

1 **PUBLIC EDUCATION PROGRAM MODIFICATIONS**
2 2024 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: Candice B. Pierucci**
5 Senate Sponsor: John D. Johnson

6
7 **LONG TITLE**

8 **General Description:**

9 This bill amends and makes technical and conforming changes to certain provisions of the
10 Utah Code regarding public education.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▸ amends certain provisions of the education code, including:
 - 14 • defining terms;
 - 15 • amending certain reporting requirements;
 - 16 • amending certain school fee requirements;
 - 17 • consolidating student data advisory groups;
 - 18 • providing for parent seminars to be held on Saturday and virtually;
 - 19 • providing rulemaking authority for educator licensing complaints; and
 - 20 • clarifying existing code;
- 21 ▸ requires a local education agency to provide the State Board of Education (state board)
22 with school employee work email addresses to be used for certain communication and under
23 certain conditions;
- 24 ▸ provides that the state board may provide employee work email addresses only upon
25 request to specific members of the Legislature for certain communication and under certain
26 conditions; and
- 27 ▸ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **53D-2-203 (Effective 05/01/24)**, as enacted by Laws of Utah 2018, Chapter 448
- 31 **53E-1-203 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapters 36, 218
- 32 **53E-3-503 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 328
- 33 **53E-3-516 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 115,
- 34 161
- 35 **53E-4-204.1 (Effective 05/01/24)**, as enacted by Laws of Utah 2022, Chapter 472
- 36 **53E-4-314 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 316
- 37 **53E-6-102 (Effective 05/01/24)**, as last amended by Laws of Utah 2019, Chapter 186
- 38 **53E-6-506 (Effective 05/01/24)**, as last amended by Laws of Utah 2022, Chapter 250
- 39 **53E-6-604 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 327
- 40 **53E-9-302 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapter 381
- 41 **53F-2-208 (Effective 05/01/24)**, as last amended by Laws of Utah 2023, Chapters 129,
- 42 161 and 356
- 43 **53F-4-304 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 408
- 44 **53G-6-210 (Effective 05/01/24)**, as renumbered and amended by Laws of Utah 2021,
- 45 Chapter 261
- 46 **53G-6-802 (Effective 05/01/24)**, as last amended by Laws of Utah 2019, Chapter 293
- 47 **53G-7-501 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 51
- 48 **53G-7-602 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapter 138
- 49 **53G-7-1206 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 144
- 50 **53G-8-405 (Effective 05/01/24)**, as last amended by Laws of Utah 2021, Chapter 262
- 51 **53G-9-703 (Effective 05/01/24)**, as last amended by Laws of Utah 2019, Chapters 293,
- 52 324 and 446
- 53 **53G-10-402 (Effective 05/01/24)**, as last amended by Laws of Utah 2020, Chapters 354,
- 54 408
- 55 **63I-1-253 (Effective 05/01/24) (Superseded 07/01/24)**, as last amended by Laws of Utah
- 56 2023, Chapters 30, 52, 133, 161, 367, and 494
- 57 **63I-1-253 (Effective 07/01/24) (Contingently Superseded 01/01/25)**, as last amended by
- 58 Laws of Utah 2023, Chapters 30, 52, 133, 161, 310, 367, and 494
- 59 **63I-1-253 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,
- 60 Chapters 30, 52, 133, 161, 187, 310, 367, and 494
- 61 **80-6-104 (Effective 05/01/24)**, as enacted by Laws of Utah 2023, Chapter 161

62 ENACTS:

63 **53G-7-224 (Effective 05/01/24)**, Utah Code Annotated 1953



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

66 Section 1. Section **53D-2-203** is amended to read:

67 **53D-2-203 (Effective 05/01/24). Land Trusts Protection and Advocacy Office**
 68 **director -- Appointment -- Removal -- Power and duties.**

69 (1) (a) The advocacy committee shall:

- 70 (i) discuss candidates who may qualify for appointment as the advocacy director, as
- 71 described in Subsection (1)(b);
- 72 (ii) determine the two most qualified candidates; and
- 73 (iii) submit the names of those two candidates to the state treasurer as potential
- 74 appointees for the advocacy director.

75 (b) A potential appointee for advocacy director shall have significant expertise and
 76 qualifications relating to generating revenue to the school and institutional trust and
 77 the duties of the advocacy office and the advocacy director, which may include
 78 expertise in:

- 79 (i) business;
- 80 (ii) finance;
- 81 (iii) economics;
- 82 (iv) natural resources; or
- 83 (v) advocacy.

84 (c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint
 85 one as the advocacy director.

86 (2) (a) An advocacy director shall serve a four-year term.

87 (b) If a vacancy occurs in the advocacy director's position, the advocacy committee and
 88 state treasurer shall, in accordance with Subsection (1), appoint a replacement
 89 director for a four-year term.

90 (3) The advocacy committee may remove the advocacy director during a meeting that is not
 91 closed as described in Section 52-4-204, if:

- 92 (a) removal of the advocacy director is scheduled on the agenda for the meeting; and
- 93 (b) a majority of a committee quorum votes to remove the advocacy director.

94 (4) In accordance with state and federal law, the advocacy director may attend a
 95 presentation, discussion, meeting, or other gathering related to the school and

96 institutional trust.

97 (5) In order to fulfill the duties of the advocacy office described in Section 53D-2-201, the
98 advocacy director shall:

99 (a) maintain a direct relationship with each individual who is key to fulfilling the state's
100 trustee obligations and duties related to the trust;

101 (b) facilitate open communication among key individuals described in Subsection (5)(a);

102 (c) actively seek necessary and accurate information;

103 (d) review and, if necessary, recommend the state auditor audit, activities involved in:

104 (i) generating trust revenue;

105 (ii) protecting trust assets; or

106 (iii) distributing funds for the exclusive use of trust beneficiaries;

107 (e) promote accurate record keeping of all records relevant to the trust and distribution to
108 trust beneficiaries;

109 (f) report at least quarterly to the advocacy committee and the state treasurer on the
110 current activities of the advocacy office;

111 (g) annually submit a proposed advocacy office budget to the state treasurer;

112 (h) regarding the trust's compliance with law, and among the School and Institutional
113 Trust Lands System as a whole, report annually to:

114 (i) the advocacy committee;

115 (ii) the state treasurer;

116 (iii) the State Board of Education; and

117 (iv) the Executive Appropriations Committee;

118 (i) annually send a financial report regarding the relevant individual trust, and, upon
119 request, report in person to:

120 (i) Utah State University, on behalf of the agricultural college trust;

121 (ii) the University of Utah;

122 (iii) the Utah State Hospital, on behalf of the mental hospital trust;

123 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the [institution] schools
124 for the deaf and blind [~~trust and the deaf and dumb asylum trust~~] trusts;

125 (v) the youth in [eustody] care program at the State Board of Education, on behalf of
126 the reform school trust;

127 (vi) the Division of Water Resources, created in Section 73-10-18, on behalf of the
128 reservoir trust;

129 (vii) the College of Mines and Earth Sciences created in Section 53B-17-401;

- 130 (viii) each state teachers' college, based on the college's annual number of teacher
131 graduates, on behalf of the normal school trust;
- 132 (ix) the Miners' Hospital described in Section 53B-17-201; and
- 133 (x) the State Capitol Preservation Board, created in Section 63C-9-201, on behalf of
134 the public buildings trust;
- 135 (j) as requested by the state treasurer, draft proposed rules and submit the proposed rules
136 to the advocacy committee for review;
- 137 (k) in accordance with state and federal law, respond to external requests for information
138 about the School and Institutional Trust Lands System;
- 139 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:
- 140 (i) at School and Institutional Trust Lands Administration meetings;
- 141 (ii) at School and Institutional Trust Fund Office meetings; and
- 142 (iii) with the media;
- 143 (m) review proposed legislation that affects the school and institutional trust and trust
144 beneficiaries and advocate for legislative change that best serves the interests of the
145 trust beneficiaries; and
- 146 (n) educate the public regarding the School and Institutional Trust Lands System.
- 147 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
148 director may have access to the financial reports and other data required for a review.
- 149 Section 2. Section **53E-1-203** is amended to read:
- 150 **53E-1-203 (Effective 05/01/24). State Superintendent's Annual Report.**
- 151 (1) The state board shall prepare and submit to the governor, the Education Interim
152 Committee, and the Public Education Appropriations Subcommittee, by January 15 of
153 each year, an annual written report known as the State Superintendent's Annual Report
154 that includes:
- 155 (a) the operations, activities, programs, and services of the state board;
- 156 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and
- 157 (c) data on the general condition of the schools with recommendations considered
158 desirable for specific programs, including:
- 159 (i) a complete statement of fund balances;
- 160 (ii) a complete statement of revenues by fund and source;
- 161 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
162 indebtedness, the cost of new school plants, and school levies;
- 163 (iv) a complete statement of state funds allocated to each school district and charter

164 school by source, including supplemental appropriations, and a complete
 165 statement of expenditures by each school district and charter school, including
 166 supplemental appropriations, by function and object as outlined in the United
 167 States Department of Education publication "Financial Accounting for Local and
 168 State School Systems";

169 (v) a statement that includes data on:

170 (A) fall enrollments;

171 (B) average membership;

172 (C) high school graduates;

173 (D) licensed and classified employees, including data reported by school districts
 174 on educator ratings described in Section 53G-11-511;

175 (E) pupil-teacher ratios;

176 (F) average class sizes;

177 (G) average salaries;

178 (H) applicable private school data; and

179 (I) data from statewide assessments described in Section 53E-4-301 for each
 180 school and school district;

181 (vi) statistical information for each school district and charter school regarding:

182 (A) student attendance by grade level;

183 (B) the percentage of students chronically absent;

184 (C) the percentage of student excused absences; and

185 (D) the percentage of student unexcused absences;

186 [~~(vi)~~] (vii) statistical information regarding incidents of delinquent activity in the
 187 schools~~[-or]~~, at school-related activities, on school buses, and at school bus stops;
 188 and

189 [~~(vii)~~] (viii) other statistical and financial information about the school system that the
 190 state superintendent considers pertinent.

