

Senator Karen Kwan proposes the following substitute bill:

FUNDING FOR 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.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ 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 measures;
- ▶ requires eligible schools and service providers to meet certain standards to be eligible to receive scholarship funds;
- ▶ establishes an annual and private portfolio submission to the program manager as an



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

41 **Money Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 None

45 **Utah Code Sections Affected:**

46 AMENDS:

47 **53E-1-201**, as last amended by Laws of Utah 2022, Chapters 147, 229, 274, 285, 291,

48 354, and 461

49 **63G-2-305**, as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,

50 335, 388, 391, and 415

51 ENACTS:

52 **53F-6-401**, Utah Code Annotated 1953

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

54 **53F-6-403**, Utah Code Annotated 1953

55 **53F-6-404**, Utah Code Annotated 1953

56 **53F-6-405**, Utah Code Annotated 1953

- 57 [53F-6-406](#), Utah Code Annotated 1953
- 58 [53F-6-407](#), Utah Code Annotated 1953
- 59 [53F-6-408](#), Utah Code Annotated 1953
- 60 [53F-6-409](#), Utah Code Annotated 1953
- 61 [53F-6-410](#), Utah Code Annotated 1953
- 62 [53F-6-411](#), Utah Code Annotated 1953
- 63 [53F-6-412](#), Utah Code Annotated 1953
- 64 [53F-6-413](#), Utah Code Annotated 1953
- 65 [53F-6-414](#), Utah Code Annotated 1953

66 REPEALS:

67 [53F-6-101](#), as enacted by Laws of Utah 2018, Chapter 2



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

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

71 **53E-1-201. Reports to and action required of the Education Interim Committee.**

72 (1) In accordance with applicable provisions and Section [68-3-14](#), the following
73 recurring reports are due to the Education Interim Committee:

74 (a) the report described in Section [9-22-109](#) by the STEM Action Center Board,
75 including the information described in Section [9-22-113](#) on the status of the computer science
76 initiative and Section [9-22-114](#) on the Computing Partnerships Grants Program;

77 (b) the prioritized list of data research described in Section [53B-33-302](#) and the report
78 on research and activities described in Section [53B-33-304](#) by the Utah Data Research Center;

79 (c) the report described in Section [35A-15-303](#) by the State Board of Education on
80 preschool programs;

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

83 (e) the annual report of the Utah Board of Higher Education described in Section
84 [53B-1-402](#);

85 (f) the reports described in Section [53B-28-401](#) by the Utah Board of Higher Education
86 regarding activities related to campus safety;

87 (g) the State Superintendent's Annual Report by the state board described in Section

88 53E-1-203;

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

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

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

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

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

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

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

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

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

108 (q) the report described in Section 53B-35-202 regarding the Higher Education and
109 Corrections Council;

110 (r) the report described in Section 53G-7-221 by the State Board of Education
111 regarding innovation plans; ~~and~~

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

114 (t) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship
115 Program.

116 (2) In accordance with applicable provisions and Section 68-3-14, the following
117 occasional reports are due to the Education Interim Committee:

118 (a) the report described in Section 35A-15-303 by the School Readiness Board by

- 119 November 30, 2020, on benchmarks for certain preschool programs;
- 120 (b) the report described in Section 53B-28-402 by the Utah Board of Higher Education
- 121 on or before the Education Interim Committee's November 2021 meeting;
- 122 (c) if required, the report described in Section 53E-4-309 by the state board explaining
- 123 the reasons for changing the grade level specification for the administration of specific
- 124 assessments;
- 125 (d) if required, the report described in Section 53E-5-210 by the state board of an
- 126 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;
- 127 (e) in 2022 and in 2023, on or before November 30, the report described in Subsection
- 128 53E-10-309(7) related to the PRIME pilot program;
- 129 (f) the report described in Section 53E-10-702 by Utah Leading through Effective,
- 130 Actionable, and Dynamic Education;
- 131 (g) if required, the report described in Section 53F-2-513 by the state board evaluating
- 132 the effects of salary bonuses on the recruitment and retention of effective teachers in high
- 133 poverty schools;
- 134 (h) the report described in Section 53F-5-210 by the state board on the Educational
- 135 Improvement Opportunities Outside of the Regular School Day Grant Program;
- 136 (i) upon request, a report described in Section 53G-7-222 by an LEA regarding
- 137 expenditure of a percentage of state restricted funds to support an innovative education
- 138 program;
- 139 (j) the report described in Section 53G-7-503 by the state board regarding fees that
- 140 LEAs charge during the 2020-2021 school year;
- 141 (k) the reports described in Section 53G-11-304 by the state board regarding proposed
- 142 rules and results related to educator exit surveys; and
- 143 (l) the report described in Section 62A-15-117 by the Division of Substance Abuse and
- 144 Mental Health, the State Board of Education, and the Department of Health regarding
- 145 recommendations related to Medicaid reimbursement for school-based health services.

146 Section 2. Section 53F-6-401 is enacted to read:

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

148 **53F-6-401. Definitions.**

149 As used in this part:

- 150 (1) "Eligible student" means a student:
151 (a) who is eligible to participate in public school, in kindergarten, or grades 1 through
152 12;
153 (b) who is a resident of the state;
154 (c) who, during the school year for which the student is applying for a scholarship
155 account:
156 (i) does not receive a scholarship under:
157 (A) the Carson Smith Scholarship Program established in Section [53F-4-302](#); or
158 (B) the Special Needs Opportunity Scholarship Program established in Section
159 [53E-7-402](#); and
160 (ii) except for a student who is enrolled part-time in accordance with Section
161 [53G-6-702](#), is not enrolled in an LEA upon receiving the scholarship;
162 (d) whose eligibility is not suspended or disqualified under Section [53F-6-401](#); and
163 (e) who completes, to maintain eligibility, the portfolio requirement described in
164 Subsection [53F-6-402](#)(3)(d).
165 (2) "Federal poverty level" means the United States poverty level as defined by the
166 most recently revised poverty income guidelines published by the United States Department of
167 Health and Human Services in the Federal Register.
168 (3) (a) "Home-based scholarship student" means a student who:
169 (i) is eligible to participate in public school, in kindergarten or grades 1 through 12;
170 (ii) is excused from enrollment in an LEA in accordance with Section [53G-6-204](#) to
171 attend a home school; and
172 (iii) receives a benefit of scholarship funds.
173 (b) "Home-based scholarship student" does not mean a home school student who does
174 not receive a scholarship under the program.
175 (4) "Program manager" means an organization that:
176 (a) is qualified as tax exempt under Section 501(c)(3), Internal Revenue Code;
177 (b) is not affiliated with any international organization;
178 (c) does not harvest data for the purpose of reproducing or distributing the data to other
179 entities;
180 (d) has no involvement in guiding or directing any curriculum or curriculum standards;

