361 grades 7-9 and at least once during grades 10-12.

10362 (2) The presentation shall be made by a licensed teacher as part of the health education
10363 core.
10364 Section 354. Section **53G-10-405**, which is renumbered from Section 53A-13-102 is
10365 renumbered and amended to read:
10366 **[~~53A-13-102~~]. 53G-10-405. Instruction on the harmful effects of alcohol,**
10367 **tobacco, and controlled substances -- Rulemaking authority -- Assistance from the**
10368 **Division of Substance Abuse and Mental Health.**
10369 (1) The State Board of Education shall adopt rules providing for instruction at each
10370 grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the
10371 human body and society. The rules shall require but are not limited to instruction on the
10372 following:
10373 (a) teaching of skills needed to evaluate advertisements for, and media portrayal of,
10374 alcohol, tobacco, and controlled substances;
10375 (b) directing students towards healthy and productive alternatives to the use of alcohol,
10376 tobacco, and controlled substances; and
10377 (c) discouraging the use of alcohol, tobacco, and controlled substances.
10378 (2) At the request of the board, the Division of Substance Abuse and Mental Health
10379 shall cooperate with the board in developing programs to provide this instruction.
10380 (3) The board shall participate in efforts to enhance communication among community
10381 organizations and state agencies, and shall cooperate with those entities in efforts which are
10382 compatible with the purposes of this section.
10383 Section 355. Section **53G-10-406**, which is renumbered from Section 53A-13-113 is
10384 renumbered and amended to read:
10385 **[~~53A-13-113~~]. 53G-10-406. Underage Drinking Prevention Program --**
10386 **State Board of Education rules.**
10387 (1) As used in this section:
10388 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory
10389 Council created in this section.

10390 (b) "Board" means the State Board of Education.
10391 (c) "LEA" means:
10392 (i) a school district;
10393 (ii) a charter school; or
10394 (iii) the Utah Schools for the Deaf and the Blind.
10395 (d) "Program" means the Underage Drinking Prevention Program created in this
10396 section.
10397 (e) "School-based prevention presentation" means an evidence-based program intended
10398 for students aged 13 and older that:
10399 (i) is aimed at preventing underage consumption of alcohol;
10400 (ii) is delivered by methods that engage students in storytelling and visualization;
10401 (iii) addresses the behavioral risk factors associated with underage drinking; and
10402 (iv) provides practical tools to address the dangers of underage drinking.
10403 (2) There is created the Underage Drinking Prevention Program that consists of:
10404 (a) a school-based prevention presentation for students in grade 8; and
10405 (b) a school-based prevention presentation for students in grade 10 that increases
10406 awareness of the dangers of driving under the influence of alcohol.
10407 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
10408 school year to each student in grade 8 and grade 10.
10409 (b) An LEA shall select from the providers qualified by the board under Subsection (6)
10410 to offer the program.
10411 (4) The board shall administer the program with input from the advisory council.
10412 (5) There is created the Underage Drinking Prevention Program Advisory Council
10413 comprised of the following members:
10414 (a) the executive director of the Department of Alcoholic Beverage Control or the
10415 executive director's designee;
10416 (b) the executive director of the Department of Health or the executive director's
10417 designee;

10418 (c) the director of the Division of Substance Abuse and Mental Health or the director's
10419 designee;
10420 (d) the director of the Division of Child and Family Services or the director's designee;
10421 (e) the director of the Division of Juvenile Justice Services or the director's designee;
10422 (f) the state superintendent of public instruction or the state superintendent of public
10423 instruction's designee; and
10424 (g) two members of the State Board of Education, appointed by the chair of the State
10425 Board of Education.
10426 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
10427 shall qualify one or more providers to provide the program to an LEA.
10428 (b) In selecting a provider described in Subsection (6)(a), the board shall consider:
10429 (i) whether the provider's program complies with the requirements described in this
10430 section;
10431 (ii) the extent to which the provider's underage drinking prevention program aligns
10432 with core standards for Utah public schools; and
10433 (iii) the provider's experience in providing a program that is effective at reducing
10434 underage drinking.
10435 (7) (a) The board shall use money from the Underage Drinking Prevention Program
10436 Restricted Account described in Section [~~53A-13-114~~] 53F-9-304 for the program.
10437 (b) The board may use money from the Underage Drinking Prevention Program
10438 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
10439 program.
10440 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10441 board shall make rules that:
10442 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage
10443 Drinking Prevention Program each school year to each student in grade 8 and grade 10; and
10444 (b) establish criteria for the board to use in selecting a provider described in Subsection
10445 (6).

10446 Section 356. Section **53G-10-501** is enacted to read:

10447 **Part 5. Driver Education Classes**

10448 **53G-10-501. Definitions.**

10449 Reserved

10450 Section 357. Section **53G-10-502**, which is renumbered from Section 53A-13-201 is
10451 renumbered and amended to read:

10452 **[~~53A-13-201~~]. 53G-10-502. Driver education established by school districts.**

10453 (1) As used in this part:

10454 (a) "Driver education" includes classroom instruction and driving and observation in a
10455 dual-controlled motor vehicle.

10456 (b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor
10457 vehicle under the supervision of a certified instructor.

10458 (2) (a) Local school districts may establish and maintain driver education for pupils.

10459 (b) A school or local school district that provides driver education shall provide an
10460 opportunity for each pupil enrolled in that school or local school district to take the written test
10461 when the pupil is 15 years and nine months of age.

10462 (c) Notwithstanding the provisions of Subsection (2)(b), a school or local school
10463 district that provides driver education may provide an opportunity for each pupil enrolled in
10464 that school or school district to take the written test when the pupil is 15 years of age.

10465 (3) The purpose of driver education is to help develop the knowledge, attitudes, habits,
10466 and skills necessary for the safe operation of motor vehicles.

10467 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10468 State Board of Education shall make rules for driver education offered in the public schools.

10469 (5) The rules under Subsection (4) shall:

10470 (a) require at least one hour of classroom training on the subject of railroad crossing
10471 safety for each driver education pupil; and

10472 (b) establish minimum standards for approved driving ranges under Section
10473 53-3-505.5.

10474 (6) The requirements of Section 53-3-505.5 apply to any behind-the-wheel driving
10475 training provided as part of driver education offered under this part and used to satisfy the
10476 driver training requirement under Section 53-3-204.
10477 Section 358. Section **53G-10-503**, which is renumbered from Section 53A-13-202 is
10478 renumbered and amended to read:
10479 **[~~53A-13-202~~]. 53G-10-503. Driver education funding -- Reimbursement of**
10480 **school districts for driver education class expenses -- Limitations -- Excess funds --**
10481 **Student fees.**
10482 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver
10483 education shall fund the program solely through:
10484 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform
10485 School Fund as created under Section 41-1a-1205; and
10486 (ii) student fees collected by each school.
10487 (b) In determining the cost of driver education, a school district may exclude:
10488 (i) the full-time equivalent cost of a teacher for a driver education class taught during
10489 regular school hours; and
10490 (ii) classroom space and classroom maintenance.
10491 (c) A school district may not use any additional school funds beyond those allowed
10492 under Subsection (1)(b) to subsidize driver education.
10493 (2) (a) The state superintendent of public instruction shall, prior to September 2nd
10494 following the school year during which it was expended, or may at earlier intervals during that
10495 school year, reimburse each school district that applied for reimbursement in accordance with
10496 this section.
10497 (b) A school district that maintains driver education classes that conform to this part
10498 and the rules prescribed by the board may apply for reimbursement for the actual cost of
10499 providing the behind-the-wheel and observation training incidental to those classes.
10500 (3) Under the state board's supervision for driver education, a school district may:
10501 (a) employ personnel who are not licensed by the board under Section [~~53A-6-104~~]

10502 53E-6-201; or
10503 (b) contract with private parties or agencies licensed under Section 53-3-504 for the
10504 behind-the-wheel phase of the driver education program.
10505 (4) The reimbursement amount shall be paid out of the Automobile Driver Education
10506 Tax Account in the Uniform School Fund and may not exceed:
10507 (a) $100 per student who has completed driver education during the school year;
10508 (b) $30 per student who has only completed the classroom portion in the school or
10509 through the electronic high school during the school year; or
10510 (c) $70 per student who has only completed the behind-the-wheel and observation
10511 portion in the school during the school year.
10512 (5) If the amount of money in the account at the end of a school year is less than the
10513 total of the reimbursable costs, the state superintendent of public instruction shall allocate the
10514 money to each school district in the same proportion that its reimbursable costs bear to the total
10515 reimbursable costs of all school districts.
10516 (6) If the amount of money in the account at the end of any school year is more than the
10517 total of the reimbursement costs provided under Subsection (4), the superintendent may
10518 allocate the excess funds to school districts:
10519 (a) to reimburse each school district that applies for reimbursement of the cost of a fee
10520 waived under Section [~~53A-12-103~~] 53G-7-504 for driver education; and
10521 (b) to aid in the procurement of equipment and facilities which reduce the cost of
10522 behind-the-wheel instruction.
10523 (7) A local school board shall establish the student fee for driver education for the
10524 school district. Student fees shall be reasonably associated with the costs of driver education
10525 that are not otherwise covered by reimbursements and allocations made under this section.
10526 Section 359. Section **53G-10-504**, which is renumbered from Section 53A-13-203 is
10527 renumbered and amended to read:
10528 **[~~53A-13-203~~]. 53G-10-504. Enrollment of private school pupils.**
10529 (1) A school district maintaining driver education classes shall allow pupils enrolled in

