

Representative Andrew Stoddard proposes the following substitute bill:

**FUNDING FOR TEACHER SALARIES AND OPTIONAL EDUCATION
OPPORTUNITIES**

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill establishes the Utah Fits All Scholarship Program and provides funding for the program and a doubling of an educator salary adjustment.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions to codify and the amount of the state-provided educator salary adjustment and provide an increase equal to the amount of the individual scholarship award under the Utah Fits All Scholarship Program;
- ▶ establishes the Utah Fits All Scholarship Program (program);
- ▶ requires the state board to contract with, no later than September 1, 2023, a program manager to administer the program;
- ▶ authorizes the program manager to establish scholarship accounts on behalf of eligible students to pay for approved education goods and services starting in the 2024-2025 school year;
- ▶ prohibits a program manager from accepting scholarship funds in certain circumstances and requires other fiscal safeguards, auditing, and accountability



- 26 measures;
- 27 ▶ requires eligible schools and service providers to meet certain standards to be
- 28 eligible to receive scholarship funds;
- 29 ▶ establishes an annual and private portfolio submission to the program manager as an
- 30 eligibility qualification;
- 31 ▶ allows for a scholarship student to receive a prorated scholarship award if the
- 32 student participates part-time in a local education agency;
- 33 ▶ authorizes the program manager to administer the program and distribute
- 34 scholarship funds;
- 35 ▶ requires the state board to provide limited oversight of the program manager,
- 36 including an appeal process for the program manager's administrative decisions;
- 37 ▶ prohibits certain regulations of eligible schools and eligible service providers;
- 38 ▶ requires background checks for employees and officers of a program manager;
- 39 ▶ enacts program funding provisions;
- 40 ▶ requires a program manager and the State Board of Education (state board) to
- 41 submit reports on the program to the Public Education Interim Committee;
- 42 ▶ classifies scholarship student's and scholarship account information as protected
- 43 records; and
- 44 ▶ makes technical and conforming changes.

45 Money Appropriated in this Bill:

46 This bill appropriates in fiscal year 2024:

- 47 ▶ to State Board of Education -- Contracted Initiatives and Grants -- Utah Fits All
- 48 Scholarship Program, as an appropriation:
- 49 • from Income Tax Fund, ongoing \$42,500,000; and
- 50 • from Income Tax Fund, one-time (\$41,500,000), leaving \$1,000,000 for Fiscal
- 51 Year 2024.

52 Other Special Clauses:

53 None

54 Utah Code Sections Affected:

55 AMENDS:

56 **53E-1-201**, as last amended by Laws of Utah 2022, Chapters 147, 229, 274, 285, 291,

57 354, and 461

58 **53F-2-405**, as last amended by Laws of Utah 2022, Chapter 415

59 **63G-2-305**, as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,

60 335, 388, 391, and 415

61 ENACTS:

62 **53F-6-401**, Utah Code Annotated 1953

63 **53F-6-402**, Utah Code Annotated 1953

64 **53F-6-403**, Utah Code Annotated 1953

65 **53F-6-404**, Utah Code Annotated 1953

66 **53F-6-405**, Utah Code Annotated 1953

67 **53F-6-406**, Utah Code Annotated 1953

68 **53F-6-407**, Utah Code Annotated 1953

69 **53F-6-408**, Utah Code Annotated 1953

70 **53F-6-409**, Utah Code Annotated 1953

71 **53F-6-410**, Utah Code Annotated 1953

72 **53F-6-411**, Utah Code Annotated 1953

73 **53F-6-412**, Utah Code Annotated 1953

74 **53F-6-413**, Utah Code Annotated 1953

75 **53F-6-414**, Utah Code Annotated 1953

76 REPEALS:

77 **53F-6-101**, as enacted by Laws of Utah 2018, Chapter 2



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

80 Section 1. Section **53E-1-201** is amended to read:

81 **53E-1-201. Reports to and action required of the Education Interim Committee.**

82 (1) In accordance with applicable provisions and Section **68-3-14**, the following
83 recurring reports are due to the Education Interim Committee:

84 (a) the report described in Section **9-22-109** by the STEM Action Center Board,
85 including the information described in Section **9-22-113** on the status of the computer science
86 initiative and Section **9-22-114** on the Computing Partnerships Grants Program;

87 (b) the prioritized list of data research described in Section **53B-33-302** and the report

88 on research and activities described in Section 53B-33-304 by the Utah Data Research Center;

89 (c) the report described in Section 35A-15-303 by the State Board of Education on
90 preschool programs;

91 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
92 on career and technical education issues and addressing workforce needs;

93 (e) the annual report of the Utah Board of Higher Education described in Section
94 53B-1-402;

95 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education
96 regarding activities related to campus safety;

97 (g) the State Superintendent's Annual Report by the state board described in Section
98 53E-1-203;

99 (h) the annual report described in Section 53E-2-202 by the state board on the strategic
100 plan to improve student outcomes;

101 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
102 the Deaf and the Blind;

103 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
104 Actionable, and Dynamic Education director on research and other activities;

105 (k) the report described in Section 53F-2-522 regarding mental health screening
106 programs;

107 (l) the report described in Section 53F-4-203 by the state board and the independent
108 evaluator on an evaluation of early interactive reading software;

109 (m) the report described in Section 53F-4-407 by the state board on UPSTART;

110 (n) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board
111 related to grants for professional learning and grants for an elementary teacher preparation
112 assessment;

113 (o) upon request, the report described in Section 53F-5-219 by the state board on the
114 Local Innovations Civics Education Pilot Program;

115 (p) the report described in Section 53F-5-405 by the State Board of Education
116 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
117 for students who are low income;

118 (q) the report described in Section 53B-35-202 regarding the Higher Education and

119 Corrections Council;

120 (r) the report described in Section [53G-7-221](#) by the State Board of Education
121 regarding innovation plans; [~~and~~]

122 (s) the annual report described in Section [63A-2-502](#) by the Educational Interpretation
123 and Translation Service Procurement Advisory Council[-]; and

124 (t) the reports described in Section [53F-6-412](#) regarding the Utah Fits All Scholarship
125 Program.

126 (2) In accordance with applicable provisions and Section [68-3-14](#), the following
127 occasional reports are due to the Education Interim Committee:

128 (a) the report described in Section [35A-15-303](#) by the School Readiness Board by
129 November 30, 2020, on benchmarks for certain preschool programs;

130 (b) the report described in Section [53B-28-402](#) by the Utah Board of Higher Education
131 on or before the Education Interim Committee's November 2021 meeting;

132 (c) if required, the report described in Section [53E-4-309](#) by the state board explaining
133 the reasons for changing the grade level specification for the administration of specific
134 assessments;

135 (d) if required, the report described in Section [53E-5-210](#) by the state board of an
136 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

137 (e) in 2022 and in 2023, on or before November 30, the report described in Subsection
138 [53E-10-309](#)(7) related to the PRIME pilot program;

139 (f) the report described in Section [53E-10-702](#) by Utah Leading through Effective,
140 Actionable, and Dynamic Education;

141 (g) if required, the report described in Section [53F-2-513](#) by the state board evaluating
142 the effects of salary bonuses on the recruitment and retention of effective teachers in high
143 poverty schools;

144 (h) the report described in Section [53F-5-210](#) by the state board on the Educational
145 Improvement Opportunities Outside of the Regular School Day Grant Program;

146 (i) upon request, a report described in Section [53G-7-222](#) by an LEA regarding
147 expenditure of a percentage of state restricted funds to support an innovative education
148 program;

149 (j) the report described in Section [53G-7-503](#) by the state board regarding fees that

150 LEAs charge during the 2020-2021 school year;

151 (k) the reports described in Section 53G-11-304 by the state board regarding proposed
152 rules and results related to educator exit surveys; and

153 (l) the report described in Section 62A-15-117 by the Division of Substance Abuse and
154 Mental Health, the State Board of Education, and the Department of Health regarding
155 recommendations related to Medicaid reimbursement for school-based health services.

156 Section 2. Section 53F-2-405 is amended to read:

157 **53F-2-405. Educator salary adjustments.**

158 (1) As used in this section, "educator" means a person employed by a school district,
159 charter school, or the Utah Schools for the Deaf and the Blind ~~[who holds:]~~.

160 ~~[(a) (i) a license issued by the state board; and]~~

161 ~~[(ii) a position as a:]~~

162 ~~[(A) classroom teacher;]~~

163 ~~[(B) speech pathologist;]~~

164 ~~[(C) librarian or media specialist;]~~

165 ~~[(D) preschool teacher;]~~

166 ~~[(E) mentor teacher;]~~

167 ~~[(F) teacher specialist or teacher leader;]~~

168 ~~[(G) guidance counselor;]~~

169 ~~[(H) audiologist;]~~

170 ~~[(I) psychologist; or]~~

171 ~~[(J) social worker; or]~~

172 ~~[(b) (i) a license issued by the Division of Professional Licensing; and]~~

173 ~~[(ii) a position as a social worker.]~~

174 (2) In recognition of the need to attract and retain highly skilled and dedicated
175 educators, the Legislature shall annually appropriate money for educator salary adjustments,
176 subject to future budget constraints.

177 ~~[(3) Money appropriated to the state board]~~

178 (3) (a) The state board shall distribute to each school district, each charter school, and
179 the Utah Schools for the Deaf and the Blind money that the Legislature appropriates for
180 educator salary adjustments based on the number of educator positions described in Subsection

181 (4) in the school district, the charter school, or the Utah Schools for the Deaf and the Blind.

182 (b) Notwithstanding Subsection (3)(a), if appropriations are insufficient to provide the
183 full amount of educator salary adjustments described in this section, the state board shall
184 distribute money appropriated for educator salary adjustments [~~shall be distributed~~] to school
185 districts, charter schools, and the Utah Schools for the Deaf and the Blind in proportion to the
186 number of full-time-equivalent educator positions in a school district, a charter school, or the
187 Utah Schools for the Deaf and the Blind as compared to the total number of
188 full-time-equivalent educator positions in school districts, charter schools, and the Utah
189 Schools for the Deaf and the Blind.

