

EDUCATION REPORTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill makes changes regarding training and reporting requirements for LEAs.

Highlighted Provisions:

This bill:

- ▶ modifies the required frequency of certain trainings; and
- ▶ extends certain due dates for required reporting.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-2-202, as repealed and reenacted by Laws of Utah 2019, Chapter 324

53F-7-203, as last amended by Laws of Utah 2023, Chapter 348

53G-9-207, as last amended by Laws of Utah 2022, Chapter 335

53G-9-213, as enacted by Laws of Utah 2022, Chapter 227

53G-9-505, as last amended by Laws of Utah 2019, Chapters 293, 349

63J-1-602, as last amended by Laws of Utah 2023, Chapter 409

63J-1-903, as last amended by Laws of Utah 2023, Chapters 24, 409



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

29 Section 1. Section **53E-2-202** is amended to read:

30 **53E-2-202. Planning for Utah's public education system.**

31 The state board shall:

32 (1) create, maintain, and review on a regular basis a statewide, comprehensive
33 multi-year strategic plan that includes long-term goals for improved student outcomes; and

34 (2) report annually to the Education Interim Committee on or before [~~the committee's~~
35 ~~November meeting~~] December 15 on the strategic plan described in Subsection (1), including
36 progress toward achieving long-term goals.

37 Section 2. Section **53F-7-203** is amended to read:

38 **53F-7-203. Paid professional hours for educators.**

39 (1) Subject to legislative appropriations, the state board shall provide funding to each
40 LEA to provide additional paid professional hours to the following educators in accordance
41 with this section:

- 42 (a) general education and special education teachers;
- 43 (b) counselors;
- 44 (c) school administration;
- 45 (d) school specialists;
- 46 (e) student support;
- 47 (f) school psychologists;
- 48 (g) speech language pathologists; and
- 49 (h) audiologists.

50 (2) The state board shall distribute funds appropriated to the state board under
51 Subsection **53F-9-204(6)** to each LEA in proportion to the number of educators described in
52 Subsection (1) within the LEA.

53 (3) An LEA shall use funding under this section to provide paid professional hours
54 that:

- 55 (a) provide educators with the knowledge and skills necessary to enable students to
56 succeed in a well-rounded education and to meet the challenging state academic standards; and
- 57 (b) may include activities that:
 - 58 (i) improve and increase an educator's:

- 59 (A) knowledge of the academic subjects the educator teaches;
- 60 (B) time to plan and prepare daily lessons based on student needs;
- 61 (C) understanding of how students learn; and
- 62 (D) ability to analyze student work and achievement from multiple sources, including
- 63 how to adjust instructional strategies, assessments, and materials based on the analysis;
- 64 (ii) are an integral part of broad school-wide and LEA-wide educational improvement
- 65 plans;
- 66 (iii) allow personalized plans for each educator to address the educator's specific needs
- 67 identified in observation or other feedback;
- 68 (iv) advance educator understanding of:
- 69 (A) effective and evidence-based instructional strategies; and
- 70 (B) strategies for improving student academic achievement or substantially increasing
- 71 the knowledge and teaching skills of educators;
- 72 (v) are aligned with, and directly related to, academic goals of the school or LEA; and
- 73 (vi) include instruction in the use of data and assessments to inform and instruct
- 74 classroom practice.
- 75 (4) (a) An educator shall:
- 76 (i) on or before [~~the fifth day of instruction in a given school year~~] September 30,
- 77 create a plan, in consultation with the educator's principal, on how the educator plans to use
- 78 paid professional hours provided under this section during the school year; and
- 79 (ii) before the end of a given school year, provide a written statement to the educator's
- 80 principal of how the educator used paid professional hours provided under this section during
- 81 the school year.
- 82 (b) (i) Subsection (4)(a)(i) does not limit an educator who begins employment after
- 83 [~~the fifth day of instruction in a given year~~] September 30 from receiving paid professional
- 84 hours under this section.
- 85 (ii) An LEA may prorate the paid professional hours of an educator who begins
- 86 employment after [~~the fifth day of instruction in a given year~~] September 30 according to the
- 87 portion of the school year for which the LEA employs the educator.
- 88 Section 3. Section **53G-9-207** is amended to read:
- 89 **53G-9-207. Child sexual abuse prevention.**

90 (1) As used in this section, "school personnel" means the same as that term is defined
91 in Section 53G-9-203.