10530 grades nine to 12 of regularly established private schools located within the school district to
10531 enroll in the most accessible public school in the school district to receive driver education.
10532 (2) Enrollment is on the same terms and conditions as applies to students in public
10533 schools within the district, as such terms and conditions relate to the driver education classes
10534 only.
10535 Section 360. Section **53G-10-505**, which is renumbered from Section 53A-13-204 is
10536 renumbered and amended to read:
10537 **[~~53A-13-204~~]. 53G-10-505. Reports as to costs of driver training programs.**
10538 A local school board seeking reimbursement shall, at the end of each school year and at
10539 other times as designated by the State Board of Education, report the following to the state
10540 superintendent of public instruction:
10541 (1) the costs of providing driver education including a separate accounting for:
10542 (a) course work; and
10543 (b) behind-the-wheel and observation training to students;
10544 (2) the costs of fees waived under Section [~~53A-12-103~~] 53G-7-504 for driver
10545 education including a separate accounting for:
10546 (a) course work; and
10547 (b) behind-the-wheel and observation training to students;
10548 (3) the number of students who completed driver education including a separate
10549 accounting for:
10550 (a) course work; and
10551 (b) behind-the-wheel and observation training to students;
10552 (4) whether or not a passing grade was received; and
10553 (5) any other information the State Board of Education may require for the purpose of
10554 administering this program.
10555 Section 361. Section **53G-10-506**, which is renumbered from Section 53A-13-205 is
10556 renumbered and amended to read:
10557 **[~~53A-13-205~~]. 53G-10-506. Promoting the establishment and maintenance**

10558 **of classes -- Payment of costs.**
10559 (1) The superintendent of public instruction shall promote the establishment and
10560 maintenance of driver education classes in school districts under rules adopted by the State
10561 Board of Education.
10562 (2) The state board may employ personnel and sponsor experimental programs
10563 considered necessary to give full effect to this program.
10564 (3) The costs of implementing this section shall be paid from the legislative
10565 appropriation to the board made from the Automobile Driver Education Tax Account in the
10566 Uniform School Fund.
10567 Section 362. Section **53G-10-507**, which is renumbered from Section 53A-13-208 is
10568 renumbered and amended to read:
10569 **[~~53A-13-208~~]. 53G-10-507. Driver education teachers certified as license**
10570 **examiners.**
10571 (1) The Driver License Division of the Department of Public Safety and the State
10572 Board of Education shall establish procedures and standards to certify teachers of driver
10573 education classes under this part to administer written and driving tests.
10574 (2) The division is the certifying authority.
10575 (3) (a) A teacher certified under this section shall give written and driving tests
10576 designed for driver education classes authorized under this part.
10577 (b) The Driver License Division shall, in conjunction with the State Board of
10578 Education, establish minimal standards for the driver education class tests that are at least as
10579 difficult as those required to receive a class D operator's license under Title 53, Chapter 3,
10580 Uniform Driver License Act.
10581 (c) A student who passes the written test but fails the driving test given by a teacher
10582 certified under this section may apply for a learner permit or class D operator's license under
10583 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver
10584 License Division office.
10585 (4) A student shall have a learner permit issued by the Driver License Division under

10586 Section 53-3-210.5 in the student's immediate possession at all times when operating a motor
10587 vehicle under this section.
10588 (5) A student who successfully passes the tests given by a certified driver education
10589 teacher under this section satisfies the written and driving parts of the test required for a learner
10590 permit or class D operator's license.
10591 (6) The Driver License Division and the State Board of Education shall establish
10592 procedures to enable school districts to administer or process any tests for students to receive a
10593 learner permit or class D operator's license.
10594 (7) The division and board shall establish the standards and procedures required under
10595 this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative
10596 Rulemaking Act.
10597 Section 363. Section **53G-10-508**, which is renumbered from Section 53A-13-209 is
10598 renumbered and amended to read:
10599 **[~~53A-13-209~~]. 53G-10-508. Programs authorized -- Minimum standards.**
10600 (1) Local school districts may:
10601 (a) allow students to complete the classroom training portion of driver education
10602 through the following programs:
10603 (i) home study; or
10604 (ii) the electronic high school;
10605 (b) provide each parent with driver education instructional materials to assist in parent
10606 involvement with driver education including behind-the-wheel driving materials;
10607 (c) offer driver education outside of school hours in order to reduce the cost of
10608 providing driver education;
10609 (d) offer driver education through community education programs;
10610 (e) offer the classroom portion of driver education in the public schools and allow the
10611 student to complete the behind-the-wheel portion with a private provider:
10612 (i) licensed under Section 53-3-504; and
10613 (ii) not associated with the school or under contract with the school under Subsection

10614 [~~53A-13-202~~] 53G-10-503(3); or
10615 (f) any combination of Subsections (1)(a) through (e).
10616 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
10617 State Board of Education shall establish minimum standards for the school-related programs
10618 under Subsection (1).
10619 Section 364. Section **53G-11-101** is enacted to read:
10620 **CHAPTER 11. EMPLOYEES**
10621 **Part 1. General Provisions**
10622 **53G-11-101. Title.**
10623 This chapter is known as "Employees."
10624 Section 365. Section **53G-11-102** is enacted to read:
10625 **53G-11-102. Definitions.**
10626 Reserved
10627 Section 366. Section **53G-11-201** is enacted to read:
10628 **Part 2. Miscellaneous Requirements**
10629 **53G-11-201. Definitions.**
10630 Reserved
10631 Section 367. Section **53G-11-202**, which is renumbered from Section 53A-3-411 is
10632 renumbered and amended to read:
10633 **[~~53A-3-411~~]. 53G-11-202. Employment of school personnel -- Length of**
10634 **contract -- Termination for cause -- Individual contract of employment -- Employee**
10635 **acknowledgment of liability protection.**
10636 (1) A local school board may enter into a written employment contract for a term not to
10637 exceed five years.
10638 (2) Nothing in the terms of the contract shall restrict the power of a local school board
10639 to terminate the contract for cause at any time.
10640 (3) (a) A local school board may not enter into a collective bargaining agreement that
10641 prohibits or limits individual contracts of employment.

10642 (b) Subsection (3)(a) does not apply to an agreement that was entered into before May
10643 5, 2003.
10644 (4) Each local school board shall:
10645 (a) ensure that each employment contract complies with the requirements of Section
10646 34-32-1.1;
10647 (b) comply with the requirements of Section 34-32-1.1 in employing any personnel,
10648 whether by employment contract or otherwise; and
10649 (c) ensure that at the time an employee enters into an employment contract, the
10650 employee shall sign a separate document acknowledging that the employee:
10651 (i) has received:
10652 (A) the disclosure required under Subsection 63A-4-204(4)(d) if the school district
10653 participates in the Risk Management Fund; or
10654 (B) written disclosure similar to the disclosure required under Section 63A-4-204 if the
10655 school district does not participate in the Risk Management Fund; and
10656 (ii) understands the legal liability protection provided to the employee and what is not
10657 covered, as explained in the disclosure.
10658 Section 368. Section **53G-11-203**, which is renumbered from Section 53A-3-431 is
10659 renumbered and amended to read:
10660 **[~~53A-3-431~~]. 53G-11-203. Health insurance mandates.**
10661 A local school board and the governing body of a charter school shall include in a
10662 health plan it offers to school district employees, or charter school employees insurance
10663 mandates in accordance with Section 31A-22-605.5.
10664 Section 369. Section **53G-11-204**, which is renumbered from Section 53A-19-401 is
10665 renumbered and amended to read:
10666 **[~~53A-19-401~~]. 53G-11-204. Postemployment health insurance benefits**
10667 **restrictions -- Definitions -- Restrictions -- Exceptions.**
10668 (1) As used in this section:
10669 (a) "Budgetary accounts" means the same as that term is defined in Section 51-5-3.

