

Representative Susan Pulsipher proposes the following substitute bill:

EDUCATION REPORTING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Lincoln Fillmore

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53E-2-202, as repealed and reenacted by Laws of Utah 2019, Chapter 324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

53G-9-704, as last amended by Laws of Utah 2020, Chapter 408



26 **63J-1-602**, as last amended by Laws of Utah 2023, Chapter 409

27 **63J-1-903**, as last amended by Laws of Utah 2023, Chapters 24, 409

28

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

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

31 **53E-2-202. Planning for Utah's public education system.**

32 The state board shall:

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

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

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

39 **53F-7-203. Paid professional hours for educators.**

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

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

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

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

- 56 (a) provide educators with the knowledge and skills necessary to enable students to

57 succeed in a well-rounded education and to meet the challenging state academic standards; and

58 (b) may include activities that:

59 (i) improve and increase an educator's:

60 (A) knowledge of the academic subjects the educator teaches;

61 (B) time to plan and prepare daily lessons based on student needs;

62 (C) understanding of how students learn; and

63 (D) ability to analyze student work and achievement from multiple sources, including

64 how to adjust instructional strategies, assessments, and materials based on the analysis;

65 (ii) are an integral part of broad school-wide and LEA-wide educational improvement
66 plans;

67 (iii) allow personalized plans for each educator to address the educator's specific needs
68 identified in observation or other feedback;

69 (iv) advance educator understanding of:

70 (A) effective and evidence-based instructional strategies; and

71 (B) strategies for improving student academic achievement or substantially increasing
72 the knowledge and teaching skills of educators;

73 (v) are aligned with, and directly related to, academic goals of the school or LEA; and

74 (vi) include instruction in the use of data and assessments to inform and instruct
75 classroom practice.

76 (4) (a) An educator shall:

77 (i) on or before [~~the fifth day of instruction in a given school year~~] September 30,
78 create a plan, in consultation with the educator's principal, on how the educator plans to use
79 paid professional hours provided under this section during the school year; and

80 (ii) before the end of a given school year, provide a written statement to the educator's
81 principal of how the educator used paid professional hours provided under this section during
82 the school year.

83 (b) (i) Subsection (4)(a)(i) does not limit an educator who begins employment after
84 [~~the fifth day of instruction in a given year~~] September 30 from receiving paid professional
85 hours under this section.

86 (ii) An LEA may prorate the paid professional hours of an educator who begins
87 employment after [~~the fifth day of instruction in a given year~~] September 30 according to the

88 portion of the school year for which the LEA employs the educator.

89 Section 3. Section **53G-9-207** is amended to read:

90 **53G-9-207. Child sexual abuse prevention.**

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

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

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

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

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

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

104 (C) the mandatory reporting requirements described in Sections [53E-6-701](#) and
105 [80-2-602](#); and

106 (ii) parents of elementary school students on:

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

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

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

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

118 (b) A school district or charter school that provides the instruction described in

119 Subsection (4)(a) shall use the instructional materials approved by the state board under
120 Subsection (2) to provide the instruction.

121 (5) (a) An elementary school student may not be given the instruction described in
122 Subsection (4) unless the parent of the student is:

123 (i) notified in advance of the:

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

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

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

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

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

131 (c) Participation of a student requires compliance with Sections [53E-9-202](#) and
132 [53E-9-203](#).

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

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

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

138 **53G-9-213. Seizure awareness.**

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

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

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

145 (b) The training shall:

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

147 (ii) include:

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

149 (B) appropriate steps for seizure first aid.

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

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

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

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

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

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

163 (1) As used in this section:

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

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

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

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

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

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

175 (i) certifies that:

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

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

180 (C) the student has previously ceased having full body prolonged or convulsive seizure

181 activity as a result of receiving the seizure rescue medication;

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

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

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

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

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

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

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

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

198 (iii) as described in this section:

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

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

201 (C) demonstrates competency on an assessment; and

202 (D) completes annual refresher training each year that the individual intends to remain
203 a trained school employee volunteer.