191 (2) (a) For the purposes of Subsection (1)(c)(v):

192 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
 193 students enrolled in a school by the number of full-time equivalent teachers
 194 assigned to the school, including regular classroom teachers, school-based
 195 specialists, and special education teachers;

196 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio
 197 of the schools within a school district;

- 198 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
199 pupil-teacher ratio of charter schools in the state; and
- 200 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the
201 median pupil-teacher ratio of public schools in the state.
- 202 (b) The report shall:
- 203 (i) include the pupil-teacher ratio for:
- 204 (A) each school district;
- 205 (B) the charter schools aggregated; and
- 206 (C) the state's public schools aggregated; and
- 207 (ii) identify a website where pupil-teacher ratios for each school in the state may be
208 accessed.
- 209 (3) For each operation, activity, program, or service provided by the state board, the annual
210 report shall include:
- 211 (a) a description of the operation, activity, program, or service;
- 212 (b) data and metrics:
- 213 (i) selected and used by the state board to measure progress, performance,
214 effectiveness, and scope of the operation, activity, program, or service, including
215 summary data; and
- 216 (ii) that are consistent and comparable for each state operation, activity, program, or
217 service;
- 218 (c) budget data, including the amount and source of funding, expenses, and allocation of
219 full-time employees for the operation, activity, program, or service;
- 220 (d) historical data from previous years for comparison with data reported under
221 Subsections (3)(b) and (c);
- 222 (e) goals, challenges, and achievements related to the operation, activity, program, or
223 service;
- 224 (f) relevant federal and state statutory references and requirements;
- 225 (g) contact information of officials knowledgeable and responsible for each operation,
226 activity, program, or service; and
- 227 (h) other information determined by the state board that:
- 228 (i) may be needed, useful, or of historical significance; or
- 229 (ii) promotes accountability and transparency for each operation, activity, program,
230 or service with the public and elected officials.
- 231 (4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:

- 232 (i) the report described in Section 53E-3-507 by the state board on career and
233 technical education needs and program access;
- 234 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality
235 and Tourism Management Career and Technical Education Pilot Program;
- 236 (iii) [~~beginning on July 1, 2023,~~]the report described in Section 53E-3-516 by the
237 state board on certain incidents that occur on school grounds;
- 238 (iv) the report described in Section 53E-4-202 by the state board on the development
239 and implementation of the core standards for Utah public schools;
- 240 (v) the report described in Section 53E-5-310 by the state board on school turnaround
241 and leadership development;
- 242 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of
243 Higher Education on student participation in the concurrent enrollment program;
- 244 (vii) the report described in Section 53F-5-207 by the state board on the
245 Intergenerational Poverty Interventions Grant Program;
- 246 (viii) the report described in Section 53F-5-506 by the state board on information
247 related to personalized, competency-based learning; and
- 248 (ix) the report described in Section 53G-9-802 by the state board on dropout
249 prevention and recovery services.
- 250 (b) The Education Interim Committee or the Public Education Appropriations
251 Subcommittee may request a report described in Subsection (4)(a) to be reported
252 separately from the State Superintendent's Annual Report.
- 253 (5) The annual report shall be designed to provide clear, accurate, and accessible
254 information to the public, the governor, and the Legislature.
- 255 (6) The state board shall:
- 256 (a) submit the annual report in accordance with Section 68-3-14; and
- 257 (b) make the annual report, and previous annual reports, accessible to the public by
258 placing a link to the reports on the state board's website.
- 259 (7) (a) Upon request of the Education Interim Committee or Public Education
260 Appropriations Subcommittee, the state board shall present the State Superintendent's
261 Annual Report to either committee.
- 262 (b) After submitting the State Superintendent's Annual Report in accordance with this
263 section, the state board may supplement the report at a later time with updated data,
264 information, or other materials as necessary or upon request by the governor, the
265 Education Interim Committee, or the Public Education Appropriations Subcommittee.

266 Section 3. Section **53E-3-503** is amended to read:

267 **53E-3-503 (Effective 05/01/24). Education of individuals in custody of or**
268 **receiving services from certain state agencies -- Establishment of coordinating**
269 **council -- Advisory councils.**

270 (1) (a) The state board is directly responsible for the education of all individuals who are:

271 (i) (A) younger than 21 years old; or

272 (B) eligible for special education services as described in Chapter 7, Part 2,
273 Special Education Program; and

274 (ii) (A) receiving services from the Department of Health and Human Services;

275 (B) in the custody of an equivalent agency of a Native American tribe recognized
276 by the United States Bureau of Indian Affairs and whose custodial parent
277 resides within the state; or

278 (C) being held in a juvenile detention facility.

279 (b) The state board shall:

280 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
281 Rulemaking Act, to provide for the distribution of funds for the education of
282 individuals described in Subsection (1)(a); and

283 (ii) expend funds appropriated for the education of youth in [~~eustody~~] care in the
284 following order of priority:

285 (A) for students in a facility described in Subsection (1)(a)(ii) who are not
286 included in an LEA's average daily membership; and

287 (B) for students in a facility described in Subsection (1)(a)(ii) who are included in
288 an LEA's average daily membership and who may benefit from additional
289 educational support services.

290 (c) Subject to future budget constraints, the amount appropriated for the education of
291 youth in [~~eustody~~] care under this section shall increase annually based on the
292 following:

293 (i) the percentage of enrollment growth of students in kindergarten through grade 12;
294 and

295 (ii) changes to the value of the weighted pupil unit as defined in Section 53F-4-301.

296 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into custody for the
297 primary purpose of obtaining access to education programs provided for youth in [
298 ~~eustody~~] care.

299 (3) The state board shall, where feasible, contract with school districts or other appropriate

- 300 agencies to provide educational, administrative, and supportive services, but the state
 301 board shall retain responsibility for the programs.
- 302 (4) The Legislature shall establish and maintain separate education budget categories for
 303 youth in [custody] care or who are under the jurisdiction of the following state agencies:
 304 (a) detention centers and the Divisions of Juvenile Justice and Youth Services and Child
 305 and Family Services;
 306 (b) the Office of Substance Use and Mental Health; and
 307 (c) the Division of Services for People with Disabilities.
- 308 (5) (a) The Department of Health and Human Services and the state board shall appoint
 309 a coordinating council to plan, coordinate, and recommend budget, policy, and
 310 program guidelines for the education and treatment of persons in the custody of the
 311 Division of Juvenile Justice and Youth Services and the Division of Child and Family
 312 Services.
 313 (b) The Department of Health and Human Services and the state board may appoint
 314 similar councils for those in the custody of the Office of Substance Use and Mental
 315 Health or the Division of Services for People with Disabilities.
- 316 (6) A school district contracting to provide services under Subsection (3) shall establish an
 317 advisory council to plan, coordinate, and review education and treatment programs for
 318 individuals held in custody in the district.

319 Section 4. Section **53E-3-516** is amended to read:

320 **53E-3-516 (Effective 05/01/24). School disciplinary and law enforcement action**
 321 **report -- Rulemaking authority.**

- 322 (1) As used in this section:
- 323 (a) "Dangerous weapon" means the same as that term is defined in Section 53G-8-510.
 324 (b) "Disciplinary action" means an action by a public school meant to formally
 325 discipline a student of that public school that includes a suspension or expulsion.
 326 (c) "Law enforcement agency" means the same as that term is defined in Section
 327 77-7a-103.
 328 (d) "Minor" means the same as that term is defined in Section 80-1-102.
 329 (e) "Other law enforcement activity" means a significant law enforcement interaction
 330 with a minor that does not result in an arrest, including:
 331 (i) a search and seizure by an SRO;
 332 (ii) issuance of a criminal citation;
 333 (iii) issuance of a ticket or summons;

- 334 (iv) filing a delinquency petition; or
335 (v) referral to a probation officer.
- 336 (f) "School is in session" means the hours of a day during which a public school
337 conducts instruction for which student attendance is counted toward calculating
338 average daily membership.
- 339 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
340 clinic, or other event or activity that is authorized by a specific public school,
341 according to LEA governing board policy, and satisfies at least one of the
342 following conditions:
- 343 (A) the activity is managed or supervised by a school district, public school, or
344 public school employee;
- 345 (B) the activity uses the school district or public school facilities, equipment, or
346 other school resources; or
- 347 (C) the activity is supported or subsidized, more than inconsequentially, by public
348 funds, including the public school's activity funds or Minimum School
349 Program dollars.
- 350 (ii) "School-sponsored activity" includes preparation for and involvement in a public
351 performance, contest, athletic competition, demonstration, display, or club activity.
- 352 (h) " School resource officer" or "SRO" means the same as that term is defined in
353 Section 53G-8-701.
- 354 (2) [~~Beginning on July 1, 2023, the~~] The state board shall develop an annual report
355 regarding the following incidents that occur on school grounds while school is in session
356 or during a school-sponsored activity:
- 357 (a) arrests of a minor;
358 (b) other law enforcement activities;
359 (c) disciplinary actions; and
360 (d) minors found in possession of a dangerous weapon.
- 361 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with the
362 state board and LEAs to provide and validate data and information necessary to
363 complete the report described in Subsection (2), as requested by an LEA or the state
364 board.
- 365 (4) The report described in Subsection (2) shall include the following information listed
366 separately for each LEA:
- 367 (a) the number of arrests of a minor, including the reason why the minor was arrested;

- 368 (b) the number of other law enforcement activities, including the following information
 369 for each incident:
- 370 (i) the reason for the other law enforcement activity; and
 371 (ii) the type of other law enforcement activity used;
- 372 (c) the number of disciplinary actions imposed, including:
- 373 (i) the reason for the disciplinary action; ~~and~~
 374 (ii) the type of disciplinary action;
 375 (iii) the number of suspensions imposed;
 376 (iv) the average length of suspensions;
 377 (v) the number of days of instruction lost due to suspensions; and
 378 (vi) the number of expulsions;
- 379 (d) the number of SROs employed;
- 380 (e) if applicable, the demographics of an individual who is subject to, as the following
 381 are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation; and
 382 (f) the number of minors found in possession of a dangerous weapon on school grounds
 383 while school is in session or during a school-sponsored activity.
- 384 (5) The report described in Subsection (2) shall include the following information, in
 385 aggregate, for each element described in Subsections (4)(a) through (c):
- 386 (a) age;
 387 (b) grade level;
 388 (c) race;
 389 (d) sex; ~~and~~
 390 (e) disability status~~[-]~~ ; and
 391 (f) youth in care designation.
- 392 (6) Information included in the annual report described in Subsection (2) shall comply with:
- 393 (a) Chapter 9, Part 3, Student Data Protection;
 394 (b) Chapter 9, Part 2, Student Privacy; and
 395 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.
- 396 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 397 state board shall make rules to compile the report described in Subsection (2).
- 398 (8) (a) The state board shall provide the report described in Subsection (2):
- 399 ~~[(a)]~~ (i) in accordance with Section 53E-1-203 for incidents that occurred during the
 400 previous school year; and
 401 ~~[(b)]~~ (ii) to the State Commission on Criminal and Juvenile Justice before ~~[July 1]~~

402 January 15 of each year for incidents that occurred during the previous school
403 year.

404 (b) After submitting the report in accordance with this section, the state board shall
405 supplement the report to the State Commission on Criminal and Juvenile Justice with
406 updated data and information within 30 days after the day on which the state board
407 receives the updated data and information.