10670 (b) "GASB" means the same as that term is defined in Section 51-5-3.
10671 (c) "Liabilities" means the same as that term is defined in Section 51-5-3.
10672 (d) "Postemployment" means the same as that term is defined in Section 51-5-3.
10673 (e) "Postemployment health insurance benefits" means health insurance benefits:
10674 (i) offered or promised to an employee for the employee's postemployment; or
10675 (ii) continued into postemployment.
10676 (2) Except as provided under Subsection (3), a school district or charter school may not
10677 offer or provide a postemployment health insurance benefit to an employee who begins
10678 employment with the school district or charter school on or after July 1, 2015.
10679 (3) A school district or charter school may offer or provide postemployment health care
10680 insurance to employees if the school district or charter school:
10681 (a) calculates the liabilities associated with postemployment health insurance benefits
10682 by applying GASB standards;
10683 (b) recognizes current payments and all liabilities associated with the postemployment
10684 health insurance benefits in budgetary accounts;
10685 (c) fully funds the annual required contributions associated with the postemployment
10686 health insurance benefits liabilities;
10687 (d) establishes and implements a plan approved by the school district's local school
10688 board or charter school's governing board to catch up on any unfunded liabilities within no
10689 more than 20 years; and
10690 (e) provides for ongoing payments against the postemployment health insurance
10691 liabilities as employees qualify for receiving the postemployment health insurance benefits.
10692 (4) (a) Except as provided in Subsection (4)(b), if in a fiscal year, a school district or
10693 charter school fails to fully fund the annual required contributions described in Subsection
10694 (3)(c), the school district or charter school may not offer or provide a postemployment health
10695 insurance benefit for new employees beginning on the first day of that fiscal year.
10696 (b) The provisions of Subsection (4)(a) do not apply if:
10697 (i) for a school district only, the school district is imposing the maximum allowed local

10698 school board levy under Section [~~53A-17a-164~~] 53F-8-302;
10699 (ii) the school district or charter school fully funds the annual required contributions,
10700 including any missed contributions, by the end of the fiscal year following the fiscal year of
10701 inadequate funding; or
10702 (iii) no increase was approved by the Legislature in the weighted pupil unit as defined
10703 in Section [~~53A-17a-103~~] 53F-2-102 for the fiscal year the annual required contributions were
10704 not fully funded.
10705 Section 370. Section **53G-11-205**, which is renumbered from Section 53A-3-426 is
10706 renumbered and amended to read:
10707 **[~~53A-3-426~~]. 53G-11-205. Education employee associations -- Equal**
10708 **participation -- Prohibition on endorsement or preferential treatment -- Naming of school**
10709 **breaks.**
10710 (1) As used in this section:
10711 (a) "Education employee association" includes teacher associations, teacher unions,
10712 teacher organizations, and classified education employees' associations.
10713 (b) "School" means a school district, a school in a school district, a charter school, or
10714 the State Board of Education and its employees.
10715 (2) A school shall allow education employee associations equal access to the following
10716 activities:
10717 (a) distribution of information in or access to teachers' or employees' physical or
10718 electronic mailboxes, including email accounts that are provided by the school; and
10719 (b) membership solicitation activities at new teacher or employee orientation training
10720 or functions.
10721 (3) If a school permits an education employee association to engage in any of the
10722 activities described in Subsection (2), the school shall permit all other education employee
10723 associations to engage in the activity on the same terms and conditions afforded to the
10724 education employee association.
10725 (4) It is unlawful for a school to:

10726 (a) establish or maintain structures, procedures, or policies that favor one education
10727 employee association over another or otherwise give preferential treatment to an education
10728 employee association; or
10729 (b) explicitly or implicitly endorse any education employee association.
10730 (5) A school's calendars and publications may not include or refer to the name of any
10731 education employee association in relation to any day or break in the school calendar.
10732 Section 371. Section **53G-11-206**, which is renumbered from Section 53A-3-425 is
10733 renumbered and amended to read:
10734 **[~~53A-3-425~~]. 53G-11-206. Association leave -- District policy.**
10735 (1) As used in this section:
10736 (a) "Association leave" means leave from a school district employee's regular school
10737 responsibilities granted for that employee to spend time for association, employee association,
10738 or union duties.
10739 (b) "Employee association" means an association that:
10740 (i) negotiates employee salaries, benefits, contracts, or other conditions of employment;
10741 or
10742 (ii) performs union duties.
10743 (2) Except as provided in Subsection (3), a local school board may not allow paid
10744 association leave for a school district employee to perform an employee association or union
10745 duty.
10746 (3) (a) A local school board may allow paid association leave for a school district
10747 employee to perform an employee association duty if:
10748 (i) the duty performed by the employee on paid association leave will directly benefit
10749 the school district, including representing the school district's licensed educators:
10750 (A) on a board or committee, such as the school district's foundation, a curriculum
10751 development board, insurance committee, or catastrophic leave committee;
10752 (B) at a school district leadership meeting; or
10753 (C) at a workshop or meeting conducted by the school district's local school board;

10754 (ii) the duty performed by the employee on paid association leave does not include
10755 political activity, including:
10756 (A) advocating for or against a candidate for public office in a partisan or nonpartisan
10757 election;
10758 (B) soliciting a contribution for a political action committee, a political issues
10759 committee, a registered political party, or a candidate, as defined in Section 20A-11-101; or
10760 (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
10761 proposition, as defined in Section 20A-1-102; and
10762 (iii) the local school board ensures compliance with the requirements of Subsections
10763 (4)(a) through (g).
10764 (b) Prior to a school district employee's participation in paid or unpaid association
10765 leave, a local school board shall adopt a written policy that governs association leave.
10766 (c) Except as provided in Subsection (3)(d), a local school board policy that governs
10767 association leave shall require reimbursement to the school district of the costs for an
10768 employee, including benefits, for the time that the employee is:
10769 (i) on unpaid association leave; or
10770 (ii) participating in a paid association leave activity that does not provide a direct
10771 benefit to the school district.
10772 (d) For a school district that allowed association leave described in Subsections
10773 (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association
10774 leave may allow up to 10 days of association leave before requiring a reimbursement described
10775 in Subsection (3)(c).
10776 (e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided
10777 by an employee, association, or union.
10778 (4) If a local school board adopts a policy to allow paid association leave, the policy
10779 shall include procedures and controls to:
10780 (a) ensure that the duties performed by employees on paid association leave directly
10781 benefit the school district;

10782 (b) require the school district to document the use and approval of paid association
10783 leave;
10784 (c) require school district supervision of employees on paid association leave;
10785 (d) require the school district to account for the costs and expenses of paid association
10786 leave;
10787 (e) ensure that during the hours of paid association leave a school district employee
10788 may not engage in political activity, including:
10789 (i) advocating for or against a candidate for public office in a partisan or nonpartisan
10790 election;
10791 (ii) soliciting a contribution for a political action committee, a political issues
10792 committee, a registered political party, or a candidate, as defined in Section 20A-11-101; and
10793 (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot
10794 proposition, as defined in Section 20A-1-102;
10795 (f) ensure that association leave is only paid out of school district funds when the paid
10796 association leave directly benefits the district; and
10797 (g) require the reimbursement to the school district of the cost of paid association leave
10798 activities that do not provide a direct benefit to education within the school district.
10799 (5) If a local school board adopts a policy to allow paid association leave, that policy
10800 shall indicate that a willful violation of this section or of a policy adopted in accordance with
10801 Subsection (3) or (4) may be used for disciplinary action under Section [~~53A-8a-502~~]
10802 53G-11-513.
10803 Section 372. Section **53G-11-207**, which is renumbered from Section 53A-3-428 is
10804 renumbered and amended to read:
10805 **[~~53A-3-428~~]. 53G-11-207. Collective bargaining agreement -- Website**
10806 **posting.**
10807 (1) As used in this section, "collective bargaining agreement" includes:
10808 (a) a master agreement; and
10809 (b) an amendment, addendum, memorandum, or other document modifying the master

10810 agreement.
10811 (2) The board of education of a school district:
10812 (a) shall post on the school district's website a collective bargaining agreement entered
10813 into by the board of education within 10 days of the ratification of the agreement; and
10814 (b) may remove from the school district's website a collective bargaining agreement
10815 that is no longer in effect.
10816 (3) The governing board of a charter school:
10817 (a) shall post on the charter school's website a collective bargaining agreement entered
10818 into by the governing board of the charter school within 10 days of the ratification of the
10819 agreement; and
10820 (b) may remove from the charter school's website a collective bargaining agreement
10821 that is no longer in effect.
10822 Section 373. Section **53G-11-301** is enacted to read:
10823 **Part 3. Licensed Employee Requirements**
10824 **53G-11-301. Definitions.**
10825 Reserved
10826 Section 374. Section **53G-11-302**, which is renumbered from Section 53A-17a-140 is
10827 renumbered and amended to read:
10828 **[~~53A-17a-140~~]. 53G-11-302. Contracts with teachers.**
10829 A school district may not enter into contracts with teachers that would prevent the
10830 school district from paying differential salaries or putting limitations on an individual salary
10831 paid in order to fill a shortage in specific teaching areas.
10832 Section 375. Section **53G-11-303**, which is renumbered from Section 53A-3-701 is
10833 renumbered and amended to read:
10834 **[~~53A-3-701~~]. 53G-11-303. Professional learning standards.**
10835 (1) As used in this section, "professional learning" means a comprehensive, sustained,
10836 and evidence-based approach to improving teachers' and principals' effectiveness in raising
10837 student achievement.

10838 (2) A school district or charter school shall implement high quality professional
10839 learning that meets the following standards:
10840 (a) professional learning occurs within learning communities committed to continuous
10841 improvement, individual and collective responsibility, and goal alignment;
10842 (b) professional learning requires skillful leaders who develop capacity, advocate, and
10843 create support systems, for professional learning;
10844 (c) professional learning requires prioritizing, monitoring, and coordinating resources
10845 for educator learning;
10846 (d) professional learning uses a variety of sources and types of student, educator, and
10847 system data to plan, assess, and evaluate professional learning;
10848 (e) professional learning integrates theories, research, and models of human learning to
10849 achieve its intended outcomes;
10850 (f) professional learning applies research on change and sustains support for
10851 implementation of professional learning for long-term change;
10852 (g) professional learning aligns its outcomes with:
10853 (i) performance standards for teachers and school administrators as described in rules
10854 of the State Board of Education; and
10855 (ii) performance standards for students as described in the core standards for Utah
10856 public schools adopted by the State Board of Education pursuant to Section [~~53A-1-402.6~~]
10857 53E-4-202; and
10858 (h) professional learning:
10859 (i) incorporates the use of technology in the design, implementation, and evaluation of
10860 high quality professional learning practices; and
10861 (ii) includes targeted professional learning on the use of technology devices to enhance
10862 the teaching and learning environment and the integration of technology in content delivery.
10863 (3) School districts and charter schools shall use money appropriated by the Legislature
10864 for professional learning or federal grant money awarded for professional learning to
10865 implement professional learning that meets the standards specified in Subsection (2).

