

Senator Keith Grover proposes the following substitute bill:

PUBLIC EDUCATION MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to online learning and information for parents.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a local education agency to:
 - provide parents with access to curriculum that the local education agency uses;

and

- for each grading period, provide a student a grade for each course in which the student is enrolled that reflects the student's work during the grading period;

- ▶ requires a local education agency to provide a student enrolled in an online course and the student's parent with access to certain information; and

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **53G-4-402**, as last amended by Laws of Utah 2020, Chapter 347

28 **53G-5-404**, as last amended by Laws of Utah 2020, Chapters 30 and 192

29 ENACTS:

30 **53G-6-804**, Utah Code Annotated 1953



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

32 Section 1. Section **53G-4-402** is amended to read:

33 **53G-4-402. Powers and duties generally.**

34 (1) A local school board shall:

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

37 (b) administer tests, required by the state board, which measure the progress of each
38 student, and coordinate with the state superintendent and state board to assess results and create
39 plans to improve the student's progress, which shall be submitted to the state board for
40 approval;

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

44 (d) for each grading period and for each course in which a student is enrolled, issue a
45 grade to the student:

46 (i) that reflects the student's work for the grading period; and

47 (ii) in accordance with the local school board's adopted grading standards and criteria;

48 [~~(d)~~] (e) develop early warning systems for students or classes failing to make progress;

49 [~~(e)~~] (f) work with the state board to establish a library of documented best practices,
50 consistent with state and federal regulations, for use by the local districts;

51 [~~(f)~~] (g) implement training programs for school administrators, including basic
52 management training, best practices in instructional methods, budget training, staff
53 management, managing for learning results and continuous improvement, and how to help
54 every child achieve optimal learning in basic academic subjects; and

55 [~~(g)~~] (h) ensure that the local school board meets the data collection and reporting

57 standards described in Section 53E-3-501.

58 (2) Local school boards shall spend Minimum School Program funds for programs and
59 activities for which the state board has established minimum standards or rules under Section
60 53E-3-501.

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

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

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

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

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

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

71 (iii) be filed with the state board.

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

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

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

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

80 (9) A local school board may authorize guidance and counseling services for children
81 and their parents before, during, or following enrollment of the children in schools.

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

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

87 (11) (a) A local school board may organize school safety patrols and adopt policies

88 under which the patrols promote student safety.

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

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

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

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

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

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

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

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

105 (14) A local school board shall adopt bylaws and policies for the local school board's
106 own procedures.

107 (15) (a) A local school board shall make and enforce policies necessary for the control
108 and management of the district schools.

109 (b) Local school board policies shall be in writing, filed, and referenced for public
110 access.

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

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

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

115 (i) the schools within the district;

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

117 (iii) the municipality or county;

118 (iv) state or local law enforcement; and

119 (v) state or local traffic safety engineering.

120 (c) The committee shall:

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

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

127 (iii) consult the Utah Safety Council and the Division of Family Health Services and
128 provide training to all school children in kindergarten through grade 6, within the district, on
129 school crossing safety and use; and

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

132 (d) The committee may establish subcommittees as needed to assist in accomplishing
133 ~~[its]~~ the committee's duties under Subsection (17)(c).

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

138 (b) The plan shall:

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

140 (ii) be consistent with the student conduct and discipline policies required for school
141 districts under Chapter 11, Part 2, Miscellaneous Requirements;

142 (iii) require professional learning for all district and school building staff on what their
143 roles are in the emergency response plan;

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

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

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

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

152 (c) The state board, through the state superintendent, shall develop comprehensive
153 emergency response plan models that local school boards may use, where appropriate, to
154 comply with Subsection (18)(a).

155 (d) A local school board shall, by July 1 of each year, certify to the state board that its
156 plan has been practiced at the school level and presented to and reviewed by its teachers,
157 administrators, students, and their parents and local law enforcement and public safety
158 representatives.

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

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

163 (c) The plan may:

164 (i) include emergency personnel, emergency communication, and emergency
165 equipment components;

166 (ii) require professional learning on the emergency response plan for school personnel
167 who are involved in sports programs in the district's secondary schools; and

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

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

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

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

175 (e) The state board, through the state superintendent, shall provide local school boards
176 with an emergency plan response model that local school boards may use to comply with the
177 requirements of this Subsection (19).