408 Section 5. Section **53E-4-204.1** is amended to read:

409 **53E-4-204.1 (Effective 05/01/24). Ethnic studies core standards and curriculum**
410 **requirements.**

411 (1) As used in this section:

412 (a) "Core standards for Utah public schools" or "core standards" means the standards the
413 state board establishes as described in Section 53E-4-202.

414 (b) "Ethnic studies" means the interdisciplinary social and historical study of how
415 different populations have experienced and participated in building the United States
416 of America, including the study of the culture, history, and contributions of Utahns of
417 diverse ethnicities.

418 (c) "Ethnic Studies Commission" means the Ethnic Studies Commission created in
419 Section 63C-28-201.

420 (d) "Utahns of diverse ethnicities" means individuals who are residents of Utah and:

421 (i) Native American;

422 (ii) Alaska Native;

423 (iii) Native Hawaiian;

424 (iv) Pacific Islander;

425 (v) Hispanic or Latino;

426 (vi) Black or African American;

427 (vii) Asian or Asian American; or

428 (viii) from diverse backgrounds and experiences.

429 (2) (a) The state board shall incorporate ethnic studies into the core standards for Utah
430 public schools.

431 (b) Before the state board takes formal action to incorporate ethnic studies into the core
432 standards, the state board shall:

433 (i) consult with the Ethnic Studies Commission; and

434 (ii) submit the proposed core standards incorporating ethnic studies to the Ethnic
435 Studies Commission for review and recommendations.

- 436 (3) In incorporating ethnic studies into the core standards, the state board shall consider, at
437 a minimum:
- 438 (a) existing core standards that increase cultural awareness of, and focus on the character
439 traits described in Section 53G-10-204 for, all Utah communities;
- 440 (b) opportunities to recognize and incorporate into the ethnic studies core standards the
441 histories, contributions, and perspectives of Utahns of diverse ethnicities; and
- 442 (c) recommendations of the Ethnic Studies Commission.
- 443 (4) Subject to legislative appropriations, the state board shall provide funding for
444 professional learning in ethnic studies for teachers.
- 445 (5) (a) By [~~August 1, 2024~~] December 31, 2025, an LEA shall select curriculum and
446 instructional materials for teaching ethnic studies to students in kindergarten through
447 grade 12 that:
- 448 (i) align with the core standards incorporating ethnic studies described in this section;
449 and
- 450 (ii) are integrated with regular school work.
- 451 (b) An LEA shall implement an ethnic studies curriculum that, at a minimum:
- 452 (i) focuses on shared identity and honoring unique cultural differences, including:
453 (A) that each individual student has unique characteristics;
454 (B) the common elements that unite Utahns; and
455 (C) respect for distinct socio-cultural identities; and
- 456 (ii) includes themes including cultural histories within the context of United States
457 history and global history.
- 458 (c) An LEA shall:
- 459 (i) modify or revise as needed the ethnic studies instructional materials and
460 curriculum the LEA selects as described in Subsection (5)(a), to ensure alignment
461 with core standards incorporating ethnic studies; and
- 462 (ii) submit a report to the state board that provides evidence that the LEA is
463 complying with the requirements of Subsections (5)(a) and (b).
- 464 (d) In fulfilling the requirements of this section, an LEA may offer a course on ethnic
465 studies.
- 466 (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
467 Rulemaking Act, make rules:
- 468 (a) to develop guidelines and methods for LEAs to more fully incorporate ethnic studies
469 into other core standards for Utah public schools courses; and

- 470 (b) for the report described in Subsection (5)(c).
471 (7) The guidelines and methods described in Subsection (6)(a) may not change:
472 (a) the number of instructional hours required for elementary and secondary students; or
473 (b) the number of instructional hours dedicated to the existing curriculum.

474 Section 6. Section **53E-4-314** is amended to read:

475 **53E-4-314 (Effective 05/01/24). School readiness assessment.**

- 476 (1) As used in this section:
477 (a) "School readiness assessment" means a preschool entry and exit profile that
478 measures literacy, numeracy, and lifelong learning practices developed in a student.
479 (b) "School readiness program" means a preschool program:
480 (i) in which a student participates in the year before the student is expected to enroll
481 in kindergarten; and
482 (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.
483 (2) The state board shall develop or select a school readiness assessment[~~that aligns with~~
484 ~~the kindergarten entry and exit assessment described in Section 53G-7-203~~].
485 (3) A school readiness program shall:
486 (a) except as provided in Subsection (4), administer to each student who participates in
487 the school readiness program the school readiness assessment at the beginning and
488 end of the student's participation in the school readiness program; and
489 (b) report the results of the assessments described in Subsection (3)(a) or (4) to the
490 School Readiness Board created in Section 35A-15-201.
491 (4) In place of the assessments described in Subsection (3)(a), a school readiness program
492 that is offered through home-based technology may administer to each student who
493 participates in the school readiness program:
494 (a) a validated computer adaptive pre-assessment at the beginning of the student's
495 participation in the school readiness program; and
496 (b) a validated computer adaptive post-assessment at the end of the student's
497 participation in the school readiness program.
498 (5) (a) The following may submit school readiness assessment data to the School
499 Readiness Board created in Section 35A-15-201:
500 (i) a private child care provider; or
501 (ii) an LEA on behalf of a school that is not participating in the High Quality School
502 Readiness Grant Program described in Section 35A-15-301.
503 (b) If a private child care provider or LEA submits school readiness assessment data to

504 the School Readiness Board under Subsection (5)(a), the state board shall include the
 505 school readiness assessment data in the report described in Subsection 35A-15-303
 506 (5).

507 Section 7. Section **53E-6-102** is amended to read:

508 **53E-6-102 (Effective 05/01/24). Definitions.**

509 As used in this chapter:

- 510 (1) "Certificate" means a license issued by a governmental jurisdiction outside the state.
 511 (2) "Educator" means:
 512 (a) a person who holds a license;
 513 (b) a teacher, counselor, administrator, librarian, or other person required, under rules of
 514 the state board, to hold a license; or
 515 (c) a person who is the subject of an allegation which has been received by an LEA, the
 516 state board, or UPPAC and was, at the time noted in the allegation, a license holder
 517 or a person employed in a position requiring licensure.
 518 (3) "License" means an authorization issued by the state board that permits the holder to
 519 serve in a professional capacity in the public schools.
 520 (4) "National Board certification" means a current certificate issued by the National Board
 521 for Professional Teaching Standards.
 522 (5) "School" means a public or private entity that provides educational services to a minor
 523 child.
 524 (6) "UPPAC" means the Utah Professional Practices Advisory Commission.

525 Section 8. Section **53E-6-506** is amended to read:

526 **53E-6-506 (Effective 05/01/24). UPPAC duties and procedures.**

- 527 (1) The state board may direct UPPAC to review a complaint about an educator and
 528 recommend that the state board:
 529 (a) dismiss the complaint; or
 530 (b) investigate the complaint in accordance with this section.
 531 (2) (a) The state board may direct UPPAC to:
 532 (i) in accordance with this section, investigate a complaint's allegation or decision; or
 533 (ii) hold a hearing.
 534 (b) UPPAC may initiate a hearing as part of an investigation.
 535 (c) Upon completion of an investigation or hearing, UPPAC shall:
 536 (i) provide findings to the state board; and
 537 (ii) make a recommendation for state board action.

- 538 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to
539 adversely affect an educator's license unless UPPAC gives the educator an
540 opportunity for a hearing.
- 541 (3) (a) The state board may:
- 542 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC
543 oversight; or
- 544 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an
545 investigation.
- 546 (b) In conducting an investigation, UPPAC or an independent investigator shall conduct
547 the investigation independent of and separate from a related criminal investigation.
- 548 (c) In conducting an investigation, UPPAC or an independent investigator may:
- 549 (i) in accordance with Section 53E-6-606 administer oaths and issue subpoenas; or
550 (ii) receive evidence related to an alleged offense, including sealed or expunged
551 records released to the state board under Section 77-40a-403.
- 552 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may
553 recommend that the state board initiate a background check on an educator as
554 described in Section 53G-11-403.
- 555 (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense
556 against a minor child if the educator voluntarily surrendered a license or certificate or
557 allowed a license or certificate to lapse in the face of a charge of having committed a
558 sexual offense against a minor child.
- 559 (4) The state board may direct UPPAC to:
- 560 (a) recommend to the state board procedures for:
- 561 (i) receiving and processing complaints;
- 562 (ii) investigating a complaint's allegation or decision;
- 563 (iii) conducting hearings; or
- 564 (iv) reporting findings and making recommendations to the state board for state board
565 action;
- 566 (b) recommend to the state board or a professional organization of educators:
- 567 (i) standards of professional performance, competence, and ethical conduct for
568 educators; or
- 569 (ii) suggestions for improvement of the education profession; or
- 570 (c) fulfill other duties the state board finds appropriate.
- 571 (5) UPPAC may not participate as a party in a dispute relating to negotiations between:

- 572 (a) a school district and the school district's educators; or
 573 (b) a charter school and the charter school's educators.
 574 (6) The state board shall make rules[~~establishing~~], in accordance with Title 63G, Chapter
 575 3, Utah Administrative Rulemaking Act, to establish UPPAC duties and procedures.

