

**PUBLIC EDUCATION DEFINITIONS COORDINATION**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Val L. Peterson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill amends provisions in the public education code related to defined terms.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends provisions in Title 53G, Public Education System -- Local Administration, to use and conform with defined terms in coordination with 2019FL-0374, Public Education Definitions Amendments;
- ▶ amends other provisions in the public education code related to defined terms; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides revisor instructions.

**Utah Code Sections Affected:**

AMENDS:

**53G-3-202**, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and amended by Laws of Utah 2018, Chapter 3

**53G-3-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3

**53G-3-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3

**53G-3-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3

**53G-3-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3

- 30 **53G-3-307**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 31 **53G-3-308**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 32 **53G-3-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 33 **53G-3-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 34 **53G-3-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 35 **53G-3-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 36 **53G-3-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 37 **53G-3-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 38 **53G-4-201**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 39 **53G-4-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 40 **53G-4-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 41 **53G-4-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 42 **53G-4-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 43 **53G-4-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 44 **53G-4-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 45 **53G-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 46 **53G-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 47 **53G-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 48 **53G-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 49 **53G-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 50 **53G-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 51 **53G-4-409**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 52 **53G-4-410**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 53 **53G-4-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 54 **53G-4-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 55 **53G-4-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 56 **53G-4-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 57 **53G-4-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3

- 58           **53G-4-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 59           **53G-4-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 60           **53G-4-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 61           **53G-4-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 62           **53G-4-804**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 63           **53G-4-805**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 64           **53G-4-806**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 65           **53G-4-807**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 66           **53G-4-1003**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 67           **53G-4-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 68           **53G-4-1006**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 69           **53G-5-102**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
70 amended by Laws of Utah 2018, Chapter 3
- 71           **53G-5-201**, as last amended by Laws of Utah 2018, Chapters 293, 383 and renumbered  
72 and amended by Laws of Utah 2018, Chapter 3
- 73           **53G-5-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 74           **53G-5-205**, as enacted by Laws of Utah 2018, Chapter 383
- 75           **53G-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 76           **53G-5-302**, as last amended by Laws of Utah 2018, Chapters 154, 383 and renumbered  
77 and amended by Laws of Utah 2018, Chapter 3
- 78           **53G-5-303**, as last amended by Laws of Utah 2018, Chapter 211 and renumbered and  
79 amended by Laws of Utah 2018, Chapter 3
- 80           **53G-5-304**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
81 amended by Laws of Utah 2018, Chapter 3
- 82           **53G-5-305**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
83 amended by Laws of Utah 2018, Chapter 3
- 84           **53G-5-306**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
85 amended by Laws of Utah 2018, Chapter 3

86           **53G-5-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
87           **53G-5-404**, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and  
88 amended by Laws of Utah 2018, Chapter 3  
89           **53G-5-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
90           **53G-5-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
91           **53G-5-407**, as last amended by Laws of Utah 2018, Chapters 22, 154 and renumbered  
92 and amended by Laws of Utah 2018, Chapter 3  
93           **53G-5-408**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
94           **53G-5-409**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
95 amended by Laws of Utah 2018, Chapter 3  
96           **53G-5-410**, as last amended by Laws of Utah 2018, Chapter 448  
97           **53G-5-411**, as enacted by Laws of Utah 2018, Chapter 3  
98           **53G-5-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
99           **53G-5-502**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
100 amended by Laws of Utah 2018, Chapter 3  
101           **53G-5-503**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
102 amended by Laws of Utah 2018, Chapter 3  
103           **53G-5-504**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and  
104 amended by Laws of Utah 2018, Chapter 3  
105           **53G-5-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
106           **53G-5-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
107           **53G-6-201**, as last amended by Laws of Utah 2018, Chapter 69 and renumbered and  
108 amended by Laws of Utah 2018, Chapter 3  
109           **53G-6-202**, as last amended by Laws of Utah 2018, Chapter 285 and renumbered and  
110 amended by Laws of Utah 2018, Chapter 3  
111           **53G-6-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
112           **53G-6-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3  
113           **53G-6-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3

- 114           **53G-6-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 115           **53G-6-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 116           **53G-6-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 117           **53G-6-209**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 118           **53G-6-302**, as last amended by Laws of Utah 2018, Chapter 64 and renumbered and
- 119 amended by Laws of Utah 2018, Chapter 3
- 120           **53G-6-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 121           **53G-6-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 122           **53G-6-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 123           **53G-6-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 124           **53G-6-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 125           **53G-6-403**, as last amended by Laws of Utah 2018, Chapter 429 and renumbered and
- 126 amended by Laws of Utah 2018, Chapter 3
- 127           **53G-6-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 128           **53G-6-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 129           **53G-6-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 130           **53G-6-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 131           **53G-6-501**, as enacted by Laws of Utah 2018, Chapter 3
- 132           **53G-6-502**, as last amended by Laws of Utah 2018, Chapter 380 and renumbered and
- 133 amended by Laws of Utah 2018, Chapter 3
- 134           **53G-6-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 135           **53G-6-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 136           **53G-6-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 137           **53G-6-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 138           **53G-6-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 139           **53G-6-705**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
- 140 amended by Laws of Utah 2018, Chapter 3
- 141           **53G-6-706**, as renumbered and amended by Laws of Utah 2018, Chapter 3

- 142           **53G-6-707**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 143           **53G-6-708**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 144           **53G-6-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 145           **53G-6-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 146           **53G-6-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 147           **53G-7-202**, as enacted by Laws of Utah 2018, Chapter 3
- 148           **53G-7-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 149           **53G-7-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 150           **53G-7-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 151           **53G-7-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 152           **53G-7-213**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 153           **53G-7-214**, as last amended by Laws of Utah 2018, Chapter 39 and renumbered and
- 154 amended by Laws of Utah 2018, Chapter 3
- 155           **53G-7-215**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 156           **53G-7-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 157           **53G-7-303**, as last amended by Laws of Utah 2018, Chapter 101 and renumbered and
- 158 amended by Laws of Utah 2018, Chapter 3
- 159           **53G-7-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 160           **53G-7-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 161           **53G-7-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 162           **53G-7-307**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 163           **53G-7-309**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 164           **53G-7-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 165           **53G-7-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 166           **53G-7-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 167           **53G-7-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 168           **53G-7-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 169           **53G-7-603**, as renumbered and amended by Laws of Utah 2018, Chapter 3

- 170 **53G-7-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 171 **53G-7-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 172 **53G-7-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 173 **53G-7-701**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 174 **53G-7-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 175 **53G-7-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 176 **53G-7-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 177 **53G-7-705**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 178 **53G-7-707**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 179 **53G-7-708**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 180 **53G-7-709**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 181 **53G-7-711**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 182 **53G-7-712**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 183 **53G-7-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 184 **53G-7-901**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 185 **53G-7-902**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 186 **53G-7-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 187 **53G-7-1101**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 188 **53G-7-1103**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 189 **53G-7-1104**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 190 **53G-7-1105**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 191 **53G-7-1106**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 192 **53G-7-1202**, as last amended by Laws of Utah 2018, Chapters 107 and 448
- 193 **53G-7-1203**, as last amended by Laws of Utah 2018, Chapter 448
- 194 **53G-7-1205**, as enacted by Laws of Utah 2018, Chapter 448
- 195 **53G-7-1206**, as enacted by Laws of Utah 2018, Chapter 448
- 196 **53G-8-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 197 **53G-8-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3



- 198           **53G-8-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 199           **53G-8-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 200           **53G-8-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 201           **53G-8-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 202           **53G-8-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 203           **53G-8-209**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 204           **53G-8-210**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 205           **53G-8-211**, as last amended by Laws of Utah 2018, Chapter 117 and renumbered and
- 206 amended by Laws of Utah 2018, Chapter 3
- 207           **53G-8-212**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 208           **53G-8-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 209           **53G-8-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 210           **53G-8-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 211           **53G-8-509**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 212           **53G-8-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 213           **53G-8-701**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 214           **53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 215           **53G-8-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 216           **53G-9-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 217           **53G-9-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 218           **53G-9-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 219           **53G-9-207**, as last amended by Laws of Utah 2018, Chapter 209 and renumbered and
- 220 amended by Laws of Utah 2018, Chapter 3
- 221           **53G-9-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 222           **53G-9-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 223           **53G-9-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 224           **53G-9-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 225           **53G-9-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3



- 226           **53G-9-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 227           **53G-9-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 228           **53G-9-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 229           **53G-9-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 230           **53G-9-601**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 231           **53G-9-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 232           **53G-9-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 233           **53G-9-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 234           **53G-9-607**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 235           **53G-9-702**, as last amended by Laws of Utah 2018, Chapter 414 and renumbered and
- 236 amended by Laws of Utah 2018, Chapter 3
- 237           **53G-9-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 238           **53G-9-704**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 239 amended by Laws of Utah 2018, Chapter 3
- 240           **53G-9-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 241           **53G-9-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 242           **53G-9-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 243           **53G-10-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 244           **53G-10-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 245           **53G-10-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 246           **53G-10-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 247           **53G-10-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 248           **53G-10-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 249           **53G-10-305**, as enacted by Laws of Utah 2018, Chapter 3
- 250           **53G-10-402**, as last amended by Laws of Utah 2018, Chapter 224 and renumbered and
- 251 amended by Laws of Utah 2018, Chapter 3
- 252           **53G-10-403**, as enacted by Laws of Utah 2018, Chapter 3
- 253           **53G-10-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3

- 254           **53G-10-406**, as last amended by Laws of Utah 2018, Chapter 249 and renumbered and
- 255 amended by Laws of Utah 2018, Chapter 3
- 256           **53G-10-501**, as enacted by Laws of Utah 2018, Chapter 3
- 257           **53G-10-502**, as last amended by Laws of Utah 2018, Chapter 233 and renumbered and
- 258 amended by Laws of Utah 2018, Chapter 3
- 259           **53G-10-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 260           **53G-10-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 261           **53G-10-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 262           **53G-10-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 263           **53G-10-508**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 264           **53G-11-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 265           **53G-11-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 266           **53G-11-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 267           **53G-11-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 268           **53G-11-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 269           **53G-11-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 270           **53G-11-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 271           **53G-11-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 272           **53G-11-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 273           **53G-11-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 274           **53G-11-408**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 275           **53G-11-501**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
- 276 amended by Laws of Utah 2018, Chapter 3
- 277           **53G-11-501.5**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 278           **53G-11-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 279           **53G-11-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 280           **53G-11-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 281           **53G-11-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3

- 282 **53G-11-508**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 283 **53G-11-510**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 284 **53G-11-511**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 285 **53G-11-512**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 286 **53G-11-518**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 287 **63G-2-302**, as last amended by Laws of Utah 2018, Chapters 206, 281, 415, and 461
- 288 **63J-1-220**, as last amended by Laws of Utah 2018, Chapters 415 and 456

289

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

291

Section 1. Section **53G-3-202** is amended to read:

292 **53G-3-202. School districts independent of municipal and county governments --**

293 **School district name -- Control of property.**

294 (1) (a) Each school district shall be controlled by its [~~board of education~~] local school  
295 board and shall be independent of municipal and county governments.

296 (b) The name of each school district created after May 1, 2000, shall comply with  
297 Subsection **17-50-103**(2)(a).

298 (2) The local school board shall have direction and control of all school property in the  
299 district.

300 (3) (a) Each school district shall register and maintain the school district's registration  
301 as a limited purpose entity, in accordance with Section **67-1a-15**.

302 (b) A school district that fails to comply with Subsection (3)(a) or Section **67-1a-15** is  
303 subject to enforcement by the state auditor, in accordance with Section **67-3-1**.

304 Section 2. Section **53G-3-301** is amended to read:

305 **53G-3-301. Creation of new school district -- Initiation of process -- Procedures**  
306 **to be followed.**

307 (1) A new school district may be created from one or more existing school districts, as  
308 provided in this section.

309 (2) The process to create a new school district may be initiated:

- 310 (a) through a citizens' initiative petition;
- 311 (b) at the request of the local school board of the existing district or districts to be  
312 affected by the creation of the new district; or
- 313 (c) at the request of a city within the boundaries of the school district or at the request  
314 of interlocal agreement participants, pursuant to Section 53G-3-302.
- 315 (3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by  
316 qualified electors residing within the geographical boundaries of the proposed new school  
317 district in an amount equal to at least 15% of all votes cast within the geographic boundaries of  
318 the proposed new school district for all candidates for president of the United States at the last  
319 regular general election at which a president of the United States was elected.
- 320 (b) Each request or petition submitted under Subsection (2) shall:
- 321 (i) be filed with the clerk of each county in which any part of the proposed new school  
322 district is located;
- 323 (ii) indicate the typed or printed name and current residence address of each governing  
324 board member making a request, or registered voter signing a petition, as the case may be;
- 325 (iii) describe the proposed new school district boundaries; and
- 326 (iv) designate up to five signers of the petition or request as sponsors, one of whom  
327 shall be designated as the contact sponsor, with the mailing address and telephone number of  
328 each.
- 329 (c) The process described in Subsection (2)(a) may only be initiated once during any  
330 four-year period.
- 331 (d) A new district may not be formed under Subsection (2) if the student population of  
332 the proposed new district is less than 3,000 or the existing district's student population would  
333 be less than 3,000 because of the creation of the new school district.
- 334 (4) A signer of a petition described in Subsection (2)(a) may withdraw or, once  
335 withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing  
336 a written request for withdrawal or reinstatement with the county clerk.
- 337 (5) Within 45 days after the day on which a petition described in Subsection (2)(a) is

338 filed, or five business days after the day on which a request described in Subsection (2)(b) or  
339 (c) is filed, the clerk of each county with which the request or petition is filed shall:

340 (a) determine whether the request or petition complies with Subsections (2) and (3), as  
341 applicable; and

342 (b) (i) if the county clerk determines that the request or petition complies with the  
343 applicable requirements:

344 (A) certify the request or petition and deliver the certified request or petition to the  
345 county legislative body; and

346 (B) mail or deliver written notification of the certification to the contact sponsor; or

347 (ii) if the county clerk determines that the request or petition fails to comply with any  
348 of the applicable requirements, reject the request or petition and notify the contact sponsor in  
349 writing of the rejection and reasons for the rejection.

350 (6) (a) If the county clerk fails to certify or reject a request or petition within the time  
351 specified in Subsection (5), the request or petition is considered to be certified.

352 (b) (i) If the county clerk rejects a request or petition, the person that submitted the  
353 request or petition may amend the request or petition to correct the deficiencies for which the  
354 request or petition was rejected, and refile the request or petition.

355 (ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled  
356 after having been rejected by a county clerk.

357 (c) If, on or before December 1, a county legislative body receives a request from a  
358 local school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified  
359 by the county clerk:

360 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided  
361 in Subsection (7), on or before January 1;

362 (ii) the ad hoc advisory committee shall submit its report and recommendations to the  
363 county legislative body, as provided in Subsection (7), on or before July 1; and

364 (iii) if the legislative body of each county with which a request or petition is filed  
365 approves a proposal to create a new district, each legislative body shall submit the proposal to

366 the respective county clerk to be voted on by the electors of each existing district at the regular  
367 general or municipal general election held in November.

368 (7) (a) The legislative body of each county with which a request or petition is filed  
369 shall appoint an ad hoc advisory committee to review and make recommendations on a request  
370 for the creation of a new school district submitted under Subsection (2)(a) or (b).

371 (b) The advisory committee shall:

372 (i) seek input from:

373 (A) those requesting the creation of the new school district;

374 (B) the local school board and school personnel of each existing school district;

375 (C) those citizens residing within the geographical boundaries of each existing school  
376 district;

377 (D) the [~~State Board of Education~~] state board; and

378 (E) other interested parties;

379 (ii) review data and gather information on at least:

380 (A) the financial viability of the proposed new school district;

381 (B) the proposal's financial impact on each existing school district;

382 (C) the exact placement of school district boundaries; and

383 (D) the positive and negative effects of creating a new school district and whether the  
384 positive effects outweigh the negative if a new school district were to be created; and

385 (iii) make a report to the county legislative body in a public meeting on the committee's  
386 activities, together with a recommendation on whether to create a new school district.

387 (8) For a request or petition submitted under Subsection (2)(a) or (b):

388 (a) The county legislative body shall provide for a 45-day public comment period on  
389 the report and recommendation to begin on the day the report is given under Subsection  
390 (7)(b)(iii).

391 (b) Within 14 days after the end of the comment period, the legislative body of each  
392 county with which a request or petition is filed shall vote on the creation of the proposed new  
393 school district.

394 (c) The proposal is approved if a majority of the members of the legislative body of  
395 each county with which a request or petition is filed votes in favor of the proposal.

396 (d) If the proposal is approved, the legislative body of each county with which a  
397 request or petition is filed shall submit the proposal to the county clerk to be voted on:

398 (i) by the legal voters of each existing school district affected by the proposal;

399 (ii) in accordance with the procedures and requirements applicable to a regular general  
400 election under Title 20A, Election Code; and

401 (iii) at the next regular general election or municipal general election, whichever is  
402 first.

403 (e) Creation of the new school district shall occur if a majority of the electors within  
404 both the proposed school district and each remaining school district voting on the proposal vote  
405 in favor of the creation of the new district.

406 (f) Each county legislative body shall comply with the requirements of Section  
407 [53G-3-203](#).

408 (g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is  
409 approved by the electors, the existing district's documented costs to study and implement the  
410 proposal shall be reimbursed by the new district.

411 (9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection (5)  
412 or (6)(a), the legislative body of each county in which part of the proposed new school district  
413 is located shall submit the proposal to the respective clerk of each county to be voted on:

414 (i) by the legal voters residing within the proposed new school district boundaries;

415 (ii) in accordance with the procedures and requirements applicable to a regular general  
416 election under Title 20A, Election Code; and

417 (iii) at the next regular general election or municipal general election, whichever is  
418 first.

419 (b) (i) If a majority of the legal voters within the proposed new school district  
420 boundaries voting on the proposal at an election under Subsection (9)(a) vote in favor of the  
421 creation of the new district:



422 (A) each county legislative body shall comply with the requirements of Section  
423 53G-3-203; and

424 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,  
425 the new district is created.

426 (ii) Notwithstanding the creation of a new district as provided in Subsection  
427 (9)(b)(i)(B):

428 (A) a new school district may not begin to provide educational services to the area  
429 within the new district until July 1 of the second calendar year following the local school board  
430 general election date described in Subsection 53G-3-302(3)(a)(i);

431 (B) a remaining district may not begin to provide educational services to the area  
432 within the remaining district until the time specified in Subsection (9)(b)(ii)(A); and

433 (C) each existing district shall continue, until the time specified in Subsection  
434 (9)(b)(ii)(A), to provide educational services within the entire area covered by the existing  
435 district.

436 Section 3. Section 53G-3-302 is amended to read:

437 **53G-3-302. Proposal initiated by a city or by interlocal agreement participants to**  
438 **create a school district -- Boundaries -- Election of local school board members --**  
439 **Allocation of assets and liabilities -- Startup costs -- Transfer of title.**

440 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,  
441 as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3),  
442 may by majority vote of the legislative body, submit for voter approval a measure to create a  
443 new school district with boundaries contiguous with that city's boundaries, in accordance with  
444 Section 53G-3-301.

445 (b) (i) The determination of all matters relating to the scope, adequacy, and other  
446 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the  
447 city's legislative body.

448 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of  
449 a legal action or other challenge to:

450 (A) an election for voter approval of the creation of a new school district; or  
451 (B) the creation of the new school district.

452 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,  
453 may, together with one or more other cities, towns, or the county enter into an interlocal  
454 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose  
455 of submitting for voter approval a measure to create a new school district.

456 (b) (i) In accordance with Section [53G-3-301](#), interlocal agreement participants under  
457 Subsection (2)(a) may submit a proposal for voter approval if:

458 (A) the interlocal agreement participants conduct a feasibility study prior to submitting  
459 the proposal to the county;

460 (B) the combined population within the proposed new school district boundaries is at  
461 least 50,000;

462 (C) the new school district boundaries:

463 (I) are contiguous;

464 (II) do not completely surround or otherwise completely geographically isolate a  
465 portion of an existing school district that is not part of the proposed new school district from  
466 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

467 (III) include the entire boundaries of each participant city or town, except as provided  
468 in Subsection (2)(d)(ii); and

469 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

470 (D) the combined population within the proposed new school district of interlocal  
471 agreement participants that have entered into an interlocal agreement proposing to create a new  
472 school district is at least 80% of the total population of the proposed new school district.

473 (ii) The determination of all matters relating to the scope, adequacy, and other aspects  
474 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new  
475 feasibility study or revise a previous feasibility study due to a change in the proposed new  
476 school district boundaries, is within the exclusive discretion of the legislative bodies of the  
477 interlocal agreement participants that enter into an interlocal agreement to submit for voter

478 approval a measure to create a new school district.

479 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the  
480 basis of a legal action or other challenge to:

481 (A) an election for voter approval of the creation of a new school district; or

482 (B) the creation of the new school district.

483 (iv) For purposes of determining whether the boundaries of a proposed new school  
484 district cross county lines under Subsection (2)(b)(i)(C)(IV):

485 (A) a municipality located in more than one county and entirely within the boundaries  
486 of a single school district is considered to be entirely within the same county as other  
487 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's  
488 land area and population is located in that same county than outside the county; and

489 (B) a municipality located in more than one county that participates in an interlocal  
490 agreement under Subsection (2)(a) with respect to some but not all of the area within the  
491 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may  
492 not be considered to cross county lines.

493 (c) (i) A county may only participate in an interlocal agreement under this Subsection  
494 (2) for the unincorporated areas of the county.

495 (ii) Boundaries of a new school district created under this section may include:

496 (A) a portion of one or more existing school districts; and

497 (B) a portion of the unincorporated area of a county, including a portion of a township.

498 (d) (i) As used in this Subsection (2)(d):

499 (A) "Isolated area" means an area that:

500 (I) is entirely within the boundaries of a municipality that, except for that area, is  
501 entirely within a school district different than the school district in which the area is located;  
502 and

503 (II) would, because of the creation of a new school district from the existing district in  
504 which the area is located, become completely geographically isolated.

505 (B) "Municipality's school district" means the school district that includes all of the

506 municipality in which the isolated area is located except the isolated area.

507 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in  
508 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
509 within the municipality's boundaries if:

510 (A) the portion of the municipality proposed to be included in the new school district  
511 would, if not included, become an isolated area upon the creation of the new school district; or

512 (B) (I) the portion of the municipality proposed to be included in the new school  
513 district is within the boundaries of the same school district that includes the other interlocal  
514 agreement participants; and

515 (II) the portion of the municipality proposed to be excluded from the new school  
516 district is within the boundaries of a school district other than the school district that includes  
517 the other interlocal agreement participants.

518 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school  
519 district may be submitted for voter approval pursuant to an interlocal agreement under  
520 Subsection (2)(a), even though the new school district boundaries would create an isolated  
521 area, if:

522 (I) the potential isolated area is contiguous to one or more of the interlocal agreement  
523 participants;

524 (II) the interlocal participants submit a written request to the municipality in which the  
525 potential isolated area is located, requesting the municipality to enter into an interlocal  
526 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to  
527 create a new school district that includes the potential isolated area; and

528 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the  
529 municipality has not entered into an interlocal agreement as requested in the request.

530 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold  
531 one or more public hearings to allow input from the public and affected school districts  
532 regarding whether or not the municipality should enter into an interlocal agreement with  
533 respect to the potential isolated area.

534 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

535 (Aa) a new school district is created under this section after a measure is submitted to

536 voters based on the authority of Subsection (2)(d)(iii)(A); and

537 (Bb) the creation of the new school district results in an isolated area.

538 (II) The isolated area shall, on July 1 of the second calendar year following the local

539 school board general election date described in Subsection (3)(a)(i), become part of the

540 municipality's school district.

541 (III) Unless the isolated area is the only remaining part of the existing district, the

542 process described in Subsection (4) shall be modified to:

543 (Aa) include a third transition team, appointed by the local school board of the

544 municipality's school district, to represent that school district; and

545 (Bb) require allocation of the existing district's assets and liabilities among the new

546 district, the remaining district, and the municipality's school district.

547 (IV) The existing district shall continue to provide educational services to the isolated

548 area until July 1 of the second calendar year following the local school board general election

549 date described in Subsection (3)(a)(i).

550 (3) (a) If a proposal under this section is approved by voters:

551 (i) an election shall be held at the next regular general election to elect:

552 (A) members to the local school board of the existing school district whose terms are

553 expiring;

554 (B) all members to the local school board of the new school district; and

555 (C) all members to the local school board of the remaining district;

556 (ii) the assets and liabilities of the existing school district shall be divided between the

557 remaining school district and the new school district as provided in Subsection (5) and Section

558 [53G-3-307](#);

559 (iii) transferred employees shall be treated in accordance with Sections [53G-3-205](#) and

560 [53G-3-308](#);

561 (iv) (A) an individual residing within the boundaries of a new school district at the

562 time the new school district is created may, for six school years after the creation of the new  
563 school district, elect to enroll in a secondary school located outside the boundaries of the new  
564 school district if:

565 (I) the individual resides within the boundaries of that secondary school as of the day  
566 before the new school district is created; and

567 (II) the individual would have been eligible to enroll in that secondary school had the  
568 new school district not been created; and

569 (B) the school district in which the secondary school is located shall provide  
570 educational services, including, if provided before the creation of the new school district,  
571 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school  
572 year for which the individual makes the election; and

573 (v) within one year after the new district begins providing educational services, the  
574 superintendent of each remaining district affected and the superintendent of the new district  
575 shall meet, together with the [~~Superintendent of Public Instruction~~] state superintendent, to  
576 determine if further boundary changes should be proposed in accordance with Section  
577 [53G-3-501](#).

578 (b) (i) The terms of the initial members of the local school board of the new district and  
579 remaining district shall be staggered and adjusted by the county legislative body so that  
580 approximately half of the local school board is elected every two years.

581 (ii) The term of a member of the existing local school board, including a member  
582 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local  
583 school board general election date described in Subsection (3)(a)(i), regardless of when the  
584 term would otherwise have terminated.

585 (iii) Notwithstanding the existence of a local school board for the new district and a  
586 local school board for the remaining district under Subsection (3)(a)(i), the local school board  
587 of the existing district shall continue, until the time specified in Subsection  
588 [53G-3-301\(9\)\(b\)\(ii\)\(A\)](#), to function and exercise authority as a local school board to the extent  
589 necessary to continue to provide educational services to the entire existing district.

590 (iv) An individual may simultaneously serve as or be elected to be a member of the  
591 local school board of an existing district and a member of the local school board of:

592 (A) a new district; or

593 (B) a remaining district.

594 (4) (a) Within 45 days after the canvass date for the election at which voters approve  
595 the creation of a new district:

596 (i) a transition team to represent the remaining district shall be appointed by the  
597 members of the existing local school board who reside within the area of the remaining district,  
598 in consultation with:

599 (A) the legislative bodies of all municipalities in the area of the remaining district; and

600 (B) the legislative body of the county in which the remaining district is located, if the  
601 remaining district includes one or more unincorporated areas of the county; and

602 (ii) another transition team to represent the new district shall be appointed by:

603 (A) for a new district located entirely within the boundaries of a single city, the  
604 legislative body of that city; or

605 (B) for each other new district, the legislative bodies of all interlocal agreement  
606 participants.

607 (b) The local school board of the existing school district shall, within 60 days after the  
608 canvass date for the election at which voters approve the creation of a new district:

609 (i) prepare an inventory of the existing district's:

610 (A) assets, both tangible and intangible, real and personal; and

611 (B) liabilities; and

612 (ii) deliver a copy of the inventory to each of the transition teams.

613 (c) The transition teams appointed under Subsection (4)(a) shall:

614 (i) determine the allocation of the existing district's assets and, except for indebtedness  
615 under Section [53G-3-307](#), liabilities between the remaining district and the new district in  
616 accordance with Subsection (5);

617 (ii) prepare a written report detailing how the existing district's assets and, except for



618 indebtedness under Section 53G-3-307, liabilities are to be allocated; and  
619 (iii) deliver a copy of the written report to:  
620 (A) the local school board of the existing district;  
621 (B) the local school board of the remaining district; and  
622 (C) the local school board of the new district.  
623 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and  
624 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the  
625 election at which voters approve the creation of a new district, unless that deadline is extended  
626 by the mutual agreement of:  
627 (i) the local school board of the existing district; and  
628 (ii) (A) the legislative body of the city in which the new district is located, for a new  
629 district located entirely within a single city; or  
630 (B) the legislative bodies of all interlocal agreement participants, for each other new  
631 district.  
632 (e) (i) All costs and expenses of the transition team that represents a remaining district  
633 shall be borne by the remaining district.  
634 (ii) All costs and expenses of the transition team that represents a new district shall  
635 initially be borne by:  
636 (A) the city whose legislative body appoints the transition team, if the transition team  
637 is appointed by the legislative body of a single city; or  
638 (B) the interlocal agreement participants, if the transition team is appointed by the  
639 legislative bodies of interlocal agreement participants.  
640 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal  
641 agreement participants for:  
642 (A) transition team costs and expenses; and  
643 (B) startup costs and expenses incurred by the city or interlocal agreement participants  
644 on behalf of the new district.  
645 (5) (a) As used in this Subsection (5):

646 (i) "Associated property" means furniture, equipment, or supplies located in or  
647 specifically associated with a physical asset.

648 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection  
649 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or  
650 employee by law or school district accounting practice.

651 (B) "Discretionary asset or liability" does not include a physical asset, associated  
652 property, a vehicle, or bonded indebtedness.

653 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection  
654 (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee  
655 by law or school district accounting practice.

656 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated  
657 property, a vehicle, or bonded indebtedness.

658 (iv) "Physical asset" means a building, land, or water right together with revenue  
659 derived from the lease or use of the building, land, or water right.

660 (b) Except as provided in Subsection (5)(c), the transition teams appointed under  
661 Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the  
662 allocation date, both tangible and intangible, real and personal, to the new district and  
663 remaining district as follows:

664 (i) a physical asset and associated property shall be allocated to the school district in  
665 which the physical asset is located;

666 (ii) a discretionary asset or liability shall be allocated between the new district and  
667 remaining district in proportion to the student populations of the school districts;

668 (iii) a nondiscretionary asset shall be allocated to the school district where the project,  
669 school, student, or employee to which the nondiscretionary asset is tied will be located;

670 (iv) vehicles used for pupil transportation shall be allocated:

671 (A) according to the transportation needs of schools, as measured by the number and  
672 assortment of vehicles used to serve transportation routes serving schools within the new  
673 district and remaining district; and

674 (B) in a manner that gives each school district a fleet of vehicles for pupil  
675 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;  
676 and

677 (v) other vehicles shall be allocated:

678 (A) in proportion to the student populations of the school districts; and

679 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,  
680 condition, and carrying capacities.

681 (c) By mutual agreement, the transition teams may allocate an asset or liability in a  
682 manner different than the allocation method specified in Subsection (5)(b).

683 (6) (a) As used in this Subsection (6):

684 (i) "New district startup costs" means:

685 (A) costs and expenses incurred by a new district in order to prepare to begin providing  
686 educational services on July 1 of the second calendar year following the local school board  
687 general election date described in Subsection (3)(a)(i); and

688 (B) the costs and expenses of the transition team that represents the new district.

689 (ii) "Remaining district startup costs" means:

690 (A) costs and expenses incurred by a remaining district in order to:

691 (I) make necessary adjustments to deal with the impacts resulting from the creation of  
692 the new district; and

693 (II) prepare to provide educational services within the remaining district once the new  
694 district begins providing educational services within the new district; and

695 (B) the costs and expenses of the transition team that represents the remaining district.

696 (b) (i) By January 1 of the year following the local school board general election date  
697 described in Subsection (3)(a)(i), the existing district shall make half of the undistributed  
698 reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the  
699 remaining district and the new district, as provided in this Subsection (6).

700 (ii) The existing district may make additional funds available for the use of the  
701 remaining district and the new district beyond the amount specified in Subsection (6)(b)(i)

702 through an interlocal agreement.

703 (c) The existing district shall make the money under Subsection (6)(b) available to the  
704 remaining district and the new district proportionately based on student population.

705 (d) The money made available under Subsection (6)(b) may be accessed and spent by:

706 (i) for the remaining district, the local school board of the remaining district; and

707 (ii) for the new district, the local school board of the new district.

708 (e) (i) The remaining district may use its portion of the money made available under  
709 Subsection (6)(b) to pay for remaining district startup costs.

710 (ii) The new district may use its portion of the money made available under Subsection  
711 (6)(b) to pay for new district startup costs.

712 (7) (a) The existing district shall transfer title or, if applicable, partial title of property  
713 to the new school district in accordance with the allocation of property by the transition teams,  
714 as stated in the report under Subsection (4)(c)(ii).

715 (b) The existing district shall complete each transfer of title or, if applicable, partial  
716 title to real property and vehicles by July 1 of the second calendar year following the local  
717 school board general election date described in Subsection (3)(a)(i), except as that date is  
718 changed by the mutual agreement of:

719 (i) the local school board of the existing district;

720 (ii) the local school board of the remaining district; and

721 (iii) the local school board of the new district.

722 (c) The existing district shall complete the transfer of all property not included in  
723 Subsection (7)(b) by November 1 of the second calendar year after the local school board  
724 general election date described in Subsection (3)(a)(i).

725 (8) Except as provided in Subsections (6) and (7), after the creation election date an  
726 existing school district may not transfer or agree to transfer title to district property without the  
727 prior consent of:

728 (a) the legislative body of the city in which the new district is located, for a new district  
729 located entirely within a single city; or

730 (b) the legislative bodies of all interlocal agreement participants, for each other new  
731 district.

732 (9) This section does not apply to the creation of a new district initiated through a  
733 citizens' initiative petition or at the request of a local school board under Section 53G-3-301.

734 Section 4. Section 53G-3-305 is amended to read:

735 **53G-3-305. Reapportionment -- Local school board membership.**

736 (1) Upon the creation of a new school district, the county legislative body shall  
737 reapportion the affected school districts pursuant to Section 20A-14-201.

738 (2) Except as provided in Section 53G-3-302, local school board membership in the  
739 affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of  
740 Members of Local Boards of Education.

741 Section 5. Section 53G-3-306 is amended to read:

742 **53G-3-306. Transfer of school property to new school district.**

743 (1) (a) (i) On July 1 of the year following the local school board elections for a new  
744 district created pursuant to a citizens' initiative petition or local school board request under  
745 Section 53G-3-301 and an existing district as provided in Section 53G-3-305, the local school  
746 board of the existing district shall convey and deliver to the local school board of the new  
747 district all school property which the new district is entitled to receive.

748 (ii) Any disagreements as to the disposition of school property shall be resolved by the  
749 county legislative body.

750 (iii) Subsection (1)(a)(ii) does not apply to disagreements between transition teams  
751 about the proper allocation of property under Subsection 53G-3-302(4).

752 (b) An existing district shall transfer property to a new district created under Section  
753 53G-3-302 in accordance with Section 53G-3-302.

754 (2) Title vests in the new local school board, including all rights, claims, and causes of  
755 action to or for the property, for the use or the income from the property, for conversion,  
756 disposition, or withholding of the property, or for any damage or injury to the property.

757 (3) The new local school board may bring and maintain actions to recover, protect, and

758 preserve the property and rights of the district's schools and to enforce contracts.

759 Section 6. Section **53G-3-307** is amended to read:

760 **53G-3-307. Tax to pay for indebtedness of divided school district.**

761 (1) (a) For a new district created prior to May 10, 2011, the local school boards of the  
762 remaining and new districts shall determine the portion of the divided school district's bonded  
763 indebtedness and other indebtedness for which the property within the new district remains  
764 subject to the levy of taxes to pay a proportionate share of the divided school district's  
765 outstanding indebtedness.

766 (b) The proportionate share of the divided school district's outstanding indebtedness for  
767 which property within the new district remains subject to the levy of taxes shall be calculated  
768 by determining the proportion that the total assessed valuation of the property within the new  
769 district bears to the total assessed valuation of the divided school district:

770 (i) in the year immediately preceding the date the new district was created; or

771 (ii) at a time mutually agreed upon by the local school boards of the new district and  
772 the remaining district.

773 (c) The agreement reflecting the determinations made under this Subsection (1) shall  
774 take effect upon being filed with the county legislative body and the [~~State Board of Education~~]  
775 state board.

776 (2) (a) Except as provided in Subsection (2)(b), the local school board of a new district  
777 created prior to May 10, 2011, shall levy a tax on property within the new district sufficient to  
778 pay the new district's proportionate share of the indebtedness determined under Subsection (1).

779 (b) If a new district has money available to pay the new district's proportionate share of  
780 the indebtedness determined under Subsection (1), the new district may abate a property tax to  
781 the extent of money available.

782 (3) As used in Subsections (4) and (5), "outstanding bonded indebtedness" means debt  
783 owed for a general obligation bond issued by the divided school district:

784 (a) prior to the creation of the new district; or

785 (b) in accordance with a mutual agreement of the local school boards of the remaining

786 and new districts under Subsection (6).

787 (4) If a new district is created on or after May 10, 2011, property within the new  
788 district and the remaining district is subject to the levy of a tax to pay the divided school  
789 district's outstanding bonded indebtedness as provided in Subsection (5).

790 (5) (a) Except as provided in Subsection (5)(b), the local school board of the new  
791 district and the local school board of the remaining district shall impose a tax levy at a rate that:

792 (i) generates from the combined districts the amount of revenue required each year to  
793 meet the outstanding bonded indebtedness of the divided school district; and

794 (ii) is uniform within the new district and remaining district.

795 (b) A local school board of a new district may abate a property tax required to be  
796 imposed under Subsection (5)(a) to the extent the new district has money available to pay to  
797 the remaining district the amount of revenue that would be generated within the new district  
798 from the tax rate specified in Subsection (5)(a).

799 (6) (a) The local school boards of the remaining and new districts shall determine by  
800 mutual agreement the disposition of bonds approved but not issued by the divided school  
801 district before the creation of the new district based primarily on the representation made to the  
802 voters at the time of the bond election.

803 (b) Before a determination is made under Subsection (6)(a), a remaining district may  
804 not issue bonds approved but not issued before the creation of the new district if property in the  
805 new district would be subject to the levy of a tax to pay the bonds.

806 Section 7. Section **53G-3-308** is amended to read:

807 **53G-3-308. Employees of a new district.**

808 (1) Upon the creation of a new district:

809 (a) an employee of an existing district who is employed at a school that is transferred to  
810 the new district shall become an employee of the new district; and

811 (b) the local school board of the new district shall:

812 (i) have discretion in the hiring of all other staff;

813 (ii) adopt the personnel policies and practices of the existing district, including salary



814 schedules and benefits; and

815 (iii) enter into agreements with employees of the new district, or their representatives,  
816 that have the same terms as those in the negotiated agreements between the existing district and  
817 its employees.

818 (2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new  
819 district is created who becomes an employee of the new district shall retain the same status as a  
820 career or provisional employee with accrued seniority and accrued benefits.

821 (b) Subsection (2)(a) applies to:

822 (i) employees of an existing district who are transferred to a new district pursuant to  
823 Subsection (1)(a); and

824 (ii) employees of a school district from which a new district is created who are hired by  
825 the new district within one year of the date of the creation of the new district.

826 (3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and  
827 is rehired by the existing district within one year of the date of the creation of the new district  
828 shall, when rehired by the existing district, retain the same status as a career or provisional  
829 employee with accrued seniority and accrued benefits.

830 Section 8. Section **53G-3-401** is amended to read:

831 **53G-3-401. Consolidation of school districts -- Resolution by local school board**  
832 **members -- Petition by electors -- Election.**

833 (1) Two or more school districts may unite and form a single school district in one of  
834 the following ways:

835 (a) a majority of the members of each of the local school boards [~~of education~~] of the  
836 affected districts shall approve and present to the county legislative body of the affected  
837 counties a resolution to consolidate the districts. Once this is done, consolidation shall be  
838 established under this chapter; or

839 (b) a majority of the members of the local school board [~~of education~~] of each affected  
840 district, or 15% of the qualified electors in each of the affected districts, shall sign and present a  
841 petition to the county legislative body of each affected county. The question shall be voted

842 upon at an election called for that purpose, which shall be the next general or municipal  
843 election. Consolidation shall occur if a majority of those voting on the question in each district  
844 favor consolidation.

845 (2) The elections required under Subsection (1)(b) shall be conducted and the returns  
846 canvassed as provided by election laws.

847 Section 9. Section **53G-3-402** is amended to read:

848 **53G-3-402. Transfer of property to new school district -- Rights and obligations**  
849 **of new local school board -- Outstanding indebtedness -- Special tax.**

850 (1) On July 1 following the approval of the creation of a new school district under  
851 Section **53G-3-401**, the local school boards of the former districts shall convey and deliver all  
852 school property to the local school board of the new district. Title vests in the new local school  
853 board. All rights, claims, and causes of action to or for the property, for the use or the income  
854 from the property, for conversion, disposition, or withholding of the property, or for any  
855 damage or injury to the property vest at once in the new local school board.

856 (2) The new local school board may bring and maintain actions to recover, protect, and  
857 preserve the property and rights of the district schools and to enforce contracts.

858 (3) The new local school board shall assume and be liable for all outstanding debts and  
859 obligations of each of the former school districts.

860 (4) All of the bonded indebtedness, outstanding debts, and obligations of a former  
861 district, which cannot be reasonably paid from the assets of the former district, shall be paid by  
862 a special tax levied by the new local school board as needed. The tax shall be levied upon the  
863 property within the former district which was liable for the indebtedness at the time of  
864 consolidation. If bonds are approved in the new district under Section **53G-4-603**, the special  
865 tax shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness  
866 of the new district.

867 (5) Bonded indebtedness of a former district which has been refunded shall be paid in  
868 the same manner as that which the new district assumes under Section **53G-4-602**.

869 (6) State funds received by the new district under Section **53F-3-202** may be applied

870 toward the payment of outstanding bonded indebtedness of a former district in the same  
871 proportion as the bonded indebtedness of the territory within the former district bears to the  
872 total bonded indebtedness of the districts combined.

873 Section 10. Section 53G-3-404 is amended to read:

874 **53G-3-404. Additional levies -- Local school board options to abolish or continue**  
875 **after consolidation.**

876 (1) If a school district that has approved an additional levy under Section 53F-8-301 is  
877 consolidated with a district which does not have such a levy, the local school board [~~of~~  
878 ~~education~~] of the consolidated district may choose to abolish the levy, or apply it in whole or in  
879 part to the entire consolidated district.

880 (2) If the local school board chooses to apply any part of the levy to the entire district,  
881 the levy may continue in force for no more than three years, unless approved by the electors of  
882 the consolidated district in the manner set forth in Section 53F-8-301.

883 Section 11. Section 53G-3-501 is amended to read:

884 **53G-3-501. Transfer of a portion of a school district -- State board resolution --**  
885 **Local school board petition -- Elector petition -- Transfer election.**

886 (1) Part of a school district may be transferred to another district in one of the  
887 following ways:

888 (a) presentation to the county legislative body of each of the affected counties of a  
889 resolution requesting the transfer, approved by at least four-fifths of the members of the local  
890 school board [~~of education~~] of each affected school district;

891 (b) presentation to the county legislative body of each affected county of a petition  
892 requesting that the electors vote on the transfer, signed by a majority of the members of the  
893 local school board of each affected school district; or

894 (c) presentation to the county legislative body of each affected county of a petition  
895 requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each  
896 of the affected school districts within that county.

897 (2) (a) If an annexation of property by a city would result in its residents being served

898 by more than one school district, then the presidents of the affected local school boards shall  
899 meet within 60 days prior to the effective date of the annexation to determine whether it would  
900 be advisable to adjust school district boundaries to permit all residents of the expanded city to  
901 be served by a single school district.

902 (b) Upon conclusion of the meeting, the local school board presidents shall prepare a  
903 recommendation for presentation to their respective local school boards as soon as reasonably  
904 possible.

905 (c) The local school boards may then initiate realignment proceedings under  
906 Subsection (1)(a) or (b).

907 (d) If a local school board rejects realignment under Subsection (1)(a) or (b), the other  
908 local school board may initiate the following procedures by majority vote within 60 days of the  
909 vote rejecting realignment:

910 (i) (A) within 30 days after a vote to initiate these procedures, each local school board  
911 shall appoint one member to a boundary review committee; or

912 (B) if the local school board becomes deadlocked in selecting the appointee under  
913 Subsection (2)(d)(i)(A), the local school board's chair shall make the appointment or serve as  
914 the appointee to the review committee.

915 (ii) The two local school board-appointed members of the committee shall meet and  
916 appoint a third member of the committee.

917 (iii) If the two local school board-appointed members are unable to agree on the  
918 appointment of a third member within 30 days after both are appointed, the [~~State~~  
919 ~~Superintendent of Public Instruction~~] state superintendent shall appoint the third member.

920 (iv) The committee shall meet as necessary to prepare recommendations concerning  
921 resolution of the realignment issue, and shall submit the recommendations to the affected local  
922 school boards within six months after the appointment of the third member of the committee.

923 (v) If a majority of the members of each local school board accepts the  
924 recommendation of the committee, or accepts the recommendation after amendment by the  
925 local school boards, then the accepted recommendation shall be implemented.

926 (vi) If the committee fails to submit its recommendation within the time allotted, or if  
 927 one local school board rejects the recommendation, the affected local school boards may agree  
 928 to extend the time for the committee to prepare an acceptable recommendation or either local  
 929 school board may request the [~~State Board of Education~~] state board to resolve the question.

930 (vii) If the committee has submitted a recommendation which the state board finds to  
 931 be reasonably supported by the evidence, the state board shall adopt the committee's  
 932 recommendation.

933 (viii) The decision of the state board is final.

934 (3) (a) The electors of each affected district shall vote on the transfer requested under  
 935 Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general  
 936 election.

937 (b) The election shall be conducted and the returns canvassed as provided by election  
 938 law.

939 (c) A transfer is effected only if a majority of votes cast by the electors in both the  
 940 proposed transferor district and in the proposed transferee district are in favor of the transfer.

941 Section 12. Section **53G-3-502** is amended to read:

942 **53G-3-502. Transfer of school district property -- Indebtedness on transferred**  
 943 **property.**

944 (1) If a transfer of a portion of one school district to another school district is approved  
 945 under Section **53G-3-501**, the state superintendent and the superintendents and presidents of  
 946 the local school boards [~~of education~~] of each of the affected school districts shall determine  
 947 the basis for a transfer of all school property reasonably and fairly allocable to that portion  
 948 being transferred.

949 (2) (a) Title to property transferred vests in the transferee local school board [~~of~~  
 950 ~~education~~].

951 (b) The transfer of a school building that is in operation at the time of determination  
 952 shall be made at the close of a fiscal year.

953 (c) The transfer of all other school property shall be made five days after approval of

954 the transfer of territory under Section [53G-3-501](#).

955 (3) (a) The individuals referred to in Subsection (1) shall determine the portion of  
956 bonded indebtedness and other indebtedness of the transferor local school board for which the  
957 transferred property remains subject to the levy of taxes to pay a proportionate share of the  
958 outstanding indebtedness of the transferor local school board.

959 (b) This is done by:

960 (i) determining the amount of the outstanding bonded indebtedness and other  
961 indebtedness of the transferor local school board [~~of education~~];

962 (ii) determining the total taxable value of the property of the transferor district and the  
963 taxable value of the property to be transferred; and

964 (iii) calculating the portion of the indebtedness of the transferor local school board for  
965 which the transferred portion retains liability.

966 (4) (a) The agreement reflecting these determinations takes effect upon being filed with  
967 the [~~State Board of Education~~] state board.

968 (b) The transferred property remains subject to the levy of taxes to pay a proportionate  
969 share of the outstanding indebtedness of the transferor local school board.

970 (c) The transferee local school board may assume the obligation to pay the  
971 proportionate share of the transferor local school board's indebtedness that has been determined  
972 under Subsection (3) to be the obligation of the transferred portion by the approval of a  
973 resolution by a majority of the qualified electors of the transferee school district at an election  
974 called and held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.

975 (5) If the transferee school district assumes the obligation to pay this proportionate  
976 share of the transferor local school board's indebtedness, the transferee local school board shall  
977 levy a tax in the whole of the transferee district, including the transferred portion, sufficient to  
978 pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business  
979 administrator of the transferor local school board.

980 (6) If the transferee local school board does not assume this obligation, the transferee  
981 local school board shall levy a tax on the transferred territory sufficient to pay the proportionate

982 share of the indebtedness determined under this section, and shall turn over the proceeds of the  
983 tax to the business administrator of the transferor local school board.

984 (7) For the purposes of school districts affected by repealed laws governing the  
985 annexation of an unincorporated area of a school district by a city which included what was  
986 formerly known as a city school district, transitions of unincorporated areas and property from  
987 the transferor district to the transferee district in progress on the effective date of this act shall  
988 revert to the boundaries and ownership prior to the initiation of annexation and may then  
989 proceed under this section and Section 53G-3-501.

990 Section 13. Section 53G-3-503 is amended to read:

991 **53G-3-503. Additional levies in transferred territory -- Transferee local school**  
992 **board option to abolish or continue.**

993 If two or more districts undergo restructuring that results in a district receiving territory  
994 that increases the population of the district by at least 25%, and if the transferred territory was,  
995 at the time of transfer, subject to an additional levy under Section 53F-8-301, the local school  
996 board [~~of education~~] of the transferee district may abolish the levy or apply the levy in whole or  
997 in part to the entire restructured district. Any such levy made applicable to the entire district  
998 may continue in force for no more than five years, unless approved by the electors of the  
999 restructured district in the manner set forth in Section 53F-8-301.

1000 Section 14. Section 53G-4-201 is amended to read:

1001 **53G-4-201. Selection and election of members to local school boards.**

1002 Members of local school boards [~~of education~~] shall be elected as provided in Title  
1003 20A, Chapter 14, Nomination and Election of State and Local School Boards.

1004 Section 15. Section 53G-4-202 is amended to read:

1005 **53G-4-202. Local school board meetings -- Rules of order and procedure --**  
1006 **Location requirements -- Expulsion of members prohibited -- Exceptions.**

1007 (1) As used in this section:

1008 (a) "Disaster" means an event that:

1009 (i) causes, or threatens to cause, loss of life, human suffering, public or private property

1010 damage, or economic or social disruption resulting from attack, internal disturbance, natural  
1011 phenomenon, or technological hazard; and

1012 (ii) requires resources that are beyond the scope of local agencies in routine responses  
1013 to emergencies and accidents and may be of a magnitude or involve unusual circumstances that  
1014 require a response by a governmental, not-for-profit, or private entity.

1015 (b) "Local emergency" means a condition in any municipality or county of the state that  
1016 requires that emergency assistance be provided by the affected municipality or county or  
1017 another political subdivision to save lives and protect property within its jurisdiction in  
1018 response to a disaster or to avoid or reduce the threat of a disaster.

1019 (c) "Rules of order and procedure" means a set of [~~rules~~] policies that governs and  
1020 prescribes in a public meeting:

1021 (i) parliamentary order and procedure;

1022 (ii) ethical behavior; and

1023 (iii) civil discourse.

1024 (2) Subject to Subsection (4), a local school board shall:

1025 (a) adopt rules of order and procedure to govern a public meeting of the local school  
1026 board;

1027 (b) conduct a public meeting in accordance with the rules of order and procedure  
1028 described in Subsection (2)(a); and

1029 (c) make the rules of order and procedure described in Subsection (2)(a) available to  
1030 the public:

1031 (i) at each public meeting of the local school board; and

1032 (ii) on the local school board's public website, if available.

1033 (3) (a) Except as provided in Subsections (3)(b) and (c), a local school board may not  
1034 hold a public meeting outside of the geographic boundary of the local school board's school  
1035 district.

1036 (b) A local school board may hold a public meeting outside of the geographic boundary  
1037 of the local school board's school district if it is necessary for the local school board to hold a



1038 meeting during a disaster or local emergency.

1039 (c) A local school board may hold a public meeting outside of the geographic boundary  
1040 of the local school board's school district to conduct a site visit if:

1041 (i) the location of the site visit provides the local school board members the  
1042 opportunity to see or experience an activity that:

1043 (A) relates to the local school board's responsibilities; and

1044 (B) does not exist within the geographic boundaries of the local school board's school  
1045 district; and

1046 (ii) the local school board does not vote or take other action during the public meeting  
1047 held at the site visit location.

1048 (d) This Subsection (3) does not apply to a charter school governing board.

1049 (4) The requirements of this section do not affect a local school board's duty to comply  
1050 with Title 52, Chapter 4, Open and Public Meetings Act.

1051 (5) (a) Except as provided in Subsection (5)(b), a local school board may not expel a  
1052 member of the local school board from an open public meeting or prohibit the member from  
1053 attending an open public meeting.

1054 (b) Except as provided in Subsection (5)(c), following a two-thirds vote of the  
1055 members of the local school board, the local school board may fine or expel a member of the  
1056 local school board for:

1057 (i) disorderly conduct at the open public meeting;

1058 (ii) a member's direct or indirect financial conflict of interest regarding an issue  
1059 discussed at or action proposed to be taken at the open public meeting; or

1060 (iii) a commission of a crime during the open public meeting.

1061 (c) A local school board may adopt [~~rules~~] policies or ordinances that expand the  
1062 reasons or establish more restrictive procedures for the expulsion of a member from a public  
1063 meeting.

1064 Section 16. Section **53G-4-203** is amended to read:

1065 **53G-4-203. Election of officers -- Terms -- Time of election -- Removal of officers**

1066 -- **Quorum requirements.**

1067 (1) A local school board shall elect a president and a [~~vice-president~~] vice president  
1068 whose terms of office are for two years and until their successors are elected.

1069 (2) The elections shall be held during the first local school board meeting in January  
1070 following a regular local school board election held in the district.

1071 (3) An officer appointed or elected by a local school board may be removed from  
1072 office for cause by a vote of two-thirds of the local school board.

1073 (4) When a vacancy occurs in the office of president or vice president of the local  
1074 school board for any reason, a replacement shall be elected for the unexpired term.

1075 (5) Attendance of a simple majority of the local school board members constitutes a  
1076 quorum for the transaction of official business.

1077 Section 17. Section **53G-4-204** is amended to read:

1078 **53G-4-204. Compensation for services -- Additional per diem -- Approval of**  
1079 **expenses.**

1080 (1) Each member of a local school board, except the student member, shall receive  
1081 compensation for services and for necessary expenses in accordance with [~~board~~]  
1082 compensation schedules adopted by the local school board in accordance with the provisions of  
1083 this section.

1084 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its  
1085 [~~board~~] compensation schedules, the local school board shall set a time and place for a public  
1086 hearing at which all interested persons shall be given an opportunity to be heard.

1087 (3) Notice of the time, place, and purpose of the meeting shall be provided at least  
1088 seven days prior to the meeting by:

1089 (a) (i) publication at least once in a newspaper published in the county where the  
1090 school district is situated and generally circulated within the school district; and

1091 (ii) publication on the Utah Public Notice Website created in Section [63F-1-701](#); and

1092 (b) posting a notice:

1093 (i) at each school within the school district;

1094 (ii) in at least three other public places within the school district; and  
1095 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

1096 (4) After the conclusion of the public hearing, the local school board may adopt or  
1097 amend its [~~board~~] compensation schedules.

1098 (5) Each member shall submit an itemized account of necessary travel expenses for  
1099 local school board approval.

1100 (6) A local school board may, without following the procedures described in  
1101 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to  
1102 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is  
1103 amended or a new compensation schedule is adopted.

1104 Section 18. Section **53G-4-205** is amended to read:

1105 **53G-4-205. Duties of president.**

1106 (1) The president of each local school board shall preside at all meetings of the local  
1107 school board, appoint all committees, and sign all warrants ordered by the local school board to  
1108 be drawn upon the business administrator for school money.

1109 (2) If the president is absent or acquires a disability, these duties are performed by the  
1110 vice president.

1111 Section 19. Section **53G-4-303** is amended to read:

1112 **53G-4-303. Duties of business administrator.**

1113 Subject to the direction of the district superintendent of schools, the district's business  
1114 administrator shall:

1115 (1) attend all meetings of the local school board, keep an accurate record of its  
1116 proceedings, and have custody of the seal and records;

1117 (2) be custodian of all district funds, be responsible and accountable for all money  
1118 received and disbursed, and keep accurate records of all revenues received and their sources;

1119 (3) countersign with the president of the local school board all warrants and claims  
1120 against the district as well as other legal documents approved by the local school board;

1121 (4) prepare and submit to the local school board each month a written report of the

1122 district's receipts and expenditures;

1123 (5) use uniform budgeting, accounting, and auditing procedures and forms approved by  
1124 the [~~State Board of Education~~] state board, which shall be in accordance with generally  
1125 accepted accounting principles or auditing standards and Title 63J, Chapter 1, Budgetary  
1126 Procedures Act;

1127 (6) prepare and submit to the local school board a detailed annual statement for the  
1128 period ending June 30, of the revenue and expenditures, including beginning and ending fund  
1129 balances;

1130 (7) assist the superintendent in the preparation and submission of budget documents  
1131 and statistical and fiscal reports required by law or the [~~State Board of Education~~] state board;

1132 (8) insure that adequate internal controls are in place to safeguard the district's funds;  
1133 and

1134 (9) perform other duties as the superintendent may require.

1135 Section 20. Section **53G-4-304** is amended to read:

1136 **53G-4-304. Other local school board officers.**

1137 (1) A local school board may appoint other necessary officers who serve at the pleasure  
1138 of the local school board.

1139 (2) These officers shall qualify by taking the constitutional oath of office before  
1140 assuming office.

1141 Section 21. Section **53G-4-401** is amended to read:

1142 **53G-4-401. Local school boards are bodies corporate -- Seal -- Authority to sue --**  
1143 **Conveyance of property -- Duty to residents of the local school board member's district --**  
1144 **Establishment of public education foundation.**

1145 (1) As used in this section, "body corporate" means a public corporation and legal  
1146 subdivision of the state, vested with the powers and duties of a government entity as specified  
1147 in this chapter.

1148 (2) The local school board [~~of education~~] of a school district is a body corporate under  
1149 the name of the "Board of Education of ..... School District" (inserting the proper name), and

1150 shall have an official seal conformable to its name.

1151 (3) The seal is used by its business administrator in the authentication of all required  
1152 matters.

1153 (4) A local school board may sue and be sued, and may take, hold, lease, sell, and  
1154 convey real and personal property as the interests of the schools may require.

1155 (5) Notwithstanding a local school board's status as a body corporate, an elected  
1156 member of a local school board serves and represents the residents of the local school board  
1157 member's district, and that service and representation may not be restricted or impaired by the  
1158 local school board member's membership on, or obligations to, the local school board.

1159 (6) A local school board may establish a foundation in accordance with Section  
1160 [53E-3-403](#).

1161 Section 22. Section **53G-4-402** is amended to read:

1162 **53G-4-402. Powers and duties generally.**

1163 (1) A local school board shall:

1164 (a) implement the core standards for Utah public schools using instructional materials  
1165 that best correlate to the core standards for Utah public schools and graduation requirements;

1166 (b) administer tests, required by the [~~State Board of Education~~] state board, which  
1167 measure the progress of each student, and coordinate with the state superintendent and [~~State  
1168 Board of Education~~] state board to assess results and create plans to improve the student's  
1169 progress, which shall be submitted to the [~~State Board of Education~~] state board for approval;

1170 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
1171 students that need remediation and determine the type and amount of federal, state, and local  
1172 resources to implement remediation;

1173 (d) develop early warning systems for students or classes failing to make progress;

1174 (e) work with the [~~State Board of Education~~] state board to establish a library of  
1175 documented best practices, consistent with state and federal regulations, for use by the local  
1176 districts; and

1177 (f) implement training programs for school administrators, including basic

1178 management training, best practices in instructional methods, budget training, staff  
1179 management, managing for learning results and continuous improvement, and how to help  
1180 every child achieve optimal learning in basic academic subjects.

1181 (2) Local school boards shall spend [~~minimum school program~~] Minimum School  
1182 Program funds for programs and activities for which the [~~State Board of Education~~] state board  
1183 has established minimum standards or rules under Section 53E-3-501.

1184 (3) (a) A local school board may purchase, sell, and make improvements on school  
1185 sites, buildings, and equipment and construct, erect, and furnish school buildings.

1186 (b) School sites or buildings may only be conveyed or sold on local school board  
1187 resolution affirmed by at least two-thirds of the members.