92 (2) The state board shall approve, in partnership with the Department of Human
93 Services, age-appropriate instructional materials for the training and instruction described in
94 Subsections (3)(a) and (4).

95 (3) (a) A school district or charter school shall provide, [~~every other year~~] once every
96 three years, training and instruction on child sexual abuse and human trafficking prevention
97 and awareness to:

98 (i) school personnel in elementary and secondary schools on:

99 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate
100 manner;

101 (B) identifying children who are victims or may be at risk of becoming victims of
102 human trafficking or commercial sexual exploitation; and

103 (C) the mandatory reporting requirements described in Sections 53E-6-701 and
104 80-2-602; and

105 (ii) parents of elementary school students on:

106 (A) recognizing warning signs of a child who is being sexually abused or who is a
107 victim or may be at risk of becoming a victim of human trafficking or commercial sexual
108 exploitation; and

109 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse
110 with a child.

111 (b) A school district or charter school shall use the instructional materials approved by
112 the state board under Subsection (2) to provide the training and instruction to school personnel
113 and parents under Subsection (3)(a).

114 (4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school
115 may provide instruction on child sexual abuse and human trafficking prevention and awareness
116 to elementary school students using age-appropriate curriculum.

117 (b) A school district or charter school that provides the instruction described in
118 Subsection (4)(a) shall use the instructional materials approved by the state board under
119 Subsection (2) to provide the instruction.

120 (5) (a) An elementary school student may not be given the instruction described in

121 Subsection (4) unless the parent of the student is:

122 (i) notified in advance of the:

123 (A) instruction and the content of the instruction; and

124 (B) parent's right to have the student excused from the instruction;

125 (ii) given an opportunity to review the instructional materials before the instruction
126 occurs; and

127 (iii) allowed to be present when the instruction is delivered.

128 (b) Upon the written request of the parent of an elementary school student, the student
129 shall be excused from the instruction described in Subsection (4).

130 (c) Participation of a student requires compliance with Sections [53E-9-202](#) and
131 [53E-9-203](#).

132 (6) A school district or charter school may determine the mode of delivery for the
133 training and instruction described in Subsections (3) and (4).

134 (7) Upon request of the state board, a school district or charter school shall provide
135 evidence of compliance with this section.

136 Section 4. Section **53G-9-213** is amended to read:

137 **53G-9-213. Seizure awareness.**

138 (1) (a) Beginning with the 2022-23 school year, an LEA shall provide, as described in
139 Subsection (1)(b) and subject to Subsection (3), training to:

140 (i) a teacher who teaches a student who has informed the student's school or teacher
141 that the student has epilepsy or a similar seizure disorder; and

142 (ii) an administrator at the school where the student described in Subsection (1)(a)(i)
143 attends.

144 (b) The training shall:

145 (i) be offered [~~every two~~] once every three years; and

146 (ii) include:

147 (A) recognizing signs and symptoms of seizures; and

148 (B) appropriate steps for seizure first aid.

149 (2) Beginning with the 2023-24 school year, an LEA shall provide, as described in
150 Subsection (1)(b) and subject to Subsection (3), training to administrators, teachers, classroom
151 aides, and other individuals who interact with or supervise students.

152 (3) (a) The state board shall adopt guidelines for the training described in Subsections
153 (1)(a) and (2).

154 (b) The guidelines shall be consistent with programs and guidelines developed by the
155 Epilepsy Foundation of America or another national nonprofit organization that supports
156 individuals with epilepsy and seizure disorders.

157 (4) A training offered under this section may not require a person to provide first aid to
158 a student experiencing or showing symptoms of a seizure.