10866 (4) (a) In the fall of 2014, the State Board of Education, through the state
10867 superintendent of public instruction, and in collaboration with an independent consultant
10868 acquired through a competitive bid process, shall conduct a statewide survey of school districts
10869 and charter schools to:
10870 (i) determine the current state of professional learning for educators as aligned with the
10871 standards specified in Subsection (2);
10872 (ii) determine the effectiveness of current professional learning practices; and
10873 (iii) identify resources to implement professional learning as described in Subsection
10874 (2).
10875 (b) The State Board of Education shall select a consultant from bidders who have
10876 demonstrated successful experience in conducting a statewide analysis of professional learning.
10877 (c) (i) Annually in the fall, beginning in 2015 through 2020, the State Board of
10878 Education, through the state superintendent of public instruction, in conjunction with school
10879 districts and charter schools, shall gather and use data to determine the impact of professional
10880 learning efforts and resources.
10881 (ii) Data used to determine the impact of professional learning efforts and resources
10882 under Subsection (4)(c)(i) shall include:
10883 (A) student achievement data;
10884 (B) educator evaluation data; and
10885 (C) survey data.
10886 Section 376. Section **53G-11-401**, which is renumbered from Section 53A-15-1502 is
10887 renumbered and amended to read:
10888 **Part 4. Background Checks**
10889 **[~~53A-15-1502~~]. <u>53G-11-401.</u> Definitions.**
10890 As used in this part:
10891 (1) "Authorized entity" means an LEA, qualifying private school, or the State Board of
10892 Education that is authorized to request a background check and ongoing monitoring under this
10893 part.

10894 (2) "Bureau" means the Bureau of Criminal Identification within the Department of
10895 Public Safety created in Section 53-10-201.
10896 (3) "Contract employee" means an employee of a staffing service or other entity who
10897 works at a public or private school under a contract.
10898 (4) "FBI" means the Federal Bureau of Investigation.
10899 [~~(6)~~] (5) (a) "License applicant" means an applicant for a license issued by the State
10900 Board of Education under Title [~~53A, Chapter 6, Educator Licensing and Professional Practices~~
10901 ~~Act~~] 53E, Chapter 6, Education Professional Licensure.
10902 (b) "License applicant" includes an applicant for reinstatement of an expired, lapsed,
10903 suspended, or revoked license.
10904 [~~(5)~~] (6) "Local education agency" or "LEA" means a school district, charter school,
10905 or the Utah Schools for the Deaf and the Blind.
10906 (7) "Non-licensed employee" means an employee of an LEA or qualifying private
10907 school that does not hold a current Utah educator license issued by the State Board of
10908 Education under Title [~~53A, Chapter 6, Educator Licensing and Professional Practices Act~~]
10909 53E, Chapter 6, Education Professional Licensure.
10910 (8) "Personal identifying information" means:
10911 (a) current name, former names, nicknames, and aliases;
10912 (b) date of birth;
10913 (c) address;
10914 (d) telephone number;
10915 (e) driver license number or other government-issued identification number;
10916 (f) social security number; and
10917 (g) fingerprints.
10918 (9) "Qualifying private school" means a private school that:
10919 (a) enrolls students under Title [~~53A, Chapter 1a, Part 7, Carson Smith Scholarships~~
10920 ~~for Students with Special Needs Act~~] 53F, Chapter 4, Part 3, Carson Smith Scholarship
10921 Program; and

10922 (b) is authorized to conduct fingerprint-based background checks of national crime
10923 information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L.
10924 No. 109-248.
10925 (10) "Rap back system" means a system that enables authorized entities to receive
10926 ongoing status notifications of any criminal history reported on individuals whose fingerprints
10927 are registered in the system.
10928 (11) "WIN Database" means the Western Identification Network Database that consists
10929 of eight western states sharing one electronic fingerprint database.
10930 Section 377. Section **53G-11-402**, which is renumbered from Section 53A-15-1503 is
10931 renumbered and amended to read:
10932 **[~~53A-15-1503~~]. 53G-11-402. Background checks for non-licensed employees,**
10933 **contract employees, volunteers, and charter school governing board members.**
10934 (1) An LEA or qualifying private school shall:
10935 (a) require the following individuals to submit to a nationwide criminal background
10936 check and ongoing monitoring as a condition for employment or appointment:
10937 (i) a non-licensed employee;
10938 (ii) a contract employee;
10939 (iii) a volunteer who will be given significant unsupervised access to a student in
10940 connection with the volunteer's assignment; and
10941 (iv) a charter school governing board member;
10942 (b) collect the following from an individual required to submit to a background check
10943 under Subsection (1)(a):
10944 (i) personal identifying information;
10945 (ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and
10946 (iii) consent, on a form specified by the LEA or qualifying private school, for:
10947 (A) an initial fingerprint-based background check by the FBI and the bureau upon
10948 submission of the application; and
10949 (B) retention of personal identifying information for ongoing monitoring through

10950 registration with the systems described in Section [~~53A-15-1505~~] 53G-11-404;
10951 (c) submit the individual's personal identifying information to the bureau for:
10952 (i) an initial fingerprint-based background check by the FBI and the bureau; and
10953 (ii) ongoing monitoring through registration with the systems described in Section
10954 [~~53A-15-1505~~] 53G-11-404 if the results of the initial background check do not contain
10955 disqualifying criminal history information as determined by the LEA or qualifying private
10956 school in accordance with Section [~~53A-15-1506~~] 53G-11-405; and
10957 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure
10958 that the LEA or qualifying private school only receives notifications for individuals with whom
10959 the LEA or qualifying private school maintains an authorizing relationship.
10960 (2) An LEA or qualifying private school may not require an individual to pay the fee
10961 described in Subsection (1)(b)(ii) unless the individual:
10962 (a) has passed an initial review; and
10963 (b) is one of a pool of no more than five candidates for the position.
10964 (3) By September 1, 2018, an LEA or qualifying private school shall:
10965 (a) collect the information described in Subsection (1)(b) from individuals:
10966 (i) who were employed or appointed prior to July 1, 2015; and
10967 (ii) with whom the LEA or qualifying private school currently maintains an authorizing
10968 relationship; and
10969 (b) submit the information to the bureau for ongoing monitoring through registration
10970 with the systems described in Section [~~53A-15-1505~~] 53G-11-404.
10971 (4) An LEA or qualifying private school that receives criminal history information
10972 about a licensed educator under Subsection [~~53A-15-1504~~] 53G-11-403(5) shall assess the
10973 employment status of the licensed educator as provided in Section [~~53A-15-1506~~] 53G-11-405.
10974 (5) An LEA or qualifying private school may establish a policy to exempt an individual
10975 described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if
10976 the individual is being temporarily employed or appointed.
10977 Section 378. Section **53G-11-403**, which is renumbered from Section 53A-15-1504 is

10978 renumbered and amended to read:

10979 **[~~53A-15-1504~~]. 53G-11-403. Background checks for licensed educators.**

10980 The State Board of Education shall:

10981 (1) require a license applicant to submit to a nationwide criminal background check

10982 and ongoing monitoring as a condition for licensing;

10983 (2) collect the following from an applicant:

10984 (a) personal identifying information;

10985 (b) a fee described in Subsection 53-10-108(15); and

10986 (c) consent, on a form specified by the State Board of Education, for:

10987 (i) an initial fingerprint-based background check by the FBI and bureau upon

10988 submission of the application;

10989 (ii) retention of personal identifying information for ongoing monitoring through

10990 registration with the systems described in Section [~~53A-15-1505~~] 53G-11-404; and

10991 (iii) disclosure of any criminal history information to the individual's employing LEA

10992 or qualifying private school;

10993 (3) submit an applicant's personal identifying information to the bureau for:

10994 (a) an initial fingerprint-based background check by the FBI and bureau; and

10995 (b) ongoing monitoring through registration with the systems described in Section

10996 [~~53A-15-1505~~] 53G-11-404 if the results of the initial background check do not contain

10997 disqualifying criminal history information as determined by the State Board of Education in

10998 accordance with Section [~~53A-15-1506~~] 53G-11-405;

10999 (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure

11000 that the State Board of Education only receives notifications for individuals with whom the

11001 State Board of Education maintains an authorizing relationship;

11002 (5) notify the employing LEA or qualifying private school upon receipt of any criminal

11003 history information reported on a licensed educator employed by the LEA or qualifying private

11004 school; and

11005 (6) (a) collect the information described in Subsection (2) from individuals who were

11006 licensed prior to July 1, 2015, by the individual's next license renewal date; and
11007 (b) submit the information to the bureau for ongoing monitoring through registration
11008 with the systems described in Section [~~53A-15-1505~~] 53G-11-404.
11009 Section 379. Section **53G-11-404**, which is renumbered from Section 53A-15-1505 is
11010 renumbered and amended to read:
11011 **[~~53A-15-1505~~]. 53G-11-404. Bureau responsibilities.**
11012 The bureau shall:
11013 (1) upon request from an authorized entity, register the fingerprints submitted by the
11014 authorized entity as part of a background check with:
11015 (a) the WIN Database rap back system, or any successor system; and
11016 (b) the rap back system maintained by the Federal Bureau of Investigation;
11017 (2) notify an authorized entity when a new entry is made against an individual whose
11018 fingerprints are registered with the rap back systems described in Subsection (1) regarding:
11019 (a) an alleged offense; or
11020 (b) a conviction, including a plea in abeyance;
11021 (3) assist authorized entities to identify the appropriate privacy risk mitigation strategy
11022 that is to be used to ensure that the authorized entity only receives notifications for individuals
11023 with whom the authorized entity maintains an authorizing relationship; and
11024 (4) collaborate with the State Board of Education to provide training to authorized
11025 entities on the notification procedures and privacy risk mitigation strategies described in this
11026 part.
11027 Section 380. Section **53G-11-405**, which is renumbered from Section 53A-15-1506 is
11028 renumbered and amended to read:
11029 **[~~53A-15-1506~~]. 53G-11-405. Due process for individuals--Review of criminal**
11030 **history information.**
11031 (1) (a) In accordance with Section 53-10-108, an authorized entity shall provide an
11032 individual an opportunity to review and respond to any criminal history information received
11033 under this part.

