

**Senator Lincoln Fillmore** proposes the following substitute bill:

**PUBLIC SCHOOL CURRICULUM REQUIREMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses requirements related to the approval of materials for classroom use and certain policies.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a process for local school boards and charter school governing boards to approve instructional materials for classroom use;
- ▶ requires local education agencies to adopt policies to provide guidance to educators on the use of materials that have not yet been considered for adoption or pre-approval; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 [53G-4-402](#), as last amended by Laws of Utah 2021, Chapters 84, 262, 324, and 345

27 [53G-5-404](#), as last amended by Laws of Utah 2021, Chapter 324



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

30 Section 1. Section [53G-4-402](#) is amended to read:

31 **[53G-4-402. Powers and duties generally.](#)**

32 (1) A local school board shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

70 (iii) be filed with the state board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

114 (i) the schools within the district;

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

116 (iii) the municipality or county;

117 (iv) state or local law enforcement; and

118 (v) state or local traffic safety engineering.

119 (c) The committee shall:

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

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

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

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

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

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

137 (b) The plan shall:

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

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

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

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

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

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

149 (B) excused from school for a period of time during the regular school day to

150 participate in religious instruction at the request of the student's parent.

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

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

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

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

162 (c) The plan may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196 (i) indicate the:

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

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

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

200 (A) published:

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

202 (II) on the Utah Public Notice Website created in Section 63A-16-601; and

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

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

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

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

212 court or a comparable restorative justice program in accordance with Section 53G-8-211.

213 (24) (a) As used in this Subsection (24)(a):

214 (i) "Instructional material" means any learning material or resource used to deliver or  
215 support a student's learning that a local school board adopts and preapproves for use within the  
216 LEA, including textbooks, reading materials, videos, activities, digital materials, websites, and  
217 other online applications.

218 (ii) "Supplemental material" means any learning material or resource used to deliver or  
219 support a student's learning that an educator reviews and selects, including reading materials,  
220 videos, activities, digital materials, websites, and other online applications.

221 ~~[(24)]~~ (b) A local school board shall:

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

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

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

228 (c) In selecting and approving instructional materials for use in the classroom, a local  
229 school board shall:

230 (i) establish an open process, involving parents of students enrolled in the LEA, to  
231 review and recommend instructional materials for board approval; and

232 (ii) ensure that under the process described in Subsection (24)(c)(i), the board:

233 (A) posts recommendations online for a period of no less than 30 calendar days to  
234 allow for public review;

235 (B) holds a public hearing on any recommendation, materials, or resources before  
236 adopting the recommendation or approving the materials or resources that provides an  
237 opportunity for parents of students enrolled in the LEA to express views and opinions on the  
238 recommendations, materials, or resources; and

239 (C) approves the materials or resources in an open and regular board meeting for which  
240 prior notice is given to parents of students enrolled in the LEA.

241 (d) A local school board shall adopt a supplemental materials policy that provides  
242 guidance to educators on the selection of supplemental materials or resources, including



243 whether any process or permission is required before classroom use of the materials or  
244 resources.

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

246 **53G-5-404. Requirements for charter schools.**

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

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

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

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

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

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

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

260 (A) generally accepted accounting principles;

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

263 (C) accounting report standards established by the state auditor as described in Section  
264 **51-2a-301**.

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

266 (i) a charter school shall:

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

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

271 and

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

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

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

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

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

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

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

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

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

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

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

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

297 (a) general liability, errors and omissions, and directors and officers liability coverage  
298 through completion of the closure of a charter school under Section [53G-5-504](#); and

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

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

305 lease, agreement, or contract.

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

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

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

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

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

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

318 (iii) the operating charter school shall:

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

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

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

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

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

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

334 (c) A charter school shall comply with a request described in Subsection (12)(b),  
335 including after an authorizer recommends closure of the charter school or terminates the charter

336 school's contract.

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

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

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

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

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

350 (14) (a) As used in this Subsection (14)(a):

351 (i) "Instructional material" means any learning material or resource used to deliver or  
352 support a student's learning that a charter school governing board adopts and preapproves for  
353 use within the charter school, including textbooks, reading materials, videos, activities, digital  
354 materials, websites, and other online applications.

355 (ii) "Supplemental material" means any learning material or resource used to deliver or  
356 support a student's learning that a charter school governing board has not yet considered for  
357 adoption or preapproval for use within the LEA, including reading materials, videos, activities,  
358 digital materials, websites, and other online applications.

359 ~~[(14)]~~ (b) A charter school shall:

360 (a) (i) make ~~[curriculum]~~ instructional material that the charter school uses readily  
361 accessible and available for a parent to view;

362 ~~[(b)]~~ (ii) annually notify a parent of a student enrolled in the charter school of how to  
363 access the information described in Subsection ~~[(14)(a)]~~ (14)(b)(i); and

364 ~~[(c)]~~ (iii) include on the charter school's website information about how to access the  
365 information described in Subsection ~~[(14)(a)]~~ (14)(b)(i).

366 (c) In selecting and approving instructional materials for use in the classroom, a charter

367 school governing board shall:

368 (i) establish an open process, involving parents of students enrolled in the charter  
369 school, to review and recommend instructional materials for board approval; and

370 (ii) ensure that under the process described in Subsection (14)(c)(i), the charter school  
371 governing board:

372 (A) posts recommendations online for a period of no less than 30 calendar days to  
373 allow for public review;

374 (B) holds a public hearing on any recommendation, materials, or resources before  
375 adopting the recommendation or approving the materials or resources that provides an  
376 opportunity for parents of students enrolled in the charter school to express views and opinions  
377 on the recommendations, materials, or resources; and

378 (C) approves the materials or resources in an open and regular board meeting for which  
379 prior notice is given to parents of students enrolled in the charter school.

380 (d) A charter school governing board shall adopt a supplemental materials policy that  
381 provides guidance to educators on the selection of supplemental materials or resources that an  
382 educator reviews and selects, including whether any process or permission is required before  
383 classroom use of the materials or resources.