159 Section 5. Section **53G-9-505** is amended to read:

160 **53G-9-505. Trained school employee volunteers -- Administration of seizure**
161 **rescue medication -- Exemptions from liability.**

162 (1) As used in this section:

163 (a) "Prescribing health care professional" means:

164 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice
165 Act;

166 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah
167 Osteopathic Medical Practice Act;

168 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
169 Practice Act; or

170 (iv) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician
171 Assistant Act.

172 (b) "Seizure rescue authorization" means a student's Section 504 accommodation plan
173 that:

174 (i) certifies that:

175 (A) a prescribing health care professional has prescribed a seizure rescue medication
176 for the student;

177 (B) the student's parent has previously administered the student's seizure rescue
178 medication in a nonmedically-supervised setting without a complication; and

179 (C) the student has previously ceased having full body prolonged or convulsive seizure
180 activity as a result of receiving the seizure rescue medication;

181 (ii) describes the specific seizure rescue medication authorized for the student,
182 including the indicated dose, and instructions for administration;

183 (iii) requests that the student's public school identify and train school employees who
184 are willing to volunteer to receive training to administer a seizure rescue medication in
185 accordance with this section; and

186 (iv) authorizes a trained school employee volunteer to administer a seizure rescue
187 medication in accordance with this section.

188 (c) (i) "Seizure rescue medication" means a medication, prescribed by a prescribing
189 health care professional, to be administered as described in a student's seizure rescue
190 authorization, while the student experiences seizure activity.

191 (ii) A seizure rescue medication does not include a medication administered
192 intravenously or intramuscularly.

193 (d) "Trained school employee volunteer" means an individual who:

194 (i) is an employee of a public school where at least one student has a seizure rescue
195 authorization;

196 (ii) is at least 18 years old; and

197 (iii) as described in this section:

198 (A) volunteers to receive training in the administration of a seizure rescue medication;

199 (B) completes a training program described in this section;

200 (C) demonstrates competency on an assessment; and

201 (D) completes [~~annual refresher~~] a refresher training, if needed, each year that the
202 individual intends to remain a trained school employee volunteer.

203 (2) (a) The Department of Health and Human Services shall, with input from the state
204 board and a children's hospital, develop a training program for trained school employee
205 volunteers in the administration of seizure rescue medications that includes:

206 (i) techniques to recognize symptoms that warrant the administration of a seizure
207 rescue medication;

208 (ii) standards and procedures for the storage of a seizure rescue medication;

209 (iii) procedures, in addition to administering a seizure rescue medication, in the event
210 that a student requires administration of the seizure rescue medication, including:

211 (A) calling 911; and

212 (B) contacting the student's parent;

213 (iv) an assessment to determine if an individual is competent to administer a seizure

214 rescue medication;

215 (v) [~~an annual~~] a refresher training component; and

216 (vi) written materials describing the information required under this Subsection (2)(a).

217 (b) A public school shall retain for reference the written materials described in

218 Subsection (2)(a)(vi).

219 (c) The following individuals may provide the training described in Subsection (2)(a):

220 (i) a school nurse; or

221 (ii) a licensed health care professional.

222 (3) (a) A public school shall, after receiving a seizure rescue authorization:

223 (i) inform school employees of the opportunity to be a school employee volunteer; and

224 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who

225 volunteers, using the training program described in Subsection (2)(a).

226 (b) A public school may not:

227 (i) obstruct the identification or training of a trained school employee volunteer; or

228 (ii) compel a school employee to become a trained school employee volunteer.

229 (4) A trained school employee volunteer may possess or store a prescribed rescue

230 seizure medication, in accordance with this section.

231 (5) A trained school employee volunteer may administer a seizure rescue medication to

232 a student with a seizure rescue authorization if:

233 (a) the student is exhibiting a symptom, described on the student's seizure rescue

234 authorization, that warrants the administration of a seizure rescue medication; and

235 (b) a licensed health care professional is not immediately available to administer the

236 seizure rescue medication.

237 (6) A trained school employee volunteer who administers a seizure rescue medication

238 shall direct an individual to call 911 and take other appropriate actions in accordance with the

239 training described in Subsection (2).