11034 (b) If an authorized entity decides to disqualify an individual as a result of criminal
11035 history information received under this part, an individual may request a review of:
11036 (i) information received; and
11037 (ii) the reasons for the disqualification.
11038 (c) An authorized entity shall provide an individual described in Subsection (1)(b) with
11039 written notice of:
11040 (i) the reasons for the disqualification; and
11041 (ii) the individual's right to request a review of the disqualification.
11042 (2) (a) An LEA or qualifying private school shall make decisions regarding criminal
11043 history information for the individuals subject to the background check requirements under
11044 Section [~~53A-15-1503~~] 53G-11-402 in accordance with:
11045 (i) Subsection (3);
11046 (ii) administrative procedures established by the LEA or qualifying private school; and
11047 (iii) rules established by the State Board of Education.
11048 (b) The State Board of Education shall make decisions regarding criminal history
11049 information for licensed educators in accordance with:
11050 (i) Subsection (3);
11051 (ii) Title [~~53A, Chapter 6, Educator Licensing and Professional Practices Act~~] 53E,
11052 Chapter 6, Education Professional Licensure; and
11053 (iii) rules established by the State Board of Education.
11054 (3) When making decisions regarding initial employment, initial licensing, or initial
11055 appointment for the individuals subject to background checks under this part, an authorized
11056 entity shall consider:
11057 (a) any convictions, including pleas in abeyance;
11058 (b) any matters involving a felony; and
11059 (c) any matters involving an alleged:
11060 (i) sexual offense;
11061 (ii) class A misdemeanor drug offense;

11062 (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;
11063 (iv) class A misdemeanor property offense that is alleged to have occurred within the
11064 previous three years; and
11065 (v) any other type of criminal offense, if more than one occurrence of the same type of
11066 offense is alleged to have occurred within the previous eight years.
11067 Section 381. Section **53G-11-406**, which is renumbered from Section 53A-15-1507 is
11068 renumbered and amended to read:
11069 **[~~53A-15-1507~~]. 53G-11-406. Self-reporting requirement.**
11070 (1) Individuals subject to the background check requirements under this part shall
11071 self-report conviction, arrest, or offense information in accordance with rules established by the
11072 State Board of Education.
11073 (2) An LEA shall report conviction, arrest, or offense information received from
11074 licensed educators under Subsection (1) to the State Board of Education in accordance with
11075 rules established by the State Board of Education.
11076 Section 382. Section **53G-11-407**, which is renumbered from Section 53A-15-1508 is
11077 renumbered and amended to read:
11078 **[~~53A-15-1508~~]. 53G-11-407. Update criminal background check rules and**
11079 **policies.**
11080 On or before September 1, 2015:
11081 (1) the State Board of Education shall update the State Board of Education's criminal
11082 background check rules consistent with this part; and
11083 (2) an LEA shall update the LEA's criminal background check policies consistent with
11084 this part.
11085 Section 383. Section **53G-11-408**, which is renumbered from Section 53A-15-1509 is
11086 renumbered and amended to read:
11087 **[~~53A-15-1509~~]. 53G-11-408. Training provided to authorized entities.**
11088 The State Board of Education shall collaborate with the bureau to provide training to
11089 authorized entities on the provisions of this part.

11090 Section 384. Section **53G-11-409**, which is renumbered from Section 53A-15-1510 is
11091 renumbered and amended to read:
11092 **[~~53A-15-1510~~]. 53G-11-409. Legislative audit.**
11093 After the conclusion of the 2018-2019 school year, subject to the prioritization of the
11094 Legislative Audit Subcommittee, the legislative auditor general shall conduct a review and
11095 issue a report on the extent to which the criminal background check procedures and ongoing
11096 monitoring described in this part adequately detect and identify the criminal histories of
11097 individuals who are employed by or volunteering in public schools.
11098 Section 385. Section **53G-11-410**, which is renumbered from Section 53A-15-1511 is
11099 renumbered and amended to read:
11100 **[~~53A-15-1511~~]. 53G-11-410. Reference check requirements for LEA**
11101 **applicants and volunteers.**
11102 (1) As used in this section:
11103 (a) "Child" means an individual who is younger than 18 years old.
11104 (b) "LEA applicant" means an applicant for employment by an LEA.
11105 (c) "Physical abuse" means the same as that term is defined in Section 78A-6-105.
11106 (d) "Potential volunteer" means an individual who:
11107 (i) has volunteered for but not yet fulfilled an unsupervised volunteer assignment; and
11108 (ii) during the last three years, has worked in a qualifying position.
11109 (e) "Qualifying position" means paid employment that requires the employee to
11110 directly care for, supervise, control, or have custody of a child.
11111 (f) "Sexual abuse" means the same as that term is defined in Section 78A-6-105.
11112 (g) "Student" means an individual who:
11113 (i) is enrolled in an LEA in any grade from preschool through grade 12; or
11114 (ii) receives special education services from an LEA under the Individuals with
11115 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
11116 (h) "Unsupervised volunteer assignment" means a volunteer assignment at an LEA that
11117 allows the volunteer significant unsupervised access to a student.

11118 (2) (a) Before hiring an LEA applicant or giving an unsupervised volunteer assignment
11119 to a potential volunteer, an LEA shall:
11120 (i) require the LEA applicant or potential volunteer to sign a release authorizing the
11121 LEA applicant or potential volunteer's previous qualifying position employers to disclose
11122 information regarding any employment action taken or discipline imposed for the physical
11123 abuse or sexual abuse of a child or student by the LEA applicant or potential volunteer;
11124 (ii) for an LEA applicant, request that the LEA applicant's most recent qualifying
11125 position employer disclose information regarding any employment action taken or discipline
11126 imposed for the physical abuse or sexual abuse of a child or student by the LEA applicant;
11127 (iii) for a potential volunteer, request that the potential volunteer's most recent
11128 qualifying position employer disclose information regarding any employment action taken or
11129 discipline imposed for the physical abuse or sexual abuse of a child or student by the potential
11130 volunteer; and
11131 (iv) document the efforts taken to make a request described in Subsection (2)(a)(ii) or
11132 (iii).
11133 (b) An LEA may not hire an LEA applicant who does not sign a release described in
11134 Subsection (2)(a)(i).
11135 (c) An LEA may not give an unsupervised volunteer assignment to a potential
11136 volunteer who does not sign a release described in Subsection (2)(a)(i).
11137 (d) An LEA shall use the LEA's best efforts to request information under Subsection
11138 (2)(a)(ii) or (iii) before:
11139 (i) hiring an LEA applicant; or
11140 (ii) giving an unsupervised volunteer assignment to a potential volunteer.
11141 (e) In accordance with state and federal law, an LEA may request from an LEA
11142 applicant or potential volunteer other information the LEA determines is relevant.
11143 (3) (a) An LEA that receives a request described in Subsection (2)(a)(ii) or (iii) shall
11144 use the LEA's best efforts to respond to the request within 20 business days after the day on
11145 which the LEA received the request.