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

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

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

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

- 212 (A) calling 911; and
213 (B) contacting the student's parent;
214 (iv) an assessment to determine if an individual is competent to administer a seizure
215 rescue medication;
216 (v) an annual refresher training component; and
217 (vi) written materials describing the information required under this Subsection (2)(a).
218 (b) A public school shall retain for reference the written materials described in
219 Subsection (2)(a)(vi).
220 (c) The following individuals may provide the training described in Subsection (2)(a):
221 (i) a school nurse; or
222 (ii) a licensed health care professional.
223 (3) (a) A public school shall, after receiving a seizure rescue authorization:
224 (i) inform school employees of the opportunity to be a school employee volunteer; and
225 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
226 volunteers, using the training program described in Subsection (2)(a).
227 (b) A public school may not:
228 (i) obstruct the identification or training of a trained school employee volunteer; or
229 (ii) compel a school employee to become a trained school employee volunteer.
230 (4) A trained school employee volunteer may possess or store a prescribed rescue
231 seizure medication, in accordance with this section.
232 (5) A trained school employee volunteer may administer a seizure rescue medication to
233 a student with a seizure rescue authorization if:
234 (a) the student is exhibiting a symptom, described on the student's seizure rescue
235 authorization, that warrants the administration of a seizure rescue medication; and
236 (b) a licensed health care professional is not immediately available to administer the
237 seizure rescue medication.
238 (6) A trained school employee volunteer who administers a seizure rescue medication
239 shall direct an individual to call 911 and take other appropriate actions in accordance with the
240 training described in Subsection (2).
241 (7) A trained school employee volunteer who administers a seizure rescue medication
242 in accordance with this section in good faith is not liable in a civil or criminal action for an act

243 taken or not taken under this section.

244 (8) Section 53G-9-502 does not apply to the administration of a seizure rescue
245 medication.

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

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

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

256 Section 6. Section 53G-9-704 is amended to read:

257 **53G-9-704. Youth suicide prevention training for employees.**

258 (1) A school district or charter school shall require a licensed employee to complete [~~a~~
259 ~~minimum of two hours of~~] professional development training on youth suicide prevention
260 every three years.

261 (2) The state board shall:

262 (a) develop or adopt sample materials to be used by a school district or charter school
263 for professional development training on youth suicide prevention; and

264 (b) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
265 Rulemaking Act, incorporate the training described in Subsection (1) into professional
266 development training described in Section 53E-6-201.

267 Section 7. Section 63J-1-602 is amended to read:

268 **63J-1-602. Nonlapsing appropriations.**

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

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

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

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

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

276 (3) Each legislative appropriations subcommittee shall review the accounts and funds
277 that have been granted nonlapsing authority under the provisions of this section or Section
278 63J-1-603.

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

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

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

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

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

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

292 Section 8. Section 63J-1-903 is amended to read:

293 **63J-1-903. Performance measure and funding item reporting.**

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

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

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

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

304 (i) any recommendations for legislative changes for the next fiscal year to the agency's

305 previously adopted performance measures or targets; and

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

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

311 [~~3~~] (4) Each judicial department agency shall:

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

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

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

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

320 [~~4~~] (5) Within 21 days after the day on which the Legislature adjourns a legislative
321 session sine die, the Governor's Office of Planning and Budget and the Office of the Legislative
322 Fiscal Analyst shall:

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

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

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

327 [~~5~~] (6) [Each] Except as provided in Subsection (6), each executive department
328 agency shall provide to the Governor's Office of Planning and Budget and the Office of the
329 Legislative Fiscal Analyst:

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

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

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

334 and

335 (b) for each funding item on the list described in Subsection [~~4~~](a) (5)(a), on or

336 before August 15 of each year after the close of the fiscal year in which the funding item was
337 first funded, a report that includes:

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

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

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

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

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

348 ~~[(6)]~~ (8) (a) After an executive department agency provides proposed performance
349 measures in accordance with Subsection ~~[(5)(a)]~~ (6)(a), the Governor's Office of Planning and
350 Budget and the Office of the Legislative Fiscal Analyst shall review the proposed performance
351 measures and, if necessary, coordinate with the executive department agency to modify and
352 finalize the performance measures.

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

356 ~~[(7)]~~ (9) The Governor's Office of Planning and Budget and the Office of the
357 Legislative Fiscal Analyst may jointly request that an executive department agency provide the
358 report required under Subsection ~~[(5)(b)]~~ (6)(b) in a different fiscal year than the fiscal year in
359 which the funding item was first funded or in multiple fiscal years.

360 ~~[(8)]~~ (10) The Governor's Office of Planning and Budget shall:

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

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

365 ~~[(9)]~~ (11) The Office of the Legislative Fiscal Analyst shall review the performance
366 measures described in Subsection (2) on a schedule that aligns with the appropriations

367 subcommittee's applicable accountable budget process described in legislative rule.

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

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

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

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

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

378 Section 9. **Effective date.**

379 This bill takes effect on May 1, 2024.