

**PUBLIC EDUCATOR CURRICULUM TRANSPARENCY
REQUIREMENTS**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts transparency and notice requirements for local education agencies and schools regarding curricula, class syllabi, and associated learning materials used for student instruction.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires local school boards and charter school governing boards to formally adopt curricula used within the local education agency;
- ▶ requires curricula and class syllabi to be made available and updated online including a description of associated learning materials used for student instruction;
- ▶ requires schools to make learning materials available for public inspection at schools;
- ▶ allows limited litigation against an LEA or school in case of a violation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53G-4-402**, as last amended by Laws of Utah 2021, Chapters 84, 262, 324, and 345

31 **53G-5-404**, as last amended by Laws of Utah 2021, Chapter 324

32 ENACTS:

33 **53G-10-103**, Utah Code Annotated 1953



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

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

37 **53G-4-402. Powers and duties generally.**

38 (1) A local school board shall:

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

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

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

48 (d) for each grading period and for each course in which a student is enrolled, issue a
49 grade or performance report to the student:

50 (i) that reflects the student's work, including the student's progress based on mastery,
51 for the grading period; and

52 (ii) in accordance with the local school board's adopted grading or performance
53 standards and criteria;

54 (e) develop early warning systems for students or classes failing to make progress;

55 (f) work with the state board to establish a library of documented best practices,
56 consistent with state and federal regulations, for use by the local districts;

57 (g) implement training programs for school administrators, including basic
58 management training, best practices in instructional methods, budget training, staff

59 management, managing for learning results and continuous improvement, and how to help
60 every child achieve optimal learning in basic academic subjects; and

61 (h) ensure that the local school board meets the data collection and reporting standards
62 described in Section [53E-3-501](#).

63 (2) Local school boards shall spend Minimum School Program funds for programs and
64 activities for which the state board has established minimum standards or rules under Section
65 [53E-3-501](#).

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

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

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

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

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

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

76 (iii) be filed with the state board.

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

79 (6) Except as provided in Section [53E-3-905](#), a local school board may enroll children
80 in school who are at least five years old before September 2 of the year in which admission is
81 sought.

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

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

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

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

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

92 (11) (a) A local school board may organize school safety patrols and adopt policies
93 under which the patrols promote student safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 (i) the schools within the district;

- 121 (ii) the Parent Teachers' Association of the schools within the district;
- 122 (iii) the municipality or county;
- 123 (iv) state or local law enforcement; and
- 124 (v) state or local traffic safety engineering.
- 125 (c) The committee shall:
 - 126 (i) receive suggestions from school community councils, parents, teachers, and others
 - 127 and recommend school traffic safety improvements, boundary changes to enhance safety, and
 - 128 school traffic safety program measures;
 - 129 (ii) review and submit annually to the Department of Transportation and affected
 - 130 municipalities and counties a child access routing plan for each elementary, middle, and junior
 - 131 high school within the district;
 - 132 (iii) consult the Utah Safety Council and the Division of Family Health Services and
 - 133 provide training to all school children in kindergarten through grade 6, within the district, on
 - 134 school crossing safety and use; and
 - 135 (iv) help ensure the district's compliance with rules made by the Department of
 - 136 Transportation under Section [41-6a-303](#).
- 137 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 138 the committee's duties under Subsection (17)(c).
- 139 (18) (a) A local school board shall adopt and implement a comprehensive emergency
- 140 response plan to prevent and combat violence in the local school board's public schools, on
- 141 school grounds, on its school vehicles, and in connection with school-related activities or
- 142 events.
 - 143 (b) The plan shall:
 - 144 (i) include prevention, intervention, and response components;
 - 145 (ii) be consistent with the student conduct and discipline policies required for school
 - 146 districts under Chapter 11, Part 2, Miscellaneous Requirements;
 - 147 (iii) require professional learning for all district and school building staff on what their
 - 148 roles are in the emergency response plan;
 - 149 (iv) provide for coordination with local law enforcement and other public safety
 - 150 representatives in preventing, intervening, and responding to violence in the areas and activities
 - 151 referred to in Subsection (18)(a); and