240 (7) A trained school employee volunteer who administers a seizure rescue medication

241 in accordance with this section in good faith is not liable in a civil or criminal action for an act

242 taken or not taken under this section.

243 (8) Section [53G-9-502](#) does not apply to the administration of a seizure rescue

244 medication.

245 (9) Section 53G-8-205 does not apply to the possession of a seizure rescue medication
246 in accordance with this section.

247 (10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations
248 and Professions, do not apply to a person licensed as a health care professional under Title 58,
249 Occupations and Professions, including a nurse, physician, physician assistant, or pharmacist
250 for, in good faith, training a nonlicensed school employee who volunteers to administer a
251 seizure rescue medication in accordance with this section.

252 (b) Allowing a trained school employee volunteer to administer a seizure rescue
253 medication in accordance with this section does not constitute unlawful or inappropriate
254 delegation under Title 58, Occupations and Professions.

255 Section 6. Section 63J-1-602 is amended to read:

256 **63J-1-602. Nonlapsing appropriations.**

257 (1) The appropriations from a fund or account and appropriations to a program that are
258 listed in Section 63J-1-602.1 or 63J-1-602.2 are nonlapsing.

259 (2) No appropriation from a fund or account or appropriation to a program may be
260 treated as nonlapsing unless:

261 (a) it is listed in Section 63J-1-602.1 or 63J-1-602.2;

262 (b) it is designated in a condition of appropriation in the appropriations bill; or

263 (c) nonlapsing authority is granted under Section 63J-1-603.

264 (3) Each legislative appropriations subcommittee shall review the accounts and funds
265 that have been granted nonlapsing authority under the provisions of this section or Section
266 63J-1-603.

267 (4) ~~On~~ Except as provided in Subsection (5), on or before October 1 of each calendar
268 year, an agency shall submit to the legislative appropriations subcommittee with jurisdiction
269 over the agency's budget a report that describes the agency's plan to expend any nonlapsing
270 appropriations, including:

271 (a) if applicable, the results of the prior year's planned use of the agency's nonlapsing
272 appropriations; and

273 (b) if the agency plans to save all or a portion of the agency's nonlapsing appropriations
274 over multiple years to pay for an anticipated expense:

275 (i) the estimated cost of the expense; and

276 (ii) the number of years until the agency will accumulate the amount required to pay for
277 the expense.

278 (5) The State Board of Education shall submit the report described in Subsections
279 (4)(a) and (b) on or before October 10 of each calendar year.

280 Section 7. Section **63J-1-903** is amended to read:

281 **63J-1-903. Performance measure and funding item reporting.**

282 (1) The Governor's Office of Planning and Budget and the Office of the Legislative
283 Fiscal Analyst may develop an information system to collect, track, and publish agency
284 performance measures.

285 (2) [~~Each~~] Except as provided in Subsection (3), each executive department agency
286 shall:

287 (a) in consultation with the Governor's Office of Planning and Budget and the Office of
288 the Legislative Fiscal Analyst, develop performance measures to include in an appropriations
289 act for each fiscal year; and

290 (b) on or before August 15 of each calendar year, provide to the Governor's Office of
291 Planning and Budget and the Office of the Legislative Fiscal Analyst:

292 (i) any recommendations for legislative changes for the next fiscal year to the agency's
293 previously adopted performance measures or targets; and

294 (ii) a report of the final status of the agency's performance measures included in the
295 appropriations act for the fiscal year ending the previous June 30.

296 (3) The State Board of Education and the Utah Board of Higher Education shall
297 comply with the requirements in Subsections (2)(a) and (b) on or before November 1 of each
298 calendar year.

299 [~~(3)~~] (4) Each judicial department agency shall:

300 (a) develop performance measures to include in an appropriations act for each fiscal
301 year; and

302 (b) annually submit to the Office of the Legislative Fiscal Analyst a report that
303 contains:

304 (i) any recommendations for legislative changes for the next fiscal year to the agency's
305 previously adopted performance measures; and

306 (ii) the final status of the agency's performance measures included in the appropriations

307 act for the fiscal year ending the previous June 30.