11146 (b) If an LEA or other employer in good faith discloses information that is within the
11147 scope of a request described in Subsection (2)(a)(ii) or (iii), the LEA or other employer is
11148 immune from civil and criminal liability for the disclosure.
11149 Section 386. Section **53G-11-501**, which is renumbered from Section 53A-8a-102 is
11150 renumbered and amended to read:
11151 **Part 5. School District and Utah Schools for the Deaf and the Blind**
11152 **Employee Requirements**
11153 **[~~53A-8a-102~~]. 53G-11-501. Definitions.**
11154 As used in this [~~chapter~~] part:
11155 (1) "Administrator" means an individual who:
11156 (a) serves in a position that requires:
11157 (i) an educator license with an administrative area of concentration; or
11158 (ii) a letter of authorization described in Section [~~53A-3-301 or 53A-6-110~~] 53E-6-304
11159 or 53G-4-301; and
11160 (b) supervises school administrators or teachers.
11161 (2) "Career educator" means a licensed employee who has a reasonable expectation of
11162 continued employment under the policies of a local school board.
11163 [~~(2)~~] (3) "Career employee" means an employee of a school district who has obtained a
11164 reasonable expectation of continued employment based upon Section [~~53A-8a-201~~]
11165 53G-11-503 and an agreement with the employee or the employee's association, district
11166 practice, or policy.
11167 [~~(3)~~] (4) "Contract term" or "term of employment" means the period of time during
11168 which an employee is engaged by the school district under a contract of employment, whether
11169 oral or written.
11170 [~~(4)~~] (5) "Dismissal" or "termination" means:
11171 (a) termination of the status of employment of an employee;
11172 (b) failure to renew or continue the employment contract of a career employee beyond
11173 the then-current school year;

11174 (c) reduction in salary of an employee not generally applied to all employees of the
11175 same category employed by the school district during the employee's contract term; or
11176 (d) change of assignment of an employee with an accompanying reduction in pay,
11177 unless the assignment change and salary reduction are agreed to in writing.
11178 (6) "Educator" means an individual employed by a school district who is required to
11179 hold a professional license issued by the State Board of Education, except:
11180 (a) a superintendent; or
11181 (b) an individual who works less than three hours per day or is hired for less than half
11182 of a school year.
11183 [~~(5)~~] (7) (a) "Employee" means a career or provisional employee of a school district,
11184 except as provided in Subsection [~~(5)~~] (7)(b).
11185 (b) [~~For~~] Excluding Section 53G-11-518, for purposes of [~~Part 2, Status of~~
11186 ~~Employment, Part 4, Educator Evaluations, and Part 5, Orderly School Termination~~
11187 ~~Procedures~~] this part, "employee" does not include:
11188 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
11189 Blind;
11190 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
11191 and the Blind; or
11192 (iii) a temporary employee.
11193 [~~(6)~~] (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that
11194 mandates the termination of an employee who started to work for a district most recently
11195 before terminating a more senior employee.
11196 (9) "Probationary educator" means an educator employed by a school district who,
11197 under local school board policy, has been advised by the school district that the educator's
11198 performance is inadequate.
11199 (10) "Provisional educator" means an educator employed by a school district who has
11200 not achieved status as a career educator within the school district.
11201 [~~(7)~~] (11) "Provisional employee" means an individual, other than a career employee or

11202 a temporary employee, who is employed by a school district.
11203 [~~(8)~~] (12) "School board" or "board" means a district school board or, for the Utah
11204 Schools for the Deaf and the Blind, the State Board of Education.
11205 [~~(9)~~] (13) "School district" or "district" means:
11206 (a) a public school district; or
11207 (b) the Utah Schools for the Deaf and the Blind.
11208 (14) "Summative evaluation" means the annual evaluation that summarizes an
11209 educator's performance during a school year and that is used to make decisions related to the
11210 educator's employment.
11211 [~~(10)~~] (15) "Temporary employee" means an individual who is employed on a
11212 temporary basis as defined by policies adopted by the local board of education. If the class of
11213 employees in question is represented by an employee organization recognized by the local
11214 board, the board shall adopt the board's policies based upon an agreement with that
11215 organization. Temporary employees serve at will and have no expectation of continued
11216 employment.
11217 [~~(11)~~] (16) (a) "Unsatisfactory performance" means a deficiency in performing work
11218 tasks that may be:
11219 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
11220 (ii) remediated through training, study, mentoring, or practice.
11221 (b) "Unsatisfactory performance" does not include the following conduct that is
11222 designated as a cause for termination under Section [~~53A-8a-501~~] 53G-11-512 or a reason for
11223 license discipline by the State Board of Education or Utah Professional Practices Advisory
11224 Commission:
11225 (i) a violation of work rules;
11226 (ii) a violation of local school board policies, State Board of Education rules, or law;
11227 (iii) a violation of standards of ethical, moral, or professional conduct; or
11228 (iv) insubordination.
11229 Section 387. Section **53G-11-501.5**, which is renumbered from Section 53A-8a-401 is

11230 renumbered and amended to read:

11231 **[~~53A-8a-401~~]. 53G-11-501.5. Legislative findings.**

11232 (1) The Legislature finds that the effectiveness of public educators can be improved
11233 and enhanced by providing specific feedback and support for improvement through a
11234 systematic, fair, and competent annual evaluation and remediation of public educators whose
11235 performance is inadequate.

11236 (2) The State Board of Education and each local school board shall implement [~~this~~
11237 ~~part,~~] Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510,
11238 and 53G-11-511 in accordance with Subsections [~~53A-1a-104~~] 53E-2-302(7) and [~~53A-6-102~~]
11239 53E-6-103(2)(a) and (b), to:

11240 (a) allow the educator and the school district to promote the professional growth of the
11241 educator; and

11242 (b) identify and encourage quality instruction in order to improve student academic
11243 growth.

11244 Section 388. Section **53G-11-502** is enacted to read:

11245 **53G-11-502. Applicability.**

11246 Reserved

11247 Section 389. Section **53G-11-503**, which is renumbered from Section 53A-8a-201 is
11248 renumbered and amended to read:

11249 **[~~53A-8a-201~~]. 53G-11-503. Career employee status for provisional**
11250 **employees -- Career status in the event of change of position -- Continuation of**
11251 **probationary status when position changes -- Temporary status for extra duty**
11252 **assignments -- Employees not eligible for career status.**

11253 (1) (a) A provisional employee must work for a school district on at least a half-time
11254 basis for three consecutive years to obtain career employee status.

11255 (b) A school district may extend the provisional status of an employee up to an
11256 additional two consecutive years in accordance with a written policy adopted by the district's
11257 school board that specifies the circumstances under which an employee's provisional status

11258 may be extended.
11259 (2) Policies of an employing school district shall determine the status of a career
11260 employee in the event of the following:
11261 (a) the employee accepts a position which is substantially different from the position in
11262 which career status was achieved; or
11263 (b) the employee accepts employment in another school district.
11264 (3) If an employee who is under an order of probation or remediation in one
11265 assignment in a school district is transferred or given a new assignment in the district, the order
11266 shall stand until its provisions are satisfied.
11267 (4) An employee who is given extra duty assignments in addition to a primary
11268 assignment, such as a teacher who also serves as a coach or activity advisor, is a temporary
11269 employee in those extra duty assignments and may not acquire career status beyond the primary
11270 assignment.
11271 (5) A person is an at-will employee and is not eligible for career employee status if the
11272 person:
11273 (a) is a teacher who holds a competency-based license pursuant to Section
11274 [~~53A-6-104.5~~] 53E-6-306 and does not hold a level 1, 2, or 3 license as defined in Section
11275 [~~53A-6-103~~] 53E-6-102; or
11276 (b) holds an administrative/supervisory letter of authorization pursuant to Section
11277 [~~53A-6-110~~] 53E-6-304.
11278 Section 390. Section **53G-11-504**, which is renumbered from Section 53A-8a-301 is
11279 renumbered and amended to read:
11280 **[~~53A-8a-301~~]. 53G-11-504. Evaluation of employee performance.**
11281 (1) Except as provided in Subsection (2), a local school board shall require that the
11282 performance of each school district employee be evaluated annually in accordance with rules of
11283 the State Board of Education adopted in accordance with this [~~chapter~~] part and Title 63G,
11284 Chapter 3, Utah Administrative Rulemaking Act.
11285 (2) Rules adopted by the State Board of Education under Subsection (1) may include

11286 an exemption from annual performance evaluations for a temporary employee or a part-time
11287 employee.
11288 Section 391. Section **53G-11-505**, which is renumbered from Section 53A-8a-302 is
11289 renumbered and amended to read:
11290 **[~~53A-8a-302~~]. 53G-11-505. State Board of Education rules -- Reporting to**
11291 **Legislature.**
11292 (1) Subject to [~~Part 4, Educator Evaluations~~] Sections 53G-11-506, 53G-11-507,
11293 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511, rules adopted by the State Board of
11294 Education under Section [~~53A-8a-301~~] 53G-11-504 shall:
11295 (a) provide general guidelines, requirements, and procedures for the development and
11296 implementation of employee evaluations;
11297 (b) establish required components and allow for optional components of employee
11298 evaluations;
11299 (c) require school districts to choose valid and reliable methods and tools to implement
11300 the evaluations; and
11301 (d) establish a timeline for school districts to implement employee evaluations.
11302 (2) The State Board of Education shall report to the Education Interim Committee, as
11303 requested, on progress in implementing employee evaluations in accordance with [~~this part and~~
11304 ~~Part 4, Educator Evaluations~~] this section and Sections 53G-11-504, 53G-11-506, 53G-11-507,
11305 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511.
11306 Section 392. Section **53G-11-506**, which is renumbered from Section 53A-8a-403 is
11307 renumbered and amended to read:
11308 **[~~53A-8a-403~~]. 53G-11-506. Establishment of educator evaluation program**
11309 **-- Joint committee.**
11310 (1) A local school board shall develop an educator evaluation program in consultation
11311 with its joint committee.
11312 (2) The joint committee described in Subsection (1) shall consist of an equal number of
11313 classroom teachers, parents, and administrators appointed by the local school board.