576 Section 9. Section **53E-6-604** is amended to read:

577 **53E-6-604 (Effective 05/01/24). State board disciplinary action against an**
 578 **educator.**

- 579 (1) (a) The state board shall direct UPPAC to investigate an allegation, administrative
 580 decision, or judicial decision that evidences an educator is unfit for duty because the
 581 educator exhibited behavior that:
 582 (i) is immoral, unprofessional, or incompetent; or
 583 (ii) violates standards of ethical conduct, performance, or professional competence.
 584 (b) If the state board determines an allegation or decision described in Subsection (1)(a)
 585 does not evidence an educator's unfitness for duty, the state board may dismiss the
 586 allegation or decision without an investigation or hearing.
- 587 (2) The state board shall direct UPPAC to investigate and allow an educator to respond in a
 588 UPPAC hearing if the state board receives an allegation that the educator:
 589 (a) was charged with a felony of a sexual nature;
 590 (b) was convicted of a felony of a sexual nature;
 591 (c) pled guilty to a felony of a sexual nature;
 592 (d) entered a plea of no contest to a felony of a sexual nature;
 593 (e) entered a plea in abeyance to a felony of a sexual nature;
 594 (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses,
 595 against a minor child;
 596 (g) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student
 597 who is a minor; or
 598 (h) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student
 599 who:
 600 (i) is not enrolled in an adult education program in an LEA;
 601 (ii) is not a minor; and
 602 (iii) (A) is enrolled in an LEA where the educator is employed; or
 603 (B) is a participant in an extracurricular program in which the educator is involved.
- 604 (3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board shall
 605 direct UPPAC to:

- 606 (a) investigate the alleged violation; and
607 (b) hold a hearing to allow the educator to respond to the allegation.
- 608 (4) Upon completion of an investigation or hearing described in this section, UPPAC shall:
609 (a) provide findings to the state board; and
610 (b) make a recommendation for state board action.
- 611 (5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and
612 recommendation, the state board may:
613 (i) revoke the educator's license;
614 (ii) suspend the educator's license;
615 (iii) restrict or prohibit the educator from renewing the educator's license;
616 (iv) warn or reprimand the educator;
617 (v) enter into a written agreement with the educator that requires the educator to
618 comply with certain conditions;
619 (vi) direct UPPAC to further investigate or gather information; or
620 (vii) take other action the state board finds to be appropriate for and consistent with
621 the educator's behavior.
- 622 (b) Upon review of UPPAC's findings and recommendation, the state board shall revoke
623 the license of an educator who:
624 (i) was convicted of a felony of a sexual nature;
625 (ii) pled guilty to a felony of a sexual nature;
626 (iii) entered a plea of no contest to a felony of a sexual nature;
627 (iv) entered a plea in abeyance to a felony of a sexual nature;
628 (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
629 Offenses, against a minor child;
630 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
631 student who is a minor;
632 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
633 student who:
634 (A) is not enrolled in an adult education program in an LEA;
635 (B) is not a minor; and
636 (C) is enrolled in an LEA where the educator is employed or is a participant in an
637 extracurricular program in which the educator is involved; or
638 (viii) admits to the state board or UPPAC that the applicant committed conduct that
639 amounts to:

- 640 (A) a felony of a sexual nature; or
 641 (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v),
 642 (vi), or (vii).

643 (c) The state board may not reinstate a revoked license.

644 (d) Before the state board takes adverse action against an educator under this section, the
 645 state board shall ensure that the educator had an opportunity for a UPPAC hearing.

646 (6) Notwithstanding any other provision in this section, the state board shall make rules, in
 647 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that
 648 require an LEA to notify the state board, UPPAC, and the educator of a complaint from
 649 a parent against an educator alleging a violation of educator licensing standards.

650 Section 10. Section **53E-9-302** is amended to read:

651 **53E-9-302 (Effective 05/01/24). State student data protection governance.**

652 (1) (a) An education entity or a third-party contractor who collects, uses, stores, shares,
 653 or deletes student data shall protect student data as described in this part.

654 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 655 state board shall make rules to administer this part, including student data protection
 656 standards for public education employees, student aides, and volunteers.

657 (2) The state board shall oversee the preparation and maintenance of:

658 (a) a statewide data governance plan; and

659 (b) a state-level metadata dictionary.

660 (3) ~~(a) [As described in this Subsection (3), the state]~~ The state board shall establish [
 661 advisory groups] a student data protection advisory group to oversee student data
 662 protection in the state~~[and make recommendations to the state board regarding~~
 663 ~~student data protection including:]~~ .

664 ~~[(a) a student data policy advisory group:]~~

665 ~~[(i) that is composed of members from:]~~

666 ~~[(A) the Legislature;]~~

667 ~~[(B) the state board and state board employees; and]~~

668 ~~[(C) one or more LEAs;]~~

669 ~~[(ii) to discuss and make recommendations to the state board regarding:]~~

670 ~~[(A) enacted or proposed legislation; and]~~

671 ~~[(B) state and local student data protection policies across the state;]~~

672 ~~[(iii) that reviews and monitors the state student data governance plan; and]~~

673 ~~[(iv) that performs other tasks related to student data protection as designated by the~~

- 674 state board.]
- 675 ~~[(b) a student data governance advisory group:]~~
- 676 ~~[(i) that is composed of the state student data officer and other state board employees;~~
- 677 ~~and]~~
- 678 ~~[(ii) that performs duties related to state and local student data protection, including:]~~
- 679 ~~[(A) overseeing data collection and usage by state board program offices; and]~~
- 680 ~~[(B) preparing and maintaining the state board's student data governance plan under the~~
- 681 ~~direction of the student data policy advisory group.]~~
- 682 ~~[(e) a student data users advisory group:]~~
- 683 ~~[(i) that is composed of members who use student data at the local level; and]~~
- 684 ~~[(ii) that provides feedback and suggestions on the practicality of actions proposed by~~
- 685 ~~the student data policy advisory group and the student data governance advisory~~
- 686 ~~group.]~~
- 687 (b) The student data protection advisory group shall be composed of:
- 688 (i) members from the Legislature;
- 689 (ii) members from the state board;
- 690 (iii) the state student data officer;
- 691 (iv) one or more LEAs;
- 692 (v) state board employees; and
- 693 (vi) others who use student data at the local level.
- 694 (c) The student data protection advisory group shall:
- 695 (i) make recommendations to the state board regarding:
- 696 (A) enacted or proposed legislation; and
- 697 (B) state and local student data protection policies across the state;
- 698 (ii) review and monitor the state student data governance plan; and
- 699 (iii) perform other tasks related to student data protection as directed by the state
- 700 board.
- 701 (4) (a) The state board shall designate a state student data officer.
- 702 (b) The state student data officer shall:
- 703 (i) act as the primary point of contact for state student data protection administration
- 704 in assisting the state board to administer this part;
- 705 (ii) ensure compliance with student privacy laws throughout the public education
- 706 system, including:
- 707 (A) providing training and support to applicable state board and LEA employees;

- 708 and
- 709 (B) producing resource materials, model plans, and model forms for local student
- 710 data protection governance, including a model student data collection notice;
- 711 (iii) investigate complaints of alleged violations of this part;
- 712 (iv) report violations of this part to:
- 713 (A) the state board;
- 714 (B) an applicable education entity; and
- 715 (C) the student data [~~policy~~] protection advisory group; and
- 716 (v) act as a state level student data manager.

- 717 (5) The state board shall designate:
- 718 (a) at least one support manager to assist the state student data officer; and
- 719 (b) a student data protection auditor to assist the state student data officer.
- 720 (6) The state board shall establish a research review process for a request for data for the
- 721 purpose of research or evaluation.

722 Section 11. Section **53F-2-208** is amended to read:

723 **53F-2-208 (Effective 05/01/24). Cost of adjustments for growth and inflation.**

- 724 (1) In accordance with Subsection (2), the Legislature shall annually determine:
- 725 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
- 726 rolling five-year average ending in the current fiscal year, ongoing state tax fund
- 727 appropriations to the following programs:
- 728 (i) education for youth in [~~eustody~~] care, described in Section 53E-3-503;
- 729 (ii) concurrent enrollment courses for accelerated foreign language students described
- 730 in Section 53E-10-307;
- 731 (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);
- 732 (iv) the Adult Education Program, described in Section 53F-2-401;
- 733 (v) state support of pupil transportation, described in Section 53F-2-402;
- 734 (vi) the Enhancement for Accelerated Students Program, described in Section
- 735 53F-2-408;
- 736 (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;
- 737 (viii) the juvenile gang and other violent crime prevention and intervention program,
- 738 described in Section 53F-2-410; and
- 739 (ix) dual language immersion, described in Section 53F-2-502; and
- 740 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the
- 741 current fiscal year's ongoing state tax fund appropriations to the following programs:

- 742 (i) a program described in Subsection (1)(a);
 743 (ii) educator salary adjustments, described in Section 53F-2-405;
 744 (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;
 745 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
 746 53F-2-601; and
 747 (v) charter school local replacement funding, described in Section 53F-2-702.
- 748 (2) (a) In or before December each year, the Executive Appropriations Committee shall
 749 determine:
- 750 (i) the cost of the inflation adjustment described in Subsection (1)(a); and
 751 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
- 752 (b) The Executive Appropriations Committee shall make the determinations described in
 753 Subsection (2)(a) based on recommendations developed by the Office of the
 754 Legislative Fiscal Analyst, in consultation with the state board and the Governor's
 755 Office of Planning and Budget.
- 756 (3) If the Executive Appropriations Committee includes in the public education base budget
 757 or the final public education budget an increase in the value of the WPU in excess of the
 758 amounts described in Subsection (1)(a), the Executive Appropriations Committee shall
 759 also include an appropriation to the Local Levy Growth Account established in Section
 760 53F-9-305 in an amount equivalent to at least 0.5% of the total amount appropriated for
 761 WPUs in the relevant budget.
- 762 Section 12. Section **53F-4-304** is amended to read:
- 763 **53F-4-304 (Effective 05/01/24). Scholarship payments.**
- 764 (1) (a) The state board shall award scholarships subject to the availability of money
 765 appropriated by the Legislature for that purpose.
- 766 (b) The Legislature shall annually appropriate money to the state board from the General
 767 Fund to make scholarship payments.
- 768 (c) The Legislature shall annually increase the amount of money appropriated under
 769 Subsection (1)(b) by an amount equal to the product of:
- 770 (i) the average scholarship amount awarded as of December 1 in the previous year;
 771 and
 772 (ii) the product of:
- 773 (A) the number of students in preschool through grade 12 in public schools
 774 statewide who have an IEP on December 1 of the previous year; and
 775 (B) 0.0007.

- 776 (d) If the number of scholarship students as of December 1 in any school year equals or
777 exceeds 7% of the number of students in preschool through grade 12 in public
778 schools statewide who have an IEP as of December 1 in the same school year, the
779 Public Education Appropriations Subcommittee shall study the requirement to
780 increase appropriations for scholarship payments as provided in this section.
- 781 (e) (i) If money is not available to pay for all scholarships requested, the state board
782 shall allocate scholarships on a random basis except that the state board shall give
783 preference to students who received scholarships in the previous school year.
- 784 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,
785 the state board may not award new scholarships during that school year and the
786 state board shall prorate money available for scholarships among the eligible
787 students who received scholarships in the previous year.
- 788 (2) Except as provided in Subsection (4), the state board shall award full-year scholarships
789 in the following amounts:
- 790 (a) for a student who received an average of 180 minutes per day or more of special
791 education services in a public school before transferring to a private school, an
792 amount not to exceed the lesser of:
- 793 (i) the value of the weighted pupil unit multiplied by 2.5; or
794 (ii) the private school tuition and fees; and
- 795 (b) for a student who received an average of less than 180 minutes per day of special
796 education services in a public school before transferring to a private school, an
797 amount not to exceed the lesser of:
- 798 (i) the value of the weighted pupil unit multiplied by 1.5; or
799 (ii) the private school tuition and fees.
- 800 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
801 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied
802 by .55.
- 803 (4) If a student leaves a private school before the end of a fiscal quarter:
- 804 (a) the private school is only entitled to the amount of scholarship equivalent to the
805 number of days that the student attended the private school; and
- 806 (b) the private school shall remit a prorated amount of the scholarship to the state board
807 in accordance with the procedures described in rules adopted by the state board in
808 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 809 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:

- 810 (a) make the amount available to the student to enroll immediately in another qualifying
811 private school; or
- 812 (b) refund the amount back to the Carson Smith Scholarship Program account to be
813 available to support the costs of another scholarship.
- 814 (6) (a) The state board shall make an additional allocation on a random basis before June
815 30 each year only:
- 816 (i) if there are sufficient remaining funds in the program; and
817 (ii) for scholarships for students enrolled in a full-day preschool program.
- 818 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship
819 amount or supplement may not exceed the lesser of:
- 820 (i) the value of the weighted pupil unit multiplied by 1.0; or
821 (ii) the private school tuition and fees.
- 822 (c) The state board shall, when preparing annual growth projection numbers for the
823 Legislature, include the annual number of applications for additional allocations
824 described in Subsection (6)(a).
- 825 (7) (a) The scholarship amount for a student who receives a waiver under Subsection
826 53F-4-302(3) shall be based upon the assessment team's determination of the
827 appropriate level of special education services to be provided to the student.
- 828 (b) (i) If the student requires an average of 180 minutes per day or more of special
829 education services, a full-year scholarship shall be equal to the amount specified
830 in Subsection (2)(a).
- 831 (ii) If the student requires less than an average of 180 minutes per day of special
832 education services, a full-year scholarship shall be equal to the amount specified
833 in Subsection (2)(b).
- 834 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool
835 program, a full-year scholarship is equal to the amount specified in Subsection (3).
- 836 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of
837 documentation that verifies a student's admission to, or continuing enrollment and
838 attendance at, a private school, the state board shall make scholarship payments
839 quarterly in four equal amounts in each school year in which a scholarship is in force.
- 840 (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3,
841 Utah Administrative Rulemaking Act, the state board may make a scholarship
842 payment before the first quarterly payment of the school year, if a private school
843 requires partial payment of tuition before the start of the school year to reserve space

844 for a student admitted to the school.

845 (9) A parent of a scholarship student shall notify the state board if the student does not have
846 continuing enrollment and attendance at an eligible private school.

847 (10) Before scholarship payments are made, the state board shall cross-check enrollment
848 lists of scholarship students, LEAs, and youth in [custody] care to ensure that scholarship
849 payments are not erroneously made.

850 Section 13. Section **53G-6-210** is amended to read:

851 **53G-6-210 (Effective 05/01/24). Educational neglect of a minor -- Procedures --**

852 **Defenses.**

853 (1) With regard to a minor who is the subject of a petition under Section 80-3-201 based on
854 educational neglect:

855 (a) if allegations include failure of a minor to make adequate educational progress, the
856 juvenile court shall permit demonstration of the minor's educational skills and
857 abilities based upon any of the criteria used in granting school credit, in accordance
858 with Section 53G-6-702;

859 (b) parental refusal to comply with actions taken by school authorities in violation of
860 Section 53G-10-202, 53G-10-205, 53G-10-403, or 53G-10-203, does not constitute
861 educational neglect;

862 (c) parental refusal to support efforts by a school to encourage a minor to act in
863 accordance with any educational objective that focuses on the adoption or expression
864 of a personal philosophy, attitude, or belief that is not reasonably necessary to
865 maintain order and discipline in the school, prevent unreasonable endangerment of
866 persons or property, or to maintain concepts of civility and propriety appropriate to a
867 school setting, does not constitute educational neglect; and

868 (d) an allegation of educational neglect may not be sustained, based solely on a minor's
869 absence from school, unless the minor has been absent from school or from any given
870 class, without good cause, for more than 10 consecutive school days or more than 1/[
871 +6] 10 of the applicable school term.

872 (2) A minor may not be considered to be educationally neglected, for purposes of this
873 chapter:

874 (a) unless there is clear and convincing evidence that:

875 (i) the minor has failed to make adequate educational progress, and school officials
876 have complied with the requirements of Section 53G-6-206;[-and] or

877 (ii) the minor is two or more years behind the local public school's age group

- 878 expectations in one or more basic skills, and is not receiving special educational
 879 services or systematic remediation efforts designed to correct the problem;
- 880 (b) if the minor's parent or guardian establishes by a preponderance of the evidence that:
- 881 (i) school authorities have failed to comply with the requirements of this title;
- 882 (ii) the minor is being instructed at home in compliance with Section 53G-6-204;
- 883 (iii) there is documentation that the minor has demonstrated educational progress at a
 884 level commensurate with the minor's ability;
- 885 (iv) the parent, guardian, or other person in control of the minor has made a good
 886 faith effort to secure the minor's regular attendance in school;
- 887 (v) good cause or a valid excuse exists for the minor's absence from school;
- 888 (vi) the minor is not required to attend school under court order or is exempt under
 889 other applicable state or federal law;
- 890 (vii) the minor has performed above the twenty-fifth percentile of the local public
 891 school's age group expectations in all basic skills, as measured by a standardized
 892 academic achievement test administered by the school district where the minor
 893 resides; or
- 894 (viii) the parent or guardian presented a reasonable alternative curriculum to required
 895 school curriculum, in accordance with Section 53G-10-205 or 53G-10-403, and
 896 the alternative curriculum was rejected by the school district, but the parents have
 897 implemented the alternative curriculum; or
- 898 (c) if the minor is attending school on a regular basis.

899 Section 14. Section **53G-6-802** is amended to read:

900 **53G-6-802 (Effective 05/01/24). Annual notice of parental rights.**

- 901 (1) An LEA shall annually notify a parent of a student enrolled in the LEA of:
- 902 (a) the parent's rights as specified in this part[-] ; and
- 903 (b) the constitutional protections as described in Section 53G-10-205.
- 904 (2) An LEA satisfies the notification requirement described in Subsection (1) by posting the
 905 information on the LEA's website or through other means of electronic communication.

906 Section 15. Section **53G-7-224** is enacted to read:

907 **53G-7-224 (Effective 05/01/24). Local education agency communication**
 908 **requirements -- Protection.**

- 909 (1) As used in this section, "school employee" means the same as that term is defined in
 910 Section 53G-8-510.
- 911 (2) On or before October 1 of each year, an LEA shall provide the state board with the work

- 912 email address of each school employee.
- 913 (3) The state board may email school employees for official communication:
- 914 (a) if the state board provides 48 hours notice to the local superintendent; and
- 915 (b) no more than three times per calendar year.
- 916 (4) The state board:
- 917 (a) may use an employee's email address provided under Subsection (2) for official
- 918 communication between the state board and the school employee; and
- 919 (b) may not disclose an email address provided under Subsection (2) to a third party.
- 920 (5) (a) Upon request, the state board shall provide the email addresses in Subsection (2)
- 921 to the president of the Senate and the speaker of the House of Representatives.
- 922 (b) The president of the Senate and the speaker of the House of Representatives, by
- 923 mutual agreement, may jointly email school employees for official communication
- 924 on behalf of the Legislature relating to the teaching profession or education policy in
- 925 the state:
- 926 (i) if the president of the Senate and the speaker of the House of Representatives
- 927 provide 48 hours notice to the local superintendent; and
- 928 (ii) no more than three times per calendar year.
- 929 (c) The president of the Senate and the speaker of the House of Representatives may not:
- 930 (i) use or allow another individual to use a school employee's email address for
- 931 political activity or for any purpose other than as described in Subsection (5)(b);
- 932 and
- 933 (ii) disclose and email address provided under Subsection (2) to another legislator or
- 934 a third party.

935 Section 16. Section **53G-7-501** is amended to read:

936 **53G-7-501 (Effective 05/01/24). Definitions.**

937 As used in this part:

- 938 (1) "Co-curricular activity" means an activity, a course, or a program that:
- 939 (a) is an extension of a curricular activity;
- 940 (b) is included in an instructional plan and supervised or conducted by a teacher or
- 941 education professional;
- 942 (c) is conducted outside of regular school hours;
- 943 (d) is provided, sponsored, or supported by an LEA; and
- 944 (e) includes a required regular school day activity, course, or program.
- 945 (2) "Curricular activity" means an activity, a course, or a program that is:

- 946 (a) intended to deliver instruction;
- 947 (b) provided, sponsored, or supported by an LEA; and
- 948 (c) conducted only during school hours.
- 949 (3) "Elementary school" means a school that provides instruction to students in grades
- 950 kindergarten, 1, 2, 3, 4, 5, or 6.
- 951 (4) (a) "Elementary school student" means a student enrolled in an elementary school.
- 952 (b) "Elementary school student" does not include a secondary school student.
- 953 (5) (a) "Extracurricular activity" means an activity, a course, or a program that is:
- 954 (i) not directly related to delivering instruction;
- 955 (ii) not a curricular activity or co-curricular activity; and
- 956 (iii) provided, sponsored, or supported by an LEA.
- 957 (b) "Extracurricular activity" does not include a noncurricular club as defined in Section
- 958 53G-7-701.
- 959 (6) (a) "Fee" means a charge, expense, deposit, rental, or payment:
- 960 (i) regardless of how the charge, expense, deposit, rental, or payment is termed,
- 961 described, requested, or required directly or indirectly;
- 962 (ii) in the form of money, goods, or services; and
- 963 (iii) that is a condition to a student's full participation in an activity, course, or
- 964 program that is provided, sponsored, or supported by an LEA.
- 965 (b) "Fee" includes:
- 966 [~~(i) money or something of monetary value raised by a student or the student's~~
- 967 ~~family through fundraising;~~]
- 968 [~~(ii)~~] (i) charges or expenditures for a school field trip or activity trip, including
- 969 related transportation, food, lodging, and admission charges;
- 970 [~~(iii)~~] (ii) payments made to a third party that provides a part of a school activity,
- 971 class, or program;
- 972 [~~(iv) charges or expenditures for classroom;~~]
- 973 [(A) textbooks;]
- 974 [(B) supplies; or]
- 975 [(C) materials;]
- 976 (iii) charges or expenditures for classroom instructional equipment or supplies;
- 977 [(v)] (iv) charges or expenditures for school activity clothing; and
- 978 [(vi)] (v) a fine other than a fine described in Subsection (6)(c)(i).
- 979 (c) "Fee" does not include:

- 980 (i) a student fine specifically approved by an LEA for:
- 981 (A) failing to return school property;
- 982 (B) losing, wasting, or damaging private or school property through intentional,
- 983 careless, or irresponsible behavior, or as described in Section 53G-8-212; or
- 984 (C) improper use of school property, including a parking violation;
- 985 (ii) a payment for school breakfast or lunch;
- 986 (iii) a deposit that is:
- 987 (A) a pledge securing the return of school property; and
- 988 (B) refunded upon the return of the school property; ~~or~~
- 989 (iv) a charge for insurance, unless the insurance is required for a student to participate
- 990 in an activity, course, or program~~[-]~~ ; or
- 991 (v) money or another item of monetary value raised by a student or the student's
- 992 family through fundraising.
- 993 (7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by an
- 994 LEA that uses students to generate funds or raise money to:
- 995 (i) provide financial support to a school or a school's class, group, team, or program;
- 996 or
- 997 (ii) benefit a particular charity or for other charitable purposes.
- 998 (b) "Fundraising" does not include an alternative method of raising revenue without
- 999 students.
- 1000 (8) (a) "Instructional equipment or supplies" means an activity-, course-, or
- 1001 program-related supply or tool that:
- 1002 (i) a student is required to use as part of an activity, course, or program in a
- 1003 secondary school;
- 1004 (ii) becomes the property of the student upon exiting the activity, course, or program;
- 1005 and
- 1006 (iii) is subject to a fee waiver.
- 1007 (b) "Instructional equipment or supplies" does not include school equipment.
- 1008 ~~[(8)]~~ (9) (a) "School activity clothing" means special shoes or items of clothing:
- 1009 (i) (A) that meet specific requirements, including requesting a specific brand,
- 1010 fabric, or imprint; and
- 1011 (B) that a school requires a student to provide; and
- 1012 (ii) that ~~[is]~~ are required to be worn by a student for [a co-curricular or extracurricular]
- 1013 an activity-, course-, or a program-related activity.

