

PUBLIC EDUCATION DEFINITIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Ann Millner

LONG TITLE

Committee Note:

The Education Interim Committee recommended this bill.

General Description:

This bill defines terms that apply to the public education code and amends provisions in the public education code related to defined terms.

Highlighted Provisions:

This bill:

▸ defines terms that apply to:

- Title 53E, Public Education System -- State Administration;
- Title 53F, Public Education System -- Funding; and
- Title 53G, Public Education System -- Local Administration;

▸ amends provisions in Title 53E, Public Education System -- State Administration, and Title 53F, Public Education System -- Funding, to use and conform with the defined terms;

▸ 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:

26-7-9, as last amended by Laws of Utah 2018, Chapter 415

53E-1-102, as enacted by Laws of Utah 2018, Chapter 1

53E-2-201, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-2-202, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-2-301, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-2-302, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-2-303, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-2-304, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-201, as last amended by Laws of Utah 2018, Chapter 336 and renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-202, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-203, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-204, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-301, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-302, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-303, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-401, as last amended by Laws of Utah 2018, Chapters 200, 383 and renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-402, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-403, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-501, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-503, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-504, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-505, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-506, as renumbered and amended by Laws of Utah 2018, Chapter 1

53E-3-507, as renumbered and amended by Laws of Utah 2018, Chapter 1

59 **53E-3-508**, as renumbered and amended by Laws of Utah 2018, Chapter 1
60 **53E-3-509**, as renumbered and amended by Laws of Utah 2018, Chapter 1
61 **53E-3-510**, as renumbered and amended by Laws of Utah 2018, Chapter 1
62 **53E-3-511**, as renumbered and amended by Laws of Utah 2018, Chapter 1
63 **53E-3-512**, as renumbered and amended by Laws of Utah 2018, Chapter 1
64 **53E-3-513**, as renumbered and amended by Laws of Utah 2018, Chapter 1
65 **53E-3-515**, as renumbered and amended by Laws of Utah 2018, Chapter 1
66 **53E-3-516**, as enacted by Laws of Utah 2018, Chapter 302
67 **53E-3-517**, as enacted by Laws of Utah 2018, Chapter 73
68 **53E-3-602**, as renumbered and amended by Laws of Utah 2018, Chapter 1
69 **53E-3-603**, as renumbered and amended by Laws of Utah 2018, Chapter 1
70 **53E-3-702**, as renumbered and amended by Laws of Utah 2018, Chapter 1
71 **53E-3-703**, as renumbered and amended by Laws of Utah 2018, Chapter 1
72 **53E-3-705**, as renumbered and amended by Laws of Utah 2018, Chapter 1
73 **53E-3-706**, as renumbered and amended by Laws of Utah 2018, Chapter 1
74 **53E-3-707**, as renumbered and amended by Laws of Utah 2018, Chapter 1
75 **53E-3-709**, as renumbered and amended by Laws of Utah 2018, Chapter 1
76 **53E-3-801**, as renumbered and amended by Laws of Utah 2018, Chapter 1
77 **53E-3-802**, as renumbered and amended by Laws of Utah 2018, Chapter 1
78 **53E-3-903**, as renumbered and amended by Laws of Utah 2018, Chapter 1
79 **53E-4-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
80 **53E-4-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
81 **53E-4-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
82 **53E-4-205**, as renumbered and amended by Laws of Utah 2018, Chapter 1
83 **53E-4-206**, as renumbered and amended by Laws of Utah 2018, Chapter 1
84 **53E-4-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
85 **53E-4-301.5**, as renumbered and amended by Laws of Utah 2018, Chapter 1
86 **53E-4-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
87 **53E-4-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
88 **53E-4-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
89 **53E-4-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1

90 **53E-4-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1
91 **53E-4-307**, as renumbered and amended by Laws of Utah 2018, Chapter 1
92 **53E-4-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1
93 **53E-4-309**, as renumbered and amended by Laws of Utah 2018, Chapter 1
94 **53E-4-310**, as renumbered and amended by Laws of Utah 2018, Chapter 1
95 **53E-4-311**, as renumbered and amended by Laws of Utah 2018, Chapter 1
96 **53E-4-312**, as renumbered and amended by Laws of Utah 2018, Chapter 1
97 **53E-4-314**, as enacted by Laws of Utah 2018, Chapter 389
98 **53E-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
99 **53E-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1
100 **53E-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 1
101 **53E-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 1
102 **53E-4-407**, as last amended by Laws of Utah 2018, Chapter 148 and renumbered and
103 amended by Laws of Utah 2018, Chapter 1
104 **53E-4-408**, as renumbered and amended by Laws of Utah 2018, Chapter 1
105 **53E-5-201**, as renumbered and amended by Laws of Utah 2018, Chapter 1
106 **53E-5-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
107 **53E-5-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
108 **53E-5-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
109 **53E-5-205**, as renumbered and amended by Laws of Utah 2018, Chapter 1
110 **53E-5-206**, as renumbered and amended by Laws of Utah 2018, Chapter 1
111 **53E-5-207**, as renumbered and amended by Laws of Utah 2018, Chapter 1
112 **53E-5-208**, as renumbered and amended by Laws of Utah 2018, Chapter 1
113 **53E-5-209**, as renumbered and amended by Laws of Utah 2018, Chapter 1
114 **53E-5-210**, as renumbered and amended by Laws of Utah 2018, Chapter 1
115 **53E-5-211**, as renumbered and amended by Laws of Utah 2018, Chapter 1
116 **53E-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
117 **53E-5-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
118 **53E-5-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
119 **53E-5-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
120 **53E-5-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1

121 **53E-5-306**, as renumbered and amended by Laws of Utah 2018, Chapter 1
122 **53E-5-307**, as renumbered and amended by Laws of Utah 2018, Chapter 1
123 **53E-5-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1
124 **53E-5-309**, as renumbered and amended by Laws of Utah 2018, Chapter 1
125 **53E-5-310**, as renumbered and amended by Laws of Utah 2018, Chapter 1
126 **53E-6-102**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
127 amended by Laws of Utah 2018, Chapter 1
128 **53E-6-103**, as renumbered and amended by Laws of Utah 2018, Chapter 1
129 **53E-6-201**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
130 amended by Laws of Utah 2018, Chapter 1
131 **53E-6-204**, as enacted by Laws of Utah 2018, Chapter 462
132 **53E-6-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
133 **53E-6-302**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
134 amended by Laws of Utah 2018, Chapter 1
135 **53E-6-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1
136 **53E-6-307**, as renumbered and amended by Laws of Utah 2018, Chapter 1
137 **53E-6-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1
138 **53E-6-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
139 **53E-6-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1
140 **53E-6-501**, as renumbered and amended by Laws of Utah 2018, Chapter 1
141 **53E-6-502**, as renumbered and amended by Laws of Utah 2018, Chapter 1
142 **53E-6-503**, as renumbered and amended by Laws of Utah 2018, Chapter 1
143 **53E-6-504**, as renumbered and amended by Laws of Utah 2018, Chapter 1
144 **53E-6-505**, as renumbered and amended by Laws of Utah 2018, Chapter 1
145 **53E-6-506**, as renumbered and amended by Laws of Utah 2018, Chapter 1
146 **53E-6-602**, as renumbered and amended by Laws of Utah 2018, Chapter 1
147 **53E-6-603**, as renumbered and amended by Laws of Utah 2018, Chapter 1
148 **53E-6-604**, as renumbered and amended by Laws of Utah 2018, Chapter 1
149 **53E-6-605**, as renumbered and amended by Laws of Utah 2018, Chapter 1
150 **53E-6-607**, as renumbered and amended by Laws of Utah 2018, Chapter 1
151 **53E-6-701**, as renumbered and amended by Laws of Utah 2018, Chapter 1

152 **53E-6-702**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
153 amended by Laws of Utah 2018, Chapter 1
154 **53E-6-703**, as renumbered and amended by Laws of Utah 2018, Chapter 1
155 **53E-6-801**, as renumbered and amended by Laws of Utah 2018, Chapter 1
156 **53E-6-802**, as renumbered and amended by Laws of Utah 2018, Chapter 1
157 **53E-6-902**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
158 amended by Laws of Utah 2018, Chapter 1
159 **53E-7-202**, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and
160 amended by Laws of Utah 2018, Chapter 1
161 **53E-7-204**, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and
162 amended by Laws of Utah 2018, Chapter 1
163 **53E-7-208**, as renumbered and amended by Laws of Utah 2018, Chapter 1
164 **53E-7-301**, as last amended by Laws of Utah 2018, Chapter 75 and renumbered and
165 amended by Laws of Utah 2018, Chapter 1
166 **53E-7-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1
167 **53E-8-102**, as renumbered and amended by Laws of Utah 2018, Chapter 1
168 **53E-8-201**, as renumbered and amended by Laws of Utah 2018, Chapter 1
169 **53E-8-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
170 **53E-8-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1
171 **53E-8-302**, as renumbered and amended by Laws of Utah 2018, Chapter 1
172 **53E-8-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1
173 **53E-8-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1
174 **53E-8-406**, as renumbered and amended by Laws of Utah 2018, Chapter 1
175 **53E-8-407**, as renumbered and amended by Laws of Utah 2018, Chapter 1
176 **53E-8-408**, as renumbered and amended by Laws of Utah 2018, Chapter 1
177 **53E-8-409**, as renumbered and amended by Laws of Utah 2018, Chapter 1
178 **53E-9-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1
179 **53E-9-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
180 **53E-9-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1
181 **53E-9-301**, as last amended by Laws of Utah 2018, Chapters 304, 389 and renumbered
182 and amended by Laws of Utah 2018, Chapter 1

183 **53E-9-302**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
184 amended by Laws of Utah 2018, Chapter 1

185 **53E-9-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1

186 **53E-9-304**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
187 amended by Laws of Utah 2018, Chapter 1

188 **53E-9-305**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
189 amended by Laws of Utah 2018, Chapter 1

190 **53E-9-306**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
191 amended by Laws of Utah 2018, Chapter 1

192 **53E-9-307**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
193 amended by Laws of Utah 2018, Chapter 1

194 **53E-9-308**, as last amended by Laws of Utah 2018, Chapters 285, 304 and renumbered
195 and amended by Laws of Utah 2018, Chapter 1

196 **53E-9-309**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
197 amended by Laws of Utah 2018, Chapter 1

198 **53E-9-310**, as last amended by Laws of Utah 2018, Chapter 304 and renumbered and
199 amended by Laws of Utah 2018, Chapter 1

200 **53E-10-202**, as renumbered and amended by Laws of Utah 2018, Chapter 1

201 **53E-10-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1

202 **53E-10-206**, as renumbered and amended by Laws of Utah 2018, Chapter 1

203 **53E-10-302**, as last amended by Laws of Utah 2018, Chapter 410 and renumbered and
204 amended by Laws of Utah 2018, Chapter 1

205 **53E-10-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1

206 **53E-10-308**, as renumbered and amended by Laws of Utah 2018, Chapter 1

207 **53E-10-401**, as renumbered and amended by Laws of Utah 2018, Chapter 1

208 **53E-10-402**, as renumbered and amended by Laws of Utah 2018, Chapter 1

209 **53E-10-403**, as renumbered and amended by Laws of Utah 2018, Chapter 1

210 **53E-10-405**, as renumbered and amended by Laws of Utah 2018, Chapter 1

211 **53E-10-406**, as renumbered and amended by Laws of Utah 2018, Chapter 1

212 **53E-10-503**, as renumbered and amended by Laws of Utah 2018, Chapter 1

213 **53E-10-504**, as renumbered and amended by Laws of Utah 2018, Chapter 1

214 **53E-10-505**, as renumbered and amended by Laws of Utah 2018, Chapter 1
215 **53E-10-601**, as renumbered and amended by Laws of Utah 2018, Chapter 1
216 **53E-10-603**, as renumbered and amended by Laws of Utah 2018, Chapter 1
217 **53E-10-606**, as renumbered and amended by Laws of Utah 2018, Chapter 1
218 **53E-10-607**, as renumbered and amended by Laws of Utah 2018, Chapter 1
219 **53E-10-609**, as renumbered and amended by Laws of Utah 2018, Chapter 1
220 **53E-10-701**, as enacted by Laws of Utah 2018, Chapter 341
221 **53E-10-703**, as enacted by Laws of Utah 2018, Chapter 341
222 **53E-10-704**, as enacted by Laws of Utah 2018, Chapter 341
223 **53E-10-705**, as enacted by Laws of Utah 2018, Chapter 341
224 **53E-10-706**, as enacted by Laws of Utah 2018, Chapter 341
225 **53E-10-707**, as enacted by Laws of Utah 2018, Chapter 341
226 **53F-2-102**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
227 amended by Laws of Utah 2018, Chapter 2
228 **53F-2-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
229 **53F-2-203**, as last amended by Laws of Utah 2018, Chapters 448, 456 and renumbered
230 and amended by Laws of Utah 2018, Chapter 2
231 **53F-2-204**, as renumbered and amended by Laws of Utah 2018, Chapter 2
232 **53F-2-205**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
233 amended by Laws of Utah 2018, Chapter 2
234 **53F-2-206**, as renumbered and amended by Laws of Utah 2018, Chapter 2
235 **53F-2-207**, as renumbered and amended by Laws of Utah 2018, Chapter 2
236 **53F-2-302**, as renumbered and amended by Laws of Utah 2018, Chapter 2
237 **53F-2-303**, as enacted by Laws of Utah 2018, Chapter 2
238 **53F-2-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2
239 **53F-2-305**, as renumbered and amended by Laws of Utah 2018, Chapter 2
240 **53F-2-306**, as renumbered and amended by Laws of Utah 2018, Chapter 2
241 **53F-2-307**, as renumbered and amended by Laws of Utah 2018, Chapter 2
242 **53F-2-308**, as renumbered and amended by Laws of Utah 2018, Chapter 2
243 **53F-2-309**, as renumbered and amended by Laws of Utah 2018, Chapter 2
244 **53F-2-310**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and

245 amended by Laws of Utah 2018, Chapter 2
246 **53F-2-311**, as renumbered and amended by Laws of Utah 2018, Chapter 2
247 **53F-2-312**, as last amended by Laws of Utah 2018, Chapters 208, 300, 456 and
248 renumbered and amended by Laws of Utah 2018, Chapter 2
249 **53F-2-313**, as renumbered and amended by Laws of Utah 2018, Chapter 2
250 **53F-2-401**, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and
251 amended by Laws of Utah 2018, Chapter 2
252 **53F-2-402**, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and
253 amended by Laws of Utah 2018, Chapter 2
254 **53F-2-403**, as renumbered and amended by Laws of Utah 2018, Chapter 2
255 **53F-2-404**, as last amended by Laws of Utah 2018, Chapter 448 and renumbered and
256 amended by Laws of Utah 2018, Chapter 2
257 **53F-2-405**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
258 amended by Laws of Utah 2018, Chapter 2
259 **53F-2-407**, as renumbered and amended by Laws of Utah 2018, Chapter 2
260 **53F-2-408**, as renumbered and amended by Laws of Utah 2018, Chapter 2
261 **53F-2-409**, as renumbered and amended by Laws of Utah 2018, Chapter 2
262 **53F-2-410**, as last amended by Laws of Utah 2018, Chapters 117, 165, 396 and
263 renumbered and amended by Laws of Utah 2018, Chapter 2
264 **53F-2-411**, as renumbered and amended by Laws of Utah 2018, Chapter 2
265 **53F-2-413**, as renumbered and amended by Laws of Utah 2018, Chapter 2
266 **53F-2-501**, as renumbered and amended by Laws of Utah 2018, Chapter 2
267 **53F-2-502**, as renumbered and amended by Laws of Utah 2018, Chapter 2 and repealed
268 and reenacted by Laws of Utah 2018, Chapter 98
269 **53F-2-503**, as last amended by Laws of Utah 2018, Chapters 300, 456 and renumbered
270 and amended by Laws of Utah 2018, Chapter 2
271 **53F-2-504**, as last amended by Laws of Utah 2018, Chapter 212 and renumbered and
272 amended by Laws of Utah 2018, Chapter 2
273 **53F-2-505**, as renumbered and amended by Laws of Utah 2018, Chapter 2
274 **53F-2-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
275 **53F-2-507**, as renumbered and amended by Laws of Utah 2018, Chapter 2

276 **53F-2-508**, as renumbered and amended by Laws of Utah 2018, Chapter 2
277 **53F-2-509**, as renumbered and amended by Laws of Utah 2018, Chapter 2
278 **53F-2-510**, as renumbered and amended by Laws of Utah 2018, Chapter 2
279 **53F-2-511**, as renumbered and amended by Laws of Utah 2018, Chapter 2
280 **53F-2-512**, as renumbered and amended by Laws of Utah 2018, Chapter 2
281 **53F-2-513**, as renumbered and amended by Laws of Utah 2018, Chapter 2
282 **53F-2-514**, as renumbered and amended by Laws of Utah 2018, Chapter 2
283 **53F-2-517**, as renumbered and amended by Laws of Utah 2018, Chapter 2
284 **53F-2-518**, as renumbered and amended by Laws of Utah 2018, Chapter 2
285 **53F-2-519**, as last amended by Laws of Utah 2018, Chapter 396 and renumbered and
286 amended by Laws of Utah 2018, Chapter 107
287 **53F-2-601**, as enacted by Laws of Utah 2018, Chapter 2
288 **53F-2-702**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and
289 amended by Laws of Utah 2018, Chapter 2
290 **53F-2-703**, as renumbered and amended by Laws of Utah 2018, Chapter 2
291 **53F-2-704**, as enacted by Laws of Utah 2018, Chapter 2 and last amended by Laws of
292 Utah 2018, Chapters 211, 300, 383, and 456
293 **53F-2-705**, as renumbered and amended by Laws of Utah 2018, Chapter 2
294 **53F-3-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
295 **53F-3-203**, as renumbered and amended by Laws of Utah 2018, Chapter 2
296 **53F-4-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2
297 **53F-4-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
298 **53F-4-203**, as enacted by Laws of Utah 2018, Chapter 2
299 **53F-4-204**, as renumbered and amended by Laws of Utah 2018, Chapter 2
300 **53F-4-205**, as renumbered and amended by Laws of Utah 2018, Chapter 2
301 **53F-4-206**, as renumbered and amended by Laws of Utah 2018, Chapter 2
302 **53F-4-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2
303 **53F-4-302**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
304 amended by Laws of Utah 2018, Chapter 2
305 **53F-4-303**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
306 amended by Laws of Utah 2018, Chapter 2

307 **53F-4-304**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
308 amended by Laws of Utah 2018, Chapter 2

309 **53F-4-305**, as last amended by Laws of Utah 2018, Chapter 168 and renumbered and
310 amended by Laws of Utah 2018, Chapter 2

311 **53F-4-306**, as renumbered and amended by Laws of Utah 2018, Chapter 2

312 **53F-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2

313 **53F-4-402**, as last amended by Laws of Utah 2018, Chapter 163 and renumbered and
314 amended by Laws of Utah 2018, Chapter 2

315 **53F-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2

316 **53F-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2

317 **53F-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2

318 **53F-4-407**, as renumbered and amended by Laws of Utah 2018, Chapter 2

319 **53F-4-501**, as renumbered and amended by Laws of Utah 2018, Chapter 2

320 **53F-4-503**, as renumbered and amended by Laws of Utah 2018, Chapter 2

321 **53F-4-504**, as renumbered and amended by Laws of Utah 2018, Chapter 2

322 **53F-4-507**, as renumbered and amended by Laws of Utah 2018, Chapter 2

323 **53F-4-508**, as renumbered and amended by Laws of Utah 2018, Chapter 2

324 **53F-4-510**, as renumbered and amended by Laws of Utah 2018, Chapter 2

325 **53F-4-511**, as renumbered and amended by Laws of Utah 2018, Chapter 2

326 **53F-4-512**, as renumbered and amended by Laws of Utah 2018, Chapter 2

327 **53F-4-514**, as renumbered and amended by Laws of Utah 2018, Chapter 2

328 **53F-4-516**, as renumbered and amended by Laws of Utah 2018, Chapter 2

329 **53F-5-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2

330 **53F-5-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2

331 **53F-5-203**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
332 amended by Laws of Utah 2018, Chapter 2

333 **53F-5-204**, as renumbered and amended by Laws of Utah 2018, Chapter 2

334 **53F-5-205**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
335 amended by Laws of Utah 2018, Chapter 2

336 **53F-5-207**, as renumbered and amended by Laws of Utah 2018, Chapter 2

337 **53F-5-208**, as renumbered and amended by Laws of Utah 2018, Chapter 2

338 **53F-5-209**, as enacted by Laws of Utah 2018, Chapter 412
339 **53F-5-210**, as enacted by Laws of Utah 2018, Chapter 358
340 **53F-5-211**, as enacted by Laws of Utah 2018, Chapter 441
341 **53F-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 2
342 **53F-5-302**, as renumbered and amended by Laws of Utah 2018, Chapter 2
343 **53F-5-303**, as renumbered and amended by Laws of Utah 2018, Chapter 2
344 **53F-5-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2
345 **53F-5-305**, as renumbered and amended by Laws of Utah 2018, Chapter 2
346 **53F-5-307**, as renumbered and amended by Laws of Utah 2018, Chapter 2
347 **53F-5-401**, as renumbered and amended by Laws of Utah 2018, Chapter 2
348 **53F-5-402**, as renumbered and amended by Laws of Utah 2018, Chapter 2
349 **53F-5-403**, as renumbered and amended by Laws of Utah 2018, Chapter 2
350 **53F-5-404**, as renumbered and amended by Laws of Utah 2018, Chapter 2
351 **53F-5-405**, as renumbered and amended by Laws of Utah 2018, Chapter 2
352 **53F-5-406**, as renumbered and amended by Laws of Utah 2018, Chapter 2
353 **53F-5-501**, as renumbered and amended by Laws of Utah 2018, Chapter 2
354 **53F-5-502**, as renumbered and amended by Laws of Utah 2018, Chapter 2
355 **53F-5-503**, as last amended by Laws of Utah 2018, Chapter 102 and renumbered and
356 amended by Laws of Utah 2018, Chapter 2
357 **53F-5-504**, as renumbered and amended by Laws of Utah 2018, Chapter 2
358 **53F-5-505**, as renumbered and amended by Laws of Utah 2018, Chapter 2
359 **53F-5-506**, as renumbered and amended by Laws of Utah 2018, Chapter 2
360 **53F-5-601**, as renumbered and amended by Laws of Utah 2018, Chapter 2
361 **53F-5-602**, as renumbered and amended by Laws of Utah 2018, Chapter 2
362 **53F-5-603**, as renumbered and amended by Laws of Utah 2018, Chapter 2
363 **53F-6-201**, as renumbered and amended by Laws of Utah 2018, Chapter 2
364 **53F-6-202**, as renumbered and amended by Laws of Utah 2018, Chapter 2
365 **53F-6-301**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and
366 amended by Laws of Utah 2018, Chapter 2
367 **53F-6-304**, as renumbered and amended by Laws of Utah 2018, Chapter 2
368 **53F-6-309**, as last amended by Laws of Utah 2018, Chapter 389 and renumbered and

amended by Laws of Utah 2018, Chapter 2

53F-7-201, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-7-301, as enacted by Laws of Utah 2018, Chapter 2

53F-8-201, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-8-402, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and amended by Laws of Utah 2018, Chapter 2

53F-8-403, as enacted by Laws of Utah 2018, Chapter 2

53F-9-202, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-9-203, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-9-206, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-9-301, as renumbered and amended by Laws of Utah 2018, Chapter 2

53F-9-302, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and amended by Laws of Utah 2018, Chapter 2

53F-9-304, as last amended by Laws of Utah 2018, Chapters 249, 329 and renumbered and amended by Laws of Utah 2018, Chapter 2

53F-9-305, as enacted by Laws of Utah 2018, Chapter 456

53F-9-306, as enacted by Laws of Utah 2018, Chapter 456

53F-9-401, as last amended by Laws of Utah 2018, Chapter 142 and renumbered and amended by Laws of Utah 2018, Chapter 2

53F-9-501, as renumbered and amended by Laws of Utah 2018, Chapter 2

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

Section 1. Section **26-7-9** is amended to read:

26-7-9. Online public health education module.

(1) As used in this section:

(a) "Health care provider" means the same as that term is defined in Section

78B-3-403.

(b) "Nonimmune" means that a child or an individual:

(i) has not received each vaccine required in Section **53G-9-305** and has not developed a natural immunity through previous illness to a vaccine-preventable disease, as documented by a health care provider;

- 400 (ii) cannot receive each vaccine required in Section 53G-9-305; or
401 (iii) is otherwise known to not be immune to a vaccine-preventable disease.
402 (c) "Vaccine-preventable disease" means an infectious disease that can be prevented by
403 a vaccination required in Section 53G-9-305.
- 404 (2) The department shall develop an online education module regarding
405 vaccine-preventable diseases:
- 406 (a) to assist a parent of a nonimmune child to:
- 407 (i) recognize the symptoms of vaccine-preventable diseases;
408 (ii) respond in the case of an outbreak of a vaccine-preventable disease;
409 (iii) protect children who contract a vaccine-preventable disease; and
410 (iv) prevent the spread of vaccine-preventable diseases;
- 411 (b) that contains only the following:
- 412 (i) information about vaccine-preventable diseases necessary to achieve the goals
413 stated in Subsection (2)(a), including the best practices to prevent the spread of
414 vaccine-preventable diseases;
- 415 (ii) recommendations to reduce the likelihood of a nonimmune individual contracting
416 or transmitting a vaccine-preventable disease; and
- 417 (iii) information about additional available resources related to vaccine-preventable
418 diseases and the availability of low-cost vaccines;
- 419 (c) that includes interactive questions or activities; and
420 (d) that is expected to take an average user 20 minutes or less to complete, based on
421 user testing.
- 422 (3) In developing the online education module described in Subsection (2), the
423 department shall consult with individuals interested in vaccination or vaccine-preventable
424 diseases, including:
- 425 (a) representatives from organizations of health care professionals; and
426 (b) parents of nonimmune children.
- 427 (4) The department shall make the online education module described in Subsection
428 (2) publicly available to parents through:
- 429 (a) a link on the department's website;
430 (b) county health departments, as that term is defined in Section 26A-1-102;

431 (c) local health departments, as that term is defined in Section [26A-1-102](#);
 432 (d) local education agencies, as that term is defined in Section ~~[53E-3-401]~~ [53E-1-102](#);
 433 and
 434 (e) other public health programs or organizations.
 435 (5) The department shall report to the Health and Human Services Interim Committee
 436 before November 30, 2018, regarding compliance with this section.

437 Section 2. Section **53E-1-102** is amended to read:

438 **53E-1-102. Public education code definitions.**

439 ~~[As]~~ Unless otherwise indicated, as used in this title, Title 53F, Public Education
 440 System -- Funding, and Title 53G, Public Education System -- Local Administration~~[-]~~;

441 (1) "Charter agreement" means an agreement made in accordance with Section
 442 [53G-5-303](#) that authorizes the operation of a charter school.

443 (2) "Charter school governing board" means the board that governs a charter school.

444 (3) "District school" means a public school under the control of a local school board.

445 (4) "Individualized education program" or "IEP" means a written statement for a
 446 student with a disability that is developed, reviewed, and revised in accordance with the
 447 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

448 (5) "LEA governing board" means:

449 (a) for a school district, the local school board;

450 (b) for a charter school, the charter school governing board; or

451 (c) for the Utah Schools for the Deaf and the Blind, the state board.

452 (6) "Local education agency" or "LEA" means:

453 (a) a school district;

454 (b) a charter school; or

455 (c) the Utah Schools for the Deaf and the Blind.

456 (7) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,
 457 Election of Members of Local Boards of Education.

458 (8) "Minimum School Program" means the same as that term is defined in Section
 459 [53F-2-102](#).

460 (9) "Parent" means a parent or legal guardian.

461 ~~["public"]~~ (10) "Public education code" means:

[~~(1)~~] (a) this title;

[~~(2)~~] (b) Title 53F, Public Education System -- Funding; and

[~~(3)~~] (c) Title 53G, Public Education System -- Local Administration.

(11) "Rule" means a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(12) "Section 504 accommodation plan" means a plan developed in accordance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student with a disability, to meet the student's educational needs and ensure equitable access to a free appropriate public education.

(13) "State board" means the State Board of Education.

(14) "State superintendent" means the state superintendent of public instruction appointed under Section [53E-3-301](#).

Section 3. Section **53E-2-201** is amended to read:

53E-2-201. Policy for Utah's public education system.

(1) (a) The continuous cultivation of an informed and virtuous citizenry among succeeding generations is essential to the state and the nation.

(b) The state's public education system is established and maintained as provided in Utah Constitution, Article X, and this public education code.

(c) Parents [~~and guardians~~] have the primary responsibility for the education of their children and elect representatives in the Legislature and on state and local school boards to administer the state public education system, which provides extensive support and assistance. All children of the state are entitled to a free elementary and secondary public education as provided in Utah Constitution, Article X.

(d) Public schools fulfill a vital purpose in the education and preparation of informed and responsible citizens who:

(i) fully understand and lawfully exercise their individual rights and liberties;

(ii) become self-reliant and able to provide for themselves and their families; and

(iii) contribute to the public good and the health, welfare, and security of the state and the nation.

(2) In the implementation of all policies, programs, and responsibilities adopted in accordance with this public education code, the Legislature, the [~~State Board of Education~~]

state board, local school boards, and charter school governing boards shall:

(a) respect, protect, and further the interests of parents [~~and guardians~~] in their children's public education; and

(b) promote and encourage full and active participation and involvement of parents [~~and guardians~~] at all public schools.

Section 4. Section **53E-2-202** is amended to read:

53E-2-202. Planning for Utah's public education system.

(1) Before November 30, 2016, the [~~State Board of Education~~] state board shall:

(a) (i) prepare a report that summarizes, for the last 15 years or more, the policies and programs established by, and the performance history of, the state's public education system; and

(ii) prepare a formal 10-year plan for the state's public education system, including recommendations to:

(A) repeal outdated policies and programs; and

(B) clarify and correlate current policies and programs; and

(b) submit the report and plan described in Subsection (1)(a) to the Education Interim Committee for review and recommendations.

(2) The [~~State Board of Education~~] state board shall review and maintain the 10-year plan described in Subsection (1)(a)(ii) and submit the updated plan to the Education Interim Committee for review and approval at least once every five years.

Section 5. Section **53E-2-301** is amended to read:

53E-2-301. Public education's vision and mission.

(1) The Legislature envisions an educated citizenry that encompasses the following foundational principles:

(a) citizen participation in civic and political affairs;

(b) economic prosperity for the state by graduating students who are college and career ready;

(c) strong moral and social values; and

(d) loyalty and commitment to constitutional government.

(2) The Legislature recognizes that public education's mission is to assure Utah the best educated citizenry in the world and each individual the training to succeed in a global society

524 by providing students with:

- 525 (a) learning and occupational skills;
- 526 (b) character development;
- 527 (c) literacy and numeracy;
- 528 (d) high quality instruction;
- 529 (e) curriculum based on high standards and relevance; and
- 530 (f) effective assessment to inform high quality instruction and accountability.

531 (3) The Legislature:

532 (a) recognizes that parents [~~or guardians~~] are a child's first teachers and are responsible
533 for the education of their children;

534 (b) encourages family engagement and adequate preparation so that students enter the
535 public education system ready to learn; and

536 (c) intends that the mission detailed in Subsection (2) be carried out through a
537 responsive educational system that guarantees local school communities autonomy, flexibility,
538 and client choice, while holding them accountable for results.

539 (4) This section will be applied consistent with Section [53G-10-204](#).

540 Section 6. Section **53E-2-302** is amended to read:

541 **53E-2-302. Characteristics of public education system.**

542 The Legislature shall assist in maintaining a public education system that has the
543 following characteristics:

544 (1) assumes that all students have the ability to learn and that each student departing
545 the system will be prepared to achieve success in productive employment, further education, or
546 both;

547 (2) provides a personalized education plan or personalized education occupation plan
548 for each student, which involves the student, the student's parent [~~or guardian~~], and school
549 personnel in establishing the plan;

550 (3) provides students with the knowledge and skills to take responsibility for their
551 decisions and to make appropriate choices;

552 (4) provides opportunities for students to exhibit the capacity to learn, think, reason,
553 and work effectively, individually and in groups;

554 (5) offers world-class core standards that enable students to successfully compete in a

555 global society, and to succeed as citizens of a constitutional republic;

556 (6) incorporates an information retrieval system that provides students, parents, and
557 educators with reliable, useful, and timely data on the progress of each student;

558 (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in
559 large part through collaborative efforts among the [~~State Board of Education~~] state board, the
560 State Board of Regents, and school districts, provides effective ongoing professional
561 development opportunities for teachers to improve their teaching skills, and provides
562 recognition, rewards, and compensation for their excellence;

563 (8) empowers each school district and public school to create its own vision and plan
564 to achieve results consistent with the objectives outlined in this part;

565 (9) uses technology to improve teaching and learning processes and for the delivery of
566 educational services;

567 (10) promotes ongoing research and development projects at the district and the school
568 level that are directed at improving or enhancing public education;

569 (11) offers a public school choice program, which gives students and their parents
570 options to best meet the student's personalized education needs;

571 (12) emphasizes the involvement of educators, parents, business partnerships, and the
572 community at large in the educational process by allowing them to be involved in establishing
573 and implementing educational goals and participating in decision-making at the school site;
574 and

575 (13) emphasizes competency-based standards and progress-based assessments,
576 including tracking and measurement systems.

577 Section 7. Section **53E-2-303** is amended to read:

578 **53E-2-303. Parental participation in educational process -- Employer support.**

579 (1) The Legislature recognizes the importance of parental participation in the
580 educational process in order for students to achieve and maintain high levels of performance.

581 (2) It is, therefore, the policy of the state to:

582 (a) encourage parents to provide a home environment that values education and send
583 their children to school prepared to learn;

584 (b) rely upon school districts and schools to provide opportunities for parents of
585 students to be involved in establishing and implementing educational goals for their respective

586 schools and students; and

587 (c) expect employers to recognize the need for parents and members of the community
588 to participate in the public education system in order to help students achieve and maintain
589 excellence.

590 (3) (a) Each local school board shall adopt a policy on parental involvement in the
591 schools of the district.

592 (b) The local school board shall design its policy to build consistent and effective
593 communication among parents, teachers, and administrators.

594 (c) The policy shall provide parents with the opportunity to be actively involved in
595 their children's education and to be informed of:

596 (i) the importance of the involvement of parents in directly affecting the success of
597 their children's educational efforts; and

598 (ii) groups and organizations that may provide instruction and training to parents to
599 help improve their children's academic success and support their academic efforts.

600 Section 8. Section **53E-2-304** is amended to read:

601 **53E-2-304. School district and individual school powers -- Plan for college and**
602 **career readiness definition.**

603 (1) In order to acquire and develop the characteristics listed in Section **53E-2-302**, each
604 school district and each public school within its respective district shall implement a
605 comprehensive system of accountability in which students advance through public schools by
606 demonstrating competency in the core standards for Utah public schools through the use of
607 diverse assessment instruments such as authentic assessments, projects, and portfolios.

608 (2) (a) Each school district and public school shall:

609 (i) develop and implement programs integrating technology into the curriculum,
610 instruction, and student assessment;

611 (ii) provide for teacher and parent involvement in policymaking at the school site;

612 (iii) implement a public school choice program to give parents, students, and teachers
613 greater flexibility in designing and choosing among programs with different focuses through
614 schools within the same district and other districts, subject to space availability, demographics,
615 and legal and performance criteria;

616 (iv) establish strategic planning at both the district and school level and site-based

617 decision making programs at the school level;

618 (v) provide opportunities for each student to acquire and develop academic and
619 occupational knowledge, skills, and abilities;

620 (vi) participate in ongoing research and development projects primarily at the school
621 level aimed at improving the quality of education within the system; and

622 (vii) involve business and industry in the education process through the establishment
623 of partnerships with the business community at the district and school level.

624 (b) (i) As used in this section, "plan for college and career readiness" means a plan
625 developed by a student and the student's parent [~~or guardian~~], in consultation with school
626 counselors, teachers, and administrators that:

627 (A) is initiated at the beginning of grade 7;

628 (B) identifies a student's skills and objectives;

629 (C) maps out a strategy to guide a student's course selection; and

630 (D) links a student to post-secondary options, including higher education and careers.

631 (ii) Each local school board, in consultation with school personnel, parents, and school
632 community councils or similar entities shall establish policies to provide for the effective
633 implementation of an individual learning plan or a plan for college and career readiness for
634 each student at the school site.

635 (iii) The policies shall include guidelines and expectations for:

636 (A) recognizing the student's accomplishments, strengths, and progress toward meeting
637 student achievement standards as defined in the core standards for Utah public schools;

638 (B) planning, monitoring, and managing education and career development; and

639 (C) involving students, parents, and school personnel in preparing and implementing
640 an individual learning plan and a plan for college and career readiness.

641 (iv) A parent may request a conference with school personnel in addition to an
642 individual learning plan or a plan for college and career readiness conference established by
643 local school board policy.

644 (v) Time spent during the school day to implement an individual learning plan or a
645 plan for college and career readiness is considered part of the school term described in Section
646 [53F-2-102](#).

647 (3) A school district or public school may submit proposals to modify or waive rules or

648 policies of a supervisory authority within the public education system in order to acquire or
649 develop the characteristics listed in Section 53E-2-302.

650 (4) (a) Each school district and public school shall make an annual report to its patrons
651 on its activities under this section.

652 (b) The reporting process shall involve participation from teachers, parents, and the
653 community at large in determining how well the district or school is performing.

654 Section 9. Section 53E-3-201 is amended to read:

655 **53E-3-201. State board members -- Election and appointment of officers --**
656 **Removal from office.**

657 (1) Members of the [~~State Board of Education~~] state board shall be nominated and
658 elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local
659 School Boards.

660 (2) The [~~State Board of Education~~] state board shall elect from its members a chair,
661 and at least one vice chair, but no more than three vice chairs, every other year at a meeting
662 held any time between November 15 and January 15.

663 (3) (a) If the election of officers is held subsequent to the election of a new member of
664 the state board, but prior to the time that the new member takes office, the new member shall
665 assume the position of the outgoing member for purposes of the election of officers.

666 (b) In all other matters the outgoing member shall retain the full authority of the office
667 until replaced as provided by law.

668 (4) The duties of these officers shall be determined by the state board.

669 (5) The state board shall appoint a secretary who serves at the pleasure of the state
670 board.

671 (6) An officer appointed or elected by the state board under this section may be
672 removed from office for cause by a vote of two-thirds of the state board.

673 Section 10. Section 53E-3-202 is amended to read:

674 **53E-3-202. Compensation for members of the state board -- Insurance -- Per**
675 **diem and expenses.**

676 (1) The salary for a member of the [~~State Board of Education~~] state board is set in
677 accordance with Section 36-2-3.

678 (2) Compensation for a member of the [~~State Board of Education~~] state board is

payable monthly.

(3) A ~~[State Board of Education]~~ state board member may participate in any group insurance plan provided to employees of the ~~[State Board of Education]~~ state board as part of the ~~[State Board of Education]~~ state board member's compensation on the same basis as required for employee participation.

(4) In addition to the provisions of Subsections (1) and (3), a ~~[State Board of Education]~~ state board member may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

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

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

Section 11. Section 53E-3-203 is amended to read:

53E-3-203. State board meetings -- Quorum requirements.

(1) The ~~[State Board of Education]~~ state board shall meet at the call of the chairman and at least 11 times each year.

(2) A majority of all members is required to validate an act of the ~~[State Board of Education]~~ state board.

Section 12. Section 53E-3-204 is amended to read:

53E-3-204. Gross neglect of duty -- Nonpayment of salary or expenses.

(1) Failure of a member of the ~~[State Board of Education or of a governing board of a branch or division of the public school system]~~ state board or of an LEA governing board to carry out responsibilities assigned by law or to comply with rules of the ~~[State Board of Education]~~ state board is gross neglect of duty.

(2) Salary or expenses shall not be paid for work which violates rules of the state board.

Section 13. Section 53E-3-301 is amended to read:

53E-3-301. Appointment -- Qualifications -- Duties.

(1) (a) The ~~[State Board of Education]~~ state board shall appoint a state superintendent of public instruction, ~~[hereinafter called the state superintendent,]~~ who is the executive officer of the ~~[State Board of Education]~~ state board and serves at the pleasure of the ~~[State Board of Education]~~ state board.

(b) The ~~[State Board of Education]~~ state board shall appoint the state superintendent on the basis of outstanding professional qualifications.

(c) The state superintendent shall administer all programs assigned to the ~~[State Board of Education]~~ state board in accordance with the policies and the standards established by the ~~[State Board of Education]~~ state board.

(2) The ~~[State Board of Education]~~ state board shall, with the state superintendent, develop a statewide education strategy focusing on core academics, including the development of:

- (a) core standards for Utah public schools and graduation requirements;
- (b) a process to select model instructional materials that best correlate with the core standards for Utah public schools and graduation requirements that are supported by generally accepted scientific standards of evidence;
- (c) professional development programs for teachers, superintendents, and principals;
- (d) model remediation programs;
- (e) a model method for creating individual student learning targets, and a method of measuring an individual student's performance toward those targets;
- (f) progress-based assessments for ongoing performance evaluations of school districts and schools;
- (g) incentives to achieve the desired outcome of individual student progress in core academics that do not create disincentives for setting high goals for the students;
- (h) an annual report card for school and school district performance, measuring learning and reporting progress-based assessments;
- (i) a systematic method to encourage innovation in schools and school districts as each strives to achieve improvement in performance; and
- (j) a method for identifying and sharing best demonstrated practices across school districts and schools.

(3) The state superintendent shall perform duties assigned by the ~~[State Board of Education]~~ state board, including:

- (a) investigating all matters pertaining to the public schools;
- (b) adopting and keeping an official seal to authenticate the state superintendent's official acts;

(c) holding and conducting meetings, seminars, and conferences on educational topics;
(d) presenting to the governor and the Legislature each December a report of the public school system for the preceding year that includes:

(i) data on the general condition of the schools with recommendations considered desirable for specific programs;

(ii) a complete statement of fund balances;

(iii) a complete statement of revenues by fund and source;

(iv) a complete statement of adjusted expenditures by fund, the status of bonded indebtedness, the cost of new school plants, and school levies;

(v) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the United States Department of Education publication "Financial Accounting for Local and State School Systems";

(vi) a statement that includes data on:

(A) fall enrollments;

(B) average membership;

(C) high school graduates;

(D) licensed and classified employees, including data reported by school districts on educator ratings pursuant to Section [53G-11-511](#);

(E) pupil-teacher ratios;

(F) average class sizes;

(G) average salaries;

(H) applicable private school data; and

(I) data from statewide assessments described in Section [53E-4-301](#) for each school and school district;

(vii) statistical information regarding incidents of delinquent activity in the schools or at school-related activities with separate categories for:

(A) alcohol and drug abuse;

(B) weapon possession;

(C) assaults; and

772 (D) arson;
773 (viii) information about:
774 (A) the development and implementation of the strategy of focusing on core
775 academics;
776 (B) the development and implementation of competency-based education and
777 progress-based assessments; and
778 (C) the results being achieved under Subsections (3)(d)(viii)(A) and (B), as measured
779 by individual progress-based assessments and a comparison of Utah students' progress with the
780 progress of students in other states using standardized norm-referenced tests as benchmarks;
781 and
782 (ix) other statistical and financial information about the school system that the state
783 superintendent considers pertinent;
784 (e) collecting and organizing education data into an automated decision support system
785 to facilitate school district and school improvement planning, accountability reporting,
786 performance recognition, and the evaluation of educational policy and program effectiveness to
787 include:
788 (i) data that are:
789 (A) comparable across schools and school districts;
790 (B) appropriate for use in longitudinal studies; and
791 (C) comprehensive with regard to the data elements required under applicable state or
792 federal law or ~~[State Board of Education]~~ state board rule;
793 (ii) features that enable users, most particularly school administrators, teachers, and
794 parents, to:
795 (A) retrieve school and school district level data electronically;
796 (B) interpret the data visually; and
797 (C) draw conclusions that are statistically valid; and
798 (iii) procedures for the collection and management of education data that:
799 (A) require the state superintendent to:
800 (I) collaborate with school districts and charter schools in designing and implementing
801 uniform data standards and definitions;
802 (II) undertake or sponsor research to implement improved methods for analyzing

education data;

(III) provide for data security to prevent unauthorized access to or contamination of the data; and

(IV) protect the confidentiality of data under state and federal privacy laws; and

(B) require all school districts and schools to comply with the data collection and management procedures established under Subsection (3)(e);

(f) administering and implementing federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs; and

(g) with the approval of the [~~State Board of Education~~] state board, preparing and submitting to the governor a budget for the [~~State Board of Education~~] state board to be included in the budget that the governor submits to the Legislature.

(4) The state superintendent shall distribute funds deposited in the Autism Awareness Restricted Account created in Section 53F-9-401 in accordance with the requirements of Section 53F-9-401.

(5) Upon leaving office, the state superintendent shall deliver to the state superintendent's successor all books, records, documents, maps, reports, papers, and other articles pertaining to the state superintendent's office.

(6) (a) For the purposes of Subsection (3)(d)(vi):

(i) the pupil-teacher ratio for a school shall be calculated by dividing the number of students enrolled in a school by the number of full-time equivalent teachers assigned to the school, including regular classroom teachers, school-based specialists, and special education teachers;

(ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of the schools within a school district;

(iii) the pupil-teacher ratio for charter schools aggregated shall be the median pupil-teacher ratio of charter schools in the state; and

(iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median pupil-teacher ratio of public schools in the state.

(b) The printed copy of the report required by Subsection (3)(d) shall:

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and
(C) the state's public schools aggregated; and
(ii) identify a website where pupil-teacher ratios for each school in the state may be accessed.

Section 14. Section **53E-3-302** is amended to read:

53E-3-302. Compensation of state superintendent -- Other state board employees.

(1) The state board shall establish the compensation of the state superintendent.
(2) The state board may, as necessary for the proper administration and supervision of the public school system:
(a) appoint other employees; and

(b) delegate appropriate duties and responsibilities to state board employees.
(3) The compensation and duties of state board employees shall be established by the state board and paid from money appropriated for that purpose.

Section 15. Section **53E-3-303** is amended to read:

53E-3-303. Advice by state superintendent -- Written opinions.

(1) The state superintendent shall advise superintendents, ~~[school]~~ LEA governing boards, and other school officers upon all matters involving the welfare of the schools.
(2) The state superintendent shall, when requested by district superintendents or other school officers, provide written opinions on questions of public education, administrative policy, and procedure, but not upon questions of law.

(3) Upon request by the state superintendent, the attorney general shall issue written opinions on questions of law.

(4) Opinions issued under this section shall be considered to be correct and final unless set aside by a court of competent jurisdiction or by subsequent legislation.

Section 16. Section **53E-3-401** is amended to read:

53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement -- Attorney.

(1) As used in this section:

~~[(a) "Board" means the State Board of Education.]~~

~~[(b)]~~ (a) "Education entity" means:

(i) an entity that receives a distribution of state funds through a grant program managed

865 by the state board under this public education code;

866 (ii) an entity that enters into a contract with the state board to provide an educational
867 good or service;

868 (iii) a school district; or

869 (iv) a charter school.

870 ~~[(c)]~~ (b) "Educational good or service" means a good or service that is required or
871 regulated under:

872 (i) this public education code; or

873 (ii) a rule authorized under this public education code.

874 ~~[(d) "Local education agency" or "LEA" means:]~~

875 ~~[(i) a school district;]~~

876 ~~[(ii) a charter school; or]~~

877 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

878 (2) (a) The ~~[State Board of Education]~~ state board has general control and supervision
879 of the state's public education system.

880 (b) "General control and supervision" as used in Utah Constitution, Article X, Section
881 3, means directed to the whole system.

882 (3) The state board may not govern, manage, or operate school districts, institutions,
883 and programs, unless granted that authority by statute.

884 ~~[(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
885 ~~the]~~

886 (4) (a) The state board may make rules to execute the state board's duties and
887 responsibilities under the Utah Constitution and state law.

888 (b) The state board may delegate the state board's statutory duties and responsibilities
889 to state board employees.

890 (5) (a) The state board may sell any interest it holds in real property upon a finding by
891 the state board that the property interest is surplus.

892 (b) The state board may use the money it receives from a sale under Subsection (5)(a)
893 for capital improvements, equipment, or materials, but not for personnel or ongoing costs.

894 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
895 or institution administered by the state board, the money may only be used for purposes related

to the agency or institution.

(d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and related matters during the next following session of the Legislature.

(6) The state board shall develop policies and procedures related to federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs.

(7) On or before December 31, 2010, the [~~State Board of Education~~] state board shall review mandates or requirements provided for in state board rule to determine whether certain mandates or requirements could be waived to remove funding pressures on public schools on a temporary basis.

(8) (a) If an education entity violates this public education code or rules authorized under this public education code, the state board may, in accordance with the rules described in Subsection (8)(c):

(i) require the education entity to enter into a corrective action agreement with the state board;

(ii) temporarily or permanently withhold state funds from the education entity;

(iii) require the education entity to pay a penalty; or

(iv) require the education entity to reimburse specified state funds to the state board.

(b) Except for temporarily withheld funds, if the state board collects state funds under Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.

~~[(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the]~~

(c) The state board shall make rules:

(i) that require notice and an opportunity to be heard for an education entity affected by a state board action described in Subsection (8)(a); and

(ii) to administer this Subsection (8).

(d) (i) An individual may bring a violation of statute or state board rule to the attention of the state board in accordance with a process described in rule adopted by the state board.

(ii) If the state board identifies a violation of statute or state board rule as a result of the process described in Subsection (8)(d)(i), the state board may take action in accordance with this section.

(e) The state board shall report criminal conduct of an education entity to the district

attorney of the county where the education entity is located.

(9) The state board may audit the use of state funds by an education entity that receives those state funds as a distribution from the state board.

(10) The state board may require[;] by rule [~~made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] that if an LEA contracts with a third party contractor for an educational good or service, the LEA shall require in the contract that the third party contractor shall provide, upon request of the LEA, information necessary for the LEA to verify that the educational good or service complies with:

(a) this public education code; and

(b) state board rule authorized under this public education code.

(11) (a) The state board may appoint an attorney to provide legal advice to the state board and coordinate legal affairs for the state board and the state board's employees.

(b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the Attorney General.

(c) An attorney described in Subsection (11)(a) may not:

(i) conduct litigation;

(ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;

or

(iii) issue formal legal opinions.

(12) The state board shall ensure that any training or certification that an employee of the public education system is required to complete under this title or by rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Section 17. Section **53E-3-402** is amended to read:

53E-3-402. Acceptance of gifts, endowments, devises, and bequests.

(1) The [~~State Board of Education~~] state board, on its own behalf or on behalf of an educational institution for which the state board is the direct governing body, may accept private grants, loans, gifts, endowments, devises, or bequests which are made for educational purposes.

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

Section 18. Section **53E-3-403** is amended to read:

53E-3-403. Establishment of public education foundations -- Powers and duties --

Tax exempt status.

(1) The [~~State Board of Education~~] state board, a local school board, or the Utah Schools for the Deaf and the Blind may establish foundations to:

(a) assist in the development and implementation of programs to promote educational excellence; and

(b) assist in the accomplishment of other education-related objectives.

(2) A foundation established under Subsection (1):

(a) may solicit and receive contributions from private enterprises for the purpose of this section;

(b) shall comply with Title 51, Chapter 7, State Money Management Act, and rules made under the act;

(c) has no power or authority to incur contractual obligations or liabilities that constitute a claim against public funds except as provided in this section;

(d) may not exercise executive, administrative, or rulemaking authority over the programs described in this section, except to the extent specifically authorized by the responsible school board;

(e) is exempt from all taxes levied by the state or any of its political subdivisions with respect to activities conducted under this section;

(f) may participate in the Risk Management Fund under Section [63A-4-204](#);

(g) shall provide a school with information detailing transactions and balances of funds managed for that school;

(h) shall, for foundation accounts from which money is distributed to schools, provide all the schools within a school district information that:

(i) details account transactions; and

(ii) shows available balances in the accounts; and

(i) may not:

(i) engage in lobbying activities;

(ii) attempt to influence legislation; or

(iii) participate in any campaign activity for or against:

(A) a political candidate; or

(B) an initiative, referendum, proposed constitutional amendment, bond, or any other

989 ballot proposition submitted to the voters.

990 (3) A local school board that establishes a foundation under Subsection (1) shall:

991 (a) require the foundation to:

992 (i) use the school district's accounting system; or

993 (ii) follow written accounting policies established by the local school board;

994 (b) review and approve the foundation's accounting, purchasing, and check issuance
995 policies to ensure that there is an adequate separation of responsibilities; and

996 (c) approve procedures to verify that issued foundation payments have been properly
997 approved.

998 Section 19. Section **53E-3-501** is amended to read:

999 **53E-3-501. State board to establish miscellaneous minimum standards for public**
1000 **schools.**

1001 (1) The [~~State Board of Education~~] state board shall establish rules and minimum
1002 standards for the public schools that are consistent with this public education code, including
1003 rules and minimum standards governing the following:

1004 (a) (i) the qualification and certification of educators and ancillary personnel who
1005 provide direct student services;

1006 (ii) required school administrative and supervisory services; and

1007 (iii) the evaluation of instructional personnel;

1008 (b) (i) access to programs;

1009 (ii) attendance;

1010 (iii) competency levels;

1011 (iv) graduation requirements; and

1012 (v) discipline and control;

1013 (c) (i) school accreditation;

1014 (ii) the academic year;

1015 (iii) alternative and pilot programs;

1016 (iv) curriculum and instruction requirements;

1017 (v) school libraries; and

1018 (vi) services to:

1019 (A) persons with a disability as defined by and covered under:

1020 (I) the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12102;
1021 (II) the Rehabilitation Act of 1973, 29 U.S.C. Sec. 705(20)(A); and
1022 (III) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1401(3); and
1023 (B) other special groups;
1024 (d) (i) state reimbursed bus routes;
1025 (ii) bus safety and operational requirements; and
1026 (iii) other transportation needs; and
1027 (e) (i) school productivity and cost effectiveness measures;
1028 (ii) federal programs;
1029 (iii) school budget formats; and
1030 (iv) financial, statistical, and student accounting requirements.
1031 (2) The [~~State Board of Education~~] state board shall determine if:
1032 (a) the minimum standards have been met; and
1033 (b) required reports are properly submitted.
1034 (3) The [~~State Board of Education~~] state board may apply for, receive, administer, and
1035 distribute to eligible applicants funds made available through programs of the federal
1036 government.
1037 (4) (a) A technical college listed in Section 53B-2a-105 shall provide
1038 competency-based career and technical education courses that fulfill high school graduation
1039 requirements, as requested and authorized by the [~~State Board of Education~~] state board.
1040 (b) A school district may grant a high school diploma to a student participating in a
1041 course described in Subsection (4)(a) that is provided by a technical college listed in Section
1042 53B-2a-105.
1043 Section 20. Section 53E-3-503 is amended to read:
1044 **53E-3-503. Education of individuals in custody of or receiving services from**
1045 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**
1046 [~~(1) For purposes of this section, "board" means the State Board of Education.~~]
1047 [~~(2)~~] (1) (a) The state board is directly responsible for the education of all individuals
1048 who are:
1049 (i) (A) younger than 21 years old; or
1050 (B) students with disabilities entitled to a free, appropriate public education as

1051 described in Section [53E-7-202](#); and

1052 (ii) (A) receiving services from the Department of Human Services;

1053 (B) in the custody of an equivalent agency of a Native American tribe recognized by
1054 the United States Bureau of Indian Affairs and whose custodial parent ~~[or legal guardian]~~
1055 resides within the state; or

1056 (C) being held in a juvenile detention facility.

1057 (b) The state board shall make rules~~[, in accordance with Title 63G, Chapter 3, Utah~~
1058 ~~Administrative Rulemaking Act,~~] to provide for the distribution of funds for the education of
1059 individuals described in Subsection ~~[(2)]~~ (1)(a).

1060 ~~[(3)]~~ (2) Subsection ~~[(2)]~~ (1)(a)(ii)(B) does not apply to an individual taken into
1061 custody for the primary purpose of obtaining access to education programs provided for youth
1062 in custody.

1063 ~~[(4)]~~ (3) The state board shall, where feasible, contract with school districts or other
1064 appropriate agencies to provide educational, administrative, and supportive services, but the
1065 state board shall retain responsibility for the programs.

1066 ~~[(5)]~~ (4) The Legislature shall establish and maintain separate education budget
1067 categories for youth in custody or who are under the jurisdiction of the following state
1068 agencies:

1069 (a) detention centers and the Divisions of Juvenile Justice Services and Child and
1070 Family Services;

1071 (b) the Division of Substance Abuse and Mental Health; and

1072 (c) the Division of Services for People with Disabilities.

1073 ~~[(6)]~~ (5) (a) The Department of Human Services and the state board shall appoint a
1074 coordinating council to plan, coordinate, and recommend budget, policy, and program
1075 guidelines for the education and treatment of persons in the custody of the Division of Juvenile
1076 Justice Services and the Division of Child and Family Services.

1077 (b) The Department of Human Services and the state board may appoint similar
1078 councils for those in the custody of the Division of Substance Abuse and Mental Health or the
1079 Division of Services for People with Disabilities.

1080 ~~[(7)]~~ (6) A school district contracting to provide services under Subsection ~~[(4)]~~ (3)
1081 shall establish an advisory council to plan, coordinate, and review education and treatment

programs for individuals held in custody in the district.

Section 21. Section **53E-3-504** is amended to read:

53E-3-504. Child literacy program -- Coordinated activities.

(1) The [~~State Board of Education~~] state board, through the state superintendent [~~of public instruction~~], shall provide for a public service campaign to educate parents on the importance of providing their children with opportunities to develop emerging literacy skills through a statewide "Read to Me" program.

(2) The state board shall coordinate its activities under this section with other state and community entities that are engaged in child literacy programs in order to maximize its efforts and resources, including the Utah Commission on National and Community Service.

Section 22. Section **53E-3-505** is amended to read:

53E-3-505. Financial and economic literacy education.

(1) As used in this section:

(a) "Financial and economic activities" include activities related to the topics listed in Subsection (1)(b).

(b) "Financial and economic literacy concepts" include concepts related to the following topics:

- (i) basic budgeting;
- (ii) saving and financial investments;
- (iii) banking and financial services, including balancing a checkbook or a bank account and online banking services;
- (iv) career management, including earning an income;
- (v) rights and responsibilities of renting or buying a home;
- (vi) retirement planning;
- (vii) loans and borrowing money, including interest, credit card debt, predatory lending, and payday loans;
- (viii) insurance;
- (ix) federal, state, and local taxes;
- (x) charitable giving;
- (xi) online commerce;
- (xii) identity fraud and theft;

- 1113 (xiii) negative financial consequences of gambling;
1114 (xiv) bankruptcy;
1115 (xv) free markets and prices;
1116 (xvi) supply and demand;
1117 (xvii) monetary and fiscal policy;
1118 (xviii) effective business plan creation, including using economic analysis in creating a
1119 plan;
1120 (xix) scarcity and choices;
1121 (xx) opportunity cost and tradeoffs;
1122 (xxi) productivity;
1123 (xxii) entrepreneurship; and
1124 (xxiii) economic reasoning.
- 1125 (c) "Financial and economic literacy passport" means a document that tracks mastery
1126 of financial and economic literacy concepts and completion of financial and economic
1127 activities in kindergarten through grade 12.
- 1128 (d) "General financial literacy course" means the course of instruction described in
1129 Section [53E-4-204](#).
- 1130 (2) The [~~State Board of Education~~] state board shall:
- 1131 (a) in cooperation with interested private and nonprofit entities:
- 1132 (i) develop a financial and economic literacy passport that students may elect to
1133 complete;
- 1134 (ii) develop methods of encouraging parent and educator involvement in completion of
1135 the financial and economic literacy passport; and
- 1136 (iii) develop and implement appropriate recognition and incentives for students who
1137 complete the financial and economic literacy passport, including:
- 1138 (A) a financial and economic literacy endorsement on the student's diploma of
1139 graduation;
- 1140 (B) a specific designation on the student's official transcript; and
- 1141 (C) any incentives offered by community partners;
- 1142 (b) more fully integrate existing and new financial and economic literacy education
1143 into instruction in kindergarten through grade 12 by:

(i) coordinating financial and economic literacy instruction with existing instruction in other areas of the core standards for Utah public schools, such as mathematics and social studies;

(ii) using curriculum mapping;

(iii) creating training materials and staff development programs that:

(A) highlight areas of potential coordination between financial and economic literacy education and other core standards for Utah public schools concepts; and

(B) demonstrate specific examples of financial and economic literacy concepts as a way of teaching other core standards for Utah public schools concepts; and

(iv) using appropriate financial and economic literacy assessments to improve financial and economic literacy education and, if necessary, developing assessments;

(c) work with interested public, private, and nonprofit entities to:

(i) identify, and make available to teachers, online resources for financial and economic literacy education, including modules with interactive activities and turnkey instructor resources;

(ii) coordinate school use of existing financial and economic literacy education resources;

(iii) develop simple, clear, and consistent messaging to reinforce and link existing financial literacy resources;

(iv) coordinate the efforts of school, work, private, nonprofit, and other financial education providers in implementing methods of appropriately communicating to teachers, students, and parents key financial and economic literacy messages; and

(v) encourage parents and students to establish higher education savings, including a Utah Educational Savings Plan account;

(d) ~~[in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ make rules to develop guidelines and methods for school districts and charter schools to more fully integrate financial and economic literacy education into other core standards for Utah public schools courses;

(e) (i) contract with a provider, through a request for proposals process, to develop an online, end-of-course assessment for the general financial literacy course;

(ii) require a school district or charter school to administer an online, end-of-course

assessment to a student who takes the general financial literacy course; and

(iii) develop a plan, through the state superintendent [~~of public instruction~~], to analyze the results of an online, end-of-course assessment in general financial literacy that includes:

(A) an analysis of assessment results by standard; and

(B) average scores statewide and by school district and school; and

(f) in cooperation with school districts, charter schools, and interested private and nonprofit entities, provide opportunities for professional development in financial and economic literacy to teachers, including:

(i) a statewide learning community for financial and economic literacy;

(ii) summer workshops; and

(iii) online videos of experts in the field of financial and economic literacy education.

(3) (a) The [~~State Board of Education~~] state board shall establish a task force to study and make recommendations to the state board on how to improve financial and economic literacy education in the public school system.

(b) The task force membership shall include representatives of:

(i) the [~~State Board of Education~~] state board;

(ii) school districts and charter schools;

(iii) the State Board of Regents; and

(iv) private or public entities that teach financial education and share a commitment to empower individuals and families to achieve economic stability, opportunity, and upward mobility.

(c) The task force shall reconvene every three years to review and recommend adjustments to the standards and objectives of the general financial literacy course.

Section 23. Section **53E-3-506** is amended to read:

53E-3-506. Educational program on the use of information technology.

(1) The [~~State Board of Education~~] state board shall provide for an educational program on the use of information technology, which shall be offered by high schools.

(2) An educational program on the use of information technology shall:

(a) provide instruction on skills and competencies essential for the workplace and requested by employers;

(b) include the following components:

- 1206 (i) a curriculum;
1207 (ii) online access to the curriculum;
1208 (iii) instructional software for classroom and student use;
1209 (iv) certification of skills and competencies most frequently requested by employers;
1210 (v) professional development for teachers; and
1211 (vi) deployment and program support, including integration with existing core
1212 standards for Utah public schools; and
1213 (c) be made available to high school students, faculty, and staff.

1214 Section 24. Section **53E-3-507** is amended to read:

1215 **53E-3-507. Powers of the state board.**

1216 The [~~State Board of Education~~] state board:

1217 (1) shall establish minimum standards for career and technical education programs in
1218 the public education system;

1219 (2) may apply for, receive, administer, and distribute funds made available through
1220 programs of federal and state governments to promote and aid career and technical education;

1221 (3) shall cooperate with federal and state governments to administer programs that
1222 promote and maintain career and technical education;

1223 (4) shall cooperate with the Utah System of Technical Colleges Board of Trustees, Salt
1224 Lake Community College's School of Applied Technology, Snow College, and Utah State
1225 University Eastern to ensure that students in the public education system have access to career
1226 and technical education at Utah System of Technical Colleges technical colleges, Salt Lake
1227 Community College's School of Applied Technology, Snow College, and Utah State University
1228 Eastern;

1229 (5) shall require that before a minor student may participate in clinical experiences as
1230 part of a health care occupation program at a high school or other institution to which the
1231 student has been referred, the student's parent [~~or legal guardian~~] has:

1232 (a) been first given written notice through appropriate disclosure when registering and
1233 prior to participation that the program contains a clinical experience segment in which the
1234 student will observe and perform specific health care procedures that may include personal
1235 care, patient bathing, and bathroom assistance; and

1236 (b) provided specific written consent for the student's participation in the program and

clinical experience; and

(6) shall, after consulting with school districts, charter schools, the Utah System of Technical Colleges Board of Trustees, Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern, prepare and submit an annual report to the governor and to the Legislature's Education Interim Committee by October 31 of each year detailing:

(a) how the career and technical education needs of secondary students are being met; and

(b) the access secondary students have to programs offered:

(i) at technical colleges; and

(ii) within the regions served by Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern.

Section 25. Section **53E-3-508** is amended to read:

53E-3-508. Rulemaking -- Standards for high quality programs operating outside of the regular school day.

~~[(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in consultation with the Department of Workforce Services, the State Board of Education shall]~~

(1) The state board shall, in consultation with the Department of Workforce Services, make rules that describe the standards for a high quality program operating outside of the regular school day:

(a) for elementary or secondary students; and

(b) offered by a:

(i) school district;

(ii) charter school;

(iii) private provider, including a non-profit provider; or

(iv) municipality.

(2) The standards described in Subsection (1) shall specify that a high quality program operating outside of the regular school day:

(a) provides a safe, healthy, and nurturing environment for all participants;

(b) develops and maintains positive relationships among staff, participants, families,

schools, and communities;

(c) encourages participants to learn new skills; and

(d) is effectively administered.

Section 26. Section **53E-3-509** is amended to read:

53E-3-509. Gang prevention and intervention policies.

(1) (a) The [~~State Board of Education~~] state board shall adopt rules that require a local school board or charter school governing board [~~of a charter school~~] to enact gang prevention and intervention policies for all schools within the state board's jurisdiction.

(b) The rules described in Subsection (1)(a) shall provide that the gang prevention and intervention policies of a local school board or charter school governing board may include provisions that reflect the individual school district's or charter school's unique needs or circumstances.

(2) The rules described in Subsection (1) may include the following provisions:

(a) school faculty and personnel shall report suspected gang activities relating to the school and its students to a school administrator and law enforcement;

(b) a student who participates in gang activities may be excluded from participation in extracurricular activities, including interscholastic athletics, as determined by the school administration after consultation with law enforcement;

(c) gang-related graffiti or damage to school property shall result in parent [~~or guardian~~] notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for the damage;

(d) if a serious gang-related incident, as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related activities, or on a site that is normally considered to be under school control, notification shall be provided to parents [~~and guardians~~] of students in the school:

(i) informing them, in general terms, about the incident, but removing all personally identifiable information about students from the notice;

(ii) emphasizing the school's concern for safety; and

(iii) outlining the action taken at the school regarding the incident;

(e) school faculty and personnel shall be trained by experienced evidence based trainers that may include community gang specialists and law enforcement as part of comprehensive

strategies to recognize early warning signs for youth in trouble and help students resist serious involvement in undesirable activity, including joining gangs or mimicking gang behavior;

(f) prohibitions on the following behavior:

(i) advocating or promoting a gang or any gang-related activities;

(ii) marking school property, books, or school work with gang names, slogans, or signs;

(iii) conducting gang initiations;

(iv) threatening another person with bodily injury or inflicting bodily injury on another in connection with a gang or gang-related activity;

(v) aiding or abetting an activity described under Subsections (2)(f)(i) through (iv) by a person's presence or support;

(vi) displaying or wearing common gang apparel, common dress, or identifying signs or symbols on one's clothing, person, or personal property that is disruptive to the school environment; and

(vii) communicating in any method, including verbal, non-verbal, and electronic means, designed to convey gang membership or affiliation.

(3) The rules described in Subsection (1) may require a local school board or charter school governing board [~~of a charter school~~] to publicize the policies enacted by the local school board or charter school governing board [~~of a charter school~~] in accordance with the rules described in Subsection (1) to all students, parents, [~~guardians,~~] and faculty through school websites, handbooks, letters to parents [~~and guardians~~], or other reasonable means of communication.

(4) The [~~State Board of Education~~] state board may consult with appropriate committees, including committees that provide opportunities for the input of parents, law enforcement, and community agencies, as it develops, enacts, and administers the rules described in Subsection (1).

Section 27. Section **53E-3-510** is amended to read:

53E-3-510. Control of school lunch revenues -- Apportionment -- Costs.

(1) School lunch revenues shall be under the control of the [~~State Board of Education~~] state board and may only be disbursed, transferred, or drawn upon by its order. The revenue may only be used to provide school lunches and a school lunch program in the state's school

districts in accordance with standards established by the state board.

(2) The state board shall apportion the revenue according to the number of school children receiving school lunches in each school district. The ~~[State Board of Education]~~ state board and local school boards shall employ staff to administer and supervise the school lunch program and purchase supplies and equipment.

(3) The costs of the school lunch program shall be included in the state board's annual budget.

Section 28. Section **53E-3-511** is amended to read:

53E-3-511. Student Achievement Backpack -- Utah Student Record Store.

(1) As used in this section:

(a) "Authorized LEA user" means a teacher or other person who is:

(i) employed by an LEA that provides instruction to a student; and

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

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

~~[(c)]~~ (b) "Statewide assessment" means the same as that term is defined in Section [53E-4-301](#).

~~[(d)]~~ (c) "Student Achievement Backpack" means, for a student from kindergarten through grade 12, a complete learner profile that:

(i) is in electronic format;

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

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

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

(i) managed by the ~~[State Board of Education]~~ state board;

(ii) cloud-based; and

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

(2) (a) The ~~[State Board of Education]~~ state board shall use the ~~[State Board of Education]~~ state board's robust, comprehensive data collection system, which collects longitudinal student transcript data from LEAs and the unique student identifiers as described

1361 in Section [53E-4-308](#), to allow the following to access a student's Student Achievement
1362 Backpack:

- 1363 (i) the student's parent [~~or guardian~~]; and
- 1364 (ii) each LEA that provides instruction to the student.

1365 (b) The [~~State Board of Education~~] state board shall ensure that a Student Achievement
1366 Backpack:

- 1367 (i) provides a uniform, transparent reporting mechanism for individual student
1368 progress;
- 1369 (ii) provides a complete learner history for postsecondary planning;
- 1370 (iii) provides a teacher with visibility into a student's complete learner profile to better
1371 inform instruction and personalize education;
- 1372 (iv) assists a teacher or administrator in diagnosing a student's learning needs through
1373 the use of data already collected by the [~~State Board of Education~~] state board;
- 1374 (v) facilitates a student's parent [~~or guardian~~] taking an active role in the student's
1375 education by simplifying access to the student's complete learner profile; and
- 1376 (vi) serves as additional disaster mitigation for LEAs by using a cloud-based data
1377 storage and collection system.

1378 (3) Using existing information collected and stored in the [~~State Board of Education's~~]
1379 state board's data warehouse, the [~~State Board of Education~~] state board shall create the Utah
1380 Student Record Store where an authorized LEA user may:

- 1381 (a) access data in a Student Achievement Backpack relevant to the user's LEA or
1382 school; or
- 1383 (b) request student records to be transferred from one LEA to another.

1384 (4) The [~~State Board of Education~~] state board shall implement security measures to
1385 ensure that:

- 1386 (a) student data stored or transmitted to or from the Utah Student Record Store is
1387 secure and confidential pursuant to the requirements of the Family Educational Rights and
1388 Privacy Act, 20 U.S.C. Sec. 1232g; and
- 1389 (b) an authorized LEA user may only access student data that is relevant to the user's
1390 LEA or school.

1391 (5) A student's parent [~~or guardian~~] may request the student's Student Achievement

1392 Backpack from the LEA or the school in which the student is enrolled.

1393 (6) An authorized LEA user may access student data in a Student Achievement
1394 Backpack, which shall include the following data, or request that the data be transferred from
1395 one LEA to another:

- 1396 (a) student demographics;
- 1397 (b) course grades;
- 1398 (c) course history; and
- 1399 (d) results of a statewide assessment.

1400 (7) An authorized LEA user may access student data in a Student Achievement
1401 Backpack, which shall include the data listed in Subsections (6)(a) through (d) and the
1402 following data, or request that the data be transferred from one LEA to another:

- 1403 (a) section attendance;
- 1404 (b) the name of a student's teacher for classes or courses the student takes;
- 1405 (c) teacher qualifications for a student's teacher, including years of experience, degree,
1406 license, and endorsement;
- 1407 (d) results of statewide assessments;
- 1408 (e) a student's writing sample that is written for a writing assessment administered
1409 pursuant to Section 53E-4-303;
- 1410 (f) student growth scores on a statewide assessment, as applicable;
- 1411 (g) a school's grade assigned pursuant to Chapter 5, Part 2, School Accountability
1412 System;
- 1413 (h) results of benchmark assessments of reading administered pursuant to Section
1414 53E-4-307; and
- 1415 (i) a student's reading level at the end of grade 3.

1416 (8) No later than June 30, 2017, the [~~State Board of Education~~] state board shall ensure
1417 that data collected in the Utah Student Record Store for a Student Achievement Backpack is
1418 integrated into each LEA's student information system and is made available to a student's
1419 parent [~~or guardian~~] and an authorized LEA user in an easily accessible viewing format.

1420 Section 29. Section 53E-3-512 is amended to read:

1421 **53E-3-512. State board rules establishing basic ethical conduct standards --**
1422 **Local school board policies.**

1423 ~~[(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
1424 ~~the State Board of Education]~~

1425 (1) The state board shall make rules that establish basic ethical conduct standards for
1426 public education employees who provide education-related services outside of their regular
1427 employment to their current or prospective public school students.

1428 (2) The rules shall provide that a local school board may adopt policies implementing
1429 the standards and addressing circumstances present in the district.

1430 Section 30. Section **53E-3-513** is amended to read:

1431 **53E-3-513. Parental permission required for specified in-home programs --**
1432 **Exceptions.**

1433 (1) The ~~[State Board of Education]~~ state board, local school boards, school districts,
1434 and public schools are prohibited from requiring infant or preschool in-home literacy or other
1435 educational or parenting programs without obtaining parental permission in each individual
1436 case.