190 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind
191 shall award bonuses to educators as follows:

192 (a) the amount of the salary adjustment [~~shall be the same~~] for each
193 full-time-equivalent educator [~~position in the school district, charter school, or the Utah~~
194 ~~Schools for the Deaf and the Blind;~~] is:

195 (i) if Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program, is funded and in
196 effect, an amount equal to \$4,200 plus the maximum amount of the individual scholarship
197 award described in Section [53F-6-402](#); or

198 (ii) if Title 53F, Chapter 6, Part 4, Utah Fits All Scholarship Program, is not funded
199 and in effect, \$4,200.

200 (b) an individual who is not a full-time educator shall receive a partial salary
201 adjustment based on the number of hours the individual works as an educator; and

202 (c) a salary adjustment may be awarded only to an educator who has received a
203 satisfactory rating or above on the educator's most recent evaluation.

204 (5) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
205 Act, the state board:

206 (a) shall make rules to ensure that LEAs do not reduce or artificially limit a teacher's
207 salary to convert the salary supplement in this section into a windfall to the LEA; and

208 (b) may make rules as necessary to administer this section [~~in accordance with Title~~
209 63G, Chapter 3, Utah Administrative Rulemaking Act].

210 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
211 money each year to:

212 (i) maintain educator salary adjustments provided in prior years; and

213 (ii) provide educator salary adjustments to new employees.

214 (b) Money appropriated for educator salary adjustments shall include money for the
215 following employer-paid benefits:

216 (i) retirement;

217 (ii) worker's compensation;

218 (iii) social security; and

219 (iv) Medicare.

220 (7) (a) Subject to future budget constraints, the Legislature shall:

221 (i) maintain the salary adjustments provided to school administrators in the 2007-08
222 school year; and

223 (ii) provide salary adjustments for new school administrators in the same amount as
224 provided for existing school administrators.

225 (b) The appropriation provided for educator salary adjustments described in this
226 section shall include salary adjustments for school administrators as specified in Subsection
227 (7)(a).

228 (c) In distributing and awarding salary adjustments for school administrators, the state
229 board, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall
230 comply with the requirements for the distribution and award of educator salary adjustments as
231 provided in Subsections (3) and (4).

232 Section 3. Section **53F-6-401** is enacted to read:

233 **Part 4. Utah Fits All Scholarship Program**

234 **53F-6-401. Definitions.**

235 As used in this part:

236 (1) "Eligible student" means a student:

237 (a) who is eligible to participate in public school, in kindergarten, or grades 1 through
238 12;

239 (b) who is a resident of the state;

240 (c) who, during the school year for which the student is applying for a scholarship
241 account:

242 (i) does not receive a scholarship under:

243 (A) the Carson Smith Scholarship Program established in Section 53F-4-302; or

244 (B) the Special Needs Opportunity Scholarship Program established in Section

245 53E-7-402; and

246 (ii) except for a student who is enrolled part-time in accordance with Section

247 53G-6-702, is not enrolled in an LEA upon receiving the scholarship;

248 (d) whose eligibility is not suspended or disqualified under Section 53F-6-401; and

249 (e) who completes, to maintain eligibility, the portfolio requirement described in

250 Subsection 53F-6-402(3)(d).

251 (2) "Federal poverty level" means the United States poverty level as defined by the
252 most recently revised poverty income guidelines published by the United States Department of
253 Health and Human Services in the Federal Register.

254 (3) (a) "Home-based scholarship student" means a student who:

255 (i) is eligible to participate in public school, in kindergarten or grades 1 through 12;

256 (ii) is excused from enrollment in an LEA in accordance with Section 53G-6-204 to

257 attend a home school; and

258 (iii) receives a benefit of scholarship funds.

259 (b) "Home-based scholarship student" does not mean a home school student who does
260 not receive a scholarship under the program.

261 (4) "Program manager" means an organization that:

262 (a) is qualified as tax exempt under Section 501(c)(3), Internal Revenue Code;

263 (b) is not affiliated with any international organization;

264 (c) does not harvest data for the purpose of reproducing or distributing the data to other
265 entities;

266 (d) has no involvement in guiding or directing any curriculum or curriculum standards;

267 (e) does not manage or otherwise administer a scholarship under:

268 (i) the Carson Smith Scholarship Program established in Section 53F-4-302; or

269 (ii) the Special Needs Opportunity Scholarship Program established in Section

270 53E-7-402; and

271 (f) an agreement with the state board recognizes as a program manager, in accordance
272 with this part.

273 (5) (a) "Program manager employee" means an individual working for the program

274 manager in a position in which the individual's salary, wages, pay, or compensation, including
275 as a contractor, is paid from scholarship funds.

276 (b) "Program manager employee" does not include:

277 (i) an individual who volunteers for the program manager or for a qualifying provider;

278 (ii) an individual who works for a qualifying provider; or

279 (iii) a qualifying provider.

280 (6) "Program manager officer" means:

281 (a) a member of the board of a program manager; or

282 (b) the chief administrative officer of a program manager.

283 (7) "Qualifying provider" means one of the following entities that is not a public school
284 and is autonomous and not an agent of the state, in accordance with Section [53F-6-406](#):

285 (a) an eligible school that the program manager approves in accordance with Section
286 [53F-6-408](#); or

287 (b) an eligible service provider that the program manager approves in accordance with
288 Section [53F-6-409](#).

289 (8) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
290 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
291 sister-in-law, son-in-law, or daughter-in-law.

292 (9) "Scholarship account" means the account to which a program manager allocates
293 funds for the payment of approved scholarship expenses in accordance with this part.

294 (10) "Scholarship expense" means an expense described in Section [53F-6-402](#) that a
295 parent or scholarship student incurs in the education of the scholarship student for a service or
296 goods that a qualifying provider provides, including:

297 (a) tuition and fees of a qualifying provider;

298 (b) fees and instructional materials at a technical college;

299 (c) tutoring services;

300 (d) fees for after-school or summer education programs;

301 (e) textbooks, curricula, or other instructional materials, including any supplemental
302 materials or associated online instruction that a curriculum or a qualifying provider
303 recommends;

304 (f) educational software and applications;

- 305 (g) supplies or other equipment related to a scholarship student's educational needs;
306 (h) computer hardware or other technological devices that are intended primarily for a
307 scholarship student's educational needs;
308 (i) fees for the following examinations, or for a preparation course for the following
309 examinations, that the program manager approves:
310 (i) a national norm-referenced or standardized assessment described in Section
311 53F-6-410, an advanced placement examination, or another similar assessment;
312 (ii) a state-recognized industry certification examination; and
313 (iii) an examination related to college or university admission;
314 (j) educational services for students with disabilities from a licensed or accredited
315 practitioner or provider, including occupational, behavioral, physical, audiology, or
316 speech-language therapies;
317 (k) contracted services that the program manager approves and that an LEA provides,
318 including individual classes, after-school tutoring services, transportation, or fees or costs
319 associated with participation in extracurricular activities;
320 (l) ride fees or fares for a fee-for-service transportation provider to transport the
321 scholarship student to and from a qualifying provider, not to exceed \$750 in a given school
322 year;
323 (m) expenses related to extra-curricular activities, field trips, educational supplements,
324 and other educational experiences; or
325 (n) any other expense for a good or service that:
326 (i) a parent or scholarship student incurs in the education of the scholarship student;
327 and
328 (ii) the program manager approves, in accordance with Subsection (4)(d).
329 (11) "Scholarship funds" means:
330 (a) funds that the Legislature appropriates for the program; and
331 (b) interest that scholarship funds accrue.
332 (12) (a) "Scholarship student" means an eligible student, including a home-based
333 scholarship student, for whom the program manager establishes and maintains a scholarship
334 account in accordance with this part.
335 (b) "Scholarship student" does not include a home school student who does not receive

336 a scholarship award under the program.

337 (13) "Utah Fits All Scholarship Program" or "program" means the scholarship program
338 established in Section [53F-6-402](#).

339 Section 4. Section **53F-6-402** is enacted to read:

340 **53F-6-402. Utah Fits All Scholarship Program -- Scholarship account application**
341 **-- Scholarship expenses -- Program information.**

342 (1) There is established the Utah Fits All Scholarship Program under which, beginning
343 March 1, 2024, a parent may apply to a program manager on behalf of the parent's student to
344 establish and maintain a scholarship account to cover the cost of a scholarship expense.

345 (2) (a) The program manager shall establish and maintain, in accordance with this part,
346 scholarship accounts for eligible students.

347 (b) The program manager shall:

348 (i) determine that a student meets the requirements to be an eligible student; and

349 (ii) subject to Subsection (2)(c), each year the student is an eligible student, maintain a
350 scholarship account for the scholarship student to pay for the cost of one or more scholarship
351 expenses that the student or student's parent incurs in the student's education.

352 (c) Except as provided in Subsection (2)(d), each year, subject to this part and
353 legislative appropriations, a scholarship student is eligible for no more than:

354 (i) for the 2024-2025 school year, \$8,000; and

355 (ii) for each school year following the 2024-2025 school year, the maximum allowed
356 amount under this Subsection (2)(c) in the previous year plus a percentage increase that is
357 equal to the five-year rolling average inflationary factor described in Section [53F-2-405](#).

358 (d) If a scholarship student enrolls in an LEA part-time in accordance with Section
359 [53G-6-702](#), the program manager shall prorate the amount of the award described in
360 Subsection (2)(c) in proportion to the extent of the scholarship student's partial enrollment in
361 the LEA.