- 1014 (b) "School activity clothing" does not include:
- 1015 (i) a school uniform; or
- 1016 (ii) clothing that is commonly found in students' homes.
- 1017 (10) "School equipment" means a machine, equipment, facility, or tool that:
- 1018 (a) is durable;
- 1019 (b) is reusable;
- 1020 (c) is consumable;
- 1021 (d) is owned by a secondary school; and
- 1022 (e) a student uses as part of an activity, course, or program in a secondary school.
- 1023 ~~[(9)]~~ (11) (a) "School uniform" means special shoes or an item of clothing:
- 1024 (i) (A) that meet specific requirements, including a requested specific color, style,
- 1025 fabric, or imprint; and
- 1026 (B) that a school requires a student to provide; and
- 1027 (ii) that is worn by a student for a curricular activity.
- 1028 (b) "School uniform" does not include school activity clothing.
- 1029 ~~[(10)]~~ (12) "Secondary school" means a school that provides instruction to students in
- 1030 grades 7, 8, 9, 10, 11, or 12.
- 1031 ~~[(11)]~~ (13) "Secondary school student":
- 1032 (a) means a student enrolled in a secondary school; and
- 1033 (b) includes a student in grade 6 if the student attends a secondary school.
- 1034 ~~[(12)]~~ (14) (a) "Textbook" means [the same as that term is defined in Section 53G-7-601.]
- 1035 instructional material necessary for participation in an activity, course, or program,
- 1036 regardless of the format of the material.
- 1037 (b) "Textbook" includes:
- 1038 (i) a hardcopy book or printed pages of instructional material, including a
- 1039 consumable workbook; or
- 1040 (ii) computer hardware, software, or digital content.
- 1041 (c) "Textbook" does not include instructional equipment or supplies.
- 1042 ~~[(13)]~~ (15) "Waiver" means a full [or partial-]release from a requirement to pay a fee and
- 1043 from any provision in lieu of fee payment.
- 1044 Section 17. Section **53G-7-602** is amended to read:
- 1045 **53G-7-602 (Effective 05/01/24). State policy on providing free textbooks.**
- 1046 (1) It is the public policy of this state that public education shall be free.
- 1047 (2) A student may not be denied an education because of economic inability to purchase

- 1048 textbooks necessary for advancement in or graduation from the public school system.
- 1049 (3) (a) Beginning with the ~~[2022-23]~~ 2024-2025 school year, an LEA~~[:]~~
- 1050 ~~[(i) except as provided in Subsection (3)(a)(ii), may not sell textbooks or otherwise~~
- 1051 ~~charge a fee for textbooks or the maintenance costs of school equipment; and (ii)]~~
- 1052 may only charge a fee for a textbook required for an Advanced Placement,
- 1053 International Baccalaureate, or, as described in Section 53E-10-302, a concurrent
- 1054 enrollment course.
- 1055 (b) The LEA shall waive a fee described in Subsection ~~[(3)(a)(ii)]~~ (3)(a) in full or in part
- 1056 if a student qualifies for a waiver in accordance with Section 53G-7-504.
- 1057 Section 18. Section **53G-7-1206** is amended to read:
- 1058 **53G-7-1206 (Effective 05/01/24). School LAND Trust Program.**
- 1059 (1) As used in this section:
- 1060 ~~[(a) "Charter school authorizer" means the same as that term is defined in Section~~
- 1061 ~~53G-5-102.]~~
- 1062 ~~[(b)]~~ (a) "Charter trust land council" means a council established by a charter school
- 1063 governing board under Section 53G-7-1205.
- 1064 ~~[(e)]~~ (b) "Council" means a school community council or a charter trust land council.
- 1065 ~~[(d)]~~ (c) "LAND trust plan" means a school's plan to use School LAND Trust Program
- 1066 money to implement a component of the school's success plan.
- 1067 ~~[(e)]~~ (d) "School community council" means a council established at a district school in
- 1068 accordance with Section 53G-7-1202.
- 1069 ~~[(f)]~~ (e) "Teacher and student success plan" or "success plan" means the same as that
- 1070 term is defined in Section 53G-7-1301.
- 1071 (2) ~~[There is established]~~ This section creates the School LAND (Learning And Nurturing
- 1072 Development) Trust Program under the state board to:
- 1073 (a) provide financial resources to public schools to enhance or improve student academic
- 1074 achievement and implement a component of a district school or charter school's
- 1075 teacher and student success plan; and
- 1076 (b) involve parents of a school's students in decision making regarding the expenditure
- 1077 of School LAND Trust Program money allocated to the school.
- 1078 (3) To receive an allocation under Section 53F-2-404:
- 1079 (a) a district school shall have established a school community council in accordance
- 1080 with Section 53G-7-1202;
- 1081 (b) a charter school shall have established a charter trust land council in accordance with

- 1082 Section 53G-7-1205; and
- 1083 (c) the school's principal shall provide a signed, written assurance that the school is in
1084 compliance with Subsection (3)(a) or (b).
- 1085 (4) (a) A council shall create a program to use the school's allocation distributed under
1086 Section 53F-2-404 to implement a component of the school's success plan, including:
- 1087 (i) the school's identified most critical academic needs;
- 1088 (ii) a recommended course of action to meet the identified academic needs;
- 1089 (iii) a specific listing of any programs, practices, materials, or equipment that the
1090 school will need to implement a component of the school's success plan to have a
1091 direct impact on the instruction of students and result in measurable increased
1092 student performance; and
- 1093 (iv) how the school intends to spend the school's allocation of funds under this
1094 section to enhance or improve academic excellence at the school.
- 1095 (b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the
1096 council at which a quorum is present.
- 1097 (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust
1098 plan is adopted.
- 1099 (c) A council shall:
- 1100 (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on
1101 the School LAND Trust Program website; and
- 1102 (ii) include with the LAND trust plan a report noting the number of council members
1103 who voted for or against the approval of the LAND trust plan and the number of
1104 council members who were absent for the vote.
- 1105 (d) (i) The local school board of a district school shall approve or disapprove a
1106 LAND trust plan.
- 1107 (ii) If a local school board disapproves a LAND trust plan:
- 1108 (A) the local school board shall provide a written explanation of why the LAND
1109 trust plan was disapproved and request the school community council who
1110 submitted the LAND trust plan to revise the LAND trust plan; and
- 1111 (B) the school community council shall submit a revised LAND trust plan in
1112 response to a local school board's request under Subsection (4)(d)(ii)(A).
- 1113 (iii) Once a LAND trust plan has been approved by a local school board, a school
1114 community council may amend the LAND trust plan, subject to a majority vote of
1115 the school community council and local school board approval.

- 1116 (e) A charter trust land council's LAND trust plan is subject to approval by the:
- 1117 (i) charter school governing board; and
- 1118 (ii) [~~charter school's charter school authorizer~~] budget officer whom the charter school
- 1119 governing board appoints.
- 1120 (5) (a) A district school or charter school shall:
- 1121 (i) implement the program as approved;
- 1122 (ii) provide ongoing support for the council's program; and
- 1123 (iii) meet state board reporting requirements regarding financial and performance
- 1124 accountability of the program.
- 1125 (b) (i) A district school or charter school shall prepare and post an annual report of
- 1126 the program on the School LAND Trust Program website before the council
- 1127 submits a plan for the following year.
- 1128 (ii) The report shall detail the use of program funds received by the school under this
- 1129 section and an assessment of the results obtained from the use of the funds.
- 1130 (iii) A summary of the report shall be provided to parents of students [~~attending~~] who
- 1131 attend the school.
- 1132 (6) An LEA shall record the LEA's expenditures of School LAND Trust Program funds
- 1133 through a financial reporting system that the board identifies to assist schools in
- 1134 developing the annual report described in Subsection (5)(b).
- 1135 (7) The president or chair of a local school board or charter school governing board shall
- 1136 ensure that the members of the local school board or charter school governing board are
- 1137 provided with annual training on the requirements of this section.
- 1138 (8) (a) The state board shall provide training to the entities described in Subsection
- 1139 (8)(b) on:
- 1140 (i) the School LAND Trust Program; and
- 1141 (ii) (A) a school community council; or
- 1142 (B) a charter trust land council.
- 1143 (b) The state board shall provide the training to:
- 1144 (i) a local school board or a charter school governing board;
- 1145 (ii) a school district or a charter school; and
- 1146 (iii) a school community council.
- 1147 (9) The state board shall annually review each school's compliance with applicable law,
- 1148 including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah
- 1149 Administrative Rulemaking Act, by:

- 1150 (a) reading each LAND trust plan submitted; and
 1151 (b) reviewing expenditures made from School LAND Trust Program money.
 1152 (10) The state board shall designate a staff member who administers the School LAND
 1153 Trust Program:
 1154 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee created
 1155 under Section 53D-2-202; and
 1156 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,
 1157 appointed under Section 53D-2-203, to attend meetings or events within the School
 1158 and Institutional Trust System, as defined in Section 53D-2-102, that relate to the
 1159 School LAND Trust Program.

1160 Section 19. Section **53G-8-405** is amended to read:

1161 **53G-8-405 (Effective 05/01/24). Liability for release of information.**

- 1162 (1) The district superintendent, district superintendent's designee, principal, and any staff
 1163 member notified by the principal may not be held liable for information which may
 1164 become public knowledge unless it can be shown by clear and convincing evidence that
 1165 the information became public knowledge through an intentional act of the
 1166 superintendent, superintendent's designee, principal, or a staff member.
 1167 (2) A person receiving information under Section 53G-8-403 or 80-6-103 is immune from
 1168 any liability, civil or criminal, for acting or failing to act in response to the information
 1169 unless the person acts or fails to act due to malice, gross negligence, or deliberate
 1170 indifference to the consequences.