1437 (2) This section does not prohibit the Division of Child and Family Services, within the
1438 Department of Human Services, from providing or arranging for family preservation or other
1439 statutorily provided services in accordance with Title 62A, Chapter 4a, Child and Family
1440 Services, or any other in-home services that have been court ordered, pursuant to Title 62A,
1441 Chapter 4a, Child and Family Services, or Title 78A, Chapter 6, Juvenile Court Act.

1442 Section 31. Section **53E-3-515** is amended to read:

1443 **53E-3-515. Hospitality and Tourism Management Career and Technical**
1444 **Education Pilot Program.**

1445 (1) As used in this section:

1446 ~~[(a) "Board" means the State Board of Education.]~~

1447 ~~[(b)]~~ (a) "Local education agency" means a school district or charter school.

1448 ~~[(c)]~~ (b) "Pilot program" means the Hospitality and Tourism Management Career and
1449 Technical Education Pilot Program created under Subsection (2).

1450 (2) There is created a Hospitality and Tourism Management Career and Technical
1451 Education Pilot Program to provide instruction that a local education agency may offer to a
1452 student in any of grades 9 through 12 on:

1453 (a) the information and skills required for operational level employee positions in

1454 hospitality and tourism management, including:

1455 (i) hospitality soft skills;

1456 (ii) operational areas of the hospitality industry;

1457 (iii) sales and marketing; and

1458 (iv) safety and security; and

1459 (b) the leadership and managerial responsibilities, knowledge, and skills required by an

1460 entry-level leader in hospitality and tourism management, including:

1461 (i) hospitality leadership skills;

1462 (ii) operational leadership;

1463 (iii) managing food and beverage operations; and

1464 (iv) managing business operations.

1465 (3) The instruction described in Subsection (2) may be delivered in a public school

1466 using live instruction, video, or online materials.

1467 (4) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state

1468 board shall select one or more providers to supply materials and curriculum for the pilot

1469 program.

1470 (b) The state board may seek recommendations from trade associations and other

1471 entities that have expertise in hospitality and tourism management regarding potential

1472 providers of materials and curriculum for the pilot program.

1473 (5) (a) A local education agency may apply to the state board to participate in the pilot

1474 program.

1475 (b) The state board shall select participants in the pilot program.

1476 (c) A local education agency that participates in the pilot program shall use the

1477 materials and curriculum supplied by a provider selected under Subsection (4).

1478 (6) The state board shall evaluate the pilot program and provide an annual written

1479 report to the Education Interim Committee and the Economic Development and Workforce

1480 Services Interim Committee on or before October 1 describing:

1481 (a) how many local education agencies and how many students are participating in the

1482 pilot program; and

1483 (b) any recommended changes to the pilot program.

1484 Section 32. Section **53E-3-516** is amended to read:

53E-3-516. School disciplinary and law enforcement action report -- Rulemaking authority.

(1) As used in this section:

(a) "Disciplinary action" means an action by a public school meant to formally discipline a student of that public school that includes a suspension or expulsion.

(b) "Law enforcement agency" means the same as that term is defined in Section 77-7a-103.

(c) "Minor" means the same as that term is defined in Section 53G-6-201.

(d) "Other law enforcement activity" means a significant law enforcement interaction with a minor that does not result in an arrest, including:

- (i) a search and seizure by an SRO;
- (ii) issuance of a criminal citation;
- (iii) issuance of a ticket or summons;
- (iv) filing a delinquency petition; or
- (v) referral to a probation officer.

(e) "School is in session" means the hours of a day during which a public school conducts instruction for which student attendance is counted toward calculating average daily membership.

(f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific public school, according to ~~[local]~~ LEA governing board policy, and satisfies at least one of the following conditions:

(A) the activity is managed or supervised by a school district, public school, or public school employee;

(B) the activity uses the school district or public school facilities, equipment, or other school resources; or

(C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or ~~[minimum school program]~~ Minimum School Program dollars.

(ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.

(g) "Student resource officer" or "SRO" means the same as that term is defined in

Section 53G-8-701.

(2) Beginning on July 1, 2020, the [~~State Board of Education~~] state board, in collaboration with school districts, charter schools, and law enforcement agencies, shall develop an annual report regarding the following incidents that occur on school grounds while school is in session or during a school-sponsored activity:

- (a) arrests of a minor;
- (b) other law enforcement activities; and
- (c) disciplinary actions.

(3) The report described in Subsection (2) shall include the following information by school district and charter school:

- (a) the number of arrests of a minor, including the reason why the minor was arrested;
- (b) the number of other law enforcement activities, including the following information for each incident:

- (i) the reason for the other law enforcement activity; and
- (ii) the type of other law enforcement activity used;
- (c) the number of disciplinary actions imposed, including:
 - (i) the reason for the disciplinary action; and
 - (ii) the type of disciplinary action; and
- (d) the number of SROs employed.

(4) The report described in Subsection (2) shall include the following information, in aggregate, for each element described in Subsections (3)(a) through (c):

- (a) age;
- (b) grade level;
- (c) race;
- (d) sex; and
- (e) disability status.

(5) Information included in the annual report described in Subsection (2) shall comply with:

- (a) Chapter 9, Part 3, Student Data Protection [~~Act~~];
- (b) Chapter 9, Part 2, Student Privacy; and
- (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

1547 ~~[(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
1548 ~~the State Board of Education]~~

1549 (6) The state board shall make rules to compile the report described in Subsection (2).

1550 ~~(7) The [State Board of Education]~~ state board shall provide the report described in
1551 Subsection (2) to the Education Interim Committee before November 1 of each year for
1552 incidents that occurred during the previous school year.

1553 Section 33. Section **53E-3-517** is amended to read:

1554 **53E-3-517. Educator credential database.**

1555 (1) As used in this section:

1556 ~~[(a) "Board" means the State Board of Education.]~~

1557 ~~[(b)]~~ (a) "Educator" means the same as that term is defined in Section **53E-6-102**.

1558 ~~[(c)]~~ (b) "Educator credential database" means a database used by the state board that:

1559 (i) contains educator credential information and LEA information; and

1560 (ii) is used by the state board to determine funding distribution.

1561 ~~[(d) "Local education agency" or "LEA" means:]~~

1562 ~~[(i) a charter school;]~~

1563 ~~[(ii) a school district; or]~~

1564 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

1565 (2) Before July 1, 2020, the state board shall ensure that a technical limitation of the
1566 educator credential database does not prevent an educator from accepting employment at more
1567 than one LEA.

1568 Section 34. Section **53E-3-602** is amended to read:

1569 **53E-3-602. Auditors appointed -- Auditing standards.**

1570 (1) Procedures utilized by auditors employed by local school boards shall meet or
1571 exceed generally accepted auditing standards approved by the ~~[State Board of Education]~~ state
1572 board and the state auditor.

1573 (2) The standards must include financial accounting for both revenue and expenditures,
1574 and student accounting.

1575 Section 35. Section **53E-3-603** is amended to read:

1576 **53E-3-603. State board to verify audits.**

1577 The ~~[State Board of Education]~~ state board is responsible for verifying audits of

financial and student accounting records of school districts for purposes of determining the allocation of Uniform School Fund money.

Section 36. Section **53E-3-702** is amended to read:

53E-3-702. State board to adopt public school construction guidelines.

(1) As used in this section[~~:(a) "Board" means the State Board of Education. (b) "Public",~~ "public school construction" means construction work on a new public school.

(2) (a) The state board shall:

(i) adopt guidelines for public school construction; and

(ii) consult with the Division of Facilities Construction and Management Administration on proposed guidelines before adoption.

(b) The state board shall ensure that guidelines adopted under Subsection (2)(a)(i) maximize funds used for public school construction and reflect efficient and economic use of those funds, including adopting guidelines that address a school's essential needs rather than encouraging or endorsing excessive costs per square foot of construction or nonessential facilities, design, or furnishings.

(3) Before a school district or charter school may begin public school construction, the school district or charter school shall:

(a) review the guidelines adopted by the state board under this section; and

(b) take into consideration the guidelines when planning the public school construction.

(4) In adopting the guidelines for public school construction, the state board shall consider the following and adopt alternative guidelines as needed:

(a) location factors, including whether the school is in a rural or urban setting, and climate factors;

(b) variations in guidelines for significant or minimal projected student population growth;

(c) guidelines specific to schools that serve various populations and grades, including high schools, junior high schools, middle schools, elementary schools, alternative schools, and schools for people with disabilities; and

(d) year-round use.

(5) The guidelines shall address the following:

- 1609 (a) square footage per student;
- 1610 (b) minimum and maximum required real property for a public school;
- 1611 (c) athletic facilities and fields, playgrounds, and hard surface play areas;
- 1612 (d) cost per square foot;
- 1613 (e) minimum and maximum qualities and costs for building materials;
- 1614 (f) design efficiency;
- 1615 (g) parking;
- 1616 (h) furnishing;
- 1617 (i) proof of compliance with applicable building codes; and
- 1618 (j) safety.

1619 Section 37. Section **53E-3-703** is amended to read:

1620 **53E-3-703. Construction and alteration of schools and plants -- Advertising for**
1621 **bids -- Payment and performance bonds -- Contracts -- Bidding limitations on local**
1622 **school boards -- Interest of local school board members.**

1623 (1) As used in this section, the word "sealed" does not preclude acceptance of
1624 electronically sealed and submitted bids or proposals in addition to bids or proposals manually
1625 sealed and submitted.

1626 (2) (a) Prior to the construction of any school or the alteration of any existing school
1627 plant, if the total estimated accumulative building project cost exceeds \$80,000, a local school
1628 board shall advertise for bids on the project at least 10 days before the bid due date.

1629 (b) The advertisement shall state:

1630 (i) that proposals for the building project are required to be sealed in accordance with
1631 plans and specifications provided by the local school board;

1632 (ii) where and when the proposals will be opened;

1633 (iii) that the local school board reserves the right to reject any and all proposals; and

1634 (iv) that a person that submits a proposal is required to submit a certified check or bid
1635 bond, of not less than 5% of the bid in the proposal, to accompany the proposal.

1636 (c) The local school board shall publish the advertisement, at a minimum:

1637 (i) on the local school board's website; or

1638 (ii) on a state website that is:

1639 (A) owned or managed by, or provided under contract with, the Division of Purchasing

1640 and General Services; and

1641 (B) available for the posting of public procurement notices.

1642 (3) (a) The local school board shall meet at the time and place specified in the
1643 advertisement and publicly open and read all received proposals.

1644 (b) If satisfactory bids are received, the local school board shall award the contract to
1645 the lowest responsible bidder.

1646 (c) If none of the proposals are satisfactory, all shall be rejected.

1647 (d) The local school board shall again advertise in the manner provided in this section.

1648 (e) If, after advertising a second time no satisfactory bid is received, the local school
1649 board may proceed under its own direction with the required project.

1650 (4) (a) The check or bond required under Subsection (2)(b) shall be drawn in favor of
1651 the local school board.

1652 (b) If the successful bidder fails or refuses to enter into the contract and furnish the
1653 additional bonds required under this section, then the bidder's check or bond is forfeited to the
1654 district.

1655 (5) A local school board shall require payment and performance bonds of the
1656 successful bidder as required in Section [63G-6a-1103](#).

1657 (6) (a) A local school board may require in the proposed contract that up to 5% of the
1658 contract price be withheld until the project is completed and accepted by the local school
1659 board.

1660 (b) If money is withheld, the local school board shall place it in an interest bearing
1661 account, and the interest accrues for the benefit of the contractor and subcontractors.

1662 (c) This money shall be paid upon completion of the project and acceptance by the
1663 local school board.

1664 (7) (a) A local school board may not bid on projects within the district if the total
1665 accumulative estimated cost exceeds \$80,000.

1666 (b) The local school board may use its resources if no satisfactory bids are received
1667 under this section.

1668 (8) If the local school board determines in accordance with Section [63G-6a-1302](#) to use
1669 a construction manager/general contractor as its method of construction contracting
1670 management on projects where the total estimated accumulative cost exceeds \$80,000, it shall

select the construction manager/general contractor in accordance with the requirements of Title 63G, Chapter 6a, Utah Procurement Code.

(9) A local school board member may not have a direct or indirect financial interest in the construction project contract.

Section 38. Section **53E-3-705** is amended to read:

53E-3-705. School plant capital outlay report.

(1) The [~~State Board of Education~~] state board shall prepare an annual school plant capital outlay report of all school districts, which includes information on the number and size of building projects completed and under construction.

(2) A school district or charter school shall prepare and submit an annual school plant capital outlay report in accordance with Section [63A-3-402](#).

Section 39. Section **53E-3-706** is amended to read:

53E-3-706. Enforcement of part by state superintendent -- Employment of personnel -- School districts and charter schools -- Certificate of inspection verification.

(1) The state superintendent [~~of public instruction~~] shall enforce this part.

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

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

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

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

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

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

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

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

(B) Upon the local school board's or charter school's filing of the certificate and request as provided in Subsection (3)(a)(iv)(A), the school district or charter school shall be entitled to temporary occupancy of the school building that is the subject of the request for a period of 90 days, beginning the date the request is filed, if the school district or charter school has complied with all applicable fire and life safety code requirements.

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

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

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

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

(D) Upon the local school board or charter school remedying the deficiencies indicated in the notice under Subsection (3)(a)(iv)(C)(I)(Bb) and notifying the state superintendent ~~[of public instruction]~~ that the deficiencies have been remedied, the state superintendent ~~[of public instruction]~~ shall issue a certificate authorizing permanent occupancy of the school building

and mail a copy of the certificate to the building official of the local governmental entity in which the school building is located.

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

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

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

(i) "local governmental entity" means either a municipality, for a school building located within a municipality, or a county, for a school building located within an unincorporated area in the county; and

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

Section 40. Section **53E-3-707** is amended to read:

53E-3-707. School building construction and inspection manual -- Annual construction and inspection conference -- Verification of school construction inspections.

(1) (a) The [~~State Board of Education~~] state board, through the state superintendent [~~of public instruction~~], shall develop and distribute to each school district a school building construction and inspection resource manual.

(b) The manual shall be provided to a charter school upon request of the charter school.

(2) (a) The manual shall include:

(i) current legal requirements; and

(ii) information on school building construction and inspections, including the guidelines adopted by the [~~State Board of Education~~] state board in accordance with Section **53E-3-702**.

(b) The state superintendent shall review and update the manual at least once every three years.

(3) The state board shall provide for an annual school construction conference to allow a representative from each school district and charter school to:

1764 (a) receive current information on the design, construction, and inspection of school
1765 buildings;

1766 (b) receive training on such matters as:

1767 (i) using properly certified building inspectors;

1768 (ii) filing construction inspection summary reports and the final inspection certification
1769 with the local governmental authority's building official;

1770 (iii) the roles and relationships between a school district or charter school and the local
1771 governmental authority, either a county or municipality, as related to the construction and
1772 inspection of school buildings; and

1773 (iv) adequate documentation of school building inspections; and

1774 (c) provide input on any changes that may be needed to improve the existing school
1775 building inspection program.

1776 (4) The state board shall develop a process to verify that inspections by qualified
1777 inspectors occur in each school district or charter school.

1778 Section 41. Section **53E-3-709** is amended to read:

1779 **53E-3-709. Power of state board regarding expected federal aid to build schools.**

1780 For the purpose of participating in any program of assistance by the government of the
1781 United States designed to aid the various states, their political subdivisions and their
1782 educational agencies and institutions in providing adequate educational buildings and facilities,
1783 the ~~[State Board of Education]~~ state board, with the approval of the governor, may do the
1784 following:

1785 (1) It may develop and implement plans relating to the building of educational
1786 buildings for the use and benefit of school districts and educational institutions and agencies of
1787 the state. These plans may conform to the requirements of federal legislation to such extent as
1788 the state board finds necessary to qualify the state and its educational subdivisions, agencies,
1789 and institutions for federal educational building grants-in-aid.

1790 (2) It may enter into agreements on behalf of the state, its school districts, and its
1791 educational agencies and institutions with the federal government and its agencies, and with the
1792 school districts, educational agencies, and institutions of the state, as necessary to comply with
1793 federal legislation and to secure for them rights of participation as necessary to fulfill the
1794 educational building needs of the state.

(3) It may accept, allocate, disburse, and otherwise deal with federal funds or other assets that are available for buildings from any federal legislation or program of assistance among the school districts, public educational agencies, and other public institutions eligible to participate in those programs.

Section 42. Section **53E-3-801** is amended to read:

53E-3-801. Definitions.

As used in this part:

(1) (a) "Cost" means an estimation of state and local money required to implement a federal education agreement or national program.

(b) "Cost" does not include capital costs associated with implementing a federal education agreement or national program.

(2) "Education entities" means the entities that may bear the state and local costs of implementing a federal program or national program, including:

(a) the ~~[State Board of Education]~~ state board;

(b) the state superintendent ~~[of public instruction]~~;

(c) a local school board;

(d) a school district and its schools;

(e) a charter school governing board; and

(f) a charter school.

(3) "Federal education agreement" means a legally binding document or representation that requires a school official to implement a federal program or set of requirements that originates from the U.S. Department of Education and that has, as a primary focus, an impact on the educational services at a district or charter school.

(4) "Federal programs" include:

(a) the No Child Left Behind Act;

(b) the Individuals with Disabilities Education Act Amendments of 1997, Public Law 105-17, and subsequent amendments; and

(c) other federal educational programs.

(5) "National program" means a national or multi-state education program, agreement, or standards that:

(a) originated from, or were received directly or indirectly from, a national or

1826 multi-state organization, coalition, or compact;

1827 (b) have, as a primary focus, an impact on the educational services at a public school;

1828 and

1829 (c) are adopted by the [~~State Board of Education~~] state board or state superintendent [~~of~~

1830 ~~public instruction~~] with the intent to cause a local school official to implement the national or

1831 multi-state education program, agreement, or standards.

1832 (6) "No Child Left Behind Act" means the No Child Left Behind Act of 2001, 20

1833 U.S.C. Sec. 6301 et seq.

1834 (7) "School official" includes:

1835 (a) the [~~State Board of Education~~] state board;

1836 (b) the state superintendent;

1837 (c) employees of the [~~State Board of Education~~] state board and the state

1838 superintendent;

1839 (d) local school boards;

1840 (e) school district superintendents and employees; and

1841 (f) charter school governing board members, administrators, and employees.

1842 Section 43. Section **53E-3-802** is amended to read:

1843 **53E-3-802. Federal programs -- School official duties.**

1844 (1) School officials may:

1845 (a) apply for, receive, and administer funds made available through programs of the

1846 federal government;

1847 (b) only expend federal funds for the purposes for which they are received and are

1848 accounted for by the state, school district, or charter school; and

1849 (c) reduce or eliminate a program created with or expanded by federal funds to the

1850 extent allowed by law when federal funds for that program are subsequently reduced or

1851 eliminated.

1852 (2) School officials shall:

1853 (a) prioritize resources, especially to resolve conflicts between federal provisions or

1854 between federal and state programs, including:

1855 (i) providing first priority to meeting state goals, objectives, program needs, and

1856 accountability systems as they relate to federal programs; and

(ii) subject to Subsection (4), providing second priority to implementing federal goals, objectives, program needs, and accountability systems that do not directly and simultaneously advance state goals, objectives, program needs, and accountability systems;

(b) interpret the provisions of federal programs in the best interest of students in this state;

(c) maximize local control and flexibility;

(d) minimize additional state resources that are diverted to implement federal programs beyond the federal money that is provided to fund the programs;

(e) request changes to federal educational programs, especially programs that are underfunded or provide conflicts with other state or federal programs, including:

(i) federal statutes;

(ii) federal regulations; and

(iii) other federal policies and interpretations of program provisions; and

(f) seek waivers from all possible federal statutes, requirements, regulations, and program provisions from federal education officials to:

(i) maximize state flexibility in implementing program provisions; and

(ii) receive reasonable time to comply with federal program provisions.

(3) The requirements of school officials under this part, including the responsibility to lobby federal officials, are not intended to mandate school officials to incur costs or require the hiring of lobbyists, but are intended to be performed in the course of school officials' normal duties.

(4) (a) As used in this Subsection (4):

(i) "Available Education Fund revenue surplus" means the Education Fund revenue surplus after the statutory transfers and set-asides described in Section 63J-1-313.

(ii) "Education Fund revenue surplus" means the same as that term is defined in Section 63J-1-313.

(b) Before prioritizing the implementation of a future federal goal, objective, program need, or accountability system that does not directly and simultaneously advance a state goal, objective, program need, or accountability system, the ~~[State Board of Education]~~ state board may:

(i) determine the financial impact of failure to implement the federal goal, objective,

program need, or accountability system; and

(ii) if the ~~[State Board of Education]~~ state board determines that failure to implement the federal goal, objective, program need, or accountability system may result in a financial loss, request that the Legislature mitigate the financial loss.

(c) A mitigation requested under Subsection (4)(b)(ii) may include appropriating available Education Fund revenue surplus through an appropriations act, including an appropriations act passed during a special session called by the governor or a general session.

(d) This mitigation option is in addition to and does not restrict or conflict with the state's authority provided in this part.

Section 44. Section **53E-3-903** is amended to read:

53E-3-903. Article II -- Definitions.

(1) As used in this compact, unless the context clearly requires a different construction:

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

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

~~[(3)]~~ (c) "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

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

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

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

1919 activities.

1920 ~~[(7)]~~ (g) "Interstate Commission on Educational Opportunity for Military Children"
1921 means the commission that is created in Section [53E-3-910](#) and generally referred to as
1922 Interstate Commission.

1923 ~~[(8)]~~ (h) "Local education agency" means a public authority legally constituted by the
1924 state as an administrative agency to provide control of and direction for Kindergarten through
1925 Twelfth grade public educational institutions.

1926 ~~[(9)]~~ (i) "Member state" means a state that has enacted this compact.

1927 ~~[(10)]~~ (j) "Military installation" means a base, camp, post, station, yard, center,
1928 homeport facility for any ship, or other activity under the jurisdiction of the Department of
1929 Defense, including any leased facility, which is located within any of the several states, the
1930 District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,
1931 American Samoa, the Northern Mariana Islands, and any other U.S. Territory. The term does
1932 not include any facility used primarily for civil works, rivers and harbors projects, or flood
1933 control projects.

1934 ~~[(11)]~~ (k) "Non-member state" means a state that has not enacted this compact.

1935 ~~[(12)]~~ (l) "Receiving state" means the state to which a child of a military family is sent,
1936 brought, or caused to be sent or brought.

1937 ~~[(13)]~~ (m) "Rule" means a written statement by the Interstate Commission promulgated
1938 pursuant to Section [53E-3-913](#) that is of general applicability, implements, interprets, or
1939 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
1940 requirement of the Interstate Commission, and has the force and effect of a rule promulgated
1941 under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and includes the
1942 amendment, repeal, or suspension of an existing rule.

1943 ~~[(14)]~~ (n) "Sending state" means the state from which a child of a military family is
1944 sent, brought, or caused to be sent or brought.

1945 ~~[(15)]~~ (o) "State" means a state of the United States, the District of Columbia, the
1946 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern
1947 Mariana Islands, and any other U.S. Territory.

1948 ~~[(16)]~~ (p) "Student" means the child of a military family for whom the local education
1949 agency receives public funding and who is formally enrolled in Kindergarten through Twelfth

1950 grade.

1951 ~~[(+7)]~~ (q) "Transition" means:

1952 ~~[(+a)]~~ (i) the formal and physical process of transferring from school to school; or

1953 ~~[(+b)]~~ (ii) the period of time in which a student moves from one school in the sending

1954 state to another school in the receiving state.

1955 ~~[(+8)]~~ (r) "Uniformed services" means the same as that term is defined in Section

1956 68-3-12.5.

1957 ~~[(+9)]~~ (s) "Veteran" means a person who served in the uniformed services and who was

1958 discharged or released therefrom under conditions other than dishonorable.

1959 (2) The definitions described in Section 53E-1-102 do not apply to this compact.

1960 Section 45. Section 53E-4-202 is amended to read:

1961 **53E-4-202. Core standards for Utah public schools.**

1962 (1) (a) In establishing minimum standards related to curriculum and instruction

1963 requirements under Section 53E-3-501, the ~~[State Board of Education]~~ state board shall, in

1964 consultation with local school boards, school superintendents, teachers, employers, and parents

1965 implement core standards for Utah public schools that will enable students to, among other

1966 objectives:

1967 (i) communicate effectively, both verbally and through written communication;

1968 (ii) apply mathematics; and

1969 (iii) access, analyze, and apply information.

1970 (b) Except as provided in this public education code, the ~~[State Board of Education]~~

1971 state board may recommend but may not require a local school board or charter school

1972 governing board to use:

1973 (i) a particular curriculum or instructional material; or

1974 (ii) a model curriculum or instructional material.

1975 (2) The ~~[State Board of Education]~~ state board shall, in establishing the core standards

1976 for Utah public schools:

1977 (a) identify the basic knowledge, skills, and competencies each student is expected to

1978 acquire or master as the student advances through the public education system; and

1979 (b) align with each other the core standards for Utah public schools and the

1980 assessments described in Section 53E-4-303.

(3) The basic knowledge, skills, and competencies identified pursuant to Subsection (2)(a) shall increase in depth and complexity from year to year and focus on consistent and continual progress within and between grade levels and courses in the basic academic areas of:

(a) English, including explicit phonics, spelling, grammar, reading, writing, vocabulary, speech, and listening; and

(b) mathematics, including basic computational skills.

(4) Before adopting core standards for Utah public schools, the ~~[State Board of Education]~~ state board shall:

(a) publicize draft core standards for Utah public schools on the ~~[State Board of Education's]~~ state board's website and the Utah Public Notice website created under Section [63F-1-701](#);

(b) invite public comment on the draft core standards for Utah public schools for a period of not less than 90 days; and

(c) conduct three public hearings that are held in different regions of the state on the draft core standards for Utah public schools.

(5) ~~[Local school]~~ LEA governing boards shall design their school programs, that are supported by generally accepted scientific standards of evidence, to focus on the core standards for Utah public schools with the expectation that each program will enhance or help achieve mastery of the core standards for Utah public schools.

(6) Except as provided in Section [53G-10-402](#), each school may select instructional materials and methods of teaching, that are supported by generally accepted scientific standards of evidence, that the school considers most appropriate to meet the core standards for Utah public schools.

(7) The state may exit any agreement, contract, memorandum of understanding, or consortium that cedes control of the core standards for Utah public schools to any other entity, including a federal agency or consortium, for any reason, including:

(a) the cost of developing or implementing the core standards for Utah public schools;

(b) the proposed core standards for Utah public schools are inconsistent with community values; or

(c) the agreement, contract, memorandum of understanding, or consortium:

(i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National

2012 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;

2013 (ii) conflicts with Utah law;

2014 (iii) requires Utah student data to be included in a national or multi-state database;

2015 (iv) requires records of teacher performance to be included in a national or multi-state

2016 database; or

2017 (v) imposes curriculum, assessment, or data tracking requirements on home school or

2018 private school students.

2019 (8) The ~~[State Board of Education]~~ state board shall annually report to the Education

2020 Interim Committee on the development and implementation of the core standards for Utah

2021 public schools, including the time line established for the review of the core standards for Utah

2022 public schools by a standards review committee and the recommendations of a standards

2023 review committee established under Section [53E-4-203](#).

2024 Section 46. Section **53E-4-203** is amended to read:

2025 **53E-4-203. Standards review committee.**

2026 ~~[(1) As used in this section, "board" means the State Board of Education.]~~

2027 ~~[(2)]~~ (1) Subject to Subsection ~~[(5)]~~ (4), the ~~[State Board of Education]~~ state board

2028 shall establish:

2029 (a) a time line for the review by a standards review committee of the core standards for

2030 Utah public schools for:

2031 (i) English language arts;

2032 (ii) mathematics;

2033 (iii) science;

2034 (iv) social studies;

2035 (v) fine arts;

2036 (vi) physical education and health; and

2037 (vii) early childhood education; and

2038 (b) a separate standards review committee for each subject area specified in Subsection

2039 ~~[(2)]~~ (1)(a) to review, and recommend to the state board revisions to, the core standards for

2040 Utah public schools.

2041 ~~[(3)]~~ (2) At least one year before the state board takes formal action to adopt new core

2042 standards for Utah public schools, the state board shall establish a standards review committee

2043 as required by Subsection ~~[(2)]~~ (1)(b).

2044 ~~[(4)]~~ (3) A standards review committee shall meet at least twice during the time period
2045 described in Subsection ~~[(3)]~~ (2).

2046 ~~[(5)]~~ (4) In establishing a time line for the review of core standards for Utah public
2047 schools by a standards review committee, the state board shall give priority to establishing a
2048 standards review committee to review, and recommend revisions to, the mathematics core
2049 standards for Utah public schools.

2050 ~~[(6)]~~ (5) The membership of a standards review committee consists of:

2051 (a) seven individuals, with expertise in the subject being reviewed, appointed by the
2052 state board chair, including teachers, business representatives, faculty of higher education
2053 institutions in Utah, and others as determined by the state board chair;

2054 (b) five parents ~~[or guardians]~~ of public education students appointed by the speaker of
2055 the House of Representatives; and

2056 (c) five parents ~~[or guardians]~~ of public education students appointed by the president
2057 of the Senate.

2058 ~~[(7)]~~ (6) The state board shall provide staff support to the standards review committee.

2059 ~~[(8)]~~ (7) A member of the standards review committee may not receive compensation
2060 or benefits for the member's service on the committee.

2061 ~~[(9)]~~ (8) Among the criteria a standards review committee shall consider when
2062 reviewing the core standards for Utah public schools is giving students an adequate foundation
2063 to successfully pursue college, technical education, a career, or other life pursuits.

2064 ~~[(10)]~~ (9) A standards review committee shall submit, to the state board, comments and
2065 recommendations for revision of the core standards for Utah public schools.

2066 ~~[(11)]~~ (10) The state board shall take into consideration the comments and
2067 recommendations of a standards review committee in adopting the core standards for Utah
2068 public schools.

2069 ~~[(12)]~~ (11) (a) Nothing in this section prohibits the state board from amending or
2070 adding individual core standards for Utah public schools as the need arises in the state board's
2071 ongoing responsibilities.

2072 (b) If the state board makes changes as described in Subsection ~~[(12)]~~ (11)(a), the state
2073 board shall include the changes in the annual report the state board submits to the Education

2074 Interim Committee under Section 53E-4-202.

2075 Section 47. Section 53E-4-204 is amended to read:

2076 **53E-4-204. Standards and graduation requirements.**

2077 (1) The [~~State Board of Education~~] state board shall establish rigorous core standards
2078 for Utah public schools and graduation requirements under Section 53E-3-501 for grades 9
2079 through 12 that:

2080 (a) are consistent with state law and federal regulations; and

2081 (b) beginning no later than with the graduating class of 2008:

2082 (i) use competency-based standards and assessments;

2083 (ii) include instruction that stresses general financial literacy from basic budgeting to
2084 financial investments, including bankruptcy education and a general financial literacy test-out
2085 option; and

2086 (iii) increase graduation requirements in language arts, mathematics, and science to
2087 exceed the existing credit requirements of 3.0 units in language arts, 2.0 units in mathematics,
2088 and 2.0 units in science.

2089 (2) The [~~State Board of Education~~] state board shall also establish competency-based
2090 standards and assessments for elective courses.

2091 (3) On or before July 1, 2014, the [~~State Board of Education~~] state board shall adopt
2092 revised course standards and objectives for the course of instruction in general financial
2093 literacy described in Subsection (1)(b) that address:

2094 (a) the costs of going to college, student loans, scholarships, and the Free Application
2095 for Federal Student Aid (FAFSA); and

2096 (b) technology that relates to banking, savings, and financial products.

2097 (4) The [~~State Board of Education~~] state board shall administer the course of
2098 instruction in general financial literacy described in Subsection (1)(b) in the same manner as
2099 other core standards for Utah public schools courses for grades 9 through 12 are administered.

2100 Section 48. Section 53E-4-205 is amended to read:

2101 **53E-4-205. American civics education initiative.**

2102 (1) As used in this section:

2103 (a) "Adult education program" means an organized educational program below the
2104 postsecondary level, other than a regular full-time K-12 secondary education program,

2105 provided by an LEA or nonprofit organization that provides the opportunity for an adult to
2106 further the adult's high school level education.

2107 (b) "Basic civics test" means a test that includes 50 of the 100 questions on the civics
2108 test form used by the United States Citizenship and Immigration Services:

2109 (i) to determine that an individual applying for United States citizenship meets the
2110 basic citizenship skills specified in 8 U.S.C. Sec. 1423; and

2111 (ii) in accordance with 8 C.F.R. Sec. 312.2.

2112 ~~[(c) "Board" means the State Board of Education.]~~

2113 ~~[(d) "LEA" means:]~~

2114 ~~[(i) a school district;]~~

2115 ~~[(ii) a charter school; or]~~

2116 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

2117 (2) (a) Except as provided in Subsection (2)(b), the state board shall require:

2118 (i) a public school student who graduates on or after January 1, 2016, to pass a basic
2119 civics test as a condition for receiving a high school diploma; and

2120 (ii) a student enrolled in an adult education program to pass a basic civics test as a
2121 condition for receiving an adult education secondary diploma.

2122 (b) The state board may require a public school student to pass an alternate assessment
2123 instead of a basic civics test if the student qualifies for an alternate assessment, as defined in
2124 state board rule.

2125 (3) An individual who correctly answers a minimum of 35 out of the 50 questions on a
2126 basic civics test passes the test and an individual who correctly answers fewer than 35 out of 50
2127 questions on a basic civics test does not pass the test.

2128 ~~[(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2129 ~~the]~~

2130 (4) The state board shall make rules that:

2131 (a) require an LEA that serves secondary students to administer a basic civics test or
2132 alternate assessment to a public school student enrolled in the LEA;

2133 (b) require an adult education program provider to administer a basic civics test to an
2134 individual who intends to receive an adult education secondary diploma;

2135 (c) allow an individual to take a basic civics test as many times as needed in order to

2136 pass the test; and

2137 (d) for the alternate assessment described in Subsection (2)(b), describe:

2138 (i) the content of an alternate assessment;

2139 (ii) how a public school student qualifies for an alternate assessment; and

2140 (iii) how an LEA determines if a student passes an alternate assessment.

2141 Section 49. Section **53E-4-206** is amended to read:

2142 **53E-4-206. Career and college readiness mathematics competency standards.**

2143 (1) As used in this section, "qualifying score" means a score established as described in
2144 Subsection (4), that, if met by a student, qualifies the student to receive college credit for a
2145 mathematics course that satisfies the state system of higher education quantitative literacy
2146 requirement.

2147 ~~[(2) The State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah~~
2148 ~~Administrative Rulemaking Act,]~~

2149 (2) The state board shall make rules that:

2150 (a) (i) establish the mathematics competency standards described in Subsection (3) as a
2151 graduation requirement beginning with the 2016-17 school year; and

2152 (ii) include the qualifying scores described in Subsection (4); and

2153 (b) establish systematic reporting of college and career ready mathematics
2154 achievement.

2155 (3) In addition to other graduation requirements established by the ~~[State Board of~~
2156 ~~Education]~~ state board, a student shall fulfill one of the following requirements to demonstrate
2157 mathematics competency that supports the student's future college and career goals as outlined
2158 in the student's college and career plan:

2159 (a) for a student pursuing a college degree after graduation:

2160 (i) receive a score that at least meets the qualifying score for:

2161 (A) an Advanced Placement calculus or statistics exam;

2162 (B) an International Baccalaureate higher level mathematics exam;

2163 (C) a college-level math placement test described in Subsection (5);

2164 (D) a College Level Examination Program precalculus or calculus exam; or

2165 (E) the ACT Mathematics Test; or

2166 (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that

2167 satisfies the state system of higher education quantitative literacy requirement;

2168 (b) for a non college degree-seeking student, the student shall complete appropriate
2169 math competencies for the student's career goals as described in the student's college and career
2170 plan;

2171 (c) for a student with an individualized education program prepared in accordance with
2172 the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall
2173 meet the mathematics standards described in the student's individualized education program; or

2174 (d) for a senior student with special circumstances as described in [~~State Board of~~
2175 ~~Education~~] state board rule, the student shall fulfill a requirement associated with the student's
2176 special circumstances, as established in [~~State Board of Education~~] state board rule.

2177 (4) The State Board of Regents shall, in consultation with the [~~State Board of~~
2178 ~~Education~~] state board, determine qualifying scores for the tests and exams described in
2179 Subsection (3)(a)(i).

2180 (5) The State Board of Regents, established in Section 53B-1-103, shall make a policy
2181 to select at least two tests for college-level math placement.

2182 (6) The State Board of Regents shall, in consultation with the [~~State Board of~~
2183 ~~Education~~] state board, make policies to:

2184 (a) develop mechanisms for a student who completes a math competency requirement
2185 described in Subsection (3)(a) to:

2186 (i) receive college credit; and

2187 (ii) satisfy the state system of higher education quantitative literacy requirement;

2188 (b) allow a student, upon completion of required high school mathematics courses with
2189 at least a "C" grade, entry into a mathematics concurrent enrollment course;

2190 (c) increase access to a range of mathematics concurrent enrollment courses;

2191 (d) establish a consistent concurrent enrollment course approval process; and

2192 (e) establish a consistent process to qualify high school teachers with an upper level
2193 mathematics endorsement to teach entry level mathematics concurrent enrollment courses.

2194 Section 50. Section 53E-4-301 is amended to read:

2195 **53E-4-301. Definitions.**

2196 As used in this part:

2197 [~~(1) "Board" means the State Board of Education.~~]

2198 [(2)] (1) "Core standards for Utah public schools" means the standards established by
2199 the state board as described in Section 53E-4-202.

2200 ~~[(3)] "Individualized education program" or "IEP" means a written statement for a~~
2201 ~~student with a disability that is developed, reviewed, and revised in accordance with the~~
2202 ~~Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

2203 [(4)] (2) "Statewide assessment" means one or more of the following, as applicable:

2204 (a) a standards assessment described in Section 53E-4-303;

2205 (b) a high school assessment described in Section 53E-4-304;

2206 (c) a college readiness assessment described in Section 53E-4-305; or

2207 (d) an assessment of students in grade 3 to measure reading grade level described in
2208 Section 53E-4-307.

2209 Section 51. Section 53E-4-301.5 is amended to read:

2210 **53E-4-301.5. Legislative intent.**

2211 (1) In enacting this part, the Legislature intends to determine the effectiveness of
2212 school districts and schools in assisting students to master the fundamental educational skills
2213 toward which instruction is directed.

2214 (2) The state board shall ensure that a statewide assessment provides the public, the
2215 Legislature, the state board, school districts, public schools, and school teachers with:

2216 (a) evaluative information regarding the various levels of proficiency achieved by
2217 students, so that they may have an additional tool to plan, measure, and evaluate the
2218 effectiveness of programs in the public schools; and

2219 (b) information to recognize excellence and to identify the need for additional resources
2220 or to reallocate educational resources in a manner to ensure educational opportunities for all
2221 students and to improve existing programs.

2222 Section 52. Section 53E-4-302 is amended to read:

2223 **53E-4-302. Statewide assessments -- Duties of the state board.**

2224 (1) The state board shall:

2225 (a) require the state superintendent ~~[of public instruction]~~ to:

2226 (i) submit and recommend statewide assessments to the state board for adoption by the
2227 state board; and

2228 (ii) distribute the statewide assessments adopted by the state board to a school district

2229 or charter school;

2230 (b) provide for the state to participate in the National Assessment of Educational
2231 Progress state-by-state comparison testing program; and

2232 (c) require a school district or charter school to administer statewide assessments.

2233 ~~[(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2234 ~~the]~~

2235 (2) The state board shall make rules for the administration of statewide assessments.

2236 (3) The state board shall ensure that statewide assessments are administered in
2237 compliance with the requirements of Chapter 9, Student Privacy and Data Protection.

2238 Section 53. Section **53E-4-303** is amended to read:

2239 **53E-4-303. Utah standards assessments -- Administration -- Review committee.**

2240 (1) As used in this section, "computer adaptive assessment" means an assessment that
2241 measures the range of a student's ability by adapting to the student's responses, selecting more
2242 difficult or less difficult questions based on the student's responses.

2243 (2) The state board shall:

2244 (a) adopt a standards assessment that:

2245 (i) measures a student's proficiency in:

2246 (A) mathematics for students in each of grades 3 through 8;

2247 (B) English language arts for students in each of grades 3 through 8;

2248 (C) science for students in each of grades 4 through 8; and

2249 (D) writing for students in at least grades 5 and 8; and

2250 (ii) except for the writing measurement described in Subsection (2)(a)(i)(D), is a
2251 computer adaptive assessment; and

2252 (b) ensure that an assessment described in Subsection (2)(a) is:

2253 (i) a criterion referenced assessment;

2254 (ii) administered online;

2255 (iii) aligned with the core standards for Utah public schools; and

2256 (iv) adaptable to competency-based education as defined in Section **53F-5-501**.

2257 (3) A school district or charter school shall annually administer the standards
2258 assessment adopted by the state board under Subsection (2) to all students in the subjects and
2259 grade levels described in Subsection (2).

2260 (4) A student's score on the standards assessment adopted under Subsection (2) may
2261 not be considered in determining:

2262 (a) the student's academic grade for a course; or
2263 (b) whether the student may advance to the next grade level.

2264 (5) (a) The state board shall establish a committee consisting of 15 parents of Utah
2265 public education students to review all standards assessment questions.

2266 (b) The committee established in Subsection (5)(a) shall include the following parent
2267 members:

2268 (i) five members appointed by the chair of the state board;
2269 (ii) five members appointed by the speaker of the House of Representatives or the
2270 speaker's designee; and
2271 (iii) five members appointed by the president of the Senate or the president's designee.

2272 (c) The state board shall provide staff support to the parent committee.

2273 (d) The term of office of each member appointed in Subsection (5)(b) is four years.

2274 (e) The chair of the state board, the speaker of the House of Representatives, and the
2275 president of the Senate shall adjust the length of terms to stagger the terms of committee
2276 members so that approximately half of the committee members are appointed every two years.

2277 (f) No member may receive compensation or benefits for the member's service on the
2278 committee.

2279 Section 54. Section **53E-4-304** is amended to read:

2280 **53E-4-304. High school assessments.**

2281 (1) The state board shall adopt a high school assessment that:

2282 (a) is predictive of a student's college readiness as measured by the college readiness
2283 assessment described in Section **53E-4-305**; and
2284 (b) provides a growth score for a student from grade 9 to 10.

2285 (2) A school district or charter school shall annually administer the high school
2286 assessment adopted by the state board under Subsection (1) to all students in grades 9 and 10.

2287 Section 55. Section **53E-4-305** is amended to read:

2288 **53E-4-305. College readiness assessments.**

2289 (1) The Legislature recognizes the need for the state board to develop and implement
2290 standards and assessment processes to ensure that student progress is measured and that

2291 ~~[school]~~ LEA governing boards and school personnel are accountable.

2292 (2) The state board shall adopt a college readiness assessment for secondary students
2293 that:

2294 (a) is the college readiness assessment most commonly submitted to local universities;
2295 and

2296 (b) may include:

2297 (i) the Armed Services Vocational Aptitude Battery; or

2298 (ii) a battery of assessments that are predictive of success in higher education.

2299 (3) (a) Except as provided in Subsection (3)(b), a school district or charter school shall
2300 annually administer the college readiness assessment adopted under Subsection (2) to all
2301 students in grade 11.

2302 (b) A student with an IEP may take an appropriate college readiness assessment other
2303 than the assessment adopted by the state board under Subsection (2), as determined by the
2304 student's IEP.

2305 (4) In accordance with Section 53F-4-202, the state board shall contract with a provider
2306 to provide an online college readiness diagnostic tool.

2307 Section 56. Section 53E-4-306 is amended to read:

2308 **53E-4-306. State reading goal -- Reading achievement plan.**

2309 (1) As used in this section:

2310 (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or
2311 ability that has been organized into a hierarchical arrangement leading to higher levels of
2312 knowledge, skill, or ability.

2313 (b) "Five domains of reading" include phonological awareness, phonics, fluency,
2314 comprehension, and vocabulary.

2315 (2) (a) The Legislature recognizes that:

2316 (i) reading is the most fundamental skill, the gateway to knowledge and lifelong
2317 learning;

2318 (ii) there is an ever increasing demand for literacy in the highly technological society
2319 we live in;

2320 (iii) students who do not learn to read will be economically and socially disadvantaged;

2321 (iv) reading problems exist in almost every classroom;

2322 (v) almost all reading failure is preventable if reading difficulties are diagnosed and
2323 treated early; and

2324 (vi) early identification and treatment of reading difficulties can result in students
2325 learning to read by the end of [~~the third~~] grade 3.

2326 (b) It is therefore the goal of the state to have every student in the state's public
2327 education system reading on or above grade level by the end of [~~the third~~] grade 3.

2328 (3) (a) Each public school containing kindergarten, grade [~~one~~] 1, grade [~~two~~] 2, or
2329 grade [~~three~~] 3, including charter schools, shall develop, as a component of the school
2330 improvement plan described in Section [53G-7-1204](#), a reading achievement plan for its
2331 students in kindergarten through grade [~~three~~] 3 to reach the reading goal set in Subsection
2332 (2)(b).

2333 (b) The reading achievement plan shall be:

2334 (i) created under the direction of:

2335 (A) the school community council or a subcommittee or task force created by the
2336 school community council, in the case of a school district school; or

2337 (B) the charter school governing board or a subcommittee or task force created by the
2338 charter school governing board, in the case of a charter school; and

2339 (ii) implemented by the school's principal, teachers, and other appropriate school staff.

2340 (c) The school principal shall take primary responsibility to provide leadership and
2341 allocate resources and support for teachers and students, most particularly for those who are
2342 reading below grade level, to achieve the reading goal.

2343 (d) Each reading achievement plan shall include:

2344 (i) an assessment component that:

2345 (A) focuses on ongoing formative assessment to measure the five domains of reading,
2346 as appropriate, and inform individualized instructional decisions; and

2347 (B) includes a benchmark assessment of reading approved by the state board pursuant
2348 to Section [53E-4-307](#);

2349 (ii) an intervention component:

2350 (A) that provides adequate and appropriate interventions focused on each student
2351 attaining competency in reading skills;

2352 (B) based on best practices identified through proven researched-based methods;

(C) that provides intensive intervention, such as focused instruction in small groups and individualized data driven instruction, implemented at the earliest possible time for students having difficulty in reading;

(D) that provides an opportunity for parents to receive materials and guidance so that they will be able to assist their children in attaining competency in reading skills; and

(E) that, as resources allow, may involve a reading specialist; and

(iii) a reporting component that includes reporting to parents:

(A) at the beginning, in the middle, and at the end of grade [~~one~~] 1, grade [~~two~~] 2, and grade [~~three~~] 3, their child's benchmark assessment results as required by Section 53E-4-307; and

(B) at the end of [~~third~~] grade 3, their child's reading level.

(e) In creating or reviewing a reading achievement plan as required by this section, a school community council, charter school governing board, or a subcommittee or task force of a school community council or charter school governing board may not have access to data that reveal the identity of students.

(4) (a) The school district shall approve each plan developed by schools within the district prior to its implementation and review each plan annually.

(b) The charter school governing board shall approve each plan developed by schools under its control and review each plan annually.

(c) A school district and charter school governing board shall:

(i) monitor the learning gains of a school's students as reported by the benchmark assessments administered pursuant to Section 53E-4-307; and

(ii) require a reading achievement plan to be revised, if the school district or charter school governing board determines a school's students are not making adequate learning gains.

Section 57. Section 53E-4-307 is amended to read:

53E-4-307. Benchmark assessments in reading -- Report to parent.

(1) As used in this section, "competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.

(2) The state board shall approve a benchmark assessment for use statewide by school districts and charter schools to assess the reading competency of students in grades [~~one, two,~~

2384 ~~and three~~] 1, 2, and 3 as provided by this section.

2385 (3) A school district or charter school shall:

2386 (a) administer benchmark assessments to students in grades [~~one, two, and three~~] 1, 2,
2387 ~~and 3~~ at the beginning, middle, and end of the school year using the benchmark assessment
2388 approved by the state board; and

2389 (b) after administering a benchmark assessment, report the results to a student's parent
2390 [~~or guardian~~].

2391 (4) If a benchmark assessment or supplemental reading assessment indicates a student
2392 lacks competency in a reading skill, or is lagging behind other students in the student's grade in
2393 acquiring a reading skill, the school district or charter school shall:

2394 (a) provide focused individualized intervention to develop the reading skill;

2395 (b) administer formative assessments to measure the success of the focused
2396 intervention;

2397 (c) inform the student's parent [~~or guardian~~] of activities that the parent [~~or guardian~~]
2398 may engage in with the student to assist the student in improving reading proficiency; and

2399 (d) provide information to the parent [~~or guardian~~] regarding appropriate interventions
2400 available to the student outside of the regular school day that may include tutoring, before and
2401 after school programs, or summer school.

2402 (5) In accordance with Section 53F-4-201, the state board shall contract with one or
2403 more educational technology providers for a diagnostic assessment system for reading for
2404 students in kindergarten through grade 3.

2405 Section 58. Section 53E-4-308 is amended to read:

2406 **53E-4-308. Unique student identifier -- Coordination of higher education and**
2407 **public education information technology systems.**

2408 (1) As used in this section, "unique student identifier" means an alphanumeric code
2409 assigned to each public education student for identification purposes, which:

2410 (a) is not assigned to any former or current student; and

2411 (b) does not incorporate personal information, including a birth date or Social Security
2412 number.

2413 (2) The state board, through the state superintendent [~~of public instruction~~], shall
2414 assign each public education student a unique student identifier, which shall be used to track

2415 individual student performance on achievement tests administered under this part.

2416 (3) The state board and the State Board of Regents shall coordinate public education
2417 and higher education information technology systems to allow individual student academic
2418 achievement to be tracked through both education systems in accordance with this section and
2419 Section **53B-1-109**.

2420 (4) The state board and the State Board of Regents shall coordinate access to the
2421 unique student identifier of a public education student who later attends an institution within
2422 the state system of higher education.

2423 Section 59. Section **53E-4-309** is amended to read:

2424 **53E-4-309. Grade level specification change.**

2425 (1) The state board may change a grade level specification for the administration of
2426 specific assessments under this part to a different grade level specification or a
2427 competency-based specification if the specification is more consistent with patterns of school
2428 organization.

2429 (2) (a) If the state board changes a grade level specification described in Subsection
2430 (1), the state board shall submit a report to the Legislature explaining the reasons for changing
2431 the grade level specification.

2432 (b) The state board shall submit the report at least six months before the anticipated
2433 change.

2434 Section 60. Section **53E-4-310** is amended to read:

2435 **53E-4-310. Scoring -- Reports of results.**

2436 (1) For a statewide assessment that requires the use of a student answer sheet, a local
2437 school board or charter school governing board shall submit all answer sheets on a per-school
2438 and per-class basis to the state superintendent [~~of public instruction~~] for scoring unless the
2439 assessment requires scoring by a national testing service.

2440 (2) The district, school, and class results of the statewide assessments, but not the score
2441 or relative position of individual students, shall be reported to each local school board or
2442 charter school governing board annually at a regularly scheduled meeting.

2443 (3) A local school board or charter school governing board:

2444 (a) shall make copies of the report available to the general public upon request; and

2445 (b) may charge a fee for the cost of copying the report.

(4) (a) The state board shall annually provide to school districts and charter schools a comprehensive report for each of the school district's and charter school's students showing the student's statewide assessment results for each year that the student took a statewide assessment.

(b) A school district or charter school shall give a copy of the comprehensive report to the student's parents and make the report available to school staff, as appropriate.

Section 61. Section **53E-4-311** is amended to read:

53E-4-311. Analysis of results -- Staff professional development.

(1) The state board, through the state superintendent [~~of public instruction~~], shall develop an online data reporting tool to analyze the results of statewide assessments.

(2) The online data reporting tool shall include components designed to:

(a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs;

(b) identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in improving student performance levels; and

(c) provide:

(i) for statistical reporting of statewide assessment results at state, school district, school, and grade or course levels; and

(ii) actual levels of performance on statewide assessments.

(3) A local school board or charter school governing board shall provide for:

(a) evaluation of the statewide assessment results and use of the evaluations in setting goals and establishing programs; and

(b) a professional development program that provides teachers, principals, and other professional staff with the training required to successfully establish and maintain statewide assessments.

Section 62. Section **53E-4-312** is amended to read:

53E-4-312. Preparation for tests.

(1) School district employees may not conduct any specific instruction or preparation of students that would be a breach of testing ethics, such as the teaching of specific test questions.

(2) School district employees who administer the test shall follow the standardization

2477 procedures in the test administration manual for an assessment and any additional specific
2478 instructions developed by the state board.

2479 (3) The state board may revoke the certification of an individual who violates this
2480 section.

2481 Section 63. Section **53E-4-314** is amended to read:

2482 **53E-4-314. School readiness assessment.**

2483 (1) As used in this section:

2484 (a) "School readiness assessment" means the preschool entry assessment described in
2485 this section.

2486 (b) "School readiness program" means a preschool program:

2487 (i) in which a student participates in the year before the student is expected to enroll in
2488 kindergarten; and

2489 (ii) that receives funding under:

2490 (A) Title 53F, Chapter 5, Part 3, High Quality School Readiness Program; or

2491 (B) Title 53F, Chapter 6, Part 3, School Readiness Initiative.

2492 (2) The [~~State Board of Education~~] state board shall develop a school readiness
2493 assessment that aligns with the kindergarten entry and exit assessment described in Section
2494 [53F-4-205](#).

2495 (3) A school readiness program shall:

2496 (a) except as provided in Subsection (4), administer to each student who participates in
2497 the school readiness program:

2498 (i) the school readiness assessment at the beginning of the student's participation in the
2499 school readiness program; and

2500 (ii) the kindergarten entry assessment described in Section [53F-4-205](#) at the end of the
2501 student's participation in the school readiness program; and

2502 (b) report the results of the assessments described in Subsection (3)(a) or (4) to:

2503 (i) the [~~State Board of Education~~] state board; and

2504 (ii) the Department of Workforce Services.

2505 (4) In place of the assessments described in Subsection (3)(a), a school readiness
2506 program that is offered through home-based technology may administer to each student who
2507 participates in the school readiness program:

2508 (a) a validated computer adaptive pre-assessment at the beginning of the student's
2509 participation in the school readiness program; and

2510 (b) a validated computer adaptive post-assessment at the end of the student's
2511 participation in the school readiness program.

2512 Section 64. Section **53E-4-402** is amended to read:

2513 **53E-4-402. Creation of commission -- Powers -- Payment of expenses.**

2514 (1) The [~~State Board of Education~~] state board shall appoint a State Instructional
2515 Materials Commission consisting of:

2516 (a) the state superintendent [~~of public instruction~~] or the state superintendent's
2517 designee;

2518 (b) a school district superintendent;

2519 (c) a secondary school principal;

2520 (d) an elementary school principal;

2521 (e) a secondary school teacher;

2522 (f) an elementary school teacher;

2523 (g) five persons not employed in public education; and

2524 (h) a dean of a school of education of a state college or university.

2525 (2) The commission shall evaluate instructional materials for recommendation by the
2526 state board.

2527 (3) Members shall serve without compensation, but their actual and necessary expenses
2528 incurred in the performance of their official duties shall be paid out of money appropriated to
2529 the state board.

2530 Section 65. Section **53E-4-403** is amended to read:

2531 **53E-4-403. Commission's evaluation of instructional materials --**

2532 **Recommendation by the state board.**

2533 (1) Semi-annually after reviewing the evaluations of the commission, the state board
2534 shall recommend instructional materials for use in the public schools.

2535 (2) The standard period of time instructional materials shall remain on the list of
2536 recommended instructional materials shall be five years.

2537 (3) Unsatisfactory instructional materials may be removed from the list of
2538 recommended instructional materials at any time within the period applicable to the

2539 instructional materials.

2540 (4) Except as provided in Section 53G-10-402, each school shall have discretion to
2541 select instructional materials for use by the school. A school may select:

2542 (a) instructional materials recommended by the state board as provided in this section;

2543 or

2544 (b) other instructional materials the school considers appropriate to teach the core
2545 standards for Utah public schools.

2546 Section 66. Section 53E-4-404 is amended to read:

2547 **53E-4-404. Meetings -- Notice.**

2548 (1) The commission shall meet at the call of the state superintendent [~~of public~~
2549 ~~instruction~~] or the state superintendent's designee.

2550 (2) Notice of a meeting shall be given as required under Section 52-4-202.

2551 Section 67. Section 53E-4-406 is amended to read:

2552 **53E-4-406. Awarding instructional materials contracts.**

2553 (1) The state board shall award contracts for furnishing instructional materials.

2554 (2) If a satisfactory proposal to furnish instructional materials is not received, a new
2555 request for proposals may be issued.

2556 Section 68. Section 53E-4-407 is amended to read:

2557 **53E-4-407. Illegal acts -- Misdemeanor.**

2558 It is a class B misdemeanor for a member of the commission or the state board to
2559 receive money or other remuneration as an inducement for the recommendation or introduction
2560 of instructional materials into the schools.

2561 Section 69. Section 53E-4-408 is amended to read:

2562 **53E-4-408. Instructional materials alignment with core standards for Utah public**
2563 **schools.**

2564 (1) For a school year beginning with or after the 2012-13 school year, a school district
2565 may not purchase primary instructional materials unless the primary instructional materials
2566 provider:

2567 (a) contracts with an independent party to evaluate and map the alignment of the
2568 primary instructional materials with the core standards for Utah public schools adopted under
2569 Section 53E-3-501;

2570 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
2571 website at no charge, for use by teachers and the general public; and

2572 (c) pays the costs related to the requirements of this Subsection (1).

2573 (2) The requirements under Subsection (1) may not be performed by:

2574 (a) the ~~[State Board of Education]~~ state board;

2575 (b) the state superintendent ~~[of public instruction]~~ or employees of the ~~[State Board of~~
2576 ~~Education]~~ state board;

2577 (c) the State Instructional Materials Commission appointed pursuant to Section

2578 53E-4-402;

2579 (d) a local school board or a school district; or

2580 (e) the instructional materials creator or publisher.

2581 ~~[(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2582 ~~the State Board of Education]~~

2583 (3) The state board shall make rules that establish:

2584 (a) the qualifications of the independent parties who may evaluate and map the

2585 alignment of the primary instructional materials in accordance with the provisions of

2586 Subsection (1)(a); and

2587 (b) requirements for the detailed summary of the evaluation and its placement on a
2588 public website in accordance with the provisions of Subsection (1)(b).

2589 Section 70. Section **53E-5-201** is amended to read:

2590 **53E-5-201. Definitions.**

2591 As used in this part:

2592 ~~[(1) "Board" means the State Board of Education.]~~

2593 ~~[(2) "Individualized education program" means a written statement for a student with a~~
2594 ~~disability that is developed, reviewed, and revised in accordance with the Individuals with~~
2595 ~~Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

2596 ~~[(3)]~~ (1) "Lowest performing 25% of students" means the proportion of a school's
2597 students who scored in the lowest 25% of students in the school on a statewide assessment
2598 based on the prior school year's scores.

2599 ~~[(4)]~~ (2) "Statewide assessment" means one or more of the following, as applicable:

2600 (a) a standards assessment described in Section 53E-4-303;

- 2601 (b) a high school assessment described in Section 53E-4-304;
2602 (c) a college readiness assessment described in Section 53E-4-305; or
2603 (d) an alternate assessment administered to a student with a disability.

2604 Section 71. Section 53E-5-202 is amended to read:

2605 **53E-5-202. Statewide school accountability system -- State board rulemaking.**

2606 (1) There is established a statewide school accountability system.

2607 ~~[(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2608 ~~the]~~

2609 (2) The state board shall make rules to implement the school accountability system in
2610 accordance with this part.

2611 Section 72. Section 53E-5-203 is amended to read:

2612 **53E-5-203. Schools included in school accountability system -- Other indicators**
2613 **and point distribution for a school that serves a special student population.**

2614 (1) Except as provided in Subsection (2), the state board shall include all public
2615 schools in the state in the school accountability system established under this part.

2616 (2) The state board shall exempt from the school accountability system:

2617 (a) a school in which the number of students tested on a statewide assessment is lower
2618 than the minimum sample size necessary, based on acceptable professional practice for
2619 statistical reliability, or when release of the information would violate 20 U.S.C. Sec. 1232h,
2620 the prevention of the unlawful release of personally identifiable student data;

2621 (b) a school in the school's first year of operations if the school's local school board or
2622 charter school governing board requests the exemption; or

2623 (c) a high school in the school's second year of operations if the school's local school
2624 board or charter school governing board requests the exemption.

2625 (3) Notwithstanding the provisions of this part, the state board may use, to
2626 appropriately assess the educational impact of a school that serves a special student population:

2627 (a) other indicators in addition to the indicators described in Section 53E-5-205 or
2628 53E-5-206; or

2629 (b) different point distribution than the point distribution described in Section
2630 53E-5-207.

2631 Section 73. Section 53E-5-204 is amended to read:

53E-5-204. Rating schools.

(1) Except as provided in Subsection (3), and in accordance with this part, the state board shall annually assign to each school an overall rating using an A through F letter grading scale where, based on the school's performance level on the indicators described in Subsection

(2):

- (a) an A grade represents an exemplary school;
- (b) a B grade represents a commendable school;
- (c) a C grade represents a typical school;
- (d) a D grade represents a developing school; and
- (e) an F grade represents a critical needs school.

(2) A school's overall rating described in Subsection (1) shall be based on the school's performance on the indicators described in:

- (a) Section 53E-5-205, for an elementary school or a middle school; or
- (b) Section 53E-5-206, for a high school.

(3) (a) For a school year in which the state board determines it is necessary to establish, due to a transition to a new assessment, a new baseline to determine student growth described in Section 53E-5-210, the state board is not required to assign an overall rating described in Subsection (1) to a school to which the new baseline applies.

(b) For the 2017-2018 school year, the state board:

- (i) shall evaluate a school based on the school's performance level on the indicators described in Subsection (2) and in accordance with this part; and
- (ii) is not required to assign a school an overall rating described in Subsection (1).

Section 74. Section 53E-5-205 is amended to read:

53E-5-205. Indicators for elementary and middle schools.

For an elementary school or a middle school, the state board shall assign the school's overall rating, in accordance with Section 53E-5-207, based on the school's performance on the following indicators:

- (1) academic achievement as measured by performance on a statewide assessment of English language arts, mathematics, and science;
- (2) academic growth as measured by progress from year to year on a statewide assessment of English language arts, mathematics, and science; and

2663 (3) equitable educational opportunity as measured by:

2664 (a) academic growth of the lowest performing 25% of students as measured by
2665 progress of the lowest performing 25% of students on a statewide assessment of English
2666 language arts, mathematics, and science; and

2667 (b) except as provided in Section 53E-5-209, English learner progress as measured by
2668 performance on an English learner assessment established by the state board.

2669 Section 75. Section 53E-5-206 is amended to read:

2670 **53E-5-206. Indicators for high schools.**

2671 For a high school, in accordance with Section 53E-5-207, the state board shall assign
2672 the school's overall rating based on the school's performance on the following indicators:

2673 (1) academic achievement as measured by performance on a statewide assessment of
2674 English language arts, mathematics, and science;

2675 (2) academic growth as measured by progress from year to year on a statewide
2676 assessment of English language arts, mathematics, and science;

2677 (3) equitable educational opportunity as measured by:

2678 (a) academic growth of the lowest performing 25% of students as measured by
2679 progress of the lowest performing 25% of students on a statewide assessment of English
2680 language arts, mathematics, and science; and

2681 (b) except as provided in Section 53E-5-209, English learner progress as measured by
2682 performance on an English learner assessment established by the state board; and

2683 (4) postsecondary readiness as measured by:

2684 (a) the school's graduation rate, as described in Section 53E-5-207;

2685 (b) student performance, as described in Section 53E-5-207, on a college readiness
2686 assessment described in Section 53E-4-305; and

2687 (c) student achievement in advanced course work, as described in Section 53E-5-207.

2688 Section 76. Section 53E-5-207 is amended to read:

2689 **53E-5-207. Calculation of points.**

2690 (1) (a) The state board shall award to a school points for academic achievement
2691 described in Subsection 53E-5-205(1) or 53E-5-206(1) as follows:

2692 (i) the state board shall award a school points proportional to the percentage of the
2693 school's students who, out of all the school's students who take a statewide assessment of

2694 English language arts, score at or above the proficient level on the assessment;

2695 (ii) the state board shall award a school points proportional to the percentage of the
2696 school's students who, out of all the school's students who take a statewide assessment of
2697 mathematics, score at or above the proficient level on the assessment; and

2698 (iii) the state board shall award a school points proportional to the percentage of the
2699 school's students who, out of all the school's students who take a statewide assessment of
2700 science, score at or above the proficient level on the assessment.

2701 (b) (i) The maximum number of total points possible for academic achievement
2702 described in Subsection (1)(a) is 56 points.

2703 (ii) The maximum number of points possible for a component listed in Subsection
2704 (1)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (1)(b)(i).

2705 (2) (a) Subject to Subsection (2)(b), the state board shall award to a school points for
2706 academic growth described in Subsection 53E-5-205(2) or 53E-5-206(2) as follows:

2707 (i) the state board shall award a school points for growth of the school's students on a
2708 statewide assessment of English language arts;

2709 (ii) the state board shall award a school points for growth of the school's students on a
2710 statewide assessment of mathematics; and

2711 (iii) the state board shall award a school points for growth of the school's students on a
2712 statewide assessment of science.

2713 (b) The state board shall determine points for growth awarded under Subsection (2)(a)
2714 by indexing the points based on:

2715 (i) whether a student's performance on a statewide assessment is equal to or exceeds
2716 the student's academic growth target; and

2717 (ii) the amount of a student's growth on a statewide assessment compared to other
2718 students with similar prior assessment scores.

2719 (c) (i) The maximum number of total points possible for academic growth described in
2720 Subsection (2)(a) is 56 points.

2721 (ii) The maximum number of points possible for a component listed in Subsection
2722 (2)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (2)(c)(i).

2723 (3) (a) Subject to Subsection (3)(b), the state board shall award to a school points for
2724 equitable educational opportunity described in Subsection 53E-5-205(3) or 53E-5-206(3) as

2725 follows:

- 2726 (i) the state board shall award a school points for growth of the school's lowest
2727 performing 25% of students on a statewide assessment of English language arts;
- 2728 (ii) the state board shall award a school points for growth of the school's lowest
2729 performing 25% of students on a statewide assessment of mathematics;
- 2730 (iii) the state board shall award a school points for growth of the school's lowest
2731 performing 25% of students on a statewide assessment of science; and
- 2732 (iv) except as provided in Section 53E-5-209, the state board shall award to a school
2733 points proportional to the percentage of English learners who achieve adequate progress as
2734 determined by the state board on an English learner assessment established by the state board.

2735 (b) The state board shall determine points for academic growth awarded under
2736 Subsection (3)(a)(i), (ii), or (iii) by indexing the points based on the amount of a student's
2737 growth on a statewide assessment compared to other students with similar prior assessment
2738 scores.

2739 (c) (i) The maximum number of total points possible for equitable educational
2740 opportunity described in Subsection (3)(a) is 38 points.

2741 (ii) The maximum number of points possible for the components listed in Subsection
2742 (3)(a)(i), (ii), and (iii), combined, is 25 points.

2743 (iii) The maximum number of points possible for a component listed in Subsection
2744 (3)(a)(i), (ii), or (iii) is one-third of the number of the combined points described in Subsection
2745 (3)(c)(ii).

2746 (iv) The maximum number of points possible for the component listed in Subsection
2747 (3)(a)(iv) is 13 points.

2748 (4) (a) The state board shall award to a high school points for postsecondary readiness
2749 described in Subsection 53E-5-206(4) as follows:

2750 (i) the state board shall award to a high school points proportional to the percentage of
2751 the school's students who, out of all the school's students who take a college readiness
2752 assessment described in Section 53E-4-305, receive a composite score of at least 18 on the
2753 assessment;

2754 (ii) the state board shall award to a high school points proportional to the percentage of
2755 the school's students who achieve at least one of the following:

- 2756 (A) a C grade or better in an Advanced Placement course;
2757 (B) a C grade or better in a concurrent enrollment course;
2758 (C) a C grade or better in an International Baccalaureate course; or
2759 (D) completion of a career and technical education pathway, as defined by the state
2760 board; and
- 2761 (iii) in accordance with Subsection (4)(c), the state board shall award to a high school
2762 points proportional to the percentage of the school's students who graduate from the school.
- 2763 (b) (i) The maximum number of total points possible for postsecondary readiness
2764 described in Subsection (4)(a) is 75 points.
- 2765 (ii) The maximum number of points possible for a component listed in Subsection
2766 (4)(a)(i), (ii), or (iii) is one-third of the number of points described in Subsection (4)(b)(i).
- 2767 (c) (i) In calculating the percentage of students who graduate described in Subsection
2768 (4)(a)(iii), except as provided in Subsection (4)(c)(ii), the state board shall award to a high
2769 school points proportional to the percentage of the school's students who graduate from the
2770 school within four years.
- 2771 (ii) The state board may award up to 10% of the points allocated for high school
2772 graduation described in Subsection (4)(b)(ii) to a school for students who graduate from the
2773 school within five years.

2774 Section 77. Section **53E-5-208** is amended to read:

2775 **53E-5-208. Calculation of total points awarded -- Maximum number of total**
2776 **points possible.**

2777 (1) Except as provided in Section **53E-5-209**, the state board shall calculate the number
2778 of total points awarded to a school by totaling the number of points the state board awards to
2779 the school in accordance with Section **53E-5-207**.

2780 (2) The maximum number of total points possible under Subsection (1) is:

- 2781 (a) for an elementary school or a middle school, 150 points; or
2782 (b) for a high school, 225 points.

2783 Section 78. Section **53E-5-209** is amended to read:

2784 **53E-5-209. Exclusion of English learner progress -- Calculation of total points**
2785 **awarded for a school with fewer than 10 English learners.**

2786 (1) For a school that has fewer than 10 English learners, the state board shall:

2787 (a) exclude the use of English learner progress in determining the school's overall
2788 rating by:

2789 (i) awarding no points to the school for English learner progress described in
2790 Subsection 53E-5-207(3)(a)(iv); and

2791 (ii) excluding the points described in Subsection 53E-5-207(3)(c)(iv) from the school's
2792 maximum points possible; and

2793 (b) calculate the number of total points awarded to the school by totaling the number of
2794 points the state board awards to the school in accordance with Section 53E-5-207 subject to the
2795 exclusion described in Subsection (1)(a).

2796 (2) The maximum number of total points possible under Subsection (1) is:

2797 (a) for an elementary school or a middle school, 137 points; or

2798 (b) for a high school, 212 points.

2799 Section 79. Section 53E-5-210 is amended to read:

2800 **53E-5-210. State board duties -- Proficient level -- Student growth -- English**
2801 **learner adequate progress.**

2802 (1) (a) For the purpose of determining whether a student scores at or above the
2803 proficient level on a statewide assessment, the state board shall determine, through a process
2804 that evaluates student performance based on specific criteria, the minimum level that
2805 demonstrates proficiency for each statewide assessment.

2806 (b) If the state board adjusts the minimum level that demonstrates proficiency
2807 described in Subsection (1)(a), the state board shall report the adjustment and the reason for the
2808 adjustment to the Education Interim Committee no later than 30 days after the day on which the
2809 state board makes the adjustment.

2810 (2) (a) For the purpose of determining whether a student's performance on a statewide
2811 assessment is equal to or exceeds the student's academic growth target, the state board shall
2812 calculate, for each individual student, the amount of growth necessary to achieve or maintain
2813 proficiency by a future school year determined by the state board.

2814 (b) For the purpose of determining the amount of a student's growth on a statewide
2815 assessment compared to other students with similar prior assessment scores, the state board
2816 shall calculate growth as a percentile for a student using appropriate statistical methods.

2817 (3) For the purpose of determining whether an English learner achieves adequate

progress on an English learner assessment established by the state board, the state board shall determine the minimum progress that demonstrates adequate progress.

Section 80. Section **53E-5-211** is amended to read:

53E-5-211. Reporting.

(1) The state board shall annually publish on the state board's website a report card that includes for each school:

(a) the school's overall rating described in Subsection **53E-5-204**(1);

(b) the school's performance on each indicator described in:

(i) Section **53E-5-205**, for an elementary school or a middle school; or

(ii) Section **53E-5-206**, for a high school;

(c) information comparing the school's performance on each indicator described in Subsection (1)(b) with:

(i) the average school performance; and

(ii) the school's performance in all previous years for which data is available;

(d) the percentage of students who participated in statewide assessments;

(e) for an elementary school, the percentage of students who read on grade level in grades 1 through 3; and

(f) for a high school, performance on Advanced Placement exams.

(2) A school may include in the school's report card described in Subsection (1) up to two self-reported school quality indicators that:

(a) are approved by the state board for inclusion; and

(b) may include process or input indicators.

(3) (a) The state board shall develop an individualized student achievement report that includes:

(i) information on the student's level of proficiency as measured by a statewide assessment; and

(ii) a comparison of the student's academic growth target and actual academic growth as measured by a statewide assessment.

(b) The state board shall, subject to the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, make the individualized student achievement report described in Subsection (3)(a) available for a school district or charter school to access electronically.

(c) A school district or charter school shall distribute an individualized student achievement report to the parent ~~[or guardian]~~ of the student to whom the report applies.

Section 81. Section **53E-5-301** is amended to read:

53E-5-301. Definitions.

As used in this part:

~~[(1) "Board" means the State Board of Education.]~~

~~[(2)] (1) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.~~

~~[(3) "Charter school governing board" means the governing board, as defined in Section 53G-5-102, that governs a charter.]~~

~~[(4) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.]~~

~~[(5)] (2) "Educator" means the same as that term is defined in Section 53E-6-102.~~

~~[(6)] (3) "Final remedial year" means the second school year following the initial remedial year.~~

~~[(7)] (4) "Independent school turnaround expert" or "turnaround expert" means a person identified by the state board under Section 53E-5-305.~~

~~[(8)] (5) "Initial remedial year" means the school year a district school or charter school is designated as a low performing school under Section 53E-5-302.~~

~~[(9)] (6) "[~~Local education~~] LEA governing board" means a local school board or charter school governing board.~~

~~[(10) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.]~~

~~[(11)] (7) "Low performing school" means a district school or charter school that has been designated a low performing school by the state board because the school is:~~

(a) for two consecutive school years in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school accountability system; and

(b) a low performing school according to other outcome-based measures as may be defined in rules made by the state board ~~[in accordance with Title 63G, Chapter 3, Utah~~

2880 ~~Administrative Rulemaking Act~~].