362 (3) (a) A program manager shall establish a scholarship account on behalf of an
363 eligible student who submits a timely application, unless the number of applications exceed
364 available scholarship funds for the school year.

365 (b) If the number of applications exceeds the available scholarship funds for a school
366 year, the program manager shall select students on a random basis, except as provided in

367 Subsection (6).

368 (c) An eligible student or a public education student shall submit an application for an
369 initial scholarship or renewal for each school year that the student intends to receive
370 scholarship funds.

371 (d) (i) To maintain eligibility, a scholarship student or the scholarship student's parent
372 shall annually complete and deliver to the program manager a portfolio describing the
373 scholarship student's educational opportunities and achievements under the program for the
374 given year.

375 (ii) The program manager may not disclose the content of a given scholarship student's
376 portfolio except to the scholarship student's parent.

377 (4) (a) An application for a scholarship account shall contain an acknowledgment by
378 the student's parent that the qualifying provider selected by the parent for the student's
379 enrollment or engagement is capable of providing education services for the student.

380 (b) A scholarship account application form shall contain the following statement:

381 "I acknowledge that:

382 (1) A qualifying provider may not provide the same level of disability services that are
383 provided in a public school:

384 (2) I will assume full financial responsibility for the education of my scholarship
385 recipient if I agree to this scholarship account;

386 (3) Agreeing to establish this scholarship account has the same effect as a parental
387 refusal to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the
388 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and

389 (4) My child may return to a public school at any time."

390 (c) Upon agreeing to establish a scholarship account, the parent assumes full financial
391 responsibility for the education of the scholarship student, including the balance of any expense
392 incurred at a qualifying provider or for goods that are not paid for by the scholarship student's
393 scholarship account.

394 (d) Agreeing to establish a scholarship account has the same effect as a parental refusal
395 to consent to services as described in 34 C.F.R. Sec. 300.300, issued under the Individuals with
396 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

397 (e) The creation of the program or establishment of a scholarship account on behalf of

398 a student does not:

399 (i) imply that a public school did not provide a free and appropriate public education
400 for a student; or

401 (ii) constitute a waiver or admission by the state.

402 (5) A program manager may not charge a scholarship account application fee.

403 (6) A program manager shall give an enrollment preference based on the following
404 order of preference:

405 (a) to an eligible student who used a scholarship account in the previous school year;

406 (b) to an eligible student:

407 (i) who did not use a scholarship account in the previous school year; and

408 (ii) with a family income at or below 200% of the federal poverty level;

409 (c) to an eligible student who is a sibling of an eligible student who:

410 (i) uses a scholarship account at the time the sibling applies for a scholarship account;

411 or

412 (ii) used a scholarship account in the school year immediately preceding the school
413 year for which the sibling is applying for a scholarship account; and

414 (d) to an eligible student:

415 (i) who did not use a scholarship account in the previous school year; and

416 (ii) with a family income between 200% and 555% of the federal poverty level.

417 (7) (a) Subject to Subsections (7)(b) through (e), a parent may use a scholarship
418 account to pay for a scholarship expense that a parent or scholarship student incurs in the
419 education of the scholarship student.

420 (b) A scholarship student or the scholarship student's parent may not use a scholarship
421 account for an expense that the student or parent does not incur in the education of the
422 scholarship student, including:

423 (i) a rehabilitation program that is not primarily designed for an educational purpose;

424 or

425 (ii) a travel expense other than a transportation expense described in Section

426 [53F-6-401.](#)

427 (c) The program manager may not:

428 (i) approve a scholarship expense for a service that a qualifying provider provides

429 unless the program manager determines that the scholarship student or the scholarship student's
430 parent incurred the expense in the education of the scholarship student; or

431 (ii) reimburse a scholarship expense for a service or good that a provider that is not a
432 qualifying provider provides unless:

433 (A) the parent or scholarship student submits a receipt that shows the cost and type of
434 service or good and the name of provider; and

435 (B) the program manager determines that the parent or scholarship student incurred the
436 expense in the education of the scholarship student.

437 (d) The parent of a scholarship student may not receive scholarship funds as payment
438 for the parent's time spent educating the parent's child.

439 (e) Except for cases in which a scholarship student or the scholarship student's parent is
440 convicted of fraud in relation to scholarship funds, if a qualifying provider, scholarship student,
441 or scholarship student's parent repays an expenditure from a scholarship account for an expense
442 that is not approved under this Subsection (7), the program manager shall credit the repaid
443 amount back to the scholarship account balance within 30 days after the day on which the
444 program manager receives the repayment.

445 (8) Notwithstanding any other provision of law, funds that the program manager
446 disburses under this part to a scholarship account on behalf of a scholarship student do not
447 constitute state taxable income to the parent of the scholarship student.

448 (9) The program manager shall prepare and disseminate information on the program to
449 a parent applying for a scholarship account on behalf of a student, including the information
450 that the program manager provides in accordance with Section [53F-6-405](#).

451 (10) On or before September 1, 2023, and as frequently as necessary to maintain the
452 information, the state board shall provide information on the state board's website, including:

453 (a) scholarship account information;

454 (b) information on the program manager, including the program manager's contact
455 information; and

456 (c) an overview of the program.

457 Section 5. Section **53F-6-403** is enacted to read:

458 **53F-6-403. Qualifying providers.**

459 (1) Before the beginning of the school year immediately following a school year in

460 which a qualifying provider receives scholarship funds equal to or more than \$500,000, the
461 qualifying provider shall file with the program manager a surety bond payable to the program
462 manager in an amount equal to the aggregate amount of scholarship funds expected to be
463 received during the school year.

464 (2) If a program manager determines that a qualifying provider has violated a provision
465 of this part, the program manager may interrupt disbursement of or withhold scholarship funds
466 from the qualifying provider.

467 (3) (a) If the program manager determines that a qualifying provider no longer meets
468 the eligibility requirements described in this part, the program manager may withdraw the
469 organization's approval of the qualifying provider.

470 (b) A provider or person that does not have the approval of the program manager in
471 accordance with the following may not accept scholarship funds for services under this part:

472 (i) Section 53F-6-408 regarding eligible schools; or

473 (ii) Section 53F-6-409 regarding eligible service providers.

474 (4) If a qualifying provider requires partial payment of tuition or fees before the
475 beginning of the academic year to reserve space for a scholarship student who has been
476 admitted to the qualifying provider, the program manager may:

477 (a) pay the partial payment before the beginning of the school year in which the
478 scholarship funds are awarded; and

479 (b) deduct the amount of the partial payment from subsequent scholarship fund
480 deposits in an equitable manner that provides the best availability of scholarship funds to the
481 student throughout the remainder of the school year.

482 (5) If a scholarship student described in Subsection (4)(a) chooses to withdraw from or
483 otherwise not engage with the qualifying provider before the beginning of the school year:

484 (a) the qualifying provider shall remit the partial payment described in Subsection
485 (4)(a) to the program manager; and

486 (b) the program manager shall credit the remitted partial payment to the scholarship
487 student's scholarship account.

488 Section 6. Section 53F-6-404 is enacted to read:

489 **53F-6-404. State board procurement and review of program manager -- Failure to**
490 **comply.**

491 (1) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
492 board shall issue a request for proposals, on or before June 15, 2023, and enter an agreement
493 with no more than one organization that qualifies as tax exempt under Section 501(c)(3),
494 Internal Revenue Code, for the state board to recognize as the program manager, on or before
495 September 1, 2023.

496 (b) An organization that responds to a request for proposals described in Subsection
497 (1)(a) shall submit the following information in the organization's response:

498 (i) a copy of the organization's incorporation documents;

499 (ii) a copy of the organization's Internal Revenue Service determination letter
500 qualifying the organization as being tax exempt under Section 501(c)(3), Internal Revenue
501 Code;

502 (iii) a description of the methodology the organization will use to verify a student's
503 eligibility under this part;

504 (iv) a description of the organization's proposed scholarship account application
505 process; and

506 (v) an affidavit or other evidence that the organization:

507 (A) is not affiliated with any international organization;

508 (B) does not harvest data for the purpose of reproducing or distributing the data to
509 another entity; and

510 (C) has no involvement in guiding or directing any curriculum standards.

511 (c) The state board shall ensure that the agreement described in Subsection (1)(a):

512 (i) ensures the efficiency and success of the program; and

513 (ii) does not impose any requirements on the program manager that:

514 (A) are not essential to the basic administration of the program; or

515 (B) create restrictions, directions, or mandates regarding instructional content or
516 curriculum.

517 (2) The state board may regulate and take enforcement action as necessary against a
518 program manager in accordance with the provisions of the state board's agreement with the
519 program manager.

520 (3) (a) If the state board determines that a program manager has violated a provision of
521 this part or a provision of the state board's agreement with the program manager, the state

522 board shall send written notice to the program manager explaining the violation and the
523 remedial action required to correct the violation.

524 (b) A program manager that receives a notice described in Subsection (3)(a) shall, no
525 later than 60 days after the day on which the program manager receives the notice, correct the
526 violation and report the correction to the state board.

527 (c) (i) If a program manager that receives a notice described in Subsection (3)(a) fails
528 to correct a violation in the time period described in Subsection (3)(b), the state board may bar
529 the program manager from further participation in the program.

530 (ii) A program manager may appeal a decision of the state board under Subsection
531 (3)(c)(i) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

532 (d) A program manager may not accept state funds while the program manager:

533 (i) is barred from participating in the program under Subsection (3)(c)(i); or

534 (ii) has an appeal pending under Subsection (3)(c)(ii).

535 (e) A program manager that has an appeal pending under Subsection (3)(c)(ii) may
536 continue to administer scholarship accounts during the pending appeal.

537 (4) The state board shall establish a process for a program manager to report the
538 information the program manager is required to report to the state board under Section
539 [53F-6-405](#).