- 181 (e) does not manage or otherwise administer a scholarship under:
182 (i) the Carson Smith Scholarship Program established in Section 53F-4-302; or
183 (ii) the Special Needs Opportunity Scholarship Program established in Section
184 53E-7-402; and
185 (f) an agreement with the state board recognizes as a program manager, in accordance
186 with this part.
187 (5) (a) "Program manager employee" means an individual working for the program
188 manager in a position in which the individual's salary, wages, pay, or compensation, including
189 as a contractor, is paid from scholarship funds.
190 (b) "Program manager employee" does not include:
191 (i) an individual who volunteers for the program manager or for a qualifying provider;
192 (ii) an individual who works for a qualifying provider; or
193 (iii) a qualifying provider.
194 (6) "Program manager officer" means:
195 (a) a member of the board of a program manager; or
196 (b) the chief administrative officer of a program manager.
197 (7) "Qualifying provider" means one of the following entities that is not a public school
198 and is autonomous and not an agent of the state, in accordance with Section 53F-6-406:
199 (a) an eligible school that the program manager approves in accordance with Section
200 53F-6-408; or
201 (b) an eligible service provider that the program manager approves in accordance with
202 Section 53F-6-409.
203 (8) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
204 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
205 sister-in-law, son-in-law, or daughter-in-law.
206 (9) "Scholarship account" means the account to which a program manager allocates
207 funds for the payment of approved scholarship expenses in accordance with this part.
208 (10) "Scholarship expense" means an expense described in Section 53F-6-402 that a
209 parent or scholarship student incurs in the education of the scholarship student for a service or
210 goods that a qualifying provider provides, including:
211 (a) tuition and fees of a qualifying provider;

- 212 (b) fees and instructional materials at a technical college;
- 213 (c) tutoring services;
- 214 (d) fees for after-school or summer education programs;
- 215 (e) textbooks, curricula, or other instructional materials, including any supplemental
- 216 materials or associated online instruction that a curriculum or a qualifying provider
- 217 recommends;
- 218 (f) educational software and applications;
- 219 (g) supplies or other equipment related to a scholarship student's educational needs;
- 220 (h) computer hardware or other technological devices that are intended primarily for a
- 221 scholarship student's educational needs;
- 222 (i) fees for the following examinations, or for a preparation course for the following
- 223 examinations, that the program manager approves:
- 224 (i) a national norm-referenced or standardized assessment described in Section
- 225 53F-6-410, an advanced placement examination, or another similar assessment;
- 226 (ii) a state-recognized industry certification examination; and
- 227 (iii) an examination related to college or university admission;
- 228 (j) educational services for students with disabilities from a licensed or accredited
- 229 practitioner or provider, including occupational, behavioral, physical, audiology, or
- 230 speech-language therapies;
- 231 (k) contracted services that the program manager approves and that an LEA provides,
- 232 including individual classes, after-school tutoring services, transportation, or fees or costs
- 233 associated with participation in extracurricular activities;
- 234 (l) ride fees or fares for a fee-for-service transportation provider to transport the
- 235 scholarship student to and from a qualifying provider, not to exceed \$750 in a given school
- 236 year;
- 237 (m) expenses related to extra-curricular activities, field trips, educational supplements,
- 238 and other educational experiences; or
- 239 (n) any other expense for a good or service that:
- 240 (i) a parent or scholarship student incurs in the education of the scholarship student;
- 241 and
- 242 (ii) the program manager approves, in accordance with Subsection (4)(d).

243 (11) "Scholarship funds" means:

244 (a) funds that the Legislature appropriates for the program; and

245 (b) interest that scholarship funds accrue.

246 (12) (a) "Scholarship student" means an eligible student, including a home-based
247 scholarship student, for whom the program manager establishes and maintains a scholarship
248 account in accordance with this part.

249 (b) "Scholarship student" does not include a home school student who does not receive
250 a scholarship award under the program.

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

253 Section 3. Section **53F-6-402** is enacted to read:

254 **53F-6-402. Utah Fits All Scholarship Program -- Scholarship account application**
255 **-- Scholarship expenses -- Program information.**

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

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

261 (b) The program manager shall:

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

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

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

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

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

272 (d) If a scholarship student enrolls in an LEA part-time in accordance with Section
273 [53G-6-702](#), the program manager shall prorate the amount of the award described in

274 Subsection (2)(c) in proportion to the extent of the scholarship student's partial enrollment in
275 the LEA.

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

279 (b) If the number of applications exceeds the available scholarship funds for a school
280 year, the program manager shall select students on a random basis, except as provided in
281 Subsection (6).

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

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

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

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

294 (b) A scholarship account application form shall contain the following statement:
295 "I acknowledge that:

296 (1) A qualifying provider may not provide the same level of disability services that are
297 provided in a public school;

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

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

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

304 (c) Upon agreeing to establish a scholarship account, the parent assumes full financial

305 responsibility for the education of the scholarship student, including the balance of any expense
306 incurred at a qualifying provider or for goods that are not paid for by the scholarship student's
307 scholarship account.

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

311 (e) The creation of the program or establishment of a scholarship account on behalf of
312 a student does not:

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

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

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

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

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

320 (b) to an eligible student:

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

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

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

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

325 or

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

328 (d) to an eligible student:

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

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

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

334 (b) A scholarship student or the scholarship student's parent may not use a scholarship
335 account for an expense that the student or parent does not incur in the education of the

336 scholarship student, including:

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

338 or

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

340 [53F-6-401](#).

341 (c) The program manager may not:

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

343 unless the program manager determines that the scholarship student or the scholarship student's

344 parent incurred the expense in the education of the scholarship student; or

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

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

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

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

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

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

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

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

367 (a) scholarship account information;

368 (b) information on the program manager, including the program manager's contact
369 information; and

370 (c) an overview of the program.

371 Section 4. Section **53F-6-403** is enacted to read:

372 **53F-6-403. Qualifying providers.**

373 (1) Before the beginning of the school year immediately following a school year in
374 which a qualifying provider receives scholarship funds equal to or more than \$500,000, the
375 qualifying provider shall file with the program manager a surety bond payable to the program
376 manager in an amount equal to the aggregate amount of scholarship funds expected to be
377 received during the school year.