11314 (3) A local school board may appoint members of the joint committee from a list of
11315 nominees:
11316 (a) voted on by classroom teachers in a nomination election;
11317 (b) voted on by the administrators in a nomination election; and
11318 (c) of parents submitted by school community councils within the district.
11319 (4) Subject to Subsection (5), the joint committee may:
11320 (a) adopt or adapt an evaluation program for educators based on a model developed by
11321 the State Board of Education; or
11322 (b) create the local school board's own evaluation program for educators.
11323 (5) The evaluation program developed by the joint committee shall comply with the
11324 requirements of [~~this part~~] Sections 53G-11-507 through 53G-11-511 and rules adopted by the
11325 State Board of Education under Section [~~53A-8a-409~~] 53G-11-510.
11326 Section 393. Section **53G-11-507**, which is renumbered from Section 53A-8a-405 is
11327 renumbered and amended to read:
11328 **[~~53A-8a-405~~]. 53G-11-507. Components of educator evaluation program.**
11329 (1) A local school board in consultation with a joint committee established in Section
11330 [~~53A-8a-403~~] 53G-11-506 shall adopt a reliable and valid educator evaluation program that
11331 evaluates educators based on educator professional standards established by the State Board of
11332 Education and includes:
11333 (a) a systematic annual evaluation of all provisional, probationary, and career
11334 educators;
11335 (b) use of multiple lines of evidence, including:
11336 (i) self-evaluation;
11337 (ii) student and parent input;
11338 (iii) for an administrator, employee input;
11339 (iv) a reasonable number of supervisor observations to ensure adequate reliability;
11340 (v) evidence of professional growth and other indicators of instructional improvement
11341 based on educator professional standards established by the State Board of Education; and

11342 (vi) student academic growth data;
11343 (c) a summative evaluation that differentiates among four levels of performance; and
11344 (d) for an administrator, the effectiveness of evaluating employee performance in a
11345 school or school district for which the administrator has responsibility.
11346 (2) (a) An educator evaluation program described in Subsection (1) may include a
11347 reasonable number of peer observations.
11348 (b) An educator evaluation program described in Subsection (1) may not use
11349 end-of-level assessment scores in educator evaluation.
11350 Section 394. Section **53G-11-508**, which is renumbered from Section 53A-8a-406 is
11351 renumbered and amended to read:
11352 **[~~53A-8a-406~~]. 53G-11-508. Summative evaluation timelines -- Review of**
11353 **summative evaluations.**
11354 (1) The person responsible for administering an educator's summative evaluation shall:
11355 (a) at least 15 days before an educator's first evaluation:
11356 (i) notify the educator of the evaluation process; and
11357 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;
11358 (b) allow the educator to respond to any part of the evaluation;
11359 (c) attach the educator's response to the evaluation if the educator's response is
11360 provided in writing;
11361 (d) within 15 days after the evaluation process is completed, discuss the written
11362 evaluation with the educator; and
11363 (e) based upon the educator's performance, assign to the educator one of the four levels
11364 of performance described in Section [~~53A-8a-405~~] 53G-11-507.
11365 (2) An educator who is not satisfied with a summative evaluation may request a review
11366 of the evaluation within 15 days after receiving the written evaluation.
11367 (3) (a) If a review is requested in accordance with Subsection (2), the school district
11368 superintendent or the superintendent's designee shall appoint a person not employed by the
11369 school district who has expertise in teacher or personnel evaluation to review the evaluation

11370 procedures and make recommendations to the superintendent regarding the educator's
11371 summative evaluation.
11372 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11373 State Board of Education shall make rules prescribing standards for an independent review of
11374 an educator's summative evaluation.
11375 (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be
11376 conducted in accordance with State Board of Education rules made under Subsection (3)(b).
11377 Section 395. Section **53G-11-509**, which is renumbered from Section 53A-8a-408 is
11378 renumbered and amended to read:
11379 **[~~53A-8a-408~~]. 53G-11-509. Mentor for provisional educator.**
11380 (1) In accordance with Subsections [~~53A-1a-104~~] 53E-2-302(7) and [~~53A-6-102~~]
11381 53F-6-103(2)(a) and (b), the principal or immediate supervisor of a provisional educator shall
11382 assign a person who has received training or will receive training in mentoring educators as a
11383 mentor to the provisional educator.
11384 (2) Where possible, the mentor shall be a career educator who performs substantially
11385 the same duties as the provisional educator and has at least three years of educational
11386 experience.
11387 (3) The mentor shall assist the provisional educator to become effective and competent
11388 in the teaching profession and school system, but may not serve as an evaluator of the
11389 provisional educator.
11390 (4) An educator who is assigned as a mentor may receive compensation for those
11391 services in addition to the educator's regular salary.
11392 Section 396. Section **53G-11-510**, which is renumbered from Section 53A-8a-409 is
11393 renumbered and amended to read:
11394 **[~~53A-8a-409~~]. 53G-11-510. State Board of Education to describe a**
11395 **framework for the evaluation of educators.**
11396 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11397 State Board of Education shall make rules:

11398 (a) describing a framework for the evaluation of educators that is consistent with the
11399 requirements of Part 3, Employee Evaluations, and [~~this part~~] Sections 53G-11-506,
11400 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; and
11401 (b) requiring an educator's summative evaluation to be based on:
11402 (i) educator professional standards established by the State Board of Education; and
11403 (ii) the requirements described in Subsection [~~53A-8a-405~~] 53G-11-507(1).
11404 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level
11405 assessment scores in educator evaluation.
11406 Section 397. Section **53G-11-511**, which is renumbered from Section 53A-8a-410 is
11407 renumbered and amended to read:
11408 **[~~53A-8a-410~~]. 53G-11-511. Report of performance levels.**
11409 (1) A school district shall report to the State Board of Education the number and
11410 percent of educators in each of the four levels of performance assigned under Section
11411 [~~53A-8a-406~~] 53G-11-508.
11412 (2) The data reported under Subsection (1) shall be separately reported for the
11413 following educator classifications:
11414 (a) administrators;
11415 (b) teachers, including separately reported data for provisional teachers and career
11416 teachers; and
11417 (c) other classifications or demographics of educators as determined by the State Board
11418 of Education.
11419 (3) The state superintendent shall include the data reported by school districts under
11420 this section in the state superintendent's annual report of the public school system required by
11421 Section [~~53A-1-301~~] 53E-3-301.
11422 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11423 State Board of Education shall make rules to ensure the privacy and protection of individual
11424 evaluation data.
11425 Section 398. Section **53G-11-512**, which is renumbered from Section 53A-8a-501 is

11426 renumbered and amended to read:

11427 **[~~53A-8a-501~~]. 53G-11-512. Local school board to establish dismissal**
11428 **procedures.**

11429 (1) A local school board shall, by contract with its employees or their associations, or
11430 by resolution of the board, establish procedures for dismissal of employees in an orderly
11431 manner without discrimination.

11432 (2) The procedures shall include:

11433 (a) standards of due process;

11434 (b) causes for dismissal; and

11435 (c) procedures and standards related to developing and implementing a plan of
11436 assistance for a career employee whose performance is unsatisfactory.

11437 (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c)
11438 shall require a plan of assistance to identify:

11439 (a) specific, measurable, and actionable deficiencies;

11440 (b) the available resources provided for improvement; and

11441 (c) a course of action to improve employee performance.

11442 (4) If a career employee exhibits both unsatisfactory performance as described in
11443 Subsection [~~53A-8a-102(10)(a)~~] 53G-11-501(16)(a) and conduct described in Subsection
11444 [~~53A-8a-102(10)(b)~~] 53G-11-501(16)(b), an employer:

11445 (a) may:

11446 (i) attempt to remediate the conduct of the career employee; or

11447 (ii) terminate the career employee for cause if the conduct merits dismissal consistent
11448 with procedures established by the local school board; and

11449 (b) is not required to develop and implement a plan of assistance for the career
11450 employee, as provided in Section [~~53A-8a-503~~] 53G-11-514.

11451 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
11452 remediated, and unsatisfactory performance issues remain, an employer shall develop and
11453 implement a plan of assistance for the career employee, as provided in Section [~~53A-8a-503~~]

11454 53G-11-514.
11455 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
11456 remediated, an employer:
11457 (a) may dismiss the career employee for cause in accordance with procedures
11458 established by the local school board that include standards of due process and causes for
11459 dismissal; and
11460 (b) is not required to develop and implement a plan of assistance for the career
11461 employee, as provided in Section [~~53A-8a-503~~] 53G-11-514.
11462 Section 399. Section **53G-11-513**, which is renumbered from Section 53A-8a-502 is
11463 renumbered and amended to read:
11464 **[~~53A-8a-502~~]. 53G-11-513. Dismissal procedures.**
11465 (1) A district shall provide employees with a written statement specifying:
11466 (a) the causes under which a career employee's contract may not be renewed or
11467 continued beyond the current school year;
11468 (b) the causes under which a career or provisional employee's contract may be
11469 terminated during the contract term; and
11470 (c) the orderly dismissal procedures that are used by the district in cases of contract
11471 termination, discontinuance, or nonrenewal.
11472 (2) A career employee's contract may be terminated during its term for reasons of
11473 unsatisfactory performance or discontinued beyond the current school year for reasons of
11474 unsatisfactory performance as provided in Section [~~53A-8a-503~~] 53G-11-514.
11475 (3) (a) A district is not required to provide a cause for not offering a contract to a
11476 provisional employee.
11477 (b) If a district intends to not offer a contract for a subsequent term of employment to a
11478 provisional employee, the district shall give notice of that intention to the employee at least 60
11479 days before the end of the provisional employee's contract term.
11480 (4) In the absence of a notice, an employee is considered employed for the next
11481 contract term with a salary based upon the salary schedule applicable to the class of employee