540 (5) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
541 Administrative Rulemaking Act, and include provisions in the state board's agreement with the
542 scholarship organization for:

543 (a) subject to Subsection (6), the administration of scholarship accounts and
544 disbursement of scholarship funds if a program manager is barred from participating in the
545 program under Subsection (3)(c)(i); and

546 (b) audit and report requirements as described in Section [53F-7-405](#).

547 (6) (a) The state board shall include in the rules and provisions described in Subsection
548 (5)(a) measures to ensure that the establishment and maintenance of scholarship accounts and
549 enrollment in the program are not disrupted if the program manager is barred from participating
550 in the program.

551 (b) The state board may, if the program manager is barred from participating in the
552 program, issue a new request for proposals and enter into a new agreement with an alternative

553 program manager in accordance with this section.

554 (7) (a) On or before January 1, 2024, the state board shall:

555 (i) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
556 Rulemaking Act, to establish a process for a scholarship student or a scholarship student's
557 parent to appeal any administrative decision of the program manager for state board resolution
558 within 30 days after the day of the appeal, including:

559 (A) scholarship expense denials; and

560 (B) determinations regarding enrollment eligibility or suspension or disqualification
561 under Section 53F-6-405; and

562 (ii) make information available regarding the appeals process on the state board's
563 website and on the scholarship application.

564 (b) If the state board stays or reverses an administrative decision of the program
565 manager on appeal, the program manager may not withhold scholarship funds or application
566 approval for the scholarship student on account of the appealed administrative decision unless
567 as the state board expressly allows.

568 (8) The state board may not include a provision in any rule that creates or implies a
569 restriction, direction, or mandate regarding instructional content or curriculum.

570 Section 7. Section 53F-6-405 is enacted to read:

571 **53F-6-405. Program manager duties -- Audit -- Prohibitions.**

572 (1) The program manager shall administer the program, including:

573 (a) maintaining an application website that includes information on enrollment,
574 relevant application dates, and dates for notification of acceptance;

575 (b) reviewing applications from and determining if a person is:

576 (i) an eligible school under Section 53F-6-408; or

577 (ii) an eligible service provider under Section 53F-6-409;

578 (c) establishing an application process, including application dates opening before
579 March 1, 2024, in accordance with Section 53F-6-402;

580 (d) reviewing and granting or denying applications for a scholarship account;

581 (e) providing an online portal for the parent of a scholarship student to access the
582 scholarship student's account;

583 (f) ensuring that scholarship funds in a scholarship account are readily available to a

584 scholarship student;

585 (g) requiring a parent to notify the program manager if the parent's scholarship student
586 is no longer enrolled in or engaging a service;

587 (i) for which the scholarship student receives scholarship funds; and

588 (ii) that is provided to the scholarship student for an entire school year;

589 (h) obtaining reimbursement of scholarship funds from a qualifying provider that
590 provides the services in which a scholarship student is no longer enrolled or with which the
591 scholarship student is no longer engaged;

592 (i) expending all revenue from interest on scholarship funds or investments on
593 scholarship expenses;

594 (j) each time the program manager makes an administrative decision that is adverse to
595 a scholarship student or the scholarship student's parent, informing the scholarship student and
596 the scholarship student's parent of the opportunity and process to appeal an administrative
597 decision of the program manager to the state board in accordance with the process described in
598 Section [53F-6-404](#);

599 (k) maintaining a protected internal waitlist of all eligible students who have applied to
600 the program and are not yet scholarship students, including any student who removed the
601 student's application from the waitlist; and

602 (1) providing aggregate data regarding the number of scholarship students and the
603 number of eligible students on the waitlist described in Subsection (1)(l).

604 (2) The program manager shall:

605 (a) contract with one or more private entities to develop and implement a commercially
606 viable, cost-effective, and parent-friendly system to:

607 (i) establish scholarship accounts;

608 (ii) maximize payment flexibility by allowing:

609 (A) for payment of services to qualifying providers using scholarship funds by
610 electronic or online funds transfer; and

611 (B) pre-approval of a reimbursement to a parent for a good that is a scholarship
612 expense; and

613 (iii) allow scholarship students and scholarship student's parents to publicly rate,
614 review, and share information about qualifying providers; and

615 (b) ensure that the system complies with industry standards for data privacy and
616 cybersecurity, including ensuring compliance with the Family Educational Rights and Privacy
617 Act, 34 C.F.R. Part 99.

618 (3) In advance of the program manager accepting applications in accordance with
619 Section 53F-6-402 and as regularly as information develops, the program manager shall
620 provide information regarding the program by publishing a program handbook online for
621 scholarship applicants, scholarship students, parents, service providers seeking to become
622 qualifying providers and qualifying providers, that includes information regarding:

623 (a) the policies and processes of the program;

624 (b) approved scholarship expenses and qualifying providers;

625 (c) the responsibilities of parents regarding the program and scholarship funds;

626 (d) the duties of the program manager;

627 (e) the opportunity and process to appeal an administrative decision of the program
628 manager to the state board in accordance with the process described in Section 53F-6-404; and

629 (f) the role of any private financial management firms or other private organizations
630 with which the program manager may contract to administer any aspect of the program.

631 (4) To ensure the fiscal security and compliance of the program, the program manager
632 shall:

633 (a) prohibit a program manager employee or program manager officer from handling,
634 managing, or processing scholarship funds, if, based on a criminal background check that the
635 state board conducts in accordance with Section 53F-6-407, the state board identifies the
636 program manager employee or program manager officer as posing a risk to the appropriate use
637 of scholarship funds;

638 (b) establish procedures to ensure a fair process to:

639 (i) suspend scholarship student's eligibility for the program in the event of the
640 scholarship student's or scholarship student's parent's:

641 (A) intentional or substantial misuse of scholarship funds; or

642 (B) violation of this part or the terms of the program; and

643 (ii) if the program manager obtains evidence of fraudulent use of scholarship funds,
644 refer the case to the attorney general for collection or criminal investigation;

645 (iii) ensure that a scholarship student whose eligibility is suspended or disqualified

646 under this Subsection (4)(b) or Subsection (4)(c) based on the actions of the student's parent
647 regains eligibility if the student is placed with a different parent or otherwise no longer resides
648 with the parent related to the suspension or disqualification;

649 (c) notify the state board, scholarship student, and scholarship student's parent in
650 writing:

651 (i) of the suspension described in Subsection (4)(b)(i);

652 (ii) that no further transactions, disbursements, or reimbursements are allowed;

653 (iii) that the scholarship student or scholarship student's parent may take corrective
654 action within 10 business days of the day on which the program manager provides the
655 notification; and

656 (iv) that without taking the corrective action within the time period described in
657 Subsection (4)(c)(iii), the program manager may disqualify the student's eligibility.

658 (5) (a) A program manager may not:

659 (i) disburse scholarship funds to a qualifying provider or allow a qualifying provider to
660 use scholarship funds if:

661 (A) the program manager determines that the qualifying provider intentionally or
662 substantially misrepresented information on overpayment;

663 (B) the qualifying provider fails to refund an overpayment in a timely manner; or

664 (C) the qualifying provider routinely fails to provide scholarship students with
665 promised educational services; or

666 (ii) reimburse with scholarship funds an individual for the purchase of a good or
667 service if the program manager determines that:

668 (A) the scholarship student or the scholarship student's parent requesting
669 reimbursement intentionally or substantially misrepresented the cost or educational purpose of
670 the good or service; or

671 (B) the relevant scholarship student was not the exclusive user of the good or service.

672 (b) A program manager shall notify a scholarship student if the program manager:

673 (i) stops disbursement of the scholarship student's scholarship funds to a qualifying
674 provider under Subsection (5)(a)(i); or

675 (ii) refuses reimbursement under Subsection (5)(a)(ii).

676 (6) (a) At any time, a scholarship student may change the qualifying provider to which

677 the scholarship student's scholarship account makes distributions.

678 (b) If, during the school year, a scholarship student changes the student's enrollment in
679 or engagement with a qualifying provider to another qualifying provider, the program manager
680 may prorate scholarship funds between the qualifying providers based on the time the
681 scholarship student received the goods or services or was enrolled.

682 (7) A program manager may not subvert the enrollment preferences required under
683 Section 53F-6-402 or other provisions of this part to establish a scholarship account on behalf
684 of a relative of a program manager officer.

685 (8) The program manager shall:

686 (a) contract for annual and random audits on scholarship accounts conducted:

687 (i) by a certified public accountant who is independent from:

688 (A) the program manager;

689 (B) the state board; and

690 (C) the program manager's accounts and records pertaining to scholarship funds; and

691 (ii) in accordance with generally accepted auditing standards;

692 (b) demonstrate the program manager's financial accountability by annually submitting
693 to the state board the following:

694 (i) a financial information report that a certified public accountant prepares and that
695 includes the total number and total dollar amount of scholarship funds disbursed during the
696 previous calendar year; and

697 (ii) no later than 180 days after the last day of the program manager's fiscal year, the
698 results of the audits described in Subsection (8)(a), including the program manager's financial
699 statements in a format that meets generally accepted accounting principles.

700 (9) (a) The state board:

701 (i) shall review a report described in this section; and

702 (ii) may request that the program manager revise or supplement the report if the report
703 does not fully comply with this section.

704 (b) The program manager shall provide to the state board a revised report or a
705 supplement to the report no later than 45 days after the day on which the state board makes a
706 request described in Subsection (9)(a).

707 Section 8. Section **53F-6-406** is enacted to read:

708 53F-6-406. Qualifying provider regulatory autonomy -- Home school autonomy --
709 Student records -- Scholarship student status.

