

SB0143S01 compared with SB0143

~~deleted text~~ shows text that was in SB0143 but was deleted in SB0143S01.

inserted text shows text that was not in SB0143 but was inserted into SB0143S01.

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Senator Jacob L. Anderegg proposes the following substitute bill:

PUBLIC SCHOOL DISTRICT RESOURCE SHARING AGREEMENTS AND STUDENT TRANSPORTATION

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding resource sharing, including through agreements and transportation of certain students.

Highlighted Provisions:

This bill:

- ▶ allows school districts to enter into cooperative agreements for resource sharing with other school districts;
- ▶ requires cooperative agreements to:
 - be signed by participating districts;

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- specify the type of shared resource;
 - include the duration of the agreement;
 - include shared costs of the shared resource; and
 - be filed with the state board;
- ▶ amends requirements for nonresident student transportation; and
 - ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-15-102, as last amended by Laws of Utah 2022, Chapters 316, 348

53F-4-401, as last amended by Laws of Utah 2022, Chapter 316

53G-3-202, as last amended by Laws of Utah 2019, Chapter 293

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

53G-6-405, as last amended by Laws of Utah 2019, Chapter 293

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

Section 1. Section **35A-15-102** is amended to read:

35A-15-102. Definitions.

As used in this chapter:

- (1) "Board" means the School Readiness Board, created in Section 35A-15-201.
- (2) "Economically disadvantaged" means to be eligible to receive free or reduced price lunch.
- (3) "Eligible home-based educational technology provider" means a provider that offers a home-based educational technology program to develop the school readiness skills of an eligible student.
- (4) (a) "Eligible LEA" means an LEA that has a data system capacity to collect longitudinal academic outcome data, including special education use by student, by identifying each student with a statewide unique student identifier.

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(b) "Eligible LEA" includes a program exempt from licensure under Subsection 26-39-403(2)(c).

(5) (a) "Eligible private provider" means a child care program that:

(i) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or

(ii) except as provided in Subsection (5)(b)(ii), is exempt from licensure under Section 26-39-403.

(b) "Eligible private provider" does not include:

(i) residential child care, as defined in Section 26-39-102; or

(ii) a program exempt from licensure under Subsection 26-39-403(2)(c).

(6) "Eligible student" means a student:

(a) (i) who is age three, four, or five; and

(ii) is not eligible for enrollment under Subsection [~~53G-4-402(6);~~ 53G-4-402(8) and

(b) (i) (A) who is economically disadvantaged; and

(B) whose parent or legal guardian reports that the student has experienced at least one risk factor;

(ii) is an English learner; or

(iii) is in foster care.

(7) "Evaluation" means an evaluation conducted in accordance with Section 35A-15-303.

(8) "High quality school readiness program" means a preschool program that:

(a) is provided by an eligible LEA, eligible private provider, or eligible home-based educational technology provider; and

(b) meets the elements of a high quality school readiness program described in Section 35A-15-202.

(9) "Investor" means a person that enters into a results-based contract to provide funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section 35A-15-402 if the high quality school readiness program meets the performance outcome measures included in the results-based contract.

(10) "Kindergarten assessment" means the kindergarten entry assessment described in Section 53G-7-203.

(11) "Kindergarten transition plan" means a plan that supports the smooth transition of

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a preschool student to kindergarten and includes communication and alignment among the preschool, program, parents, and K-12 personnel.

(12) "Local Education Agency" or "LEA" means a school district or charter school.

(13) "Performance outcome measure" means:

(a) indicators, as determined by the board, on the school readiness assessment and the kindergarten assessment; or

(b) for a results-based contract, the indicators included in the contract.

(14) "Results-based contract" means a contract that:

(a) is entered into in accordance with Section 35A-15-402;

(b) includes a performance outcome measure; and

(c) is between the board, a provider of a high quality school readiness program, and an investor.

(15) "Risk factor" means:

(a) having a mother who was 18 years old or younger when the child was born;

(b) a member of a child's household is incarcerated;

(c) living in a neighborhood with high violence or crime;

(d) having one or both parents with a low reading ability;

(e) moving at least once in the past year;

(f) having ever been in foster care;

(g) living with multiple families in the same household;

(h) having exposure in a child's home to:

(i) physical abuse or domestic violence;

(ii) substance abuse;

(iii) the death or chronic illness of a parent or sibling; or

(iv) mental illness;

(i) the primary language spoken in a child's home is a language other than English; or

(j) having at least one parent who has not completed high school.

(16) "School readiness assessment" means the same as that term is defined in Section 53E-4-314.

(17) "Tool" means the tool developed in accordance with Section 35A-15-303.