1188 (4) (a) A local school board may participate in the joint construction or operation of a  
1189 school attended by children residing within the district and children residing in other districts  
1190 either within or outside the state.

1191 (b) Any agreement for the joint operation or construction of a school shall:

1192 (i) be signed by the president of the local school board of each participating district;

1193 (ii) include a mutually agreed upon pro rata cost; and

1194 (iii) be filed with the [~~State Board of Education~~] state board.

1195 (5) A local school board may establish, locate, and maintain elementary, secondary,  
1196 and applied technology schools.

1197 (6) Except as provided in Section 53E-3-905, a local school board may enroll children  
1198 in school who are at least five years of age before September 2 of the year in which admission  
1199 is sought.

1200 (7) A local school board may establish and support school libraries.

1201 (8) A local school board may collect damages for the loss, injury, or destruction of  
1202 school property.

1203 (9) A local school board may authorize guidance and counseling services for children  
1204 and their parents [~~or guardians~~] before, during, or following enrollment of the children in  
1205 schools.

1206 (10) (a) A local school board shall administer and implement federal educational  
1207 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National  
1208 Education Programs.

1209 (b) Federal funds are not considered funds within the school district budget under  
1210 Chapter 7, Part 3, Budgets.

1211 (11) (a) A local school board may organize school safety patrols and adopt [~~rules~~]  
1212 policies under which the patrols promote student safety.

1213 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
1214 parental consent for the appointment.

1215 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
1216 of a highway intended for vehicular traffic use.

1217 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
1218 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
1219 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

1220 (12) (a) A local school board may on its own behalf, or on behalf of an educational  
1221 institution for which the local school board is the direct governing body, accept private grants,  
1222 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

1223 (b) These contributions are not subject to appropriation by the Legislature.

1224 (13) (a) A local school board may appoint and fix the compensation of a compliance  
1225 officer to issue citations for violations of Subsection 76-10-105(2).

1226 (b) A person may not be appointed to serve as a compliance officer without the  
1227 person's consent.

1228 (c) A teacher or student may not be appointed as a compliance officer.

1229 (14) A local school board shall adopt bylaws and [~~rules~~] policies for the local school  
1230 board's own procedures.

1231 (15) (a) A local school board shall make and enforce [~~rules~~] policies necessary for the  
1232 control and management of the district schools.

1233 (b) [~~Board rules and~~] Local school board policies shall be in writing, filed, and

1234 referenced for public access.

1235 (16) A local school board may hold school on legal holidays other than Sundays.

1236 (17) (a) A local school board shall establish for each school year a school traffic safety  
1237 committee to implement this Subsection (17).

1238 (b) The committee shall be composed of one representative of:

1239 (i) the schools within the district;

1240 (ii) the Parent Teachers' Association of the schools within the district;

1241 (iii) the municipality or county;

1242 (iv) state or local law enforcement; and

1243 (v) state or local traffic safety engineering.

1244 (c) The committee shall:

1245 (i) receive suggestions from school community councils, parents, teachers, and others  
1246 and recommend school traffic safety improvements, boundary changes to enhance safety, and  
1247 school traffic safety program measures;

1248 (ii) review and submit annually to the Department of Transportation and affected  
1249 municipalities and counties a child access routing plan for each elementary, middle, and junior  
1250 high school within the district;

1251 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
1252 provide training to all school children in kindergarten through grade [~~six~~] 6, within the district,  
1253 on school crossing safety and use; and

1254 (iv) help ensure the district's compliance with rules made by the Department of  
1255 Transportation under Section [41-6a-303](#).

1256 (d) The committee may establish subcommittees as needed to assist in accomplishing  
1257 its duties under Subsection (17)(c).

1258 (18) (a) A local school board shall adopt and implement a comprehensive emergency  
1259 response plan to prevent and combat violence in the local school board's public schools, on  
1260 school grounds, on its school vehicles, and in connection with school-related activities or  
1261 events.



- 1262 (b) The plan shall:
- 1263 (i) include prevention, intervention, and response components;
- 1264 (ii) be consistent with the student conduct and discipline policies required for school  
1265 districts under Chapter 11, Part 2, Miscellaneous Requirements;
- 1266 (iii) require inservice training for all district and school building staff on what their  
1267 roles are in the emergency response plan;
- 1268 (iv) provide for coordination with local law enforcement and other public safety  
1269 representatives in preventing, intervening, and responding to violence in the areas and activities  
1270 referred to in Subsection (18)(a); and
- 1271 (v) include procedures to notify a student, to the extent practicable, who is off campus  
1272 at the time of a school violence emergency because the student is:
- 1273 (A) participating in a school-related activity; or
- 1274 (B) excused from school for a period of time during the regular school day to  
1275 participate in religious instruction at the request of the student's parent [~~or guardian~~].
- 1276 (c) The [~~State Board of Education~~] state board, through the state superintendent [~~of~~  
1277 ~~public instruction~~], shall develop comprehensive emergency response plan models that local  
1278 school boards may use, where appropriate, to comply with Subsection (18)(a).
- 1279 (d) A local school board shall, by July 1 of each year, certify to the [~~State Board of~~  
1280 ~~Education~~] state board that its plan has been practiced at the school level and presented to and  
1281 reviewed by its teachers, administrators, students, and their parents and local law enforcement  
1282 and public safety representatives.
- 1283 (19) (a) A local school board may adopt an emergency response plan for the treatment  
1284 of sports-related injuries that occur during school sports practices and events.
- 1285 (b) The plan may be implemented by each secondary school in the district that has a  
1286 sports program for students.
- 1287 (c) The plan may:
- 1288 (i) include emergency personnel, emergency communication, and emergency  
1289 equipment components;

1290 (ii) require inservice training on the emergency response plan for school personnel who  
1291 are involved in sports programs in the district's secondary schools; and

1292 (iii) provide for coordination with individuals and agency representatives who:

1293 (A) are not employees of the school district; and

1294 (B) would be involved in providing emergency services to students injured while  
1295 participating in sports events.

1296 (d) The local school board, in collaboration with the schools referred to in Subsection  
1297 (19)(b), may review the plan each year and make revisions when required to improve or  
1298 enhance the plan.

1299 (e) The [~~State Board of Education~~] state board, through the state superintendent [~~of~~  
1300 ~~public instruction~~], shall provide local school boards with an emergency plan response model  
1301 that local school boards may use to comply with the requirements of this Subsection (19).

1302 (20) A local school board shall do all other things necessary for the maintenance,  
1303 prosperity, and success of the schools and the promotion of education.

1304 (21) (a) Before closing a school or changing the boundaries of a school, a local school  
1305 board shall:

1306 (i) hold a public hearing, as defined in Section 10-9a-103; and

1307 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

1308 (b) The notice of a public hearing required under Subsection (21)(a) shall:

1309 (i) indicate the:

1310 (A) school or schools under consideration for closure or boundary change; and

1311 (B) date, time, and location of the public hearing; and

1312 (ii) at least 10 days before the public hearing, be:

1313 (A) published:

1314 (I) in a newspaper of general circulation in the area; and

1315 (II) on the Utah Public Notice Website created in Section 63F-1-701; and

1316 (B) posted in at least three public locations within the municipality or on the district's  
1317 official website.

1318 (22) A local school board may implement a facility energy efficiency program  
1319 established under Title 11, Chapter 44, Performance Efficiency Act.

1320 (23) A local school board may establish or partner with a certified youth court  
1321 program, in accordance with Section 78A-6-1203, or establish or partner with a comparable  
1322 restorative justice program, in coordination with schools in that district. A school may refer a  
1323 student to youth court or a comparable restorative justice program in accordance with Section  
1324 53G-8-211.

1325 Section 23. Section 53G-4-403 is amended to read:

1326 **53G-4-403. School district fiscal year -- Statistical reports.**

1327 (1) A school district's fiscal year begins on July 1 and ends on June 30.

1328 (2) (a) A school district shall forward statistical reports for the preceding school year,  
1329 containing items required by law or by the [~~State Board of Education~~] state board, to the state  
1330 superintendent on or before November 1 of each year.

1331 (b) The reports shall include information to enable the state superintendent to complete  
1332 the statement required under Subsection 53E-3-301(3)(d)(v).

1333 (3) A school district shall forward the accounting report required under Section  
1334 51-2a-201 to the state superintendent on or before October 15 of each year.

1335 Section 24. Section 53G-4-404 is amended to read:

1336 **53G-4-404. Annual financial report -- Audit report.**

1337 (1) The annual financial report of each school district, containing items required by law  
1338 or by the [~~State Board of Education~~] state board and attested to by independent auditors, shall  
1339 be prepared as required by Section 51-2a-201.

1340 (2) If auditors are employed under Section 51-2a-201, the auditors shall complete their  
1341 field work in sufficient time to allow them to verify necessary audit adjustments included in the  
1342 annual financial report to the state superintendent.

1343 (3) (a) (i) The district shall forward the annual financial report to the state  
1344 superintendent not later than October 1.

1345 (ii) The report shall include information to enable the state superintendent to complete

1346 the statement required under Subsection [53E-3-301\(3\)\(d\)\(v\)](#).

1347 (b) The ~~[State Board of Education]~~ state board shall publish electronically a copy of the  
1348 report on the Internet not later than December 15.

1349 (4) The completed audit report shall be delivered to the school district local school  
1350 board ~~[of education]~~ and the state superintendent ~~[of public instruction]~~ not later than  
1351 November 30 of each year.

1352 Section 25. Section **53G-4-405** is amended to read:

1353 **53G-4-405. Approval of purchases or indebtedness -- Local school board**  
1354 **approval of identified purchases.**

1355 (1) An officer or employee of a school district may not make a purchase or incur  
1356 indebtedness on behalf of the district without the approval and order of the local school board.

1357 (2) The local school board shall adopt one of the following approval methods, or a  
1358 combination of the two:

1359 (a) The local school board shall approve an appropriation for identified purchases in  
1360 the district budget. Each purchase made under an identified purchase does not require  
1361 additional local school board approval.

1362 (b) The local school board shall approve individual purchases when made throughout  
1363 the fiscal year.

1364 Section 26. Section **53G-4-406** is amended to read:

1365 **53G-4-406. Claims against the local school board -- Itemized.**

1366 Except for salary which is regularly authorized by the local school board, the local  
1367 school board may not hear or consider any claim against the local school board which is not  
1368 itemized.

1369 Section 27. Section **53G-4-409** is amended to read:

1370 **53G-4-409. Activity disclosure statements.**

1371 (1) A local school board shall require the development of activity disclosure statements  
1372 for each school-sponsored group or program which involves students and faculty in grades 9  
1373 through 12 in contests, performances, events, or other activities that require them to miss

1374 normal class time or takes place outside regular school time.

1375           (2) The activity disclosure statements shall be disseminated to the students desiring  
1376 involvement in the specific activity or to the students' parents [~~or legal guardians~~] or to both  
1377 students and their parents.

1378           (3) An activity disclosure statement shall contain the following information:

1379           (a) the specific name of the team, group, or activity;

1380           (b) the maximum number of students involved;

1381           (c) whether or not tryouts are used to select students, specifying date and time  
1382 requirements for tryouts, if applicable;

1383           (d) beginning and ending dates of the activity;

1384           (e) a tentative schedule of the events, performances, games, or other activities with  
1385 dates, times, and places specified if available;

1386           (f) if applicable, designation of any nonseason events or activities, including an  
1387 indication of the status, required, expected, suggested, or optional, with the dates, times, and  
1388 places specified;

1389           (g) personal costs associated with the activity;

1390           (h) the name of the school employee responsible for the activity; and

1391           (i) any additional information considered important for the students and parents to  
1392 know.

1393           Section 28. Section **53G-4-410** is amended to read:

1394           **53G-4-410. Regional service centers.**

1395           (1) For purposes of this section, "eligible regional service center" means a regional  
1396 service center formed by two or more school districts as an interlocal entity, in accordance with  
1397 Title 11, Chapter 13, Interlocal Cooperation Act.

1398           (2) The Legislature strongly encourages school districts to collaborate and cooperate to  
1399 provide educational services in a manner that will best utilize resources for the overall  
1400 operation of the public education system.

1401           (3) An eligible regional service center formed by an interlocal agreement, in

1402 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution  
1403 described in Subsection (5) if the Legislature appropriates money for eligible regional service  
1404 centers.

1405 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize  
1406 a regional service center in operation before July 1, 2011, the interlocal agreement may not  
1407 eliminate any rights or obligations of the regional service center in effect before entering into  
1408 the interlocal agreement.

1409 (b) An interlocal agreement entered into to confirm or formalize an existing regional  
1410 service center shall have the effect of confirming and ratifying in the regional service center,  
1411 the title to any property held in the name, or for the benefit of the regional service center as of  
1412 the effective date of the interlocal agreement.

1413 (5) (a) The [~~State Board of Education~~] state board shall distribute any funding  
1414 appropriated to eligible regional service centers as provided by the Legislature.

1415 (b) The [~~State Board of Education~~] state board may provide funding to an eligible  
1416 regional service center in addition to legislative appropriations.

1417 (6) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
1418 ~~the State Board of Education~~] The state board shall make rules regarding eligible regional  
1419 service centers including:

1420 (a) the distribution of legislative appropriations to eligible regional service centers;

1421 (b) the designation of eligible regional service centers as agents to distribute Utah  
1422 Education and Telehealth Network services; and

1423 (c) the designation of eligible regional service centers as agents for regional  
1424 coordination of public education and higher education services.

1425 Section 29. Section **53G-4-502** is amended to read:

1426 **53G-4-502. Utah School Boards Association.**

1427 The Utah School Boards Association is recognized as an organization and agency of the  
1428 local school boards of Utah and is representative of those local school boards.

1429 Section 30. Section **53G-4-503** is amended to read:

1430           **53G-4-503. Boards of education authorized to become members of association.**

1431           The [~~State Board of Education~~] state board, local school boards, and their agencies may  
1432 become members of the Utah School Boards Association and cooperate with the association  
1433 and its members on activities and problems relating to the state's educational system.

1434           Section 31. Section **53G-4-602** is amended to read:

1435           **53G-4-602. School district tax anticipation notes.**

1436           (1) A local school board may borrow money in anticipation of the collection of taxes or  
1437 other revenue of the school district so long as it complies with Title 11, Chapter 14, Local  
1438 Government Bonding Act.

1439           (2) The local school board may incur indebtedness under this section for any purpose  
1440 for which district funds may be expended, but not in excess of the estimated district revenues  
1441 for the current school year.

1442           (3) Revenues include all revenues of the district from the state or any other source.

1443           (4) The district may incur the indebtedness prior to imposing or collecting the taxes or  
1444 receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates.

1445           Section 32. Section **53G-4-604** is amended to read:

1446           **53G-4-604. Consolidated school district bonds.**

1447           (1) A consolidated county school district may issue bonds, without an election, to fund,  
1448 purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to  
1449 consolidation and assumed by the consolidated school district.

1450           (2) The legality, regularity, and validity of the outstanding indebtedness shall be  
1451 determined in the same manner used to determine the validity of other bonds to be refunded by  
1452 the local school board.

1453           Section 33. Section **53G-4-605** is amended to read:

1454           **53G-4-605. Testing validity of bonds to be refunded -- Procedure.**

1455           If considered advisable by the local school board, the validity of any bonds intended to  
1456 be refunded may be determined in the following manner:

1457           (1) The local school board shall:

1458 (a) publish a notice describing with sufficient particularity for identification the bond  
1459 or bonds intended to be refunded:

1460 (i) once a week for two successive weeks in a newspaper published in the school  
1461 district; and

1462 (ii) as required in Section 45-1-101; and

1463 (b) post a notice for two successive weeks in three public and conspicuous places  
1464 describing with sufficient particularity for identification the bond or bonds intended to be  
1465 refunded.

1466 (2) The notice shall require any person objecting to the legality, regularity, or validity  
1467 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before  
1468 the local school board at a specified place within the district on a specified day and time.

1469 (3) The time may not be less than 14 nor more than 60 days after the first publication  
1470 or posting of the notice.

1471 (4) The notice shall require the person to appear at the meeting with his objections in  
1472 writing, duly verified.

1473 (5) The local school board shall convene at the time and place specified in the notice  
1474 and receive all objections as prescribed in Subsection (4).

1475 (6) The objections shall be filed with and preserved by the local school board.

1476 (7) If no written objections are presented at the time and place specified in the notice,  
1477 the local school board shall so certify.

1478 (8) All persons are then prohibited from questioning in any manner or proceeding the  
1479 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness  
1480 represented by the bonds, and the local school board may then refund the bonds.

1481 (9) Any person filing a written objection under Subsection (4) shall, within 20 days  
1482 after the filing, commence appropriate legal proceedings against the local school board and  
1483 others as may be proper parties, in the district court for the county in which the school district  
1484 is situated, to challenge and determine the legality, regularity, and validity of the bond or  
1485 bonds, their issue and sale, or the indebtedness represented by them.



1486 (10) Failure to commence the proceedings within 20 days bars the person filing  
1487 objections from questioning, in any manner or proceeding, the legality, regularity, or validity of  
1488 the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

1489 (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the  
1490 court, the local school board may refund the bonds.

1491 Section 34. Section **53G-4-606** is amended to read:

1492 **53G-4-606. Sinking fund -- Investment.**

1493 (1) The money levied and collected to create a sinking fund for the redemption of  
1494 bonds issued by a local school board shall be immediately credited to a special fund.

1495 (2) After retaining an amount sufficient to pay the principal of the bonds maturing  
1496 during the year, the local school board shall invest the fund and any surplus as provided under  
1497 Title 51, Chapter 7, State Money Management Act.

1498 Section 35. Section **53G-4-801** is amended to read:

1499 **53G-4-801. Definitions.**

1500 [~~(1)~~] "~~Board~~" means the board of education of a school district existing now or later  
1501 under the laws of the state.]

1502 [~~(2)~~] (1) "Bond" means any general obligation bond or refunding bond issued after the  
1503 effective date of this part.

1504 [~~(3)~~] (2) "Default avoidance program" means the school bond guaranty program  
1505 established by this part.

1506 [~~(4)~~] (3) "General obligation bond" means any bond, note, warrant, certificate of  
1507 indebtedness, or other obligation of a local school board payable in whole or in part from  
1508 revenues derived from ad valorem taxes and that constitutes an indebtedness within the  
1509 meaning of any applicable constitutional or statutory debt limitation.

1510 [~~(5)~~] (4) "Paying agent" means the corporate paying agent selected by the local school  
1511 board for a bond issue who is:

1512 (a) duly qualified; and

1513 (b) acceptable to the state treasurer.

1514            [~~(6)~~] (5) "Permanent school fund" means the state school fund described in the Utah  
1515 Constitution, Article X, Section 5(1).

1516            [~~(7)~~] (6) "Refunding bond" means any general obligation bond issued by a local school  
1517 board for the purpose of refunding its outstanding general obligation bonds.

1518            [~~(8)~~] (7) "School district" means any school district existing now or later under the  
1519 laws of the state.

1520            Section 36. Section **53G-4-802** is amended to read:

1521            **53G-4-802. Contract with bondholders -- Full faith and credit of state is pledged**  
1522 **-- Limitation as to certain refunded bonds.**

1523            (1) (a) The state of Utah pledges to and agrees with the holders of any bonds that the  
1524 state will not alter, impair, or limit the rights vested by the default avoidance program with  
1525 respect to the bonds until the bonds, together with applicable interest, are fully paid and  
1526 discharged.

1527            (b) Notwithstanding Subsection (1)(a), nothing contained in this part precludes an  
1528 alteration, impairment, or limitation if adequate provision is made by law for the protection of  
1529 the holders of the bonds.

1530            (c) Each local school board may refer to this pledge and undertaking by the state in its  
1531 bonds.

1532            (2) (a) The full faith and credit and unlimited taxing power of the state is pledged to  
1533 guarantee full and timely payment of the principal of (either at the stated maturity or by any  
1534 advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds  
1535 as such payments shall become due (except that in the event of any acceleration of the due date  
1536 of such principal by reason of mandatory or optional redemption or acceleration resulting from  
1537 default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking  
1538 fund payment, the payments guaranteed shall be made in such amounts and at such times as  
1539 such payments of principal would have been due had there not been any such acceleration).

1540            (b) This guaranty does not extend to the payment of any redemption premium.

1541            (c) Reference to this part by its title on the face of any bond conclusively establishes

1542 the guaranty provided to that bond under provisions of this part.

1543 (3) (a) Any bond guaranteed under this part that is refunded and considered paid for the  
1544 purposes of and within the meaning of Subsection 11-27-3(6), no longer has the benefit of the  
1545 guaranty provided by this part from and after the date on which that bond was considered to be  
1546 paid.

1547 (b) Any refunding bond issued by a local school board that is itself secured by  
1548 government obligations until the proceeds are applied to pay refunded bonds, as provided in  
1549 Title 11, Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this  
1550 part, until the refunding bonds cease to be secured by government obligations as provided in  
1551 Title 11, Chapter 27, Utah Refunding Bond Act.

1552 (4) Only validly issued bonds issued after the effective date of this part are guaranteed  
1553 under this part.

1554 Section 37. Section **53G-4-803** is amended to read:

1555 **53G-4-803. Program eligibility -- Option to forego guaranty.**

1556 (1) (a) Any local school board may request that the state treasurer issue a certificate  
1557 evidencing eligibility for the state's guaranty under this part.

1558 (b) After reviewing the request, if the state treasurer determines that the local school  
1559 board is eligible, the state treasurer shall promptly issue the certificate and provide it to the  
1560 requesting local school board.

1561 (c) (i) The local school board receiving the certificate and all other persons may rely on  
1562 the certificate as evidencing eligibility for the guaranty for one year from and after the date of  
1563 the certificate, without making further inquiry of the state treasurer during that year.

1564 (ii) The certificate of eligibility is valid for one year even if the state treasurer later  
1565 determines that the local school board is ineligible.

1566 (2) Any local school board that chooses to forego the benefits of the guaranty provided  
1567 by this part for a particular issue of bonds may do so by not referring to this part on the face of  
1568 its bonds.

1569 (3) Any local school board that has bonds, the principal of or interest on which has

1570 been paid, in whole or in part, by the state under this part may not issue any additional bonds  
1571 guaranteed by this act until:

1572 (a) all payment obligations of the local school board to the state under the default  
1573 avoidance program are satisfied; and

1574 (b) the state treasurer and the state superintendent [~~of public instruction~~] each certify in  
1575 writing, to be kept on file by the state treasurer and the state superintendent, that the local  
1576 school board is fiscally solvent.

1577 (4) Bonds not guaranteed by this part are not included in the definition of "bonds" in  
1578 Section 53G-4-802 as used generally in this part and are not subject to the requirements of and  
1579 do not receive the benefits of this part.

1580 Section 38. Section 53G-4-804 is amended to read:

1581 **53G-4-804. Fiscal solvency of school districts -- Duties of state treasurer and**  
1582 **attorney general.**

1583 (1) The state superintendent [~~of public instruction~~] shall:

1584 (a) monitor the financial affairs and condition of each local school board in the state to  
1585 evaluate each local school board's financial solvency; and

1586 (b) report immediately to the governor and state treasurer any circumstances suggesting  
1587 that a school district will be unable to timely meet its debt service obligations and recommend  
1588 a course of remedial action.

1589 (2) (a) The state treasurer shall determine whether [~~or not~~] the financial affairs and  
1590 condition of a local school board are such that it would be imprudent for the state to guarantee  
1591 the bonds of that local school board.

1592 (b) If the state treasurer determines that the state should not guarantee the bonds of that  
1593 local school board, the state treasurer shall:

1594 (i) prepare a determination of ineligibility; and

1595 (ii) keep it on file in the office of the state treasurer.

1596 (c) The state treasurer may remove a local school board from the status of ineligibility  
1597 when a subsequent report or other information made available to the state treasurer evidences

1598 that it is no longer imprudent for the state to guarantee the bonds of that local school board.

1599 (3) Nothing in this section affects the state's guaranty of bonds of a local school board  
1600 issued:

- 1601 (a) before determination of ineligibility;
- 1602 (b) after the eligibility of the local school board is restored; or
- 1603 (c) under a certificate of eligibility issued under Section 53G-4-803.

1604 Section 39. Section 53G-4-805 is amended to read:

1605 **53G-4-805. Business administrator duties -- Paying agent to provide notice --**  
1606 **State treasurer to execute transfer to paying agents -- Effect of transfer.**

1607 (1) (a) The business administrator of each local school board with outstanding, unpaid  
1608 bonds shall transfer money sufficient for the scheduled debt service payment to its paying agent  
1609 at least 15 days before any principal or interest payment date for the bonds.

1610 (b) The paying agent may, if instructed to do so by the business administrator, invest  
1611 the money at the risk and for the benefit of the local school board until the payment date.

1612 (c) A business administrator who is unable to transfer the scheduled debt service  
1613 payment to the paying agent 15 days before the payment date shall immediately notify the  
1614 paying agent and the state treasurer by:

- 1615 (i) telephone;
- 1616 (ii) a writing sent by facsimile transmission; and
- 1617 (iii) a writing sent by first-class United States mail.

1618 (2) If sufficient funds are not transferred to the paying agent as required by Subsection  
1619 (1), the paying agent shall notify the state treasurer of that failure in writing at least 10 days  
1620 before the scheduled debt service payment date by:

- 1621 (a) telephone;
- 1622 (b) a writing sent by facsimile transmission; and
- 1623 (c) a writing sent by first-class United States mail.

1624 (3) (a) If sufficient money to pay the scheduled debt service payment has not been  
1625 transferred to the paying agent, the state treasurer shall, on or before the scheduled payment

1626 date, transfer sufficient money to the paying agent to make the scheduled debt service payment.

1627 (b) The payment by the treasurer:

1628 (i) discharges the obligation of the issuing local school board to its bondholders for the  
1629 payment; and

1630 (ii) transfers the rights represented by the general obligation of the local school board  
1631 from the bondholders to the state.

1632 (c) The local school board shall pay the transferred obligation to the state as provided  
1633 in this part.

1634 Section 40. Section **53G-4-806** is amended to read:

1635 **53G-4-806. State financial assistance intercept mechanism -- State treasurer**  
1636 **duties -- Interest and penalty provisions.**

1637 (1) (a) If one or more payments on bonds are made by the state treasurer as provided in  
1638 Section **53G-4-805**, the state treasurer shall:

1639 (i) immediately intercept any payments from the Uniform School Fund or from any  
1640 other source of operating money provided by the state to the local school board that issued the  
1641 bonds that would otherwise be paid to the local school board by the state; and

1642 (ii) apply the intercepted payments to reimburse the state for payments made pursuant  
1643 to the state's guaranty until all obligations of the local school board to the state arising from  
1644 those payments, including interest and penalties, are paid in full.

1645 (b) The state has no obligation to the local school board or to any person or entity to  
1646 replace any money intercepted under authority of Subsection (1)(a).

1647 (2) The local school board that issued bonds for which the state has made all or part of  
1648 a debt service payment shall:

1649 (a) reimburse all money drawn by the state treasurer on its behalf;

1650 (b) pay interest to the state on all money paid by the state from the date the money was  
1651 drawn to the date they are repaid at a rate not less than the average prime rate for national  
1652 money center banks plus 1%; and

1653 (c) pay all penalties required by this part.

1654 (3) (a) The state treasurer shall establish the reimbursement interest rate after  
1655 considering the circumstances of any prior draws by the local school board on the state, market  
1656 interest and penalty rates, and the cost of funds, if any, that were required to be borrowed by  
1657 the state to make payment on the bonds.

1658 (b) The state treasurer may, after considering the circumstances giving rise to the  
1659 failure of the local school board to make payment on its bonds in a timely manner, impose on  
1660 the local school board a penalty of not more than 5% of the amount paid by the state pursuant  
1661 to its guaranty for each instance in which a payment by the state is made.

1662 (4) (a) (i) If the state treasurer determines that amounts obtained under this section will  
1663 not reimburse the state in full within one year from the state's payment of a local school board's  
1664 scheduled debt service payment, the state treasurer shall pursue any legal action, including  
1665 mandamus, against the local school board to compel it to:

1666 (A) levy and provide property tax revenues to pay debt service on its bonds when due  
1667 as required by Title 11, Chapter 14, Local Government Bonding Act; and

1668 (B) meet its repayment obligations to the state.

1669 (ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same  
1670 substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act,  
1671 as would a holder of the bonds of a local school board.

1672 (b) The attorney general shall assist the state treasurer in these duties.

1673 (c) The local school board shall pay the attorney's fees, expenses, and costs of the state  
1674 treasurer and the attorney general.

1675 (5) (a) Except as provided in Subsection (5)(c), any local school board whose operating  
1676 funds were intercepted under this section may replace those funds from other local school  
1677 board money or from ad valorem property taxes, subject to the limitations provided in this  
1678 Subsection (5).

1679 (b) A local school board may use ad valorem property taxes or other money to replace  
1680 intercepted funds only if the ad valorem property taxes or other money was derived from:

1681 (i) taxes originally levied to make the payment but which were not timely received by

1682 the local school board;

1683 (ii) taxes from a special levy made to make the missed payment or to replace the  
1684 intercepted money;

1685 (iii) money transferred from the capital outlay fund of the local school board or the  
1686 undistributed reserve, if any, of the local school board; or

1687 (iv) any other source of money on hand and legally available.

1688 (c) Notwithstanding the provisions of Subsections (5)(a) and (b), a local school board  
1689 may not replace operating funds intercepted by the state with money collected and held to make  
1690 payments on bonds if that replacement would divert money from the payment of future debt  
1691 service on the bonds and increase the risk that the state's guaranty would be called upon a  
1692 second time.

1693 Section 41. Section **53G-4-807** is amended to read:

1694 **53G-4-807. Backup liquidity arrangements -- Issuance of notes.**

1695 (1) (a) If, at the time the state is required to make a debt service payment under its  
1696 guaranty on behalf of a local school board, sufficient money of the state is not on hand and  
1697 available for that purpose, the state treasurer may:

1698 (i) seek a loan from the Permanent School Fund sufficient to make the required  
1699 payment; or

1700 (ii) issue state debt as provided in Subsection (2).

1701 (b) Nothing in this Subsection (1) requires the Permanent School Fund to lend money  
1702 to the state treasurer.

1703 (2) (a) The state treasurer may issue state debt in the form of general obligation notes  
1704 to meet its obligations under this part.

1705 (b) The amount of notes issued may not exceed the amount necessary to make payment  
1706 on all bonds with respect to which the notes are issued plus all costs of issuance, sale, and  
1707 delivery of the notes, rounded up to the nearest natural multiple of \$5,000.

1708 (c) Each series of notes issued may not mature later than 18 months from the date the  
1709 notes are issued.



1710 (d) Notes issued may be refunded using the procedures set forth in this part for the  
1711 issuance of notes, in an amount not more than the amount necessary to pay principal of and  
1712 accrued but unpaid interest on any refunded notes plus all costs of issuance, sale, and delivery  
1713 of the refunding notes, rounded up to the nearest natural multiple of \$5,000.

1714 (e) Each series of refunding notes may not mature later than 18 months from the date  
1715 the refunding notes are issued.

1716 (3) (a) Before issuing or selling any general obligation note to other than a state fund or  
1717 account, the state treasurer shall:

1718 (i) prepare a written plan of financing; and

1719 (ii) file it with the governor.

1720 (b) The plan of financing shall provide for:

1721 (i) the terms and conditions under which the notes will be issued, sold, and delivered;

1722 (ii) the taxes or revenues to be anticipated;

1723 (iii) the maximum amount of notes that may be outstanding at any one time under the  
1724 plan of financing;

1725 (iv) the sources of payment of the notes;

1726 (v) the rate or rates of interest, if any, on the notes or a method, formula, or index under  
1727 which the interest rate or rates on the notes may be determined during the time the notes are  
1728 outstanding; and

1729 (vi) all other details relating to the issuance, sale, and delivery of the notes.

1730 (c) In identifying the taxes or revenues to be anticipated and the sources of payment of  
1731 the notes in the financing plan, the state treasurer may include:

1732 (i) the taxes authorized by Section [53G-4-808](#);

1733 (ii) the intercepted revenues authorized by Section [53G-4-806](#);

1734 (iii) the proceeds of refunding notes; or

1735 (iv) any combination of Subsections (3)(c)(i), (ii), and (iii).

1736 (d) The state treasurer may include in the plan of financing the terms and conditions of  
1737 arrangements entered into by the state treasurer on behalf of the state with financial and other

1738 institutions for letters of credit, standby letters of credit, reimbursement agreements, and  
1739 remarketing, indexing, and tender agent agreements to secure the notes, including payment  
1740 from any legally available source of fees, charges, or other amounts coming due under the  
1741 agreements entered into by the state treasurer.

1742 (e) When issuing the notes, the state treasurer shall issue an order setting forth the  
1743 interest, form, manner of execution, payment, manner of sale, prices at, above, or below face  
1744 value, and all details of issuance of the notes.

1745 (f) The order and the details set forth in the order shall conform with any applicable  
1746 plan of financing and with this part.

1747 (g) (i) Each note shall recite that it is a valid obligation of the state and that the full  
1748 faith, credit, and resources of the state are pledged for the payment of the principal of and  
1749 interest on the note from the taxes or revenues identified in accordance with its terms and the  
1750 constitution and laws of Utah.

1751 (ii) These general obligation notes do not constitute debt of the state for the purposes of  
1752 the 1.5% debt limitation of the Utah Constitution, Article XIV, Section 1.

1753 (h) Immediately upon the completion of any sale of notes, the state treasurer shall:

1754 (i) make a verified return of the sale to the state auditor, specifying the amount of notes  
1755 sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale;  
1756 and

1757 (ii) credit the proceeds of sale, other than accrued interest and amounts required to pay  
1758 costs of issuance of the notes, to the General Fund to be applied to the purpose for which the  
1759 notes were issued.

1760 Section 42. Section **53G-4-1003** is amended to read:

1761 **53G-4-1003. Funds raised -- Highest priority projects.**

1762 (1) Funds raised by the school district in accordance with this part shall be used on the  
1763 highest priority projects established by the district's five-year comprehensive capital outlay  
1764 plan, which shall be approved by the [~~State Board of Education~~] state board.

1765 (2) The plan must include appropriate priorities for the construction of minimal

1766 facilities for new students.

1767 (3) If priority use of the funds raised by the district in accordance with this part does  
1768 not provide minimal facilities as defined by the [~~State Board of Education~~] state board for  
1769 students in any new and remote community established in the district, or for students in  
1770 existing communities because of the location of new or expanded industries in the area, the  
1771 district may enter into lease-purchase agreements or lease with option to purchase agreements  
1772 with private builders to furnish the minimal facilities required by the district and approved by  
1773 the [~~State Board of Education~~] state board.

1774 (4) The district may make payments on these agreements from any of its otherwise  
1775 uncommitted capital outlay funds.

1776 Section 43. Section **53G-4-1004** is amended to read:

1777 **53G-4-1004. Minimal school facilities -- Lease-purchase or lease with option to**  
1778 **purchase agreement authorized.**

1779 (1) If a school district is unable to find any private builder who is capable of furnishing  
1780 minimal school facilities in new or existing communities, on terms acceptable to the district  
1781 and to the [~~State Board of Education~~] state board, the developers of the industrial plant, or  
1782 plants, may agree to provide minimal school facilities under a lease-purchase agreement or  
1783 lease with option to purchase agreement with the district.

1784 (2) The district shall pay the developers according to the terms of the agreement from  
1785 sources listed for such payments in this part.

1786 Section 44. Section **53G-4-1006** is amended to read:

1787 **53G-4-1006. Rules and regulations authorized.**

1788 The [~~State Board of Education~~] state board shall adopt all standards and rules necessary  
1789 for the administration and enforcement of this part.

1790 Section 45. Section **53G-5-102** is amended to read:

1791 **53G-5-102. Definitions.**

1792 As used in this chapter:

1793 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and

1794 includes:

- 1795 (a) cash;
- 1796 (b) stock or other investments;
- 1797 (c) real property;
- 1798 (d) equipment and supplies;
- 1799 (e) an ownership interest;
- 1800 (f) a license;
- 1801 (g) a cause of action; and
- 1802 (h) any similar property.

1803 (2) "Board of trustees of a higher education institution" or "board of trustees" means:

- 1804 (a) the board of trustees of:
  - 1805 (i) the University of Utah;
  - 1806 (ii) Utah State University;
  - 1807 (iii) Weber State University;
  - 1808 (iv) Southern Utah University;
  - 1809 (v) Snow College;
  - 1810 (vi) Dixie State University;
  - 1811 (vii) Utah Valley University; or
  - 1812 (viii) Salt Lake Community College; or

1813 (b) the board of directors of a technical college described in Section 53B-2a-108.

1814 ~~[(3) "Charter agreement" or "charter" means an agreement made in accordance with~~  
1815 ~~Section 53G-5-303 that authorizes the operation of a charter school.]~~

1816 ~~[(4)]~~ (3) "Charter school authorizer" or "authorizer" means an entity listed in Section  
1817 53G-5-205 that authorizes a charter school.

1818 ~~[(5) "Governing board" means the board that operates a charter school.]~~

1819 Section 46. Section 53G-5-201 is amended to read:

1820 **53G-5-201. State Charter School Board created.**

1821 (1) As used in this section, "organization that represents Utah's charter schools" means

1822 an organization, except a governmental entity, that advocates for charter schools, charter school  
1823 parents, or charter school students.

1824 (2) (a) The State Charter School Board is created consisting of the following members  
1825 appointed by the governor with the consent of the Senate:

1826 (i) one member who has expertise in finance or small business management;

1827 (ii) three members who:

1828 (A) are nominated by an organization that represents Utah's charter schools; and

1829 (B) have expertise or experience in developing or administering a charter school;

1830 (iii) two members who are nominated by the [~~State Board of Education~~] state board;

1831 and

1832 (iv) one member who:

1833 (A) has expertise in personalized learning, including digital teaching and learning or  
1834 deliberate practice; and

1835 (B) supports innovation in education.

1836 (b) Each appointee shall have demonstrated dedication to the purposes of charter  
1837 schools as outlined in Section [53G-5-104](#).

1838 (c) At least two candidates shall be nominated for each appointment made under  
1839 Subsection (2)(a)(ii) or (iii).

1840 (d) The governor may seek nominations for a prospective appointment under  
1841 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

1842 (3) (a) State Charter School Board members shall serve four-year terms.

1843 (b) If a vacancy occurs, the governor shall, with the consent of the Senate, appoint a  
1844 replacement for the unexpired term.

1845 (4) The governor may remove a member at any time for official misconduct, habitual  
1846 or willful neglect of duty, or for other good and sufficient cause.

1847 (5) (a) The State Charter School Board shall annually elect a chair from its  
1848 membership.

1849 (b) Four members of the [~~board~~] State Charter School Board shall constitute a quorum.

1850 (c) Meetings may be called by the chair or upon request of three members of the  
1851 ~~[board]~~ State Charter School Board.

1852 (6) A member may not receive compensation or benefits for the member's service, but  
1853 may receive per diem and travel expenses in accordance with:

1854 (a) Section 63A-3-106;

1855 (b) Section 63A-3-107; and

1856 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1857 63A-3-107.

1858 Section 47. Section **53G-5-203** is amended to read:

1859 **53G-5-203. State Charter School Board -- Staff director -- Facilities.**

1860 (1) (a) The State Charter School Board, with the consent of the state superintendent [~~of~~  
1861 ~~public instruction~~], shall appoint a staff director for the State Charter School Board.

1862 (b) The State Charter School Board shall have authority to remove the staff director  
1863 with the consent of the state superintendent [~~of public instruction~~].

1864 (c) The position of staff director is exempt from the career service provisions of Title  
1865 67, Chapter 19, Utah State Personnel Management Act.

1866 (2) The state superintendent [~~of public instruction~~] shall provide space for staff of the  
1867 State Charter School Board in facilities occupied by the [~~State Board of Education~~] state board  
1868 or the [~~State Board of Education's~~] state board's employees, with costs charged for the facilities  
1869 equal to those charged other sections and divisions under the [~~State Board of Education~~] state  
1870 board.

1871 Section 48. Section **53G-5-205** is amended to read:

1872 **53G-5-205. Charter school authorizers -- Power and duties -- Charter application**  
1873 **minimum standard.**

1874 (1) The following entities are eligible to authorize charter schools:

1875 (a) the State Charter School Board;

1876 (b) a local school board; or

1877 (c) a board of trustees of an institution in the state system of higher education as

1878 described in Section [53B-1-102](#).

1879 (2) A charter school authorizer shall:

1880 (a) annually review and evaluate the performance of charter schools authorized by the  
1881 authorizer and hold a charter school accountable for the school's performance; and

1882 (b) monitor charter schools authorized by the authorizer for compliance with federal  
1883 and state laws, rules, and regulations.

1884 (3) A charter school authorizer may:

1885 (a) authorize and promote the establishment of charter schools, subject to the  
1886 provisions in this part;

1887 (b) make recommendations on legislation and rules pertaining to charter schools to the  
1888 Legislature and [~~State Board of Education~~] state board, respectively;

1889 (c) make recommendations to the [~~State Board of Education~~] state board on the  
1890 funding of charter schools;

1891 (d) provide technical support to charter schools and persons seeking to establish charter  
1892 schools by:

1893 (i) identifying and promoting successful charter school models;

1894 (ii) facilitating the application and approval process for charter school authorization;

1895 (iii) directing charter schools and persons seeking to establish charter schools to  
1896 sources of funding and support;

1897 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of  
1898 supporting and strengthening proposals before an application for charter school authorization is  
1899 submitted to a charter school authorizer; or

1900 (v) assisting charter schools to understand and carry out their charter obligations; or

1901 (e) provide technical support, as requested, to another charter school authorizer relating  
1902 to charter schools.

1903 (4) Within 60 days after an authorizer's approval of an application for a new charter  
1904 school, the [~~State Board of Education~~] state board may direct an authorizer to do the following  
1905 if the authorizer or charter school applicant failed to follow statutory or state board rule

1906 requirements:

1907 (a) reconsider the authorizer's approval of an application for a new charter school; and

1908 (b) correct deficiencies in the charter school application or authorizer's application

1909 process as described in statute or state board rule before approving the new application.

1910 (5) The [~~State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah~~

1911 ~~Administrative Rulemaking Act,]~~ state board shall make rules establishing minimum standards

1912 that a charter school authorizer is required to apply when:

1913 (a) evaluating a charter school application; or

1914 (b) monitoring charter school compliance.

1915 (6) The minimum standards described in Subsection (5) shall include:

1916 (a) reasonable consequences for an authorizer that fails to comply with statute or state

1917 board rule;

1918 (b) a process for an authorizer to review:

1919 (i) the skill and expertise of a proposed charter school's governing board; and

1920 (ii) the functioning operation of the charter school governing board of an authorized

1921 charter school;

1922 (c) a process for an authorizer to review the financial viability of a proposed charter

1923 school and of an authorized charter school;

1924 (d) a process to evaluate:

1925 (i) how well an authorizer's authorized charter school complies with the charter

1926 school's charter agreement;

1927 (ii) whether an authorizer's authorized charter school maintains reasonable academic

1928 standards; and

1929 (iii) standards that an authorizer is required to meet to demonstrate the authorizer's

1930 capacity to oversee, monitor, and evaluate the charter schools the authorizer authorizes.

1931 Section 49. Section **53G-5-301** is amended to read:

1932 **53G-5-301. State Charter School Board to request applications for certain types**

1933 **of charter schools.**



1934 (1) To meet the unique learning styles and needs of students, the State Charter School  
1935 Board shall seek to expand the types of instructional methods and programs offered by schools,  
1936 as provided in this section.

1937 (2) (a) The State Charter School Board shall request individuals, groups of individuals,  
1938 or not-for-profit legal entities to submit an application to the State Charter School Board to  
1939 establish a charter school that employs new and creative methods to meet the unique learning  
1940 styles and needs of students, such as:

1941 (i) a military charter school;

1942 (ii) a charter school whose mission is to enhance learning opportunities for students at  
1943 risk of academic failure;

1944 (iii) a charter school whose focus is career and technical education;

1945 (iv) a single gender charter school; or

1946 (v) a charter school with an international focus that provides opportunities for the  
1947 exchange of students or teachers.

1948 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter  
1949 School Board shall request applications for other types of charter schools that meet the unique  
1950 learning styles and needs of students.

1951 (3) The State Charter School Board shall publicize a request for applications to  
1952 establish a charter school specified in Subsection (2).

1953 (4) A charter school application submitted pursuant to Subsection (2) shall be subject  
1954 to the application and approval procedures specified in Section [53G-5-304](#).

1955 (5) The State Charter School Board and the [~~State Board of Education~~] state board may  
1956 approve one or more applications for each charter school specified in Subsection (2), subject to  
1957 the Legislature appropriating funds for, or authorizing, an increase in charter school enrollment  
1958 capacity as provided in Section [53G-6-504](#).

1959 (6) The [~~State Board of Education~~] state board shall submit a request to the Legislature  
1960 to appropriate funds for, or authorize, the enrollment of students in charter schools tentatively  
1961 approved under this section.

1962 Section 50. Section **53G-5-302** is amended to read:  
1963 **53G-5-302. Charter school application -- Applicants -- Contents.**  
1964 (1) (a) An application to establish a charter school may be submitted by:  
1965 (i) an individual;  
1966 (ii) a group of individuals; or  
1967 (iii) a nonprofit legal entity organized under Utah law.  
1968 (b) An authorized charter school may apply under this chapter for a charter from  
1969 another charter school authorizer.  
1970 (2) A charter school application shall include:  
1971 (a) the purpose and mission of the school;  
1972 (b) except for a charter school authorized by a local school board, a statement that,  
1973 after entering into a charter agreement, the charter school will be organized and managed under  
1974 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;  
1975 (c) a description of the governance structure of the school, including:  
1976 (i) a list of the charter school governing board members that describes the  
1977 qualifications of each member; and  
1978 (ii) an assurance that the applicant shall, within 30 days of authorization, complete a  
1979 background check for each member consistent with Section **53G-5-408**;  
1980 (d) a description of the target population of the school that includes:  
1981 (i) the projected maximum number of students the school proposes to enroll;  
1982 (ii) the projected school enrollment for each of the first three years of school operation;  
1983 and  
1984 (iii) the ages or grade levels the school proposes to serve;  
1985 (e) academic goals;  
1986 (f) qualifications and policies for school employees, including policies that:  
1987 (i) comply with the criminal background check requirements described in Section  
1988 **53G-5-408**;  
1989 (ii) require employee evaluations;

- 1990 (iii) address employment of relatives within the charter school; and
- 1991 (iv) address human resource management and ensure that:
- 1992 (A) at least one of the school's employees or another person is assigned human
- 1993 resource management duties, as defined in Section 17B-1-805; and
- 1994 (B) the assigned employee or person described in Subsection (2)(f)(iv)(A) receives
- 1995 human resource management training, as defined in Section 17B-1-805;
- 1996 (g) a description of how the charter school will provide, as required by state and federal
- 1997 law, special education and related services;
- 1998 (h) for a public school converting to charter status, arrangements for:
- 1999 (i) students who choose not to continue attending the charter school; and
- 2000 (ii) teachers who choose not to continue teaching at the charter school;
- 2001 (i) a statement that describes the charter school's plan for establishing the charter
- 2002 school's facilities, including:
- 2003 (i) whether the charter school intends to lease or purchase the charter school's facilities;
- 2004 and
- 2005 (ii) financing arrangements;
- 2006 (j) a market analysis of the community the school plans to serve;
- 2007 (k) a business plan;
- 2008 (l) other major issues involving the establishment and operation of the charter school;
- 2009 and
- 2010 (m) the signatures of the charter school governing board members [~~of the charter~~
- 2011 ~~school~~].
- 2012 (3) A charter school authorizer may require a charter school application to include:
- 2013 (a) the charter school's proposed:
- 2014 (i) curriculum;
- 2015 (ii) instructional program; or
- 2016 (iii) delivery methods;
- 2017 (b) a method for assessing whether students are reaching academic goals, including, at

2018 a minimum, administering the statewide assessments described in Section [53E-4-301](#);  
2019 (c) a proposed calendar;  
2020 (d) sample policies;  
2021 (e) a description of opportunities for parental involvement;  
2022 (f) a description of the school's administrative, supervisory, or other proposed services  
2023 that may be obtained through service providers; or  
2024 (g) other information that demonstrates an applicant's ability to establish and operate a  
2025 charter school.

2026 Section 51. Section **53G-5-303** is amended to read:

2027 **53G-5-303. Charter agreement -- Content -- Modification.**

2028 (1) As used in this section, "satellite charter school" means a charter school affiliated  
2029 with an operating charter school, which has the same charter school governing board and a  
2030 similar program of instruction, but has a different school number than the affiliated charter.

2031 (2) A charter agreement:

- 2032 (a) is a contract between the charter school applicant and the charter school authorizer;
- 2033 (b) shall describe the rights and responsibilities of each party; and
- 2034 (c) shall allow for the operation of the applicant's proposed charter school.

2035 (3) A charter agreement shall include:

2036 (a) the name of:

2037 (i) the charter school; and

2038 (ii) the charter school applicant;

2039 (b) the mission statement and purpose of the charter school;

2040 (c) the charter school's opening date;

2041 (d) the grade levels the charter school will serve;

2042 (e) (i) subject to Section [53G-6-504](#), the maximum number of students a charter school  
2043 will serve; or

2044 (ii) for an operating charter school with satellite charter schools, the maximum number  
2045 of students of all satellite charter schools collectively served by the operating charter school;

- 2046 (f) a description of the structure of the charter school governing board, including:
- 2047 (i) the number of charter school governing board members;
- 2048 (ii) how members of the charter school governing board are appointed; and
- 2049 (iii) charter school governing board members' terms of office;
- 2050 (g) assurances that:
- 2051 (i) the charter school governing board will comply with:
- 2052 (A) the charter school's bylaws;
- 2053 (B) the charter school's articles of incorporation; and
- 2054 (C) applicable federal law, state law, and [~~State Board of Education~~] state board rules;
- 2055 (ii) the charter school governing board will meet all reporting requirements described
- 2056 in Section [53G-5-404](#); and
- 2057 (iii) except as provided in Part 6, Charter School Credit Enhancement Program, neither
- 2058 the authorizer nor the state, including an agency of the state, is liable for the debts or financial
- 2059 obligations of the charter school or a person who operates the charter school;
- 2060 (h) which administrative rules the [~~State Board of Education~~] state board will waive for
- 2061 the charter school;
- 2062 (i) minimum financial standards for operating the charter school;
- 2063 (j) minimum standards for student achievement; and
- 2064 (k) signatures of the charter school authorizer and the charter school governing board
- 2065 members.
- 2066 (4) (a) Except as provided in Subsection (4)(b), a charter agreement may not be
- 2067 modified except by mutual agreement between the charter school authorizer and the charter
- 2068 school governing board.
- 2069 (b) A charter school governing board may modify the charter school's charter
- 2070 agreement without the mutual agreement described in Subsection (4)(a) to include an
- 2071 enrollment preference described in Subsection [53G-6-502\(4\)\(g\)](#).
- 2072 Section 52. Section **53G-5-304** is amended to read:
- 2073 **53G-5-304. Charter schools authorized by the State Charter School Board --**

2074 **Application process -- Prohibited basis of application denial.**

2075 (1) (a) An applicant seeking authorization of a charter school from the State Charter  
2076 School Board shall provide a copy of the application to the local school board of the school  
2077 district in which the proposed charter school shall be located either before or at the same time it  
2078 files its application with the State Charter School Board.

2079 (b) The local school board may review the application and may offer suggestions or  
2080 recommendations to the applicant or the State Charter School Board prior to its acting on the  
2081 application.

2082 (c) The State Charter School Board shall give due consideration to suggestions or  
2083 recommendations made by the local school board under Subsection (1)(b).

2084 (d) The State Charter School Board shall review and, by majority vote, either approve  
2085 or deny the application.

2086 (e) A charter school application may not be denied on the basis that the establishment  
2087 of the charter school will have any or all of the following impacts on a public school, including  
2088 another charter school:

- 2089 (i) an enrollment decline;
- 2090 (ii) a decrease in funding; or
- 2091 (iii) a modification of programs or services.

2092 (2) The [~~State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah~~  
2093 ~~Administrative Rulemaking Act,~~] state board shall make a rule providing a timeline for the  
2094 opening of a charter school following the approval of a charter school application by the State  
2095 Charter School Board.

2096 (3) After approval of a charter school application and in accordance with Section  
2097 [53G-5-303](#), the applicant and the State Charter School Board shall set forth the terms and  
2098 conditions for the operation of the charter school in a written charter agreement.

2099 (4) The State Charter School Board shall, in accordance with [~~State Board of~~  
2100 ~~Education~~] state board rules, establish and make public the State Charter School Board's:

- 2101 (a) application requirements, in accordance with Section [53G-5-302](#);

2102 (b) application process, including timelines, in accordance with this section; and  
2103 (c) minimum academic, financial, and enrollment standards.

2104 Section 53. Section 53G-5-305 is amended to read:

2105 **53G-5-305. Charters authorized by local school boards -- Application process --**  
2106 **Local school board responsibilities.**

2107 (1) (a) An applicant identified in Section 53G-5-302 may submit an application to a  
2108 local school board to establish and operate a charter school within the geographical boundaries  
2109 of the school district administered by the local school board.

2110 (b) (i) The principal, teachers, or parents of students at an existing public school may  
2111 submit an application to the local school board to convert the school or a portion of the school  
2112 to charter status.

2113 (A) If the entire school is applying for charter status, at least two-thirds of the licensed  
2114 educators employed at the school and at least two-thirds of the parents [~~or guardians~~] of  
2115 students enrolled at the school must have signed a petition approving the application prior to its  
2116 submission to the charter school authorizer.

2117 (B) If only a portion of the school is applying for charter status, the percentage is  
2118 reduced to a simple majority.

2119 (ii) The local school board may not approve an application submitted under Subsection  
2120 (1)(b)(i) unless the local school board determines that:

2121 (A) students opting not to attend the proposed converted school would have access to a  
2122 comparable public education alternative; and

2123 (B) current teachers who choose not to teach at the converted charter school or who are  
2124 not retained by the school at the time of its conversion would receive a first preference for  
2125 transfer to open teaching positions for which they qualify within the school district, and, if no  
2126 positions are open, contract provisions or local school board policy regarding reduction in staff  
2127 would apply.

2128 (2) (a) An existing public school that converts to charter status under a charter granted  
2129 by a local school board may:

2130 (i) continue to receive the same services from the school district that it received prior to  
2131 its conversion; or

2132 (ii) contract out for some or all of those services with other public or private providers.

2133 (b) Any other charter school authorized by a local school board may contract with the  
2134 local school board to receive some or all of the services referred to in Subsection (2)(a).

2135 (c) Except as specified in a charter agreement, local school board assets do not transfer  
2136 to an existing public school that converts to charter status under a charter granted by a local  
2137 school board under this section.

2138 (3) (a) A local school board that receives an application for a charter school under this  
2139 section shall, within 45 days, either accept or reject the application.

2140 (b) If the local school board rejects the application, it shall notify the applicant in  
2141 writing of the reason for the rejection.

2142 (c) The applicant may submit a revised application for reconsideration by the local  
2143 school board.

2144 (d) If the local school board refuses to authorize the applicant, the applicant may seek a  
2145 charter from another authorizer.

2146 (4) The [~~State Board of Education~~] state board shall make a rule providing for a  
2147 timeline for the opening of a charter school following the approval of a charter school  
2148 application by a local school board.

2149 (5) After approval of a charter school application and in accordance with Section  
2150 [53G-5-303](#), the applicant and the local school board shall set forth the terms and conditions for  
2151 the operation of the charter school in a written charter agreement.

2152 (6) A local school board may terminate a charter school it authorizes as provided in  
2153 Sections [53G-5-501](#) and [53G-5-503](#).

2154 (7) In addition to the exemptions described in Sections [53G-5-405](#), [53G-7-202](#), and  
2155 [53G-5-407](#), a charter school authorized by a local school board is:

2156 (a) not required to separately submit a report or information required under this public  
2157 education code to the [~~State Board of Education~~] state board if the information is included in a



2158 report or information that is submitted by the local school board or school district; and

2159 (b) exempt from the requirement under Section 53G-5-404 that a charter school shall  
2160 be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation  
2161 Act.

2162 (8) Before a local school board accepts a charter school application, the local school  
2163 board shall, in accordance with [~~State Board of Education~~] state board rules, establish and  
2164 make public the local school board's:

- 2165 (a) application requirements, in accordance with Section 53G-5-302;
- 2166 (b) application process, including timelines, in accordance with this section; and
- 2167 (c) minimum academic, financial, and enrollment standards.

2168 Section 54. Section 53G-5-306 is amended to read:

2169 **53G-5-306. Charter schools authorized by a board of trustees of a higher**  
2170 **education institution -- Application process -- Board of trustees responsibilities.**

2171 (1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302  
2172 may enter into an agreement with a board of trustees of a higher education institution  
2173 authorizing the applicant to establish and operate a charter school.

2174 (2) (a) An applicant applying for authorization from a board of trustees to establish and  
2175 operate a charter school shall provide a copy of the application to the State Charter School  
2176 Board and the local school board of the school district in which the proposed charter school  
2177 will be located either before or at the same time the applicant files the application with the  
2178 board of trustees.

2179 (b) The State Charter School Board and the local school board may review the  
2180 application and offer suggestions or recommendations to the applicant or the board of trustees  
2181 before acting on the application.

2182 (c) The board of trustees shall give due consideration to suggestions or  
2183 recommendations made by the State Charter School Board or the local school board under  
2184 Subsection (2)(b).

2185 (3) The [~~State Board of Education~~] state board shall make a rule providing a timeline

2186 for the opening of a charter school following the approval of a charter school application by a  
2187 board of trustees.

2188 (4) After approval of a charter school application, the applicant and the board of  
2189 trustees shall set forth the terms and conditions for the operation of the charter school in a  
2190 written charter agreement.

2191 (5) (a) The school's charter agreement may include a provision that the charter school  
2192 pay an annual fee for the board of trustees' costs in providing oversight of, and technical  
2193 support to, the charter school in accordance with Section [53G-5-205](#).

2194 (b) In the first two years that a charter school is in operation, an annual fee described in  
2195 Subsection (5)(a) may not exceed the product of 3% of the revenue the charter school receives  
2196 from the state in the current fiscal year.

2197 (c) Beginning with the third year that a charter school is in operation, an annual fee  
2198 described in Subsection (5)(a) may not exceed the product of 1% of the revenue a charter  
2199 school receives from the state in the current fiscal year.

2200 (d) An annual fee described in Subsection (5)(a) shall be:

- 2201 (i) paid to the board of trustees' higher education institution; and
- 2202 (ii) expended as directed by the board of trustees.

2203 (6) (a) In addition to complying with the requirements of this section, a technical  
2204 college board of directors described in Section [53B-2a-108](#) shall obtain the approval of the  
2205 Utah System of Technical Colleges Board of Trustees before entering into an agreement to  
2206 establish and operate a charter school.

2207 (b) If a technical college board of directors approves an application to establish and  
2208 operate a charter school, the technical college board of directors shall submit the application to  
2209 the Utah System of Technical Colleges Board of Trustees.

2210 (c) The Utah System of Technical Colleges Board of Trustees shall, by majority vote,  
2211 within 60 days of receipt of an application described in Subsection (6)(b), approve or deny the  
2212 application.

2213 (d) The Utah System of Technical Colleges Board of Trustees may deny an application

2214 approved by a technical college board of directors if the proposed charter school does not  
2215 accomplish a purpose of charter schools as provided in Section [53G-5-104](#).

2216 (e) A charter school application may not be denied on the basis that the establishment  
2217 of the charter school will have any or all of the following impacts on a public school, including  
2218 another charter school:

- 2219 (i) an enrollment decline;
- 2220 (ii) a decrease in funding; or
- 2221 (iii) a modification of programs or services.

2222 (7) (a) Subject to the requirements of this chapter and other related provisions, a  
2223 technical college board of directors may establish:

- 2224 (i) procedures for submitting applications to establish and operate a charter school; or
- 2225 (ii) criteria for approval of an application to establish and operate a charter school.

2226 (b) The Utah System of Technical Colleges Board of Trustees may not establish policy  
2227 governing the procedures or criteria described in Subsection (7)(a).