710 (1) Nothing in this part:

711 (a) except as expressly described in this part, grants additional authority to any state
712 agency or LEA to regulate or control:

713 (i) a private school, qualifying provider, or home school;

714 (ii) students receiving education from a private school, qualifying provider, or home
715 school;

716 (b) applies to or otherwise affects the freedom of choice of a home school student,
717 including the curriculum, resources, developmental planning, or any other aspect of the home
718 school student's education; or

719 (c) expands the regulatory authority of the state, a state office holder, or an LEA to
720 impose any additional regulation of a qualifying provider beyond any regulation necessary to
721 administer this part.

722 (2) A qualifying provider:

723 (a) has a right to maximum freedom from unlawful governmental control in providing
724 for the educational needs of a scholarship student who attends or engages with the qualifying
725 provider; and

726 (b) is not an agent of the state by virtue of the provider's acceptance of payment from a
727 scholarship account in accordance with this part.

728 (3) Except as provided in Section 53F-6-403 regarding qualifying providers, Section
729 53F-6-408 regarding eligible schools, or Section 53F-6-409 regarding eligible service
730 providers, a program manager may not require a qualifying provider to alter the qualifying
731 provider's creed, practices, admissions policies, hiring practices, or curricula in order to accept
732 scholarship funds.

733 (4) An LEA or a school in an LEA in which a scholarship student was previously
734 enrolled shall provide to the scholarship student's parent a copy of all school records relating to
735 the student that the LEA possesses within 30 days after the day on which the LEA or school
736 receives the parent's request for the student's records, subject to:

737 (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and

738 (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

739 (5) By virtue of a scholarship student's involvement in the program and unless
740 otherwise expressly provided in statute, a scholarship student is not:

741 (a) enrolled in the public education system; or

742 (b) otherwise subject to statute, administrative rules, or other state regulations as if the
743 student was enrolled in the public education system.

744 Section 9. Section **53F-6-407** is enacted to read:

745 **53F-6-407. Background checks for program manager -- Bureau responsibilities --**
746 **Fees.**

747 (1) As used in this section:

748 (a) "Bureau" means the Bureau of Criminal Identification created in Section [53-10-201](#)
749 within the Department of Public Safety.

750 (b) "Department" means the Department of Public Safety.

751 (c) "Division" means the Criminal Investigations and Technical Services Division
752 created in Section [53-10-103](#).

753 (d) "Personal identifying information" means:

754 (i) current name;

755 (ii) former names;

756 (iii) nicknames;

757 (iv) aliases;

758 (v) date of birth;

759 (vi) address;

760 (vii) telephone number;

761 (viii) driver license number or other government-issued identification number;

762 (ix) social security number; and

763 (x) fingerprints.

764 (e) "Rap back system" means a system that enables authorized entities to receive
765 ongoing status notifications of any criminal history reported on individuals whose fingerprints
766 are registered in the system.

767 (f) "WIN Database" means the Western Identification Network Database that consists
768 of eight western states sharing one electronic fingerprint database.

769 (2) The program manager shall:

770 (a) require an employee or officer of the program manager to submit to a criminal
771 background check and ongoing monitoring;

772 (b) collect the following from an employee or officer of the program manager:
773 (i) personal identifying information;
774 (ii) a fee described in Subsection (4); and
775 (iii) consent, on a form specified by the program manager, for:
776 (A) an initial fingerprint-based background check by the bureau;
777 (B) retention of personal identifying information for ongoing monitoring through
778 registration with the systems described in Subsection (3); and
779 (C) disclosure of any criminal history information to the program manager;
780 (c) submit the personal identifying information of an employee or officer of the
781 program manager to the bureau for:
782 (i) an initial fingerprint-based background check by the bureau; and
783 (ii) ongoing monitoring through registration with the systems described in Subsection
784 (3) if the results of the initial background check do not contain disqualifying criminal history
785 information as determined by the program manager;
786 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure
787 that the program manager only receives notifications for individuals with whom the program
788 manager maintains an authorizing relationship; and
789 (e) submit the information to the bureau for ongoing monitoring through registration
790 with the systems described in Subsection (3).

791 (3) The bureau shall:
792 (a) upon request from the program manager, register the fingerprints submitted by the
793 program manager as part of a background check with the WIN Database rap back system, or
794 any successor system;
795 (b) notify the program manager when a new entry is made against an individual whose
796 fingerprints are registered with the WIN Database rap back system regarding:
797 (i) an alleged offense; or
798 (ii) a conviction, including a plea in abeyance;
799 (c) assist the program manager to identify the appropriate privacy risk mitigation
800 strategy that is to be used to ensure that the program manager only receives notifications for

801 individuals with whom the authorized entity maintains an authorizing relationship; and

802 (d) collaborate with the program manager to provide training to appropriate program
803 manager employees on the notification procedures and privacy risk mitigation strategies
804 described in this section.

805 (4) (a) The division shall impose fees that the division sets in accordance with Section
806 63J-1-504 for the fingerprint card of an employee or officer of the program manager, for a
807 name check, and to register fingerprints under this section.

808 (b) Funds generated under this Subsection (4) shall be deposited into the General Fund
809 as a dedicated credit by the department to cover the costs incurred in providing the information.

810 Section 10. Section **53F-6-408** is enacted to read:

811 **53F-6-408. Eligible schools.**

812 (1) To be eligible to receive scholarship funds on behalf of a scholarship student as an
813 eligible school, a private school with 150 or more enrolled students shall:

814 (a) (i) contract with an independent licensed certified public accountant to conduct an
815 agreed upon procedures engagement as the state board adopts, or obtain an audit and report
816 that:

817 (A) a licensed independent certified public accountant conducts in accordance with
818 generally accepted auditing standards;

819 (B) presents the financial statements in accordance with generally accepted accounting
820 principles; and

821 (C) audits financial statements from within the 12 months immediately preceding the
822 audit; and

823 (ii) submit the audit report or report of the agreed upon procedure to the program
824 manager when the private school applies to receive scholarship funds;

825 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;

826 (c) provide a written disclosure to the parent of each prospective scholarship student,
827 before the student is enrolled, of:

828 (i) the education services that the school will provide to the scholarship student,
829 including the cost of the provided services;

830 (ii) tuition costs;

831 (iii) additional fees the school will require a parent to pay during the school year; and

832 (iv) the skill or grade level of the curriculum in which the prospective scholarship
833 student will participate; and

834 (d) require the following individuals to submit to a nationwide, fingerprint-based
835 criminal background check and ongoing monitoring, in accordance with Section 53G-11-402,
836 as a condition for employment or appointment, as authorized by the Adam Walsh Child
837 Protection and Safety Act of 2006, Pub. L. No. 109-248:

838 (i) an employee who does not hold:

839 (A) a current Utah educator license issued by the state board under Title 53E, Chapter
840 6, Education Professional Licensure; or

841 (B) if the private school is not physically located in Utah, a current educator license in
842 the state where the private school is physically located; and

843 (ii) a contract employee.

844 (2) A private school described in Subsection (1) is not eligible to receive scholarship
845 funds if:

846 (a) the private school requires a scholarship student to sign a contract waiving the
847 scholarship student's right to transfer to another qualifying provider during the school year;

848 (b) the audit report described in Subsection (1)(a) contains a going concern explanatory
849 paragraph; or

850 (c) the report of the agreed upon procedures described in Subsection (1)(a) shows that
851 the private school does not have adequate working capital to maintain operations for the first
852 full year.

853 (3) To be eligible to receive scholarship funds on behalf of a scholarship student as an
854 eligible school, a private school with fewer than 150 enrolled students shall:

855 (a) provide to the program manager:

856 (i) a federal employer identification number;

857 (ii) the provider's address and contact information;

858 (iii) a description of each program or service the provider proposes to offer a
859 scholarship student; and

860 (iv) any other information as required by the program manager; and

861 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d.

862 (4) A private school described in Subsection (3) is not eligible to receive scholarship

863 funds if the private school requires a scholarship student to sign a contract waiving the
864 student's rights to transfer to another qualifying provider during the school year.

865 (5) To be eligible to receive scholarship funds on behalf of a scholarship student as an
866 eligible school, an LEA shall:

867 (a) provide to the program manager:

868 (i) a federal employer identification number;

869 (ii) the LEA's address and contact information;

870 (iii) a description of each program or service the LEA proposes to offer to scholarship
871 students; and

872 (iv) any other information as required by the program manager;

873 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d.; and

874 (c) enter into an agreement with the program manager regarding the provision of
875 services to a scholarship student through which:

876 (i) the scholarship student does not enroll in the LEA;

877 (ii) in accordance with Subsection [53F-2-302\(2\)](#), the LEA does not receive WPU
878 funding related to the student's participation with the LEA; and

879 (iii) the LEA and program manager ensure that a scholarship student does not
880 participate in a course or program at the LEA except in accordance with the agreement
881 described in this Subsection (5)(c) under the program.

882 (6) An LEA described in Subsection (5) is not eligible to receive scholarship funds if:

883 (a) the LEA requires a public education system scholarship student to sign a contract
884 waiving the student's rights to transfer to another qualifying provider during the school year; or

885 (b) the LEA refuses to offer services that do not require LEA enrollment to scholarship
886 students under the program.

887 (7) Residential treatment facilities licensed by the state are not eligible to receive
888 scholarship funds.

889 (8) A private school or LEA intending to receive scholarship funds shall:

890 (a) submit an application to the program manager; and

891 (b) agree to not refund, rebate, or share scholarship funds with scholarship students or
892 scholarship student's parents in any manner except remittances or refunds to a scholarship
893 account in accordance with this part and procedures that the program manager establishes.

894 (9) The program manager shall:

895 (a) if the private school or LEA meets the eligibility requirements of this section,
896 recognize the private school or LEA as an eligible school and approve the application; and

897 (b) make available to the public a list of eligible schools approved under this section.

898 (10) A private school approved under this section that changes ownership shall:

899 (a) cease operation as an eligible school until:

900 (i) the school submits a new application to the program manager; and

901 (ii) the program manager approves the new application; and

902 (b) demonstrate that the private school continues to meet the eligibility requirements of
903 this section.