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

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

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

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

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

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

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

168 (c) The plan may:

169 (i) include emergency personnel, emergency communication, and emergency
170 equipment components;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202 (i) indicate the:

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

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

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

206 (A) published[~~:(†)~~] in a newspaper of general circulation in the area[;] and [~~(††)~~] on the
207 Utah Public Notice Website created in Section 63A-16-601; and

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

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

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

214 (23) A local school board may establish or partner with a certified youth court in
215 accordance with Section 80-6-902 or establish or partner with a comparable restorative justice
216 program, in coordination with schools in that district. A school may refer a student to a youth
217 court or a comparable restorative justice program in accordance with Section 53G-8-211.

218 (24) A local school board shall:

219 (a) adopt curricula to be used within the school district; and

220 (b) in accordance with Section 53G-10-103;

221 [~~(a)~~] (i) make curriculum that the school district uses readily accessible and available
222 for a parent to view;

223 [~~(b)~~] (ii) annually notify a parent of a student enrolled in the school district of how to
224 access the information described in Subsection (24)(a)(i); and

225 [~~(c)~~] (iii) include on the school district's website information about how to access the
226 information described in Subsection (24)(a).

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

228 **53G-5-404. Requirements for charter schools.**

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

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

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

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

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

238 (ii) ensure that the charter school meets the data and reporting standards described in
239 Section 53E-3-501; and

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

242 (A) generally accepted accounting principles;

243 (B) the financial reporting requirements applicable to LEAs established by the state
244 board under Section 53E-3-501; and

245 (C) accounting report standards established by the state auditor as described in Section
246 51-2a-301.

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

248 (i) a charter school shall:

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

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

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

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

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

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

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

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

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

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

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

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

274 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and
275 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its

276 authorization.

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

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

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

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

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

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

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

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

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

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

300 (iii) the operating charter school shall:

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

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

306 (12) (a) As used in this Subsection (12), "contracting entity" means a person with

307 which a charter school contracts.

308 (b) A charter school shall provide to the charter school's authorizer any information or
309 documents requested by the authorizer, including documents held by a subsidiary of the charter
310 school or a contracting entity:

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

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

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

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

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

326 (13) For each grading period and for each course in which a student is enrolled, a
327 charter school shall issue a grade or performance report to the student:

328 (a) that reflects the student's work, including the student's progress based on mastery,
329 for the grading period; and

330 (b) in accordance with the charter school's adopted grading or performance standards
331 and criteria.

332 (14) A charter school shall:

333 (a) adopt curricula to be used within the charter school; and

334 (b) in accordance with Section [53G-10-103](#):

335 [~~(a)~~] (i) make curriculum that the charter school uses readily accessible and available
336 for a parent to view;

337 [~~(b)~~] (ii) annually notify a parent of a student enrolled in the charter school of how to

338 access the ~~[information described in Subsection (14)(a)] curriculum~~; and
339 ~~[(e)] (iii)~~ include on the charter school's website information about how to access the
340 ~~[information described in Subsection (14)(a)] curriculum~~.

341 Section 3. Section **53G-10-103** is enacted to read:

342 **53G-10-103. Syllabus transparency -- Learning material availability -- Cause of**
343 **action.**

344 (1) As used in this section:

345 (a) (i) "Activity" means an event or educational event that an LEA or school facilitates.

346 (ii) "Activity" includes an assembly, guest lecture, or an event that an individual or
347 organization separate from the LEA or school conducts.

348 (iii) "Activity" does not include a student presentation.

349 (b) "Board" means a local school board or a charter school governing board.

350 (c) (i) "Learning materials" means materials or resources that deliver or support a
351 student's learning.

352 (ii) "Learning materials" includes textbooks, reading materials, videos, activities,
353 digital materials, websites, and other online applications.