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

180 (21) (a) Before closing a school or changing the boundaries of a school, a local school

181 board shall:

182 (i) at least 120 days before approving the school closure or school boundary change,
183 provide notice to the following that the local school board is considering the closure or
184 boundary change:

185 (A) parents of students enrolled in the school, using the same form of communication
186 the local school board regularly uses to communicate with parents;

187 (B) parents of students enrolled in other schools within the school district that may be
188 affected by the closure or boundary change, using the same form of communication the local
189 school board regularly uses to communicate with parents; and

190 (C) the governing council and the mayor of the municipality in which the school is
191 located;

192 (ii) provide an opportunity for public comment on the proposed school closure or
193 school boundary change during at least two public local school board meetings; and

194 (iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of
195 the public hearing as described in Subsection (21)(b).

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

197 (i) indicate the:

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

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

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

201 (A) published:

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

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

204 (B) posted in at least three public locations within the municipality in which the school
205 is located on the school district's official website, and prominently at the school; and

206 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
207 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

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

210 (23) A local school board may establish or partner with a certified youth court
211 program, in accordance with Section 78A-6-1203, or establish or partner with a comparable

212 restorative justice program, in coordination with schools in that district. A school may refer a
213 student to youth court or a comparable restorative justice program in accordance with Section
214 [53G-8-211](#).

215 (24) A local school board shall:

216 (a) make curriculum that the school district uses readily accessible and available for a
217 parent to view;

218 (b) annually notify a parent of a student enrolled in the school district of how to access
219 the information described in Subsection (24)(a); and

220 (c) include on the school district's website information about how to access the
221 information described in Subsection (24)(a).

222 Section 2. Section **53G-5-404** is amended to read:

223 **53G-5-404. Requirements for charter schools.**

224 (1) A charter school shall be nonsectarian in its programs, admission policies,
225 employment practices, and operations.

226 (2) A charter school may not charge tuition or fees, except those fees normally charged
227 by other public schools.

228 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
229 civil rights requirements.

230 (4) (a) A charter school shall:

231 (i) make the same annual reports required of other public schools under this public
232 education code, including an annual financial audit report described in Section [53G-4-404](#);

233 (ii) ensure that the charter school meets the data and reporting standards described in
234 Section [53E-3-501](#); and

235 (iii) use fund and program accounting methods and standardized account codes capable
236 of producing financial reports that comply with:

237 (A) generally accepted accounting principles;

238 (B) the financial reporting requirements applicable to LEAs established by the state
239 board under Section [53E-3-501](#); and

240 (C) accounting report standards established by the state auditor as described in Section
241 [51-2a-301](#).

242 (b) Before, and as a condition for opening a charter school:

243 (i) a charter school shall:

244 (A) certify to the authorizer that the charter school's accounting methods meet the
245 requirements described in Subsection (4)(a)(iii); or

246 (B) if the authorizer requires, conduct a performance demonstration to verify that the
247 charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii);
248 and

249 (ii) the authorizer shall certify to the state board that the charter school's accounting
250 methods meet the requirements described in Subsection (4)(a)(iii).

251 (c) A charter school shall file the charter school's annual financial audit report with the
252 Office of the State Auditor within six months of the end of the fiscal year.

253 (d) For the limited purpose of compliance with federal and state law governing use of
254 public education funds, including restricted funds, and making annual financial audit reports
255 under this section, a charter school is a government entity governed by the public education
256 code.

257 (5) (a) A charter school shall be accountable to the charter school's authorizer for
258 performance as provided in the school's charter agreement.

259 (b) To measure the performance of a charter school, an authorizer may use data
260 contained in:

261 (i) the charter school's annual financial audit report;

262 (ii) a report submitted by the charter school as required by statute; or

263 (iii) a report submitted by the charter school as required by its charter agreement.

264 (c) A charter school authorizer may not impose performance standards, except as
265 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully
266 accomplish the purposes of charter schools as provided in Section [53G-5-104](#) or as otherwise
267 provided in law.

268 (6) A charter school may not advocate unlawful behavior.

269 (7) Except as provided in Section [53G-5-305](#), a charter school shall be organized and
270 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its
271 authorization.