2228 (8) Before a technical college board of directors accepts a charter school application,  
2229 the technical college board of directors shall, in accordance with [~~State Board of Education~~]  
2230 state board rules, establish and make public:

- 2231 (a) application requirements, in accordance with Section [53G-5-302](#);
- 2232 (b) the application process, including timelines, in accordance with this section; and
- 2233 (c) minimum academic, financial, and enrollment standards.

2234 Section 55. Section **53G-5-403** is amended to read:

2235 **53G-5-403. Charter school assets.**

2236 (1) (a) A charter school may receive, hold, manage, and use any devise, bequest, grant,  
2237 endowment, gift, or donation of any asset made to the school for any of the purposes of this  
2238 chapter and other related provisions.

2239 (b) Unless a donor or grantor specifically provides otherwise in writing, all assets  
2240 described in Subsection (1)(a) shall be presumed to be made to the charter school and shall be  
2241 included in the charter school's assets.

2242 (2) It is unlawful for any person affiliated with a charter school to demand or request  
2243 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated  
2244 with the charter school as a condition for employment or enrollment at the school or continued  
2245 attendance at the school.

2246 (3) All assets purchased with charter school funds shall be included in the charter  
2247 school's assets.

2248 (4) A charter school may not dispose of its assets in violation of the provisions of this  
2249 chapter or other related provisions, state board rules, policies of its charter school authorizer, or  
2250 its charter agreement, including the provisions governing the closure of a charter school under  
2251 Section [53G-5-504](#).

2252 Section 56. Section **53G-5-404** is amended to read:

2253 **53G-5-404. Requirements for charter schools.**

2254 (1) A charter school shall be nonsectarian in its programs, admission policies,  
2255 employment practices, and operations.

2256 (2) A charter school may not charge tuition or fees, except those fees normally charged  
2257 by other public schools.

2258 (3) A charter school shall meet all applicable federal, state, and local health, safety, and  
2259 civil rights requirements.

2260 (4) (a) A charter school shall make the same annual reports required of other public  
2261 schools under this public education code, including an annual financial audit report.

2262 (b) A charter school shall file its annual financial audit report with the Office of the  
2263 State Auditor within six months of the end of the fiscal year.

2264 (5) (a) A charter school shall be accountable to the charter school's authorizer for  
2265 performance as provided in the school's charter agreement.

2266 (b) To measure the performance of a charter school, an authorizer may use data  
2267 contained in:

2268 (i) the charter school's annual financial audit report;

2269 (ii) a report submitted by the charter school as required by statute; or

2270 (iii) a report submitted by the charter school as required by its charter agreement.

2271 (c) A charter school authorizer may not impose performance standards, except as  
2272 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully  
2273 accomplish the purposes of charter schools as provided in Section [53G-5-104](#) or as otherwise  
2274 provided in law.

2275 (6) A charter school may not advocate unlawful behavior.

2276 (7) Except as provided in Section [53G-5-305](#), a charter school shall be organized and  
2277 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its  
2278 authorization.

2279 (8) A charter school shall provide adequate liability and other appropriate insurance.

2280 (9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase  
2281 agreement, or other contract or agreement relating to the charter school's facilities or financing  
2282 of the charter school's facilities to the school's authorizer and an attorney for review and advice  
2283 prior to the charter school entering into the lease, agreement, or contract.

2284 (10) A charter school may not employ an educator whose license has been suspended  
2285 or revoked by the [~~State Board of Education~~] state board under Section [53E-6-604](#).

2286 (11) (a) Each charter school shall register and maintain the charter school's registration  
2287 as a limited purpose entity, in accordance with Section [67-1a-15](#).

2288 (b) A charter school that fails to comply with Subsection (11)(a) or Section [67-1a-15](#) is  
2289 subject to enforcement by the state auditor, in accordance with Section [67-3-1](#).

2290 Section 57. Section [53G-5-405](#) is amended to read:

2291 **[53G-5-405. Application of statutes and rules to charter schools.](#)**

2292 (1) A charter school shall operate in accordance with its charter agreement and is  
2293 subject to this public education code and other state laws applicable to public schools, except  
2294 as otherwise provided in this chapter and other related provisions.

2295 (2) (a) Except as provided in Subsection (2)(b), [~~State Board of Education~~] state board  
2296 rules governing the following do not apply to a charter school:

2297 (i) school libraries;

- 2298 (ii) required school administrative and supervisory services; and  
2299 (iii) required expenditures for instructional supplies.
- 2300 (b) A charter school shall comply with rules implementing statutes that prescribe how  
2301 state appropriations may be spent.
- 2302 (3) The following provisions of this public education code, and rules adopted under  
2303 those provisions, do not apply to a charter school:
- 2304 (a) Sections [53G-7-1202](#) and [53G-7-1204](#), requiring the establishment of a school  
2305 community council and school improvement plan;
- 2306 (b) Section [53G-4-409](#), requiring the use of activity disclosure statements;
- 2307 (c) Section [53G-7-606](#), requiring notification of intent to dispose of textbooks;
- 2308 (d) Section [53G-10-404](#), requiring annual presentations on adoption;
- 2309 (e) Sections [53G-7-304](#) and [53G-7-306](#) pertaining to fiscal procedures of school  
2310 districts and local school boards; and
- 2311 (f) Section [53E-4-408](#), requiring an independent evaluation of instructional materials.
- 2312 (4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter  
2313 school is considered an educational procurement unit as defined in Section [63G-6a-103](#).
- 2314 (5) Each charter school shall be subject to:
- 2315 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 2316 (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- 2317 (6) A charter school is exempt from Section [51-2a-201.5](#), requiring accounting reports  
2318 of certain nonprofit corporations. A charter school is subject to the requirements of Section  
2319 [53G-5-404](#).
- 2320 (7) (a) The State Charter School Board shall, in concert with the charter schools, study  
2321 existing state law and administrative rules for the purpose of determining from which laws and  
2322 rules charter schools should be exempt.
- 2323 (b) (i) The State Charter School Board shall present recommendations for exemption to  
2324 the [~~State Board of Education~~] state board for consideration.
- 2325 (ii) The [~~State Board of Education~~] state board shall consider the recommendations of

2326 the State Charter School Board and respond within 60 days.

2327 Section 58. Section **53G-5-406** is amended to read:

2328 **53G-5-406. Accountability -- Rules.**

2329 [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and~~  
2330 ~~after consultation with chartering entities, the State Board of Education shall~~] The state board  
2331 shall, after consultation with chartering entities, make rules that:

2332 (1) require a charter school to develop an accountability plan, approved by its charter  
2333 school authorizer, during its first year of operation;

2334 (2) require an authorizer to:

2335 (a) visit a charter school at least once during:

2336 (i) its first year of operation; and

2337 (ii) the review period described under Subsection (3); and

2338 (b) provide written reports to its charter schools after the visits; and

2339 (3) establish a review process that is required of a charter school once every five years  
2340 by its authorizer.

2341 Section 59. Section **53G-5-407** is amended to read:

2342 **53G-5-407. Employees of charter schools.**

2343 (1) A charter school shall select its own employees.

2344 (2) The [~~schools~~] charter school governing board shall determine the level of  
2345 compensation and all terms and conditions of employment, except as otherwise provided in  
2346 Subsections (7) and (8) and under this chapter and other related provisions.

2347 (3) The following statutes governing public employees and officers do not apply to a  
2348 charter school:

2349 (a) Chapter 11, Part 5, School District and [~~USDB~~] Utah Schools for the Deaf and the  
2350 Blind Employee Requirements; and

2351 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.

2352 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter  
2353 school, under rules adopted by the [~~State Board of Education~~] state board, shall employ

2354 teachers who are licensed.

2355 (b) The ~~[school's]~~ charter school governing board shall disclose the qualifications of its  
2356 teachers to the parents of its students.

2357 (5) ~~[State Board of Education]~~ State board rules governing the licensing or certification  
2358 of administrative and supervisory personnel do not apply to charter schools.

2359 (6) (a) An employee of a school district may request a leave of absence in order to  
2360 work in a charter school upon approval of the local school board.

2361 (b) While on leave, the employee may retain seniority accrued in the school district and  
2362 may continue to be covered by the benefit program of the district if the charter school and the  
2363 ~~[locally elected]~~ local school board mutually agree.

2364 (7) (a) A proposed or authorized charter school may elect to participate as an employer  
2365 for retirement programs under:

- 2366 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;
- 2367 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and
- 2368 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

2369 (b) An election under this Subsection (7):

2370 (i) shall be documented by a resolution adopted by the charter school governing board  
2371 ~~[of the charter school]~~; and

2372 (ii) applies to the charter school as the employer and to all employees of the charter  
2373 school.

2374 (c) The charter school governing board ~~[of a charter school]~~ may offer employee  
2375 benefit plans for its employees:

2376 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;

2377 or

2378 (ii) under any other program.

2379 (8) A charter school may not revoke an election to participate made under Subsection  
2380 (7).

2381 (9) The charter school governing board ~~[of a charter school]~~ shall ensure that, prior to



2382 the beginning of each school year:

2383 (a) each of the charter school's employees signs a document acknowledging that the  
2384 employee:

2385 (i) has received:

2386 (A) the disclosure required under Section 63A-4-204.5 if the charter school participates  
2387 in the Risk Management Fund; or

2388 (B) written disclosure similar to the disclosure required under Section 63A-4-204.5 if  
2389 the charter school does not participate in the Risk Management Fund; and

2390 (ii) understands the legal liability protection provided to the employee and what is not  
2391 covered, as explained in the disclosure; and

2392 (b) (i) at least one of the charter school's employees or another person is assigned  
2393 human resource management duties, as defined in Section 17B-1-805; and

2394 (ii) the assigned employee or person described in Subsection (9)(b)(i) receives human  
2395 resource management training, as defined in Section 17B-1-805.

2396 Section 60. Section 53G-5-408 is amended to read:

2397 **53G-5-408. Criminal background checks on school personnel.**

2398 The following individuals are required to submit to a criminal background check and  
2399 ongoing monitoring as provided in Section 53G-11-402:

2400 (1) an employee of a charter school who does not hold a current Utah educator license  
2401 issued by the [~~State Board of Education~~] state board under Title 53E, Chapter 6, Education  
2402 Professional Licensure;

2403 (2) a volunteer for a charter school who is given significant unsupervised access to a  
2404 student in connection with the volunteer's assignment;

2405 (3) a contract employee, as defined in Section 53G-11-401, who works at a charter  
2406 school; and

2407 (4) a charter school governing board member.

2408 Section 61. Section 53G-5-409 is amended to read:

2409 **53G-5-409. Regulated transactions and relationships -- Definitions --**

2410 **Rulemaking.**

2411 (1) As used in this section:

2412 (a) "Charter school officer" means:

2413 (i) a member of a charter school's governing board;

2414 (ii) a member of a board or an officer of a nonprofit corporation under which a charter  
2415 school is organized and managed; or

2416 (iii) the chief administrative officer of a charter school.

2417 (b) (i) "Employment" means a position in which a person's salary, wages, pay, or  
2418 compensation, whether as an employee or contractor, is paid from charter school funds.

2419 (ii) "Employment" does not include a charter school volunteer.

2420 (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,  
2421 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,  
2422 sister-in-law, son-in-law, or daughter-in-law.

2423 (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer  
2424 may not be employed at a charter school.

2425 (b) If a relative of a charter school officer is to be considered for employment in a  
2426 charter school, the charter school officer shall:

2427 (i) disclose the relationship, in writing, to the other charter school officers;

2428 (ii) submit the employment decision to the charter school's governing board for the  
2429 approval, by majority vote, of the charter school's governing board;

2430 (iii) abstain from voting on the issue; and

2431 (iv) be absent from the portion of the meeting where the employment is being  
2432 considered and determined.

2433 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a  
2434 relative of a charter school officer may not have a financial interest in a contract or other  
2435 transaction involving a charter school in which the charter school officer serves as a charter  
2436 school officer.

2437 (b) If a charter school's governing board considers entering into a contract or executing

2438 a transaction in which a charter school officer or a relative of a charter school officer has a  
2439 financial interest, the charter school officer shall:

- 2440 (i) disclose the financial interest, in writing, to the other charter school officers;
- 2441 (ii) submit the contract or transaction decision to the charter school's governing board  
2442 for the approval, by majority vote, of the charter school's governing board;
- 2443 (iii) abstain from voting on the issue; and
- 2444 (iv) be absent from the portion of the meeting where the contract or transaction is being  
2445 considered and determined.

2446 (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of  
2447 employment for:

- 2448 (i) the chief administrative officer of a charter school; or
- 2449 (ii) a relative of the chief administrative officer of a charter school whose employment  
2450 is approved in accordance with the provisions in Subsection (2).

2451 (4) The [~~State Board of Education~~] state board or State Charter School Board may not  
2452 operate a charter school.

2453 Section 62. Section **53G-5-410** is amended to read:

2454 **53G-5-410. Safe technology utilization and digital citizenship.**

2455 A charter school governing board, or a council formed by a charter school governing  
2456 board to prepare a plan for the use of School LAND Trust Program money under Section  
2457 **53G-7-1206**:

2458 (1) shall provide for education and awareness on safe technology utilization and digital  
2459 citizenship that empowers:

- 2460 (a) a student to make smart media and online choices; and
- 2461 (b) a parent [~~or guardian~~] to know how to discuss safe technology use with the parent's  
2462 [~~or guardian's~~] child;

2463 (2) shall partner with the school's principal and other administrators to ensure that  
2464 adequate on and off campus Internet filtering is installed and consistently configured to prevent  
2465 viewing of harmful content by students and school personnel, in accordance with charter school

2466 governing board policy and Subsection 53G-7-216(3); and

2467 (3) may partner with one or more non-profit organizations to fulfill the duties described  
2468 in Subsections (1) and (2).

2469 Section 63. Section 53G-5-411 is amended to read:

2470 **53G-5-411. Charter school fiscal year -- Statistical reports.**

2471 (1) A charter school's fiscal year begins on July 1 and ends on June 30.

2472 (2) (a) A charter school shall forward statistical reports for the preceding school year,  
2473 containing items required by law or by the [~~State Board of Education~~] state board, to the state  
2474 superintendent on or before November 1 of each year.

2475 (b) The reports shall include information to enable the state superintendent to complete  
2476 the statement required under Subsection 53E-3-301(3)(d)(v).

2477 (3) A charter school shall forward the accounting report required under Section  
2478 51-2a-201 to the state superintendent on or before October 15 of each year.

2479 Section 64. Section 53G-5-501 is amended to read:

2480 **53G-5-501. Noncompliance -- Rulemaking.**

2481 (1) If a charter school is found to be out of compliance with the requirements of  
2482 Section 53G-5-404 or the school's charter agreement, the charter school authorizer shall notify  
2483 the following in writing that the charter school has a reasonable time to remedy the deficiency,  
2484 except as otherwise provided in Subsection 53G-5-503(4):

2485 (a) the charter school governing board [~~of the charter school~~]; and

2486 (b) if the charter school is a qualifying charter school with outstanding bonds issued in  
2487 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School  
2488 Finance Authority.

2489 (2) If the charter school does not remedy the deficiency within the established timeline,  
2490 the authorizer may:

2491 (a) subject to the requirements of Subsection (4), take one or more of the following  
2492 actions:

2493 (i) remove a charter school director or finance officer;

2494 (ii) remove a charter school governing board member; or

2495 (iii) appoint an interim director or mentor to work with the charter school; or

2496 (b) subject to the requirements of Section 53G-5-503, terminate the school's charter  
2497 agreement.

2498 (3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a)  
2499 shall be paid from the funds of the charter school for which the interim director or mentor is  
2500 working.

2501 (4) The authorizer shall notify the Utah Charter School Finance Authority before the  
2502 authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is  
2503 a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter  
2504 School Credit Enhancement Program.

2505 (5) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
2506 ~~the State Board of Education~~] The state board shall make rules:

2507 (a) specifying the timeline for remedying deficiencies under Subsection (1); and

2508 (b) ensuring the compliance of a charter school with its approved charter agreement.

2509 Section 65. Section 53G-5-502 is amended to read:

2510 **53G-5-502. Voluntary school improvement process.**

2511 (1) As used in this section, "high performing charter school" means a charter school  
2512 that:

2513 (a) satisfies all requirements of state law and [~~State Board of Education~~] state board  
2514 rules;

2515 (b) has operated for at least three years meeting the terms of the school's charter  
2516 agreement; and

2517 (c) is in good standing with the charter school's authorizer.

2518 (2) (a) Subject to Subsection (2)(b), a charter school governing board may voluntarily  
2519 request the charter school's authorizer to place the school in a school improvement process.

2520 (b) A charter school governing board shall provide notice and a hearing on the charter  
2521 school governing board's intent to make a request under Subsection (2)(a) to parents [~~and~~

2522 ~~guardians]~~ of students enrolled in the charter school.

2523           (3) An authorizer may grant a charter school governing board's request to be placed in  
2524 a school improvement process if the charter school governing board has provided notice and a  
2525 hearing under Subsection (2)(b).

2526           (4) An authorizer that has entered into a school improvement process with a charter  
2527 school governing board shall:

2528           (a) enter into a contract with the charter school governing board on the terms of the  
2529 school improvement process;

2530           (b) notify the [~~State Board of Education~~] state board that the authorizer has entered into  
2531 a school improvement process with the charter school governing board;

2532           (c) make a report to a committee of the [~~State Board of Education~~] state board  
2533 regarding the school improvement process; and

2534           (d) notify the Utah Charter School Finance Authority that the authorizer has entered  
2535 into a school improvement process with the charter school governing board if the charter  
2536 school is a qualifying charter school with outstanding bonds issued in accordance with Part 6,  
2537 Charter School Credit Enhancement Program.

2538           (5) Upon notification under Subsection (4)(b), and after the report described in  
2539 Subsection (4)(c), the [~~State Board of Education~~] state board shall notify charter schools and  
2540 the school district in which the charter school is located that the charter school governing board  
2541 has entered into a school improvement process with the charter school's authorizer.

2542           (6) A high performing charter school or the school district in which the charter school  
2543 is located may apply to the charter school governing board to assume operation and control of  
2544 the charter school that has been placed in a school improvement process.

2545           (7) A charter school governing board that has entered into a school improvement  
2546 process shall review applications submitted under Subsection (6) and submit a proposal to the  
2547 charter school's authorizer to:

2548           (a) terminate the school's charter, notwithstanding the requirements of Section  
2549 [53G-5-503](#); and

2550 (b) transfer operation and control of the charter school to:  
2551 (i) the school district in which the charter school is located; or  
2552 (ii) a high performing charter school.  
2553 (8) Except as provided in Subsection (9) and subject to Subsection (10), an authorizer  
2554 may:  
2555 (a) approve a charter school governing board's proposal under Subsection (7); or  
2556 (b) (i) deny a charter school governing board's proposal under Subsection (7); and  
2557 (ii) (A) terminate the school's charter agreement in accordance with Section  
2558 53G-5-503;  
2559 (B) allow the charter school governing board to submit a revised proposal; or  
2560 (C) take no action.  
2561 (9) An authorizer may not take an action under Subsection (8) for a qualifying charter  
2562 school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
2563 Enhancement Program, without mutual agreement of the Utah Charter School Finance  
2564 Authority and the authorizer.  
2565 (10) (a) An authorizer that intends to transfer operation and control of a charter school  
2566 as described in Subsection (7)(b) shall request approval from the [~~State Board of Education~~]  
2567 state board.  
2568 (b) (i) The [~~State Board of Education~~] state board shall consider an authorizer's request  
2569 under Subsection (10)(a) within 30 days of receiving the request.  
2570 (ii) If the [~~State Board of Education~~] state board denies an authorizer's request under  
2571 Subsection (10)(a), the authorizer may not transfer operation and control of the charter school  
2572 as described in Subsection (7)(b).  
2573 (iii) If the [~~State Board of Education~~] state board does not take action on an authorizer's  
2574 request under Subsection (10)(a) within 30 days of receiving the request, an authorizer may  
2575 proceed to transfer operation and control of the charter school as described in Subsection  
2576 (7)(b).  
2577 Section 66. Section **53G-5-503** is amended to read:

2578 **53G-5-503. Termination of a charter agreement.**

2579 (1) Subject to the requirements of Subsection (3), a charter school authorizer may  
2580 terminate a school's charter agreement for any of the following reasons:

2581 (a) failure of the charter school to meet the requirements stated in the charter  
2582 agreement;

2583 (b) failure to meet generally accepted standards of fiscal management;

2584 (c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3,  
2585 School Turnaround and Leadership Development; and

2586 (ii) failure to improve the school's grade under the conditions described in Title 53E,  
2587 Chapter 5, Part 3, School Turnaround and Leadership Development;

2588 (d) violation of requirements under this chapter or another law; or

2589 (e) other good cause shown.

2590 (2) (a) The authorizer shall notify the following of the proposed termination in writing,  
2591 state the grounds for the termination, and stipulate that the charter school governing board may  
2592 request an informal hearing before the authorizer:

2593 (i) the charter school governing board [~~of the charter school~~]; and

2594 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in  
2595 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School  
2596 Finance Authority.

2597 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in  
2598 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after  
2599 receiving a written request under Subsection (2)(a).

2600 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,  
2601 the charter school governing board [~~of the charter school~~] may appeal the decision to the [~~State~~  
2602 ~~Board of Education~~] state board.

2603 (d) (i) The [~~State Board of Education~~] state board shall hear an appeal of a termination  
2604 made pursuant to Subsection (2)(c).

2605 (ii) The [~~State Board of Education~~] state board's action is final action subject to judicial



2606 review.

2607 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying  
2608 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
2609 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)  
2610 120 days or more after notifying the following of the proposed termination:

2611 (A) the charter school governing board of the qualifying charter school; and

2612 (B) the Utah Charter School Finance Authority.

2613 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School  
2614 Finance Authority shall meet with the authorizer to determine whether the deficiency may be  
2615 remedied in lieu of termination of the qualifying charter school's charter agreement.

2616 (3) An authorizer may not terminate the charter agreement of a qualifying charter  
2617 school with outstanding bonds issued in accordance with Part 6, Charter School Credit  
2618 Enhancement Program, without mutual agreement of the Utah Charter School Finance  
2619 Authority and the authorizer.

2620 (4) (a) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
2621 ~~the State Board of Education~~] The state board shall make rules that require a charter school to  
2622 report any threats to the health, safety, or welfare of its students to the State Charter School  
2623 Board in a timely manner.

2624 (b) The rules under Subsection (4)(a) shall also require the charter school report to  
2625 include what steps the charter school has taken to remedy the threat.

2626 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a  
2627 charter agreement immediately if good cause has been shown or if the health, safety, or welfare  
2628 of the students at the school is threatened.

2629 (6) If a charter agreement is terminated during a school year, the following entities may  
2630 apply to the charter school's authorizer to assume operation of the school:

2631 (a) the school district where the charter school is located;

2632 (b) the charter school governing board of another charter school; or

2633 (c) a private management company.

2634 (7) (a) If a charter agreement is terminated, a student who attended the school may  
 2635 apply to and shall be enrolled in another public school under the enrollment provisions of  
 2636 Chapter 6, Part 3, School District Residency, subject to space availability.

2637 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

2638 Section 67. Section **53G-5-504** is amended to read:

2639 **53G-5-504. Charter school closure.**

2640 (1) If a charter school is closed for any reason, including the termination of a charter  
 2641 agreement in accordance with Section **53G-5-503** or the conversion of a charter school to a  
 2642 private school, the provisions of this section apply.

2643 (2) A decision to close a charter school is made:

2644 (a) when a charter school authorizer approves a motion to terminate described in  
 2645 Subsection **53G-5-503**(2)(c);

2646 (b) when the [~~State Board of Education~~] state board takes final action described in  
 2647 Subsection **53G-5-503**(2)(d)(ii); or

2648 (c) when a charter school provides notice to the charter school's authorizer that the  
 2649 charter school is relinquishing the charter school's charter.

2650 (3) (a) No later than 10 days after the day on which a decision to close a charter school  
 2651 is made, the charter school shall:

2652 (i) provide notice to the following, in writing, of the decision:

2653 (A) if the charter school made the decision to close, the charter school's authorizer;

2654 (B) the State Charter School Board;

2655 (C) if the [~~State Board of Education~~] state board did not make the decision to close, the  
 2656 [~~State Board of Education~~] state board;

2657 (D) parents of students enrolled at the charter school;

2658 (E) the charter school's creditors;

2659 (F) the charter school's lease holders;

2660 (G) the charter school's bond issuers;

2661 (H) other entities that may have a claim to the charter school's assets;

2662 (I) the school district in which the charter school is located and other charter schools  
2663 located in that school district; and

2664 (J) any other person that the charter school determines to be appropriate; and  
2665 (ii) post notice of the decision on the Utah Public Notice Website, created in Section  
2666 63F-1-701.

2667 (b) The notice described in Subsection (3)(a) shall include:

- 2668 (i) the proposed date of the charter school closure;
- 2669 (ii) the charter school's plans to help students identify and transition into a new school;
- 2670 and
- 2671 (iii) contact information for the charter school during the transition.

2672 (4) No later than 10 days after the day on which a decision to close a charter school is  
2673 made, the closing charter school shall:

- 2674 (a) designate a custodian for the protection of student files and school business records;
- 2675 (b) designate a base of operation that will be maintained throughout the charter school  
2676 closing, including:

- 2677 (i) an office;
- 2678 (ii) hours of operation;
- 2679 (iii) operational telephone service with voice messaging stating the hours of operation;

2680 and  
2681 (iv) a designated individual to respond to questions or requests during the hours of  
2682 operation;

2683 (c) assure that the charter school will maintain insurance coverage and risk  
2684 management coverage throughout the transition to closure and for a period following closure of  
2685 the charter school as specified by the charter school's authorizer;

2686 (d) assure that the charter school will complete by the set deadlines for all fiscal years  
2687 in which funds are received or expended by the charter school a financial audit and any other  
2688 procedure required by state board rule;

2689 (e) inventory all assets of the charter school; and

2690 (f) list all creditors of the charter school and specifically identify secured creditors and  
2691 assets that are security interests.

2692 (5) The closing charter school's authorizer shall oversee the closing charter school's  
2693 compliance with Subsection (4).

2694 (6) (a) A closing charter school shall return any assets remaining, after all liabilities  
2695 and obligations of the closing charter school are paid or discharged, to the closing charter  
2696 school's authorizer.

2697 (b) The closing charter school's authorizer shall liquidate assets at fair market value or  
2698 assign the assets to another public school.

2699 (7) The closing charter school's authorizer shall oversee liquidation of assets and  
2700 payment of debt in accordance with state board rule.

2701 (8) The closing charter school shall:

2702 (a) comply with all state and federal reporting requirements; and

2703 (b) submit all documentation and complete all state and federal reports required by the  
2704 closing charter school's authorizer or the [~~State Board of Education~~] state board, including  
2705 documents to verify the closing charter school's compliance with procedural requirements and  
2706 satisfaction of all financial issues.

2707 (9) When the closing charter school's financial affairs are closed out and dissolution is  
2708 complete, the authorizer shall ensure that a final audit of the charter school is completed.

2709 (10) On or before January 1, 2017, [~~in accordance with Title 63G, Chapter 3, Utah~~  
2710 ~~Administrative Rulemaking Act, the State Board of Education~~] the state board shall, after  
2711 considering suggestions from charter school authorizers, make rules that:

2712 (a) provide additional closure procedures for charter schools; and

2713 (b) establish a charter school closure process.

2714 Section 68. Section **53G-5-505** is amended to read:

2715 **53G-5-505. Tort liability.**

2716 (1) An employee of a charter school is a public employee and the charter school  
2717 governing board is a public employer in the same manner as a local school board for purposes

2718 of tort liability.

2719 (2) The charter school governing board [~~of a charter school~~], the nonprofit corporation  
2720 under which the charter school is organized and managed, and the school are solely liable for  
2721 any damages resulting from a legal challenge involving the operation of the school.

2722 Section 69. Section **53G-5-602** is amended to read:

2723 **53G-5-602. Utah Charter School Finance Authority created -- Members --**  
2724 **Compensation -- Services.**

2725 (1) There is created a body politic and corporate known as the Utah Charter School  
2726 Finance Authority. The authority is created to provide an efficient and cost-effective method of  
2727 financing charter school facilities.

2728 (2) The governing board of the authority shall be composed of:

2729 (a) the governor or the governor's designee;

2730 (b) the state treasurer; and

2731 (c) the state superintendent [~~of public instruction~~] or the state superintendent's  
2732 designee.

2733 (3) A member may not receive compensation or benefits for the member's service, but  
2734 may receive per diem and travel expenses in accordance with:

2735 (a) Section [63A-3-106](#);

2736 (b) Section [63A-3-107](#); and

2737 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2738 [63A-3-107](#).

2739 (4) Upon request, the [~~State Board of Education~~] state board shall provide staff support  
2740 to the authority.

2741 Section 70. Section **53G-6-201** is amended to read:

2742 **53G-6-201. Definitions.**

2743 For purposes of this part:

2744 (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a  
2745 school-age minor assigned to a class or class period to attend the entire class or class period.

- 2746 (b) A school-age minor may not be considered absent under this part more than one  
2747 time during one day.
- 2748 (2) "Habitual truant" means a school-age minor who:  
2749 (a) is at least 12 years old;  
2750 (b) is subject to the requirements of Section 53G-6-202; and  
2751 (c) (i) is truant at least 10 times during one school year; or  
2752 (ii) fails to cooperate with efforts on the part of school authorities to resolve the  
2753 minor's attendance problem as required under Section 53G-6-206.
- 2754 (3) "Minor" means a person under the age of 18 years.  
2755 (4) "Parent" includes:  
2756 (a) a custodial parent of the minor;  
2757 (b) a legally appointed guardian of a minor; or  
2758 (c) any other person purporting to exercise any authority over the minor which could be  
2759 exercised by a person described in Subsection (4)(a) or (b).
- 2760 (5) "School-age minor" means a minor who:  
2761 (a) is at least six years old, but younger than 18 years old; and  
2762 (b) is not emancipated.
- 2763 (6) "School year" means the period of time designated by a local school board or  
2764 [local] charter school governing board as the school year for the school where the school-age  
2765 minor:  
2766 (a) is enrolled; or  
2767 (b) should be enrolled, if the school-age minor is not enrolled in school.
- 2768 (7) "Truant" means absent without a valid excuse.  
2769 (8) "Truant minor" means a school-age minor who:  
2770 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and  
2771 (b) is truant.  
2772 (9) "Valid excuse" means:  
2773 (a) an illness, which may be either mental or physical;

- 2774 (b) a family death;
- 2775 (c) an approved school activity;
- 2776 (d) an absence permitted by a school-age minor's:
- 2777 (i) individualized education program, developed pursuant to the Individuals with
- 2778 Disabilities Education Improvement Act of 2004, as amended; or
- 2779 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act
- 2780 of 1973, as amended; or
- 2781 (e) any other excuse established as valid by a local school board, ~~local~~ charter school
- 2782 governing board, or school district.
- 2783 Section 71. Section **53G-6-202** is amended to read:
- 2784 **53G-6-202. Compulsory education.**
- 2785 (1) For purposes of this section:
- 2786 (a) "Intentionally" is as defined in Section [76-2-103](#).
- 2787 (b) "Recklessly" is as defined in Section [76-2-103](#).
- 2788 (c) "Remainder of the school year" means the portion of the school year beginning on
- 2789 the day after the day on which the notice of compulsory education violation described in
- 2790 Subsection (3) is served and ending on the last day of the school year.
- 2791 (d) "School-age child" means a school-age minor under the age of 14.
- 2792 (2) Except as provided in Section [53G-6-204](#) or [53G-6-702](#), the parent of a school-age
- 2793 minor shall enroll and send the school-age minor to a public or regularly established private
- 2794 school.
- 2795 (3) A school administrator, a designee of a school administrator, a law enforcement
- 2796 officer acting as a school resource officer, or a truancy specialist may issue a notice of
- 2797 compulsory education violation to a parent of a school-age child if the school-age child is
- 2798 absent without a valid excuse at least five times during the school year.
- 2799 (4) The notice of compulsory education violation, described in Subsection (3):
- 2800 (a) shall direct the parent of the school-age child to:
- 2801 (i) meet with school authorities to discuss the school-age child's school attendance

2802 problems; and

2803 (ii) cooperate with the local school board, [~~local~~] charter school governing board, or  
2804 school district in securing regular attendance by the school-age child;

2805 (b) shall designate the school authorities with whom the parent is required to meet;

2806 (c) shall state that it is a class B misdemeanor for the parent of the school-age child to  
2807 intentionally or recklessly:

2808 (i) fail to meet with the designated school authorities to discuss the school-age child's  
2809 school attendance problems; or

2810 (ii) fail to prevent the school-age child from being absent without a valid excuse five or  
2811 more times during the remainder of the school year;

2812 (d) shall be served on the school-age child's parent by personal service or certified  
2813 mail; and

2814 (e) may not be issued unless the school-age child has been truant at least five times  
2815 during the school year.

2816 (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or  
2817 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt  
2818 from enrollment under Section [53G-6-204](#) or [53G-6-702](#).

2819 (6) It is a class B misdemeanor for a parent of a school-age child to, after being served  
2820 with a notice of compulsory education violation in accordance with Subsections (3) and (4),  
2821 intentionally or recklessly:

2822 (a) fail to meet with the school authorities designated in the notice of compulsory  
2823 education violation to discuss the school-age child's school attendance problems; or

2824 (b) fail to prevent the school-age child from being absent without a valid excuse five or  
2825 more times during the remainder of the school year.

2826 (7) A local school board, [~~local~~] charter school governing board, or school district shall  
2827 report violations of this section to the appropriate county or district attorney.

2828 (8) If school personnel have reason to believe that, after a notice of compulsory  
2829 education violation is issued, the parent [~~or guardian~~] has failed to make a good faith effort to



2830 ensure that the child receives an appropriate education, the issuer of the compulsory education  
2831 violation shall report to the Division of Child and Family Services:

2832 (a) identifying information of the child and the child's parent [~~or guardian~~] who  
2833 received the notice of compulsory education violation;

2834 (b) information regarding the longest number of consecutive school days the  
2835 school-age minor has been absent from school and the percentage of school days the child has  
2836 been absent during each relevant school term;

2837 (c) whether the child has made adequate educational progress;

2838 (d) whether the requirements of Section 53G-6-206 have been met;

2839 (e) whether the child is two or more years behind the local public school's age group  
2840 expectations in one or more basic skills; and

2841 (f) whether the child is receiving special education services or systematic remediation  
2842 efforts.

2843 Section 72. Section 53G-6-203 is amended to read:

2844 **53G-6-203. Truancy -- Notice of truancy -- Failure to cooperate with school**  
2845 **authorities.**

2846 (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is  
2847 enrolled in a public school shall attend the public school in which the school-age minor is  
2848 enrolled.

2849 (2) A local school board, charter school governing board, or school district may impose  
2850 administrative penalties on a school-age minor in accordance with Section 53G-8-211 who is  
2851 truant.

2852 (3) A local school board or charter school governing board:

2853 (a) may authorize a school administrator, a designee of a school administrator, a law  
2854 enforcement officer acting as a school resource officer, or a truancy specialist to issue notices  
2855 of truancy to school-age minors who are at least 12 years old; and

2856 (b) shall establish a procedure for a school-age minor, or the school-age minor's  
2857 parents, to contest a notice of truancy.

- 2858 (4) The notice of truancy described in Subsection (3):
- 2859 (a) may not be issued until the school-age minor has been truant at least five times
- 2860 during the school year;
- 2861 (b) may not be issued to a school-age minor who is less than 12 years old;
- 2862 (c) may not be issued to a minor exempt from school attendance as provided in Section
- 2863 [53G-6-204](#) or [53G-6-702](#);
- 2864 (d) shall direct the school-age minor and the parent of the school-age minor to:
- 2865 (i) meet with school authorities to discuss the school-age minor's trancies; and
- 2866 (ii) cooperate with the local school board, [~~local~~] charter school governing board, or
- 2867 school district in securing regular attendance by the school-age minor; and
- 2868 (e) shall be mailed to, or served on, the school-age minor's parent.
- 2869 (5) Nothing in this part prohibits a local school board, charter school governing board,
- 2870 or school district from taking action to resolve a truancy problem with a school-age minor who
- 2871 has been truant less than five times, provided that the action does not conflict with the
- 2872 requirements of this part.

2873 Section 73. Section [53G-6-204](#) is amended to read:

2874 **[53G-6-204. Minors exempt from school attendance.](#)**

- 2875 (1) (a) A local school board or charter school governing board may excuse a school-age
- 2876 minor from attendance for any of the following reasons:
- 2877 (i) a school-age minor over age 16 may receive a partial release from school to enter
- 2878 employment, or attend a trade school, if the school-age minor has completed [~~the eighth~~] grade
- 2879 8; or
- 2880 (ii) on an annual basis, a school-age minor may receive a full release from attending a
- 2881 public, regularly established private, or part-time school or class if:
- 2882 (A) the school-age minor has already completed the work required for graduation from
- 2883 high school, or has demonstrated mastery of required skills and competencies in accordance
- 2884 with Subsection [53F-2-501](#)(1);
- 2885 (B) the school-age minor is in a physical or mental condition, certified by a competent

2886 physician if required by the local school board or charter school governing board, which  
2887 renders attendance inexpedient and impracticable;

2888 (C) proper influences and adequate opportunities for education are provided in  
2889 connection with the school-age minor's employment; or

2890 (D) the district superintendent or charter school governing board has determined that a  
2891 school-age minor over the age of 16 is unable to profit from attendance at school because of  
2892 inability or a continuing negative attitude toward school regulations and discipline.

2893 (b) A school-age minor receiving a partial release from school under Subsection  
2894 (1)(a)(i) is required to attend:

2895 (i) school part time as prescribed by the local school board or charter school governing  
2896 board; or

2897 (ii) a home school part time.

2898 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)  
2899 must be sufficient to satisfy the local school board or charter school governing board.

2900 (d) A local school board or charter school governing board that excuses a school-age  
2901 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor  
2902 is excused from attendance during the time specified on the certificate.

2903 (2) (a) A local school board shall excuse a school-age minor from attendance, if the  
2904 school-age minor's parent files a signed and notarized affidavit with the school-age minor's  
2905 school district of residence, as defined in Section [53G-6-302](#), that:

2906 (i) the school-age minor will attend a home school; and

2907 (ii) the parent assumes sole responsibility for the education of the school-age minor,  
2908 except to the extent the school-age minor is dual enrolled in a public school as provided in  
2909 Section [53G-6-702](#).

2910 (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall  
2911 remain in effect as long as:

2912 (i) the school-age minor attends a home school; and

2913 (ii) the school district where the affidavit was filed remains the school-age minor's

- 2914 district of residence.
- 2915 (c) A parent of a school-age minor who attends a home school is solely responsible for:
- 2916 (i) the selection of instructional materials and textbooks;
- 2917 (ii) the time, place, and method of instruction; and
- 2918 (iii) the evaluation of the home school instruction.
- 2919 (d) A local school board may not:
- 2920 (i) require a parent of a school-age minor who attends a home school to maintain
- 2921 records of instruction or attendance;
- 2922 (ii) require credentials for individuals providing home school instruction;
- 2923 (iii) inspect home school facilities; or
- 2924 (iv) require standardized or other testing of home school students.
- 2925 (e) Upon the request of a parent, a local school board shall identify the knowledge,
- 2926 skills, and competencies a student is recommended to attain by grade level and subject area to
- 2927 assist the parent in achieving college and career readiness through home schooling.
- 2928 (f) A local school board that excuses a school-age minor from attendance as provided
- 2929 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is
- 2930 excused from attendance for the specified school year.
- 2931 (g) A local school board shall issue a certificate excusing a school-age minor from
- 2932 attendance:
- 2933 (i) within 30 days after receipt of a signed and notarized affidavit filed by the
- 2934 school-age minor's parent pursuant to this Subsection (2); and
- 2935 (ii) on or before August 1 each year thereafter unless:
- 2936 (A) the school-age minor enrolls in a school within the school district;
- 2937 (B) the school-age minor's parent [~~or guardian~~] notifies the school district that the
- 2938 school-age minor no longer attends a home school; or
- 2939 (C) the school-age minor's parent [~~or guardian~~] notifies the school district that the
- 2940 school-age minor's school district of residence has changed.
- 2941 (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a)

2942 is exempt from the application of Subsections 53G-6-202(2), (5), and (6).

2943 (4) Nothing in this section may be construed to prohibit or discourage voluntary  
2944 cooperation, resource sharing, or testing opportunities between a school or school district and a  
2945 parent [~~or guardian~~] of a minor attending a home school.

2946 Section 74. Section 53G-6-205 is amended to read:

2947 **53G-6-205. Preapproval of extended absence.**

2948 In determining whether to preapprove an extended absence of a school-age minor as a  
2949 valid excuse under Subsection 53G-6-201(9)(e), a local school board, [~~local~~] charter school  
2950 governing board, or school district shall approve the absence if the local school board, [~~local~~]  
2951 charter school governing board, or school district determines that the extended absence will not  
2952 adversely impact the school-age minor's education.

2953 Section 75. Section 53G-6-206 is amended to read:

2954 **53G-6-206. Duties of a local school board, charter school governing board, or**  
2955 **school district in resolving attendance problems -- Parental involvement -- Liability not**  
2956 **imposed.**

2957 (1) (a) Except as provided in Subsection (1)(b), a local school board, [~~local~~] charter  
2958 school governing board, or school district shall make efforts to resolve the school attendance  
2959 problems of each school-age minor who is, or should be, enrolled in the school district.

2960 (b) A minor exempt from school attendance under Section 53G-6-204 or 53G-6-702 is  
2961 not considered to be a minor who is or should be enrolled in a school district or charter school  
2962 under Subsection (1)(a).

2963 (2) The efforts described in Subsection (1) shall include, as reasonably feasible:

2964 (a) counseling of the minor by school authorities;

2965 (b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in  
2966 accordance with Section 53G-6-203;

2967 (c) issuing a notice of compulsory education violation to a parent of a school-age child,  
2968 in accordance with Section 53G-6-202;

2969 (d) making any necessary adjustment to the curriculum and schedule to meet special

2970 needs of the minor;

2971 (e) considering alternatives proposed by a parent;

2972 (f) monitoring school attendance of the minor;

2973 (g) voluntary participation in truancy mediation, if available; and

2974 (h) providing a school-age minor's parent, upon request, with a list of resources

2975 available to assist the parent in resolving the school-age minor's attendance problems.

2976 (3) In addition to the efforts described in Subsection (2), the local school board, [~~local~~]

2977 charter school governing board, or school district may enlist the assistance of community and

2978 law enforcement agencies as appropriate and reasonably feasible in accordance with Section

2979 [53G-8-211](#).

2980 (4) This section does not impose civil liability on boards of education, local school

2981 boards, [~~local~~] charter school governing boards, school districts, or their employees.

2982 (5) Proceedings initiated under this part do not obligate or preclude action by the

2983 Division of Child and Family Services under Section [78A-6-319](#).

2984 Section 76. Section **53G-6-207** is amended to read:

2985 **53G-6-207. Truancy specialists.**

2986 A local school board or [~~local~~] charter school governing board may appoint and fix the

2987 compensation of a truancy specialist to assist in enforcing laws related to school attendance and

2988 to perform other duties prescribed by law or the state board.

2989 Section 77. Section **53G-6-208** is amended to read:

2990 **53G-6-208. Taking custody of a person believed to be a truant minor --**

2991 **Disposition -- Reports -- Immunity from liability.**

2992 (1) A peace officer or public school administrator may take a minor into temporary

2993 custody if there is reason to believe the minor is a truant minor.

2994 (2) An individual taking a school-age minor into custody under Subsection (1) shall,

2995 without unnecessary delay, release the minor to:

2996 (a) the principal of the minor's school;

2997 (b) a person who has been designated by the local school board or [~~local~~] charter

2998 school governing board to receive and return the minor to school; or

2999 (c) a truancy center established under Subsection (5).

3000 (3) If the minor refuses to return to school or go to the truancy center, the officer or  
3001 administrator shall, without unnecessary delay, notify the minor's parents and release the minor  
3002 to their custody.

3003 (4) If the parents cannot be reached or are unable or unwilling to accept custody and  
3004 none of the options in Subsection (2) are available, the minor shall be referred to the Division  
3005 of Child and Family Services.

3006 (5) (a) A local school board or [~~local~~] charter school governing board, singly or jointly  
3007 with another school board, may establish or designate truancy centers within existing school  
3008 buildings and staff the centers with existing teachers or staff to provide educational guidance  
3009 and counseling for truant minors. Upon receipt of a truant minor, the center shall, without  
3010 unnecessary delay, notify and direct the minor's parents to come to the center, pick up the  
3011 minor, and return the minor to the school in which the minor is enrolled.

3012 (b) If the parents cannot be reached or are unable or unwilling to comply with the  
3013 request within a reasonable time, the center shall take such steps as are reasonably necessary to  
3014 insure the safety and well being of the minor, including, when appropriate, returning the minor  
3015 to school or referring the minor to the Division of Child and Family Services. A minor taken  
3016 into custody under this section may not be placed in a detention center or other secure  
3017 confinement facility.

3018 (6) Action taken under this section shall be reported to the appropriate school district.  
3019 The district shall promptly notify the minor's parents of the action taken.

3020 (7) The Utah Governmental Immunity Act applies to all actions taken under this  
3021 section.

3022 (8) Nothing in this section may be construed to grant authority to a public school  
3023 administrator to place a minor in the custody of the Division of Child and Family Services,  
3024 without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A,  
3025 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

3026 Section 78. Section **53G-6-209** is amended to read:

3027 **53G-6-209. Truancy support centers.**

3028 (1) A school district may establish one or more truancy support centers for:

3029 (a) truant minors taken into custody under Section **53G-6-208**; or

3030 (b) students suspended or expelled from school.

3031 (2) A truancy support center shall provide services to the truant minor and the truant  
3032 minor's family, including:

3033 (a) assessments of the truant minor's needs and abilities;

3034 (b) support for the parents and truant minor through counseling and community  
3035 programs; and

3036 (c) tutoring for the truant minor during the time spent at the center.

3037 (3) For the suspended or expelled student, the truancy support center shall provide an  
3038 educational setting, staffed with certified teachers and aides, to provide the student with  
3039 ongoing educational programming appropriate to the student's grade level.

3040 (4) In a district with a truancy support center, all students suspended or expelled from  
3041 school shall be referred to the center. A parent [~~or guardian~~] shall appear with the student at  
3042 the center within 48 hours of the suspension or expulsion, not including weekends or holidays.  
3043 The student shall register and attend classes at the truancy support center for the duration of the  
3044 suspension or expulsion unless the parent [~~or guardian~~] demonstrates that alternative  
3045 arrangements have been made for the education or supervision of the student during the time of  
3046 suspension or expulsion.

3047 (5) The truancy support center may provide counseling and other support programming  
3048 for students suspended or expelled from school and their parents [~~or guardian~~].

3049 Section 79. Section **53G-6-302** is amended to read:

3050 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**  
3051 **for providing educational services.**

3052 (1) As used in this section:

3053 (a) "Health care facility" means the same as that term is defined in Section **26-21-2**.



3054 (b) "Human services program" means the same as that term is defined in Section  
3055 62A-2-101.

3056 (2) The school district of residence of a minor child whose custodial parent [~~or legal~~  
3057 ~~guardian~~] resides within Utah is:

3058 (a) the school district in which the custodial parent [~~or legal guardian~~] resides; or

3059 (b) the school district in which the child resides:

3060 (i) while in the custody or under the supervision of a Utah state agency;

3061 (ii) while under the supervision of a private or public agency which is in compliance  
3062 with Section 62A-4a-606 and is authorized to provide child placement services by the state;

3063 (iii) while living with a responsible adult resident of the district, if a determination has  
3064 been made in accordance with rules made by the [~~State Board of Education in accordance with~~  
3065 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] state board that:

3066 (A) the child's physical, mental, moral, or emotional health will best be served by  
3067 considering the child to be a resident for school purposes;

3068 (B) exigent circumstances exist that do not permit the case to be appropriately  
3069 addressed under Section 53G-6-402; and

3070 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii)  
3071 does not violate any other law or rule of the [~~State Board of Education~~] state board;

3072 (iv) while the child is receiving services from a health care facility or human services  
3073 program, if a determination has been made in accordance with rules made by the [~~State Board~~  
3074 ~~of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]  
3075 state board that:

3076 (A) the child's physical, mental, moral, or emotional health will best be served by  
3077 considering the child to be a resident for school purposes;

3078 (B) exigent circumstances exist that do not permit the case to be appropriately  
3079 addressed under Section 53G-6-402; and

3080 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)  
3081 does not violate any other law or rule of the [~~State Board of Education~~] state board; or

3082 (v) if the child is married or has been determined to be an emancipated minor by a  
3083 court of law or by a state administrative agency authorized to make that determination.

3084 (3) A minor child whose custodial parent [~~or legal guardian~~] does not reside in the state  
3085 is considered to be a resident of the district in which the child lives, unless that designation  
3086 violates any other law or rule of the [~~State Board of Education~~] state board, if:

3087 (a) the child is married or an emancipated minor under Subsection (2)(b)(v);

3088 (b) the child lives with a resident of the district who is a responsible adult and whom  
3089 the district agrees to designate as the child's legal guardian under Section 53G-6-303;

3090 (c) if permissible under policies adopted by a local school board, it is established to the  
3091 satisfaction of the local school board that:

3092 (i) the child lives with a responsible adult who is a resident of the district and is the  
3093 child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

3094 (ii) the child's presence in the district is not for the primary purpose of attending the  
3095 public schools;

3096 (iii) the child's physical, mental, moral, or emotional health will best be served by  
3097 considering the child to be a resident for school purposes; and

3098 (iv) the child is prepared to abide by the [~~rules and~~] policies of the school and school  
3099 district in which attendance is sought; or

3100 (d) it is established to the satisfaction of the local school board that:

3101 (i) the child's parent [~~or guardian~~] moves from the state;

3102 (ii) the child's parent [~~or guardian~~] executes a power of attorney under Section  
3103 75-5-103 that:

3104 (A) meets the requirements of Subsection (4); and

3105 (B) delegates powers regarding care, custody, or property, including schooling, to a  
3106 responsible adult with whom the child resides;

3107 (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the  
3108 district;

3109 (iv) the child's physical, mental, moral, or emotional health will best be served by

3110 considering the child to be a resident for school purposes;

3111 (v) the child is prepared to abide by the ~~[rules and]~~ policies of the school and school  
3112 district in which attendance is sought; and

3113 (vi) the child's attendance in the school will not be detrimental to the school or school  
3114 district.

3115 (4) (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the  
3116 district may require the person with whom the child lives to be designated as the child's  
3117 custodian in a durable power of attorney, issued by the party who has legal custody of the child,  
3118 granting the custodian full authority to take any appropriate action, including authorization for  
3119 educational or medical services, in the interests of the child.

3120 (b) Both the party granting and the party empowered by the power of attorney shall  
3121 agree to:

3122 (i) assume responsibility for any fees or other charges relating to the child's education  
3123 in the district; and

3124 (ii) if eligibility for fee waivers is claimed under Section [53G-7-504](#), provide the  
3125 school district with all financial information requested by the district for purposes of  
3126 determining eligibility for fee waivers.

3127 (c) Notwithstanding Section [75-5-103](#), a power of attorney meeting the requirements of  
3128 this section and accepted by the school district shall remain in force until the earliest of the  
3129 following occurs:

3130 (i) the child reaches the age of 18, marries, or becomes emancipated;

3131 (ii) the expiration date stated in the document; or

3132 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,  
3133 or by order of a court of competent jurisdiction.

3134 (5) A power of attorney does not confer legal guardianship.

3135 (6) Each school district is responsible for providing educational services for all  
3136 children of school age who are residents of the district.

3137 Section 80. Section **53G-6-303** is amended to read:

3138           **53G-6-303. Guardianship for residency purposes by responsible adult --**  
3139 **Procedure to obtain -- Termination.**

3140           (1) For purposes of this part, "responsible adult" means a person 21 years of age or  
3141 older who is a resident of this state and is willing and able to provide reasonably adequate food,  
3142 clothing, shelter, and supervision for a minor child.

3143           (2) A local school board [~~of education~~] may adopt a policy permitting it to designate a  
3144 responsible adult residing in the school district as legal guardian of a child whose custodial  
3145 parent [~~or legal guardian~~] does not reside within the state upon compliance with the following  
3146 requirements:

3147           (a) submission to the school district of a signed and notarized affidavit by the child's  
3148 custodial parent [~~or legal guardian~~] stating that:

3149           (i) the child's presence in the district is not for the primary purpose of attending the  
3150 public schools;

3151           (ii) the child's physical, mental, moral, or emotional health would best be served by a  
3152 transfer of guardianship to the Utah resident;

3153           (iii) the affiant is aware that designation of a guardian under this section is equivalent  
3154 to a court-ordered guardianship under Section [75-5-206](#) and will suspend or terminate any  
3155 existing parental or guardianship rights in the same manner as would occur under a  
3156 court-ordered guardianship;

3157           (iv) the affiant consents and submits to any such suspension or termination of parental  
3158 or guardianship rights;

3159           (v) the affiant consents and submits to the jurisdiction of the state district court in  
3160 which the school district is located in any action relating to the guardianship or custody of the  
3161 child in question;

3162           (vi) the affiant designates a named responsible adult as agent, authorized to accept  
3163 service on behalf of the affiant of any process, notice, or demand required or permitted to be  
3164 served in connection with any action under Subsection (2)(a)(v); and

3165           (vii) it is the affiant's intent that the child become a permanent resident of the state and

3166 reside with and be under the supervision of the named responsible adult;

3167 (b) submission to the school district of a signed and notarized affidavit by the  
3168 responsible adult stating that:

3169 (i) the affiant is a resident of the school district and desires to become the guardian of  
3170 the child;

3171 (ii) the affiant consents and submits to the jurisdiction of the state district court in  
3172 which the school district is located in any action relating to the guardianship or custody of the  
3173 child in question;

3174 (iii) the affiant will accept the responsibilities of guardianship for the duration,  
3175 including the responsibility to provide adequate supervision, discipline, food, shelter,  
3176 educational and emotional support, and medical care for the child if designated as the child's  
3177 guardian; and

3178 (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);

3179 (c) submission to the school district of a signed and notarized affidavit by the child  
3180 stating that:

3181 (i) the child desires to become a permanent resident of Utah and reside with and be  
3182 responsible to the named responsible adult; and

3183 (ii) the child will abide by all applicable [~~rules~~] policies of any public school which the  
3184 child may attend after guardianship is awarded; and

3185 (d) if the child's custodial parent [~~or legal guardian~~] cannot be found in order to execute  
3186 the statement required under Subsection (2)(a), the responsible adult must submit an affidavit  
3187 to that effect to the district. The district shall also submit a copy of the statement to the  
3188 Criminal Investigations and Technical Services Division of the Department of Public Safety,  
3189 established in Section [53-10-103](#).

3190 (3) The district may require the responsible adult, in addition to the documents set forth  
3191 in Subsection (2), to also submit any other documents which are relevant to the appointment of  
3192 a guardian of a minor or which the district reasonably believes to be necessary in connection  
3193 with a given application to substantiate any claim or assertion made in connection with the

3194 application for guardianship.

3195 (4) Upon receipt of the information and documentation required under Subsections (2)  
3196 and (3), and a determination by the local school board that the information is accurate, that the  
3197 requirements of this section have been met, and that the interests of the child would best be  
3198 served by granting the requested guardianship, the local school board or its authorized  
3199 representative may designate the applicant as guardian of the child by issuing a designation of  
3200 guardianship letter to the applicant.

3201 (5) (a) If a local school board has adopted a policy permitting the local school board to  
3202 designate a guardian under this section, a denial of an application for appointment of a  
3203 guardian may be appealed to the district court in which the school district is located.

3204 (b) The court shall uphold the decision of the local school board unless it finds, by  
3205 clear and convincing evidence, that the local school board's decision was arbitrary and  
3206 capricious.

3207 (c) An applicant may, rather than appealing the local school board's decision under  
3208 Subsection (5)(b), file an original Petition for Appointment of Guardian with the district court,  
3209 which action shall proceed as if no decision had been made by the local school board.

3210 (6) A responsible adult obtaining guardianship under this section has the same rights,  
3211 authority, and responsibilities as a guardian appointed under Section 75-5-201.

3212 (7) (a) The school district shall deliver the original documents filed with the school  
3213 district, together with a copy of the designation of guardianship issued by the district, in person  
3214 or by any form of mail requiring a signed receipt, to the clerk of the state district court in which  
3215 the school district is located.

3216 (b) The court may not charge the school district a fee for filing guardianship papers  
3217 under this section.

3218 (8) (a) The authority and responsibility of a custodial parent [~~or legal guardian~~]  
3219 submitting an affidavit under this section may be restored by the district, and the guardianship  
3220 obtained under this section terminated by the district:

3221 (i) upon submission to the school district in which the guardianship was obtained of a

3222 signed and notarized statement by the person who consented to guardianship under Subsection  
3223 (2)(a) requesting termination of the guardianship; or

3224 (ii) by the person accepting guardianship under Subsection (2)(b) requesting the  
3225 termination of the guardianship.

3226 (b) If the school district determines that it would not be in the best interests of the child  
3227 to terminate the guardianship, the district may refer the request for termination to the state  
3228 district court in which the documents were filed under Subsection (5) for further action  
3229 consistent with the interests of the child.

3230 (9) The school district shall retain copies of all documents required by this section  
3231 until the child in question has reached the age of 18 unless directed to surrender the documents  
3232 by a court of competent jurisdiction.

3233 (10) (a) Intentional submission to a school district of fraudulent or misleading  
3234 information under this part is punishable under Section [76-8-504](#).

3235 (b) A school district which has reason to believe that a party has intentionally  
3236 submitted false or misleading information under this part may, after notice and opportunity for  
3237 the party to respond to the allegation:

3238 (i) void any guardianship, authorization, or action which was based upon the false or  
3239 misleading information; and

3240 (ii) recover, from the party submitting the information, the full cost of any benefits  
3241 received by the child on the basis of the false or misleading information, including tuition, fees,  
3242 and other unpaid school charges, together with any related costs of recovery.

3243 (c) A student whose guardianship or enrollment has been terminated under this section  
3244 may, upon payment of all applicable tuition and fees, continue in enrollment until the end of  
3245 the school year unless excluded from attendance for cause.

3246 Section 81. Section **53G-6-305** is amended to read:

3247 **53G-6-305. District paying tuition -- Effect on state aid.**

3248 (1) A local school board may by written agreement pay the tuition of a child attending  
3249 school in a district outside the state. Both districts shall approve the agreement and file it with

3250 the ~~[State Board of Education]~~ state board.

3251 (2) The average daily membership of the child may be added to that of other eligible  
3252 children attending schools within the district of residence for the purpose of apportionment of  
3253 state funds.

3254 (3) (a) The district of residence shall bear any excess tuition costs over the state's  
3255 contribution for attendance in the district of residence unless otherwise approved in advance by  
3256 the ~~[State Board of Education]~~ state board.

3257 (b) (i) If a child who resides in a Utah school district's boundaries attends school in a  
3258 neighboring state under this section, the ~~[State Board of Education]~~ state board may make an  
3259 out-of-state tuition payment to the Utah school district of residence.

3260 (ii) If the ~~[State Board of Education]~~ state board approves the use of state funds for an  
3261 out-of-state tuition payment described in Subsection (3)(b)(i), the ~~[State Board of Education]~~  
3262 state board shall use funds appropriated by the Legislature for necessarily existent small  
3263 schools as described in Section [53F-2-304](#).

3264 Section 82. Section **53G-6-306** is amended to read:

3265 **53G-6-306. Permitting attendance by nonresident of the state -- Tuition.**

3266 (1) A local school board may permit a child residing outside the state to attend school  
3267 within the district. With the exception of a child enrolled under Section [53G-6-707](#), the child  
3268 is not included for the purpose of apportionment of state funds.

3269 (2) The local school board shall charge the nonresident child tuition at least equal to  
3270 the per capita cost of the school program in which the child enrolls unless the local school  
3271 board, in open meeting, determines to waive the charge for that child in whole or in part. The  
3272 official minutes of the meeting shall reflect the determination.