2881 ~~[(12)]~~ (8) "School accountability system" means the school accountability system
2882 established in Part 2, School Accountability System.

2883 ~~[(13)]~~ (9) "School grade" or "grade" means the letter grade assigned to a school as the
2884 school's overall rating under the school accountability system.

2885 ~~[(14)]~~ (10) "School turnaround committee" means a committee established under:

2886 (a) for a district school, Section 53E-5-303; or

2887 (b) for a charter school, Section 53E-5-304.

2888 ~~[(15)]~~ (11) "School turnaround plan" means a plan described in:

2889 (a) for a district school, Section 53E-5-303; or

2890 (b) for a charter school, Section 53E-5-304.

2891 Section 82. Section 53E-5-302 is amended to read:

2892 **53E-5-302. State board to designate low performing schools -- Needs assessment.**

2893 (1) Except as provided in Subsection (4), the state board shall:

2894 (a) annually designate a school as a low performing school; and

2895 (b) conduct a needs assessment for a low performing school by thoroughly analyzing
2896 the root causes of the low performing school's low performance.

2897 (2) The state board may use up to 5% of the appropriation provided under this part to
2898 hire or contract with one or more individuals to conduct a needs assessment described in
2899 Subsection (1)(b).

2900 (3) A school that was designated as a low performing school based on 2015-2016
2901 school year performance that is not in the lowest performing 3% of schools statewide following
2902 the 2016-2017 school year is exempt from the provisions of this part.

2903 (4) The state board is not required to designate as a low performing school a school for
2904 which the state board is not required to assign an overall rating in accordance with Section
2905 53E-5-204.

2906 Section 83. Section 53E-5-303 is amended to read:

2907 **53E-5-303. Required action to turn around a low performing district school.**

2908 (1) In accordance with deadlines established by the state board, a local school board of
2909 a low performing school shall:

2910 (a) establish a school turnaround committee composed of the following members:

2911 (i) the local school board member who represents the voting district where the low
2912 performing school is located;
2913 (ii) the school principal;
2914 (iii) three parents of students enrolled in the low performing school appointed by the
2915 chair of the school community council;
2916 (iv) one teacher at the low performing school appointed by the principal;
2917 (v) one teacher at the low performing school appointed by the school district
2918 superintendent; and
2919 (vi) one school district administrator;
2920 (b) solicit proposals from a turnaround expert identified by the state board under
2921 Section 53E-5-305;
2922 (c) partner with the school turnaround committee to select a proposal;
2923 (d) submit the proposal described in Subsection (1)(b) to the state board for review and
2924 approval; and
2925 (e) subject to Subsections (3) and (4), contract with a turnaround expert.
2926 (2) A proposal described in Subsection (1)(b) shall include a:
2927 (a) strategy to address the root causes of the low performing school's low performance
2928 identified through the needs assessment described in Section 53E-5-302; and
2929 (b) scope of work to facilitate implementation of the strategy that includes at least the
2930 activities described in Subsection (4)(b).
2931 (3) A local school board may not select a turnaround expert that is:
2932 (a) the school district; or
2933 (b) an employee of the school district.
2934 (4) A contract between a local school board and a turnaround expert:
2935 (a) shall be based on an explicit stipulation of desired outcomes and consequences for
2936 not meeting goals, including cancellation of the contract;
2937 (b) shall include a scope of work that requires the turnaround expert to at a minimum:
2938 (i) develop and implement, in partnership with the school turnaround committee, a
2939 school turnaround plan that meets the criteria described in Subsection (5);
2940 (ii) monitor the effectiveness of a school turnaround plan through reliable means of
2941 evaluation, including on-site visits, observations, surveys, analysis of student achievement data,

2942 and interviews;

2943 (iii) provide ongoing implementation support and project management for a school

2944 turnaround plan;

2945 (iv) provide high-quality professional development personalized for school staff that is

2946 designed to build:

2947 (A) the leadership capacity of the school principal;

2948 (B) the instructional capacity of school staff;

2949 (C) educators' capacity with data-driven strategies by providing actionable, embedded

2950 data practices; and

2951 (v) leverage support from community partners to coordinate an efficient delivery of

2952 supports to students inside and outside the classroom;

2953 (c) may include a scope of work that requires the turnaround expert to:

2954 (i) develop sustainable school district and school capacities to effectively respond to

2955 the academic and behavioral needs of students in high poverty communities; or

2956 (ii) other services that respond to the needs assessment conducted under Section

2957 [53E-5-302](#);

2958 (d) shall include travel costs and payment milestones; and

2959 (e) may include pay for performance provisions.

2960 (5) A school turnaround committee shall partner with the turnaround expert selected

2961 under Subsection (1) to develop and implement a school turnaround plan that:

2962 (a) addresses the root causes of the low performing school's low performance identified

2963 through the needs assessment described in Section [53E-5-302](#);

2964 (b) includes recommendations regarding changes to the low performing school's

2965 personnel, culture, curriculum, assessments, instructional practices, governance, leadership,

2966 finances, policies, or other areas that may be necessary to implement the school turnaround

2967 plan;

2968 (c) includes measurable student achievement goals and objectives and benchmarks by

2969 which to measure progress;

2970 (d) includes a professional development plan that identifies a strategy to address

2971 problems of instructional practice;

2972 (e) includes a detailed budget specifying how the school turnaround plan will be

2973 funded;

2974 (f) includes a plan to assess and monitor progress;

2975 (g) includes a plan to communicate and report data on progress to stakeholders; and

2976 (h) includes a timeline for implementation.

2977 (6) A local school board of a low performing school shall:

2978 (a) prioritize school district funding and resources to the low performing school;

2979 (b) grant the low performing school streamlined authority over staff, schedule, policies,
2980 budget, and academic programs to implement the school turnaround plan; and

2981 (c) assist the turnaround expert and the low performing school with:

2982 (i) addressing the root cause of the low performing school's low performance; and

2983 (ii) the development or implementation of a school turnaround plan.

2984 (7) (a) On or before June 1 of an initial remedial year, a school turnaround committee
2985 shall submit the school turnaround plan to the local school board for approval.

2986 (b) Except as provided in Subsection (7)(c), on or before July 1 of an initial remedial
2987 year, a local school board of a low performing school shall submit the school turnaround plan
2988 to the state board for approval.

2989 (c) If the local school board does not approve the school turnaround plan submitted
2990 under Subsection (7)(a), the school turnaround committee may appeal the disapproval in
2991 accordance with rules made by the state board as described in Subsection 53E-5-305(6).

2992 (8) A local school board, or a local school board's designee, shall annually report to the
2993 state board progress toward the goals, benchmarks, and timetable in a low performing school's
2994 turnaround plan.

2995 Section 84. Section 53E-5-304 is amended to read:

2996 **53E-5-304. Required action to terminate or turn around a low performing**
2997 **charter school.**

2998 (1) In accordance with deadlines established by the state board, a charter school
2999 authorizer of a low performing school shall initiate a review to determine whether the charter
3000 school is in compliance with the school's charter agreement described in Section 53G-5-303,
3001 including the school's established minimum standards for student achievement.

3002 (2) If a low performing school is found to be out of compliance with the school's
3003 charter agreement, the charter school authorizer may terminate the school's charter agreement

3004 in accordance with Section 53G-5-503.

3005 (3) A charter school authorizer shall make a determination on the status of a low
3006 performing school's charter agreement under Subsection (2) on or before a date specified by the
3007 state board in an initial remedial year.

3008 (4) In accordance with deadlines established by the state board, if a charter school
3009 authorizer does not terminate a low performing school's charter agreement under Subsection
3010 (2), a charter school governing board of a low performing school shall:

3011 (a) establish a school turnaround committee composed of the following members:

3012 (i) a member of the charter school governing board, appointed by the chair of the
3013 charter school governing board;

3014 (ii) the school principal;

3015 (iii) three parents of students enrolled in the low performing school, appointed by the
3016 chair of the charter school governing board; and

3017 (iv) two teachers at the low performing school, appointed by the school principal;

3018 (b) solicit proposals from a turnaround expert identified by the state board under
3019 Section 53E-5-305;

3020 (c) partner with the school turnaround committee to select a proposal;

3021 (d) submit the proposal described in Subsection (4)(b) to the state board for review and
3022 approval; and

3023 (e) subject to Subsections (6) and (7), contract with a turnaround expert.

3024 (5) A proposal described in Subsection (4)(b) shall include a:

3025 (a) strategy to address the root causes of the low performing school's low performance
3026 identified through the needs assessment described in Section 53E-5-302; and

3027 (b) scope of work to facilitate implementation of the strategy that includes at least the
3028 activities described in Subsection 53E-5-303(4)(b).

3029 (6) A charter school governing board may not select a turnaround expert that:

3030 (a) is a member of the charter school governing board;

3031 (b) is an employee of the charter school; or

3032 (c) has a contract to operate the charter school.

3033 (7) A contract entered into between a charter school governing board and a turnaround
3034 expert shall include and reflect the requirements described in Subsection 53E-5-303(4).

(8) (a) A school turnaround committee shall partner with the independent school turnaround expert selected under Subsection (4) to develop and implement a school turnaround plan that includes the elements described in Subsection 53E-5-303(5).

(b) A charter school governing board shall assist a turnaround expert and a low performing charter school with:

(i) addressing the root cause of the low performing school's low performance; and

(ii) the development or implementation of a school turnaround plan.

(9) (a) On or before June 1 of an initial remedial year, a school turnaround committee shall submit the school turnaround plan to the charter school governing board for approval.

(b) Except as provided in Subsection (9)(c), on or before July 1 of an initial remedial year, a charter school governing board of a low performing school shall submit the school turnaround plan to the state board for approval.

(c) If the charter school governing board does not approve the school turnaround plan submitted under Subsection (9)(a), the school turnaround committee may appeal the disapproval in accordance with rules made by the state board as described in Subsection 53E-5-305(6).

(10) The provisions of this part do not modify or limit a charter school authorizer's authority at any time to terminate a charter school's charter agreement in accordance with Section 53G-5-503.

(11) A charter school governing board or a charter school governing board's designee shall annually report to the state board progress toward the goals, benchmarks, and timetable in a low performing school's turnaround plan.

Section 85. Section 53E-5-305 is amended to read:

53E-5-305. State board to identify independent school turnaround experts -- Review and approval of school turnaround plans -- Appeals process.

(1) The state board shall identify two or more approved independent school turnaround experts, through a standard procurement process, that a low performing school may contract with to:

(a) respond to the needs assessment conducted under Section 53E-5-302; and

(b) provide the services described in Section 53E-5-303 or 53E-5-304, as applicable.

(2) In identifying independent school turnaround experts under Subsection (1), the state

3066 board shall identify experts that:

3067 (a) have a credible track record of improving student academic achievement in public
3068 schools with various demographic characteristics, as measured by statewide assessments
3069 described in Section 53E-4-301;

3070 (b) have experience designing, implementing, and evaluating data-driven instructional
3071 systems in public schools;

3072 (c) have experience coaching public school administrators and teachers on designing
3073 data-driven school improvement plans;

3074 (d) have experience working with the various education entities that govern public
3075 schools;

3076 (e) have experience delivering high-quality professional development in instructional
3077 effectiveness to public school administrators and teachers; and

3078 (f) are willing to partner with any low performing school in the state, regardless of
3079 location.

3080 (3) (a) The state board shall:

3081 (i) review a proposal submitted for approval under Section 53E-5-303 or 53E-5-304 no
3082 later than 30 days after the day on which the proposal is submitted;

3083 (ii) review a school turnaround plan submitted for approval under Subsection
3084 53E-5-303(7)(b) or under Subsection 53E-5-304(9)(b) within 30 days of submission; and

3085 (iii) approve a school turnaround plan that:

3086 (A) is timely;

3087 (B) is well-developed; and

3088 (C) meets the criteria described in Subsection 53E-5-303(5).

3089 (b) The state board may not approve a school turnaround plan that is not aligned with
3090 the needs assessment conducted under Section 53E-5-302.

3091 (4) (a) Subject to legislative appropriations, when a school turnaround plan is approved
3092 by the state board, the state board shall distribute funds to each ~~[local education]~~ LEA
3093 governing board with a low performing school to carry out the provisions of Sections
3094 53E-5-303 and 53E-5-304.

3095 ~~[(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3096 ~~the]~~

3097 (b) The state board shall make rules establishing a distribution method and allowable
3098 uses of the funds described in Subsection (4)(a).

3099 (5) The state board shall:

3100 (a) monitor and assess progress toward the goals, benchmarks and timetable in each
3101 school turnaround plan; and

3102 (b) act as a liaison between a local school board, low performing school, and
3103 turnaround expert.

3104 ~~[(6)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3105 ~~the]~~

3106 (6) (a) The state board shall make rules to establish an appeals process for:

3107 (i) a low performing district school that is not granted approval from the district
3108 school's local school board under Subsection 53E-5-303(7)(b);

3109 (ii) a low performing charter school that is not granted approval from the charter
3110 school's charter school governing board under Subsection 53E-5-304(9)(b); and

3111 (iii) a local school board or charter school governing board that is not granted approval
3112 from the state board under Subsection (3)(a) or (b).

3113 (b) The state board shall ensure that rules made under Subsection (6)(a) require an
3114 appeals process described in:

3115 (i) Subsections (6)(a)(i) and (ii) to be resolved on or before July 1 of the initial
3116 remedial year; and

3117 (ii) Subsection (6)(a)(iii) to be resolved on or before August 15 of the initial remedial
3118 year.

3119 (7) The state board may use up to 4% of the funds appropriated by the Legislature to
3120 carry out the provisions of this part for administration if the amount for administration is
3121 approved by the state board in an open meeting.

3122 Section 86. Section 53E-5-306 is amended to read:

3123 **53E-5-306. Implications for failing to improve school performance.**

3124 (1) As used in this section, "high performing charter school" means a charter school
3125 that:

3126 (a) satisfies all requirements of state law and state board rules;

3127 (b) meets or exceeds standards for student achievement established by the charter

3128 school's charter school authorizer; and

3129 (c) has received at least a B grade under the school accountability system in the
3130 previous two school years.

3131 ~~[(2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3132 ~~the]~~

3133 (2) (a) The state board shall make rules establishing:

3134 (i) exit criteria for a low performing school;

3135 (ii) criteria for granting a school an extension as described in Subsection (3); and

3136 (iii) implications for a low performing school that does not meet exit criteria after the
3137 school's final remedial year or the last school year of the extension period described in
3138 Subsection (3).

3139 (b) In establishing exit criteria for a low performing school the state board shall:

3140 (i) determine for each low performing school the number of points awarded under the
3141 school accountability system in the final remedial year that represent a substantive and
3142 statistically significant improvement over the number of points awarded under the school
3143 accountability system in the school year immediately preceding the initial remedial year;

3144 (ii) establish a method to estimate the exit criteria after a low performing school's first
3145 remedial year to provide a target for each low performing school; and

3146 (iii) use generally accepted statistical practices.

3147 (c) The state board shall through a competitively awarded contract engage a third party
3148 with expertise in school accountability and assessments to verify the criteria adopted under this
3149 Subsection (2).

3150 (3) (a) A low performing school may petition the state board for an extension to
3151 continue school improvement efforts for up to two years if the low performing school does not
3152 meet the exit criteria established by the state board as described in Subsection (2).

3153 (b) A school that has been granted an extension under this Subsection (3) is eligible
3154 for:

3155 (i) continued funding under Section 53E-5-305; and

3156 (ii) (A) the school teacher recruitment and retention incentive under Section
3157 53E-5-308; or

3158 (B) the School Recognition and Reward Program under Section 53E-5-307.

(4) If a low performing school does not meet exit criteria after the school's final remedial year or the last school year of the extension period, the state board may intervene by:

(a) restructuring a district school, which may include:

(i) contract management;

(ii) conversion to a charter school; or

(iii) state takeover;

(b) restructuring a charter school by:

(i) terminating a school's charter agreement;

(ii) closing a charter school; or

(iii) transferring operation and control of the charter school to:

(A) a high performing charter school; or

(B) the school district in which the charter school is located; or

(c) other appropriate action as determined by the state board.

Section 87. Section **53E-5-307** is amended to read:

53E-5-307. School Recognition and Reward Program.

(1) As used in this section, "eligible school" means a low performing school that:

(a) was designated as a low performing school based on 2014-2015 school year performance; and

(b) (i) improves the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the final remedial year; or

(ii) (A) has been granted an extension under Subsection **53E-5-306(3)**; and

(B) improves the school's grade by at least one letter grade, as determined by comparing the school's letter grade for the school year prior to the initial remedial year to the school's letter grade for the last school year of the extension period.

(2) The School Recognition and Reward Program is created to provide incentives to schools and educators to improve the school grade of a low performing school.

(3) Subject to appropriations by the Legislature, upon the release of school grades by the state board, the state board shall distribute a reward equal to:

(a) for an eligible school that improves the eligible school's grade one letter grade:

(i) \$100 per tested student; and

3190 (ii) \$1,000 per educator;
3191 (b) for an eligible school that improves the eligible school's grade two letter grades:
3192 (i) \$200 per tested student; and
3193 (ii) \$2,000 per educator;
3194 (c) for an eligible school that improves the eligible school's grade three letter grades:
3195 (i) \$300 per tested student; and
3196 (ii) \$3,000 per educator; and
3197 (d) for an eligible school that improves the eligible school's grade four letter grades:
3198 (i) \$500 per tested student; and
3199 (ii) \$5,000 per educator.
3200 (4) The principal of an eligible school that receives a reward under Subsection (3), in
3201 consultation with the educators at the eligible school, may determine how to use the money in
3202 the best interest of the school, including providing bonuses to educators.
3203 (5) If the number of qualifying eligible schools exceeds available funds, the state board
3204 may reduce the amounts specified in Subsection (3).
3205 (6) A local school board of an eligible school, in coordination with the eligible school's
3206 turnaround committee, may elect to receive a reward under this section or receive funds
3207 described in Section ~~53E-5-308~~ but not both.
3208 Section 88. Section ~~53E-5-308~~ is amended to read:
3209 **53E-5-308. Turnaround school teacher recruitment and retention.**
3210 (1) As used in this section, "plan" means a teacher recruitment and retention plan.
3211 (2) On a date specified by the state board, ~~[a local education]~~ an LEA governing board
3212 of a low performing school shall submit to the state board for review and approval a plan to
3213 address teacher recruitment and retention in a low performing school.
3214 (3) The state board shall:
3215 (a) review a plan submitted under Subsection (2);
3216 (b) approve a plan if the plan meets criteria established by the state board in rules
3217 ~~[made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]; and~~
3218 (c) subject to legislative appropriations, provide funding to ~~[a local education]~~ an LEA
3219 governing board for teacher recruitment and retention efforts identified in an approved plan if
3220 the ~~[local education]~~ LEA governing board provides matching funds in an amount equal to at

3221 least the funding the low performing school would receive from the state board.

3222 (4) The money distributed under this section may only be expended to fund teacher
3223 recruitment and retention efforts identified in an approved plan.

3224 Section 89. Section **53E-5-309** is amended to read:

3225 **53E-5-309. School Leadership Development Program.**

3226 (1) As used in this section, "school leader" means a school principal or assistant
3227 principal.

3228 (2) There is created the School Leadership Development Program to increase the
3229 number of highly effective school leaders capable of:

3230 (a) initiating, achieving, and sustaining school improvement efforts; and

3231 (b) forming and sustaining community partnerships as described in Section [53F-5-402](#).

3232 (3) The state board shall identify one or more providers, through a request for
3233 proposals process, to develop or provide leadership development training for school leaders
3234 that:

3235 (a) may provide in-depth training in proven strategies to turn around low performing
3236 schools;

3237 (b) may emphasize hands-on and job-embedded learning;

3238 (c) aligns with the state's leadership standards established by state board rule;

3239 (d) reflects the needs of a school district or charter school where a school leader serves;

3240 (e) may include training on using student achievement data to drive decisions;

3241 (f) may develop skills in implementing and evaluating evidence-based instructional
3242 practices;

3243 (g) may develop skills in leading collaborative school improvement structures,
3244 including professional learning communities; and

3245 (h) includes instruction on forming and sustaining community partnerships as
3246 described in Section [53F-5-402](#).

3247 (4) Subject to legislative appropriations, the [~~State Board of Education~~] state board
3248 shall provide incentive pay to a school leader who:

3249 (a) completes leadership development training under this section; and

3250 (b) agrees to work, for at least five years, in a school that received an F grade or D
3251 grade under the school accountability system in the school year previous to the first year the

3252 school leader:

3253 (i) completes leadership development training; and

3254 (ii) begins to work, or continues to work, in a school described in this Subsection

3255 (4)(b).

3256 ~~[(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3257 ~~the]~~

3258 (5) The state board shall make rules specifying:

3259 (a) eligibility criteria for a school leader to participate in the School Leadership

3260 Development Program;

3261 (b) application procedures for the School Leadership Development Program;

3262 (c) criteria for selecting school leaders from the application pool; and

3263 (d) procedures for awarding incentive pay under Subsection (4).

3264 Section 90. Section **53E-5-310** is amended to read:

3265 **53E-5-310. Reporting requirement.**

3266 On or before November 30 of each year, the state board shall report to the Education
3267 Interim Committee on the provisions of this part.

3268 Section 91. Section **53E-6-102** is amended to read:

3269 **53E-6-102. Definitions.**

3270 As used in this chapter:

3271 ~~[(1) "Board" means the State Board of Education.]~~

3272 ~~[(2)]~~ (1) "Certificate" means a license issued by a governmental jurisdiction outside the
3273 state.

3274 ~~[(3)]~~ (2) "Educator" means:

3275 (a) a person who holds a license;

3276 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
3277 of the state board, to hold a license; or

3278 (c) a person who is the subject of an allegation which has been received by the state
3279 board or UPPAC and was, at the time noted in the allegation, a license holder or a person
3280 employed in a position requiring licensure.

3281 ~~[(4)]~~ (3) "License" means an authorization issued by the state board that permits the
3282 holder to serve in a professional capacity in the public schools.

3283 ~~[(5)]~~ (4) "National Board certification" means a current certificate issued by the
3284 National Board for Professional Teaching Standards.

3285 ~~[(6)]~~ ~~"Rule" means an administrative rule adopted by the board under Title 63G,~~
3286 ~~Chapter 3, Utah Administrative Rulemaking Act.]~~

3287 ~~[(7)]~~ (5) "School" means a public or private entity that provides educational services to
3288 a minor child.

3289 ~~[(8)]~~ (6) "UPPAC" means the Utah Professional Practices Advisory Commission.
3290 Section 92. Section **53E-6-103** is amended to read:

3291 **53E-6-103. Legislative findings on teacher quality -- Declaration of education as**
3292 **a profession.**

3293 (1) (a) The Legislature acknowledges that education is perhaps the most important
3294 function of state and local governments, recognizing that the future success of our state and
3295 nation depend in large part upon the existence of a responsible and educated citizenry.

3296 (b) The Legislature further acknowledges that the primary responsibility for the
3297 education of children within the state resides with their parents ~~[or guardians]~~ and that the role
3298 of state and local governments is to support and assist parents in fulfilling that responsibility.

3299 (2) (a) The Legislature finds that:

3300 (i) quality teaching is the basic building block of successful schools and, outside of
3301 home and family circumstances, the essential component of student achievement;

3302 (ii) the high quality of teachers is absolutely essential to enhance student achievement
3303 and to assure educational excellence in each classroom in the state's public schools; and

3304 (iii) the implementation of a comprehensive continuum of data-driven strategies
3305 regarding recruitment, preservice, licensure, induction, professional development, and
3306 evaluation is essential if the state and its citizens expect every classroom to be staffed by a
3307 skilled, caring, and effective teacher.

3308 (b) In providing for the safe and effective performance of the function of educating
3309 Utah's children, the Legislature further finds it to be of critical importance that education,
3310 including instruction, administrative, and supervisory services, be recognized as a profession,
3311 and that those who are licensed or seek to become licensed and to serve as educators:

3312 (i) meet high standards both as to qualifications and fitness for service as educators
3313 through quality recruitment and preservice programs before assuming their responsibilities in

the schools;

(ii) maintain those standards in the performance of their duties while holding licenses, in large part through participating in induction and ongoing professional development programs focused on instructional improvement;

(iii) receive fair, systematic evaluations of their performance at school for the purpose of enhancing the quality of public education and student achievement; and

(iv) have access to a process for fair examination and review of allegations made against them and for the administration of appropriate sanctions against those found, in accordance with due process, to have failed to conduct themselves in a manner commensurate with their authority and responsibility to provide appropriate professional services to the children of the state.

Section 93. Section **53E-6-201** is amended to read:

53E-6-201. State board licensure.

(1) To be fully implemented by July 1, 2020, and, if technology and funds are available, the state board shall establish in rule a system for educator licensing that includes:

(a) an associate educator license that permits an individual to provide educational services in a public school while working to meet the requirements of a professional educator license;

(b) a professional educator license that permits an individual to provide educational services in a public school after demonstrating that the individual meets licensure requirements established in state board rule; and

(c) an LEA-specific educator license issued by the state board at the request of an LEA's governing body that is valid for an individual to provide educational services in the requesting LEA's schools.

(2) An individual employed in a position that requires licensure by the state board shall hold the license that is appropriate to the position.

(3) (a) The state board may by rule rank, endorse, or otherwise classify licenses and establish the criteria for obtaining, retaining, and reinstating licenses.

(b) An educator who is enrolling in a course of study at an institution within the state system of higher education to satisfy the state board requirements for retaining a license is exempt from tuition, except for a semester registration fee established by the State Board of

3345 Regents, if:

3346 (i) the educator is enrolled on the basis of surplus space in the class after regularly
3347 enrolled students have been assigned and admitted to the class in accordance with regular
3348 procedures, normal teaching loads, and the institution's approved budget; and

3349 (ii) enrollments are determined by each institution under rules and guidelines
3350 established by the State Board of Regents in accordance with findings of fact that space is
3351 available for the educator's enrollment.

3352 Section 94. Section **53E-6-204** is amended to read:

3353 **53E-6-204. Exemptions from licensure.**

3354 Except as otherwise provided by statute or rule, a spouse of an individual serving in the
3355 armed forces of the United States while the individual is stationed within this state may work
3356 as an educator without being licensed under this title if:

3357 (1) the spouse holds a valid educator license issued by any other state or jurisdiction
3358 recognized by the state board; and

3359 (2) the license is current and the spouse is in good standing in the state or jurisdiction
3360 of licensure.

3361 Section 95. Section **53E-6-301** is amended to read:

3362 **53E-6-301. Qualifications of applicants for licenses -- Changes in qualifications.**

3363 (1) The state board shall establish by rule the scholarship, training, and experience
3364 required of license applicants.

3365 (2) (a) The state board shall announce any increase in the requirements when made.

3366 (b) An increase in requirements shall become effective not less than one year from the
3367 date of the announcement.

3368 (3) The state board may determine by examination or otherwise the qualifications of
3369 license applicants.

3370 Section 96. Section **53E-6-302** is amended to read:

3371 **53E-6-302. Teacher preparation programs.**

3372 ~~[(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3373 ~~the]~~

3374 (1) The state board shall make rules that establish standards for approval of a
3375 preparation program.

(2) The state board shall ensure that standards adopted under Subsection (1) meet or exceed generally recognized national standards for preparation of educators.

(3) The state board shall designate an employee of the state board's staff to:

(a) work with education deans of state institutions of higher education to coordinate on-site monitoring of teacher preparation programs that may include:

(i) monitoring courses for teacher preparation programs;

(ii) working with course instructors for teacher preparation programs; and

(iii) interviewing students admitted to teacher preparation programs;

(b) act as a liaison between:

(i) the state board;

(ii) local school boards or charter school governing boards; and

(iii) representatives of teacher preparation programs; and

(c) report the employee's findings and recommendations for the improvement of teacher preparation programs to:

(i) the state board; and

(ii) education deans of state institutions of higher education.

(4) The state board shall:

(a) in good faith, consider the findings and recommendations described in Subsection (3)(c); and

(b) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] make rules, as the state board determines is necessary, to implement recommendations described in Subsection (3)(c).

Section 97. Section **53E-6-303** is amended to read:

53E-6-303. Prohibition on use of degrees or credit from unapproved institutions.

(1) An individual may not use a postsecondary degree or credit awarded by a postsecondary institution or program to gain a license, employment, or any other benefit within the public school system unless the institution or program was, at the time the degree or credit was awarded:

(a) approved for the granting of the degree or credit by the state board; or

(b) accredited by an accrediting organization recognized by the state board.

(2) The state board may grant an exemption from Subsection (1) to an individual who

3407 shows good cause for the granting of the exemption.

3408 Section 98. Section **53E-6-307** is amended to read:

3409 **53E-6-307. Certification in other jurisdictions -- Impact on licensing in Utah.**

3410 (1) An applicant for a license, renewal of a license, or reinstatement of a license shall
3411 provide the administrator of teacher licensing with an affidavit, stating under oath the current
3412 status of any certificate, license, or other authorization required for a professional position in
3413 education, which the applicant holds or has held in any other jurisdiction.

3414 (2) An applicant for a license who has held a teacher's license in any other jurisdiction
3415 or who graduated from an institution of higher education in another state shall also provide the
3416 administrator of teacher licensing with:

3417 (a) a complete listing of the higher education institutions attended by the applicant,
3418 whether the applicant's enrollment or eligibility for completion of a program was terminated by
3419 the institution, and, if so, the reasons for termination;

3420 (b) a complete list of prior school employers; and

3421 (c) a release on a form provided by the administrator permitting the state board to
3422 obtain records from other jurisdictions and from institutions of higher education attended by
3423 the applicant, including expunged or otherwise protected records, relating to any offense
3424 described substantially in the same language as in Section **53G-11-405**.

3425 (3) If the applicant's certificate, license, or authorization as an educator in any other
3426 jurisdiction is under investigation, has expired or been surrendered, suspended or revoked, or is
3427 currently not valid for any other reason, the state board may not grant the requested license,
3428 renewal, or reinstatement until it has received confirmation from the administrator of
3429 professional certification in that jurisdiction that the applicant would be eligible for
3430 certification or licensure in that jurisdiction.

3431 (4) The state board may not withhold a license for the sole reason that the applicant
3432 would be ineligible for certification, licensure, or authorization in the jurisdiction referred to in
3433 Subsection (3) because of failure to meet current requirements in that jurisdiction relating to
3434 education, time in service, or residence.

3435 Section 99. Section **53E-6-401** is amended to read:

3436 **53E-6-401. Background checks.**

3437 In accordance with Section **53G-11-403**, the [~~State Board of Education~~] state board

3438 shall require a license applicant to submit to a criminal background check and ongoing
3439 monitoring as a condition for licensing.

3440 Section 100. Section **53E-6-402** is amended to read:

3441 **53E-6-402. State board-required licensing or employment recommendations --**
3442 **Local public school-required licensing recommendations -- Notice requirements for**
3443 **affected parties -- Exemption from liability.**

3444 (1) (a) The state board shall provide the appropriate administrator of a public or private
3445 school or of an agency outside the state that is responsible for licensing or certifying
3446 educational personnel with a recommendation or other information possessed by the state
3447 board that has significance in evaluating the employment or license of:

- 3448 (i) a current or prospective school employee;
3449 (ii) an educator or education license holder; or
3450 (iii) a license applicant.

3451 (b) Information supplied under Subsection (1)(a) shall include:

- 3452 (i) the complete record of a hearing; and
3453 (ii) the investigative report for matters that:
3454 (A) the educator has had an opportunity to contest; and
3455 (B) did not proceed to a hearing.

3456 (2) At the request of the state board, an administrator of a public school or school
3457 district shall, and an administrator of a private school may, provide the state board with a
3458 recommendation or other information possessed by the school or school district that has
3459 significance in evaluating the:

- 3460 (a) license of an educator or education license holder; or
3461 (b) potential licensure of a license applicant.

3462 (3) If the state board decides to deny licensure or to take action against an educator's
3463 license based upon information provided under this section, the state board shall:

- 3464 (a) give notice of the information to the educator or license applicant; and
3465 (b) afford the educator or license applicant an opportunity to respond to the
3466 information.

3467 (4) A person who, in good faith, provides a recommendation or discloses or receives
3468 information under this section is exempt from civil and criminal liability relating to that

3469 recommendation, receipt, or disclosure.

3470 Section 101. Section **53E-6-403** is amended to read:

3471 **53E-6-403. Tie-in with the Criminal Investigations and Technical Services**

3472 **Division.**

3473 (1) The state board shall:

3474 (a) designate employees to act, with state board supervision, as an online terminal
3475 agency with the Department of Public Safety's Criminal Investigations and Technical Services
3476 Division under Section **53-10-108**; and

3477 (b) provide relevant information concerning current or prospective employees or
3478 volunteers upon request to other school officials as provided in Section **53E-6-402**.

3479 (2) The cost of the online service shall be borne by the entity making the inquiry.

3480 Section 102. Section **53E-6-501** is amended to read:

3481 **53E-6-501. Utah Professional Practices Advisory Commission established.**

3482 The Utah Professional Practices Advisory Commission, UPPAC, is established to assist
3483 and advise the state board in matters relating to the professional practices of educators.

3484 Section 103. Section **53E-6-502** is amended to read:

3485 **53E-6-502. UPPAC members -- Executive secretary.**

3486 (1) UPPAC shall consist of a nonvoting executive secretary and 11 voting members,
3487 nine of whom shall be licensed educators in good standing, and two of whom shall be members
3488 nominated by the education organization within the state that has the largest membership of
3489 parents of students and teachers.

3490 (2) Six of the voting members shall be persons whose primary responsibility is
3491 teaching.

3492 (3) (a) The state superintendent [~~of public instruction~~] shall appoint an employee to
3493 serve as executive secretary.

3494 (b) Voting members are appointed by the state superintendent as provided under
3495 Section **53E-6-503**.

3496 (4) [~~Board~~] State board employees shall staff UPPAC activities.

3497 Section 104. Section **53E-6-503** is amended to read:

3498 **53E-6-503. Nominations -- Appointment of commission members --**

3499 **Reappointments.**

3500 (1) (a) The state board shall adopt rules establishing procedures for nominating and
3501 appointing individuals to voting membership on UPPAC.

3502 (b) Nomination petitions must be filed with the state superintendent prior to June 16 of
3503 the year of appointment.

3504 (c) A nominee for appointment as a member of UPPAC as an educator must have been
3505 employed in the representative class in the Utah public school system or a private school
3506 accredited by the state board during the three years immediately preceding the date of
3507 appointment.

3508 (2) The state superintendent [~~of public instruction~~] shall appoint the members of the
3509 commission.

3510 (3) Appointments begin July 1 and are for terms of three years and until a successor is
3511 appointed.

3512 (4) Terms of office are staggered so that approximately 1/3 of UPPAC members are
3513 appointed annually.

3514 (5) A member may not serve more than two terms.

3515 Section 105. Section **53E-6-504** is amended to read:

3516 **53E-6-504. Filling of vacancies.**

3517 (1) A UPPAC vacancy occurs if a member resigns, fails to attend three or more
3518 meetings during a calendar year, or no longer meets the requirements for nomination and
3519 appointment.

3520 (2) If a vacancy occurs, the state superintendent shall appoint a successor to fill the
3521 unexpired term.

3522 (3) If the state superintendent does not fill the vacancy within 60 days, the state board
3523 shall make the appointment.

3524 (4) Nominations to fill vacancies are submitted to the state superintendent in
3525 accordance with procedures established under rules of the state board.

3526 Section 106. Section **53E-6-505** is amended to read:

3527 **53E-6-505. Meetings and expenses of UPPAC members.**

3528 (1) UPPAC shall meet at least quarterly and at the call of the chair or of a majority of
3529 the members.

3530 (2) Members of UPPAC serve without compensation but are allowed reimbursement

3531 for actual and necessary expenses under the rules of the Division of Finance.

3532 (3) The state board shall pay reimbursement to UPPAC members out of the Education
3533 Fund.

3534 Section 107. Section **53E-6-506** is amended to read:

3535 **53E-6-506. UPPAC duties and procedures.**

3536 (1) The state board may direct UPPAC to review a complaint about an educator and
3537 recommend that the state board:

3538 (a) dismiss the complaint; or

3539 (b) investigate the complaint in accordance with this section.

3540 (2) (a) The state board may direct UPPAC to:

3541 (i) in accordance with this section, investigate a complaint's allegation or decision; or

3542 (ii) hold a hearing.

3543 (b) UPPAC may initiate a hearing as part of an investigation.

3544 (c) Upon completion of an investigation or hearing, UPPAC shall:

3545 (i) provide findings to the state board; and

3546 (ii) make a recommendation for state board action.

3547 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to
3548 adversely affect an educator's license unless UPPAC gives the educator an opportunity for a
3549 hearing.

3550 (3) (a) The state board may:

3551 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC
3552 oversight; or

3553 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an
3554 investigation.

3555 (b) In conducting an investigation, UPPAC or an independent investigator shall
3556 conduct the investigation independent of and separate from a related criminal investigation.

3557 (c) In conducting an investigation, UPPAC or an independent investigator may:

3558 (i) in accordance with Section **53E-6-606** administer oaths and issue subpoenas; or

3559 (ii) receive evidence related to an alleged offense, including sealed or expunged
3560 records released to the state board under Section **77-40-109**.

3561 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may

recommend that the state board initiate a background check on an educator as described in Section 53G-11-403.

(e) UPPAC has a rebuttable presumption that an educator committed a sexual offense against a minor child if the educator voluntarily surrendered a license or certificate or allowed a license or certificate to lapse in the face of a charge of having committed a sexual offense against a minor child.

(4) The state board may direct UPPAC to:

(a) recommend to the state board procedures for:

(i) receiving and processing complaints;

(ii) investigating a complaint's allegation or decision;

(iii) conducting hearings; or

(iv) reporting findings and making recommendations to the state board for state board action;

(b) recommend to the state board or a professional organization of educators:

(i) standards of professional performance, competence, and ethical conduct for educators; or

(ii) suggestions for improvement of the education profession; or

(c) fulfill other duties the state board finds appropriate.

(5) UPPAC may not participate as a party in a dispute relating to negotiations between:

(a) a school district and the school district's educators; or

(b) a charter school and the charter school's educators.

(6) The state board shall make rules establishing UPPAC duties and procedures.

Section 108. Section 53E-6-602 is amended to read:

53E-6-602. Licensing power of the state board -- Licensing final action -- Appeal rights.

(1) The state board holds the power to license educators.

(2) (a) The state board shall take final action with regard to an educator license.

(b) An entity other than the state board may not take final action with regard to an educator license.

(3) (a) In accordance with Subsection (3)(b), a license applicant or an educator may seek judicial review of a final action made by the state board under this chapter.

3593 (b) A license applicant or educator may file a petition for judicial review of the state
3594 board's final action if the license applicant or educator files a petition within 30 days after the
3595 day on which the license applicant or educator received notice of the final action.

3596 Section 109. Section **53E-6-603** is amended to read:

3597 **53E-6-603. Ineligibility for educator license.**

3598 (1) The state board may refuse to issue a license to a license applicant if the state board
3599 finds good cause for the refusal, including behavior of the applicant:

3600 (a) found pursuant to a criminal, civil, or administrative matter after reasonable
3601 opportunity for the applicant to contest the allegation; and

3602 (b) considered, as behavior of an educator, to be:

3603 (i) immoral, unprofessional, or incompetent behavior; or

3604 (ii) a violation of standards of ethical conduct, performance, or professional
3605 competence.

3606 (2) The state board may not issue, renew, or reinstate an educator license if the license
3607 applicant or educator:

3608 (a) was convicted of a felony of a sexual nature;

3609 (b) pled guilty to a felony of a sexual nature;

3610 (c) entered a plea of no contest to a felony of a sexual nature;

3611 (d) entered a plea in abeyance to a felony of a sexual nature;

3612 (e) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
3613 Offenses, against a minor child;

3614 (f) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3615 student who is a minor;

3616 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3617 student who is:

3618 (i) not a minor; and

3619 (ii) enrolled in a school where the license applicant or educator is or was employed; or

3620 (h) admits to the state board or UPPAC that the license applicant or educator
3621 committed conduct that amounts to:

3622 (i) a felony of a sexual nature; or

3623 (ii) a sexual offense or sexually explicit conduct described in Subsection (2)(e), (f), or

3624 (g).

3625 (3) If an individual is ineligible for licensure under Subsection (1) or (2), a public
3626 school may not:

3627 (a) employ the person in the public school; or

3628 (b) allow the person to volunteer in the public school.

3629 (4) (a) If the state board denies licensure under this section, the state board shall
3630 immediately notify the applicant of:

3631 (i) the denial; and

3632 (ii) the applicant's right to request a hearing before UPPAC.

3633 (b) Upon receipt of a notice described in Subsection (4)(a), an applicant may, within 30
3634 days after the day on which the applicant received the notice, request a hearing before UPPAC
3635 for the applicant to review and respond to all evidence upon which the state board based the
3636 denial.

3637 (c) If the state board receives a request for a hearing described in Subsection (4)(b), the
3638 state board shall direct UPPAC to hold a hearing.

3639 Section 110. Section **53E-6-604** is amended to read:

3640 **53E-6-604. State board disciplinary action against an educator.**

3641 (1) (a) The state board shall direct UPPAC to investigate an allegation, administrative
3642 decision, or judicial decision that evidences an educator is unfit for duty because the educator
3643 exhibited behavior that:

3644 (i) is immoral, unprofessional, or incompetent; or

3645 (ii) violates standards of ethical conduct, performance, or professional competence.

3646 (b) If the state board determines an allegation or decision described in Subsection
3647 (1)(a) does not evidence an educator's unfitness for duty, the state board may dismiss the
3648 allegation or decision without an investigation or hearing.

3649 (2) The state board shall direct UPPAC to investigate and allow an educator to respond
3650 in a UPPAC hearing if the state board receives an allegation that the educator:

3651 (a) was charged with a felony of a sexual nature;

3652 (b) was convicted of a felony of a sexual nature;

3653 (c) pled guilty to a felony of a sexual nature;

3654 (d) entered a plea of no contest to a felony of a sexual nature;

3655 (e) entered a plea in abeyance to a felony of a sexual nature;
3656 (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
3657 Offenses, against a minor child;
3658 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3659 student who is a minor; or
3660 (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3661 student who is:
3662 (i) not a minor; and
3663 (ii) enrolled in a school where the educator is or was employed.
3664 (3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board
3665 shall direct UPPAC to:
3666 (a) investigate the alleged violation; and
3667 (b) hold a hearing to allow the educator to respond to the allegation.
3668 (4) Upon completion of an investigation or hearing described in this section, UPPAC
3669 shall:
3670 (a) provide findings to the state board; and
3671 (b) make a recommendation for state board action.
3672 (5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and
3673 recommendation, the state board may:
3674 (i) revoke the educator's license;
3675 (ii) suspend the educator's license;
3676 (iii) restrict or prohibit the educator from renewing the educator's license;
3677 (iv) warn or reprimand the educator;
3678 (v) enter into a written agreement with the educator that requires the educator to
3679 comply with certain conditions;
3680 (vi) direct UPPAC to further investigate or gather information; or
3681 (vii) take other action the state board finds to be appropriate for and consistent with the
3682 educator's behavior.
3683 (b) Upon review of UPPAC's findings and recommendation, the state board shall
3684 revoke the license of an educator who:
3685 (i) was convicted of a felony of a sexual nature;

3686 (ii) pled guilty to a felony of a sexual nature;
3687 (iii) entered a plea of no contest to a felony of a sexual nature;
3688 (iv) entered a plea in abeyance to a felony of a sexual nature;
3689 (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
3690 Offenses, against a minor child;
3691 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3692 student who is a minor;
3693 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
3694 student who is:
3695 (A) not a minor; and
3696 (B) enrolled in a school where the educator is or was employed; or
3697 (viii) admits to the state board or UPPAC that the applicant committed conduct that
3698 amounts to:
3699 (A) a felony of a sexual nature; or
3700 (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi),
3701 or (vii).
3702 (c) The state board may not reinstate a revoked license.
3703 (d) Before the state board takes adverse action against an educator under this section,
3704 the state board shall ensure that the educator had an opportunity for a UPPAC hearing.
3705 Section 111. Section **53E-6-605** is amended to read:
3706 **53E-6-605. Designation of hearing officer or panel -- Review of findings.**
3707 (1) UPPAC or a state or local school board charged with responsibility for conducting
3708 a hearing may conduct the hearing itself or appoint a hearing officer or panel to conduct the
3709 hearing and make recommendations concerning findings.
3710 (2) UPPAC or the local school board shall review the record of the hearing and the
3711 recommendations, and may obtain and review, in the presence of the parties or their
3712 representatives, additional relevant information, prior to issuing official findings.
3713 (3) UPPAC shall provide a panel of its members to serve as fact finders in a hearing at
3714 the request of the educator who is the subject of the hearing.
3715 Section 112. Section **53E-6-607** is amended to read:
3716 **53E-6-607. Policies for conducting hearings -- Standard of proof.**

(1) The state board and each local school board shall adopt ~~[rules]~~ policies for the conduct of hearings to ensure that requirements of due process are met.

(2) An accused party shall be provided not less than 15 days before a hearing with:

- (a) notice of the hearing;
- (b) the law, rule, or policy alleged to have been violated;
- (c) sufficient information about the allegations and the evidence to be presented in support of the allegations to permit the accused party to prepare a meaningful defense; and
- (d) a copy of the ~~[rules]~~ policies under which the hearing will be conducted.

(3) If an accused party fails to request a hearing within 30 days after written notice is sent to the party's address as shown on the records of the local school board, for actions taken under the auspices of a local school board, or on the records of the state board, for actions taken under the auspices of the state board, then the accused party shall be considered to have waived the right to a hearing and the action may proceed without further delay.

(4) Hearing fact finders shall use the preponderance of evidence standard in deciding all questions unless a higher standard is required by law.

(5) Unless otherwise provided in this public education code, the decisions of state and local school boards are final determinations under this section, appealable to the appropriate court for review.

Section 113. Section **53E-6-701** is amended to read:

53E-6-701. Mandatory reporting of physical or sexual abuse of students.

(1) For purposes of this section, "educator" means, in addition to a person included under Section **53E-6-102**, a person, including a volunteer or temporary employee, who at the time of an alleged offense was performing a function in a private school for which a license would be required in a public school.

(2) In addition to any duty to report suspected cases of child abuse or neglect under Section **62A-4a-403**, an educator who has reasonable cause to believe that a student may have been physically or sexually abused by a school employee shall immediately report the belief and all other relevant information to the school principal, to the superintendent, or to the state board.

(3) A school administrator who has received a report under Subsection (2) or who otherwise has reasonable cause to believe that a student may have been physically or sexually

abused by an educator shall immediately report that information to the state board.

(4) Upon notice that an educator allegedly violated Subsection (2) or (3), the state board shall direct UPPAC to investigate the educator's alleged violation as described in Section 53E-6-604.

(5) A person who makes a report under this section in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

Section 114. Section 53E-6-702 is amended to read:

53E-6-702. Reimbursement of legal fees and costs to educators.

(1) As used in this section:

(a) "Action" means any action, except those referred to in Section 52-6-201, brought against an educator by an individual or entity other than:

(i) the entity who licenses the educator; and

(ii) the LEA that employs the educator or employed the educator at the time of the alleged act or omission.

(b) "Educator" means an individual who holds or is required to hold a license as defined by the state board and is employed by an LEA located within the state.

~~[(c) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.]~~

(2) Except as otherwise provided in Section 52-6-201, an educator is entitled to recover reasonable attorneys' fees and costs incurred in the educator's defense against an individual or entity who initiates an action against the educator if:

(a) the action is brought for any act or omission of the educator during the performance of the educator's duties within the scope of the educator's employment; and

(b) it is dismissed or results in findings favorable to the educator.

(3) An educator who recovers under this section is also entitled to recover reasonable attorneys' fees and costs necessarily incurred by the educator in recovering the attorneys' fees and costs allowed under Subsection (2).

Section 115. Section 53E-6-703 is amended to read:

53E-6-703. Professional competence or performance -- Administrative hearing by local school board -- Action on complaint.

(1) (a) No civil action by or on behalf of a student relating to the professional

competence or performance of a licensed employee of a school district, or to the discipline of students by a licensed employee, application of in loco parentis, or a violation of ethical conduct by an employee of a school district, may be brought in a court until at least 60 days after the filing of a written complaint with the local school board ~~[of education]~~ of the district, or until findings have been issued by the local school board after a hearing on the complaint, whichever is sooner.

(b) As used in Subsection (1)(a), "in loco parentis" means the power of professional school personnel to exercise the rights, duties, and responsibilities of a reasonable, responsible parent in dealing with students in school-related matters.

(c) A parent of a student has standing to file a civil action against an employee who provides services to a school attended by the student.

(2) Within 15 days of receiving a complaint under Subsection (1), a local school board may elect to refer the complaint to the ~~[State Board of Education]~~ state board.

(3) If a complaint is referred to the state board, no civil action may be brought in a court on matters relating to the complaint until the state board has provided a hearing and issued its findings or until 90 days after the filing of the complaint with the local school board, whichever is sooner.

Section 116. Section **53E-6-801** is amended to read:

53E-6-801. Mediation of contract negotiations.

(1) The president of a professional local organization which represents a majority of the licensed employees of a school district or the chairman or president of a local school board may, after negotiating for 90 days, declare an impasse by written notification to the other party and to the ~~[State Board of Education]~~ state board.

(2) The party declaring the impasse may request the state superintendent ~~[of public instruction]~~ to appoint a mediator for the purpose of helping to resolve the impasse if the parties to the dispute have not been able to agree on a third party mediator.

(3) Within five working days after receipt of the written request, the state superintendent shall appoint a mediator who is mutually acceptable to the local school board and the professional organization representing a majority of the licensed employees.

(4) The mediator shall meet with the parties, either jointly or separately, and attempt to settle the impasse.

(5) The mediator may not, without the consent of both parties, make findings of fact or recommend terms for settlement.

(6) Both parties shall equally share the costs of mediation.

(7) Nothing in this section prevents the parties from adopting a written mediation procedure other than that provided in this section.

(8) If the parties have a mediation procedure, they shall follow that procedure.

Section 117. Section **53E-6-802** is amended to read:

53E-6-802. Appointment of hearing officer -- Hearing process.

(1) If a mediator appointed under Section **53E-6-801** is unable to effect settlement of the controversy within 15 working days after his appointment, either party to the mediation may by written notification to the other party and to the state superintendent [~~of public instruction~~] request that their dispute be submitted to a hearing officer who shall make findings of fact and recommend terms of settlement.

(2) Within five working days after receipt of the request, the state superintendent [~~of public instruction~~] shall appoint a hearing officer who is mutually acceptable to the local school board and the professional organization representing a majority of the certificated employees.

(3) The hearing officer may not, without consent of both parties, be the same person who served as mediator.

(4) The hearing officer shall meet with the parties, either jointly or separately, may make inquiries and investigations, and may issue subpoenas for the production of persons or documents relevant to all issues in dispute.

(5) The [~~State Board of Education~~] state board and departments, divisions, authorities, bureaus, agencies, and officers of the state, local school boards, and the professional organization shall furnish the hearing officer, on request, all relevant records, documents, and information in their possession.

(6) If the final positions of the parties are not resolved before the hearing ends, the hearing officer shall prepare a written report containing the agreements of the parties with respect to all resolved negotiated contract issues and the positions that the hearing officer considers appropriate on all unresolved final positions of the parties.

(7) The hearing officer shall submit the report to the parties privately within 10

working days after the conclusion of the hearing or within the date established for the submission of posthearing briefs, but not later than 20 working days after the hearing officer's appointment.

(8) Either the hearing officer, the professional organization, or the local school board may make the report public if the dispute is not settled within 10 working days after its receipt from the hearing officer.

(9) (a) The state superintendent [~~of public instruction~~] may determine the majority status of any professional organization which requests assistance under this section.

(b) The decision of the state superintendent is final unless it is clearly inconsistent with the evidence.

Section 118. Section **53E-6-902** is amended to read:

53E-6-902. Teacher leaders.

(1) As used in this section, "teacher" means an educator who has an assignment to teach in a classroom.

(2) There is created the role of a teacher leader to:

(a) work with a student teacher and a teacher who supervises a student teacher;

(b) assist with the training of a recently hired teacher; and

(c) support school-based professional learning.

~~[(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
~~the]~~

(3) The state board shall make rules that:

(a) define the role of a teacher leader, including the functions described in Subsection (2); and

(b) establish the minimum criteria for a teacher to qualify as a teacher leader.

(4) The state board shall solicit recommendations from school districts and educators regarding:

(a) appropriate resources to provide a teacher leader; and

(b) appropriate ways to compensate a teacher leader.

Section 119. Section **53E-7-202** is amended to read:

53E-7-202. Education programs for students with disabilities -- Supervision by the state board -- Enforcement.

3872 (1) (a) All students with disabilities, who are 3 years old or older but younger than 22
3873 years old and have not graduated from high school with a regular diploma, are entitled to a free,
3874 appropriate public education.

3875 (b) For purposes of Subsection (1)(a), if a student with a disability turns 22 during the
3876 school year, the entitlement extends to the end of the school year.

3877 ~~[(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
3878 ~~State Board of Education]~~

3879 (c) The state board shall adopt rules consistent with applicable state and federal law to
3880 implement this part.

3881 (2) The rules adopted by the ~~[State Board of Education]~~ state board shall include the
3882 following:

3883 (a) appropriate and timely identification of students with disabilities;

3884 (b) diagnosis, evaluation, and classification by qualified personnel;

3885 (c) standards for classes and services;

3886 (d) provision for multidistrict programs;

3887 (e) provision for delivery of service responsibilities;

3888 (f) certification and qualifications for instructional staff; and

3889 (g) services for dual enrollment students attending public school on a part-time basis
3890 under Section [53G-6-702](#).

3891 (3) (a) The ~~[State Board of Education]~~ state board shall have general control and
3892 supervision over all educational programs for students within the state who have disabilities.

3893 (b) Those programs must comply with rules adopted by the ~~[State Board of Education]~~
3894 state board under this section.

3895 (4) The state superintendent ~~[of public instruction]~~ shall enforce this part.

3896 Section 120. Section **53E-7-204** is amended to read:

3897 **53E-7-204. School district responsibility -- Reimbursement of costs -- Other**
3898 **programs.**

3899 (1) (a) Each school district shall provide, either singly or in cooperation with other
3900 school districts or public institutions, a free, appropriate education program for all students
3901 with disabilities who are residents of the district.

3902 (b) The program shall include necessary special facilities, instruction, and

3903 education-related services.

3904 (c) The costs of a district's program, or a district's share of a joint program, shall be
3905 paid from district funds.

3906 (2) School districts that provide special education services under this part in
3907 accordance with applicable rules of the [~~State Board of Education~~] state board shall receive
3908 reimbursement from the state board under Title 53F, Chapter 2, State Funding -- Minimum
3909 School Program, and other applicable laws.

3910 (3) (a) A school district may, singly or in cooperation with other public entities,
3911 provide education and training for persons with disabilities who are:

3912 (i) younger than 3 years old; or

3913 (ii) older than 22 years old as described in Subsection 53E-7-202(1).

3914 (b) The cost of such a program may be paid from fees, contributions, and other funds
3915 received by the district for support of the program, but may not be paid from public education
3916 funds.

3917 Section 121. Section 53E-7-208 is amended to read:

3918 **53E-7-208. Resolution of disputes in special education -- Hearing request --**
3919 **Timelines -- Levels -- Appeal process -- Recovery of costs.**

3920 (1) The Legislature finds that it is in the best interest of students with disabilities to
3921 provide for a prompt and fair final resolution of disputes which may arise over educational
3922 programs and rights and responsibilities of students with disabilities, their parents, and the
3923 public schools.

3924 (2) Therefore, the [~~State Board of Education~~] state board shall adopt rules meeting the
3925 requirements of 20 U.S.C. Section 1415 governing the establishment and maintenance of
3926 procedural safeguards for students with disabilities and their parents [~~or guardians~~] as to the
3927 provision of free, appropriate public education to those students.

3928 (3) The timelines established by the state board shall provide adequate time to address
3929 and resolve disputes without unnecessarily disrupting or delaying the provision of free,
3930 appropriate public education for students with disabilities.

3931 (4) Prior to seeking a hearing or other formal proceedings, the parties to a dispute
3932 under this section shall make a good faith effort to resolve the dispute informally at the school
3933 building level.

(5) (a) If the dispute is not resolved under Subsection (4), a party may request a due process hearing.

(b) The hearing shall be conducted under rules adopted by the state board in accordance with 20 U.S.C. Section 1415.

(6) (a) A party to the hearing may appeal the decision issued under Subsection (5) to a court of competent jurisdiction under 20 U.S.C. Section 1415(i).

(b) The party must file the judicial appeal within 30 days after issuance of the due process hearing decision.

(7) If the parties fail to reach agreement on payment of attorney fees, then a party seeking recovery of attorney fees under 20 U.S.C. Section 1415(i) for a special education administrative action shall file a court action within 30 days after issuance of a decision under Subsection (5).

Section 122. Section **53E-7-301** is amended to read:

53E-7-301. Definitions.

As used in this part:

(1) "Blind student" means an individual, who is 3 years old or older but younger than 22 years old and eligible for special education services, who:

(a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance no greater than 20 degrees;

(b) has a medically indicated expectation of visual deterioration; or

(c) has functional blindness.

(2) "Braille" means the system of reading and writing through touch, commonly known as English Braille.

(3) "Functional blindness" means a visual impairment that renders a student unable to read or write print at a level commensurate with the student's cognitive abilities.

~~[(4) "Individualized education program" or "IEP" means a written statement developed for a student eligible for special education services pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. Section 1414(d).]~~

Section 123. Section **53E-7-304** is amended to read:

53E-7-304. Braille versions of textbooks.

(1) As a condition of the annual contract for instructional materials process and as a condition of textbook acceptance, the ~~[State Board of Education]~~ state board shall require publishers of textbooks recommended by the state board to furnish, on request, their textbooks and related instructional materials in an electronic file set, in conformance with the National Instructional Materials Accessibility Standard, from which Braille versions of all or part of the textbook and related instructional materials can be produced.

(2) When Braille translation software for specialty code translation becomes available, publishers shall furnish, on request, electronic file sets, in conformance with the National Instructional Materials Accessibility Standard, for nonliterary subjects such as mathematics and science.

Section 124. Section **53E-8-102** is amended to read:

53E-8-102. Definitions.

As used in this chapter:

(1) "Advisory council" means the Advisory Council for the Utah Schools for the Deaf and the Blind.

(2) "Alternate format" includes braille, audio, or digital text, or large print.

(3) "Associate superintendent" means:

(a) the associate superintendent of the Utah School for the Deaf; or

(b) the associate superintendent of the Utah School for the Blind.

(4) "Blind" means:

(a) if the person is three years of age or older but younger than 22 years of age, having a visual impairment that, even with correction, adversely affects educational performance or substantially limits one or more major life activities; and

(b) if the person is younger than three years of age, having a visual impairment.

(5) "Blindness" means an impairment in vision in which central visual acuity:

(a) does not exceed 20/200 in the better eye with correcting lenses; or

(b) is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

~~[(6) "Board" means the State Board of Education.]~~

~~[(7)]~~ (6) "Cortical visual impairment" means a neurological visual disorder:

(a) that:

- 3996 (i) affects the visual cortex or visual tracts of the brain;
3997 (ii) is caused by damage to the visual pathways to the brain;
3998 (iii) affects a person's visual discrimination, acuity, processing, and interpretation; and
3999 (iv) is often present in conjunction with other disabilities or eye conditions that cause
4000 visual impairment; and
- 4001 (b) in which the eyes and optic nerves of the affected person appear normal and the
4002 person's pupil responses are normal.
- 4003 ~~[(8)]~~ (7) "Deaf" means:
- 4004 (a) if the person is three years of age or older but younger than 22 years of age, having
4005 hearing loss, whether permanent or fluctuating, that, even with amplification, adversely affects
4006 educational performance or substantially limits one or more major life activities; and
- 4007 (b) if the person is younger than three years of age, having hearing loss.
- 4008 ~~[(9)]~~ (8) "Deafblind" means:
- 4009 (a) if the person is three years of age or older but younger than 22 years of age:
- 4010 (i) deaf;
- 4011 (ii) blind; and
- 4012 (iii) having hearing loss and visual impairments that cause such severe communication
4013 and other developmental and educational needs that the person cannot be accommodated in
4014 special education programs solely for students who are deaf or blind; or
- 4015 (b) if the person is younger than three years of age, having both hearing loss and vision
4016 impairments that are diagnosed as provided in Section [53E-8-401](#).
- 4017 ~~[(10)]~~ (9) "Deafness" means a hearing loss so severe that the person is impaired in
4018 processing linguistic information through hearing, with or without amplification.
- 4019 ~~[(11)]~~ (10) "Educator" means a person who holds:
- 4020 (a) (i) a license issued under Chapter 6, Education Professional Licensure; and
4021 (ii) a position as:
- 4022 (A) a teacher;
- 4023 (B) a speech pathologist;
- 4024 (C) a librarian or media specialist;
- 4025 (D) a preschool teacher;
- 4026 (E) a guidance counselor;

4027 (F) a school psychologist;
4028 (G) an audiologist; or
4029 (H) an orientation and mobility specialist; or
4030 (b) (i) a bachelor's degree or higher;
4031 (ii) credentials from the governing body of the professional's area of practice; and
4032 (iii) a position as:
4033 (A) a Parent Infant Program consultant;
4034 (B) a deafblind consultant;
4035 (C) a school nurse;
4036 (D) a physical therapist;
4037 (E) an occupational therapist;
4038 (F) a social worker; or
4039 (G) a low vision specialist.
4040 ~~[(12)]~~ (11) "Functional blindness" means a disorder in which the physical structures of
4041 the eye may be functioning, but the person does not attend to, examine, utilize, or accurately
4042 process visual information.
4043 ~~[(13)]~~ (12) "Functional hearing loss" means a central nervous system impairment that
4044 results in abnormal auditory perception, including an auditory processing disorder or auditory
4045 neuropathy/dys-synchrony, in which parts of the auditory system may be functioning, but the
4046 person does not attend to, respond to, localize, utilize, or accurately process auditory
4047 information.
4048 ~~[(14)]~~ (13) "Hard of hearing" means having a hearing loss, excluding deafness.
4049 ~~[(15)]~~ (14) "Individualized education program" or "IEP" means:
4050 (a) a written statement for a student with a disability that is developed, reviewed, and
4051 revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.
4052 1400 et seq.; or
4053 (b) an individualized family service plan developed:
4054 (i) for a child with a disability who is younger than three years of age; and
4055 (ii) in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.
4056 1400 et seq.
4057 ~~[(16)]~~ (15) "LEA" means a local education agency that has administrative control and

4058 direction for public education.

4059 ~~[(17)]~~ (16) "LEA of record" means the school district of residence of a student as
4060 determined under Section ~~53G-6-302~~.

4061 ~~[(18)]~~ (17) "Low vision" means an impairment in vision in which:

4062 (a) visual acuity is at 20/70 or worse; or

4063 (b) the visual field is reduced to less than 20 degrees.

4064 ~~[(19)]~~ (18) "Parent Infant Program" means a program at the Utah Schools for the Deaf
4065 and the Blind that provides services:

4066 (a) through an interagency agreement with the Department of Health to children
4067 younger than three years of age who are deaf, blind, or deafblind; and

4068 (b) to children younger than three years of age who are deafblind through Deafblind
4069 Services of the Utah Schools for the Deaf and the Blind.

4070 ~~[(20)]~~ (19) "Section 504" means Section 504 of the Rehabilitation Act of 1973.

4071 ~~[(21)] "Section 504 accommodation plan" means a plan developed pursuant to Section~~
4072 ~~504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to~~
4073 ~~an individual with a disability to ensure access to major life activities.]~~

4074 ~~[(22)]~~ (20) "Superintendent" means the superintendent of the Utah Schools for the Deaf
4075 and the Blind.

4076 ~~[(23)]~~ (21) "Visual impairment" includes partial sightedness, low vision, blindness,
4077 cortical visual impairment, functional blindness, and degenerative conditions that lead to
4078 blindness or severe loss of vision.

4079 Section 125. Section **53E-8-201** is amended to read:

4080 **53E-8-201. Utah Schools for the Deaf and the Blind created -- Designated LEA --**
4081 **Services statewide.**

4082 (1) The Utah Schools for the Deaf and the Blind is created as a single public school
4083 agency that includes:

4084 (a) the Utah School for the Deaf;

4085 (b) the Utah School for the Blind;

4086 (c) programs for students who are deafblind; and

4087 (d) the Parent Infant Program.

4088 (2) Under the general control and supervision of the state board, consistent with the

4089 state board's constitutional authority, the Utah Schools for the Deaf and the Blind:

4090 (a) may provide services to students statewide:

4091 (i) who are deaf, blind, or deafblind; or

4092 (ii) who are neither deaf, blind, nor deafblind, if allowed under rules of the state board

4093 established pursuant to Section 53E-8-401; and

4094 (b) shall serve as the designated LEA for a student and assume the responsibilities of
4095 providing services as prescribed through the student's IEP or Section 504 accommodation plan
4096 when the student's LEA of record, parent ~~[or legal guardian]~~, and the Utah Schools for the Deaf
4097 and the Blind determine that the student be placed at the Utah Schools for the Deaf and the
4098 Blind.

4099 (3) When the Utah Schools for the Deaf and the Blind becomes a student's designated
4100 LEA, the LEA of record and the Utah Schools for the Deaf and the Blind shall ensure that all
4101 rights and requirements regarding individual student assessment, eligibility, services,
4102 placement, and procedural safeguards provided through the Individuals with Disabilities
4103 Education Act, 20 U.S.C. Sec. 1400 et seq. and Section 504 of the Rehabilitation Act of 1973,
4104 as amended, remain in force.

4105 (4) Nothing in this section diminishes the responsibility of a student's LEA of record
4106 for the education of the student as provided in Chapter 7, Part 2, Special Education Program.

4107 Section 126. Section 53E-8-204 is amended to read:

4108 **53E-8-204. Authority of the state board -- Rulemaking -- Superintendent --**
4109 **Advisory council.**

4110 (1) The ~~[State Board of Education]~~ state board is the governing board of the Utah
4111 Schools for the Deaf and the Blind.

4112 (2) (a) The state board shall appoint a superintendent for the Utah Schools for the Deaf
4113 and the Blind.

4114 (b) The state board shall make rules ~~[in accordance with Title 63G, Chapter 3, Utah~~
4115 ~~Administrative Rulemaking Act,]~~ regarding the qualifications, terms of employment, and duties
4116 of the superintendent for the Utah Schools for the Deaf and the Blind.

4117 (3) The superintendent shall:

4118 (a) subject to the approval of the state board, appoint an associate superintendent to
4119 administer the Utah School for the Deaf based on:

- 4120 (i) demonstrated competency as an expert educator of deaf persons; and
4121 (ii) knowledge of school management and the instruction of deaf persons;
4122 (b) subject to the approval of the state board, appoint an associate superintendent to
4123 administer the Utah School for the Blind based on:
4124 (i) demonstrated competency as an expert educator of blind persons; and
4125 (ii) knowledge of school management and the instruction of blind persons, including an
4126 understanding of the unique needs and education of deafblind persons.
4127 (4) (a) The state board shall:
4128 (i) establish an [~~Advisory Council~~] advisory council for the Utah Schools for the Deaf
4129 and the Blind and appoint no more than 11 members to the advisory council;
4130 (ii) make rules [~~in accordance with Title 63G, Chapter 3, Utah Administrative~~
4131 ~~Rulemaking Act,~~] regarding the operation of the advisory council; and
4132 (iii) receive and consider the advice and recommendations of the advisory council but
4133 is not obligated to follow the recommendations of the advisory council.
4134 (b) The advisory council described in Subsection (4)(a) shall include at least:
4135 (i) two members who are blind;
4136 (ii) two members who are deaf; and
4137 (iii) two members who are deafblind or parents of a deafblind child.
4138 (5) The state board shall approve the annual budget and expenditures of the Utah
4139 Schools for the Deaf and the Blind.
4140 (6) (a) On or before the November interim meeting each year, the state board shall
4141 report to the Education Interim Committee on the Utah Schools for the Deaf and the Blind.
4142 (b) The state board shall ensure that the report described in Subsection (6)(a) includes:
4143 (i) a financial report;
4144 (ii) a report on the activities of the superintendent and associate superintendents;
4145 (iii) a report on activities to involve parents and constituency and advocacy groups in
4146 the governance of the school; and
4147 (iv) a report on student achievement, including:
4148 (A) longitudinal student achievement data for both current and previous students served
4149 by the Utah Schools for the Deaf and the Blind;
4150 (B) graduation rates; and

(C) a description of the educational placement of students exiting the Utah Schools for the Deaf and the Blind.

Section 127. Section **53E-8-301** is amended to read:

53E-8-301. Educators exempt from Department of Human Resource Management rules -- Collective bargaining agreement.

(1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt from mandatory compliance with rules of the Department of Human Resource Management.

(2) The state board may enter into a collective bargaining agreement to establish compensation and other personnel policies with educators employed by the Utah Schools for the Deaf and the Blind to replace rules of the Department of Human Resource Management.

(3) A collective bargaining agreement made under Subsection (2) is subject to the same requirements that are imposed on local school boards by Section **53G-11-202**.

Section 128. Section **53E-8-302** is amended to read:

53E-8-302. Annual salary adjustments for educators.

(1) In accordance with Section **53F-7-301**, the Legislature shall appropriate money to the state board for the salary adjustments described in this section.

(2) The state board shall include in its annual budget request for the Utah Schools for the Deaf and the Blind an amount of money sufficient to adjust educators' salaries as described in Subsection (3) and fund step and lane changes.

(3) (a) The state board shall determine the salary adjustment specified in Subsection (2) by:

(i) calculating a weighted average salary adjustment for nonadministrative licensed staff adopted by the school districts of the state, with the average weighted by the number of teachers in each school district; and

(ii) increasing the weighted average salary adjustment by 10% in any year in which teachers of the Utah Schools for the Deaf and the Blind are not ranked in the top 10 in 20-year earnings when compared to earnings of teachers in the school districts of the state.

(b) In calculating a weighted average salary adjustment for nonadministrative licensed staff adopted by the school districts of the state under Subsection (3)(a), the state board shall exclude educator salary adjustments provided pursuant to Section **53F-2-405**.

(4) From money appropriated to the state board for salary adjustments, the state board

4182 shall adjust the salary schedule applicable to educators at the school each year.

4183 Section 129. Section **53E-8-401** is amended to read:

4184 **53E-8-401. Eligibility for services of the Utah Schools for the Deaf and the Blind.**

4185 (1) Except as provided in Subsections (3), (4), and (5), a person is eligible to receive
4186 services of the Utah Schools for the Deaf and the Blind if the person is:

4187 (a) a resident of Utah;

4188 (b) younger than 22 years of age;

4189 (c) referred to the Utah Schools for the Deaf and the Blind by the person's school

4190 district of residence or a local early intervention program; and

4191 (d) identified as deaf, blind, or deafblind through:

4192 (i) the special education eligibility determination process; or

4193 (ii) the Section 504 eligibility determination process.

4194 (2) (a) In diagnosing a person younger than age three who is deafblind, the following
4195 information may be used:

4196 (i) ophthalmological and audiological documentation;

4197 (ii) functional vision or hearing assessments and evaluations; or

4198 (iii) informed clinical opinion conducted by a person with expertise in deafness,
4199 blindness, or deafblindness.

4200 (b) Informed clinical opinion shall be:

4201 (i) included in the determination of eligibility when documentation is incomplete or not
4202 conclusive; and

4203 (ii) based on pertinent records related to the individual's current health status and
4204 medical history, an evaluation and observations of the individual's level of sensory functioning,
4205 and the needs of the family.

4206 (3) (a) A student who qualifies for special education shall have services and placement
4207 determinations made through the IEP process.

4208 (b) A student who qualifies for accommodations under Section 504 shall have services
4209 and placement determinations made through the Section 504 team process.

4210 (c) A parent [~~or legal guardian~~] of a child who is deaf, blind, or deafblind shall make
4211 the final decision regarding placement of the child in a Utah Schools for the Deaf and the Blind
4212 program or in a school district or charter school program subject to special education federal

4213 regulations regarding due process.

4214 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the
4215 Blind in accordance with rules of the state board.

4216 (b) The rules shall require the payment of tuition for services provided to a
4217 nonresident.

4218 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and
4219 the Blind under circumstances described in Section 53E-8-408.

4220 ~~[(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
4221 ~~and this chapter, the]~~

4222 (6) The state board:

4223 (a) shall make rules that determine the eligibility of students to be served by the Utah
4224 Schools for the Deaf and the Blind; and

4225 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind
4226 to receive services of the Utah Schools for the Deaf and the Blind if the student is younger than
4227 22 years of age.

4228 Section 130. Section 53E-8-402 is amended to read:

4229 **53E-8-402. Entrance policies and procedures.**

4230 With input from the Utah Schools for the Deaf and the Blind, school districts, parents,
4231 and the advisory council, the state board shall establish entrance policies and procedures that
4232 IEP teams and Section 504 teams are to consider in making placement recommendations at the
4233 Utah Schools for the Deaf and the Blind.

4234 Section 131. Section 53E-8-406 is amended to read:

4235 **53E-8-406. Programs for deafblind individuals -- State deafblind education**
4236 **specialist.**

4237 (1) The state board shall adopt policies and programs for providing appropriate
4238 educational services to individuals who are deafblind.

4239 (2) Except as provided in Subsection (4), the state board shall designate an employee
4240 who holds a deafblind certification or equivalent training and expertise to:

4241 (a) act as a resource coordinator for the state board on public education programs
4242 designed for individuals who are deafblind;

4243 (b) facilitate the design and implementation of professional development programs to

4244 assist school districts, charter schools, and the Utah Schools for the Deaf and the Blind in
4245 meeting the educational needs of those who are deafblind; and
4246 (c) facilitate the design of and assist with the implementation of one-on-one
4247 intervention programs in school districts, charter schools, and at the Utah Schools for the Deaf
4248 and the Blind for those who are deafblind, serving as a resource for, or team member of,
4249 individual IEP teams.

4250 (3) The state board may authorize and approve the costs of an employee to obtain a
4251 deafblind certification or equivalent training and expertise to qualify for the position described
4252 in Subsection (2).

4253 (4) The state board may contract with a third party for the services required under
4254 Subsection (2).