904 Section 11. Section ~~53F-6-409~~ is enacted to read:

905 **53F-6-409. Eligible service providers.**

906 (1) To be an eligible service provider, a private program or service:

907 (a) shall provide to the program manager:

908 (i) a federal employer identification number;

909 (ii) the provider's address and contact information;

910 (iii) a description of each program or service the provider proposes to offer directly to a
911 scholarship student; and

912 (iv) subject to Subsection (2), any other information as required by the program
913 manager;

914 (b) shall comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d; and

915 (c) may not act as a consultant, clearing house, or intermediary that connects a
916 scholarship student with or otherwise facilitates the student's engagement with a program or
917 service that another entity provides.

918 (2) The program manager shall adopt policies that maximize the number of eligible
919 service providers, including accepting new providers throughout the school year, while
920 ensuring education programs or services provided through the program meet student needs and
921 otherwise comply with this part.

922 (3) A private program or service intending to receive scholarship funds shall:

923 (a) submit an application to the program manager; and

924 (b) agree to not refund, rebate, or share scholarship funds with scholarship students or

925 scholarship students' parents in any manner except remittances or refunds to a scholarship
926 account in accordance with this part and procedures that the program manager establishes.

927 (4) The program manager shall:

928 (a) if the private program or service meets the eligibility requirements of this section,
929 recognize the private program or service as an eligible service provider and approve a private
930 program or service's application to receive scholarship funds on behalf of a scholarship student;
931 and

932 (b) make available to the public a list of eligible service providers approved under this
933 section.

934 (5) A private program or service approved under this section that changes ownership
935 shall:

936 (a) cease operation as an eligible service provider until:

937 (i) the program or service submits a new application to the program manager; and

938 (ii) the program manager approves the new application; and

939 (b) demonstrate that the private program or service continues to meet the eligibility
940 requirements of this section.

941 Section 12. Section **53F-6-410** is enacted to read:

942 **53F-6-410. Parental rights -- Optional assessment.**

943 (1) In accordance with Section [53G-6-803](#) regarding a parent's right to academic
944 accommodations, nothing in this chapter restricts or affects a parent's interests and role in the
945 care, custody, and control of the parent's child, including the duty and right to nurture and
946 direct the child's upbringing and education.

947 (2) (a) A parent may request that the program manager facilitate one of the following
948 assessments of the parent's scholarship student:

949 (i) a standards assessment described in Section [53E-4-303](#);

950 (ii) a high school assessment described in Section [53E-4-304](#);

951 (iii) a college readiness assessment described in Section [53E-4-305](#);

952 (iv) an assessment of students in grade 3 to measure reading grade level described in
953 Section [53E-4-307](#); or

954 (v) a nationally norm-referenced assessment.

955 (b) (i) Notwithstanding any other provision of law, the entity administering an

956 assessment described in Subsection (2)(a) to a scholarship student in accordance with this
957 section may not report the result of or any other data pertaining to the assessment or
958 scholarship student to a person other than the program manager, the scholarship student, or the
959 scholarship student's parent.

960 (ii) The program manager may not report or communicate the result or data described
961 in Subsection (2)(b)(i) to a person other than the relevant scholarship student and the
962 scholarship student's parent unless the result or data is included in a de-identified compilation
963 of data related to all scholarship students.

964 (c) In any communication from the program manager regarding an assessment
965 described in this Subsection (2), the program manager shall include a disclaimer that no
966 assessment is required.

967 (d) The completion of an optional assessment under this section satisfies the portfolio
968 eligibility qualification described in Subsection 53F-6-402(3)(d).

969 Section 13. Section **53F-6-411** is enacted to read:

970 **53F-6-411. Program funding.**

971 (1) If a scholarship student enters or reenters the public education system during a
972 given school year:

973 (a) no later than five business days after the day on which the student enters or reenters
974 the public education system, the program manager shall immediately remove the balance in the
975 scholarship student's scholarship account for other use within the program;

976 (b) the state board may not distribute any remaining state funds to the program
977 manager for the student; and

978 (c) the program manager may use the balance described in Subsection (1)(a) for
979 another scholarship student.

980 (2) At the end of a school year, a program manager shall withdraw any remaining
981 scholarship funds in a scholarship account and retain the scholarship funds for disbursement in
982 the following year.

983 (3) (a) To administer the program, the program manager may use up to the lesser of 5%
984 or \$2,500,000 of the funds the Legislature appropriates for the program.

985 (b) Subject to Subsection (3)(a), the funds for program administration described in
986 Subsection (3)(a) are nonlapsing.

987 (c) The program manager may not retain administrative cost balances in excess of 25%
988 of total administrative costs in any fiscal year.

989 Section 14. Section **53F-6-412** is enacted to read:

990 **53F-6-412. Reports**

991 Beginning in 2025 and in accordance with Section [68-3-14](#) and the Family Educational
992 Rights and Privacy Act, 20 U.S.C. Sec. 1232g:

993 (1) the program manager shall submit a report on the program to the Education Interim
994 Committee no later than September 1 of each year that includes:

995 (a) the total amount of tuition and fees qualifying providers charged for the current year
996 and previous two years;

997 (b) the total amount of goods paid for with scholarship funds in the previous year and a
998 general characterization of the types of goods;

999 (c) administrative costs of the program;

1000 (d) the number of scholarship students from each county and the aggregate number of
1001 eligible students on the waitlist described in Section [53F-6-405](#);

1002 (e) the percentage of first-time scholarship students who were enrolled in a public
1003 school during the previous school year or who entered kindergarten or a higher grade for the
1004 first time in Utah;

1005 (f) the program manager's strategy and outreach efforts to reach eligible students whose
1006 family income is at or below 200% of the federal poverty level and related obstacles to
1007 enrollments;

1008 (g) in the report that the program manager submits in 2025, information on steps the
1009 program manager has taken and processes the program manager has adopted to implement the
1010 program; and

1011 (h) any other information regarding the program and the program's implementation that
1012 the committee requests; and

1013 (2) the state board shall submit a report on the cost-effectiveness of the program to the
1014 Education Interim Committee no later than September 1 of each year.

1015 Section 15. Section **53F-6-413** is enacted to read:

1016 **53F-6-413. Legal proceedings.**

1017 (1) In any legal proceeding against the state in which a qualifying provider challenges

1018 the application of this part to the qualifying provider, the state shall bear the burden of
1019 establishing that the law:

1020 (a) is necessary; and

1021 (b) does not impose an undue burden on the qualifying provider.

1022 (2) The following bear no liability based on the award or use of scholarship funds
1023 under this part:

1024 (a) the state;

1025 (b) the state board;

1026 (c) the program manager; or

1027 (d) an LEA.

1028 (3) If any provision of this part is the subject of a state or federal constitutional
1029 challenge in a state court, scholarship students and scholarship students' parents may intervene
1030 as a matter of right to defend the program's constitutionality, subject to any court order that all
1031 defending parents and scholarship students intervene jointly.

1032 Section 16. Section **53F-6-414** is enacted to read:

1033 **53F-6-414. Severability.**

1034 (1) If any provision of this part or the application of any provision of this part to any
1035 person or circumstance is held invalid by a final decision of a court of competent jurisdiction,
1036 the remaining provisions of this part remain effective without the invalidated provision or
1037 application.

1038 (2) The provisions of this part are severable.

1039 Section 17. Section **63G-2-305** is amended to read:

1040 **63G-2-305. Protected records.**

1041 The following records are protected if properly classified by a governmental entity:

1042 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
1043 has provided the governmental entity with the information specified in Section [63G-2-309](#);

1044 (2) commercial information or nonindividual financial information obtained from a
1045 person if:

1046 (a) disclosure of the information could reasonably be expected to result in unfair
1047 competitive injury to the person submitting the information or would impair the ability of the
1048 governmental entity to obtain necessary information in the future;

1049 (b) the person submitting the information has a greater interest in prohibiting access
1050 than the public in obtaining access; and

1051 (c) the person submitting the information has provided the governmental entity with
1052 the information specified in Section [63G-2-309](#);

1053 (3) commercial or financial information acquired or prepared by a governmental entity
1054 to the extent that disclosure would lead to financial speculations in currencies, securities, or
1055 commodities that will interfere with a planned transaction by the governmental entity or cause
1056 substantial financial injury to the governmental entity or state economy;

1057 (4) records, the disclosure of which could cause commercial injury to, or confer a
1058 competitive advantage upon a potential or actual competitor of, a commercial project entity as
1059 defined in Subsection [11-13-103\(4\)](#);

1060 (5) test questions and answers to be used in future license, certification, registration,
1061 employment, or academic examinations;

1062 (6) records, the disclosure of which would impair governmental procurement
1063 proceedings or give an unfair advantage to any person proposing to enter into a contract or
1064 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
1065 Subsection (6) does not restrict the right of a person to have access to, after the contract or
1066 grant has been awarded and signed by all parties:

1067 (a) a bid, proposal, application, or other information submitted to or by a governmental
1068 entity in response to:

1069 (i) an invitation for bids;

1070 (ii) a request for proposals;

1071 (iii) a request for quotes;

1072 (iv) a grant; or

1073 (v) other similar document; or

1074 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

1075 (7) information submitted to or by a governmental entity in response to a request for
1076 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
1077 the right of a person to have access to the information, after:

1078 (a) a contract directly relating to the subject of the request for information has been
1079 awarded and signed by all parties; or

1080 (b) (i) a final determination is made not to enter into a contract that relates to the
1081 subject of the request for information; and

1082 (ii) at least two years have passed after the day on which the request for information is
1083 issued;

1084 (8) records that would identify real property or the appraisal or estimated value of real
1085 or personal property, including intellectual property, under consideration for public acquisition
1086 before any rights to the property are acquired unless:

1087 (a) public interest in obtaining access to the information is greater than or equal to the
1088 governmental entity's need to acquire the property on the best terms possible;

1089 (b) the information has already been disclosed to persons not employed by or under a
1090 duty of confidentiality to the entity;

1091 (c) in the case of records that would identify property, potential sellers of the described
1092 property have already learned of the governmental entity's plans to acquire the property;

1093 (d) in the case of records that would identify the appraisal or estimated value of
1094 property, the potential sellers have already learned of the governmental entity's estimated value
1095 of the property; or

1096 (e) the property under consideration for public acquisition is a single family residence
1097 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
1098 the property as required under Section [78B-6-505](#);

1099 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
1100 compensated transaction of real or personal property including intellectual property, which, if
1101 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
1102 of the subject property, unless:

1103 (a) the public interest in access is greater than or equal to the interests in restricting
1104 access, including the governmental entity's interest in maximizing the financial benefit of the
1105 transaction; or

1106 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
1107 the value of the subject property have already been disclosed to persons not employed by or
1108 under a duty of confidentiality to the entity;

1109 (10) records created or maintained for civil, criminal, or administrative enforcement
1110 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if

1111 release of the records:

1112 (a) reasonably could be expected to interfere with investigations undertaken for
1113 enforcement, discipline, licensing, certification, or registration purposes;

1114 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
1115 proceedings;

1116 (c) would create a danger of depriving a person of a right to a fair trial or impartial
1117 hearing;

1118 (d) reasonably could be expected to disclose the identity of a source who is not
1119 generally known outside of government and, in the case of a record compiled in the course of
1120 an investigation, disclose information furnished by a source not generally known outside of
1121 government if disclosure would compromise the source; or

1122 (e) reasonably could be expected to disclose investigative or audit techniques,
1123 procedures, policies, or orders not generally known outside of government if disclosure would
1124 interfere with enforcement or audit efforts;

1125 (11) records the disclosure of which would jeopardize the life or safety of an
1126 individual;

1127 (12) records the disclosure of which would jeopardize the security of governmental
1128 property, governmental programs, or governmental recordkeeping systems from damage, theft,
1129 or other appropriation or use contrary to law or public policy;

1130 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
1131 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
1132 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

1133 (14) records that, if disclosed, would reveal recommendations made to the Board of
1134 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
1135 Board of Pardons and Parole, or the Department of Health and Human Services that are based
1136 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the
1137 board's jurisdiction;

1138 (15) records and audit workpapers that identify audit, collection, and operational
1139 procedures and methods used by the State Tax Commission, if disclosure would interfere with
1140 audits or collections;

1141 (16) records of a governmental audit agency relating to an ongoing or planned audit

1142 until the final audit is released;

1143 (17) records that are subject to the attorney client privilege;

1144 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
1145 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
1146 quasi-judicial, or administrative proceeding;

1147 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
1148 from a member of the Legislature; and

1149 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
1150 legislative action or policy may not be classified as protected under this section; and

1151 (b) (i) an internal communication that is part of the deliberative process in connection
1152 with the preparation of legislation between:

1153 (A) members of a legislative body;

1154 (B) a member of a legislative body and a member of the legislative body's staff; or

1155 (C) members of a legislative body's staff; and

1156 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
1157 legislative action or policy may not be classified as protected under this section;

1158 (20) (a) records in the custody or control of the Office of Legislative Research and
1159 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
1160 legislation or contemplated course of action before the legislator has elected to support the
1161 legislation or course of action, or made the legislation or course of action public; and

1162 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
1163 Office of Legislative Research and General Counsel is a public document unless a legislator
1164 asks that the records requesting the legislation be maintained as protected records until such
1165 time as the legislator elects to make the legislation or course of action public;

1166 (21) research requests from legislators to the Office of Legislative Research and
1167 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
1168 in response to these requests;

1169 (22) drafts, unless otherwise classified as public;

1170 (23) records concerning a governmental entity's strategy about:

1171 (a) collective bargaining; or

1172 (b) imminent or pending litigation;

1173 (24) records of investigations of loss occurrences and analyses of loss occurrences that
1174 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
1175 Uninsured Employers' Fund, or similar divisions in other governmental entities;

1176 (25) records, other than personnel evaluations, that contain a personal recommendation
1177 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
1178 personal privacy, or disclosure is not in the public interest;

1179 (26) records that reveal the location of historic, prehistoric, paleontological, or
1180 biological resources that if known would jeopardize the security of those resources or of
1181 valuable historic, scientific, educational, or cultural information;

1182 (27) records of independent state agencies if the disclosure of the records would
1183 conflict with the fiduciary obligations of the agency;

1184 (28) records of an institution within the state system of higher education defined in
1185 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
1186 retention decisions, and promotions, which could be properly discussed in a meeting closed in
1187 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
1188 the final decisions about tenure, appointments, retention, promotions, or those students
1189 admitted, may not be classified as protected under this section;

1190 (29) records of the governor's office, including budget recommendations, legislative
1191 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
1192 policies or contemplated courses of action before the governor has implemented or rejected
1193 those policies or courses of action or made them public;

1194 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
1195 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
1196 recommendations in these areas;

1197 (31) records provided by the United States or by a government entity outside the state
1198 that are given to the governmental entity with a requirement that they be managed as protected
1199 records if the providing entity certifies that the record would not be subject to public disclosure
1200 if retained by it;

1201 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
1202 public body except as provided in Section 52-4-206;

1203 (33) records that would reveal the contents of settlement negotiations but not including

1204 final settlements or empirical data to the extent that they are not otherwise exempt from
1205 disclosure;

1206 (34) memoranda prepared by staff and used in the decision-making process by an
1207 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
1208 other body charged by law with performing a quasi-judicial function;

1209 (35) records that would reveal negotiations regarding assistance or incentives offered
1210 by or requested from a governmental entity for the purpose of encouraging a person to expand
1211 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
1212 person or place the governmental entity at a competitive disadvantage, but this section may not
1213 be used to restrict access to a record evidencing a final contract;

1214 (36) materials to which access must be limited for purposes of securing or maintaining
1215 the governmental entity's proprietary protection of intellectual property rights including patents,
1216 copyrights, and trade secrets;

1217 (37) the name of a donor or a prospective donor to a governmental entity, including an
1218 institution within the state system of higher education defined in Section 53B-1-102, and other
1219 information concerning the donation that could reasonably be expected to reveal the identity of
1220 the donor, provided that:

1221 (a) the donor requests anonymity in writing;

1222 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
1223 classified protected by the governmental entity under this Subsection (37); and

1224 (c) except for an institution within the state system of higher education defined in
1225 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
1226 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
1227 over the donor, a member of the donor's immediate family, or any entity owned or controlled
1228 by the donor or the donor's immediate family;

1229 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
1230 73-18-13;

1231 (39) a notification of workers' compensation insurance coverage described in Section
1232 34A-2-205;

1233 (40) (a) the following records of an institution within the state system of higher
1234 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,

1235 or received by or on behalf of faculty, staff, employees, or students of the institution:

1236 (i) unpublished lecture notes;

1237 (ii) unpublished notes, data, and information:

1238 (A) relating to research; and

1239 (B) of:

1240 (I) the institution within the state system of higher education defined in Section

1241 [53B-1-102](#); or

1242 (II) a sponsor of sponsored research;

1243 (iii) unpublished manuscripts;

1244 (iv) creative works in process;

1245 (v) scholarly correspondence; and

1246 (vi) confidential information contained in research proposals;

1247 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

1248 information required pursuant to Subsection [53B-16-302\(2\)\(a\)](#) or (b); and

1249 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

1250 (41) (a) records in the custody or control of the Office of the Legislative Auditor

1251 General that would reveal the name of a particular legislator who requests a legislative audit

1252 prior to the date that audit is completed and made public; and

1253 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the

1254 Office of the Legislative Auditor General is a public document unless the legislator asks that

1255 the records in the custody or control of the Office of the Legislative Auditor General that would

1256 reveal the name of a particular legislator who requests a legislative audit be maintained as

1257 protected records until the audit is completed and made public;

1258 (42) records that provide detail as to the location of an explosive, including a map or

1259 other document that indicates the location of:

1260 (a) a production facility; or

1261 (b) a magazine;

1262 (43) information contained in the statewide database of the Division of Aging and

1263 Adult Services created by Section [62A-3-311.1](#);

1264 (44) information contained in the Licensing Information System described in Title 80,

1265 Chapter 2, Child Welfare Services;

1266 (45) information regarding National Guard operations or activities in support of the
1267 National Guard's federal mission;

1268 (46) records provided by any pawn or secondhand business to a law enforcement
1269 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,
1270 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

1271 (47) information regarding food security, risk, and vulnerability assessments performed
1272 by the Department of Agriculture and Food;

1273 (48) except to the extent that the record is exempt from this chapter pursuant to Section
1274 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
1275 prepared or maintained by the Division of Emergency Management, and the disclosure of
1276 which would jeopardize:

- 1277 (a) the safety of the general public; or
- 1278 (b) the security of:
 - 1279 (i) governmental property;
 - 1280 (ii) governmental programs; or
 - 1281 (iii) the property of a private person who provides the Division of Emergency
1282 Management information;

1283 (49) records of the Department of Agriculture and Food that provides for the
1284 identification, tracing, or control of livestock diseases, including any program established under
1285 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
1286 of Animal Disease;

1287 (50) as provided in Section [26-39-501](#):

- 1288 (a) information or records held by the Department of Health and Human Services
1289 related to a complaint regarding a child care program or residential child care which the
1290 department is unable to substantiate; and
- 1291 (b) information or records related to a complaint received by the Department of Health
1292 and Human Services from an anonymous complainant regarding a child care program or
1293 residential child care;

1294 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
1295 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
1296 personal mobile phone number, if:

1297 (a) the individual is required to provide the information in order to comply with a law,
1298 ordinance, rule, or order of a government entity; and