3273 Section 83. Section **53G-6-401** is amended to read:

3274 **53G-6-401. Definitions.**

3275 As used in Sections [53G-6-402](#) through [53G-6-407](#):

3276 (1) "Early enrollment" means:

3277 (a) except as provided in Subsection (1)(b), application prior to the third Friday in



3278 February for admission for the next school year to a school that is not a student's school of  
3279 residence; and

3280 (b) application prior to November 1 for admission for the next school year to a school  
3281 that is not a student's school of residence if:

3282 (i) the school district is doing a district wide grade reconfiguration of its elementary,  
3283 middle, junior, and senior high schools; and

3284 (ii) the grade reconfiguration described in Subsection (1)(b)(i) will be implemented in  
3285 the next school year.

3286 (2) (a) "Early enrollment school capacity" or "maximum capacity" means the total  
3287 number of students who could be served in a school building if each of the building's  
3288 instructional stations were to have the enrollment specified in Subsection (2)(b).

3289 (b) (i) Except as provided in Subsection (2)(b)(ii):

3290 (A) for an elementary school, an instructional station shall have an enrollment at least  
3291 equal to the school district's average class size for the corresponding grade; and

3292 (B) for a middle, junior, or senior high school, an instructional station shall have an  
3293 enrollment at least equal to the district's average class size for similar classes.

3294 (ii) (A) A local school board shall determine the instructional station capacity for  
3295 laboratories, physical education facilities, shops, study halls, self-contained special education  
3296 classrooms, facilities jointly financed by the school district and another community agency for  
3297 joint use, and similar rooms.

3298 (B) Capacity for self-contained special education classrooms shall be based upon  
3299 students per class as defined by [~~State Board of Education~~] state board and federal special  
3300 education standards.

3301 (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or  
3302 physical education facility to which a local school board [~~of education~~] could reasonably assign  
3303 a class, teacher, or program during a given class period.

3304 (b) More than one instructional station may be assigned to a classroom, laboratory,  
3305 shop, study hall, or physical education facility during a class period.

- 3306 (4) "Late enrollment" means application:
- 3307 (a) after the third Friday in February for admission for the next school year to a school
- 3308 that is not the student's school of residence; or
- 3309 (b) for admission for the current year to a school that is not the student's school of
- 3310 residence.
- 3311 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number
- 3312 of students who could be served in a school if each teacher were to have the class size specified
- 3313 in Subsection (5)(b).
- 3314 (b) (i) An elementary school teacher shall have a class size at least equal to the district's
- 3315 average class size for the corresponding grade.
- 3316 (ii) A middle, junior, or senior high school teacher shall have a class size at least equal
- 3317 to the district's average class size for similar classes.
- 3318 (6) "Nonresident student" means a student who lives outside the boundaries of the
- 3319 school attendance area.
- 3320 (7) "Open enrollment threshold" means:
- 3321 (a) for early enrollment, a projected school enrollment level that is the greater of:
- 3322 (i) 90% of the maximum capacity; or
- 3323 (ii) maximum capacity minus 40 students; and
- 3324 (b) for late enrollment, actual school enrollment that is the greater of:
- 3325 (i) 90% of adjusted capacity; or
- 3326 (ii) adjusted capacity minus 40 students.
- 3327 (8) "Projected school enrollment" means the current year enrollment of a school as of
- 3328 October 1, adjusted for projected growth for the next school year.
- 3329 (9) "School attendance area" means an area established by a local school board from
- 3330 which students are assigned to attend a certain school.
- 3331 (10) "School of residence" means the school to which a student is assigned to attend
- 3332 based on the student's place of residence.
- 3333 Section 84. Section **53G-6-402** is amended to read:

3334           **53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing**  
3335 **enrollment.**

3336           (1) Each local school board is responsible for providing educational services consistent  
3337 with Utah state law and rules of the [~~State Board of Education~~] state board for each student  
3338 who resides in the district and, as provided in this section through Section 53G-6-407 and to  
3339 the extent reasonably feasible, for any student who resides in another district in the state and  
3340 desires to attend a school in the district.

3341           (2) (a) A school is open for enrollment of nonresident students if the enrollment level  
3342 is at or below the open enrollment threshold.

3343           (b) If a school's enrollment falls below the open enrollment threshold, the local school  
3344 board shall allow a nonresident student to enroll in the school.

3345           (3) A local school board may allow enrollment of nonresident students in a school that  
3346 is operating above the open enrollment threshold.

3347           (4) (a) A local school board shall adopt policies describing procedures for nonresident  
3348 students to follow in applying for entry into the district's schools.

3349           (b) Those procedures shall provide, as a minimum, for:

3350           (i) distribution to interested parties of information about the school or school district  
3351 and how to apply for admission;

3352           (ii) use of standard application forms prescribed by the [~~State Board of Education~~] state  
3353 board;

3354           (iii) (A) submission of applications from December 1 through the third Friday in  
3355 February by those seeking admission during the early enrollment period for the following year;  
3356 or

3357           (B) submission of applications from August 1 through November 1 by those seeking  
3358 admission during the early enrollment period for the following year in a school district  
3359 described in Subsection 53G-6-401(1)(b);

3360           (iv) submission of applications by those seeking admission during the late enrollment  
3361 period;

3362 (v) written notification to the student's parent [~~or legal guardian~~] of acceptance or  
3363 rejection of an application:

3364 (A) within six weeks after receipt of the application by the district or by March 31,  
3365 whichever is later, for applications submitted during the early enrollment period;

3366 (B) within two weeks after receipt of the application by the district or by the Friday  
3367 before the new school year begins, whichever is later, for applications submitted during the late  
3368 enrollment period for admission in the next school year; and

3369 (C) within two weeks after receipt of the application by the district, for applications  
3370 submitted during the late enrollment period for admission in the current year;

3371 (vi) written notification to the resident school for intradistrict transfers or the resident  
3372 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

3373 (vii) written notification to the parents [~~or legal guardians~~] of each student that resides  
3374 within the school district and other interested parties of the revised early enrollment period  
3375 described in Subsection 53G-6-401(1)(b) if:

3376 (A) the school district is doing a district wide grade reconfiguration of its elementary,  
3377 middle, junior, and senior high schools; and

3378 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be  
3379 implemented in the next school year.

3380 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting  
3381 applications and notifying parents of acceptance or rejection of an application, a local school  
3382 board may delay the dates if a local school board is not able to make a reasonably accurate  
3383 projection of the early enrollment school capacity or late enrollment school capacity of a school  
3384 due to:

3385 (A) school construction or remodeling;

3386 (B) drawing or revision of school boundaries; or

3387 (C) other circumstances beyond the control of the local school board.

3388 (ii) The delay may extend no later than four weeks beyond the date the local school  
3389 board is able to make a reasonably accurate projection of the early enrollment school capacity

3390 or late enrollment school capacity of a school.

3391 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of  
3392 application.

3393 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,  
3394 subject to the same rules and standards as resident students, without renewed applications in  
3395 subsequent years unless one of the following occurs:

3396 (a) the student graduates;

3397 (b) the student is no longer a Utah resident;

3398 (c) the student is suspended or expelled from school; or

3399 (d) the district determines that enrollment within the school will exceed the school's  
3400 open enrollment threshold.

3401 (7) (a) Determination of which nonresident students will be excluded from continued  
3402 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in  
3403 the school, with those most recently enrolled being excluded first and the use of a lottery  
3404 system when multiple nonresident students have the same number of school days in the school.

3405 (b) Nonresident students who will not be permitted to continue their enrollment shall  
3406 be notified no later than March 15 of the current school year.

3407 (8) The parent [~~or guardian~~] of a student enrolled in a school that is not the student's  
3408 school of residence may withdraw the student from that school for enrollment in another public  
3409 school by submitting notice of intent to enroll the student in:

3410 (a) the district of residence; or

3411 (b) another nonresident district.

3412 (9) Unless provisions have previously been made for enrollment in another school, a  
3413 nonresident district releasing a student from enrollment shall immediately notify the district of  
3414 residence, which shall enroll the student in the resident district and take such additional steps  
3415 as may be necessary to ensure compliance with laws governing school attendance.

3416 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between  
3417 schools, whether effective on the first day of the school year or after the school year has begun,

3418 by exercising an open enrollment option under this section may not transfer to a different  
3419 school during the same school year by exercising an open enrollment option under this section.

3420 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a  
3421 student transfer made for health or safety reasons.

3422 (c) A local school board may adopt a policy allowing a student to exercise an open  
3423 enrollment option more than once in a school year.

3424 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school  
3425 that is not the student's school of residence, because school bus service is not provided between  
3426 the student's neighborhood and school of residence for safety reasons:

3427 (a) shall be allowed to continue to attend the school until the student finishes the  
3428 highest grade level offered; and

3429 (b) shall be allowed to attend the middle school, junior high school, or high school into  
3430 which the school's students feed until the student graduates from high school.

3431 (12) Notwithstanding any other provision of this part or Part 3, School District  
3432 Residency, a student shall be allowed to enroll in any charter school or other public school in  
3433 any district, including a district where the student does not reside, if the enrollment is  
3434 necessary, as determined by the Division of Child and Family Services, to comply with the  
3435 provisions of 42 U.S.C. Section 675.

3436 Section 85. Section **53G-6-403** is amended to read:

3437 **53G-6-403. Policies for acceptance and rejection of applications.**

3438 (1) (a) A local school board shall adopt [~~rules~~] policies governing acceptance and  
3439 rejection of applications required under Section **53G-6-402**.

3440 (b) The [~~rules~~] policies adopted under Subsection (1)(a) shall include policies and  
3441 procedures to assure that decisions regarding enrollment requests are administered fairly  
3442 without prejudice to any student or class of student, except as provided in Subsection (2).

3443 (2) Standards for accepting or rejecting an application for enrollment may include:

3444 (a) for an elementary school, the capacity of the grade level;

3445 (b) for a secondary school, the capacity of a comprehensive program;

3446 (c) maintenance of heterogeneous student populations if necessary to avoid violation of  
3447 constitutional or statutory rights of students;

3448 (d) not offering, or having capacity in, an elementary or secondary special education or  
3449 other special program the student requires;

3450 (e) maintenance of reduced class sizes:

3451 (i) in a Title I school that uses federal, state, and local money to reduce class sizes for  
3452 the purpose of improving student achievement; or

3453 (ii) in a school that uses school trust money to reduce class size;

3454 (f) willingness of prospective students to comply with district policies; and

3455 (g) giving priority to intradistrict transfers over interdistrict transfers.

3456 (3) (a) Standards for accepting or rejecting applications for enrollment may not  
3457 include:

3458 (i) previous academic achievement;

3459 (ii) athletic or other extracurricular ability;

3460 (iii) the fact that the student requires special education services for which space is  
3461 available;

3462 (iv) proficiency in the English language; or

3463 (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).

3464 (b) A local school board may provide for the denial of applications from students who:

3465 (i) have committed serious infractions of the law or school ~~rules~~ policies, including  
3466 ~~rules~~ policies of the district in which enrollment is sought; or

3467 (ii) have been guilty of chronic misbehavior which would, if it were to continue after  
3468 the student was admitted:

3469 (A) endanger persons or property;

3470 (B) cause serious disruptions in the school; or

3471 (C) place unreasonable burdens on school staff.

3472 (c) A local school board may also provide for provisional enrollment of students with  
3473 prior behavior problems, establishing conditions under which enrollment of a nonresident

3474 student would be permitted or continued.

3475 (4) (a) The [~~State Board of Education~~] state board, in consultation with the Utah High  
3476 School Activities Association, shall establish policies regarding nonresident student  
3477 participation in interscholastic competition.

3478 (b) Nonresident students shall be eligible for extracurricular activities at a public  
3479 school consistent with eligibility standards as applied to students that reside within the school  
3480 attendance area, except as provided by policies established under Subsection (4)(a).

3481 (5) For each school in the district, the local school board shall post on the school  
3482 district's website:

3483 (a) the school's maximum capacity;

3484 (b) the school's adjusted capacity;

3485 (c) the school's projected enrollment used in the calculation of the open enrollment  
3486 threshold;

3487 (d) actual enrollment on October 1, January 2, and April 1;

3488 (e) the number of nonresident student enrollment requests;

3489 (f) the number of nonresident student enrollment requests accepted; and

3490 (g) the number of resident students transferring to another school.

3491 Section 86. Section **53G-6-404** is amended to read:

3492 **53G-6-404. Denial of enrollment -- Appeal.**

3493 (1) Denial of initial or continuing enrollment in a nonresident school may be appealed  
3494 to the local school board [~~of education~~] of the nonresident district.

3495 (2) The decision of the local school board shall be upheld in any subsequent  
3496 proceedings unless the local school board's decision is found, by clear and convincing  
3497 evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

3498 Section 87. Section **53G-6-405** is amended to read:

3499 **53G-6-405. Funding.**

3500 (1) A student who enrolls in a nonresident district is considered a resident of that  
3501 district for purposes of state funding.



3502 (2) The [~~State Board of Education~~] state board shall adopt rules providing that:

3503 (a) the resident district pay the nonresident district, for each of the resident district's  
3504 students who enroll in the nonresident district, 1/2 of the amount by which the resident  
3505 district's per student expenditure exceeds the value of the state's contribution; and

3506 (b) if a student is enrolled in a nonresident district for less than a full year, the resident  
3507 district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage  
3508 of school days the student is enrolled in the nonresident district.

3509 (3) (a) Except as provided in this Subsection (3), the parent [~~or guardian~~] of a  
3510 nonresident student shall arrange for the student's own transportation to and from school.

3511 (b) The [~~State Board of Education~~] state board may adopt rules under which  
3512 nonresident students may be transported to their schools of attendance if:

3513 (i) the transportation of students to schools in other districts would relieve  
3514 overcrowding or other serious problems in the district of residence and the costs of  
3515 transportation are not excessive; or

3516 (ii) the Legislature has granted an adequate specific appropriation for that purpose.

3517 (c) A receiving district shall provide transportation for a nonresident student on the  
3518 basis of available space on an approved route within the district to the school of attendance if  
3519 district students would be eligible for transportation to the same school from that point on the  
3520 bus route and the student's presence does not increase the cost of the bus route.

3521 (d) Nothing in this section shall be construed as prohibiting the resident district or the  
3522 receiving district from providing bus transportation on any approved route.

3523 (e) Except as provided in Subsection (3)(b), the district of residence may not claim any  
3524 state transportation costs for students enrolled in other school districts.

3525 Section 88. Section **53G-6-406** is amended to read:

3526 **53G-6-406. Graduation credits.**

3527 (1) A nonresident district shall accept credits toward graduation that were awarded by a  
3528 school accredited or approved by the [~~State Board of Education~~] state board or a regional  
3529 accrediting body recognized by the U.S. Department of Education.

3530 (2) A nonresident district shall award a diploma to a nonresident student attending  
3531 school within the district during the semester immediately preceding graduation if the student  
3532 meets graduation requirements generally applicable to students in the school.

3533 (3) A district may not require that a student attend school within the district for more  
3534 than one semester prior to graduation in order to receive a diploma.

3535 Section 89. Section **53G-6-407** is amended to read:

3536 **53G-6-407. Intradistrict transfers for students impacted by boundary changes --**  
3537 **Transportation of students who transfer within a district.**

3538 (1) (a) In adjusting school boundaries, a local school board shall strive to avoid  
3539 requiring current students to change schools and shall, to the extent reasonably feasible,  
3540 accommodate parents who wish to avoid having their children attend different schools of the  
3541 same level because of boundary changes which occur after one or more children in the family  
3542 begin attending one of the affected schools.

3543 (b) In granting interdistrict and intradistrict transfers to a particular school, the local  
3544 school board shall take into consideration the fact that an applicant's brother or sister is  
3545 attending the school or another school within the district.

3546 (2) (a) A district shall receive transportation money under Sections **53F-2-402** and  
3547 **53F-2-403** for resident students who enroll in schools other than the regularly assigned school  
3548 on the basis of the distance from the student's residence to the school the student would have  
3549 attended had the intradistrict attendance option not been used.

3550 (b) The parent [~~or guardian~~] of the student shall arrange for the student's transportation  
3551 to and from school, except that the district shall provide transportation on the basis of available  
3552 space on an approved route within the district to the school of the student's attendance if the  
3553 student would be otherwise eligible for transportation to the same school from that point on the  
3554 bus route and the student's presence does not increase the cost of the bus route.

3555 Section 90. Section **53G-6-501** is amended to read:

3556 **53G-6-501. Definitions.**

3557 As used in this part:

3558 (1) "Asset" means the same as that term is defined in Section 53G-5-102.

3559 (2) "Board of trustees of a higher education institution" or "board of trustees" means  
3560 the same as that term is defined in Section 53G-5-102.

3561 [~~(3)~~ "Charter agreement" or "charter" means the same as that term is defined in Section  
3562 53G-5-102.]

3563 [~~(4)~~ (3) "Charter school authorizer" or "authorizer" means the same as that term is  
3564 defined in Section 53G-5-102.

3565 [~~(5)~~ "Governing board" means the same as that term is defined in Section 53G-5-102.]

3566 Section 91. Section 53G-6-502 is amended to read:

3567 **53G-6-502. Eligible students.**

3568 (1) As used in this section:

3569 (a) "At capacity" means operating above the school's open enrollment threshold.

3570 [~~(b)~~ "District school" means a public school under the control of a local school board  
3571 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School  
3572 Boards.]

3573 [~~(c)~~ (b) "Open enrollment threshold" means the same as that term is defined in Section  
3574 53G-6-401.

3575 [~~(d)~~ (c) "Refugee" means a person who is eligible to receive benefits and services  
3576 from the federal Office of Refugee Resettlement.

3577 [~~(e)~~ (d) "School of residence" means the same as that term is defined in Section  
3578 53G-6-401.

3579 (2) All resident students of the state qualify for admission to a charter school, subject  
3580 to the limitations set forth in this section and Section 53G-6-503.

3581 (3) (a) A charter school shall enroll an eligible student who submits a timely  
3582 application, unless the number of applications exceeds the capacity of a program, class, grade  
3583 level, or the charter school.

3584 (b) If the number of applications exceeds the capacity of a program, class, grade level,  
3585 or the charter school, the charter school shall select students on a random basis, except as

3586 provided in Subsections (4) through (8).

3587 (4) A charter school may give an enrollment preference to:

3588 (a) a child or grandchild of an individual who has actively participated in the  
3589 development of the charter school;

3590 (b) a child or grandchild of a member of the charter school governing board;

3591 (c) a sibling of an individual who was previously or is presently enrolled in the charter  
3592 school;

3593 (d) a child of an employee of the charter school;

3594 (e) a student articulating between charter schools offering similar programs that are  
3595 governed by the same charter school governing board;

3596 (f) a student articulating from one charter school to another pursuant to an articulation  
3597 agreement between the charter schools that is approved by the State Charter School Board; or

3598 (g) a student who resides within up to a two-mile radius of the charter school and  
3599 whose school of residence is at capacity.

3600 (5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g),  
3601 a charter school that is approved by the [~~State Board of Education~~] state board after May 13,  
3602 2014, and is located in a high growth area as defined in Section 53G-6-504 shall give an  
3603 enrollment preference to a student who resides within a two-mile radius of the charter school.

3604 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not  
3605 apply to a charter school that was approved without a high priority status pursuant to  
3606 Subsection 53G-6-504(7)(b).

3607 (6) If a district school converts to charter status, the charter school shall give an  
3608 enrollment preference to students who would have otherwise attended it as a district school.

3609 (7) (a) A charter school whose mission is to enhance learning opportunities for  
3610 refugees or children of refugee families may give an enrollment preference to refugees or  
3611 children of refugee families.

3612 (b) A charter school whose mission is to enhance learning opportunities for English  
3613 language learners may give an enrollment preference to English language learners.

3614 (8) A charter school may weight the charter school's lottery to give a slightly better  
3615 chance of admission to educationally disadvantaged students, including:

- 3616 (a) low-income students;
- 3617 (b) students with disabilities;
- 3618 (c) English language learners;
- 3619 (d) migrant students;
- 3620 (e) neglected or delinquent students; and
- 3621 (f) homeless students.

3622 (9) A charter school may not discriminate in the charter school's admission policies or  
3623 practices on the same basis as other public schools may not discriminate in admission policies  
3624 and practices.

3625 Section 92. Section **53G-6-503** is amended to read:

3626 **53G-6-503. Charter school students -- Admissions procedures -- Transfers.**

3627 (1) As used in this section:

3628 [~~(a)~~] "~~District school~~" means a public school under the control of a local school board  
3629 elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School  
3630 Boards.]

3631 [~~(b)~~] (a) "Nonresident school district" means a school district other than a student's  
3632 school district of residence.

3633 [~~(c)~~] (b) "School district of residence" means a student's school district of residence as  
3634 determined under Section [53G-6-302](#).

3635 [~~(d)~~] (c) "School of residence" means the school to which a student is assigned to  
3636 attend based on the student's place of residence.

3637 (2) (a) The [~~State School Board~~] state board, in consultation with the State Charter  
3638 School Board, shall make rules describing procedures for students to follow in applying for  
3639 entry into, or exiting, a charter school.

3640 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

3641 (i) posting on a charter school's Internet website, beginning no later than 60 days before

3642 the school's initial period of applications:

3643 (A) procedures for applying for admission to the charter school;

3644 (B) the school's opening date, if the school has not yet opened, or the school calendar;

3645 and

3646 (C) information on how a student may transfer from a charter school to another charter  
3647 school or a district school;

3648 (ii) written notification to a student's parent [~~or legal guardian~~] of an offer of  
3649 admission;

3650 (iii) written acceptance of an offer of admission by a student's parent [~~or legal~~  
3651 ~~guardian~~];

3652 (iv) written notification to a student's current charter school or school district of  
3653 residence upon acceptance of the student for enrollment in a charter school; and

3654 (v) the admission of students at:

3655 (A) any time to protect the health or safety of a student; or

3656 (B) times other than those permitted under standard policies if there are other  
3657 conditions of special need that warrant consideration.

3658 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is  
3659 enrolled in a charter school or who has accepted an offer of admission to a charter school from  
3660 duplicating enrollment for the student in another charter school or a school district without  
3661 following the withdrawal procedures described in Subsection (3).

3662 (3) The parent of a student enrolled in a charter school may withdraw the student from  
3663 the charter school for enrollment in another charter school or a school district by submitting to  
3664 the charter school:

3665 (a) on or before June 30, a notice of intent to enroll the student in the student's school  
3666 of residence for the following school year;

3667 (b) after June 30, a letter of acceptance for enrollment in the student's school district of  
3668 residence for the following year;

3669 (c) a letter of acceptance for enrollment in the student's school district of residence in

3670 the current school year;

3671 (d) a letter of acceptance for enrollment in a nonresident school district; or

3672 (e) a letter of acceptance for enrollment in a charter school.

3673 (4) (a) A charter school shall report to a school district, by the last business day of each  
3674 month the aggregate number of new students, sorted by their school of residence and grade  
3675 level, who have accepted enrollment in the charter school for the following school year.

3676 (b) A school district shall report to a charter school, by the last business day of each  
3677 month, the aggregate number of students enrolled in the charter school who have accepted  
3678 enrollment in the school district in the following school year, sorted by grade level.

3679 (5) When a vacancy occurs because a student has withdrawn from a charter school, the  
3680 charter school may immediately enroll a new student from its list of applicants.

3681 (6) Unless provisions have previously been made for enrollment in another school, a  
3682 charter school releasing a student from enrollment during a school year shall immediately  
3683 notify the school district of residence, which shall enroll the student in the school district of  
3684 residence and take additional steps as may be necessary to ensure compliance with laws  
3685 governing school attendance.

3686 (7) (a) The parent of a student enrolled in a charter school may withdraw the student  
3687 from the charter school for enrollment in the student's school of residence in the following  
3688 school year if an application of admission is submitted to the school district of residence by  
3689 June 30.

3690 (b) If the parent of a student enrolled in a charter school submits an application of  
3691 admission to the student's school district of residence after June 30 for the student's enrollment  
3692 in the school district of residence in the following school year, or an application of admission is  
3693 submitted for enrollment during the current school year, the student may enroll in a school of  
3694 the school district of residence that has adequate capacity in:

3695 (i) the student's grade level, if the student is an elementary school student; or

3696 (ii) the core classes that the student needs to take, if the student is a secondary school  
3697 student.

3698 (c) [~~State Board of Education~~] State board rules made under Subsection (2)(a) shall  
3699 specify how adequate capacity in a grade level or core classes is determined for the purposes of  
3700 Subsection (7)(b).

3701 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time  
3702 to protect the health and safety of the student.

3703 (9) A school district or charter school may charge secondary students a one-time \$5  
3704 processing fee, to be paid at the time of application.

3705 Section 93. Section **53G-6-504** is amended to read:

3706 **53G-6-504. Approval of increase in charter school enrollment capacity --**  
3707 **Expansion.**

3708 (1) For the purposes of this section:

3709 (a) "High growth area" means an area of the state where school enrollment is  
3710 significantly increasing or projected to significantly increase.

3711 (b) "Next school year" means the school year that begins on or after the July 1  
3712 immediately following the end of a general session of the Legislature.

3713 (2) The [~~State Board of Education~~] state board may approve an increase in charter  
3714 school enrollment capacity subject to the Legislature:

3715 (a) appropriating funds for an increase in charter school enrollment capacity in the next  
3716 school year; or

3717 (b) authorizing an increase in charter school enrollment capacity in the school year  
3718 immediately following the next school year.

3719 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment  
3720 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment  
3721 capacity for a charter school proposed and approved in response to a request for applications  
3722 issued under Section **53G-5-301**.

3723 (4) (a) A charter school may annually submit a request to the [~~State Board of~~  
3724 ~~Education~~] state board for an increase in enrollment capacity in the amount of .25 times the  
3725 number of students in grades 9 through 12 enrolled in an online course in the previous school



3726 year through the Statewide Online Education Program.

3727 (b) A charter school shall submit a request for an increase in enrollment capacity  
3728 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase  
3729 in enrollment capacity is requested.

3730 (c) The [~~State Board of Education~~] state board shall approve a request for an increase  
3731 in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient  
3732 funds appropriated under Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the  
3733 full amount of the per student allocation for each charter school student in the state to  
3734 supplement school district property tax revenues.

3735 (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a  
3736 permanent increase in the charter school's enrollment capacity.

3737 (5) (a) On or before January 1, 2017, [~~in accordance with Title 63G, Chapter 3, Utah~~  
3738 ~~Administrative Rulemaking Act, the State Board of Education~~] the state board shall, after  
3739 considering suggestions from charter school authorizers, make rules establishing requirements,  
3740 procedures, and deadlines for an expansion of a charter school.

3741 (b) The rules described in Subsection (5)(a) shall include rules related to:

3742 (i) an expansion of a charter school when another charter school issues a notice of  
3743 closure; and

3744 (ii) the establishment of a satellite campus.

3745 (6) (a) If the Legislature does not appropriate funds for an increase in charter school  
3746 enrollment capacity that is tentatively approved by the [~~State Board of Education~~] state board,  
3747 the [~~State Board of Education~~] state board shall prioritize the tentatively approved schools and  
3748 expansions based on approved funds.

3749 (b) A charter school or expansion that is tentatively approved, but not funded, shall be  
3750 considered to be tentatively approved for the next application year and receive priority status  
3751 for available funding.

3752 (7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in  
3753 charter school enrollment capacity for new charter schools and expanding charter schools, the

3754 [~~State Board of Education~~] state board shall give:

3755 (i) high priority to approving a new charter school or a charter school expansion in a  
3756 high growth area; and

3757 (ii) low priority to approving a new charter school or a charter school expansion in an  
3758 area where student enrollment is stable or declining.

3759 (b) An applicant seeking to establish a charter school in a high growth area may elect  
3760 to not receive high priority status as provided in Subsection (7)(a)(i).

3761 Section 94. Section **53G-6-702** is amended to read:

3762 **53G-6-702. Dual enrollment.**

3763 [~~(1) (a) "District school" means a public school under the control of a local school  
3764 board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local  
3765 School Boards.~~]

3766 [~~(b)~~] (1) [~~"Minor"~~] As used in this section, "minor" means the same as that term is  
3767 defined in Section **53G-6-201**.

3768 (2) A person having control of a minor who is enrolled in a regularly established  
3769 private school or a home school may also enroll the minor in a public school for dual  
3770 enrollment purposes.

3771 (3) The minor may participate in any academic activity in the public school available to  
3772 students in the minor's grade or age group, subject to compliance with the same rules and  
3773 requirements that apply to a full-time student's participation in the activity.

3774 (4) (a) A student enrolled in a dual enrollment program in a district school is  
3775 considered a student of the district in which the district school of attendance is located for  
3776 purposes of state funding to the extent of the student's participation in the district school  
3777 programs.

3778 (b) A student enrolled in a dual enrollment program in a charter school is considered a  
3779 student of the charter school for purposes of state funding to the extent of the student's  
3780 participation in the charter school programs.

3781 (5) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

3782 ~~the State Board of Education]~~ The state board shall make rules for purposes of dual enrollment  
3783 to govern and regulate the transferability of credits toward graduation that are earned in a  
3784 private or home school.

3785 Section 95. Section **53G-6-703** is amended to read:

3786 **53G-6-703. Private school and home school students' participation in**  
3787 **extracurricular activities in a public school.**

3788 (1) As used in this section:

3789 (a) "Academic eligibility requirements" means the academic eligibility requirements  
3790 that a home school student is required to meet to participate in an extracurricular activity in a  
3791 public school.

3792 (b) "Minor" means the same as that term is defined in Section **53G-6-201**.

3793 (c) "Parent" means the same as that term is defined in Section **53G-6-201**.

3794 (d) "Principal" means the principal of the school in which a home school student  
3795 participates or intends to participate in an extracurricular activity.

3796 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to  
3797 participate in an extracurricular activity at a public school as provided in this section.

3798 (b) A private school student may only participate in an extracurricular activity at a  
3799 public school that is not offered by the student's private school.

3800 (c) Except as provided in Subsection (2)(d), a private school student or a home school  
3801 student may only participate in an extracurricular activity at:

3802 (i) the school within whose attendance boundaries the student's custodial parent [~~or~~  
3803 ~~legal guardian~~] resides; or

3804 (ii) the school from which the student withdrew for the purpose of attending a private  
3805 or home school.

3806 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a  
3807 private school student or a home school student to participate in an extracurricular activity  
3808 other than:

3809 (i) an interscholastic competition of athletic teams sponsored and supported by a public

3810 school; or

3811 (ii) an interscholastic contest or competition for music, drama, or forensic groups or  
3812 teams sponsored and supported by a public school.

3813 (3) (a) Except as provided in Subsections (4) through (13), a private school or home  
3814 school student shall be eligible to participate in an extracurricular activity at a public school  
3815 consistent with eligibility standards:

3816 (i) applied to a fully enrolled public school student;

3817 (ii) of the public school where the private school or home school student participates in  
3818 an extracurricular activity; and

3819 (iii) for the extracurricular activity in which the private school or home school student  
3820 participates.

3821 (b) A school district or public school may not impose additional requirements on a  
3822 private school or home school student to participate in an extracurricular activity that are not  
3823 imposed on a fully enrolled public school student.

3824 (c) (i) A private school or home school student who participates in an extracurricular  
3825 activity at a public school shall pay the same fees as required of a fully enrolled public school  
3826 student to participate in an extracurricular activity.

3827 (ii) If a local school board or charter school governing board imposes a mandatory  
3828 student activity fee for a student enrolled in a public school, the fee may be imposed on a  
3829 private school or home school student who participates in an extracurricular activity at the  
3830 public school if the same benefits of paying the mandatory student activity fee that are  
3831 available to a fully enrolled public school student are available to a private school or home  
3832 school student who participates in an extracurricular activity at the public school.

3833 (4) Eligibility requirements based on school attendance are not applicable to a home  
3834 school student.

3835 (5) A home school student meets academic eligibility requirements to participate in an  
3836 extracurricular activity if:

3837 (a) the student is mastering the material in each course or subject being taught; and

3838 (b) the student is maintaining satisfactory progress towards achievement or promotion.

3839 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or  
3840 organization providing instruction to the student shall submit an affidavit to the principal  
3841 indicating the student meets academic eligibility requirements.

3842 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school  
3843 student shall:

3844 (i) be considered to meet academic eligibility requirements; and

3845 (ii) retain academic eligibility for all extracurricular activities during the activity season  
3846 for which the affidavit is submitted, until:

3847 (A) a panel established under Subsection (10) determines the home school student does  
3848 not meet academic eligibility requirements; or

3849 (B) the person who submitted the affidavit under Subsection (6)(a) provides written  
3850 notice to the school principal that the student no longer meets academic eligibility  
3851 requirements.

3852 (7) (a) A home school student who loses academic eligibility pursuant to Subsection  
3853 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted  
3854 the affidavit under Subsection (6)(a) provides written notice to the school principal that the  
3855 home school student has reestablished academic eligibility.

3856 (b) If a home school student reestablishes academic eligibility pursuant to Subsection  
3857 (7)(a), the home school student may participate in extracurricular activities for the remainder of  
3858 the activity season for which an affidavit was submitted under Subsection (6)(a).

3859 (8) A person who has probable cause to believe a home school student does not meet  
3860 academic eligibility requirements may submit an affidavit to the principal:

3861 (a) asserting the home school student does not meet academic eligibility requirements;  
3862 and

3863 (b) providing information indicating that the home school student does not meet the  
3864 academic eligibility requirements.

3865 (9) A principal shall review the affidavit submitted under Subsection (8), and if the

3866 principal determines it contains information which constitutes probable cause to believe a  
3867 home school student may not meet academic eligibility requirements, the principal shall  
3868 request a panel established pursuant to Subsection (10) to verify the student's compliance with  
3869 academic eligibility requirements.

3870 (10) (a) A school district superintendent shall:

3871 (i) appoint a panel of three individuals to verify a home school student's compliance  
3872 with academic eligibility requirements when requested by a principal pursuant to Subsection  
3873 (9); and

3874 (ii) select the panel members from nominees submitted by national, state, or regional  
3875 organizations whose members are home school students and parents.

3876 (b) Of the members appointed to a panel under Subsection (10)(a):

3877 (i) one member shall have experience teaching in a public school as a licensed teacher  
3878 and in home schooling high school-age students;

3879 (ii) one member shall have experience teaching in a higher education institution and in  
3880 home schooling; and

3881 (iii) one member shall have experience in home schooling high school-age students.

3882 (11) A panel appointed under Subsection (10):

3883 (a) shall review the affidavit submitted under Subsection (8);

3884 (b) may confer with the person who submitted the affidavit under Subsection (8);

3885 (c) shall request the home school student to submit test scores or a portfolio of work  
3886 documenting the student's academic achievement to the panel;

3887 (d) shall review the test scores or portfolio of work; and

3888 (e) shall determine whether the home school student meets academic eligibility  
3889 requirements.

3890 (12) A home school student who meets academic eligibility requirements pursuant to  
3891 Subsection (11), retains academic eligibility for all extracurricular activities during the activity  
3892 season for which an affidavit is submitted pursuant to Subsection (6).

3893 (13) (a) A panel's determination that a home school student does not comply with

3894 academic eligibility requirements is effective for an activity season and all extracurricular  
3895 activities that have academic eligibility requirements.

3896 (b) A home school student who is not in compliance with academic eligibility  
3897 requirements as determined by a panel appointed under Subsection (11) may seek to establish  
3898 academic eligibility under this section for the next activity season.

3899 (14) (a) A public school student who has been declared to be academically ineligible to  
3900 participate in an extracurricular activity and who subsequently enrolls in a home school shall  
3901 lose eligibility for participation in the extracurricular activity until the student:

3902 (i) demonstrates academic eligibility by providing test results or a portfolio of the  
3903 student's work to the school principal, provided that a student may not reestablish academic  
3904 eligibility under this Subsection (14)(a) during the same activity season in which the student  
3905 was declared to be academically ineligible;

3906 (ii) returns to public school and reestablishes academic eligibility; or

3907 (iii) enrolls in a private school and establishes academic eligibility.

3908 (b) A public school student who has been declared to be behaviorally ineligible to  
3909 participate in an extracurricular activity and who subsequently enrolls in a home school shall  
3910 lose eligibility for participation in the extracurricular activity until the student meets eligibility  
3911 standards as provided in Subsection (3).

3912 (15) When selection to participate in an extracurricular activity at a public school is  
3913 made on a competitive basis, a private school student and a home school student shall be  
3914 eligible to try out for and participate in the activity as provided in this section.

3915 (16) (a) If a student exits a public school to enroll in a private or home school  
3916 mid-semester or during an activity season, and the student desires to participate in an  
3917 extracurricular activity at the public school, the public school shall issue an interim academic  
3918 assessment based on the student's work in each class.

3919 (b) A student's academic eligibility to participate in an extracurricular activity under  
3920 the circumstances described in Subsection (16)(a) shall be based on the student meeting public  
3921 school academic eligibility standards at the time of exiting public school.

3922 (c) A student may appeal an academic eligibility determination made under Subsection  
3923 (16)(b) in accordance with procedures for appealing a public school student's academic  
3924 eligibility.

3925 Section 96. Section **53G-6-704** is amended to read:

3926 **53G-6-704. Charter school students' participation in extracurricular activities at**  
3927 **other public schools.**

3928 (1) A charter school student is eligible to participate in an extracurricular activity not  
3929 offered by the student's charter school at:

3930 (a) the school within whose attendance boundaries the student's custodial parent [~~or~~  
3931 ~~legal guardian~~] resides;

3932 (b) the public school from which the student withdrew for the purpose of attending a  
3933 charter school; or

3934 (c) a public school that is not a charter school if the student's charter school is located  
3935 on the campus of the public school or has local school board approval to locate on the campus  
3936 of the public school.

3937 (2) In addition to the public schools listed in Subsection (1), the [~~State Board of~~  
3938 ~~Education~~] state board may establish rules to allow a charter school student to participate in an  
3939 extracurricular activity at a public school other than a public school listed in Subsection (1).

3940 (3) A school other than a school described in Subsection (1)(a), (b), or (c) may allow a  
3941 charter school student to participate in extracurricular activities other than:

3942 (a) interschool competitions of athletic teams sponsored and supported by a public  
3943 school; or

3944 (b) interschool contests or competitions for music, drama, or forensic groups or teams  
3945 sponsored and supported by a public school.

3946 (4) A charter school student is eligible for extracurricular activities at a public school  
3947 consistent with eligibility standards as applied to full-time students of the public school.

3948 (5) A school district or public school may not impose additional requirements on a  
3949 charter school student to participate in extracurricular activities that are not imposed on



3950 full-time students of the public school.

3951 (6) (a) The [~~State Board of Education~~] state board shall make rules establishing fees for  
3952 charter school students' participation in extracurricular activities at school district schools.

3953 (b) The rules shall provide that:

3954 (i) charter school students pay the same fees as other students to participate in  
3955 extracurricular activities;

3956 (ii) charter school students are eligible for fee waivers pursuant to Section [53G-7-504](#);

3957 (iii) for each charter school student who participates in an extracurricular activity at a  
3958 school district school, the charter school shall pay a share of the school district's costs for the  
3959 extracurricular activity; and

3960 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state  
3961 and local tax revenues expended, except capital facilities expenditures, for an extracurricular  
3962 activity in a school district or school divided by total student enrollment of the school district  
3963 or school.

3964 (c) In determining a charter school's share of the costs of an extracurricular activity  
3965 under Subsections (6)(b)(iii) and (iv), the [~~State Board of Education~~] state board may establish  
3966 uniform fees statewide based on average costs statewide or average costs within a sample of  
3967 school districts.

3968 (7) When selection to participate in an extracurricular activity at a public school is  
3969 made on a competitive basis, a charter school student is eligible to try out for and participate in  
3970 the activity as provided in this section.

3971 Section 97. Section **53G-6-705** is amended to read:

3972 **53G-6-705. Online students' participation in extracurricular activities.**

3973 (1) As used in this section:

3974 (a) "Online education" means the use of information and communication technologies  
3975 to deliver educational opportunities to a student in a location other than a school.

3976 (b) "Online student" means a student who:

3977 (i) participates in an online education program sponsored or supported by the [State

3978 ~~Board of Education]~~ state board, a school district, or charter school; and  
3979 (ii) generates funding for the school district or school pursuant to Subsection  
3980 53F-2-102~~[(6)](4)~~ and rules of the ~~[State Board of Education]~~ state board.  
3981 (2) An online student is eligible to participate in extracurricular activities at:  
3982 (a) the school within whose attendance boundaries the student's custodial parent [~~or~~  
3983 ~~legal guardian]~~ resides; or  
3984 (b) the public school from which the student withdrew for the purpose of participating  
3985 in an online education program.  
3986 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an  
3987 online student to participate in extracurricular activities other than:  
3988 (a) interschool competitions of athletic teams sponsored and supported by a public  
3989 school; or  
3990 (b) interschool contests or competitions for music, drama, or forensic groups or teams  
3991 sponsored and supported by a public school.  
3992 (4) An online student is eligible for extracurricular activities at a public school  
3993 consistent with eligibility standards as applied to full-time students of the public school.  
3994 (5) A school district or public school may not impose additional requirements on an  
3995 online school student to participate in extracurricular activities that are not imposed on  
3996 full-time students of the public school.  
3997 (6) (a) The ~~[State Board of Education]~~ state board shall make rules establishing fees for  
3998 an online school student's participation in extracurricular activities at school district schools.  
3999 (b) The rules shall provide that:  
4000 (i) online school students pay the same fees as other students to participate in  
4001 extracurricular activities;  
4002 (ii) online school students are eligible for fee waivers pursuant to Section 53G-7-504;  
4003 (iii) for each online school student who participates in an extracurricular activity at a  
4004 school district school, the online school shall pay a share of the school district's costs for the  
4005 extracurricular activity; and

4006 (iv) an online school's share of the costs of an extracurricular activity shall reflect state  
4007 and local tax revenues expended, except capital facilities expenditures, for an extracurricular  
4008 activity in a school district or school divided by total student enrollment of the school district  
4009 or school.

4010 (c) In determining an online school's share of the costs of an extracurricular activity  
4011 under Subsections (6)(b)(iii) and (iv), the [~~State Board of Education~~] state board may establish  
4012 uniform fees statewide based on average costs statewide or average costs within a sample of  
4013 school districts.

4014 (7) When selection to participate in an extracurricular activity at a public school is  
4015 made on a competitive basis, an online student is eligible to try out for and participate in the  
4016 activity as provided in this section.

4017 Section 98. Section **53G-6-706** is amended to read:

4018 **53G-6-706. Placement of a home school student who transfers to a public school.**

4019 (1) For the purposes of this section:

4020 (a) "Home school student" means a student who attends a home school pursuant to  
4021 Section [53G-6-204](#).

4022 (b) "Parent" means the same as that term is defined in Section [53G-6-201](#).

4023 (2) When a home school student transfers from a home school to a public school, the  
4024 public school shall place the student in the grade levels, classes, or courses that the student's  
4025 parent [~~or guardian~~] and in consultation with the school administrator determine are  
4026 appropriate based on the parent's [~~or guardian's~~] assessment of the student's academic  
4027 performance.

4028 (3) (a) Within 30 days of a home school student's placement in a public school grade  
4029 level, class, or course, either the student's teacher or the student's parent [~~or guardian~~] may  
4030 request a conference to consider changing the student's placement.

4031 (b) If the student's teacher and the student's parent [~~or guardian~~] agree on a placement  
4032 change, the public school shall place the student in the agreed upon grade level, class, or  
4033 course.

4034 (c) If the student's teacher and the student's parent [~~or guardian~~] do not agree on a  
 4035 placement change, the public school shall evaluate the student's subject matter mastery in  
 4036 accordance with Subsection (3)(d).

4037 (d) The student's parent [~~or guardian~~] has the option of:

4038 (i) allowing the public school to administer, to the student, assessments that are:

4039 (A) regularly administered to public school students; and

4040 (B) used to measure public school students' subject matter mastery and determine  
 4041 placement; or

4042 (ii) having a private entity or individual administer assessments of subject matter  
 4043 mastery to the student at the parent's [~~or guardian's~~] expense.

4044 (e) After an evaluation of a student's subject matter mastery, a public school may  
 4045 change a student's placement in a grade level, class, or course.

4046 (4) This section does not apply to a student who is dual enrolled in a public school and  
 4047 a home school pursuant to Section [53G-6-702](#).

4048 Section 99. Section **53G-6-707** is amended to read:

4049 **53G-6-707. Interstate compact students -- Inclusion in attendance count --**  
 4050 **Foreign exchange students -- Annual report -- Requirements for exchange student**  
 4051 **agencies.**

4052 (1) A school district or charter school may include the following students in the  
 4053 district's or school's membership and attendance count for the purpose of apportionment of  
 4054 state money:

4055 (a) a student enrolled under an interstate compact, established between the [~~State Board~~  
 4056 ~~of Education~~] state board and the state education authority of another state, under which a  
 4057 student from one compact state would be permitted to enroll in a public school in the other  
 4058 compact state on the same basis as a resident student of the receiving state; or

4059 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact  
 4060 on Placement of Children.

4061 (2) A school district or charter school may:

4062 (a) enroll foreign exchange students that do not qualify for state money; and  
4063 (b) pay for the costs of those students with other funds available to the school district  
4064 or charter school.

4065 (3) Due to the benefits to all students of having the opportunity to become familiar  
4066 with individuals from diverse backgrounds and cultures, school districts are encouraged to  
4067 enroll foreign exchange students, as provided in Subsection (2), particularly in schools with  
4068 declining or stable enrollments where the incremental cost of enrolling the foreign exchange  
4069 student may be minimal.

4070 (4) The state board shall make an annual report to the Legislature on the number of  
4071 exchange students and the number of interstate compact students sent to or received from  
4072 public schools outside the state.

4073 (5) (a) A local school board or charter school governing board shall require each  
4074 approved exchange student agency to provide it with a sworn affidavit of compliance prior to  
4075 the beginning of each school year.

4076 (b) The affidavit shall include the following assurances:

4077 (i) that the agency has complied with all applicable policies of the state board;

4078 (ii) that a household study, including a background check of all adult residents, has  
4079 been made of each household where an exchange student is to reside, and that the study was of  
4080 sufficient scope to provide reasonable assurance that the exchange student will receive proper  
4081 care and supervision in a safe environment;

4082 (iii) that host parents have received training appropriate to their positions, including  
4083 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who  
4084 are in a position of special trust;

4085 (iv) that a representative of the exchange student agency shall visit each student's place  
4086 of residence at least once each month during the student's stay in Utah;

4087 (v) that the agency will cooperate with school and other public authorities to ensure  
4088 that no exchange student becomes an unreasonable burden upon the public schools or other  
4089 public agencies;

4090 (vi) that each exchange student will be given in the exchange student's native language  
4091 names and telephone numbers of agency representatives and others who could be called at any  
4092 time if a serious problem occurs; and

4093 (vii) that alternate placements are readily available so that no student is required to  
4094 remain in a household if conditions appear to exist which unreasonably endanger the student's  
4095 welfare.

4096 (6) (a) A local school board or charter school governing board shall provide each  
4097 approved exchange student agency with a list of names and telephone numbers of individuals  
4098 not associated with the agency who could be called by an exchange student in the event of a  
4099 serious problem.

4100 (b) The agency shall make a copy of the list available to each of its exchange students  
4101 in the exchange student's native language.

4102 (7) Notwithstanding Subsection [53F-2-303\(3\)\(a\)](#), a school district or charter school  
4103 shall enroll a foreign exchange student if the foreign exchange student:

4104 (a) is sponsored by an agency approved by the [~~State Board of Education~~] state board;

4105 (b) attends the same school during the same time period that another student from the  
4106 school is:

4107 (i) sponsored by the same agency; and

4108 (ii) enrolled in a school in a foreign country; and

4109 (c) is enrolled in the school for one year or less.

4110 Section 100. Section **53G-6-708** is amended to read:

4111 **53G-6-708. Career and technical education program alternatives.**

4112 (1) A secondary student may attend a technical college described in Section  
4113 [53B-2a-105](#) if the secondary student's career and technical education goals are better achieved  
4114 by attending a technical college as determined by:

4115 (a) the secondary student; and

4116 (b) if the secondary student is a minor, the secondary student's parent [~~or legal~~  
4117 guardian].

4118 (2) A secondary student served under this section by a technical college described in  
4119 Section 53B-2a-105 shall be counted in the average daily membership of the sending school  
4120 district or charter school.

4121 Section 101. Section 53G-6-801 is amended to read:

4122 **53G-6-801. Definitions.**

4123 As used in this part:

4124 (1) "Federal law" means:

4125 (a) a statute passed by the Congress of the United States; or

4126 (b) a final regulation:

4127 (i) adopted by an administrative agency of the United States government; and

4128 (ii) published in the code of federal regulations or the federal register.

4129 [~~2) "Individualized Education Program" or "IEP" means a written statement, for a  
4130 student with a disability, that is developed, reviewed, and revised in accordance with the  
4131 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

4132 [~~3) "LEA" means a school district, charter school, or the Utah Schools for the Deaf  
4133 and the Blind.]~~

4134 [~~4) (2) "Reasonably accommodate" means an LEA shall make its best effort to enable  
4135 a parent [or guardian] to exercise a parental right specified in Section 53G-6-803:~~

4136 (a) without substantial impact to staff and resources, including employee working  
4137 conditions, safety and supervision on school premises and for school activities, and the  
4138 efficient allocation of expenditures; and

4139 (b) while balancing:

4140 (i) the parental rights of parents [or guardians];

4141 (ii) the educational needs of other students;

4142 (iii) the academic and behavioral impacts to a classroom;

4143 (iv) a teacher's workload; and

4144 (v) the assurance of the safe and efficient operation of a school.

4145 Section 102. Section 53G-6-802 is amended to read:

4146 **53G-6-802. Annual notice of parental rights.**

4147 (1) An LEA shall annually notify a parent [~~or guardian~~] of a student enrolled in the  
4148 LEA of the parent's [~~or guardian's~~] rights as specified in this part.

4149 (2) An LEA satisfies the notification requirement described in Subsection (1) by  
4150 posting the information on the LEA's website or through other means of electronic  
4151 communication.

4152 Section 103. Section **53G-6-803** is amended to read:

4153 **53G-6-803. Parental right to academic accommodations.**

4154 (1) (a) A student's parent [~~or guardian~~] is the primary person responsible for the  
4155 education of the student, and the state is in a secondary and supportive role to the parent [~~or~~  
4156 ~~guardian~~]. As such, a student's parent [~~or guardian~~] has the right to reasonable academic  
4157 accommodations from the student's LEA as specified in this section.

4158 (b) Each accommodation shall be considered on an individual basis and no student  
4159 shall be considered to a greater or lesser degree than any other student.

4160 (c) The parental rights specified in this section do not include all the rights or  
4161 accommodations that may be available to a student's parent [~~or guardian~~] as a user of the public  
4162 education system.

4163 (d) An accommodation under this section may only be provided if the accommodation  
4164 is:

4165 (i) consistent with federal law; and

4166 (ii) consistent with a student's IEP if the student already has an IEP.

4167 (2) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] written request to  
4168 retain a student in kindergarten through grade 8 on grade level based on the student's academic  
4169 ability or the student's social, emotional, or physical maturity.

4170 (3) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] initial selection of  
4171 a teacher or request for a change of teacher.

4172 (4) An LEA shall reasonably accommodate the request of a student's parent [~~or~~  
4173 ~~guardian~~] to visit and observe any class the student attends.



4174 (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused  
4175 absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

4176 (a) the parent [~~or guardian~~] submits a written statement at least one school day before  
4177 the scheduled absence; and

4178 (b) the student agrees to make up course work for school days missed for the scheduled  
4179 absence in accordance with LEA policy.

4180 (6) (a) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] written request  
4181 to place a student in a specialized class, a specialized program, or an advanced course.

4182 (b) An LEA shall consider multiple academic data points when determining an  
4183 accommodation under Subsection (6)(a).

4184 (7) Consistent with Section [53E-4-204](#), which requires the [~~State Board of Education~~]  
4185 state board to establish graduation requirements that use competency-based standards and  
4186 assessments, an LEA shall allow a student to earn course credit towards high school graduation  
4187 without completing a course in school by:

4188 (a) testing out of the course; or

4189 (b) demonstrating competency in course standards.

4190 (8) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] request to meet  
4191 with a teacher at a mutually agreeable time if the parent [~~or guardian~~] is unable to attend a  
4192 regularly scheduled parent teacher conference.

4193 (9) (a) At the request of a student's parent [~~or guardian~~], an LEA shall excuse a student  
4194 from taking an assessment that:

4195 (i) is federally mandated;

4196 (ii) is mandated by the state under this public education code; or

4197 (iii) requires the use of:

4198 (A) a state assessment system; or

4199 (B) software that is provided or paid for by the state.

4200 (b) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
4201 ~~the State Board of Education~~] The state board shall make rules:

- 4202 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)  
4203 that:
- 4204 (A) does not place an undue burden on a parent [~~or guardian~~]; and  
4205 (B) may be completed online; and
- 4206 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or  
4207 an LEA's employees through school grading or employee evaluations due to a student not  
4208 taking a test under Subsection (9)(a).
- 4209 (c) An LEA:
- 4210 (i) shall follow the procedures outlined in rules made by the [~~State Board of Education~~]  
4211 state board under Subsection (9)(b) to excuse a student under Subsection (9)(a);  
4212 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition  
4213 to the procedures outlined in rules made by the [~~State Board of Education~~] state board under  
4214 Subsection (9)(b); and
- 4215 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).
- 4216 (d) The [~~State Board of Education~~] state board shall:
- 4217 (i) maintain and publish a list of state assessments, state assessment systems, and  
4218 software that qualify under Subsection (9)(a); and
- 4219 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).  
4220 (10) (a) An LEA shall provide for:
- 4221 (i) the distribution of a copy of a school's discipline and conduct policy to each student  
4222 in accordance with Section [53G-8-204](#); and
- 4223 (ii) a parent's [~~or guardian's~~] signature acknowledging receipt of the school's discipline  
4224 and conduct policy.
- 4225 (b) An LEA shall notify a parent [~~or guardian~~] of a student's violation of a school's  
4226 discipline and conduct policy and allow a parent [~~or guardian~~] to respond to the notice in  
4227 accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.
- 4228 Section 104. Section **53G-7-202** is amended to read:  
4229 **53G-7-202. Waivers from state board rules.**

4230 (1) A charter school or any other public school or school district may apply to the  
4231 [~~State Board of Education~~] state board for a waiver of any state board rule that inhibits or  
4232 hinders the school or the school district from accomplishing its mission or educational goals set  
4233 out in its strategic plan or charter agreement.

4234 (2) The state board may grant the waiver, unless:

4235 (a) the waiver would cause the school district or the school to be in violation of state or  
4236 federal law; or

4237 (b) the waiver would threaten the health, safety, or welfare of students in the district or  
4238 at the school.

4239 (3) If the [~~State Board of Education~~] state board denies the waiver, the reason for the  
4240 denial shall be provided in writing to the waiver applicant.

4241 Section 105. Section **53G-7-203** is amended to read:

4242 **53G-7-203. Kindergartens -- Establishment -- Funding.**

4243 (1) Kindergartens are an integral part of the state's public education system.

4244 (2) Each local [~~board of education~~] school board shall provide kindergarten classes free  
4245 of charge for kindergarten children residing within the district.

4246 (3) Kindergartens established under Subsection (2) shall receive state money under  
4247 Title 53F, Public Education System -- Funding.

4248 Section 106. Section **53G-7-205** is amended to read:

4249 **53G-7-205. Assessment of emerging and early reading skills -- Resources**  
4250 **provided by school districts.**

4251 (1) The Legislature recognizes that well-developed reading skills help:

4252 (a) children to succeed in school, develop self esteem, and build positive relationships  
4253 with others;

4254 (b) young adults to become independent learners; and

4255 (c) adults to become and remain productive members of a rapidly changing  
4256 technology-based society.

4257 (2) (a) Each potential kindergarten student, the student's parent [~~or guardian~~], and

4258 kindergarten personnel at the student's school may participate in an assessment of the student's  
4259 reading and numeric skills.

4260 (b) The [~~State Board of Education~~] state board, in cooperation with the state's school  
4261 districts, may develop the assessment instrument and any additional materials needed to  
4262 implement and supplement the assessment program.

4263 (3) The potential kindergarten student's teacher may use the assessment in planning and  
4264 developing an instructional program to meet the student's identified needs.

4265 (4) (a) Each school is encouraged to schedule the assessment early enough before the  
4266 kindergarten starting date so that a potential kindergarten student's parent [~~or guardian~~] has  
4267 time to develop the child's needed skills as identified by the assessment.

4268 (b) Based on the assessment under Subsection (2), the school shall provide the  
4269 potential student's parent [~~or guardian~~] with appropriate resource materials to assist the parent  
4270 [~~or guardian~~] at home in the student's literacy development.

4271 Section 107. Section **53G-7-206** is amended to read:

4272 **53G-7-206. Acceptance of credits and grades awarded by accredited schools.**

4273 (1) (a) A public school shall accept credits and grades awarded to a student by a school  
4274 accredited or approved by the [~~State Board of Education~~] state board or accredited or  
4275 recognized by the Northwest Association of Accredited Schools as issued by the school,  
4276 without alterations.

4277 (b) Credits awarded for a core standards for Utah public schools course shall be applied  
4278 to fulfilling core standards for Utah public schools requirements.

4279 (2) Subsection (1) applies to credits awarded to a student who:

4280 (a) transfers to a public school; or

4281 (b) while enrolled in the public school, takes courses offered by another public or  
4282 private school.

4283 (3) Subsection (1) applies to:

4284 (a) traditional classes in which an instructor is present in the classroom and the student  
4285 is required to attend the class for a particular length of time;

4286 (b) open entry/open exit classes in which the student has the flexibility to begin or end  
4287 study at any time, progress through course material at his own pace, and demonstrate  
4288 competency when knowledge and skills have been mastered;

4289 (c) courses offered over the Internet; or

4290 (d) distance learning courses.

4291 Section 108. Section **53G-7-208** is amended to read:

4292 **53G-7-208. Local governmental entities and school districts -- Contracts and**  
4293 **cooperation -- Disbursement of funds -- Municipal and county representative**  
4294 **participation in local school board meetings -- Notice required.**

4295 (1) Local governmental entities and school districts may contract and cooperate with  
4296 one another in matters affecting the health, welfare, education, and convenience of the  
4297 inhabitants within their respective territorial limits.

4298 (2) A local governmental entity may disburse public funds in aid of a school district  
4299 located wholly or partially within the limits of its jurisdiction.

4300 (3) (a) As used in this Subsection (3):

4301 (i) "Interested county executive" means the county executive or county manager of a  
4302 county with unincorporated area within the boundary of a school district, or the designee of the  
4303 county executive or county manager.

4304 (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely  
4305 within the boundary of a school district, or the mayor's designee.

4306 (b) A [~~school district~~] local school board shall allow an interested mayor and interested  
4307 county executive to attend and participate in the local school board discussions at a [~~school~~  
4308 ~~district~~] local school board meeting that is open to the public under Title 52, Chapter 4, Open  
4309 and Public Meetings Act.

4310 (c) An interested county executive and interested mayor may attend and participate in  
4311 local school board discussions at a [~~school district~~] local school board meeting that is closed to  
4312 the public under Title 52, Chapter 4, Open and Public Meetings Act, if:

4313 (i) the [~~school district~~] local school board invites the interested county executive or

4314 interested mayor to attend and participate; and

4315 (ii) for a closed meeting held for the purpose of discussing the local school board's  
4316 disposition or acquisition of real property, the interested county executive or interested mayor  
4317 does not have a conflict of interest with respect to the real estate disposition or acquisition.

4318 (d) (i) A county or municipality may enter into an agreement with a school district  
4319 under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an  
4320 interested county executive or interested mayor at a [~~school district~~] local school board  
4321 meeting.

4322 (ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the  
4323 provisions of this Subsection (3).

4324 (e) Each local school board shall give notice of local school board meetings to each  
4325 interested mayor and interested county executive.

4326 (f) The notice required under Subsection (3)(c) shall be provided by:

4327 (i) mail;

4328 (ii) e-mail; or

4329 (iii) other effective means agreed to by the person to whom notice is given.

4330 Section 109. Section **53G-7-213** is amended to read:

4331 **53G-7-213. Child care centers in public schools -- Requirements -- Availability --**  
4332 **Compliance with state and local laws.**

4333 (1) (a) Upon receiving a request from a community group such as a community  
4334 council, local PTA, or parent/student organization, a local school board may authorize the use  
4335 of a part of any school building in the district to provide child care services for school aged  
4336 children.

4337 (b) (i) The local school board shall provide written public notice of its intent to  
4338 authorize a child care center.

4339 (ii) The local school board shall file a copy of the notice with the Office of Child Care  
4340 within the Department of Workforce Services and the Department of Health.