4255 Section 132. Section **53E-8-407** is amended to read:

4256 **53E-8-407. Educational Enrichment Program for Deaf, Hard of Hearing, and**
4257 **Visually Impaired Students -- Funding for the program.**

4258 (1) There is established the Educational Enrichment Program for Deaf, Hard of
4259 Hearing, and Visually Impaired Students.

4260 (2) The purpose of the program is to provide opportunities that will, in a family
4261 friendly environment, enhance the educational services required for deaf, hard of hearing,
4262 blind, or deafblind students.

4263 (3) The advisory council shall design and implement the program, subject to the
4264 approval by the state board.

4265 (4) The program shall be funded from the interest and dividends derived from the
4266 permanent funds created for the Utah Schools for the Deaf and the Blind pursuant to Section 12
4267 of the Utah Enabling Act and distributed by the director of the School and Institutional Trust
4268 Lands Administration under Section **53C-3-103**.

4269 Section 133. Section **53E-8-408** is amended to read:

4270 **53E-8-408. Educational services for an individual with a hearing loss.**

4271 (1) Subject to Subsection (2), the Utah Schools for the Deaf and the Blind shall provide
4272 educational services to an individual:

4273 (a) who seeks to receive the educational services; and

4274 (b) (i) whose results of a test for hearing loss are reported to the Utah Schools for the

4275 Deaf and the Blind in accordance with Section 26-10-6 or 26-10-13; or

4276 (ii) who has been diagnosed with a hearing loss by a physician or an audiologist.

4277 (2) If the individual who will receive the services described in Subsection (1) is a
4278 minor, the Utah Schools for the Deaf and the Blind may not provide the services to the
4279 individual until after receiving permission from the individual's parent ~~[or guardian]~~.

4280 Section 134. Section **53E-8-409** is amended to read:

4281 **53E-8-409. Instructional Materials Access Center -- State board to make rules.**

4282 (1) The state board shall collaborate with the Utah Schools for the Deaf and the Blind,
4283 school districts, and charter schools in establishing the Utah State Instructional Materials
4284 Access Center to provide students with print disabilities access to instructional materials in
4285 alternate formats in a timely manner.

4286 (2) The state board shall make rules~~[, in accordance with Title 63G, Chapter 3, Utah~~
4287 ~~Administrative Rulemaking Act,]~~ to:

4288 (a) establish the Utah State Instructional Materials Access Center;

4289 (b) define how the Educational Resource Center at the Utah Schools for the Deaf and
4290 the Blind shall collaborate in the operation of the Utah State Instructional Materials Access
4291 Center;

4292 (c) specify procedures for the operation of the Utah State Instructional Materials
4293 Access Center, including procedures to:

4294 (i) identify students who qualify for instructional materials in alternate formats; and

4295 (ii) distribute and store instructional materials in alternate formats;

4296 (d) establish the contribution of school districts and charter schools towards the cost of
4297 instructional materials in alternate formats; and

4298 (e) require textbook publishers, as a condition of contract, to provide electronic file sets
4299 in conformance with the National Instructional Materials Accessibility Standard.

4300 Section 135. Section **53E-9-202** is amended to read:

4301 **53E-9-202. Application of state and federal law to the administration and**
4302 **operation of public schools -- Local school board and charter school governing board**
4303 **policies.**

4304 (1) As used in this section "education entity" means:

4305 (a) the ~~[State Board of Education]~~ state board;

4306 (b) a local school board or charter school governing board;

4307 (c) a school district;

4308 (d) a public school; or

4309 (e) the Utah Schools for the Deaf and the Blind.

4310 (2) An education entity and an employee, student aide, volunteer, third party

4311 contractor, or other agent of an education entity shall protect the privacy of a student, the

4312 student's parents, and the student's family and support parental involvement in the education of

4313 their children through compliance with the protections provided for family and student privacy

4314 under this part and the Family Educational Rights and Privacy Act and related provisions under

4315 20 U.S.C. Secs. 1232g and 1232h, in the administration and operation of all public school

4316 programs, regardless of the source of funding.

4317 (3) A local school board or charter school governing board shall enact policies

4318 governing the protection of family and student privacy as required by this part.

4319 Section 136. Section **53E-9-203** is amended to read:

4320 **53E-9-203. Activities prohibited without prior written consent -- Validity of**
4321 **consent -- Qualifications -- Training on implementation.**

4322 (1) Except as provided in Subsection (7), Section **53G-9-604**, and Section **53G-9-702**,

4323 policies adopted by a school district or charter school under Section **53E-9-202** shall include

4324 prohibitions on the administration to a student of any psychological or psychiatric examination,

4325 test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the

4326 student's parent ~~[or legal guardian]~~, in which the purpose or evident intended effect is to cause

4327 the student to reveal information, whether the information is personally identifiable or not,

4328 concerning the student's or any family member's:

4329 (a) political affiliations or, except as provided under Section **53G-10-202** or rules of

4330 the ~~[State Board of Education]~~ state board, political philosophies;

4331 (b) mental or psychological problems;

4332 (c) sexual behavior, orientation, or attitudes;

4333 (d) illegal, anti-social, self-incriminating, or demeaning behavior;

4334 (e) critical appraisals of individuals with whom the student or family member has close
4335 family relationships;

4336 (f) religious affiliations or beliefs;

(g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and

(h) income, except as required by law.

(2) Prior written consent under Subsection (1) is required in all grades, kindergarten through grade 12.

(3) Except as provided in Subsection (7), Section 53G-9-604, and Section 53G-9-702, the prohibitions under Subsection (1) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent ~~[or legal guardian]~~ has been obtained.

(4) (a) Written parental consent is valid only if a parent ~~[or legal guardian]~~ has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:

(i) records or information, including information about relationships, that may be examined or requested;

(ii) the means by which the records or information shall be examined or reviewed;

(iii) the means by which the information is to be obtained;

(iv) the purposes for which the records or information are needed;

(v) the entities or persons, regardless of affiliation, who will have access to the personally identifiable information; and

(vi) a method by which a parent of a student can grant permission to access or examine the personally identifiable information.

(b) For a survey described in Subsection (1), written notice described in Subsection (4)(a) shall include an Internet address where a parent ~~[or legal guardian]~~ can view the exact survey to be administered to the ~~[parent or legal guardian's]~~ parent's student.

(5) (a) Except in response to a situation which a school employee reasonably believes to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements, or by order of a court, disclosure to a parent ~~[or legal guardian]~~ must be given at least two weeks before information protected under this section is sought.

(b) Following disclosure, a parent ~~[or guardian]~~ may waive the two week minimum

4368 notification period.

4369 (c) Unless otherwise agreed to by a student's parent [~~or legal guardian~~] and the person
4370 requesting written consent, the authorization is valid only for the activity for which it was
4371 granted.

4372 (d) A written withdrawal of authorization submitted to the school principal by the
4373 authorizing parent [~~or guardian~~] terminates the authorization.

4374 (e) A general consent used to approve admission to school or involvement in special
4375 education, remedial education, or a school activity does not constitute written consent under
4376 this section.

4377 (6) (a) This section does not limit the ability of a student under Section 53G-10-203 to
4378 spontaneously express sentiments or opinions otherwise protected against disclosure under this
4379 section.

4380 (b) (i) If a school employee or agent believes that a situation exists which presents a
4381 serious threat to the well-being of a student, that employee or agent shall notify the student's
4382 parent [~~or guardian~~] without delay.

4383 (ii) If, however, the matter has been reported to the Division of Child and Family
4384 Services within the Department of Human Services, it is the responsibility of the division to
4385 notify the student's parent [~~or guardian~~] of any possible investigation, prior to the student's
4386 return home from school.

4387 (iii) The division may be exempted from the notification requirements described in this
4388 Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification
4389 of [~~his~~] the student's parent [~~or guardian~~], or if that notification is otherwise prohibited by state
4390 or federal law.

4391 (7) (a) If a school employee, agent, or school resource officer believes a student is
4392 at-risk of attempting suicide, physical self-harm, or harming others, the school employee,
4393 agent, or school resource officer may intervene and ask a student questions regarding the
4394 student's suicidal thoughts, physically self-harming behavior, or thoughts of harming others for
4395 the purposes of:

4396 (i) referring the student to appropriate prevention services; and

4397 (ii) informing the student's parent [~~or legal guardian~~].

4398 (b) On or before September 1, 2014, a school district or charter school shall develop

4399 and adopt a policy regarding intervention measures consistent with Subsection (7)(a) while
4400 requiring the minimum degree of intervention to accomplish the goals of this section.

4401 (8) Local school boards and charter school governing boards shall provide inservice for
4402 teachers and administrators on the implementation of this section.

4403 (9) The state board shall provide procedures for disciplinary action for violations of
4404 this section.

4405 Section 137. Section **53E-9-204** is amended to read:

4406 **53E-9-204. Access to education records -- Training requirement -- Certification.**

4407 (1) As used in this section, "education record" means the same as that term is defined
4408 in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

4409 (2) A local school board or charter school governing board shall require each public
4410 school to:

4411 (a) create and maintain a list that includes the name and position of each school
4412 employee who the public school authorizes, in accordance with Subsection (4), to have access
4413 to an education record; and

4414 (b) provide the list described in Subsection (2)(a) to the school's local school board or
4415 charter school governing board.

4416 (3) A local school board or charter school governing board shall:

4417 (a) provide training on student privacy laws; and

4418 (b) require a school employee on the list described in Subsection (2) to:

4419 (i) complete the training described in Subsection (3)(a); and

4420 (ii) provide to the local school board or charter school governing board a certified
4421 statement, signed by the school employee, that certifies that the school employee completed the
4422 training described in Subsection (3)(a) and that the school employee understands student
4423 privacy requirements.

4424 (4) (a) Except as provided in Subsection (4)(b), a local school board, charter school
4425 governing board, public school, or school employee may only share an education record with a
4426 school employee if:

4427 (i) that school employee's name is on the list described in Subsection (2); and

4428 (ii) federal and state privacy laws authorize the education record to be shared with that
4429 school employee.

4430 (b) A local school board, charter school governing board, public school, or school
4431 employee may share an education record with a school employee if the board, school, or
4432 employee obtains written consent from:

- 4433 (i) the parent [~~or legal guardian~~] of the student to whom the education record relates, if
4434 the student is younger than 18 years old; or
4435 (ii) the student to whom the education record relates, if the student is 18 years old or
4436 older.

4437 Section 138. Section **53E-9-301** is amended to read:

4438 **53E-9-301. Definitions.**

4439 As used in this part:

4440 (1) "Adult student" means a student who:

- 4441 (a) is at least 18 years old;
4442 (b) is an emancipated student; or
4443 (c) qualifies under the McKinney-Vento Homeless Education Assistance

4444 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.

4445 (2) "Aggregate data" means data that:

- 4446 (a) are totaled and reported at the group, cohort, school, school district, region, or state
4447 level with at least 10 individuals in the level;

4448 (b) do not reveal personally identifiable student data; and

4449 (c) are collected in accordance with state board rule.

4450 (3) (a) "Biometric identifier" means a:

- 4451 (i) retina or iris scan;
4452 (ii) fingerprint;
4453 (iii) human biological sample used for valid scientific testing or screening; or
4454 (iv) scan of hand or face geometry.

4455 (b) "Biometric identifier" does not include:

- 4456 (i) a writing sample;
4457 (ii) a written signature;
4458 (iii) a voiceprint;
4459 (iv) a photograph;
4460 (v) demographic data; or

4461 (vi) a physical description, such as height, weight, hair color, or eye color.

4462 (4) "Biometric information" means information, regardless of how the information is

4463 collected, converted, stored, or shared:

4464 (a) based on an individual's biometric identifier; and

4465 (b) used to identify the individual.

4466 ~~[(5) "Board" means the State Board of Education.]~~

4467 ~~[(6)]~~ (5) "Data breach" means an unauthorized release of or unauthorized access to

4468 personally identifiable student data that is maintained by an education entity.

4469 ~~[(7)]~~ (6) "Data governance plan" means an education entity's comprehensive plan for

4470 managing education data that:

4471 (a) incorporates reasonable data industry best practices to maintain and protect student

4472 data and other education-related data;

4473 (b) describes the role, responsibility, and authority of an education entity data

4474 governance staff member;

4475 (c) provides for necessary technical assistance, training, support, and auditing;

4476 (d) describes the process for sharing student data between an education entity and

4477 another person;

4478 (e) describes the education entity's data expungement process, including how to

4479 respond to requests for expungement;

4480 (f) describes the data breach response process; and

4481 (g) is published annually and available on the education entity's website.

4482 ~~[(8)]~~ (7) "Education entity" means:

4483 (a) the state board;

4484 (b) a local school board;

4485 (c) a charter school governing board;

4486 (d) a school district;

4487 (e) a charter school;

4488 (f) the Utah Schools for the Deaf and the Blind; or

4489 (g) for purposes of implementing the School Readiness Initiative described in Title

4490 53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in

4491 Section [35A-3-209](#).

4492 ~~[(9)]~~ (8) "Expunge" means to seal or permanently delete data, as described in state
4493 board rule made under Section 53E-9-306.

4494 ~~[(10)]~~ (9) "General audience application" means an Internet website, online service,
4495 online application, mobile application, or software program that:

4496 (a) is not specifically intended for use by an audience member that attends kindergarten
4497 or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from
4498 1 to 12; and

4499 (b) is not subject to a contract between an education entity and a third-party contractor.

4500 ~~[(11)]~~ (10) "Higher education outreach student data" means the following student data
4501 for a student:

4502 (a) name;

4503 (b) parent name;

4504 (c) grade;

4505 (d) school and school district; and

4506 (e) contact information, including:

4507 (i) primary phone number;

4508 (ii) email address; and

4509 (iii) physical address.

4510 ~~[(12) "Individualized education program" or "IEP" means a written statement:]~~

4511 ~~[(a) for a student with a disability; and]~~

4512 ~~[(b) that is developed, reviewed, and revised in accordance with the Individuals with~~
4513 ~~Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

4514 ~~[(13)]~~ (11) "Local education agency" or "LEA" means:

4515 (a) a school district;

4516 (b) a charter school;

4517 (c) the Utah Schools for the Deaf and the Blind; or

4518 (d) for purposes of implementing the School Readiness Initiative described in Title
4519 53F, Chapter 6, Part 3, School Readiness Initiative, the School Readiness Board created in
4520 Section 35A-3-209.

4521 ~~[(14)]~~ (12) "Metadata dictionary" means a record that:

4522 (a) defines and discloses all personally identifiable student data collected and shared by

4523 the education entity;

4524 (b) comprehensively lists all recipients with whom the education entity has shared
4525 personally identifiable student data, including:

4526 (i) the purpose for sharing the data with the recipient;

4527 (ii) the justification for sharing the data, including whether sharing the data was
4528 required by federal law, state law, or a local directive; and

4529 (iii) how sharing the data is permitted under federal or state law; and

4530 (c) without disclosing personally identifiable student data, is displayed on the
4531 education entity's website.

4532 ~~[(15)]~~ (13) "Necessary student data" means data required by state statute or federal law
4533 to conduct the regular activities of an education entity, including:

4534 (a) name;

4535 (b) date of birth;

4536 (c) sex;

4537 (d) parent contact information;

4538 (e) custodial parent information;

4539 (f) contact information;

4540 (g) a student identification number;

4541 (h) local, state, and national assessment results or an exception from taking a local,
4542 state, or national assessment;

4543 (i) courses taken and completed, credits earned, and other transcript information;

4544 (j) course grades and grade point average;

4545 (k) grade level and expected graduation date or graduation cohort;

4546 (l) degree, diploma, credential attainment, and other school exit information;

4547 (m) attendance and mobility;

4548 (n) drop-out data;

4549 (o) immunization record or an exception from an immunization record;

4550 (p) race;

4551 (q) ethnicity;

4552 (r) tribal affiliation;

4553 (s) remediation efforts;

- 4554 (t) an exception from a vision screening required under Section 53G-9-404 or
4555 information collected from a vision screening required under Section 53G-9-404;
- 4556 (u) information related to the Utah Registry of Autism and Developmental Disabilities,
4557 described in Section 26-7-4;
- 4558 (v) student injury information;
- 4559 (w) a disciplinary record created and maintained as described in Section 53E-9-306;
- 4560 (x) juvenile delinquency records;
- 4561 (y) English language learner status; and
- 4562 (z) child find and special education evaluation data related to initiation of an IEP.
- 4563 ~~[(16)]~~ (14) (a) "Optional student data" means student data that is not:
- 4564 (i) necessary student data; or
- 4565 (ii) student data that an education entity may not collect under Section 53E-9-305.
- 4566 (b) "Optional student data" includes:
- 4567 (i) information that is:
- 4568 (A) related to an IEP or needed to provide special needs services; and
- 4569 (B) not necessary student data;
- 4570 (ii) biometric information; and
- 4571 (iii) information that is not necessary student data and that is required for a student to
4572 participate in a federal or other program.
- 4573 ~~[(17)]~~ (15) "Parent" means:
- 4574 (a) a student's parent;
- 4575 (b) a student's legal guardian; or
- 4576 (c) an individual who has written authorization from a student's parent or legal
4577 guardian to act as a parent or legal guardian on behalf of the student.
- 4578 ~~[(18)]~~ (16) (a) "Personally identifiable student data" means student data that identifies
4579 or is used by the holder to identify a student.
- 4580 (b) "Personally identifiable student data" includes:
- 4581 (i) a student's first and last name;
- 4582 (ii) the first and last name of a student's family member;
- 4583 (iii) a student's or a student's family's home or physical address;
- 4584 (iv) a student's email address or other online contact information;

4585 (v) a student's telephone number;
4586 (vi) a student's social security number;
4587 (vii) a student's biometric identifier;
4588 (viii) a student's health or disability data;
4589 (ix) a student's education entity student identification number;
4590 (x) a student's social media user name and password or alias;
4591 (xi) if associated with personally identifiable student data, the student's persistent
4592 identifier, including:
4593 (A) a customer number held in a cookie; or
4594 (B) a processor serial number;
4595 (xii) a combination of a student's last name or photograph with other information that
4596 together permits a person to contact the student online;
4597 (xiii) information about a student or a student's family that a person collects online and
4598 combines with other personally identifiable student data to identify the student; and
4599 (xiv) information that, alone or in combination, is linked or linkable to a specific
4600 student that would allow a reasonable person in the school community, who does not have
4601 personal knowledge of the relevant circumstances, to identify the student with reasonable
4602 certainty.

4603 ~~[(19)]~~ (17) "School official" means an employee or agent of an education entity, if the
4604 education entity has authorized the employee or agent to request or receive student data on
4605 behalf of the education entity.

4606 ~~[(20)]~~ (18) (a) "Student data" means information about a student at the individual
4607 student level.

4608 (b) "Student data" does not include aggregate or de-identified data.

4609 ~~[(21)]~~ (19) "Student data manager" means:

4610 (a) the state student data officer; or
4611 (b) an individual designated as a student data manager by an education entity under
4612 Section [53E-9-303](#), who fulfills the duties described in Section [53E-9-308](#).

4613 ~~[(22)]~~ (20) (a) "Targeted advertising" means presenting advertisements to a student
4614 where the advertisement is selected based on information obtained or inferred over time from
4615 that student's online behavior, usage of applications, or student data.

4616 (b) "Targeted advertising" does not include advertising to a student:
4617 (i) at an online location based upon that student's current visit to that location; or
4618 (ii) in response to that student's request for information or feedback, without retention
4619 of that student's online activities or requests over time for the purpose of targeting subsequent
4620 ads.

4621 ~~[(23)]~~ (21) "Third-party contractor" means a person who:

4622 (a) is not an education entity; and

4623 (b) pursuant to a contract with an education entity, collects or receives student data in
4624 order to provide a product or service, as described in the contract, if the product or service is
4625 not related to school photography, yearbooks, graduation announcements, or a similar product
4626 or service.

4627 ~~[(24)]~~ (22) "Written consent" means written authorization to collect or share a student's
4628 student data, from:

4629 (a) the student's parent, if the student is not an adult student; or

4630 (b) the student, if the student is an adult student.

4631 Section 139. Section **53E-9-302** is amended to read:

4632 **53E-9-302. State student data protection governance.**

4633 (1) (a) An education entity or a third-party contractor who collects, uses, stores, shares,
4634 or deletes student data shall protect student data as described in this part.

4635 ~~[(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
4636 ~~the]~~

4637 (b) The state board shall make rules to administer this part, including student data
4638 protection standards for public education employees, student aides, and volunteers.

4639 (2) The state board shall oversee the preparation and maintenance of:

4640 (a) a statewide data governance plan; and

4641 (b) a state-level metadata dictionary.

4642 (3) As described in this Subsection (3), the state board shall establish advisory groups
4643 to oversee student data protection in the state and make recommendations to the state board
4644 regarding student data protection.

4645 (a) The state board shall establish a student data policy advisory group:

4646 (i) composed of members from:

- 4647 (A) the Legislature;
- 4648 (B) the state board and state board employees; and
- 4649 (C) one or more LEAs;
- 4650 (ii) to discuss and make recommendations to the state board regarding:
- 4651 (A) enacted or proposed legislation; and
- 4652 (B) state and local student data protection policies across the state;
- 4653 (iii) that reviews and monitors the state student data governance plan; and
- 4654 (iv) that performs other tasks related to student data protection as designated by the
- 4655 state board.
- 4656 (b) The state board shall establish a student data governance advisory group:
- 4657 (i) composed of the state student data officer and other state board employees; and
- 4658 (ii) that performs duties related to state and local student data protection, including:
- 4659 (A) overseeing data collection and usage by state board program offices; and
- 4660 (B) preparing and maintaining the state board's student data governance plan under the
- 4661 direction of the student data policy advisory group.
- 4662 (c) The state board shall establish a student data users advisory group:
- 4663 (i) composed of members who use student data at the local level; and
- 4664 (ii) that provides feedback and suggestions on the practicality of actions proposed by
- 4665 the student data policy advisory group and the student data governance advisory group.
- 4666 (4) (a) The state board shall designate a state student data officer.
- 4667 (b) The state student data officer shall:
- 4668 (i) act as the primary point of contact for state student data protection administration in
- 4669 assisting the state board to administer this part;
- 4670 (ii) ensure compliance with student privacy laws throughout the public education
- 4671 system, including:
- 4672 (A) providing training and support to applicable state board and LEA employees; and
- 4673 (B) producing resource materials, model plans, and model forms for local student data
- 4674 protection governance, including a model student data collection notice;
- 4675 (iii) investigate complaints of alleged violations of this part;
- 4676 (iv) report violations of this part to:
- 4677 (A) the state board;

- 4678 (B) an applicable education entity; and
4679 (C) the student data policy advisory group; and
4680 (v) act as a state level student data manager.
4681 (5) The state board shall designate:
4682 (a) at least one support manager to assist the state student data officer; and
4683 (b) a student data protection auditor to assist the state student data officer.
4684 (6) The state board shall establish a research review process for a request for data for
4685 the purpose of research or evaluation.

4686 Section 140. Section **53E-9-303** is amended to read:

4687 **53E-9-303. Local student data protection governance.**

4688 (1) An LEA shall adopt policies to protect student data in accordance with this part and
4689 state board rule, taking into account the specific needs and priorities of the LEA.

4690 (2) (a) An LEA shall designate an individual to act as a student data manager to fulfill
4691 the responsibilities of a student data manager described in Section **53E-9-308**.

4692 (b) If possible, an LEA shall designate the LEA's records officer as defined in Section
4693 **63G-2-103**, as the student data manager.

4694 (3) An LEA shall create and maintain an LEA:

4695 (a) data governance plan; and

4696 (b) metadata dictionary.

4697 (4) An LEA shall establish an external research review process for a request for data
4698 for the purpose of external research or evaluation.

4699 Section 141. Section **53E-9-304** is amended to read:

4700 **53E-9-304. Student data ownership and access -- Notification in case of**
4701 **significant data breach.**

4702 (1) (a) A student owns the student's personally identifiable student data.

4703 (b) An education entity shall allow the following individuals to access a student's
4704 student data that is maintained by the education entity:

4705 (i) the student's parent;

4706 (ii) the student; and

4707 (iii) in accordance with the education entity's internal policy described in Section

4708 **53E-9-303** and in the absence of a parent, an individual acting as a parent to the student.

4709 (2) (a) If a significant data breach occurs at an education entity, the education entity
4710 shall notify:

4711 (i) the student, if the student is an adult student; or

4712 (ii) the student's parent ~~[or legal guardian]~~, if the student is not an adult student.

4713 ~~[(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
4714 ~~the]~~

4715 (b) The state board shall make rules to define a significant data breach described in
4716 Subsection (2)(a).

4717 Section 142. Section **53E-9-305** is amended to read:

4718 **53E-9-305. Collecting student data -- Prohibition -- Student data collection notice**
4719 **-- Written consent.**

4720 (1) An education entity may not collect a student's:

4721 (a) social security number; or

4722 (b) except as required in Section [78A-6-112](#), criminal record.

4723 (2) An education entity that collects student data shall, in accordance with this section,
4724 prepare and distribute, except as provided in Subsection (3), to parents and students a student
4725 data collection notice statement that:

4726 (a) is a prominent, stand-alone document;

4727 (b) is annually updated and published on the education entity's website;

4728 (c) states the student data that the education entity collects;

4729 (d) states that the education entity will not collect the student data described in

4730 Subsection (1);

4731 (e) states the student data described in Section [53E-9-308](#) that the education entity may
4732 not share without written consent;

4733 (f) includes the following statement:

4734 "The collection, use, and sharing of student data has both benefits and risks. Parents
4735 and students should learn about these benefits and risks and make choices regarding student
4736 data accordingly.";

4737 (g) describes in general terms how the education entity stores and protects student data;

4738 (h) states a student's rights under this part; and

4739 (i) for an education entity that teaches students in grade 9, 10, 11, or 12, requests

4740 written consent to share student data with the State Board of Regents as described in Section
4741 53E-9-308.

4742 (3) The state board may publicly post the state board's collection notice described in
4743 Subsection (2).

4744 (4) An education entity may collect the necessary student data of a student if the
4745 education entity provides a student data collection notice to:

4746 (a) the student, if the student is an adult student; or

4747 (b) the student's parent, if the student is not an adult student.

4748 (5) An education entity may collect optional student data if the education entity:

4749 (a) provides, to an individual described in Subsection (4), a student data collection
4750 notice that includes a description of:

4751 (i) the optional student data to be collected; and

4752 (ii) how the education entity will use the optional student data; and

4753 (b) obtains written consent to collect the optional student data from an individual
4754 described in Subsection (4).

4755 (6) An education entity may collect a student's biometric identifier or biometric
4756 information if the education entity:

4757 (a) provides, to an individual described in Subsection (4), a biometric information
4758 collection notice that is separate from a student data collection notice, which states:

4759 (i) the biometric identifier or biometric information to be collected;

4760 (ii) the purpose of collecting the biometric identifier or biometric information; and

4761 (iii) how the education entity will use and store the biometric identifier or biometric
4762 information; and

4763 (b) obtains written consent to collect the biometric identifier or biometric information
4764 from an individual described in Subsection (4).

4765 (7) Except under the circumstances described in Subsection 53G-8-211(2), an
4766 education entity may not refer a student to an alternative evidence-based intervention described
4767 in Subsection 53G-8-211(3) without written consent.

4768 Section 143. Section 53E-9-306 is amended to read:

4769 **53E-9-306. Using and expunging student data -- Rulemaking -- Disciplinary**
4770 **records.**

(1) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act, ~~[and Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ the state board shall make rules regarding using and expunging student data, including:

(a) a categorization of disciplinary records that includes the following levels of maintenance:

(i) one year;

(ii) three years; and

(iii) in accordance with Subsection (3), as determined by the education entity;

(b) the types of student data that may be expunged, including:

(i) medical records; and

(ii) behavioral test assessments;

(c) the types of student data that may not be expunged, including:

(i) grades;

(ii) transcripts;

(iii) a record of the student's enrollment; and

(iv) assessment information; and

(d) the timeline and process for a prior student or parent of a prior student to request that an education entity expunge all of the prior student's student data.

(2) In accordance with state board rule, an education entity may create and maintain a disciplinary record for a student.

(3) (a) As recognized in Section [53E-9-304](#), and to ensure maximum student data privacy, an education entity shall, in accordance with state board rule, expunge a student's student data that is stored by the education entity.

(b) An education entity shall retain and dispose of records in accordance with Section [63G-2-604](#) and state board rule.

Section 144. Section **53E-9-307** is amended to read:

53E-9-307. Securing and cataloguing student data.

~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the]~~

The state board shall make rules that:

(1) using reasonable data industry best practices, prescribe the maintenance and protection of stored student data by:

4802 (a) an education entity;
4803 (b) the Utah Registry of Autism and Developmental Disabilities, described in Section
4804 26-7-4, for student data obtained under Section 53E-9-308; and

4805 (c) a third-party contractor; and
4806 (2) state requirements for an education entity's metadata dictionary.

4807 Section 145. Section 53E-9-308 is amended to read:

4808 **53E-9-308. Sharing student data -- Prohibition -- Requirements for student data**
4809 **manager -- Authorized student data sharing.**

4810 (1) (a) Except as provided in Subsection (1)(b), an education entity, including a student
4811 data manager, may not share personally identifiable student data without written consent.

4812 (b) An education entity, including a student data manager, may share personally
4813 identifiable student data:

4814 (i) in accordance with the Family Education Rights and Privacy Act and related
4815 provisions under 20 U.S.C. Secs. 1232g and 1232h;

4816 (ii) as required by federal law; and

4817 (iii) as described in Subsections (3), (5), and (6).

4818 (2) A student data manager shall:

4819 (a) authorize and manage the sharing, outside of the student data manager's education
4820 entity, of personally identifiable student data for the education entity as described in this
4821 section;

4822 (b) act as the primary local point of contact for the state student data officer described
4823 in Section 53E-9-302; and

4824 (c) fulfill other responsibilities described in the data governance plan of the student
4825 data manager's education entity.

4826 (3) A student data manager may share a student's personally identifiable student data
4827 with a caseworker or representative of the Department of Human Services if:

4828 (a) the Department of Human Services is:

4829 (i) legally responsible for the care and protection of the student, including the
4830 responsibility to investigate a report of educational neglect, as provided in Subsection
4831 62A-4a-409(5); or

4832 (ii) providing services to the student;

4833 (b) the student's personally identifiable student data is not shared with a person who is
4834 not authorized:

4835 (i) to address the student's education needs; or

4836 (ii) by the Department of Human Services to receive the student's personally
4837 identifiable student data; and

4838 (c) the Department of Human Services maintains and protects the student's personally
4839 identifiable student data.

4840 (4) The Department of Human Services, a school official, or the Utah Juvenile Court
4841 may share personally identifiable student data to improve education outcomes for youth:

4842 (a) in the custody of, or under the guardianship of, the Department of Human Services;

4843 (b) receiving services from the Division of Juvenile Justice Services;

4844 (c) in the custody of the Division of Child and Family Services;

4845 (d) receiving services from the Division of Services for People with Disabilities; or

4846 (e) under the jurisdiction of the Utah Juvenile Court.

4847 (5) (a) A student data manager may share personally identifiable student data in
4848 response to a subpoena issued by a court.

4849 (b) A person who receives personally identifiable student data under Subsection (5)(a)
4850 may not use the personally identifiable student data outside of the use described in the
4851 subpoena.

4852 (6) (a) A student data manager may share student data, including personally
4853 identifiable student data, in response to a request to share student data for the purpose of
4854 research or evaluation, if the student data manager:

4855 (i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a)(6);

4856 (ii) submits the request to the education entity's research review process; and

4857 (iii) fulfills the instructions that result from the review process.

4858 (b) (i) In accordance with state and federal law, the state board shall share student data,
4859 including personally identifiable student data, as requested by the Utah Registry of Autism and
4860 Developmental Disabilities described in Section 26-7-4.

4861 (ii) A person who receives student data under Subsection (6)(b)(i):

4862 (A) shall maintain and protect the student data in accordance with state board rule
4863 described in Section 53E-9-307;

4864 (B) may not use the student data for a purpose not described in Section 26-7-4; and

4865 (C) is subject to audit by the state student data officer described in Section 53E-9-302.

4866 (c) The state board shall enter into an agreement with the State Board of Regents,
4867 established in Section 53B-1-103, to share higher education outreach student data, for students
4868 in grades 9 through 12 who have obtained written consent under Subsection 53E-9-305(2)(i), to
4869 be used strictly for the purpose of:

4870 (i) providing information and resources to students in grades 9 through 12 about higher
4871 education; and

4872 (ii) helping students in grades 9 through 12 enter the higher education system and
4873 remain until graduation.

4874 Section 146. Section 53E-9-309 is amended to read:

4875 **53E-9-309. Third-party contractors.**

4876 (1) A third-party contractor shall use personally identifiable student data received
4877 under a contract with an education entity strictly for the purpose of providing the contracted
4878 product or service within the negotiated contract terms.

4879 (2) When contracting with a third-party contractor, an education entity shall require the
4880 following provisions in the contract:

4881 (a) requirements and restrictions related to the collection, use, storage, or sharing of
4882 student data by the third-party contractor that are necessary for the education entity to ensure
4883 compliance with the provisions of this part and state board rule;

4884 (b) a description of a person, or type of person, including an affiliate of the third-party
4885 contractor, with whom the third-party contractor may share student data;

4886 (c) provisions that, at the request of the education entity, govern the deletion of the
4887 student data received by the third-party contractor;

4888 (d) except as provided in Subsection (4) and if required by the education entity,
4889 provisions that prohibit the secondary use of personally identifiable student data by the
4890 third-party contractor; and

4891 (e) an agreement by the third-party contractor that, at the request of the education entity
4892 that is a party to the contract, the education entity or the education entity's designee may audit
4893 the third-party contractor to verify compliance with the contract.

4894 (3) As authorized by law or court order, a third-party contractor shall share student data

4895 as requested by law enforcement.

4896 (4) A third-party contractor may:

4897 (a) use student data for adaptive learning or customized student learning purposes;

4898 (b) market an educational application or product to a parent of a student if the

4899 third-party contractor did not use student data, shared by or collected on behalf of an education
4900 entity, to market the educational application or product;

4901 (c) use a recommendation engine to recommend to a student:

4902 (i) content that relates to learning or employment, within the third-party contractor's
4903 application, if the recommendation is not motivated by payment or other consideration from
4904 another party; or

4905 (ii) services that relate to learning or employment, within the third-party contractor's
4906 application, if the recommendation is not motivated by payment or other consideration from
4907 another party;

4908 (d) respond to a student request for information or feedback, if the content of the
4909 response is not motivated by payment or other consideration from another party;

4910 (e) use student data to allow or improve operability and functionality of the third-party
4911 contractor's application; or

4912 (f) identify for a student nonprofit institutions of higher education or scholarship
4913 providers that are seeking students who meet specific criteria:

4914 (i) regardless of whether the identified nonprofit institutions of higher education or
4915 scholarship providers provide payment or other consideration to the third-party contractor; and

4916 (ii) only if the third-party contractor obtains authorization in writing from:

4917 (A) a student's parent through the student's school or LEA; or

4918 (B) for an adult student, the student.

4919 (5) At the completion of a contract with an education entity, if the contract has not
4920 been renewed, a third-party contractor shall return or delete upon the education entity's request
4921 all personally identifiable student data under the control of the education entity unless a student
4922 or the student's parent consents to the maintenance of the personally identifiable student data.

4923 (6) (a) A third-party contractor may not:

4924 (i) except as provided in Subsection (6)(b), sell student data;

4925 (ii) collect, use, or share student data, if the collection, use, or sharing of the student

data is inconsistent with the third-party contractor's contract with the education entity; or

(iii) use student data for targeted advertising.

(b) A person may obtain student data through the purchase of, merger with, or otherwise acquiring a third-party contractor if the third-party contractor remains in compliance with this section.

(7) The provisions of this section do not:

(a) apply to the use of a general audience application, including the access of a general audience application with login credentials created by a third-party contractor's application;

(b) apply to the providing of Internet service; or

(c) impose a duty on a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section.

(8) A provision of this section that relates to a student's student data does not apply to a third-party contractor if the third-party contractor obtains authorization from the following individual, in writing, to waive that provision:

(a) the student's parent, if the student is not an adult student; or

(b) the student, if the student is an adult student.

Section 147. Section **53E-9-310** is amended to read:

53E-9-310. Penalties.

(1) (a) A third-party contractor that knowingly or recklessly permits unauthorized collecting, sharing, or use of student data under this part:

(i) except as provided in Subsection (1)(b), may not enter into a future contract with an education entity;

(ii) may be required by the state board to pay a civil penalty of up to \$25,000; and

(iii) may be required to pay:

(A) the education entity's cost of notifying parents and students of the unauthorized sharing or use of student data; and

(B) expenses incurred by the education entity as a result of the unauthorized sharing or use of student data.

(b) An education entity may enter into a contract with a third-party contractor that knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:

(i) the state board or education entity determines that the third-party contractor has

4957 corrected the errors that caused the unauthorized collecting, sharing, or use of student data; and

4958 (ii) the third-party contractor demonstrates:

4959 (A) if the third-party contractor is under contract with an education entity, current
4960 compliance with this part; or

4961 (B) an ability to comply with the requirements of this part.

4962 (c) The state board may assess the civil penalty described in Subsection (1)(a)(ii) in
4963 accordance with Title 63G, Chapter 4, Administrative Procedures Act.

4964 (d) The state board may bring an action in the district court of the county in which the
4965 office of the state board is located, if necessary, to enforce payment of the civil penalty
4966 described in Subsection (1)(a)(ii).

4967 (e) An individual who knowingly or intentionally permits unauthorized collecting,
4968 sharing, or use of student data may be found guilty of a class A misdemeanor.

4969 (2) (a) A parent or adult student may bring an action in a court of competent
4970 jurisdiction for damages caused by a knowing or reckless violation of Section 53E-9-309 by a
4971 third-party contractor.

4972 (b) If the court finds that a third-party contractor has violated Section 53E-9-309, the
4973 court may award to the parent or student:

4974 (i) damages; and

4975 (ii) costs.

4976 Section 148. Section 53E-10-202 is amended to read:

4977 **53E-10-202. State board to supervise.**

4978 (1) The general control and supervision, but not the direct management, of adult
4979 education is vested in the [~~State Board of Education~~] state board.

4980 (2) The state board has the following powers:

4981 (a) makes and enforces rules to organize, conduct, and supervise adult education;

4982 (b) appoints state staff for the adult education program, establishes their duties, and
4983 fixes their compensation;

4984 (c) determines the qualifications of, and issues teaching certificates to, persons
4985 employed to give adult education instruction; and

4986 (d) determines the basis of apportionment and distributes funds made available for
4987 adult education.

(3) (a) The [~~State Board of Education~~] state board shall make rules providing for the establishment of fees which shall be imposed by local school boards for participation in adult education programs.

(b) A fee structure for adult education shall take into account the ability of a Utah resident who participates in adult education to pay the fees.

(c) Sections [53G-7-504](#) and [53G-7-505](#) pertaining to fees and fee waivers in secondary schools do not apply to adult education.

Section 149. Section **53E-10-203** is amended to read:

53E-10-203. Director of adult education.

(1) Upon recommendation of the state superintendent, the [~~State Board of Education~~] state board may appoint a full-time director for adult education to work under the supervision of the state board.

(2) The director may coordinate the adult education program authorized under Sections [53E-10-202](#) through [53E-10-206](#) with other adult education programs.

Section 150. Section **53E-10-206** is amended to read:

53E-10-206. Salaries -- Costs.

(1) Salaries and other necessary expenses of the state adult education staff shall be paid from funds appropriated for adult education.

(2) The [~~State Board of Education~~] state board shall determine the terms and conditions of payment.

(3) A local school board shall pay all costs incident to the local administration and operation of its adult education program.

(4) The local school board shall submit reports required by the [~~State Board of Education~~] state board for the administration of adult education.

Section 151. Section **53E-10-302** is amended to read:

53E-10-302. Concurrent enrollment program.

(1) The [~~State Board of Education~~] state board and the State Board of Regents shall establish and maintain a concurrent enrollment program that:

(a) provides an eligible student the opportunity to enroll in a course that allows the eligible student to earn credit concurrently:

(i) toward high school graduation; and

- 5019 (ii) at an institution of higher education;
- 5020 (b) includes only a course that:
- 5021 (i) leads to a degree or certificate offered by an institution of higher education; and
- 5022 (ii) is one of the following:
- 5023 (A) a general education course;
- 5024 (B) a career and technical education course;
- 5025 (C) a pre-major college level course; or
- 5026 (D) a foreign language concurrent enrollment course described in Section 53E-10-307;
- 5027 (c) requires that the instructor of a concurrent enrollment course is an eligible
- 5028 instructor; and
- 5029 (d) is designed and implemented to take full advantage of the most current available
- 5030 education technology.
- 5031 (2) The ~~[State Board of Education]~~ state board and the State Board of Regents shall
- 5032 coordinate to:
- 5033 (a) establish a concurrent enrollment course approval process that ensures:
- 5034 (i) credit awarded for concurrent enrollment is consistent and transferable to all
- 5035 institutions of higher education; and
- 5036 (ii) learning outcomes for a concurrent enrollment course align with:
- 5037 (A) core standards for Utah public schools adopted by the ~~[State Board of Education]~~
- 5038 state board; and
- 5039 (B) except for a foreign language concurrent enrollment course described in Section
- 5040 53E-10-307, an institution of higher education lower division course numbered at or above the
- 5041 1000 level; and
- 5042 (b) provide advising to an eligible student, including information on:
- 5043 (i) general education requirements at institutions of higher education; and
- 5044 (ii) how to choose concurrent enrollment courses to avoid duplication or excess credit
- 5045 hours.
- 5046 (3) After consultation with institution of higher education concurrent enrollment
- 5047 directors, the State Board of Regents shall:
- 5048 (a) provide guidelines to an institution of higher education for establishing qualifying
- 5049 academic criteria for an eligible student to enroll in a concurrent enrollment course; and

5050 (b) on or before January 1, 2019, establish a policy that:
5051 (i) describes the qualifications for an LEA employee to be an eligible instructor; and
5052 (ii) ensures that the qualifications described in Subsection (3)(b)(i):
5053 (A) maximize concurrent enrollment opportunities for eligible students while
5054 maintaining quality; and
5055 (B) allow for an individual who teaches a concurrent enrollment course in the 2017-18
5056 or 2018-19 school year to continue to teach the concurrent enrollment course in subsequent
5057 years.
5058 (4) To qualify for funds under Section 53F-2-409, an LEA and an institution of higher
5059 education shall:
5060 (a) enter into a contract, in accordance with Section 53E-10-303, to provide one or
5061 more concurrent enrollment courses that are approved under the course approval process
5062 described in Subsection (2);
5063 (b) ensure that an instructor who teaches a concurrent enrollment course is an eligible
5064 instructor;
5065 (c) establish qualifying academic criteria for an eligible student to enroll in a
5066 concurrent enrollment course, in accordance with the guidelines described in Subsection (3)(a);
5067 (d) ensure that a student who enrolls in a concurrent enrollment course is an eligible
5068 student; and
5069 (e) coordinate advising to eligible students.
5070 (5) (a) An institution of higher education faculty member is an eligible instructor.
5071 (b) An LEA employee is an eligible instructor if the LEA employee:
5072 (i) is licensed under Chapter 6, Education Professional Licensure;
5073 (ii) is supervised by an institution of higher education; and
5074 (iii) (A) meets the qualifications described in the policy established under Subsection
5075 (3)(b); or
5076 (B) has an upper level mathematics credential issued by the [State Board of Education]
5077 state board.
5078 (c) Notwithstanding Subsection (5)(b)(iii), an LEA employee is an eligible instructor
5079 if:
5080 (i) the State Board of Regents has not established the policy described in Subsection

5081 (3)(b); and

5082 (ii) the LEA employee:

5083 (A) meets the requirements described in Subsections (5)(b)(i) and (ii); and

5084 (B) is approved as adjunct faculty by an institution of higher education.

5085 (6) An LEA and an institution of higher education may qualify a grade 9 or grade 10
5086 student to enroll in a current enrollment course by exception, including a student who
5087 otherwise qualifies to take a foreign language concurrent enrollment course described in
5088 Section [53E-10-307](#).

5089 (7) An institution of higher education shall accept credits earned by a student who
5090 completes a concurrent enrollment course on the same basis as credits earned by a full-time or
5091 part-time student enrolled at the institution of higher education.

5092 Section 152. Section **53E-10-304** is amended to read:

5093 **53E-10-304. Concurrent enrollment participation form -- Parental permission.**

5094 (1) The State Board of Regents shall create a higher education concurrent enrollment
5095 participation form that includes a parental permission form.

5096 (2) Before allowing an eligible student to participate in concurrent enrollment, an LEA
5097 and an institution of higher education shall ensure that the eligible student has, for the current
5098 school year:

5099 (a) submitted the participation form described in Subsection (1);

5100 (b) signed an acknowledgment of program participation requirements; and

5101 (c) obtained parental permission as indicated by the signature of a student's parent [or
5102 ~~legal guardian~~] on the parental permission form.

5103 Section 153. Section **53E-10-308** is amended to read:

5104 **53E-10-308. Reporting.**

5105 The [~~State Board of Education~~] state board and the State Board of Regents shall submit
5106 an annual written report to the Higher Education Appropriations Subcommittee and the Public
5107 Education Appropriations Subcommittee on student participation in the concurrent enrollment
5108 program, including:

5109 (1) data on the higher education tuition not charged due to the hours of higher
5110 education credit granted through concurrent enrollment;

5111 (2) tuition or fees charged under Section [53E-10-305](#);

5112 (3) an accounting of the money appropriated for concurrent enrollment; and
5113 (4) a justification of the distribution method described in Subsections 53F-2-409(3)(d)
5114 and (e).

5115 Section 154. Section 53E-10-401 is amended to read:

5116 **53E-10-401. Definitions.**

5117 As used in this part:

5118 (1) "Commission" means the American Indian-Alaskan Native Education Commission
5119 created in Section 53E-10-403.

5120 (2) "Liaison" means the individual appointed under Section 53E-10-402.

5121 (3) "Native American Legislative Liaison Committee" means the committee created in
5122 Section 36-22-1.

5123 (4) "State plan" means the state plan adopted under Section 53E-10-405.

5124 ~~[(5) "Superintendent" means the superintendent of public instruction appointed under~~
5125 ~~Section 53E-3-301.]~~

5126 Section 155. Section 53E-10-402 is amended to read:

5127 **53E-10-402. American Indian-Alaskan Native Public Education Liaison.**

5128 (1) Subject to budget constraints, the state superintendent shall appoint an individual as
5129 the American Indian-Alaskan Native Public Education Liaison.

5130 (2) The liaison shall work under the direction of the state superintendent in the
5131 development and implementation of the state plan.

5132 (3) The liaison shall annually report to the Native American Legislative Liaison
5133 Committee about:

5134 (a) the liaison's activities; and

5135 (b) the activities related to the education of American Indians and Alaskan Natives in
5136 the state's public school system and efforts to close the achievement gap.

5137 Section 156. Section 53E-10-403 is amended to read:

5138 **53E-10-403. Commission created.**

5139 (1) There is created a commission known as the "American Indian-Alaskan Native
5140 Education Commission." The commission shall consist of 16 members as follows:

5141 (a) the state superintendent;

5142 (b) the liaison;

5143 (c) two individuals appointed by the [~~State Board of Education~~] state board that are
5144 coordinators funded in whole or in part under Title VII, Elementary and Secondary Education
5145 Act;

5146 (d) three members of the Native American Legislative Liaison Committee appointed by
5147 the chairs of the Native American Legislative Liaison Committee;

5148 (e) a representative of the Navajo Nation who resides in Utah selected by the Navajo
5149 Utah Commission;

5150 (f) a representative of the Ute Indian Tribe of the Uintah and Ouray Reservation who
5151 resides in Utah selected by the Uintah and Ouray Tribal Business Committee;

5152 (g) a representative of the Paiute Indian Tribe of Utah who resides in Utah selected by
5153 the Paiute Indian Tribe of Utah Tribal Council;

5154 (h) a representative of the Northwestern Band of the Shoshone Nation who resides in
5155 Utah selected by the Northwestern Band of the Shoshone Nation Tribal Council;

5156 (i) a representative of the Confederated Tribes of the Goshute who resides in Utah
5157 selected by the Confederated Tribes of the Goshute Reservation Tribal Council;

5158 (j) a representative of the Skull Valley Band of Goshute Indians who resides in Utah
5159 selected by the Skull Valley Band of Goshute Indian Tribal Executive Committee;

5160 (k) a representative of the Ute Mountain Ute Tribe who resides in Utah selected by the
5161 Ute Mountain Ute Tribal Council;

5162 (l) a representative of the San Juan Southern Paiute Tribe who resides in Utah selected
5163 by the San Juan Southern Paiute Tribal Council; and

5164 (m) an appointee from the governor.

5165 (2) Unless otherwise determined by the [~~State Board of Education~~] state board, the
5166 state superintendent shall chair the commission.

5167 (3) (a) The state superintendent shall call meetings of the commission.

5168 (b) Eight members of the commission constitute a quorum of the commission.

5169 (c) The action of a majority of the commission at a meeting when a quorum is present
5170 constitutes action of the commission.

5171 (4) If a vacancy occurs in the membership for any reason, the replacement shall be
5172 appointed in the same manner of the original appointment for the vacant position.

5173 (5) The commission may adopt procedures or requirements for:

5174 (a) voting, when there is a tie of the commission members; and
5175 (b) the frequency of meetings.

5176 (6) (a) A member of the commission may not receive compensation or benefits for the
5177 member's service, but may receive per diem and travel expenses in accordance with:
5178 (i) Section 63A-3-106;
5179 (ii) Section 63A-3-107; and
5180 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5181 63A-3-107.

5182 (b) Compensation and expenses of a participant who is a legislator are governed by
5183 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

5184 (7) The staff of the [~~State Board of Education~~] state board shall staff the commission.

5185 (8) The commission shall be dissolved on December 31, 2015.

5186 Section 157. Section 53E-10-405 is amended to read:
5187 **53E-10-405. Adoption of state plan.**

5188 (1) After receipt of the proposed state plan from the commission in accordance with
5189 Section 53E-10-404, the Native American Legislative Liaison Committee may review the
5190 proposed state plan and make changes to the proposed state plan that the Native American
5191 Legislative Liaison Committee considers beneficial to addressing the educational achievement
5192 gap of the state's American Indian and Alaskan Native students.

5193 (2) (a) The Native American Legislative Liaison Committee shall submit the proposed
5194 state plan as modified by the Native American Legislative Liaison Committee to the Utah
5195 [~~State Board of Education~~] state board.

5196 (b) The Utah [~~State Board of Education~~] state board shall, by majority vote, within 60
5197 days after receipt of the state plan under Subsection (2)(a), adopt, modify, or reject the state
5198 plan. If the Utah [~~State Board of Education~~] state board does not act within 60 days after
5199 receipt of the state plan, the state plan is considered adopted by the Utah [~~State Board of~~
5200 ~~Education~~] state board.

5201 (3) The Native American Legislative Liaison Committee may prepare legislation to
5202 implement the state plan adopted under this section.

5203 Section 158. Section 53E-10-406 is amended to read:
5204 **53E-10-406. Changes to state plan.**

5205 (1) The Native American Legislative Liaison Committee may recommend to the [~~Utah~~
5206 ~~State Board of Education~~] state board changes to the state plan adopted under Section
5207 53E-10-405 to ensure that the state plan continues to meet the academic needs of the state's
5208 American Indian and Alaskan Native students.

5209 (2) The Native American Legislative Liaison Committee may recommend to the state
5210 superintendent that the commission be reconstituted for an 18-month period if the Native
5211 American Legislative Liaison Committee determines that a substantial review of the state plan
5212 is necessary. If reconstituted under this Subsection (2), the commission shall comply with the
5213 requirements of Sections 53E-10-402 through 53E-10-404.

5214 Section 159. Section **53E-10-503** is amended to read:

5215 **53E-10-503. School Safety and Crisis Line Commission established -- Members.**

5216 (1) There is created the School Safety and Crisis Line Commission composed of the
5217 following members:

5218 (a) one member who represents the Office of the Attorney General, appointed by the
5219 attorney general;

5220 (b) one member who represents the Utah Public Education System, appointed by the
5221 [~~State Board of Education~~] state board;

5222 (c) one member who represents the Utah System of Higher Education, appointed by the
5223 State Board of Regents;

5224 (d) one member who represents the Utah Department of Health, appointed by the
5225 executive director of the Department of Health;

5226 (e) one member of the House of Representatives, appointed by the speaker of the
5227 House of Representatives;

5228 (f) one member of the Senate, appointed by the president of the Senate;

5229 (g) one member who represents the University Neuropsychiatric Institute, appointed by
5230 the chair of the commission;

5231 (h) one member who represents law enforcement who has extensive experience in
5232 emergency response, appointed by the chair of the commission;

5233 (i) one member who represents the Utah Department of Human Services who has
5234 experience in youth services or treatment services, appointed by the executive director of the
5235 Department of Human Services; and

5236 (j) two members of the public, appointed by the chair of the commission.
5237 (2) (a) Except as provided in Subsection (2)(b), members of the commission shall be
5238 appointed to four-year terms.

5239 (b) The length of the terms of the members shall be staggered so that approximately
5240 half of the committee is appointed every two years.

5241 (c) When a vacancy occurs in the membership of the commission, the replacement
5242 shall be appointed for the unexpired term.

5243 (3) (a) The attorney general's designee shall serve as chair of the commission.

5244 (b) The chair shall set the agenda for commission meetings.

5245 (4) Attendance of a simple majority of the members constitutes a quorum for the
5246 transaction of official commission business.

5247 (5) Formal action by the commission requires a majority vote of a quorum.

5248 (6) (a) Except as provided in Subsection (6)(b), a member may not receive
5249 compensation, benefits, per diem, or travel expenses for the member's service.

5250 (b) Compensation and expenses of a member who is a legislator are governed by
5251 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

5252 (7) The Office of the Attorney General shall provide staff support to the commission.
5253 Section 160. Section **53E-10-504** is amended to read:

5254 **53E-10-504. School Safety and Crisis Line Commission duties.**

5255 The commission shall coordinate:

5256 (1) statewide efforts related to the School Safety and Crisis Line; and

5257 (2) with the [~~State Board of Education~~] state board and the State Board of Regents to
5258 promote awareness of the services available through the School Safety and Crisis Line.

5259 Section 161. Section **53E-10-505** is amended to read:

5260 **53E-10-505. State board and local boards of education to update policies and**
5261 **promote awareness.**

5262 (1) The [~~State Board of Education~~] state board shall:

5263 (a) revise the conduct and discipline policy models, described in Section [53G-8-202](#), to
5264 include procedures for responding to reports received under Subsection [53E-10-502](#)(3); and

5265 (b) revise the curriculum developed by the [~~State Board of Education~~] state board for
5266 the parent seminar, described in Section [53G-9-703](#), to include information about the School

5267 Safety and Crisis Line.

5268 (2) A local school board or charter school governing board shall:

5269 (a) revise the conduct and discipline policies, described in Section 53G-8-203, to
5270 include procedures for responding to reports received under Subsection 53E-10-502(3); and

5271 (b) inform students, parents, and school personnel about the School Safety and Crisis
5272 Line.

5273 Section 162. Section 53E-10-601 is amended to read:

5274 **53E-10-601. Definitions.**

5275 As used in this part:

5276 ~~[(1) "Board" means the State Board of Education.]~~

5277 ~~[(2)]~~ (1) "Electronic High School" means a rigorous program offering grade 9 - 12
5278 level online courses and coordinated by the state board.

5279 ~~[(3)]~~ (2) "Home-schooled student" means a student:

5280 (a) attends a home school;

5281 (b) is exempt from school attendance pursuant to Section 53G-6-204; and

5282 (c) attends no more than two regularly scheduled classes or courses in a public school
5283 per semester.

5284 ~~[(4)]~~ (3) "Open-entry, open-exit" means:

5285 (a) a method of instructional delivery that allows for flexible scheduling in response to
5286 individual student needs or requirements and demonstrated competency when knowledge and
5287 skills have been mastered; and

5288 (b) students have the flexibility to begin or end study at any time, progress through
5289 course material at their own pace, and demonstrate competency when knowledge and skills
5290 have been mastered.

5291 Section 163. Section 53E-10-603 is amended to read:

5292 **53E-10-603. Courses and credit.**

5293 (1) The Electronic High School may only offer courses required for high school
5294 graduation or that fulfill course requirements established by the ~~[State Board of Education]~~
5295 state board.

5296 (2) The Electronic High School shall:

5297 (a) offer courses in an open-entry, open-exit format; and

5298 (b) offer courses that are in conformance with the core standards for Utah public
5299 schools established by the state board.

5300 (3) Public schools shall:

5301 (a) accept all credits awarded to students by the Electronic High School; and

5302 (b) apply credits awarded for a course described in Subsection (2)(b) toward the
5303 fulfillment of course requirements.

5304 Section 164. Section **53E-10-606** is amended to read:

5305 **53E-10-606. Payment for an Electronic High School course.**

5306 (1) Electronic High School courses are provided to students who are Utah residents, as
5307 defined in Section **53G-6-302**, free of charge.

5308 (2) Nonresident students may enroll in Electronic High School courses for a fee set by
5309 the state board, provided that the course can accommodate additional students.

5310 Section 165. Section **53E-10-607** is amended to read:

5311 **53E-10-607. Electronic High School diploma.**

5312 The Electronic High School may award a diploma to a student that meets any of the
5313 following criteria upon the student's completion of high school graduation requirements set by
5314 the state board:

5315 (1) a home-schooled student;

5316 (2) a student who has dropped out of school and whose original high school class has
5317 graduated; or

5318 (3) a student who is identified by the student's resident school district as ineligible for
5319 graduation from a traditional high school program for specific reasons.

5320 Section 166. Section **53E-10-609** is amended to read:

5321 **53E-10-609. State contribution for the Electronic High School.**

5322 Money appropriated to the [~~State Board of Education~~] state board for the Electronic
5323 High School shall be distributed to the school according to rules established by the state board
5324 [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~].

5325 Section 167. Section **53E-10-701** is amended to read:

5326 **53E-10-701. Definitions.**

5327 As used in this part:

5328 [~~(1) "Board" means the State Board of Education.~~]

- 5329 ~~[(2)]~~ (1) "Director" means the director of ULEAD appointed under this part.
- 5330 ~~[(3)]~~ (2) "Director Selection Committee" or "selection committee" means the
- 5331 committee created in Section ~~[53E-10-703]~~ 53E-10-704 that appoints the director.
- 5332 ~~[(4)]~~ (3) "Local education agency" or "LEA" means a public:
- 5333 (a) school district;
- 5334 (b) school; or
- 5335 (c) charter school.
- 5336 ~~[(5)]~~ (4) "Participating institution" means a public or private research institution that
- 5337 enters into an arrangement with the director to provide research and other services described in
- 5338 this part.
- 5339 ~~[(6)]~~ (5) "Research clearinghouse" means a collection of information maintained and
- 5340 distributed by ULEAD in accordance with Section ~~[53E-10-705]~~ 53E-10-706.
- 5341 ~~[(7)]~~ (6) "Steering committee" means the committee that advises the director and is
- 5342 created in Section ~~[53E-10-706]~~ 53E-10-707.
- 5343 ~~[(8)]~~ (7) "ULEAD" means Utah Leading through Effective, Actionable, and Dynamic
- 5344 Education through the efforts of the director, participating institutions, and the steering
- 5345 committee as described in this part.
- 5346 Section 168. Section **53E-10-703** is amended to read:
- 5347 **53E-10-703. ULEAD director -- Qualification and employment -- Duties --**
- 5348 **Reporting -- Annual conference.**
- 5349 (1) The ULEAD director shall:
- 5350 (a) (i) hold a doctorate degree in education or an equivalent degree; and
- 5351 (ii) have demonstrated experience in research and dissemination of best practices in
- 5352 education; and
- 5353 (b) (i) be a full-time employee; and
- 5354 (ii) report to the state superintendent ~~[of public instruction]~~.
- 5355 (2) The state superintendent shall:
- 5356 (a) evaluate the director's performance annually;
- 5357 (b) report on the director's performance to the selection committee; and
- 5358 (c) provide space for the director and the director's staff.
- 5359 (3) The director may hire staff, using only money specifically appropriated to ULEAD.

- 5360 (4) The director shall perform the following duties and functions:
- 5361 (a) gather current research on innovative and effective practices in K-12 education for
- 5362 use by policymakers and practitioners;
- 5363 (b) facilitate collaboration between LEAs, higher education researchers, and
- 5364 practitioners by:
- 5365 (i) sharing innovative and effective practices shown to improve student learning;
- 5366 (ii) identifying experts in specific areas of practice; and
- 5367 (iii) maintaining a research clearinghouse and directory of researchers; and
- 5368 (c) analyze barriers to replication or adaption of innovative and successful practices
- 5369 studied by ULEAD or contributed to the ULEAD research clearinghouse.
- 5370 (5) The director shall:
- 5371 (a) prioritize reports and other research based on recommendations of the steering
- 5372 committee in accordance with Subsection 53E-10-707(5), and after consulting with individuals
- 5373 described in Subsection 53E-10-707(6);
- 5374 (b) identify Utah LEAs, or schools outside the public school system, that are:
- 5375 (i) innovative in specific areas of practice; and
- 5376 (ii) more effective or efficient than comparable LEAs in improving student learning;
- 5377 (c) establish criteria for innovative practice reports to be performed by participating
- 5378 institutions and included in the research clearinghouse, including report templates;
- 5379 (d) arrange with participating institutions to generate innovative practice reports on
- 5380 effective and innovative K-12 education practices; and
- 5381 (e) (i) disseminate each innovative practice report to LEAs; and
- 5382 (ii) publish innovative practice reports on the ULEAD website.
- 5383 (6) In an innovative practice report, a participating institution shall:
- 5384 (a) include or reference a review of research regarding the practice in which the subject
- 5385 LEA has demonstrated success;
- 5386 (b) identify through academically acceptable, evidence-based research methods the
- 5387 causes of the LEA's successful practice;
- 5388 (c) identify opportunities for LEAs to adopt or customize innovative or best practices;
- 5389 (d) address limitations to successful replication or adaptation of the successful practice
- 5390 by other LEAs, which may include barriers arising from federal or state law, state or LEA

5391 policy, socioeconomic conditions, or funding limitations;

5392 (e) include practical templates for successful replication and adaptation of successful
5393 practices, following criteria established by the director;

5394 (f) identify experts in the successful practice that is the subject of the innovative
5395 practice report, including teachers or administrators at the subject LEA; and

5396 (g) include:

5397 (i) an executive summary describing the innovative practice report; and

5398 (ii) a video component or other elements designed to ensure that an innovative practice
5399 report is readily understandable by practitioners.

5400 (7) The director may, if requested by an LEA leader or policymaker, conduct an
5401 evidence-based review of a possible innovation in an area of practice.

5402 (8) The director may also accept innovative practice reports from trained practitioners
5403 that meet the criteria set by the director.

5404 (9) The director or a participating institution, to enable successful replication or
5405 adaption of successful practices, may recommend to:

5406 (a) the Legislature, amendments to state law; or

5407 (b) the state board, revisions to state board rule or policy.

5408 (10) The director shall:

5409 (a) report on the activities of ULEAD annually to the state board; and

5410 (b) provide reports or other information to the state board upon state board request.

5411 (11) The director shall:

5412 (a) prepare an annual report on ULEAD research and other activities;

5413 (b) on or before September 30, submit the annual report:

5414 (i) to the Education Interim Committee and the Public Education Appropriations
5415 Subcommittee; and

5416 (ii) in accordance with Section 68-3-14;

5417 (c) publish the annual report on the ULEAD website; and

5418 (d) disseminate the report to LEAs through electronic channels.

5419 (12) The director shall facilitate and conduct an annual conference on successful and
5420 innovative K-12 education practices, featuring:

5421 (a) Utah education leaders; and

5422 (b) practitioners and researchers, chosen by the director, to discuss the subjects of LEA
5423 and other ULEAD activities, or other innovative and successful education practices.

5424 Section 169. Section **53E-10-704** is amended to read:

5425 **53E-10-704. Director Selection Committee -- Membership -- Powers and duties --**
5426 **Compensation.**

5427 (1) There is created the Director Selection Committee to appoint the director.

5428 (2) The selection committee shall consist of the following nine members each
5429 appointed for two-year staggered terms, with the initial terms of the members described in
5430 Subsections (2)(a), (b), and (c) to be three years:

5431 (a) one member of the office of the governor, who is the chair of the selection
5432 committee and appointed by the governor;

5433 (b) one member of the House of Representatives, appointed by the speaker of the
5434 House of Representatives;

5435 (c) one member of the Senate, appointed by the president of the Senate;

5436 (d) one member of the state board, appointed by the chair of the state board;

5437 (e) one member of the Board of Regents, appointed by the chair of the Board of
5438 Regents;

5439 (f) one member appointed by the state superintendent [~~of public instruction~~];

5440 (g) one member of the State Charter School Board, appointed by the chair of the State
5441 Charter School Board;

5442 (h) one member of the Utah School Boards Association recognized in Section
5443 **53G-4-502**, appointed by the association executive director; and

5444 (i) one member of a state association that represents school superintendents, appointed
5445 by the association executive director.

5446 (3) (a) A member of the selection committee may be appointed for more than one term.

5447 (b) If a midterm vacancy occurs on the selection committee, the appointing individual,
5448 as described in Subsection (2), for the vacant position shall appoint an individual for the
5449 remainder of the term.

5450 (4) A majority of the members shall constitute a quorum for the transaction of selection
5451 committee business.

5452 (5) (a) The selection committee shall select and appoint a director for a four-year term.

5453 (b) The director may be appointed for more than one term.
5454 (6) (a) In a year in which the director is appointed, the selection committee shall:
5455 (i) solicit applications for the director position to be submitted no later than June 1;
5456 (ii) hold at least two meetings to discuss candidates for the open director position; and
5457 (iii) select and appoint by majority vote a candidate to fill the director position to begin
5458 employment no later than August 1.
5459 (b) Notwithstanding Subsection (6)(a), if a midterm vacancy in the director position
5460 occurs, the selection committee shall:
5461 (i) no later than 25 business days after the day on which the position is vacated, solicit
5462 applications for the director position;
5463 (ii) hold at least two meetings to discuss candidates for the vacant position; and
5464 (iii) no later than 60 business days after the day on which the position is vacated, select
5465 a candidate to fill the director position for the remainder of the term.
5466 (7) (a) The selection committee:
5467 (i) may remove a director before the completion of the director's term only by a
5468 majority vote of the selection committee; and
5469 (ii) is the only person empowered to remove the director.
5470 (b) The chair shall hold a meeting to consider removing the director upon request of
5471 two or more selection committee members.
5472 (8) A member of the selection committee may not receive compensation except a
5473 member who is a legislator shall receive compensation for travel and other expense
5474 reimbursements in accordance with Section 36-2-2.
5475 (9) The selection committee shall:
5476 (a) establish criteria for evaluation of the ULEAD program, including the degree of
5477 participation by participating institutions and practitioners; and
5478 (b) evaluate the effectiveness of ULEAD every four years for purposes of continuing
5479 the program.
5480 (10) The selection committee shall hold a meeting described in this section in
5481 accordance with Title 52, Chapter 4, Open and Public Meetings Act.
5482 Section 170. Section 53E-10-705 is amended to read:
5483 **53E-10-705. Participating institutions.**

5484 (1) The director may arrange or collaborate with a participating institution:
5485 (a) to conduct an innovative practice report or provide other research services,
5486 including research regarding barriers to adoption of practices studied by ULEAD;
5487 (b) to assist an LEA to:
5488 (i) facilitate communities of practice for replication or adaptation of best practices
5489 identified by ULEAD; and
5490 (ii) advise teachers and school leaders on conducting their own research to improve
5491 education practices;
5492 (c) to assist an LEA with an application to the state board for waiver from a state board
5493 rule in accordance with Section 53G-7-202 to allow replication or adaptation of best practices;
5494 or
5495 (d) for any other purpose that is consistent with and advances the director's duties and
5496 functions.
5497 (2) An agreement entered into by a participating institution with the state board or an
5498 LEA to perform ULEAD work shall:
5499 (a) include provisions allowing and governing external research data sharing; and
5500 (b) comply with state and federal law.
5501 (3) The director shall support federal and private research funding requests by a
5502 participating institution for research that is in support of the director's duties and functions.
5503 Section 171. Section 53E-10-706 is amended to read:
5504 **53E-10-706. Electronic resources -- Research clearinghouse.**
5505 (1) The state board shall publish a ULEAD website containing information provided by
5506 the director as described in this part.
5507 (2) The director shall within two years of appointment:
5508 (a) develop and maintain a research clearinghouse publicly available through the
5509 website described in Subsection (1); and
5510 (b) include in the research clearinghouse:
5511 (i) research on K-12 education, including peer-reviewed research;
5512 (ii) information on K-12 education innovation and best practices;
5513 (iii) an index and explanation of academic, state, federal, or other K-12 education
5514 research repositories;

5515 (iv) K-12 education research and policy briefs generated by Utah public and private
5516 institutions of higher education, including participating institutions, categorized and searchable
5517 by topic;

5518 (v) access points to and explanation of currently available K-12 education data,
5519 including data managed by the Utah Data Research Center created in Section 35A-14-201 and
5520 data maintained by the state board;

5521 (vi) other K-12 education information as determined by the director, including
5522 information regarding efforts by institutions or other individuals to promote innovative and
5523 effective education practices in Utah; and

5524 (vii) each innovative practice report prepared by ULEAD, categorized and searchable
5525 by topic, location of the studied LEA, and socioeconomic and demographic profile.

5526 (3) The director shall publish:

5527 (a) an electronic directory of K-12 education experts identified in ULEAD research and
5528 reports; and

5529 (b) a monthly report to LEAs, via electronic channels provided by the state board,
5530 highlighting ULEAD activities and soliciting proposals from education practitioners for
5531 ULEAD research and reports.

5532 (4) The director may provide electronic seminars or forums for professional learning
5533 regarding subjects of ULEAD research and reports to K-12 practitioners.

5534 Section 172. Section 53E-10-707 is amended to read:

5535 **53E-10-707. ULEAD Steering Committee.**

5536 (1) (a) There is created the ULEAD Steering Committee.

5537 (b) The director is the chair of the steering committee.

5538 (2) The steering committee shall consist of the following members each appointed for a
5539 term of one year:

5540 (a) the director;

5541 (b) one member appointed by the chair of the state board;

5542 (c) the state superintendent [~~of public instruction~~] or the state superintendent's
5543 designee;

5544 (d) the staff director of the State Charter School Board or the director's designee;

5545 (e) one member appointed by the office of the governor;

5546 (f) one member, appointed by the director, who is a superintendent of a school district;

5547 (g) one member, appointed by the director, of a local school board;

5548 (h) two principals or other public school leaders of public schools that are not charter
5549 schools, appointed by the director;

5550 (i) two principals or other public school leaders of charter schools, appointed by the
5551 director;

5552 (j) two educators who hold a current license under Chapter 6, Education Professional
5553 Licensure, nominated by LEA leaders and appointed by the director; and

5554 (k) two members representing citizens or business, nominated by the members of the
5555 public and appointed by the director.

5556 (3) (a) A member of the steering committee may be appointed for more than one term.

5557 (b) If a midterm vacancy occurs on the steering committee, the appointing individual,
5558 as described in Subsection (2), for the vacant position shall appoint an individual for the
5559 remainder of the term.

5560 (4) (a) The steering committee shall hold a meeting at least semi annually in January
5561 and July or on dates otherwise chosen by the director.

5562 (b) The state board shall provide space for the steering committee to meet.

5563 (5) The steering committee shall:

5564 (a) discuss prospective and current ULEAD projects and findings;

5565 (b) consult with and make recommendations to the director to prioritize ULEAD
5566 reports and areas of focused research;

5567 (c) facilitate connections between the director and Utah's political, business, education
5568 technology, and academic communities; and

5569 (d) make recommendations to improve gathering, retaining, and disseminating
5570 education data and research and evaluation findings for use by participating institutions and
5571 other education policy researchers, including data managed by the Utah Data Research Center
5572 created in Section [35A-14-201](#).

5573 (6) In order to determine research priorities for ULEAD, the director shall consult with:

5574 (a) members of the Legislature responsible for public education;

5575 (b) members of Utah professional education associations, including principals and
5576 ~~[school boards]~~ LEA governing board members; and

5577 (c) policy-research centers based in Utah.

5578 (7) The state board or state superintendent [~~of public instruction~~] may request that the
5579 director arrange with a participating institution to prepare a report on a specific LEA or area of
5580 practice meeting the criteria established in this part.

5581 (8) A member of the steering committee may not receive compensation except a
5582 member who is a legislator shall receive compensation for travel and other expense
5583 reimbursements in accordance with Section 36-2-2.

5584 (9) The steering committee shall hold a meeting described in this section in accordance
5585 with Title 52, Chapter 4, Open and Public Meetings Act.

5586 Section 173. Section **53F-2-102** is amended to read:

5587 **53F-2-102. Definitions.**

5588 As used in this chapter:

5589 (1) "Basic state-supported school program," "basic program," or "basic school
5590 program" means public education programs for kindergarten, elementary, and secondary school
5591 students that are operated and maintained for the amount derived by multiplying the number of
5592 weighted pupil units for each school district or charter school by the value established each
5593 year in the enacted public education budget, except as otherwise provided in this chapter.

5594 [~~(2) "Charter school governing board" means the governing board, as defined in~~
5595 ~~Section 53G-5-102, that governs a charter school.]~~

5596 [~~(3) "Local education]~~ (2) "LEA governing board" means a local school board or
5597 charter school governing board.

5598 [~~(4) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2,~~
5599 ~~Election of Members of Local Boards of Education.]~~

5600 [~~(5)]~~ (3) "Pupil in average daily membership (ADM)" means a full-day equivalent
5601 pupil.

5602 [~~(6) (a) "State-supported minimum school program" or]~~

5603 (4) (a) "Minimum School Program" means the state-supported public school programs
5604 for kindergarten, elementary, and secondary schools as described in this Subsection [~~(6)]~~ (4).

5605 (b) The Minimum School Program established in school districts and charter schools
5606 shall include the equivalent of a school term of nine months as determined by the [~~State Board~~
5607 ~~of Education]~~ state board.

(c) (i) The state board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.

(ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by ~~[a local education]~~ an LEA governing board, shall receive full support by the ~~[State Board of Education]~~ state board as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.

(d) (i) ~~[A local education]~~ An LEA governing board may reallocate up to 32 instructional hours or four school days established under Subsection ~~[(6)]~~ (4)(c) for teacher preparation time or teacher professional development.