308 ~~[(4)]~~ (5) Within 21 days after the day on which the Legislature adjourns a legislative
309 session sine die, the Governor's Office of Planning and Budget and the Office of the Legislative
310 Fiscal Analyst shall:

311 (a) create a list of funding items passed during the legislative session;

312 (b) from the list described in Subsection ~~[(4)(a)]~~ (5)(a), identify in a sublist each
313 funding item that increases state funding by \$500,000 or more from state funds; and

314 (c) provide the lists described in this subsection to each executive department agency.

315 ~~[(5)]~~ (6) ~~[Each]~~ Except as provided in Subsection (6), each executive department
316 agency shall provide to the Governor's Office of Planning and Budget and the Office of the
317 Legislative Fiscal Analyst:

318 (a) for each funding item on the list described in Subsection ~~[(4)(b)]~~ (5)(b), within 60
319 days after the day on which the Legislature adjourns a legislative session sine die:

320 (i) one or more proposed performance measures; and

321 (ii) a target for each performance measure described in Subsection ~~[(5)(a)(i)]~~ (6)(a)(i);
322 and

323 (b) for each funding item on the list described in Subsection ~~[(4)(a)]~~ (5)(a), on or
324 before August 15 of each year after the close of the fiscal year in which the funding item was
325 first funded, a report that includes:

326 (i) the status of each performance measure relative to the measure's target as described
327 in Subsection ~~[(5)(a)]~~ (6)(a), if applicable;

328 (ii) the actual amount the agency spent, if any, on the funding item; and

329 (iii) (A) the month and year in which the agency implemented the program or project
330 associated with the funding item; or

331 (B) if the program or project associated with the funding item is not fully implemented,
332 the month and year in which the agency anticipates fully implementing the program or project
333 associated with the funding item.

334 (7) The State Board of Education and the Utah Board of Higher Education shall
335 comply with Subsection (5)(b) on or before November 1 of each calendar year.

336 ~~[(6)]~~ (8) (a) After an executive department agency provides proposed performance
337 measures in accordance with Subsection ~~[(5)(a)]~~ (6)(a), the Governor's Office of Planning and

338 Budget and the Office of the Legislative Fiscal Analyst shall review the proposed performance
339 measures and, if necessary, coordinate with the executive department agency to modify and
340 finalize the performance measures.

341 (b) The Governor's Office of Planning and Budget, the Office of the Legislative Fiscal
342 Analyst, and the executive department agency shall finalize each proposed performance
343 measure before July 1.

344 [~~(7)~~] (9) The Governor's Office of Planning and Budget and the Office of the
345 Legislative Fiscal Analyst may jointly request that an executive department agency provide the
346 report required under Subsection [~~(5)(b)~~] (6)(b) in a different fiscal year than the fiscal year in
347 which the funding item was first funded or in multiple fiscal years.

348 [~~(8)~~] (10) The Governor's Office of Planning and Budget shall:

349 (a) review at least 20% of the performance measures described in Subsection (2)
350 annually; and

351 (b) ensure that the Governor's Office of Planning and Budget reviews each
352 performance measure described in Subsection (2) at least once every five years.

353 [~~(9)~~] (11) The Office of the Legislative Fiscal Analyst shall review the performance
354 measures described in Subsection (2) on a schedule that aligns with the appropriations
355 subcommittee's applicable accountable budget process described in legislative rule.

356 [~~(10)~~] (12) (a) The Office of the Legislative Fiscal Analyst shall report the relevant
357 performance measure information described in this section to the Executive Appropriations
358 Committee and the appropriations subcommittees, as appropriate.

359 (b) The Governor's Office of Planning and Budget shall report the relevant
360 performance measure information described in this section to the governor.

361 [~~(11)~~] (13) Each executive department agency, when the agency's budget is subject to a
362 legislative appropriations subcommittee's accountable budget process, shall:

363 (a) conduct a thorough evaluation of the agency's performance measures, internal
364 budget process, and budget controls; and

365 (b) submit the results of the evaluation to the legislative appropriations subcommittee.

366 Section 8. **Effective date.**

367 This bill takes effect on May 1, 2024.