4341 (2) (a) Establishment of a child care center in a public school building is contingent

4342 upon the local school board determining that the center will not interfere with the building's use  
4343 for regular school purposes.

4344 (b) The decision shall be made at the sole discretion of the local school board.

4345 (c) A local school board may withdraw its approval to operate a child care center at any  
4346 time if it determines that such use interferes with the operation or interest of the school.

4347 (d) The school district and its employees and agents are immune from any liability that  
4348 might otherwise result from a withdrawal of approval if the withdrawal was made in good  
4349 faith.

4350 (3) (a) The local school board shall charge a commercially reasonable fee for the use of  
4351 a school building as a child care center so that the district does not incur an expense.

4352 (b) The fee shall include but not be limited to costs for utility, building maintenance,  
4353 and administrative services supplied by the school that are related to the operation of the child  
4354 care center.

4355 (4) (a) Child care service may be provided by governmental agencies other than school  
4356 districts, nonprofit community service groups, or private providers.

4357 (b) If competitive proposals to provide child care services are submitted by the entities  
4358 listed in Subsection (4)(a), the local school board shall give preference to the private provider  
4359 and nonprofit community service groups so long as their proposals are judged to be at least  
4360 equal to the proposal of the governmental agency.

4361 (c) It is intended that these programs function at the local community level with  
4362 minimal state and district involvement.

4363 (5) It is the intent of the Legislature that providers not be required to go through a  
4364 complex procedure in order to obtain approval for providing the service.

4365 (6) (a) Child care centers within a public school building shall make their services  
4366 available to all children regardless of where the children reside.

4367 (b) If space and resources are limited, first priority shall be given to those who reside  
4368 within the school boundaries where the center is located, and to the children of teachers and  
4369 other employees of the school where the child care center is located.

4370 (c) Second priority shall be given to those who reside within the school district  
4371 boundaries where the center is located.

4372 (7) (a) The local school board shall require proof of liability insurance which is  
4373 adequate in the opinion of the local school board for use of school property as a child care  
4374 center.

4375 (b) A school district participating in the state Risk Management Fund shall require the  
4376 provider of child care services to comply with the applicable provisions of Title 63A, Chapter  
4377 4, Risk Management.

4378 (8) Child care centers established under this section shall operate in compliance with  
4379 state and local laws and regulations, including zoning and licensing requirements, and  
4380 applicable school ~~[rules]~~ policies.

4381 (9) Except for Subsection (8), this section does not apply to child care centers  
4382 established by a school district within a public school building if the center offers child care  
4383 services primarily to children of employees or children of students of the school district.

4384 Section 110. Section **53G-7-214** is amended to read:

4385 **53G-7-214. Honorary high school diploma for certain veterans.**

4386 (1) A ~~[board of education of a school district]~~ local school board may award an  
4387 honorary high school diploma to a veteran, if the veteran:

4388 (a) left high school before graduating in order to serve in the armed forces of the  
4389 United States;

4390 (b) served in the armed forces of the United States during the period of World War II,  
4391 the Korean War, or the Vietnam War;

4392 (c) (i) was honorably discharged; or

4393 (ii) was released from active duty because of a service-related disability; and

4394 (d) (i) resides within the school district; or

4395 (ii) resided within the school district at the time of leaving high school to serve in the  
4396 armed forces of the United States.

4397 (2) To receive an honorary high school diploma, a veteran or immediate family



4398 member or guardian of a veteran shall submit to a local school board:

4399 (a) a request for an honorary high school diploma; and

4400 (b) information required by the local school board to verify the veteran's eligibility for  
4401 an honorary high school diploma under Subsection (1).

4402 (3) At the request of a veteran, a veteran's immediate family member or guardian, or a  
4403 local school board, the Department of Veterans and Military Affairs shall certify whether the  
4404 veteran meets the requirements of Subsections (1)(b) and (c).

4405 Section 111. Section **53G-7-215** is amended to read:

4406 **53G-7-215. Competency-based education -- Recommendations -- Coordination.**

4407 (1) As used in this section, "competency-based education" means the same as that term  
4408 is defined in Section [53F-5-501](#).

4409 (2) A local school board or a charter school governing board may establish a  
4410 competency-based education program.

4411 (3) A local school board or charter school governing board that establishes a  
4412 competency-based education program shall:

4413 (a) establish assessments to accurately measure competency;

4414 (b) provide the assessments to an enrolled student at no cost to the student;

4415 (c) award credit to a student who demonstrates competency and subject mastery;

4416 (d) submit the competency-based standards to the [~~State Board of Education~~] state  
4417 board for review; and

4418 (e) publish the competency-based standards on its website or by other electronic means  
4419 readily accessible to the public.

4420 (4) A local school board or charter school governing board may:

4421 (a) on a random lottery-based basis, limit enrollment to courses that have been  
4422 designated as competency-based courses;

4423 (b) waive or adapt traditional attendance requirements;

4424 (c) adjust class sizes to maximize the value of course instructors or course mentors;

4425 (d) enroll students from any geographic location within the state; and

4426 (e) provide proctored online competency-based assessments.

4427 Section 112. Section **53G-7-302** is amended to read:

4428 **53G-7-302. School district and charter school budgets.**

4429 (1) As used in this section:

4430 (a) "Budget officer" means:

4431 (i) for a school district, the school district's superintendent; or

4432 (ii) for a charter school, an individual selected by the charter school governing board.

4433 (b) [~~"Governing]~~ "LEA governing board" means:

4434 (i) for a school district, the local school board; or

4435 (ii) for a charter school, the charter school governing board.

4436 (2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with  
4437 supporting documentation, to be submitted to the budget officer's LEA governing board.

4438 (3) The tentative budget and supporting documents shall include the following items:

4439 (a) the revenues and expenditures of the preceding fiscal year;

4440 (b) the estimated revenues and expenditures of the current fiscal year;

4441 (c) for a school district, an estimate of the revenues for the succeeding fiscal year based  
4442 upon the lowest tax levy that will raise the required revenue, using the current year's taxable  
4443 value as the basis for this calculation;

4444 (d) a detailed estimate of the essential expenditures for all purposes for the next  
4445 succeeding fiscal year; and

4446 (e) the estimated financial condition of the school district or charter school by funds at  
4447 the close of the current fiscal year.

4448 (4) The tentative budget shall be filed with the district business administrator or charter  
4449 school executive director for public inspection at least 15 days before the date of the tentative  
4450 budget's proposed adoption by the LEA governing board.

4451 Section 113. Section **53G-7-303** is amended to read:

4452 **53G-7-303. LEA governing board budget procedures.**

4453 (1) As used in this section:

- 4454 (a) "Budget officer" means:
- 4455 (i) for a school district, the school district's superintendent; or
- 4456 (ii) for a charter school, an individual selected by the charter school governing board.
- 4457 (b) [~~Governing~~] "LEA governing board" means:
- 4458 (i) for a school district, the local school board; or
- 4459 (ii) for a charter school, the charter school governing board.
- 4460 (2) (a) For a school district, before June 30 of each year, a local school board shall
- 4461 adopt a budget and make appropriations for the next fiscal year.
- 4462 (b) For a school district, if the tax rate in the school district's proposed budget exceeds
- 4463 the certified tax rate defined in Section 59-2-924, the local school board shall comply with
- 4464 Section 59-2-919 in adopting the budget, except as provided by Section 53F-8-301.
- 4465 (3) (a) For a school district, before the adoption or amendment of a budget, a local
- 4466 school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed
- 4467 budget or budget amendment.
- 4468 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
- 4469 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the
- 4470 public hearing, a local school board shall:
- 4471 (i) publish a notice of the public hearing in a newspaper or combination of newspapers
- 4472 of general circulation in the school district, except as provided in Section 45-1-101;
- 4473 (ii) publish a notice of the public hearing electronically in accordance with Section
- 4474 45-1-101;
- 4475 (iii) file a copy of the proposed budget with the local school board's business
- 4476 administrator for public inspection; and
- 4477 (iv) post the proposed budget on the school district's Internet website.
- 4478 (c) A notice of a public hearing on a school district's proposed budget shall include
- 4479 information on how the public may access the proposed budget as provided in Subsections
- 4480 (3)(b)(iii) and (iv).
- 4481 (4) For a charter school, before June 30 of each year, a charter school governing board

4482 shall adopt a budget for the next fiscal year.

4483 (5) Within 30 days of adopting a budget, [a] an LEA governing board shall file a copy  
4484 of the adopted budget with the state auditor and the [~~State Board of Education~~] state board.

4485 Section 114. Section **53G-7-304** is amended to read:

4486 **53G-7-304. Undistributed reserve in local school board budget.**

4487 (1) A local school board may adopt a budget with an undistributed reserve. The reserve  
4488 may not exceed 5% of the maintenance and operation budget adopted by the local school board  
4489 in accordance with a scale developed by the [~~State Board of Education~~] state board. The scale  
4490 is based on the size of the school district's budget.

4491 (2) The local school board may appropriate all or a part of the undistributed reserve  
4492 made to any expenditure classification in the maintenance and operation budget by written  
4493 resolution adopted by a majority vote of the local school board setting forth the reasons for the  
4494 appropriation. The local school board shall file a copy of the resolution with the [~~State Board~~  
4495 ~~of Education~~] state board and the state auditor.

4496 (3) The local school board may not use undistributed reserves in the negotiation or  
4497 settlement of contract salaries for school district employees.

4498 Section 115. Section **53G-7-305** is amended to read:

4499 **53G-7-305. Limits on appropriations -- Estimated expendable revenue.**

4500 (1) As used in this section:

4501 (a) "Budget officer" means:

4502 (i) for a school district, the school district's superintendent; or

4503 (ii) for a charter school, an individual selected by the charter school governing board.

4504 (b) [~~Governing~~] "LEA governing board" means:

4505 (i) for a school district, the local school board; or

4506 (ii) for a charter school, the charter school governing board.

4507 (2) [~~A~~] An LEA governing board may not make an appropriation in excess of its  
4508 estimated expendable revenue, including undistributed reserves, for the following fiscal year.

4509 (3) [~~A~~] An LEA governing board may reduce a budget appropriation at the LEA

4510 governing board's regular meeting if notice of the proposed action is given to all LEA  
4511 governing board members and to the district superintendent or charter school executive  
4512 director, as applicable, at least one week before the meeting.

4513 (4) For a school district, in determining the estimated expendable revenue, any existing  
4514 deficits arising through excessive expenditures from former years are deducted from the  
4515 estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of  
4516 the district for the previous year.

4517 (5) For a school district, in the event of financial hardships, the local school board may  
4518 deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of  
4519 the deficit amount.

4520 (6) For a school district, all estimated balances available for appropriations at the end  
4521 of the fiscal year shall revert to the funds from which they were appropriated and shall be fund  
4522 balances available for appropriation in the budget of the following year.

4523 (7) For a school district, an increase in an appropriation may not be made by the local  
4524 school board unless the following steps are taken:

4525 (a) the local school board receives a written request from the district superintendent  
4526 that sets forth the reasons for the proposed increase;

4527 (b) notice of the request is published:

4528 (i) in a newspaper of general circulation within the school district at least one week  
4529 before the local school board meeting at which the request will be considered; and

4530 (ii) in accordance with Section [45-1-101](#), at least one week before the local school  
4531 board meeting at which the request will be considered; and

4532 (c) the local school board holds a public hearing on the request before the local school  
4533 board's acting on the request.

4534 Section 116. Section **53G-7-306** is amended to read:

4535 **53G-7-306. School district interfund transfers.**

4536 (1) A school district shall spend revenues only within the fund for which they were  
4537 originally authorized, levied, collected, or appropriated.

4538 (2) Except as otherwise provided in this section, school district interfund transfers of  
4539 residual equity are prohibited.

4540 (3) The ~~[State Board of Education]~~ state board may authorize school district interfund  
4541 transfers of residual equity when a district states its intent to create a new fund or expand,  
4542 contract, or liquidate an existing fund.

4543 (4) The ~~[State Board of Education]~~ state board may also authorize school district  
4544 interfund transfers of residual equity for a financially distressed district if the state board  
4545 determines the following:

4546 (a) the district has a significant deficit in its maintenance and operations fund caused  
4547 by circumstances not subject to the administrative decisions of the district;

4548 (b) the deficit cannot be reasonably reduced under Section 53G-7-305; and

4549 (c) without the transfer, the school district will not be capable of meeting statewide  
4550 educational standards adopted by the ~~[State Board of Education]~~ state board.

4551 (5) The board shall develop in rule standards for defining and aiding financially  
4552 distressed school districts under this section ~~[in accordance with Title 63G, Chapter 3, Utah~~  
4553 ~~Administrative Rulemaking Act]~~.

4554 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded  
4555 and reported in the debt service fund.

4556 (b) Debt service levies under Subsection 59-2-924 (5)(c) that are not subject to the  
4557 public hearing provisions of Section 59-2-919 may not be used for any purpose other than  
4558 retiring general obligation debt.

4559 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal  
4560 year shall be used in subsequent years for general obligation debt retirement.

4561 (d) Any amounts left in the debt service fund after all general obligation debt has been  
4562 retired may be transferred to the capital projects fund upon completion of the budgetary hearing  
4563 process required under Section 53G-7-303.

4564 Section 117. Section 53G-7-307 is amended to read:

4565 **53G-7-307. Warrants drawn by budget officer.**

- 4566 (1) As used in this section:
- 4567 (a) "Budget officer" means:
- 4568 (i) for a school district, the school district's superintendent; or
- 4569 (ii) for a charter school, an individual selected by the charter school governing board.
- 4570 (b) [~~"Governing]~~ "LEA governing board" means:
- 4571 (i) for a school district, the local school board; or
- 4572 (ii) for a charter school, the charter school governing board.
- 4573 (2) The budget officer of [~~a]~~ an LEA governing board may not draw warrants on school
- 4574 district or charter school funds except in accordance with and within the limits of the budget
- 4575 passed by the LEA governing board.

4576 Section 118. Section **53G-7-309** is amended to read:

4577 **53G-7-309. Monthly budget reports.**

- 4578 (1) As used in this section:
- 4579 (a) "Budget officer" means:
- 4580 (i) for a school district, the school district's superintendent; or
- 4581 (ii) for a charter school, an individual selected by the charter school governing board.
- 4582 (b) [~~"Governing]~~ "LEA governing board" means:
- 4583 (i) for a school district, the local school board; or
- 4584 (ii) for a charter school, the charter school governing board.
- 4585 (2) The business administrator or budget officer of [~~a]~~ an LEA governing board shall
- 4586 provide each LEA governing board member with a report, on a monthly basis, that includes the
- 4587 following information:
- 4588 (a) the amounts of all budget appropriations;
- 4589 (b) the disbursements from the appropriations as of the date of the report; and
- 4590 (c) the percentage of the disbursements as of the date of the report.
- 4591 (3) Within five days of providing the monthly report described in Subsection (2) to [~~a]~~
- 4592 an LEA governing board, the business administrator or budget officer shall make a copy of the
- 4593 report available for public review.

4594 Section 119. Section **53G-7-402** is amended to read:

4595 **53G-7-402. Internal auditing program -- Audit committee -- Powers and duties.**

4596 (1) A local school board or charter school governing board shall establish an audit  
4597 committee.

4598 (2) (a) The audit committee shall establish an internal audit program that provides  
4599 internal audit services for the programs administered by the local education agency.

4600 (b) A local education agency that has fewer than 10,000 students is not subject to  
4601 Subsection (2)(a).

4602 (3) (a) A local school board or charter school governing board shall appoint the audit  
4603 director, with the advisement of the audit committee, if the local school board or charter school  
4604 governing board hires an audit director.

4605 (b) If the local school board or charter school governing board has not appointed an  
4606 audit director and the local school board or charter school governing board contracts directly  
4607 for internal audit services, the local school board or charter school governing board shall  
4608 approve a contract for internal audit services, with the advisement of the audit committee.

4609 (4) The audit committee shall ensure that copies of all reports of audit findings issued  
4610 by the internal auditors are available, upon request, to the audit director of the [~~State Board of~~  
4611 ~~Education~~] state board, the Office of the State Auditor, and the Office of Legislative Auditor  
4612 General.

4613 (5) The audit committee shall ensure that significant audit matters that cannot be  
4614 appropriately addressed by the local education agency internal auditors are referred to either the  
4615 audit director of the [~~State Board of Education~~] state board, the Office of the State Auditor, or  
4616 the Office of Legislative Auditor General.

4617 (6) The audit director may contract with a consultant to assist with an audit.

4618 (7) The audit director of the [~~State Board of Education~~] state board and the Office of  
4619 the State Auditor may contract to provide internal audit services.

4620 Section 120. Section **53G-7-503** is amended to read:

4621 **53G-7-503. State policy on student fees, deposits, or other charges.**



4622 (1) For purposes of this part:

4623 [~~(a) "Board" means the State Board of Education.~~]

4624 [~~(b)~~] (a) "Secondary school" means a school that provides instruction to students in  
4625 grades 7, 8, 9, 10, 11, or 12.

4626 [~~(c)~~] (b) "Secondary school student":

4627 (i) means a student enrolled in a secondary school; and

4628 (ii) includes a student in grade 6 if the student attends a secondary school.

4629 (2) (a) A secondary school may impose fees on secondary school students.

4630 (b) The state board shall adopt rules regarding the imposition of fees in secondary  
4631 schools in accordance with the requirements of this part.

4632 (3) A fee, deposit, or other charge may not be made, or any expenditure required of a  
4633 student or the student's parent [~~or guardian~~], as a condition for student participation in an  
4634 activity, class, or program provided, sponsored, or supported by or through a public school or  
4635 school district, unless authorized by the local school board or charter school governing board  
4636 under rules adopted by the state board.

4637 (4) (a) A fee, deposit, charge, or expenditure may not be required for elementary school  
4638 activities which are part of the regular school day or for supplies used during the regular school  
4639 day.

4640 (b) An elementary school or elementary school teacher may compile and provide to a  
4641 student's parent [~~or guardian~~] a suggested list of supplies for use during the regular school day  
4642 so that a parent [~~or guardian~~] may furnish on a voluntary basis those supplies for student use.

4643 (c) A list provided to a student's parent [~~or guardian~~] pursuant to Subsection (4)(b)  
4644 shall include and be preceded by the following language:

4645 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR  
4646 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,  
4647 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

4648 Section 121. Section **53G-7-504** is amended to read:

4649 **53G-7-504. Waiver of fees.**

4650 (1) (a) A local school board shall require, as part of an authorization granted under  
4651 Section 53G-7-503, that adequate waivers or other provisions are available to ensure that no  
4652 student is denied the opportunity to participate because of an inability to pay the required fee,  
4653 deposit, or charge.

4654 (b) (i) If, however, a student must repeat a course or requires remediation to advance or  
4655 graduate and a fee is associated with the course or the remediation program, it is presumed that  
4656 the student will pay the fee.

4657 (ii) If the student or the student's parent [~~or guardian~~] is financially unable to pay the  
4658 fee, the local school board shall provide for alternatives to waiving the fee, which may include  
4659 installment payments and school or community service or work projects for the student.

4660 (iii) In cases of extreme financial hardship or where the student has suffered a  
4661 long-term illness, or death in the family, or other major emergency and where installment  
4662 payments and the imposition of a service or work requirement would not be reasonable, the  
4663 student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

4664 (iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits,  
4665 and charges made in the secondary schools.

4666 (2) (a) The local school board shall require each school in the district that charges a fee  
4667 under this part and Part 6, Textbook Fees, to provide a variety of alternatives for satisfying the  
4668 fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the  
4669 fee.

4670 (b) The local school board shall develop and provide a list of alternatives for the  
4671 schools, including such options as allowing the student to provide:

4672 (i) tutorial assistance to other students;

4673 (ii) assistance before or after school to teachers and other school personnel on school  
4674 related matters; and

4675 (iii) general community or home service.

4676 (c) Each school may add to the list of alternatives provided by the local school board,  
4677 subject to approval by the local school board.

4678 (3) A local school board may establish policies providing for partial fee waivers or  
4679 other alternatives for those students who, because of extenuating circumstances, are not in a  
4680 financial position to pay the entire fee.

4681 (4) With regard to children who are in the custody of the Division of Child and Family  
4682 Services who are also eligible under Title IV-E of the federal Social Security Act, local school  
4683 boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

4684 (5) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
4685 ~~the State Board of Education~~] The state board shall make rules:

4686 (a) requiring a parent [~~or guardian~~] of a student applying for a fee waiver to provide  
4687 documentation and certification to the school verifying:

4688 (i) the student's eligibility to receive the waiver; and

4689 (ii) that the alternatives for satisfying the fee requirements under Subsection (2) have  
4690 been complied with to the fullest extent reasonably possible according to the individual  
4691 circumstances of both the fee waiver applicant and the school; and

4692 (b) specifying the acceptable forms of documentation for the requirement under  
4693 Subsection (5)(a), which shall include verification based on income tax returns or current pay  
4694 stubs.

4695 (6) Notwithstanding the requirements under Subsection (5), a school is not required to  
4696 keep documentation on file after the verification is completed.

4697 Section 122. Section **53G-7-505** is amended to read:

4698 **53G-7-505. Notice of student fees and waivers.**

4699 A local school board shall annually give written notice of its student fee schedules and  
4700 fee waiver policies to the parent [~~or guardian~~] of a child who attends a public school within the  
4701 district.

4702 Section 123. Section **53G-7-602** is amended to read:

4703 **53G-7-602. State policy on providing textbooks.**

4704 (1) It is the public policy of this state that public education shall be free.

4705 (2) A student may not be denied an education because of economic inability to

4706 purchase textbooks necessary for advancement in or graduation from the public school system.

4707 (3) [~~A school~~] An LEA governing board may not sell textbooks or otherwise charge  
4708 textbook fees or deposits except as provided in this public education code.

4709 Section 124. Section **53G-7-603** is amended to read:

4710 **53G-7-603. Purchase of textbooks by local school board -- Sales to pupils -- Free**  
4711 **textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of textbooks.**

4712 (1) A local school board, under rules adopted by the [~~State Board of Education~~] state  
4713 board, may purchase textbooks for use in the public schools directly from the publisher at  
4714 prices and terms approved by the state board and may sell those books to pupils in grades  
4715 [~~nine~~] 9 through 12 at a cost not to exceed the actual cost of the book plus costs of  
4716 transportation and handling.

4717 (2) Each local school board, however, shall provide, free of charge, textbooks and  
4718 workbooks required for courses of instruction for each child attending public schools whose  
4719 parent [~~or guardian~~] is financially unable to purchase them.

4720 (3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3,  
4721 Family Employment Program, supplemental security income, or who are in the custody of the  
4722 Division of Child and Family Services within the Department of Human Services are eligible  
4723 for free textbooks and workbooks under this section.

4724 (4) The local school board shall also purchase all books necessary for teachers to  
4725 conduct their classes.

4726 (5) The cost of furnishing textbooks and workbooks may be paid from school operating  
4727 funds, the textbook fund, or from other available funds.

4728 (6) Books provided to teachers and pupils without charge or at less than full cost are  
4729 paid for out of funds of the district and remain the property of the district.

4730 (7) In school districts that require pupils to rent books instead of purchasing them or  
4731 providing them free of charge, the local school board shall waive rental fees for a child whose  
4732 parent [~~or guardian~~] is financially unable to pay the rental fee. The children considered eligible  
4733 under Subsection (3) are also eligible for the purposes of this Subsection (7).

4734 Section 125. Section **53G-7-604** is amended to read:

4735 **53G-7-604. Free textbook system.**

4736 (1) If a local school board considers it desirable or necessary, or if the local school  
4737 board is petitioned by two-thirds of those voting in the district, it shall provide free textbooks  
4738 to all pupils in the schools under its charge.

4739 (2) Books purchased under this section shall be paid for out of the funds of the district.

4740 (3) The local school board shall assure that sufficient funds are raised and set aside for  
4741 this purpose.

4742 (4) A local school board that has adopted the free textbook system shall terminate the  
4743 system if petitioned by two-thirds of those voting in an election conducted for that purpose vote  
4744 to terminate the system.

4745 (5) The local school board may not act upon a petition to terminate the free textbook  
4746 system during a period of four years after the system is adopted.

4747 (6) The local school board may not reinstitute a free textbook system until four years  
4748 after its termination.

4749 Section 126. Section **53G-7-605** is amended to read:

4750 **53G-7-605. Repurchase and resale of textbooks.**

4751 (1) If a student moves from a district in which free textbooks were not provided, the  
4752 local school board of that district may purchase the books used by the student at a reasonable  
4753 price, based upon the original cost and the condition of the book upon return.

4754 (2) The books purchased by the district under this section may be resold to other  
4755 students in the district.

4756 Section 127. Section **53G-7-606** is amended to read:

4757 **53G-7-606. Disposal of textbooks.**

4758 (1) For a school year beginning with or after the 2012-13 school year, a local school  
4759 district may not dispose of textbooks used in its public schools without first notifying all other  
4760 school districts in the state of its intent to dispose of the textbooks.

4761 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or

4762 worn out.

4763 (3) The [~~State Board of Education~~] state board shall develop rules and procedures  
4764 directing the disposal of textbooks.

4765 Section 128. Section **53G-7-701** is amended to read:

4766 **53G-7-701. Definitions.**

4767 As used in this part:

4768 (1) "Bigotry" means action or advocacy of imminent action involving:

4769 (a) the harassment or denigration of a person or entity; or

4770 (b) any intent to cause a person not to freely enjoy or exercise any right secured by the  
4771 constitution or laws of the United States or the state, except that an evaluation or prohibition  
4772 may not be made of the truth or falsity of any religious belief or expression of conscience  
4773 unless the means of expression or conduct arising therefrom violates the standards of conduct  
4774 outlined in this section, Section **53G-10-203**, or 20 U.S.C. Sec. 4071(f).

4775 (2) "Club" means any student organization that meets during noninstructional time.

4776 (3) "Conscience" means a standard based upon learned experiences, a personal  
4777 philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of  
4778 right and wrong which is felt on an individual basis, a belief in an external absolute, or any  
4779 combination of the foregoing.

4780 (4) "Curricular club" means a club that is school sponsored and that may receive  
4781 leadership, direction, and support from the school or school district beyond providing a  
4782 meeting place during noninstructional time. An elementary school curricular club means a club  
4783 that is organized and directed by school sponsors at the elementary school. A secondary school  
4784 curricular club means a club:

4785 (a) whose subject matter is taught or will soon be taught in a regular course;

4786 (b) whose subject matter concerns the body of courses as a whole;

4787 (c) in which participation is required for a particular course; or

4788 (d) in which participation results in academic credit.

4789 (5) (a) "Discretionary time" means school-related time for students that is not

4790 instructional time.

4791 (b) "Discretionary time" includes free time before and after school, during lunch and  
4792 between classes or on buses, and private time before athletic and other events or activities.

4793 (6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of  
4794 imminent action that violates any law or administrative rule.

4795 (b) "Encourage criminal or delinquent conduct" does not include discussions  
4796 concerning changing of laws or rules, or actions taken through lawfully established channels to  
4797 effectuate such change.

4798 (7) (a) "Instructional time" means time during which a school is responsible for a  
4799 student and the student is required or expected to be actively engaged in a learning activity.

4800 (b) "Instructional time" includes instructional activities in the classroom or study hall  
4801 during regularly scheduled hours, required activities outside the classroom, and counseling,  
4802 private conferences, or tutoring provided by school employees or volunteers acting in their  
4803 official capacities during or outside of regular school hours.

4804 (8) "Involve human sexuality" means:

4805 (a) presenting information in violation of laws governing sex education, including  
4806 Sections [53G-10-402](#) and [53E-9-203](#);

4807 (b) advocating or engaging in sexual activity outside of legally recognized marriage or  
4808 forbidden by state law; or

4809 (c) presenting or discussing information relating to the use of contraceptive devices or  
4810 substances, regardless of whether the use is for purposes of contraception or personal health.

4811 (9) "LEA governing board" means a local school board or charter school governing  
4812 board.

4813 [~~9~~] (10) "Limited open forum" means a forum created by a school district or charter  
4814 school for student expression within the constraints of Subsection [53G-10-203\(2\)\(b\)](#).

4815 [~~10~~] (11) "Noncurricular club" is a student initiated group that may be authorized and  
4816 allowed school facilities use during noninstructional time in secondary schools by a school and  
4817 [~~school~~] LEA governing board in accordance with the provisions of this part. A noncurricular

4818 club's meetings, ideas, and activities are not sponsored or endorsed in any way by [~~a school~~] an  
4819 LEA governing board, the school, or by school or school district employees.

4820 [~~(H)~~] (12) "Noninstructional time" means time set aside by a school before  
4821 instructional time begins or after instructional time ends, including discretionary time.

4822 [~~(I2)~~] (13) "Religious club" means a noncurricular club designated in its application as  
4823 either being religiously based or based on expression or conduct mandated by conscience.

4824 [~~(I3)~~] (14) "School" means a public school, including a charter school.

4825 [~~(I4)~~] (15) (a) "School facilities use" means access to a school facility, premises, or  
4826 playing field.

4827 (b) "School facilities use" includes access to a limited open forum.

4828 [~~(15) "School governing board" means a local school board or charter school board.]~~

4829 Section 129. Section **53G-7-702** is amended to read:

4830 **53G-7-702. Student clubs -- Limited open forum -- Authorization.**

4831 (1) (a) A school may establish and maintain a limited open forum for student clubs  
4832 pursuant to the provisions of this part, [~~State Board of Education~~] state board rules, and  
4833 [~~school~~] LEA governing board policies.

4834 (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to  
4835 create a closed forum at any time by allowing curricular clubs only.

4836 (2) (a) A school shall review applications for authorization of clubs on a case-by-case  
4837 basis.

4838 (b) Before granting an authorization, the school shall find:

4839 (i) that the proposed club meets this part's respective requirements of a curricular club  
4840 or a noncurricular club; and

4841 (ii) that the proposed club's purpose and activities comply with this part.

4842 (c) Before granting an authorization, a school may request additional information from  
4843 the faculty sponsor, from students proposing the club, or from its [~~school~~] LEA governing  
4844 board, if desired.

4845 (3) A school shall grant authorization and school facilities use to curricular and



4846 noncurricular clubs whose applications are found to meet the requirements of this part, rules of  
4847 the [~~State Board of Education~~] state board, and policies of the [~~school~~] LEA governing board  
4848 and shall limit or deny authorization or school facilities use to proposed clubs that do not meet  
4849 the requirements of this part, rules of the [~~State Board of Education~~] state board, and policies of  
4850 the [~~school~~] LEA governing board.

4851 Section 130. Section **53G-7-703** is amended to read:

4852 **53G-7-703. Curricular clubs -- Authorization.**

4853 (1) Faculty members or students proposing a curricular club shall submit written  
4854 application for authorization on a form approved by the [~~school~~] LEA governing board.

4855 (2) [~~A school~~] An LEA governing board may exempt a club whose membership is  
4856 determined by student body election or a club that is governed by an association that regulates  
4857 interscholastic activities from the authorization requirements under this section.

4858 (3) An application for authorization of a curricular club shall include:

4859 (a) the recommended club name;

4860 (b) a statement of the club's purpose, goals, and activities;

4861 (c) a statement of the club's categorization, which shall be included in the parental  
4862 consent required under Section **53G-7-709**, indicating all of the following that may apply:

4863 (i) athletic;

4864 (ii) business/economic;

4865 (iii) agriculture;

4866 (iv) art/music/performance;

4867 (v) science;

4868 (vi) gaming;

4869 (vii) religious;

4870 (viii) community service/social justice; and

4871 (ix) other;

4872 (d) the recommended meeting times, dates, and places;

4873 (e) a statement that the club will comply with the provisions of this part and all other

4874 applicable laws, rules, or policies; and

4875 (f) a budget showing the amount and source of any funding provided or to be provided  
4876 to the club and its proposed use.

4877 (4) The application may be as brief as a single page so long as it contains the items  
4878 required under this section.

4879 (5) A school shall approve the name of a curricular club consistent with the club's  
4880 purposes and its school sponsorship.

4881 (6) (a) A school shall determine curriculum relatedness by strictly applying this part's  
4882 definition of curricular club to the club application.

4883 (b) If the school finds that the proposed club is a curricular club, the school shall  
4884 continue to review the application as an application for authorization of a curricular club.

4885 (c) If the school finds that the proposed club is a noncurricular club, the school may:

4886 (i) return the application to the faculty member or students proposing the club for  
4887 amendment; or

4888 (ii) review the application as an application for authorization of a noncurricular club.

4889 (7) (a) Only curricular clubs may be authorized for elementary schools.

4890 (b) A school governing body may limit, or permit a secondary school to limit, the  
4891 authorization of clubs at the secondary school to only curricular clubs.

4892 Section 131. Section **53G-7-704** is amended to read:

4893 **53G-7-704. Noncurricular clubs -- Annual authorization.**

4894 (1) A noncurricular club shall have a minimum of three members.

4895 (2) Students proposing a noncurricular club shall submit a written application for  
4896 authorization on a form approved by the [~~school~~] LEA governing board.

4897 (3) An application for authorization of a noncurricular club shall include:

4898 (a) the recommended club name;

4899 (b) a statement of the club's purpose, goals, and activities;

4900 (c) a statement of the club's categorization, which shall be included in the parental  
4901 consent required under Section **53G-7-709**, indicating all of the following that may apply:

- 4902 (i) athletic;
- 4903 (ii) business/economic;
- 4904 (iii) agriculture;
- 4905 (iv) art/music/performance;
- 4906 (v) science;
- 4907 (vi) gaming;
- 4908 (vii) religious;
- 4909 (viii) community service/social justice; and
- 4910 (ix) other;
- 4911 (d) the recommended meeting times, dates, and places;
- 4912 (e) a statement that the club will comply with the provisions of this part and all other
- 4913 applicable laws, rules, or policies; and
- 4914 (f) a budget showing the amount and source of any funding provided or to be provided
- 4915 to the club and its proposed use.
- 4916 (4) The application may be as brief as a single page so long as it contains the items
- 4917 required under this section.
- 4918 (5) (a) [~~A school~~] An LEA governing board may provide for approval of a
- 4919 noncurricular club name in an action separate from that relating to authorization of the club
- 4920 itself.
- 4921 (b) [~~A school~~] An LEA governing board shall require:
- 4922 (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and
- 4923 activities; and
- 4924 (ii) that the noncurricular club name shall be a name that would not result in or imply a
- 4925 violation of this part.
- 4926 Section 132. Section **53G-7-705** is amended to read:
- 4927 **53G-7-705. Clubs -- Limitations and denials.**
- 4928 (1) A school shall limit or deny authorization or school facilities use to a club, or
- 4929 require changes prior to granting authorization or school facilities use:

4930 (a) as the school determines it to be necessary to:

4931 (i) protect the physical, emotional, psychological, or moral well-being of students and

4932 faculty;

4933 (ii) maintain order and discipline on school premises;

4934 (iii) prevent a material and substantial interference with the orderly conduct of a

4935 school's educational activities;

4936 (iv) protect the rights of parents [~~or guardians~~] and students;

4937 (v) maintain the boundaries of socially appropriate behavior; or

4938 (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or

4939 (b) if a club's proposed charter and proposed activities indicate students or advisors in

4940 club related activities would as a substantial, material, or significant part of their conduct or

4941 means of expression:

4942 (i) encourage criminal or delinquent conduct;

4943 (ii) promote bigotry;

4944 (iii) involve human sexuality; or

4945 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or

4946 psychological services for which a license would be required under state law.

4947 (2) [~~A school~~] An LEA governing board has the authority to determine whether any

4948 club meets the criteria of Subsection (1).

4949 (3) If a school or [~~school~~] LEA governing board limits or denies authorization to a

4950 club, the school or [~~school~~] LEA governing board shall provide, in writing, to the applicant the

4951 factual and legal basis for the limitation or denial.

4952 (4) A student's spontaneous expression of sentiments or opinions otherwise identified

4953 in Subsection [53E-9-203\(1\)](#) is not prohibited.

4954 Section 133. Section **53G-7-707** is amended to read:

4955 **53G-7-707. Use of school facilities by clubs.**

4956 (1) A school shall determine and assign school facilities use for curricular and

4957 noncurricular clubs consistent with the needs of the school.

- 4958 (2) The following [~~rules~~] provisions apply to curricular clubs:  
4959 (a) in assigning school facilities use, the administrator may give priority to curricular  
4960 clubs over noncurricular clubs; and  
4961 (b) the school may provide financial or other support to curricular clubs.  
4962 (3) The following [~~rules~~] provisions apply to noncurricular clubs:  
4963 (a) a preference or priority may not be given among noncurricular clubs;  
4964 (b) (i) a school shall only provide the space for noncurricular club meetings; and  
4965 (ii) a school may not spend public funds for noncurricular clubs, except as required to  
4966 implement the provisions of this part, including providing space and faculty oversight for  
4967 noncurricular clubs;  
4968 (c) a school shall establish the noninstructional times during which noncurricular clubs  
4969 may meet;  
4970 (d) a school may establish the places that noncurricular clubs may meet;  
4971 (e) a school may set the number of hours noncurricular clubs may use the school's  
4972 facilities per month, provided that all noncurricular clubs shall be treated equally; and  
4973 (f) a school shall determine what access noncurricular clubs shall be given to the  
4974 school newspaper, yearbook, bulletin boards, or public address system, provided that all  
4975 noncurricular clubs shall be treated equally.

4976 Section 134. Section **53G-7-708** is amended to read:

4977 **53G-7-708. Club membership.**

- 4978 (1) A school shall require written parental [~~or guardian~~] consent for student  
4979 participation in all curricular and noncurricular clubs at the school.  
4980 (2) Membership in curricular clubs is governed by the following [~~rules~~]:  
4981 (a) (i) membership may be limited to students who are currently attending the  
4982 sponsoring school or school district; and  
4983 (ii) members who attend a school other than the sponsoring school shall have, in  
4984 addition to the consent required under Section **53G-7-709**, specific parental [~~or guardian~~]  
4985 permission for membership in a curricular club at another school;

4986 (b) (i) curricular clubs may require that prospective members try out based on objective  
4987 criteria outlined in the application materials; and

4988 (ii) try-outs may not require activities that violate the provisions of this part and other  
4989 applicable laws, rules, and policies; and

4990 (c) other rules or policies as determined by the [~~State Board of Education~~] state board,  
4991 school district, or school.

4992 (3) Membership in noncurricular clubs is governed by the following [~~rules~~]:

4993 (a) student membership in a noncurricular club is voluntary;

4994 (b) membership shall be limited to students who are currently attending the school;

4995 (c) (i) noncurricular clubs may require that prospective members try out based on  
4996 objective criteria outlined in the application materials; and

4997 (ii) try-outs may not require activities that violate the provisions of this part and other  
4998 applicable laws, rules, and policies;

4999 (d) a copy of any written or other media materials that were presented at a  
5000 noncurricular club meeting by a nonschool person shall be delivered to a school administrator  
5001 no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent  
5002 [~~or legal guardian~~] shall have an opportunity to review those materials; and

5003 (e) other rules or policies as determined by the [~~State Board of Education~~] state board,  
5004 school district, or school.

5005 Section 135. Section **53G-7-709** is amended to read:

5006 **53G-7-709. Parental consent.**

5007 (1) A school shall require written parental [~~or guardian~~] consent for student  
5008 participation in all curricular and noncurricular clubs at the school.

5009 (2) The consent described in Subsection (1) shall include an activity disclosure  
5010 statement containing the following information:

5011 (a) the specific name of the club;

5012 (b) a statement of the club's purpose, goals, and activities;

5013 (c) a statement of the club's categorization, which shall be obtained from the

5014 application for authorization of a club in accordance with the provisions of Section 53G-7-703  
5015 or 53G-7-704, indicating all of the following that may apply:

- 5016 (i) athletic;
- 5017 (ii) business/economic;
- 5018 (iii) agriculture;
- 5019 (iv) art/music/performance;
- 5020 (v) science;
- 5021 (vi) gaming;
- 5022 (vii) religious;
- 5023 (viii) community service/social justice; and
- 5024 (ix) other;
- 5025 (d) beginning and ending dates;
- 5026 (e) a tentative schedule of the club activities with dates, times, and places specified;
- 5027 (f) personal costs associated with the club, if any;
- 5028 (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
- 5029 (h) any additional information considered important for the students and parents to  
5030 know.

5031 (3) All completed parental consent forms shall be filed by the parent or the club's  
5032 sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a  
5033 charter school, or their designee.

5034 Section 136. Section 53G-7-711 is amended to read:

5035 **53G-7-711. Appeals -- Procedures.**

5036 (1) (a) A completed application or complaint shall be approved, denied, or investigated  
5037 by the school within a reasonable amount of time.

5038 (b) If an application or complaint is denied, written reasons for the denial or results of  
5039 the investigation shall be stated and, if appropriate, suggested corrections shall be made to  
5040 remedy the deficiency.

5041 (c) A club that is denied school facilities use shall be informed at the time of the denial

5042 of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial  
5043 could be corrected.

5044 (2) (a) If denied, suspended, or terminated, a club, student desirous of participating or  
5045 speaking, or a complaining parent [~~or guardian~~], has 10 school days from the date of the denial,  
5046 suspension, or termination to file a written appeal from the denial, suspension, or termination  
5047 to a designee authorized by the [~~school~~] LEA governing board.

5048 (b) The designee shall issue a determination within a reasonable amount of time from  
5049 receipt of the appeal, which decision is final and constitutes satisfaction of all administrative  
5050 remedies unless the time for evaluation is extended by agreement of all parties.

5051 (3) A person directly affected by a decision made in accordance with the provisions of  
5052 this part may appeal the decision by writing to a person designated by the [~~school~~] LEA  
5053 governing board.

5054 Section 137. Section **53G-7-712** is amended to read:

5055 **53G-7-712. Rulemaking -- State board -- LEA governing boards.**

5056 The [~~State Board of Education~~] state board may adopt additional rules and [~~school~~]  
5057 LEA governing boards may adopt additional [~~rules or~~] policies governing clubs that do not  
5058 conflict with the provisions of this part.

5059 Section 138. Section **53G-7-803** is amended to read:

5060 **53G-7-803. Uniforms in schools -- Policy approval.**

5061 (1) The school uniform policy authorized in Section **53G-7-802** may be adopted:

5062 (a) for a charter school:

5063 (i) by the [~~governing body~~] charter school governing board or administrator of the  
5064 charter school in accordance with Subsection (2); or

5065 (ii) by including the school uniform policy in the school's charter agreement approved  
5066 in accordance with Chapter 5, Utah Charter Schools;

5067 (b) for more than one school at the district level by a local school board in accordance  
5068 with Subsection (2); or

5069 (c) for a single school at the school level by the principal of the school in accordance



5070 with Subsection (2).

5071 (2) A school uniform policy adopted by an election is subject to the following  
5072 requirements:

5073 (a) the adopting authority shall hold a public hearing on the matter prior to formal  
5074 adoption of the school uniform policy;

5075 (b) (i) the adopting authority shall hold an election for approval of a school uniform  
5076 policy prior to its adoption and shall receive an affirmative vote from a majority of those voting  
5077 at the election; and

5078 (ii) only parents [~~and guardians~~] of students subject to the proposed school uniform  
5079 policy may vote at the election, limited to one vote per family.

5080 (3) (a) A local school board or principal is required to hold an election to consider  
5081 adoption of a school uniform policy for an entire school district or an individual school if  
5082 initiative petitions are presented as follows:

5083 (i) for a school district, a petition signed by a parent [~~or guardian~~] of 20% of the  
5084 district's students presented to the local school board; and

5085 (ii) for an individual school, a petition signed by a parent [~~or guardian~~] of 20% of the  
5086 school's students presented to the principal.

5087 (b) The public hearing and election procedures required in Subsection (2) apply to this  
5088 Subsection (3).

5089 (4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the  
5090 discontinuance or modification of a school uniform policy adopted under this section.

5091 (b) A vote to discontinue an adopted school uniform policy may not take place during  
5092 the first year of its operation.

5093 (5) The adopting authority shall establish the manner and time of an election required  
5094 under this section.

5095 Section 139. Section **53G-7-901** is amended to read:

5096 **53G-7-901. Definitions.**

5097 As used in this part:

5098 (1) "Cooperating employer" means a public or private entity which, as part of a work  
5099 experience and career exploration program offered through a school, provides interns with  
5100 training and work experience in activities related to the entity's ongoing business activities.

5101 (2) "Intern" means a student enrolled in a school-sponsored work experience and career  
5102 exploration program under Section 53G-7-902 involving both classroom instruction and work  
5103 experience with a cooperating employer, for which the student receives no compensation.

5104 (3) "Internship" means the work experience segment of an intern's school-sponsored  
5105 work experience and career exploration program, performed under the direct supervision of a  
5106 cooperating employer.

5107 (4) "Private school" means a school serving any of grades 7 through 12 which is not  
5108 part of the public education system.

5109 (5) "Public school" means:

5110 (a) a public school district;

5111 (b) an applied technology center or applied technology service region;

5112 (c) the Schools for the Deaf and the Blind; or

5113 (d) other components of the public education system authorized by the [~~State Board of~~  
5114 ~~Education~~] state board to offer internships.

5115 Section 140. Section 53G-7-902 is amended to read:

5116 **53G-7-902. Public or private school internships.**

5117 A public or private school may offer internships in connection with work experience  
5118 and career exploration programs operated in accordance with the rules of the [~~State Board of~~  
5119 ~~Education~~] state board.

5120 Section 141. Section 53G-7-1004 is amended to read:

5121 **53G-7-1004. Rulemaking -- Reporting.**

5122 The [~~State Board of Education~~] state board may make rules [~~in accordance with Title~~  
5123 ~~63G, Chapter 3, Utah Administrative Rulemaking Act,~~] regarding compliance standards and  
5124 reporting requirements for local school boards with respect to the policy required by Section  
5125 53G-7-1002.

5126 Section 142. Section **53G-7-1101** is amended to read:

5127 **53G-7-1101. Definitions.**

5128 As used in this part:

5129 (1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of  
5130 assigning a public school a classification or region.

5131 (2) "Appeals panel" means the appeals panel created in Section **53G-7-1106**.

5132 (3) (a) "Association" means an organization that governs or regulates a student's  
5133 participation in an athletic interscholastic activity.

5134 (b) "Association" does not include an institution of higher education described in  
5135 Section **53B-1-102**.

5136 (4) "Classification" means the designation of a school based on the size of the school's  
5137 student enrollment population for purposes of interscholastic activities.

5138 (5) "Eligibility" means eligibility to participate in an interscholastic activity regulated  
5139 or governed by an association.

5140 (6) "Governing body" means a body within an association that:

5141 (a) is responsible for:

5142 (i) adopting [~~rules or~~] standards or policies that govern interscholastic activities or the  
5143 administration of the association;

5144 (ii) adopting or amending the association's governing document or bylaws;

5145 (iii) enforcing the [~~rules and~~] standards and policies of the association; and

5146 (iv) adopting the association's budget; and

5147 (b) has oversight of other boards, committees, councils, or bodies within the  
5148 association.

5149 (7) "Interscholastic activity" means an activity within the state in which:

5150 (a) a student that participates represents the student's school in the activity; and

5151 (b) the participating student is enrolled in grade 9, 10, 11, or 12.

5152 (8) "Public hearing" means a hearing at which members of the public are provided a  
5153 reasonable opportunity to comment on the subject of the hearing.

5154 (9) "Region" means a grouping of schools of the same classification for purposes of  
5155 interscholastic activities.

5156 Section 143. Section **53G-7-1103** is amended to read:

5157 **53G-7-1103. Governing body membership.**

5158 (1) (a) A governing body shall have 15 members as follows:

5159 (i) six members who:

5160 (A) are each an elected member of a local school board; and

5161 (B) each represent a different classification;

5162 (ii) (A) one school superintendent representing the two largest classifications;

5163 (B) one school superintendent representing the two classifications that are next in

5164 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A);

5165 and

5166 (C) one school superintendent representing the two classifications that are next in

5167 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);

5168 (iii) (A) one school principal representing the two largest classifications;

5169 (B) one school principal representing the two classifications that are next in

5170 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A);

5171 and

5172 (C) one school principal representing the two classifications that are next in

5173 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);

5174 (iv) one representative of charter schools;

5175 (v) one representative of private schools, if private schools are members of or regulated

5176 by the association; and

5177 (vi) one member representing the [~~State Board of Education~~] state board.

5178 (b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be

5179 elected or appointed by or represent charter or private schools on the governing body.

5180 (2) (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected,

5181 appointed, or otherwise selected in accordance with association rule or policy to the extent the

5182 selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).

5183 (b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of  
5184 the [~~State Board of Education~~] state board or the chair's designee if the designee is an elected  
5185 member of the [~~State Board of Education~~] state board.

5186 Section 144. Section **53G-7-1104** is amended to read:

5187 **53G-7-1104. Reporting requirements.**

5188 An association shall provide a verbal report, accompanied by a written report, annually  
5189 to the [~~State Board of Education~~] state board, including:

- 5190 (1) the association's annual budget in accordance with Section **53G-7-1105**;
- 5191 (2) a schedule of events scheduled or facilitated by the association;
- 5192 (3) procedures for alignment or realignment;
- 5193 (4) any amendments or changes to the association's governing document or bylaws; and
- 5194 (5) any other information requested by the [~~State Board of Education~~] state board.

5195 Section 145. Section **53G-7-1105** is amended to read:

5196 **53G-7-1105. Association budgets.**

5197 (1) An association shall:

- 5198 (a) adopt a budget in accordance with this section; and
- 5199 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall  
5200 be in accordance with generally accepted accounting principles or auditing standards.

5201 (2) An association budget officer or executive director shall annually prepare a  
5202 tentative budget, with supporting documentation, to be submitted to the governing body.

5203 (3) The tentative budget and supporting documents shall include the following items:

- 5204 (a) the revenues and expenditures of the preceding fiscal year;
- 5205 (b) the estimated revenues and expenditures of the current fiscal year;
- 5206 (c) a detailed estimate of the essential expenditures for all purposes for the next  
5207 succeeding fiscal year; and
- 5208 (d) the estimated financial condition of the association by funds at the close of the  
5209 current fiscal year.

5210 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,  
5211 before the date of the tentative budget's proposed adoption by the governing body.

5212 (5) The governing body shall adopt a budget.

5213 (6) Before the adoption or amendment of a budget, the governing body shall hold a  
5214 public hearing on the proposed budget or budget amendment.

5215 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings  
5216 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the  
5217 public hearing, a governing body shall:

5218 (i) publish a notice of the public hearing electronically in accordance with Section  
5219 [63F-1-701](#); and

5220 (ii) post the proposed budget on the association's Internet website.

5221 (b) A notice of a public hearing on an association's proposed budget shall include  
5222 information on how the public may access the proposed budget as provided in Subsection  
5223 (7)(a).

5224 (8) No later than September 30 of each year, the governing body shall file a copy of the  
5225 adopted budget with the state auditor and the [~~State Board of Education~~] state board.

5226 Section 146. Section **53G-7-1106** is amended to read:

5227 **53G-7-1106. Procedures for disputes -- Appeals -- Appeals panel --**  
5228 **Compensation.**

5229 (1) (a) An association shall establish a uniform procedure for hearing and deciding:

5230 (i) disputes;

5231 (ii) allegations of violations of the association's rules or policies;

5232 (iii) requests to establish eligibility after a student transfers schools; and

5233 (iv) disputes related to alignment or realignment.

5234 (b) An individual may appeal to an appeals panel established in this section an  
5235 association decision regarding a request to establish eligibility after a student transfers schools.

5236 (2) (a) There is established an appeals panel for an association decision described in  
5237 Subsection (1)(b).

- 5238 (b) The appeals panel shall consist of the following three members:
- 5239 (i) a judge or attorney who is not employed by, or contracts with, a school;
- 5240 (ii) a retired educator, principal, or superintendent; and
- 5241 (iii) a retired athletic director or coach.
- 5242 (c) A review and decision by the appeals panel is limited to whether the association
- 5243 properly followed the association's rules and procedures in regard to a decision described in
- 5244 Subsection (1)(b).
- 5245 (d) (i) An association shall adopt policies for filing an appeal with the appeals panel.
- 5246 (ii) The appeals panel shall review an appeal and issue a written decision explaining
- 5247 the appeals panel's decision no later than 10 business days after an appeal is filed.
- 5248 (e) The appeals panel's decision is final.
- 5249 (3) (a) The [~~State Board of Education~~] state board shall appoint the members of the
- 5250 appeals panel described in Subsection (2):
- 5251 (i) from the association's nominations described in Subsection (3)(b); and
- 5252 (ii) in accordance with the [~~State Board of Education's~~] state board's appointment
- 5253 process.
- 5254 (b) (i) The association shall nominate up to three individuals for each position
- 5255 described in Subsection (2) for the [~~State Board of Education's~~] state board's consideration.
- 5256 (ii) If the [~~State Board of Education~~] state board refuses to appoint members to the
- 5257 panel who were nominated by the association as described in Subsection (3)(b)(i), the [~~State~~
- 5258 ~~Board of Education~~] state board shall request additional nominations from the association.
- 5259 (iii) No later than 45 days after the association provides the nominations, the [~~State~~
- 5260 ~~Board of Education~~] state board shall appoint to the appeals panel an individual from the
- 5261 names provided by the association.
- 5262 (c) For the initial membership, the [~~State Board of Education~~] state board shall appoint
- 5263 two of the positions having an initial term of three years and one position having an initial term
- 5264 of two years.
- 5265 (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire,

5266 the [~~State Board of Education~~] state board shall appoint each new member or reappointed  
5267 member to a two-year term.

5268 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
5269 appointed for the unexpired term.

5270 (4) The [~~State Board of Education~~] state board shall reimburse an association for per  
5271 diem and travel expenses of members of the appeals panel.

5272 Section 147. Section **53G-7-1202** is amended to read:

5273 **53G-7-1202. School community councils -- Duties -- Composition -- Election**  
5274 **procedures and selection of members.**

5275 (1) As used in this section:

5276 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy  
5277 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

5278 [~~(b) "District school" means a public school under the control of a local school board~~  
5279 ~~elected under Title 20A, Chapter 14, Nomination and Election of State and Local School~~  
5280 ~~Boards.~~]

5281 [~~(e)~~] (b) "Educator" means the same as that term is defined in Section [53E-6-102](#).

5282 [~~(d)~~] (c) (i) "Parent [~~or guardian~~] member" means a member of a school community  
5283 council who is a parent [~~or guardian~~] of a student who:

5284 (A) is attending the school; or

5285 (B) will be enrolled at the school during the parent's [~~or guardian's~~] term of office.

5286 (ii) "Parent [~~or guardian~~] member" may not include an educator who is employed at the  
5287 school.

5288 [~~(e)~~] (d) "School community council" means a council established at a district school in  
5289 accordance with this section.

5290 [~~(f)~~] (e) "School employee member" means a member of a school community council  
5291 who is a person employed at the school by the school or school district, including the principal.

5292 [~~(g)~~] (f) "School LAND Trust Program money" means money allocated to a school  
5293 pursuant to Section [53F-2-404](#).



- 5294 (2) A district school, in consultation with the district school's local school board, shall  
5295 establish a school community council at the school building level for the purpose of:
- 5296 (a) involving parents [~~or guardians~~] of students in decision making at the school level;
  - 5297 (b) improving the education of students;
  - 5298 (c) prudently expending School LAND Trust Program money for the improvement of  
5299 students' education through collaboration among parents [~~and guardians~~], school employees,  
5300 and the local school board; and
  - 5301 (d) increasing public awareness of:
    - 5302 (i) school trust lands and related land policies;
    - 5303 (ii) management of the State School Fund established in Utah Constitution Article X,  
5304 Section V; and
    - 5305 (iii) educational excellence.
  - 5306 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:
    - 5307 (i) create a school improvement plan in accordance with Section [53G-7-1204](#);
    - 5308 (ii) create the School LAND Trust Program in accordance with Section [53G-7-1206](#);
    - 5309 (iii) advise and make recommendations to school and school district administrators and  
5310 the local school board regarding:
      - 5311 (A) the school and its programs;
      - 5312 (B) school district programs;
      - 5313 (C) a child access routing plan in accordance with Section [53G-4-402](#);
      - 5314 (D) safe technology utilization and digital citizenship; and
      - 5315 (E) other issues relating to the community environment for students;
    - 5316 (iv) provide for education and awareness on safe technology utilization and digital  
5317 citizenship that empowers:
      - 5318 (A) a student to make smart media and online choices; and
      - 5319 (B) a parent [~~or guardian~~] to know how to discuss safe technology use with the parent's  
5320 [~~or guardian's~~] child; and
      - 5321 (v) partner with the school's principal and other administrators to ensure that adequate

5322 on and off campus Internet filtering is installed and consistently configured to prevent viewing  
5323 of harmful content by students and school personnel, in accordance with local school board  
5324 policy and Subsection 53G-7-216(3).

5325 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)  
5326 and (v), a school community council may:

5327 (i) partner with one or more non-profit organizations; or

5328 (ii) create a subcommittee.

5329 (c) A school or school district administrator may not prohibit or discourage a school  
5330 community council from discussing issues, or offering advice or recommendations, regarding  
5331 the school and its programs, school district programs, the curriculum, or the community  
5332 environment for students.

5333 (4) (a) Each school community council shall consist of school employee members and  
5334 parent [~~or guardian~~] members in accordance with this section.

5335 (b) Except as provided in Subsection (4)(c) or (d):

5336 (i) each school community council for a high school shall have six parent [~~or guardian~~]  
5337 members and four school employee members, including the principal; and

5338 (ii) each school community council for a school other than a high school shall have  
5339 four parent [~~or guardian~~] members and two school employee members, including the principal.

5340 (c) A school community council may determine the size of the school community  
5341 council by a majority vote of a quorum of the school community council provided that:

5342 (i) the membership includes two or more parent [~~or guardian~~] members than the  
5343 number of school employee members; and

5344 (ii) there are at least two school employee members on the school community council.

5345 (d) (i) The number of parent [~~or guardian~~] members of a school community council  
5346 who are not educators employed by the school district shall exceed the number of parent [~~or~~  
5347 ~~guardian~~] members who are educators employed by the school district.

5348 (ii) If, after an election, the number of parent [~~or guardian~~] members who are not  
5349 educators employed by the school district does not exceed the number of parent [~~or guardian~~]

5350 members who are educators employed by the school district, the parent [~~or guardian~~] members  
5351 of the school community council shall appoint one or more parent [~~or guardian~~] members to  
5352 the school community council so that the number of parent [~~or guardian~~] members who are not  
5353 educators employed by the school district exceeds the number of parent [~~or guardian~~] members  
5354 who are educators employed by the school district.

5355 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than  
5356 the principal, shall be elected by secret ballot by a majority vote of the school employees and  
5357 serve a two-year term. The principal shall serve as an ex officio member with full voting  
5358 privileges.

5359 (b) (i) Except as provided in Subsection (5)(f), a parent [~~or guardian~~] member shall be  
5360 elected by secret ballot at an election held at the school by a majority vote of those voting at the  
5361 election and serve a two-year term.

5362 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent [~~or guardian~~] of a  
5363 student attending the school may vote in, or run as a candidate in, the election under Subsection  
5364 (5)(b)(i).

5365 (B) If an election is held in the spring, a parent [~~or guardian~~] of a student who will be  
5366 attending the school the following school year may vote in, and run as a candidate in, the  
5367 election under Subsection (5)(b)(i).

5368 (iii) Any parent [~~or guardian~~] of a student who meets the qualifications of this section  
5369 may file or declare the parent's [~~or guardian's~~] candidacy for election to a school community  
5370 council.

5371 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the  
5372 election of parent [~~or guardian~~] members of a school community council shall be established by  
5373 a local school board for the schools within the school district.

5374 (B) An election for the parent [~~or guardian~~] members of a school community council  
5375 shall be held near the beginning of the school year or held in the spring and completed before  
5376 the last week of school.

5377 (C) Each school shall establish a time period for the election of parent [~~or guardian~~]

5378 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at  
5379 least a four-year period.

5380 (c) (i) At least 10 days before the date that voting commences for the elections held  
5381 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,  
5382 shall provide notice to each school employee[;] ~~or parent[; or guardian,]~~ of the opportunity to  
5383 vote in, and run as a candidate in, an election under this Subsection (5).

5384 (ii) The notice shall include:

5385 (A) the dates and times of the elections;

5386 (B) a list of council positions that are up for election; and

5387 (C) instructions for becoming a candidate for a community council position.