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

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

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

386 (i) Section [53F-6-408](#) regarding eligible schools; or

387 (ii) Section [53F-6-409](#) regarding eligible service providers.

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

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

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

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

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

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

402 Section 5. Section **53F-6-404** is enacted to read:

403 **53F-6-404. State board procurement and review of program manager -- Failure to**
404 **comply.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

429 (B) create restrictions, directions, or mandates regarding instructional content or
430 curriculum.

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

434 (3) (a) If the state board determines that a program manager has violated a provision of
435 this part or a provision of the state board's agreement with the program manager, the state
436 board shall send written notice to the program manager explaining the violation and the
437 remedial action required to correct the violation.

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

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

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

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

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

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

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

451 (4) The state board shall establish a process for a program manager to report the
452 information the program manager is required to report to the state board under Section
453 [53F-6-405](#).

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

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

460 (b) audit and report requirements as described in Section 53F-7-405.

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

465 (b) The state board may, if the program manager is barred from participating in the
466 program, issue a new request for proposals and enter into a new agreement with an alternative
467 program manager in accordance with this section.

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

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

473 (A) scholarship expense denials; and

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

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

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

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

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

485 **53F-6-405. Program manager duties -- Audit -- Prohibitions.**

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

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

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

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

- 491 (ii) an eligible service provider under Section 53F-6-409;
- 492 (c) establishing an application process, including application dates opening before
- 493 March 1, 2024, in accordance with Section 53F-6-402;
- 494 (d) reviewing and granting or denying applications for a scholarship account;
- 495 (e) providing an online portal for the parent of a scholarship student to access the
- 496 scholarship student's account;
- 497 (f) ensuring that scholarship funds in a scholarship account are readily available to a
- 498 scholarship student;
- 499 (g) requiring a parent to notify the program manager if the parent's scholarship student
- 500 is no longer enrolled in or engaging a service:
- 501 (i) for which the scholarship student receives scholarship funds; and
- 502 (ii) that is provided to the scholarship student for an entire school year;
- 503 (h) obtaining reimbursement of scholarship funds from a qualifying provider that
- 504 provides the services in which a scholarship student is no longer enrolled or with which the
- 505 scholarship student is no longer engaged;
- 506 (i) expending all revenue from interest on scholarship funds or investments on
- 507 scholarship expenses;
- 508 (j) each time the program manager makes an administrative decision that is adverse to
- 509 a scholarship student or the scholarship student's parent, informing the scholarship student and
- 510 the scholarship student's parent of the opportunity and process to appeal an administrative
- 511 decision of the program manager to the state board in accordance with the process described in
- 512 Section 53F-6-404;
- 513 (k) maintaining a protected internal waitlist of all eligible students who have applied to
- 514 the program and are not yet scholarship students, including any student who removed the
- 515 student's application from the waitlist; and
- 516 (l) providing aggregate data regarding the number of scholarship students and the
- 517 number of eligible students on the waitlist described in Subsection (1)(l).
- 518 (2) The program manager shall:
- 519 (a) contract with one or more private entities to develop and implement a commercially
- 520 viable, cost-effective, and parent-friendly system to:
- 521 (i) establish scholarship accounts;

- 522 (ii) maximize payment flexibility by allowing:
523 (A) for payment of services to qualifying providers using scholarship funds by
524 electronic or online funds transfer; and
525 (B) pre-approval of a reimbursement to a parent for a good that is a scholarship
526 expense; and
527 (iii) allow scholarship students and scholarship student's parents to publicly rate,
528 review, and share information about qualifying providers; and
529 (b) ensure that the system complies with industry standards for data privacy and
530 cybersecurity, including ensuring compliance with the Family Educational Rights and Privacy
531 Act, 34 C.F.R. Part 99.
- 532 (3) In advance of the program manager accepting applications in accordance with
533 Section [53F-6-402](#) and as regularly as information develops, the program manager shall
534 provide information regarding the program by publishing a program handbook online for
535 scholarship applicants, scholarship students, parents, service providers seeking to become
536 qualifying providers and qualifying providers, that includes information regarding:
- 537 (a) the policies and processes of the program;
538 (b) approved scholarship expenses and qualifying providers;
539 (c) the responsibilities of parents regarding the program and scholarship funds;
540 (d) the duties of the program manager;
541 (e) the opportunity and process to appeal an administrative decision of the program
542 manager to the state board in accordance with the process described in Section [53F-6-404](#); and
543 (f) the role of any private financial management firms or other private organizations
544 with which the program manager may contract to administer any aspect of the program.
- 545 (4) To ensure the fiscal security and compliance of the program, the program manager
546 shall:
- 547 (a) prohibit a program manager employee or program manager officer from handling,
548 managing, or processing scholarship funds, if, based on a criminal background check that the
549 state board conducts in accordance with Section [53F-6-407](#), the state board identifies the
550 program manager employee or program manager officer as posing a risk to the appropriate use
551 of scholarship funds;
552 (b) establish procedures to ensure a fair process to:

553 (i) suspend scholarship student's eligibility for the program in the event of the
554 scholarship student's or scholarship student's parent's:
555 (A) intentional or substantial misuse of scholarship funds; or
556 (B) violation of this part or the terms of the program; and
557 (ii) if the program manager obtains evidence of fraudulent use of scholarship funds,
558 refer the case to the attorney general for collection or criminal investigation;
559 (iii) ensure that a scholarship student whose eligibility is suspended or disqualified
560 under this Subsection (4)(b) or Subsection (4)(c) based on the actions of the student's parent
561 regains eligibility if the student is placed with a different parent or otherwise no longer resides
562 with the parent related to the suspension or disqualification;
563 (c) notify the state board, scholarship student, and scholarship student's parent in
564 writing:
565 (i) of the suspension described in Subsection (4)(b)(i);
566 (ii) that no further transactions, disbursements, or reimbursements are allowed;
567 (iii) that the scholarship student or scholarship student's parent may take corrective
568 action within 10 business days of the day on which the program manager provides the
569 notification; and
570 (iv) that without taking the corrective action within the time period described in
571 Subsection (4)(c)(iii), the program manager may disqualify the student's eligibility.
572 (5) (a) A program manager may not:
573 (i) disburse scholarship funds to a qualifying provider or allow a qualifying provider to
574 use scholarship funds if:
575 (A) the program manager determines that the qualifying provider intentionally or
576 substantially misrepresented information on overpayment;
577 (B) the qualifying provider fails to refund an overpayment in a timely manner; or
578 (C) the qualifying provider routinely fails to provide scholarship students with
579 promised educational services; or
580 (ii) reimburse with scholarship funds an individual for the purchase of a good or
581 service if the program manager determines that:
582 (A) the scholarship student or the scholarship student's parent requesting
583 reimbursement intentionally or substantially misrepresented the cost or educational purpose of

584 the good or service; or

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

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

587 (i) stops disbursement of the scholarship student's scholarship funds to a qualifying

588 provider under Subsection (5)(a)(i); or

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

590 (6) (a) At any time, a scholarship student may change the qualifying provider to which
591 the scholarship student's scholarship account makes distributions.