(ii) A reallocation of instructional hours or school days under Subsection ~~[(6)]~~ (4)(d)(i) is subject to the approval of two-thirds of the members of ~~[a local education]~~ an LEA governing board voting in a regularly scheduled meeting:

(A) at which a quorum of the ~~[local education]~~ LEA governing board is present; and

(B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.

(iii) If ~~[a local education]~~ an LEA governing board reallocates instructional hours or school days as provided by this Subsection ~~[(6)]~~ (4)(d), the school district or charter school shall notify students' parents ~~[and guardians]~~ of the school calendar at least 90 days before the beginning of the school year.

(iv) Instructional hours or school days reallocated for teacher preparation time or teacher professional development pursuant to this Subsection ~~[(6)]~~ (4)(d) is considered part of a school term referred to in Subsection ~~[(6)]~~ (4)(b).

(e) The Minimum School Program includes a program or allocation funded by a line item appropriation or other appropriation designated as follows:

(i) Basic School Program;

(ii) Related to Basic Programs;

(iii) Voted and Board Levy Programs; or

(iv) Minimum School Program.

~~[(7)]~~ (5) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each school district or charter school.

Section 174. Section **53F-2-202** is amended to read:

**53F-2-202. Contribution of state to cost of Minimum School Program --
Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.**

The state's contribution to the total cost of the ~~[minimum school program]~~ Minimum School Program is determined and distributed as follows:

(1) The State Tax Commission shall levy an amount determined by the Legislature on all taxable property of the state.

(a) This amount, together with other funds provided by law, is the state's contribution to the ~~[minimum school program]~~ Minimum School Program.

(b) The statewide levy is set at zero until changed by the Legislature.

(2) During the first week in November, the State Tax Commission shall certify to the ~~[State Board of Education]~~ state board the amounts designated as state aid for each school district under Section 59-2-902.

(3) (a) The actual amounts computed under Section 59-2-902 are the state's contribution to the ~~[minimum school program]~~ Minimum School Program of each school district.

(b) The ~~[State Board of Education]~~ state board shall provide each ~~[local education]~~ LEA governing board with a statement of the amount of state aid.

(4) Before the first day of each month, the state treasurer and the Division of Finance, with the approval of the ~~[State Board of Education]~~ state board, shall disburse 1/12 of the state's contribution to the cost of the ~~[minimum school program]~~ Minimum School Program to each school district and each charter school.

(a) The ~~[State Board of Education]~~ state board may not make a disbursement to a school district or charter school whose payments have been interrupted under Subsection (4)(d).

(b) Discrepancies between the monthly disbursements and the actual cost of the program shall be adjusted in the final settlement under Subsection (5).

(c) If the monthly distributions overdraw the money in the Uniform School Fund, the Division of Finance is authorized to run this fund in a deficit position.

(d) The ~~[State Board of Education]~~ state board may interrupt disbursements to a school district or charter school if, in the judgment of the ~~[State Board of Education]~~ state board, the school district or charter school is failing to comply with the ~~[minimum school program]~~

5670 Minimum School Program, is operating programs that are not approved by the [~~State Board of~~
5671 ~~Education~~] state board, or has not submitted reports required by law or the [~~State Board of~~
5672 ~~Education~~] state board.

5673 (i) Disbursements shall be resumed upon request of the [~~State Board of Education~~]
5674 state board.

5675 (ii) Back disbursements shall be included in the next regular disbursement, and the
5676 amount disbursed certified to the State Division of Finance and state treasurer by the [~~State~~
5677 ~~Board of Education~~] state board.

5678 (e) The [~~State Board of Education~~] state board may authorize exceptions to the 1/12
5679 per month disbursement formula for grant funds if the [~~State Board of Education~~] state board
5680 determines that a different disbursement formula would better serve the purposes of the grant.

5681 (5) (a) If money in the Uniform School Fund is insufficient to meet the state's
5682 contribution to the [~~minimum school program~~] Minimum School Program as appropriated, the
5683 amount of the deficiency thus created shall be carried as a deficiency in the Uniform School
5684 Fund until the next session of the Legislature, at which time the Legislature shall appropriate
5685 funds to cover the deficiency.

5686 (b) If there is an operating deficit in public education Uniform School Fund
5687 appropriations, the Legislature shall eliminate the deficit by:

5688 (i) budget transfers or other legal means;

5689 (ii) appropriating money from the Education Budget Reserve Account;

5690 (iii) appropriating up to 25% of the balance in the General Fund Budget Reserve
5691 Account; or

5692 (iv) some combination of Subsections (5)(b)(i), (ii), and (iii).

5693 (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more
5694 than 25% of the balance in the General Fund Budget Reserve Account to fund operating
5695 deficits in public education appropriations.

5696 Section 175. Section **53F-2-203** is amended to read:

5697 **53F-2-203. Reduction of LEA governing board allocation based on insufficient**
5698 **revenues.**

5699 (1) As used in this section, "Minimum School Program funds" means the total of state
5700 and local funds appropriated for the Minimum School Program, excluding:

5701 (a) an appropriation for a state guaranteed local levy increment as described in Section
5702 53F-2-601; and

5703 (b) the appropriation to charter schools to replace local property tax revenues pursuant
5704 to Section 53F-2-704.

5705 (2) If the Legislature reduces appropriations made to support public schools under this
5706 chapter because an Education Fund budget deficit, as defined in Section 63J-1-312, exists, the
5707 ~~[State Board of Education]~~ state board, after consultation with each ~~[local education]~~ LEA
5708 governing board, shall allocate the reduction among school districts and charter schools in
5709 proportion to each school district's or charter school's percentage share of Minimum School
5710 Program funds.

5711 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection
5712 (7), ~~[a local education]~~ an LEA governing board shall determine which programs are affected
5713 by a reduction pursuant to Subsection (2) and the amount each program is reduced.

5714 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified
5715 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

5716 (5) ~~[A local education]~~ An LEA governing board may not reduce or reallocate
5717 spending of funds distributed to the school district or charter school for the following
5718 programs:

5719 (a) educator salary adjustments provided in Section 53F-2-405;

5720 (b) the Teacher Salary Supplement Program provided in Section 53F-2-504;

5721 (c) the extended year for special educators provided in Section 53F-2-310;

5722 (d) USTAR centers provided in Section 53F-2-505;

5723 (e) the School LAND Trust Program described in Sections 53F-2-404 and 53F-7-1206;

5724 or

5725 (f) a special education program within the basic school program.

5726 (6) ~~[A local education]~~ An LEA governing board may not reallocate spending of funds
5727 distributed to the school district or charter school to a reserve account.

5728 (7) ~~[A local education]~~ An LEA governing board that reduces or reallocates funds in
5729 accordance with this section shall report all transfers into, or out of, Minimum School Program
5730 programs to the ~~[State Board of Education]~~ state board as part of the school district or charter
5731 school's Annual Financial and Program report.

5732 Section 176. Section **53F-2-204** is amended to read:

5733 **53F-2-204. Use of funds for approved programs -- Assessment of funded**
5734 **programs.**

5735 (1) Funds appropriated under this chapter shall only be used for programs approved by
5736 the ~~[State Board of Education]~~ state board.

5737 (2) The ~~[State Board of Education]~~ state board shall assess the progress and degree of
5738 effectiveness of all programs funded under this chapter.

5739 Section 177. Section **53F-2-205** is amended to read:

5740 **53F-2-205. Powers and duties of state board to adjust Minimum School Program**
5741 **allocations -- Use of remaining funds at the end of a fiscal year.**

5742 (1) As used in this section:

5743 ~~[(a) "Board" means the State Board of Education.]~~

5744 ~~[(b)]~~ (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20
5745 U.S.C. Sec. 6301 et seq.

5746 ~~[(c)]~~ (b) "Program" means a program or allocation funded by a line item appropriation
5747 or other appropriation designated as:

5748 (i) Basic Program;

5749 (ii) Related to Basic Programs;

5750 (iii) Voted and Board Levy Programs; or

5751 (iv) Minimum School Program.

5752 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units
5753 in a program is underestimated, the state board shall reduce the value of the weighted pupil unit
5754 in that program so that the total amount paid for the program does not exceed the amount
5755 appropriated for the program.

5756 (3) If the number of weighted pupil units in a program is overestimated, the state board
5757 shall spend excess money appropriated for the following purposes giving priority to the
5758 purpose described in Subsection (3)(a):

5759 (a) to support the value of the weighted pupil unit in a program within the basic
5760 state-supported school program in which the number of weighted pupil units is underestimated;

5761 (b) to support the state guaranteed local levy increments as defined in Section

5762 **53F-2-601**, if:

5763 (i) local contributions to the voted local levy program or board local levy program are
5764 overestimated; or

5765 (ii) the number of weighted pupil units within school districts qualifying for a
5766 guarantee is underestimated;

5767 (c) to support the state supplement to local property taxes allocated to charter schools,
5768 if the state supplement is less than the amount prescribed by Section 53F-2-704; or

5769 (d) to support a school district with a loss in student enrollment as provided in Section
5770 53F-2-207.

5771 (4) If local contributions from the minimum basic tax rate imposed under Section
5772 53F-2-301 or 53F-2-301.5, as applicable, are overestimated, the state board shall reduce the
5773 value of the weighted pupil unit for all programs within the basic state-supported school
5774 program so the total state contribution to the basic state-supported school program does not
5775 exceed the amount of state funds appropriated.

5776 (5) If local contributions from the minimum basic tax rate imposed under Section
5777 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the state board shall:

5778 (a) spend the excess local contributions for the purposes specified in Subsection (3),
5779 giving priority to supporting the value of the weighted pupil unit in programs within the basic
5780 state-supported school program in which the number of weighted pupil units is underestimated;
5781 and

5782 (b) reduce the state contribution to the basic state-supported school program so the
5783 total cost of the basic state-supported school program does not exceed the total state and local
5784 funds appropriated to the basic state-supported school program plus the local contributions
5785 necessary to support the value of the weighted pupil unit in programs within the basic
5786 state-supported school program in which the number of weighted pupil units is underestimated.

5787 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state
5788 guarantee per weighted pupil unit provided under the local levy state guarantee program
5789 described in Section 53F-2-601, if:

5790 (a) local contributions to the voted local levy program or board local levy program are
5791 overestimated; or

5792 (b) the number of weighted pupil units within school districts qualifying for a
5793 guarantee is underestimated.

5794 (7) Money appropriated to the state board is nonlapsing.

5795 (8) The state board shall report actions taken by the state board under this section to the
5796 Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

5797 Section 178. Section **53F-2-206** is amended to read:

5798 **53F-2-206. Flexibility in the use of certain related to basic program funds.**

5799 (1) As used in this section, "qualifying program" means:

5800 (a) the Enhancement for At-Risk Students Program created in Section [53F-2-410](#);

5801 (b) the Enhancement for Accelerated Students Program created in Section [53F-2-408](#);

5802 and

5803 (c) the concurrent enrollment program established in Section [53E-10-302](#).

5804 (2) If a school district or charter school receives an allocation of state funds for a
5805 qualifying program that is less than \$10,000, the [~~total education~~] LEA governing board of the
5806 receiving school district or charter school may:

5807 (a) (i) combine the funds with one or more qualifying program fund allocations each of
5808 which is less than \$10,000; and

5809 (ii) use the combined funds in accordance with the program requirements for any of the
5810 qualifying programs that are combined; or

5811 (b) (i) transfer the funds to a qualifying program for which the school district or charter
5812 school received an allocation of funds that is greater than or equal to \$10,000; and

5813 (ii) use the combined funds in accordance with the program requirements for the
5814 qualifying program to which the funds are transferred.

5815 Section 179. Section **53F-2-207** is amended to read:

5816 **53F-2-207. Loss in student enrollment -- Board action.**

5817 To avoid penalizing a school district financially for an excessive loss in student
5818 enrollment due to factors beyond its control, the [~~State Board of Education~~] state board may
5819 allow a percentage increase in units otherwise allowable during any year when a school
5820 district's average daily membership drops more than 4% below the average for the highest two
5821 of the preceding three years in the school district.

5822 Section 180. Section **53F-2-302** is amended to read:

5823 **53F-2-302. Determination of weighted pupil units.**

5824 The number of weighted pupil units in the [~~minimum school program~~] Minimum

5825 School Program for each year is the total of the units for each school district and, subject to
5826 Subsection (4), charter school, determined as follows:

5827 (1) The number of units is computed by adding the average daily membership of all
5828 pupils of the school district or charter school attending schools, other than kindergarten and
5829 self-contained classes for children with a disability.

5830 (2) The number of units is computed by adding the average daily membership of all
5831 pupils of the school district or charter school enrolled in kindergarten and multiplying the total
5832 by .55.

5833 (a) In those school districts or charter schools that do not hold kindergarten for a full
5834 nine-month term, the local school board or charter school governing board may approve a
5835 shorter term of nine weeks' duration.

5836 (b) Upon [~~local education~~] LEA governing board approval, the number of pupils in
5837 average daily membership at the short-term kindergarten shall be counted for the purpose of
5838 determining the number of units allowed in the same ratio as the number of days the short-term
5839 kindergarten is held, not exceeding nine weeks, compared to the total number of days schools
5840 are held in that school district or charter school in the regular school year.

5841 (3) (a) The [~~State Board of Education~~] state board shall use prior year plus growth to
5842 determine average daily membership in distributing money under the [~~minimum school~~
5843 program] Minimum School Program where the distribution is based on kindergarten through
5844 grade 12 ADMs or weighted pupil units.

5845 (b) Under prior year plus growth, kindergarten through grade 12 average daily
5846 membership for the current year is based on the actual kindergarten through grade 12 average
5847 daily membership for the previous year plus an estimated percentage growth factor.

5848 (c) The growth factor is the percentage increase in total average daily membership on
5849 the first school day of October in the current year as compared to the total average daily
5850 membership on the first school day of October of the previous year.

5851 (4) In distributing funds to charter schools under this section, charter school pupils
5852 shall be weighted, where applicable, as follows:

5853 (a) .55 for kindergarten pupils;

5854 (b) .9 for pupils in grades 1 through 6;

5855 (c) .99 for pupils in grades 7 through 8; and

5856 (d) 1.2 for pupils in grades 9 through 12.

5857 Section 181. Section **53F-2-303** is amended to read:

5858 **53F-2-303. Foreign exchange student weighted pupil units.**

5859 (1) A school district or charter school may include foreign exchange students in the
5860 district's or school's membership and attendance count for the purpose of apportionment of
5861 state money, except as provided in Subsections (2) through (4).

5862 (2) (a) Notwithstanding Section **53F-2-302**, foreign exchange students may not be
5863 included in average daily membership for the purpose of determining the number of weighted
5864 pupil units in the grades 1-12 basic program.

5865 (b) Subject to the limitation in Subsection (3), the number of weighted pupil units in
5866 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the
5867 number of foreign exchange students who were:

5868 (i) enrolled in a school district or charter school on October 1 of the previous fiscal
5869 year; and

5870 (ii) sponsored by an agency approved by the district's local school board or charter
5871 school's governing board.

5872 (3) (a) The total number of foreign exchange students in the state that may be counted
5873 for the purpose of apportioning state money under Subsection (2) shall be the lesser of:

5874 (i) the number of foreign exchange students enrolled in public schools in the state on
5875 October 1 of the previous fiscal year; or

5876 (ii) 328 foreign exchange students.

5877 (b) The [~~State Board of Education~~] state board shall make rules [~~in accordance with~~
5878 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] to administer the cap on the
5879 number of foreign exchange students that may be counted for the purpose of apportioning state
5880 money under Subsection (2).

5881 (4) Notwithstanding Section **53F-2-601**, weighted pupil units in the grades 1-12 basic
5882 program for foreign exchange students, as determined by Subsections (2) and (3), may not be
5883 included for the purposes of determining a school district's state guarantee money under
5884 Section **53F-2-601**.

5885 Section 182. Section **53F-2-304** is amended to read:

5886 **53F-2-304. Necessarily existent small schools -- Computing additional weighted**

5887 **pupil units -- Consolidation of small schools.**

5888 (1) As used in this section[~~:(a) "Board" means the State Board of Education. (b)~~
5889 ~~"Necessarily"], "necessarily~~ existent small schools funding balance" means the difference
5890 between:

5891 [(i)] (a) the amount appropriated for the necessarily existent small schools program in a
5892 fiscal year; and

5893 [(ii)] (b) the amount distributed to school districts for the necessarily existent small
5894 schools program in the same fiscal year.

5895 (2) (a) Upon application by a local school board, the state board shall, in consultation
5896 with the local school board, classify schools in the school district as necessarily existent small
5897 schools, in accordance with this section and state board rules adopted under Subsection (3).

5898 (b) An application must be submitted to the state board before April 2, and the state
5899 board must report a decision to a local school board before June 2.

5900 (3) The state board shall adopt standards and make rules[~~, in accordance with Title~~
5901 ~~63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ to:

5902 (a) govern the approval of necessarily existent small schools consistent with principles
5903 of efficiency and economy that serve the purpose of eliminating schools where consolidation is
5904 feasible by participation in special school units; and

5905 (b) ensure that school districts are not building secondary schools in close proximity to
5906 one another where economy and efficiency would be better served by one school meeting the
5907 needs of secondary students in a designated geographical area.

5908 (4) A one or two-year secondary school that has received necessarily existent small
5909 school money under this section prior to July 1, 2000, may continue to receive such money in
5910 subsequent years.

5911 (5) The state board shall prepare and publish objective standards and guidelines for
5912 determining which small schools are necessarily existent after consultation with local school
5913 boards.

5914 (6) (a) Additional weighted pupil units for schools classified as necessarily existent
5915 small schools shall be computed using regression formulas adopted by the state board.

5916 (b) The regression formulas establish the following maximum sizes for funding under
5917 the necessarily existent small school program:

5918	(i) an elementary school	160
5919	(ii) a one or two-year secondary school	300
5920	(iii) a three-year secondary school	450
5921	(iv) a four-year secondary school	500
5922	(v) a six-year secondary school	600
5923	(c) Schools with fewer than 10 students shall receive the same add-on weighted pupil	
5924	units as schools with 10 students.	

5925 (d) The state board shall prepare and distribute an allocation table based on the
5926 regression formula to each school district.

5927 (7) (a) To avoid penalizing a school district financially for consolidating the school
5928 district's small schools, additional weighted pupil units may be allowed a school district each
5929 year, not to exceed two years.

5930 (b) The additional weighted pupil units may not exceed the difference between what
5931 the school district receives for a consolidated school and what the school district would have
5932 received for the small schools had the small schools not been consolidated.

5933 (8) Subject to legislative appropriation, the state board shall give first priority from an
5934 appropriation made under this section to funding an expense approved by the state board as
5935 described in Subsection 53G-6-305(3)(a).

5936 (9) (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8),
5937 the state board may distribute a portion of necessarily existent small schools funding in
5938 accordance with a formula adopted by the state board that considers the tax effort of a local
5939 school board.

5940 (b) The amount distributed in accordance with Subsection (9)(a) may not exceed the
5941 necessarily existent small schools fund in balance of the prior fiscal year.

5942 (10) A local school board may use the money allocated under this section for
5943 maintenance and operation of school programs or for other school purposes as approved by the
5944 state board.

5945 Section 183. Section 53F-2-305 is amended to read:

5946 **53F-2-305. Professional staff weighted pupil units.**

5947 (1) Professional staff weighted pupil units are computed and distributed in accordance
5948 with the following schedule:

5949 (a) Professional Staff Cost Formula

5950					Master's	
	Years of	Bachelor's	Bachelor's	Master's	Degree	
	Experience	Degree	+30 Qt. Hr.	Degree	+45 Qt. Hr.	Doctorate
5951	1	1.00	1.05	1.10	1.15	1.20
5952	2	1.05	1.10	1.15	1.20	1.25
5953	3	1.10	1.15	1.20	1.25	1.30
5954	4	1.15	1.20	1.25	1.30	1.35
5955	5	1.20	1.25	1.30	1.35	1.40
5956	6	1.25	1.30	1.35	1.40	1.45
5957	7	1.30	1.35	1.40	1.45	1.50
5958	8	1.35	1.40	1.45	1.50	1.55
5959	9			1.50	1.55	1.60
5960	10				1.60	1.65
5961	11					1.70

5962 (b) Multiply the number of full-time or equivalent professional personnel in each
5963 applicable experience category in Subsection (1)(a) by the applicable weighting factor.

5964 (c) Divide the total of Subsection (1)(b) by the number of professional personnel
5965 included in Subsection (1)(b) and reduce the quotient by 1.00.

5966 (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed
5967 in accordance with Sections 53F-2-302 and 53F-2-304.

5968 (2) The ~~[State Board of Education]~~ state board shall enact rules ~~[in accordance with~~
5969 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ that require a certain percentage
5970 of a school district's or charter school's professional staff to be certified in the area in which the
5971 staff teaches in order for the school district or charter school to receive full funding under the
5972 schedule.

5973 (3) If an individual's teaching experience is a factor in negotiating a contract of
5974 employment to teach in the state's public schools, then the ~~[local education]~~ LEA governing
5975 board is encouraged to accept as credited experience all of the years the individual has taught in
5976 the state's public schools.

5977 Section 184. Section **53F-2-306** is amended to read:

5978 **53F-2-306. Weighted pupil units for small school district administrative costs --**
 5979 **Appropriation for charter school administrative costs.**

5980 (1) Administrative costs weighted pupil units are computed for a small school district
 5981 and distributed to the small school district in accordance with the following schedule:

5982 Administrative Costs Schedule

5983	School District Enrollment as of October 1	Weighted Pupil Units
5984	1 - 500 students	95
5985	501 - 1,000 students	80
5986	1,001 - 2,000 students	70
5987	2,001 - 5,000 students	60

5988 (2) (a) Except as provided in Subsection (2)(b), money appropriated to the [~~State Board~~
 5989 ~~of Education~~] state board for charter school administrative costs shall be distributed to charter
 5990 schools in the amount of \$100 for each charter school student in enrollment.

5991 (b) (i) If money appropriated for charter school administrative costs is insufficient to
 5992 provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be
 5993 allocated among charter schools in proportion to each charter school's enrollment as a
 5994 percentage of the total enrollment in charter schools.

5995 (ii) If the [~~State Board of Education~~] state board makes adjustments to Minimum
 5996 School Program allocations under Section **53F-2-205**, the allocation provided in Subsection
 5997 (2)(b)(i) shall be determined after adjustments are made under Section **53F-2-205**.

5998 (c) Charter school governing boards are encouraged to identify and use cost-effective
 5999 methods of performing administrative functions, including contracting for administrative
 6000 services with the State Charter School Board as provided in Section **53G-5-202**.

6001 (3) Charter schools are not eligible for funds for administrative costs under Subsection
 6002 (1).

6003 Section 185. Section **53F-2-307** is amended to read:

6004 **53F-2-307. Weighted pupil units for programs for students with disabilities --**
 6005 **Local school board allocation.**

6006 (1) The number of weighted pupil units for students with disabilities shall reflect the

6007 direct cost of programs for those students conducted in accordance with rules established by the
6008 [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative~~
6009 ~~Rulemaking Act~~] state board.

6010 (2) Disability program money allocated to school districts or charter schools is
6011 restricted and shall be spent for the education of students with disabilities but may include
6012 expenditures for approved programs of services conducted for certified instructional personnel
6013 who have students with disabilities in their classes.

6014 (3) The [~~State Board of Education~~] state board shall establish and strictly interpret
6015 definitions and provide standards for determining which students have disabilities and shall
6016 assist school districts and charter schools in determining the services that should be provided to
6017 students with disabilities.

6018 (4) Each year the [~~State Board of Education~~] state board shall evaluate the standards
6019 and guidelines that establish the identifying criteria for disability classifications to assure strict
6020 compliance with those standards by the school districts and charter schools.

6021 (5) (a) Money appropriated to the [~~State Board of Education~~] state board for add-on
6022 WPU's for students with disabilities enrolled in regular programs shall be allocated to school
6023 districts and charter schools as provided in this Subsection (5).

6024 (b) The [~~State Board of Education~~] state board shall use a school district's or charter
6025 school's average number of special education add-on weighted pupil units determined by the
6026 previous five year's average daily membership data as a foundation for the special education
6027 add-on appropriation.

6028 (c) A school district's or charter school's special education add-on WPU's for the
6029 current year may not be less than the foundation special education add-on WPU's.

6030 (d) Growth WPU's shall be added to the prior year special education add-on WPU's, and
6031 growth WPU's shall be determined as follows:

6032 (i) The special education student growth factor is calculated by comparing S-3 total
6033 special education ADM of two years previous to the current year to the S-3 total special
6034 education ADM three years previous to the current year, not to exceed the official October total
6035 school district growth factor from the prior year.

6036 (ii) When calculating and applying the growth factor, a school district's S-3 total
6037 special education ADM for a given year is limited to 12.18% of the school district's S-3 total

6038 student ADM for the same year.

6039 (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special
6040 education ADM of two years previous to the current year.

6041 (iv) Growth ADMs for each school district or each charter school are multiplied by
6042 1.53 weighted pupil units and added to the prior year special education add-on WPU to
6043 determine each school district's or each charter school's total allocation.

6044 (6) If money appropriated under this chapter for programs for students with disabilities
6045 does not meet the costs of school districts and charter schools for those programs, each school
6046 district and each charter school shall first receive the amount generated for each student with a
6047 disability under the basic program.

6048 Section 186. Section **53F-2-308** is amended to read:

6049 **53F-2-308. Preschool special education appropriation -- Extended year program**
6050 **appropriation -- Appropriation for special education programs in state institutions --**
6051 **Appropriations for stipends for special educators.**

6052 (1) (a) Money appropriated to the [~~State Board of Education~~] state board for the
6053 preschool special education program shall be allocated to school districts to provide a free,
6054 appropriate public education to preschool students with a disability, ages three through five.

6055 (b) The money shall be distributed on the basis of the school district's count of
6056 preschool children with a disability for December 1 of the previous year, as mandated by
6057 federal law.

6058 (2) Money appropriated for the extended school year program for children with a
6059 severe disability shall be limited to students with severe disabilities with education program
6060 goals identifying significant regression and recoupment disability as approved by the [~~State~~
6061 ~~Board of Education~~] state board.

6062 (3) (a) Money appropriated for self-contained regular special education programs may
6063 not be used to supplement other school programs.

6064 (b) Money in any of the other restricted line item appropriations may not be reduced
6065 more than 2% to be used for purposes other than those specified by the appropriation, unless
6066 otherwise provided by law.

6067 (4) (a) The [~~State Board of Education~~] state board shall compute preschool funding by
6068 a factor of 1.47 times the current December 1 child count of eligible preschool aged three, four,

6069 and five-year-olds times the WPU value, limited to 8% growth over the prior year December 1
6070 count.

6071 (b) The ~~[State Board of Education]~~ state board shall develop guidelines to implement
6072 the funding formula for preschool special education, and establish prevalence limits for
6073 distribution of the money.

6074 (5) Of the money appropriated for Special Education - State Programming, the ~~[State~~
6075 ~~Board of Education]~~ state board shall distribute the revenue generated from 909 WPU's to
6076 school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends to
6077 special educators for additional days of work pursuant to the requirements of Section
6078 [53F-2-310](#).

6079 Section 187. Section **53F-2-309** is amended to read:

6080 **53F-2-309. Appropriation for intensive special education costs.**

6081 ~~[(1) As used in this section:]~~

6082 ~~[(a) "Board" means the State Board of Education.]~~

6083 ~~[(b) "Local education agency" or "LEA" means:]~~

6084 ~~[(i) a school district;]~~

6085 ~~[(ii) a charter school; or]~~

6086 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

6087 ~~[(2)]~~ (1) (a) On or before February 1, 2017, the state board shall ~~[, in accordance with~~
6088 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ make rules establishing a
6089 distribution formula to allocate money appropriated to the state board for Special Education --
6090 Intensive Services that allocate to an LEA:

6091 (i) 50% of the appropriation based on the highest cost students with disabilities; and

6092 (ii) 50% of the appropriation based on the highest impact to an LEA due to high cost
6093 students with disabilities.

6094 (b) Beginning with the 2017-18 school year, the state board shall allocate money
6095 appropriated to the state board for Special Education -- Intensive Services in accordance with
6096 rules described in Subsection ~~[(2)]~~ (1)(a).

6097 ~~[(3)]~~ (2) Before initiating the rulemaking process under Subsection ~~[(2)]~~ (1)(a), the
6098 state board shall present the proposed rule to the Public Education Appropriations
6099 Subcommittee or Education Interim Committee.

6100 Section 188. Section **53F-2-310** is amended to read:

6101 **53F-2-310. Stipends for special educators for additional days of work.**

6102 (1) As used in this section:

6103 [~~(a)~~] ~~"IEP" means an individualized education program developed pursuant to the~~
6104 ~~Individuals with Disabilities Education Improvement Act of 2004, as amended.]~~

6105 [~~(b)~~] (a) "Special education teacher" means a teacher whose primary assignment is the
6106 instruction of students with disabilities who are eligible for special education services.

6107 [~~(c)~~] (b) "Special educator" means a person employed by a school district, charter
6108 school, or the Utah Schools for the Deaf and the Blind who holds:

6109 (i) a license issued by the [~~State Board of Education~~] state board; and

6110 (ii) a position as a:

6111 (A) special education teacher;

6112 (B) speech-language pathologist; or

6113 (C) teacher of the deaf or hard of hearing;

6114 (2) The Legislature shall annually appropriate money for stipends to special educators
6115 for additional days of work:

6116 (a) in recognition of the added duties and responsibilities assumed by special educators
6117 to comply with federal law regulating the education of students with disabilities and the need to
6118 attract and retain qualified special educators; and

6119 (b) subject to future budget constraints.

6120 (3) (a) The [~~State Board of Education~~] state board shall distribute money appropriated
6121 under this section to school districts, charter schools, and the Utah Schools for the Deaf and the
6122 Blind for stipends for special educators in the amount of \$200 per day for up to 10 additional
6123 working days.

6124 (b) Money distributed under this section shall include, in addition to the \$200 per day
6125 stipend, money for the following employer-paid benefits:

6126 (i) retirement;

6127 (ii) workers' compensation;

6128 (iii) Social Security; and

6129 (iv) Medicare.

6130 (4) A special educator receiving a stipend shall:

- 6131 (a) work an additional day beyond the number of days contracted with the special
6132 educator's school district or school for each daily stipend;
- 6133 (b) schedule the additional days of work before or after the school year; and
- 6134 (c) use the additional days of work to perform duties related to the IEP process,
6135 including:
- 6136 (i) administering student assessments;
- 6137 (ii) conducting IEP meetings;
- 6138 (iii) writing IEPs;
- 6139 (iv) conferring with parents; and
- 6140 (v) maintaining records and preparing reports.
- 6141 (5) A special educator may:
- 6142 (a) elect to receive a stipend for one to 10 days of additional work; or
- 6143 (b) elect to not receive a stipend.
- 6144 (6) A person who does not hold a full-time position as a special educator is eligible for
6145 a partial stipend equal to the percentage of a full-time special educator position the person
6146 assumes.

6147 Section 189. Section **53F-2-311** is amended to read:

6148 **53F-2-311. Weighted pupil units for career and technical education programs --**
6149 **Funding of approved programs -- Performance measures -- Qualifying criteria.**

- 6150 (1) (a) Money appropriated to the [~~State Board of Education~~] state board for approved
6151 career and technical education programs and the comprehensive guidance program:
- 6152 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);
6153 and
- 6154 (ii) may not be used to fund programs below grade 9.
- 6155 (b) Subsection (1)(a)(ii) does not apply to the following programs:
- 6156 (i) comprehensive guidance;
- 6157 (ii) Technology-Life-Careers; and
- 6158 (iii) work-based learning programs.
- 6159 (2) (a) Weighted pupil units are computed for pupils in approved programs.
- 6160 (b) (i) The [~~State Board of Education~~] state board shall fund approved programs based
6161 upon hours of membership of grades 9 through 12 students.

6162 (ii) Subsection (2)(b)(i) does not apply to the following programs:

6163 (A) comprehensive guidance;

6164 (B) Technology-Life-Careers; and

6165 (C) work-based learning programs.

6166 (c) The [~~State Board of Education~~] state board shall use an amount not to exceed 20%
6167 of the total appropriation under this section to fund approved programs based on performance
6168 measures such as placement and competency attainment defined in standards set by the [~~State~~
6169 ~~Board of Education~~] state board.

6170 (d) Leadership organization funds shall constitute an amount not to exceed 1% of the
6171 total appropriation under this section, and shall be distributed to each school district or each
6172 charter school sponsoring career and technical education student leadership organizations
6173 based on the agency's share of the state's total membership in those organizations.

6174 (e) The [~~State Board of Education~~] state board shall make the necessary calculations
6175 for distribution of the appropriation to a school district and charter school and may revise and
6176 recommend changes necessary for achieving equity and ease of administration.

6177 (3) (a) Twenty weighted pupil units shall be computed for career and technical
6178 education administrative costs for each school district, except 25 weighted pupil units may be
6179 computed for each school district that consolidates career and technical education
6180 administrative services with one or more other school districts.

6181 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
6182 conducting approved career and technical education programs in a school district according to
6183 standards established by the [~~State Board of Education~~] state board.

6184 (c) Forty weighted pupil units shall be computed for each school district that operates
6185 an approved career and technical education center.

6186 (d) Between five and seven weighted pupil units shall be computed for each summer
6187 career and technical education agriculture program according to standards established by the
6188 [~~State Board of Education~~] state board.

6189 (e) The [~~State Board of Education~~] state board shall, by rule, establish qualifying
6190 criteria for a school district or charter school to receive weighted pupil units under this
6191 Subsection (3).

6192 (4) (a) Money remaining after the allocations made under Subsections (2) and (3) shall

be allocated using average daily membership in approved programs for the previous year.

(b) A school district or charter school that has experienced student growth in grades 9 through 12 for the previous year shall have the growth factor applied to the previous year's weighted pupil units when calculating the allocation of money under this Subsection (4).

(5) (a) The [~~State Board of Education~~] state board shall establish rules for upgrading high school career and technical education programs.

(b) The rules shall reflect career and technical training and actual marketable job skills in society.

(c) The rules shall include procedures to assist school districts and charter schools to convert existing programs that are not preparing students for the job market into programs that will accomplish that purpose.

(6) Programs that do not meet [~~State Board of Education~~] state board standards may not be funded under this section.

Section 190. Section **53F-2-312** is amended to read:

53F-2-312. Appropriation for class size reduction.

(1) Money appropriated to the [~~State Board of Education~~] state board for class size reduction shall be used to reduce the average class size in kindergarten through grade 8 in the state's public schools.

(2) A school district or charter school shall receive an allocation for class size reduction based on the school district or charter school's prior year average daily membership plus growth in kindergarten through grade 8 as determined under Subsection **53F-2-302(3)** compared to the total prior year average daily membership plus growth in kindergarten through grade 8 statewide.

(3) (a) [~~A local education~~] An LEA governing board may use an allocation to reduce class size in any one or all of the grades referred to under this section, except as otherwise provided in Subsection (3)(b).

(b) (i) [~~A local education~~] An LEA governing board shall use 50% of an allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an emphasis on improving student reading skills.

(ii) If a school district's or charter school's average class size is below 18 students in kindergarten through grade 2, [~~a local education~~] an LEA governing board may petition the

[~~State Board of Education~~] state board for, and the [~~State Board of Education~~] state board may grant, a waiver of the requirement described in Subsection (3)(b)(i).

(4) A school may use nontraditional innovative and creative methods to reduce class sizes with this appropriation and may use part of an allocation to focus on class size reduction for specific groups, such as at risk students, or for specific blocks of time during the school day.

(5) (a) [~~A local education~~] An LEA governing board may use up to 20% of an allocation under this section for capital facilities projects if such projects would help to reduce class size.

(b) If a school district's or charter school's student population increases by at least 5% or at least 700 students from the previous school year, the [~~local education~~] LEA governing board may use up to 50% of an allocation received by the school district or charter school under this section for classroom construction.

(6) This appropriation is to supplement any other appropriation made for class size reduction.

(7) The Legislature shall provide for an annual adjustment in the appropriation authorized under this section in proportion to the increase in the number of students in the state in kindergarten through grade 8.

Section 191. Section **53F-2-313** is amended to read:

53F-2-313. Weighted pupil units for career and technical education set-aside programs.

(1) Each school district and charter school shall receive a guaranteed minimum allocation from the money appropriated to the [~~State Board of Education~~] state board for a career and technical education set-aside program.

(2) The set-aside funds remaining after the initial minimum payment allocation are distributed by a request for proposals process to help pay for equipment costs necessary to initiate new programs and for high priority programs as determined by labor market information.

Section 192. Section **53F-2-401** is amended to read:

53F-2-401. Appropriation for adult education programs.

(1) Money appropriated to the [~~State Board of Education~~] state board for adult

6255 education shall be allocated to school districts for adult high school completion and adult basic
6256 skills programs.

6257 (2) (a) The [~~State Board of Education~~] state board and the Department of Corrections,
6258 subject to legislative appropriation, are responsible for providing the programs described in
6259 Subsection (1) to individuals in the custody of the Department of Corrections.

6260 (b) To fulfill the responsibility described in Subsection (2)(a), the [~~State Board of~~
6261 ~~Education~~] state board and the Department of Corrections shall, where feasible, contract with
6262 appropriate private or public agencies to provide educational and related administrative
6263 services.

6264 (c) The [~~State Board of Education~~] state board shall allocate at least 15% of the money
6265 appropriated to the [~~State Board of Education~~] state board for adult education to support the
6266 programs for which the [~~State Board of Education~~] state board and the Department of
6267 Corrections are responsible under this Subsection (2).

6268 (3) (a) For money that is not allocated under Subsection (2)(c), each school district
6269 shall receive a pro rata share of the appropriation for adult high school completion programs
6270 based on the number of people in the school district listed in the latest official census who are
6271 over 18 years of age and who do not have a high school diploma and prior year participation or
6272 as approved by [~~State Board of Education~~] state board rule.

6273 (b) On February 1 of each school year, the [~~State Board of Education~~] state board shall
6274 recapture money not used for an adult high school completion program described in Subsection
6275 (3)(a) for reallocation to school districts that have implemented programs based on need and
6276 effort as determined by the [~~State Board of Education~~] state board.

6277 (4) To the extent of money available, school districts shall provide program services to
6278 adults who do not have a diploma and who intend to graduate from high school, with particular
6279 emphasis on homeless individuals who are seeking literacy and life skills.

6280 (5) Overruns in adult education in any school district may not reduce the value of the
6281 weighted pupil unit for this program in another school district.

6282 (6) School districts shall spend money on adult basic skills programs according to
6283 standards established by the [~~State Board of Education~~] state board.

6284 Section 193. Section **53F-2-402** is amended to read:

6285 **53F-2-402. State support of pupil transportation.**

(1) Money appropriated to the ~~[State Board of Education]~~ state board for state-supported transportation of public school students shall be apportioned and distributed in accordance with Section [53F-2-403](#), except as otherwise provided in this section.

(2) (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil transportation money to pay for transportation of students based on current valid contractual arrangements and best transportation options and methods as determined by the schools.

(b) All student transportation costs of the schools shall be paid from the allocation of pupil transportation money specified in statute.

(3) (a) A local school board may only claim eligible transportation costs as legally reported on the prior year's annual financial report submitted under Section [53G-4-404](#).

(b) The state shall contribute 85% of approved transportation costs, subject to budget constraints.

(c) If in a fiscal year the total transportation allowance for all school districts exceeds the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not more than the amount appropriated.

Section 194. Section **53F-2-403** is amended to read:

53F-2-403. Eligibility for state-supported transportation -- Approved bus routes.

(1) A student eligible for state-supported transportation means:

(a) a student enrolled in kindergarten through grade ~~[six]~~ 6 who lives at least 1-1/2 miles from school;

(b) a student enrolled in grades ~~[seven]~~ 7 through 12 who lives at least two miles from school; and

(c) a student enrolled in a special program offered by a school district and approved by the ~~[State Board of Education]~~ state board for trainable, motor, multiple-disability, or other students with severe disabilities who are incapable of walking to school or where it is unsafe for students to walk because of their disabling condition, without reference to distance from school.

(2) If a school district implements double sessions as an alternative to new building construction, with the approval of the ~~[State Board of Education]~~ state board, those affected elementary school students residing less than 1-1/2 miles from school may be transported one way to or from school because of safety factors relating to darkness or other hazardous

6317 conditions as determined by the local school board.

6318 (3) (a) The [~~State Board of Education~~] state board shall distribute transportation money
6319 to school districts based on:

6320 (i) an allowance per mile for approved bus routes;

6321 (ii) an allowance per hour for approved bus routes; and

6322 (iii) a minimum allocation for each school district eligible for transportation funding.

6323 (b) The [~~State Board of Education~~] state board shall distribute appropriated

6324 transportation funds based on the prior year's eligible transportation costs as legally reported

6325 under Subsection [53F-2-402](#)(3).

6326 (c) The [~~State Board of Education~~] state board shall annually review the allowance per

6327 mile and the allowance per hour and adjust the allowances to reflect current economic

6328 conditions.

6329 (4) (a) Approved bus routes for funding purposes shall be determined on fall data

6330 collected by October 1.

6331 (b) Approved route funding shall be determined on the basis of the most efficient and

6332 economic routes.

6333 (5) A Transportation Advisory Committee with representation from school district

6334 superintendents, business officials, school district transportation supervisors, and [~~State Board~~

6335 ~~of Education~~] state board employees shall serve as a review committee for addressing school

6336 transportation needs, including recommended approved bus routes.

6337 (6) A local school board may provide for the transportation of students regardless of the

6338 distance from school, from general funds of the school district.

6339 (7) (a) (i) If a local school board expends an amount of revenue equal to at least .0002

6340 per dollar of taxable value of the school district's board local levy imposed under Section

6341 [53F-8-302](#) to pay for transporting students and for the replacement of school buses, the state

6342 may contribute an amount not to exceed 85% of the state average cost per mile, contingent

6343 upon the Legislature appropriating funds for a state contribution.

6344 (ii) The [~~State Board of Education's~~] state board's employees shall distribute the state

6345 contribution according to rules enacted by the [~~State Board of Education~~] state board.

6346 (b) (i) The amount of state guarantee money that a school district would otherwise be

6347 entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the

school district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation.

(ii) Subsection (7)(b)(i) applies for a period of two years following the change in the certified tax rate.

Section 195. Section 53F-2-404 is amended to read:

53F-2-404. School LAND Trust Program distribution of funds.

(1) (a) The School LAND Trust Program, established in Section 53G-7-1206, shall be funded each fiscal year:

(i) from the Trust Distribution Account created in Section 53F-9-201; and

(ii) in the amount of the sum of the following:

(A) on or about July 15 each year, out of the distributions from the investment of money in the permanent State School Fund deposited to the Trust Distribution Account; and

(B) interest accrued on the Trust Distribution Account in the immediately preceding fiscal year.

(b) The program shall be funded as provided in Subsection (1)(a) up to an amount equal to 3% of the funds provided for the Minimum School Program, pursuant to this chapter, each fiscal year.

(c) The Legislature shall annually allocate, through an appropriation to the [~~State Board of Education~~] state board, a portion of the Trust Distribution Account created in Section 53F-9-201 to be used for the administration of the School LAND Trust Program.

(d) Any unused balance remaining from an amount appropriated under Subsection (1)(c) shall be deposited in the Trust Distribution Account for distribution to schools in the School LAND Trust Program.

(2) (a) The [~~State Board of Education~~] state board shall allocate the money referred to in Subsection (1) annually as follows:

(i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the product of:

(A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

(B) the total amount available for distribution under Subsection (1);

(ii) charter schools shall receive funding equal to the product of:

6379 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on
6380 October 1 in the prior year in public schools statewide; and

6381 (B) the total amount available for distribution under Subsection (1); and

6382 (iii) of the funds available for distribution under Subsection (1) after the allocation of
6383 funds for the Utah Schools for the Deaf and the Blind and charter schools:

6384 (A) school districts shall receive 10% of the funds on an equal basis; and

6385 (B) the remaining 90% of the funds shall be distributed to school districts on a per
6386 student basis.

6387 ~~[(b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
6388 ~~the State Board of Education]~~

6389 (b) (i) The state board shall make rules specifying a formula to distribute the amount
6390 allocated under Subsection (2)(a)(ii) to charter schools.

6391 (ii) In making rules under Subsection (2)(b)(i), the ~~[State Board of Education]~~ state
6392 board shall:

6393 (A) consult with the State Charter School Board; and

6394 (B) ensure that the rules include a provision that allows a charter school in the charter
6395 school's first year of operations to receive funding based on projected enrollment, to be
6396 adjusted in future years based on actual enrollment.

6397 (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each
6398 school within the school district on an equal per student basis.

6399 ~~[(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
6400 ~~the State Board of Education]~~

6401 (d) The state board may make rules regarding the time and manner in which the student
6402 count shall be made for allocation of the money under Subsection (2)(a)(iii).

6403 (3) If the amount of money prescribed for funding the School LAND Trust Program
6404 under this section is less than or greater than the money appropriated for the School LAND
6405 Trust Program, the appropriation shall be equal to the amount of money prescribed for funding
6406 the School LAND Trust Program in this section, up to a maximum of an amount equal to 3%
6407 of the funds provided for the Minimum School Program.

6408 (4) The ~~[State Board of Education]~~ state board shall distribute the money appropriated
6409 in Subsection (3) in accordance with this section and rules established by the state board [in

6410 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act].~~

6411 Section 196. Section **53F-2-405** is amended to read:

6412 **53F-2-405. Educator salary adjustments.**

6413 (1) As used in this section, "educator" means a person employed by a school district,
6414 charter school, or the Utah Schools for the Deaf and the Blind who holds:

6415 (a) a license issued by the [~~State Board of Education~~] state board; and

6416 (b) a position as a:

6417 (i) classroom teacher;

6418 (ii) speech pathologist;

6419 (iii) librarian or media specialist;

6420 (iv) preschool teacher;

6421 (v) mentor teacher;

6422 (vi) teacher specialist or teacher leader;

6423 (vii) guidance counselor;

6424 (viii) audiologist;

6425 (ix) psychologist; or

6426 (x) social worker.

6427 (2) In recognition of the need to attract and retain highly skilled and dedicated
6428 educators, the Legislature shall annually appropriate money for educator salary adjustments,
6429 subject to future budget constraints.

6430 (3) Money appropriated to the [~~State Board of Education~~] state board for educator
6431 salary adjustments shall be distributed to school districts, charter schools, and the Utah Schools
6432 for the Deaf and the Blind in proportion to the number of full-time-equivalent educator
6433 positions in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as
6434 compared to the total number of full-time-equivalent educator positions in school districts,
6435 charter schools, and the Utah Schools for the Deaf and the Blind.

6436 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind
6437 shall award bonuses to educators as follows:

6438 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
6439 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
6440 Blind;

6441 (b) an individual who is not a full-time educator shall receive a partial salary adjustment
6442 based on the number of hours the individual works as an educator; and

6443 (c) a salary adjustment may be awarded only to an educator who has received a
6444 satisfactory rating or above on the educator's most recent evaluation.

6445 (5) The [~~State Board of Education~~] state board may make rules as necessary to
6446 administer this section[~~, in accordance with Title 63G, Chapter 3, Utah Administrative~~
6447 ~~Rulemaking Act~~].

6448 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
6449 money each year to:

6450 (i) maintain educator salary adjustments provided in prior years; and

6451 (ii) provide educator salary adjustments to new employees.

6452 (b) Money appropriated for educator salary adjustments shall include money for the
6453 following employer-paid benefits:

6454 (i) retirement;

6455 (ii) worker's compensation;

6456 (iii) social security; and

6457 (iv) Medicare.

6458 (7) (a) Subject to future budget constraints, the Legislature shall:

6459 (i) maintain the salary adjustments provided to school administrators in the 2007-08
6460 school year; and

6461 (ii) provide salary adjustments for new school administrators in the same amount as
6462 provided for existing school administrators.

6463 (b) The appropriation provided for educator salary adjustments shall include salary
6464 adjustments for school administrators as specified in Subsection (7)(a).

6465 (c) In distributing and awarding salary adjustments for school administrators, the [~~State~~
6466 ~~Board of Education~~] state board, a school district, a charter school, or the Utah Schools for the
6467 Deaf and the Blind shall comply with the requirements for the distribution and award of
6468 educator salary adjustments as provided in Subsections (3) and (4).

6469 Section 197. Section **53F-2-407** is amended to read:

6470 **53F-2-407. Appropriation for library books and electronic resources.**

6471 (1) The [~~State Board of Education~~] state board shall distribute money appropriated for

6472 library books and electronic resources as follows:

6473 (a) 25% shall be divided equally among all public schools; and

6474 (b) 75% shall be divided among public schools based on each school's average daily
6475 membership as compared to the total average daily membership.

6476 (2) A school district or charter school may not use money distributed under Subsection
6477 (1) to supplant other money used to purchase library books or electronic resources.

6478 Section 198. Section **53F-2-408** is amended to read:

6479 **53F-2-408. Enhancement for Accelerated Students Program.**

6480 (1) As used in this section, "eligible low-income student" means a student who:

6481 (a) takes an Advanced Placement test;

6482 (b) has applied for an Advanced Placement test fee reduction; and

6483 (c) qualifies for a free lunch or a lunch provided at reduced cost.

6484 (2) The [~~State Board of Education~~] state board shall distribute money appropriated for
6485 the Enhancement for Accelerated Students Program to school districts and charter schools
6486 according to a formula adopted by the [~~State Board of Education~~] state board, after consultation
6487 with [~~local education~~] LEA governing boards.

6488 (3) A distribution formula adopted under Subsection (2) may include an allocation of
6489 money for:

6490 (a) Advanced Placement courses;

6491 (b) Advanced Placement test fees of eligible low-income students;

6492 (c) gifted and talented programs, including professional development for teachers of
6493 high ability students; and

6494 (d) International Baccalaureate programs.

6495 (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for
6496 Accelerated Students Program may be allowed for International Baccalaureate programs.

6497 (5) A school district or charter school shall use money distributed under this section to
6498 enhance the academic growth of students whose academic achievement is accelerated.

6499 (6) The [~~State Board of Education~~] state board shall develop performance criteria to
6500 measure the effectiveness of the Enhancement for Accelerated Students Program.

6501 (7) If a school district or charter school receives an allocation of less than \$10,000
6502 under this section, the school district or charter school may use the allocation as described in

6503 Section [53F-2-206](#).

6504 Section 199. Section **53F-2-409** is amended to read:

6505 **53F-2-409. Concurrent enrollment funding.**

6506 (1) The terms defined in Section [~~53F-10-301~~] [53E-10-301](#) apply to this section.

6507 (2) The [~~State Board of Education~~] state board shall allocate money appropriated for
6508 concurrent enrollment in accordance with this section.

6509 (3) (a) The [~~State Board of Education~~] state board shall allocate money appropriated
6510 for concurrent enrollment in proportion to the number of credit hours earned for courses taken
6511 where:

6512 (i) an LEA primarily bears the cost of instruction; and

6513 (ii) an institution of higher education primarily bears the cost of instruction.

6514 (b) From the money allocated under Subsection (3)(a)(i), the [~~State Board of~~
6515 ~~Education~~] state board shall distribute:

6516 (i) 60% of the money to LEAs; and

6517 (ii) 40% of the money to the State Board of Regents.

6518 (c) From the money allocated under Subsection (3)(a)(ii), the [~~State Board of~~
6519 ~~Education~~] state board shall distribute:

6520 (i) 40% of the money to LEAs; and

6521 (ii) 60% of the money to the State Board of Regents.

6522 (d) The [~~State Board of Education~~] state board shall make rules[~~, in accordance with~~
6523 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] providing for the distribution of
6524 the money to LEAs under Subsections (3)(b)(i) and (3)(c)(i).

6525 (e) The State Board of Regents shall make rules[~~, in accordance with Title 63G,~~
6526 ~~Chapter 3, Utah Administrative Rulemaking Act,~~] providing for the distribution of the money
6527 allocated to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).

6528 (4) Subject to budget constraints, the Legislature shall annually increase the money
6529 appropriated for concurrent enrollment in proportion to the percentage increase over the
6530 previous school year in:

6531 (a) kindergarten through grade 12 student enrollment; and

6532 (b) the value of the weighted pupil unit.

6533 (5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA

6534 may use the allocation as described in Section 53F-2-206.

6535 Section 200. Section 53F-2-410 is amended to read:

6536 **53F-2-410. Enhancement for At-Risk Students Program.**

6537 (1) (a) Subject to Subsection (1)(b), the ~~[State Board of Education]~~ state board shall
6538 distribute money appropriated for the Enhancement for At-Risk Students Program to school
6539 districts and charter schools according to a formula adopted by the ~~[State Board of Education]~~
6540 state board, after consultation with ~~[local education]~~ LEA governing boards.

6541 (b) (i) The ~~[State Board of Education]~~ state board shall appropriate \$1,500,000 from
6542 the appropriation for Enhancement for At-Risk Students Program for a gang prevention and
6543 intervention program designed to help students at risk for gang involvement stay in school.

6544 (ii) Money for the gang prevention and intervention program shall be distributed to
6545 school districts and charter schools through a request for proposals process.

6546 (2) In establishing a distribution formula under Subsection (1)(a), the ~~[State Board of~~
6547 ~~Education]~~ state board shall:

6548 (a) use the following criteria:

6549 (i) low performance on statewide assessments described in Section 53E-4-301;

6550 (ii) poverty;

6551 (iii) mobility;

6552 (iv) limited English proficiency;

6553 (v) chronic absenteeism; and

6554 (vi) homelessness;

6555 (b) ensure that the distribution formula distributes money on a per student and per
6556 criterion basis; and

6557 (c) ensure that the distribution formula provides funding for each criterion that a
6558 student meets such that a student who meets:

6559 (i) one criterion is counted once; and

6560 (ii) more than one criterion is counted for each criterion the student meets up to three
6561 criteria.

6562 (3) Subject to future budget constraints, the amount appropriated for the Enhancement
6563 for At-Risk Students Program shall increase annually with growth in the at-risk student
6564 population and changes to the value of the weighted pupil unit as defined in Section

6565 [~~53F-9-305~~] [53F-4-301](#).

6566 (4) [~~A local education~~] An LEA governing board shall use money distributed under
6567 this section to improve the academic achievement of students who are at risk of academic
6568 failure including addressing truancy.

6569 (5) The [~~State Board of Education~~] state board shall develop performance criteria to
6570 measure the effectiveness of the Enhancement for At-Risk Students Program.

6571 (6) If a school district or charter school receives an allocation of less than \$10,000
6572 under this section, the school district or charter school may use the allocation as described in
6573 Section [53F-2-206](#).

6574 (7) During the fiscal year that begins July 1, 2022, the Public Education Appropriations
6575 Subcommittee shall evaluate:

6576 (a) the impact of funding provided in this section to determine whether the funding has
6577 improved educational outcomes for students who are at-risk for academic failure; and

6578 (b) whether the funding should continue as established, be amended, or be consolidated
6579 in the value of the weighted pupil unit.

6580 Section 201. Section **53F-2-411** is amended to read:

6581 **53F-2-411. Appropriation for Title I Schools in Improvement Paraeducators**
6582 **Program.**

6583 (1) As used in this section:

6584 (a) "Eligible school" means a Title I school that has not achieved adequate yearly
6585 progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in
6586 the same subject area for two consecutive years.

6587 (b) "Paraeducator" means a school employee who:

6588 (i) delivers instruction under the direct supervision of a teacher; and

6589 (ii) meets the requirements under Subsection (3).

6590 (c) "Program" means the Title I Schools in Improvement Paraeducators Program
6591 created in this section.

6592 (2) The program is created to provide funding for eligible schools to hire paraeducators
6593 to provide additional instructional aid in the classroom to assist students in achieving academic
6594 success and assist the school in exiting Title I school improvement status.

6595 (3) A paraeducator who is funded under this section shall have:

- 6596 (a) earned a secondary school diploma or a recognized equivalent;
6597 (b) (i) completed at least two years with a minimum of 48 semester hours at an
6598 accredited higher education institution;
6599 (ii) obtained an associates or higher degree from an accredited higher education
6600 institution; or
6601 (iii) satisfied a rigorous state or local assessment about the individual's knowledge of,
6602 and ability to assist in instructing students in, reading, writing, and mathematics; and
6603 (c) received large group-, small group-, and individual-level professional development
6604 that is intensive and focused and covers curriculum, instruction, assessment, classroom and
6605 behavior management, and teaming.
6606 (4) The [~~State Board of Education~~] state board shall distribute money appropriated for
6607 the program to eligible schools, in accordance with rules adopted by the state board.
6608 (5) Funds appropriated under the program may not be used to supplant other money
6609 used for paraeducators at eligible schools.

6610 Section 202. Section **53F-2-413** is amended to read:

6611 **53F-2-413. Alternative programs.**

6612 (1) Since the [~~State Board of Education~~] state board has adopted a policy that requires
6613 school districts and charter schools to grant credit for proficiency through alternative programs,
6614 school districts and charter schools are encouraged to continue and expand school district and
6615 charter school cooperation with accredited institutions through performance contracts for
6616 educational services, particularly where it is beneficial to students whose progress could be
6617 better served through alternative programs.

6618 (2) School districts and charter schools are encouraged to participate in programs that
6619 focus on increasing the number of ethnic minority and female students in the secondary schools
6620 who will go on to study mathematics, engineering, or related sciences at an institution of higher
6621 education.

6622 Section 203. Section **53F-2-501** is amended to read:

6623 **53F-2-501. Early graduation incentives -- Incentive to school district -- Partial**
6624 **tuition scholarship for student -- Payments.**

6625 (1) A secondary public school student who has completed all required courses or
6626 demonstrated mastery of required skills and competencies may graduate at any time with the

6627 approval of:

6628 (a) the student;

6629 (b) the student's parent [~~or guardian~~]; and

6630 (c) a local school official who is authorized by the school's principal or director to

6631 approve early graduation.

6632 (2) The [~~State Board of Education~~] state board shall make a payment to a public high
6633 school in an amount equal to 1/2 of the scholarship awarded to each student under this section
6634 who graduates from the school at or before the conclusion of grade 11, or a proportionately
6635 lesser amount for a student who graduates after the conclusion of grade 11 but before the
6636 conclusion of grade 12.

6637 (3) (a) The [~~State Board of Education~~] state board shall award to each student who
6638 graduates from high school at or before the conclusion of grade 11 a centennial scholarship in
6639 the amount of the greater of 30% of the previous year's value of the weighted pupil unit or
6640 \$1,000, subject to this Subsection (3) through Subsection (6).

6641 (b) A student who is awarded a centennial scholarship may use the scholarship for full
6642 time enrollment at:

6643 (i) a Utah public college, university, or community college;

6644 (ii) a technical college described in Section 53B-2a-105; or

6645 (iii) any other institution in the state of Utah that:

6646 (A) is accredited by an accrediting organization recognized by the State Board of

6647 Regents; and

6648 (B) offers postsecondary courses of the student's choice.

6649 (c) Before making a payment of a centennial scholarship, the [~~State Board of~~
6650 ~~Education~~] state board shall verify that the student has registered at an institution described in
6651 Subsection (3)(b):

6652 (i) during the fiscal year following the student's graduation from high school; or

6653 (ii) at the end of the student's deferral period, in accordance with Subsection (4).

6654 (d) If a student graduates after the conclusion of grade 11 but before the conclusion of
6655 grade 12, the [~~State Board of Education~~] state board shall award the student a centennial
6656 scholarship of a proportionately lesser amount than the scholarship amount described in
6657 Subsection (3)(a).

6658 (4) (a) A student who is eligible for a centennial scholarship under Subsection (3) may
6659 make a request to the [~~State Board of Education~~] state board that the [~~State Board of~~
6660 ~~Education~~] state board defer consideration of the student for the scholarship for a set period of
6661 time.

6662 (b) A student who makes a request under Subsection (4)(a) shall state in the request the
6663 reason for which the student wishes not to be considered for the scholarship until the end of the
6664 deferral period, which may include:

- 6665 (i) health reasons;
- 6666 (ii) religious reasons;
- 6667 (iii) military service; or
- 6668 (iv) humanitarian service.

6669 (c) If a student makes a request under Subsection (4)(a), the [~~State Board of Education~~]
6670 state board shall:

- 6671 (i) (A) review the student's request; and
- 6672 (B) approve or reject the student's request; and

6673 (ii) if the [~~State Board of Education~~] state board approves the student's request, in
6674 consultation with the student, set the length of the deferral period, ensuring that the deferral
6675 period is sufficient to meet the student's needs under Subsection (4)(b).

6676 (d) At the end of the deferral period, and upon request of the student, the [~~State Board~~
6677 ~~of Education~~] state board shall:

- 6678 (i) determine a student to be eligible for the scholarship if the student was eligible at
6679 the time of the student's request for deferral; and
- 6680 (ii) if found eligible, make a payment to the student in an amount equal to the amount
6681 described in Subsection (4)(e).

6682 (e) The amount of a student's deferred scholarship payment shall be determined by the
6683 [~~State Board of Education~~] state board based on the amount of the scholarship the student
6684 would have been entitled to as described in Subsection (3) and based on the fiscal year prior to
6685 the student's request for deferral.

6686 (5) Except as provided in Subsection (4)(b), the [~~State Board of Education~~] state board:
6687 (a) shall make the payments authorized in Subsections (2) and (3)(a) during the fiscal
6688 year that follows the student's graduation; and

6689 (b) may make the payments authorized in Subsection (3)(b) during the fiscal year:

6690 (i) in which the student graduates; or

6691 (ii) following the student's graduation.

6692 (6) Subject to future budget constraints, the Legislature shall adjust the appropriation

6693 for the Centennial Scholarship Program based on:

6694 (a) the anticipated increase of students awarded a centennial scholarship; and

6695 (b) the percent increase of the prior year's weighted pupil unit value, as provided in

6696 Subsection (3).

6697 Section 204. Section **53F-2-502** is amended to read:

6698 **53F-2-502. Dual language immersion.**

6699 (1) As used in this section:

6700 [~~(a)~~] ~~"Board" means the State Board of Education.~~

6701 [~~(b)~~] (a) "Dual language immersion" means an instructional setting in which a student
6702 receives a portion of instruction in English and a portion of instruction exclusively in a partner
6703 language.

6704 [~~(c)~~] (b) "Local education agency" or "LEA" means a school district or a charter school.

6705 [~~(d)~~] (c) "Participating LEA" means an LEA selected by the state board to receive a
6706 grant described in this section.

6707 [~~(e)~~] (d) "Partner language" means a language other than English in which instruction
6708 is provided in dual language immersion.

6709 (2) The state board shall:

6710 (a) establish a dual language immersion program;

6711 (b) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]

6712 make rules that establish:

6713 (i) a grant program for an LEA to receive funding for dual language immersion;

6714 (ii) the required qualifications for an LEA to be a participating LEA;

6715 (iii) subject to this section, requirements of a participating LEA;

6716 (iv) a proficiency assessment for each partner language; and

6717 (v) a progression of how a school in a participating LEA adds grade levels in which the
6718 school offers dual language immersion;

6719 (c) subject to legislative appropriations:

6720 (i) select participating LEAs; and
6721 (ii) award to a participating LEA a grant to support dual language immersion in the
6722 LEA; and
6723 (d) report to a legislative committee on the results of a proficiency assessment
6724 described in Subsection (2)(b)(iv) upon request.
6725 (3) A participating LEA shall:
6726 (a) establish in a school a full-day dual language immersion instructional model that
6727 provides at least 50% of instruction exclusively in a partner language;
6728 (b) in accordance with the state board rules described in Subsection (2)(b), add grades
6729 in which dual language immersion is provided in a school; and
6730 (c) annually administer to each student in grades 3 through 8 who participates in dual
6731 language immersion an assessment described in Subsection (2)(b)(iv).
6732 (4) The state board shall:
6733 (a) provide support to a participating LEA, including by:
6734 (i) offering professional learning for dual language immersion educators;
6735 (ii) developing curriculum related to dual language immersion; or
6736 (iii) providing instructional support for a partner language;
6737 (b) conduct a program evaluation of the dual language immersion program established
6738 under Subsection (2)(a); and
6739 (c) on or before November 1, 2019, report to the Education Interim Committee and the
6740 Public Education Appropriations Subcommittee on the results of the program evaluation
6741 described in Subsection (4)(b).
6742 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement
6743 Code, contract with a third party to conduct the program evaluation described in Subsection
6744 (4)(b).
6745 Section 205. Section **53F-2-503** is amended to read:
6746 **53F-2-503. Early Literacy Program -- Literacy proficiency plan.**
6747 (1) As used in this section:
6748 [~~(a) "Board" means the State Board of Education.~~]
6749 [~~(b)~~] (a) "Program" means the Early Literacy Program.
6750 [~~(c)~~] (b) "Program money" means:

6751 (i) school district revenue allocated to the program from other money available to the
6752 school district, except money provided by the state, for the purpose of receiving state funds
6753 under this section; and

6754 (ii) money appropriated by the Legislature to the program.

6755 (2) The Early Literacy Program consists of program money and is created to
6756 supplement other school resources for early literacy.

6757 (3) Subject to future budget constraints, the Legislature may annually appropriate
6758 money to the Early Literacy Program.

6759 (4) (a) [~~A local education~~] An LEA governing board of a school district or a charter
6760 school that serves students in any of grades kindergarten through grade 3 shall submit a plan to
6761 the state board for literacy proficiency improvement that incorporates the following
6762 components:

6763 (i) core instruction in:

6764 (A) phonological awareness;

6765 (B) phonics;

6766 (C) fluency;

6767 (D) comprehension;

6768 (E) vocabulary;

6769 (F) oral language; and

6770 (G) writing;

6771 (ii) intervention strategies that are aligned to student needs;

6772 (iii) professional development for classroom teachers, literacy coaches, and
6773 interventionists in kindergarten through grade 3;

6774 (iv) assessments that support adjustments to core and intervention instruction;

6775 (v) a growth goal for the school district or charter school that:

6776 (A) is based upon student learning gains as measured by benchmark assessments
6777 administered pursuant to Section [53E-4-307](#); and

6778 (B) includes a target of at least 60% of all students in grades 1 through 3 meeting the
6779 growth goal;

6780 (vi) at least two goals that are specific to the school district or charter school that:

6781 (A) are measurable;

6782 (B) address current performance gaps in student literacy based on data; and
6783 (C) include specific strategies for improving outcomes; and
6784 (vii) if a school uses interactive literacy software, the use of interactive literacy
6785 software, including early interactive reading software described in Section 53F-4-203.
6786 (b) ~~[A local education]~~ An LEA governing board shall approve a plan described in
6787 Subsection (4)(a) in a public meeting before submitting the plan to the state board.
6788 (c) The state board shall provide model plans that ~~[a local education]~~ an LEA
6789 governing board may use, or ~~[a local education]~~ an LEA governing board may develop the
6790 ~~[local education]~~ LEA governing board's own plan.
6791 (d) A plan developed by ~~[a local education]~~ an LEA governing board shall be approved
6792 by the state board.
6793 (e) The state board shall develop uniform standards for acceptable growth goals that ~~[a~~
6794 ~~local education]~~ an LEA governing board adopts for a school district or charter school as
6795 described in this Subsection (4).
6796 (5) (a) There are created within the Early Literacy Program three funding programs:
6797 (i) the Base Level Program;
6798 (ii) the Guarantee Program; and
6799 (iii) the Low Income Students Program.
6800 (b) The state board may use up to \$7,500,000 from an appropriation described in
6801 Subsection (3) for computer-assisted instructional learning and assessment programs.
6802 (6) Money appropriated to the state board for the Early Literacy Program and not used
6803 by the state board for computer-assisted instructional learning and assessments described in
6804 Subsection (5)(b) shall be allocated to the three funding programs as follows:
6805 (a) 8% to the Base Level Program;
6806 (b) 46% to the Guarantee Program; and
6807 (c) 46% to the Low Income Students Program.
6808 (7) (a) For a school district or charter school to participate in the Base Level Program,
6809 the ~~[local education]~~ LEA governing board shall submit a plan described in Subsection (4) and
6810 shall receive approval of the plan from the state board.
6811 (b) (i) The local school board of a school district qualifying for Base Level Program
6812 funds and the charter school governing boards of qualifying elementary charter schools

6813 combined shall receive a base amount.

6814 (ii) The base amount for the qualifying elementary charter schools combined shall be
6815 allocated among each charter school in an amount proportionate to:

6816 (A) each existing charter school's prior year fall enrollment in grades kindergarten
6817 through grade 3; and

6818 (B) each new charter school's estimated fall enrollment in grades kindergarten through
6819 grade 3.

6820 (8) (a) A local school board that applies for program money in excess of the Base Level
6821 Program funds may choose to first participate in the Guarantee Program or the Low Income
6822 Students Program.

6823 (b) A school district shall fully participate in either the Guarantee Program or the Low
6824 Income Students Program before the local school board may elect for the school district to
6825 either fully or partially participate in the other program.

6826 (c) For a school district to fully participate in the Guarantee Program, the local school
6827 board shall allocate to the program money available to the school district, except money
6828 provided by the state, equal to the amount of revenue that would be generated by a tax rate of
6829 .000056.

6830 (d) For a school district to fully participate in the Low Income Students Program, the
6831 local school board shall allocate to the program money available to the school district, except
6832 money provided by the state, equal to the amount of revenue that would be generated by a tax
6833 rate of .000065.

6834 (e) (i) The state board shall verify that a local school board allocates the money
6835 required in accordance with Subsections (8)(c) and (d) before the state board distributes funds
6836 in accordance with this section.

6837 (ii) The State Tax Commission shall provide the state board the information the state
6838 board needs in order to comply with Subsection (8)(e)(i).

6839 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school
6840 district that fully participates in the Guarantee Program shall receive state funds in an amount
6841 that is:

6842 (i) equal to the difference between \$21 multiplied by the school district's total WPUs
6843 and the revenue the local school board is required to allocate under Subsection (8)(c) for the

6844 school district to fully participate in the Guarantee Program; and

6845 (ii) not less than \$0.

6846 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
6847 under the Guarantee Program an amount equal to \$21 times the elementary charter school's
6848 total WPUs.

6849 (c) The state board may adjust the \$21 guarantee amount described in Subsections
6850 (9)(a) and (b) to account for actual appropriations and money used by the state board for
6851 computer-assisted instructional learning and assessments.

6852 (10) The state board shall distribute Low Income Students Program funds in an amount
6853 proportionate to the number of students in each school district or charter school who qualify for
6854 free or reduced price school lunch multiplied by two.

6855 (11) A school district that partially participates in the Guarantee Program or Low
6856 Income Students Program shall receive program funds based on the amount of school district
6857 revenue allocated to the program as a percentage of the amount of revenue that could have been
6858 allocated if the school district had fully participated in the program.

6859 (12) (a) [~~A local education~~] An LEA governing board shall use program money for
6860 early literacy interventions and supports in kindergarten through grade 3 that have proven to
6861 significantly increase the percentage of students who are proficient in literacy, including:

6862 (i) evidence-based intervention curriculum;

6863 (ii) literacy assessments that identify student learning needs and monitor learning
6864 progress; or

6865 (iii) focused literacy interventions that may include:

6866 (A) the use of reading specialists or paraprofessionals;

6867 (B) tutoring;

6868 (C) before or after school programs;

6869 (D) summer school programs; or

6870 (E) the use of interactive computer software programs for literacy instruction and
6871 assessments for students.

6872 (b) [~~A local education~~] An LEA governing board may use program money for portable
6873 technology devices used to administer literacy assessments.

6874 (c) Program money may not be used to supplant funds for existing programs, but may

6875 be used to augment existing programs.

6876 (13) (a) ~~[A local education]~~ An LEA governing board shall annually submit a report to
6877 the state board accounting for the expenditure of program money in accordance with the ~~[local~~
6878 ~~education]~~ LEA governing board's plan described in Subsection (4).

6879 (b) If ~~[a local education]~~ an LEA governing board uses program money in a manner
6880 that is inconsistent with Subsection (12), the school district or charter school is liable for
6881 reimbursing the state board for the amount of program money improperly used, up to the
6882 amount of program money received from the state board.

6883 ~~[(14) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
6884 ~~Act, the]~~

6885 (14) (a) The state board shall make rules to implement the program.

6886 (b) (i) The rules under Subsection (14)(a) shall require each ~~[local education]~~ LEA
6887 governing board to annually report progress in meeting goals described in Subsections (4)(a)(v)
6888 and (vi), including the strategies the school district or charter school uses to address the goals.

6889 (ii) If a school district or charter school does not meet or exceed the school district's or
6890 charter school's goals described in Subsection (4)(a)(v) or (vi), the ~~[local education]~~ LEA
6891 governing board shall prepare a new plan that corrects deficiencies.

6892 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state
6893 board before the ~~[local education]~~ LEA governing board receives an allocation for the next
6894 year.

6895 (15) (a) The state board shall:

6896 (i) develop strategies to provide support for a school district or charter school that fails
6897 to meet a goal described in Subsection (4)(a)(v) or (vi); and

6898 (ii) provide increasing levels of support to a school district or charter school that fails
6899 to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.

6900 (b) (i) The state board shall use a digital reporting platform to provide information to
6901 school districts and charter schools about interventions that increase proficiency in literacy.

6902 (ii) The digital reporting platform shall include performance information for a school
6903 district or charter school on the goals described in Subsection (4)(a)(v) and (vi).

6904 (16) The state board may use up to 3% of the funds appropriated by the Legislature to
6905 carry out the provisions of this section for administration of the program.