272 (8) A charter school shall provide adequate liability and other appropriate insurance,
273 including:

274 (a) general liability, errors and omissions, and directors and officers liability coverage
275 through completion of the closure of a charter school under Section 53G-5-504; and

276 (b) tail coverage or closeout insurance covering at least one year after closure of the
277 charter school.

278 (9) Beginning on July 1, 2014, a charter school, including a charter school that has not
279 yet opened, shall submit any lease, lease-purchase agreement, or other contract or agreement
280 relating to the charter school's facilities or financing of the charter school's facilities to the
281 school's authorizer and an attorney for review and advice before the charter school enters the
282 lease, agreement, or contract.

283 (10) A charter school may not employ an educator whose license is suspended or
284 revoked by the state board under Section 53E-6-604.

285 (11) (a) Each charter school shall register and maintain the charter school's registration
286 as a limited purpose entity, in accordance with Section 67-1a-15.

287 (b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is
288 subject to enforcement by the state auditor, in accordance with Section 67-3-1.

289 (c) If a charter school is an operating charter school with affiliated satellite charter
290 schools, as defined in Section 53G-5-303:

291 (i) the operating charter school shall register as a limited purpose entity as defined in
292 Section 67-1a-15;

293 (ii) each affiliated satellite charter school is not required to register separately from the
294 operating charter school; and

295 (iii) the operating charter school shall:

296 (A) register on behalf of each affiliated satellite charter school; and

297 (B) when submitting entity registry information under Section 67-1a-15 on behalf of
298 each affiliated satellite charter school, identify and distinguish registry information for each
299 affiliated satellite, including the address of each affiliated satellite charter school and the name
300 and contact information of a primary contact for each affiliated satellite charter school.

301 (12) (a) As used in this Subsection (12), "contracting entity" means a person with
302 which a charter school contracts.

303 (b) A charter school shall provide to the charter school's authorizer any information or
304 documents requested by the authorizer, including documents held by a subsidiary of the charter

305 school or a contracting entity:

306 (i) to confirm the charter school's compliance with state or federal law governing the
307 charter school's finances or governance; or

308 (ii) to carry out the authorizer's statutory obligations, including liquidation and
309 assignment of assets, and payment of debt in accordance with state board rule, as described in
310 Section [53G-5-504](#).

311 (c) A charter school shall comply with a request described in Subsection (12)(b),
312 including after an authorizer recommends closure of the charter school or terminates the charter
313 school's contract.

314 (d) Documents held by a contracting entity or subsidiary of a charter school that are
315 necessary to demonstrate the charter school's compliance with state or federal law are the
316 property of the charter school.

317 (e) A charter school shall include in an agreement with a subsidiary of the charter
318 school or a contracting entity a provision that stipulates that documents held by the subsidiary
319 or a contracting entity, that are necessary to demonstrate the charter school's financial
320 compliance with federal or state law, are the property of the charter school.

321 (13) For each grading period and for each course in which a student is enrolled, a
322 charter school shall issue a grade to the student:

323 (a) that reflects the student's work for the grading period; and

324 (b) in accordance with the charter school's adopted grading standards and criteria.

325 (14) A charter school shall:

326 (a) make curriculum that the charter school uses readily accessible and available for a
327 parent to view;

328 (b) annually notify a parent of a student enrolled in the charter school of how to access
329 the information described in Subsection (14)(a); and

330 (c) include on the charter school's website information about how to access the
331 information described in Subsection (14)(a).

332 Section 3. Section **53G-6-804** is enacted to read:

333 **53G-6-804. Parent access to learning management system for online courses --**
334 **Training.**

335 (1) As used in this section:

336 (a) "Learning Management System" means a software application for the
337 administration, documentation, tracking, reporting, automation, or delivery of an online course.

338 (b) "Online course" means a course that an LEA provides to a student over the Internet.

339 (2) An LEA that uses a learning management system for an online course shall
340 provide:

341 (a) to the parent of a student enrolled in the online course, access to the learning
342 management system, including, at a minimum:

343 (i) the curriculum used for the course; and

344 (ii) information about the progress and learning of the parent's student, including
345 assessment results; and

346 (b) to a student enrolled in the course and the student's parent, training or orientation to
347 help the student and student's parent understand how to access:

348 (i) the learning management system;

349 (ii) the online course; and

350 (iii) any online tools used to deliver the online course or instruction.