1171 Section 20. Section **53G-9-703** is amended to read:

1172 **53G-9-703 (Effective 05/01/24). Parent education -- Mental health -- Bullying --**
 1173 **Safety.**

- 1174 (1) (a) Except as provided in Subsection (3), a school district shall offer a seminar for
 1175 parents of students who attend school in the school district that:
 1176 (i) is offered at no cost to parents;
 1177 (ii) (A) begins at or after 6 p.m.; or
 1178 (B) takes place on a Saturday;
 1179 (iii) (A) is held in at least one school located in the school district; [~~and~~] or
 1180 (B) is provided through a virtual platform; and
 1181 (iv) covers the topics described in Subsection (2).
 1182 (b) (i) A school district shall annually offer one parent seminar for each 11,000
 1183 students enrolled in the school district.

- 1184 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to
 1185 offer more than three seminars.
- 1186 (c) A school district may:
- 1187 (i) develop [its] the district school's own curriculum for the seminar described in
 1188 Subsection (1)(a); or
- 1189 (ii) use the curriculum developed by the state board under Subsection (2).
- 1190 (d) A school district shall notify each charter school located in the attendance boundaries
 1191 of the school district of the date and time of a parent seminar, so the charter school
 1192 may inform parents of the seminar.

1193 (2) The state board shall:

- 1194 (a) develop a curriculum for the parent seminar described in Subsection (1) that includes
 1195 information on:
- 1196 (i) substance abuse, including illegal drugs and prescription drugs and prevention;
 1197 (ii) bullying;
 1198 (iii) mental health, depression, suicide awareness, and suicide prevention, including
 1199 education on limiting access to fatal means;
 1200 (iv) Internet safety, including pornography addiction; and
 1201 (v) the SafeUT [~~and~~]Crisis Line established in Section 53B-17-1202; and
- 1202 (b) provide the curriculum, including resources and training, to school districts upon
 1203 request.

1204 (3) (a) A school district is not required to offer the parent seminar if the local school
 1205 board determines that the topics described in Subsection (2) are not of significant
 1206 interest or value to families in the school district.

1207 (b) If a local school board chooses not to offer the parent seminar, the local school board
 1208 shall notify the state board and provide the reasons why the local school board chose
 1209 not to offer the parent seminar.

1210 Section 21. Section **53G-10-402** is amended to read:

1211 **53G-10-402 (Effective 05/01/24). Instruction in health -- Parental consent**
 1212 **requirements -- Political and religious doctrine prohibited -- Conduct and**
 1213 **speech of school employees and volunteers.**

1214 (1) As used in this section:

- 1215 (a) "LEA governing board" means a local school board or charter school governing
 1216 board.
- 1217 (b) "Refusal skills" means instruction:

- 1218 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
1219 adult;
- 1220 (ii) in a student's obligation to stop the student's sexual advances if refused by another
1221 individual;
- 1222 (iii) informing a student of the student's right to report and seek counseling for
1223 unwanted sexual advances;
- 1224 (iv) in sexual harassment; and
- 1225 (v) informing a student that a student may not consent to criminally prohibited
1226 activities or activities for which the student is legally prohibited from giving
1227 consent, including the electronic transmission of sexually explicit images by an
1228 individual of the individual or another.
- 1229 (2) (a) The state board shall establish curriculum requirements under Section 53E-3-501
1230 that include instruction in:
- 1231 (i) community and personal health;
- 1232 (ii) physiology;
- 1233 (iii) personal hygiene;
- 1234 (iv) prevention of communicable disease;
- 1235 (v) refusal skills; and
- 1236 (vi) the harmful effects of pornography.
- 1237 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1238 state board shall make rules that, and instruction shall:
- 1239 (i) stress the importance of abstinence from all sexual activity before marriage and
1240 fidelity after marriage as methods for preventing certain communicable diseases;
- 1241 (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
- 1242 (iii) prohibit instruction in:
- 1243 (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- 1244 (B) the advocacy of premarital or extramarital sexual activity; or
- 1245 (C) the advocacy or encouragement of the use of contraceptive methods or
1246 devices; and
- 1247 (iv) except as provided in Subsection (2)(d), allow instruction to include information
1248 about contraceptive methods or devices that stresses effectiveness, limitations,
1249 risks, and information on state law applicable to minors obtaining contraceptive
1250 methods or devices.
- 1251 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

- 1252 state board shall make rules for an LEA governing board that adopts instructional
 1253 materials under Subsection (2)(g)(ii) that:
- 1254 (i) require the LEA governing board to report on the materials selected and the LEA
 1255 governing board's compliance with Subsection (2)(h); and
 1256 (ii) provide for an appeal and review process of the LEA governing board's adoption
 1257 of instructional materials.
- 1258 (d) The state board may not require an LEA to teach or adopt instructional materials that
 1259 include information on contraceptive methods or devices.
- 1260 (e) (i) At no time may instruction be provided, including responses to spontaneous
 1261 questions raised by students, regarding any means or methods that facilitate or
 1262 encourage the violation of any state or federal criminal law by a minor or an adult.
 1263 (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a
 1264 spontaneous question as long as the response is consistent with the provisions of
 1265 this section.
- 1266 (f) The state board shall recommend instructional materials for use in the curricula
 1267 required under Subsection (2)(a) after considering evaluations of instructional
 1268 materials by the State Instructional Materials Commission.
- 1269 (g) An LEA governing board may choose to adopt:
 1270 (i) the instructional materials recommended under Subsection (2)(f); or
 1271 (ii) other instructional materials in accordance with Subsection (2)(h).
- 1272 (h) An LEA governing board that adopts instructional materials under Subsection
 1273 (2)(g)(ii) shall:
 1274 (i) ensure that the materials comply with state law and board rules;
 1275 (ii) base the adoption of the materials on the recommendations of the LEA governing
 1276 board's Curriculum Materials Review Committee; ~~and~~
 1277 (iii) adopt the instructional materials in an open and regular meeting of the LEA
 1278 governing board for which prior notice is given to parents of students ~~attending~~
 1279 who attend the respective schools; and
 1280 (iv) give parents an opportunity ~~for parents~~ to express ~~their~~ the parents' views and
 1281 opinions on the materials at the meeting described in Subsection (2)(h)(iii).
- 1282 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on at
 1283 least two occasions during the period that begins with the beginning of grade 8 and
 1284 the end of grade 12.
- 1285 (b) At the request of the state board, the Department of Health shall cooperate with the

- 1286 state board in developing programs to provide instruction in those areas.
- 1287 (4) (a) The state board shall adopt rules that:
- 1288 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
- 1289 are complied with; and
- 1290 (ii) require a student's parent to be notified in advance and have an opportunity to
- 1291 review the information for which parental consent is required under Sections
- 1292 76-7-322 and 76-7-323.
- 1293 (b) The state board shall also provide procedures for disciplinary action for violation of
- 1294 Section 76-7-322 or 76-7-323.
- 1295 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school
- 1296 employees and volunteers serve as examples to [~~their~~]students, school employees or
- 1297 volunteers acting in [~~their~~] an official [~~capacities~~] capacity may not support or
- 1298 encourage criminal conduct by students, teachers, or volunteers.
- 1299 (b) To ensure the effective performance of school personnel, the limitations described in
- 1300 Subsection (5)(a) also apply to a school employee or volunteer acting outside of the
- 1301 school employee's or volunteer's official [~~capacities~~] capacity if:
- 1302 (i) the employee or volunteer knew or should have known that the employee's or
- 1303 volunteer's action could result in a material and substantial interference or
- 1304 disruption in the normal activities of the school; and
- 1305 (ii) that action does result in a material and substantial interference or disruption in
- 1306 the normal activities of the school.
- 1307 (c) The state board or an LEA governing board may not allow training of school
- 1308 employees or volunteers that [~~supports~~] support or [~~encourages~~] encourage criminal
- 1309 conduct.
- 1310 (d) The state board shall adopt, in accordance with Title 63G, Chapter 3, Utah
- 1311 Administrative Rulemaking Act, rules implementing this section.
- 1312 (e) Nothing in this section limits the ability or authority of the state board or an LEA
- 1313 governing board to enact and enforce rules or take actions that are otherwise lawful,
- 1314 regarding [~~educators', employees', or volunteers'~~] an educator's, employee's, or
- 1315 volunteer's qualifications or behavior evidencing unfitness for duty.
- 1316 (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious, or
- 1317 denominational doctrine may not be taught in the public schools.
- 1318 (7) (a) An LEA governing board and an LEA governing board's employees shall
- 1319 cooperate and share responsibility in carrying out the purposes of this chapter.

- 1320 (b) An LEA governing board shall provide appropriate professional development for the
 1321 LEA governing board's teachers, counselors, and school administrators to enable [
 1322 them] the teachers, counselors, and school administrators to understand, protect, and
 1323 properly instruct students in the values and character traits referred to in this section
 1324 and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and
 1325 53G-10-205, and distribute appropriate written materials on the values, character
 1326 traits, and conduct to each individual receiving the professional development.
- 1327 (c) An LEA governing board shall make the written materials described in Subsection
 1328 (7)(b) available to classified employees, students, and [~~parents of students~~] students'
 1329 parents.
- 1330 (d) In order to assist an LEA governing board in providing the professional development
 1331 required under Subsection (7)(b), the state board shall, as appropriate, contract with a
 1332 qualified individual or entity possessing expertise in the areas referred to in
 1333 Subsection (7)(b) to develop and disseminate model teacher professional
 1334 development programs that an LEA governing board may use to train the individuals
 1335 referred to in Subsection (7)(b) to effectively teach the values and qualities of
 1336 character referenced in Subsection (7).
- 1337 (e) In accordance with the provisions of Subsection (5)(c), professional development
 1338 may not support or encourage criminal conduct.
- 1339 (8) An LEA governing board shall review every two years:
- 1340 (a) LEA governing board policies on instruction described in this section;
- 1341 (b) for a local school board, data for each county that the school district is located in, or,
 1342 for a charter school governing board, data for the county in which the charter school
 1343 is located, on the following:
- 1344 (i) teen pregnancy;
- 1345 (ii) child sexual abuse; and
- 1346 (iii) sexually transmitted diseases and sexually transmitted infections; and
- 1347 (c) the number of pornography complaints or other instances reported within the
 1348 jurisdiction of the LEA governing board.
- 1349 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this
 1350 section, or the application thereof to any person or circumstance, is found to be
 1351 unconstitutional, the balance of this section shall be given effect without the invalid
 1352 provision, subsection, sentence, clause, phrase, or word.
- 1353 Section 22. Section **63I-1-253** is amended to read:

- 1354 **63I-1-253 (Effective 05/01/24) (Superseded 07/01/24). Repeal dates: Titles 53**
1355 **through 53G.**
- 1356 (1) Section 53-2a-105, which creates the Emergency Management Administration Council,
1357 is repealed July 1, 2027.
- 1358 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
1359 Board, are repealed July 1, 2027.
- 1360 (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July
1361 1, 2024.
- 1362 (4) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
1363 repealed July 1, 2024.
- 1364 (5) Section 53B-7-709, regarding five-year performance goals for the Utah System of
1365 Higher Education is repealed July 1, 2027.
- 1366 (6) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1,
1367 2028.
- 1368 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1369 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
1370 repealed January 1, 2025.
- 1371 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1372 (10) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
1373 Research Center, is repealed on July 1, 2028.
- 1374 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from
1375 the Land Exchange Distribution Account to the Geological Survey for test wells and
1376 other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1377 (12) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in [
1378 eustody] care, are repealed July 1, 2027.
- 1379 (13) In relation to a standards review committee, on January 1, 2028:
- 1380 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
1381 recommendations of a standards review committee established under Section
1382 53E-4-203" is repealed; and
- 1383 (b) Section 53E-4-203 is repealed.
- 1384 (14) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1385 repealed July 1, 2027.
- 1386 (15) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1387 repealed July 1, 2033.