6906 (17) The state board shall make an annual report to the Public Education
6907 Appropriations Subcommittee that:
6908 (a) includes information on:
6909 (i) student learning gains in early literacy for the past school year and the five-year
6910 trend;
6911 (ii) the percentage of grade 3 students who are proficient in English language arts in the
6912 past school year and the five-year trend;
6913 (iii) the progress of school districts and charter schools in meeting goals described in a
6914 plan described in Subsection (4)(a); and
6915 (iv) the specific strategies or interventions used by school districts or charter schools
6916 that have significantly improved early grade literacy proficiency; and
6917 (b) may include recommendations on how to increase the percentage of grade 3
6918 students who are proficient in English language arts, including how to use a strategy or
6919 intervention described in Subsection (17)(a)(iv) to improve literacy proficiency for additional
6920 students.
6921 (18) The report described in Subsection (17) shall include information provided
6922 through the digital reporting platform described in Subsection (15)(b).
6923 Section 206. Section **53F-2-504** is amended to read:
6924 **53F-2-504. Teacher Salary Supplement Program -- Appeal process.**
6925 (1) As used in this section:
6926 [~~(a) "Board" means the State Board of Education.~~]
6927 [~~(b)~~] (a) "Certificate teacher" means a teacher who holds a National Board certification.
6928 [~~(c)~~] (b) "Eligible teacher" means a teacher who:
6929 (i) has an assignment to teach:
6930 (A) a secondary school level mathematics course;
6931 (B) integrated science in grade 7 or 8;
6932 (C) chemistry;
6933 (D) physics;
6934 (E) computer science; or
6935 (F) special education;
6936 (ii) holds the appropriate endorsement for the assigned course;

6937 (iii) has qualifying educational background; and
6938 (iv) (A) is a new employee; or
6939 (B) received a satisfactory rating or above on the teacher's most recent evaluation.
6940 ~~[(d)]~~ (c) "Field of computer science" means:
6941 (i) computer science; or
6942 (ii) computer information technology.
6943 ~~[(e)]~~ (d) "Field of science" means:
6944 (i) integrated science;
6945 (ii) chemistry;
6946 (iii) physics;
6947 (iv) physical science; or
6948 (v) general science.
6949 ~~[(f)]~~ (e) "License" means the same as that term is defined in Section 53E-6-102.
6950 ~~[(g)]~~ (f) "National Board certification" means the same as that term is defined in
6951 Section 53E-6-102.
6952 ~~[(h)]~~ (g) "Qualifying educational background" means:
6953 (i) for a teacher who is assigned a secondary school level mathematics course:
6954 (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
6955 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
6956 requirements that are substantially equivalent to the course requirements for a bachelor's degree
6957 major, master's degree, or doctoral degree in mathematics;
6958 (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry
6959 course, or physics course:
6960 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of science;
6961 or
6962 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
6963 requirements that are substantially equivalent to the course requirements of those required for a
6964 degree described in Subsection (1)~~[(h)]~~(g)(ii)(A);
6965 (iii) for a teacher who is assigned a computer science course:
6966 (A) a bachelor's degree major, master's degree, or doctoral degree in a field of
6967 computer science; or

6968 (B) a bachelor's degree major, master's degree, or doctoral degree that has course
6969 requirements that are substantially equivalent to the course requirements of those required for a
6970 degree described in Subsection (1)[~~(h)~~](g)(iii)(A); or

6971 (iv) for a teacher who is assigned to teach special education, a bachelor's degree major,
6972 master's degree, or doctoral degree in special education.

6973 [~~(j)~~] (h) "Title I school" means a school that receives funds under the Elementary and
6974 Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.

6975 [~~(j)~~] (i) "Title I school certificate teacher" means a certificate teacher who is assigned to
6976 teach at a Title I school.

6977 (2) (a) Subject to future budget constraints, the Legislature shall:

6978 (i) annually appropriate money to the Teacher Salary Supplement Program to maintain
6979 annual salary supplements provided in previous years; and

6980 (ii) provide salary supplements to new recipients.

6981 (b) Money appropriated for the Teacher Salary Supplement Program shall include
6982 money for the following employer-paid benefits:

6983 (i) retirement;

6984 (ii) workers' compensation;

6985 (iii) Social Security; and

6986 (iv) Medicare.

6987 (3) (a) (i) The annual salary supplement for an eligible teacher who is assigned full
6988 time to teach one or more courses listed in Subsections (1)[~~(c)~~](b)(i)(A) through (F) is \$4,100
6989 and funded through an appropriation described in Subsection (2).

6990 (ii) An eligible teacher who has a part-time assignment to teach one or more courses
6991 listed in Subsections (1)[~~(c)~~](b)(i)(A) through (F) shall receive a partial salary supplement
6992 based on the number of hours worked in the course assignment.

6993 (b) The annual salary supplement for a certificate teacher is \$750.

6994 (c) (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.

6995 (ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b)
6996 and (c) may only receive the salary supplement that is greater in value.

6997 (4) The state board shall:

6998 (a) create an online application system for a teacher to apply to receive a salary

6999 supplement through the Teacher Salary Supplement Program;

7000 (b) determine if a teacher:

7001 (i) (A) is an eligible teacher; and

7002 (B) has a course assignment as listed in Subsections (1)(~~(c)~~)((b))(i)(A) through (F);

7003 (ii) is a certificate teacher; or

7004 (iii) is a Title I school certificate teacher;

7005 (c) verify, as needed, the determinations made under Subsection (4)(b) with school

7006 district and school administrators; and

7007 (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate

7008 teachers.

7009 (5) (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher

7010 shall apply with the state board before the conclusion of a school year to receive the salary

7011 supplement authorized in this section.

7012 (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may

7013 apply with the state board, after verification that the requirements under this section have been

7014 satisfied, to receive a salary supplement after the completion of:

7015 (i) the school year as an annual award; or

7016 (ii) a semester or trimester as a partial award based on the portion of the school year

7017 that has been completed.

7018 (6) (a) The state board shall establish and administer an appeal process for a teacher to

7019 follow if the teacher applies for a salary supplement and does not receive a salary supplement

7020 under Subsection (8).

7021 (b) (i) The appeal process established in Subsection (6)(a) shall allow a teacher to

7022 appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree

7023 major with course requirements that are substantially equivalent to the course requirements for

7024 a degree described in:

7025 (A) Subsection (1)(~~(h)~~)((g))(i)(A);

7026 (B) Subsection (1)(~~(h)~~)((g))(ii)(A);

7027 (C) Subsection (1)(~~(h)~~)((g))(iii)(A); or

7028 (D) Subsection (1)(~~(h)~~)((g))(iv).

7029 (ii) A teacher shall provide transcripts and other documentation to the state board in

7030 order for the state board to determine if the teacher has a degree or degree major with course
7031 requirements that are substantially equivalent to the course requirements for a degree listed in:

7032 (A) Subsection (1)(~~h~~)(g)(i)(A);
7033 (B) Subsection (1)(~~h~~)(g)(ii)(A);
7034 (C) Subsection (1)(~~h~~)(g)(iii)(A); or
7035 (D) Subsection (1)(~~h~~)(g)(iv).

7036 (c) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
7037 appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.

7038 (ii) A teacher shall provide to the state board a certificate or other related
7039 documentation in order for the state board to determine if the teacher holds a current certificate.

7040 (d) (i) The appeal process established under Subsection (6)(a) shall allow a teacher to
7041 appeal eligibility as a Title I school certificate teacher on the basis that the teacher:

7042 (A) holds a current certificate; and
7043 (B) is assigned to teach at a Title I school.

7044 (ii) A teacher shall provide to the state board:
7045 (A) information described in Subsection (6)(c)(ii); and
7046 (B) verification that the teacher is assigned to teach at a Title I school.

7047 (7) (a) The state board shall distribute money appropriated to the Teacher Salary
7048 Supplement Program to school districts and charter schools for the Teacher Salary Supplement
7049 Program in accordance with the provisions of this section.

7050 (b) The state board shall include the employer-paid benefits described under
7051 Subsection (2)(b) in the amount of each salary supplement.

7052 (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the
7053 salary supplement limits described under Subsection (3).

7054 (8) (a) Money received from the Teacher Salary Supplement Program shall be used by
7055 a school district or charter school to provide a salary supplement equal to the amount specified
7056 in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate
7057 teacher.

7058 (b) The salary supplement is part of the teacher's base pay, subject to the teacher's
7059 qualification as an eligible teacher, a certificate teacher, or a Title I school certificate teacher
7060 every year, semester, or trimester.

(9) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, the state board shall distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.

Section 207. Section **53F-2-505** is amended to read:

53F-2-505. Utah Science Technology and Research Initiative Centers Program.

(1) (a) The Utah Science Technology and Research Initiative (USTAR) Centers Program is created to provide a financial incentive for ~~[local education]~~ LEA governing boards to adopt programs in respective charter schools and school districts that result in a more efficient use of human resources and capital facilities.

(b) The potential benefits of the program include:

(i) increased compensation for math and science teachers by providing opportunities for an expanded contract year which will enhance school districts' and charter schools' ability to attract and retain talented and highly qualified math and science teachers;

(ii) increased capacity of school buildings by using buildings more hours of the day or more days of the year, resulting in reduced capital facilities costs;

(iii) decreased class sizes created by expanding the number of instructional opportunities in a year;

(iv) opportunities for earlier high school graduation;

(v) improved student college preparation;

(vi) increased opportunities to offer additional remedial and advanced courses in math and science;

(vii) opportunities to coordinate high school and post-secondary math and science education; and

(viii) the creation or improvement of science, technology, engineering, and math centers (STEM Centers).

(2) From money appropriated for the USTAR Centers Program, the ~~[State Board of Education]~~ state board shall award grants to charter schools and school districts to pay for costs related to the adoption and implementation of the program.

(3) The ~~[State Board of Education]~~ state board shall:

(a) solicit proposals from the State Charter School Board and local school boards for the use of grant money to facilitate the adoption and implementation of the program; and

- 7092 (b) award grants on a competitive basis.
- 7093 (4) The State Charter School Board shall:
- 7094 (a) solicit proposals from charter school governing boards that may be interested in
- 7095 participating in the USTAR Centers Program;
- 7096 (b) prioritize and consolidate the proposals into the equivalent of a single school
- 7097 district request; and
- 7098 (c) submit the consolidated request to the [~~State Board of Education~~] state board.
- 7099 (5) In selecting a grant recipient, the [~~State Board of Education~~] state board shall
- 7100 consider:
- 7101 (a) the degree to which a charter school or school district's proposed adoption and
- 7102 implementation of an extended year for math and science teachers achieves the benefits
- 7103 described in Subsection (1);
- 7104 (b) the unique circumstances of different urban, rural, large, small, growing, and
- 7105 declining charter schools and school districts; and
- 7106 (c) providing pilot programs in as many different school districts and charter schools as
- 7107 possible.
- 7108 (6) (a) Except as provided in Subsection (6)(b), a school district or charter school may
- 7109 only use grant money to provide full year teacher contracts, part-time teacher contract
- 7110 extensions, or combinations of both, for math and science teachers.
- 7111 (b) Up to 5% of the grant money may be used to fund math and science field trips,
- 7112 textbooks, and supplies.
- 7113 (7) Participation in the USTAR Centers Program shall be:
- 7114 (a) voluntary for an individual teacher; and
- 7115 (b) voluntary for a charter school or school district.
- 7116 Section 208. Section **53F-2-506** is amended to read:
- 7117 **53F-2-506. Beverley Taylor Sorenson Elementary Arts Learning Program.**
- 7118 (1) As used in this section:
- 7119 (a) "Endowed chair" means a person who holds an endowed position or administrator
- 7120 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
- 7121 university.
- 7122 (b) "Endowed university" means an institution of higher education in the state that:

7123 (i) awards elementary education degrees in arts instruction;
7124 (ii) has received a major philanthropic donation for the purpose of arts and integrated
7125 arts instruction; and
7126 (iii) has created an endowed position as a result of a donation described in Subsection
7127 (1)(b)(ii).
7128 (c) "Integrated arts advocate" means a person who:
7129 (i) advocates for arts and integrated arts instruction in the state; and
7130 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
7131 chair.
7132 [~~(d) "Local education agency" or "LEA" means:~~]
7133 [~~(i) a school district;~~]
7134 [~~(ii) a charter school; or~~]
7135 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]
7136 (2) The Legislature finds that a strategic placement of arts in elementary education can
7137 impact the critical thinking of students in other core subject areas, including mathematics,
7138 reading, and science.
7139 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
7140 enhance the social, emotional, academic, and arts learning of students in kindergarten through
7141 grade ~~[six]~~ 6 by integrating arts teaching and learning into core subject areas and providing
7142 professional development for positions that support elementary arts and integrated arts
7143 education.
7144 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
7145 Learning Program, and subject to Subsection (5), the [~~State Board of Education~~] state board
7146 shall, after consulting with endowed chairs and the integrated arts advocate and receiving their
7147 recommendations, administer a grant program to enable LEAs to:
7148 (a) hire highly qualified arts specialists, art coordinators, and other positions that
7149 support arts education and arts integration;
7150 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
7151 described under Subsection (4)(a) to purchase supplies and equipment; and
7152 (c) engage in other activities that improve the quantity and quality of integrated arts
7153 education.

(5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds of no less than 20% of the grant amount, including no less than 20% of the grant amount for actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

(b) An LEA may not:

(i) include administrative, facility, or capital costs to provide the matching funds required under Subsection (5)(a); or

(ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to supplant funds for existing programs.

(6) An LEA that receives a grant under this section shall partner with an endowed chair to provide professional development in integrated elementary arts education.

(7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, the ~~[State Board of Education]~~ state board shall administer a grant program to fund activities within arts and the integrated arts programs at an endowed university in the college where the endowed chair resides to:

(a) provide high quality professional development in elementary integrated arts education in accordance with the professional learning standards in Section 53G-11-303 to LEAs that receive a grant under Subsection (4);

(b) design and conduct research on:

(i) elementary integrated arts education and instruction;

(ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts Learning Program; and

(iii) effectiveness of the professional development under Subsection (7)(a); and

(c) provide the public with integrated elementary arts education resources.

(8) The ~~[State Board of Education]~~ state board shall make rules ~~[in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ to administer the Beverley Taylor Sorenson Elementary Arts Learning Program.

Section 209. Section 53F-2-507 is amended to read:

53F-2-507. Enhanced kindergarten early intervention program.

(1) The ~~[State Board of Education]~~ state board shall, as described in Subsection (4), distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2), to school districts and charter schools that apply for the funds.

(2) ~~[A local education]~~ An LEA governing board shall use funds appropriated in this section for a school district or charter school to offer an early intervention program, delivered through an enhanced kindergarten program that:

(a) is an academic program focused on building age-appropriate literacy and numeracy skills;

(b) uses an evidence-based early intervention model;

(c) is targeted to at-risk students; and

(d) is delivered through additional hours or other means.

(3) ~~[A local education]~~ An LEA governing board may not require a student to participate in an enhanced kindergarten program described in Subsection (2).

(4) The ~~[State Board of Education]~~ state board shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2) as follows:

(a) (i) the total allocation for charter schools shall be calculated by:

(A) dividing the number of charter school students by the total number of students in the public education system in the prior school year; and

(B) multiplying the resulting percentage by the total amount of available funds; and

(ii) the amount calculated under Subsection (4)(a) shall be distributed to charter schools with the greatest need for an enhanced kindergarten program, as determined by the ~~[State Board of Education]~~ state board in consultation with the State Charter School Board;

(b) each school district shall receive the amount calculated by:

(i) multiplying the value of the weighted pupil unit by 0.45; and

(ii) multiplying the result by 20; and

(c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b) are made, shall be distributed to applicant school districts by:

(i) determining the number of students eligible to receive free lunch in the prior school year for each school district; and

(ii) prorating the remaining funds based on the number of students eligible to receive free lunch in each school district.

Section 210. Section **53F-2-508** is amended to read:

53F-2-508. Student Leadership Skills Development Program.

(1) For purposes of this section~~[(a) "Board" means the State Board of Education . (b) "Program"]~~, "program" means the Student Leadership Skills Development Program created in Subsection (2).

(2) There is created the Student Leadership Skills Development Program to develop student behaviors and skills that enhance a school's learning environment and are vital for success in a career, including:

- (a) communication skills;
- (b) teamwork skills;
- (c) interpersonal skills;
- (d) initiative and self-motivation;
- (e) goal setting skills;
- (f) problem solving skills; and
- (g) creativity.

(3) (a) The state board shall administer the program and award grants to elementary schools that apply for a grant on a competitive basis.

(b) The state board may award a grant of:

- (i) up to \$10,000 per school for the first year a school participates in the program; and
- (ii) up to \$20,000 per school for subsequent years a school participates in the program.

(c) (i) After awarding a grant to a school for a particular year, the state board may not change the grant amount awarded to the school for that year.

(ii) The state board may award a school a different amount in subsequent years.

(4) An elementary school may participate in the program established under this section in accordance with ~~[State Board of Education rules, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ state board rules.

(5) In selecting elementary schools to participate in the program, the state board shall:

(a) require a school in the first year the school participates in the program to provide matching funds or an in-kind contribution of goods or services in an amount equal to the grant the school receives from the state board;

(b) require a school to participate in the program for two years; and

(c) give preference to Title I schools or schools in need of academic improvement.

(6) The state board shall make the following information related to the grants described

7247 in Subsection (3) publicly available on the state board's website:

7248 (a) reimbursement procedures that clearly define how a school may spend grant money
7249 and how the state board will reimburse the school;

7250 (b) the period of time a school is permitted to spend grant money;

7251 (c) criteria for selecting a school to receive a grant; and

7252 (d) a list of schools that receive a grant and the amount of each school's grant.

7253 (7) A school that receives a grant described in Subsection (3) shall:

7254 (a) (i) set school-wide goals for the school's student leadership skills development
7255 program; and

7256 (ii) require each student to set personal goals; and

7257 (b) provide the following to the state board after the first school year of implementation
7258 of the program:

7259 (i) evidence that the grant money was used for the purpose of purchasing or developing
7260 the school's own student leadership skills development program; and

7261 (ii) a report on the effectiveness and impact of the school's student leadership skills
7262 development program on student behavior and academic results as measured by:

7263 (A) a reduction in truancy;

7264 (B) assessments of academic achievement;

7265 (C) a reduction in incidents of student misconduct or disciplinary actions; and

7266 (D) the achievement of school-wide goals and students' personal goals.

7267 (8) After participating in the program for two years, a school may not receive
7268 additional grant money in subsequent years if the school fails to demonstrate an improvement
7269 in student behavior and academic achievement as measured by the data reported under
7270 Subsection (7)(b).

7271 (9) (a) The state board shall make a report on the program to the Education Interim
7272 Committee by the committee's October 2016 meeting.

7273 (b) The report shall include an evaluation of the program's success in enhancing a
7274 school's learning environment and improving academic achievement.

7275 Section 211. Section **53F-2-509** is amended to read:

7276 **53F-2-509. Grants for field trips to the State Capitol.**

7277 (1) The [~~State Board of Education~~] state board may award grants to school districts and

7278 charter schools to take students on field trips to the State Capitol.

7279 (2) Grant money may be used to pay for transportation expenses related to a field trip
7280 to the State Capitol.

7281 (3) The ~~[State Board of Education]~~ state board shall make rules:

7282 (a) establishing procedures for applying for and awarding grants; and

7283 (b) specifying how grant money shall be allocated among school districts and charter
7284 schools.

7285 Section 212. Section **53F-2-510** is amended to read:

7286 **53F-2-510. Digital Teaching and Learning Grant Program.**

7287 (1) As used in this section:

7288 (a) "Advisory committee" means the committee established by the state board under
7289 Subsection (9)(b).

7290 ~~[(b) "Board" means the State Board of Education.]~~

7291 ~~[(c)]~~ (b) "Digital readiness assessment" means an assessment provided by the state
7292 board that:

7293 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive
7294 digital teaching and learning; and

7295 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital
7296 teaching and learning.

7297 ~~[(d)]~~ (c) "High quality professional learning" means the professional learning standards
7298 described in Section **53G-11-303**.

7299 ~~[(e)]~~ (d) "Implementation assessment" means an assessment that analyzes an LEA's
7300 implementation of an LEA plan, including identifying areas for improvement, obstacles to
7301 implementation, progress toward the achievement of stated goals, and recommendations going
7302 forward.

7303 ~~[(f)]~~ (e) "LEA plan" means an LEA's plan to implement a digital teaching and learning
7304 program that meets the requirements of this section and requirements set forth by the state
7305 board and the advisory committee.

7306 ~~[(g) "Local education agency" or "LEA" means:]~~

7307 ~~[(i) a school district;]~~

7308 ~~[(ii) a charter school; or]~~

7309 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

7310 ~~[(h)]~~ (f) "Program" means the Digital Teaching and Learning Grant Program created
7311 and described in Subsections (8) through (13).

7312 ~~[(i)]~~ (g) "Utah Education and Telehealth Network" or "UETN" means the Utah
7313 Education and Telehealth Network created in Section [53B-17-105](#).

7314 (2) (a) The state board shall establish a digital teaching and learning task force to
7315 develop a funding proposal to present to the Legislature for digital teaching and learning in
7316 elementary and secondary schools.

7317 (b) The digital teaching and learning task force shall include representatives of:

7318 (i) the state board;

7319 (ii) UETN;

7320 (iii) LEAs; and

7321 (iv) the Governor's Education Excellence Commission.

7322 (3) (a) The state board, in consultation with the digital teaching and learning task force
7323 created in Subsection (2), shall create a funding proposal for a statewide digital teaching and
7324 learning program designed to:

7325 (i) improve student outcomes through the use of digital teaching and learning
7326 technology; and

7327 (ii) provide high quality professional learning for educators to improve student
7328 outcomes through the use of digital teaching and learning technology.

7329 (b) The state board shall:

7330 (i) identify outcome based metrics to measure student achievement related to a digital
7331 teaching and learning program; and

7332 (ii) develop minimum benchmark standards for student achievement and school level
7333 outcomes to measure successful implementation of a digital teaching and learning program.

7334 (4) As funding allows, the state board shall develop a master plan for a statewide
7335 digital teaching and learning program, including the following:

7336 (a) a statement of purpose that describes the objectives or goals the state board will
7337 accomplish by implementing a digital teaching and learning program;

7338 (b) a forecast for fundamental components needed to implement a digital teaching and
7339 learning program, including a forecast for:

- 7340 (i) student and teacher devices;
- 7341 (ii) Wi-Fi and wireless compatible technology;
- 7342 (iii) curriculum software;
- 7343 (iv) assessment solutions;
- 7344 (v) technical support;
- 7345 (vi) change management of LEAs;
- 7346 (vii) high quality professional learning;
- 7347 (viii) Internet delivery and capacity; and
- 7348 (ix) security and privacy of users;
- 7349 (c) a determination of the requirements for:
- 7350 (i) statewide technology infrastructure; and
- 7351 (ii) local LEA technology infrastructure;
- 7352 (d) standards for high quality professional learning related to implementing and
- 7353 maintaining a digital teaching and learning program;
- 7354 (e) a statewide technical support plan that will guide the implementation and
- 7355 maintenance of a digital teaching and learning program, including standards and competency
- 7356 requirements for technical support personnel;
- 7357 (f) (i) a grant program for LEAs; or
- 7358 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 7359 (g) in consultation with UETN, an inventory of the state public education system's
- 7360 current technology resources and other items and a plan to integrate those resources into a
- 7361 digital teaching and learning program;
- 7362 (h) an ongoing evaluation process that is overseen by the state board;
- 7363 (i) proposed rules that incorporate the principles of the master plan into the state's
- 7364 public education system as a whole; and
- 7365 (j) a plan to ensure long-term sustainability that:
- 7366 (i) accounts for the financial impacts of a digital teaching and learning program; and
- 7367 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
- 7368 teaching and learning program.
- 7369 (5) UETN shall:
- 7370 (a) in consultation with the state board, conduct an inventory of the state public

7371 education system's current technology resources and other items as determined by UETN,
7372 including software;

7373 (b) perform an engineering study to determine the technology infrastructure needs of
7374 the public education system to implement a digital teaching and learning program, including
7375 the infrastructure needed for the state board, UETN, and LEAs; and

7376 (c) as funding allows, provide infrastructure and technology support for school districts
7377 and charter schools.

7378 (6) On or before December 1, 2015, the state board and UETN shall present the
7379 funding proposal for a statewide digital teaching and learning program described in Subsection
7380 (3) to the Education Interim Committee and the Executive Appropriations Committee,
7381 including:

7382 (a) the state board's progress on the development of a master plan described in
7383 Subsection (4); and

7384 (b) the progress of UETN on the inventory and study described in Subsection (5).

7385 (7) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school
7386 within an LEA, shall annually complete a digital readiness assessment.

7387 (8) There is created the Digital Teaching and Learning Grant Program to improve
7388 educational outcomes in public schools by effectively incorporating comprehensive digital
7389 teaching and learning technology.

7390 (9) The state board shall:

7391 (a) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]
7392 adopt rules for the administration of the program, including rules requiring:

7393 (i) an LEA plan to include measures to ensure that the LEA monitors and implements
7394 technology with best practices, including the recommended use for effectiveness;

7395 (ii) an LEA plan to include robust goals for learning outcomes and appropriate
7396 measurements of goal achievement;

7397 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a
7398 combination of grant and local funds; and

7399 (iv) an LEA to report on funds from expenses previous to the implementation of the
7400 LEA plan that the LEA has redirected after implementation;

7401 (b) establish an advisory committee to make recommendations on the program and

7402 LEA plan requirements and report to the state board; and

7403 (c) in accordance with this section, approve LEA plans and award grants.

7404 (10) (a) The state board shall, subject to legislative appropriations, award a grant to an
7405 LEA:

7406 (i) that submits an LEA plan that meets the requirements described in Subsection (11);
7407 and

7408 (ii) for which the LEA's leadership and management members have completed a digital
7409 teaching and learning leadership and implementation training as provided in Subsection
7410 (10)(b).

7411 (b) The state board or its designee shall provide the training described in Subsection
7412 (10)(a)(ii).

7413 (11) The state board shall establish requirements of an LEA plan that shall include:

7414 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an
7415 obstacle to implementation or other issues identified in the assessment;

7416 (b) a proposal to provide high quality professional learning for educators in the use of
7417 digital teaching and learning technology;

7418 (c) a proposal for leadership training and management restructuring, if necessary, for
7419 successful implementation;

7420 (d) clearly identified targets for improved student achievement, student learning, and
7421 college readiness through digital teaching and learning; and

7422 (e) any other requirement established by the state board in rule [~~in accordance with~~
7423 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~], including an application process
7424 and metrics to analyze the quality of a proposed LEA plan.

7425 (12) The state board or the state board's designee shall establish an interactive
7426 dashboard available to each LEA that is awarded a grant for the LEA to track and report the
7427 LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to
7428 create customized reports.

7429 (13) (a) There is no federal funding, federal requirement, federal education agreement,
7430 or national program included or related to this state adopted program.

7431 (b) Any inclusion of federal funding, federal requirement, federal education agreement,
7432 or national program shall require separate express approval as provided in Title 53E, Chapter 3,

7433 Part 8, Implementing Federal or National Education Programs.

7434 (14) (a) An LEA that receives a grant as part of the program shall:

7435 (i) subject to Subsection (14)(b), complete an implementation assessment for each year
7436 that the LEA is expending grant money; and

7437 (ii) (A) report the findings of the implementation assessment to the state board; and

7438 (B) submit to the state board a plan to resolve issues raised in the implementation
7439 assessment.

7440 (b) Each school within the LEA shall:

7441 (i) complete an implementation assessment; and

7442 (ii) submit a compilation report that meets the requirements described in Subsections
7443 (14)(a)(ii)(A) and (B).

7444 (15) The state board or the state board's designee shall review an implementation
7445 assessment and review each participating LEA's progress from the previous year, as applicable.

7446 (16) The state board shall establish interventions for an LEA that does not make
7447 progress on implementation of the LEA's implementation plan, including:

7448 (a) nonrenewal of, or time period extensions for, the LEA's grant;

7449 (b) reduction of funds; or

7450 (c) other interventions to assist the LEA.

7451 (17) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
7452 shall contract with an independent evaluator to:

7453 (a) annually evaluate statewide direct and intermediate outcomes beginning the first
7454 year that grants are awarded, including baseline data collection for long-term outcomes;

7455 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate
7456 statewide long-term outcomes; and

7457 (c) report on the information described in Subsections (17)(a) and (b) to the state
7458 board.

7459 (18) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter
7460 6a, Utah Procurement Code, or other agreement with one or more providers of technology
7461 powered learning solutions and one or more providers of wireless networking solutions may be
7462 entered into by:

7463 (i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state

7464 board's designee, or an LEA; or

7465 (ii) an LEA.

7466 (b) A contract or agreement entered into under Subsection (18)(a) may be a contract or
7467 agreement that:

7468 (i) UETN enters into with a provider and payment for services is directly appropriated
7469 by the Legislature, as funds are available, to UETN;

7470 (ii) UETN enters into with a provider and pays for the provider's services and is
7471 reimbursed for payments by an LEA that benefits from the services;

7472 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or
7473 agreement directly with the provider and the LEA pays directly for the provider's services; or

7474 (iv) an LEA enters into directly, pays a provider, and receives preapproved
7475 reimbursement from a UETN fund established for this purpose.

7476 (c) If an LEA does not reimburse UETN in a reasonable time for services received
7477 under a contract or agreement described in Subsection (18)(b), the state board shall pay the
7478 balance due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding
7479 -- Minimum School Program.

7480 (d) If UETN negotiates or enters into an agreement as described in Subsection
7481 (18)(b)(ii) or (18)(b)(iii), and UETN enters into an additional agreement with an LEA that is
7482 associated with the agreement described in Subsection (18)(b)(ii) or (18)(b)(iii), the associated
7483 agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is
7484 defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the
7485 requirements of Section 63G-6a-2105.

7486 Section 213. Section 53F-2-511 is amended to read:

7487 **53F-2-511. Reimbursement Program for Early Graduation From**
7488 **Competency-Based Education.**

7489 (1) As used in this section:

7490 [~~(a) "Board" means the State Board of Education.~~]

7491 [~~(b)~~] (a) "Cohort" means a group of students, defined by the year in which the group
7492 enters grade 9.

7493 [~~(c)~~] (b) "Eligible LEA" means an LEA that has demonstrated to the state board that
7494 the LEA or, for a school district, a school within the LEA, provides and facilitates

7495 competency-based education that:

7496 (i) is based on the core principles described in Section 53F-5-502; and

7497 (ii) meets other criteria established by the state board in rule.

7498 ~~[(d)]~~ (c) "Eligible student" means an individual who:

7499 (i) attended an eligible LEA and graduated by completing graduation requirements, as
7500 described in Section 53E-4-204, earlier than that individual's cohort completed graduation
7501 requirements because of the individual's participation in the eligible LEA's competency-based
7502 education;

7503 (ii) no longer attends the eligible LEA; and

7504 (iii) is not included in the LEA's average daily membership under this chapter.

7505 ~~[(e)]~~ "Local education agency" or "LEA" means:

7506 ~~[(i)]~~ a school district;

7507 ~~[(ii)]~~ a charter school; or

7508 ~~[(iii)]~~ the Utah Schools for the Deaf and the Blind;

7509 ~~[(f)]~~ (d) "Partial pupil" means if an eligible student attends less than a full year of
7510 membership, the number of days the student was in membership compared to a full
7511 membership year.

7512 ~~[(g)]~~ (e) "Program" means the Reimbursement Program for Early Graduation From
7513 Competency-Based Education established in this section.

7514 (2) (a) There is established the Reimbursement Program for Early Graduation From
7515 Competency-Based Education.

7516 (b) Subject to future budget constraints, the Legislature may annually appropriate
7517 money to the Reimbursement Program for Early Graduation From Competency-Based
7518 Education.

7519 (3) An LEA may apply to the state board to receive a reimbursement, as described in
7520 Subsection (5), for an eligible student.

7521 (4) The state board shall approve a reimbursement to an LEA after the LEA
7522 demonstrates:

7523 (a) that the LEA is an eligible LEA; and

7524 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible
7525 student.

7526 (5) (a) For each eligible student, the state board shall only reimburse an eligible LEA:

7527 (i) if the eligible student attended the eligible LEA for less than a full school year
7528 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro
7529 rated based on the difference between:

7530 (A) the number of days of partial pupil in average daily membership earned by the
7531 eligible LEA while the eligible student was still in attendance; and

7532 (B) a full pupil in average daily membership; and

7533 (ii) the value of one weighted pupil unit for each full school year the eligible student
7534 graduated ahead of the eligible student's cohort.

7535 (b) The state board shall:

7536 (i) use data from the prior year average daily membership to determine the number of
7537 eligible students; and

7538 (ii) reimburse the eligible LEA in the current school year.

7539 (6) The state board shall [~~in accordance with Title 63G, Chapter 3, Utah~~
7540 ~~Administrative Rulemaking Act,~~] adopt rules to administer the provisions of this section.

7541 Section 214. Section **53F-2-512** is amended to read:

7542 **53F-2-512. Appropriation for accommodation plans for students with Section 504**
7543 **accommodations.**

7544 [~~(1) As used in this section:~~]

7545 [~~(a) "Board" means the State Board of Education.~~]

7546 [~~(b) "Local education agency" or "LEA" means:~~]

7547 [~~(i) a school district;~~]

7548 [~~(ii) a charter school; or~~]

7549 [~~(iii) the Utah Schools for the Deaf and the Blind.~~]

7550 [~~(c) "Section 504 accommodation plan" means an accommodation plan under Section~~
7551 ~~504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.~~]

7552 [~~(2)~~] (1) (a) The state board shall make rules[~~, in accordance with Title 63G, Chapter 3,~~
7553 ~~Utah Administrative Rulemaking Act,~~] that establish a reimbursement program that:

7554 (i) distributes any money appropriated to the state board for Special Education --
7555 Section 504 Accommodations;

7556 (ii) allows an LEA to apply for reimbursement of the costs of services that:

7557 (A) an LEA renders to a student with a Section 504 accommodation plan; and
 7558 (B) exceed 150% of the average cost of a general education student; and
 7559 (iii) provides for a pro-rated reimbursement based on the amount of reimbursement
 7560 applications received during a given fiscal year and the amount of money appropriated to the
 7561 state board that fiscal year.

7562 (b) Beginning with the 2018-19 school year, the state board shall allocate money
 7563 appropriated to the state board for Special Education -- Section 504 Accommodations in
 7564 accordance with the rules described in Subsection [(2)] (1)(a).

7565 [(3)] (2) On or before January 30, 2018, the state board shall report to the Public
 7566 Education Appropriations Subcommittee:

7567 (a) information collected regarding the number of students who qualify for a Section
 7568 504 accommodation plan; and

7569 (b) if available, the estimated financial impact of providing Section 504
 7570 accommodation services to the number of students described in Subsection [(3)] (2)(a).

7571 Section 215. Section **53F-2-513** is amended to read:

7572 **53F-2-513. Effective Teachers in High Poverty Schools Incentive Program --**
 7573 **Salary bonus -- Evaluation.**

7574 (1) As used in this section:

7575 [(a) "Board" means the State Board of Education.]

7576 [(b)] (a) "Cohort" means a group of students, defined by the year in which the group
 7577 enters grade 1.

7578 [(c)] (b) "Eligible teacher" means a teacher who:

7579 (i) is employed as a teacher in a high poverty school at the time the teacher is
 7580 considered by the state board for a salary bonus; and

7581 (ii) achieves a median growth percentile of 70 or higher:

7582 (A) a full school year before the school year the eligible teacher is being considered by
 7583 the state board for a salary bonus under this section, regardless of whether the teacher was
 7584 employed the previous school year by a high poverty school or a different public school; and

7585 (B) while teaching at any public school in the state a course for which a standards
 7586 assessment is administered as described in Section **53E-4-303**.

7587 [(d)] (c) "High poverty school" means a public school:

7588 (i) in which:

7589 (A) more than 20% of the enrolled students are classified as children affected by
7590 intergenerational poverty; or

7591 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or

7592 (ii) (A) that has previously met the criteria described in Subsection (1)(~~(d)~~)(c)(i)(A)
7593 and for each school year since meeting that criteria at least 15% of the enrolled students at the
7594 public school have been classified as children affected by intergenerational poverty; or

7595 (B) that has previously met the criteria described in Subsection (1)(~~(d)~~)(c)(i)(B) and for
7596 each school year since meeting that criteria at least 60% of the enrolled students at the public
7597 school have qualified for free or reduced lunch.

7598 [~~(e)~~] (d) "Intergenerational poverty" means the same as that term is defined in Section
7599 35A-9-102.

7600 [~~(f)~~] (e) "Median growth percentile" means a number that describes the comparative
7601 effectiveness of a teacher in helping the teacher's students achieve growth in a year by
7602 identifying the median student growth percentile of all the students a teacher instructs.

7603 [~~(g)~~] (f) "Program" means the Effective Teachers in High Poverty Schools Incentive
7604 Program created in Subsection (2).

7605 [~~(h)~~] (g) "Student growth percentile" is a number that describes where a student ranks
7606 in comparison to the student's cohort.

7607 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to
7608 provide an annual salary bonus for an eligible teacher.

7609 (b) The state board shall ~~in accordance with Title 63G, Chapter 3, Utah~~
7610 ~~Administrative Rulemaking Act,~~ make rules for:

7611 (i) the administration of the program;

7612 (ii) payment of a salary bonus; and

7613 (iii) application requirements.

7614 (c) The state board shall make an annual salary bonus payment in a fiscal year that
7615 begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the
7616 program.

7617 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate
7618 money to fund the program.

7619 (b) Money appropriated for the program shall include money for the following
7620 employer-paid benefits:

7621 (i) social security; and
7622 (ii) Medicare.

7623 (4) (a) (i) A charter school or school district school shall annually apply to the state
7624 board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus
7625 each year that the teacher is an eligible teacher.

7626 (ii) A teacher need not be an eligible teacher in consecutive years to receive the
7627 increased annual salary bonus described in Subsection (4)(b).

7628 (b) The annual salary bonus for an eligible teacher is \$5,000.

7629 (c) A public school that applies on behalf of an eligible teacher under Subsection
7630 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible
7631 teacher is awarded the salary bonus.

7632 (d) The state board shall award a salary bonus to an eligible teacher based on the order
7633 that an application from a public school on behalf of the eligible teacher is received.

7634 (5) The state board shall:

7635 (a) determine if a teacher is an eligible teacher; and
7636 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school
7637 district and school district administrators.

7638 (6) The state board shall:

7639 (a) distribute money from the program to school districts and charter schools in
7640 accordance with this section and state board rule; and
7641 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the
7642 salary bonus amount described in Subsection (4)(b).

7643 (7) Money received from the program shall be used by a school district or charter
7644 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for
7645 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection
7646 (3)(b).

7647 (8) (a) After the third year salary bonus payments are made, and each succeeding year,
7648 the state board shall evaluate the extent to which a salary bonus described in this section
7649 improves recruitment and retention of effective teachers in high poverty schools by at least:

7650 (i) surveying teachers who receive the salary bonus; and
7651 (ii) examining turnover rates of teachers who receive the salary bonus compared to
7652 teachers who do not receive the salary bonus.

7653 (b) Each year that the state board conducts an evaluation described in Subsection
7654 (8)(a), the state board shall, in accordance with Section 68-3-14, submit a report on the results
7655 of the evaluation to the Education Interim Committee on or before November 30.

7656 (9) A public school shall annually notify a teacher:

7657 (a) of the teacher's median growth percentile; and

7658 (b) how the teacher's median growth percentile is calculated.

7659 (10) Notwithstanding this section, if the appropriation for the program is insufficient to
7660 cover the costs associated with salary bonuses, the state board may limit or reduce a salary
7661 bonus.

7662 Section 216. Section 53F-2-514 is amended to read:

7663 **53F-2-514. Job enhancements for mathematics, science, technology, and special**
7664 **education training.**

7665 (1) As used in this section, "special education teacher" includes occupational therapist.

7666 (2) The Public Education Job Enhancement Program is established to attract, train, and
7667 retain highly qualified:

7668 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical
7669 science, learning technology, or information technology;

7670 (b) special education teachers; and

7671 (c) teachers in grades [~~four~~] 4 through [~~six~~] 6 with mathematics endorsements.

7672 (3) The program shall provide for the following:

7673 (a) application by a school district superintendent or the principal of a school on behalf
7674 of a qualified teacher;

7675 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's
7676 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be
7677 given to selected public school teachers on a competitive basis:

7678 (i) whose applications are approved; and

7679 (ii) who teach in the state's public education system for four years in the areas
7680 identified in Subsection (2);

(c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two installments, with an initial payment of up to \$10,000 at the beginning of the term and up to \$10,000 at the conclusion of the term;

(ii) repayment of a portion of the initial payment by the teacher if the teacher fails to complete two years of the four-year teaching term in the areas identified in Subsection (2) as provided by rule of the [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] state board, unless waived for good cause by the [~~State Board of Education~~] state board; and

(iii) nonpayment of the second installment if the teacher fails to complete the four-year teaching term; and

(d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the providing institution to certify adequate performance in obtaining the master's degree, endorsement, or graduate education in order for the teacher to maintain the scholarship; and

(ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails to complete the authorized classes or program or to teach in the state system of public education in the areas identified in Subsection (2) for four years after obtaining the master's degree, the endorsement, or graduate education.

(4) An individual teaching in the public schools under a letter of authorization may participate in the cash award program if:

(a) the individual has taught under the letter of authorization for at least one year in the areas referred to in Subsection (2); and

(b) the application made under Subsection (3)(a) is based in large part upon the individual receiving a superior evaluation as a classroom teacher.

(5) (a) The program may provide for the expenditure of up to \$1,000,000 of available money, if at least an equal amount of matching money becomes available, to provide professional development training to superintendents, administrators, and principals in the effective use of technology in public schools.

(b) An award granted under this Subsection (5) shall be made in accordance with criteria developed and adopted by the [~~State Board of Education and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] state board in rule.

(c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may

be expended, regardless of the matching money being available.

Section 217. Section **53F-2-517** is amended to read:

53F-2-517. Quality Teaching Block Grant Program -- State contributions.

(1) The [~~State Board of Education~~] state board shall distribute money appropriated for the Quality Teaching Block Grant Program to school districts and charter schools according to a formula adopted by the [~~State Board of Education~~] state board, after consultation with [~~local education~~] LEA governing boards, that allocates the funding in a fair and equitable manner.

(2) [~~Local education~~] LEA governing boards shall use Quality Teaching Block Grant money to implement professional learning that meets the standards specified in Section **53G-11-303**.

Section 218. Section **53F-2-518** is amended to read:

53F-2-518. Appropriation for retirement and social security.

(1) The employee's retirement contribution shall be 1% for employees who are under the state's contributory retirement program.

(2) The employer's contribution under the state's contributory retirement program is determined under Section **49-12-301**, subject to the 1% contribution under Subsection (1).

(3) (a) The employer-employee contribution rate for employees who are under the state's noncontributory retirement program is determined under Section **49-13-301**.

(b) The same contribution rate used under Subsection (3)(a) shall be used to calculate the appropriation for charter schools described under Subsection (5).

(4) (a) Money appropriated to the [~~State Board of Education~~] state board for retirement and social security money shall be allocated to school districts and charter schools based on a school district's or charter school's total weighted pupil units compared to the total weighted pupil units for all school districts and charter schools in the state.

(b) Subject to budget constraints, money needed to support retirement and social security shall be determined by taking a school district's or charter school's prior year allocation and adjusting it for:

(i) student growth;

(ii) the percentage increase in the value of the weighted pupil unit; and

(iii) the effect of any change in the rates for retirement, social security, or both.

(5) A charter school governing board that makes an election of nonparticipation in the

7743 Utah State Retirement Systems in accordance with Section 53G-5-407 and Title 49, Utah State
7744 Retirement and Insurance Benefit Act, shall use the funds described under this section for
7745 retirement to provide the charter school's own compensation, benefit, and retirement programs.

7746 Section 219. Section 53F-2-519 is amended to read:

7747 **53F-2-519. Appropriation for school nurses.**

7748 (1) The [~~State Board of Education~~] state board shall distribute money appropriated for
7749 school nurses to award grants to school districts and charter schools that:

7750 (a) provide an equal amount of matching funds; and

7751 (b) do not supplant other money used for school nurses.

7752 (2) (a) A school district or charter school that is awarded a grant under this section
7753 shall require each school nurse employed by the school district or charter school to complete
7754 two hours of continuing nurse education on the emotional and mental health of students.

7755 (b) The continuing nurse education described in Subsection (2)(a) shall include training
7756 on:

7757 (i) the awareness of, screening for, and triaging to appropriate treatment for mental
7758 health problems;

7759 (ii) trauma-informed care;

7760 (iii) signs of mental illness;

7761 (iv) alcohol and substance abuse;

7762 (v) response to acute mental health crises; and

7763 (vi) suicide prevention, including information about the 24-hour availability of the
7764 School Safety and Crisis Line established under Section 53E-10-502.

7765 Section 220. Section 53F-2-601 is amended to read:

7766 **53F-2-601. State guaranteed local levy increments -- Appropriation to increase**
7767 **number of guaranteed local levy increments -- No effect of change of minimum basic tax**
7768 **rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**
7769 **increment funds.**

7770 (1) As used in this section:

7771 (a) "Board local levy" means a local levy described in Section 53F-8-302.

7772 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the
7773 state:

7774 (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or
7775 (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).

7776 (c) "Local levy increment" means .0001 per dollar of taxable value.

7777 (d) (i) "Voted and board local levy funding balance" means the difference between:

7778 (A) the amount appropriated for the guaranteed local levy increments in a fiscal year;

7779 and

7780 (B) the amount necessary to fund in the same fiscal year the guaranteed local levy
7781 increments as determined under this section.

7782 (ii) "Voted and board local levy funding balance" does not include appropriations
7783 described in Subsection (2)(b)(i).

7784 (e) "Voted local levy" means a local levy described in Section 53F-8-301.

7785 (2) (a) (i) In addition to the revenue collected from the imposition of a voted local levy
7786 or a board local levy, the state shall guarantee that a school district receives, subject to
7787 Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount
7788 sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil
7789 unit.

7790 (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments
7791 that are subject to the guarantee amount described in Subsection (2)(a)(i) are:

7792 (A) for a board local levy, the first four local levy increments a local school board
7793 imposes under the board local levy; and

7794 (B) for a voted local levy, the first 16 local levy increments a local school board
7795 imposes under the voted local levy.

7796 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall
7797 annually appropriate money from the Local Levy Growth Account established in Section
7798 53F-9-305 for purposes described in Subsection (2)(b)(ii).

7799 (ii) The [~~State Board of Education~~] state board shall, for a fiscal year beginning on or
7800 after July 1, 2018, and subject to Subsection (2)(c), allocate funds appropriated under
7801 Subsection (2)(b)(i) in the following order of priority by increasing:

7802 (A) by up to four increments the number of voted local levy guaranteed local levy
7803 increments above 16;

7804 (B) by up to 16 increments the number of board local levy guaranteed local levy

7805 increments above four; and

7806 (C) the guaranteed amount described in Subsection (2)(a)(i).

7807 (c) The number of guaranteed local levy increments under this Subsection (2) for a
7808 school district may not exceed 20 guaranteed local levy increments, regardless of whether the
7809 guaranteed local levy increments are from the imposition of a voted local levy, a board local
7810 levy, or a combination of the two.

7811 (3) (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value
7812 of the weighted pupil unit by making the value of the guarantee equal to .011962 times the
7813 value of the prior year's weighted pupil unit.

7814 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted
7815 pupil unit for each year subject to the Legislature appropriating funds for an increase in the
7816 guarantee.

7817 (4) (a) The amount of state guarantee money that a school district would otherwise be
7818 entitled to receive under this section may not be reduced for the sole reason that the school
7819 district's board local levy or voted local levy is reduced as a consequence of changes in the
7820 certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

7821 (b) Subsection (4)(a) applies for a period of five years following a change in the
7822 certified tax rate as described in Subsection (4)(a).

7823 (5) The guarantee provided under this section does not apply to the portion of a voted
7824 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
7825 year, unless an increase in the voted local levy rate was authorized in an election conducted on
7826 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

7827 (6) (a) If a voted and board local levy funding balance exists for the prior fiscal year,
7828 the ~~[State Board of Education]~~ state board shall:

7829 (i) use the voted and board local levy funding balance to increase the value of the state
7830 guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and

7831 (ii) distribute guaranteed local levy increment funds to school districts based on the
7832 increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).

7833 (b) The ~~[State Board of Education]~~ state board shall report action taken under
7834 Subsection (6)(a) to the Office of the Legislative Fiscal Analyst and the Governor's Office of
7835 Management and Budget.

(7) A local school board of a school district that receives funds described in this section shall budget and expend the funds for public education purposes.

Section 221. Section **53F-2-702** is amended to read:

53F-2-702. Funding for charter schools.

(1) Except as described in Section **53F-2-302**, a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds.

(2) (a) As described in Section **53F-2-703**, the [~~State Board of Education~~] state board shall distribute charter school levy per pupil revenues to charter schools.

(b) As described in Section **53F-2-704**, and subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection (2)(a).

(3) Charter schools are eligible to receive federal funds if they meet all applicable federal requirements and comply with relevant federal regulations.

(4) The [~~State Board of Education~~] state board shall distribute funds for charter school students directly to the charter school.

(5) (a) Notwithstanding Subsection (1), a charter school is not eligible to receive state transportation funding.

(b) The state board shall also adopt rules relating to the transportation of students to and from charter schools, taking into account Sections **53F-2-403** and **53G-6-405**.

(c) [~~The~~] A charter school governing board [~~of the charter school~~] may provide transportation through an agreement or contract with the local school board, a private provider, or parents.

(6) (a) (i) In accordance with Section **53F-2-705**, the State Charter School Board may allocate grants for start-up costs to charter schools from money appropriated for charter school start-up costs.

(ii) The charter school governing board of a charter school that receives money from a grant under Section **53F-2-705** shall use the grant for expenses for planning and implementation of the charter school.

(b) The [~~State Board of Education~~] state board shall coordinate the distribution of federal money appropriated to help fund costs for establishing and maintaining charter schools

7867 within the state.

7868 (7) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,
7869 endowment, gift, or donation of any property made to the school for any of the purposes of
7870 Title 53G, Chapter 5, Charter Schools, or related provisions.

7871 (b) It is unlawful for any person affiliated with a charter school to demand or request
7872 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
7873 with the charter school as a condition for employment or enrollment at the school or continued
7874 attendance at the school.

7875 Section 222. Section **53F-2-703** is amended to read:

7876 **53F-2-703. Charter school levy.**

7877 (1) As used in this section:

7878 [~~(a)~~] ~~"Board" means the State Board of Education.~~

7879 [~~(b)~~] (a) "Charter School Levy Account" means the Charter School Levy Account
7880 created in Section **53F-9-301**.

7881 [~~(c)~~] (b) "Charter school levy per district revenues" means the product of:

7882 (i) a school district's district per pupil local revenues; and

7883 (ii) the number of charter school students in the school district who are resident
7884 students.

7885 [~~(d)~~] (c) "Charter school levy per pupil revenues" means an amount equal to the
7886 following:

7887 (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary
7888 as described in Subsection (4); divided by

7889 (ii) the number of students enrolled in a charter school on October 1 of the prior school
7890 year.

7891 [~~(e)~~] (d) "Charter school levy revenues" means the charter school levy revenues
7892 generated by a charter school levy rate described in Subsection (2)(b)(i).

7893 [~~(f)~~] (e) "Charter school levy total local revenues" means the sum of charter school levy
7894 per district revenues for every school district in the state for the same given fiscal year.

7895 [~~(g)~~] (f) "District per pupil local revenues" means the same as that term is defined in
7896 Section **53F-2-704**.

7897 [~~(h)~~] (g) "Resident student" means the same as that term is defined in Section

53F-2-704.

(2) (a) Beginning with the taxable year beginning on January 1, 2017, the state shall annually impose a charter school levy as described in this Subsection (2).

(b) (i) For each school district, before June 22, the State Tax Commission shall certify a rate for the charter school levy described in Subsection (2)(a) to generate an amount of revenue within a school district equal to 25% of the charter school levy per district revenues excluding the amount of revenues:

(A) described in Subsection 53F-2-704(1)(c)(iv); and

(B) expended by the school district for recreational facilities and activities authorized under Title 11, Chapter 2, Playgrounds.

(ii) To calculate a charter school levy rate for a school district, the State Tax Commission shall use the calculation method described in Subsection 59-2-924(4).

(c) The charter school levy shall be separately stated on a tax notice.

(3) (a) A county treasurer shall collect the charter school levy revenues for all school districts located within the county treasurer's county and remit the money monthly to the state treasurer.

(b) The state treasurer shall deposit the charter school levy revenues received from a county treasurer into the Charter School Levy Account.

(4) (a) For each charter school student, the state board shall distribute the charter school per pupil levy revenues from the Charter School Levy Account to the student's charter school in accordance with this Subsection (4).

(b) For a given fiscal year, if the actual charter school levy total local revenues are more than the estimated charter school levy total local revenues the state board shall:

(i) deduct the amount of revenue that exceeds the estimated charter school levy total local revenues from the actual charter school levy total local revenues; and

(ii) use the remaining amount to calculate the charter school per pupil levy revenues.

(c) For a given fiscal year, if the actual charter school total local revenues are less than the estimated charter school levy total local revenues, the state board shall:

(i) if sufficient funds are available in the Charter School Levy Account, add an amount of funds from the Charter School Levy Account to the charter school levy total local revenues to equal the estimated charter school levy total local revenues; and

(ii) if sufficient funds are not available in the Charter School Levy Account, calculate the charter school per pupil levy revenues using the actual amount of the charter school levy total local revenues.

Section 223. Section **53F-2-704** is amended to read:

53F-2-704. Charter school levy state guarantee.

(1) As used in this section:

(a) "Charter school levy per pupil revenues" means the same as that term is defined in Section [53F-2-703](#).

(b) "Charter school students' average local revenues" means the amount determined as follows:

(i) for each student enrolled in a charter school on the previous October 1, calculate the district per pupil local revenues of the school district in which the student resides;

(ii) sum the district per pupil local revenues for each student enrolled in a charter school on the previous October 1; and

(iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students enrolled in charter schools on the previous October 1.

(c) "District local property tax revenues" means the sum of a school district's revenue received from the following:

(i) a voted local levy imposed under Section [53F-8-301](#);

(ii) a board local levy imposed under Section [53F-8-302](#), excluding revenues expended for:

(A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of taxable value of the school district's board local levy; and

(B) the Early Literacy Program described in Section [53F-2-503](#), up to the amount of revenue generated by a .000121 per dollar of taxable value of the school district's board local levy;

(iii) a capital local levy imposed under Section [53F-8-303](#); and

(iv) a guarantee described in Section [53F-2-601](#), [53F-3-202](#), or [53F-3-203](#).

(d) "District per pupil local revenues" means, using data from the most recently published school district annual financial reports and state superintendent's annual report, an amount equal to district local property tax revenues divided by the sum of:

(i) a school district's average daily membership; and
(ii) the average daily membership of a school district's resident students who attend charter schools.

(e) "Resident student" means a student who is considered a resident of the school district under Title 53G, Chapter 6, Part 3, School District Residency.

(f) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:

(i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and

(ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district average daily membership.

(2) (a) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection 53F-2-702(2)(a).

(b) Except as provided in Subsection (2)(c), the amount of money provided by the state for a charter school student shall be the sum of:

(i) charter school students' average local revenues minus the charter school levy per pupil revenues; and

(ii) statewide average debt service revenues.

(c) If the total of charter school levy per pupil revenues distributed by the [~~State Board of Education~~] state board and the amount provided by the state under Subsection (2)(b) is less than \$1,427, the state shall provide an additional supplement so that a charter school receives at least \$1,427 per student under Subsection 53F-2-702(2).

(d) (i) If the legislative appropriation described in Subsection (2)(a) is insufficient to provide an amount described in Subsection (2)(b) for each charter school student, the [~~State Board of Education~~] state board shall make an adjustment to Minimum School Program allocations as described in Section 53F-2-205.

(ii) Following an adjustment described in Subsection (2)(d)(i), if legislative appropriations remain insufficient to provide an amount described in Subsection (2)(b) for each student enrolled in a charter school, the [~~State Board of Education~~] state board shall:

7991 (A) distribute to a charter school an amount described in Subsection (2)(b) for each
7992 student enrolled in the charter school under or equal to the maximum number of students the
7993 charter school serves, as described in the charter school's charter school agreement described in
7994 Section 53G-5-303; and

7995 (B) distribute money remaining after the distributions described in Subsection
7996 (2)(d)(ii)(A) to a charter school based on the charter school's share of all students enrolled in
7997 charter schools who exceed the number of maximum students served by charter schools, as
7998 described in charter school agreements entered into under Section 53G-5-303.

7999 (3) (a) Except as provided in Subsection (3)(b), of the money provided to a charter
8000 school under Subsection 53F-2-702(2), 10% shall be expended for funding school facilities
8001 only.

8002 (b) Subsection (3)(a) does not apply to an online charter school.

8003 Section 224. Section 53F-2-705 is amended to read:

8004 **53F-2-705. Grants for charter school start-up costs.**

8005 (1) (a) The State Charter School Board shall use money appropriated for charter school
8006 start-up costs to provide grants to charter schools to pay for expenses for the planning and
8007 implementation of a charter school.

8008 (b) The State Charter School Board:

8009 (i) may use up to 8% of the money appropriated for charter school start-up costs for
8010 financial monitoring of new charter schools and to provide professional development or
8011 technical assistance for charter school governing board members and staff of new charter
8012 schools; and

8013 (ii) in accordance with rules adopted by the [~~State Board of Education~~] state board,
8014 may use up to \$200,000 of the money appropriated for charter school start-up costs for a
8015 mentoring program for new and existing charter schools.

8016 (2) The amount of a grant for charter school start-up costs shall be based on the
8017 authorized enrollment of the charter school.

8018 (3) The [~~State Board of Education~~] state board shall make rules consistent with this
8019 section specifying:

8020 (a) procedures for applying for and awarding grants for charter school start-up costs;

8021 (b) permitted uses of grant money; and

8022 (c) requirements for a charter school to submit the following to the State Charter
8023 School Board:

8024 (i) a budget for the grant money; and

8025 (ii) a final report on the expenditure of the grant money.

8026 (4) The [~~State Board of Education~~] state board shall make rules establishing a
8027 mentoring program for new and existing charter schools.

8028 Section 225. Section **53F-3-202** is amended to read:

8029 **53F-3-202. Capital Outlay Foundation Program created -- Distribution formulas**
8030 **-- Allocations.**

8031 (1) As used in this section:

8032 (a) "Foundation guarantee level per ADM" means a minimum revenue amount per
8033 ADM generated by the base tax effort rate, including the following:

8034 (i) the revenue generated locally from a school district's combined capital levy rate; and

8035 (ii) the revenue allocated to a school district by the [~~State Board of Education~~] state
8036 board in accordance with Section **53F-3-202**.

8037 (b) "Qualifying school district" means a school district with a property tax yield per
8038 ADM less than the foundation guarantee level per ADM.

8039 (c) "Small school district" means a school district that has fewer than 1,000 pupils in
8040 average daily membership.

8041 (2) There is created the Capital Outlay Foundation Program to provide capital outlay
8042 funding to a school district based on a district's local property tax effort and property tax yield
8043 per student compared to a foundation guarantee funding level.

8044 (3) (a) The [~~State Board of Education~~] state board shall determine the foundation
8045 guarantee level per ADM that fully allocates the funds appropriated to the [~~State Board of~~
8046 ~~Education~~] state board for distribution under this section.

8047 (b) In determining the foundation guarantee level per ADM and a school district's
8048 allocation of funds under this section, the [~~State Board of Education~~] state board shall use data
8049 from the fiscal year that is two years prior to the fiscal year the school district receives the
8050 allocation, including the:

8051 (i) number of pupils in average daily membership;

8052 (ii) tax rates; and

8053 (iii) derived net taxable value.

8054 (4) By June 1, a county treasurer shall report to the [~~State Board of Education~~] state
8055 board the actual collections of property taxes in the school districts located within the county
8056 treasurer's county for the period beginning April 1 through the following March 31
8057 immediately preceding that June 1.

8058 (5) If a qualifying school district imposes a combined capital levy rate that is greater
8059 than or equal to the base tax effort rate, the [~~State Board of Education~~] state board shall allocate
8060 to the qualifying school district an amount equal to the product of the following:

8061 (a) the qualifying school district's ADM; and

8062 (b) an amount equal to the difference between the following:

8063 (i) the foundation guarantee level per ADM, as determined in accordance with
8064 Subsection (3); and

8065 (ii) the qualifying school district's property tax yield per ADM.

8066 (6) If a qualifying school district imposes a combined capital levy rate less than the
8067 base tax effort rate, the [~~State Board of Education~~] state board shall allocate to the qualifying
8068 school district an amount equal to the product of the following:

8069 (a) the qualifying school district's ADM;

8070 (b) an amount equal to the difference between the following:

8071 (i) the foundation guarantee level per ADM; and

8072 (ii) the qualifying school district's property tax yield per ADM; and

8073 (c) a percentage equal to:

8074 (i) the qualifying school district's combined capital levy rate; divided by

8075 (ii) the base tax effort rate.

8076 (7) (a) The [~~State Board of Education~~] state board shall allocate:

8077 (i) a minimum of \$200,000 to each small school district with a property tax base per
8078 ADM less than or equal to the statewide average property tax base per ADM;

8079 (ii) a minimum of \$100,000 to each small school district with a property tax base per
8080 ADM that is:

8081 (A) greater than the statewide average property tax base per ADM; and

8082 (B) less than or equal to two times the statewide average property tax base per ADM;

8083 and

8084 (iii) a minimum of \$50,000 to each small school district with a property tax base per
8085 ADM that is:

8086 (A) greater than two times the statewide average property tax base per ADM; and
8087 (B) less than or equal to five times the statewide average property tax base per ADM.

8088 (b) The [~~State Board of Education~~] state board shall incorporate the minimum
8089 allocations described in Subsection (7)(a) in its calculation of the foundation guarantee level
8090 per ADM determined in accordance with Subsection (3).

8091 Section 226. Section **53F-3-203** is amended to read:

8092 **53F-3-203. Capital Outlay Enrollment Growth Program created -- Distribution**
8093 **formulas -- Allocations.**

8094 (1) As used in this section:

8095 (a) "Average annual net enrollment increase" means the quotient of:

8096 (i) (A) enrollment in the prior fiscal year, based on October 1 enrollment counts; minus

8097 (B) enrollment in the year four years prior, based on October 1 enrollment counts;

8098 divided by

8099 (ii) three.

8100 (b) "Eligible district" or "eligible school district" means a school district that:

8101 (i) has an average annual net enrollment increase; and

8102 (ii) has a property tax base per ADM in the year two years prior that is less than two
8103 times the statewide average property tax base per ADM in the year two years prior.

8104 (2) There is created the Capital Outlay Enrollment Growth Program to provide capital
8105 outlay funding to school districts experiencing net enrollment increases.

8106 (3) For fiscal years beginning on or after July 1, 2008, the [~~State Board of Education~~]
8107 state board shall annually allocate appropriated funds to eligible school districts in accordance
8108 with Subsection (4).

8109 (4) The [~~State Board of Education~~] state board shall allocate to an eligible school
8110 district an amount equal to the product of:

8111 (a) the quotient of:

8112 (i) the eligible school district's average annual net enrollment increase; divided by

8113 (ii) the sum of the average annual net enrollment increase in all eligible school

8114 districts; and

8115 (b) the total amount appropriated for the Capital Outlay Enrollment Growth Program in
8116 that fiscal year.

8117 Section 227. Section **53F-4-201** is amended to read:

8118 **53F-4-201. State board required to contract for a diagnostic assessment system**
8119 **for reading.**

8120 (1) (a) As described in Section **53E-4-307**, the ~~[State Board of Education]~~ state board
8121 shall approve a benchmark assessment for use statewide by school districts and charter schools.

8122 (b) The ~~[State Board of Education]~~ state board shall contract with one or more
8123 educational technology providers, selected through a request for proposals process, for a
8124 diagnostic assessment system for reading for students in kindergarten through grade ~~[three]~~ 3
8125 that meets the requirements of this section.

8126 (2) Subject to legislative appropriations, a diagnostic assessment system for reading
8127 shall be made available to school districts and charter schools that apply to use a diagnostic
8128 assessment for reading beginning in the 2011-12 school year.

8129 (3) A diagnostic assessment system for reading for students in kindergarten through
8130 grade ~~[three]~~ 3 shall:

8131 (a) be in a digital format;

8132 (b) include benchmark assessments of reading proficiency to be administered at the
8133 beginning, in the middle, and at the end of kindergarten, grade ~~[one]~~ 1, grade ~~[two]~~ 2, and
8134 grade ~~[three]~~ 3;

8135 (c) include formative assessments to be administered every two to four weeks for
8136 students who are at high risk of not attaining proficiency in reading;

8137 (d) align with the language arts core standards for Utah public schools adopted by the
8138 ~~[State Board of Education]~~ state board; and

8139 (e) include a data analysis component hosted by the provider that:

8140 (i) has the capacity to generate electronic information immediately and produce
8141 individualized student progress reports, class summaries, and class groupings for instruction;

8142 (ii) may have the capability of identifying lesson plans that may be used to develop
8143 reading skills;

8144 (iii) enables teachers, administrators, and designated supervisors to access reports
8145 through a secured password system;

8146 (iv) produces electronic printable reports for parents and administrators; and

8147 (v) has the capability for principals to monitor usage by teachers.

8148 Section 228. Section **53F-4-202** is amended to read:

8149 **53F-4-202. College readiness diagnostic tool.**

8150 (1) The state board shall contract with a provider, selected through a request for
8151 proposals process, to provide an online college readiness diagnostic tool that is aligned with the
8152 college readiness assessment described in Section **53E-4-305**.

8153 (2) An online test preparation program described in Subsection (1):

8154 (a) (i) shall allow a student to independently access online materials and learn at the
8155 student's own pace; and

8156 (ii) may be used to provide classroom and teacher-assisted instruction;

8157 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in
8158 an approach that is engaging to high school students;

8159 (c) shall enable electronic reporting of student progress to administrators, teachers,
8160 parents, and other facilitators;

8161 (d) shall record a student's progress in an online dashboard that provides diagnostic
8162 assessment of the content areas tested and identifies mastery of corresponding skill sets; and

8163 (e) shall provide training and professional development to personnel in school districts
8164 and charter schools on how to utilize the online test preparation program and provide
8165 teacher-assisted instruction to students.

8166 (3) The state board, school districts, and charter schools shall make the online test
8167 preparation program available to a student:

8168 (a) beginning in the 2013-14 school year; and

8169 (b) for at least one full year.

8170 Section 229. Section **53F-4-203** is amended to read:

8171 **53F-4-203. Early interactive reading software -- Independent evaluator.**

8172 (1) (a) Subject to legislative appropriations, the [~~State Board of Education~~] state board
8173 shall select and contract with one or more technology providers, through a request for
8174 proposals process, to provide early interactive reading software for literacy instruction and
8175 assessments for students in kindergarten through grade 3.

8176 (b) By August 1 of each year, the [~~State Board of Education~~] state board shall

8177 distribute licenses for early interactive reading software described in Subsection (1)(a) to the
8178 school districts and charter schools of ~~[local education]~~ LEA governing boards that apply for
8179 the licenses.

8180 (c) Except as provided in state board rule, a school district or charter school that
8181 received a license described in Subsection (1)(b) during the prior year shall be given first
8182 priority to receive an equivalent license during the current year.

8183 (d) Licenses distributed to school districts and charter schools in addition to the
8184 licenses described in Subsection (1)(c) shall be distributed through a competitive process.

8185 (2) A public school that receives a license described in Subsection (1)(b) shall use the
8186 license:

8187 (a) for a student in kindergarten or grade 1:

8188 (i) for intervention for the student if the student is reading below grade level; or

8189 (ii) for advancement beyond grade level for the student if the student is reading at or
8190 above grade level; and

8191 (b) for a student in grade 2 or 3, for intervention for the student if the student is reading
8192 below grade level.

8193 (3) (a) On or before August 1 of each year, the ~~[State Board of Education]~~ state board
8194 shall select and contract with an independent evaluator, through a request for proposals
8195 process, to act as an independent contractor to evaluate early interactive reading software
8196 provided under this section.

8197 (b) The ~~[State Board of Education]~~ state board shall ensure that a contract with an
8198 independent evaluator requires the independent evaluator to:

8199 (i) evaluate a student's learning gains as a result of using early interactive reading
8200 software provided under Subsection (1);

8201 (ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not
8202 developed by a provider of early interactive reading software; and

8203 (iii) determine the extent to which a public school uses the early interactive reading
8204 software.

8205 (c) The ~~[State Board of Education]~~ state board and the independent evaluator selected
8206 under Subsection (3)(a) shall report annually on the results of the evaluation to the Education
8207 Interim Committee and the governor.

8208 (4) The ~~[State Board of Education]~~ state board may use up to 4% of the appropriation
8209 provided under Subsection (1)(a) to:

8210 (a) acquire an analytical software program that:

8211 (i) monitors, for an individual school, early intervention interactive reading software
8212 use and the associated impact on student performance; and

8213 (ii) analyzes the information gathered under Subsection (4)(a)(i) to prescribe individual
8214 school usage time to maximize the beneficial impact on student performance; or

8215 (b) contract with an independent evaluator selected under Subsection (3)(a).

8216 Section 230. Section **53F-4-204** is amended to read:

8217 **53F-4-204. Student intervention early warning pilot program.**

8218 (1) As used in this section:

8219 ~~[(a) "Board" means the State Board of Education.]~~

8220 ~~[(b)]~~ (a) "Digital program" means a program that provides information for student early
8221 intervention as described in this section.

8222 ~~[(c) "Local education agency" or "LEA" means:]~~

8223 ~~[(i) a district school;]~~

8224 ~~[(ii) a charter school; or]~~

8225 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

8226 ~~[(d)]~~ (b) "Online data reporting tool" means a system described in Section [53E-4-311](#).

8227 (2) (a) The state board shall, subject to legislative appropriations:

8228 (i) enhance the online data reporting tool and provide additional formative actionable
8229 data on student outcomes subject to Subsection (2)(c); and

8230 (ii) select through a competitive contract process a provider to provide to an LEA a
8231 digital program as described in this section.

8232 (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot
8233 program.

8234 (c) Information collected or used by the state board for purposes of enhancing the
8235 online data reporting tool in accordance with this section may not identify a student
8236 individually.

8237 (3) The enhancement to the online data reporting tool and the digital program shall:

8238 (a) be designed with a user-appropriate interface for use by teachers, school

8239 administrators, and parents;

8240 (b) provide reports on a student's results at the student level on:

8241 (i) a national assessment;

8242 (ii) a local assessment; and

8243 (iii) a standards assessment described in Section 53E-4-303;

8244 (c) have the ability to provide data from aggregate student reports based on a student's:

8245 (i) teacher;

8246 (ii) school;

8247 (iii) school district, if applicable; or

8248 (iv) ethnicity;

8249 (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on

8250 a single computer screen;

8251 (e) have the ability to compare the performance of students, for each teacher, based on

8252 a student's:

8253 (i) gender;

8254 (ii) special needs, including primary exceptionality;

8255 (iii) English proficiency;

8256 (iv) economic status;

8257 (v) migrant status;

8258 (vi) ethnicity;

8259 (vii) response to tiered intervention;

8260 (viii) response to tiered-intervention enrollment date;

8261 (ix) absence rate;

8262 (x) feeder school;

8263 (xi) type of school, including primary or secondary, public or private, Title I, or other

8264 general school-type category;

8265 (xii) course failures; and

8266 (xiii) other criteria, as determined by the state board; and

8267 (f) have the ability to load data from a local, national, or other assessment in the data's

8268 original format within a reasonable time.

8269 (4) Subject to legislative appropriations, the online data reporting tool and digital

8270 program shall:

8271 (a) integrate criteria for early warning indicators, including the following criteria:

8272 (i) discipline;

8273 (ii) attendance;

8274 (iii) behavior;

8275 (iv) course failures; and

8276 (v) other criteria as determined by a local school board or charter school governing
8277 board; and

8278 (b) provide a teacher or administrator the ability to view the early warning indicators
8279 described in Subsection (4)(a) with a student's assessment results described in Subsection
8280 (3)(b).

8281 (5) Subject to legislative appropriations, the online data reporting tool and the digital
8282 program shall:

8283 (a) provide data on response to intervention using existing assessments or measures
8284 that are manually added, including assessment and nonacademic measures;

8285 (b) provide a user the ability to share interventions within a reporting environment and
8286 add comments to inform other teachers, administrators, and parents [~~or guardians~~];

8287 (c) save and share reports among different teachers and school administrators, subject
8288 to the student population information a teacher or administrator has the rights to access;

8289 (d) automatically flag a student profile when early warning thresholds are met so that a
8290 teacher can easily identify a student who may be in need of intervention;

8291 (e) incorporate a variety of algorithms to support student learning outcomes and
8292 provide student growth reporting by teacher;

8293 (f) integrate response to intervention tiers and activities as filters for the reporting of
8294 individual student data and aggregated data, including by ethnicity, school, or teacher;

8295 (g) have the ability to generate student parent [~~or guardian~~] communication to alert the
8296 parent [~~or guardian~~] of academic plans or interventions; and

8297 (h) configure alerts based upon student academic results, including a student's
8298 performance on the previous year standards assessment described in Section 53E-4-303.

8299 (6) (a) The state board shall, subject to legislative appropriations, select an LEA to
8300 receive access to a digital program through a provider described in Subsection (2)(a)(ii).

8301 (b) An LEA that receives access to a digital program shall pay for 50% of the cost of
8302 the digital program.

8303 (c) An LEA that receives access to a digital program shall no later than one school year
8304 after accessing a digital program report to the state board in a format required by the state board
8305 on the effectiveness of the digital program, positive and negative attributes of the digital
8306 program, recommendations for improving the online data reporting tool, and any other
8307 information regarding a digital program requested by the state board.

8308 (d) The state board shall consider recommendations from an LEA for changes to the
8309 online data reporting tool.

8310 (7) Information described in this section shall be used in accordance with and provided
8311 subject to:

8312 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and

8313 (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
8314 Section 231. Section **53F-4-205** is amended to read:

8315 **53F-4-205. Kindergarten supplemental enrichment program.**

8316 (1) As used in this section:

8317 [~~(a)~~] ~~"Board" means the State Board of Education.~~

8318 [~~(b)~~] (a) "Eligible school" means a charter or school district school in which:

8319 (i) at least 10% of the students experience intergenerational poverty; or

8320 (ii) 50% of students were eligible to receive free or reduced lunch in the previous
8321 school year.

8322 [~~(c)~~] (b) "Intergenerational poverty" means the same as that term is defined in Section
8323 35A-9-102.

8324 [~~(d)~~] (c) "Kindergarten supplemental enrichment program" means a program to
8325 improve the academic competency of kindergarten students that:

8326 (i) meets the criteria described in Subsection (4);

8327 (ii) receives funding from a grant program described in Subsection (3); and

8328 (iii) is administered by an eligible school.

8329 (2) (a) In accordance with this section, the state board shall distribute funds
8330 appropriated under this section to support kindergarten supplemental enrichment programs,
8331 giving priority first to awarding funds to an eligible school with at least 10% of the students

experiencing intergenerational poverty and second priority to an eligible school in which 50% of students were eligible to receive free or reduced lunch in the previous school year.

(b) The state board shall develop kindergarten entry and exit assessments for use by a kindergarten supplemental enrichment program.