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

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

599 (8) The program manager shall:

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

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

602 (A) the program manager;

603 (B) the state board; and

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

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

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

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

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

614 (9) (a) The state board:

615 (i) shall review a report described in this section; and
616 (ii) may request that the program manager revise or supplement the report if the report
617 does not fully comply with this section.

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

621 Section 7. Section **53F-6-406** is enacted to read:

622 **53F-6-406. Qualifying provider regulatory autonomy -- Home school autonomy --**
623 **Student records -- Scholarship student status.**

624 (1) Nothing in this part:

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

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

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

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

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

636 (2) A qualifying provider:

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

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

642 (3) Except as provided in Section [53F-6-403](#) regarding qualifying providers, Section
643 [53F-6-408](#) regarding eligible schools, or Section [53F-6-409](#) regarding eligible service
644 providers, a program manager may not require a qualifying provider to alter the qualifying
645 provider's creed, practices, admissions policies, hiring practices, or curricula in order to accept

646 scholarship funds.

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

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

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

653 (5) By virtue of a scholarship student's involvement in the program and unless

654 otherwise expressly provided in statute, a scholarship student is not:

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

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

658 Section 8. Section **53F-6-407** is enacted to read:

659 **53F-6-407. Background checks for program manager -- Bureau responsibilities --**

660 **Fees.**

661 (1) As used in this section:

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

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

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

667 (d) "Personal identifying information" means:

668 (i) current name;

669 (ii) former names;

670 (iii) nicknames;

671 (iv) aliases;

672 (v) date of birth;

673 (vi) address;

674 (vii) telephone number;

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

676 (ix) social security number; and

- 677 (x) fingerprints.
- 678 (e) "Rap back system" means a system that enables authorized entities to receive
679 ongoing status notifications of any criminal history reported on individuals whose fingerprints
680 are registered in the system.
- 681 (f) "WIN Database" means the Western Identification Network Database that consists
682 of eight western states sharing one electronic fingerprint database.
- 683 (2) The program manager shall:
- 684 (a) require an employee or officer of the program manager to submit to a criminal
685 background check and ongoing monitoring;
- 686 (b) collect the following from an employee or officer of the program manager:
- 687 (i) personal identifying information;
- 688 (ii) a fee described in Subsection (4); and
- 689 (iii) consent, on a form specified by the program manager, for:
- 690 (A) an initial fingerprint-based background check by the bureau;
- 691 (B) retention of personal identifying information for ongoing monitoring through
692 registration with the systems described in Subsection (3); and
- 693 (C) disclosure of any criminal history information to the program manager;
- 694 (c) submit the personal identifying information of an employee or officer of the
695 program manager to the bureau for:
- 696 (i) an initial fingerprint-based background check by the bureau; and
- 697 (ii) ongoing monitoring through registration with the systems described in Subsection
698 (3) if the results of the initial background check do not contain disqualifying criminal history
699 information as determined by the program manager;
- 700 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure
701 that the program manager only receives notifications for individuals with whom the program
702 manager maintains an authorizing relationship; and
- 703 (e) submit the information to the bureau for ongoing monitoring through registration
704 with the systems described in Subsection (3).
- 705 (3) The bureau shall:
- 706 (a) upon request from the program manager, register the fingerprints submitted by the
707 program manager as part of a background check with the WIN Database rap back system, or

708 any successor system;

709 (b) notify the program manager when a new entry is made against an individual whose
710 fingerprints are registered with the WIN Database rap back system regarding:

711 (i) an alleged offense; or

712 (ii) a conviction, including a plea in abeyance;

713 (c) assist the program manager to identify the appropriate privacy risk mitigation
714 strategy that is to be used to ensure that the program manager only receives notifications for
715 individuals with whom the authorized entity maintains an authorizing relationship; and

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

719 (4) (a) The division shall impose fees that the division sets in accordance with Section
720 63J-1-504 for the fingerprint card of an employee or officer of the program manager, for a
721 name check, and to register fingerprints under this section.

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

724 Section 9. Section **53F-6-408** is enacted to read:

725 **53F-6-408. Eligible schools.**

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

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

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

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

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

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

- 739 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
740 (c) provide a written disclosure to the parent of each prospective scholarship student,
741 before the student is enrolled, of:
742 (i) the education services that the school will provide to the scholarship student,
743 including the cost of the provided services;
744 (ii) tuition costs;
745 (iii) additional fees the school will require a parent to pay during the school year; and
746 (iv) the skill or grade level of the curriculum in which the prospective scholarship
747 student will participate; and
748 (d) require the following individuals to submit to a nationwide, fingerprint-based
749 criminal background check and ongoing monitoring, in accordance with Section [53G-11-402](#),
750 as a condition for employment or appointment, as authorized by the Adam Walsh Child
751 Protection and Safety Act of 2006, Pub. L. No. 109-248:
752 (i) an employee who does not hold:
753 (A) a current Utah educator license issued by the state board under Title 53E, Chapter
754 6, Education Professional Licensure; or
755 (B) if the private school is not physically located in Utah, a current educator license in
756 the state where the private school is physically located; and
757 (ii) a contract employee.
758 (2) A private school described in Subsection (1) is not eligible to receive scholarship
759 funds if:
760 (a) the private school requires a scholarship student to sign a contract waiving the
761 scholarship student's right to transfer to another qualifying provider during the school year;
762 (b) the audit report described in Subsection (1)(a) contains a going concern explanatory
763 paragraph; or
764 (c) the report of the agreed upon procedures described in Subsection (1)(a) shows that
765 the private school does not have adequate working capital to maintain operations for the first
766 full year.
767 (3) To be eligible to receive scholarship funds on behalf of a scholarship student as an
768 eligible school, a private school with fewer than 150 enrolled students shall:
769 (a) provide to the program manager:

770 (i) a federal employer identification number;
771 (ii) the provider's address and contact information;
772 (iii) a description of each program or service the provider proposes to offer a
773 scholarship student; and
774 (iv) any other information as required by the program manager; and
775 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d.
776 (4) A private school described in Subsection (3) is not eligible to receive scholarship
777 funds if the private school requires a scholarship student to sign a contract waiving the
778 student's rights to transfer to another qualifying provider during the school year.
779 (5) To be eligible to receive scholarship funds on behalf of a scholarship student as an
780 eligible school, an LEA shall:
781 (a) provide to the program manager:
782 (i) a federal employer identification number;
783 (ii) the LEA's address and contact information;
784 (iii) a description of each program or service the LEA proposes to offer to scholarship
785 students; and
786 (iv) any other information as required by the program manager;
787 (b) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d.; and
788 (c) enter into an agreement with the program manager regarding the provision of
789 services to a scholarship student through which:
790 (i) the scholarship student does not enroll in the LEA;
791 (ii) in accordance with Subsection [53F-2-302\(2\)](#), the LEA does not receive WPU
792 funding related to the student's participation with the LEA; and
793 (iii) the LEA and program manager ensure that a scholarship student does not
794 participate in a course or program at the LEA except in accordance with the agreement
795 described in this Subsection (5)(c) under the program.
796 (6) An LEA described in Subsection (5) is not eligible to receive scholarship funds if:
797 (a) the LEA requires a public education system scholarship student to sign a contract
798 waiving the student's rights to transfer to another qualifying provider during the school year; or
799 (b) the LEA refuses to offer services that do not require LEA enrollment to scholarship
800 students under the program.

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

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

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

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

808 (9) The program manager shall:

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

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

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

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

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

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

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

818 Section 10. Section **53F-6-409** is enacted to read:

819 **53F-6-409. Eligible service providers.**

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

821 (a) shall provide to the program manager:

822 (i) a federal employer identification number;

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

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

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

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

829 (c) may not act as a consultant, clearing house, or intermediary that connects a

830 scholarship student with or otherwise facilitates the student's engagement with a program or

831 service that another entity provides.

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

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

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

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

841 (4) The program manager shall:

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

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

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

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

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

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

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

855 Section 11. Section **53F-6-410** is enacted to read:

856 **53F-6-410. Parental rights -- Optional assessment.**

857 (1) In accordance with Section **53G-6-803** regarding a parent's right to academic
858 accommodations, nothing in this chapter restricts or affects a parent's interests and role in the
859 care, custody, and control of the parent's child, including the duty and right to nurture and
860 direct the child's upbringing and education.

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

- 863 (i) a standards assessment described in Section 53E-4-303;
864 (ii) a high school assessment described in Section 53E-4-304;
865 (iii) a college readiness assessment described in Section 53E-4-305;
866 (iv) an assessment of students in grade 3 to measure reading grade level described in
867 Section 53E-4-307; or
868 (v) a nationally norm-referenced assessment.
- 869 (b) (i) Notwithstanding any other provision of law, the entity administering an
870 assessment described in Subsection (2)(a) to a scholarship student in accordance with this
871 section may not report the result of or any other data pertaining to the assessment or
872 scholarship student to a person other than the program manager, the scholarship student, or the
873 scholarship student's parent.
- 874 (ii) The program manager may not report or communicate the result or data described
875 in Subsection (2)(b)(i) to a person other than the relevant scholarship student and the
876 scholarship student's parent unless the result or data is included in a de-identified compilation
877 of data related to all scholarship students.
- 878 (c) In any communication from the program manager regarding an assessment
879 described in this Subsection (2), the program manager shall include a disclaimer that no
880 assessment is required.
- 881 (d) The completion of an optional assessment under this section satisfies the portfolio
882 eligibility qualification described in Subsection 53F-6-402(3)(d).
- 883 Section 12. Section **53F-6-411** is enacted to read:
- 884 **53F-6-411. Program funding.**
- 885 (1) If a scholarship student enters or reenters the public education system during a
886 given school year:
- 887 (a) no later than five business days after the day on which the student enters or reenters
888 the public education system, the program manager shall immediately remove the balance in the
889 scholarship student's scholarship account for other use within the program;
- 890 (b) the state board may not distribute any remaining state funds to the program
891 manager for the student; and
- 892 (c) the program manager may use the balance described in Subsection (1)(a) for
893 another scholarship student.

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

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

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

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

903 Section 13. Section **53F-6-412** is enacted to read:

904 **53F-6-412. Reports**

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

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

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

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

913 (c) administrative costs of the program;

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

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

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

922 (g) in the report that the program manager submits in 2025, information on steps the
923 program manager has taken and processes the program manager has adopted to implement the
924 program; and

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

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

929 Section 14. Section **53F-6-413** is enacted to read:

930 **53F-6-413. Legal proceedings.**

931 (1) In any legal proceeding against the state in which a qualifying provider challenges
932 the application of this part to the qualifying provider, the state shall bear the burden of
933 establishing that the law:

934 (a) is necessary; and

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

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

938 (a) the state;

939 (b) the state board;

940 (c) the program manager; or

941 (d) an LEA.

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

946 Section 15. Section **53F-6-414** is enacted to read:

947 **53F-6-414. Severability.**

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

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

953 Section 16. Section **63G-2-305** is amended to read:

954 **63G-2-305. Protected records.**

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

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

958 (2) commercial information or nonindividual financial information obtained from a
959 person if:

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

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

965 (c) the person submitting the information has provided the governmental entity with
966 the information specified in Section 63G-2-309;

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

971 (4) records, the disclosure of which could cause commercial injury to, or confer a
972 competitive advantage upon a potential or actual competitor of, a commercial project entity as
973 defined in Subsection 11-13-103(4);

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

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

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

983 (i) an invitation for bids;

984 (ii) a request for proposals;

985 (iii) a request for quotes;