11482 into which the individual falls.
11483 (5) If a district intends to not renew or discontinue the contract of a career employee or
11484 to terminate a career or provisional employee's contract during the contract term:
11485 (a) the district shall give written notice of the intent to the employee;
11486 (b) the notice shall be served by personal delivery or by certified mail addressed to the
11487 employee's last-known address as shown on the records of the district;
11488 (c) the district shall give notice at least 30 days prior to the proposed date of
11489 termination;
11490 (d) the notice shall state the date of termination and the detailed reasons for
11491 termination;
11492 (e) the notice shall advise the employee that the employee has a right to a fair hearing
11493 and that the hearing is waived if it is not requested within 15 days after the notice of
11494 termination was either personally delivered or mailed to the employee's most recent address
11495 shown on the district's personnel records; and
11496 (f) the notice shall state that failure of the employee to request a hearing in accordance
11497 with procedures set forth in the notice constitutes a waiver of that right and that the district may
11498 then proceed with termination without further notice.
11499 (6) (a) The procedure under which a contract is terminated during its term may include
11500 a provision under which the active service of the employee is suspended pending a hearing if it
11501 appears that the continued employment of the individual may be harmful to students or to the
11502 district.
11503 (b) Suspension pending a hearing may be without pay if an authorized representative of
11504 the district determines, after providing the employee with an opportunity for an informal
11505 conference to discuss the allegations, that it is more likely than not that the allegations against
11506 the employee are true.
11507 (c) If termination is not subsequently ordered, the employee shall receive back pay for
11508 the period of suspension without pay.
11509 (7) The procedure under which an employee's contract is terminated during its term

11510 shall provide for a written notice of suspension or final termination including findings of fact
11511 upon which the action is based.
11512 Section 400. Section **53G-11-514**, which is renumbered from Section 53A-8a-503 is
11513 renumbered and amended to read:
11514 **[~~53A-8a-503~~]. 53G-11-514. Nonrenewal or termination of a career**
11515 **employee's contract for unsatisfactory performance.**
11516 (1) If a district intends to not renew a career employee's contract for unsatisfactory
11517 performance or terminate a career employee's contract during the contract term for
11518 unsatisfactory performance, the district shall:
11519 (a) provide and discuss with the career employee written documentation clearly
11520 identifying the deficiencies in performance;
11521 (b) provide written notice that the career employee's contract is subject to nonrenewal
11522 or termination if, upon a reevaluation of the career employee's performance, the career
11523 employee's performance is determined to be unsatisfactory;
11524 (c) develop and implement a plan of assistance, in accordance with procedures and
11525 standards established by the local school board under Section [~~53A-8a-501~~] 53G-11-512, to
11526 allow the career employee an opportunity to improve performance;
11527 (d) reevaluate the career employee's performance; and
11528 (e) if the career employee's performance remains unsatisfactory, give notice of intent to
11529 not renew or terminate the career employee's contract in accordance with Subsection
11530 [~~53A-8a-502~~] 53G-11-513(5).
11531 (2) (a) The period of time for implementing a plan of assistance:
11532 (i) may not exceed 120 school days, except as provided under Subsection (2)(b);
11533 (ii) may continue into the next school year;
11534 (iii) should be sufficient to successfully complete the plan of assistance; and
11535 (iv) shall begin when the career employee receives the written notice provided under
11536 Subsection (1)(b) and end when the determination is made that the career employee has
11537 successfully remediated the deficiency or notice of intent to not renew or terminate the career

11538 employee's contract is given in accordance with Subsection [~~53A-8a-502~~] 53G-11-513(5).
11539 (b) In accordance with local school board policy, the period of time for implementing a
11540 plan of assistance may extend beyond 120 school days if:
11541 (i) a career employee is on leave from work during the time period the plan of
11542 assistance is scheduled to be implemented; and
11543 (ii) (A) the leave was approved and scheduled before the written notice was provided
11544 under Subsection (1)(b); or
11545 (B) the leave is specifically approved by the local school board.
11546 (3) (a) If upon a reevaluation of the career employee's performance, the district
11547 determines the career employee's performance is satisfactory, and within a three-year period
11548 after the initial documentation of unsatisfactory performance for the same deficiency pursuant
11549 to Subsection (1)(a), the career employee's performance is determined to be unsatisfactory, the
11550 district may elect to not renew or terminate the career employee's contract.
11551 (b) If a district intends to not renew or terminate a career employee's contract as
11552 provided in Subsection (3)(a), the district shall:
11553 (i) provide written documentation of the career employee's deficiencies in
11554 performance; and
11555 (ii) give notice of intent to not renew or terminate the career employee's contract in
11556 accordance with Subsection [~~53A-8a-502~~] 53G-11-513(5).
11557 Section 401. Section **53G-11-515**, which is renumbered from Section 53A-8a-504 is
11558 renumbered and amended to read:
11559 **[~~53A-8a-504~~]. 53G-11-515. Hearings before district board or hearing**
11560 **officers -- Rights of the board and the employee -- Subpoenas -- Appeals.**
11561 (1) (a) Hearings are held under this [~~chapter~~] part before the board or before hearing
11562 officers selected by the board to conduct the hearings and make recommendations concerning
11563 findings.
11564 (b) The board shall establish procedures to appoint hearing officers.
11565 (c) The board may delegate its authority to a hearing officer to make decisions relating

11566 to the employment of an employee which are binding upon both the employee and the board.
11567 (d) This Subsection (1) does not limit the right of the board or the employee to appeal
11568 to an appropriate court of law.
11569 (2) At the hearings, an employee has the right to counsel, to produce witnesses, to hear
11570 testimony against the employee, to cross-examine witnesses, and to examine documentary
11571 evidence.
11572 (3) Subpoenas may be issued and oaths administered as provided under Section
11573 [~~53A-6-603~~] 53E-6-606.
11574 Section 402. Section **53G-11-516**, which is renumbered from Section 53A-8a-505 is
11575 renumbered and amended to read:
11576 **[~~53A-8a-505~~]. 53G-11-516. Necessary staff reduction not precluded --**
11577 **Last-hired, first-fired layoffs prohibited.**
11578 (1) Nothing in this [~~chapter~~] part prevents staff reduction if necessary to reduce the
11579 number of employees because of the following:
11580 (a) declining student enrollments in the district;
11581 (b) the discontinuance or substantial reduction of a particular service or program;
11582 (c) the shortage of anticipated revenue after the budget has been adopted; or
11583 (d) school consolidation.
11584 (2) A school district may not utilize a last-hired, first-fired layoff policy when
11585 terminating school district employees.
11586 (3) A school district may consider the following factors when terminating a school
11587 district employee:
11588 (a) the results of an employee's performance evaluation; and
11589 (b) a school's personnel needs.
11590 Section 403. Section **53G-11-517**, which is renumbered from Section 53A-8a-506 is
11591 renumbered and amended to read:
11592 **[~~53A-8a-506~~]. 53G-11-517. Restriction on transfer of employee with**
11593 **unsatisfactory performance.**

11594 An employee whose performance is unsatisfactory may not be transferred to another
11595 school unless the local school board specifically approves the transfer of the employee.
11596 Section 404. Section **53G-11-518**, which is renumbered from Section 53A-8a-601 is
11597 renumbered and amended to read:
11598 **[~~53A-8a-601~~]. 53G-11-518. State Board of Education to make rules on**
11599 **performance compensation.**
11600 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
11601 State Board of Education shall make rules requiring a school district's employee compensation
11602 system to be aligned with the district's annual evaluation system described in Section
11603 [~~53A-8a-405~~] 53G-11-507.
11604 (2) Rules adopted under Subsection (1) shall:
11605 (a) establish a timeline for developing and implementing an employee compensation
11606 system that is aligned with an annual evaluation system; and
11607 (b) provide that beginning no later than the 2016-17 school year:
11608 (i) any advancement on an adopted wage or salary schedule:
11609 (A) shall be based primarily on an evaluation; and
11610 (B) may not be based on end-of-level assessment scores; and
11611 (ii) an employee may not advance on an adopted wage or salary schedule if the
11612 employee's rating on the most recent evaluation is at the lowest level of an evaluation
11613 instrument.
11614 Section 405. **Repealer.**
11615 This bill repeals:
11616 Section **53A-2-117, Definitions.**
11617 Section **53A-3-415, School board policy on detaining students after school.**
11618 Section **53A-8a-402, Definitions.**
11619 Section 406. **Effective date.**
11620 If approved by two-thirds of all the members elected to each house, this bill takes effect
11621 upon approval by the governor, or the day following the constitutional time limit of Utah

11622 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
11623 the date of veto override.
11624 Section 407. **Revisor instructions.**
11625 The Legislature intends that the Office of Legislative Research and General Counsel, in
11626 preparing the Utah Code database for publication, not enroll this bill if any of the following
11627 bills do not pass:
11628 (1) H.B. 10, Public Education Recodification - State System;
11629 (2) H.B. 11, Public Education Recodification - Funding; or
11630 (3) S.B. 12, Public Education Recodification - Cross References and Repeals.