(3) (a) The state board shall administer a qualifying grant program as described in this Subsection (3) to distribute funds described in Subsection (2)(a) to an eligible school:

(i) that applies for a grant;

(ii) that offers a kindergarten supplemental enrichment program that meets the requirements described in Subsection (4);

(iii) that has an overall need for a kindergarten supplemental enrichment program, based on the results of the eligible school's kindergarten entry and exit assessments described in Subsection (4)(b)(ii);

(iv) if the eligible school has previously established a kindergarten supplemental enrichment program under this section, that shows success of the eligible school's kindergarten supplemental enrichment program, based on the results of the eligible school's kindergarten entry and exit assessments described in Subsection (4)(b)(ii); and

(v) that proposes a kindergarten supplemental enrichment program that addresses the particular needs of students at risk of experiencing intergenerational poverty.

(b) An eligible school shall include in a grant application a letter from the principal of the eligible school certifying that the eligible school's proposed kindergarten supplemental enrichment program will meet the needs of either children in intergenerational poverty or children who are eligible to receive free or reduced lunch as appropriate for the eligible school.

(4) An eligible school that receives a grant as described in Subsection (3) shall:

(a) use the grant money to offer a kindergarten supplemental enrichment program to:

(i) target kindergarten students at risk for not meeting grade 3 core standards for Utah public schools, established by the state board under Section [53E-4-202](#), by the end of each student's grade 3 year;

(ii) use an evidence-based early intervention model;

(iii) focus on academically improving age-appropriate literacy and numeracy skills;

(iv) emphasize the use of live instruction;

(v) administer the kindergarten entry and exit assessments described in Subsection

8363 (2)(b); and

8364 (vi) deliver the kindergarten supplemental enrichment program through additional
8365 hours or other means; and

8366 (b) report to the state board annually regarding:

8367 (i) how the eligible school used grant money received under Subsection (3);

8368 (ii) the results of the eligible school's kindergarten entry and exit assessments for the
8369 prior year;

8370 (iii) with assistance from state board employees, the number of students served,
8371 including the number of students who are eligible for free or reduced lunch; and

8372 (iv) with assistance from state board employees, student performance outcomes
8373 achieved by the eligible school's kindergarten supplemental enrichment program, disaggregated
8374 by economic and ethnic subgroups.

8375 (5) An eligible school that receives a grant as described in Subsection (3) may not
8376 receive funds appropriated under Section 53F-2-507.

8377 (6) A parent [~~or legal guardian~~] may decline participation of the [~~parent or legal~~
8378 ~~guardian's~~] parent's kindergarten student in an eligible school's kindergarten supplemental
8379 enrichment program.

8380 [~~(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
8381 ~~the~~]

8382 (7) The state board shall make rules to establish reporting procedures and administer
8383 this section.

8384 Section 232. Section 53F-4-206 is amended to read:

8385 **53F-4-206. Computer program for students with autism and other special needs.**

8386 [~~(1) As used in this section, "board" means the State Board of Education.~~]

8387 [~~(2)~~] (1) To improve social skills and student achievement for students with autism and
8388 other special needs in pre-school through grade 2, the state board shall contract with a provider,
8389 selected through a request for proposals process, to provide computer software programs and
8390 activity manuals.

8391 [~~(3)~~] (2) In evaluating proposals submitted under Subsection [~~(2)~~] (1), the state board
8392 shall:

8393 (a) ensure that the state board's evaluation criteria weighs heavily the proposer's ability

and experience to provide computer software programs and activity manuals to improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2;

(b) consider, in evaluating the proposer's ability and experience, any quantitative and evaluative results from field testing, state tests, and other standardized achievement tests;

(c) ensure that the state board's evaluation criteria weighs heavily the proposer's ability to:

(i) collect data from each computer using the computer software, regardless of where the computer is located;

(ii) provide students access to the proposer's program from any computer with internet access;

(iii) enable reporting of student progress to administrators, teachers, parents, and other facilitators; and

(iv) record a student's progress in the computer software; and

(d) consider the extent to which the computer software program uses engaging animation to teach students.

~~[(4)]~~ (3) The state board shall provide the computer software programs and activity manuals procured under this section to school districts and charter schools that demonstrate a commitment by the school principal and staff to implement the computer software programs and activity manuals as prescribed by the provider.

Section 233. Section **53F-4-301** is amended to read:

53F-4-301. Definitions.

As used in this part:

(1) "Assessment team" means a team consisting of:

(a) the student's parent ~~[or guardian]~~;

(b) the student's private school classroom teacher;

(c) special education personnel from the student's school district; and

(d) if available, special education personnel from the private school at which the student is enrolled.

~~[(2)]~~ "Board" means the State Board of Education.]

~~[(3)]~~ (2) "Eligible private school" means a private school that meets the requirements

8425 of Section ~~53F-4-303~~.

8426 [~~(4)~~] "~~Individualized Education Program~~" or "~~IEP~~" means a written statement for a
8427 student with a disability that is developed, reviewed, and revised in accordance with the
8428 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]

8429 [~~(5)~~] (3) "Local Education Agency" or "LEA" means:

8430 (a) a school district; or

8431 (b) a charter school.

8432 [~~(6)~~] (4) "Preschool" means an education program for a student who:

8433 (a) is age three, four, or five; and

8434 (b) has not entered kindergarten.

8435 [~~(7)~~] (5) "Scholarship student" means a student who receives a scholarship under this
8436 part.

8437 [~~(8)~~] (6) "Value of the weighted pupil unit" means the amount established each year in
8438 statute that is multiplied by the number of weighted pupil units to yield the funding level for
8439 the basic state-supported school program.

8440 Section 234. Section **53F-4-302** is amended to read:

8441 **53F-4-302. Scholarship program created -- Qualifications.**

8442 (1) The Carson Smith Scholarship Program is created to award scholarships to students
8443 with disabilities to attend a private school.

8444 (2) To qualify for a scholarship:

8445 (a) the student's custodial parent [~~or legal guardian~~] shall reside within Utah;

8446 (b) the student shall have one or more of the following disabilities:

8447 (i) an intellectual disability;

8448 (ii) deafness or being hard of hearing;

8449 (iii) a speech or language impairment;

8450 (iv) a visual impairment;

8451 (v) a serious emotional disturbance;

8452 (vi) an orthopedic impairment;

8453 (vii) autism;

8454 (viii) traumatic brain injury;

8455 (ix) other health impairment;

8456 (x) specific learning disabilities;
8457 (xi) deafblindness; or
8458 (xii) a developmental delay, provided the student is at least three years of age, pursuant
8459 to Subsection (2)(c), and is younger than eight years of age;
8460 (c) the student shall be at least three years of age before September 2 of the year in
8461 which admission to a private school is sought and under 19 years of age on the last day of the
8462 school year as determined by the private school, or, if the individual has not graduated from
8463 high school, will be under 22 years of age on the last day of the school year as determined by
8464 the private school; and
8465 (d) except as provided in Subsection (3), the student shall:
8466 (i) be enrolled in a Utah public school in the school year prior to the school year the
8467 student will be enrolled in a private school;
8468 (ii) have an IEP; and
8469 (iii) have obtained acceptance for admission to an eligible private school.
8470 (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:
8471 (a) the student is enrolled or has obtained acceptance for admission to an eligible
8472 private school that has previously served students with disabilities; and
8473 (b) an assessment team is able to readily determine with reasonable certainty:
8474 (i) that the student has a disability listed in Subsection (2)(b) and would qualify for
8475 special education services, if enrolled in a public school; and
8476 (ii) for the purpose of establishing the scholarship amount, the appropriate level of
8477 special education services which should be provided to the student.
8478 (4) (a) To receive a full-year scholarship under this part, a parent of a student shall
8479 submit to the LEA where the student is enrolled an application on or before the August 15
8480 immediately preceding the first day of the school year for which the student would receive the
8481 scholarship.
8482 (b) The state board may waive the full-year scholarship deadline described in
8483 Subsection (4)(a).
8484 (c) An application for a scholarship shall contain an acknowledgment by the parent that
8485 the selected school is qualified and capable of providing the level of special education services
8486 required for the student.

8487 (5) (a) The scholarship application form shall contain the following statement:
8488 "I acknowledge that:
8489 (1) A private school may not provide the same level of special education services that
8490 are provided in a public school;
8491 (2) I will assume full financial responsibility for the education of my scholarship
8492 student if I accept this scholarship;
8493 (3) Acceptance of this scholarship has the same effect as a parental refusal to consent
8494 to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20
8495 U.S.C. Sec. 1400 et seq.; and
8496 (4) My child may return to a public school at any time."
8497 (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility
8498 for the education of the scholarship student.
8499 (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to
8500 services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20
8501 U.S.C. Sec. 1400 et seq.
8502 (d) The creation of the scholarship program or granting of a scholarship does not:
8503 (i) imply that a public school did not provide a free and appropriate public education
8504 for a student; or
8505 (ii) constitute a waiver or admission by the state.
8506 (6) (a) Except as provided in Subsection (6)(b), a scholarship shall remain in force for
8507 the lesser of:
8508 (i) three years; or
8509 (ii) until the student is determined ineligible for special education services.
8510 (b) If a student is determined ineligible for special education services as described in
8511 Subsection (6)(a)(ii) before the end of a school year, the student may remain enrolled at the
8512 private school and qualifies for the scholarship until the end of the school year.
8513 (c) A scholarship shall be extended for an additional three years, if:
8514 (i) the student is evaluated by an assessment team; and
8515 (ii) the assessment team determines that the student would qualify for special education
8516 services, if enrolled in a public school.
8517 (d) The assessment team shall determine the appropriate level of special education

8518 services which should be provided to the student for the purpose of setting the scholarship
8519 amount.

8520 (e) A scholarship shall be extended for successive three-year periods as provided in
8521 Subsections (6)(a) and (c):

8522 (i) until the student graduates from high school; or

8523 (ii) if the student does not graduate from high school, until the student is age 22.

8524 (7) A student's parent, at any time, may remove the student from a private school and
8525 place the student in another eligible private school and retain the scholarship.

8526 (8) A scholarship student:

8527 (a) may participate in the Statewide Online Education Program described in Part 5,
8528 Statewide Online Education Program; and

8529 (b) may not participate in a dual enrollment program pursuant to Section 53G-6-702.

8530 (9) The parents [~~or guardians~~] of a scholarship student have the authority to choose the
8531 private school that will best serve the interests and educational needs of that student, which
8532 may be a sectarian or nonsectarian school, and to direct the scholarship resources available for
8533 that student solely as a result of their genuine and independent private choices.

8534 (10) (a) An LEA shall notify in writing the parents [~~or guardians~~] of students enrolled
8535 in the LEA who have an IEP of the availability of a scholarship to attend a private school
8536 through the Carson Smith Scholarship Program.

8537 (b) The notice described under Subsection (10)(a) shall:

8538 (i) be provided no later than 30 days after the student initially qualifies for an IEP;

8539 (ii) be provided annually no later than February 1 to all students who have an IEP; and

8540 (iii) include the address of the Internet website maintained by the state board that
8541 provides prospective applicants with detailed program information and application forms for
8542 the Carson Smith Scholarship Program.

8543 (c) An LEA or school within an LEA that has an enrolled student who has an IEP shall
8544 post the address of the Internet website maintained by the state board that provides prospective
8545 applicants with detailed program information and application forms for the Carson Smith
8546 Scholarship Program on the LEA's or school's website, if the LEA or school has one.

8547 Section 235. Section 53F-4-303 is amended to read:

8548 **53F-4-303. Eligible private schools.**

8549 (1) To be eligible to enroll a scholarship student, a private school shall:
8550 (a) have a physical location in Utah where the scholarship students attend classes and
8551 have direct contact with the school's teachers;
8552 (b) (i) (A) obtain an audit and report from a licensed independent certified public
8553 accountant that conforms with the following requirements:
8554 (I) the audit shall be performed in accordance with generally accepted auditing
8555 standards;
8556 (II) the financial statements shall be presented in accordance with generally accepted
8557 accounting principles; and
8558 (III) the audited financial statements shall be as of a period within the last 12 months;
8559 or
8560 (B) contract with an independent licensed certified public accountant to conduct an
8561 Agreed Upon Procedures engagement, as adopted by the state board; and
8562 (ii) submit the audit report or report of the agreed upon procedure to the state board
8563 when the private school applies to accept scholarship students;
8564 (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
8565 (d) meet state and local health and safety laws and codes;
8566 (e) provide a written disclosure to the parent of each prospective student, before the
8567 student is enrolled of:
8568 (i) the special education services that will be provided to the student, including the cost
8569 of those services;
8570 (ii) tuition costs;
8571 (iii) additional fees a parent will be required to pay during the school year; and
8572 (iv) the skill or grade level of the curriculum that the student will be participating in;
8573 (f) (i) administer an annual assessment of each scholarship student's academic
8574 progress;
8575 (ii) report the results of the assessment described in Subsection (1)(f)(i) to the student's
8576 parent; and
8577 (iii) make the results available to the assessment team evaluating the student pursuant
8578 to Subsection 53F-4-302(6);
8579 (g) employ or contract with teachers who:

8580 (i) hold baccalaureate or higher degrees;
8581 (ii) have at least three years of teaching experience in public or private schools; or
8582 (iii) have the necessary special skills, knowledge, or expertise that qualifies them to
8583 provide instruction:
8584 (A) in the subjects taught; and
8585 (B) to the special needs students taught;
8586 (h) maintain documentation demonstrating that teachers at the private school meet the
8587 qualifications described in Subsection (1)(g);
8588 (i) require the following individuals to submit to a nationwide, fingerprint-based
8589 criminal background check and ongoing monitoring, in accordance with Section [53G-11-402](#),
8590 as a condition for employment or appointment, as authorized by the Adam Walsh Child
8591 Protection and Safety Act of 2006, Pub. L. No. 109-248:
8592 (i) an employee who does not hold a current Utah educator license issued by the state
8593 board under Title 53E, Chapter 6, Education Professional Licensure;
8594 (ii) a contract employee; and
8595 (iii) a volunteer who is given significant unsupervised access to a student in connection
8596 with the volunteer's assignment; and
8597 (j) provide to parents the relevant credentials of the teachers who will be teaching their
8598 students.
8599 (2) A private school is not eligible to enroll scholarship students if:
8600 (a) the private school requires a student to sign a contract waiving the student's rights
8601 to transfer to another eligible private school during the school year;
8602 (b) the audit report submitted under Subsection (1)(b) contains a going concern
8603 explanatory paragraph; or
8604 (c) the report of the agreed upon procedure submitted under Subsection (1)(b) shows
8605 that the private school does not have adequate working capital to maintain operations for the
8606 first full year, as determined under Subsection (1)(b).
8607 (3) A home school is not eligible to enroll scholarship students.
8608 (4) Residential treatment facilities licensed by the state are not eligible to enroll
8609 scholarship students.
8610 (5) A private school intending to enroll scholarship students shall submit an application

8611 to the state board by May 1 of the school year preceding the school year in which it intends to
8612 enroll scholarship students.

8613 (6) The state board shall:

8614 (a) approve a private school's application to enroll scholarship students, if the private
8615 school meets the eligibility requirements of this section; and

8616 (b) make available to the public a list of the eligible private schools.

8617 (7) An approved eligible private school that changes ownership shall submit a new
8618 application to the state board and demonstrate that it continues to meet the eligibility
8619 requirements of this section.

8620 Section 236. Section **53F-4-304** is amended to read:

8621 **53F-4-304. Scholarship payments.**

8622 (1) (a) The state board shall award scholarships subject to the availability of money
8623 appropriated by the Legislature for that purpose.

8624 (b) The Legislature shall annually appropriate money to the state board from the
8625 General Fund to make scholarship payments.

8626 (c) The Legislature shall annually increase the amount of money appropriated under
8627 Subsection (1)(b) by an amount equal to the product of:

8628 (i) the average scholarship amount awarded as of December 1 in the previous year; and

8629 (ii) the product of:

8630 (A) the number of students in preschool through grade 12 in public schools statewide
8631 who have an IEP on December 1 of the previous year; and

8632 (B) 0.0007.

8633 (d) If the number of scholarship students as of December 1 in any school year equals or
8634 exceeds 7% of the number of students in preschool through grade 12 in public schools
8635 statewide who have an IEP as of December 1 in the same school year, the Public Education
8636 Appropriations Subcommittee shall study the requirement to increase appropriations for
8637 scholarship payments as provided in this section.

8638 (e) (i) If money is not available to pay for all scholarships requested, the state board
8639 shall allocate scholarships on a random basis except that the state board shall give preference to
8640 students who received scholarships in the previous school year.

8641 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,

8642 the state board may not award new scholarships during that school year and the state board
8643 shall prorate money available for scholarships among the eligible students who received
8644 scholarships in the previous year.

8645 (2) Except as provided in Subsection (4), the state board shall award full-year
8646 scholarships in the following amounts:

8647 (a) for a student who received an average of 180 minutes per day or more of special
8648 education services in a public school before transferring to a private school, an amount not to
8649 exceed the lesser of:

8650 (i) the value of the weighted pupil unit multiplied by 2.5; or

8651 (ii) the private school tuition and fees; and

8652 (b) for a student who received an average of less than 180 minutes per day of special
8653 education services in a public school before transferring to a private school, an amount not to
8654 exceed the lesser of:

8655 (i) the value of the weighted pupil unit multiplied by 1.5; or

8656 (ii) the private school tuition and fees.

8657 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
8658 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

8659 (4) If a student leaves a private school before the end of a fiscal quarter:

8660 (a) the private school is only entitled to the amount of scholarship equivalent to the
8661 number of days that the student attended the private school; and

8662 (b) the private school shall remit a prorated amount of the scholarship to the state board
8663 in accordance with the procedures described in rules adopted by the state board [~~in accordance~~
8664 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~].

8665 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:

8666 (a) make the amount available to the student to enroll immediately in another
8667 qualifying private school; or

8668 (b) refund the amount back to the Carson Smith Scholarship Program account to be
8669 available to support the costs of another scholarship.

8670 (6) (a) The state board shall make an additional allocation on a random basis before
8671 June 30 each year only:

8672 (i) if there are sufficient remaining funds in the program; and

- 8673 (ii) for scholarships for students enrolled in a full-day preschool program.
- 8674 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship
- 8675 amount or supplement may not exceed the lesser of:
- 8676 (i) the value of the weighted pupil unit multiplied by 1.0; or
- 8677 (ii) the private school tuition and fees.
- 8678 (c) The state board shall, when preparing annual growth projection numbers for the
- 8679 Legislature, include the annual number of applications for additional allocations described in
- 8680 Subsection (6)(a).
- 8681 (7) (a) The scholarship amount for a student who receives a waiver under Subsection
- 8682 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level
- 8683 of special education services to be provided to the student.
- 8684 (b) (i) If the student requires an average of 180 minutes per day or more of special
- 8685 education services, a full-year scholarship shall be equal to the amount specified in Subsection
- 8686 (2)(a).
- 8687 (ii) If the student requires less than an average of 180 minutes per day of special
- 8688 education services, a full-year scholarship shall be equal to the amount specified in Subsection
- 8689 (2)(b).
- 8690 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,
- 8691 a full-year scholarship is equal to the amount specified in Subsection (3).
- 8692 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of
- 8693 documentation that verifies a student's admission to, or continuing enrollment and attendance
- 8694 at, a private school, the state board shall make scholarship payments quarterly in four equal
- 8695 amounts in each school year in which a scholarship is in force.
- 8696 (b) In accordance with state board rule, the state board may make a scholarship
- 8697 payment before the first quarterly payment of the school year, if a private school requires
- 8698 partial payment of tuition before the start of the school year to reserve space for a student
- 8699 admitted to the school.
- 8700 (9) A parent of a scholarship student shall notify the state board if the student does not
- 8701 have continuing enrollment and attendance at an eligible private school.
- 8702 (10) Before scholarship payments are made, the state board shall cross-check
- 8703 enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship

8704 payments are not erroneously made.

8705 Section 237. Section **53F-4-305** is amended to read:

8706 **53F-4-305. State board to make rules.**

8707 [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~]

8708 The state board shall make rules consistent with this part establishing:

8709 (1) the eligibility of students to participate in the scholarship program;

8710 (2) the application process for the scholarship program; and

8711 (3) payment procedures to eligible private schools.

8712 Section 238. Section **53F-4-306** is amended to read:

8713 **53F-4-306. Enforcement and penalties.**

8714 (1) (a) The state board shall require a private school to submit a signed affidavit
8715 assuring the private school will comply with the requirements of this part.

8716 (b) If a school fails to submit a signed affidavit within 30 days of receiving notification
8717 that the school is an approved private school to receive the Carson Smith Scholarship, the state
8718 board may:

8719 (i) deny the private school permission to enroll scholarship students; and

8720 (ii) interrupt disbursement of or withhold scholarship payments.

8721 (2) The state board may investigate complaints and convene administrative hearings for
8722 an alleged violation of this part.

8723 (3) Upon a finding that this part was violated, the state board may:

8724 (a) deny a private school permission to enroll scholarship students;

8725 (b) interrupt disbursement of or withhold scholarship payments; or

8726 (c) issue an order for repayment of scholarship payments fraudulently obtained.

8727 Section 239. Section **53F-4-401** is amended to read:

8728 **53F-4-401. Definitions.**

8729 As used in this part:

8730 (1) "Contractor" means the educational technology provider selected by the [State
8731 ~~Board of Education~~] state board under Section **53F-4-402**.

8732 (2) "Low income" means an income below 185% of the federal poverty guideline.

8733 (3) "Preschool children" means children who are:

8734 (a) age four or five; and

8735 (b) have not entered kindergarten.

8736 (4) "UPSTART" means the project established by Section 53F-4-402 that uses a
8737 home-based educational technology program to develop school readiness skills of preschool
8738 children.

8739 Section 240. Section 53F-4-402 is amended to read:

8740 **53F-4-402. UPSTART program to develop school readiness skills of preschool**
8741 **children.**

8742 (1) UPSTART, a project that uses a home-based educational technology program to
8743 develop school readiness skills of preschool children, is established within the public education
8744 system.

8745 (2) UPSTART is created to:

8746 (a) evaluate the effectiveness of giving preschool children access, at home, to
8747 interactive individualized instruction delivered by computers and the Internet to prepare them
8748 academically for success in school; and

8749 (b) test the feasibility of scaling a home-based curriculum in reading, math, and science
8750 delivered by computers and the Internet to all preschool children in Utah.

8751 (3) (a) The [~~State Board of Education~~] state board shall contract with an educational
8752 technology provider, selected through a request for proposals process, for the delivery of a
8753 home-based educational technology program for preschool children that meets the
8754 requirements of Subsection (4).

8755 (b) (i) The [~~State Board of Education~~] state board may, on or before July 1, 2019, issue
8756 a request for proposals for two-year pilot proposals from, and enter into a contract with, one or
8757 more educational technology providers that do not have an existing contract under this part
8758 with the state for the delivery of a home-based educational technology program for preschool
8759 children that meets the requirements of Subsection (4).

8760 (ii) If the [~~State Board of Education~~] state board enters into a contract for a two-year
8761 pilot as described in Subsection (3)(b)(i), the [~~State Board of Education~~] state board may enter
8762 into a contract with one or more educational technology providers that have participated in a
8763 Utah pilot.

8764 (c) Every five years after July 1, 2021, the [~~State Board of Education~~] state board may
8765 issue a new request for proposals described in this section.

8766 (4) A home-based educational technology program for preschool children shall meet
8767 the following standards:

8768 (a) the contractor shall provide computer-assisted instruction for preschool children on
8769 a home computer connected by the Internet to a centralized file storage facility;

8770 (b) the contractor shall:

8771 (i) provide technical support to families for the installation and operation of the
8772 instructional software; and

8773 (ii) provide for the installation of computer and Internet access in homes of low income
8774 families that cannot afford the equipment and service;

8775 (c) the contractor shall have the capability of doing the following through the Internet:

8776 (i) communicating with parents;

8777 (ii) updating the instructional software;

8778 (iii) validating user access;

8779 (iv) collecting usage data;

8780 (v) storing research data; and

8781 (vi) producing reports for parents, schools, and the Legislature;

8782 (d) the program shall include the following components:

8783 (i) computer-assisted, individualized instruction in reading, mathematics, and science;

8784 (ii) a multisensory reading tutoring program; and

8785 (iii) a validated computer adaptive reading test that does not require the presence of
8786 trained adults to administer and is an accurate indicator of reading readiness of children who
8787 cannot read;

8788 (e) the contractor shall have the capability to quickly and efficiently modify, improve,
8789 and support the product;

8790 (f) the contractor shall work in cooperation with school district personnel who will
8791 provide administrative and technical support of the program as provided in Section 53F-4-403;

8792 (g) the contractor shall solicit families to participate in the program as provided in
8793 Section 53F-4-404; and

8794 (h) in implementing the home-based educational technology program, the contractor
8795 shall seek the advise and expertise of early childhood education professionals within the Utah
8796 System of Higher Education on issues such as:

8797 (i) soliciting families to participate in the program;
8798 (ii) providing training to families; and
8799 (iii) motivating families to regularly use the instructional software.

8800 (5) (a) The contract shall provide funding for a home-based educational technology
8801 program for preschool children, subject to the appropriation of money by the Legislature for
8802 UPSTART.

8803 (b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall
8804 be separate from an appropriation described in Subsection (5)(a).

8805 (6) The ~~[State Board of Education]~~ state board shall evaluate a proposal based on:
8806 (a) whether the home-based educational technology program meets the standards
8807 specified in Subsection (4);
8808 (b) the results of an independent evaluation of the home-based educational technology
8809 program;

8810 (c) the experience of the home-based educational technology program provider; and
8811 (d) the per pupil cost of the home-based educational technology program.

8812 Section 241. Section **53F-4-404** is amended to read:

8813 **53F-4-404. Family participation in UPSTART -- Low income family verification.**

8814 (1) The contractor shall:

8815 (a) solicit families to participate in UPSTART through a public information campaign
8816 and referrals from participating school districts; and

8817 (b) work with the Department of Workforce Services and the ~~[State Board of~~
8818 ~~Education]~~ state board to solicit participation from families of children experiencing
8819 intergenerational poverty, as defined in Section **35A-9-102**, to participate in UPSTART.

8820 (2) (a) Preschool children who participate in UPSTART shall:

8821 (i) be from families with diverse socioeconomic and ethnic backgrounds;
8822 (ii) reside in different regions of the state in both urban and rural areas; and
8823 (iii) be given preference to participate if the preschool child's family resides in a rural
8824 area with limited prekindergarten services.

8825 (b) (i) If the number of families who would like to participate in UPSTART exceeds
8826 the number of participants funded by the legislative appropriation, the contractor shall give
8827 priority to preschool children from low income families and preschool children who are

8828 English language learners.

8829 (ii) At least 30% of the preschool children who participate in UPSTART shall be from
8830 low income families.

8831 (3) A low income family that cannot afford a computer and Internet service to operate
8832 the instructional software may obtain a computer and peripheral equipment on loan and receive
8833 free Internet service for the duration of the family's participation in UPSTART.

8834 (4) (a) The contractor shall make the home-based educational technology program
8835 available to families at a cost agreed upon by the [~~State Board of Education~~] state board and the
8836 contractor if the number of families who would like to participate in UPSTART exceeds the
8837 number of participants funded by the legislative appropriation.

8838 (b) The [~~State Board of Education~~] state board and the contractor shall annually post on
8839 their websites information on purchasing a home-based educational technology program as
8840 provided in Subsection (4)(a).

8841 (5) (a) The contractor shall:

8842 (i) determine if a family is a low income family for purposes of this part; and

8843 (ii) use the same application form as described in Section 35A-9-401 or create an
8844 application form that requires an individual to provide and certify the information necessary for
8845 the contractor to make the determination described in Subsection (5)(a)(i).

8846 (b) The contractor may:

8847 (i) require an individual to submit supporting documentation; and

8848 (ii) create a deadline for an individual to submit an application, if necessary.

8849 Section 242. Section **53F-4-405** is amended to read:

8850 **53F-4-405. Purchase of equipment and service through cooperative purchasing**
8851 **contracts.**

8852 The [~~State Board of Education~~] state board or a school district may purchase computers,
8853 peripheral equipment, and Internet service for low income families who cannot afford them
8854 through cooperative purchasing contracts administered by the state Division of Purchasing and
8855 General Services.

8856 Section 243. Section **53F-4-406** is amended to read:

8857 **53F-4-406. Audit and evaluation.**

8858 (1) The state auditor shall:

- 8859 (a) conduct an annual audit of the contractor's use of funds for UPSTART; or
8860 (b) contract with an independent certified public accountant to conduct an annual audit.

8861 (2) The [~~State Board of Education~~] state board shall:

- 8862 (a) require by contract that the contractor will open its books and records relating to its
8863 expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;
8864 (b) reimburse the state auditor for the actual and necessary costs of the audit; and
8865 (c) contract with an independent, qualified evaluator, selected through a request for
8866 proposals process, to evaluate the home-based educational technology program for preschool
8867 children.

8868 (3) Of the money appropriated by the Legislature for UPSTART, excluding funds used
8869 to provide computers, peripheral equipment, and Internet service to families, no more than
8870 7.5% may be used for the evaluation of the program.

8871 Section 244. Section **53F-4-407** is amended to read:

8872 **53F-4-407. Annual report.**

8873 (1) The [~~State Board of Education~~] state board shall make a report on UPSTART to the
8874 Education Interim Committee by November 30 each year.

8875 (2) The report shall:

8876 (a) address the extent to which UPSTART is accomplishing the purposes for which it
8877 was established as specified in Section **53F-4-402**; and

8878 (b) include the following information:

8879 (i) the number of families:

8880 (A) volunteering to participate in the program;

8881 (B) selected to participate in the program;

8882 (C) requesting computers; and

8883 (D) furnished computers;

8884 (ii) the frequency of use of the instructional software;

8885 (iii) obstacles encountered with software usage, hardware, or providing technical
8886 assistance to families;

8887 (iv) student performance on pre-kindergarten and post-kindergarten assessments
8888 conducted by school districts and charter schools for students who participated in the
8889 home-based educational technology program and those who did not participate in the program;

8890 and

8891 (v) as available, the evaluation of the program conducted pursuant to Section

8892 53F-4-406.

8893 Section 245. Section **53F-4-501** is amended to read:

8894 **53F-4-501. Definitions.**

8895 As used in this part:

8896 ~~[(1) "District school" means a public school under the control of a local school board~~
8897 ~~elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School~~
8898 ~~Boards.]~~

8899 ~~[(2)]~~ (1) "Eligible student" means:

8900 (a) a student enrolled in a district school or charter school in Utah; or

8901 (b) beginning on July 1, 2013, a student:

8902 (i) who attends a private school or home school; and

8903 (ii) whose custodial parent ~~[or legal guardian]~~ is a resident of Utah.

8904 ~~[(3) "LEA" means a local education agency in Utah that has administrative control and~~
8905 ~~direction for public education.]~~

8906 ~~[(4)]~~ (2) "Online course" means a course of instruction offered by the Statewide Online
8907 Education Program through the use of digital technology.

8908 ~~[(5)]~~ (3) "Plan for college and career readiness" means the same as that term is defined
8909 in Section 53E-2-304.

8910 ~~[(6)]~~ (4) "Primary LEA of enrollment" means the LEA in which an eligible student is
8911 enrolled for courses other than online courses offered through the Statewide Online Education
8912 Program.

8913 ~~[(7)]~~ (5) "Released-time" means a period of time during the regular school day a
8914 student is excused from school at the request of the student's parent ~~[or guardian]~~ pursuant to
8915 rules of the ~~[State Board of Education]~~ state board.

8916 Section 246. Section **53F-4-503** is amended to read:

8917 **53F-4-503. Option to enroll in online courses offered through the Statewide**
8918 **Online Education Program.**

8919 (1) Subject to the course limitations provided in Subsection (2), an eligible student may
8920 enroll in an online course offered through the Statewide Online Education Program if:

- 8921 (a) the student meets the course prerequisites;
8922 (b) the course is open for enrollment;
8923 (c) the online course is aligned with the student's plan for college and career readiness;
8924 (d) the online course is consistent with the student's [~~individual education plan (IEP)~~
8925 IEP, if the student has an IEP; and
8926 (e) the online course is consistent with the student's international baccalaureate
8927 program, if the student is participating in an international baccalaureate program.
- 8928 (2) An eligible student may enroll in online courses for no more than the following
8929 number of credits:
- 8930 (a) in the 2011-12 and 2012-13 school years, two credits;
8931 (b) in the 2013-14 school year, three credits;
8932 (c) in the 2014-15 school year, four credits;
8933 (d) in the 2015-16 school year, five credits; and
8934 (e) beginning with the 2016-17 school year, six credits.
- 8935 (3) Notwithstanding Subsection (2):
- 8936 (a) a student's primary LEA of enrollment may allow an eligible student to enroll in
8937 online courses for more than the number of credits specified in Subsection (2); or
8938 (b) upon the request of an eligible student, the [~~State Board of Education~~] state board
8939 may allow the student to enroll in online courses for more than the number of credits specified
8940 in Subsection (2), if the online courses better meet the academic goals of the student.
- 8941 (4) An eligible student's primary LEA of enrollment:
- 8942 (a) in conjunction with the student and the student's parent [~~or legal guardian~~], is
8943 responsible for preparing and implementing a plan for college and career readiness for the
8944 eligible student, as provided in Section [~~53F-2-304~~] 53E-2-304; and
8945 (b) shall assist an eligible student in scheduling courses in accordance with the
8946 student's plan for college and career readiness, graduation requirements, and the student's
8947 post-secondary plans.
- 8948 (5) An eligible student's primary LEA of enrollment may not:
- 8949 (a) impose restrictions on a student's selection of an online course that fulfills
8950 graduation requirements and is consistent with the student's plan for college and career
8951 readiness or post-secondary plans; or

8952 (b) give preference to an online course or online course provider.

8953 (6) The [~~State Board of Education~~] state board, including an employee of the [~~State~~
8954 ~~Board of Education~~] state board, may not give preference to an online course or online course
8955 provider.

8956 (7) (a) Except as provided in Subsection (7)(b), a person may not provide an
8957 inducement or incentive to a public school student to participate in the Statewide Online
8958 Education Program.

8959 (b) For purposes of Subsection (7)(a):

8960 (i) "Inducement or incentive" does not mean:

8961 (A) instructional materials or software necessary to take an online course; or

8962 (B) access to a computer or digital learning device for the purpose of taking an online
8963 course.

8964 (ii) "Person" does not include a relative of the public school student.

8965 Section 247. Section **53F-4-504** is amended to read:

8966 **53F-4-504. Authorized online course providers.**

8967 The following entities may offer online courses to eligible students through the
8968 Statewide Online Education Program:

8969 (1) a charter school or district school created exclusively for the purpose of serving
8970 students online;

8971 (2) an LEA program, approved by the [~~LEA's~~] LEA governing board, that is created
8972 exclusively for the purpose of serving students online; and

8973 (3) a program of an institution of higher education listed in Section **53B-2-101** that:

8974 (a) offers secondary school level courses; and

8975 (b) is created exclusively for the purpose of serving students online.

8976 Section 248. Section **53F-4-507** is amended to read:

8977 **53F-4-507. State board to deduct funds and make payments -- Plan for the**
8978 **payment of online courses taken by private and home school students.**

8979 (1) For a fiscal year that begins on or after July 1, 2018, and subject to future budget
8980 constraints, the Legislature shall adjust the appropriation for the Statewide Online Education
8981 Program based on:

8982 (a) the anticipated increase of eligible home school and private school students

8983 enrolled in the Statewide Online Education Program; and

8984 (b) the value of the weighted pupil unit.

8985 (2) (a) The [~~State Board of Education~~] state board shall deduct money from funds
8986 allocated to the student's primary LEA of enrollment under Chapter 2, State Funding --
8987 Minimum School Program, to pay for online course fees.

8988 (b) Money shall be deducted under Subsection (2) in the amount and at the time an
8989 online course provider qualifies to receive payment for an online course as provided in
8990 Subsection 53F-4-505(4).

8991 (3) From money deducted under Subsection (2), the [~~State Board of Education~~] state
8992 board shall make payments to the student's online course provider as provided in Section
8993 53F-4-505.

8994 (4) The Legislature shall establish a plan, which shall take effect beginning on July 1,
8995 2013, for the payment of online courses taken by a private school or home school student.
8996 Section 249. Section 53F-4-508 is amended to read:

8997 **53F-4-508. Course credit acknowledgment.**

8998 (1) A student's primary LEA of enrollment and the student's online course provider
8999 shall enter into a course credit acknowledgment in which the primary LEA of enrollment and
9000 the online course provider acknowledge that the online course provider is responsible for the
9001 instruction of the student in a specified online course.

9002 (2) The terms of the course credit acknowledgment shall provide that:

9003 (a) the online course provider shall receive a payment in the amount provided under
9004 Section 53F-4-505; and

9005 (b) the student's primary LEA of enrollment acknowledges that the [~~State Board of~~
9006 ~~Education~~] state board will deduct funds allocated to the LEA under Chapter 2, State Funding
9007 -- Minimum School Program, in the amount and at the time the online course provider qualifies
9008 to receive payment for the online course as provided in Subsection 53F-4-505(4).

9009 (3) (a) A course credit acknowledgment may originate with either an online course
9010 provider or primary LEA of enrollment.

9011 (b) The originating entity shall submit the course credit acknowledgment to the [~~State~~
9012 ~~Board of Education~~] state board who shall forward it to the primary LEA of enrollment for
9013 course selection verification or the online course provider for acceptance.

9014 (c) (i) A primary LEA of enrollment may only reject a course credit acknowledgment
9015 if:

9016 (A) the online course is not aligned with the student's plan for college and career
9017 readiness;

9018 (B) the online course is not consistent with the student's IEP, if the student has an IEP;

9019 (C) the online course is not consistent with the student's international baccalaureate
9020 program, if the student participates in an international baccalaureate program; or

9021 (D) the number of online course credits exceeds the maximum allowed for the year as
9022 provided in Section 53F-4-503.

9023 (ii) Verification of alignment of an online course with a student's plan for college and
9024 career readiness does not require a meeting with the student.

9025 (d) An online course provider may only reject a course credit acknowledgment if:

9026 (i) the student does not meet course prerequisites; or

9027 (ii) the course is not open for enrollment.

9028 (e) A primary LEA of enrollment or online course provider shall submit an acceptance
9029 or rejection of a course credit acknowledgment to the [~~State Board of Education~~] state board
9030 within 72 business hours of the receipt of a course credit acknowledgment from the [~~State~~
9031 ~~Board of Education~~] state board pursuant to Subsection (3)(b).

9032 (f) If an online course provider accepts a course credit acknowledgment, the online
9033 course provider shall forward to the primary LEA of enrollment the online course start date as
9034 established under Section 53F-4-506.

9035 (g) If an online course provider rejects a course credit acknowledgment, the online
9036 course provider shall include an explanation which the [~~State Board of Education~~] state board
9037 shall forward to the primary LEA of enrollment for the purpose of assisting a student with
9038 future online course selection.

9039 (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a
9040 course credit acknowledgment to the [~~State Board of Education~~] state board within 72 business
9041 hours of the receipt of a course credit acknowledgment from the [~~State Board of Education~~]
9042 state board pursuant to Subsection (3)(b), the [~~State Board of Education~~] state board shall
9043 consider the course credit acknowledgment accepted.

9044 (i) (i) Upon acceptance of a course credit acknowledgment, the primary LEA of

enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53F-4-506.

(ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the rejection and provide an explanation of the rejection.

(j) If the online course student has an individual education plan (IEP) or 504 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504 accommodations to the online course provider within 72 business hours after the primary LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgment.

(4) (a) A primary LEA of enrollment may not reject a course credit acknowledgment, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection 53F-4-505(6).

(b) If a primary LEA of enrollment negotiates an online course fee with an online course provider before the start date of an online course, a course credit acknowledgment may be amended to reflect the negotiated online course fee.

Section 250. Section 53F-4-510 is amended to read:

53F-4-510. Administration of statewide assessments to students enrolled in online courses.

(1) A student enrolled in an online course that is a course for which a statewide assessment is administered under Title 53E, Chapter 4, Part 3, Assessments, shall take the statewide assessment.

(2) (a) The [~~State Board of Education~~] state board shall make rules providing for the administration of a statewide assessment to a student enrolled in an online course.

(b) Rules made under Subsection (2)(a) shall:

(i) provide for the administration of a statewide assessment upon a student completing an online course; and

(ii) require an online course provider to proctor the statewide assessment.

Section 251. Section 53F-4-511 is amended to read:

53F-4-511. Report on performance of online course providers.

(1) The [~~State Board of Education~~] state board, in collaboration with online course providers, shall develop a report on the performance of online course providers, which may be

9076 used to evaluate the Statewide Online Education Program and assess the quality of an online
9077 course provider.

9078 (2) A report on the performance of an online course provider shall include:

9079 (a) scores aggregated by test on statewide assessments administered under Title 53E,
9080 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered
9081 through the Statewide Online Education Program;

9082 (b) the percentage of the online course provider's students who complete online courses
9083 within the applicable time period specified in Subsection 53F-4-505(4)(c);

9084 (c) the percentage of the online course provider's students who complete online courses
9085 after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student
9086 graduates from high school; and

9087 (d) the pupil-teacher ratio for the combined online courses of the online course
9088 provider.

9089 (3) The ~~[State Board of Education]~~ state board shall post a report on the performance
9090 of an online course provider on the Statewide Online Education Program's website.

9091 Section 252. Section 53F-4-512 is amended to read:

9092 **53F-4-512. Dissemination of information on the Statewide Online Education**
9093 **Program.**

9094 (1) The ~~[State Board of Education]~~ state board shall develop a website for the
9095 Statewide Online Education Program which shall include:

9096 (a) a description of the Statewide Online Education Program, including its purposes;

9097 (b) information on who is eligible to enroll, and how an eligible student may enroll, in
9098 an online course;

9099 (c) a directory of online course providers;

9100 (d) a link to a course catalog for each online course provider; and

9101 (e) a report on the performance of online course providers as required by Section
9102 53F-4-511.

9103 (2) An online course provider shall provide the following information on the online
9104 course provider's website:

9105 (a) a description of the Statewide Online Education Program, including its purposes;

9106 (b) information on who is eligible to enroll, and how an eligible student may enroll, in

9107 an online course;
9108 (c) a course catalog;
9109 (d) scores aggregated by test on statewide assessments administered under Title 53E,
9110 Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered
9111 through the Statewide Online Education Program;
9112 (e) the percentage of an online course provider's students who complete online courses
9113 within the applicable time period specified in Subsection 53F-4-505(4)(c);
9114 (f) the percentage of an online course provider's students who complete online courses
9115 after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student
9116 graduates from high school; and

9117 (g) the online learning provider's pupil-teacher ratio for the online courses combined.

9118 Section 253. Section 53F-4-514 is amended to read:

9119 **53F-4-514. State board -- Rulemaking.**

9120 The [~~State Board of Education~~] state board shall make rules in accordance with this part
9121 [~~and Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] that:

9122 (1) establish a course credit acknowledgement form and procedures for completing and
9123 submitting to the [~~State Board of Education~~] state board a course credit acknowledgement; and

9124 (2) establish procedures for the administration of a statewide assessment to a student
9125 enrolled in an online course.

9126 Section 254. Section 53F-4-516 is amended to read:

9127 **53F-4-516. Report of noncompliance -- Action to ensure compliance.**

9128 (1) The state superintendent shall report to the [~~State Board of Education~~] state board
9129 any report of noncompliance of this part made to a member of the staff of the [~~State Board of~~
9130 ~~Education~~] state board.

9131 (2) The [~~State Board of Education~~] state board shall take appropriate action to ensure
9132 compliance with this part.

9133 Section 255. Section 53F-5-201 is amended to read:

9134 **53F-5-201. Grants for online delivery of statewide assessments.**

9135 (1) As used in this section:

9136 (a) "Adaptive tests" means tests administered during the school year using an online
9137 adaptive test system.

9138 (b) "Core standards for Utah public schools" means the standards established by the
9139 ~~[State Board of Education]~~ state board as described in Section [53E-4-202](#).

9140 (c) "Statewide assessment" means the same as that term is defined in Section
9141 [53E-4-301](#).

9142 (d) "Summative tests" means tests administered near the end of a course to assess
9143 overall achievement of course goals.

9144 (e) "Uniform online summative test system" means a single system for the online
9145 delivery of summative tests required as statewide assessments that:

9146 (i) is coordinated by the ~~[State Board of Education]~~ state board;

9147 (ii) ensures the reliability and security of statewide assessments; and

9148 (iii) is selected through collaboration between the ~~[State Board of Education]~~ state
9149 board and school district representatives with expertise in technology, assessment, and
9150 administration.

9151 (2) The ~~[State Board of Education]~~ state board may award grants to school districts and
9152 charter schools to implement:

9153 (a) a uniform online summative test system to enable school staff and parents of
9154 students to review statewide assessment scores by the end of the school year; or

9155 (b) an online adaptive test system to enable parents of students and school staff to
9156 measure and monitor a student's academic progress during a school year.

9157 (3) (a) Grant money may be used to pay for any of the following, provided it is directly
9158 related to implementing a uniform online summative test system, an online adaptive test
9159 system, or both:

9160 (i) computer equipment and peripherals, including electronic data capture devices
9161 designed for electronic test administration and scoring;

9162 (ii) software;

9163 (iii) networking equipment;

9164 (iv) upgrades of existing equipment or software;

9165 (v) upgrades of existing physical plant facilities;

9166 (vi) personnel to provide technical support or coordination and management; and

9167 (vii) teacher professional development.

9168 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the

9169 online delivery of summative tests or adaptive tests required as statewide assessments, may be
9170 used for other purposes.

9171 ~~[(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~
9172 ~~State Board of Education]~~

9173 (4) The state board shall make rules:

9174 (a) establishing procedures for applying for and awarding grants;

9175 (b) specifying how grant money is allocated among school districts and charter schools;

9176 (c) requiring reporting of grant money expenditures and evidence showing that the
9177 grant money has been used to implement a uniform online summative test system, an online
9178 adaptive test system, or both;

9179 (d) establishing technology standards for an online adaptive testing system;

9180 (e) requiring a school district or charter school that receives a grant under this section
9181 to implement, in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection,
9182 an online adaptive test system by the 2014-15 school year that:

9183 (i) meets the technology standards established under Subsection (4)(d); and

9184 (ii) is aligned with the core standards for Utah public schools;

9185 (f) requiring a school district or charter school to provide matching funds to implement
9186 a uniform online summative test system, an online adaptive test system, or both in an amount
9187 that is greater than or equal to the amount of a grant received under this section; and

9188 (g) ensuring that student identifiable data is not released to any person, except as
9189 provided by Title 53E, Chapter 9, Student Privacy and Data Protection, and rules of the ~~[State~~
9190 ~~Board of Education]~~ state board adopted under the authority of those parts.

9191 (5) If a school district or charter school uses grant money for purposes other than those
9192 stated in Subsection (3), the school district or charter school is liable for reimbursing the ~~[State~~
9193 ~~Board of Education]~~ state board in the amount of the grant money improperly used.

9194 (6) A school district or charter school may not use federal funds to provide the
9195 matching funds required to receive a grant under this section.

9196 (7) A school district may not impose a tax rate above the certified tax rate for the
9197 purpose of generating revenue to provide matching funds for a grant under this section.

9198 Section 256. Section **53F-5-202** is amended to read:

9199 **53F-5-202. National Board certification reimbursement.**

9200 (1) (a) The terms defined in Section ~~53E-6-102~~ apply to this section.

9201 (b) As used in this section~~[(i) "Eligible", "eligible educator" means an educator who:~~

9202 ~~[(A)] (i) holds a current National Board certification; and~~

9203 ~~[(B)] (ii) is employed as an educator by an LEA.~~

9204 ~~[(ii) "Local education agency" or "LEA" means:]~~

9205 ~~[(A) a school district;]~~

9206 ~~[(B) a charter school; or]~~

9207 ~~[(C) the Utah Schools for the Deaf and the Blind.]~~

9208 (2) (a) Subject to legislative appropriations and Subsection (2)(b), the state board shall

9209 reimburse an eligible educator for the cost to attain or renew a National Board certification.

9210 (b) The state board may only issue a reimbursement under Subsection (2)(a) for a

9211 certification attained or renewed after July 1, 2016.

9212 (3) The state board shall reimburse an eligible educator under this section on a first

9213 come, first served basis.

9214 (4) The state board shall make rules~~[, in accordance with Title 63G, Chapter 3, Utah~~

9215 ~~Administrative Rulemaking Act,]~~ specifying procedures and timelines for reimbursing costs

9216 under Subsection (2).

9217 Section 257. Section **53F-5-203** is amended to read:

9218 **53F-5-203. Interventions for Reading Difficulties Pilot Program.**

9219 (1) As used in this section:

9220 ~~[(a) "Board" means the State Board of Education.]~~

9221 ~~[(b)] (a) "Dyslexia" means a specific learning disability that is neurological in origin~~

9222 ~~and characterized by difficulties with accurate or fluent word recognition and by poor spelling~~

9223 ~~and decoding abilities that typically result from a deficit in the phonological component of~~

9224 ~~language that is often unexpected in relation to other cognitive abilities and the provision of~~

9225 ~~effective classroom instruction.~~

9226 ~~[(c) "Local education agency" or "LEA" means:]~~

9227 ~~[(i) a school district;]~~

9228 ~~[(ii) a charter school; or]~~

9229 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

9230 ~~[(d)] (b) "Multi-Tier System of Supports" or "MTSS" means a framework integrating~~

9231 assessment and intervention that:

9232 (i) provides increasingly intensive interventions for students at risk for or experiencing
9233 reading difficulties, including:

9234 (A) tier II interventions that, in addition to standard classroom reading, provide
9235 supplemental and targeted small group instruction in reading using evidence-based curricula;
9236 and

9237 (B) tier III interventions that address the specific needs of students who are the most at
9238 risk or who have not responded to tier II interventions by providing frequent, intensive, and
9239 targeted small group instruction using evidence-based curricula; and

9240 (ii) is developed to:

9241 (A) maximize student achievement;

9242 (B) reduce behavior problems; and

9243 (C) increase long-term success.

9244 ~~[(e)]~~ (c) "Program" means the Interventions for Reading Difficulties Pilot Program.

9245 ~~[(f)]~~ (d) "Reading difficulty" means an impairment, including dyslexia, that negatively
9246 affects a student's ability to learn to read.

9247 (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:

9248 (a) specific evidence-based literacy interventions using an MTSS for students in
9249 kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including
9250 dyslexia; and

9251 (b) professional development to educators who provide the literacy interventions
9252 described in Subsection (2)(a).

9253 (3) (a) An LEA may submit a proposal to the state board to participate in the program.

9254 (b) An LEA proposal described in Subsection (3)(a) shall:

9255 (i) specify:

9256 (A) a range of current benchmark assessment in reading scores described in Section
9257 [53E-4-307](#) that the LEA will use to determine whether a student is at risk for a reading
9258 difficulty; and

9259 (B) other reading difficulty risk factors that the LEA will use to determine whether a
9260 student is at risk for a reading difficulty;

9261 (ii) describe the LEA's existing reading program;

9262 (iii) describe the LEA's MTSS approach; and
9263 (iv) include any other information requested by the state board.
9264 (c) The state board may:
9265 (i) specify the format for an LEA proposal; and
9266 (ii) set a deadline for an LEA to submit a proposal.
9267 (4) The state board shall:
9268 (a) define criteria for selecting an LEA to participate in the program;
9269 (b) during fiscal year 2016, select five LEAs to participate in the program:
9270 (i) on a competitive basis; and
9271 (ii) using criteria described in Subsection (4)(a); and
9272 (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per
9273 school within the LEA.
9274 (5) During fiscal years 2017, 2018, and 2019, if funding allows, the state board may
9275 select additional LEAs to participate in the program.
9276 (6) An LEA that participates in the program:
9277 (a) shall, beginning with the 2016-17 school year, provide the interventions described
9278 in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year;
9279 and
9280 (b) may provide the professional development described in Subsections (8)(a) and (b)
9281 beginning in fiscal year 2016.
9282 (7) An LEA that participates in the program shall:
9283 (a) select at least one school in the LEA to participate in the program;
9284 (b) identify students in kindergarten through grade 5 for participation in the program
9285 by:
9286 (i) using current benchmark assessment in reading scores as described in Section
9287 53E-4-307; and
9288 (ii) considering other reading difficulty risk factors identified by the LEA;
9289 (c) provide interventions for each student participating in the program using an MTSS
9290 implemented by an educator trained in evidence-based interventions;
9291 (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading
9292 achievement plan described in Section 53E-4-306 for each school in the LEA that participates

9293 in the program; and

9294 (e) report annually to the state board on:

9295 (i) individual student outcomes in changes in reading ability;

9296 (ii) school level outcomes; and

9297 (iii) any other information requested by the state board.

9298 (8) Subject to funding for the program, an LEA may use the funds described in

9299 Subsection (4)(c) for the following purposes:

9300 (a) to provide for ongoing professional development in evidence-based literacy

9301 interventions;

9302 (b) to support educators in earning a reading interventionist credential that prepares

9303 teachers to provide a student who is at risk for or experiencing reading difficulty, including

9304 dyslexia, with reading intervention that is:

9305 (i) explicit;

9306 (ii) systematic; and

9307 (iii) targeted to a student's specific reading difficulty; and

9308 (c) to implement the program.

9309 (9) The state board shall contract with an independent evaluator to evaluate the

9310 program on:

9311 (a) whether the program improves reading outcomes for a student who receives the

9312 interventions described in Subsection (7)(c);

9313 (b) whether the program may reduce future special education costs; and

9314 (c) any other student or school achievement outcomes requested by the state board.

9315 (10) (a) The state board shall make a final report on the program to the Education

9316 Interim Committee on or before November 1, 2018.

9317 (b) In the final report described in Subsection (10)(a), the state board shall include the

9318 results of the evaluation described in Subsection (9).

9319 Section 258. Section **53F-5-204** is amended to read:

9320 **53F-5-204. Initiative to strengthen college and career readiness.**

9321 (1) As used in this section:

9322 (a) "College and career counseling" means:

9323 (i) nurturing college and career aspirations;

- 9324 (ii) assisting students in planning an academic program that connects to college and
9325 career goals;
- 9326 (iii) providing early and ongoing exposure to information necessary to make informed
9327 decisions when selecting a college and career;
- 9328 (iv) promoting participation in college and career assessments;
- 9329 (v) providing financial aid information; and
- 9330 (vi) increasing understanding about college admission processes.
- 9331 (b) "LEA" or "local education agency" means a school district or charter school.
- 9332 (2) There is created the Strengthening College and Career Readiness Program, a grant
9333 program for LEAs, to improve students' college and career readiness through enhancing the
9334 skill level of school counselors to provide college and career counseling.
- 9335 (3) The [~~State Board of Education~~] state board shall:
- 9336 (a) on or before August 1, 2015, collaborate with the State Board of Regents, and
9337 business, community, and education stakeholders to develop a certificate for school counselors
9338 that:
- 9339 (i) certifies that a school counselor is highly skilled at providing college and career
9340 counseling; and
- 9341 (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as
9342 defined in rules established by the [~~State Board of Education~~] state board;
- 9343 (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis,
9344 for payment of course fees for courses required to earn the certificate developed by the [~~State~~
9345 ~~Board of Education~~] state board under Subsection (3)(a); and
- 9346 (c) [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~]
9347 make rules specifying:
- 9348 (i) procedures for applying for and awarding grants under this section;
- 9349 (ii) criteria for awarding grants; and
- 9350 (iii) reporting requirements for grantees.
- 9351 (4) An LEA that receives a grant under this section shall use the grant for payment of
9352 course fees for courses required to attain the certificate as determined by the [~~State Board of~~
9353 ~~Education~~] state board under Subsection (3)(a).
- 9354 (5) The [~~State Board of Education~~] state board shall report to the Education Interim

9355 Committee on the status of the Strengthening College and Career Readiness Program on or
9356 before:

9357 (a) November 1, 2016; and

9358 (b) November 1, 2017.

9359 Section 259. Section **53F-5-205** is amended to read:

9360 **53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math**
9361 **teacher training programs.**

9362 (1) (a) The terms defined in Section **53E-6-102** apply to this section.

9363 (b) As used in this section, "paraeducator" means a school employee who:

9364 (i) delivers instruction under the direct supervision of a teacher; and

9365 (ii) works in an area where there is a shortage of qualified teachers, such as special
9366 education, Title I, ESL, reading remediation, math, or science.

9367 (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships
9368 to paraeducators for education and training to become licensed teachers.

9369 (3) The [~~State Board of Education~~] state board shall use money appropriated for the
9370 Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to
9371 paraeducators employed by school districts and charter schools who are pursuing an associate's
9372 degree or bachelor's degree program to become a licensed teacher.

9373 (4) A paraeducator is eligible to receive a scholarship if:

9374 (a) the paraeducator is employed by a school district or charter school;

9375 (b) is admitted to, or has made an application to, an associate's degree program or
9376 bachelor's degree program that will prepare the paraeducator for teacher licensure; and

9377 (c) the principal at the school where the paraeducator is employed has nominated the
9378 paraeducator for a scholarship.

9379 (5) (a) The [~~State Board of Education~~] state board shall establish a committee to select
9380 scholarship recipients from nominations submitted by school principals.

9381 (b) The committee shall include representatives of the [~~State Board of Education~~] state
9382 board, State Board of Regents, and the general public, excluding school district and charter
9383 school employees.

9384 (c) A member may not receive compensation or benefits for the member's service, but
9385 may receive per diem and travel expenses in accordance with:

9386 (i) Section 63A-3-106;
9387 (ii) Section 63A-3-107; and
9388 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
9389 63A-3-107.

9390 (d) The committee shall select scholarship recipients based on the following criteria:
9391 (i) test scores, grades, or other evidence demonstrating the applicant's ability to
9392 successfully complete a teacher education program; and
9393 (ii) the applicant's record of success as a paraeducator.

9394 (6) The maximum scholarship amount is \$5,000.
9395 (7) Scholarship money may only be used to pay for tuition costs:
9396 (a) of:
9397 (i) an associate's degree program that fulfills credit requirements for the first two years
9398 of a bachelor's degree program leading to teacher licensure; or
9399 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
9400 (b) at a higher education institution:
9401 (i) located in Utah; and
9402 (ii) accredited by the Northwest Commission on Colleges and Universities.

9403 (8) A scholarship recipient must be continuously employed as a paraeducator by a
9404 school district or charter school while pursuing a degree using scholarship money.

9405 (9) The ~~[State Board of Education]~~ state board shall make rules in accordance with this
9406 section ~~[and Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ to administer the
9407 Paraeducator to Teacher Scholarship Program, including rules establishing:
9408 (a) scholarship application procedures;
9409 (b) the number of, and qualifications for, committee members who select scholarship
9410 recipients; and
9411 (c) procedures for distributing scholarship money.

9412 (10) If the state obtains matching funds of equal sums from private contributors, the
9413 state board may award grants to institutions of higher education or nonprofit educational
9414 organizations for programs that provide:
9415 (a) mentoring and training leading to a secondary education license with a certificate in
9416 mathematics for an individual who:

- 9417 (i) is not a teacher in a public or private school;
9418 (ii) does not have a teaching license;
9419 (iii) has a bachelor's degree or higher; and
9420 (iv) demonstrates a high level of mathematics competency by:
9421 (A) successfully completing substantial course work in mathematics; and
9422 (B) passing a mathematics content exam; or
9423 (b) a stipend, professional development, and leadership opportunities to an experienced
9424 mathematics teacher who demonstrates high content knowledge and exemplary teaching and
9425 leadership skills to assist the teacher in becoming a teacher leader.

9426 (11) (a) The state board shall make rules [~~in accordance with Title 63G, Chapter 3,~~
9427 ~~Utah Administrative Rulemaking Act,~~] that establish criteria for awarding grants under this
9428 section.

9429 (b) In awarding grants, the state board shall consider the amount or percent of matching
9430 funds provided by the grant recipient.

9431 Section 260. Section **53F-5-207** is amended to read:

9432 **53F-5-207. Intergenerational Poverty Interventions Grant Program --**

9433 **Definitions -- Grant requirements -- Reporting requirements.**

9434 (1) As used in this section:

9435 [~~(a) "Board" means the State Board of Education.~~]

9436 [~~(b)~~] (a) "Eligible student" means a student who is classified as a child affected by
9437 intergenerational poverty.

9438 [~~(c)~~] (b) "Intergenerational poverty" has the same meaning as in Section [35A-9-102](#).

9439 (c) "LEA governing board" means a local school board or a charter school governing
9440 board.

9441 (d) "Local [Education Agency] education agency" or "LEA" means a school district or
9442 charter school.

9443 (e) "Program" means the Intergenerational Poverty Interventions Grant Program
9444 created in Subsection (2).

9445 (2) The Intergenerational Poverty Interventions Grant Program is created to provide
9446 grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for
9447 eligible students, outside of the regular school day offerings.

9448 (3) Subject to future budget constraints, the state board shall distribute to LEAs money
9449 appropriated for the program in accordance with this section.

9450 (4) The state board shall:

9451 (a) solicit proposals from [~~local education~~] LEA governing boards to receive money
9452 under the program; and

9453 (b) award grants to [~~a local education~~] an LEA governing board on behalf of an LEA
9454 based on criteria described in Subsection (5).

9455 (5) In awarding a grant under Subsection (4), the state board shall consider:

9456 (a) the percentage of an LEA's students that are classified as children affected by
9457 intergenerational poverty;

9458 (b) the level of administrative support and leadership at an eligible LEA to effectively
9459 implement, monitor, and evaluate the program; and

9460 (c) an LEA's commitment and ability to work with the Department of Workforce
9461 Services, the Department of Health, the Department of Human Services, and the juvenile courts
9462 to provide services to the LEA's eligible students.

9463 (6) To receive a grant under the program on behalf of an LEA, [~~a local education~~] an
9464 LEA governing board shall submit a proposal to the state board detailing:

9465 (a) the LEA's strategy to implement the program, including the LEA's strategy to
9466 improve the academic achievement of children affected by intergenerational poverty;

9467 (b) the LEA's strategy for coordinating with and engaging the Department of
9468 Workforce Services to provide services for the LEA's eligible students;

9469 (c) the number of students the LEA plans to serve, categorized by age and
9470 intergenerational poverty status;

9471 (d) the number of students, eligible students, and schools the LEA plans to fund with
9472 the grant money; and

9473 (e) the estimated cost per student.

9474 (7) (a) The state board shall annually report to the Utah Intergenerational Welfare
9475 Reform Commission, created in Section [35A-9-301](#), by November 30 of each year, on:

9476 (i) the progress of LEA programs using grant money;

9477 (ii) the progress of LEA programs in improving the academic achievement of children
9478 affected by intergenerational poverty; and

9479 (iii) the LEA's coordination efforts with the Department of Workforce Services, the
9480 Department of Health, the Department of Human Services, and the juvenile courts.

9481 (b) The state board shall provide the report described in Subsection (7)(a) to the
9482 Education Interim Committee upon request.

9483 (c) An LEA that receives grant money pursuant to this section shall provide to the state
9484 board information that is necessary for the state board's report described in Subsection (7)(a).

9485 Section 261. Section **53F-5-208** is amended to read:

9486 **53F-5-208. Reading Performance Improvement Scholarship Program.**

9487 (1) There is established a Reading Performance Improvement Scholarship Program to
9488 assist selected elementary teachers in obtaining a reading endorsement so that they may help
9489 improve the reading performance of students in their classes.

9490 (2) The [~~State Board of Education~~] state board shall award scholarships of up to \$500
9491 to each recipient under the program.

9492 (3) The state board shall give weighted consideration to scholarship applicants who:

9493 (a) teach in grades kindergarten through [~~three~~] 3;

9494 (b) are designated by their schools as, or are seeking the designation of, reading
9495 specialist; and

9496 (c) teach in a rural area of the state.

9497 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9498 ~~the~~]

9499 (4) The state board shall provide by rule for:

9500 (a) the application procedure for the scholarship; and

9501 (b) what constitutes a reading specialist at the elementary school level.

9502 Section 262. Section **53F-5-209** is amended to read:

9503 **53F-5-209. Grants for school-based mental health supports.**

9504 (1) As used in this section:

9505 [~~(a) "Board" means the State Board of Education.~~]

9506 [~~(b)~~] (a) "Elementary school" means a school that includes any one or all of grades
9507 kindergarten through grade 6.

9508 [~~(c)~~] (b) "Intergenerational poverty" means the same as that term is defined in Section
9509 [35A-9-102](#).

9510 ~~[(d) "Local education agency" or "LEA" means a school district, charter school, or~~
9511 ~~Utah Schools for the Deaf and the Blind.]~~

9512 ~~[(e)]~~ (c) "Qualifying personnel" means a school counselor or school social worker who:

9513 (i) is licensed by the state board; and

9514 (ii) collaborates with educators and a student's family or guardian on:

9515 (A) early identification and intervention of a student's academic and mental health

9516 needs; and

9517 (B) removing barriers to learning and developing skills and behaviors critical for a

9518 student's academic achievement.

9519 (2) Subject to legislative appropriations and Subsection (3), the state board shall award

9520 a grant to an LEA to provide targeted school-based mental health support in an elementary

9521 school, including trauma-informed care, through employment of qualifying personnel.

9522 (3) In awarding a grant under this section, the state board shall give:

9523 (a) first priority to an LEA that proposes to target funds to one or more elementary

9524 schools with a high percentage of students exhibiting risk factors for childhood trauma; and

9525 (b) second priority to an LEA that proposes to target funds to one or more elementary

9526 schools with a high percentage of students experiencing intergenerational poverty.

9527 (4) To qualify for a grant, an LEA shall:

9528 (a) submit an application to the state board that includes:

9529 (i) measurable goals on improving student safety, student engagement, school culture,

9530 and academic achievement; and

9531 (ii) how the LEA intends to meet goals submitted under Subsection (4)(a)(i) through

9532 the use of the grant funds; and

9533 (b) provide local funds to match grant funds received under this section in an amount

9534 equal to one-half of the amount of the grant funds.

9535 (5) An LEA may not replace federal, state, or local funds previously allocated to

9536 employ qualified personnel with funds distributed under this section.

9537 ~~[(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

9538 ~~the]~~

9539 (6) The state board shall make rules specifying:

9540 (a) procedures for applying for and awarding grants under this section, including:

9541 (i) a definition of risk factors for childhood trauma;
9542 (ii) the duration of a grant; and
9543 (iii) a schedule for submission of matching grant funds; and
9544 (b) annual reporting requirements for grantees in accordance with Subsection (7).
9545 (7) An LEA that receives a grant under this section shall submit an annual report to the
9546 state board, including:

9547 (a) progress toward achieving the goals submitted under Subsection (4)(a)(i); and
9548 (b) if the LEA decides to discontinue the qualifying personnel position, the LEA's
9549 reason for discontinuing the position.

9550 (8) Beginning on or before July 1, 2019, the state board shall provide training that
9551 instructs educators on the impact of trauma on student learning, including information advising
9552 educators against practicing medicine, giving a diagnosis, or providing treatment.

9553 Section 263. Section **53F-5-210** is amended to read:

9554 **53F-5-210. Educational Improvement Opportunities Outside of the Regular**
9555 **School Day Grant Program.**

9556 (1) As used in this section:

9557 (a) "Applicant" means an LEA, private provider, nonprofit provider, or municipality
9558 that provides an existing program and applies for a grant under the provisions of this section.

9559 ~~[(b) "Board" means the State Board of Education.]~~

9560 ~~[(c)]~~ (b) "Existing program" means a currently funded and operating program, as
9561 described in Subsections **53E-3-508**(1)(a) and (b).

9562 ~~[(d)]~~ (c) "Grant program" means the Educational Improvement Opportunities Outside
9563 of the Regular School Day Grant Program created in Subsection (2).

9564 ~~[(e)]~~ (d) "Grantor" means:

9565 (i) for an LEA that receives a grant under this section, the state board; or
9566 (ii) for a private provider, nonprofit provider, or municipality that receives a grant
9567 under this section, the Department of Workforce Services.

9568 ~~[(f)]~~ (e) "Local education agency" or "LEA" means a school district or charter school.

9569 (2) There is created the Educational Improvement Opportunities Outside of the Regular
9570 School Day Grant Program to provide grant funds for an existing program to improve and
9571 develop the existing program in accordance with the high quality standards described in

9572 Section 53E-3-508.

9573 (3) Subject to legislative appropriation and in accordance with Subsection (7):

9574 (a) the state board shall:

9575 (i) solicit LEA applications to receive a grant under this section; and

9576 (ii) award a grant based on the criteria described in Subsection (5); and

9577 (b) the Department of Workforce Services shall:

9578 (i) solicit private provider, nonprofit provider, or municipality applications to receive a
9579 grant under this section; and

9580 (ii) award a grant based on the criteria described in Subsection (5).

9581 (4) To receive a grant under this section, an applicant shall submit a proposal to the
9582 grantor describing:

9583 (a) how the applicant proposes to develop and improve the existing program to meet
9584 the standards described in Section 53E-3-508;

9585 (b) information necessary for the state board to determine the impact of the applicant's
9586 program on the academic performance of participating students;

9587 (c) the total number of students the applicant proposes to serve through the existing
9588 program;

9589 (d) the estimated percentage of the students described in Subsection (4)(c) who qualify
9590 for free or reduced lunch; and

9591 (e) the estimated cost of the applicant's existing program, per student.

9592 (5) In awarding a grant under Subsection (3), the grantor shall consider:

9593 (a) how an applicant's existing program proposes to meet the standards described in

9594 Section 53E-3-508; and

9595 (b) the percentage of students in that program who qualify for free and reduced lunch.

9596 (6) An applicant that receives a grant under this section shall:

9597 (a) use the grant to improve an existing program in accordance with the standards
9598 described in Section 53E-3-508; and

9599 (b) annually report to the grantor:

9600 (i) the number of students served by the existing program;

9601 (ii) the academic outcomes that the program is expected to have on participating
9602 students;

9603 (iii) program attendance rates of participating students; and

9604 (iv) other information required by the grantor.

9605 (7) (a) To receive a distribution of grant money under this section, an applicant shall
9606 identify and certify the availability of private matching funds in the amount of the grant to be
9607 distributed to the applicant.

9608 (b) Neither the state board nor the Department of Workforce Services shall be expected
9609 to seek private matching funds for this grant program.

9610 ~~[(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9611 ~~the]~~

9612 (8) The state board shall make rules to administer this section that include:

9613 (a) specific criteria to determine academic performance;

9614 (b) application and reporting procedures; and

9615 (c) criteria for an existing program to qualify for a grant under this section.

9616 ~~[(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9617 ~~the]~~

9618 (9) The Department of Workforce Services shall make rules to administer the grant
9619 program as described in Subsection (3)(b).

9620 (10) In accordance with 34 C.F.R. Sec. 99.35, the state board shall designate the
9621 Department of Workforce Services as an authorized representative for the purpose of sharing
9622 student data and evaluating and reporting the impact and effectiveness of the grant program.

9623 (11) The state board and the Department of Workforce Services may utilize up to 10%
9624 of the funds appropriated for administrative costs associated with the grant program and the
9625 report described in Subsection (12).

9626 (12) The state board shall report to the Education Interim Committee before November
9627 30, 2019, regarding:

9628 (a) the grant program's effect on the quality of existing programs that participate in the
9629 grant program; and

9630 (b) the impact of the existing programs on the academic performance of participating
9631 students.

9632 Section 264. Section **53F-5-211** is amended to read:

9633 **53F-5-211. Rural school transportation reimbursement.**

9634 (1) As used in this section:

9635 (a) "Eligible school" means a district school or a charter school:

9636 (i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section
9637 17-50-501;

9638 (ii) in which at least 65% of the students enrolled in the school qualify for free or
9639 reduced price lunch; and

9640 (iii) that has provided transportation to and from the school for a regular school day for
9641 students for at least five years.

9642 (b) [~~Local~~] "LEA governing board" means:

9643 (i) for a school district, the local school board; or

9644 (ii) for a charter school, the charter school governing board.

9645 (2) [~~A local~~] An LEA governing board may annually submit a request to the [~~State~~
9646 ~~Board of Education~~] state board to receive reimbursement for an expense that:

9647 (a) the [~~local~~] LEA governing board incurs transporting a student to or from an eligible
9648 school for the regular school day; and

9649 (b) the [~~local~~] LEA governing board does not pay using state funding for pupil
9650 transportation described in Section 53F-2-402 or 53F-2-403.

9651 (3) (a) Subject to legislative appropriations, and except as provided in Subsection
9652 (3)(b), the [~~State Board of Education~~] state board shall reimburse a local school board for an
9653 expense included in a request described in Subsection (2).

9654 (b) If the legislative appropriation for this section is insufficient to fund an expense in a
9655 request received under Subsection (2), the [~~State Board of Education~~] state board may reduce a
9656 local school board's reimbursement in accordance with the rules described in Subsection (4).

9657 [~~(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9658 ~~the State Board of Education~~]

9659 (4) The state board shall make rules that establish:

9660 (a) requirements for information a local school board shall include in a reimbursement
9661 request described in Subsection (2);

9662 (b) a deadline by which a local school board shall submit a request described in
9663 Subsection (2); and

9664 (c) a formula for reducing a local school board's allocation under Subsection (3).

9665 (5) Nothing in this section affects a school district's allocation for pupil transportation
9666 under Sections 53F-2-402 and 53F-2-403.

9667 Section 265. Section 53F-5-301 is amended to read:

9668 **53F-5-301. Definitions.**

9669 As used in this part:

9670 ~~[(1) "Board" means the State Board of Education.]~~

9671 ~~[(2)]~~ (1) "Child Development Associate Credential" means a credential in early
9672 childhood education that is:

9673 (a) based on a core set of competency standards; and

9674 (b) nationally recognized.

9675 ~~[(3)]~~ (2) "Department" means the Department of Workforce Services.

9676 ~~[(4)]~~ (3) "Economically disadvantaged child" means a child who:

9677 (a) is in a family that is eligible for assistance through TANF; or

9678 (b) is eligible for free or reduced lunch.

9679 ~~[(5)]~~ (4) "Eligible home-based technology provider" means a provider that offers a
9680 home-based educational technology program to develop the school readiness skills of an
9681 eligible student.

9682 ~~[(6)]~~ (5) "Eligible private provider" means the same as that term is defined in Section
9683 53F-6-301.

9684 ~~[(7)]~~ (6) "Eligible student" means an individual who:

9685 (a) will be four years of age on or before September 2 of the school year in which the
9686 individual intends to participate in a school readiness program;

9687 (b) has not entered kindergarten; and

9688 (c) (i) is experiencing intergenerational poverty, as determined by the department; or

9689 (ii) (A) is an economically disadvantaged child; and

9690 (B) is at risk for not meeting grade 3 core standards for Utah public schools,
9691 established by the ~~[State Board of Education]~~ state board under Section 53E-4-202, by the end
9692 of the individual's grade 3 year, as determined by an assessment.