986 (iv) a grant; or

- 987 (v) other similar document; or
- 988 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);
- 989 (7) information submitted to or by a governmental entity in response to a request for
- 990 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
- 991 the right of a person to have access to the information, after:
 - 992 (a) a contract directly relating to the subject of the request for information has been
 - 993 awarded and signed by all parties; or
 - 994 (b) (i) a final determination is made not to enter into a contract that relates to the
 - 995 subject of the request for information; and
 - 996 (ii) at least two years have passed after the day on which the request for information is
 - 997 issued;
 - 998 (8) records that would identify real property or the appraisal or estimated value of real
 - 999 or personal property, including intellectual property, under consideration for public acquisition
 - 1000 before any rights to the property are acquired unless:
 - 1001 (a) public interest in obtaining access to the information is greater than or equal to the
 - 1002 governmental entity's need to acquire the property on the best terms possible;
 - 1003 (b) the information has already been disclosed to persons not employed by or under a
 - 1004 duty of confidentiality to the entity;
 - 1005 (c) in the case of records that would identify property, potential sellers of the described
 - 1006 property have already learned of the governmental entity's plans to acquire the property;
 - 1007 (d) in the case of records that would identify the appraisal or estimated value of
 - 1008 property, the potential sellers have already learned of the governmental entity's estimated value
 - 1009 of the property; or
 - 1010 (e) the property under consideration for public acquisition is a single family residence
 - 1011 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
 - 1012 the property as required under Section [78B-6-505](#);
 - 1013 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
 - 1014 compensated transaction of real or personal property including intellectual property, which, if
 - 1015 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
 - 1016 of the subject property, unless:
 - 1017 (a) the public interest in access is greater than or equal to the interests in restricting

1018 access, including the governmental entity's interest in maximizing the financial benefit of the
1019 transaction; or

1020 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
1021 the value of the subject property have already been disclosed to persons not employed by or
1022 under a duty of confidentiality to the entity;

1023 (10) records created or maintained for civil, criminal, or administrative enforcement
1024 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
1025 release of the records:

1026 (a) reasonably could be expected to interfere with investigations undertaken for
1027 enforcement, discipline, licensing, certification, or registration purposes;

1028 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
1029 proceedings;

1030 (c) would create a danger of depriving a person of a right to a fair trial or impartial
1031 hearing;

1032 (d) reasonably could be expected to disclose the identity of a source who is not
1033 generally known outside of government and, in the case of a record compiled in the course of
1034 an investigation, disclose information furnished by a source not generally known outside of
1035 government if disclosure would compromise the source; or

1036 (e) reasonably could be expected to disclose investigative or audit techniques,
1037 procedures, policies, or orders not generally known outside of government if disclosure would
1038 interfere with enforcement or audit efforts;

1039 (11) records the disclosure of which would jeopardize the life or safety of an
1040 individual;

1041 (12) records the disclosure of which would jeopardize the security of governmental
1042 property, governmental programs, or governmental recordkeeping systems from damage, theft,
1043 or other appropriation or use contrary to law or public policy;

1044 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
1045 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
1046 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

1047 (14) records that, if disclosed, would reveal recommendations made to the Board of
1048 Pardons and Parole by an employee of or contractor for the Department of Corrections, the

1049 Board of Pardons and Parole, or the Department of Health and Human Services that are based
1050 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the
1051 board's jurisdiction;

1052 (15) records and audit workpapers that identify audit, collection, and operational
1053 procedures and methods used by the State Tax Commission, if disclosure would interfere with
1054 audits or collections;

1055 (16) records of a governmental audit agency relating to an ongoing or planned audit
1056 until the final audit is released;

1057 (17) records that are subject to the attorney client privilege;

1058 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
1059 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
1060 quasi-judicial, or administrative proceeding;

1061 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
1062 from a member of the Legislature; and

1063 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
1064 legislative action or policy may not be classified as protected under this section; and

1065 (b) (i) an internal communication that is part of the deliberative process in connection
1066 with the preparation of legislation between:

1067 (A) members of a legislative body;

1068 (B) a member of a legislative body and a member of the legislative body's staff; or

1069 (C) members of a legislative body's staff; and

1070 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
1071 legislative action or policy may not be classified as protected under this section;

1072 (20) (a) records in the custody or control of the Office of Legislative Research and
1073 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
1074 legislation or contemplated course of action before the legislator has elected to support the
1075 legislation or course of action, or made the legislation or course of action public; and

1076 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
1077 Office of Legislative Research and General Counsel is a public document unless a legislator
1078 asks that the records requesting the legislation be maintained as protected records until such
1079 time as the legislator elects to make the legislation or course of action public;

1080 (21) research requests from legislators to the Office of Legislative Research and
1081 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
1082 in response to these requests;

1083 (22) drafts, unless otherwise classified as public;

1084 (23) records concerning a governmental entity's strategy about:

1085 (a) collective bargaining; or

1086 (b) imminent or pending litigation;

1087 (24) records of investigations of loss occurrences and analyses of loss occurrences that
1088 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
1089 Uninsured Employers' Fund, or similar divisions in other governmental entities;

1090 (25) records, other than personnel evaluations, that contain a personal recommendation
1091 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
1092 personal privacy, or disclosure is not in the public interest;

1093 (26) records that reveal the location of historic, prehistoric, paleontological, or
1094 biological resources that if known would jeopardize the security of those resources or of
1095 valuable historic, scientific, educational, or cultural information;

1096 (27) records of independent state agencies if the disclosure of the records would
1097 conflict with the fiduciary obligations of the agency;

1098 (28) records of an institution within the state system of higher education defined in
1099 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
1100 retention decisions, and promotions, which could be properly discussed in a meeting closed in
1101 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
1102 the final decisions about tenure, appointments, retention, promotions, or those students
1103 admitted, may not be classified as protected under this section;

1104 (29) records of the governor's office, including budget recommendations, legislative
1105 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
1106 policies or contemplated courses of action before the governor has implemented or rejected
1107 those policies or courses of action or made them public;

1108 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
1109 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
1110 recommendations in these areas;

1111 (31) records provided by the United States or by a government entity outside the state
1112 that are given to the governmental entity with a requirement that they be managed as protected
1113 records if the providing entity certifies that the record would not be subject to public disclosure
1114 if retained by it;

1115 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
1116 public body except as provided in Section [52-4-206](#);

1117 (33) records that would reveal the contents of settlement negotiations but not including
1118 final settlements or empirical data to the extent that they are not otherwise exempt from
1119 disclosure;

1120 (34) memoranda prepared by staff and used in the decision-making process by an
1121 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
1122 other body charged by law with performing a quasi-judicial function;

1123 (35) records that would reveal negotiations regarding assistance or incentives offered
1124 by or requested from a governmental entity for the purpose of encouraging a person to expand
1125 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
1126 person or place the governmental entity at a competitive disadvantage, but this section may not
1127 be used to restrict access to a record evidencing a final contract;