5388 (iii) The principal of the school, or the principal's designee, shall oversee the elections  
5389 held under Subsections (5)(a) and (5)(b).

5390 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a  
5391 secure ballot box.

5392 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made  
5393 available to the public upon request.

5394 (e) (i) If a parent ~~[or guardian]~~ position on a school community council remains  
5395 unfilled after an election is held, the other parent ~~[or guardian]~~ members of the council shall  
5396 appoint a parent ~~[or guardian]~~ who meets the qualifications of this section to fill the position.

5397 (ii) If a school employee position on a school community council remains unfilled after  
5398 an election is held, the other school employee members of the council shall appoint a school  
5399 employee to fill the position.

5400 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or  
5401 (ii) shall serve a two-year term.

5402 (f) (i) If the number of candidates who file for a parent ~~[or guardian]~~ position or school  
5403 employee position on a school community council is less than or equal to the number of open  
5404 positions, an election is not required.

5405 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent ~~[or guardian]~~

5406 position remains unfilled, the other parent [~~or guardian~~] members of the council shall appoint a  
5407 parent [~~or guardian~~] who meets the qualifications of this section to fill the position.

5408 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee  
5409 position remains unfilled, the other school employee members of the council shall appoint a  
5410 school employee who meets the qualifications of this section to fill the position.

5411 (g) The principal shall enter the names of the council members on the School LAND  
5412 Trust website on or before October 20 of each year, pursuant to Section [53G-7-1203](#).

5413 (h) Terms shall be staggered so that approximately half of the council members stand  
5414 for election each year.

5415 (i) A school community council member may serve successive terms provided the  
5416 member continues to meet the definition of a parent [~~or guardian~~] member or school employee  
5417 member as specified in Subsection (1).

5418 (j) Each school community council shall elect:

5419 (i) a chair from its parent [~~or guardian~~] members; and

5420 (ii) a vice chair from either its parent [~~or guardian~~] members or school employee  
5421 members, excluding the principal.

5422 (6) (a) A school community council may create subcommittees or task forces to:

5423 (i) advise or make recommendations to the council; or

5424 (ii) develop all or part of a plan listed in Subsection (3).

5425 (b) Any plan or part of a plan developed by a subcommittee or task force shall be  
5426 subject to the approval of the school community council.

5427 (c) A school community council may appoint individuals who are not council members  
5428 to serve on a subcommittee or task force, including parents [~~or guardians~~], school employees,  
5429 or other community members.

5430 (7) (a) A majority of the members of a school community council is a quorum for the  
5431 transaction of business.

5432 (b) The action of a majority of the members of a quorum is the action of the school  
5433 community council.

5434 (8) A local school board shall provide training for a school community council each  
5435 year, including training:

5436 (a) for the chair and vice chair about their responsibilities;

5437 (b) on resources available on the School LAND Trust website; and

5438 (c) on this part.

5439 Section 148. Section **53G-7-1203** is amended to read:

5440 **53G-7-1203. School community councils -- Open and public meeting**  
5441 **requirements.**

5442 (1) As used in this section:

5443 (a) (i) "Charter trust land council" means a council established by a charter school  
5444 governing board under Section [53G-7-1205](#).

5445 (ii) "Charter trust land council" does not include a charter school governing board  
5446 acting as a charter trust land council.

5447 [~~(b) "School community council" means a council established at a school within a~~  
5448 ~~school district under Section [53G-7-1202](#).]~~

5449 [~~(c)~~] (b) "Council" means a school community council or a charter trust land council.

5450 (c) "School community council" means a council established at a school within a  
5451 school district under Section [53G-7-1202](#).

5452 (2) A school community council or a charter trust land council:

5453 (a) shall conduct deliberations and take action openly as provided in this section; and

5454 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

5455 (3) (a) As required by Section [53G-7-1202](#), a local school board shall provide training  
5456 for the members of a school community council on this section.

5457 (b) A charter school governing board shall provide training for the members of a  
5458 charter trust land council on this section.

5459 (4) (a) A meeting of a council is open to the public.

5460 (b) A council may not close any portion of a meeting.

5461 (5) A council shall, at least one week prior to a meeting, post the following information

5462 on the school's website:

5463 (a) a notice of the meeting, time, and place;

5464 (b) an agenda for the meeting; and

5465 (c) the minutes of the previous meeting.

5466 (6) (a) On or before October 20, a principal shall post the following information on the  
5467 school website and in the school office:

5468 (i) the proposed council meeting schedule for the year;

5469 (ii) a telephone number or email address, or both, where each council member can be  
5470 reached directly; and

5471 (iii) a summary of the annual report required under Section [53G-7-1206](#) on how the  
5472 school's School LAND Trust Program money was used to enhance or improve academic  
5473 excellence at the school and implement a component of the school's improvement plan.

5474 (b) (i) A council shall identify and use methods of providing the information listed in  
5475 Subsection (6)(a) to a parent [~~or guardian~~] who does not have Internet access.

5476 (ii) Money allocated to a school under the School LAND Trust Program under Section  
5477 [53F-2-404](#) may not be used to provide information as required by Subsection (6)(b)(i).

5478 (7) (a) The notice requirement of Subsection (5) may be disregarded if:

5479 (i) because of unforeseen circumstances it is necessary for a council to hold an  
5480 emergency meeting to consider matters of an emergency or urgent nature; and

5481 (ii) the council gives the best notice practicable of:

5482 (A) the time and place of the emergency meeting; and

5483 (B) the topics to be considered at the emergency meeting.

5484 (b) An emergency meeting of a council may not be held unless:

5485 (i) an attempt has been made to notify all the members of the council; and

5486 (ii) a majority of the members of the council approve the meeting.

5487 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity  
5488 to notify the public as to the topics to be considered at the meeting.

5489 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on

5490 the meeting agenda.

5491 (c) A council may not take final action on a topic in a meeting unless the topic is:

5492 (i) listed under an agenda item as required by Subsection (8)(b); and

5493 (ii) included with the advance public notice required by Subsection (5).

5494 (9) (a) Written minutes shall be kept of a council meeting.

5495 (b) Written minutes of a council meeting shall include:

5496 (i) the date, time, and place of the meeting;

5497 (ii) the names of members present and absent;

5498 (iii) a brief statement of the matters proposed, discussed, or decided;

5499 (iv) a record, by individual member, of each vote taken;

5500 (v) the name of each person who:

5501 (A) is not a member of the council; and

5502 (B) after being recognized by the chair, provided testimony or comments to the  
5503 council;

5504 (vi) the substance, in brief, of the testimony or comments provided by the public under  
5505 Subsection (9)(b)(v); and

5506 (vii) any other information that is a record of the proceedings of the meeting that any  
5507 member requests be entered in the minutes.

5508 (c) The written minutes of a council meeting:

5509 (i) are a public record under Title 63G, Chapter 2, Government Records Access and  
5510 Management Act; and

5511 (ii) shall be retained for three years.

5512 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of  
5513 [~~rules~~] policies that govern and prescribe in a public meeting:

5514 (i) parliamentary order and procedure;

5515 (ii) ethical behavior; and

5516 (iii) civil discourse.

5517 (b) A council shall:



- 5518 (i) adopt rules of order and procedure to govern a public meeting of the council;
- 5519 (ii) conduct a public meeting in accordance with the rules of order and procedure
- 5520 described in Subsection (10)(b)(i); and
- 5521 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
- 5522 to the public:
- 5523 (A) at each public meeting of the council; and
- 5524 (B) on the school's website.

5525 Section 149. Section **53G-7-1205** is amended to read:

5526 **53G-7-1205. Charter trust land councils.**

5527 (1) To receive School LAND Trust Program funding as described in Sections

5528 [53F-2-404](#) and [53G-7-1206](#), a charter school governing board shall establish a charter trust

5529 land council, which shall prepare a plan for the use of School LAND Trust Program money that

5530 includes the elements described in Subsection [53G-7-1206](#)(4).

5531 (2) (a) The membership of the council shall include parents [~~or guardians~~] of students

5532 enrolled at the school and may include other members.

5533 (b) The number of council members who are parents [~~or guardians~~] of students

5534 enrolled at the school shall exceed all other members combined by at least two.

5535 (3) A charter school governing board may serve as the charter trust land council that

5536 prepares a plan for the use of School LAND Trust Program money if the membership of the

5537 charter school governing board meets the requirements of Subsection (2)(b).

5538 (4) (a) Except as provided in Subsection (4)(b), council members who are parents [~~or~~

5539 ~~guardians~~] of students enrolled at the school shall be elected in accordance with procedures

5540 established by the charter school governing board.

5541 (b) Subsection (4)(a) does not apply to a charter school governing board that serves as

5542 the charter trust land council that prepares a plan for the use of School LAND Trust Program

5543 money.

5544 (5) A parent [~~or guardian~~] of a student enrolled at the school shall serve as chair or

5545 co-chair of a charter trust land council that prepares a plan for the use of School LAND Trust

5546 Program money.

5547 Section 150. Section **53G-7-1206** is amended to read:

5548 **53G-7-1206. School LAND Trust Program.**

5549 (1) As used in this section:

5550 ~~[(a) "Charter agreement" means an agreement made in accordance with Section~~  
 5551 ~~53G-5-303 that authorizes the operation of a charter school.]~~

5552 ~~[(b)]~~ (a) "Charter school authorizer" means the same as that term is defined in Section  
 5553 ~~53G-5-102.~~

5554 ~~[(c)]~~ (b) "Charter trust land council" means a council established by a charter school  
 5555 governing board under Section ~~53G-7-1205.~~

5556 ~~[(d)]~~ (c) "Council" means a school community council or a charter trust land council.

5557 ~~[(e) "District school" means a public school under the control of a local school board~~  
 5558 ~~elected under Title 20A, Chapter 14, Nomination and Election of State and Local School~~  
 5559 ~~Boards.]~~

5560 ~~[(f)]~~ (d) "School community council" means a council established at a district school in  
 5561 accordance with Section ~~53G-7-1202.~~

5562 (2) There is established the School LAND (Learning And Nurturing Development)  
 5563 Trust Program under the ~~[State Board of Education]~~ state board to:

5564 (a) provide financial resources to public schools to enhance or improve student  
 5565 academic achievement and implement a component of a district school's school improvement  
 5566 plan or a charter school's charter agreement; and

5567 (b) involve parents ~~[and guardians]~~ of a school's students in decision making regarding  
 5568 the expenditure of School LAND Trust Program money allocated to the school.

5569 (3) To receive an allocation under Section ~~53F-2-404:~~

5570 (a) a district school shall have established a school community council in accordance  
 5571 with Section ~~53G-7-1202;~~

5572 (b) a charter school shall have established a charter trust land council in accordance  
 5573 with Section ~~53G-7-1205;~~ and

5574 (c) the school's principal shall provide a signed, written assurance that the school is in  
5575 compliance with Subsection (3)(a) or (b).

5576 (4) (a) A council shall create a program to use the school's allocation distributed under  
5577 Section 53F-2-404 to implement a component of the school's improvement plan or charter  
5578 agreement, including:

5579 (i) the school's identified most critical academic needs;

5580 (ii) a recommended course of action to meet the identified academic needs;

5581 (iii) a specific listing of any programs, practices, materials, or equipment that the  
5582 school will need to implement a component of its school improvement plan to have a direct  
5583 impact on the instruction of students and result in measurable increased student performance;  
5584 and

5585 (iv) how the school intends to spend its allocation of funds under this section to  
5586 enhance or improve academic excellence at the school.

5587 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND  
5588 Trust Program money in a meeting of the council at which a quorum is present.

5589 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust  
5590 Program money, the plan is adopted.

5591 (c) A council shall:

5592 (i) post a plan for the use of School LAND Trust Program money that is adopted in  
5593 accordance with Subsection (4)(b) on the School LAND Trust Program website; and

5594 (ii) include with the plan a report noting the number of council members who voted for  
5595 or against the approval of the plan and the number of council members who were absent for the  
5596 vote.

5597 (d) (i) The local school board of a district school shall approve or disapprove a plan for  
5598 the use of School LAND Trust Program money.

5599 (ii) If a local school board disapproves a plan for the use of School LAND Trust  
5600 Program money:

5601 (A) the local school board shall provide a written explanation of why the plan was

5602 disapproved and request the school community council who submitted the plan to revise the  
5603 plan; and

5604 (B) the school community council shall submit a revised plan in response to a local  
5605 school board's request under Subsection (4)(d)(ii)(A).

5606 (iii) Once a plan has been approved by a local school board, a school community  
5607 council may amend the plan, subject to a majority vote of the school community council and  
5608 local school board approval.

5609 (e) A charter trust land council's plan for the use of School LAND Trust Program  
5610 money is subject to approval by the:

5611 (i) charter school governing board; and

5612 (ii) charter school's charter school authorizer.

5613 (5) (a) A district school or charter school shall:

5614 (i) implement the program as approved;

5615 (ii) provide ongoing support for the council's program; and

5616 (iii) meet [~~State Board of Education~~] state board reporting requirements regarding  
5617 financial and performance accountability of the program.

5618 (b) (i) A district school or charter school shall prepare and post an annual report of the  
5619 program on the School LAND Trust Program website each fall.

5620 (ii) The report shall detail the use of program funds received by the school under this  
5621 section and an assessment of the results obtained from the use of the funds.

5622 (iii) A summary of the report shall be provided to parents [~~or guardians~~] of students  
5623 attending the school.

5624 (6) On or before October 1 of each year, a school district shall record the amount of the  
5625 program funds distributed to each school under Section [53F-2-404](#) on the School LAND Trust  
5626 Program website to assist schools in developing the annual report described in Subsection  
5627 (5)(b).

5628 (7) The president or chair of a local school board or charter school governing board  
5629 shall ensure that the members of the local school board or charter school governing board are

5630 provided with annual training on the requirements of this section.

5631 (8) (a) The School LAND Trust Program shall provide training to the entities described  
5632 in Subsection (8)(b) on:

5633 (i) the School LAND Trust Program; and

5634 (ii) (A) a school community council; or

5635 (B) a charter trust land council.

5636 (b) The School LAND Trust Program shall provide the training to:

5637 (i) a local school board or a charter school governing board;

5638 (ii) a school district or a charter school; and

5639 (iii) a school community council.

5640 (9) The School LAND Trust Program shall annually review each school's compliance  
5641 with applicable law, including rules adopted by the [~~State Board of Education~~] state board, by:

5642 (a) reading each School LAND Trust Program plan submitted; and

5643 (b) reviewing expenditures made from School LAND Trust Program money.

5644 (10) The state board shall designate a staff member who administers the School LAND  
5645 Trust Program:

5646 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee  
5647 created under Section [53D-2-202](#); and

5648 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,  
5649 appointed under Section [53D-2-203](#), to attend meetings or events within the School and  
5650 Institutional Trust System, as defined in Section [53D-2-102](#), that relate to the School LAND  
5651 Trust Program.

5652 Section 151. Section **53G-8-202** is amended to read:

5653 **53G-8-202. Public school discipline policies -- Basis of the policies --**

5654 **Enforcement.**

5655 (1) The Legislature recognizes that every student in the public schools should have the  
5656 opportunity to learn in an environment which is safe, conducive to the learning process, and  
5657 free from unnecessary disruption.

5658 (2) (a) To foster such an environment, each local school board or charter school  
5659 governing board [~~of a charter school~~], with input from school employees, parents [~~and~~  
5660 ~~guardians~~] of students, students, and the community at large, shall adopt conduct and discipline  
5661 policies for the public schools in accordance with Section [53G-8-211](#).

5662 (b) A district or charter school shall base its policies on the principle that every student  
5663 is expected:

5664 (i) to follow accepted [~~rules~~] standards of conduct; and

5665 (ii) to show respect for other people and to obey persons in authority at the school.

5666 (c) (i) On or before September 1, 2015, the [~~State Board of Education~~] state board shall  
5667 revise the conduct and discipline policy models for elementary and secondary public schools to  
5668 include procedures for responding to reports received through the School Safety and Crisis  
5669 Line under Subsection [53E-10-502\(3\)](#).

5670 (ii) Each district or charter school shall use the models, where appropriate, in  
5671 developing its conduct and discipline policies under this chapter.

5672 (d) The policies shall emphasize that certain behavior, most particularly behavior  
5673 which disrupts, is unacceptable and may result in disciplinary action.

5674 (3) The local superintendent and designated employees of the district or charter school  
5675 shall enforce the policies so that students demonstrating unacceptable behavior and their  
5676 parents [~~or guardians~~] understand that such behavior will not be tolerated and will be dealt with  
5677 in accordance with the district's conduct and discipline policies.

5678 Section 152. Section [53G-8-203](#) is amended to read:

5679 **[53G-8-203. Conduct and discipline policies and procedures.](#)**

5680 (1) The conduct and discipline policies required under Section [53G-8-202](#) shall  
5681 include:

5682 (a) provisions governing student conduct, safety, and welfare;

5683 (b) standards and procedures for dealing with students who cause disruption in the  
5684 classroom, on school grounds, on school vehicles, or in connection with school-related  
5685 activities or events;

5686 (c) procedures for the development of remedial discipline plans for students who cause  
5687 a disruption at any of the places referred to in Subsection (1)(b);

5688 (d) procedures for the use of reasonable and necessary physical restraint in dealing with  
5689 students posing a danger to themselves or others, consistent with Section 53G-8-302;

5690 (e) standards and procedures for dealing with student conduct in locations other than  
5691 those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

5692 (i) the school;

5693 (ii) school property;

5694 (iii) a person associated with the school; or

5695 (iv) property associated with a person described in Subsection (1)(e)(iii);

5696 (f) procedures for the imposition of disciplinary sanctions, including suspension and  
5697 expulsion;

5698 (g) specific provisions, consistent with Section 53E-3-509, for preventing and  
5699 responding to gang-related activities in the school, on school grounds, on school vehicles, or in  
5700 connection with school-related activities or events;

5701 (h) standards and procedures for dealing with habitual disruptive or unsafe student  
5702 behavior in accordance with the provisions of this part; and

5703 (i) procedures for responding to reports received through the School Safety and Crisis  
5704 Line under Subsection 53E-10-502(3).

5705 (2) (a) Each local school board shall establish a policy on detaining students after  
5706 regular school hours as a part of the district-wide discipline plan required under Section  
5707 53G-8-202.

5708 (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school  
5709 students, grades kindergarten through [~~six~~] 6.

5710 (ii) The local school board shall receive input from teachers, school administrators, and  
5711 parents [~~and guardians~~] of the affected students before adopting the policy.

5712 (c) The policy described in Subsection (2)(a) shall provide for:

5713 (i) notice to the parent [~~or guardian~~] of a student prior to holding the student after

5714 school on a particular day; and

5715 (ii) exceptions to the notice provision if detention is necessary for the student's health  
5716 or safety.

5717 Section 153. Section **53G-8-204** is amended to read:

5718 **53G-8-204. Suspension and expulsion procedures -- Notice to parents --**  
5719 **Distribution of policies.**

5720 (1) (a) Policies required under this part shall include written procedures for the  
5721 suspension and expulsion of, or denial of admission to, a student, consistent with due process  
5722 and other provisions of law.

5723 (b) (i) The policies required in Subsection (1)(a) shall include a procedure directing  
5724 public schools to notify the custodial parent and, if requested in writing by a noncustodial  
5725 parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a  
5726 student.

5727 (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would  
5728 disclose any information protected under a court order.

5729 (iii) The custodial parent is responsible for providing to the school a certified copy of  
5730 the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school  
5731 board or the charter school governing board [~~of a charter school~~].

5732 (2) (a) Each local school board or charter school governing board [~~of a charter school~~]  
5733 shall provide for the distribution of a copy of a school's discipline and conduct policy to each  
5734 student upon enrollment in the school.

5735 (b) A copy of the policy shall be posted in a prominent location in each school.

5736 (c) Any significant change in a school's conduct and discipline policy shall be  
5737 distributed to students in the school and posted in the school in a prominent location.

5738 Section 154. Section **53G-8-205** is amended to read:

5739 **53G-8-205. Grounds for suspension or expulsion from a public school.**

5740 (1) A student may be suspended or expelled from a public school for any of the  
5741 following reasons:



5742 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive  
5743 behavior, including the use of foul, profane, vulgar, or abusive language;

5744 (b) willful destruction or defacing of school property;

5745 (c) behavior or threatened behavior which poses an immediate and significant threat to  
5746 the welfare, safety, or morals of other students or school personnel or to the operation of the  
5747 school;

5748 (d) possession, control, or use of an alcoholic beverage as defined in Section  
5749 32B-1-102;

5750 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the  
5751 school or school property, to a person associated with the school, or property associated with  
5752 that person, regardless of where it occurs; or

5753 (f) possession or use of pornographic material on school property.

5754 (2) (a) A student shall be suspended or expelled from a public school for any of the  
5755 following reasons:

5756 (i) any serious violation affecting another student or a staff member, or any serious  
5757 violation occurring in a school building, in or on school property, or in conjunction with any  
5758 school activity, including:

5759 (A) the possession, control, or actual or threatened use of a real weapon, explosive, or  
5760 noxious or flammable material;

5761 (B) the actual or threatened use of a look alike weapon with intent to intimidate another  
5762 person or to disrupt normal school activities; or

5763 (C) the sale, control, or distribution of a drug or controlled substance as defined in  
5764 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug  
5765 paraphernalia as defined in Section 58-37a-3; or

5766 (ii) the commission of an act involving the use of force or the threatened use of force  
5767 which if committed by an adult would be a felony or class A misdemeanor.

5768 (b) A student who commits a violation of Subsection (2)(a) involving a real or look  
5769 alike weapon, explosive, or flammable material shall be expelled from school for a period of

5770 not less than one year subject to the following:

5771 (i) within 45 days after the expulsion the student shall appear before the student's local  
 5772 school board superintendent, the superintendent's designee, chief administrative officer of a  
 5773 charter school, or the chief administrative officer's designee, accompanied by a parent [~~or legal~~  
 5774 ~~guardian~~]; and

5775 (ii) the superintendent, chief administrator, or designee shall determine:

5776 (A) what conditions must be met by the student and the student's parent for the student  
 5777 to return to school;

5778 (B) if the student should be placed on probation in a regular or alternative school  
 5779 setting consistent with Section 53G-8-208, and what conditions must be met by the student in  
 5780 order to ensure the safety of students and faculty at the school the student is placed in; and

5781 (C) if it would be in the best interest of both the school district or charter school, and  
 5782 the student, to modify the expulsion term to less than a year, conditioned on approval by the  
 5783 local school board or charter school governing board [~~of a charter school~~] and giving highest  
 5784 priority to providing a safe school environment for all students.

5785 (3) A student may be denied admission to a public school on the basis of having been  
 5786 expelled from that or any other school during the preceding 12 months.

5787 (4) A suspension or expulsion under this section is not subject to the age limitations  
 5788 under Subsection 53G-6-204(1).

5789 (5) Each local school board and charter school governing board [~~of a charter school~~]  
 5790 shall prepare an annual report for the [~~State Board of Education~~] state board on:

5791 (a) each violation committed under this section; and

5792 (b) each action taken by the school district against a student who committed the  
 5793 violation.

5794 Section 155. Section 53G-8-206 is amended to read:

5795 **53G-8-206. Delegation of authority to suspend or expel a student -- Procedure for**  
 5796 **suspension -- Readmission.**

5797 (1) (a) A local school board [~~of education~~] may delegate to any school principal or

5798 assistant principal within the school district the power to suspend a student in the principal's  
5799 school for up to 10 school days.

5800 (b) A charter school governing board [~~of a charter school~~] may delegate to the chief  
5801 administrative officer of the charter school the power to suspend a student in the charter school  
5802 for up to 10 school days.

5803 (2) The local school board or charter school governing board may suspend a student for  
5804 up to one school year or delegate that power to the district superintendent, the superintendent's  
5805 designee, or chief administrative officer of a charter school.

5806 (3) The local school board may expel a student for a fixed or indefinite period,  
5807 provided that the expulsion shall be reviewed by the district superintendent or the  
5808 superintendent's designee and the conclusions reported to the local school board, at least once  
5809 each year.

5810 (4) If a student is suspended, a designated school official shall notify the parent [~~or~~  
5811 ~~guardian~~] of the student of the following without delay:

5812 (a) that the student has been suspended;

5813 (b) the grounds for the suspension;

5814 (c) the period of time for which the student is suspended; and

5815 (d) the time and place for the parent [~~or guardian~~] to meet with a designated school  
5816 official to review the suspension.

5817 (5) (a) A suspended student shall immediately leave the school building and the school  
5818 grounds following a determination by the school of the best way to transfer custody of the  
5819 student to the parent [~~or guardian~~] or other person authorized by the parent or applicable law to  
5820 accept custody of the student.

5821 (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be  
5822 readmitted to a public school until:

5823 (i) the student and the parent [~~or guardian~~] have met with a designated school official  
5824 to review the suspension and agreed upon a plan to avoid recurrence of the problem; or

5825 (ii) in the discretion of the principal or chief administrative officer of a charter school,

5826 the parent [~~or guardian~~] of the suspended student and the student have agreed to participate in  
5827 such a meeting.

5828 (c) A suspension may not extend beyond 10 school days unless the student and the  
5829 student's parent [~~or guardian~~] have been given a reasonable opportunity to meet with a  
5830 designated school official and respond to the allegations and proposed disciplinary action.

5831 Section 156. Section **53G-8-207** is amended to read:

5832 **53G-8-207. Alternatives to suspension or expulsion.**

5833 (1) Each local school board or charter school governing board [~~of a charter school~~]  
5834 shall establish:

5835 (a) policies providing that prior to suspending or expelling a student for repeated acts  
5836 of willful disobedience, defiance of authority, or disruptive behavior which are not of such a  
5837 violent or extreme nature that immediate removal is required, good faith efforts shall be made  
5838 to implement a remedial discipline plan that would allow the student to remain in school; and

5839 (b) alternatives to suspension, including policies that allow a student to remain in  
5840 school under an in-school suspension program or under a program allowing the parent [~~or~~  
5841 ~~guardian~~], with the consent of the student's teacher or teachers, to attend class with the student  
5842 for a period of time specified by a designated school official.

5843 (2) If the parent [~~or guardian~~] does not agree or fails to attend class with the student,  
5844 the student shall be suspended in accordance with the conduct and discipline policies of the  
5845 district or the school.

5846 (3) The parent [~~or guardian~~] of a suspended student and the designated school official  
5847 may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or  
5848 other appropriate state agencies, if necessary, in dealing with the student's suspension.

5849 (4) The state superintendent [~~of public instruction~~], in cooperation with school districts  
5850 and charter schools, shall:

5851 (a) research methods of motivating and providing incentives to students that:

5852 (i) directly and regularly reward or recognize appropriate behavior;

5853 (ii) impose immediate and direct consequences on students who fail to comply with

5854 district or school standards of conduct; and

5855 (iii) keep the students in school, or otherwise continue student learning with  
5856 appropriate supervision or accountability;

5857 (b) explore funding resources to implement methods of motivating and providing  
5858 incentives to students that meet the criteria specified in Subsection (4)(a);

5859 (c) evaluate the benefits and costs of methods of motivating and providing incentives  
5860 to students that meet the criteria specified in Subsection (4)(a);

5861 (d) publish a report that incorporates the research findings, provides model plans with  
5862 suggested resource pools, and makes recommendations for local school boards and school  
5863 personnel;

5864 (e) submit the report described in Subsection (4)(d) to the Education Interim  
5865 Committee; and

5866 (f) maintain data for purposes of accountability, later reporting, and future analysis.

5867 Section 157. Section **53G-8-208** is amended to read:

5868 **53G-8-208. Student suspended or expelled -- Responsibility of parent --**

5869 **Application for students with disabilities.**

5870 (1) If a student is suspended or expelled from a public school under this part for more  
5871 than 10 school days, the parent [~~or guardian~~] is responsible for undertaking an alternative  
5872 education plan which will ensure that the student's education continues during the period of  
5873 suspension or expulsion.

5874 (2) (a) The parent [~~or guardian~~] shall work with designated school officials to  
5875 determine how that responsibility might best be met through private education, an alternative  
5876 program offered by or through the district or charter school, or other alternative which will  
5877 reasonably meet the educational needs of the student.

5878 (b) The parent [~~or guardian~~] and designated school official may enlist the cooperation  
5879 of the Division of Child and Family Services, the juvenile court, or other appropriate state  
5880 agencies to meet the student's educational needs.

5881 (3) Costs for educational services which are not provided by the school district or

5882 charter school are the responsibility of the student's parent [~~or guardian~~].

5883           (4) (a) Each school district or charter school shall maintain a record of all suspended or  
5884 expelled students and a notation of the recorded suspension or expulsion shall be attached to  
5885 the individual student's transcript.

5886           (b) The district or charter school shall contact the parent [~~or guardian~~] of each  
5887 suspended or expelled student under the age of 16 at least once each month to determine the  
5888 student's progress.

5889           (5) (a) This part applies to students with disabilities to the extent permissible under  
5890 applicable law or regulation.

5891           (b) If application of any requirement of this part to a student with a disability is not  
5892 permissible under applicable law or regulation, the responsible school authority shall  
5893 implement other actions consistent with the conflicting law or regulation which shall most  
5894 closely correspond to the requirements of this part.

5895           Section 158. Section **53G-8-209** is amended to read:

5896           **53G-8-209. Extracurricular activities -- Prohibited conduct -- Reporting of**  
5897 **violations -- Limitation of liability.**

5898           (1) The Legislature recognizes that:

5899           (a) participation in student government and extracurricular activities may confer  
5900 important educational and lifetime benefits upon students, and encourages school districts and  
5901 charter schools to provide a variety of opportunities for all students to participate in such  
5902 activities in meaningful ways;

5903           (b) there is no constitutional right to participate in these types of activities, and does  
5904 not through this section or any other provision of law create such a right;

5905           (c) students who participate in student government and extracurricular activities,  
5906 particularly competitive athletics, and the adult coaches, advisors, and assistants who direct  
5907 those activities, become role models for others in the school and community;

5908           (d) these individuals often play major roles in establishing standards of acceptable  
5909 behavior in the school and community, and establishing and maintaining the reputation of the

5910 school and the level of community confidence and support afforded the school; and

5911 (e) it is of the utmost importance that those involved in student government, whether as  
5912 officers or advisors, and those involved in competitive athletics and related activities, whether  
5913 students or staff, comply with all applicable laws and ~~[rules]~~ standards of behavior and conduct  
5914 themselves at all times in a manner befitting their positions and responsibilities.

5915 (2) (a) The ~~[State Board of Education]~~ state board may, and local ~~[boards of education~~  
5916 ~~and governing boards of charter schools]~~ school boards and charter school governing boards  
5917 shall, adopt rules or policies implementing this section that apply to both students and staff.

5918 (b) The rules or policies described in Subsection (2)(a) shall include prohibitions  
5919 against the following types of conduct in accordance with Section 53G-8-211, while in the  
5920 classroom, on school property, during school sponsored activities, or regardless of the location  
5921 or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i)  
5922 through (iv):

5923 (i) use of foul, abusive, or profane language while engaged in school related activities;

5924 (ii) illicit use, possession, or distribution of controlled substances or drug  
5925 paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in  
5926 Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and

5927 (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including  
5928 behavior involving physical violence, restraint, improper touching, or inappropriate exposure  
5929 of body parts not normally exposed in public settings, forced ingestion of any substance, or any  
5930 act which would constitute a crime against a person or public order under Utah law.

5931 (3) (a) School employees who reasonably believe that a violation of this section may  
5932 have occurred shall immediately report that belief to the school principal, district  
5933 superintendent, or chief administrative officer of a charter school.

5934 (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the  
5935 alleged incident, and actions taken in response, to the district superintendent or the  
5936 superintendent's designee within 10 working days after receipt of the report.

5937 (c) Failure of a person holding a professional certificate to report as required under this

5938 Subsection (3) constitutes an unprofessional practice.

5939 (4) Limitations of liability set forth under Section 53G-8-405 apply to this section.

5940 Section 159. Section 53G-8-210 is amended to read:

5941 **53G-8-210. Disruptive student behavior.**

5942 (1) As used in this section:

5943 (a) "Disruptive student behavior" includes:

5944 (i) the grounds for suspension or expulsion described in Section 53G-8-205; and

5945 (ii) the conduct described in Subsection 53G-8-209(2)(b).

5946 (b) "Parent" includes:

5947 (i) a custodial parent of a school-age minor;

5948 (ii) a legally appointed guardian of a school-age minor; or

5949 (iii) any other person purporting to exercise any authority over the minor which could

5950 be exercised by a person described in Subsection (1)(b)(i) or (ii).

5951 (c) "Qualifying minor" means a school-age minor who:

5952 (i) is at least nine years old; or

5953 (ii) turns nine years old at any time during the school year.

5954 (d) "School year" means the period of time designated by a local school board or

5955 ~~local~~ charter school governing board as the school year for the school where the school-age

5956 minor is enrolled.

5957 (2) A local school board, school district, charter school governing board ~~[of a charter~~

5958 ~~school]~~, or charter school may impose administrative penalties in accordance with Section

5959 53G-8-211 on a school-age minor who violates this part.

5960 (3) (a) A local school board or charter school governing board ~~[of a charter school]~~

5961 shall:

5962 (i) authorize a school administrator or a designee of a school administrator to issue

5963 notices of disruptive student behavior to qualifying minors; and

5964 (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to

5965 contest a notice of disruptive student behavior.



5966 (b) A school representative shall provide to a parent of a school-age minor, a list of  
5967 resources available to assist the parent in resolving the school-age minor's disruptive student  
5968 behavior problem.

5969 (c) A local school board or charter school governing board [~~of a charter school~~] shall  
5970 establish procedures for a school counselor or other designated school representative to work  
5971 with a qualifying minor who engages in disruptive student behavior in order to attempt to  
5972 resolve the minor's disruptive student behavior problems.

5973 (4) The notice of disruptive student behavior described in Subsection (3)(a):

5974 (a) shall be issued to a qualifying minor who:

5975 (i) engages in disruptive student behavior, that does not result in suspension or  
5976 expulsion, three times during the school year; or

5977 (ii) engages in disruptive student behavior, that results in suspension or expulsion, once  
5978 during the school year;

5979 (b) shall require that the qualifying minor and a parent of the qualifying minor:

5980 (i) meet with school authorities to discuss the qualifying minor's disruptive student  
5981 behavior; and

5982 (ii) cooperate with the local school board or charter school governing board [~~of a~~  
5983 ~~charter school~~] in correcting the school-age minor's disruptive student behavior; and

5984 (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

5985 (5) A habitual disruptive student behavior notice:

5986 (a) may only be issued to a qualifying minor who:

5987 (i) engages in disruptive student behavior, that does not result in suspension or  
5988 expulsion, at least six times during the school year;

5989 (ii) (A) engages in disruptive student behavior, that does not result in suspension or  
5990 expulsion, at least three times during the school year; and

5991 (B) engages in disruptive student behavior, that results in suspension or expulsion, at  
5992 least once during the school year; or

5993 (iii) engages in disruptive student behavior, that results in suspension or expulsion, at

5994 least twice during the school year; and

5995 (b) may only be issued by a school administrator, a designee of a school administrator,  
5996 or a truancy specialist, who is authorized by a local school board or charter school governing  
5997 board [~~of a local charter school~~] to issue a habitual disruptive student behavior notice.

5998 (6) (a) A qualifying minor to whom a habitual disruptive student behavior notice is  
5999 issued under Subsection (5) may not be referred to the juvenile court.

6000 (b) Within five days after the day on which a habitual disruptive student behavior  
6001 notice is issued, a representative of the school district or charter school shall provide  
6002 documentation, to a parent of the qualifying minor who receives the notice, of the efforts made  
6003 by a school counselor or representative under Subsection (3)(c).

6004 Section 160. Section **53G-8-211** is amended to read:

6005 **53G-8-211. Responses to school-based behavior.**

6006 (1) As used in this section:

6007 (a) "Evidence-based" means a program or practice that has:

6008 (i) had multiple randomized control studies or a meta-analysis demonstrating that the  
6009 program or practice is effective for a specific population;

6010 (ii) been rated as effective by a standardized program evaluation tool; or

6011 (iii) been approved by the [~~State Board of Education~~] state board.

6012 (b) "Mobile crisis outreach team" means the same as that term is defined in Section  
6013 [78A-6-105](#).

6014 (c) "Restorative justice program" means a school-based program or a program used or  
6015 adopted by a local education agency that is designed to enhance school safety, reduce school  
6016 suspensions, and limit referrals to court, and is designed to help minors take responsibility for  
6017 and repair the harm of behavior that occurs in school.

6018 (d) "School administrator" means a principal of a school.

6019 (e) "School is in session" means a day during which the school conducts instruction for  
6020 which student attendance is counted toward calculating average daily membership.

6021 (f) "School resource officer" means a law enforcement officer, as defined in Section

6022 **53-13-103**, who contracts with, is employed by, or whose law enforcement agency contracts  
6023 with a local education agency to provide law enforcement services for the local education  
6024 agency.

6025 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,  
6026 clinic, or other event or activity that is authorized by a specific local education agency or public  
6027 school, according to ~~[local]~~ LEA governing board policy, and satisfies at least one of the  
6028 following conditions:

6029 (A) the activity is managed or supervised by a local education agency or public school,  
6030 or local education agency or public school employee;

6031 (B) the activity uses the local education agency or public school's facilities, equipment,  
6032 or other school resources; or

6033 (C) the activity is supported or subsidized, more than inconsequentially, by public  
6034 funds, including the public school's activity funds or ~~[minimum school program]~~ Minimum  
6035 School Program dollars.

6036 (ii) "School-sponsored activity" includes preparation for and involvement in a public  
6037 performance, contest, athletic competition, demonstration, display, or club activity.

6038 (h) (i) "Status offense" means a violation of the law that would not be a violation but  
6039 for the age of the offender.

6040 (ii) Notwithstanding Subsection (1)(h)(i), a status offense does not include a violation  
6041 that by statute is made a misdemeanor or felony.

6042 (2) This section applies to a minor enrolled in school who is alleged to have committed  
6043 an offense at the school where the student is enrolled:

6044 (a) on school property where the student is enrolled:

6045 (i) when school is in session; or

6046 (ii) during a school-sponsored activity; or

6047 (b) that is truancy.

6048 (3) (a) If the alleged offense is a class C misdemeanor, an infraction, a status offense  
6049 on school property, or truancy, the minor may not be referred to law enforcement or court but

6050 may be referred to evidence-based alternative interventions, including:

6051 (i) a mobile crisis outreach team, as defined in Section [78A-6-105](#);

6052 (ii) a receiving center operated by the Division of Juvenile Justice Services in  
6053 accordance with Section [62A-7-104](#);

6054 (iii) a youth court or comparable restorative justice program;

6055 (iv) evidence-based interventions created and developed by the school or school  
6056 district; and

6057 (v) other evidence-based interventions that may be jointly created and developed by a  
6058 local education agency, the [~~State Board of Education~~] state board, the juvenile court, local  
6059 counties and municipalities, the Department of Health, or the Department of Human Services.

6060 (b) Notwithstanding Subsection (3)(a), a school resource officer may:

6061 (i) investigate possible criminal offenses and conduct, including conducting probable  
6062 cause searches;

6063 (ii) consult with school administration about the conduct of a minor enrolled in a  
6064 school;

6065 (iii) transport a minor enrolled in a school to a location if the location is permitted by  
6066 law;

6067 (iv) take temporary custody of a minor pursuant to Subsection [78A-6-112\(1\)](#); or

6068 (v) protect the safety of students and the school community, including the use of  
6069 reasonable and necessary physical force when appropriate based on the totality of the  
6070 circumstances.

6071 (c) Notwithstanding other provisions of this section, a law enforcement officer who has  
6072 cause to believe a minor has committed an offense on school property when school is not in  
6073 session nor during a school-sponsored activity, the law enforcement officer may refer the minor  
6074 to court or may refer the minor to evidence-based alternative interventions at the discretion of  
6075 the law enforcement officer.

6076 (4) (a) Notwithstanding Subsection (3)(a) and subject to the requirements of this  
6077 Subsection (4), a school district or school may refer a minor to court for a class C misdemeanor

6078 committed on school property or for being a habitual truant, as defined in Section 53G-6-201,  
6079 if the minor refuses to participate in an evidence-based alternative intervention described in  
6080 Subsection (3)(a).

6081 (b) (i) When a minor is referred to court under Subsection (4)(a), the school shall  
6082 appoint a school representative to continue to engage with the minor and the minor's family  
6083 through the court process.

6084 (ii) A school representative appointed under this Subsection (4)(b) may not be a school  
6085 resource officer.

6086 (c) A school district or school shall include the following in its referral to the court:

6087 (i) attendance records for the minor;

6088 (ii) a report of evidence-based alternative interventions used by the school before  
6089 referral, including outcomes;

6090 (iii) the name and contact information of the school representative assigned to actively  
6091 participate in the court process with the minor and the minor's family; and

6092 (iv) any other information the school district or school considers relevant.

6093 (d) A minor referred to court under this Subsection (4), may not be ordered to or placed  
6094 in secure detention, including for a contempt charge or violation of a valid court order under  
6095 Section 78A-6-1101 when the underlying offense is a class C misdemeanor occurring on  
6096 school property or habitual truancy.

6097 (e) If a minor is referred to court under this Subsection (4), the court may use, when  
6098 available, the resources of the Division of Juvenile Justice Services or the Division of  
6099 Substance Abuse and Mental Health to address the minor.

6100 (5) If the alleged offense is a class B misdemeanor or a class A misdemeanor, the  
6101 minor may be referred directly to the juvenile court by the school administrator, the school  
6102 administrator's designee, or a school resource officer, or the minor may be referred to the  
6103 evidence-based alternative interventions in Subsection (3)(a).

6104 Section 161. Section 53G-8-212 is amended to read:

6105 **53G-8-212. Defacing or damaging school property -- Student's liability -- Work**

6106 **program alternative.**

6107 (1) A student who willfully defaces or otherwise damages any school property may be  
6108 suspended or otherwise disciplined.

6109 (2) (a) If a school's property has been lost or willfully cut, defaced, or otherwise  
6110 damaged, the school may withhold the issuance of an official written grade report, diploma, or  
6111 transcript of the student responsible for the damage or loss until the student or the student's  
6112 parent [~~or guardian~~] has paid for the damages.

6113 (b) The student's parent [~~or guardian~~] is liable for damages as otherwise provided in  
6114 Section [78A-6-1113](#).

6115 (3) (a) If the student and the student's parent [~~or guardian~~] are unable to pay for the  
6116 damages or if it is determined by the school in consultation with the student's parent [~~or~~  
6117 ~~guardian~~] that the student's interests would not be served if the parent [~~or guardian~~] were to pay  
6118 for the damages, the school shall provide for a program of work the student may complete in  
6119 lieu of the payment.

6120 (b) The school shall release the official grades, diploma, and transcripts of the student  
6121 upon completion of the work.

6122 (4) Before any penalties are assessed under this section, the school shall adopt  
6123 procedures to ensure that the student's right to due process is protected.

6124 (5) No penalty may be assessed for damages which may be reasonably attributed to  
6125 normal wear and tear.

6126 (6) If the Department of Human Services or a licensed child-placing agency has been  
6127 granted custody of the student, the student's records, if requested by the department or agency,  
6128 may not be withheld from the department or agency for nonpayment of damages under this  
6129 section.

6130 Section 162. Section **53G-8-302** is amended to read:

6131 **53G-8-302. Prohibition of corporal punishment -- Use of reasonable and**  
6132 **necessary physical restraint.**

6133 (1) A school employee may not inflict or cause the infliction of corporal punishment

6134 upon a student.

6135 (2) A school employee may use reasonable and necessary physical restraint in self  
6136 defense or when otherwise appropriate to the circumstances to:

6137 (a) obtain possession of a weapon or other dangerous object in the possession or under  
6138 the control of a student;

6139 (b) protect a student or another individual from physical injury;

6140 (c) remove from a situation a student who is violent; or

6141 (d) protect property from being damaged, when physical safety is at risk.

6142 (3) Nothing in this section prohibits a school employee from using less intrusive  
6143 means, including a physical escort, to address circumstances described in Subsection (2).

6144 (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or  
6145 permit the commission of an act prohibited by this part is void and unenforceable.

6146 (b) An employee may not be subjected to any sanction for failure or refusal to commit  
6147 an act prohibited under this part.

6148 (5) A parochial or private school that does not receive state funds to provide for the  
6149 education of a student may exempt itself from the provisions of this section by adopting a  
6150 policy to that effect and notifying the parents [~~or guardians~~] of students in the school of the  
6151 exemption.

6152 (6) This section does not apply to a law enforcement officer as defined in Section  
6153 [53-13-103](#).

6154 Section 163. Section **53G-8-404** is amended to read:

6155 **53G-8-404. State board to set procedures.**

6156 The [~~State Board of Education~~] state board shall make rules governing the  
6157 dissemination of the information.

6158 Section 164. Section **53G-8-503** is amended to read:

6159 **53G-8-503. Reporting procedure.**

6160 (1) The principal of a public school affected by this chapter shall appoint one educator  
6161 as the "designated educator" to make all reports required under Sections [53G-8-501](#) through

6162 ~~53G-8-504.~~

6163 (2) The designated educator, upon receiving a report of a prohibited act from an  
6164 educator under Section ~~53G-8-502~~, shall immediately report the violation to the student's  
6165 parent [~~or legal guardian~~], and may report the violation to an appropriate law enforcement  
6166 agency or official, in accordance with Section ~~53G-8-211~~.

6167 (3) The designated educator may not disclose to the student or to the student's parent  
6168 [~~or legal guardian~~] the identity of the educator who made the initial report.

6169 Section 165. Section ~~53G-8-509~~ is amended to read:

6170 **~~53G-8-509. State board rules to ensure protection of individual rights.~~**

6171 The [~~State Board of Education and local boards of education~~] state board and LEA  
6172 governing boards shall adopt rules or policies to implement Sections ~~53G-8-505~~ through  
6173 ~~53G-8-508~~. The rules or policies shall establish procedures to ensure protection of individual  
6174 rights against excessive and unreasonable intrusion.

6175 Section 166. Section ~~53G-8-604~~ is amended to read:

6176 **~~53G-8-604. Traffic ordinances on school property -- Enforcement.~~**

6177 (1) A local political subdivision in which real property is located that belongs to, or is  
6178 controlled by, the [~~State Board of Education, a local board of education~~] state board, an LEA  
6179 governing board, an area vocational center, or the Utah Schools for the Deaf and the Blind  
6180 may, at the request of the responsible board of education or institutional council, adopt  
6181 ordinances for the control of vehicular traffic on that property.

6182 (2) A law enforcement officer whose jurisdiction includes the property in question may  
6183 enforce an ordinance adopted under Subsection (1).

6184 Section 167. Section ~~53G-8-701~~ is amended to read:

6185 **~~53G-8-701. Definitions.~~**

6186 As used in this [~~section~~] part:

6187 [~~(1) "Governing authority" means:~~

6188 [~~(a) for a school district, the local school board;~~

6189 [~~(b) for a charter school, the governing board; or~~



6190 [~~(c) for the Utah Schools for the Deaf and the Blind, the State Board of Education.~~]

6191 [(2)] (1) "Law enforcement agency" means the same as that term is defined in Section  
6192 53-1-102.

6193 [(3) "Local education agency" or "LEA" means:]

6194 [(a) a school district;]

6195 [(b) a charter school; or]

6196 [(c) the Utah Schools for the Deaf and the Blind.]

6197 [(4)] (2) "School resource officer" or "SRO" means a law enforcement officer, as  
6198 defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts  
6199 with an LEA to provide law enforcement services for the LEA.

6200 Section 168. Section 53G-8-702 is amended to read:

6201 **53G-8-702. School resource officer training -- Curriculum.**

6202 (1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
6203 ~~the State Board of Education~~] The state board shall make rules that prepare and make available  
6204 a training program for school principals and school resource officers to attend.

6205 (2) To create the curriculum and materials for the training program described in  
6206 Subsection (1), the [~~State Board of Education~~] state board shall:

6207 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice  
6208 created in Section 63M-7-201;

6209 (b) solicit input from local school boards, charter school governing boards, and the  
6210 Utah Schools for the Deaf and the Blind;

6211 (c) solicit input from local law enforcement and other interested community  
6212 stakeholders; and

6213 (d) consider the current United States Department of Education recommendations on  
6214 school discipline and the role of a school resource officer.

6215 (3) The training program described in Subsection (1) may include training on the  
6216 following:

6217 (a) childhood and adolescent development;

- 6218 (b) responding age-appropriately to students;
- 6219 (c) working with disabled students;
- 6220 (d) techniques to de-escalate and resolve conflict;
- 6221 (e) cultural awareness;
- 6222 (f) restorative justice practices;
- 6223 (g) identifying a student exposed to violence or trauma and referring the student to
- 6224 appropriate resources;
- 6225 (h) student privacy rights;
- 6226 (i) negative consequences associated with youth involvement in the juvenile and
- 6227 criminal justice systems;
- 6228 (j) strategies to reduce juvenile justice involvement; and
- 6229 (k) roles of and distinctions between a school resource officer and other school staff
- 6230 who help keep a school secure.

6231 Section 169. Section **53G-8-703** is amended to read:

6232 **53G-8-703. Contracts between an LEA and law enforcement for school resource**  
6233 **officer services -- Requirements.**

6234 (1) An LEA may contract with a law enforcement agency or an individual to provide  
6235 school resource officer services at the LEA if the [~~LEA's governing authority~~] LEA governing  
6236 board reviews and approves the contract.

6237 (2) If an LEA contracts with a law enforcement agency or an individual to provide  
6238 SRO services at the LEA, the [~~LEA's governing authority~~] LEA governing board shall require  
6239 in the contract:

6240 (a) an acknowledgment by the law enforcement agency or the individual that an SRO  
6241 hired under the contract shall:

6242 (i) provide for and maintain a safe, healthy, and productive learning environment in a  
6243 school;

6244 (ii) act as a positive role model to students;

6245 (iii) work to create a cooperative, proactive, and problem-solving partnership between

6246 law enforcement and the LEA;

6247 (iv) emphasize the use of restorative approaches to address negative behavior; and

6248 (v) at the request of the LEA, teach a vocational law enforcement class;

6249 (b) a description of the shared understanding of the LEA and the law enforcement

6250 agency or individual regarding the roles and responsibilities of law enforcement and the LEA

6251 to:

6252 (i) maintain safe schools;

6253 (ii) improve school climate; and

6254 (iii) support educational opportunities for students;

6255 (c) a designation of student offenses that the SRO shall confer with the LEA to resolve,

6256 including an offense that:

6257 (i) is a minor violation of the law; and

6258 (ii) would not violate the law if the offense was committed by an adult;

6259 (d) a designation of student offenses that are administrative issues that an SRO shall

6260 refer to a school administrator for resolution in accordance with Section [53G-8-211](#);

6261 (e) a detailed description of the rights of a student under state and federal law with

6262 regard to:

6263 (i) searches;

6264 (ii) questioning; and

6265 (iii) information privacy;

6266 (f) a detailed description of:

6267 (i) job duties;

6268 (ii) training requirements; and

6269 (iii) other expectations of the SRO and school administration in relation to law

6270 enforcement at the LEA;

6271 (g) that an SRO who is hired under the contract and the principal at the school where

6272 an SRO will be working, or the principal's designee, will jointly complete the SRO training

6273 described in Section [53G-8-702](#); and

- 6274 (h) if the contract is between an LEA and a law enforcement agency, that:
- 6275 (i) both parties agree to jointly discuss SRO applicants; and
- 6276 (ii) the law enforcement agency will accept feedback from an LEA about an SRO's
- 6277 performance.

6278 Section 170. Section **53G-9-203** is amended to read:

6279 **53G-9-203. Definitions -- School personnel -- Medical recommendations --**  
6280 **Exceptions -- Penalties.**

6281 (1) As used in this section:

6282 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or  
6283 mental health therapist.

6284 (b) "School personnel" means a school district or charter school employee, including a  
6285 licensed, part-time, contract, or nonlicensed employee.

6286 (2) School personnel may:

6287 (a) provide information and observations to a student's parent [~~or guardian~~] about that  
6288 student, including observations and concerns in the following areas:

6289 (i) progress;

6290 (ii) health and wellness;

6291 (iii) social interactions;

6292 (iv) behavior; or

6293 (v) topics consistent with Subsection [53E-9-203\(6\)](#);

6294 (b) communicate information and observations between school personnel regarding a  
6295 child;

6296 (c) refer students to other appropriate school personnel and agents, consistent with  
6297 local school board or charter school policy, including referrals and communication with a  
6298 school counselor or other mental health professionals working within the school system;

6299 (d) consult or use appropriate health care professionals in the event of an emergency  
6300 while the student is at school, consistent with the student emergency information provided at  
6301 student enrollment;

6302 (e) exercise their authority relating to the placement within the school or readmission  
6303 of a child who may be or has been suspended or expelled for a violation of Section 53G-8-205;  
6304 and

6305 (f) complete a behavioral health evaluation form if requested by a student's parent [~~or~~  
6306 ~~guardian~~] to provide information to a licensed physician.

6307 (3) School personnel shall:

6308 (a) report suspected child abuse consistent with Section 62A-4a-403;

6309 (b) comply with applicable state and local health department laws, rules, and policies;

6310 and

6311 (c) conduct evaluations and assessments consistent with the Individuals with  
6312 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

6313 (4) Except as provided in Subsection (2), Subsection (6), and Section 53G-9-604,  
6314 school personnel may not:

6315 (a) recommend to a parent [~~or guardian~~] that a child take or continue to take a  
6316 psychotropic medication;

6317 (b) require that a student take or continue to take a psychotropic medication as a  
6318 condition for attending school;

6319 (c) recommend that a parent [~~or guardian~~] seek or use a type of psychiatric or  
6320 psychological treatment for a child;

6321 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,  
6322 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the  
6323 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent  
6324 amendments; or

6325 (e) make a child abuse or neglect report to authorities, including the Division of Child  
6326 and Family Services, solely or primarily on the basis that a parent [~~or guardian~~] refuses to  
6327 consent to:

6328 (i) a psychiatric, psychological, or behavioral treatment for a child, including the  
6329 administration of a psychotropic medication to a child; or

- 6330 (ii) a psychiatric or behavioral health evaluation of a child.
- 6331 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would  
6332 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under  
6333 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of  
6334 others.
- 6335 (6) Notwithstanding Subsection (4), a school counselor or other mental health  
6336 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional  
6337 Practice Act, or licensed through the [~~State Board of Education~~] state board, working within  
6338 the school system may:
- 6339 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;  
6340 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for  
6341 a child;
- 6342 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,  
6343 test, evaluation, or assessment of a child in accordance with Section [53E-9-203](#); and  
6344 (d) provide to a parent [~~or guardian~~], upon the specific request of the parent [~~or~~  
6345 ~~guardian~~], a list of three or more health care professionals or providers, including licensed  
6346 physicians, psychologists, or other health specialists.
- 6347 (7) Local school boards or charter schools shall adopt a policy:
- 6348 (a) providing for training of appropriate school personnel on the provisions of this  
6349 section; and
- 6350 (b) indicating that an intentional violation of this section is cause for disciplinary action  
6351 consistent with local school board or charter school policy and under Section [53G-11-513](#).
- 6352 (8) Nothing in this section shall be interpreted as discouraging general communication  
6353 not prohibited by this section between school personnel and a student's parent [~~or guardian~~].
- 6354 Section 171. Section [53G-9-205](#) is amended to read:
- 6355 **53G-9-205. School Breakfast Program -- Review of nonparticipants.**
- 6356 (1) (a) Each local school board shall, at least once every three years, review each  
6357 elementary school in its district that does not participate in the School Breakfast Program as to

6358 the school's reasons for nonparticipation.

6359 (b) (i) If the local school board determines that there are valid reasons for the school's  
6360 nonparticipation, no further action is needed.

6361 (ii) Reasons for nonparticipation may include a recommendation from the school  
6362 community council authorized under Section 53G-7-1202 or a similar group of parents and  
6363 school employees that the school should not participate in the program.

6364 (2) (a) After two nonparticipation reviews, a local school board may, by majority vote,  
6365 waive any further reviews of the nonparticipatory school.

6366 (b) A waiver of the review process under Subsection (2)(a) does not prohibit  
6367 subsequent consideration by the local school board of an individual school's nonparticipation in  
6368 the School Breakfast Program.

6369 (3) The requirements of this section shall be nullified by the termination of the  
6370 entitlement status of the School Breakfast Program by the federal government.

6371 Section 172. Section 53G-9-206 is amended to read:

6372 **53G-9-206. Eye protective devices for industrial education, physics laboratory,**  
6373 **and chemistry laboratory activities.**

6374 (1) Any individual who participates in any of the following activities in public or  
6375 private schools that may endanger his vision shall wear quality eye protective devices:

6376 (a) industrial education activities that involve:

6377 (i) hot molten metals;

6378 (ii) the operation of equipment that could throw particles of foreign matter into the  
6379 eyes;

6380 (iii) heat treating, tempering, or kiln firing of any industrial materials;

6381 (iv) gas or electric arc welding; or

6382 (v) caustic or explosive material;

6383 (b) chemistry or physics laboratories when using caustic or explosive chemicals, and  
6384 hot liquids and solids.

6385 (2) "Quality eye protective devices" means devices that meet the standards of the

6386 American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by  
6387 the American Standards Association, Inc.

6388 (3) (a) The local school board shall furnish these protective devices to individuals  
6389 involved in these activities.

6390 (b) The local school board may sell these protective devices at cost or rent or loan them  
6391 to individuals involved in these activities.

6392 Section 173. Section **53G-9-207** is amended to read:

6393 **53G-9-207. Child sexual abuse prevention.**

6394 (1) As used in this section, "school personnel" means the same as that term is defined  
6395 in Section [53G-9-203](#).

6396 (2) The [~~State Board of Education~~] state board shall approve, in partnership with the  
6397 Department of Human Services, age-appropriate instructional materials for the training and  
6398 instruction described in Subsections (3)(a) and (4).

6399 (3) (a) A school district or charter school shall provide, every other year, training and  
6400 instruction on child sexual abuse prevention and awareness to:

6401 (i) school personnel in elementary and secondary schools on:

6402 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate  
6403 manner; and

6404 (B) the mandatory reporting requirements described in Sections [53E-6-701](#) and  
6405 [62A-4a-403](#); and

6406 (ii) parents [~~or guardians~~] of elementary school students on:

6407 (A) recognizing warning signs of a child who is being sexually abused; and

6408 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse  
6409 with a child.

6410 (b) A school district or charter school shall use the instructional materials approved by  
6411 the [~~State Board of Education~~] state board under Subsection (2) to provide the training and  
6412 instruction to school personnel and parents [~~or guardians~~] under Subsection (3)(a).

6413 (4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school



6414 may provide instruction on child sexual abuse prevention and awareness to elementary school  
6415 students using age-appropriate curriculum.

6416 (b) A school district or charter school that provides the instruction described in  
6417 Subsection (4)(a) shall use the instructional materials approved by the state board under  
6418 Subsection (2) to provide the instruction.

6419 (5) (a) An elementary school student may not be given the instruction described in  
6420 Subsection (4) unless the parent [~~or guardian~~] of the student is:

6421 (i) notified in advance of the:

6422 (A) instruction and the content of the instruction; and

6423 (B) [~~parent or guardian's~~] parent's right to have the student excused from the  
6424 instruction;

6425 (ii) given an opportunity to review the instructional materials before the instruction  
6426 occurs; and

6427 (iii) allowed to be present when the instruction is delivered.

6428 (b) Upon the written request of the parent [~~or guardian~~] of an elementary school  
6429 student, the student shall be excused from the instruction described in Subsection (4).

6430 (c) Participation of a student requires compliance with Sections [53E-9-202](#) and  
6431 [53E-9-203](#).

6432 (6) A school district or charter school may determine the mode of delivery for the  
6433 training and instruction described in Subsections (3) and (4).

6434 (7) Upon request of the [~~State Board of Education~~] state board, a school district or  
6435 charter school shall provide evidence of compliance with this section.

6436 Section 174. Section **53G-9-208** is amended to read:

6437 **53G-9-208. Sunscreen -- Possession -- Administration -- Immunity.**

6438 (1) As used in this section, "sunscreen" means a compound topically applied to prevent  
6439 sunburn.

6440 (2) A public school shall permit a student, without a parent or physician's  
6441 authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug

6442 Administration.

6443 (3) If a student is unable to self-apply sunscreen, a volunteer school employee may  
6444 apply the sunscreen on the student if the student's parent [~~or legal guardian~~] provides written  
6445 consent for the assistance.