9693 ~~[(8)]~~ (7) "High quality school readiness program" means a school readiness program
9694 that:

9695 (a) is provided by an LEA, eligible private provider, or eligible home-based technology

9696 provider; and

9697 (b) meets the elements of a high quality school readiness program described in Section
9698 53F-6-304 as determined by the state board or the department under Section 53F-5-303,
9699 53F-5-304, or 53F-5-305.

9700 [(9)] (8) "Intergenerational poverty" means the same as that term is defined in Section
9701 35A-9-102.

9702 [(10)] (9) "Intergenerational poverty scholarship" or "IGP scholarship" means a
9703 scholarship to attend a high quality school readiness program for an eligible student who is
9704 experiencing intergenerational poverty.

9705 [(11)] (10) "Local education agency" or "LEA" means a:

9706 (a) school district; or

9707 (b) charter school.

9708 [(12)] (11) "TANF" means Temporary Assistance for Needy Families, described in 42
9709 U.S.C. Sec. 601 et seq.

9710 Section 266. Section 53F-5-302 is amended to read:

9711 **53F-5-302. Administration of programs.**

9712 (1) The [~~State Board of Education~~] state board, in collaboration with the department,
9713 shall:

9714 (a) administer the grant program described in Section 53F-5-303 for LEAs;

9715 (b) administer the grant program for eligible home-based technology providers
9716 described in Section 53F-5-304; and

9717 (c) oversee the evaluation described in Section 53F-5-307.

9718 (2) The department, in collaboration with the state board, shall administer:

9719 (a) the grant program described in Section 53F-5-303 for eligible private providers;

9720 (b) the Intergenerational Poverty School Readiness Scholarship Program described in
9721 Section 53F-5-305; and

9722 (c) early childhood teacher training described in Section 53F-5-306.

9723 Section 267. Section 53F-5-303 is amended to read:

9724 **53F-5-303. Student Access to High Quality School Readiness Programs Grant**
9725 **Program -- Determination of high quality school readiness program-- Reporting**
9726 **requirement -- Fees.**

9727 (1) There is created the Student Access to High Quality School Readiness Programs
9728 Grant Program to expand access to high quality school readiness programs for eligible students
9729 through:

9730 (a) grants for LEAs administered by the state board; and

9731 (b) grants for eligible private providers administered by the department.

9732 (2) The state board, in coordination with the department, shall develop a tool to
9733 determine whether a school readiness program is a high quality school readiness program.

9734 (3) (a) The state board shall solicit proposals from LEAs to fund increases in the
9735 number of eligible students high quality school readiness programs can serve.

9736 (b) The department shall solicit proposals from eligible private providers to fund
9737 increases in the number of eligible students high quality school readiness programs can serve.

9738 (4) (a) Except as provided in Subsection (4)(c), a respondent shall submit a proposal
9739 that includes the information described in Subsection (4)(b):

9740 (i) to the state board, for a respondent that is an LEA; or

9741 (ii) to the department, for a respondent that is an eligible private provider.

9742 (b) A respondent's proposal for the grant solicitation described in Subsection (3) shall
9743 include:

9744 (i) the respondent's existing and proposed school readiness program, including:

9745 (A) the number of students served by the respondent's school readiness program;

9746 (B) the respondent's policies and procedures for admitting students into the school
9747 readiness program;

9748 (C) the estimated cost per student; and

9749 (D) any fees the respondent charges to a parent [~~or legal guardian~~] for the school
9750 readiness program;

9751 (ii) the respondent's plan to use funding sources, in addition to a grant described in this
9752 section, including:

9753 (A) federal funding; or

9754 (B) private grants or donations;

9755 (iii) existing or planned partnerships between the respondent and an LEA, eligible
9756 private provider, or eligible home-based technology provider to increase access to high quality
9757 school readiness programs for eligible students;

9758 (iv) how the respondent would use a grant to:
9759 (A) expand the number of eligible students served by the respondent's school readiness
9760 program; and
9761 (B) target the funding toward the highest risk students, including addressing the
9762 particular needs of children at risk of experiencing intergenerational poverty;
9763 (v) how the respondent's school readiness program is a high quality school readiness
9764 program; and
9765 (vi) the results of any evaluations of the respondent's school readiness program.
9766 (c) In addition to the requirements described in Subsection (4)(b), a respondent that is
9767 an LEA shall describe in the respondent's proposal the percentage of the respondent's
9768 kindergarten through grade 12 students who are economically disadvantaged children.
9769 (5) (a) For each LEA proposal received in response to the solicitation described in
9770 Subsection (3)(a), the state board shall determine if the LEA school readiness program is a high
9771 quality school readiness program by:
9772 (i) applying the tool described in Subsection (2); and
9773 (ii) conducting at least one site visit to the program.
9774 (b) For each eligible private provider proposal received in response to the solicitation
9775 described in Subsection (3)(b), the department shall determine if the school readiness program
9776 is a high quality school readiness program by:
9777 (i) applying the tool described in Subsection (2); and
9778 (ii) conducting at least one site visit to the program.
9779 (6) (a) Subject to legislative appropriations and Subsection (6)(b), the state board shall
9780 award grants, on a competitive basis, to respondents that are LEAs.
9781 (b) The state board may only award a grant to an LEA if:
9782 (i) the LEA submits a proposal that includes the information required under Subsection
9783 (4);
9784 (ii) the state board determines that the LEA's program is a high quality school readiness
9785 program as described in Subsection (5); and
9786 (iii) the LEA agrees to the evaluation requirements described in Section 53F-5-307.
9787 (7) (a) Subject to legislative appropriations and Subsection (7)(b), the department shall
9788 award grants, on a competitive basis, to respondents that are eligible private providers.

- 9789 (b) The department may only award a grant to a respondent if:
- 9790 (i) the respondent submits a proposal that includes the information required under
- 9791 Subsection (4);
- 9792 (ii) the department determines that the respondent's school readiness program is a high
- 9793 quality school readiness program as described in Subsection (5); and
- 9794 (iii) the respondent agrees to the evaluation requirements described in Section
- 9795 [53F-5-307](#).
- 9796 (8) In evaluating a proposal received in response to the solicitation described in
- 9797 Subsection (3), the state board and the department shall consider:
- 9798 (a) the number and percent of students in the respondent's high quality school readiness
- 9799 program that are eligible students at the highest risk;
- 9800 (b) geographic diversity, including whether the respondent is urban or rural;
- 9801 (c) the extent to which the respondent intends to participate in a partnership with an
- 9802 LEA, eligible private provider, or eligible home-based technology provider; and
- 9803 (d) the respondent's level of administrative support and leadership to effectively
- 9804 implement, monitor, and evaluate the program.
- 9805 (9) (a) The state board shall ensure that an LEA that receives a grant under this section
- 9806 funded by TANF funds uses the grant to provide a high quality school readiness program for
- 9807 eligible students who are eligible to receive assistance through TANF.
- 9808 (b) The department shall ensure that a private provider that receives a grant under this
- 9809 section funded by TANF funds uses the grant to provide a high quality school readiness
- 9810 program for eligible students who are eligible to receive assistance through TANF.
- 9811 (10) A respondent that receives a grant under this section shall:
- 9812 (a) use the grant to expand access for eligible students to high quality school readiness
- 9813 programs by enrolling eligible students in a high quality school readiness program;
- 9814 (b) report to the state board annually regarding:
- 9815 (i) how the respondent used the grant awarded under Subsection (6) or (7);
- 9816 (ii) participation in any partnerships between an LEA, eligible private provider, or
- 9817 eligible home-based technology provider; and
- 9818 (iii) the results of any evaluations;
- 9819 (c) allow classroom or other visits by an independent evaluator selected by the state

9820 board under Section [53F-5-307](#); and

9821 (d) for a respondent that is an LEA, notify a parent ~~[or legal guardian]~~ who expresses
9822 interest in enrolling the ~~[parent or legal guardian's]~~ parent's child in the LEA's high quality
9823 school readiness program of each state-funded high quality school readiness program operating
9824 within the LEA's geographic boundaries.

9825 (11) An LEA that receives a grant under this section may charge a student fee to
9826 participate in an LEA's school readiness program if:

9827 (a) the LEA's local school board or charter school governing board approves the fee;

9828 (b) the fee for a student does not exceed the actual cost of providing the high quality
9829 school readiness program to the student; and

9830 (c) the fee structure for the program is designed on a sliding scale, based on household
9831 income.

9832 (12) (a) The state board shall establish interventions for a grantee that is an LEA that
9833 fails to comply with the requirements described in this section.

9834 (b) The department shall establish interventions for a grantee that is an eligible private
9835 provider that fails to comply with the requirements described in this section.

9836 (c) An intervention under this Subsection (12) may include discontinuing or reducing
9837 funding.

9838 (13) Subject to legislative appropriations, the state board and the department shall give
9839 first priority in awarding grants to a respondent that has previously received a grant under this
9840 section if the respondent:

9841 (a) makes the annual report described in Subsection ~~[(9)]~~ (10)(b);

9842 (b) participates in the annual evaluation described in Section [53F-5-307](#); and

9843 (c) continues to offer a high quality school readiness program as determined during an
9844 annual site visit by:

9845 (i) the state board, for an LEA; or

9846 (ii) the department, for an eligible private provider.

9847 ~~[(14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:~~

9848 ~~(a) the]~~

9849 (14) (a) The state board shall make rules to:

9850 (i) implement the tool described in Subsection (2); and

9851 (ii) administer the grant program for LEAs described in this section ~~[, and]~~.

9852 (b) ~~[the]~~ The department shall make rules to administer the grant program for eligible
9853 private providers described in this section.

9854 Section 268. Section **53F-5-304** is amended to read:

9855 **53F-5-304. Home-based technology high quality school readiness program.**

9856 (1) (a) The state board shall offer a home-based technology high quality school
9857 readiness program to eligible students by awarding contracts to one or more home-based
9858 technology providers, as described in this section.

9859 (b) The state board shall solicit proposals from eligible home-based technology
9860 providers to provide high quality school readiness programs for eligible students to participate
9861 in:

9862 (i) at home;

9863 (ii) as part of a school readiness program offered by an LEA or private provider; or

9864 (iii) in any other setting where Internet access is available, such as a library.

9865 (c) The home-based technology high quality school readiness program described in this
9866 section is established in the public education system.

9867 (2) An eligible home-based technology provider that responds to the solicitation
9868 described in Subsection (1) shall submit a proposal describing:

9869 (a) how the home-based technology provider's school readiness program meets the
9870 elements of a high quality school readiness program described in ~~[Subsection]~~ Section

9871 **53F-6-304**~~(2)~~;

9872 (b) how the home-based technology provider intends to target the home-based
9873 technology provider's school readiness program to eligible students who are at the highest risk,
9874 as determined by the state board;

9875 (c) the cost of the program per student;

9876 (d) the cost of a statewide license;

9877 (e) existing or planned partnerships between the home-based technology provider and
9878 an LEA or eligible private provider; and

9879 (f) the results of all evaluations of the home-based technology provider's school
9880 readiness program.

9881 (3) For each proposal received under Subsection (2), the state board shall:

9882 (a) determine if the program is a high quality school readiness program using the tool
9883 described in Subsection 53F-5-303(2); and

9884 (b) receive a demonstration of the home-based technology.

9885 (4) (a) Subject to legislative appropriations, and in accordance with Title 63G, Chapter
9886 6a, Utah Procurement Code, the state board shall award contracts to one or more home-based
9887 technology providers to provide home-based school readiness programs.

9888 (b) The state board may only award a contract to a home-based technology provider if
9889 the home-based technology provider:

9890 (i) submits a proposal that includes the information described in Subsection (2);

9891 (ii) offers a high quality school readiness program; and

9892 (iii) agrees to the evaluation requirements described in Section 53F-5-307.

9893 (5) In evaluating a proposal received under Subsection (2), the state board shall
9894 consider:

9895 (a) the number and percent of eligible students that the respondent intends to serve;

9896 (b) the extent to which the respondent intends to participate in a partnership with an
9897 LEA or eligible private provider;

9898 (c) the extent to which the respondent is able to reach students who do not have access
9899 to other high quality school readiness programs; and

9900 (d) the cost per student.

9901 (6) A home-based technology provider that receives a contract under this section:

9902 (a) shall use the funding to provide a high quality school readiness program to eligible
9903 students; and

9904 (b) may use the funding for the installation of computer or Internet access in homes of
9905 eligible students whose families cannot afford the equipment or services.

9906 (7) The state board shall ensure that a home-based technology provider that receives a
9907 grant under this section funded by TANF funds uses the grant to provide a home-based high
9908 quality school readiness program to eligible students who are eligible to receive TANF funded
9909 assistance.

9910 ~~[(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
9911 ~~the]~~

9912 (8) The state board shall make rules to implement this section.

9913 Section 269. Section **53F-5-305** is amended to read:

9914 **53F-5-305. Intergenerational Poverty School Readiness Scholarship Program.**

9915 (1) There is created the Intergenerational Poverty School Readiness Scholarship
9916 Program to provide an eligible student experiencing intergenerational poverty access to a high
9917 quality school readiness program.

9918 (2) The department shall, in accordance with Section **35A-9-401**:

9919 (a) determine if an individual is eligible for an IGP scholarship; and

9920 (b) award an IGP scholarship.

9921 (3) (a) (i) An LEA or home-based technology provider may apply to the state board to
9922 receive a designation as a high quality school readiness program.

9923 (ii) The state board shall determine if an LEA or home-based technology provider
9924 offers a high quality school readiness program using the tool described in Subsection
9925 **53F-5-303**(2).

9926 (b) (i) An eligible private provider may apply to the department to receive a
9927 designation as a high quality school readiness program.

9928 (ii) The department shall determine if an eligible private provider offers a high quality
9929 school readiness program using the tool described in Subsection **53F-5-303**(2).

9930 (4) (a) The department and the state board shall coordinate to assist a parent [~~or legal~~
9931 ~~guardian~~] of a recipient of an IGP scholarship to enroll the IGP scholarship recipient in a high
9932 quality school readiness program:

9933 (i) offered by an LEA, eligible private provider, or eligible home-based technology
9934 provider; and

9935 (ii) of the [~~parent or legal guardian's~~] parent's choice.

9936 (b) The department shall pay the scholarship amount directly to a high quality school
9937 readiness program in which an IGP scholarship recipient enrolls.

9938 (5) (a) Except as provided in Subsection (5)(b), the department may not provide an
9939 individual's IGP scholarship to an LEA, eligible private provider, or eligible home-based
9940 technology provider unless the LEA, eligible private provider, or eligible home-based
9941 technology provider offers a high quality school readiness program, as determined by the state
9942 board or the department under Subsection (3).

9943 (b) An LEA, eligible private provider, or eligible home-based technology provider that

9944 receives a determination as a high quality school readiness program under Section 53F-5-303
9945 or 53F-5-305 may enroll an IGP scholarship recipient.

9946 Section 270. Section 53F-5-307 is amended to read:

9947 **53F-5-307. Evaluation -- Reporting requirements.**

9948 (1) In accordance with this section, the state board, in coordination with the
9949 department, shall oversee the ongoing review and evaluation by an independent evaluator for
9950 each school year of:

9951 (a) the Student Access to High Quality School Readiness Programs Grant Program
9952 described in Section 53F-5-303;

9953 (b) the home-based technology high quality school readiness program described in
9954 Section 53F-5-304;

9955 (c) the Intergenerational Poverty School Readiness Scholarship Program described in
9956 Section 53F-5-305; and

9957 (d) early childhood teacher training described in Section 53F-5-306.

9958 (2) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
9959 board shall enter into a contract with an independent evaluator to assist the state board in the
9960 evaluation process.

9961 (b) In selecting an independent evaluator, the state board shall select an evaluator that:

9962 (i) has the capacity to meet the requirements described in Subsection (3);

9963 (ii) has a background in designing and conducting rigorous evaluations;

9964 (iii) has a demonstrated ability to monitor and evaluate a program over an extended
9965 period of time;

9966 (iv) is independent from agencies or providers implementing high quality school
9967 readiness programs funded under this part; and

9968 (v) has experience in early childhood education or early childhood education
9969 evaluation.

9970 (c) The state board may not enter into a contract with an independent evaluator without
9971 obtaining approval from the department.

9972 (3) Under the direction of the state board, with input from the department, the
9973 independent evaluator selected under Subsection (2) shall:

9974 (a) design an evaluation methodology that:

9975 (i) assesses the effects of a high quality school readiness program on an eligible
9976 student's:

9977 (A) readiness for kindergarten, using a uniform assessment methodology that includes
9978 a pre- and post-test chosen in coordination with the state board;

9979 (B) ability, as determined by following the student longitudinally, to meet grade 3 core
9980 standards for Utah public schools, established by the state board under Section 53E-4-202, by
9981 the end of the student's grade 3 year; and

9982 (C) attainment of a high school diploma or other completion certificate, as determined
9983 by following the student longitudinally; and

9984 (ii) allows for comparisons between students with similar demographic characteristics
9985 who complete a high quality school readiness program and students who do not; and

9986 (b) conduct an annual evaluation of the programs described in Subsection (1).

9987 (4) To assist the independent evaluator selected under Subsection (2) in completing the
9988 evaluation required under Subsection (3):

9989 (a) an LEA that receives a grant under Section 53F-5-303, or enrolls an IGP
9990 scholarship recipient under Section 53F-5-305, shall assign a statewide unique student
9991 identifier to each student who participates in the LEA's school readiness program;

9992 (b) an eligible private provider that receives a grant described in Section 53F-5-303 or
9993 an eligible home-based technology provider that receives a contract described in Section
9994 53F-5-304 shall work in conjunction with the state board to assign a statewide unique student
9995 identifier to each student who is enrolled in the provider's school readiness program in the
9996 student's last year before kindergarten; and

9997 (c) an eligible private provider or eligible home-based technology provider that
9998 receives an IGP scholarship under Section 53F-5-305 shall work in conjunction with the state
9999 board to assign a statewide unique student identifier to each student who is funded by an IGP
10000 scholarship.

10001 (5) The state board and the department shall report annually, on or before November 1,
10002 to the Education Interim Committee on the results of an evaluation conducted under this
10003 section.

10004 Section 271. Section 53F-5-401 is amended to read:

10005 **53F-5-401. Definitions.**

10006 As used in this part:

10007 [~~(1)~~] "~~Board~~" means the State Board of Education.]

10008 [~~(2)~~] (1) "Eligible elementary school" or "eligible junior high school" means a district

10009 school or charter school that has at least 50% of the school's students with a family income at

10010 or below 185% of the federal poverty level.

10011 [~~(3)~~] (2) "Eligible partnership" means a partnership that:

10012 (a) includes at least:

10013 (i) a local education agency that has designated an eligible school feeder pattern;

10014 (ii) a local nonprofit organization;

10015 (iii) a private business;

10016 (iv) a municipality or county in which the eligible school feeder pattern is located;

10017 (v) an institution of higher education within the state;

10018 (vi) a state or local government agency that provides services to students attending

10019 schools within the eligible school feeder pattern;

10020 (vii) a local philanthropic organization; and

10021 (viii) a local health care organization; and

10022 (b) has designated a local education agency or local nonprofit organization to act as

10023 lead applicant for a grant described in this part.

10024 [~~(4)~~] (3) "Eligible school feeder pattern" means the succession of schools that a student

10025 enrolls in as the student progresses from kindergarten through grade 12 that includes, as

10026 designated by a local education agency:

10027 (a) a high school;

10028 (b) an eligible junior high school that:

10029 (i) is a district school within the geographic boundary of the high school described in

10030 Subsection [~~(4)~~] (3)(a); or

10031 (ii) is a charter school that sends at least 50% of the charter school's students to the

10032 high school described in Subsection [~~(4)~~] (3)(a); and

10033 (c) an eligible elementary school that:

10034 (i) is a district school within the geographic boundary of the high school described in

10035 Subsection [~~(4)~~] (3)(a); or

10036 (ii) is a charter school that sends at least 50% of the charter school's students to the

10037 junior high school described in Subsection ~~[(4)]~~ (3)(b).

10038 ~~[(5)]~~ (4) "Local education agency" means a school district or charter school.

10039 Section 272. Section **53F-5-402** is amended to read:

10040 **53F-5-402. Partnerships for Student Success Grant Program established.**

10041 (1) There is created the Partnerships for Student Success Grant Program to improve
10042 educational outcomes for low income students through the formation of cross sector
10043 partnerships that use data to align and improve efforts focused on student success.

10044 (2) Subject to legislative appropriations, the state board shall award grants to eligible
10045 partnerships that enter into a memorandum of understanding between the members of the
10046 eligible partnership to plan or implement a partnership that:

10047 (a) establishes shared goals, outcomes, and measurement practices based on unique
10048 community needs and interests that:

10049 (i) are aligned with the recommendations of the five- and ten-year plan to address
10050 intergenerational poverty described in Section [35A-9-303](#); and

10051 (ii) address, for students attending a school within an eligible school feeder pattern:

10052 (A) kindergarten readiness;

10053 (B) grade 3 mathematics and reading proficiency;

10054 (C) grade 8 mathematics and reading proficiency;

10055 (D) high school graduation;

10056 (E) postsecondary education attainment;

10057 (F) physical and mental health; and

10058 (G) development of career skills and readiness;

10059 (b) coordinates and aligns services to:

10060 (i) students attending schools within an eligible school feeder pattern; and

10061 (ii) the families and communities of the students within an eligible school feeder
10062 pattern;

10063 (c) implements a system for:

10064 (i) sharing data to monitor and evaluate shared goals and outcomes, in accordance with
10065 state and federal law; and

10066 (ii) accountability for shared goals and outcomes; and

10067 (d) commits to providing matching funds as described in Section [53F-5-403](#).

(3) In making grant award determinations, the state board shall prioritize funding for an eligible partnership that:

(a) includes a low performing school as determined by the state board; or

(b) addresses parent and community engagement.

(4) In awarding grants under this part, the state board:

(a) shall distribute funds to the lead applicant designated by the eligible partnership as described in Section 53F-5-401; and

(b) may not award more than \$500,000 per fiscal year to an eligible partnership.

Section 273. Section 53F-5-403 is amended to read:

53F-5-403. Matching funds -- Grantee requirements.

(1) (a) The state board may not award a grant to an eligible partnership unless the eligible partnership provides matching funds equal to two times the amount of the grant.

(b) The state board shall ensure that at least half of the matching funds provided under Subsection (1)(a) are provided by a local education agency.

(c) Matching funds may include cash or an in-kind contribution.

(2) A partnership that receives a grant under this part shall:

(a) select and contract with a technical assistance provider identified by the state board as described in Section 53F-5-404;

(b) continually assess progress toward reaching shared goals and outcomes;

(c) publish results of the continual assessment described in Subsection (2)(b) on an annual basis;

(d) regularly report to the state board in accordance with rules established by the state board under Section 53F-5-406; and

(e) as requested, share information and data with the third party evaluator described in Section 53F-5-405, in accordance with state and federal law.

(3) A partnership that receives a grant under this part may use grant funds only for the following purposes:

(a) to contract with a technical assistance provider identified by the state board as described in Section 53F-5-404; and

(b) to plan or implement a partnership, including:

(i) for project management;

- 10099 (ii) for planning and adaptation of services and strategies;
10100 (iii) to coordinate services;
10101 (iv) to establish and implement shared measurement practices;
10102 (v) to produce communication materials and conduct outreach activities to build public
10103 support;
10104 (vi) to establish data privacy and sharing agreements, in accordance with state and
10105 federal law;
10106 (vii) to purchase infrastructure, hardware, and software to collect and store data; or
10107 (viii) to analyze data.

10108 (4) (a) The state board shall establish interventions for a partnership that:

- 10109 (i) fails to comply with the requirements described in this section; or
10110 (ii) is not making progress toward reaching the shared goals and outcomes established
10111 by the partnership as described in Section 53F-5-402.

10112 (b) An intervention under Subsection (4)(a) may include discontinuing or reducing
10113 funding.

10114 Section 274. Section **53F-5-404** is amended to read:

10115 **53F-5-404. Technical assistance.**

10116 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
10117 shall identify two or more technical assistance providers that a partnership may select from to
10118 assist the partnership in:

- 10119 (a) establishing shared goals, outcomes, and measurement practices;
10120 (b) creating the capabilities to achieve shared goals and outcomes that may include
10121 providing leadership development training to members of the partnership; and
10122 (c) using data to align and improve efforts focused on student success.

10123 (2) In identifying technical assistance providers under this section the state board shall
10124 identify providers that have a credible track record of providing technical assistance as
10125 described in Subsection (1).

10126 Section 275. Section **53F-5-405** is amended to read:

10127 **53F-5-405. Independent evaluation -- Reporting.**

10128 (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
10129 shall contract with an independent evaluator to annually evaluate a partnership that receives a

10130 grant under this part.

10131 (2) The evaluation described in Subsection (1) shall:

10132 (a) assess implementation of a partnership, including the extent to which members of a
10133 partnership:

10134 (i) share data to align and improve efforts focused on student success; and

10135 (ii) meet regularly and communicate authentically; and

10136 (b) assess the impact of a partnership on student outcomes using appropriate statistical
10137 evaluation methods.

10138 (3) In identifying an independent evaluator under Subsection (1), the state board shall
10139 identify an evaluator that:

10140 (a) has a credible track record of conducting evaluations as described in Subsection (2);
10141 and

10142 (b) is independent of any member of the partnership and does not otherwise have a
10143 vested interest in the outcome of the evaluation.

10144 (4) Beginning in the 2017-18 school year, the state board shall ensure that the
10145 independent evaluator:

10146 (a) prepares an annual written report of an evaluation conducted under this section; and

10147 (b) annually submits the report to the Education Interim Committee.

10148 Section 276. Section **53F-5-406** is amended to read:

10149 **53F-5-406. Rules.**

10150 [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the~~]

10151 The state board shall make rules to administer the Partnerships for Student Success Grant
10152 Program in accordance with this part.

10153 Section 277. Section **53F-5-501** is amended to read:

10154 **53F-5-501. Definitions.**

10155 As used in this part:

10156 (1) "Blended learning" means a formal education program in which a student learns:

10157 (a) at least in part, through online learning with some element of student control over
10158 time, place, path, and pace;

10159 (b) at least in part, in a supervised brick-and-mortar location away from home; and

10160 (c) in a program in which the modalities along each student's learning path within a

10161 course or subject are connected to provide an integrated learning experience.

10162 ~~[(2) "Board" means the State Board of Education.]~~

10163 ~~[(3)]~~ (2) "Competency-Based education" means a system where a student advances to
10164 higher levels of learning when the student demonstrates competency of concepts and skills
10165 regardless of time, place, or pace.

10166 ~~[(4)]~~ (3) "Extended learning" means learning opportunities outside of a traditional
10167 school structure, including:

10168 (a) online learning available anywhere, anytime;

10169 (b) career-based experiences, including internships and job shadowing;

10170 (c) community-based projects; and

10171 (d) off-site postsecondary learning.

10172 ~~[(5)]~~ (4) "Grant program" means the Competency-Based Education Grants Program
10173 created in this part.

10174 ~~[(6)]~~ (5) "Institution of higher education" means an institution listed in Section
10175 53B-1-102.

10176 ~~[(7) "Local education agency" or "LEA" means:]~~

10177 ~~[(a) a school district;]~~

10178 ~~[(b) a charter school; or]~~

10179 ~~[(c) the Utah Schools for the Deaf and the Blind.]~~

10180 ~~[(8)]~~ (6) "Review committee" means the committee established under Section
10181 53F-5-502.

10182 ~~[(9)]~~ (7) "STEM" means science, technology, engineering, and mathematics.

10183 Section 278. Section **53F-5-502** is amended to read:

10184 **53F-5-502. Competency-Based Education Grants Program -- State board duties**

10185 **-- Review committee -- Technical assistance training.**

10186 (1) There is created the Competency-Based Education Grants Program consisting of
10187 the grants created in this part to improve educational outcomes in public schools by advancing
10188 student mastery of concepts and skills through the following core principles:

10189 (a) student advancement upon mastery of a concept or skill;

10190 (b) competencies that include explicit, measurable, and transferable learning objectives
10191 that empower a student;

(c) assessment that is meaningful and provides a positive learning experience for a student;

(d) timely, differentiated support based on a student's individual learning needs; and

(e) learning outcomes that emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.

(2) The grant program shall incentivize an LEA to establish competency-based education within the LEA through the use of:

(a) personalized learning;

(b) blended learning;

(c) extended learning;

(d) educator professional learning in competency-based education; or

(e) any other method that emphasizes the core principles described in Subsection (1).

(3) The state board shall:

~~[(a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~

(a) adopt rules:

(i) for the administration of the grant program and awarding of grants; and

(ii) to define outcome-based measures appropriate to the type of grant for an LEA that is awarded a grant under this part to use to measure the performance of the LEA's plan or program;

(b) establish a grant application process;

(c) in accordance with Subsection (4), establish a review committee to make recommendations to the state board for:

(i) metrics to analyze the quality of a grant application; and

(ii) approval of a grant application; and

(d) with input from the review committee, adopt metrics to analyze the quality of a grant application.

(4) (a) The review committee shall consist of STEM and blended learning experts, current and former school administrators, current and former teachers, and at least one former school district superintendent, in addition to other staff designated by the state board.

(b) The review committee shall:

(i) review a grant application submitted by an LEA;

10223 (ii) make recommendations to the LEA to modify the application, if necessary; and
10224 (iii) make recommendations to the state board regarding the final disposition of an
10225 application.

10226 (5) (a) The state board shall provide technical assistance training to assist an LEA with
10227 a grant application under this part.

10228 (b) An LEA may not apply for a grant under this part unless:

10229 (i) a representative of the LEA attends the technical assistance training before the LEA
10230 submits a grant application; and

10231 (ii) the representative is a superintendent, principal, or a person in a leadership position
10232 within the LEA.

10233 (c) The technical assistance training shall include:

10234 (i) instructions on completing a grant application, including grant application
10235 requirements;

10236 (ii) information on the scoring metrics used to review a grant application; and

10237 (iii) information on competency-based education.

10238 (6) The state board may use up to 5% of an appropriation provided to fund this part for
10239 administration of the grant program.

10240 Section 279. Section **53F-5-503** is amended to read:

10241 **53F-5-503. Planning grants -- Requirements.**

10242 (1) (a) The state board shall, subject to legislative appropriations, award a planning
10243 grant to an LEA:

10244 (i) that submits a planning grant application that meets the requirements established by
10245 the state board, subject to Subsection (2);

10246 (ii) if an LEA designee has attended the technical assistance training described in
10247 Section **53F-5-502**; and

10248 (iii) if the LEA planning grant application has been recommended by the review
10249 committee.

10250 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
10251 no later than one calendar year after receiving the funds.

10252 (2) (a) A planning grant application shall include evidence that the LEA:

10253 (i) can provide a general description of the program the LEA would like to plan;

10254 (ii) is intending to plan for:
10255 (A) schoolwide implementation; or
10256 (B) if the LEA intends to implement initially with a population smaller than
10257 schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;
10258 (iii) can describe the types of partners that will help with the plan and, eventually,
10259 implement the program;
10260 (iv) planning activities and program will focus on:
10261 (A) implementation of the core principles described in Section 53F-5-502;
10262 (B) use of the methods, as applicable, described in Section 53F-5-502; and
10263 (C) the outcome-based measures adopted by the state board under Section 53F-5-502;
10264 (v) has:
10265 (A) the capacity, qualifications, local governing body support, and time to successfully
10266 plan the program; and
10267 (B) an intentional and feasible planning process;
10268 (vi) will align the LEA's budget as necessary with the planning process; and
10269 (vii) will communicate and promote the plan with parents, teachers, and members of
10270 the community.
10271 (b) The state board may adopt other requirements in addition to the requirements in
10272 Subsection (2)(a).
10273 Section 280. Section 53F-5-504 is amended to read:
10274 **53F-5-504. Implementation grants -- Requirements.**
10275 (1) (a) The state board shall, subject to legislative appropriations, award an
10276 implementation grant to, subject to Subsection (1)(c), an LEA:
10277 (i) that submits an implementation grant application that meets the requirements
10278 established by the state board, subject to Subsection (2);
10279 (ii) if an LEA designee has attended the technical assistance training described in
10280 Section 53F-5-502; and
10281 (iii) if the LEA implementation grant application has been recommended by the review
10282 committee.
10283 (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds
10284 no later than two calendar years after receiving the funds.

(c) An LEA is not eligible to receive an implementation grant under this section unless the state board has previously awarded the LEA a planning grant under Section 53F-5-503.

(2) (a) An implementation grant application shall include evidence that the LEA:

(i) can logically articulate the proposed program's mission, theory of change, and the program's intended goals and outcomes;

(ii) (A) program will have schoolwide implementation; or

(B) if the LEA intends to implement initially with a population smaller than schoolwide, program includes steps to phase the program in schoolwide or districtwide over a specified period of time;

(iii) has an understanding of similar programs and can use this knowledge to strengthen the LEA's program implementation;

(iv) program will focus on:

(A) direct alignment with the core principles described in Section 53F-5-502;

(B) use of the methods, as applicable, described in Section 53F-5-502; and

(C) the outcome based measures adopted by the state board under Section 53F-5-502;

(v) program will address a need, determined by data, in the LEA or community;

(vi) has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives;

(vii) has a list of signatures of key stakeholders and partners who are committed to implementing the program;

(viii) has the capacity, qualifications, local governing body support, and time to successfully implement this program;

(ix) has an intentional and feasible scope of work to implement the program;

(x) will align the LEA's budget as necessary with the planning process; and

(xi) will communicate and promote the plan with parents, teachers, and members of the community.

(b) The state board may adopt other requirements in addition to the requirements in Subsection (2)(a).

(3) A program under this section may include:

(a) a waiver, subject to Section 53F-5-506, of required school hours attended or traditional school calendar scheduling; and

(b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Section 281. Section **53F-5-505** is amended to read:

53F-5-505. Expansion grants -- Requirements.

(1) (a) The state board shall, subject to legislative appropriations and to expand an existing LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an LEA:

(i) that submits an expansion grant application that meets the requirements established by the state board, subject to Subsection (2);

(ii) if an LEA designee has attended the technical assistance training described in Section **53F-5-502**; and

(iii) if the LEA expansion grant application has been recommended by the review committee.

(b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.

(c) An LEA is not eligible to receive an expansion grant under this section unless the state board has previously awarded the LEA an implementation grant under Section **53F-5-504**.

(2) (a) An expansion grant application shall include evidence that the LEA:

(i) has an established program that:

(A) has successfully met previous goals;

(B) has shown outcomes that are in alignment with the core principles described in Section **53F-5-502** and used methods, as applicable, described in Section **53F-5-502**;

(C) is supported by LEA management and leadership;

(D) is suitable for expansion schoolwide or districtwide; and

(E) is the program, with any necessary modifications, that the LEA plans to expand if awarded the expansion grant;

(ii) can logically articulate the LEA's program mission, theory of change, and the program's intended goals and outcomes;

(iii) program as proposed for expansion is focused on:

(A) direct alignment with the core principles identified in Section **53F-5-502**;

(B) use of the methods, as applicable, described in Section **53F-5-502**; and

- 10347 (C) the outcome based measures adopted by the state board under Section 53F-5-502;
10348 (iv) that the program will directly address a need, determined by data, in the LEA or
10349 community;
- 10350 (v) has clearly articulated core components that ensure, when expanded, the program
10351 will yield positive outcomes;
- 10352 (vi) has a strong evaluation plan that will clearly measure the success of the LEA's
10353 program against the stated goals and objectives;
- 10354 (vii) has a list of signatures of key stakeholders and partners who are committed to
10355 expanding the program;
- 10356 (viii) has the capacity, qualifications, local governing body support, and time to
10357 successfully expand the program;
- 10358 (ix) has an intentional and feasible scope of work to expand the program;
- 10359 (x) has a strategic budget that is aligned with the LEA's scope of work; and
- 10360 (xi) will communicate and promote the plan with parents, teachers, and members of the
10361 community.
- 10362 (b) The state board may adopt other requirements in addition to the requirements in
10363 Subsection (2)(a).
- 10364 (3) A program under this section may include:
- 10365 (a) a waiver, subject to Section 53F-5-506, of required school hours attended or
10366 traditional school calendar scheduling; and
- 10367 (b) an adjustment of educator compensation to reflect the implementation of a waiver
10368 under Subsection (3)(a).
- 10369 Section 282. Section 53F-5-506 is amended to read:
- 10370 **53F-5-506. Waiver from state board rule -- State board recommended statutory**
10371 **changes.**
- 10372 (1) An LEA may apply to the state board in a grant application submitted under this
10373 part for a waiver of a state board rule that inhibits or hinders the LEA from accomplishing its
10374 goals set out in its grant application.
- 10375 (2) The state board may grant the waiver, unless:
- 10376 (a) the waiver would cause the LEA to be in violation of state or federal law; or
- 10377 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

(3) If the state board denies the waiver, the state board shall provide in writing the reason for the denial to the waiver applicant.

(4) (a) The state board shall request from each LEA that receives a grant under this part for each year the LEA receives funds:

(i) information on a state statute that hinders an LEA from fully implementing the LEA's program; and

(ii) suggested changes to the statute.

(b) The state board shall, in a written report, provide any information received from an LEA under Subsection (4)(a) and the state board's recommendations to the Legislature no later than November 30 of each year.

Section 283. Section **53F-5-601** is amended to read:

53F-5-601. Definitions.

(1) The terms defined in Section **53E-10-401** apply to this [section] part.

(2) As used in this part:

(a) "American Indian and Alaskan Native concentrated school" means a school where at least 29% of its students are American Indian or Alaskan Native.

~~[(b) "Board" means the State Board of Education.]~~

~~[(c)]~~ (b) "Teacher" means an individual employed by a school district or charter school who is required to hold an educator license issued by the state board and who has an assignment to teach in a classroom.

Section 284. Section **53F-5-602** is amended to read:

53F-5-602. Pilot programs created.

(1) (a) In addition to the state plan described in Title 53E, Chapter 10, Part 4, American Indian-Alaskan Native Education State Plan, beginning with fiscal year 2016-2017, there is created a five-year pilot program administered by the state board to provide grants targeted to address the needs of American Indian and Alaskan Native students.

(b) The pilot program shall consist of a grant program to school districts and charter schools to be used to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools.

(2) (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot program administered by the state board to provide grants targeted to address the needs of American

10409 Indian and Alaskan Native students.

10410 (b) The pilot program shall consist of a grant program to school districts and charter
10411 schools to be used to fund stipends, recruitment, retention, and professional development of
10412 teachers who teach in American Indian and Alaskan Native concentrated schools.

10413 (c) In determining grant recipients under this Subsection (2), the state board shall give
10414 priority to American Indian and Alaskan Native concentrated schools located in a county of the
10415 fourth, fifth, or sixth class with significant populations of American Indians and Alaskan
10416 Natives.

10417 (3) Up to 3% of the money appropriated to a grant program under this part may be used
10418 by the state board for costs in implementing the pilot program.

10419 Section 285. Section **53F-5-603** is amended to read:

10420 **53F-5-603. Grant program to school districts and charter schools.**

10421 (1) From money appropriated to the grant program, the state board shall distribute
10422 grant money on a competitive basis to a school district or charter school that applies for a grant
10423 and:

10424 (a) (i) has within the school district one or more American Indian and Alaskan Native
10425 concentrated schools; or

10426 (ii) is an American Indian and Alaskan Native concentrated school; and

10427 (b) has a program to fund stipends, recruitment, retention, and professional
10428 development of teachers who teach at American Indian and Alaskan Native concentrated
10429 schools.

10430 (2) The grant money distributed under this section may only be expended to fund a
10431 program described in Subsection (1)(b).

10432 (3) (a) If a school district or charter school obtains a grant under this section, by no
10433 later than two years from the date the school district or charter school obtains the grant, the
10434 state board shall review the implementation of the program described in Subsection (1)(b) to
10435 determine whether:

10436 (i) the program is effective in addressing the need to retain teachers at American Indian
10437 and Alaskan Native concentrated schools; and

10438 (ii) the money is being spent for a purpose not covered by the program described in
10439 Subsection (1)(b).

(b) If the state board determines that the program is not effective or that the money is being spent for a purpose not covered by the program described in Subsection (1)(b), the state board may terminate the grant money being distributed to the school district or charter school.

~~[(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the]~~

(4) The state board may make rules providing:

(a) criteria for evaluating grant applications; and

(b) procedures for:

(i) a school district to apply to the state board to receive grant money under this section; and

(ii) the review of the use of grant money described in Subsection (3).

(5) The grant money is intended to supplement and not replace existing money supporting American Indian and Alaskan Native concentrated schools.

Section 286. Section **53F-6-201** is amended to read:

53F-6-201. Firearm Safety and Violence Prevention Pilot Program.

(1) As used in this section:

~~[(a) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.]~~

~~[(b)]~~ (a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

~~[(c)]~~ (b) "Pilot program" means the Firearm Safety and Violence Prevention Pilot Program created under Subsection (2).

(2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide instruction that a public school may offer to a student in any of grades 5 through 12 on:

(a) firearm safety, including:

(i) developing the knowledge, habits, skills, and attitudes necessary for the safe handling of firearms; and

(ii) teaching a student that to avoid injury when the student finds a firearm the student should:

- 10471 (A) not touch the firearm;
- 10472 (B) tell an adult about finding the firearm and the location of the firearm; and
- 10473 (C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other
- 10474 minors who are with the student when the student finds the firearm; and
- 10475 (b) what to do if the student becomes aware of a threat against the school.
- 10476 (3) The instruction described in Subsection (2):
- 10477 (a) may be delivered:
- 10478 (i) in a public school using live instruction or a video or online materials; or
- 10479 (ii) at home using a video or online materials; and
- 10480 (b) shall be neutral of political statements on guns.
- 10481 (4) The Office of the Attorney General, in collaboration with the [~~State Board of~~
- 10482 ~~Education~~] state board, shall select one or more providers, through the standard procurement
- 10483 process or an exception to the standard procurement process as described in Title 63G, Chapter
- 10484 6a, Utah Procurement Code, to supply materials and curriculum for the pilot program.
- 10485 (5) (a) A district school or charter school may participate in the pilot program, subject
- 10486 to approval by the district school's local school board or charter school's charter school
- 10487 governing board.
- 10488 (b) A district school or charter school that chooses to participate in the pilot program:
- 10489 (i) shall use the materials and curriculum supplied by the provider selected under
- 10490 Subsection (4);
- 10491 (ii) may permit the following to provide instruction on a voluntary basis:
- 10492 (A) the Division of Wildlife Resources;
- 10493 (B) a local law enforcement agency;
- 10494 (C) a peace officer, as defined in Section 53-13-102; or
- 10495 (D) another certified firearms safety instructor, as defined in rules made by the [~~State~~
- 10496 ~~Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
- 10497 ~~Act~~] state board; and
- 10498 (iii) shall ensure that a firearm is not used in providing the instruction.
- 10499 (c) A student may not be given the instruction described in Subsection (2) unless the
- 10500 student's parent [~~or legal guardian~~] has given prior written consent.
- 10501 (6) The Office of the Attorney General, in collaboration with the [~~State Board of~~

Education] state board, shall evaluate the pilot program and report to the Law Enforcement and Criminal Justice Interim Committee on or before December 1, 2018.

Section 287. Section **53F-6-202** is amended to read:

53F-6-202. Smart School Technology Program.

(1) As used in this section, "program" means the Smart School Technology Program.

(2) The Smart School Technology Program is created to encourage the deployment of whole-school one-to-one mobile device technology in public schools.

(3) The Board of Business and Economic Development with input from an independent evaluating committee, shall issue a request for proposals for the development and implementation of a whole-school one-to-one mobile device technology deployment plan for schools.

(4) From recommendations submitted by an independent evaluating committee, the Board of Business and Economic Development shall select a single education technology provider with integrated whole-school technology deployment experience through the request for proposals process.

(5) (a) An independent evaluating committee shall be established to:

(i) advise the Board of Business and Economic Development in issuing a request for proposals under Subsection (3);

(ii) evaluate proposals submitted through a request for proposals issued under Subsection (3); and

(iii) advise the [~~State Board of Education~~] state board on selecting schools to participate in the program.

(b) The membership of the independent evaluating committee shall include:

(i) three members of the [~~State Board of Education~~] state board appointed by the chair of the [~~State Board of Education~~] state board;

(ii) the state chief information officer;

(iii) two members appointed by the executive director of the Governor's Office of Economic Development; and

(iv) the governor's education director.

(c) The independent evaluating committee shall evaluate a proposal on:

(i) a provider's experience with integrated whole-school technology deployment; and

- 10533 (ii) the components of a whole-school technology deployment plan.
- 10534 (6) An educational technology provider selected under Subsection (4) shall develop a
10535 customized whole-school one-to-one mobile device technology deployment plan for each
10536 school participating in the program.
- 10537 (7) The whole-school technology deployment plan shall be based on submitted
10538 proposals to the committee and may include the following components:
- 10539 (a) a personal mobile learning device for each student;
- 10540 (b) desktop or laptop computers for each classroom;
- 10541 (c) peripherals and networking equipment, including a wireless network that is not
10542 self-interfering;
- 10543 (d) wireless audio equipment in each classroom;
- 10544 (e) digital projectors or televisions with wireless device mirroring technology;
- 10545 (f) on and off campus Internet filtering;
- 10546 (g) operating software for the technology system, including software that connects
10547 personal mobile learning devices among students and a teacher to facilitate classroom
10548 interaction;
- 10549 (h) curriculum and instructional software purchase credits per device to be used toward
10550 improving student outcomes with respect to the core standards for Utah public schools and
10551 skill building on the use of technology;
- 10552 (i) device repair and replacement criteria;
- 10553 (j) professional development for educators and technology specialists on:
- 10554 (i) the operation and use of the technology equipment; and
- 10555 (ii) accessing and using online content; and
- 10556 (k) ongoing technical support.
- 10557 (8) (a) A school within a school district, with the approval of the local school board, or
10558 a charter school, may submit an application to the [~~State Board of Education~~] state board to
10559 participate in the program.
- 10560 (b) With input from the independent evaluating committee established under
10561 Subsection (5), the [~~State Board of Education~~] state board shall select schools to participate in
10562 the program.
- 10563 (c) In selecting schools, the [~~State Board of Education~~] state board shall seek to include

10564 in the program schools:

10565 (i) from different regions of the state;

10566 (ii) from urban and rural areas;

10567 (iii) with a variety of economic and demographic characteristics; and

10568 (iv) with documented technology implementation plans, including a plan for the use of:

10569 (A) instructional software that improves student outcomes with respect to the core

10570 standards for Utah public schools; and

10571 (B) software that provides students with skill building on the use of technology.

10572 (d) The [~~State Board of Education~~] state board shall make rules:

10573 (i) specifying procedures and criteria to be used for selecting schools that may

10574 participate in the program; and

10575 (ii) requiring selected schools to provide matching funds to participate in the program.

10576 (9) (a) The [~~State Board of Education~~] state board, in collaboration with the education

10577 technology provider and the schools participating in the program, shall evaluate the program

10578 and submit a report on the evaluation to the Governor's Office of Economic Development and

10579 the Education Interim Committee by the committee's October meetings in 2013 and 2014.

10580 (b) The [~~State Board of Education~~] state board may contract with an independent

10581 evaluator to conduct the evaluation required in Subsection (9)(a).

10582 (c) The evaluation shall be based on the following criteria:

10583 (i) technology system functionality;

10584 (ii) school level outcomes;

10585 (iii) teacher instruction and outcomes; and

10586 (iv) student engagement and outcomes.

10587 Section 288. Section **53F-6-301** is amended to read:

10588 **53F-6-301. Definitions.**

10589 As used in this part:

10590 (1) "Board" means the School Readiness Board, created in Section [35A-3-209](#).

10591 (2) "Economically disadvantaged" means to be eligible to receive free or reduced price

10592 lunch.

10593 (3) "Eligible home-based educational technology provider" means a provider that

10594 intends to offer a home-based educational technology program.

(4) "Eligible LEA" means an LEA that has a data system capacity to collect longitudinal academic outcome data, including special education use by student, by identifying each student with a statewide unique student identifier.

(5) (a) "Eligible private provider" means a child care program that:

(i) (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or

(B) is exempt from licensure under Section 26-39-403; and

(ii) meets other criteria as established by the board, consistent with Utah Constitution, Article X, Section 1.

(b) "Eligible private provider" does not include residential child care, as defined in Section 26-39-102.

(6) "Eligible student" means a student:

(a) who is economically disadvantaged; and

(b) whose parent [~~or legal guardian~~] reports that the student has experienced at least one risk factor.

(7) "Evaluator" means an independent evaluator selected in accordance with Section 53F-3-309.

(8) "High quality school readiness program" means a preschool program that:

(a) is provided by an eligible LEA, eligible private provider, or eligible home-based educational technology provider; and

(b) meets the elements of a high quality school readiness program described in Section 53F-6-304.

(9) "Investor" means a person that enters into a results-based contract to provide funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section 53F-6-309 if the high quality school readiness program meets the performance outcome measures included in the results-based contract.

(10) "Local Education Agency" or "LEA" means a school district or charter school.

(11) "Pay for success program" means a program funded through a model in which the program is initially funded through private funding and the entity providing the private funding receives repayment through public funding if the program achieves certain outcomes.

(12) "Performance outcome measure" means a cost avoidance in special education use

10626 for a student at-risk for later special education placement in kindergarten through grade 12 who
10627 receives preschool education funded pursuant to a results-based contract.

10628 (13) "Program intermediary" means an entity selected by the board under Section
10629 35A-3-209 to coordinate with the Department of Workforce Services to provide program
10630 support to the board.

10631 (14) "Results-based contract" means a contract that:

10632 (a) is entered into in accordance with Section 53F-3-309;

10633 (b) includes a performance outcome measure; and

10634 (c) is between:

10635 (i) the board, a provider of a high quality school readiness program, and an investor; or

10636 (ii) the board and a provider of a high quality school readiness program.

10637 (15) "Risk factor" means:

10638 (a) having a mother who was 18 years old or younger when the child was born;

10639 (b) a member of a child's household is incarcerated;

10640 (c) living in a neighborhood with high violence or crime;

10641 (d) having one or both parents with a low reading ability;

10642 (e) moving at least once in the past year;

10643 (f) having ever been in foster care;

10644 (g) living with multiple families in the same household;

10645 (h) having exposure in a child's home to:

10646 (i) physical abuse or domestic violence;

10647 (ii) substance abuse;

10648 (iii) the death or chronic illness of a parent or sibling; or

10649 (iv) mental illness;

10650 (i) the primary language spoken in a child's home is a language other than English; or

10651 (j) having at least one parent who has not completed high school.

10652 (16) "Student at-risk for later special education placement" means an eligible student
10653 who, at preschool entry, scores at least two standard deviations below the mean on the
10654 assessment selected by the board under Section 53F-6-309.

10655 Section 289. Section 53F-6-304 is amended to read:

10656 **53F-6-304. Elements of a high quality school readiness program.**

(1) A high quality school readiness program run by an eligible LEA or eligible private provider shall include the following components:

(a) an evidence-based curriculum that is aligned with all of the developmental domains and academic content areas defined in the Utah Early Childhood Standards adopted by the ~~[State Board of Education]~~ state board, and incorporates intentional and differentiated instruction in whole group, small group, and child-directed learning, including the following academic content areas:

(i) oral language and listening comprehension;

(ii) phonological awareness and prereading;

(iii) alphabet and word knowledge;

(iv) prewriting;

(v) book knowledge and print awareness;

(vi) numeracy;

(vii) creative arts;

(viii) science and technology; and

(ix) social studies, health, and safety;

(b) ongoing, focused, and intensive professional development for staff of the school readiness program;

(c) ongoing assessment of a student's educational growth and developmental progress to inform instruction;

(d) a pre- and post-assessment of each student whose parent ~~[or legal guardian]~~ consents to the assessment that, for a school readiness program receiving funding under this part, is selected by the board in accordance with Section [53F-6-309](#);

(e) for a preschool program run by an eligible LEA, a class size that does not exceed 20 students, with one adult for every 10 students in the class;

(f) ongoing program evaluation and data collection to monitor program goal achievement and implementation of required program components;

(g) family engagement, including ongoing communication between home and school, and parent education opportunities based on each family's circumstances;

(h) for a preschool program run by an eligible LEA, each teacher having at least obtained:

(i) the minimum standard of a child development associate certification; or
(ii) an associate or bachelor's degree in an early childhood education related field; and
(i) for a preschool program run by an eligible private provider, by a teacher's second year, each teacher having at least obtained:

(i) the minimum standard of a child development associate certification; or
(ii) an associate or bachelor's degree in an early childhood education related field.
(2) A high quality school readiness program run by a home-based educational technology provider shall:

(a) be an evidence-based and age appropriate individualized interactive instruction assessment and feedback technology program that teaches eligible students early learning skills needed to be successful upon entry into kindergarten;

(b) require regular parental engagement with the student in the student's use of the home-based educational technology program;

(c) be aligned with the Utah early childhood core standards;

(d) require the administration of a pre- and post-assessment of each student whose parent ~~[or legal guardian]~~ consents to the assessment that, for a home-based technology program that receives funding under this part, is designated by the board in accordance with Section 53F-6-309; and

(e) require technology providers to ensure successful implementation and utilization of the technology program.

Section 290. Section 53F-6-309 is amended to read:

53F-6-309. Results-based contracts -- Assessment selection -- Independent evaluators.

(1) The board may enter into a results-based contract to fund participation of eligible students in a high quality school readiness program in accordance with Section 35A-3-209 and this part.

(2) (a) Except as provided in Subsection (3), the board shall include an investor as a party to a results-based contract.

(b) The board may provide for a repayment to an investor to include a return of investment and an additional return on investment, dependent on achievement of the performance outcome measures set in the results-based contract.

(c) The additional return on investment described in Subsection (2)(b) may not exceed 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10 year maturity at the time of the issuance of the results-based contract.

(d) Funding obtained for an early education program through a results-based contract that includes an investor is not a procurement item under Section 63G-6a-103.

(e) A results-based contract that includes an investor shall include:

(i) a requirement that the repayment to the investor be conditioned on achieving the performance outcome measures set in the results-based contract;

(ii) a requirement for an evaluator to determine whether the performance outcome measures have been achieved;

(iii) a provision that repayment to the investor is:

(A) based upon available money in the School Readiness Restricted Account described in Section 35A-3-210; and

(B) subject to legislative appropriations; and

(iv) a provision that the investor is not eligible to receive or view personally identifiable student data of students funded through the results-based contract.

(f) The board may not issue a results-based contract that includes an investor as a party to the contract if the total outstanding obligations of results-based contracts that include an investor as a party to the contract would exceed \$15,000,000 at any one time.

(3) (a) The board may enter into a results-based contract to directly fund a high quality school readiness program that has at least four years of data for at least one cohort of students showing that the high quality school readiness program has met a performance outcome measure.

(b) A results-based contract described in Subsection (3)(a):

(i) does not require an investor; and

(ii) shall include a provision that:

(A) requires that in order to continue receiving funding, the high quality school readiness program continue to meet a performance outcome measure; and

(B) provides an improvement time frame during which the high quality school readiness program may continue to receive funding if the high quality school readiness program fails to continue to meet the performance outcome measure.

10750 (4) The board shall select a uniform assessment of age-appropriate cognitive or
10751 language skills that:
10752 (a) is nationally norm-referenced;
10753 (b) has established reliability;
10754 (c) has established validity with other similar measures and with later school outcomes;
10755 and
10756 (d) has strong psychometric characteristics.

10757 (5) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board
10758 shall select at least three independent evaluators with experience in:
10759 (i) evaluating school readiness programs; and
10760 (ii) administering the assessment selected under Subsection (4).

10761 (b) An eligible LEA, eligible private provider, or eligible home-based educational
10762 technology provider that has a results-based contract shall select one of the evaluators
10763 described in Subsection (5)(a) to conduct an evaluation described in Section 53F-6-306.

10764 (c) The board shall select one of the evaluators described in Subsection (5)(a) to
10765 conduct an evaluation described in Section 53F-6-305.

10766 (6) (a) At the end of each year of a results-based contract after a student funded through
10767 a results-based contract completes kindergarten, the independent evaluator described in
10768 Subsection (5)(b) shall determine whether the performance outcome measures set in the
10769 results-based contract have been met.

10770 (b) The board may not pay an investor unless the evaluation described in Subsection
10771 (6)(a) determines that the performance outcome measures in the results-based contract have
10772 been met.

10773 (7) (a) The board shall ensure that a parent [~~or guardian~~] of an eligible student
10774 participating in a program funded through a results-based contract has given permission and
10775 signed an acknowledgment that the student's data may be shared with an independent evaluator
10776 for research and evaluation purposes, subject to federal law.

10777 (b) The board shall maintain documentation of parental permission required in
10778 Subsection (7)(a).

10779 Section 291. Section 53F-7-201 is amended to read:
10780 **53F-7-201. Appropriations from Automobile Driver Education Tax Account.**

10781 There is appropriated to the [~~State Board of Education~~] state board from the
10782 Automobile Driver Education Tax Account, annually, all money in the account, in excess of
10783 the expense of administering the collection of the tax, for use and distribution in the
10784 administration and maintenance of driver education classes and programs with respect to
10785 classes offered in the school district and the establishment of experimental programs, including
10786 the purchasing of equipment, by the state board.

10787 Section 292. Section **53F-7-301** is amended to read:

10788 **53F-7-301. Annual salary adjustments for Utah Schools for the Deaf and the**
10789 **Blind educators -- Legislative appropriation.**

10790 Subject to future budget constraints, the Legislature shall annually appropriate money to
10791 the state board for the salary adjustments described in Section **53E-8-302**, including step and
10792 lane changes.

10793 Section 293. Section **53F-8-201** is amended to read:

10794 **53F-8-201. Annual certification of tax rate proposed by local school board --**
10795 **Inclusion of school district budget -- Modified filing date.**

10796 (1) Prior to June 22 of each year, each local school board shall certify to the county
10797 legislative body in which the district is located, on forms prescribed by the State Tax
10798 Commission, the proposed tax rate approved by the local school board.

10799 (2) A copy of the district's budget, including items under Section **53G-7-302**, and a
10800 certified copy of the local school board's resolution which approved the budget and set the tax
10801 rate for the subsequent school year beginning July 1 shall accompany the tax rate.

10802 (3) If the tax rate approved by the local school board is in excess of the certified tax
10803 rate, as defined in Section **59-2-924**, the date for filing the tax rate and budget adopted by the
10804 local school board shall be that established under Section **59-2-919**.

10805 Section 294. Section **53F-8-402** is amended to read:

10806 **53F-8-402. Special tax to buy school building sites, build and furnish**
10807 **schoolhouses, or improve school property.**

10808 (1) (a) Except as provided in Subsection (6), a local school board may, by following
10809 the process for special elections established in Sections **20A-1-203** and **20A-1-204**, call a
10810 special election to determine whether a special property tax should be levied for one or more
10811 years to buy building sites, build and furnish schoolhouses, or improve the school property

10812 under its control.

10813 (b) The tax may not exceed .2% of the taxable value of all taxable property in the
10814 district in any one year.

10815 (2) The local school board shall give reasonable notice of the election and follow the
10816 same procedure used in elections for the issuance of bonds.

10817 (3) If a majority of those voting on the proposition vote in favor of the tax, it is
10818 computed on the valuation of the county assessment roll for that year.

10819 (4) (a) Within 20 days after the election, the local school board shall certify the amount
10820 of the approved tax to the governing body of the county in which the school district is located.

10821 (b) The governing body shall acknowledge receipt of the certification and levy and
10822 collect the special tax.

10823 (c) It shall then distribute the collected taxes to the business administrator of the school
10824 district at the end of each calendar month.

10825 (5) The special tax becomes due and delinquent and attaches to and becomes a lien on
10826 real and personal property at the same time as state and county taxes.

10827 (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school
10828 board may not levy a tax in accordance with this section.

10829 Section 295. Section **53F-8-403** is amended to read:

10830 **53F-8-403. School transportation levy.**

10831 (1) Except as provided in Subsection (5), a local school board may provide for the
10832 transportation of students regardless of the distance from school, from a tax rate not to exceed
10833 .0003 per dollar of taxable value levied by the local school board.

10834 (2) A local school board may use revenue from the tax described in Subsection (1) to
10835 pay for transporting students and for the replacement of school buses.

10836 (3) (a) If a local school board levies a tax under Subsection (1) of at least .0002, the
10837 state may contribute an amount not to exceed 85% of the state average cost per mile,
10838 contingent upon the Legislature appropriating funds for a state contribution.

10839 (b) The [~~State Board of Education~~] state board's employees shall distribute the state
10840 contribution according to rules enacted by the [~~State Board of Education~~] state board.

10841 (4) (a) The amount of state guarantee money that a school district would otherwise be
10842 entitled to receive under Subsection (3) may not be reduced for the sole reason that the school

10843 district's levy is reduced as a consequence of changes in the certified tax rate under Section
10844 59-2-924 due to changes in property valuation.

10845 (b) Subsection (4)(a) applies for a period of two years following the change in the
10846 certified tax rate.

10847 (5) Beginning January 1, 2012, a local school board may not impose a tax in
10848 accordance with this section.

10849 (6) The terms defined in Section 53F-2-102 apply to this section.

10850 Section 296. Section 53F-9-202 is amended to read:

10851 **53F-9-202. Duty of Division of Finance -- Apportionment of fund by state board**
10852 **-- Certification of apportionments.**

10853 (1) The Division of Finance shall give the state superintendent, upon request, a written
10854 accounting of the current balance in the Uniform School Fund.

10855 (2) The [~~State Board of Education~~] state board shall apportion the fund among the
10856 several school districts.

10857 (3) The state superintendent shall certify the apportionments to the Division of Finance
10858 and draws warrants on the state treasurer in favor of the school districts.

10859 Section 297. Section 53F-9-203 is amended to read:

10860 **53F-9-203. Charter School Revolving Account.**

10861 (1) (a) The terms defined in Section 53G-5-102 apply to this section.

10862 (b) As used in this section, "account" means the Charter School Revolving Account.

10863 (2) (a) There is created within the Uniform School Fund a restricted account known as
10864 the "Charter School Revolving Account" to provide assistance to charter schools to:

10865 (i) meet school building construction and renovation needs; and

10866 (ii) pay for expenses related to the start up of a new charter school or the expansion of
10867 an existing charter school.

10868 (b) The [~~State Board of Education~~] state board, in consultation with the State Charter
10869 School Board, shall administer the Charter School Revolving Account in accordance with rules
10870 adopted by the [~~State Board of Education~~] state board.

10871 (3) The Charter School Revolving Account shall consist of:

10872 (a) money appropriated to the account by the Legislature;

10873 (b) money received from the repayment of loans made from the account; and

- 10874 (c) interest earned on money in the account.
- 10875 (4) The state superintendent [~~of public instruction~~] shall make loans to charter schools
- 10876 from the account to pay for the costs of:
- 10877 (a) planning expenses;
- 10878 (b) constructing or renovating charter school buildings;
- 10879 (c) equipment and supplies; or
- 10880 (d) other start-up or expansion expenses.
- 10881 (5) Loans to new charter schools or charter schools with urgent facility needs may be
- 10882 given priority.
- 10883 (6) (a) The [~~State Board of Education~~] state board shall establish a committee to:
- 10884 (i) review requests by charter schools for loans under this section; and
- 10885 (ii) make recommendations regarding approval or disapproval of the loan applications
- 10886 to the State Charter School Board and the [~~State Board of Education~~] state board.
- 10887 (b) (i) A committee established under Subsection (6)(a) shall include individuals who
- 10888 have expertise or experience in finance, real estate, or charter school administration.
- 10889 (ii) Of the members appointed to a committee established under Subsection (6)(a):
- 10890 (A) one member shall be nominated by the governor; and
- 10891 (B) the remaining members shall be selected from a list of nominees submitted by the
- 10892 State Charter School Board.
- 10893 (c) If the committee recommends approval of a loan application under Subsection
- 10894 (6)(a)(ii), the committee's recommendation shall include:
- 10895 (i) the recommended amount of the loan;
- 10896 (ii) the payback schedule; and
- 10897 (iii) the interest rate to be charged.
- 10898 (d) A committee member may not:
- 10899 (i) be a relative, as defined in Section [53G-5-409](#), of a loan applicant; or
- 10900 (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person
- 10901 or entity that contracts with a loan applicant.
- 10902 (7) A loan under this section may not be made unless the [~~State Board of Education~~]
- 10903 state board, in consultation with the State Charter School Board, approves the loan.
- 10904 (8) The term of a loan to a charter school under this section may not exceed five years.

(9) The ~~[State Board of Education]~~ state board may not approve loans to charter schools under this section that exceed a total of \$2,000,000 in any fiscal year.

(10) (a) On March 16, 2011, the assets of the Charter School Building Subaccount administered by the ~~[State Board of Education]~~ state board shall be deposited into the Charter School Revolving Account.

(b) Beginning on March 16, 2011, loan payments for loans made from the Charter School Building Subaccount shall be deposited into the Charter School Revolving Account.

Section 298. Section **53F-9-206** is amended to read:

53F-9-206. School Building Revolving Account -- Access to the account.

(1) (a) There is created within the Uniform School Fund a restricted account known as the "School Building Revolving Account" to provide short-term help to school districts to meet district needs for school building construction and renovation.

(b) The state superintendent ~~[of public instruction]~~ shall administer the School Building Revolving Account in accordance with Chapter 3, State Funding -- Capital Outlay Programs, and rules adopted by the ~~[State Board of Education]~~ state board.

(2) The ~~[State Board of Education]~~ state board may not allocate funds from the School Building Revolving Account that exceed a school district's bonding limit minus its outstanding bonds.

(3) In order to receive money from the School Building Revolving Account, a school district shall:

(a) levy a combined capital levy rate of at least .0024;

(b) contract with the state superintendent ~~[of public instruction]~~ to repay the money, with interest at a rate established by the state superintendent, within five years of receipt, using future state capital outlay allocations, local revenues, or both;

(c) levy sufficient ad valorem taxes under Section **11-14-310** to guarantee annual loan repayments, unless the state superintendent ~~[of public instruction]~~ alters the payment schedule to improve a hardship situation; and

(d) meet any other condition established by the ~~[State Board of Education]~~ state board pertinent to the loan.

(4) (a) The state superintendent shall establish a committee, including representatives from state and local education entities, to:

10936 (i) review requests by school districts for loans under this section; and
10937 (ii) make recommendations regarding approval or disapproval of the loan applications
10938 to the state superintendent.

10939 (b) If the committee recommends approval of a loan application under Subsection
10940 (4)(a)(ii), the committee's recommendation shall include:

10941 (i) the recommended amount of the loan;
10942 (ii) the payback schedule; and
10943 (iii) the interest rate to be charged.

10944 Section 299. Section **53F-9-301** is amended to read:

10945 **53F-9-301. Charter School Levy Account.**

10946 (1) (a) The terms defined in Section **53G-5-102** apply to this section.

10947 (b) As used in this section, "account" means the Charter School Levy Account created
10948 in this section.

10949 (2) There is created within the Education Fund a restricted account known as the
10950 "Charter School Levy Account."

10951 (3) The account shall be funded by amounts deposited into the account in accordance
10952 with Section **53F-2-703**.

10953 (4) Upon appropriation from the Legislature, the [~~State Board of Education~~] state board
10954 shall distribute funds from the account as described in Section **53F-2-703**.

10955 (5) The account shall earn interest.

10956 (6) Interest earned on the account shall be deposited into the account.

10957 (7) Funds in the account are nonlapsing.

10958 Section 300. Section **53F-9-302** is amended to read:

10959 **53F-9-302. Minimum Basic Growth Account.**

10960 (1) As used in this section, "account" means the Minimum Basic Growth Account
10961 created in this section.

10962 (2) There is created within the Education Fund a restricted account known as the
10963 "Minimum Basic Growth Account."

10964 (3) The account shall be funded by amounts deposited into the account in accordance
10965 with Section **53F-2-301** or **53F-2-301.5**, as applicable.

10966 (4) The account shall earn interest.

- 10967 (5) Interest earned on the account shall be deposited into the account.
- 10968 (6) Upon appropriation by the Legislature:
- 10969 (a) 75% of the money from the account shall be used to fund the state's contribution to
- 10970 the voted local levy guarantee described in Section [53F-2-601](#);
- 10971 (b) 20% of the money from the account shall be used to fund the Capital Outlay
- 10972 Foundation Program as provided in Section [~~53F-3-203~~] [53F-3-202](#); and
- 10973 (c) 5% of the money from the account shall be used to fund the Capital Outlay
- 10974 Enrollment Growth Program as provided in Section [53F-3-203](#).
- 10975 Section 301. Section **53F-9-304** is amended to read:
- 10976 **53F-9-304. Underage Drinking Prevention Program Restricted Account.**
- 10977 (1) As used in this section, "account" means the Underage Drinking Prevention
- 10978 Program Restricted Account created in this section.
- 10979 (2) There is created within the Education Fund a restricted account known as the
- 10980 "Underage Drinking Prevention Program Restricted Account."
- 10981 (3) (a) Before the Department of Alcoholic Beverage Control deposits any portion of
- 10982 the markup collected under Section [32B-2-304](#) into the Liquor Control Fund in accordance
- 10983 with Section [32B-2-301](#), the Department of Alcoholic Beverage Control shall deposit into the
- 10984 account:
- 10985 (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or
- 10986 (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the
- 10987 amount that the Department of Alcoholic Beverage Control deposited into the account during
- 10988 the preceding fiscal year increased or decreased by a percentage equal to the percentage
- 10989 difference between the Consumer Price Index for the second preceding calendar year and the
- 10990 Consumer Price Index for the preceding calendar year.
- 10991 (b) For purposes of this Subsection (3), the Department of Alcoholic Beverage Control
- 10992 shall calculate the Consumer Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and
- 10993 1(f)(5).
- 10994 (4) The account shall be funded:
- 10995 (a) in accordance with Subsection (3);
- 10996 (b) by appropriations made to the account by the Legislature; and
- 10997 (c) by interest earned on money in the account.

10998 (5) The ~~[State Board of Education]~~ state board shall use money in the account for the
10999 Underage Drinking Prevention Program described in Section 53G-10-406.

11000 Section 302. Section **53F-9-305** is amended to read:

11001 **53F-9-305. Local Levy Growth Account.**

11002 (1) As used in this section, "account" means the Local Levy Growth Account created in
11003 this section.

11004 (2) There is created within the Education Fund a restricted account known as the
11005 "Local Levy Growth Account."

11006 (3) The account shall be funded by:

11007 (a) amounts deposited into the account in accordance with Section 53F-2-301 or
11008 53F-2-301.5, as applicable; and

11009 (b) other legislative appropriations.

11010 (4) The account shall earn interest.

11011 (5) Interest earned on the account shall be deposited into the account.

11012 (6) The Legislature shall appropriate money in the account to the ~~[State Board of~~
11013 ~~Education]~~ state board.

11014 Section 303. Section **53F-9-306** is amended to read:

11015 **53F-9-306. Teacher and Student Success Account.**

11016 (1) As used in this section, "account" means the Teacher and Student Success Account
11017 created in this section.

11018 (2) There is created within the Education Fund a restricted account known as the
11019 "Teacher and Student Success Account."

11020 (3) The account shall be funded by:

11021 (a) amounts deposited into the account in accordance with Section 53F-2-301 or
11022 53F-2-301.5, as applicable; and

11023 (b) other legislative appropriations.

11024 (4) The account shall earn interest.

11025 (5) Interest earned on the account shall be deposited into the account.

11026 (6) The Legislature shall appropriate money in the account to the ~~[State Board of~~
11027 ~~Education]~~ state board.

11028 Section 304. Section **53F-9-401** is amended to read:

11029 **53F-9-401. Autism Awareness Restricted Account.**

11030 (1) There is created in the General Fund a restricted account known as the "Autism
11031 Awareness Restricted Account."

11032 (2) The account shall be funded by:

11033 (a) contributions deposited into the account in accordance with Section 41-1a-422;

11034 (b) private contributions; and

11035 (c) donations or grants from public or private entities.

11036 (3) Upon appropriation by the Legislature, the state superintendent shall:

11037 (a) (i) ensure the inventory of Autism Awareness Support special group license plate
11038 decals are in stock; and

11039 (ii) transfer money to the Tax Commission to pay for the group license plate as needed;

11040 (b) distribute funds in the account to one or more charitable organizations that:

11041 (i) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

11042 (ii) has as the organization's sole mission to promote access to resources and
11043 responsible information for individuals of all ages who have, or are affected by, autism or
11044 autism spectrum related conditions;

11045 (iii) is an independent organization that has representation from state agencies and
11046 private providers serving individuals with autism spectrum disorder and their families in the
11047 state;

11048 (iv) includes representation of:

11049 (A) national and local autism advocacy groups, as available; and

11050 (B) interested parents and professionals; and

11051 (v) does not endorse any specific treatment, therapy, or intervention used for autism.

11052 (4) (a) An organization described in Subsection (3) may apply to the state
11053 superintendent to receive a distribution in accordance with Subsection (3).

11054 (b) An organization that receives a distribution from the state superintendent in
11055 accordance with Subsection (3) shall expend the distribution only to:

11056 (i) pay for autism education and public awareness of programs and related services in
11057 the state;

11058 (ii) enhance programs designed to serve individuals with autism;

11059 (iii) provide support to caregivers providing services for individuals with autism;

(iv) pay administrative costs of the organization; and
(v) pay for academic scholarships and research efforts in the area of autism spectrum disorder.

~~[(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~

(c) The state board may make rules providing procedures for an organization to apply to the state superintendent to receive a distribution under Subsection (3).

Section 305. Section **53F-9-501** is amended to read:

53F-9-501. Hospitality and Tourism Management Education Account -- Uses -- Costs.

(1) There is created an expendable special revenue fund known as the "Hospitality and Tourism Management Education Account," which the ~~[State Board of Education]~~ state board shall use to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section 53E-3-515.

(2) The account consists of:

(a) distributions to the account under Section 59-28-103;
(b) interest earned on the account;
(c) appropriations made by the Legislature; and
(d) private donations, grants, gifts, bequests, or money made available from any other source to implement Section 53E-3-507 or 53E-3-515.

(3) The ~~[State Board of Education]~~ state board shall administer the account.

(4) The cost of administering the account shall be paid from money in the account.

(5) Interest accrued from investment of money in the account shall remain in the account.

Section 306. **Revisor instructions.**

The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, not enroll this bill if H.B. 28, Public Education Definitions Coordination, does not pass.