

# HB0499S01 compared with HB0499

~~text~~ shows text that was in HB0499 but was deleted in HB0499S01.

text shows text that was not in HB0499 but was inserted into HB0499S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Susan Pulsipher proposes the following substitute bill:

## 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:

## HB0499S01 compared with HB0499

53E-2-202, as repealed and reenacted by Laws of Utah 2019, Chapter 324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

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

---

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

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

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

The state board shall:

- (1) create, maintain, and review on a regular basis a statewide, comprehensive multi-year strategic plan that includes long-term goals for improved student outcomes; and
- (2) report annually to the Education Interim Committee on or before [~~the committee's November meeting~~] December 15 on the strategic plan described in Subsection (1), including progress toward achieving long-term goals.

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

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

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

- (a) general education and special education teachers;
- (b) counselors;
- (c) school administration;
- (d) school specialists;
- (e) student support;
- (f) school psychologists;
- (g) speech language pathologists; and
- (h) audiologists.

## HB0499S01 compared with HB0499

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

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

(a) provide educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging state academic standards; and

(b) may include activities that:

(i) improve and increase an educator's:

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

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

(C) understanding of how students learn; and

(D) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on the analysis;

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

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

(iv) advance educator understanding of:

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

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

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

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

(4) (a) An educator shall:

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

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

## HB0499S01 compared with HB0499

the school year.

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

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

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

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

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

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

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

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

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

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

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

(ii) parents of elementary school students on:

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

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

(b) A school district or charter school shall use the instructional materials approved by

## HB0499S01 compared with HB0499

the state board under Subsection (2) to provide the training and instruction to school personnel and parents under Subsection (3)(a).

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

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

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

(i) notified in advance of the:

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

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

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

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

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

(c) Participation of a student requires compliance with Sections 53E-9-202 and 53E-9-203.

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

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

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

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

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

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

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

## HB0499S01 compared with HB0499

attends.

(b) The training shall:

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

(ii) include:

(A) recognizing signs and symptoms of seizures; and

(B) appropriate steps for seizure first aid.

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

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

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

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

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

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

(1) As used in this section:

(a) "Prescribing health care professional" means:

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

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

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

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

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

## HB0499S01 compared with HB0499

(i) certifies that:

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

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

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

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

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

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

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

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

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

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

(ii) is at least 18 years old; and

(iii) as described in this section:

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

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

(C) demonstrates competency on an assessment; and

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

(2) (a) The Department of Health and Human Services shall, with input from the state board and a children's hospital, develop a training program for trained school employee

## HB0499S01 compared with HB0499

volunteers in the administration of seizure rescue medications that includes:

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

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

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

(A) calling 911; and

(B) contacting the student's parent;

(iv) an assessment to determine if an individual is competent to administer a seizure rescue medication;

(v) ~~an~~ an annual ~~refresher~~ refresher training component; and

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

(b) A public school shall retain for reference the written materials described in Subsection (2)(a)(vi).

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

(i) a school nurse; or

(ii) a licensed health care professional.

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

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

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

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

(b) A public school may not:

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

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

(4) A trained school employee volunteer may possess or store a prescribed rescue seizure medication, in accordance with this section.

(5) A trained school employee volunteer may administer a seizure rescue medication to a student with a seizure rescue authorization if:

(a) the student is exhibiting a symptom, described on the student's seizure rescue authorization, that warrants the administration of a seizure rescue medication; and

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



## HB0499S01 compared with HB0499

seizure rescue medication.

(6) A trained school employee volunteer who administers a seizure rescue medication shall direct an individual to call 911 and take other appropriate actions in accordance with the training described in Subsection (2).

(7) A trained school employee volunteer who administers a seizure rescue medication in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section.

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

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

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

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

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

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

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

(2) The state board shall:

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

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

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

## HB0499S01 compared with HB0499

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

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

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

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

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

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

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

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

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

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

(i) the estimated cost of the expense; and

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

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

Section ~~{7}~~8. Section **63J-1-903** is amended to read:

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

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

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

## HB0499S01 compared with HB0499

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

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

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

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

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

~~(3)~~ (4) Each judicial department agency shall:

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

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

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

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

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

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

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

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

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

## HB0499S01 compared with HB0499

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

(i) one or more proposed performance measures; and

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

and

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

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

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

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

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

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

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

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

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

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

## HB0499S01 compared with HB0499

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

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

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

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

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

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

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

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

Section ~~{8}~~9. **Effective date.**

This bill takes effect on May 1, 2024.