1128 (36) materials to which access must be limited for purposes of securing or maintaining
1129 the governmental entity's proprietary protection of intellectual property rights including patents,
1130 copyrights, and trade secrets;

1131 (37) the name of a donor or a prospective donor to a governmental entity, including an
1132 institution within the state system of higher education defined in Section [53B-1-102](#), and other
1133 information concerning the donation that could reasonably be expected to reveal the identity of
1134 the donor, provided that:

1135 (a) the donor requests anonymity in writing;

1136 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
1137 classified protected by the governmental entity under this Subsection (37); and

1138 (c) except for an institution within the state system of higher education defined in
1139 Section [53B-1-102](#), the governmental unit to which the donation is made is primarily engaged
1140 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
1141 over the donor, a member of the donor's immediate family, or any entity owned or controlled

1142 by the donor or the donor's immediate family;

1143 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
1144 73-18-13;

1145 (39) a notification of workers' compensation insurance coverage described in Section
1146 34A-2-205;

1147 (40) (a) the following records of an institution within the state system of higher
1148 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
1149 or received by or on behalf of faculty, staff, employees, or students of the institution:

1150 (i) unpublished lecture notes;

1151 (ii) unpublished notes, data, and information:

1152 (A) relating to research; and

1153 (B) of:

1154 (I) the institution within the state system of higher education defined in Section
1155 53B-1-102; or

1156 (II) a sponsor of sponsored research;

1157 (iii) unpublished manuscripts;

1158 (iv) creative works in process;

1159 (v) scholarly correspondence; and

1160 (vi) confidential information contained in research proposals;

1161 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
1162 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

1163 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

1164 (41) (a) records in the custody or control of the Office of the Legislative Auditor
1165 General that would reveal the name of a particular legislator who requests a legislative audit
1166 prior to the date that audit is completed and made public; and

1167 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
1168 Office of the Legislative Auditor General is a public document unless the legislator asks that
1169 the records in the custody or control of the Office of the Legislative Auditor General that would
1170 reveal the name of a particular legislator who requests a legislative audit be maintained as
1171 protected records until the audit is completed and made public;

1172 (42) records that provide detail as to the location of an explosive, including a map or

1173 other document that indicates the location of:

1174 (a) a production facility; or

1175 (b) a magazine;

1176 (43) information contained in the statewide database of the Division of Aging and

1177 Adult Services created by Section [62A-3-311.1](#);

1178 (44) information contained in the Licensing Information System described in Title 80,

1179 Chapter 2, Child Welfare Services;

1180 (45) information regarding National Guard operations or activities in support of the

1181 National Guard's federal mission;

1182 (46) records provided by any pawn or secondhand business to a law enforcement

1183 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,

1184 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

1185 (47) information regarding food security, risk, and vulnerability assessments performed

1186 by the Department of Agriculture and Food;

1187 (48) except to the extent that the record is exempt from this chapter pursuant to Section

1188 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or

1189 prepared or maintained by the Division of Emergency Management, and the disclosure of

1190 which would jeopardize:

1191 (a) the safety of the general public; or

1192 (b) the security of:

1193 (i) governmental property;

1194 (ii) governmental programs; or

1195 (iii) the property of a private person who provides the Division of Emergency

1196 Management information;

1197 (49) records of the Department of Agriculture and Food that provides for the

1198 identification, tracing, or control of livestock diseases, including any program established under

1199 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control

1200 of Animal Disease;

1201 (50) as provided in Section [26-39-501](#):

1202 (a) information or records held by the Department of Health and Human Services

1203 related to a complaint regarding a child care program or residential child care which the

1204 department is unable to substantiate; and

1205 (b) information or records related to a complaint received by the Department of Health
1206 and Human Services from an anonymous complainant regarding a child care program or
1207 residential child care;

1208 (51) unless otherwise classified as public under Section 63G-2-301 and except as
1209 provided under Section 41-1a-116, an individual's home address, home telephone number, or
1210 personal mobile phone number, if:

1211 (a) the individual is required to provide the information in order to comply with a law,
1212 ordinance, rule, or order of a government entity; and

1213 (b) the subject of the record has a reasonable expectation that this information will be
1214 kept confidential due to:

1215 (i) the nature of the law, ordinance, rule, or order; and

1216 (ii) the individual complying with the law, ordinance, rule, or order;

1217 (52) the portion of the following documents that contains a candidate's residential or
1218 mailing address, if the candidate provides to the filing officer another address or phone number
1219 where the candidate may be contacted:

1220 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
1221 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
1222 20A-9-408.5, 20A-9-502, or 20A-9-601;

1223 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

1224 (c) a notice of intent to gather signatures for candidacy, described in Section
1225 20A-9-408;

1226 (53) the name, home address, work addresses, and telephone numbers of an individual
1227 that is engaged in, or that provides goods or services for, medical or scientific research that is:

1228 (a) conducted within the state system of higher education, as defined in Section
1229 53B-1-102; and

1230 (b) conducted using animals;

1231 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
1232 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a
1233 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and
1234 information disclosed under Subsection 78A-12-203(5)(e);

1235 (55) information collected and a report prepared by the Judicial Performance
1236 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
1237 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
1238 the information or report;

1239 (56) records provided or received by the Public Lands Policy Coordinating Office in
1240 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

1241 (57) information requested by and provided to the 911 Division under Section
1242 63H-7a-302;

1243 (58) in accordance with Section 73-10-33:

1244 (a) a management plan for a water conveyance facility in the possession of the Division
1245 of Water Resources or the Board of Water Resources; or

1246 (b) an outline of an emergency response plan in possession of the state or a county or
1247 municipality;

1248 (59) the following records in the custody or control of the Office of Inspector General
1249 of Medicaid Services, created in Section 63A-13-201:

1250 (a) records that would disclose information relating to allegations of personal
1251 misconduct, gross mismanagement, or illegal activity of a person if the information or
1252 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
1253 through other documents or evidence, and the records relating to the allegation are not relied
1254 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
1255 report or final audit report;

1256 (b) records and audit workpapers to the extent they would disclose the identity of a
1257 person who, during the course of an investigation or audit, communicated the existence of any
1258 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
1259 regulation adopted under the laws of this state, a political subdivision of the state, or any
1260 recognized entity of the United States, if the information was disclosed on the condition that
1261 the identity of the person be protected;