6446 (4) A volunteer school employee who applies sunscreen on a student in compliance  
6447 with Subsection (3) and the volunteer school employee's employer are not liable for:

6448 (a) an adverse reaction suffered by the student as a result of having the sunscreen  
6449 applied; or

6450 (b) discontinuing the application of the sunscreen at any time.

6451 Section 175. Section **53G-9-301** is amended to read:

6452 **53G-9-301. Definitions.**

6453 As used in this part:

6454 (1) "Department" means the Department of Health, created in Section [26-1-4](#).

6455 (2) "Health official" means an individual designated by a local health department from  
6456 within the local health department to consult and counsel parents and licensed health care  
6457 providers, in accordance with Subsection [53G-9-304\(2\)\(a\)](#).

6458 (3) "Health official designee" means a licensed health care provider designated by a  
6459 local health department, in accordance with Subsection [53G-9-304\(2\)\(b\)](#), to consult with  
6460 parents, licensed health care professionals, and school officials.

6461 (4) "Immunization" or "immunize" means a process through which an individual  
6462 develops an immunity to a disease, through vaccination or natural exposure to the disease.

6463 (5) "Immunization record" means a record relating to a student that includes:

6464 (a) information regarding each required vaccination that the student has received,  
6465 including the date each vaccine was administered, verified by:

6466 (i) a licensed health care provider;

6467 (ii) an authorized representative of a local health department;

6468 (iii) an authorized representative of the department;

6469 (iv) a registered nurse; or

- 6470 (v) a pharmacist;
- 6471 (b) information regarding each disease against which the student has been immunized
- 6472 by previously contracting the disease; and
- 6473 (c) an exemption form identifying each required vaccination from which the student is
- 6474 exempt, including all required supporting documentation described in Section [53G-9-303](#).
- 6475 (6) "Legally responsible individual" means:
- 6476 (a) a student's parent;
- 6477 (b) the student's legal guardian;
- 6478 (c) an adult brother or sister of a student who has no legal guardian; or
- 6479 (d) the student, if the student:
- 6480 (i) is an adult; or
- 6481 (ii) is a minor who may consent to treatment under Section [26-10-9](#).
- 6482 (7) "Licensed health care provider" means a health care provider who is licensed under
- 6483 Title 58, Occupations and Professions, as:
- 6484 (a) a medical doctor;
- 6485 (b) an osteopathic doctor;
- 6486 (c) a physician assistant; or
- 6487 (d) an advanced practice registered nurse.
- 6488 [~~(8) "Local education agency" or "LEA" means:~~]
- 6489 [~~(a) a school district;~~]
- 6490 [~~(b) a charter school; or~~]
- 6491 [~~(c) the Utah Schools for the Deaf and the Blind.~~]
- 6492 [~~(9)~~] (8) "Local health department" means the same as that term is defined in Section
- 6493 [26A-1-102](#).
- 6494 [~~(10)~~] (9) "Required vaccines" means vaccines required by department rule described
- 6495 in Section [53G-9-305](#).
- 6496 [~~(11)~~] (10) "School" means any public or private:
- 6497 (a) elementary or secondary school through grade 12;

6498 (b) preschool;

6499 (c) child care program, as that term is defined in Section 26-39-102;

6500 (d) nursery school; or

6501 (e) kindergarten.

6502 ~~[(12)]~~ (11) "Student" means an individual who attends a school.

6503 ~~[(13)]~~ (12) "Vaccinating" or "vaccination" means the administration of a vaccine.

6504 ~~[(14)]~~ (13) "Vaccination exemption form" means a form, described in Section

6505 53G-9-304, that documents and verifies that a student is exempt from the requirement to

6506 receive one or more required vaccines.

6507 ~~[(15)]~~ (14) "Vaccine" means the substance licensed for use by the United States Food

6508 and Drug Administration that is injected into or otherwise administered to an individual to

6509 immunize the individual against a communicable disease.

6510 Section 176. Section 53G-9-402 is amended to read:

6511 **53G-9-402. Rules for examinations prescribed by Department of Health --**

6512 **Notification of impairment.**

6513 (1) (a) Each local school board shall implement ~~[rules]~~ policies as prescribed by the

6514 Department of Health for vision, dental, abnormal spinal curvature, and hearing examinations

6515 of students attending the district's schools.

6516 (b) Under guidelines of the Department of Health, qualified health professionals shall

6517 provide instructions, equipment, and materials for conducting the examinations.

6518 (c) The ~~[rules]~~ policies shall include exemption provisions for students whose parents

6519 ~~[or guardians]~~ contend the examinations violate their personal beliefs.

6520 (2) The school shall notify, in writing, a student's parent ~~[or guardian]~~ of any

6521 impairment disclosed by the examinations.

6522 Section 177. Section 53G-9-404 is amended to read:

6523 **53G-9-404. Vision screening.**

6524 (1) As used in this section:

6525 (a) "Office" means the Utah State Office of Rehabilitation created in Section

6526 35A-1-202.

6527 (b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than  
6528 nine years old.

6529 (2) A child under nine years old entering school for the first time in this state must  
6530 present the following to the school:

6531 (a) a certificate signed by a licensed physician, optometrist, or other licensed health  
6532 professional approved by the office, stating that the child has received vision screening to  
6533 determine the presence of amblyopia or other visual defects; or

6534 (b) a written statement signed by at least one parent [~~or legal guardian~~] of the child that  
6535 the screening violates the personal beliefs of the parent [~~or legal guardian~~].

6536 (3) (a) The office:

6537 (i) shall provide vision screening report forms to a person approved by the office to  
6538 conduct a free vision screening for a qualifying child;

6539 (ii) may work with health care professionals, teachers, and vision screeners to develop  
6540 protocols that may be used by a parent, teacher, or vision screener to help identify a child who  
6541 may have conditions that are not detected in a vision screening, such as problems with eye  
6542 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence  
6543 insufficiency; and

6544 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language  
6545 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice  
6546 required by Subsection (3)(b).

6547 (b) The report forms shall include the following information for a parent [~~or guardian~~]:  
6548 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye  
6549 doctor."

6550 (4) A school district or charter school may conduct free vision screening clinics for a  
6551 qualifying child.

6552 (5) (a) The office shall maintain a central register of qualifying children who fail vision  
6553 screening and who are referred for follow-up treatment.

6554 (b) The register described in Subsection (5)(a) shall include the name of the child, age  
6555 or birthdate, address, cause for referral, and follow-up results.

6556 (c) A school district or charter school shall report to the office referral follow-up results  
6557 for a qualifying child.

6558 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a  
6559 vision screener for a free vision screening clinic for a qualifying child:

6560 (i) is a school nurse;

6561 (ii) holds a certificate issued by the office under Subsection (6)(b)(ii); or

6562 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii).

6563 (b) The office shall:

6564 (i) provide vision screening training to a volunteer seeking a certificate described in  
6565 Subsection (6)(b)(ii), using curriculum established by the office; and

6566 (ii) issue a certificate to a volunteer who successfully completes the vision screening  
6567 training described in Subsection (6)(b)(i).

6568 (c) An individual described in Subsection (6)(a) is not liable for damages that result  
6569 from acts or omissions related to the vision screening, unless the acts or omissions are willful  
6570 or grossly negligent.

6571 (7) (a) Except as provided in Subsection (7)(b), a licensed health professional  
6572 providing vision care to private patients may not participate as a screener in a free vision  
6573 screening program provided by a school district.

6574 (b) A school district or charter school may:

6575 (i) allow a licensed health professional who provides vision care to private patients to  
6576 participate as a screener in a free vision screening program for a child 3-1/2 years old or older;

6577 (ii) establish guidelines to administer a free vision screening program described in  
6578 Subsection (7)(b)(i); and

6579 (iii) establish penalties for a violation of the requirements of Subsection (7)(c).

6580 (c) A licensed health professional or other person who participates as a screener in a  
6581 free vision screening program described in Subsection (7)(b):

6582 (i) may not market, advertise, or promote the licensed health professional's business in  
6583 connection with providing the free screening at the school; and

6584 (ii) shall provide the child's results of the free vision screening on a form produced by  
6585 the school or school district, which:

6586 (A) may not include contact information other than the name of the licensed health  
6587 professional; and

6588 (B) shall include a statement: "vision screening is not a substitute for a complete eye  
6589 exam and vision evaluation by an eye doctor."

6590 (d) A school district or charter school may provide information to a parent [~~or~~  
6591 ~~guardian~~] of the availability of follow up vision services for a student.

6592 (8) The Department of Health shall:

6593 (a) by rule, set standards and procedures for vision screening required by this part,  
6594 which shall include a process for notifying the parent [~~or guardian~~] of a child who fails a vision  
6595 screening or is identified as needing follow-up care; and

6596 (b) provide the office with copies of rules, standards, instructions, and test charts  
6597 necessary for conducting vision screening.

6598 (9) The office shall supervise screening, referral, and follow-up required by this part.

6599 Section 178. Section **53G-9-502** is amended to read:

6600 **53G-9-502. Administration of medication to students -- Prerequisites -- Immunity**  
6601 **from liability -- Applicability.**

6602 (1) A public or private school that holds any classes in grades kindergarten through 12  
6603 may provide for the administration of medication to any student during periods when the  
6604 student is under the control of the school, subject to the following conditions:

6605 (a) the local school board, charter school governing board, or the private equivalent,  
6606 after consultation with the Department of Health and school nurses shall adopt policies that  
6607 provide for:

6608 (i) the designation of volunteer employees who may administer medication;

6609 (ii) proper identification and safekeeping of medication;

- 6610 (iii) the training of designated volunteer employees by the school nurse;
- 6611 (iv) maintenance of records of administration; and
- 6612 (v) notification to the school nurse of medication that will be administered to students;

6613 and

6614 (b) medication may only be administered to a student if:

- 6615 (i) the student's parent [~~or legal guardian~~] has provided a current written and signed
- 6616 request that medication be administered during regular school hours to the student; and
- 6617 (ii) the student's licensed health care provider has prescribed the medication and
- 6618 provides documentation as to the method, amount, and time schedule for administration, and a
- 6619 statement that administration of medication by school employees during periods when the
- 6620 student is under the control of the school is medically necessary.

6621 (2) Authorization for administration of medication by school personnel may be

6622 withdrawn by the school at any time following actual notice to the student's parent [~~or~~

6623 ~~guardian~~].

6624 (3) School personnel who provide assistance under Subsection (1) in substantial

6625 compliance with the licensed health care provider's written prescription and the employers of

6626 these school personnel are not liable, civilly or criminally, for:

6627 (a) any adverse reaction suffered by the student as a result of taking the medication;

6628 and

6629 (b) discontinuing the administration of the medication under Subsection (2).

6630 (4) Subsections (1) through (3) do not apply to:

- 6631 (a) the administration of glucagon in accordance with Section [53G-9-504](#);
- 6632 (b) the administration of a seizure rescue medication in accordance with Section
- 6633 [53G-9-505](#); or

6634 (c) the administration of an opiate antagonist in accordance with Title 26, Chapter 55,

6635 Opiate Overdose Response Act.

6636 Section 179. Section **53G-9-503** is amended to read:

6637 **53G-9-503. Self-administration of asthma medication.**



6638 (1) As used in this section, "asthma medication" means prescription or nonprescription,  
6639 inhaled asthma medication.

6640 (2) A public school shall permit a student to possess and self-administer asthma  
6641 medication if:

6642 (a) the student's parent [~~or guardian~~] signs a statement:

6643 (i) authorizing the student to self-administer asthma medication; and

6644 (ii) acknowledging that the student is responsible for, and capable of,  
6645 self-administering the asthma medication; and

6646 (b) the student's health care provider provides a written statement that states:

6647 (i) it is medically appropriate for the student to self-administer asthma medication and  
6648 be in possession of asthma medication at all times; and

6649 (ii) the name of the asthma medication prescribed or authorized for the student's use.

6650 (3) The Utah Department of Health, in cooperation with the state superintendent [~~of~~  
6651 ~~public instruction~~], shall design forms to be used by public schools for the parental and health  
6652 care provider statements described in Subsection (2).

6653 (4) Section 53G-8-205 does not apply to the possession and self-administration of  
6654 asthma medication in accordance with this section.

6655 Section 180. Section 53G-9-504 is amended to read:

6656 **53G-9-504. Administration of glucagon -- Training of volunteer school personnel**  
6657 **-- Authority to use glucagon -- Immunity from liability.**

6658 (1) As used in this section, "glucagon authorization" means a signed statement from a  
6659 parent [~~or guardian~~] of a student with diabetes:

6660 (a) certifying that glucagon has been prescribed for the student;

6661 (b) requesting that the student's public school identify and train school personnel who  
6662 volunteer to be trained in the administration of glucagon in accordance with this section; and

6663 (c) authorizing the administration of glucagon in an emergency to the student in  
6664 accordance with this section.

6665 (2) (a) A public school shall, within a reasonable time after receiving a glucagon

6666 authorization, train two or more school personnel who volunteer to be trained in the  
6667 administration of glucagon, with training provided by the school nurse or another qualified,  
6668 licensed medical professional.

6669 (b) A public school shall allow all willing school personnel to receive training in the  
6670 administration of glucagon, and the school shall assist and may not obstruct the identification  
6671 or training of volunteers under this Subsection (2).

6672 (c) The Utah Department of Health, in cooperation with the state superintendent [~~of~~  
6673 ~~public instruction~~], shall design a glucagon authorization form to be used by public schools in  
6674 accordance with this section.

6675 (3) (a) Training in the administration of glucagon shall include:

6676 (i) techniques for recognizing the symptoms that warrant the administration of  
6677 glucagon;

6678 (ii) standards and procedures for the storage and use of glucagon;

6679 (iii) other emergency procedures, including calling the emergency 911 number and  
6680 contacting, if possible, the student's parent [~~or guardian~~]; and

6681 (iv) written materials covering the information required under this Subsection (3).

6682 (b) A school shall retain for reference the written materials prepared in accordance with  
6683 Subsection (3)(a)(iv).

6684 (4) A public school shall permit a student or school personnel to possess or store  
6685 prescribed glucagon so that it will be available for administration in an emergency in  
6686 accordance with this section.

6687 (5) (a) A person who has received training in accordance with this section may  
6688 administer glucagon at a school or school activity to a student with a glucagon authorization if:

6689 (i) the student is exhibiting the symptoms that warrant the administration of glucagon;  
6690 and

6691 (ii) a licensed health care professional is not immediately available.

6692 (b) A person who administers glucagon in accordance with Subsection (5)(a) shall  
6693 direct a responsible person to call 911 and take other appropriate actions in accordance with the

6694 training materials retained under Subsection (3)(b).

6695 (6) School personnel who provide or receive training under this section and act in good  
6696 faith are not liable in any civil or criminal action for any act taken or not taken under the  
6697 authority of this section with respect to the administration of glucagon.

6698 (7) Section 53G-9-502 does not apply to the administration of glucagon in accordance  
6699 with this section.

6700 (8) Section 53G-8-205 does not apply to the possession and administration of glucagon  
6701 in accordance with this section.

6702 (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and  
6703 Professions, do not apply to a person licensed as a health professional under Title 58,  
6704 Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,  
6705 trains nonlicensed volunteers to administer glucagon in accordance with this section.

6706 Section 181. Section 53G-9-505 is amended to read:

6707 **53G-9-505. Trained school employee volunteers -- Administration of seizure**  
6708 **rescue medication -- Exemptions from liability.**

6709 (1) As used in this section:

6710 (a) "Prescribing health care professional" means:

6711 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice  
6712 Act;

6713 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah  
6714 Osteopathic Medical Practice Act;

6715 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse  
6716 Practice Act; or

6717 (iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

6718 [~~(b) "Section 504 accommodation plan" means a plan developed pursuant to Section~~  
6719 ~~504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to~~  
6720 ~~an individual with a disability to ensure access to major life activities.]~~

6721 [(~~e~~) (b) "Seizure rescue authorization" means a student's Section 504 accommodation

6722 plan that:

6723 (i) certifies that:

6724 (A) a prescribing health care professional has prescribed a seizure rescue medication  
6725 for the student;

6726 (B) the student's parent [~~or legal guardian~~] has previously administered the student's  
6727 seizure rescue medication in a nonmedically-supervised setting without a complication; and

6728 (C) the student has previously ceased having full body prolonged or convulsive seizure  
6729 activity as a result of receiving the seizure rescue medication;

6730 (ii) describes the specific seizure rescue medication authorized for the student,  
6731 including the indicated dose, and instructions for administration;

6732 (iii) requests that the student's public school identify and train school employees who  
6733 are willing to volunteer to receive training to administer a seizure rescue medication in  
6734 accordance with this section; and

6735 (iv) authorizes a trained school employee volunteer to administer a seizure rescue  
6736 medication in accordance with this section.

6737 [~~(c)~~] (c) (i) "Seizure rescue medication" means a medication, prescribed by a  
6738 prescribing health care professional, to be administered as described in a student's seizure  
6739 rescue authorization, while the student experiences seizure activity.

6740 (ii) A seizure rescue medication does not include a medication administered  
6741 intravenously or intramuscularly.

6742 [~~(e)~~] (d) "Trained school employee volunteer" means an individual who:

6743 (i) is an employee of a public school where at least one student has a seizure rescue  
6744 authorization;

6745 (ii) is at least 18 years old; and

6746 (iii) as described in this section:

6747 (A) volunteers to receive training in the administration of a seizure rescue medication;

6748 (B) completes a training program described in this section;

6749 (C) demonstrates competency on an assessment; and

6750 (D) completes annual refresher training each year that the individual intends to remain  
6751 a trained school employee volunteer.

6752 (2) (a) The Department of Health shall, with input from the [~~State Board of Education~~]  
6753 state board and a children's hospital, develop a training program for trained school employee  
6754 volunteers in the administration of seizure rescue medications that includes:

6755 (i) techniques to recognize symptoms that warrant the administration of a seizure  
6756 rescue medication;

6757 (ii) standards and procedures for the storage of a seizure rescue medication;

6758 (iii) procedures, in addition to administering a seizure rescue medication, in the event  
6759 that a student requires administration of the seizure rescue medication, including:

6760 (A) calling 911; and

6761 (B) contacting the student's parent [~~or legal guardian~~];

6762 (iv) an assessment to determine if an individual is competent to administer a seizure  
6763 rescue medication;

6764 (v) an annual refresher training component; and

6765 (vi) written materials describing the information required under this Subsection (2)(a).

6766 (b) A public school shall retain for reference the written materials described in  
6767 Subsection (2)(a)(vi).

6768 (c) The following individuals may provide the training described in Subsection (2)(a):

6769 (i) a school nurse; or

6770 (ii) a licensed health care professional.

6771 (3) (a) A public school shall, after receiving a seizure rescue authorization:

6772 (i) inform school employees of the opportunity to be a school employee volunteer; and

6773 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who  
6774 volunteers, using the training program described in Subsection (2)(a).

6775 (b) A public school may not:

6776 (i) obstruct the identification or training of a trained school employee volunteer; or

6777 (ii) compel a school employee to become a trained school employee volunteer.

6778 (4) A trained school employee volunteer may possess or store a prescribed rescue  
6779 seizure medication, in accordance with this section.

6780 (5) A trained school employee volunteer may administer a seizure rescue medication to  
6781 a student with a seizure rescue authorization if:

6782 (a) the student is exhibiting a symptom, described on the student's seizure rescue  
6783 authorization, that warrants the administration of a seizure rescue medication; and

6784 (b) a licensed health care professional is not immediately available to administer the  
6785 seizure rescue medication.

6786 (6) A trained school employee volunteer who administers a seizure rescue medication  
6787 shall direct an individual to call 911 and take other appropriate actions in accordance with the  
6788 training described in Subsection (2).

6789 (7) A trained school employee volunteer who administers a seizure rescue medication  
6790 in accordance with this section in good faith is not liable in a civil or criminal action for an act  
6791 taken or not taken under this section.

6792 (8) Section [53G-9-502](#) does not apply to the administration of a seizure rescue  
6793 medication.

6794 (9) Section [53G-8-205](#) does not apply to the possession of a seizure rescue medication  
6795 in accordance with this section.

6796 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations  
6797 and Professions, do not apply to a person licensed as a health care professional under Title 58,  
6798 Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith,  
6799 training a nonlicensed school employee who volunteers to administer a seizure rescue  
6800 medication in accordance with this section.

6801 (b) Allowing a trained school employee volunteer to administer a seizure rescue  
6802 medication in accordance with this section does not constitute unlawful or inappropriate  
6803 delegation under Title 58, Occupations and Professions.

6804 Section 182. Section [53G-9-506](#) is amended to read:

6805 **53G-9-506. Diabetes medication -- Possession -- Self-administration.**

6806 (1) As used in this section, "diabetes medication" means prescription or  
6807 nonprescription medication used to treat diabetes, including related medical devices, supplies,  
6808 and equipment used to treat diabetes.

6809 (2) A public school shall permit a student to possess or possess and self-administer  
6810 diabetes medication if:

6811 (a) the student's parent [~~or guardian~~] signs a statement:

6812 (i) authorizing the student to possess or possess and self-administer diabetes  
6813 medication; and

6814 (ii) acknowledging that the student is responsible for, and capable of, possessing or  
6815 possessing and self-administering the diabetes medication; and

6816 (b) the student's health care provider provides a written statement that states:

6817 (i) it is medically appropriate for the student to possess or possess and self-administer  
6818 diabetes medication and the student should be in possession of diabetes medication at all times;  
6819 and

6820 (ii) the name of the diabetes medication prescribed or authorized for the student's use.

6821 (3) The Utah Department of Health, in cooperation with the state superintendent [~~of~~  
6822 ~~public instruction~~], shall design forms to be used by public schools for the parental and health  
6823 care provider statements described in Subsection (2).

6824 (4) Section [53G-8-205](#) does not apply to the possession and self-administration of  
6825 diabetes medication in accordance with this section.

6826 Section 183. Section **53G-9-601** is amended to read:

6827 **53G-9-601. Definitions.**

6828 As used in this part:

6829 (1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or  
6830 student directed toward a school employee that, based on its severity, nature, and frequency of  
6831 occurrence, a reasonable person would determine is intended to cause intimidation,  
6832 humiliation, or unwarranted distress.

6833 (b) A single act does not constitute abusive conduct.

6834 (2) "Bullying" means a school employee or student intentionally committing a written,  
6835 verbal, or physical act against a school employee or student that a reasonable person under the  
6836 circumstances should know or reasonably foresee will have the effect of:

- 6837 (a) causing physical or emotional harm to the school employee or student;
- 6838 (b) causing damage to the school employee's or student's property;
- 6839 (c) placing the school employee or student in reasonable fear of:
  - 6840 (i) harm to the school employee's or student's physical or emotional well-being; or
  - 6841 (ii) damage to the school employee's or student's property;
- 6842 (d) creating a hostile, threatening, humiliating, or abusive educational environment due

6843 to:

- 6844 (i) the pervasiveness, persistence, or severity of the actions; or
- 6845 (ii) a power differential between the bully and the target; or
- 6846 (e) substantially interfering with a student having a safe school environment that is  
6847 necessary to facilitate educational performance, opportunities, or benefits.

6848 (3) "Communication" means the conveyance of a message, whether verbal, written, or  
6849 electronic.

6850 (4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send  
6851 or post text, video, or an image with the intent or knowledge, or with reckless disregard, that  
6852 the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether  
6853 the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the  
6854 electronic communication.

6855 (5) (a) "Hazing" means a school employee or student intentionally, knowingly, or  
6856 recklessly committing an act or causing another individual to commit an act toward a school  
6857 employee or student that:

6858 (i) (A) endangers the mental or physical health or safety of a school employee or  
6859 student;

6860 (B) involves any brutality of a physical nature, including whipping, beating, branding,  
6861 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or



6862 exposure to the elements;

6863 (C) involves consumption of any food, alcoholic product, drug, or other substance or  
6864 other physical activity that endangers the mental or physical health and safety of a school  
6865 employee or student; or

6866 (D) involves any activity that would subject a school employee or student to extreme  
6867 mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that  
6868 subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

6869 (ii) (A) is committed for the purpose of initiation into, admission into, affiliation with,  
6870 holding office in, or as a condition for membership in a school or school sponsored team,  
6871 organization, program, club, or event; or

6872 (B) is directed toward a school employee or student whom the individual who commits  
6873 the act knows, at the time the act is committed, is a member of, or candidate for membership  
6874 in, a school or school sponsored team, organization, program, club, or event in which the  
6875 individual who commits the act also participates.

6876 (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of  
6877 whether the school employee or student against whom the conduct is committed directed,  
6878 consented to, or acquiesced in, the conduct.

6879 (6) "LEA governing board" means a local school board or charter school governing  
6880 board.

6881 [~~(6)~~] (7) "Policy" means [~~a school~~] an LEA governing board policy described in  
6882 Section 53G-9-605.

6883 [~~(7)~~] (8) "Retaliate" means an act or communication intended:

6884 (a) as retribution against a person for reporting bullying or hazing; or

6885 (b) to improperly influence the investigation of, or the response to, a report of bullying  
6886 or hazing.

6887 [~~(8)~~] (9) "School" means a public elementary or secondary school, including a charter  
6888 school.

6889 [~~(9)~~] "~~School board~~" means:]

- 6890            [~~(a) a local school board; or~~
- 6891            [~~(b) a charter school governing board.~~]
- 6892            (10) "School employee" means an individual working in the individual's official
- 6893 capacity as:
- 6894            (a) a school teacher;
- 6895            (b) a school staff member;
- 6896            (c) a school administrator; or
- 6897            (d) an individual:
- 6898            (i) who is employed, directly or indirectly, by a school, [~~school board~~] an LEA
- 6899 governing board, or a school district; and
- 6900            (ii) who works on a school campus.

6901            Section 184. Section **53G-9-604** is amended to read:

6902            **53G-9-604. Parental notification of certain incidents and threats required.**

6903            [~~(1) For purposes of this section, "parent" includes a student's guardian.~~]

6904            [~~(2)~~] (1) A school shall:

- 6905            (a) notify a parent if the parent's student threatens to commit suicide; or
- 6906            (b) notify the parents of each student involved in an incident of bullying,
- 6907 cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's
- 6908 student.

6909            [~~(3)~~] (2) (a) If a school notifies a parent of an incident or threat required to be reported

6910 under Subsection [~~(2)~~] (1), the school shall produce and maintain a record that verifies that the

6911 parent was notified of the incident or threat.

6912            (b) A school shall maintain a record described in Subsection [~~(3)~~] (2)(a) in accordance

6913 with the requirements of:

- 6914            (i) Title 53E, Chapter 9, Part 2, Student Privacy;
- 6915            (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;
- 6916            (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and
- 6917            (iv) 34 C.F.R. Part 99.

6918            [(4)] (3) A local school board or charter school governing board shall adopt a policy  
6919 regarding the process for:

6920            (a) notifying a parent as required in Subsection [(2)] (1); and

6921            (b) producing and retaining a record that verifies that a parent was notified of an  
6922 incident or threat as required in Subsection [(3)] (2).

6923            [(5)] (4) At the request of a parent, a school may provide information and make  
6924 recommendations related to an incident or threat described in Subsection [(2)] (1).

6925            [(6)] (5) A school shall:

6926            (a) provide a student a copy of a record maintained in accordance with this section that  
6927 relates to the student if the student requests a copy of the record; and

6928            (b) expunge a record maintained in accordance with this section that relates to a  
6929 student if the student:

6930            (i) has graduated from high school; and

6931            (ii) requests the record be expunged.

6932            Section 185. Section **53G-9-605** is amended to read:

6933            **53G-9-605. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation**  
6934 **policy.**

6935            (1) On or before September 1, 2018, [~~a school~~] an LEA governing board shall update  
6936 the [~~school~~] LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to  
6937 include abusive conduct.

6938            (2) A policy shall:

6939            (a) be developed only with input from:

6940            (i) students;

6941            (ii) parents;

6942            (iii) teachers;

6943            (iv) school administrators;

6944            (v) school staff; or

6945            (vi) local law enforcement agencies; and

- 6946 (b) provide protection to a student, regardless of the student's legal status.
- 6947 (3) A policy shall include the following components:
- 6948 (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are  
6949 consistent with this part;
- 6950 (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
- 6951 (c) language prohibiting retaliation against an individual who reports conduct that is  
6952 prohibited under this part;
- 6953 (d) language prohibiting making a false report of bullying, cyber-bullying, hazing,  
6954 abusive conduct, or retaliation;
- 6955 (e) as required in Section 53G-9-604, parental notification of:
- 6956 (i) a student's threat to commit suicide; and
- 6957 (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation,  
6958 involving the parent's student;
- 6959 (f) a grievance process for a school employee who has experienced abusive conduct;
- 6960 (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or  
6961 retaliation; and
- 6962 (h) a requirement for a signed statement annually, indicating that the individual signing  
6963 the statement has received the [school] LEA governing board's policy, from each:
- 6964 (i) school employee;
- 6965 (ii) student who is at least eight years old; and
- 6966 (iii) parent [or guardian] of a student enrolled in the charter school or school district.
- 6967 (4) A copy of a policy shall be:
- 6968 (a) included in student conduct handbooks;
- 6969 (b) included in employee handbooks; and
- 6970 (c) provided to a parent [or a guardian] of a student enrolled in the charter school or  
6971 school district[; ~~and~~].
- 6972 [~~(d) distributed to parents.~~]
- 6973 (5) A policy may not permit formal disciplinary action that is based solely on an

6974 anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

6975 (6) Nothing in this part is intended to infringe upon the right of a school employee,  
6976 parent, or student to exercise the right of free speech.

6977 Section 186. Section **53G-9-606** is amended to read:

6978 **53G-9-606. Model policy and state board duties.**

6979 (1) On or before September 1, 2018, the [~~State Board of Education~~] state board shall:

6980 (a) update the [~~State Board of Education's~~] state board's model policy on bullying,  
6981 cyber-bullying, hazing, and retaliation to include abusive conduct; and

6982 (b) post the model policy described in Subsection (1)(a) on the [~~State Board of~~  
6983 ~~Education~~] state board's website.

6984 (2) The [~~State Board of Education~~] state board shall require a [~~school~~] an LEA  
6985 governing board to report annually to the [~~State Board of Education~~] state board on:

6986 (a) the [~~school~~] LEA governing board's policy, including implementation of the signed  
6987 statement requirement described in Subsection **53G-9-605(3)(g)**;

6988 (b) the [~~school~~] LEA governing board's training of school employees relating to  
6989 bullying, cyber-bullying, hazing, and retaliation described in Section **53G-9-607**; and

6990 (c) other information related to this part, as determined by the [~~State Board of~~  
6991 ~~Education~~] state board.

6992 Section 187. Section **53G-9-607** is amended to read:

6993 **53G-9-607. Training, education, and prevention -- Standards.**

6994 (1) (a) [~~A school~~] An LEA governing board shall include in the training of a school  
6995 employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation  
6996 that meets the standards described in Subsection (4).

6997 (b) [~~A school~~] An LEA governing board may offer voluntary training to parents and  
6998 students regarding abusive conduct.

6999 (2) To the extent that state or federal funding is available for this purpose, [~~school~~]  
7000 LEA governing boards are encouraged to implement programs or initiatives, in addition to the  
7001 training described in Subsection (1), to provide for training and education regarding, and the

7002 prevention of, bullying, hazing, abusive conduct, and retaliation.

7003 (3) The programs or initiatives described in Subsection (2) may involve:

7004 (a) the establishment of a bullying task force; or

7005 (b) the involvement of school employees, students, or law enforcement.

7006 (4) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

7007 ~~the State Board of Education]~~ The state board shall make rules that establish standards for high

7008 quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

7009 Section 188. Section **53G-9-702** is amended to read:

7010 **53G-9-702. Youth suicide prevention programs required in secondary schools --**

7011 **State board to develop model programs -- Reporting requirements.**

7012 (1) As used in the section:

7013 ~~[(a) "Board" means the State Board of Education.]~~

7014 ~~[(b)]~~ (a) "Intervention" means an effort to prevent a student from attempting suicide.

7015 ~~[(c)]~~ (b) "Postvention" means mental health intervention after a suicide attempt or

7016 death to prevent or contain contagion.

7017 ~~[(d)]~~ (c) "Program" means a youth suicide prevention program described in Subsection

7018 (2).

7019 ~~[(e)]~~ (d) "Public education suicide prevention coordinator" means an individual

7020 designated by the state board as described in Subsection (3).

7021 ~~[(f)]~~ (e) "Secondary grades":

7022 (i) means grades 7 through 12; and

7023 (ii) if a middle or junior high school includes grade 6, includes grade 6.

7024 ~~[(g)]~~ (f) "State suicide prevention coordinator" means the state suicide prevention

7025 coordinator described in Section [62A-15-1101](#).

7026 (2) In collaboration with the public education suicide prevention coordinator, a school

7027 district or charter school, in the secondary grades of the school district or charter school, shall

7028 implement a youth suicide prevention program, which, in collaboration with the training,

7029 programs, and initiatives described in Section [53G-9-607](#), shall include programs and training

7030 to address:

- 7031 (a) bullying and cyberbullying, as those terms are defined in Section 53G-9-601;
- 7032 (b) prevention of youth suicide;
- 7033 (c) youth suicide intervention;
- 7034 (d) postvention for family, students, and faculty;
- 7035 (e) underage drinking of alcohol;
- 7036 (f) methods of strengthening the family; and
- 7037 (g) methods of strengthening a youth's relationships in the school and community.

7038 (3) The state board shall:

- 7039 (a) designate a public education suicide prevention coordinator; and
- 7040 (b) in collaboration with the Department of Health and the state suicide prevention
- 7041 coordinator, develop model programs to provide to school districts and charter schools:
- 7042 (i) program training; and
- 7043 (ii) resources regarding the required components described in Subsection (2)(b).

7044 (4) The public education suicide prevention coordinator shall:

- 7045 (a) oversee the youth suicide prevention programs of school districts and charter
- 7046 schools;
- 7047 (b) coordinate prevention and postvention programs, services, and efforts with the state
- 7048 suicide prevention coordinator; and
- 7049 (c) award grants in accordance with Section 53F-5-206.

7050 (5) A public school suicide prevention program may allow school personnel to ask a

7051 student questions related to youth suicide prevention, intervention, or postvention.

7052 (6) (a) Subject to legislative appropriation, the state board may distribute money to a

7053 school district or charter school to be used to implement evidence-based practices and

7054 programs, or emerging best practices and programs, for preventing suicide in the school district

7055 or charter school.

7056 (b) The state board shall distribute money under Subsection (6)(a) so that each school

7057 that enrolls students in grade 7 or a higher grade receives an allocation of at least \$1,000.

7058 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to  
7059 implement evidence-based practices and programs, or emerging best practices and programs,  
7060 for preventing suicide.

7061 (ii) Each school may select the evidence-based practices and programs, or emerging  
7062 best practices and programs, for preventing suicide that the school implements.

7063 (7) (a) The state board shall provide a written report, and shall orally report to the  
7064 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the  
7065 public education suicide prevention coordinator and the state suicide prevention coordinator,  
7066 on:

7067 (i) the progress of school district and charter school youth suicide prevention programs,  
7068 including rates of participation by school districts, charter schools, and students;

7069 (ii) the state board's coordination efforts with the Department of Health and the state  
7070 suicide prevention coordinator;

7071 (iii) the public education suicide prevention coordinator's model program for training  
7072 and resources related to youth suicide prevention, intervention, and postvention;

7073 (iv) data measuring the effectiveness of youth suicide programs;

7074 (v) funds appropriated to each school district and charter school for youth suicide  
7075 prevention programs; and

7076 (vi) five-year trends of youth suicides per school, school district, and charter school.

7077 (b) School districts and charter schools shall provide to the state board information that  
7078 is necessary for the state board's report to the Legislature's Education Interim Committee as  
7079 required in Subsection (7)(a).

7080 Section 189. Section **53G-9-703** is amended to read:

7081 **53G-9-703. Parent education -- Mental health -- Bullying -- Safety.**

7082 (1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for  
7083 parents of students in the school district that:

7084 (i) is offered at no cost to parents;

7085 (ii) begins at or after 6 p.m.;



7086 (iii) is held in at least one school located in the school district; and

7087 (iv) covers the topics described in Subsection (2).

7088 (b) (i) A school district shall annually offer one parent seminar for each 11,000

7089 students enrolled in the school district.

7090 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer

7091 more than three seminars.

7092 (c) A school district may:

7093 (i) develop its own curriculum for the seminar described in Subsection (1)(a); or

7094 (ii) use the curriculum developed by the [~~State Board of Education~~] state board under

7095 Subsection (2).

7096 (d) A school district shall notify each charter school located in the attendance

7097 boundaries of the school district of the date and time of a parent seminar, so the charter school

7098 may inform parents of the seminar.

7099 (2) The [~~State Board of Education~~] state board shall:

7100 (a) develop a curriculum for the parent seminar described in Subsection (1) that

7101 includes information on:

7102 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

7103 (ii) bullying;

7104 (iii) mental health, depression, suicide awareness, and suicide prevention, including

7105 education on limiting access to fatal means;

7106 (iv) Internet safety, including pornography addiction; and

7107 (v) the School Safety and Crisis Line established in Section [53E-10-502](#); and

7108 (b) provide the curriculum, including resources and training, to school districts upon

7109 request.

7110 (3) The [~~State Board of Education~~] state board shall report to the Legislature's

7111 Education Interim Committee, by the October 2015 meeting, on:

7112 (a) the progress of implementation of the parent seminar;

7113 (b) the number of parent seminars conducted in each school district;

7114 (c) the estimated attendance reported by each school district;  
7115 (d) a recommendation of whether to continue the parent seminar program; and  
7116 (e) if a local school board has opted out of providing the parent seminar, as described  
7117 in Subsection (4), the reasons why a local school board opted out.

7118 (4) (a) A school district is not required to offer the parent seminar if the local school  
7119 board determines that the topics described in Subsection (2) are not of significant interest or  
7120 value to families in the school district.

7121 (b) If a local school board chooses not to offer the parent seminar, the local school  
7122 board shall notify the [~~State Board of Education~~] state board and provide the reasons why the  
7123 local school board chose not to offer the parent seminar.

7124 Section 190. Section **53G-9-704** is amended to read:

7125 **53G-9-704. Youth suicide prevention training for employees.**

7126 (1) A school district or charter school shall require a licensed employee to complete a  
7127 minimum of two hours of professional development training on youth suicide prevention every  
7128 three years.

7129 (2) The state board shall:

7130 (a) develop or adopt sample materials to be used by a school district or charter school  
7131 for professional development training on youth suicide prevention; and

7132 (b) [~~in rule made in accordance with Title 63G, Chapter 3, Utah Administrative~~  
7133 ~~Rulemaking Act,~~] incorporate in rule the training described in Subsection (1) into professional  
7134 development training described in Section **53E-6-201**.

7135 Section 191. Section **53G-9-801** is amended to read:

7136 **53G-9-801. Definitions.**

7137 As used in Section **53G-9-802**:

7138 (1) "Attainment goal" means earning:

7139 (a) a high school diploma;

7140 (b) a Utah High School Completion Diploma, as defined in [~~State Board of Education~~]  
7141 state board rule;

7142 (c) an Adult Education Secondary Diploma, as defined in [~~State Board of Education~~]  
7143 state board rule; or

7144 (d) an employer-recognized, industry-based certificate that is:

7145 (i) likely to result in job placement; and

7146 (ii) included in the [~~State Board of Education's~~] state board's approved career and  
7147 technical education industry certification list.

7148 (2) "Cohort" means a group of students, defined by the year in which the group enters  
7149 grade 9.

7150 (3) "Designated student" means a student:

7151 (a) (i) who has withdrawn from an LEA before earning a diploma;

7152 (ii) who has been dropped from average daily membership; and

7153 (iii) whose cohort has not yet graduated; or

7154 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined  
7155 by the student's LEA, using risk factors defined in rules made by the [~~State Board of Education~~  
7156 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] state board.

7157 (4) "Graduation rate" means:

7158 (a) for a school district or a charter school that includes grade 12, the graduation rate  
7159 calculated by the [~~State Board of Education~~] state board for federal accountability and reporting  
7160 purposes; or

7161 (b) for a charter school that does not include grade 12, a proxy graduation rate defined  
7162 in rules made by the [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah~~  
7163 ~~Administrative Rulemaking Act~~] state board.

7164 (5) "Local education agency" or "LEA" means a school district or charter school that  
7165 serves students in grade 9, 10, 11, or 12.

7166 (6) "Nontraditional program" means a program, as defined in rules made by the [~~State~~  
7167 ~~Board of Education~~] state board under Subsection [53E-3-501\(1\)\(e\)](#), in which a student receives  
7168 instruction through:

7169 (a) distance learning;

- 7170 (b) online learning;
- 7171 (c) blended learning; or
- 7172 (d) competency-based learning.
- 7173 (7) "Statewide graduation rate" means:
- 7174 (a) for a school district or a charter school that includes grade 12, the statewide
- 7175 graduation rate, as annually calculated by the [~~State Board of Education~~] state board; or
- 7176 (b) for a charter school that does not include grade 12, the average graduation rate for
- 7177 all charter schools that do not include grade 12.

- 7178 (8) "Third party" means:
- 7179 (a) a private provider; or
- 7180 (b) an LEA that does not meet the criteria described in Subsection 53G-9-802(3).
- 7181 Section 192. Section 53G-9-802 is amended to read:

7182 **53G-9-802. Dropout prevention and recovery -- Flexible enrollment options --**  
7183 **Contracting -- Reporting.**

- 7184 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and
- 7185 recovery services to a designated student, including:
- 7186 (i) engaging with or attempting to recover a designated student;
- 7187 (ii) developing a learning plan, in consultation with a designated student, to identify:
- 7188 (A) barriers to regular school attendance and achievement;
- 7189 (B) an attainment goal; and
- 7190 (C) a means for achieving the attainment goal through enrollment in one or more of the
- 7191 programs described in Subsection (2);
- 7192 (iii) monitoring a designated student's progress toward reaching the designated
- 7193 student's attainment goal; and
- 7194 (iv) providing tiered interventions for a designated student who is not making progress
- 7195 toward reaching the student's attainment goal.
- 7196 (b) An LEA shall provide the dropout prevention and recovery services described in
- 7197 Subsection (1)(a):

7198 (i) throughout the calendar year; and  
7199 (ii) except as provided in Subsection (1)(c)(i), for each designated student who  
7200 becomes a designated student while enrolled in the LEA.

7201 (c) (i) A designated student's school district of residence shall provide dropout recovery  
7202 services if the designated student:

7203 (A) was enrolled in a charter school that does not include grade 12; and  
7204 (B) becomes a designated student in the summer after the student completes academic  
7205 instruction at the charter school through the maximum grade level the charter school is eligible  
7206 to serve under the charter school's charter agreement as described in Section 53G-5-303.

7207 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include  
7208 grade 12 shall notify each of the charter school's student's district of residence, as determined  
7209 under Section 53G-6-302, when the student completes academic instruction at the charter  
7210 school as described in Subsection (1)(c)(i)(B).

7211 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,  
7212 contact information, and student identification number.

7213 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:  
7214 (i) are tailored to the designated student's learning plan developed under Subsection  
7215 (1)(a)(ii); and  
7216 (ii) include two or more of the following:

7217 (A) enrollment in the LEA in a traditional program;  
7218 (B) enrollment in the LEA in a nontraditional program;  
7219 (C) enrollment in a program offered by a private provider that has entered into a  
7220 contract with the LEA to provide educational services; or  
7221 (D) enrollment in a program offered by another LEA.

7222 (b) A designated student may enroll in:

7223 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this  
7224 public education code, rules established by the [~~State Board of Education~~] state board, and  
7225 policies established by the LEA;

- 7226 (ii) the Electronic High School, in accordance with Title 53E, Chapter 10, Part 6,  
7227 Electronic High School; or
- 7228 (iii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4,  
7229 Part 5, Statewide Online Education Program.
- 7230 (c) An LEA shall make the LEA's best effort to accommodate a designated student's  
7231 choice of enrollment under Subsection (2)(b).
- 7232 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),  
7233 an LEA shall enter into a contract with a third party to provide the dropout prevention and  
7234 recovery services described in Subsection (1)(a) for any school year in which the LEA meets  
7235 the following criteria:
- 7236 (a) the LEA's graduation rate is lower than the statewide graduation rate; and
- 7237 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the  
7238 previous three school years; or
- 7239 (ii) during the previous calendar year, at least 10% of the LEA's designated students  
7240 have not:
- 7241 (A) reached the students' attainment goals; or
- 7242 (B) made a year's worth of progress toward the students' attainment goals.
- 7243 (4) An LEA that is in the LEA's first three years of operation is not subject to the  
7244 requirement described in Subsection (3).
- 7245 (5) An LEA described in Subsection (3) shall ensure that:
- 7246 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a  
7247 demonstrated record of effectiveness engaging with and recovering designated students; and
- 7248 (b) a contract with a third party requires the third party to:
- 7249 (i) provide the services described in Subsection (1)(a); and
- 7250 (ii) regularly report progress to the LEA.
- 7251 (6) An LEA shall annually submit a report to the [~~State Board of Education~~] state  
7252 board on dropout prevention and recovery services provided under this section, including:
- 7253 (a) the methods the LEA or third party uses to engage with or attempt to recover

7254 designated students under Subsection (1)(a)(i);  
7255 (b) the number of designated students who enroll in a program described in Subsection  
7256 (2) as a result of the efforts described in Subsection (6)(a);  
7257 (c) the number of designated students who reach the designated students' attainment  
7258 goals identified under Subsection (1)(a)(ii)(B); and  
7259 (d) funding allocated to provide dropout prevention and recovery services.  
7260 (7) The [~~State Board of Education~~] state board shall:  
7261 (a) ensure that an LEA described in Subsection (3) contracts with a third party to  
7262 provide dropout prevention and recovery services in accordance with Subsections (3) and (5);  
7263 and  
7264 (b) on or before October 30, 2017, and each year thereafter, report to the Education  
7265 Interim Committee on the provisions of this section, including a summary of the reports  
7266 submitted under Subsection (6).  
7267 Section 193. Section **53G-9-803** is amended to read:  
7268 **53G-9-803. Remediation programs for secondary students.**  
7269 (1) For purposes of this section:  
7270 (a) "Secondary school" means a school that provides instruction to students in grades 7,  
7271 8, 9, 10, 11, or 12.  
7272 (b) "Secondary school student":  
7273 (i) means a student enrolled in a secondary school; and  
7274 (ii) includes a student in grade 6 if the student attends a secondary school.  
7275 (2) A school district or charter school shall implement programs for secondary school  
7276 students to attain the competency levels and graduation requirements established by the [~~State~~  
7277 ~~Board of Education~~] state board.  
7278 (3) (a) A school district or charter school shall establish remediation programs for  
7279 secondary school students who do not meet competency levels in English, mathematics,  
7280 science, or social studies.  
7281 (b) Participation in the programs is mandatory for secondary school students who fail

7282 to meet the competency levels based on classroom performance.

7283 (4) Secondary school students who require remediation under this section may not be  
7284 advanced to the following class in subject sequences until they meet the required competency  
7285 level for the subject or complete the required remediation program, except that a school district  
7286 or charter school may allow secondary school students requiring remediation who would  
7287 otherwise be scheduled to enter their first year of high school to complete their remediation  
7288 program during that first year.

7289 (5) (a) Remediation programs provided under this section should not be unnecessarily  
7290 lengthy or repetitive.

7291 (b) A secondary school student need not repeat an entire class if remediation can  
7292 reasonably be achieved through other means.

7293 (6) A school district or charter school may charge secondary school students a fee to  
7294 participate in the remediation programs.

7295 Section 194. Section **53G-10-202** is amended to read:

7296 **53G-10-202. Maintaining constitutional freedom in the public schools.**

7297 (1) Any instructional activity, performance, or display which includes examination of  
7298 or presentations about religion, political or religious thought or expression, or the influence  
7299 thereof on music, art, literature, law, politics, history, or any other element of the curriculum,  
7300 including the comparative study of religions, which is designed to achieve secular educational  
7301 objectives included within the context of a course or activity and conducted in accordance with  
7302 applicable rules or policies of the state and [~~local boards of education~~] LEA governing boards,  
7303 may be undertaken in the public schools.

7304 (2) No aspect of cultural heritage, political theory, moral theory, or societal value shall  
7305 be included within or excluded from public school curricula for the primary reason that it  
7306 affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence  
7307 of a spiritual realm or supreme being.

7308 (3) Public schools may not sponsor prayer or religious devotionals.

7309 (4) School officials and employees may not use their positions to endorse, promote, or



7310 disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or  
7311 viewpoint.

7312 Section 195. Section **53G-10-204** is amended to read:

7313 **53G-10-204. Civic and character education -- Definitions -- Legislative finding --**  
7314 **Elements -- Reporting requirements.**

7315 (1) As used in this section:

7316 (a) "Character education" means reaffirming values and qualities of character which  
7317 promote an upright and desirable citizenry.

7318 (b) "Civic education" means the cultivation of informed, responsible participation in  
7319 political life by competent citizens committed to the fundamental values and principles of  
7320 representative democracy in Utah and the United States.

7321 (c) "Values" means time-established principles or standards of worth.

7322 (2) The Legislature recognizes that:

7323 (a) Civic and character education are fundamental elements of the public education  
7324 system's core mission as originally intended and established under Article X of the Utah  
7325 Constitution;

7326 (b) Civic and character education are fundamental elements of the constitutional  
7327 responsibility of public education and shall be a continuing emphasis and focus in public  
7328 schools;

7329 (c) the cultivation of a continuing understanding and appreciation of a constitutional  
7330 republic and principles of representative democracy in Utah and the United States among  
7331 succeeding generations of educated and responsible citizens is important to the nation and  
7332 state;

7333 (d) the primary responsibility for the education of children within the state resides with  
7334 their parents [~~or guardians~~] and that the role of state and local governments is to support and  
7335 assist parents in fulfilling that responsibility;

7336 (e) public schools fulfill a vital purpose in the preparation of succeeding generations of  
7337 informed and responsible citizens who are deeply attached to essential democratic values and

7338 institutions; and

7339 (f) the happiness and security of American society relies upon the public virtue of its  
7340 citizens which requires a united commitment to a moral social order where self-interests are  
7341 willingly subordinated to the greater common good.

7342 (3) Through an integrated curriculum, students shall be taught in connection with  
7343 regular school work:

7344 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

7345 (b) respect for and an understanding of the Declaration of Independence and the  
7346 constitutions of the United States and of the state of Utah;

7347 (c) Utah history, including territorial and preterritorial development to the present;

7348 (d) the essentials and benefits of the free enterprise system;

7349 (e) respect for parents, home, and family;

7350 (f) the dignity and necessity of honest labor; and

7351 (g) other skills, habits, and qualities of character which will promote an upright and  
7352 desirable citizenry and better prepare students to recognize and accept responsibility for  
7353 preserving and defending the blessings of liberty inherited from prior generations and secured  
7354 by the constitution.

7355 (4) Local school boards and school administrators may provide training, direction, and  
7356 encouragement, as needed, to accomplish the intent and requirements of this section and to  
7357 effectively emphasize civic and character education in the course of regular instruction in the  
7358 public schools.

7359 (5) Civic and character education in public schools are:

7360 (a) not intended to be separate programs in need of special funding or added specialists  
7361 to be accomplished; and

7362 (b) core principles which reflect the shared values of the citizens of Utah and the  
7363 founding principles upon which representative democracy in the United States and the state of  
7364 Utah are based.

7365 (6) To assist the Commission on Civic and Character Education in fulfilling the

7366 commission's duties under Section [67-1a-11](#), by December 30 of each year, each school district  
7367 and the State Charter School Board shall submit to the lieutenant governor and the commission  
7368 a report summarizing how civic and character education are achieved in the school district or  
7369 charter schools through an integrated school curriculum and in the regular course of school  
7370 work as provided in this section.

7371 (7) Each year, the [~~State Board of Education~~] state board shall report to the Education  
7372 Interim Committee, on or before the October meeting, the methods used, and the results being  
7373 achieved, to instruct and prepare students to become informed and responsible citizens through  
7374 an integrated curriculum taught in connection with regular school work as required in this  
7375 section.

7376 Section 196. Section **53G-10-205** is amended to read:

7377 **53G-10-205. Waivers of participation.**

7378 (1) As used in this section[~~:(a) "Parent" means a parent or legal guardian.(b)~~  
7379 ~~"School"~~], "school" means a public school.

7380 (2) If a parent of a student, or a secondary student, determines that the student's  
7381 participation in a portion of the curriculum or in an activity would require the student to affirm  
7382 or deny a religious belief or right of conscience, or engage or refrain from engaging in a  
7383 practice forbidden or required in the exercise of a religious right or right of conscience, the  
7384 parent or the secondary student may request:

7385 (a) a waiver of the requirement to participate; or

7386 (b) a reasonable alternative that requires reasonably equivalent performance by the  
7387 student of the secular objectives of the curriculum or activity in question.

7388 (3) The school shall promptly notify a student's parent if the secondary student makes a  
7389 request under Subsection (2).

7390 (4) If a request is made under Subsection (2), the school shall:

7391 (a) waive the participation requirement;

7392 (b) provide a reasonable alternative to the requirement; or

7393 (c) notify the requesting party that participation is required.

7394 (5) The school shall ensure that the provisions of Subsection 53G-10-203(3) are met in  
7395 connection with any required participation under Subsection (4)(c).

7396 (6) A student's academic or citizenship performance may not be penalized if the  
7397 secondary student or the student's parent chooses to exercise a religious right or right of  
7398 conscience in accordance with the provisions of this section.

7399 Section 197. Section 53G-10-302 is amended to read:

7400 **53G-10-302. Instruction in American history and government -- Study and**  
7401 **posting of American heritage documents.**

7402 (1) The Legislature recognizes that a proper understanding of American history and  
7403 government is essential to good citizenship, and that the public schools are the primary public  
7404 institutions charged with responsibility for assisting children and youth in gaining that  
7405 understanding.

7406 (2) (a) The [~~State Board of Education~~] state board and local school boards shall  
7407 periodically review school curricula and activities to ensure that effective instruction in  
7408 American history and government is taking place in the public schools.

7409 (b) The boards shall solicit public input as part of the review process.

7410 (c) Instruction in American history and government shall include a study of:

7411 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an  
7412 oligarchy;

7413 (ii) political philosophies and economic systems, such as socialism, individualism, and  
7414 free market capitalism; and

7415 (iii) the United States' form of government, a compound constitutional republic.

7416 (3) School curricula and activities shall include a thorough study of historical  
7417 documents such as:

7418 (a) the Declaration of Independence;

7419 (b) the United States Constitution;

7420 (c) the national motto;

7421 (d) the pledge of allegiance;

- 7422 (e) the national anthem;
- 7423 (f) the Mayflower Compact;
- 7424 (g) the writings, speeches, documents, and proclamations of the Founders and the  
7425 Presidents of the United States;
- 7426 (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and  
7427 post Federalist eras;
- 7428 (i) United States Supreme Court decisions;
- 7429 (j) Acts of the United States Congress, including the published text of the  
7430 Congressional Record; and
- 7431 (k) United States treaties.
- 7432 (4) To increase student understanding of, and familiarity with, American historical  
7433 documents, public schools may display historically important excerpts from, or copies of, those  
7434 documents in school classrooms and common areas as appropriate.
- 7435 (5) There shall be no content-based censorship of American history and heritage  
7436 documents referred to in this section due to their religious or cultural nature.
- 7437 (6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302  
7438 to be the national motto of the United States, in one or more prominent places within each  
7439 school building.
- 7440 Section 198. Section **53G-10-303** is amended to read:
- 7441 **53G-10-303. Teaching of American sign language.**
- 7442 (1) The Legislature recognizes that American sign language is a fully developed,  
7443 autonomous, natural language with distinct grammar, syntax, and art forms.
- 7444 (2) American sign language shall be accorded equal status with other linguistic systems  
7445 in the state's public and higher education systems.
- 7446 (3) The [~~State Board of Education~~] state board, in consultation with the state's school  
7447 districts and members of the deaf and hard of hearing community, shall develop and implement  
7448 policies and procedures for the teaching of American sign language in the state's public  
7449 education system at least at the middle school or high school level.

7450 (4) A student may count credit received for completion of a course in American sign  
7451 language at the middle school or high school level toward the satisfaction of a foreign language  
7452 requirement in the public education system under rules made by the [~~State Board of Education~~]  
7453 state board.

7454 (5) The State Board of Regents, in consultation with the state's public institutions of  
7455 higher education and members of the state's deaf and hard of hearing community, shall develop  
7456 and implement policies and procedures for offering instruction in American sign language in  
7457 the state's system of higher education.

7458 (6) The Joint Liaison Committee, in consultation with members of the state's deaf and  
7459 hard of hearing community, shall review any policies and procedures developed under this  
7460 section and make recommendations to either or both boards regarding the policies.

7461 Section 199. Section **53G-10-304** is amended to read:

7462 **53G-10-304. Instruction on the flag of the United States of America.**

7463 (1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
7464 ~~the State Board of Education~~] The state board shall provide by rule for a program of instruction  
7465 within the public schools relating to the flag of the United States.

7466 (2) The instruction shall include the history of the flag, etiquette, customs pertaining to  
7467 the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to  
7468 10.

7469 (3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of  
7470 each day in each public school classroom in the state, led by a student in the classroom, as  
7471 assigned by the classroom teacher on a rotating basis.

7472 (b) Each student shall be informed by posting a notice in a conspicuous place that the  
7473 student has the right not to participate in reciting the pledge.

7474 (c) A student shall be excused from reciting the pledge upon written request from the  
7475 student's parent [~~or legal guardian~~].

7476 (d) (i) At least once a year students shall be instructed that:

7477 (A) participation in the pledge of allegiance is voluntary and not compulsory; and

7478 (B) not only is it acceptable for someone to choose not to participate in the pledge of  
7479 allegiance for religious or other reasons, but students should show respect for any student who  
7480 chooses not to participate.

7481 (ii) A public school teacher shall strive to maintain an atmosphere among students in  
7482 the classroom that is consistent with the principles described in Subsection (3)(d)(i).

7483 Section 200. Section **53G-10-305** is amended to read:

7484 **53G-10-305. Financial education information.**

7485 A public school shall provide the following to the parents [~~or guardian~~] of a  
7486 kindergarten student during kindergarten enrollment:

7487 (1) a financial and economic literacy passport, as defined in Section [53E-3-505](#); and

7488 (2) information about higher education savings options, including information about  
7489 opening a Utah Educational Savings Plan account.

7490 Section 201. Section **53G-10-402** is amended to read:

7491 **53G-10-402. Instruction in health -- Parental consent requirements -- Conduct**  
7492 **and speech of school employees and volunteers -- Political and religious doctrine**  
7493 **prohibited.**

7494 (1) As used in this section:

7495 [~~(a) "Board" means the State Board of Education.~~]

7496 [~~(b) "Local school board" means:~~]

7497 [~~(i) a local board of education elected in accordance with Section [53G-4-201](#); or~~]

7498 [~~(ii) a charter school governing board, as defined in Section [53G-5-102](#);~~]

7499 [~~(c) "Parent" means a parent or legal guardian.~~]

7500 (a) "LEA governing board" means a local school board or charter school governing  
7501 board.

7502 [~~(d)~~] (b) "Refusal skills" means instruction:

7503 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or  
7504 adult;

7505 (ii) in a student's obligation to stop the student's sexual advances if refused by another

7506 individual;

7507 (iii) informing a student of the student's right to report and seek counseling for

7508 unwanted sexual advances;

7509 (iv) in sexual harassment; and

7510 (v) informing a student that a student may not consent to criminally prohibited

7511 activities or activities for which the student is legally prohibited from giving consent, including

7512 the electronic transmission of sexually explicit images by an individual of the individual or

7513 another.

7514 (2) (a) The state board shall establish curriculum requirements under Section

7515 [53E-3-501](#) that include instruction in:

7516 (i) community and personal health;

7517 (ii) physiology;

7518 (iii) personal hygiene;

7519 (iv) prevention of communicable disease;

7520 (v) refusal skills; and

7521 (vi) the harmful effects of pornography.

7522 (b) (i) That instruction shall stress:

7523 (A) the importance of abstinence from all sexual activity before marriage and fidelity

7524 after marriage as methods for preventing certain communicable diseases; and

7525 (B) personal skills that encourage individual choice of abstinence and fidelity.

