

**LOCAL POLICIES FOR PUBLIC EDUCATION**

**CURRICULUM TRANSPARENCY**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires local education agency governing boards to establish student instruction transparency policies that include certain determinations.

**Highlighted Provisions:**

This bill:

▸ requires each local education agency (LEA) governing board to establish a course content transparency policy that includes certain determinations;

▸ requires each LEA to:

• make the LEA's course content transparency policy publicly available on the LEA's website; and

• annually report on the LEA's policy and determinations to the State Board of Education (state board);

▸ requires the state board to establish an annual deadline for the LEA report; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**



28 AMENDS:

29 **53G-4-402**, as last amended by Laws of Utah 2021, Chapters 84, 262, 324, and 345

30 **53G-5-404**, as last amended by Laws of Utah 2021, Chapter 324

31 ENACTS:

32 **53G-10-104**, Utah Code Annotated 1953



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

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

36 **53G-4-402. Powers and duties generally.**

37 (1) A local school board shall:

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

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

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

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

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

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

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

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

56 (g) implement training programs for school administrators, including basic  
57 management training, best practices in instructional methods, budget training, staff  
58 management, managing for learning results and continuous improvement, and how to help

59 every child achieve optimal learning in basic academic subjects; and

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

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

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

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

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

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

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

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

75 (iii) be filed with the state board.

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

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

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

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

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

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

89 (b) Federal funds are not considered funds within the school district budget under

90 Chapter 7, Part 3, Budgets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119 (i) the schools within the district;

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

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

152 at the time of a school violence emergency because the student is:

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

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

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

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

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

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

167 (c) The plan may:

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

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

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

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

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

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

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

182 (20) A local school board shall do all other things necessary for the maintenance,

183 prosperity, and success of the schools and the promotion of education.

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

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

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

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

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

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

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

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

201 (i) indicate the:

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

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

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

205 (A) published:

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

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

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

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

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

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

218 (24) A local school board shall:

219 (a) make the determinations required in Section 53G-10-104 to establish a course  
220 content transparency policy;

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

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

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

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

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

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

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

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

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

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

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

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

242 (A) generally accepted accounting principles;

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



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

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

248 (i) a charter school shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

276 authorization.

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

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

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

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

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

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

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

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

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

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

300 (iii) the operating charter school shall:

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

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

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

307 which a charter school contracts.

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

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

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

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

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

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

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

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

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

332 (14) A charter school shall:

333 (a) make the determinations required in Section [53G-10-104](#) to establish a course  
334 content transparency policy;

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

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

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

341 Section 3. Section **53G-10-104** is enacted to read:

342 **53G-10-104. Local education agency course content transparency policy.**

343 (1) As used in this section:

344 (a) (i) "Activity" means an assembly, guest lecture, speech or discussion from a guest  
345 speaker to a group of students, or event that an individual or organization other than the LEA,  
346 school, or an employee of the LEA or school conducts.

347 (ii) "Activity" does not include a student presentation.

348 (b) "Course content" means the general topics of study and central or fundamental  
349 learning materials a course comprises.

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

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

354 (d) (i) "Syllabus" means a document that outlines a calendar of general topics, the  
355 course curriculum, and the central or foundational learning materials the course will use  
356 throughout the duration of the course.

357 (ii) "Syllabus" does not mean a complete itemization of every lesson and learning  
358 material that a student will encounter through the course.

359 (2) Each local governing board shall establish a policy regarding the content and  
360 method of student instruction that:

361 (a) generally promotes transparency to parents and students; and

362 (b) determines:

363 (i) how educators will give notice to parents and students of the course content  
364 throughout the school year and the educator's pedagogical methodology of delivering and using  
365 the course content, including whether the local governing board requires educators to:

366 (A) prepare a syllabus, including the circumstances under which a syllabus requirement  
367 would apply;

368 (B) provide to students and students' parents any updates regarding changes to course

369 content throughout the school year, including the method of providing any required course  
370 content updates;

371 (C) comply with any notice requirements or approval process before using learning  
372 materials that the local governing board has not reviewed and approved;

373 (D) obtain approval for or provide any notice to the LEA, students, or students' parents  
374 of an activity, either within a given class or an activity available to a broader group of the  
375 student body; and

376 (E) provide students and parents of students within the school access to relevant course  
377 content from previous years before registering or otherwise selecting classes; and

378 (ii) the method of accessing the course content and other information described in  
379 Subsection (2)(b)(i) that are not readily available to the parent on the school's learning  
380 management system.

381 (3) An LEA shall:

382 (a) make publicly available on the LEA's website the policy, including a record of the  
383 required determinations, described in Subsection (2);

384 (b) before November 1, 2023, provide an initial report to the state board regarding the  
385 policy and required determinations described in Subsection (2); and

386 (c) before November 1 of each year beginning in 2024, annually provide an assurance  
387 to the state board that includes a link to the LEA's policy.

388 **Section 4. Effective date.**

389 This bill takes effect on July 1, 2023.