1262 (c) before the time that an investigation or audit is completed and the final
1263 investigation or final audit report is released, records or drafts circulated to a person who is not
1264 an employee or head of a governmental entity for the person's response or information;

1265 (d) records that would disclose an outline or part of any investigation, audit survey

1266 plan, or audit program; or
1267 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
1268 investigation or audit;
1269 (60) records that reveal methods used by the Office of Inspector General of Medicaid
1270 Services, the fraud unit, or the Department of Health and Human Services, to discover
1271 Medicaid fraud, waste, or abuse;
1272 (61) information provided to the Department of Health and Human Services or the
1273 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
1274 58-68-304(3) and (4);
1275 (62) a record described in Section 63G-12-210;
1276 (63) captured plate data that is obtained through an automatic license plate reader
1277 system used by a governmental entity as authorized in Section 41-6a-2003;
1278 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
1279 victim, including:
1280 (a) a victim's application or request for benefits;
1281 (b) a victim's receipt or denial of benefits; and
1282 (c) any administrative notes or records made or created for the purpose of, or used to,
1283 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
1284 Reparations Fund;
1285 (65) an audio or video recording created by a body-worn camera, as that term is
1286 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
1287 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
1288 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
1289 that term is defined in Section 62A-2-101, except for recordings that:
1290 (a) depict the commission of an alleged crime;
1291 (b) record any encounter between a law enforcement officer and a person that results in
1292 death or bodily injury, or includes an instance when an officer fires a weapon;
1293 (c) record any encounter that is the subject of a complaint or a legal proceeding against
1294 a law enforcement officer or law enforcement agency;
1295 (d) contain an officer involved critical incident as defined in Subsection
1296 76-2-408(1)(f); or

1297 (e) have been requested for reclassification as a public record by a subject or
1298 authorized agent of a subject featured in the recording;

1299 (66) a record pertaining to the search process for a president of an institution of higher
1300 education described in Section 53B-2-102, except for application materials for a publicly
1301 announced finalist;

1302 (67) an audio recording that is:

1303 (a) produced by an audio recording device that is used in conjunction with a device or
1304 piece of equipment designed or intended for resuscitating an individual or for treating an
1305 individual with a life-threatening condition;

1306 (b) produced during an emergency event when an individual employed to provide law
1307 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

1308 (i) is responding to an individual needing resuscitation or with a life-threatening
1309 condition; and

1310 (ii) uses a device or piece of equipment designed or intended for resuscitating an
1311 individual or for treating an individual with a life-threatening condition; and

1312 (c) intended and used for purposes of training emergency responders how to improve
1313 their response to an emergency situation;

1314 (68) records submitted by or prepared in relation to an applicant seeking a
1315 recommendation by the Research and General Counsel Subcommittee, the Budget
1316 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
1317 employment position with the Legislature;

1318 (69) work papers as defined in Section 31A-2-204;

1319 (70) a record made available to Adult Protective Services or a law enforcement agency
1320 under Section 61-1-206;

1321 (71) a record submitted to the Insurance Department in accordance with Section
1322 31A-37-201;

1323 (72) a record described in Section 31A-37-503;

1324 (73) any record created by the Division of Professional Licensing as a result of
1325 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

1326 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
1327 involving an amusement ride;

1328 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
1329 on a political petition, or on a request to withdraw a signature from a political petition,
1330 including a petition or request described in the following titles:

- 1331 (a) Title 10, Utah Municipal Code;
- 1332 (b) Title 17, Counties;
- 1333 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;
- 1334 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 1335 (e) Title 20A, Election Code;

1336 (76) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in
1337 a voter registration record;

1338 (77) except as provided in Subsection 63G-2-305.5(3), any signature, other than a
1339 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
1340 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

1341 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
1342 5, Victims Guidelines for Prosecutors Act;

1343 (79) a record submitted to the Insurance Department under Section 31A-48-103;

1344 (80) personal information, as defined in Section 63G-26-102, to the extent disclosure is
1345 prohibited under Section 63G-26-103;

1346 (81) an image taken of an individual during the process of booking the individual into
1347 jail, unless:

1348 (a) the individual is convicted of a criminal offense based upon the conduct for which
1349 the individual was incarcerated at the time the image was taken;

1350 (b) a law enforcement agency releases or disseminates the image:

1351 (i) after determining that the individual is a fugitive or an imminent threat to an
1352 individual or to public safety and releasing or disseminating the image will assist in
1353 apprehending the individual or reducing or eliminating the threat; or

1354 (ii) to a potential witness or other individual with direct knowledge of events relevant
1355 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
1356 individual in connection with the criminal investigation or criminal proceeding; or

1357 (c) a judge orders the release or dissemination of the image based on a finding that the
1358 release or dissemination is in furtherance of a legitimate law enforcement interest;

1359 (82) a record:
1360 (a) concerning an interstate claim to the use of waters in the Colorado River system;
1361 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
1362 representative from another state or the federal government as provided in Section
1363 [63M-14-205](#); and
1364 (c) the disclosure of which would:
1365 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
1366 Colorado River system;
1367 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
1368 negotiate the best terms and conditions regarding the use of water in the Colorado River
1369 system; or
1370 (iii) give an advantage to another state or to the federal government in negotiations
1371 regarding the use of water in the Colorado River system;
1372 (83) any part of an application described in Section [63N-16-201](#) that the Governor's
1373 Office of Economic Opportunity determines is nonpublic, confidential information that if
1374 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
1375 not be used to restrict access to a record evidencing a final contract or approval decision;
1376 (84) the following records of a drinking water or wastewater facility:
1377 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
1378 and
1379 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the
1380 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
1381 in Subsection (84)(a); ~~and~~
1382 (85) a statement that an employee of a governmental entity provides to the
1383 governmental entity as part of the governmental entity's personnel or administrative
1384 investigation into potential misconduct involving the employee if the governmental entity:
1385 (a) requires the statement under threat of employment disciplinary action, including
1386 possible termination of employment, for the employee's refusal to provide the statement; and
1387 (b) provides the employee assurance that the statement cannot be used against the
1388 employee in any criminal proceeding[-]; and
1389 (86) any part of an application for a Utah Fits All Scholarship account described in

- 1390 Section [53F-6-402](#) or other information identifying a scholarship student as defined in Section
1391 [53F-6-401](#).
- 1392 Section 17. **Repealer.**
- 1393 This bill repeals:
- 1394 Section [53F-6-101](#), Title.