7526 (ii) (A) At no time may instruction be provided, including responses to spontaneous

7527 questions raised by students, regarding any means or methods that facilitate or encourage the

7528 violation of any state or federal criminal law by a minor or an adult.

7529 (B) Subsection (2)(b)(ii)(A) does not preclude an instructor from responding to a

7530 spontaneous question as long as the response is consistent with the provisions of this section.

7531 (c) (i) The state board shall recommend instructional materials for use in the curricula

7532 required under Subsection (2)(a) after considering evaluations of instructional materials by the

7533 State Instructional Materials Commission.



- 7534 (ii) [~~A local school~~] An LEA governing board may choose to adopt:
- 7535 (A) the instructional materials recommended under Subsection (2)(c)(i); or
- 7536 (B) other instructional materials as provided in state board rule.
- 7537 (iii) The state board rule made under Subsection (2)(c)(ii)(B) shall include, at a
- 7538 minimum:
- 7539 (A) that the materials adopted by [~~a local school~~] an LEA governing board under
- 7540 Subsection (2)(c)(ii)(B) shall be based upon recommendations of the school district's or charter
- 7541 school's Curriculum Materials Review Committee that comply with state law and state board
- 7542 rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting
- 7543 instruction in:
- 7544 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- 7545 (II) the advocacy of premarital or extramarital sexual activity; or
- 7546 (III) the advocacy or encouragement of the use of contraceptive methods or devices;
- 7547 (B) that the adoption of instructional materials shall take place in an open and regular
- 7548 meeting of the [~~local school~~] LEA governing board for which prior notice is given to parents of
- 7549 students attending the respective schools and an opportunity for parents to express their views
- 7550 and opinions on the materials at the meeting;
- 7551 (C) provision for an appeal and review process of the [~~local school~~] LEA governing
- 7552 board's decision; and
- 7553 (D) provision for a report by the [~~local school~~] LEA governing board to the state board
- 7554 of the action taken and the materials adopted by the [~~local school~~] LEA governing board under
- 7555 Subsections (2)(c)(ii)(B) and (2)(c)(iii).
- 7556 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on
- 7557 at least two occasions during the period that begins with the beginning of grade 8 and the end
- 7558 of grade 12.
- 7559 (b) At the request of the state board, the Department of Health shall cooperate with the
- 7560 state board in developing programs to provide instruction in those areas.
- 7561 (4) (a) The state board shall adopt rules that:

7562 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323  
7563 are complied with; and

7564 (ii) require a student's parent to be notified in advance and have an opportunity to  
7565 review the information for which parental consent is required under Sections 76-7-322 and  
7566 76-7-323.

7567 (b) The state board shall also provide procedures for disciplinary action for violation of  
7568 Section 76-7-322 or 76-7-323.

7569 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school  
7570 employees and volunteers serve as examples to their students, school employees or volunteers  
7571 acting in their official capacities may not support or encourage criminal conduct by students,  
7572 teachers, or volunteers.

7573 (b) To ensure the effective performance of school personnel, the limitations described  
7574 in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school  
7575 employee's or volunteer's official capacities if:

7576 (i) the employee or volunteer knew or should have known that the employee's or  
7577 volunteer's action could result in a material and substantial interference or disruption in the  
7578 normal activities of the school; and

7579 (ii) that action does result in a material and substantial interference or disruption in the  
7580 normal activities of the school.

7581 (c) The state board or [~~a local school~~] an LEA governing board may not allow training  
7582 of school employees or volunteers that supports or encourages criminal conduct.

7583 (d) The state board shall adopt rules implementing this section.

7584 (e) Nothing in this section limits the ability or authority of the state board or [~~a local~~  
7585 ~~school~~] an LEA governing board to enact and enforce rules or take actions that are otherwise  
7586 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing  
7587 unfitness for duty.

7588 (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious,  
7589 or denominational doctrine may not be taught in the public schools.

7590 (7) (a) [~~A local school board and a local school~~] An LEA governing board and an LEA  
7591 governing board's employees shall cooperate and share responsibility in carrying out the  
7592 purposes of this chapter.

7593 (b) [~~A local school~~] An LEA governing board shall provide appropriate professional  
7594 development for the [~~local school~~] LEA governing board's teachers, counselors, and school  
7595 administrators to enable them to understand, protect, and properly instruct students in the  
7596 values and character traits referred to in this section and Sections [53E-9-202](#), [53E-9-203](#),  
7597 [53G-10-202](#), [53G-10-203](#), [53G-10-204](#), and [53G-10-205](#), and distribute appropriate written  
7598 materials on the values, character traits, and conduct to each individual receiving the  
7599 professional development.

7600 (c) [~~A local school~~] An LEA governing board shall make the written materials  
7601 described in Subsection (7)(b) available to classified employees, students, and parents of  
7602 students.

7603 (d) In order to assist [~~a local school~~] an LEA governing board in providing the  
7604 professional development required under Subsection (7)(b), the state board shall, as  
7605 appropriate, contract with a qualified individual or entity possessing expertise in the areas  
7606 referred to in Subsection (7)(b) to develop and disseminate model teacher professional  
7607 development programs that [~~a local school~~] an LEA governing board may use to train the  
7608 individuals referred to in Subsection (7)(b) to effectively teach the values and qualities of  
7609 character referenced in Subsection (7)(b).

7610 (e) In accordance with the provisions of Subsection (5)(c), professional development  
7611 may not support or encourage criminal conduct.

7612 (8) [~~A local school~~] An LEA governing board shall review every two years:

7613 (a) [~~local school~~] LEA governing board policies on instruction described in this  
7614 section;

7615 (b) for a local school board [~~of education~~] of a school district, data for each county that  
7616 the school district is located in, or, for a charter school governing board, data for the county in  
7617 which the charter school is located, on the following:

7618 (i) teen pregnancy;  
7619 (ii) child sexual abuse; and  
7620 (iii) sexually transmitted diseases and sexually transmitted infections; and  
7621 (c) the number of pornography complaints or other instances reported within the  
7622 jurisdiction of the ~~[local school]~~ LEA governing board.

7623 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this  
7624 section, or the application thereof to any person or circumstance, is found to be  
7625 unconstitutional, the balance of this section shall be given effect without the invalid provision,  
7626 subsection, sentence, clause, phrase, or word.

7627 Section 202. Section **53G-10-403** is amended to read:

7628 **53G-10-403. Required parental consent for sex education instruction.**

7629 (1) As used in this section:

7630 ~~[(a) "Parent" means the same as that term is defined in Section 53G-10-205.]~~

7631 ~~[(b)]~~ (a) (i) "Sex education instruction" means any course material, unit, class, lesson,  
7632 activity, or presentation that, as the focus of the discussion, provides instruction or information  
7633 to a student about:

- 7634 (A) sexual abstinence;
- 7635 (B) human sexuality;
- 7636 (C) human reproduction;
- 7637 (D) reproductive anatomy;
- 7638 (E) physiology;
- 7639 (F) pregnancy;
- 7640 (G) marriage;
- 7641 (H) childbirth;
- 7642 (I) parenthood;
- 7643 (J) contraception;
- 7644 (K) HIV/AIDS;
- 7645 (L) sexually transmitted diseases; or

7646 (M) refusal skills, as defined in Section 53G-10-402.

7647 (ii) "Sex education instruction" does not include child sexual abuse prevention  
7648 instruction described in Section 53G-9-207.

7649 [(e)] (b) "School" means the same as that term is defined in Section 53G-10-205.

7650 (2) A school shall obtain prior written consent from a student's parent before the school  
7651 may provide sex education instruction to the student.

7652 (3) If a student's parent chooses not to have the student participate in sex education  
7653 instruction, a school shall:

7654 (a) waive the requirement for the student to participate in the sex education instruction;

7655 or

7656 (b) provide the student with a reasonable alternative to the sex education instruction  
7657 requirement.

7658 (4) In cooperation with the student's teacher or school, a parent shall take responsibility  
7659 for the parent's student's sex education instruction if a school:

7660 (a) waives the student's sex education instruction requirement in Subsection (3)(a); or

7661 (b) provides the student with a reasonable alternative to the sex education instruction  
7662 requirement described in Subsection (3)(b).

7663 (5) A student's academic or citizenship performance may not be penalized if the  
7664 student's parent chooses not to have the student participate in sex education instruction as  
7665 described in Subsection (3).

7666 Section 203. Section 53G-10-405 is amended to read:

7667 **53G-10-405. Instruction on the harmful effects of alcohol, tobacco, and controlled**  
7668 **substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse**  
7669 **and Mental Health.**

7670 (1) The [~~State Board of Education~~] state board shall adopt rules providing for  
7671 instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled  
7672 substances upon the human body and society. The rules shall require but are not limited to  
7673 instruction on the following:

7674 (a) teaching of skills needed to evaluate advertisements for, and media portrayal of,  
7675 alcohol, tobacco, and controlled substances;

7676 (b) directing students towards healthy and productive alternatives to the use of alcohol,  
7677 tobacco, and controlled substances; and

7678 (c) discouraging the use of alcohol, tobacco, and controlled substances.

7679 (2) At the request of the state board, the Division of Substance Abuse and Mental  
7680 Health shall cooperate with the state board in developing programs to provide this instruction.

7681 (3) The state board shall participate in efforts to enhance communication among  
7682 community organizations and state agencies, and shall cooperate with those entities in efforts  
7683 which are compatible with the purposes of this section.

7684 Section 204. Section **53G-10-406** is amended to read:

7685 **53G-10-406. Underage Drinking Prevention Program -- State board rules.**

7686 (1) As used in this section:

7687 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory  
7688 Council created in this section.

7689 [~~(b) "Board" means the State Board of Education.~~]

7690 [~~(c) "LEA" means:~~]

7691 [~~(i) a school district;~~]

7692 [~~(ii) a charter school; or~~]

7693 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

7694 [~~(d)~~] (b) "Program" means the Underage Drinking Prevention Program created in this  
7695 section.

7696 [~~(e)~~] (c) "School-based prevention program" means an evidence-based program  
7697 intended for students aged 13 and older that:

7698 (i) is aimed at preventing underage consumption of alcohol;

7699 (ii) is delivered by methods that engage students in storytelling and visualization;

7700 (iii) addresses the behavioral risk factors associated with underage drinking; and

7701 (iv) provides practical tools to address the dangers of underage drinking.

- 7702 (2) There is created the Underage Drinking Prevention Program that consists of:
- 7703 (a) a school-based prevention program for students in grade 7 or 8; and
- 7704 (b) a school-based prevention program for students in grade 9 or 10 that increases
- 7705 awareness of the dangers of driving under the influence of alcohol.
- 7706 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
- 7707 school year to each student in grade 7 or 8 and grade 9 or 10.
- 7708 (b) An LEA shall select from the providers qualified by the state board under
- 7709 Subsection (6) to offer the program.
- 7710 (4) The state board shall administer the program with input from the advisory council.
- 7711 (5) There is created the Underage Drinking Prevention Program Advisory Council
- 7712 comprised of the following members:
- 7713 (a) the executive director of the Department of Alcoholic Beverage Control or the
- 7714 executive director's designee;
- 7715 (b) the executive director of the Department of Health or the executive director's
- 7716 designee;
- 7717 (c) the director of the Division of Substance Abuse and Mental Health or the director's
- 7718 designee;
- 7719 (d) the director of the Division of Child and Family Services or the director's designee;
- 7720 (e) the director of the Division of Juvenile Justice Services or the director's designee;
- 7721 (f) the state superintendent [~~of public instruction~~] or the state [~~superintendent of public~~
- 7722 ~~instruction's~~] superintendent's designee; and
- 7723 (g) two members of the [~~State Board of Education~~] state board, appointed by the chair
- 7724 of the [~~State Board of Education~~] state board.
- 7725 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
- 7726 board shall qualify one or more providers to provide the program to an LEA.
- 7727 (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:
- 7728 (i) whether the provider's program complies with the requirements described in this
- 7729 section;

7730 (ii) the extent to which the provider's underage drinking prevention program aligns  
7731 with core standards for Utah public schools; and

7732 (iii) the provider's experience in providing a program that is effective at reducing  
7733 underage drinking.

7734 (7) (a) The state board shall use money from the Underage Drinking Prevention  
7735 Program Restricted Account described in Section 53F-9-304 for the program.

7736 (b) The state board may use money from the Underage Drinking Prevention Program  
7737 Restricted Account to fund up to .5 of a full-time equivalent position to administer the  
7738 program.

7739 [~~(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
7740 ~~the]~~

7741 (8) The state board shall make rules that:

7742 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage  
7743 Drinking Prevention Program each school year to each student in grade 7 or 8 and grade 9 or  
7744 10; and

7745 (b) establish criteria for the state board to use in selecting a provider described in  
7746 Subsection (6).

7747 Section 205. Section 53G-10-501 is amended to read:

7748 **53G-10-501. Definitions.**

7749 [~~Reserved~~] As used in this part:

7750 (1) "Driver education" includes classroom instruction and driving and observation in a  
7751 dual-controlled motor vehicle.

7752 (2) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor  
7753 vehicle under the supervision of a certified instructor.

7754 Section 206. Section 53G-10-502 is amended to read:

7755 **53G-10-502. Driver education established by school districts.**

7756 [~~(1) As used in this part:~~]

7757 [~~(a) "Driver education" includes classroom instruction and driving and observation in a~~]



7758 ~~dual-controlled motor vehicle.]~~

7759 ~~[(b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor~~  
7760 ~~vehicle under the supervision of a certified instructor.]~~

7761 ~~[(2)]~~ (1) (a) Local school districts may establish and maintain driver education for  
7762 pupils.

7763 (b) A school or local school district that provides driver education shall provide an  
7764 opportunity for each pupil enrolled in that school or local school district to take the written test  
7765 when the pupil is 15 years and nine months of age.

7766 (c) Notwithstanding the provisions of Subsection ~~[(2)]~~ (1)(b), a school or local school  
7767 district that provides driver education may provide an opportunity for each pupil enrolled in  
7768 that school or school district to take the written test when the pupil is 15 years of age.

7769 ~~[(3)]~~ (2) The purpose of driver education is to help develop the knowledge, attitudes,  
7770 habits, and skills necessary for the safe operation of motor vehicles.

7771 ~~[(4)]~~ (3) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~  
7772 ~~Act, the State Board of Education]~~ The state board shall make rules for driver education  
7773 offered in the public schools.

7774 ~~[(5)]~~ (4) The rules under Subsection ~~[(4)]~~ (3) shall:

7775 (a) require at least one hour of classroom training on the subject of railroad crossing  
7776 safety for each driver education pupil;

7777 (b) require instruction, based on data and information provided by the Division of Air  
7778 Quality, on:

7779 (i) ways drivers can improve air quality; and

7780 (ii) the harmful effects of vehicle emissions; and

7781 (c) establish minimum standards for approved driving ranges under Section  
7782 [53-3-505.5](#).

7783 ~~[(6)]~~ (5) The requirements of Section [53-3-505.5](#) apply to any behind-the-wheel  
7784 driving training provided as part of driver education offered under this part and used to satisfy  
7785 the driver training requirement under Section [53-3-204](#).

7786 Section 207. Section **53G-10-503** is amended to read:

7787 **53G-10-503. Driver education funding -- Reimbursement of school districts for**  
7788 **driver education class expenses -- Limitations -- Excess funds -- Student fees.**

7789 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver  
7790 education shall fund the program solely through:

7791 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform  
7792 School Fund as created under Section [41-1a-1205](#); and

7793 (ii) student fees collected by each school.

7794 (b) In determining the cost of driver education, a school district may exclude:

7795 (i) the full-time equivalent cost of a teacher for a driver education class taught during  
7796 regular school hours; and

7797 (ii) classroom space and classroom maintenance.

7798 (c) A school district may not use any additional school funds beyond those allowed  
7799 under Subsection (1)(b) to subsidize driver education.

7800 (2) (a) The state superintendent [~~of public instruction~~] shall, prior to September 2nd  
7801 following the school year during which it was expended, or may at earlier intervals during that  
7802 school year, reimburse each school district that applied for reimbursement in accordance with  
7803 this section.

7804 (b) A school district that maintains driver education classes that conform to this part  
7805 and the rules prescribed by the state board may apply for reimbursement for the actual cost of  
7806 providing the behind-the-wheel and observation training incidental to those classes.

7807 (3) Under the state board's supervision for driver education, a school district may:

7808 (a) employ personnel who are not licensed by the state board under Section [53E-6-201](#);

7809 or

7810 (b) contract with private parties or agencies licensed under Section [53-3-504](#) for the  
7811 behind-the-wheel phase of the driver education program.

7812 (4) The reimbursement amount shall be paid out of the Automobile Driver Education  
7813 Tax Account in the Uniform School Fund and may not exceed:

7814 (a) \$100 per student who has completed driver education during the school year;

7815 (b) \$30 per student who has only completed the classroom portion in the school or  
7816 through the electronic high school during the school year; or

7817 (c) \$70 per student who has only completed the behind-the-wheel and observation  
7818 portion in the school during the school year.

7819 (5) If the amount of money in the account at the end of a school year is less than the  
7820 total of the reimbursable costs, the state superintendent [~~of public instruction~~] shall allocate the  
7821 money to each school district in the same proportion that its reimbursable costs bear to the total  
7822 reimbursable costs of all school districts.

7823 (6) If the amount of money in the account at the end of any school year is more than the  
7824 total of the reimbursement costs provided under Subsection (4), the state superintendent may  
7825 allocate the excess funds to school districts:

7826 (a) to reimburse each school district that applies for reimbursement of the cost of a fee  
7827 waived under Section 53G-7-504 for driver education; and

7828 (b) to aid in the procurement of equipment and facilities which reduce the cost of  
7829 behind-the-wheel instruction.

7830 (7) A local school board shall establish the student fee for driver education for the  
7831 school district. Student fees shall be reasonably associated with the costs of driver education  
7832 that are not otherwise covered by reimbursements and allocations made under this section.

7833 Section 208. Section **53G-10-505** is amended to read:

7834 **53G-10-505. Reports as to costs of driver training programs.**

7835 A local school board seeking reimbursement shall, at the end of each school year and at  
7836 other times as designated by the [~~State Board of Education~~] state board, report the following to  
7837 the state superintendent [~~of public instruction~~]:

7838 (1) the costs of providing driver education including a separate accounting for:

7839 (a) course work; and

7840 (b) behind-the-wheel and observation training to students;

7841 (2) the costs of fees waived under Section 53G-7-504 for driver education including a

7842 separate accounting for:

7843 (a) course work; and

7844 (b) behind-the-wheel and observation training to students;

7845 (3) the number of students who completed driver education including a separate

7846 accounting for:

7847 (a) course work; and

7848 (b) behind-the-wheel and observation training to students;

7849 (4) whether or not a passing grade was received; and

7850 (5) any other information the [~~State Board of Education~~] state board may require for

7851 the purpose of administering this program.

7852 Section 209. Section **53G-10-506** is amended to read:

7853 **53G-10-506. Promoting the establishment and maintenance of classes -- Payment**  
7854 **of costs.**

7855 (1) The state superintendent [~~of public instruction~~] shall promote the establishment and  
7856 maintenance of driver education classes in school districts under rules adopted by the [~~State~~  
7857 ~~Board of Education~~] state board.

7858 (2) The state board may employ personnel and sponsor experimental programs  
7859 considered necessary to give full effect to this program.

7860 (3) The costs of implementing this section shall be paid from the legislative  
7861 appropriation to the state board made from the Automobile Driver Education Tax Account in  
7862 the Uniform School Fund.

7863 Section 210. Section **53G-10-507** is amended to read:

7864 **53G-10-507. Driver education teachers certified as license examiners.**

7865 (1) The Driver License Division of the Department of Public Safety and the [~~State~~  
7866 ~~Board of Education~~] state board shall establish procedures and standards to certify teachers of  
7867 driver education classes under this part to administer written and driving tests.

7868 (2) The division is the certifying authority.

7869 (3) (a) A teacher certified under this section shall give written and driving tests

7870 designed for driver education classes authorized under this part.

7871 (b) The Driver License Division shall, in conjunction with the [~~State Board of~~  
7872 ~~Education~~] state board, establish minimal standards for the driver education class tests that are  
7873 at least as difficult as those required to receive a class D operator's license under Title 53,  
7874 Chapter 3, Uniform Driver License Act.

7875 (c) A student who passes the written test but fails the driving test given by a teacher  
7876 certified under this section may apply for a learner permit or class D operator's license under  
7877 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver  
7878 License Division office.

7879 (4) A student shall have a learner permit issued by the Driver License Division under  
7880 Section 53-3-210.5 in the student's immediate possession at all times when operating a motor  
7881 vehicle under this section.

7882 (5) A student who successfully passes the tests given by a certified driver education  
7883 teacher under this section satisfies the written and driving parts of the test required for a learner  
7884 permit or class D operator's license.

7885 (6) The Driver License Division and the [~~State Board of Education~~] state board shall  
7886 establish procedures to enable school districts to administer or process any tests for students to  
7887 receive a learner permit or class D operator's license.

7888 (7) The division and state board shall establish the standards and procedures required  
7889 under this section by rules [~~made in accordance with Title 63G, Chapter 3, Utah Administrative~~  
7890 ~~Rulemaking Act~~].

7891 Section 211. Section **53G-10-508** is amended to read:

7892 **53G-10-508. Programs authorized -- Minimum standards.**

7893 (1) Local school districts may:

7894 (a) allow students to complete the classroom training portion of driver education  
7895 through the following programs:

7896 (i) home study; or

7897 (ii) the electronic high school;

7898 (b) provide each parent with driver education instructional materials to assist in parent  
7899 involvement with driver education including behind-the-wheel driving materials;

7900 (c) offer driver education outside of school hours in order to reduce the cost of  
7901 providing driver education;

7902 (d) offer driver education through community education programs;

7903 (e) offer the classroom portion of driver education in the public schools and allow the  
7904 student to complete the behind-the-wheel portion with a private provider:

7905 (i) licensed under Section 53-3-504; and

7906 (ii) not associated with the school or under contract with the school under Subsection  
7907 53G-10-503(3); or

7908 (f) any combination of Subsections (1)(a) through (e).

7909 (2) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
7910 ~~the State Board of Education~~] The state board shall establish in rule minimum standards for the  
7911 school-related programs under Subsection (1).

7912 Section 212. Section 53G-11-203 is amended to read:

7913 **53G-11-203. Health insurance mandates.**

7914 A local school board and [~~the governing body of~~] a charter school governing board shall  
7915 include in a health plan it offers to school district employees, or charter school employees  
7916 insurance mandates in accordance with Section 31A-22-605.5.

7917 Section 213. Section 53G-11-205 is amended to read:

7918 **53G-11-205. Education employee associations -- Equal participation --**  
7919 **Prohibition on endorsement or preferential treatment -- Naming of school breaks.**

7920 (1) As used in this section:

7921 (a) "Education employee association" includes teacher associations, teacher unions,  
7922 teacher organizations, and classified education employees' associations.

7923 (b) "School" means a school district, a school in a school district, a charter school, or  
7924 the [~~State Board of Education~~] state board and its employees.

7925 (2) A school shall allow education employee associations equal access to the following

7926 activities:

7927 (a) distribution of information in or access to teachers' or employees' physical or  
7928 electronic mailboxes, including email accounts that are provided by the school; and

7929 (b) membership solicitation activities at new teacher or employee orientation training  
7930 or functions.

7931 (3) If a school permits an education employee association to engage in any of the  
7932 activities described in Subsection (2), the school shall permit all other education employee  
7933 associations to engage in the activity on the same terms and conditions afforded to the  
7934 education employee association.

7935 (4) It is unlawful for a school to:

7936 (a) establish or maintain structures, procedures, or policies that favor one education  
7937 employee association over another or otherwise give preferential treatment to an education  
7938 employee association; or

7939 (b) explicitly or implicitly endorse any education employee association.

7940 (5) A school's calendars and publications may not include or refer to the name of any  
7941 education employee association in relation to any day or break in the school calendar.

7942 Section 214. Section **53G-11-207** is amended to read:

7943 **53G-11-207. Collective bargaining agreement -- Website posting.**

7944 (1) As used in this section, "collective bargaining agreement" includes:

7945 (a) a master agreement; and

7946 (b) an amendment, addendum, memorandum, or other document modifying the master  
7947 agreement.

7948 [~~(2) The board of education of a school district.~~]

7949 (2) A local school board:

7950 (a) shall post on the school district's website a collective bargaining agreement entered  
7951 into by the [~~board of education~~] local school board within 10 days of the ratification of the  
7952 agreement; and

7953 (b) may remove from the school district's website a collective bargaining agreement

7954 that is no longer in effect.

7955 ~~[(3) The governing board of a charter school:]~~

7956 (3) A charter school governing board:

7957 (a) shall post on the charter school's website a collective bargaining agreement entered  
7958 into by the charter school governing board ~~[of the charter school]~~ within 10 days of the  
7959 ratification of the agreement; and

7960 (b) may remove from the charter school's website a collective bargaining agreement  
7961 that is no longer in effect.

7962 Section 215. Section **53G-11-303** is amended to read:

7963 **53G-11-303. Professional learning standards.**

7964 (1) As used in this section, "professional learning" means a comprehensive, sustained,  
7965 and evidence-based approach to improving teachers' and principals' effectiveness in raising  
7966 student achievement.

7967 (2) A school district or charter school shall implement high quality professional  
7968 learning that meets the following standards:

7969 (a) professional learning occurs within learning communities committed to continuous  
7970 improvement, individual and collective responsibility, and goal alignment;

7971 (b) professional learning requires skillful leaders who develop capacity, advocate, and  
7972 create support systems, for professional learning;

7973 (c) professional learning requires prioritizing, monitoring, and coordinating resources  
7974 for educator learning;

7975 (d) professional learning uses a variety of sources and types of student, educator, and  
7976 system data to plan, assess, and evaluate professional learning;

7977 (e) professional learning integrates theories, research, and models of human learning to  
7978 achieve its intended outcomes;

7979 (f) professional learning applies research on change and sustains support for  
7980 implementation of professional learning for long-term change;

7981 (g) professional learning aligns its outcomes with:



7982 (i) performance standards for teachers and school administrators as described in rules  
7983 of the [~~State Board of Education~~] state board; and

7984 (ii) performance standards for students as described in the core standards for Utah  
7985 public schools adopted by the [~~State Board of Education~~] state board pursuant to Section  
7986 53E-4-202; and

7987 (h) professional learning:

7988 (i) incorporates the use of technology in the design, implementation, and evaluation of  
7989 high quality professional learning practices; and

7990 (ii) includes targeted professional learning on the use of technology devices to enhance  
7991 the teaching and learning environment and the integration of technology in content delivery.

7992 (3) School districts and charter schools shall use money appropriated by the Legislature  
7993 for professional learning or federal grant money awarded for professional learning to  
7994 implement professional learning that meets the standards specified in Subsection (2).

7995 (4) (a) In the fall of 2014, the [~~State Board of Education~~] state board, through the state  
7996 superintendent [~~of public instruction~~], and in collaboration with an independent consultant  
7997 acquired through a competitive bid process, shall conduct a statewide survey of school districts  
7998 and charter schools to:

7999 (i) determine the current state of professional learning for educators as aligned with the  
8000 standards specified in Subsection (2);

8001 (ii) determine the effectiveness of current professional learning practices; and

8002 (iii) identify resources to implement professional learning as described in Subsection  
8003 (2).

8004 (b) The [~~State Board of Education~~] state board shall select a consultant from bidders  
8005 who have demonstrated successful experience in conducting a statewide analysis of  
8006 professional learning.

8007 (c) (i) Annually in the fall, beginning in 2015 through 2020, the [~~State Board of~~  
8008 ~~Education~~] state board, through the state superintendent [~~of public instruction~~], in conjunction  
8009 with school districts and charter schools, shall gather and use data to determine the impact of

8010 professional learning efforts and resources.

8011 (ii) Data used to determine the impact of professional learning efforts and resources

8012 under Subsection (4)(c)(i) shall include:

8013 (A) student achievement data;

8014 (B) educator evaluation data; and

8015 (C) survey data.

8016 Section 216. Section **53G-11-401** is amended to read:

8017 **53G-11-401. Definitions.**

8018 As used in this part:

8019 (1) "Authorized entity" means an LEA, qualifying private school, or the [~~State Board of~~  
8020 ~~Education~~] state board that is authorized to request a background check and ongoing  
8021 monitoring under this part.

8022 (2) "Bureau" means the Bureau of Criminal Identification within the Department of  
8023 Public Safety created in Section [53-10-201](#).

8024 (3) "Contract employee" means an employee of a staffing service or other entity who  
8025 works at a public or private school under a contract.

8026 (4) "FBI" means the Federal Bureau of Investigation.

8027 (5) (a) "License applicant" means an applicant for a license issued by the [~~State Board~~  
8028 ~~of Education~~] state board under Title 53E, Chapter 6, Education Professional Licensure.

8029 (b) "License applicant" includes an applicant for reinstatement of an expired, lapsed,  
8030 suspended, or revoked license.

8031 [~~(6) "Local education agency" or "LEA" means a school district, charter school, or the~~  
8032 ~~Utah Schools for the Deaf and the Blind.]~~

8033 [~~(7)~~] (6) "Non-licensed employee" means an employee of an LEA or qualifying private  
8034 school that does not hold a current Utah educator license issued by the [~~State Board of~~  
8035 ~~Education~~] state board under Title 53E, Chapter 6, Education Professional Licensure.

8036 [~~(8)~~] (7) "Personal identifying information" means:

8037 (a) current name, former names, nicknames, and aliases;

- 8038 (b) date of birth;
- 8039 (c) address;
- 8040 (d) telephone number;
- 8041 (e) driver license number or other government-issued identification number;
- 8042 (f) social security number; and
- 8043 (g) fingerprints.
- 8044 ~~[(9)]~~ (8) "Qualifying private school" means a private school that:
- 8045 (a) enrolls students under Title 53F, Chapter 4, Part 3, Carson Smith Scholarship
- 8046 Program; and
- 8047 (b) is authorized to conduct fingerprint-based background checks of national crime
- 8048 information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L.
- 8049 No. 109-248.
- 8050 ~~[(10)]~~ (9) "Rap back system" means a system that enables authorized entities to receive
- 8051 ongoing status notifications of any criminal history reported on individuals whose fingerprints
- 8052 are registered in the system.
- 8053 ~~[(11)]~~ (10) "WIN Database" means the Western Identification Network Database that
- 8054 consists of eight western states sharing one electronic fingerprint database.
- 8055 Section 217. Section **53G-11-403** is amended to read:
- 8056 **53G-11-403. Background checks for licensed educators.**
- 8057 The ~~[State Board of Education]~~ state board shall:
- 8058 (1) require a license applicant to submit to a nationwide criminal background check
- 8059 and ongoing monitoring as a condition for licensing;
- 8060 (2) collect the following from an applicant:
- 8061 (a) personal identifying information;
- 8062 (b) a fee described in Subsection [53-10-108](#)(15); and
- 8063 (c) consent, on a form specified by the ~~[State Board of Education]~~ state board, for:
- 8064 (i) an initial fingerprint-based background check by the FBI and bureau upon
- 8065 submission of the application;

- 8066 (ii) retention of personal identifying information for ongoing monitoring through  
8067 registration with the systems described in Section 53G-11-404; and
- 8068 (iii) disclosure of any criminal history information to the individual's employing LEA  
8069 or qualifying private school;
- 8070 (3) submit an applicant's personal identifying information to the bureau for:
- 8071 (a) an initial fingerprint-based background check by the FBI and bureau; and
- 8072 (b) ongoing monitoring through registration with the systems described in Section  
8073 53G-11-404 if the results of the initial background check do not contain disqualifying criminal  
8074 history information as determined by the [~~State Board of Education~~] state board in accordance  
8075 with Section 53G-11-405;
- 8076 (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure  
8077 that the [~~State Board of Education~~] state board only receives notifications for individuals with  
8078 whom the [~~State Board of Education~~] state board maintains an authorizing relationship;
- 8079 (5) notify the employing LEA or qualifying private school upon receipt of any criminal  
8080 history information reported on a licensed educator employed by the LEA or qualifying private  
8081 school; and
- 8082 (6) (a) collect the information described in Subsection (2) from individuals who were  
8083 licensed prior to July 1, 2015, by the individual's next license renewal date; and
- 8084 (b) submit the information to the bureau for ongoing monitoring through registration  
8085 with the systems described in Section 53G-11-404.

8086 Section 218. Section 53G-11-404 is amended to read:

8087 **53G-11-404. Bureau responsibilities.**

8088 The bureau shall:

- 8089 (1) upon request from an authorized entity, register the fingerprints submitted by the  
8090 authorized entity as part of a background check with:
- 8091 (a) the WIN Database rap back system, or any successor system; and
- 8092 (b) the rap back system maintained by the Federal Bureau of Investigation;
- 8093 (2) notify an authorized entity when a new entry is made against an individual whose

8094 fingerprints are registered with the rap back systems described in Subsection (1) regarding:

8095 (a) an alleged offense; or

8096 (b) a conviction, including a plea in abeyance;

8097 (3) assist authorized entities to identify the appropriate privacy risk mitigation strategy

8098 that is to be used to ensure that the authorized entity only receives notifications for individuals

8099 with whom the authorized entity maintains an authorizing relationship; and

8100 (4) collaborate with the [~~State Board of Education~~] state board to provide training to

8101 authorized entities on the notification procedures and privacy risk mitigation strategies

8102 described in this part.

8103 Section 219. Section **53G-11-405** is amended to read:

8104 **53G-11-405. Due process for individuals--Review of criminal history information.**

8105 (1) (a) In accordance with Section **53-10-108**, an authorized entity shall provide an

8106 individual an opportunity to review and respond to any criminal history information received

8107 under this part.

8108 (b) If an authorized entity decides to disqualify an individual as a result of criminal

8109 history information received under this part, an individual may request a review of:

8110 (i) information received; and

8111 (ii) the reasons for the disqualification.

8112 (c) An authorized entity shall provide an individual described in Subsection (1)(b) with

8113 written notice of:

8114 (i) the reasons for the disqualification; and

8115 (ii) the individual's right to request a review of the disqualification.

8116 (2) (a) An LEA or qualifying private school shall make decisions regarding criminal

8117 history information for the individuals subject to the background check requirements under

8118 Section **53G-11-402** in accordance with:

8119 (i) Subsection (3);

8120 (ii) administrative procedures established by the LEA or qualifying private school; and

8121 (iii) rules established by the [~~State Board of Education~~] state board.

8122 (b) The [~~State Board of Education~~] state board shall make decisions regarding criminal  
8123 history information for licensed educators in accordance with:

8124 (i) Subsection (3);

8125 (ii) Title 53E, Chapter 6, Education Professional Licensure; and

8126 (iii) rules established by the [~~State Board of Education~~] state board.

8127 (3) When making decisions regarding initial employment, initial licensing, or initial  
8128 appointment for the individuals subject to background checks under this part, an authorized  
8129 entity shall consider:

8130 (a) any convictions, including pleas in abeyance;

8131 (b) any matters involving a felony; and

8132 (c) any matters involving an alleged:

8133 (i) sexual offense;

8134 (ii) class A misdemeanor drug offense;

8135 (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;

8136 (iv) class A misdemeanor property offense that is alleged to have occurred within the  
8137 previous three years; and

8138 (v) any other type of criminal offense, if more than one occurrence of the same type of  
8139 offense is alleged to have occurred within the previous eight years.

8140 Section 220. Section **53G-11-406** is amended to read:

8141 **53G-11-406. Self-reporting requirement.**

8142 (1) Individuals subject to the background check requirements under this part shall  
8143 self-report conviction, arrest, or offense information in accordance with rules established by the  
8144 [~~State Board of Education~~] state board.

8145 (2) An LEA shall report conviction, arrest, or offense information received from  
8146 licensed educators under Subsection (1) to the [~~State Board of Education~~] state board in  
8147 accordance with rules established by the [~~State Board of Education~~] state board.

8148 Section 221. Section **53G-11-407** is amended to read:

8149 **53G-11-407. Update criminal background check rules and policies.**

8150 On or before September 1, 2015:

8151 (1) the [~~State Board of Education~~] state board shall update the [~~State Board of~~  
8152 ~~Education's~~] state board's criminal background check rules consistent with this part; and

8153 (2) an LEA shall update the LEA's criminal background check policies consistent with  
8154 this part.

8155 Section 222. Section **53G-11-408** is amended to read:

8156 **53G-11-408. Training provided to authorized entities.**

8157 The [~~State Board of Education~~] state board shall collaborate with the bureau to provide  
8158 training to authorized entities on the provisions of this part.

8159 Section 223. Section **53G-11-501** is amended to read:

8160 **53G-11-501. Definitions.**

8161 As used in this part:

8162 (1) "Administrator" means an individual who supervises educators and holds an  
8163 appropriate license issued by the [~~State Board of Education~~] state board.

8164 (2) "Career educator" means a licensed employee who has a reasonable expectation of  
8165 continued employment under the policies of a local school board.

8166 (3) "Career employee" means an employee of a school district who has obtained a  
8167 reasonable expectation of continued employment based upon Section **53G-11-503** and an  
8168 agreement with the employee or the employee's association, district practice, or policy.

8169 (4) "Contract term" or "term of employment" means the period of time during which an  
8170 employee is engaged by the school district under a contract of employment, whether oral or  
8171 written.

8172 (5) "Dismissal" or "termination" means:

8173 (a) termination of the status of employment of an employee;

8174 (b) failure to renew or continue the employment contract of a career employee beyond  
8175 the then-current school year;

8176 (c) reduction in salary of an employee not generally applied to all employees of the  
8177 same category employed by the school district during the employee's contract term; or

8178 (d) change of assignment of an employee with an accompanying reduction in pay,  
8179 unless the assignment change and salary reduction are agreed to in writing.

8180 (6) "Educator" means an individual employed by a school district who is required to  
8181 hold a professional license issued by the [~~State Board of Education~~] state board, except:

8182 (a) a superintendent; or

8183 (b) an individual who works less than [~~three~~] three hours per day or is hired for less  
8184 than half of a school year.

8185 (7) (a) "Employee" means a career or provisional employee of a school district, except  
8186 as provided in Subsection (7)(b).

8187 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not  
8188 include:

8189 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the  
8190 Blind;

8191 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf  
8192 and the Blind; or

8193 (iii) a temporary employee.

8194 (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates  
8195 the termination of an employee who started to work for a district most recently before  
8196 terminating a more senior employee.

8197 [~~(9) "Probationary educator" means an educator employed by a school district who,  
8198 under local school board policy, has been advised by the school district that the educator's  
8199 performance is inadequate.]~~

8200 [~~(10)~~] (9) "Provisional educator" means an educator employed by a school district who  
8201 has not achieved status as a career educator within the school district.

8202 [~~(11)~~] (10) "Provisional employee" means an individual, other than a career employee  
8203 or a temporary employee, who is employed by a school district.

8204 [~~(12)~~] (11) "School board" or "board" means a [~~district~~] local school board or, for the  
8205 Utah Schools for the Deaf and the Blind, the [~~State Board of Education~~] state board.



8206            [~~(13)~~] (12) "School district" or "district" means:

8207            (a) a public school district; or

8208            (b) the Utah Schools for the Deaf and the Blind.

8209            [~~(14)~~] (13) "Summative evaluation" means the annual evaluation that summarizes an  
8210 educator's performance during a school year and that is used to make decisions related to the  
8211 educator's employment.

8212            [~~(15)~~] (14) "Temporary employee" means an individual who is employed on a  
8213 temporary basis as defined by policies adopted by the [~~local~~] school board [~~of education~~]. If  
8214 the class of employees in question is represented by an employee organization recognized by  
8215 the [~~local~~] school board, the school board shall adopt the school board's policies based upon an  
8216 agreement with that organization. Temporary employees serve at will and have no expectation  
8217 of continued employment.

8218            [~~(16)~~] (15) (a) "Unsatisfactory performance" means a deficiency in performing work  
8219 tasks that may be:

8220            (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and

8221            (ii) remediated through training, study, mentoring, or practice.

8222            (b) "Unsatisfactory performance" does not include the following conduct that is  
8223 designated as a cause for termination under Section [53G-11-512](#) or a reason for license  
8224 discipline by the [~~State Board of Education~~] state board or Utah Professional Practices  
8225 Advisory Commission:

8226            (i) a violation of work [~~rules~~] policies;

8227            (ii) a violation of [~~local~~] school board policies, [~~State Board of Education~~] state board  
8228 rules, or law;

8229            (iii) a violation of standards of ethical, moral, or professional conduct; or

8230            (iv) insubordination.

8231            Section 224. Section [53G-11-501.5](#) is amended to read:

8232            **53G-11-501.5. Legislative findings.**

8233            (1) The Legislature finds that the effectiveness of public educators can be improved

8234 and enhanced by providing specific feedback and support for improvement through a  
8235 systematic, fair, and competent annual evaluation and remediation of public educators whose  
8236 performance is inadequate.

8237 (2) The [~~State Board of Education~~] state board and each local school board shall  
8238 implement Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,  
8239 53G-11-510, and 53G-11-511 in accordance with Subsections 53E-2-302(7) and  
8240 53E-6-103(2)(a) and (b), to:

8241 (a) allow the educator and the school district to promote the professional growth of the  
8242 educator; and

8243 (b) identify and encourage quality instruction in order to improve student academic  
8244 growth.

8245 Section 225. Section 53G-11-504 is amended to read:

8246 **53G-11-504. Evaluation of employee performance.**

8247 (1) Except as provided in Subsection (2), a local school board shall require that the  
8248 performance of each school district employee be evaluated annually in accordance with rules of  
8249 the [~~State Board of Education~~] state board adopted in accordance with this part [~~and Title 63G,~~  
8250 ~~Chapter 3, Utah Administrative Rulemaking Act~~].

8251 (2) Rules adopted by the [~~State Board of Education~~] state board under Subsection (1)  
8252 may include an exemption from annual performance evaluations for a temporary employee or a  
8253 part-time employee.

8254 Section 226. Section 53G-11-505 is amended to read:

8255 **53G-11-505. State board rules -- Reporting to Legislature.**

8256 (1) Subject to Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,  
8257 53G-11-510, and 53G-11-511, rules adopted by the [~~State Board of Education~~] state board  
8258 under Section 53G-11-504 shall:

8259 (a) provide general guidelines, requirements, and procedures for the development and  
8260 implementation of employee evaluations;

8261 (b) establish required components and allow for optional components of employee

8262 evaluations;

8263 (c) require school districts to choose valid and reliable methods and tools to implement  
8264 the evaluations; and

8265 (d) establish a timeline for school districts to implement employee evaluations.

8266 (2) The [~~State Board of Education~~] state board shall report to the Education Interim  
8267 Committee, as requested, on progress in implementing employee evaluations in accordance  
8268 with this section and Sections 53G-11-504, 53G-11-506, 53G-11-507, 53G-11-508,  
8269 53G-11-509, 53G-11-510, and 53G-11-511.

8270 Section 227. Section 53G-11-506 is amended to read:

8271 **53G-11-506. Establishment of educator evaluation program -- Joint committee.**

8272 (1) A local school board shall develop an educator evaluation program in consultation  
8273 with its joint committee.

8274 (2) The joint committee described in Subsection (1) shall consist of an equal number of  
8275 classroom teachers, parents, and administrators appointed by the local school board.

8276 (3) A local school board may appoint members of the joint committee from a list of  
8277 nominees:

8278 (a) voted on by classroom teachers in a nomination election;

8279 (b) voted on by the administrators in a nomination election; and

8280 (c) of parents submitted by school community councils within the district.

8281 (4) Subject to Subsection (5), the joint committee may:

8282 (a) adopt or adapt an evaluation program for educators based on a model developed by  
8283 the [~~State Board of Education~~] state board; or

8284 (b) create the local school board's own evaluation program for educators.

8285 (5) The evaluation program developed by the joint committee shall comply with the  
8286 requirements of Sections 53G-11-507 through 53G-11-511 and rules adopted by the [~~State  
8287 Board of Education~~] state board under Section 53G-11-510.

8288 Section 228. Section 53G-11-507 is amended to read:

8289 **53G-11-507. Components of educator evaluation program.**

8290 (1) A local school board in consultation with a joint committee established in Section  
8291 53G-11-506 shall adopt a reliable and valid educator evaluation program that evaluates  
8292 educators based on educator professional standards established by the [~~State Board of~~  
8293 ~~Education~~] state board and includes:

- 8294 (a) a systematic annual evaluation of all provisional, probationary, and career  
8295 educators;
- 8296 (b) use of multiple lines of evidence, including:
  - 8297 (i) self-evaluation;
  - 8298 (ii) student and parent input;
  - 8299 (iii) for an administrator, employee input;
  - 8300 (iv) a reasonable number of supervisor observations to ensure adequate reliability;
  - 8301 (v) evidence of professional growth and other indicators of instructional improvement  
8302 based on educator professional standards established by the [~~State Board of Education~~] state  
8303 board; and
  - 8304 (vi) student academic growth data;
- 8305 (c) a summative evaluation that differentiates among four levels of performance; and
- 8306 (d) for an administrator, the effectiveness of evaluating employee performance in a  
8307 school or school district for which the administrator has responsibility.

8308 (2) (a) An educator evaluation program described in Subsection (1) may include a  
8309 reasonable number of peer observations.

8310 (b) An educator evaluation program described in Subsection (1) may not use  
8311 end-of-level assessment scores in educator evaluation.

8312 Section 229. Section **53G-11-508** is amended to read:

8313 **53G-11-508. Summative evaluation timelines -- Review of summative evaluations.**

8314 (1) The person responsible for administering an educator's summative evaluation shall:

- 8315 (a) at least 15 days before an educator's first evaluation:
  - 8316 (i) notify the educator of the evaluation process; and
  - 8317 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;

8318 (b) allow the educator to respond to any part of the evaluation;

8319 (c) attach the educator's response to the evaluation if the educator's response is  
8320 provided in writing;

8321 (d) within 15 days after the evaluation process is completed, discuss the written  
8322 evaluation with the educator; and

8323 (e) based upon the educator's performance, assign to the educator one of the four levels  
8324 of performance described in Section 53G-11-507.

8325 (2) An educator who is not satisfied with a summative evaluation may request a review  
8326 of the evaluation within 15 days after receiving the written evaluation.

8327 (3) (a) If a review is requested in accordance with Subsection (2), the school district  
8328 superintendent or the superintendent's designee shall appoint a person not employed by the  
8329 school district who has expertise in teacher or personnel evaluation to review the evaluation  
8330 procedures and make recommendations to the superintendent regarding the educator's  
8331 summative evaluation.

8332 (b) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
8333 ~~the State Board of Education]~~ The state board shall make rules prescribing standards for an  
8334 independent review of an educator's summative evaluation.

8335 (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be  
8336 conducted in accordance with ~~[State Board of Education]~~ state board rules made under  
8337 Subsection (3)(b).

8338 Section 230. Section 53G-11-510 is amended to read:

8339 **53G-11-510. State board to describe a framework for the evaluation of educators.**

8340 (1) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
8341 ~~the State Board of Education]~~ The state board shall make rules:

8342 (a) describing a framework for the evaluation of educators that is consistent with the  
8343 requirements of Part 3, Licensed Employee Requirements, and Sections 53G-11-506,  
8344 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; and

8345 (b) requiring an educator's summative evaluation to be based on:

8346 (i) educator professional standards established by the [~~State Board of Education~~] state  
8347 board; and

8348 (ii) the requirements described in Subsection 53G-11-507(1).

8349 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level  
8350 assessment scores in educator evaluation.

8351 Section 231. Section 53G-11-511 is amended to read:

8352 **53G-11-511. Report of performance levels.**

8353 (1) A school district shall report to the [~~State Board of Education~~] state board the  
8354 number and percent of educators in each of the four levels of performance assigned under  
8355 Section 53G-11-508.

8356 (2) The data reported under Subsection (1) shall be separately reported for the  
8357 following educator classifications:

8358 (a) administrators;

8359 (b) teachers, including separately reported data for provisional teachers and career  
8360 teachers; and

8361 (c) other classifications or demographics of educators as determined by the [~~State~~  
8362 ~~Board of Education~~] state board.

8363 (3) The state superintendent shall include the data reported by school districts under  
8364 this section in the state superintendent's annual report of the public school system required by  
8365 Section 53E-3-301.

8366 (4) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
8367 ~~the State Board of Education~~] The state board shall make rules to ensure the privacy and  
8368 protection of individual evaluation data.

8369 Section 232. Section 53G-11-512 is amended to read:

8370 **53G-11-512. Local school board to establish dismissal procedures.**

8371 (1) A local school board shall, by contract with its employees or their associations, or  
8372 by resolution of the local school board, establish procedures for dismissal of employees in an  
8373 orderly manner without discrimination.

- 8374 (2) The procedures shall include:
- 8375 (a) standards of due process;
- 8376 (b) causes for dismissal; and
- 8377 (c) procedures and standards related to developing and implementing a plan of
- 8378 assistance for a career employee whose performance is unsatisfactory.
- 8379 (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c)
- 8380 shall require a plan of assistance to identify:
- 8381 (a) specific, measurable, and actionable deficiencies;
- 8382 (b) the available resources provided for improvement; and
- 8383 (c) a course of action to improve employee performance.
- 8384 (4) If a career employee exhibits both unsatisfactory performance as described in
- 8385 Subsection [53G-11-501](#)(16)(a) and conduct described in Subsection [53G-11-501](#)(16)(b), an
- 8386 employer:
- 8387 (a) may:
- 8388 (i) attempt to remediate the conduct of the career employee; or
- 8389 (ii) terminate the career employee for cause if the conduct merits dismissal consistent
- 8390 with procedures established by the local school board; and
- 8391 (b) is not required to develop and implement a plan of assistance for the career
- 8392 employee, as provided in Section [53G-11-514](#).
- 8393 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
- 8394 remediated, and unsatisfactory performance issues remain, an employer shall develop and
- 8395 implement a plan of assistance for the career employee, as provided in Section [53G-11-514](#).
- 8396 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
- 8397 remediated, an employer:
- 8398 (a) may dismiss the career employee for cause in accordance with procedures
- 8399 established by the local school board that include standards of due process and causes for
- 8400 dismissal; and
- 8401 (b) is not required to develop and implement a plan of assistance for the career

8402 employee, as provided in Section 53G-11-514.

8403 Section 233. Section 53G-11-518 is amended to read:

8404 **53G-11-518. State board to make rules on performance compensation.**

8405 (1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
8406 ~~the State Board of Education~~] The state board shall make rules requiring a school district's  
8407 employee compensation system to be aligned with the district's annual evaluation system  
8408 described in Section 53G-11-507.

8409 (2) Rules adopted under Subsection (1) shall:

8410 (a) establish a timeline for developing and implementing an employee compensation  
8411 system that is aligned with an annual evaluation system; and

8412 (b) provide that beginning no later than the 2016-17 school year:

8413 (i) any advancement on an adopted wage or salary schedule:

8414 (A) shall be based primarily on an evaluation; and

8415 (B) may not be based on end-of-level assessment scores; and

8416 (ii) an employee may not advance on an adopted wage or salary schedule if the  
8417 employee's rating on the most recent evaluation is at the lowest level of an evaluation  
8418 instrument.

8419 Section 234. Section 63G-2-302 is amended to read:

8420 **63G-2-302. Private records.**

8421 (1) The following records are private:

8422 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
8423 social services, welfare benefits, or the determination of benefit levels;

8424 (b) records containing data on individuals describing medical history, diagnosis,  
8425 condition, treatment, evaluation, or similar medical data;

8426 (c) records of publicly funded libraries that when examined alone or with other records  
8427 identify a patron;

8428 (d) records received by or generated by or for:

8429 (i) the Independent Legislative Ethics Commission, except for:



- 8430 (A) the commission's summary data report that is required under legislative rule; and
- 8431 (B) any other document that is classified as public under legislative rule; or
- 8432 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
- 8433 unless the record is classified as public under legislative rule;
- 8434 (e) records received by, or generated by or for, the Independent Executive Branch
- 8435 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
- 8436 of Executive Branch Ethics Complaints;
- 8437 (f) records received or generated for a Senate confirmation committee concerning
- 8438 character, professional competence, or physical or mental health of an individual:
- 8439 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 8440 (A) reasonably could be expected to interfere with the investigation undertaken by the
- 8441 committee; or
- 8442 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 8443 impartial hearing; and
- 8444 (ii) after the meeting, if the meeting was closed to the public;
- 8445 (g) employment records concerning a current or former employee of, or applicant for
- 8446 employment with, a governmental entity that would disclose that individual's home address,
- 8447 home telephone number, social security number, insurance coverage, marital status, or payroll
- 8448 deductions;
- 8449 (h) records or parts of records under Section [63G-2-303](#) that a current or former
- 8450 employee identifies as private according to the requirements of that section;
- 8451 (i) that part of a record indicating a person's social security number or federal employer
- 8452 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),
- 8453 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);
- 8454 (j) that part of a voter registration record identifying a voter's:
- 8455 (i) driver license or identification card number;
- 8456 (ii) social security number, or last four digits of the social security number;
- 8457 (iii) email address; or

- 8458 (iv) date of birth;
- 8459 (k) a voter registration record that is classified as a private record by the lieutenant
- 8460 governor or a county clerk under Subsection 20A-2-104(4)(f), 20A-2-101.1(5)(a), or
- 8461 20A-2-204(4)(b);
- 8462 (l) a record that:
- 8463 (i) contains information about an individual;
- 8464 (ii) is voluntarily provided by the individual; and
- 8465 (iii) goes into an electronic database that:
- 8466 (A) is designated by and administered under the authority of the Chief Information
- 8467 Officer; and
- 8468 (B) acts as a repository of information about the individual that can be electronically
- 8469 retrieved and used to facilitate the individual's online interaction with a state agency;
- 8470 (m) information provided to the Commissioner of Insurance under:
- 8471 (i) Subsection 31A-23a-115(3)(a);
- 8472 (ii) Subsection 31A-23a-302(4); or
- 8473 (iii) Subsection 31A-26-210(4);
- 8474 (n) information obtained through a criminal background check under Title 11, Chapter
- 8475 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 8476 (o) information provided by an offender that is:
- 8477 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 8478 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and
- 8479 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
- 8480 77-43-108(4);
- 8481 (p) a statement and any supporting documentation filed with the attorney general in
- 8482 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
- 8483 homeland security;
- 8484 (q) electronic toll collection customer account information received or collected under
- 8485 Section 72-6-118 and customer information described in Section 17B-2a-815 received or

8486 collected by a public transit district, including contact and payment information and customer  
8487 travel data;

8488 (r) an email address provided by a military or overseas voter under Section  
8489 [20A-16-501](#);

8490 (s) a completed military-overseas ballot that is electronically transmitted under Title  
8491 20A, Chapter 16, Uniform Military and Overseas Voters Act;

8492 (t) records received by or generated by or for the Political Subdivisions Ethics Review  
8493 Commission established in Section [63A-15-201](#), except for:

8494 (i) the commission's summary data report that is required in Section [63A-15-202](#); and

8495 (ii) any other document that is classified as public in accordance with Title 63A,  
8496 Chapter 15, Political Subdivisions Ethics Review Commission;

8497 (u) a record described in [~~Subsection [53G-9-604\(3\)](#)] [Section 53G-9-604](#) that verifies  
8498 that a parent was notified of an incident or threat;~~

8499 (v) a criminal background check or credit history report conducted in accordance with  
8500 Section [63A-3-201](#); and

8501 (w) a record described in Subsection [53-5a-104\(7\)](#).

8502 (2) The following records are private if properly classified by a governmental entity:

8503 (a) records concerning a current or former employee of, or applicant for employment  
8504 with a governmental entity, including performance evaluations and personal status information  
8505 such as race, religion, or disabilities, but not including records that are public under Subsection  
8506 [63G-2-301\(2\)\(b\)](#) or [63G-2-301\(3\)\(o\)](#) or private under Subsection (1)(b);

8507 (b) records describing an individual's finances, except that the following are public:

8508 (i) records described in Subsection [63G-2-301\(2\)](#);

8509 (ii) information provided to the governmental entity for the purpose of complying with  
8510 a financial assurance requirement; or

8511 (iii) records that must be disclosed in accordance with another statute;

8512 (c) records of independent state agencies if the disclosure of those records would  
8513 conflict with the fiduciary obligations of the agency;

8514 (d) other records containing data on individuals the disclosure of which constitutes a  
8515 clearly unwarranted invasion of personal privacy;

8516 (e) records provided by the United States or by a government entity outside the state  
8517 that are given with the requirement that the records be managed as private records, if the  
8518 providing entity states in writing that the record would not be subject to public disclosure if  
8519 retained by it;

8520 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
8521 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
8522 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

8523 (g) audio and video recordings created by a body-worn camera, as defined in Section  
8524 77-7a-103, that record sound or images inside a home or residence except for recordings that:

8525 (i) depict the commission of an alleged crime;

8526 (ii) record any encounter between a law enforcement officer and a person that results in  
8527 death or bodily injury, or includes an instance when an officer fires a weapon;

8528 (iii) record any encounter that is the subject of a complaint or a legal proceeding  
8529 against a law enforcement officer or law enforcement agency;

8530 (iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);

8531 or

8532 (v) have been requested for reclassification as a public record by a subject or  
8533 authorized agent of a subject featured in the recording.

8534 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
8535 records, statements, history, diagnosis, condition, treatment, and evaluation.

8536 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
8537 doctors, or affiliated entities are not private records or controlled records under Section  
8538 63G-2-304 when the records are sought:

8539 (i) in connection with any legal or administrative proceeding in which the patient's  
8540 physical, mental, or emotional condition is an element of any claim or defense; or

8541 (ii) after a patient's death, in any legal or administrative proceeding in which any party

8542 relies upon the condition as an element of the claim or defense.

8543 (c) Medical records are subject to production in a legal or administrative proceeding  
8544 according to state or federal statutes or rules of procedure and evidence as if the medical  
8545 records were in the possession of a nongovernmental medical care provider.

8546 Section 235. Section **63J-1-220** is amended to read:

8547 **63J-1-220. Reporting related to pass through money distributed by state**  
8548 **agencies.**

8549 (1) As used in this section:

8550 (a) "Local government entity" means a county, municipality, school district, local  
8551 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special  
8552 service district under Title 17D, Chapter 1, Special Service District Act, or any other political  
8553 subdivision of the state.

8554 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state  
8555 agency that is intended to be passed through the state agency to one or more:

8556 (A) local government entities;

8557 (B) private organizations, including not-for-profit organizations; or

8558 (C) persons in the form of a loan or grant.

8559 (ii) "Pass through funding" may be:

8560 (A) general funds, dedicated credits, or any combination of state funding sources; and

8561 (B) ongoing or one-time.

8562 (c) "Recipient entity" means a local government entity or private entity, including a  
8563 nonprofit entity, that receives money by way of pass through funding from a state agency.

8564 (d) "State agency" means a department, commission, board, council, agency,  
8565 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,  
8566 unit, bureau, panel, or other administrative unit of the executive branch of the state.

8567 (e) (i) "State money" means money that is owned, held, or administered by a state  
8568 agency and derived from state fees or tax revenues.

8569 (ii) "State money" does not include contributions or donations received by a state

8570 agency.

8571 (2) A state agency may not provide a recipient entity state money through pass through  
8572 funding unless:

8573 (a) the state agency enters into a written agreement with the recipient entity; and

8574 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to  
8575 provide the state agency:

8576 (i) a written description and an itemized report at least annually detailing the  
8577 expenditure of the state money, or the intended expenditure of any state money that has not  
8578 been spent; and

8579 (ii) a final written itemized report when all the state money is spent.

8580 (3) A state agency shall provide to the Governor's Office of Management and Budget a  
8581 copy of a written description or itemized report received by the state agency under Subsection  
8582 (2).

8583 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this  
8584 section to the extent that the pass through funding is issued:

8585 (a) under a competitive award process;

8586 (b) in accordance with a formula enacted in statute;

8587 (c) in accordance with a state program under parameters in statute or rule that guides  
8588 the distribution of the pass through funding; or

8589 (d) under the authority of the [~~minimum school program~~] Minimum School Program,  
8590 as defined in [~~Subsection~~] Section 53F-2-102[(7)(c)].

8591 Section 236. **Revisor instructions.**

8592 The Legislature intends that the Office of Legislative Research and General Counsel, in  
8593 preparing the Utah Code database for publication, not enroll this bill if H.B. 27, Public  
8594 Education Definitions Amendments, does not pass.