Section 2. Section **53F-4-401** is amended to read:

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53F-4-401. Definitions.

As used in this part:

(1) "Contractor" means the educational technology provider selected by the state board under Section 53F-4-402.

(2) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.

(3) "Preschool child" means a child who is:

(a) four or five years old; and

(b) not eligible for enrollment under Subsection [~~53G-4-402(6)~~] 53G-4-402(8).

(4) (a) "Private preschool provider" means a child care program that:

(i) (A) is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or

(B) except as provided in Subsection (4)(b)(ii), is exempt from licensure under Section 26-39-403; and

(ii) meets other criteria as established by the state board, consistent with Utah Constitution, Article X, Section 1.

(b) "Private preschool provider" does not include:

(i) a residential certificate provider described in Section 26-39-402; or

(ii) a program exempt from licensure under Subsection 26-39-403(2)(c).

(5) "Public preschool" means a preschool program that is provided by a school district or charter school.

(6) "Qualifying participant" means a preschool child who:

(a) resides within the boundaries of a qualifying school as determined under Section 53G-6-302; or

(b) is enrolled in a qualifying preschool.

(7) "Qualifying preschool" means a public preschool or private preschool provider that:

(a) serves preschool children covered by child care subsidies funded by the Child Care and Development Block Grant Program authorized under 42 U.S.C. Secs. 9857-9858r;

(b) participates in a federally assisted meal program that provides funds to licensed child care centers as authorized under Section 53E-3-501; or

(c) is located within the boundaries of a qualifying school.

(8) "Qualifying school" means a school district elementary school that:

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(a) has at least 50% of students who were eligible to receive free or reduced lunch the previous school year;

(b) is a school with a high percentage, as determined by the Department of Workforce Services through rule and based on the previous school year enrollments, of students experiencing intergenerational poverty; or

(c) is located in one of the following school districts:

- (i) Beaver School District;
- (ii) Carbon School District;
- (iii) Daggett School District;
- (iv) Duchesne School District;
- (v) Emery School District;
- (vi) Garfield School District;
- (vii) Grand School District;
- (viii) Iron School District;
- (ix) Juab School District;
- (x) Kane School District;
- (xi) Millard School District;
- (xii) Morgan School District;
- (xiii) North Sanpete School District;
- (xiv) North Summit School District;
- (xv) Piute School District;
- (xvi) Rich School District;
- (xvii) San Juan School District;
- (xviii) Sevier School District;
- (xix) South Sanpete School District;
- (xx) South Summit School District;
- (xxi) Tintic School District;
- (xxii) Uintah School District; or
- (xxiii) Wayne School District.

(9) "UPSTART" means the project established by Section 53F-4-402 that uses a home-based educational technology program to develop school readiness skills of preschool

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children.

Section 3. Section **53G-3-202** is amended to read:

53G-3-202. School districts independent of municipal and county governments -- School district name -- Control of property.

(1) (a) Each school district shall be controlled by its local school board and shall be independent of municipal and county governments.

(b) The name of each school district created after May 1, 2000, shall comply with Subsection 17-50-103(2)(a).

(2) The local school board shall have direction and control of all school property in the district and may enter into cooperative agreements with other local school boards to provide educational services that best utilize resources for overall operation of the public school system.

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

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

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

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

(1) A local school board shall:

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

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

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

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

(i) that reflects the student's work, including the student's progress based on mastery,

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for the grading period; and

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

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

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

(g) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects; and

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

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

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

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

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

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

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

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

(iii) be filed with the state board.

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

(6) A local school board may enter into cooperative agreements with other local school boards to provide educational services that best utilize resources for the overall operation of the school districts, including shared transportation services.

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(7) An agreement under Subsection (6) shall:

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

(b) specify the resource being shared;

(c) include a mutually agreed upon pro rata cost;

(d) include the duration of the agreement; and

(e) be filed with the state board.

~~[(6)]~~ (8) Except as provided in Section 53E-3-905, a local school board may enroll children in school who are at least five years old before September 2 of the year in which admission is sought.

~~[(7)]~~ (9) A local school board may establish and support school libraries.

~~[(8)]~~ (10) A local school board may collect damages for the loss, injury, or destruction of school property.

~~[(9)]~~ (11) A local school board may authorize guidance and counseling services for ~~[children and their]~~ students and the student's parents before, during, or ~~[following enrollment of the children in schools]~~ following school enrollment.

~~[(10)]~~ (12) (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

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

~~[(11)]~~ (13) (a) A local school board may organize school safety patrols and adopt policies under which the patrols promote student safety.