354 (d) "Original materials" means learning materials that are:

355 (i) owned or licensed by a school district, a school, faculty, or staff; and

356 (ii) used for student instruction.

357 (e) "Syllabus" means a syllabus for a middle, junior, or high school course.

358 (f) "Used for student instruction" means that learning materials are assigned,
359 distributed, or otherwise presented to students, regardless of whether a student is allowed to
360 select from one or more materials if the available selection is restricted to specific materials:

361 (i) in any course for which students receive academic credit;

362 (ii) in any education capacity in which:

363 (A) the LEA or school requires the participation of the student body; or

364 (B) the majority of students in a given grade level participate.

365 (2) (a) An educator shall:

366 (i) before the beginning of the school year, prepare and submit for approval under
367 Subsection (2)(b) a syllabus for each course the educator teaches in middle, junior, and high
368 school;

369 (ii) make available online each class syllabus approved under Subsection (2)(b) before
370 the first instance of instruction in the class; and

371 (iii) make any changes or updates to an online approved syllabus at least five days
372 before a changed lesson or date to ensure that the class syllabus reflects the actual lessons,
373 dates, and learning materials used for student instruction.

374 (b) A school administrator shall:

375 (i) before the beginning of the school year, review and approve or disapprove each
376 middle, junior, and high school course syllabus;

377 (ii) ensure that each syllabus includes a list or description of any learning materials to
378 be used for student instruction;

379 (iii) ensure that the online information required under this Subsection (2):

380 (A) is organized by school, grade, teacher, and subject;

381 (B) includes the date of the latest modification or update to the individual syllabus or
382 other information; and

383 (C) remains displayed on the school website or school learning management system for
384 at least two school years.

385 (c) When an educator makes an unplanned change to a class syllabus:

386 (i) the educator shall update the online approved syllabus within seven days after the
387 day of the unplanned change; and

388 (ii) the local governing board, administrator, or educator shall provide notice to a
389 parent or legal guardian of each student to whom the unplanned change affected identifying the
390 unplanned change and when the educator made the unplanned change online.

391 (3) (a) To the extent practicable, each school shall:

392 (i) make available for public inspection all learning materials used for student
393 instruction, including original materials; and

394 (ii) allow the public to copy, scan, duplicate, or photograph portions of original
395 materials within the limits of fair use under copyright law.

396 (b) Nothing in this section requires the digital reproduction or posting of copies of
397 copyrighted learning materials.

398 (c) If a learning material that is used for student instruction is copyrighted, a school or
399 LEA shall, in addition to making the learning material available for public inspection under

400 Subsection (3)(a), offer a link to a publicly available website, if possible, describing and
401 offering access to the learning material.

402 (4) (a) For privacy purposes, an educator or staff member whose name may appear on a
403 class syllabus or other information required to be made publicly available under this section
404 may request the use of a personal title and last initial instead of a full name.

405 (b) A school shall use an individual's personal title and last initial instead of a full
406 name under a circumstance described in Subsection (4)(a).

407 (5) (a) After an aggrieved individual has contacted an LEA and school administrators
408 to attempt to remedy a violation of this section, the attorney general, state superintendent of
409 public instruction, state auditor, or a county or district attorney for the county or district in
410 which an alleged violation of this section occurs may file a complaint on behalf of the
411 aggrieved individual against an LEA or school for injunctive relief in a court of competent
412 jurisdiction in which the LEA or school is located.

413 (b) Upon request, and except as provided in Subsection (5)(c), the attorney general or a
414 county or district attorney shall provide an advisory opinion regarding an LEA's or a school's
415 compliance with this section to an attorney representing the LEA or school.

416 (c) The court may:

417 (i) order the production of any learning materials or other materials related to an
418 activity, as specified in this section that the LEA or school has withheld from the complainant;

419 (ii) examine the contents of the produced materials in camera to determine whether the
420 materials or any part of the materials may be withheld under this section; and

421 (iii) if the complainant substantially prevails, assess against the LEA or school
422 reasonable attorney fees and other reasonably incurred litigation costs.