- 1388 (16) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
 1389 Program, is repealed July 1, 2024.
- 1390 [~~(17) Section 53F-5-213 is repealed July 1, 2023.~~]
- 1391 [~~(18)~~ (17) Section 53F-5-214, in relation to a grant for professional learning, is repealed
 1392 July 1, 2025.
- 1393 [~~(19)~~ (18) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
 1394 repealed July 1, 2025.
- 1395 [~~(20)~~ (19) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot
 1396 Program, is repealed on July 1, 2025.
- 1397 [~~(21)~~ (20) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
 1398 Committee, is repealed July 1, 2024.
- 1399 [~~(22)~~ (21) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
 1400 Commission, are repealed January 1, 2025.
- 1401 [~~(23)~~ (22) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1402 [~~(24)~~ (23) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,
 1403 2027.
- 1404 Section 23. Section **63I-1-253** is amended to read:
- 1405 **63I-1-253 (Effective 07/01/24) (Contingently Superseded 01/01/25). Repeal dates:**
 1406 **Titles 53 through 53G.**
- 1407 (1) Section 53-2a-105, which creates the Emergency Management Administration Council,
 1408 is repealed July 1, 2027.
- 1409 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
 1410 Board, are repealed July 1, 2027.
- 1411 (3) Section 53-2d-703 is repealed July 1, 2027.
- 1412 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July
 1413 1, 2024.
- 1414 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
 1415 repealed July 1, 2024.
- 1416 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
 1417 Higher Education is repealed July 1, 2027.
- 1418 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1,
 1419 2028.
- 1420 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1421 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is

- 1422 repealed January 1, 2025.
- 1423 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1424 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
1425 Research Center, is repealed on July 1, 2028.
- 1426 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from
1427 the Land Exchange Distribution Account to the Geological Survey for test wells and
1428 other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1429 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in [
1430 eustody] care, are repealed July 1, 2027.
- 1431 (14) In relation to a standards review committee, on January 1, 2028:
- 1432 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
1433 recommendations of a standards review committee established under Section
1434 53E-4-203" is repealed; and
- 1435 (b) Section 53E-4-203 is repealed.
- 1436 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1437 repealed July 1, 2027.
- 1438 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1439 repealed July 1, 2033.
- 1440 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1441 Program, is repealed July 1, 2024.
- 1442 [~~(18)~~ Section 53F-5-213 is repealed July 1, 2023.]
- 1443 [~~(19)~~ (18) Section 53F-5-214, in relation to a grant for professional learning, is repealed
1444 July 1, 2025.
- 1445 [~~(20)~~ (19) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1446 repealed July 1, 2025.
- 1447 [~~(21)~~ (20) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot
1448 Program, is repealed on July 1, 2025.
- 1449 [~~(22)~~ (21) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
1450 Committee, is repealed July 1, 2024.
- 1451 [~~(23)~~ (22) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1452 Commission, are repealed January 1, 2025.
- 1453 [~~(24)~~ (23) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1454 [~~(25)~~ (24) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,
1455 2027.

- 1456 Section 24. Section **63I-1-253** is amended to read:
- 1457 **63I-1-253 (Contingently Effective 01/01/25). Repeal dates: Titles 53 through 53G.**
- 1458 (1) Section 53-2a-105, which creates the Emergency Management Administration Council,
1459 is repealed July 1, 2027.
- 1460 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
1461 Board, are repealed July 1, 2027.
- 1462 (3) Section 53-2d-703 is repealed July 1, 2027.
- 1463 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July
1464 1, 2024.
- 1465 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
1466 repealed July 1, 2024.
- 1467 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
1468 Higher Education is repealed July 1, 2027.
- 1469 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1,
1470 2028.
- 1471 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1472 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
1473 repealed January 1, 2025.
- 1474 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1475 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
1476 Research Center, is repealed on July 1, 2028.
- 1477 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from
1478 the Land Exchange Distribution Account to the Geological Survey for test wells and
1479 other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1480 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in [
1481 eustody] care, are repealed July 1, 2027.
- 1482 (14) In relation to a standards review committee, on January 1, 2028:
- 1483 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
1484 recommendations of a standards review committee established under Section
1485 53E-4-203" is repealed; and
- 1486 (b) Section 53E-4-203 is repealed.
- 1487 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1488 repealed July 1, 2027.
- 1489 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is

- 1490 repealed July 1, 2033.
- 1491 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1492 Program, is repealed July 1, 2024.
- 1493 [~~(18)~~ Section 53F-5-213 is repealed July 1, 2023.]
- 1494 [~~(19)~~ (18) Section 53F-5-214, in relation to a grant for professional learning, is repealed
1495 July 1, 2025.
- 1496 [~~(20)~~ (19) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1497 repealed July 1, 2025.
- 1498 [~~(21)~~ (20) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot
1499 Program, is repealed on July 1, 2025.
- 1500 [~~(22)~~ (21) (a) Subsection 53F-9-201.1(2)(b)(ii), in relation to the use of funds from a
1501 loss in enrollment for certain fiscal years, is repealed on July 1, 2030.
- 1502 (b) On July 1, 2030, the Office of Legislative Research and General Counsel shall
1503 renumber the remaining subsections accordingly.
- 1504 [~~(23)~~ (22) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
1505 Committee, is repealed July 1, 2024.
- 1506 [~~(24)~~ (23) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1507 Commission, are repealed January 1, 2025.
- 1508 [~~(25)~~ (24) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.
- 1509 [~~(26)~~ (25) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,
1510 2027.
- 1511 Section 25. Section **80-6-104** is amended to read:
- 1512 **80-6-104 (Effective 05/01/24). Data collection on offenses committed by minors --**
1513 **Reporting requirement.**
- 1514 (1) As used in this section:
- 1515 (a) "Firearm" means the same as that term is defined in Section 76-10-501.
- 1516 (b) "Firearm-related offense" means a criminal offense involving a firearm.
- 1517 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 1518 (d) "School-sponsored activity" means the same as that term is defined in Section
1519 53E-3-516.
- 1520 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
1521 following data to the State Commission on Criminal and Juvenile Justice, broken down
1522 by judicial district, for the preceding calendar year:
- 1523 (a) the number of referrals to the juvenile court;

- 1524 (b) the number of minors diverted to a nonjudicial adjustment;
1525 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
1526 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
1527 (e) the number of minors for whom an information is filed in the juvenile court;
1528 (f) the number of minors bound over to the district court by the juvenile court;
1529 (g) the number of petitions for offenses committed by minors that were dismissed by the
1530 juvenile court;
1531 (h) the number of adjudications in the juvenile court for offenses committed by minors;
1532 (i) the number of guilty pleas entered into by minors in the juvenile court;
1533 (j) the number of dispositions resulting in secure care, community-based placement,
1534 formal probation, and intake probation; and
1535 (k) for each minor charged in the juvenile court with a firearm-related offense:
1536 (i) the minor's age at the time the offense was committed or allegedly committed;
1537 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
1538 (iii) whether the minor is a restricted person under Subsection 76-10-503(1)(a)(iv) or
1539 (1)(b)(iii);
1540 (iv) the type of offense for which the minor is charged;
1541 (v) the outcome of the minor's case in juvenile court, including whether the minor
1542 was bound over to the district court or adjudicated by the juvenile court; and
1543 (vi) if a disposition was entered by the juvenile court, whether the disposition
1544 resulted in secure care, community-based placement, formal probation, or intake
1545 probation.
- 1546 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a
1547 case resulting from a firearm-related offense committed, or allegedly committed, by a
1548 minor when the minor is found in possession of a firearm while school is in session or
1549 during a school-sponsored activity.
- 1550 (4) In collaboration with the Administrative Office of the Courts, the division, and other
1551 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for
1552 the preceding calendar year on:
1553 (a) the length of time that minors spend in the juvenile justice system, including the total
1554 amount of time minors spend under juvenile court jurisdiction, on community
1555 supervision, and in each out-of-home placement;
1556 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
1557 whom dispositions are ordered by the juvenile court, including tracking minors into

- 1558 the adult corrections system;
- 1559 (c) changes in aggregate risk levels from the time minors receive services, are under
1560 supervision, and are in out-of-home placement; and
- 1561 (d) dosages of programming.
- 1562 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile
1563 Justice shall prepare and submit a written report to the Judiciary Interim Committee and
1564 the Law Enforcement and Criminal Justice Interim Committee that includes:
- 1565 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
1566 section;
- 1567 (b) data collected by the State Board of Education under Section 53E-3-516; and
- 1568 (c) recommendations for legislative action with respect to the data described in this
1569 Subsection (5).
- 1570 (6) After submitting the written report described in Subsection (5), the State Commission
1571 on Criminal and Juvenile Justice may supplement the report at a later time with updated
1572 data and information the State Board of Education collects under Section 53E-3-516.
- 1573 [~~6~~] (7) Nothing in this section shall be construed to require the disclosure of information or
1574 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
1575 Government Records Access and Management Act.
- 1576 Section 26. **Effective date.**
- 1577 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.
- 1578 (2) (a) The actions affecting Section 63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25) take
1579 effect on July 1, 2024.
- 1580 (b) The actions affecting Section 63I-1-253 (Contingently Effective 01/01/25)
1581 contingently take effect on January 1, 2025.