1299 (b) the subject of the record has a reasonable expectation that this information will be
1300 kept confidential due to:

1301 (i) the nature of the law, ordinance, rule, or order; and

1302 (ii) the individual complying with the law, ordinance, rule, or order;

1303 (52) the portion of the following documents that contains a candidate's residential or
1304 mailing address, if the candidate provides to the filing officer another address or phone number
1305 where the candidate may be contacted:

1306 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
1307 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
1308 20A-9-408.5, 20A-9-502, or 20A-9-601;

1309 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

1310 (c) a notice of intent to gather signatures for candidacy, described in Section
1311 20A-9-408;

1312 (53) the name, home address, work addresses, and telephone numbers of an individual
1313 that is engaged in, or that provides goods or services for, medical or scientific research that is:

1314 (a) conducted within the state system of higher education, as defined in Section
1315 53B-1-102; and

1316 (b) conducted using animals;

1317 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
1318 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a
1319 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and
1320 information disclosed under Subsection 78A-12-203(5)(e);

1321 (55) information collected and a report prepared by the Judicial Performance
1322 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
1323 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
1324 the information or report;

1325 (56) records provided or received by the Public Lands Policy Coordinating Office in
1326 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

1327 (57) information requested by and provided to the 911 Division under Section

1328 63H-7a-302;

1329 (58) in accordance with Section 73-10-33:

1330 (a) a management plan for a water conveyance facility in the possession of the Division
1331 of Water Resources or the Board of Water Resources; or

1332 (b) an outline of an emergency response plan in possession of the state or a county or
1333 municipality;

1334 (59) the following records in the custody or control of the Office of Inspector General
1335 of Medicaid Services, created in Section 63A-13-201:

1336 (a) records that would disclose information relating to allegations of personal
1337 misconduct, gross mismanagement, or illegal activity of a person if the information or
1338 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
1339 through other documents or evidence, and the records relating to the allegation are not relied
1340 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
1341 report or final audit report;

1342 (b) records and audit workpapers to the extent they would disclose the identity of a
1343 person who, during the course of an investigation or audit, communicated the existence of any
1344 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
1345 regulation adopted under the laws of this state, a political subdivision of the state, or any
1346 recognized entity of the United States, if the information was disclosed on the condition that
1347 the identity of the person be protected;

1348 (c) before the time that an investigation or audit is completed and the final
1349 investigation or final audit report is released, records or drafts circulated to a person who is not
1350 an employee or head of a governmental entity for the person's response or information;

1351 (d) records that would disclose an outline or part of any investigation, audit survey
1352 plan, or audit program; or

1353 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
1354 investigation or audit;

1355 (60) records that reveal methods used by the Office of Inspector General of Medicaid
1356 Services, the fraud unit, or the Department of Health and Human Services, to discover
1357 Medicaid fraud, waste, or abuse;

1358 (61) information provided to the Department of Health and Human Services or the

1359 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
1360 58-68-304(3) and (4);

1361 (62) a record described in Section 63G-12-210;

1362 (63) captured plate data that is obtained through an automatic license plate reader
1363 system used by a governmental entity as authorized in Section 41-6a-2003;

1364 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
1365 victim, including:

1366 (a) a victim's application or request for benefits;

1367 (b) a victim's receipt or denial of benefits; and

1368 (c) any administrative notes or records made or created for the purpose of, or used to,
1369 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
1370 Reparations Fund;

1371 (65) an audio or video recording created by a body-worn camera, as that term is
1372 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
1373 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
1374 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
1375 that term is defined in Section 62A-2-101, except for recordings that:

1376 (a) depict the commission of an alleged crime;

1377 (b) record any encounter between a law enforcement officer and a person that results in
1378 death or bodily injury, or includes an instance when an officer fires a weapon;

1379 (c) record any encounter that is the subject of a complaint or a legal proceeding against
1380 a law enforcement officer or law enforcement agency;

1381 (d) contain an officer involved critical incident as defined in Subsection

1382 76-2-408(1)(f); or

1383 (e) have been requested for reclassification as a public record by a subject or
1384 authorized agent of a subject featured in the recording;

1385 (66) a record pertaining to the search process for a president of an institution of higher
1386 education described in Section 53B-2-102, except for application materials for a publicly
1387 announced finalist;

1388 (67) an audio recording that is:

1389 (a) produced by an audio recording device that is used in conjunction with a device or

1390 piece of equipment designed or intended for resuscitating an individual or for treating an
1391 individual with a life-threatening condition;

1392 (b) produced during an emergency event when an individual employed to provide law
1393 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

1394 (i) is responding to an individual needing resuscitation or with a life-threatening
1395 condition; and

1396 (ii) uses a device or piece of equipment designed or intended for resuscitating an
1397 individual or for treating an individual with a life-threatening condition; and

1398 (c) intended and used for purposes of training emergency responders how to improve
1399 their response to an emergency situation;

1400 (68) records submitted by or prepared in relation to an applicant seeking a
1401 recommendation by the Research and General Counsel Subcommittee, the Budget
1402 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
1403 employment position with the Legislature;

1404 (69) work papers as defined in Section 31A-2-204;

1405 (70) a record made available to Adult Protective Services or a law enforcement agency
1406 under Section 61-1-206;

1407 (71) a record submitted to the Insurance Department in accordance with Section
1408 31A-37-201;

1409 (72) a record described in Section 31A-37-503;

1410 (73) any record created by the Division of Professional Licensing as a result of
1411 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

1412 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
1413 involving an amusement ride;

1414 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
1415 on a political petition, or on a request to withdraw a signature from a political petition,
1416 including a petition or request described in the following titles:

1417 (a) Title 10, Utah Municipal Code;

1418 (b) Title 17, Counties;

1419 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

1420 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

- 1421 (e) Title 20A, Election Code;
- 1422 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
- 1423 a voter registration record;
- 1424 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
- 1425 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
- 1426 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 1427 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
- 1428 5, Victims Guidelines for Prosecutors Act;
- 1429 (79) a record submitted to the Insurance Department under Section 31A-48-103;
- 1430 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
- 1431 prohibited under Section 63G-26-103;
- 1432 (81) an image taken of an individual during the process of booking the individual into
- 1433 jail, unless:
- 1434 (a) the individual is convicted of a criminal offense based upon the conduct for which
- 1435 the individual was incarcerated at the time the image was taken;
- 1436 (b) a law enforcement agency releases or disseminates the image:
- 1437 (i) after determining that the individual is a fugitive or an imminent threat to an
- 1438 individual or to public safety and releasing or disseminating the image will assist in
- 1439 apprehending the individual or reducing or eliminating the threat; or
- 1440 (ii) to a potential witness or other individual with direct knowledge of events relevant
- 1441 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
- 1442 individual in connection with the criminal investigation or criminal proceeding; or
- 1443 (c) a judge orders the release or dissemination of the image based on a finding that the
- 1444 release or dissemination is in furtherance of a legitimate law enforcement interest;
- 1445 (82) a record:
- 1446 (a) concerning an interstate claim to the use of waters in the Colorado River system;
- 1447 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
- 1448 representative from another state or the federal government as provided in Section
- 1449 63M-14-205; and
- 1450 (c) the disclosure of which would:
- 1451 (i) reveal a legal strategy relating to the state's claim to the use of the water in the

1452 Colorado River system;

1453 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
1454 negotiate the best terms and conditions regarding the use of water in the Colorado River
1455 system; or

1456 (iii) give an advantage to another state or to the federal government in negotiations
1457 regarding the use of water in the Colorado River system;

1458 (83) any part of an application described in Section 63N-16-201 that the Governor's
1459 Office of Economic Opportunity determines is nonpublic, confidential information that if
1460 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
1461 not be used to restrict access to a record evidencing a final contract or approval decision;

1462 (84) the following records of a drinking water or wastewater facility:

1463 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
1464 and

1465 (b) except as provided in Section 63G-2-106, a record detailing tools or processes the
1466 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
1467 in Subsection (84)(a); ~~and~~

1468 (85) a statement that an employee of a governmental entity provides to the
1469 governmental entity as part of the governmental entity's personnel or administrative
1470 investigation into potential misconduct involving the employee if the governmental entity:

1471 (a) requires the statement under threat of employment disciplinary action, including
1472 possible termination of employment, for the employee's refusal to provide the statement; and

1473 (b) provides the employee assurance that the statement cannot be used against the
1474 employee in any criminal proceeding~~[-]; and~~

1475 (86) any part of an application for a Utah Fits All Scholarship account described in
1476 Section 53F-6-402 or other information identifying a scholarship student as defined in Section
1477 53F-6-401.

1478 Section 18. **Repealer.**

1479 This bill repeals:

1480 Section 53F-6-101, Title.

1481 Section 19. **Appropriation.**

1482 The following sums of money are appropriated for the fiscal year beginning July 1,

1483 2023, and ending June 30, 2024. These are additions to amounts previously appropriated for
 1484 fiscal year 2024. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 1485 Act, the Legislature appropriates the following sums of money from the funds or accounts
 1486 indicated for the use and support of the government of the state of Utah.

1487 ITEM 1

1488 To State Board of Education -- Contracted Initiatives and Grants

1489	<u>From Income Tax Fund</u>	<u>42,500,000</u>
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1490	<u>From Income Tax Fund, One-time</u>	<u>(41,500,000)</u>
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1491 Schedule of Programs:

1492	<u>Utah Fits All Scholarship Program</u>	<u>1,000,000</u>
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1493 The Legislature intends that in fiscal year 2024, the State Board of Education may
 1494 provide up to \$1,000,000 to a program manager with which the State Board of Education
 1495 contracts in accordance with Section [53F-6-404](#) for start-up, marketing, and other costs
 1496 associated with initiating the Utah Fits All Scholarship Program created in Section [53F-6-402](#).