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

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

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

~~[(12)]~~ (14) (a) A local school board may on its own behalf, or on behalf of an educational institution for which the local school board is the direct governing body, accept

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private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

(b) [~~These~~] The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.

~~[(13)]~~ (15) (a) A local school board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2)(b).

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

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

~~[(14)]~~ (16) A local school board shall adopt bylaws and policies for the local school board's own procedures.

~~[(15)]~~ (17) (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.

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

~~[(16)]~~ (18) A local school board may hold school on legal holidays other than Sundays.

~~[(17)]~~ (19) (a) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection [~~(17)~~] (19).

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

(i) the schools within the district;

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

(iii) the municipality or county;

(iv) state or local law enforcement; and

(v) state or local traffic safety engineering.

(c) The committee shall:

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

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

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

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

(d) The committee may establish subcommittees as needed to assist in accomplishing the committee's duties under Subsection ~~[(17)(c)]~~ (19)(c).

~~[(18)]~~ (20) (a) A local school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the local school board's public schools, on school grounds, on its school vehicles, and in connection with school-related activities or events.

(b) The plan shall:

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

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

(iii) require professional learning for all district and school building staff on ~~[what their]~~ the staff's roles ~~[are]~~ in the emergency response plan;

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection ~~[(18)(a)]~~ (20)(a); and

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

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

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

(c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection ~~[(18)(a)]~~ (20)(a).

(d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and ~~[their]~~ the student's parents and local law enforcement and public

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safety representatives.

~~[(19)]~~ (21) (a) A local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

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

(c) The plan may:

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

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

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

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

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

(d) The local school board, in collaboration with the schools referred to in Subsection ~~[(19)(b);~~ (21)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The state board, through the state superintendent, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection ~~[(19)]~~ (21).

~~[(20)]~~ (22) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

~~[(21)]~~ (23) (a) Before closing a school or changing the boundaries of a school, a local school board shall:

(i) at least ~~[120]~~ 90 days before approving the school closure or school boundary change, provide notice ~~[to the following]~~ that the local school board is considering the closure or boundary change to:

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

(B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local

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school board regularly uses to communicate with parents; and

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

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

(iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing as described in Subsection [~~(21)(b)~~] (23)(b).

(b) The notice of a public hearing required under Subsection [~~(21)(a)(iii)~~] (23)(a)(iii) shall:

(i) indicate the:

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

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

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

(A) published:

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

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

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

(iii) at least 30 days before the public hearing described in Subsection [~~(21)(a)(iii)~~], (23)(a)(iii), be provided as described in Subsections [~~(21)(a)(i)(A), (B), and (C)~~] (23)(a)(i)(A) through (C).

[~~(22)~~] (24) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

[~~(23)~~] (25) A local school board may establish or partner with a certified youth court in accordance with Section 80-6-902 or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to a youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

[~~(24)~~] (26) A local school board shall:

(a) make curriculum that the school district uses readily accessible and available for a parent to view;

(b) annually notify a parent of a student enrolled in the school district of how to access

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the information described in Subsection ~~[(24)(a)]~~ (26)(a); and

(c) include on the school district's website information about how to access the information described in Subsection ~~[(24)(a)]~~ (26)(a).

Section 5. Section **53G-6-405** is amended to read:

53G-6-405. Funding.

(1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.

(2) The state board shall adopt rules providing that:

(a) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and

(b) if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage of school days the student is enrolled in the nonresident district.

(3) (a) Except as provided in this Subsection (3), the parent of a nonresident student shall arrange for the student's own transportation to and from school.

(b) The state board may adopt rules under which a nonresident ~~[students]~~ student may be transported to ~~[their schools]~~ the student's school of attendance if:

(i) ~~[the]~~ transportation ~~[of students to schools in other districts would relieve]~~ relieves overcrowding ~~{}~~ or other serious problems in the district of residence ~~{}~~;

(ii) the district of residence lacks sufficient transportation services;

(iii) ~~{}~~[and] the costs of transportation are ~~[not excessive]~~ reasonable; [or]

(iv) there is available space on an approved route within the student's school of attendance; or

~~[(ii)]~~ (v) the Legislature has granted an adequate specific appropriation for that purpose.

~~[(c) A receiving district shall provide transportation for a nonresident student on the basis of available space on an approved route within the district to the school of attendance if district students would be eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.]~~

~~[(d)]~~ (c) Nothing in this section shall be construed as prohibiting the resident district or

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the receiving district from providing bus transportation on any approved route. ~~(f)~~

~~(e)~~ ~~(f)~~ (d) Except as provided in Subsection (3)(b), the district of residence may not claim any state transportation costs for students enrolled in other school districts.